

## **Open Forum**

## **Public Notices (if required)**

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

Additional items to this Agenda are shown as (Added).

## **Declarations of Pecuniary Interest**

## **Presentations & Recognitions**

1. Adrian Kawun, Manager of Service Planning, York Region Transit (YRT/Viva) to address Council with a PowerPoint presentation regarding York Region Transit (YRT)/Viva 2014 Annual Service Plan initiatives as they affect the Town of Newmarket. p. 7

## **Deputations**

## **Approval of Minutes**

1. Council Minutes of October 21, 2013. p. 21

## **Correspondence & Petitions**

## **Reports by Regional Representatives**

## **Reports of Committees and Staff**

1. Special Committee of the Whole (Budget) Minutes of October 28, 2013. p. 45
2. Committee of the Whole Minutes of November 4, 2013. p. 57

(Note: Item 22 of the Committee of the Whole Minutes of November 4, 2013 regarding approval of the 2014 Operating and Capital Budgets will be presented for final approval at the Council meeting of December 2, 2013 in order to satisfy notice requirements)

3. Committee of the Whole (Closed Session) Minutes of November 4, 2013.

(Circulated separately)

4. Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc. p. 77

(Note: Item deferred at the Council meeting of October 21, 2013 and relates to By-law 2013-50 of this agenda)

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

- a) THAT Development and Infrastructure Services Report – Planning and Building Services 2013-49 dated October 10, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:
  - i) THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 1, subject to the schedule of conditions set out in Appendix “A” attached to and forming part of this Report;
  - ii) AND THAT staff be directed to prepare the necessary Zoning By-law Amendment for Phase 1;
  - iii) AND THAT servicing allocation for Phase 1 of this subdivision be granted in the amount of 131 single family units (429 population);
  - iv) AND THAT Mark Pavkovic, 291 Edgeley Boulevard, Suite #1, Concord, ON L4K 3Z4 be notified of this action.

5. Corporate Services Report - Legislative Services 2013-45 dated October 21, 2013 regarding Amendment to Parking By-law to Regulate Parking on Boulevards, Front Yards and Side Yards. p. 105

(Note: Item deferred at Committee of the Whole meeting of November 4, 2013 and relates to By-law 2013-54 of this agenda)

The Director of Legislative Services/Town Clerk and the Commissioner of Corporate Services recommend:

- a) THAT Corporate Services Report - Legislative Services 2013-45 dated October 21, 2013 regarding "Regulate Parking on Boulevards, Front Yards and Side Yards By-law" be received and the following be enacted:
  - i) THAT an amendment to the Parking By-law to regulate parking on boulevards, front yards and side yards be adopted;

- ii) AND THAT staff be directed to apply to the Attorney General's Office for judicial approval of a set fine order in the amount of \$100.00 for the offence of parking on boulevards, front yards and side yards when the amended Parking By-law has been enacted.

## By-laws

- 2013-50      A By-law to Amend By-law Number 2010-40, as amended, being a Zoning By-law. (National Homes)      p. 109
- To amend the Zoning By-law.
- (By-law deferred at Council meeting of October 21, 2013)
- 2013-54      A By-law to Amend By-law 1993-62, as amended, being a By-law to Regulate Parking within the Town of Newmarket.      p. 113
- (Regulate Parking in Unauthorized Areas)
- To regulate parking in unauthorized areas.
- (Committee of the Whole Minutes of November 4, 2013 – Item 16)
- 2013-55      A By-law to Adopt Fees and Charges for Services or Activities Provided by the Town of Newmarket.      p. 115
- (Planning Department Application Fees)
- To adopt fees and charges for the Planning Department.
- (Committee of the Whole Minutes of November 4, 2013 - Item 18)
- 2013-56      A By-law to Adopt Fees and Charges for Services or Activities Provided by the Town of Newmarket.      p. 123
- (Fees and Charges - Fire Services)
- To adopt fees and charges for Fire Services.
- (Committee of the Whole Minutes of November 4, 2013 - Item 19)
- 2013-57      A By-law to Adopt Fees and Charges for Services or Activities provided by the Town of Newmarket.      p. 127
- (Fees and Charges - All Departments - Plan Reproduction and Photocopy Fees; Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering

Services; Legislative Services - General Fees)

To adopt fees and charges for various Departments.

(Committee of the Whole Minutes of November 4, 2013 - Item 20)

2013-58      A By-law to Establish a Combined Utility Rate Structure in the      p. 147  
Town of Newmarket for 2013.

To establish a combined utility rate structure for 2013.

(Committee of the Whole Minutes of November 4, 2013 - Item 21)

2013-59      A By-law to Dedicate Certain Lands as a Public Highway.      p. 149  
(Valley Green Trail)

To dedicate lands as a public highway and form part of Valley  
Green Trail - located south of Mulock Drive and east of Bathurst  
Street.

2013-60      A By-law To Appoint an Integrity Commissioner for the Town of      p. 151  
Newmarket.  
(Suzanne Craig)

To appoint an Integrity Commissioner to investigate a potential  
breach of the Council Code of Conduct by Councillor Di Muccio.

Council Minutes of October 21, 2013 - Item 28

2013-61      A By-law to Amend By-law Number 2010-40, being a Zoning By-      p. 153  
law. (487 Queen Street)

(Committee of the Whole Minutes of November 4, 2013 - Item 10)

## **Notices of Motions**

## **Announcements & Community Events**

## **New Business**

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

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

## **Confirmatory By-law**

2013-62      A By-law to Confirm the Proceedings of Council at its Meeting held p. 157  
on November 12, 2013

## **Adjournment**





# **York Region Transit (YRT/Viva) 2014 Annual Service Plan**

**Presentation to**

**Town of Newmarket Council**

**Adrian Kawun**

**November 12, 2013**

# YRT/Viva System Overview

## YRT/Viva

475 Vehicles

121 Routes

- 5 Viva BRT routes
- 24 YRT base routes
- 29 YRT local routes
- 10 TTC routes
- 33 High School Specials
- 9 GO Shuttles
- 6 Express routes
- 3 Community Bus routes
- 2 seasonal routes

## Mobility Plus

87 Vehicles

- 15 Arboc buses
- 39 Sedans
- 27 Mini-vans
- 6 Sprinters

2013 Revenue Riders

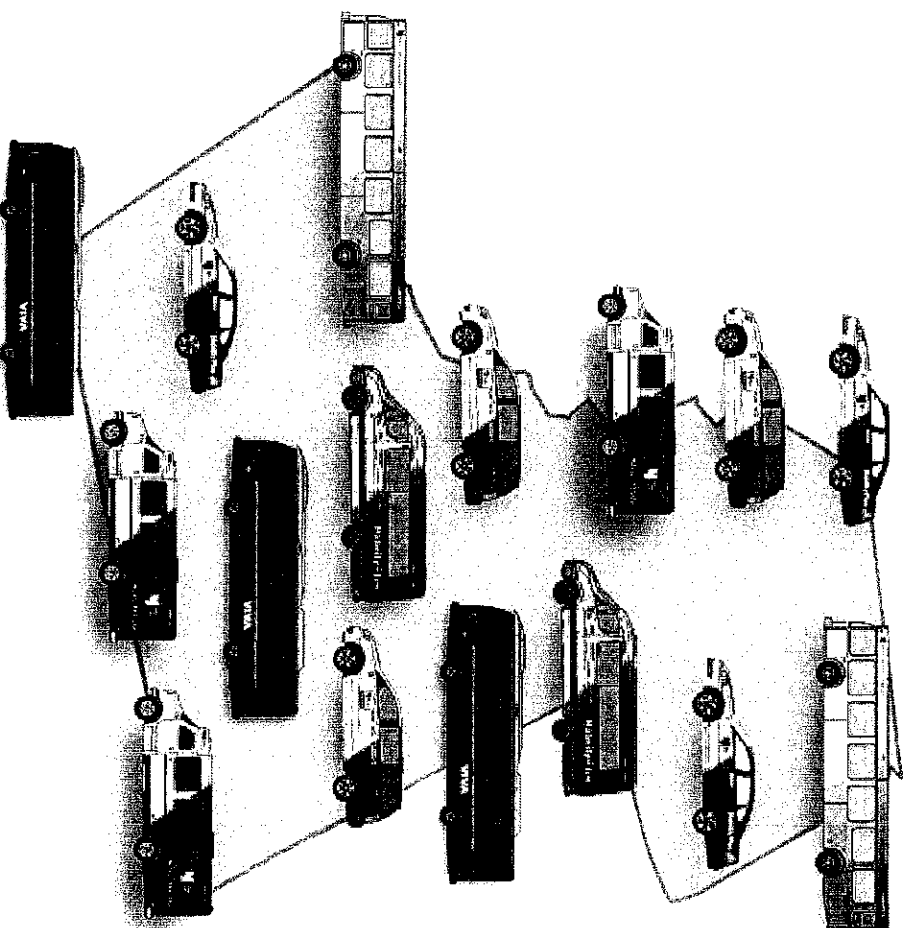
- 369,000

Registered Clients

- 12,229

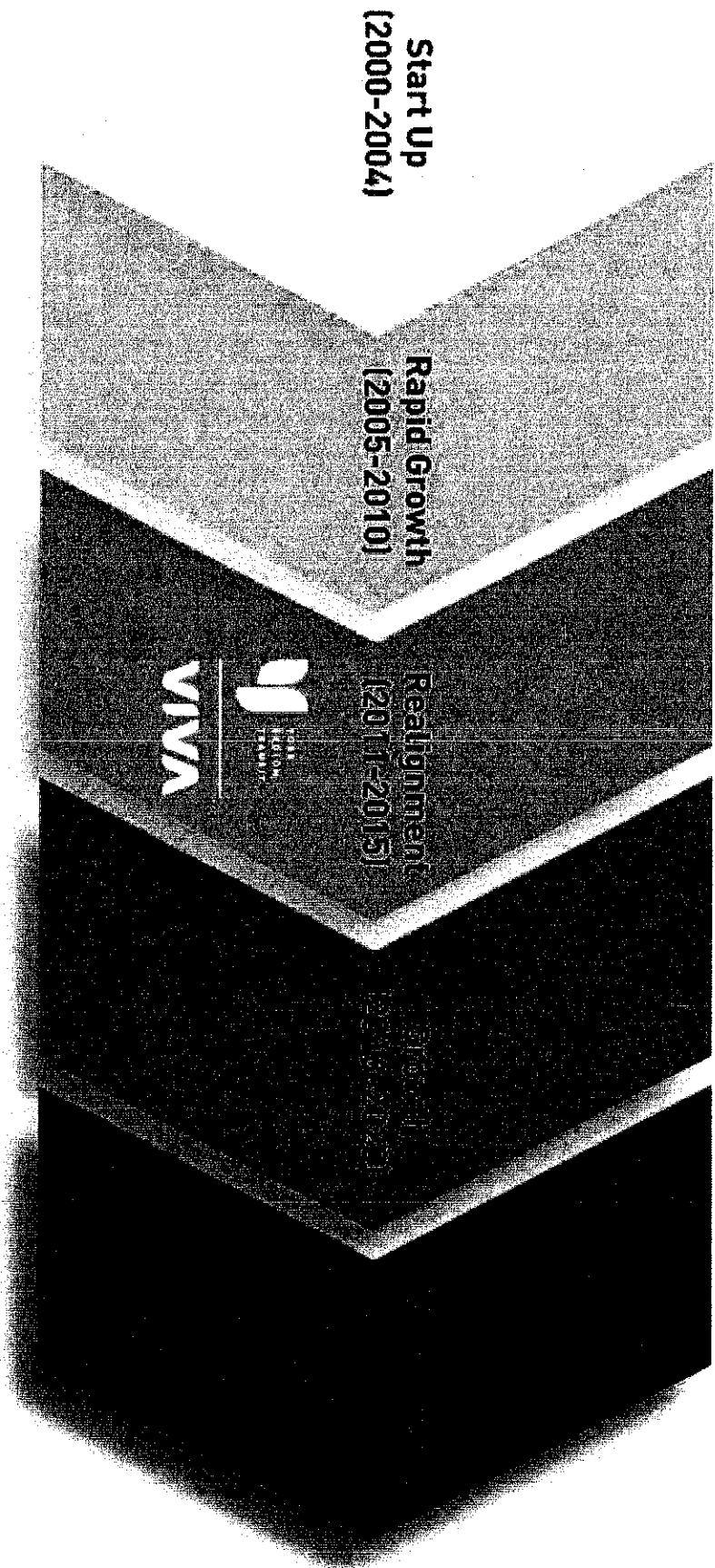
2013 Revenue Riders

- 23 million





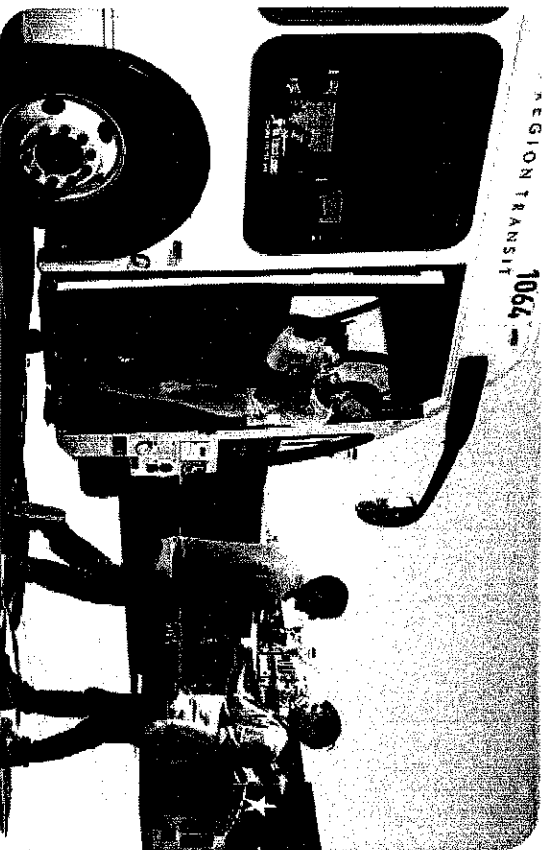
# Transit System Cycle



# 2014 Annual Service Plan Goals

## YRT/Viva

- ❑ Grow YRT/Viva ridership to 24 million revenue riders
- ❑ Improve the revenue to cost ratio

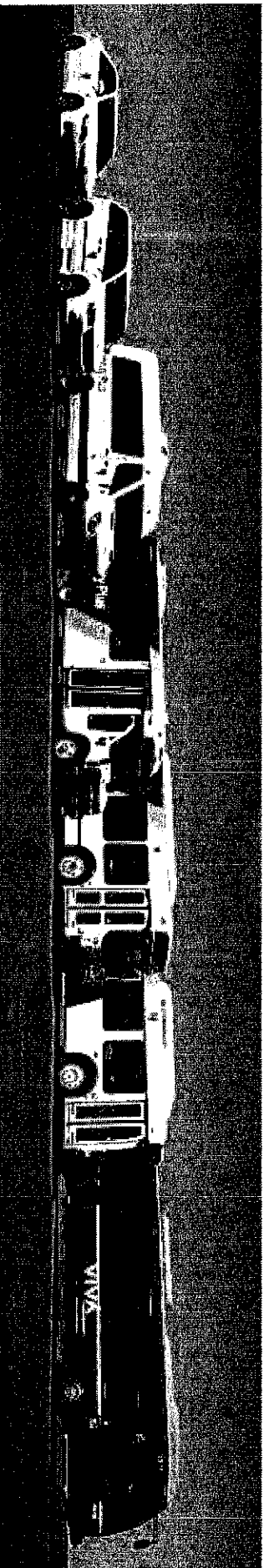


## Mobility Plus

- ❑ Improve customer service, manage ridership demand, and maximize vehicle usage
- ❑ Manage operating costs



# 2014 Annual Service Plan Objectives



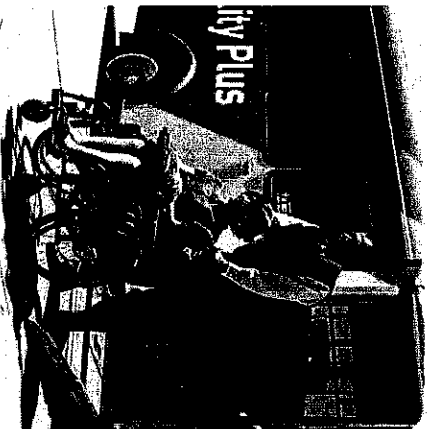
## YRT/Viva

- ☐ Restructure routes
- ☐ Strengthen the grid network
- ☐ Match service levels to meet customer demand
- ☐ Improve service reliability
- ☐ Mitigate construction impacts

## Mobility Plus

- ☐ Match vehicle type to meet customer needs
- ☐ Expand Family of Services
- ☐ Improve service delivery
- ☐ Eligibility and Appeal Process update

# 2014 Planning Process



To develop the 2014 Annual Service Plan all services (including Mobility Plus) were evaluated based on:

- ☐ Revenue ridership
- ☐ On-time performance
- ☐ System performance (net cost per passenger and passenger per hour)
- ☐ Duplication of service
- ☐ Network grid
- ☐ End destination
- ☐ Customer impact
- ☐ Service demand

All initiatives were presented during the consultation process.

# Consultation Process



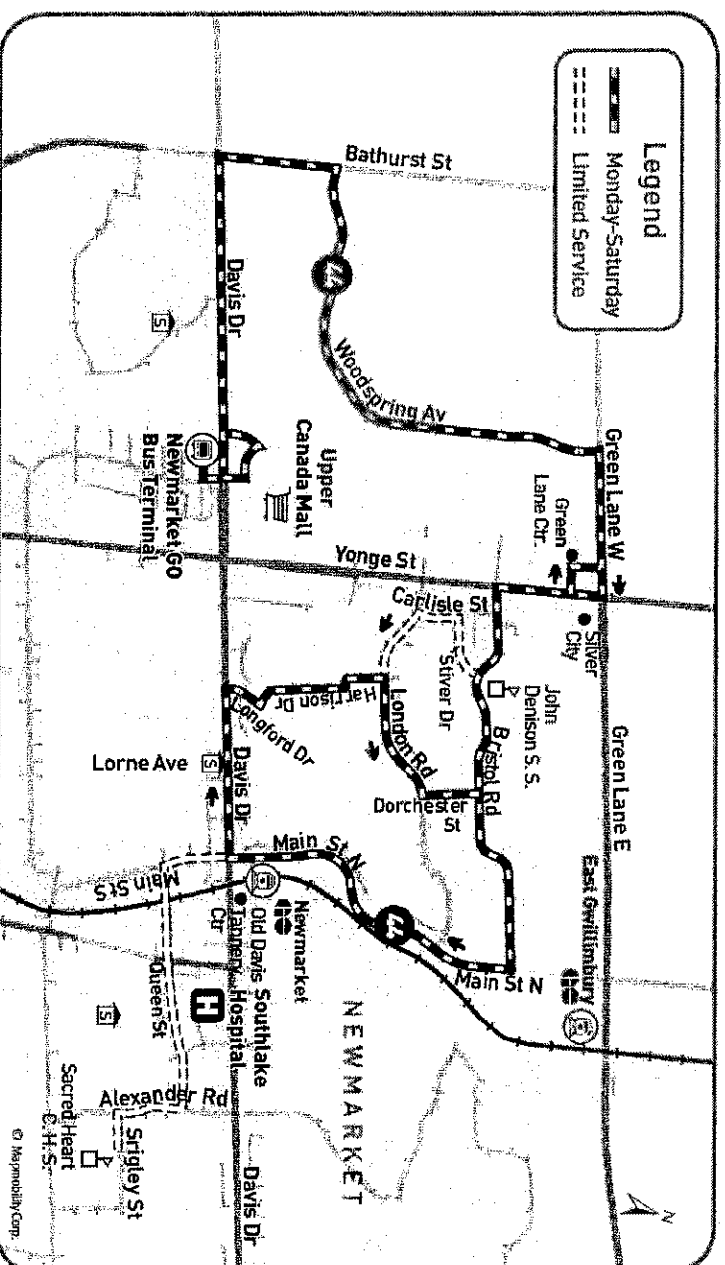
- ❑ Stakeholder workshops
- ❑ Municipal meetings
- ❑ Public Information Centres
- ❑ Yrt.ca

# 2014 Service Initiatives

## Route 44 – Bristol

**44**

**Bristol - London**



Housing Facilities:



Nursing Home



Retirement Home



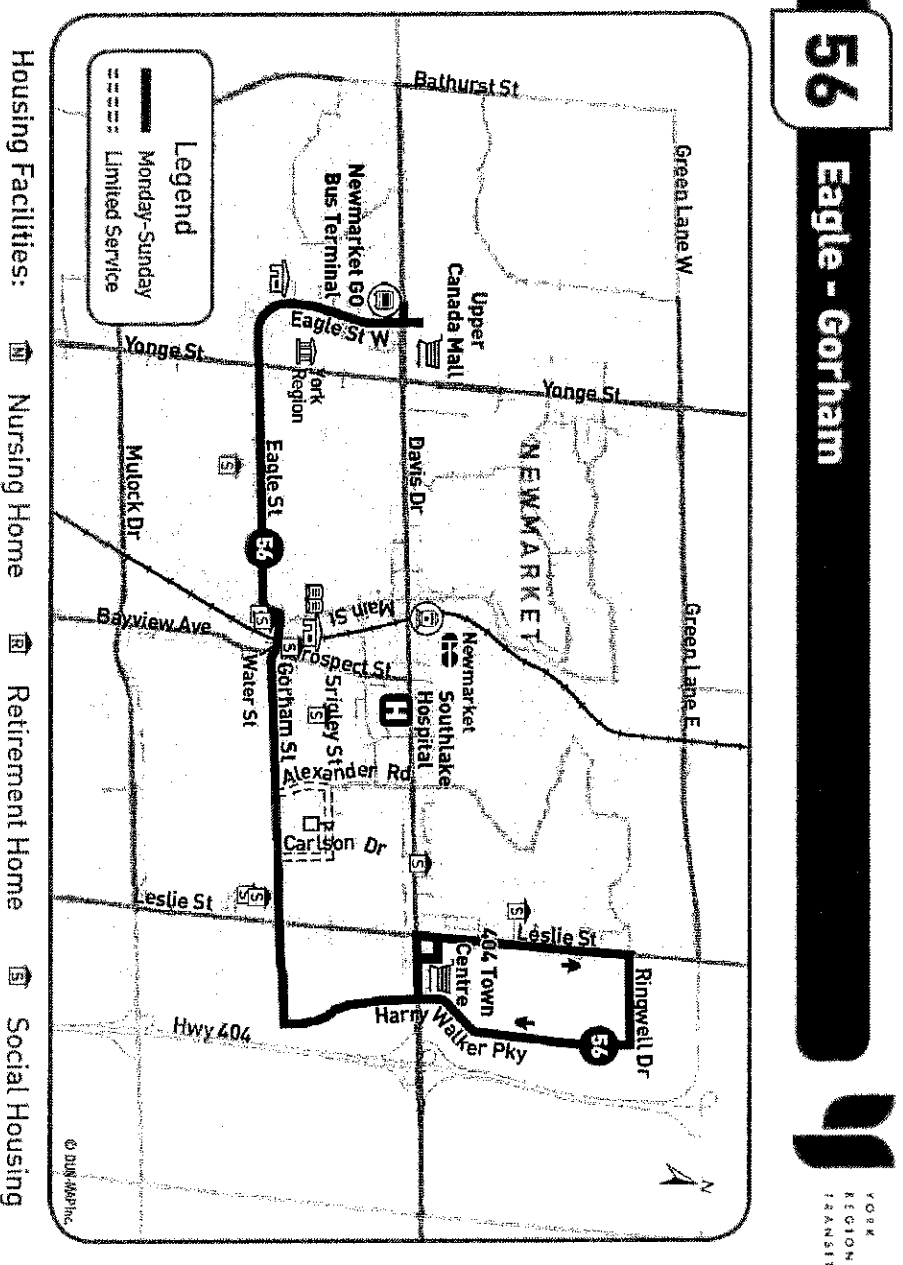
Social Housing

Slide 8

Town of Newmarket Council / November 12, 2013

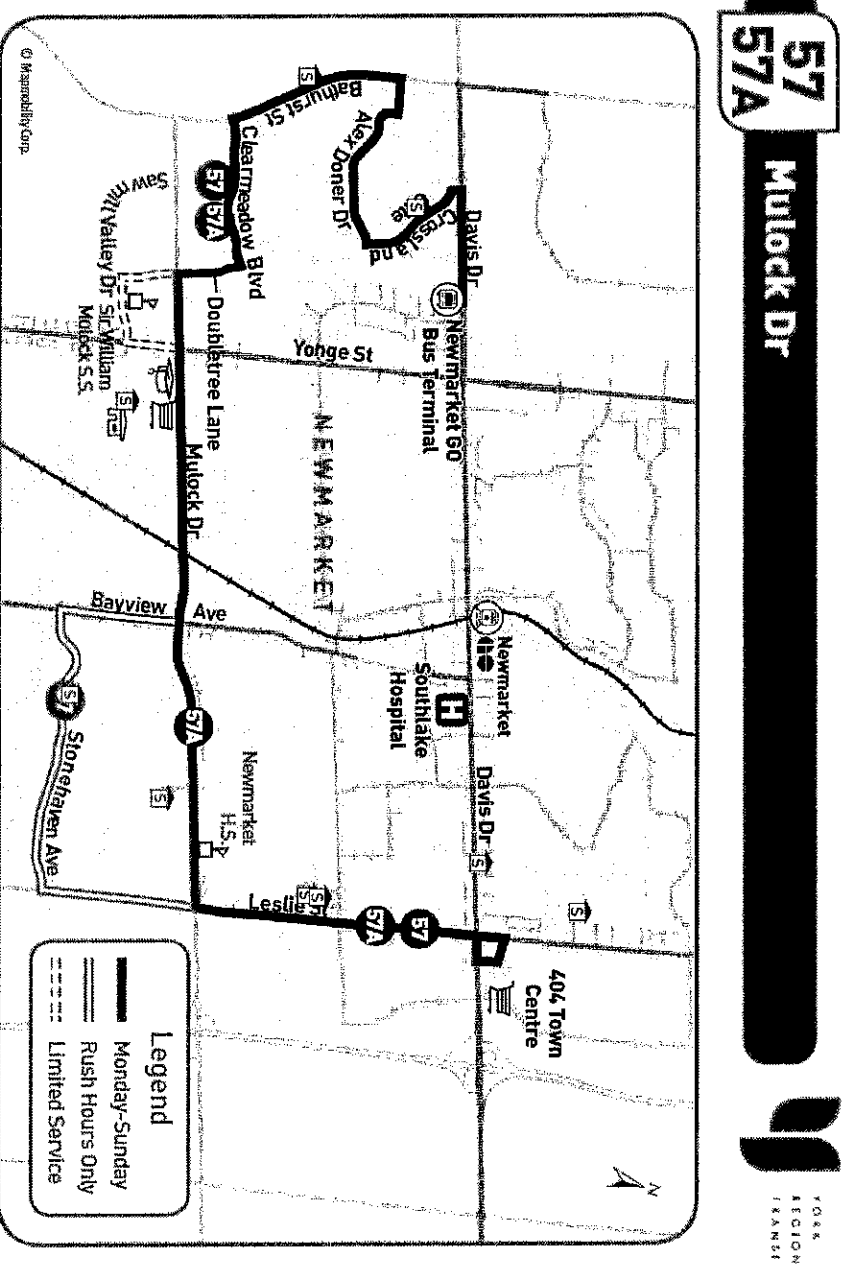
# 2014 Service Initiatives

## Route 56 – Eagle - Gorham



# 2014 Service Initiatives

## Route 57 – Mulock

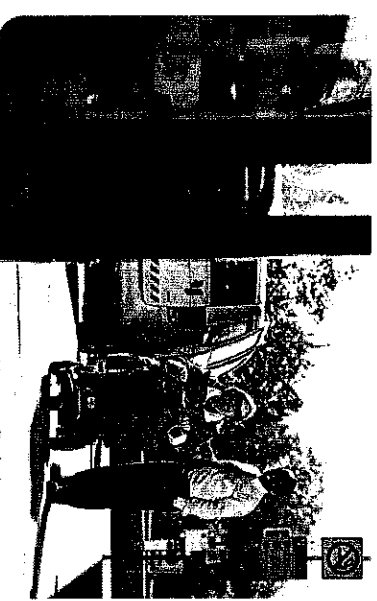
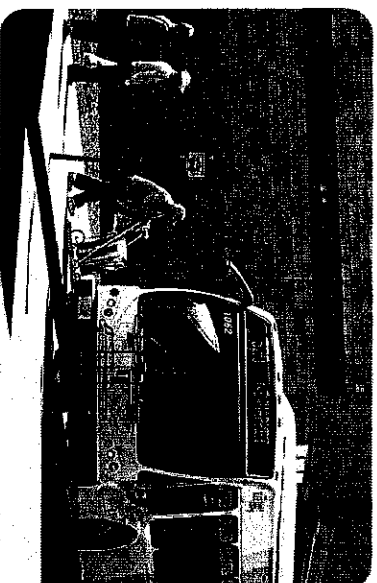


Housing Facilities: Nursing Home Retirement Home Social Housing





# AODA Compliance



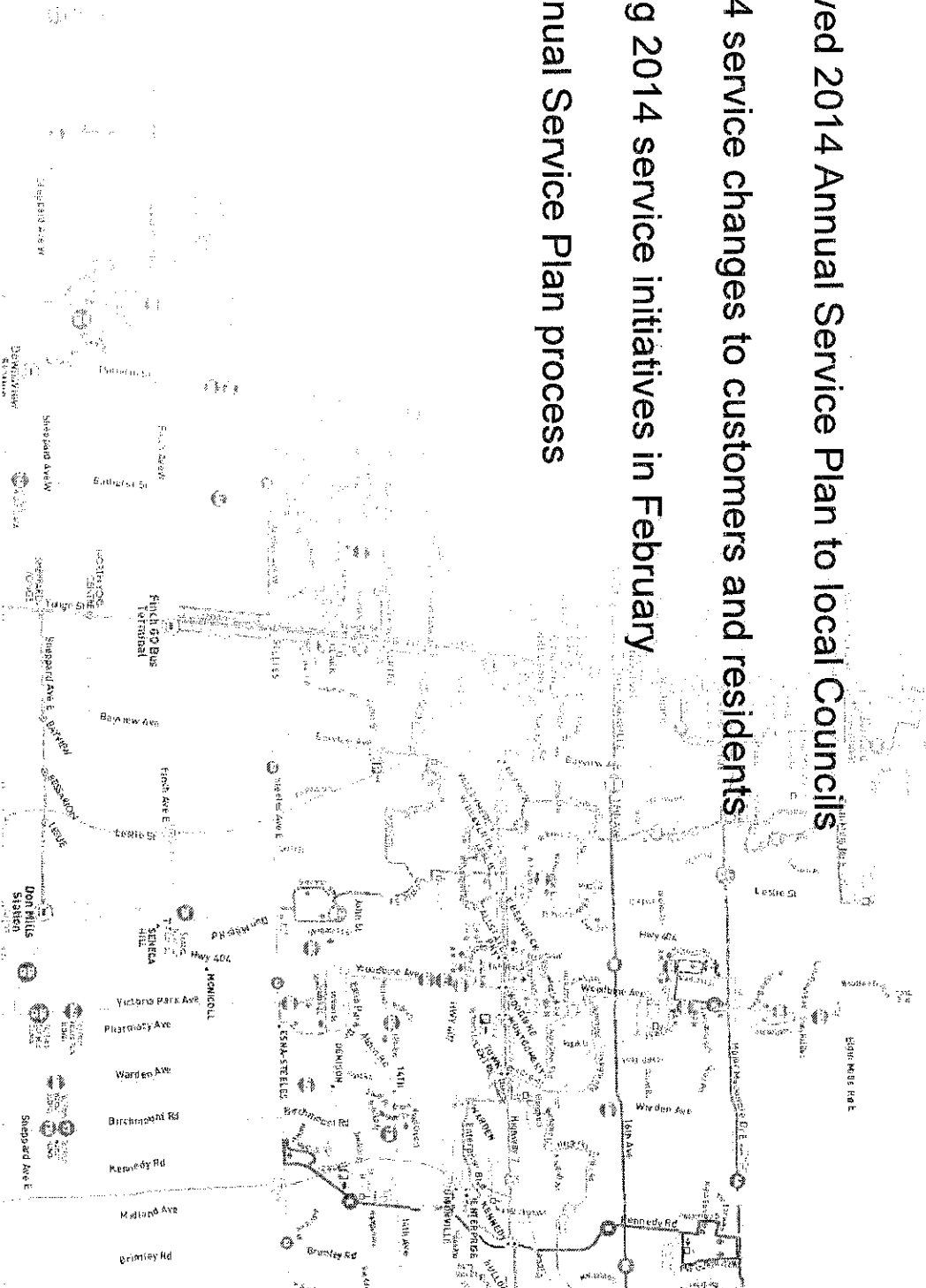
The transit accessibility plan outlines YRT/Viva and Mobility Plus obligations under the AODA:

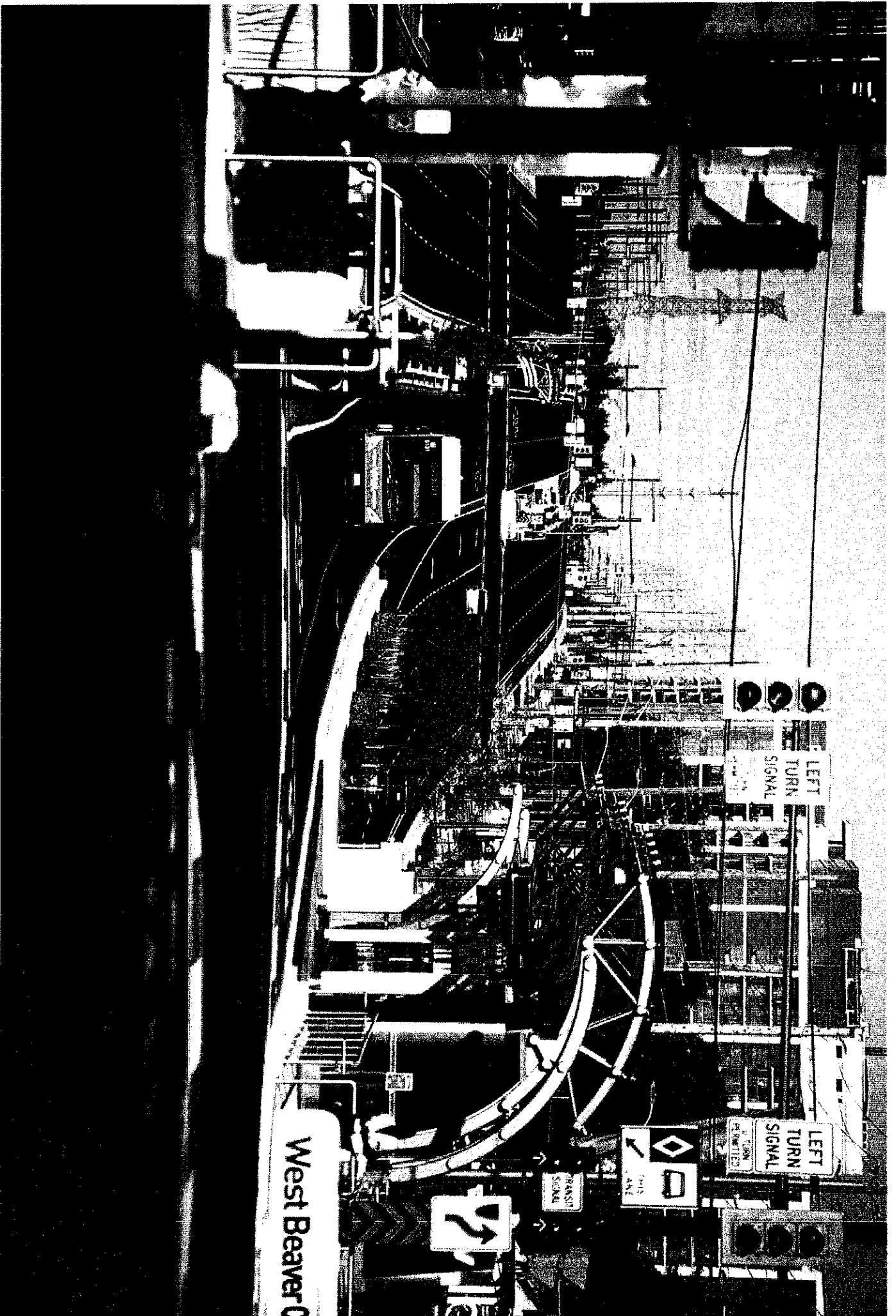
- 2014 Fares for support persons
- 2017 Pre-boarding announcements

Accessibility performance measures have been identified and are required to be in the transportation specific section of the York Region 2013-2021 Multi-Year Accessibility Plan.

# Next Steps

- ❑ Present the approved 2014 Annual Service Plan to local Councils
- ❑ Communicate 2014 service changes to customers and residents
- ❑ Begin implementing 2014 service initiatives in February
- ❑ Begin the 2015 Annual Service Plan process





Monday, October 21, 2013 at 7:00 p.m.  
Council Chambers

For consideration by Council on November 12, 2013

There were no requests to address Council during the open forum session.

The regular meeting of the Council was held on Monday, October 21, 2013 at 7:00 p.m. in the Council Chambers, 395 Mulock Drive, Newmarket.

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

Absent:        Councillor Di Muccio

Staff:         R. Shelton, Chief Administrative Officer  
                 I. McDougall, Commissioner of Community Services  
                 A. Moore, Commissioner of Corporate Services  
                 R. Prentice, Commissioner of Development and Infrastructure Services  
                 R. Nethery, Director of Planning and Building Services  
                 A. Brouwer, Director of Legislative Services/Town Clerk  
                 J. Bondi, Council/Committee Coordinator

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

Mayor Van Bynen in the Chair.

**PUBLIC NOTICE**

None.

**ADDITIONS TO THE AGENDA**

**Moved by Councillor Sponga**  
**Seconded by Councillor Emanuel**

**THAT the order of the agenda be altered by including the following items for consideration:**

**ADDITIONS****DEPUTATIONS**

1. Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes to address Council regarding a request for deferral of By-law 2013-50 until November 12, 2013. *(Note: Relates to Item 12 of the Committee of the Whole Minutes of October 15, 2013 and By-law 2013-50 of the Council agenda of October 21, 2013).* Also attached is e-mail correspondence from Mr. Pavkovic dated October 17, 2013 with respect to this matter.
2. Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee, to address Council with respect to the proposed Heritage Conservation District by-law.
3. Mr. Bob Buchan, President, Newmarket Historical Society, to address Council with respect to the proposed Heritage Conservation District by-law.
4. Mr. Greg King, resident, to address Council with respect to the proposed Heritage Conservation District by-law.

**CORRESPONDENCE**

1. Correspondence from Mr. Robert Forrest, Secretary, Main Street Clock Inc. dated October 18, 2013 regarding a request that Council defer the Heritage Conservation District By-law. *(Note: Relates to By-law 2013-51 of the Council agenda of October 21, 2013)*

**REPORTS OF COMMITTEES AND STAFF**

5. Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding Regional Municipality of York - Catch Basin Cleaning (Noise By-law Exemption).

**BY-LAWS**

- 2013-52      A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.

**CARRIED****DECLARATIONS OF INTEREST**

Councillor Hempen declared a pecuniary interest with respect to Item 16 of the Committee of the Whole Minutes of October 15, 2013 (see Item 27 of these Minutes) as well as By-law 2013-51 and the deputations listed on the Council agenda and addendum 2, respectively, regarding the Heritage Conservation District as his mother owns property within the proposed area and could be eligible for the heritage tax rebate. He advised that he would take no part in the discussion or voting of this matter.

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

Mayor Van Bynen requested that Items 17 a) and b) of the Committee of the Whole Minutes of October 15, 2013 (see Item 28 of these Minutes) would be dealt with separately and indicated he may have a pecuniary interest in Item 17 a) and that he would take no part in the discussion or voting of this matter.

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

**1. PRESENTATION – NEWMARKET PUBLIC LIBRARY**

Mr. Todd Kyle, CEO, Newmarket Public Library addressed Council with a PowerPoint presentation regarding the Newmarket Public Library's new Strategic Plan. Ms. Joan Stonehocker, Chair of the Newmarket Public Library Board was also in attendance.

**Moved by Councillor Hempen  
Seconded by Councillor Vegh**

**THAT the presentation by Mr. Todd Kyle, CEO, Newmarket Public Library regarding the Newmarket Public Library's new Strategic Plan be received.**

**CARRIED**

Mayor Van Bynen requested that Item 12 of the Committee of the Whole Minutes of October 15, 2013 and By-law 2013-50 be brought forward at this time.

**Moved by Councillor Vegh  
Seconded by Councillor Sponga**

**THAT Item 12 of the Committee of the Whole Minutes of October 15, 2013 being Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc., and By-law 2013-50 be brought forward at this time.**

**CARRIED**

**2. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 12  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
BUILDING SERVICES 2013-49 – APPLICATION FOR DRAFT PLAN OF  
SUBDIVISION AND ZONING BY-LAW AMENDMENT - NATIONAL HOMES INC.**

Development and Infrastructure Services Report – Planning and Building Services 2013-49 regarding Application for Draft Plan of Subdivision and Zoning By-law Amendment – National Homes Inc.

*(Note: The deputation by Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes, listed on the addendum agenda, was not required)*  
 E-mail correspondence from Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes regarding a request for deferral of By-law 2013-50 until November 12, 2013.

**Moved by Councillor Vegh**  
**Seconded by Councillor Sponga**

**THAT e-mail correspondence dated October 17, 2013 from Mr. Mark Pavkovic, Manager of Land Acquisition & Development, National Homes be received and that Development and Infrastructure Services Report – Planning and Building Services 2013-49 dated October 10, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision and By-law 2013-50 be deferred to the November 12, 2013 Council meeting.**

**CARRIED**

**3. DEPUTATIONS – HERITAGE CONSERVATION DISTRICT**

- a. Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee, addressed Council advising of his support and that of the Heritage Newmarket Advisory Committee with respect to the proposed Heritage Conservation District By-law.

**Moved by Councillor Emanuel**  
**Seconded by Councillor Sponga**

**THAT the deputation by Mr. Athol Hart, Chair, Heritage Newmarket Advisory Committee with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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

- b. Mr. Bob Buchan, President, Newmarket Historical Society, addressed Council advising of his support of the proposed Heritage Conservation District By-law.

**Moved by Councillor Emanuel**  
**Seconded by Councillor Sponga**

**THAT the deputation by Mr. Bob Buchan, President, Newmarket Historical Society, with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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



- c. Mr. Greg King, resident, addressed Council with respect to the Heritage Conservation District Plan and proposed By-law.

**Moved by Councillor Kerwin  
Seconded by Councillor Sponga**

**THAT the deputation by Mr. Greg King, resident, with respect to the proposed Heritage Conservation District By-law be received.**

**CARRIED**

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

Mayor Van Bynen proposed that the Heritage Conservation District By-law 2013-51 and correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. be brought forward at this time.

**Moved by Councillor Sponga  
Seconded by Councillor Emanuel**

**THAT the correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. and By-law 2013-51 be brought forward at this time.**

**CARRIED**

**4. BY-LAW 2013-51 – HERITAGE CONSERVATION DISTRICT AND CORRESPONDENCE FROM MAIN STREET CLOCK INC.**

By-law 2013-51 – Heritage Conservation District.

Correspondence dated October 18, 2013 from Mr. Robert Forrest, Secretary, Main Street Clock Inc. regarding a request that Council defer the Heritage Conservation District By-law.

**Moved by Councillor Sponga  
Seconded by Councillor Emanuel**

**THAT By-law 2013-51 being A By-law to Designate the Lower Main Street South Heritage Conservation District under Section 41 of the *Ontario Heritage Act* be enacted and the correspondence from Mr. Robert Forrest of Main Street Clock Inc. be received and referred to staff.**

**CARRIED**

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

## 5. ANNOUNCEMENTS – COMMUNITY EVENTS

- a. Councillor Vegh advised that several non-profit agencies in our community will gather at the Newmarket Public Library at 438 Park Avenue for a Volunteer Fair on October 22, 2013 from 1 to 8 p.m. Get an opportunity to speak with representatives looking for volunteers. Learn how to get involved, meet new people, gain valuable skills and make a difference in our community. Call 905-953-5110 ext. 4860 for more information.
- b. Councillor Kerwin advised that the Royal Canadian Legion, Milton Wesley Branch 426 is holding a Remembrance Day Parade and Service on November 10, 2013 to honour the men and women who died in the military service of Canada during war and peace. The parade begins at 1:30 p.m. at Water Street and Doug Duncan Drive. The service will be held at 2 p.m. at Veterans' Memorial Park, located on the corner of D'Arcy and Church Street. Also, on November 9, 2013 from 8 p.m. to midnight, come out to the annual Poppy Dance and Remembrance Service. Dance to the "After Hours Big Band". Tickets are only \$2 per person.
- c. Councillor Kerwin also advised that the Dave Kerwin Trail in the northwest quadrant off Woodspring Avenue is almost complete. He encouraged the public to take a walk on the trail.
- d. Councillor Twinney advised that it is Waste Reduction Week and the Town of Newmarket wants to encourage residents to reduce waste in their homes. Until October 25, 2013 the Town will be offering the following items: blue boxes for \$6; green bins for \$15; kitchen waste catchers for \$3; and composters will remain at the reduced price of \$20 (Note: composters are limited to one per household and are only available at the Operations Centre at 1275 Maple Hill Court). Quantities and availability is limited. Call 905-895-5193 or visit [www.newmarket.ca](http://www.newmarket.ca) for further information.
- e. Regional Councillor Taylor advised that the Town of Newmarket is holding a Statutory Public Meeting on October 28, 2013 at 7 p.m. in the Council Chambers at the Municipal Offices, 395 Mulock Drive. The purpose of the meeting is to consider amendments to the Official Plan relating to the Newmarket Urban Centres Secondary Plan and a new Active Transportation Schedule. Please help form Newmarket's future vision by providing your thoughts and feedback. For more information visit [www.newmarket.ca](http://www.newmarket.ca) or call Marion Plaunt, Senior Planner at 905-953-5300, ext. 2459.
- f. Regional Councillor Taylor encouraged the public to participate in the Tom Taylor Trail Ten Miler, a run/walkathon, on October 17, 2013 beginning at George Richardson Park at Bayview Avenue north of Davis Drive. This is a fundraising event for Inn From The Cold. For further information visit [www.4tmiler.ca](http://www.4tmiler.ca)
- g. Councillor Hempen advised that on October 22, 2013 he will be hosting a meeting for residents of Ward 4 at Denne Public School, 330 Burford Street. The event runs from 7 to 9 p.m. For more information, contact Councillor Hempen at 905-953-5323 or at [thempen@newmarket.ca](mailto:thempen@newmarket.ca).

- h. Councillor Sponga advised that the Town of Newmarket is seeking public feedback on downtown Newmarket. Fill out a brief survey online at [www.newmarket.ca](http://www.newmarket.ca), under the 'I'd like to' section and click on 'take the Downtown Action Plan Survey.' Your input will help shape the continuing revitalization of downtown Newmarket. For more information call 905-895-5193.
- i. Councillor Sponga also advised that Savour Downtown is a heritage walking tour and restaurant tour taking place on November 9, 2013 from 4 to 9 p.m. For more information contact Janis Luttrell at 905-953-5300 ext. 2605.
- j. Councillor Sponga advised that he will be hosting a Ward 5 meeting on November 7, 2013 at the Community Centre & Lions Hall, Hall 3 on Doug Duncan Drive and beginning at 7:00 p.m.
- k. Councillor Sponga further advised that for the first time the residents of the Town participated in the Great Canadian Food Fight, an event to collect as much food as possible for local food banks, which took place from October 17 to 19, 2013. Residents of Newmarket collected 14,584 pounds of food (6,615 kilograms).
- l. Councillor Emanuel reminded residents that beginning November 1, 2013 winter parking restrictions are in effect. It is strictly prohibited to park a vehicle on any roadway:
  - that interferes with the clearing of snow between the hours of 2 a.m. and 6 a.m. from November 1, 2013 to April 15, 2014;
  - for more than 3 consecutive hours except between 7 p.m. and 11 p.m.;
  - in front of, or within 2 feet of a driveway or laneway.

For more information call 905-895-5193 or visit [www.newmarket.ca](http://www.newmarket.ca)
- m. Councillor Emanuel advised that on November 25, 2013 the Committee of the Whole will be meeting at 7:00 p.m. at the Newmarket Theatre to consider the proposed Glenway Development.
- n. Councillor Vegh invited Ward 1 residents to attend a ward meeting being held on November 5, 2013 from 7 to 9 p.m. at the Magna Centre. He reminded Ward 1 residents that ward meetings take place on the first Tuesday of every month.
- o. Mayor Van Bynen advised that the recent Hope in Purple Heels fundraising event raised over \$50,000 bringing the total funds raised for Belinda's Place to \$840,000. He thanked the sponsors for their participation and support.
- p. Mayor Van Bynen advised that the next Public Meeting on the 2014 Budget is at a Special Committee of the Whole on October 28, 2013 at 1:30 p.m. in the Council Chambers of the Municipal Offices, 395 Mulock Drive.
- q. Mayor Van Bynen invited anyone wishing to discuss anything with him to join him at "Mayor in the Square" at the Newmarket Public Library on November 8, 2013 from 11 a.m. until noon.

- r. Mayor Van Bynen advised that the next Council meeting is Tuesday, November 12, 2013 at 7 p.m.

#### **6. APPROVAL OF COUNCIL MINUTES**

Council Minutes of September 30, 2013.

**Moved by Councillor Sponga  
Seconded by Councillor Emanuel**

**THAT the Council Minutes of September 30, 2013 be approved.**

**CARRIED**

#### **7. REPORTS BY REGIONAL REPRESENTATIVES**

- a. Regional Councillor Taylor clarified the Region of York's role with respect to a recent article regarding a proposed casino in the City of Vaughan.
- b. Regional Councillor Taylor advised that the Region will be moving forward in the next month or so with public live streaming and archiving of Council meetings.
- c. Regional Councillor Taylor advised that this is Small Business Week. York Small Business Enterprise Centres provide support and advice to small businesses. He indicated that 84% of companies in York Region are small businesses. He advised that a Leadership through Innovation conference will be taking place on November 15, 2013 in Aurora. For further information visit the York Region website at [www.york.ca](http://www.york.ca) or contact him.
- d. Mayor Van Bynen advised that the York Region Administration Building will be expanded to consolidate numerous satellite facilities into one facility located adjacent to the Regional building by 2025. This option will realize savings over a number of years.
- e. Mayor Van Bynen advised that he has received a response from the Region to the Commissioner of Development and Infrastructure's concerns with respect to traffic congestion north from Davis Drive to Green Lane. They are now into the capital project and design stages and are looking at short term and long term options to alleviate traffic congestion.

#### **8. COMMITTEE OF THE WHOLE MINUTES**

Committee of the Whole Minutes of October 15, 2013.

*(Note: A correction was made to the minutes – see Item 21 of these Council Minutes)*

Moved by Councillor Sponga  
Seconded by Councillor Emanuel

THAT the Committee of the Whole Minutes of October 15, 2013 be approved and the following recommendations with the exception of Items 8, 16, 17 and 20, be adopted:

**9. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 1**  
**REQUESTS FOR PROCLAMATIONS**

- a) THAT the correspondence dated September 19, 2013 from Mr. Don Head, Commissioner, Correctional Services Canada be received and the following recommendations be adopted:
  - 1. THAT the Town of Newmarket proclaim November 17 to 24, 2013 as “Restorative Justice Week”;
  - 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website [www.newmarket.ca](http://www.newmarket.ca)
- b) THAT the correspondence from Ms. Lynn Ziraldo, Executive Director, Learning Disabilities of York Region be received and the following recommendations be adopted:
  - 1. THAT the Town of Newmarket proclaim October 2013 as “Learning Disabilities Awareness Month”;
  - 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website [www.newmarket.ca](http://www.newmarket.ca)
- c) THAT the correspondence dated October 9, 2013 on behalf of the Bully Free Community Alliance of York Region dated October 9, 2013 requesting proclamation of ‘Bullying Awareness Week’ be received and the following recommendations be adopted:
  - 1. THAT the Town of Newmarket proclaim November 17 to 23, 2013 as ‘Bullying Awareness Week’ in the Town of Newmarket;
  - 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website [www.newmarket.ca](http://www.newmarket.ca)
- d) THAT the correspondence dated October 4, 2013 from Mr. George Habib, President and CEO, Ontario Lung Association be received and the following recommendations be adopted:
  - 1. THAT the Town of Newmarket proclaim November 2013 as ‘Lung Month’;
  - 2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town’s website [www.newmarket.ca](http://www.newmarket.ca)

e) THAT the correspondence dated October 9, 2013 from Ms. Erin Hoyos, Administration, DEBRA Canada be received and the following recommendations be adopted:

1. THAT the Town of Newmarket proclaim October 25 to 31, 2013 as 'International Epidermolysis Bullosa Awareness Week';
2. AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

10. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 2  
NEWMARKET ENVIRONMENTAL ADVISORY COMMITTEE MINUTES

THAT the Newmarket Environmental Advisory Committee Minutes of September 4, 2013 be received.

11. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 3  
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

THAT the Heritage Newmarket Advisory Committee Minutes of September 3, 2013 be received.

12. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 4  
ITEM 1C) OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF  
SEPTEMBER 3, 2013 – HERITAGE CONSERVATION DISTRICT

THAT this matter be referred to staff to be addressed when the Heritage Conservation District By-law comes forward for consideration.

13. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 5  
ITEM 9 OF THE HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES OF  
SEPTEMBER 3, 2013 – NEW BUSINESS

THAT the requirement for a Treasurer position on the Heritage Newmarket Advisory Committee be reviewed within the Boards and Committees review process in the new term of Council;

AND THAT in the interim, the Treasurer position on the Heritage Newmarket Advisory Committee remain.

14. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 6  
NEWMARKET PUBLIC LIBRARY BOARD MINUTES

THAT the Newmarket Public Library Board Minutes of June 19, 2013 be received.

15. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 7  
CYFS – JOINT COUNCIL COMMITTEE

THAT the CYFS – Joint Council Committee Minutes of April 2, 2013 be received.

**16. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 9  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT  
PLANNING AND BUILDING SERVICES 2013-43  
SERVICING ALLOCATION – SIX-MONTH ADMINISTRATIVE REVIEW**

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-43 dated October 15, 2013 regarding the Servicing Allocation Six-Month Administrative Review be received and the following recommendations be adopted:

1. THAT servicing allocation for the Landmark Estates Phase 4 (Orsi) subdivision be reinstated subject to the following condition:
  - a) The Owner be required to submit a Minor Variance application to the Committee of Adjustment reflecting the proposed revised built form prior to December 31, 2013;
2. AND THAT the following people be notified of this action:
  - a) Frank Orsi, 1209104 Ontario Limited, P.O. Box 215, Newmarket, ON L3Y 4X1.

**17. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 10  
CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2013-37  
TAX WRITE-OFFS**

THAT Corporate Services Report – Financial Services 2013-37 dated October 3, 2013 regarding Tax Write-Offs pursuant to the *Municipal Act, 2001* be received and the following recommendation be adopted:

THAT the tax adjustments outlined in Appendix 1 for application for the cancellation or refund of taxes, pursuant to Sections 357 and 358 of the *Municipal Act, 2001*, be approved.

**18. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 11  
LIST OF OUTSTANDING MATTERS**

THAT the list of outstanding matters be received.

**19. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 13  
MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF  
MANAGEMENT MINUTES OF SEPTEMBER 17, 2013**

THAT the Main Street District Business Improvement Area Board of Management Minutes of September 17, 2013 be received.

20. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – IETM 14  
ITEM 7 OF THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD  
OF MANAGEMENT MINUTES OF SEPTEMBER 17, 2013 – MEMBERSHIP VACANCY**

THAT Mr. Adrian Cammaert be appointed to replace Melissa Bennett on the Main Street District Business Improvement Area Board of Management;

AND THAT the necessary by-law be prepared and submitted to Council.

21. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 15  
CORRESPONDENCE – KIEWIT-ELLISDON  
2014 VIVANEXT NOISE BY-LAW EXEMPTION REQUEST**

THAT the correspondence dated September 23, 2013 from Mr. Anthony Fanelli, Civil Field Engineer, Kiewit-EllisDon requesting an exemption from the Noise By-law to perform necessary work for the vivaNext D1 project be received and the timelines, as amended be approved.

22. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 18  
BANCROFT & HASTINGS HIGHLANDS DISASTER RELIEF COMMITTEE**

THAT the correspondence dated September 2013 from Mr. Dennis Purcell, DRC Chair, requesting financial support for April 2013 flood damage be received.

23. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 19  
REPORTS BY REGIONAL REPRESENTATIVES**

None.

24. **COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 21  
CORPORATE SERVICES (LEGAL SERVICES) (CLOSED SESSION) REPORT 2013-12  
APPEAL TO THE ONTARIO MUNICIPAL BOARD – 390 ONTARIO STREET**

THAT Corporate Services (Legal Services) Closed Session Report 2013-12 dated October 9, 2013 regarding the appeal to the Ontario Municipal Board by the Owner of 390 Ontario Street (“the lands”) from a decision of the Committee of Adjustment to deny an application for Consent and Minor Variance be received, and the following recommendations, as amended, be adopted:

1. THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the above-noted appeal of a Committee of Adjustment’s decision to deny an application for Consent and Minor Variance in connection with the lands;
2. AND THAT the Town will not be appearing as Party or Participant at the OMB hearing in this matter; and



3. **AND THAT** Staff advise the Ontario Municipal Board and the appellant that it is requesting the conditions as follows be included as part of any Order approving the Consent and Minor Variances.
  - i. That Consent Application D10-B03-13 be approved subject to the following conditions:
    - a) That the Owner enter into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town;
    - b) That the Owner obtain relief from the provision of the Zoning By-law for reduced lot frontage; and
    - c) That Minor Variance Applications D13-A20-13 and D13-A21-13 be approved to ensure that the created lots are in conformity with the Zoning By-law.
  - ii. **AND THAT** the applicant be advised that prior to the issuance of any building permit involving the subject and remaining lands, compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy.
  - iii. **AND THAT** Minor Variance Applications D13-A20-13 and D13-A21-13 be approved, subject to the following conditions:
    - a) That the variances pertain only to the requests as submitted with the application;
    - b) That the Owner entering into a leading site plan agreement with the Town for the future development of the subject lands dealing with all matters, financial and otherwise including the payment of a parkland contribution in accordance with the provisions of the *Planning Act, R.S.O. 1990*, to the satisfaction of the Town; and
    - c) That the developments be substantially in accordance with the Site Plans submitted with the applications.
4. **AND THAT** the full recommendations and conditions be made public.

25. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 22  
 DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
 BUILDING SERVICES 2013-46  
 CONSULTANT REPORT REGARDING MARIANNEVILLE DEVELOPMENTS LIMITED  
 (GLENWAY)  
 DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
 BUILDING SERVICES 2013-47 – APPLICATION FOR OFFICIAL PLAN AMENDMENT,  
ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION

Deputations:

THAT Mr. Nick McDonald, Meridian Planning Consultants, on behalf of the Glenway Preservation Association be allotted fifteen minutes for his deputation.

THAT the deputation by Mr. Nick McDonald, Meridian Planning Consultants regarding the Marianneville Developments (Glenway) application be received.

THAT the deputation by Ms. Christina Bisanz, on behalf of the Glenway community regarding the Marianneville Developments (Glenway) application be received.

THAT the Director of Planning and Building Services prepare an information report to Council that outlines the current growth mandates; status of approved developments with population counts; pending or anticipated applications; and population projections in the draft secondary plan;

AND THAT the report be provided in advance of the November 25, 2013 Committee of the Whole meeting.

THAT all deputations with respect to the Marianneville Developments (Glenway) development application be received.

Report:

THAT Development and Infrastructure Services Report – Planning and Building Services 2013-46 dated October 1, 2013 regarding the attached consultant report be received and the following recommendation be adopted:

THAT the attached report (Development and Infrastructure Services – Planning and Building Services Report 2013-47) prepared by Ruth Victor & Associates and iPlancorp regarding the Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision – Marianneville Developments Limited (Glenway) be referred to the November 25, 2013 Committee of the Whole (evening session) meeting.

**CARRIED**

**26. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 8  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT  
PLANNING AND BUILDING SERVICES 2013-42  
NON-COMPLIANCE AS A RESULT OF PUBLIC LAND ACQUISITION**

Development and Infrastructure Services Report – Planning and Building Services 2013-42 regarding Non-Compliance as a Result of Public Land Acquisition.

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

**THAT Development and Infrastructure Services Report – Planning and Building Services 2013-42 dated October 3, 2013 regarding Non-compliance as a Result of Public Land Acquisition be received and the following recommendations, as amended be adopted:**

- 1. THAT the proposed technical amendment to Zoning By-law Number 2010-40 to recognize parking spaces, driveway widths and landscape buffers made non-complying by public land acquisitions be referred to a public meeting;**
- 2. AND THAT following the public meeting, staff be directed to prepare the necessary Zoning By-law Amendment;**
- 3. AND THAT the correspondence from Mr. Robert Miller, Rueter Scargall Bennett, LLP, on behalf of York Region Rapid Transit Corporation regarding Development and Infrastructure Services Report – Planning and Building Services 2013-42 with respect to Non-Compliance as a Result of Public Land Acquisition be received.**

**CARRIED**

**27. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 16  
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PLANNING AND  
BUILDING SERVICES 2013-48 – HERITAGE CONSERVATION DISTRICT  
LOWER MAIN STREET SOUTH ADVISORY COMMITTEE**

Development and Infrastructure Services Report – Planning and Building Services 2014-48 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District.

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

**THAT Development and Infrastructure Services – Planning and Building Services Report 2013-48 dated October 3, 2013 regarding the proposed Advisory Committee for the Lower Main Street South Heritage Conservation District be received and the following recommendations be adopted:**

1. **THAT Council support the proposed advisory group as outlined in the Council endorsed October 5, 2011 Lower Main Street South Heritage Conservation District Plan;**
2. **AND THAT the Main Street District Business Improvement Area Board of Management and the Heritage Newmarket Advisory Committee provide a recommendation to Council for a member of each to join the proposed advisory group.**

**CARRIED**

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

Mayor Van Bynen vacated the Chair.

Regional Councillor Taylor assumed the Chair.

**28. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 17  
NOTICE OF MOTION BY MAYOR VAN BYNEN – INTEGRITY COMMISSIONER  
INVESTIGATION AND CAO/CORPORATE SERVICES REPORT – LEGAL &  
LEGISLATIVE SERVICES 2013-04 – CODE OF CONDUCT COMPLAINTS – COST  
RECOVERY**

Notice of Motion – Integrity Commissioner Investigation.

Mayor Van Bynen requested that the recommendations be dealt with in three sections.

**Moved by Mayor Van Bynen  
Seconded by Councillor Sponga**

**THAT Council direct staff to request the Integrity Commissioner investigate statements directed at me as the Mayor by Councillor Di Muccio at the Committee of the Whole meeting on Monday, September 23, 2013 to determine if there was a breach of the Council Code of Conduct and/or the Town of Newmarket's Procedural By-law.**

**In the event Councillor Di Muccio provides a written apology to Council prior to the motion being adopted by Council – the motion will be withdrawn.**

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO	-----	-----
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
<b>TOTAL</b>	<b>8</b>	<b>0</b>

### **CARRIED**

Mayor Van Bynen left the dais to sit in the gallery.

Council consented to bring forward CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery at this time.

### **Report:**

CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery.

**Moved by Councillor Emanuel**  
**Seconded by Councillor Sponga**

**THAT CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery be received for information.**

### **CARRIED**

Mayor Van Bynen took no part in the discussion or voting of the foregoing matter.

Recommendations 17 a) and b) of the Notice of Motion were brought forward at this time to be dealt with separately.

**Moved by Councillor Vegh**  
**Seconded by Councillor Twinney**

**THAT the following amendment be included in the Notice of Motion regarding the Integrity Commissioner:**

**THAT including this complaint and all future complaints:**

- a) where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation.

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO	-----	-----
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	-----	-----
<b>TOTAL</b>	<b>7</b>	<b>0</b>

**CARRIED**

Mayor Van Bynen took no part in the discussion or voting of the foregoing matter.

Mayor Van Bynen returned to the dais.

Councillor Twinney provided clarification that if a Councillor is found to be in contravention of the Council Code of Conduct and is unable to pay costs associated with the Integrity Commissioner's investigation, then the costs would be covered by Council members.

**Moved by Councillor Vegh**  
**Seconded by Councillor Twinney**

**THAT the following amendment be included in the Notice of Motion regarding the Integrity Commissioner:**

**THAT including this complaint and all future complaints:**

- b) where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.

A recorded vote was requested.

	YEA	NAY
COUNCILLOR VEGH	X	
COUNCILLOR KERWIN	X	
COUNCILLOR TWINNEY	X	
REGIONAL COUNCILLOR TAYLOR	X	
COUNCILLOR HEMPEN	X	
COUNCILLOR SPONGA	X	
COUNCILLOR DI MUCCIO	-----	-----
COUNCILLOR EMANUEL	X	
MAYOR VAN BYNEN	X	
<b>TOTAL</b>	<b>8</b>	<b>0</b>

### **CARRIED**

Regional Councillor Taylor vacated the Chair.

Mayor Van Bynen assumed the Chair.

### **FOR CLARIFICATION PURPOSES THE ADOPTED RECOMMENDATIONS WITH RESPECT TO MAYOR VAN BYNEN'S NOTICE OF MOTION ARE AS FOLLOWS:**

1. THAT Council direct staff to request the Integrity Commissioner investigate statements directed at me as the Mayor by Councillor Di Muccio at the Committee of the Whole meeting on Monday, September 23, 2013 to determine if there was a breach of the Council Code of Conduct and /or the Town of Newmarket's Procedural By-law.

In the event Councillor Di Muccio provides a written apology to Council prior to the motion being adopted by Council – the motion will be withdrawn.

2. THAT CAO/Corporate Services Report – Legal and Legislative Services 2013-04 dated October 17, 2013 regarding Code of Conduct Complaints – Cost Recovery be received for information.
3. THAT including this complaint and all future complaints:
  - a) where a Councillor is not found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the Councillor who filed the notice of motion for consideration by Council on the matter be requested by Council to pay costs associated with the Integrity Commissioner's investigation; or
  - b) where a Councillor is found to be in contravention of the Council Code of Conduct by the Integrity Commissioner, the contravening Councillor be requested by Council to pay the costs associated with the Integrity Commissioner's investigation from their salary.

**29. COMMITTEE OF THE WHOLE MINUTES – OCTOBER 15, 2013 – ITEM 20  
NEW BUSINESS**

Councillor Twinney made a correction to Item 20 of the Committee of the Whole Minutes of October 15, 2013 regarding the Seniors Meeting Place.

The Committee of the Whole Minutes have been corrected to read as follows:

“Councillor Twinney advised that she has received several e-mails and phone calls from residents requesting information about the status of repairs to the Seniors Meeting Place facility. She requested a meeting of the Seniors Meeting Place membership and Town staff to provide an update on the progress of the facility repairs and next steps. She also requested that an update on timelines of repairs be provided to all members of Council.”

**30. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES**

Committee of the Whole (Closed Session) Minutes of October 15, 2013.

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

**THAT the Committee of the Whole (Closed Session) Minutes of October 15, 2013 be approved.**

**CARRIED**

Mayor Van Bynen advised with respect to Item 1 of the Committee of the Whole (Closed Session) Minutes of October 15, 2013 regarding Corporate Services (Legal Services) (Closed Session) Report 2013-12 – Appeal to the OMB -390 Ontario Street (*Advice that is subject to solicitor/client privilege*) that the recommendations were dealt with and voted on in public session. (See Item 16 of these Council Minutes)

**31. COMMITTEE OF THE WHOLE (CLOSED SESSION) MINUTES – OCTOBER 15, 2013  
– ITEM 2 – CORPORATE SERVICES (LEGAL SERVICES) AND DEVELOPMENT AND  
INFRASTRUCTURE SERVICES (PLANNING) JOINT (CLOSED SESSION) REPORT  
2013-13 – PROPERTY MATTER – WARD 6  
(POTENTIAL ACQUISITION OR DISPOSITION OF LAND)**

Corporate Services (Legal Services) and Development and Infrastructure Services (Planning) Joint (Closed Session) Report 2013-13 regarding a property matter in Ward 6.

**Moved by Councillor Vegh  
Seconded by Regional Councillor Taylor**

**THAT this matter be deferred to the next possible Committee of the Whole meeting.**

**CARRIED**



Mayor Van Bynen advised with respect to Item 3 of the Committee of the Whole (Closed Session) Minutes of October 15, 2013 regarding Marianneville Developments Ltd. (Glenway) – Ward 7 (*Litigation or potential litigation, including matters before administrative tribunals*) that Ms. Ruth Victor, Ruth Victor & Associates and Mr. Bart Ryan iPLANcorp provided a presentation on the current status of the Marianneville Developments Ltd. (Glenway) Application as well as an overview of the staff and consultant reports relative to the Ontario Municipal Board hearings .

There was discussion and the presentation was received.

Mayor Van Bynen also advised that there had been a fourth item on the Closed Session agenda of October 15 – if required – dealing with the membership vacancy on the BIA Board of Management, however this item was dealt with in open session with the appointment of Mr. Adrian Cammaert as the replacement member of the BIA (see Item 12 of these Minutes) and no closed session discussion took place. There is an appointment by-law (2013-49) on today's Council agenda appointing Mr. Cammaert to the BIA Board of Management.

**32. DEVELOPMENT AND INFRASTRUCTURE REPORT – PLANNING AND BUILDING SERVICES 2013-50 – ONTARIO'S FEED-IN TARIFF PROGRAM – ROOFTOP SOLAR PROJECT – 800 MULOCK DRIVE**

Development & Infrastructure Services Report – Planning and Building Services 2013-50 dated October 16, 2013 regarding Ontario's Feed-in Tariff Program – Rooftop Solar Project – 800 Mulock Drive.

**Moved by Regional Councillor Taylor  
Seconded by Councillor Kerwin**

**THAT Development & Infrastructure Services/Planning & Building Services Report 2013-50 dated October 16, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 800 Mulock Drive be received and the following recommendations be adopted:**

- 1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by SunEdison Origination Health 2 LP for the following project:**

**186kW rooftop solar panels at 800 Mulock Drive**

- 2. AND THAT Council herein approves any future applications for rooftop solar projects up to 500 kW, subject to other municipal requirements, in accordance with the FIT Program;**
- 3. AND THAT Utilia Amaral, Director of Government Relations, SunEdison, 595 Adelaide Street East, Suite 400, TORONTO ON M5A 1N8 be advised of this decision.**

**CARRIED**

**33. CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-44  
REGION OF YORK NOISE BY-LAW EXEMPTION REQUEST**

Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding Regional Municipality of York - Catch Basin Cleaning (Noise By-law Exemption).

**Moved by Councillor Sponga  
Seconded by Councillor Vegh**

**THAT Corporate Services Report – Legislative Services 2013-44 dated October 17, 2013 regarding “Regional Municipality of York – Catch Basin Cleaning Request for Exemption from the Noise By-law” be received and the following recommendations be adopted:**

- 1. THAT a by-law to exempt the Regional Municipality of York from the Noise By-law (By-law 2004-94) be enacted to facilitate catch basin cleaning on Yonge Street and Leslie Street in the Town of Newmarket for approximately five (5) days between the hours of 9:00 p.m. to 6:00 a.m., Monday through Saturday during the months of October and November 2013;**
- 2. AND THAT The Regional Municipality of York advise the Town when the work will be undertaken.**

**CARRIED**

**RESOLUTIONS**

None.

**34. BY-LAWS**

By-laws 2013-48, 2013-49 and 2013-52.

**Moved by Councillor Emanuel  
Seconded by Councillor Sponga**

**THAT By-laws 2013-48, 2013-49 and 2013-52 be enacted.**

**2013-48 A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET**

**To provide an exemption to the Noise By-law for the performance of necessary work of the vivaNext D1 project.**

- 2013-49      A BY-LAW TO APPOINT A REPLACEMENT MEMBER TO THE MAIN STREET DISTRICT BUSINESS IMPROVEMENT AREA BOARD OF MANAGEMENT. (Adrian Cammaert)**

To appoint a replacement member to the Main Street District B.I.A. Board of Management.

- 2013-52      A BY-LAW TO PROVIDE AN EXEMPTION TO BY-LAW 2004-94, AS AMENDED, BEING A BY-LAW TO PROHIBIT AND REGULATE UNUSUAL NOISES OR NOISES LIKELY TO DISTURB THE INHABITANTS OF THE TOWN OF NEWMARKET.**

To provide an exemption to the Noise By-law to the Regional Municipality of York to facilitate proposed work on Yonge Street and Leslie Street.

**CARRIED**

### **NOTICES OF MOTION**

None.

### **UNFINISHED BUSINESS**

None.

### **35. NEW BUSINESS**

- a. Councillor Kerwin queried the Commissioner of Development and Infrastructure Services with respect to the progress of improvements along Alexander Road and Srigley Street as well as Peterwood Court and Thornwillow Court. The Commissioner responded that contracts have been awarded, contractors are engaged and work is proceeding.
- b. Councillor Kerwin inquired with respect to the status of the proposed stoplights at Carlson Drive/Drew Doak Lane and Gorham Street. The Commissioner of Development and Infrastructure Services responded that hydro work would be completed in November and installation of the stoplights will be completed in December.

### **36. CONFIRMATORY BY-LAW**

By-law 2013-53.

**Moved by Councillor Sponga  
Seconded by Councillor Emanuel**

**THAT By-law 2013-53 be enacted.**

2013-53      A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS  
MEETING HELD ON OCTOBER 15, 2013.

**CARRIED**

Moved by Councillor Emanuel  
Seconded by Councillor

**THAT the meeting adjourn.**

**CARRIED**

There being no further business, the meeting adjourned at 8:53 p.m.

---

Tony Van Bynen, Mayor

---

Andrew Brouwer, Town Clerk

For consideration by Council  
on November 12, 2013

The meeting of the Special Committee of the Whole was held on Monday, October 28, 2013 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Di Muccio (1:32 to 9:22 p.m.)  
Councillor Emanuel  
Councillor Hempen (1:39 to 9:22 p.m.)  
Councillor Kerwin  
Councillor Twinney  
Councillor Vegh

Absent: Councillor Sponga

Staff Present: R.N. Shelton, Chief Administrative Officer  
R. Prentice, Commissioner of Development  
and Infrastructure Services  
I. McDougall, Commissioner of Community Services  
A. Moore, Commissioner of Corporate Services  
E. Armchuk-Ball, Director of Legal Services/Municipal Solicitor  
M. Mayes, Director of Financial Services/Treasurer  
R. Nethery, Director of Planning and Building Services  
M. Plaunt, Senior Planner – Policy  
A. Brouwer, Director of Legislative Services/Town Clerk  
L. Lyons, Deputy Clerk  
L. Moor, Council/Committee Coordinator  
S. Niezen, Records and Projects Coordinator  
J. Patel, Project Support Business Analyst

Guest: J. Thorne, planningAlliance (7:00 to 9:22 p.m.)

Mayor Van Bynen in the Chair. The meeting was called to order at 1:30 PM.

## **Declarations**

None.

## Presentation

1. The Director of Financial Services/Treasurer provided a PowerPoint presentation regarding the draft 2014 budget.

Moved by: Regional Councillor Taylor  
 Seconded by: Councillor Kerwin

- 1.1 THAT the PowerPoint presentation regarding the draft 2014 budget be received.

## Carried

## 2013 Budget Items

Moved by: Regional Councillor Taylor  
 Seconded by: Councillor Emanuel

THAT the following item be adopted on consent:

1. Corporate Services Report - Financial Services 2013-40 dated October 16, 2013 regarding the 2013 Tax Supported Operating Budget Report - Third Quarter.
  - 1.1 THAT Corporate Services Report - Financial Services 2013-40 dated October 16, 2013 regarding the 2013 Tax-Supported Operating Budget Report for the Third Quarter be received for information purposes.
2. Corporate Services Report - Financial Services 2013-41 dated October 21, 2013 regarding the 2013 Utility Operating Budget Variance Report - Third Quarter.
  - 2.1 THAT Corporate Services Report - Financial Services 2013-41 dated October 21, 2013 regarding the 2013 Utility Operating Budget Variance Report - Third Quarter be received for information purposes.
3. Corporate Services Report - Financial Services 2013-42 dated October 21, 2013 regarding the 2013 Capital Budget Variance Report - Third Quarter.
  - 3.1 THAT Corporate Services Report - Financial Services 2013-42 dated October 21, 2013 regarding the 2013 Capital Budget Variance Report - Third Quarter be received for information purposes.

## Carried

4. Joint Community Services Report - Recreation and Culture, Development and Infrastructure Services - Public Works Services 2013-39 dated October 22, 2013 regarding Summer Ice at Magna Centre.

Moved by: Councillor Emanuel  
 Seconded by: Councillor Twinney

- 4.1 THAT Joint Community Services Report - Recreation and Culture, Development and Infrastructure Services, Public Works Services 2013-39 dated October 22, 2013 regarding Summer Ice at Magna Centre be received and the following recommendation be adopted:

- a) THAT Summer Ice continue to be offered on two arenas at the Magna Centre.

**Carried**

## **2014 Budget Items**

1. Corporate Services Report - Financial Services 2013-21 dated October 3, 2013 regarding the Water and Wastewater Program.

Moved by: Councillor Vegh  
 Seconded by: Councillor Hempen

- 1.1 THAT Corporate Services Report - Financial Services 2013-21 dated October 3, 2013 regarding the Water and Wastewater Program be received and the following recommendations be adopted:

- a) THAT the Water and Wastewater Rebate Program be offered to qualified renters;
- b) AND THAT the water/wastewater rebate for qualified applicants be maintained at the current rate of \$24 per month (\$288 per year) for 2014;
- c) AND THAT for the year 2015 and thereafter, the water rebate be set at an amount that will stay within the projected budget included in the 6-Year Water and Wastewater Financial Plan, taking into consideration anticipated participation rates.

**Carried**

2. Joint CAO/Corporate Services Report - Financial Services 2013-44 dated October 24, 2013 regarding the Proposal for the 2014 Draft Budgets.

Moved by: Councillor Kerwin  
 Seconded by: Councillor Twinney

- 2.1 THAT Joint CAO/Corporate Services Report - Financial Services 2013-44 dated October 24, 2013 regarding the Proposal for the 2014 Draft Budgets be received and the following recommendations be adopted:

- a) THAT the following be approved for inclusion in the 2014 draft budgets:
- i) The operating and capital budgets for Central York Fire Services as recommended by the Joint Council Committee;
  - ii) The municipal grant to the Library as requested by the Newmarket Public Library Board;
  - iii) Budget corrections and adjustments to the draft tax-supported operating budget, in the amount of \$267,000, as outlined in this report;
  - iv) Additional tax-supported operating budget revisions to reduce the 2014 tax increase, before adjustments for ARF contributions, to less than 2%, in the amount of \$235,000, as outlined in this report;
  - v) A further \$208,000 in tax-supported contributions to the Asset Replacement Fund (ARF), resulting in a total adjustment to ARF contributions equivalent to a tax increase of less than 0.75%;
  - vi) The proposed Utility Operating Budget as aligned with the 6-year Water and Wastewater Financial Plans;
  - vii) The revised draft Capital Budget which includes an additional \$10,340,506 in expenditures as detailed in this report.

- 2.2 AND THAT staff be directed to prepare recommendations for approval of the 2014 Tax-supported Operating Budget, Utility Operating Budget and Capital Budgets, to be presented to Committee of the Whole on November 4, 2013.

**Carried**



3. Joint Development and Infrastructure Services and Community Services Report 2013-47 dated October 22, 2013 regarding a Leash Free Dog Park.

Amendments were made to recommendations 3.1, e) by including the words “provisional funding of \$50,000” and removing the words “should Council wish to proceed with this project in 2014 ”; f) reducing the amount of \$25,000 to \$10,000 and an additional recommendation “g) AND THAT the project commence only after the Committee organization raises 80 percent of their \$50,000 target or half of the required capital”

Moved by: Councillor Twinney  
Seconded by: Regional Councillor Taylor

- 3.1 THAT Joint Development and Infrastructure Services and Community Services Report 2013-47 dated October 22, 2013 regarding a leash free dog park be received and the following recommendations as amended, be adopted:

- a) THAT the Town of Newmarket support in principle the proposal to establish a leash free dog park in George Richardson Park adjacent to the Tom Taylor Trail in the vicinity of Lock 3;
- b) AND THAT staff be directed to hold a Public Information Centre to gather community input on the proposal;
- c) AND THAT staff provide a report to Council outlining the community input received and making recommendations regarding the proposed location and final design of park improvements required and cost estimates for consideration by Council;
- d) AND THAT staff be directed to report back to Council on revisions necessary to the Parks Use By-law;
- e) AND THAT the Capital Budget include provisional funding of \$50,000 for this purpose with the final allocation to be considered by Council following the public consultation process and direction to staff with respect to community based fundraising;
- f) AND THAT the Operating Budget include an amount of \$10,000 for maintenance of the Leash Free Dog Park;

- g) AND THAT the project commence only after the Committee organization raises 80 percent of their \$50,000 target or half of the required capital.

**Carried**

Moved by: Councillor Di Muccio  
Seconded by: Regional Councillor Taylor

THAT Item 4 being Joint Community Services Report - Recreation and Culture, Development and Infrastructure Services - Public Works Services 2013-39 dated October 22, 2013 regarding Summer Ice at Magna Centre be reconsidered.

**FAILED**

The Committee of the Whole recessed at 3:06 p.m.

The Committee of the Whole reconvened at 7:00 p.m.

Mayor Van Bynen in the Chair.

## Public Hearing Matters - 7:00 PM

1. Official Plan Amendment # 10 Draft Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan and Official Plan Amendment # 11 Active Transportation Network.

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. The Deputy Clerk advised that the *Planning Act* requires the Town to hold at least one Public Meeting on any proposed Official Plan Amendment.

The Deputy Clerk advised that the purpose of the meeting is to hear from anyone who has an interest in Official Plan Amendment #10 being the Draft Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan and Official Plan Amendment # 11 being the Active Transportation Network. The Committee of the Whole will not be making a decision regarding the proposed amendments, but will refer all written and verbal comments to Planning staff to consider in a report that will be considered at a future meeting of the Committee of the Whole or Council.

The Deputy Clerk further advised that anyone who wished to be notified of subsequent meetings or if they are making a presentation today, please complete a form with their name and address and submit it to the Clerk's staff.

The Deputy Clerk further advised that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if an appellant failed to make either oral submissions at the Public Meeting or written submissions to Council prior to adoption of the by-law.

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

The Senior Planner – Policy and Mr. Jason Thorne, planningAlliance addressed the Committee with a PowerPoint presentation detailing Official Plan Amendment #10 – Draft Urban Centres Secondary Plan and Associated Amendments to the Official Plan and Official Plan Amendment #11 – Active Transportation Network. An overview was provided including proposed land uses, character areas, retail uses, heights and densities, urban design features, transportation and street networks, parks, transitional areas, green space, communications with area residents, projected population numbers, affordable housing and further planning process next steps.

Moved by: Councillor Emanuel  
 Seconded by: Councillor Twinney

THAT Mr. Bill Chadwick on behalf of Shrink the Slessor Square Group be allotted a ten minute time frame for his presentation.

**Carried**

Mr. Chadwick addressed the Committee with a PowerPoint presentation on behalf of the Shrink Slessor Square group and advised of specific concerns related to proposed heights and densities along corridors, traffic concerns, intensification along Yonge Street, park provisions north of Davis Drive and undergrounding hydro lines.

Moved by: Councillor Emanuel  
 Seconded by: Councillor Kerwin

THAT the deputation and PowerPoint presentation by Mr. Bill Chadwick on behalf of Shrink Slessor Square group and specific concerns related to proposed heights, densities and intensification along Yonge Street be received.

**Carried**

Mr. Ryan Moore, MHBC Planning  
 Mr. Grant Clarkson, MHBC Planning

Mr. Moore and Mr. Clarkson of MHBC Planning addressed the Committee with specific concerns related to their clients' properties and the density allocated to 39 Davis Drive and 22 George Street. They suggested that the FSI index would need to be reduced if the Secondary Plan is approved in its current form. As well, the Town's Zoning By-law would need to be amended as this would affect the current zoning requirements of the properties.

Moved by: Councillor Twinney  
 Seconded by: Councillor Di Muccio

THAT the deputation by Mr. Moore and Clarkson of MHBC Planning regarding specific concerns related to their clients' properties and densities be received.

**Carried**

Correspondence distributed and referenced related to Official Plan Amendment # 10 and Official Plan Amendment # 11.

Moved by: Councillor Emanuel  
Seconded by: Councillor Kerwin

THAT the associated correspondence distributed and referenced related to Official Plan Amendment #10 and Official Plan Amendment #11 be received.

**Carried**

Mr. Gordon Prentice, resident, addressed the Committee with concerns related to the feasibility that planning approval has already taken place, traffic matters, population growth overall, aesthetics of towers and height capping.

Moved by: Councillor Hempen  
Seconded by: Councillor Vegh

THAT the deputation by Mr. Gordon Prentice regarding concerns related to planning approval, traffic matters, population growth, aesthetics of towers and height capping be received.

**Carried**

Mr. Ryan Gooder of Weston Consulting Group addressed the Committee on behalf of the landowners in the Secondary Plan area with specific concerns related to the Best Western Hotel property on Yonge Street and surrounding properties.

Moved by: Councillor Emanuel  
Seconded by: Councillor Vegh

THAT the deputation by Mr. Ryan Gooder of Weston Consulting Group on behalf of the landowners in the Secondary Plan and specific concerns related to the Best Western Hotel property and surrounding properties be received.

**Carried**

Mr. Bob Leury, resident addressed the Committee as a resident of the Davis Drive and London Road area of Town with specific concerns related to the neighbourhood in terms of traffic infiltration and safety concerns in the George Street, Kingston Road and London Road areas.

Moved by: Councillor Emanuel  
Seconded by: Councillor Twinney

THAT the deputation by Mr. Bob Leury, regarding specific concerns related to the London Road neighbourhood and safety concerns in the George Street, Kingston Road and London Road areas be received.

### **Carried**

Ms. Gillian Foster, resident, addressed the Committee regarding specific traffic concerns associated with the proposed development in the area of Crossland Church on Millard Avenue to Yonge Street as well as traffic infiltration on Herbcairn Avenue.

Moved by: Councillor Hempen  
Seconded by: Councillor Emanuel

THAT the deputation by Ms. Gillian Foster regarding specific traffic concerns associated with the proposed development in the area of Crossland Church on Millard Avenue to Yonge Street be received.

### **Carried**

Mr. Bob Kwapis addressed the Committee as Co-Chair of the Ward 5 Traffic Committee with specific concerns related to residential street congestion and he requested a clear picture of how, within adoption of the Secondary Plan, traffic will be moved away from residential streets.

Moved by: Councillor Emanuel  
Seconded by: Regional Councillor Taylor

THAT the deputation by Mr. Bob Kwapis regarding specific concerns related to residential street congestion and traffic moved away from residential streets be received.

### **Carried**

Mr. Gary Worters addressed the Committee with specific concerns related to high rise condominium development and the market demand of condominium structures.

Moved by: Councillor Hempen  
Seconded by: Councillor Emanuel

THAT the deputation by Mr. Gary Worters regarding specific concerns related to high rise condominium development be received.

**Carried**

Ms. Elaine Adam, resident, addressed the Committee regarding the process contained within the draft Secondary Plan entitled “bonusing” and incentives for development.

Moved by: Councillor Emanuel  
Seconded by: Councillor Vegh

THAT the deputation by Ms. Elaine Adam regarding the process contained within the draft Secondary Plan entitled “bonusing” and incentives for development be received.

**Carried**

Ms. Doreen Carson, resident, addressed the Committee regarding the requirement for education facilities within future development plans.

Moved by: Councillor Twinney  
Seconded by: Councillor Vegh

THAT the deputation by Ms. Doreen Carson regarding the requirement for education facilities within future development plans be received.

**Carried**

Mr. Peter Webster addressed the Committee and queried the need for retention of planning consultants and potential job statistics.

Moved by: Councillor Twinney  
Seconded by: Councillor Emanuel

THAT the deputation by Mr. Peter Webster regarding retention of planning consultants and potential job statistics be received.

**Carried**

Mr. John McRogers addressed the Committee with concerns related to walking paths and trails and the use of scooters on such and he requested that an inclusion of an area similar to Riverwalk Commons be added along the corridor.

Moved by: Councillor Twinney  
Seconded by: Councillor Emanuel

THAT the deputation by Mr. John McRogers regarding concerns related to walking paths and trails and the use of scooters be received.

### **Carried**

The Director of Planning and Building Services advised of the next steps associated in the planning process being a report back, possibly in various phases, to a future Committee of the Whole meeting.

Moved by: Councillor Emanuel  
Seconded by: Councillor Di Muccio

THAT the meeting adjourn.

### **Carried**

### **Adjournment**

The meeting adjourned at 9:22 p.m.

---

Tony Van Bynen, Mayor

---

Lisa Lyons, Deputy Town Clerk



For consideration by Council  
on November 12, 2013

The meeting of the Committee of the Whole was held on Monday, November 4, 2013 in Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Mayor Van Bynen  
Regional Councillor Taylor  
Councillor Di Muccio (1:30 to 5:37 PM)  
Councillor Emanuel  
Councillor Hempen  
Councillor Kerwin  
Councillor Sponga  
Councillor Twinney  
Councillor Vegh (2:00 to 8:06 PM)

Staff Present: R.N. Shelton, Chief Administrative Officer  
R. Prentice, Commissioner of Development & Infrastructure Services  
A. Moore, Commissioner of Corporate Services  
C. Kallio, Acting Commissioner of Community Services  
R. Nethery, Director of Planning and Building Services  
R. Prudhomme, Director of Engineering Services  
A. Brouwer, Director of Legislative Services/Town Clerk  
L. Lyons, Deputy Clerk  
M. White, Planner  
L. Moor, Council/Committee Coordinator  
S. Niezen, Records and Projects Coordinator  
J. Patel, Project Support Business Analyst

Guests: Mr. Bart Ryan, of iPLANcorp (7:00 to 8:30 PM)  
Mr. Dave Richardson, Senior Project Manager, MMM Group  
(7:00 to 8:30 PM)

## Additions to the Agenda

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

THAT the items listed on the agenda as (ADDED) be approved and that Item 23 be withdrawn.

## Carried

## Declarations of Interest

None.

## Consent Items

Moved by: Councillor Kerwin  
Seconded by: Councillor Twinney

THAT the following items be adopted on consent:

1. Request for Proclamation.
  - 1.1 Correspondence dated October 21, 2013 from Mr. James Clancy, National President, National Union of Public and General Employees requesting that November 6, 2013 be proclaimed 'Community Social Service Workers Appreciation Day' in the Town of Newmarket.
    - a) THAT the correspondence dated October 21, 2013 from Mr. James Clancy, National President, National Union of Public and General Employees be received and the following recommendations be adopted:
      - i) THAT the Town of Newmarket proclaim November 6, 2013 as 'Community Social Service Workers Appreciation Day';
      - ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)
3. Appointment Committee Minutes of October 21, 2013. (Open and Closed)
  - 3.1 THAT the Appointment Committee Minutes of October 21, 2013 be received.

- 3.2 AND THAT the Appointment Committee (Closed Session) Minutes of October 21, 2013 be received.
- 3.3 AND THAT individuals identified by the Appointment Committee contained in the (Closed Session) Minutes of October 21, 2013 (circulated separately) be approved.
- 4. Newmarket Downtown Development Subcommittee Minutes of September 27, 2013.
  - 4.1 THAT the Newmarket Downtown Development Subcommittee Minutes of September 27, 2013 be received.
- 5. Inclusivity Advisory Committee Minutes of September 11, 2013.
  - a) THAT the Inclusivity Advisory Committee Minutes of September 11, 2013 be received.
- 6. Item 3 of the Inclusivity Advisory Committee Minutes of September 11, 2013 regarding Street Naming.
  - 6.1 THAT Council seek input from the Inclusivity Advisory Committee on their Street Naming Policy and criteria used by the Street Naming Committee to establish a reserve list.
  - 6.2 THAT the recommendation adopted by Council on February 9, 2009 regarding Street Naming Policy and Procedures, as per attached Council extract, be rescinded, so that any proposed street names no longer be referred to the Inclusivity Advisory Committee.
  - 6.3 THAT communication be facilitated by staff, the Street Naming Committee and the Inclusivity Advisory Committee for the purposes of implementing the intent of the Street Naming Policy and to determine how the Inclusivity Advisory Committee can help the Street Naming Committee fulfill its mandate.

7. Item 5 of the Newmarket Downtown Development Subcommittee Minutes of September 27, 2013 - Rebate/Credit Program, 487 Queen Street.
  - a) THAT the following recommendation be considered in conjunction with Item 8 and be referred to staff.
  - b) THAT Council consider the request from the owner of 487 Queen Street to waive the Town portion of Development Charges and at a minimum defer Development Charge payments, and that any Development Charges waivers/rebates be allocated from outside the NDDS Financial Incentive Program budget.
14. Correspondence from Mr. Mark Svendsen regarding Development and Infrastructure Services Report - Engineering Services 2013-48 dated October 15, 2013 regarding Millard Avenue - Parking Review - Forest Glen Road to Lorne Avenue.
  - 14.1 THAT the correspondence from Mr. Mark Svendsen regarding parking on the north side of Millard Avenue between Forest Glen and Lorne Avenue be received.
18. Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services Report - Financial Services 2013-45 dated October 30, 2013 regarding 2014 User Fees and Charges - Planning Act Fees.
  - 18.1 THAT Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services Report - Financial Services dated October 23, 2013 regarding 2014 User Fees and Charges - Planning Act Fees be received and the following recommendations be adopted:
    - a) THAT the attached Schedule "A" being the Town of Newmarket 2014 Planning Application Fees Schedule be approved and adopted by By-law;
    - b) AND THAT the fee adjustments come into full force and effect as of January 1, 2014.

19. Joint Central York Fire Services and Corporate Services Report - Financial Services 2013-46 dated October 23, 2013 regarding 2014 User Fees and Charges - Fire Services.
  - 19.1 THAT Joint Central York Fire Services and Corporate Services Report - Financial Services 2013-46 dated October 23, 2013 regarding 2014 User Fees and Charges - Fire Services be received and the following recommendations be adopted:
    - a) THAT the attached Schedule "A" being the Town of Newmarket 2014 Fire Services Fees Schedule, be approved and adopted by By-law;
    - b) AND THAT the fee adjustments come into full force and effect January 1, 2014.
20. Corporate Services Report - Financial Services 2013-47 dated October 23, 2013 regarding 2014 User Fees and Charges - General Fees and Charges.
  - 20.1 THAT Corporate Services Report - Financial Services 2013-47 dated October 23, 2013 regarding 2014 User Fees and Charges - General Fees and Charges be received and the following recommendations be adopted:
    - a) THAT the attached Schedules "A", "B", "C", "D", "E" and "F" marked as the Town of Newmarket 2014 All Departments, Corporate Services - Finance and Purchasing and I.T., Legal Services, Public Works, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by By-law;
    - b) AND THAT the fee adjustments come into full force and effect as of January 1, 2014.
24. Item 7 of the Accessibility Advisory Committee Minutes of October 15, 2013 regarding National Access Awareness Week - Budget.
  - i) THAT the following request be referred to the review of Boards and Committees the next term of Council;
  - ii) AND THAT the 2014 National Access Awareness Week event continue to be funded through the Recreation and Culture Services budget.

**Carried**

## **Presentations**

1. Ms. Mary Frances Turner, President, York Region Rapid Transit Corporation and Mr. Paul May and Mr. David Clark addressed the Committee with a PowerPoint presentation with respect to an update on the vivaNext rapidway.

Moved by: Councillor Twinney  
 Seconded by: Councillor Emmanuel

- 1.1 THAT the powerpoint presentation by Ms. Mary Frances Turner, Mr. Paul May and Mr. David Clark of York Region Rapid Transit Corporation regarding the update on the vivaNext rapidway be received.

## **Carried**

## **Deputations**

1. Mr. Mark Svendsen, resident, addressed the Committee with a PowerPoint presentation regarding parking on Millard Avenue.

Moved by: Councillor Kerwin  
 Seconded by: Councillor Sponga

- 1.1 THAT Mr. Svendsen be allotted an additional 5 minute timeframe for his deputation.

## **Carried**

13. Development and Infrastructure Services Report - Engineering Services 2013-48 dated October 15, 2013 regarding Millard Avenue - Parking Review - Forest Glen Road to Lorne Avenue.

Moved by: Councillor Sponga  
 Seconded by: Regional Councillor Taylor

- 13.1 THAT Development and Infrastructure Services Report - Engineering Services 2013-48 dated October 15, 2013 regarding Millard Avenue - Parking Review - Forest Glen Road to Lorne Avenue be referred back to staff for further review.

## **Carried**

2. Mr. Bob Kwapis, resident, addressed the Committee regarding Davis Dr. traffic infiltration.

Moved by: Councillor Sponga  
 Seconded by: Councillor Twinney

- 2.1 THAT the deputation by Mr. Bob Kwapis regarding Davis Dr. traffic infiltration be received.

### **Carried**

12. Development and Infrastructure Services Report - Engineering Services 2013-44 dated September 30, 2013 regarding 'Davis Drive - vivaNext Construction Traffic Infiltration Status Report # 2'.

Recommendations a) through c) were replaced in the Development and Infrastructure Services Report - ES 2013-44 dated September 30, 2013 regarding 'Davis Drive - vivaNext Construction - Traffic Infiltration Status Report #2 as follows:

- a) THAT staff continue to work with York Region and vivaNext staff to address issues that arise from construction and continue to carry out traffic counts for Gorhan St., Gladman Avenue, Park Avenue, Millard Avenue, Carol St., Sandford St. and Beman Drive;
- b) AND THAT town staff in coordination with York Region and York Regional Police; focus speed management program resources on the streets noted in Appendix A;
- c) AND THAT a report on the town wide traffic mitigation policy come forth in the first quarter of 2014 with a feasibility study of an advanced green signal going south on Prospect Street.

Moved by: Councillor Sponga  
 Seconded by: Regional Councillor Taylor

- 12.1 THAT Development and Infrastructure Services Report - ES 2013-44 dated September 30, 2013 regarding 'Davis Drive - vivaNext Construction - Traffic Infiltration Status Report # 2' be received and the following recommendations be adopted:
  - a) THAT staff continue to work with York Region and vivaNext staff to address issues that arise from construction and continue to carry out traffic counts for Gorhan St., Gladman Avenue, Park Avenue, Millard Avenue, Carol St., Sandford St. and Beman Drive;

- b) AND THAT town staff in coordination with York Region and York Regional Police; focus speed management program resources on the streets noted in Appendix A;
- c) AND THAT a report on the town wide traffic mitigation policy come forth in the first quarter of 2014 with a feasibility study of an advanced green signal going south on Prospect Street.

**Carried**

The Committee recessed at 2:57 PM.

**Closed Session**

Moved by: Councillor Di Muccio

Seconded by: Councillor Emanuel

THAT Committee of the Whole resolve into a closed session for the purpose of discussing litigation before the Ontario Municipal Board. (Marianneville Developments Glenway).

**Carried**

The Committee resolved into Closed Session at 3:05 p.m.

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

The Committee resumed into Public Session at 4:54 p.m.

The Committee recessed until 5:05 PM.



## Consideration of Items Requiring Separate Discussion

2. Accessibility Advisory Committee Minutes of October 15, 2013 and April 16, 2013.

Moved by: Councillor Hempen

Seconded by: Regional Councillor Taylor

THAT the Accessibility Advisory Committee Minutes of October 15 and April 16, 2013 be received.

### Carried

11. Development and Infrastructure Services Report - Planning and Building Services 2013-54 dated October 28, 2013 regarding the tools, terms and conditions related to a pilot project - proposed rental housing.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Emanuel

- 11.1 THAT Development and Infrastructure Services Report - Planning and Building Services 2013-54 dated October 28, 2013 regarding the tools, terms and conditions related to a pilot project for a proposed rental housing development at 212 Davis Drive be received and the following recommendations be adopted:

- a) THAT the Town of Newmarket approves, as a pilot project for 212 Davis Drive, the tools, terms and conditions as set out in Appendix "A" to support rental housing;
- b) AND THAT the tools, terms and conditions as set out in Appendix "A" form the basis for an update to the Tools for Intensification Policy as it relates to purpose-built rental and affordable rental housing in the Town;
- c) AND THAT the following be advised of this action: a) Mr. Daniel Berholz, Malter Holdings Ltd, 156 Duncan Mill Road, Suite 12, Toronto, ON M3B 3N2

### Carried

8. Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services - Financial Services Report 2013-41 dated October 15, 2013 regarding Development Charges for Stacked Townhouses.

An amendment was made by including an additional recommendation as follows: “b) that the matter of calculation of Development Charges with respect to stacked townhouses be referred to a Development Charges review.”

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

- 8.1 THAT Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services - Financial Services Report 2013-41 dated October 15, 2013 regarding Development Charges for Stacked Townhouses be received and the following recommendations, as amended, be adopted:
- a) THAT Committee maintain the current policies and practices regarding the calculation and collection of Development Charges as it relates to the proposed development at 487 Queen Street;
  - b) AND THAT the matter of calculation of Development Charges with respect to stacked townhouses be referred to a Development Charges review.
  - c) AND THAT Mr. Brent Fleming, Brixton Commercial Realty Advisors Ltd., Brokerage, 1200 Sheppard Avenue East, Suite 507, Toronto, ON M2K 2S5 be notified of these actions.

**Carried**

9. Development and Infrastructure Services Report - Planning and Building Services 2013-45 dated October 24, 2013 regarding the process for renaming a street.

The recommendations were replaced with the following:

- a) THAT Council endorse the name change of Slingerland Circle;
- b) AND THAT Council direct staff to initiate a process to change the name of Slingerland Circle and to have it replaced by the next eligible veteran from our street naming list;
- c) AND THAT staff report back to Council on how the change will occur mitigating financial impact to the residents and condo corporations by way of examining municipal best practices, ensuring that there is no financial impact to the residents.

Moved by: Councillor Emanuel

Seconded by: Regional Councillor Taylor

- 9.1 THAT Development and Infrastructure Services/Planning and Building Services Report 2013-45 dated October 3, 2013 regarding the process for renaming a street be received and the following recommendations be adopted:

- a) THAT Council endorse the name change of Slingerland Circle;
- b) AND THAT Council direct staff to initiate a process to change the name of Slingerland Circle and to have it replaced by the next eligible veteran from our street naming list;
- c) AND THAT staff report back to Council on how the change will occur mitigating financial impact to the residents and condo corporations by way of examining municipal best practices, ensuring that there is no financial impact to the residents.

**Carried**

Councillor Di Muccio left the meeting at 5:37 p.m.

The Committee recessed at 5:41 p.m.

The Committee reconvened at 5:51 p.m.

10. Development and Infrastructure Services - Planning and Building Services Report 2013-52 dated October 24, 2013 regarding Application for Zoning By-law Amendment - 487 Queen Street.

Moved by: Councillor Sponga

Seconded by : Regional Councillor Taylor

- 10.1 THAT Development and Infrastructure Services - Planning and Building Services Report 2013-52 dated October 24, 2013 regarding Application for Zoning By-law Amendment - 487 Queen Street be received and the following recommendations be adopted:
  - a) THAT the Application for Zoning By-law Amendment, as submitted by Brixton Commercial Realty Advisors Ltd., for lands being located at 487 Queen Street be approved and that staff be directed to prepare the necessary Zoning By-law Amendment;
  - b) AND THAT servicing allocation be granted to this development subject to the normal and usual voluntary contributions related to trails and public art;
  - c) AND THAT Brixton Commercial Realty Advisors Ltd., Attention: Brent Fleming, 1200 Sheppard Avenue East, Suite 507, Toronto, ON M2K 2S5 be notified of this action.

#### **Carried**

15. Development and Infrastructure Services Report - Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge - Parking Review.

Moved by: Regional Councillor Taylor

Seconded by: Councillor Sponga

- 15.1 THAT Development and Infrastructure Services Report - Engineering Services 2013-50 dated October 17, 2013 regarding Foxtail Ridge - Parking Review be deferred to the next Committee of the Whole meeting.

#### **Carried**

16. Corporate Services - Legislative Services Report 2013-45 dated October 21, 2013 regarding Amendment to Parking By-law to Regulate Parking.

Moved by: Councillor Sponga  
Seconded by: Councillor Hempen

- 16.1 THAT Corporate Services Report – Legislative Services 2013-45 dated October 21, 2013 regarding “Regulate Parking on Boulevards, Front Yards, and Side Yards By-law” be referred to the Council meeting of November 12, 2013.

**Carried**

17. List of Outstanding Matters.

Moved by: Councillor Kerwin  
Seconded by: Councillor Vegh

- 17.1 THAT the Outstanding Matters List be amended by removing Item 3 regarding siltation pond works.

**Carried**

21. Corporate Services Report - Financial Services 2013-48 dated October 23, 2013 regarding 2014 User Fees and Charges - Water and Wastewater Rates.

Moved by: Regional Councillor Taylor  
Seconded by: Councillor Twinney

- 21.1 THAT Corporate Services Report - Financial Services 2013-48 dated October 23, 2013 regarding 2014 User Fees and Charges - Water and Wastewater Rates be received and the following recommendations be adopted:

- a) THAT the attached Schedule "A" being the Town of Newmarket Water and Wastewater Rates be approved and adopted by By-law;
- b) AND THAT the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2014.

**Carried**

22. Corporate Services Report - Financial Services 2013-49 dated October 30, 2013 regarding approval of the 2014 Operating and Capital Budgets.

An amendment was made by including "December 2" date to recommendation c) and now reads as follows: "AND THAT the proposed 2014 Operating and Capital Budgets be forwarded to the Council meeting of December 2, 2013 for final approval."

Moved by: Regional Councillor Taylor

Seconded by: Councillor Vegh

- 22.1 THAT Corporate Services Report - Financial Services 2013-49 dated October 30, 2013 regarding approval of the 2014 Operating and Capital Budgets be received and the following recommendations as amended, be adopted:

- a) THAT the proposed 2014 Operating Budget with expenditures of \$106,327,009 be approved, which is comprised of the following components:
  - i) \$56,975,206 for the Town portion, which includes an additional \$208,000 for asset replacement funding;
  - ii) \$30,000 for the Newmarket Downtown Business Development Area (BIA);
  - iii) \$3,668,618 for the Library portion;
  - iv) \$14,560,013 for Central York Fire Services (Newmarket share) which includes an additional \$150,125 (Newmarket share) for asset replacement funding; and
  - v) \$31,093,172 for the Water and Wastewater Rate Groups;
- b) AND THAT the proposed 2014 Capital Budget with expenditures of \$23,730,863 be approved;
- c) AND THAT the proposed 2014 Operating and Capital Budgets be forwarded to the Council meeting of December 2, 2013 for final approval.

## Reports by Regional Representatives

None.

## **New Business**

1. THAT a Special Council meeting be held on November 25, 2013.

Moved by: Councillor Emanuel

Seconded by: Councillor Vegh

THAT a Special Council meeting on November 25, 2013 be held to ratify the actions of the Committee of the Whole meeting related to the Marianneville (Glenway) application.

## **Carried**

The Committee recessed at 6:37 p.m

The Committee reconvened at 7:00 p.m

## Public Hearing Matters - 7:00 P.M.

1. Public Meeting Notice, Development and Infrastructure Services Report - Planning and Building Services 2013-36 dated August 16, 2013 regarding Application for Official Plan and Zoning By-law Amendments - Mulock Canada Med Inc. -536 and 550 Mulock Court.

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. The Deputy Clerk advised that the *Planning Act* requires the Town to hold at least one Public Meeting on any proposed Official Plan Amendment and Zoning By-law Amendments.

The Deputy Clerk advised that the purpose of the meeting is to hear from anyone who has an interest in the Official Plan Amendment or Zoning By-law Amendment. The Committee of the Whole will not be making a decision regarding the proposed amendments, but will refer all written and verbal comments to Planning staff to consider in a report that will be considered at a future meeting of the Committee of the Whole or Council.

The Deputy Clerk further advised that anyone who wished to be notified of subsequent meetings or if they are making a presentation today, please complete a form with their name and address and submit it to the Clerk's staff.

The Deputy Clerk further advised that in accordance with the *Planning Act*, the Ontario Municipal Board may dismiss an appeal without holding a hearing, if an appellant failed to make either oral submissions at the Public Meeting or written submissions to Council prior to adoption of the by-law.

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

Mr. Bart Ryan, of iPLANcorp addressed the Committee with a PowerPoint presentation regarding the proposed Medical Development at 536 and 550 Mulock Court. He presented the development context, the landscape and site plan, and project merits.

Mr. Dave Richardson, Senior Project Manager, MMM Group presented a transportation overview including a trip generation survey, traffic analysis, parking assessment and community benefits associated with the development of the property.

Dr. John Randle, resident, addressed the Committee on behalf of the Arnpark Community Group/Association with the following concerns: the proposed access off Mulock Court, traffic on Prospect Street, and that the underestimation of future traffic on Bayview and Prospect Streets, inadequate parking for the proposed development, and traffic on the cul de sac on Mulock Court for turnaround purposes. He advised that he obtained a petition in opposition of the proposed development.



Mr. Jerry Benjamin, resident, addressed the Committee with concerns that the intersection of Bayview Avenue and Mulock Drive is currently being used just like a raceway and making a left turn onto Prospect Street from Mulock Drive is difficult.

Mr. Brian Horan, resident, addressed the Committee with specific concerns related to the market value of homes adjacent to the proposed development, the assessment figures for other locations that are zoned for medical purposes; the impact on traffic flow and the communication with area residents.

Ms. Jennifer Carscallen, resident, addressed the Committee with concerns that a walk-in medical clinic may be open for business 7 days a week; the potential fluctuation of patients and the impact on the surrounding neighbourhood. She advised that the medical offices on Davis Drive are not at capacity and she queried why this development is being imposed on this neighbourhood.

Ms. Gail Birkett, resident, addressed the Committee regarding the feasibility of an entrance to the development on Mulock Drive.

Ms. Heidi Rybak, resident, addressed the Committee regarding the proposed entrance to the medical facility will be directly across from her driveway, and if the development proceeds her children may not be able to play outside unsupervised.

Mr. Lou Cosentino, resident, addressed the Committee with specific concerns related to narrow sidewalks, traffic flow on Bayview Avenue having little regard for pedestrians, access via Mulock Court and heavy traffic currently on Bondi Avenue. He requested that the application be denied.

Ms. Michelle Millete, resident, addressed the Committee regarding the neighbourhood representation at this meeting being lower than it could be as parents are at children's events. She advised of concerns with traffic on Bondi Avenue, the stop sign at Legresley and Bondi, the mature trees on the proposed development lot and she queried why the medical building could not be developed elsewhere in Town.

Mr. Peter Polyak, resident, addressed the Committee as the owner of a 3 storey townhouse with the basement windows above grade and the artwork proposed by developer is not shown to scale. His other concerns related to the amount of traffic accidents currently happening as people try to turn on to Bayview Avenue.

Mr. Jeff Andersen, resident addressed the Committee with specific concerns related to parking and the traffic situation which currently exists at Lundy's Lane and Davis Drive.

Mr. Peter Anagnostopoulos, resident, addressed the Committee and advised that he was attracted to the community due to the fact that Mulock Court was a dead end street with limited traffic. He advised that children playing on the street are currently safe however this proposed development could have an impact on the safety of the children.

Ms. Shirley Lavigne addressed the Committee as a former resident of the Town and advised that members of her family have been in Newmarket for six generations. She advised that the homes on Mulock Court were built in the 1950's and it was a quiet street surrounded by other homes. She advised of specific concerns related to the busy intersection of Bayview Avenue and Mulock Drive, the potential of blocked emergency vehicles to access the neighbourhood and the potential parking overflow on residential streets.

Mr. George Rintamaki, resident addressed the Committee with specific concerns related to the changes to the area over the many years; the communication to the residents by the developer and the feasibility of satellite service being compromised by the building.

Mr. Jeff Van Allen, resident addressed the Committee and advised that he does not want similar Davis Drive construction difficulties in this neighbourhood,

The Director of Planning and Building Services advised of the next steps associated in the planning process, options for re-evaluation and the appeal process.

Moved by: Councillor Kerwin  
Seconded by: Councillor Sponga

THAT the PowerPoint presentation by Mr. Bart Ryan and Mr. Dave of MMM Group and the deputations by Dr. John Randle, Mr. Jerry Benjamin, Mr. Brian Horan, Ms. Jennifer Carscallen, Ms. Gail Birkett, Ms. Heidi Rybak, Mr. Lou Cosentino, Ms. Michele Millete, Mr. Peter Polyak, Mr. Jeff Anderson, Mr. Peter Anagnostopoulos, Ms. Shirley Lavigne, Mr. George Rintamaki and Mr. Jeff Van Allen related to the Application for Official Plan and Zoning By-law Amendments - Mulock Canada Med Inc. -536 and 550 Mulock Court.

### **Carried**

Moved by: Councillor Sponga  
Seconded by: Councillor Emanuel

THAT the meeting adjourn.

### **Carried**

## Adjournment

The meeting adjourned at 8:30 p.m.

---

Tony Van Bynen, Mayor

---

Lisa Lyons, Deputy Town Clerk





# 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

October 10, 2013

## DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-49

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 2013-49 dated October 10, 2013 regarding Application for zoning bylaw Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

1. THAT approval be given to Draft Plan of Subdivision 19TN-2005 004, Phase 1, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;
2. AND THAT staff be directed to prepare the necessary zoning bylaw amendment for Phase 1;
3. AND THAT Servicing allocation for Phase 1 of this subdivision be granted in the amount of 131 single family units (429 population)
4. AND THAT Mark Pavkovic 291 Edgeley Boulevard, Suite #1, Concord ON, L4K 3Z4 be notified of this action.

### COMMENTS

#### Location

Lands located at the terminus of Newpark Boulevard. (See Location Map attached)

#### Proposal

The applicant is proposing to rezone the subject property from the existing Transitional zoning to Residential Detached Dwelling 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 original National Homes proposal has been revised from when it was originally submitted to remove the proposed extension of Robellino Court. The developer has identified this area east of the creek as a second phase of development, accessed by crossing the creek (discussed further below). The road network has been slightly revised to remove an acute bend and additional land has been provided adjacent to the existing storm pond for Storm Water Management purposes.

#### Lots 132 to 142 East of the Creek

As noted above, the applicant is no longer pursuing the extension of Robellino Court and has proposed accessing the lands to the east of the creek by way of a public road crossing the watercourse. It is proposed that the road traversing the creek and the lots east of the creek would be a second phase of development. To accommodate this, it is being proposed that the portion of the road on the phase one lands would be shown as a future road (including daylighting triangles) on the registered plan. If the recommendations of this report are approved, only the phase one lands would be draft approved at this time. Similarly, only the phase one lands would be included in the zoning by-law amendment. At such time as the background work to support development on the east side of the creek is completed to the Town's satisfaction, and all other issues have been addressed, staff would prepare a further report to Council with a recommendation relating to its appropriateness. If the recommendation is for approval, a further zoning bylaw will be brought forward for these lands and would be subject to appeals under the Planning Act. If the Phase 2 lands do not proceed, the road allowance leading to the Phase 2 lands would be repurposed as a single family residential lot.

#### Statutory Public Meeting

Council held the required statutory Public meeting on April 8, 2013 and public comments focused on the following:

- Lotting is within the Regulatory area of the LSRCA for the lots east of the creek
- Traffic Issues: Entry points for the subdivision and emergency access; pedestrian safety; proper data collection coinciding with school peak activity times;

- Noise issues related to Bodycote
- Soccer club – there is a desire from the soccer club to ensure any new residents are aware that the soccer club is adjacent to the proposed development.

#### Lots East side of the Creek

A comment was made regarding the floodplain on the east side of the creek and the ability to lot this parcel of land. As noted above it is proposed that the lands on the east side of the creek be a future phase of development. While the principle of development appears to be appropriate for these lands, appropriate access has not been resolved. The LSRCA have approved a 15 meter vegetative buffer for the west side of the creek from the typical 30 metres required. The LSRCA are reviewing the appropriateness of a reduction to the required buffer on the east side. At such time as all issues have been addressed, a further report will be brought forward to Committee of the Whole with a recommendation for these lands.

#### Traffic Issues

##### *Access to the North*

The revised draft plan submitted for the development continues to not provide vehicular access to the north to connect to Quaker Trail. The approved traffic study does not identify the need for additional access to this subdivision. The report is based on access from Dillman Avenue only with emergency access from Newpark Boulevard. According to the traffic study, vehicular movements from the subject lands will function appropriately.

##### *Traffic and Traffic Safety*

Concerns were raised regarding the impact this proposal will have on the level of traffic on Kingsmere Avenue and Dillman Avenue. A further concern was brought forward that the traffic study did not take into account the appropriate times when the schools in the vicinity let out.

A revised Traffic Impact Study had been prepared and reviewed by RJ Burnside and Associates and Engineering Services. The revised report looked at capacity analysis, additional data collection based on school peak activity, pedestrian activity and had the following findings:

- No capacity issues were identified during am, roadway pm and school pm peak period under existing, and total (2019) traffic conditions.
- Site traffic is not expected to add significant impact on pedestrian activities considering low traffic demand, sufficient traffic control and warning measures and the reserved capacity on road network.
- The existing and proposed sidewalks provide good linkage from subject site to the adjacent school.
- Newpark Boulevard will be terminated with the implementation of a proposed cul-de-sac at the western limit of the site boundary, as indicated in the site plan.

The submitted Traffic Report has been peer reviewed by RJ Burnside and found to be acceptable.

#### 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 use (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. To date discussions have been occurring with the developer and representatives of Bodycote. While there has not been finality to the issue, staff are satisfied that the issue of noise mitigation can be addressed through an appropriate draft plan condition that requires the developer to satisfy the Town with regards to any mitigation proposed.

#### Soccer Club

As noted above, a representative from the Newmarket Soccer Club indicated they wanted assurances that any new residents are aware of the proximity of the Soccer Club and the activities that occur there. A notice provision can be inserted into the required subdivision agreement, if this proposal is approved, that obligates the developer to provide notice to any new homeowner of the soccer club's proximity.

#### Parkland

A 0.90 hectare park is being proposed in the southwest corner of the proposed draft plan and a 0.29 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 parcel 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. This Block has been redlined on the plan to read "Open Space" and will not be considered parkland dedication under the Planning Act. The proposed park on the west side (Block A) would suffice for a neighbourhood park as defined in the Parks Policy Development Manual. This block, at 0.9 hectares represents 6.5% of the land area however, some of this block will not be suitable for park purposes as it is required to be bermed for noise mitigation purposes. Staff will ensure the 5% parkland dedication as provided for under the Planning Act is achieved for this site through land, cash in lieu or a combination of both.

#### 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 Open Space (OS) zones to implement the plan. As the recommendations of this report propose to allocate servicing to this development, the Holding (H) provisions of the Planning Act will not be required in the event the property is rezoned. If Council do not allocate servicing to the proposed development, the Holding provision will be utilized.

#### Servicing Allocation

The Town currently has a servicing allocation reserve of 4444 people. This amount reflects the 2013 reserve, less allocation recently granted to the Mosaik draft plan, plus the post-2013 assignment recently granted to the Town from the Region. If the recommendations of this report are adopted, the Town will be left with a reserve of 4015 people (4444 – 429) of which 1000 is to be dedicated to the Regional Centres as per the recent assignment from the Region.

#### Other Community Benefits

In addition to contributing to the development of the Town's trail system through the Servicing Allocation Policy's trail contribution program, the developer has also agreed to provide \$500 towards the Town's Public Art Program, and to provide \$50,000 to be directed to funding a new community sign to be located along Highway 404.

#### 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 the Provincial Policy Statement (2005).

### **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

### **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.

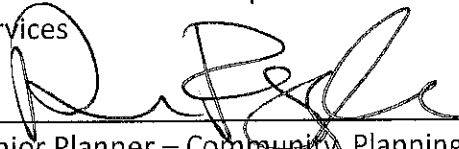
### **CONTACT**


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

### **Attachments**

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

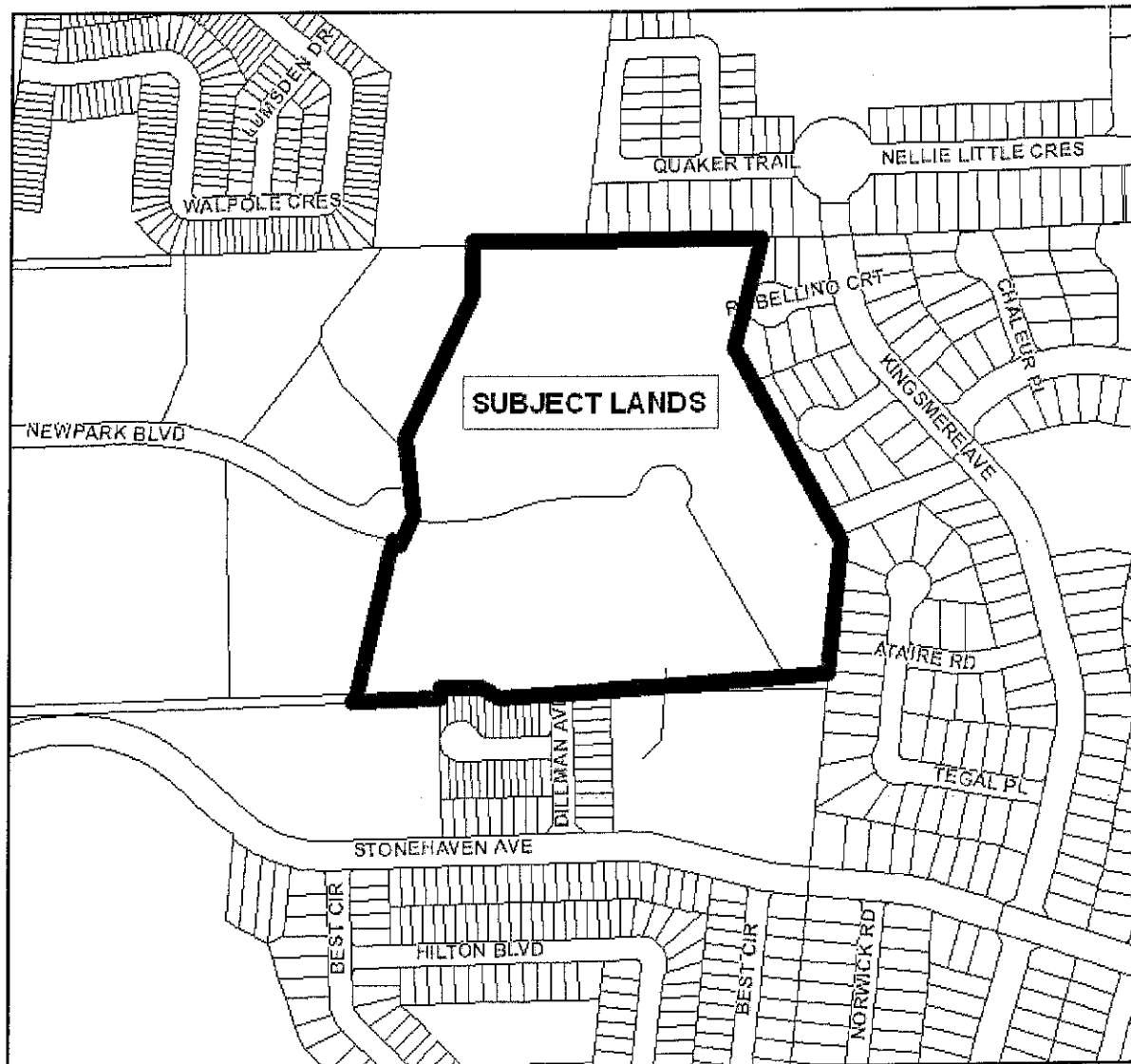
  
\_\_\_\_\_  
Commissioner Development and Infrastructure  
Services

  
\_\_\_\_\_  
Senior Planner – Community Planning

  
\_\_\_\_\_  
Director of Planning and Building Services

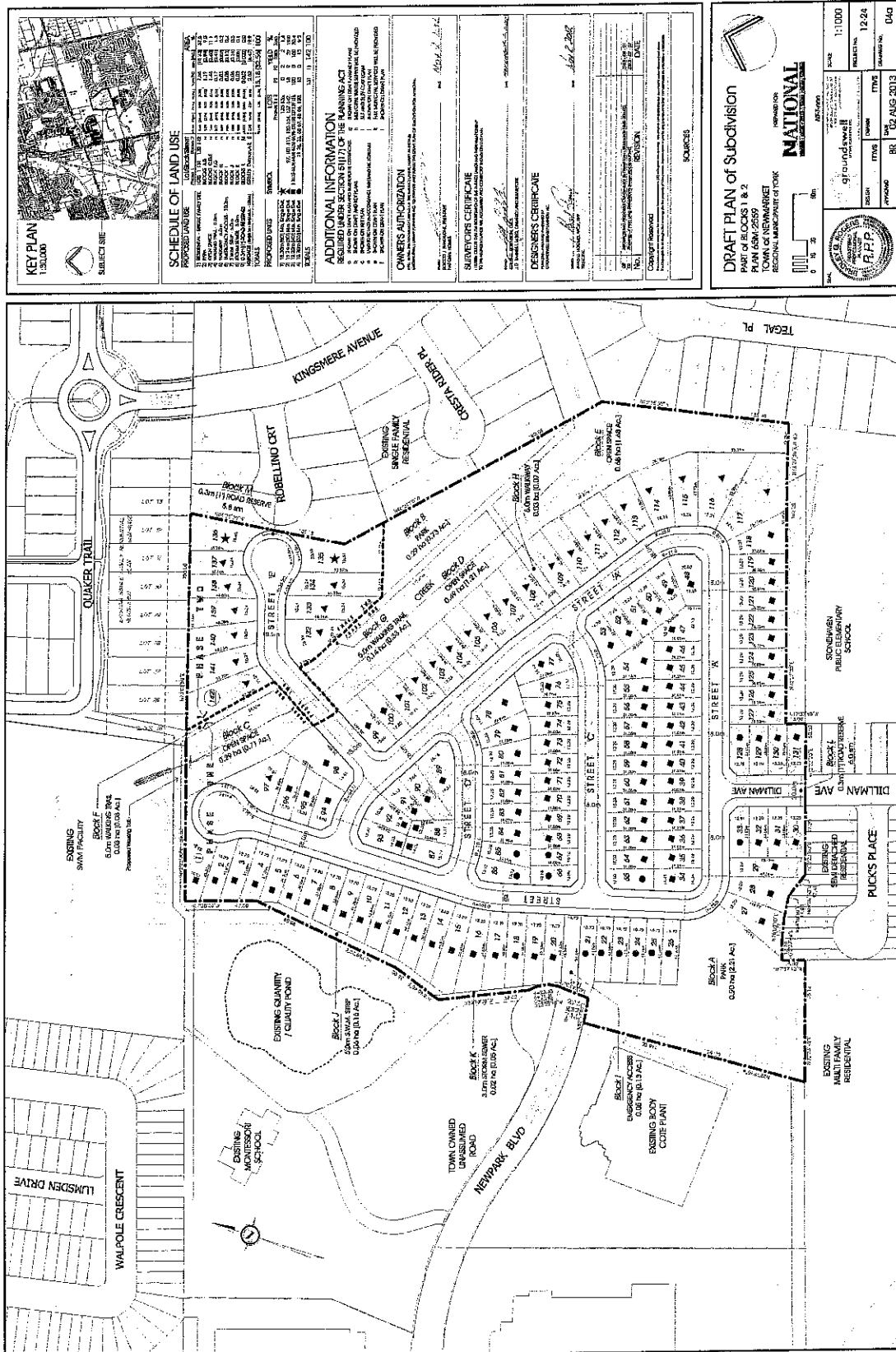
## LOCATION MAP

**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 Support; 2007 Copr Ortho Imagery - © J.D. Jones Limited, 2007 Orthophotography; Land Parcel Boundaries - © Telesat Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2009: An official boundary - Geomatics Division, Planning and Development Services Department © The Regional Municipality of York, 2009. DISCLAIMER: This mapping is based on the POLARIS parcel data products compiled using Land Registry system records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 1

**THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR  
TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION  
19TN 2005 004 ARE AS FOLLOWS:**

**General**

- (1) That draft approval shall relate to Phase 1 of the draft plan of subdivision prepared by Groundswell Urban Planners Inc., dated November 2, 2012 (revised August 20, 2013 showing Lots 1 through 131 inclusive for single detached units, Block A for park purposes, Blocks B, C, D and E for open space purposes, Blocks F, G, H and I for walkway and trail purposes, Block J for emergency access, Blocks K and L for Storm Water purposes, Block M for a 0.3 metre reserve and Streets A, B, C, D and E.
- (2) The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (3) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (4) Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town of Newmarket, without monetary consideration and free of all encumbrances, to be held by the Town of Newmarket until required for future road allowances or the development of adjacent lands.
- (5) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the *Planning Act*.
- (6) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 2

Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it may be necessary to amend or revise the other conditions of draft approval accordingly.

- (7) The Owner shall agree in the Subdivision Agreement to convey to the Town, without monetary consideration and free of all encumbrances, the following lands: Block A for Parks purposes; Blocks B, C, D and E for Natural Heritage and Open Space purposes; Further, the Owner shall include a clause in all offers of purchase and sale and within the subdivision agreement, in wording acceptable to the Town, for all lots or blocks abutting said open space and Natural Heritage areas, advising of their function and that these areas will be left in their natural state to contribute to that function.
- (8) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.
- (9) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (10) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (11) The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*. The Holding provisions of Section 36 of the *Planning Act* may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the *Planning Act*. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 3

- (i) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;
- (ii) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;
- (iii) All necessary approvals have been received from all other agencies and/or government bodies;
- (iv) Represents a logical and orderly progression of development; and;

such other matters as may be deemed appropriate by the Council of the Town of Newmarket.

- (12) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (13) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree with one of suitable species, health and size to the satisfaction of the Town of Newmarket.
- (14) The Owner shall agree in the Subdivision Agreement that all lots or blocks to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the Subdivision Agreement that the balance of lands subject to later phases of

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 4

development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.

- (15) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape, boulevard planting, pedestrian linkages, bicycle paths, entrance features and architectural compatibility within the development and with adjacent development.
- (16) The Owner shall agree in the subdivision agreement to establish an urban design/architectural review and implementation protocol to be carried out during the construction of the plan to the satisfaction of the Town of Newmarket
- (17) As part of the first Engineering Design Submission and prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a Professional Consulting Engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site.

The report shall address both water quantity and quality and shall include the lands which are subject to this draft plan of subdivision along with the lands in phase 2 located along Street E. The stormwater management design shall adhere to the Town Standards in effect at the time the design is submitted to the Town.

The report or reports shall confirm the expected water levels in the existing storm channel by modelling the catchment area with realistic impervious values.

The report or reports shall model the stormwater flows from this subdivision using a minimum impervious value of 50% (runoff coefficient of  $C = 0.55$ ) with 20% of the impervious area to be modelled as directly connected to the storm sewer system.

The grading and storm sewer designs shall provide conveyance of the minor and major storm events such that flows from all storms shall be conveyed and



## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 5

contained on public lands only. This may require oversizing of the storm sewers and inlets to convey the major storm. The design of emergency outlets to protect private property shall also be carried out.

The report or reports shall also detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair, during the construction and maintenance period, in a manner satisfactory to the Town of Newmarket.

- (18) The Owner shall be responsible for all costs associated with the design and reconstruction of the existing stormwater management pond located immediately adjacent to and external to this subdivision as necessary to enable the pond to accept the flows from this development in accordance with current Town Standards.
- (19) The Owner shall be responsible for the all costs associated with the design and construction of a sanitary sewer system to accommodate flows from this development in accordance with Town Standards and shall construct all sewers required to divert flows from MH 3146 located in the proposed turning circle on Newpark Boulevard for the purpose of diverting flows from Dillman Avenue and Puck's Place to the Bogart Sanitary Pumping Station.
- (20) The Owner shall be responsible for all costs associated with the design and construction of a new turning circle on Newpark Boulevard immediately west of this plan of subdivision.
- (21) The Owner shall be responsible for all costs associated with the design and construction of a paved trail extending from existing Block 288 along Blocks F, G, H and I as shown on the Draft Plan of Subdivision, through the retrofitted stormwater management pond and connecting to the existing soccer club property.
- (22) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 6

function of the area and that the area will be left in its natural state to contribute to that function.

- (23) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (24) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (25) Prior to final approval, the Owner shall have a Professional Consulting Traffic Engineer prepare, to the satisfaction of the Town of Newmarket and the Regional Municipality of York, a Traffic Report and Impact Study. The report shall address the internal and external traffic implications of this development, including but not limited to the functional classification and design of roadways proposed within this draft plan of subdivision and confirmation that the proposed road configuration can safely provide for vehicular, transit and pedestrian traffic. The report shall identify any external road improvements required for this subdivision, make recommendations for on-street parking locations and prohibitions, and provide an analysis of sight distances and stopping distances. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and measures of the said Traffic Report and Impact Study as accepted by the Town of Newmarket.
- (26) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 7

Impact and Attenuation Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.

- (27) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.
- (28) In the event that the Phase 1 ESA identifies the potential for any Hazardous Substance on, near or adjacent to the Plan, prior to Final Approval a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property or any affected lands nearby, and/or any other measures as deemed appropriate, shall be done to the satisfaction of the Town and any other governmental body having jurisdiction. Where a Phase 2 Environmental Site Assessment is required, it shall be done to CSA Standard CAN/CSA-Z769-00 under O.Reg. 153/04, or a successor thereto. The Owner shall agree in the Subdivision Agreement to implement such measures and/or any site clean-up and any related studies, reports and remediation plans and other requirements in accordance with all applicable Environmental Law, and at the Owner's sole expense.
- (29) The Owner shall agree in the Subdivision Agreement that where a Phase 1 ESA has been undertaken within the Plan, that did not identify any potential for any Hazardous Substance but where subsequent investigations identify

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 8

Hazardous Substances on the lands within the Plan, a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property shall be carried out at the sole expense of the Owner, and to the satisfaction of the Town prior to any transfer of the lands and/or construction or development.

- (30) The Owner shall agree in the Subdivision Agreement that all Environmental studies, reports, assessments and certifications shall be subject to Peer review by the Town, at the Owner's expense.
- (31) The Owner shall agree in the Subdivision Agreement that in the event that a Hazardous Substance has been determined to exist on, or adjacent to, any portion of the Property intended to be conveyed to the Town, the Town, without relieving the Owner of the requirement to complete the transfer, may in its sole discretion instruct the Owner to do, one or more of the following:
  - (i) defer the transfer of some, or all, of the Property until such time as the clean-up requirements or other measures described herein have been completed to the Town's satisfaction;
  - (ii) provide a cash payment or other additional securities to guarantee the clean-up of the Property;
  - (iii) issue a stop work order on all construction and development related to a portion of, or the entire Plan of Subdivision;
  - (iv) undertake a Risk Assessment and/or provide a Record of Site Condition, in accordance with Ontario Regulation 153/04 under the Environmental Protection Act or a successor thereto;
  - (v) defer registration of a portion of, or the entire Plan of Subdivision;  
and
  - (vi) amend the Draft Conditions of Approval for the Plan of Subdivision to deal with any unforeseen environmental issues,

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 9

Further, the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out any of the foregoing, as may be directed by the Town. The Owner further agrees to cooperate with the Town in regards to their implementation.

- (32) Prior to any site grading and prior to final approval, a Study shall be prepared by a from a Qualified Person (QP) as defined by the Ministry of the Environment, that identifies and documents all sites and buildings of historical and/or archeological significance, and specifies preservation strategies for such sites and buildings within the Plan. This Study shall be prepared to the satisfaction of the Director of Planning and Building Services, in consultation with the Ministry of Tourism, Culture and Sport. Where suitable, such sites and/or buildings shall be incorporated into the development in a manner appropriate to their historical and/or archeological significance. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the said Study, as accepted by the Town.
- (33) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, any additional studies as may be required.
- (34) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (35) Such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (36) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction of the Director Engineering Services, planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 10

recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature.

Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (37) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (38) The Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the Owner shall agree in the Subdivision Agreement that no building permits will be applied for, or issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 11

- (39) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (40) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement.
- (41) The Owner shall agree in the subdivision agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
  - (a) the latest version of the approved draft plan;
  - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
  - (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and
  - (d) any other requirements as may be set out in the Subdivision Agreement.

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 12

and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (42) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (43) Prior to final approval, the York Region District School Board shall have confirmed to the Town of Newmarket that pupil places exist within the Town of Newmarket for all pupils emanating from the subdivision.
- (44) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
  - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
  - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (45) The Owner shall agree in the Subdivision Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the Plan of Subdivision and provide said containers to each purchaser at the time of occupancy.
- (46) The Owner shall include a clause in all offers to purchase and sale and within the Subdivision Agreement, in wording acceptable to the Town, for all lots or blocks which contain slopes in rear yards or side yards of 3:1 or steeper, advising of the impacts on the lot useable amenity areas.
- (47) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:
  - (a) Mail from a Community Mailbox;
  - (b) Street trees;



## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 13

- (c) Traffic Calming Measures;
- (d) Lots fronting on a collector road;
- (e) Transit Routes;
- (f) Temporary Cul-de-sacs and Turning Circles;
- (g) Proximity to Active Farms and Agricultural Uses;
- (h) Stormwater Management Facilities;
- (i) Subdivision Design Features and Landscaping Features and/or Special Features;
- (j) Noise;
- (k) Illumination of Athletic Fields;
- (l) Lands abutting a trail system;
- (m) Open Space Lands to remain in their natural state;
- (n) Extended Footings and Engineered Fill;
- (o) Lot Grading and Preservation of Existing Vegetation;
- (p) Basement Walk-outs and Access to Rear Yard;
- (q) Rear Lot Catch basins;
- (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
- (s) Carbon Monoxide Detectors.
- (t) Lands in proximity to Industrial Uses

- (48) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special fencing, other special features or devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks. The Owner shall agree in the Subdivision Agreement to guarantee the perpetual maintenance of the said Features, where required by the Town, with respect to the cost of maintenance and periodic renewal/replacement of such Features, and to provide for or maintain such Special Features in perpetuity. The Owner shall further agree in the Subdivision Agreement to provide easements in favour of the Town, for the purposes of maintenance, where required.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 14

**Regional Municipality of York Conditions**

- (49) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (50) Prior to final approval York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (51) The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (52) Prior to final approval, a functional servicing report that includes water and wastewater servicing and drainage plans shall be submitted to York Region for review. The wastewater servicing plan shall clearly identify any external areas services by the proposed development and the water servicing plan shall clearly identify any pressure reducing valves, if required.
- (53) Prior to final approval, the General Plan of services drawing shall be submitted to the Capital Planning and Delivery Branch for review.
- (54) The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system required Regional approval prior to construction. Engineering drawings showing details of the connection shall be submitted for approval.
- (55) Prior to final approval, should any of the following land uses be proposed in association with the draft plan of subdivision application, York Region requires the completion and submission of a Risk Determination and Risk Management Plan to the Water Resources Branch of the Environmental Services Department. These land uses include the storage or manufacture or use of:

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 15

- a. Petroleum-based fuels and or solvents;
- b. Pesticides, herbicides, fungicides or fertilizers;
- c. Construction equipment;
- d. Inorganic Chemicals;
- e. Road salt and contaminants as identified by the Province;
- f. The generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
- g. Organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
- h. Snow storage and disposal facilities.

The Risk Assessment and Risk Management Plan documents must follow the York Region document *Guidance for Conducting Risk Assessments and Preparing Risk Management Plans for Source Water Protection (May 2011)*.

- (56) Given the proximity of the subject site to York Region municipal production wells, prior to final approval, the Owner shall conduct a subsurface investigation to identify any need for dewatering and/or groundwater depressurization, and where applicable, submit a detailed dewatering plan prepared by a qualified professional to the Region for approval.
- (57) Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- (58) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law #2012-36.

**Lake Simcoe Region Conservation Authority**

- (59) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority and the Town of Newmarket:
  - A detailed Stormwater Management Report that provides enhanced protection (level 1) Quality Control for the subject development in accordance with MOE's Stormwater Management Planning and Design Manual as per Lake Simcoe Protection Policies (LSPP) 4.9-DP and

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 16

consistent with the Functional Servicing Report completed by Caandevcon (revised July 2013) and related correspondence dated September 19 and 20, 2013 to LSRCA.

- A detailed Erosion and Sedimentation Control Plan
- A detailed Grading and Drainage Plan
- A detailed phosphorus budget and water balance fulfilling Designated Policy 4.8(d)(e) of the LSPP

- (60) Prior to final approval and any major site alteration, a detailed Environmental Restoration Plan for Bogart Creek shall be prepared to the satisfaction of the LSRCA that demonstrates that required improvements to riparian vegetation and fish passage.
- (61) The Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and requirements contained within the plans, reports and studies set out above as approved by the LSRCA.
- (62) The Owner shall agree in the subdivision agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the LSRCA.
- (63) The Owner shall agree in the subdivision agreement that the operator of any new stormwater management works be required to inspect and maintain the works on a periodic basis, and to monitor the operation including the quality of the effluent from the works as per 4.10 and 4.11 – DP of the Lake Simcoe Protection Plan.
- (64) The Owner shall agree in the subdivision agreement to maintain all existing vegetation up until a maximum of 30 days prior to any grading of construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (65) The Owner shall agree in the Subdivision Agreement that any easements required for stormwater management purposes shall be granted to the Town of Newmarket.
- (66) Prior to any site alteration, proper erosion and sediment control measures must be in place in accordance with approved Grading and Drainage Plan, and Erosion and Sediment Control Plan.

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 17

- (67) That prior to any site alteration and grading within the area regulated under Ontario Regulation 179/06 of the Conservation Authorities Act that a permit from LSRCA. be obtained.
- (68) That Prior to final approval, the Owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the *Conservation Authorities Act*.

**Newmarket Hydro**

- (69) The Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such lands and/or easements as may be required, at no cost and free from encumbrances.

**Bell**

- (70) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

**Canada Post**

- (71) The Owner shall agree in the subdivision agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (72) The Owner shall agree in the subdivision agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (73) The Owner shall agree in the subdivision agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
  - (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;

## APPENDIX "A"

Conditions of Draft Approval  
 Plan of Subdivision 19TN 2005 004  
 National Homes (Newmarket) Inc.  
 Page 18

- (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
- (c) any required curb depressions for wheelchair access.
- (74) The Owner agrees in the subdivision agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 73 is completed at the permanent Community Mailbox site location(s).

Other

- (75) Final approval for registration may be issued in phases provided that:
  - a) phasing is proposed in an orderly progression; and
  - b) all agencies agree to registration by phases and provide clearances as required in Conditions 77 to 81 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (76) The Town of Newmarket shall advise that Conditions 1 to 48 inclusive and Conditions 75 to 81 inclusive have been satisfied.
- (77) The Region of York shall advise that Condition 3 and Conditions 49 to 58 inclusive have been satisfied.
- (78) The Lake Simcoe Region Conservation Authority shall advise that Conditions 59 to 68 inclusive have been satisfied.
- (79) Newmarket Hydro shall advise that Condition 69 has been satisfied.
- (80) Bell shall advise that Condition 70 has been satisfied.
- (81) Canada Post shall advise that Conditions 71 to 74 inclusive have been satisfied.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2005 004  
National Homes (Newmarket) Inc.  
Page 19

ISSUED at Newmarket this      day of                      , 2013.

---

Richard Nethery, B.E.S., M.C.I.P., R.P.P.  
Director of Planning and Building Services

NOTE: WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT ITS DISCRETION, AND PURSUANT TO THE PLANNING ACT, R.S.O. 1990, WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF SUBDIVISION, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE APPROVAL.







**CORPORATE SERVICES – LEGISLATIVE SERVICES – CLERK'S**  
**TOWN OF NEWMARKET**  
 395 Mulock Drive  
 P.O. Box 328  
 Newmarket, ON L3Y 4X7

www.newmarket.ca  
 info@newmarket.ca  
 905.895.5193

October 21, 2013

## **CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT – 2013-45**

**TO:** Committee of the Whole

**SUBJECT:** Amendment to Parking By-law to Regulate Parking on Boulevards, Front Yards and Side Yards

**ORIGIN:** Andrew Brouwer, Director, Legislative Services/Town Clerk & Supervisor of Bylaws

### **RECOMMENDATIONS**

**THAT Corporate Services Report – Legislative Services 2013-45 dated October 21 2013 regarding "Regulate Parking on Boulevards, Front Yards, and Side Yards By-law" be received and the following be enacted;**

- 1. THAT an amendment to Parking By-law to regulate parking on boulevard, front yards and side yards be adopted;**
- 2. AND THAT staff be directed to apply to the Attorney General's Office for judicial approval of a set fine order in the amount of \$100.00 for the offence of parking on boulevards, front yards and side yards when the amended Parking By-law has been enacted.**

### **DISCUSSION**

Staff regularly receives complainants regarding illegally parked vehicles on boulevards, front yards and side yards. This issue was recently raised as part of the review of the Accessory Dwelling Unit By-law.

In an effort to streamline the current process and to enhance customer service an amendment to the Parking By-law would allow officers to issue a parking ticket to the vehicle in violation by simply affixing it to the windshield of the vehicle.

Currently By-law Officers enforce front yard parking issues through Property Standards By-law and illegally widened driveways through the Zoning By-law. When a complaint is received or a violation is observed, a By-law Officer attends the property to investigate the complaint. If a vehicle is parked in violation, the property owner and /or tenant(s) receive a notice advising of the offence and a request that the violation cease. If the violation continues, the Officer is required to pursue a Part 3 (summons) under the *Municipal Act*. A part 3 Summons requires that the property owner or vehicle operator appear in court and have the matter heard before a Justice of the Peace; a time consuming and resource intensive process.

Currently, the municipalities of London, Kitchener, Waterloo, Guelph, Oshawa, St Catharines, Richmond Hill and Kingston have enacted provisions to restrict parking on boulevards, front yards and side yards and have shown to be an effective approach in addressing these types of offences.

Should Council endorse staff's recommendation, staff would provide for a period of education and communication prior to enforcement. This will include the issuance of warning tickets and notice in the Town page, social media and outreach to rate payer groups.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

### **CONSULTATION**

The municipalities of London, Kitchener, Waterloo, Guelph, Oshawa, St Catharines, Richmond Hill and Kingston were consulted. Engineering Department staff were also consulted.

### **HUMAN RESOURCE CONSIDERATIONS**

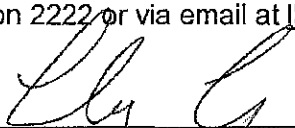
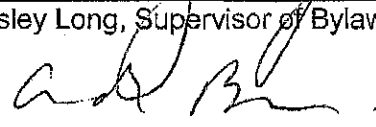
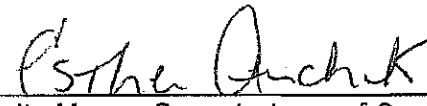
There are no human resources considerations related to this report.

### **BUDGET IMPACT**

Similar fines in other municipalities range from \$25 - \$150 and it is recommended that the Town establish a fine of \$100.00. (subject to approval by Attorney General's Office). This may assist in deterring persons from parking on boulevards, front yards, and side yards. It is anticipated that there will be a positive impact on the budget; however, it is difficult to estimate the number of tickets that will be issued in relation to non-compliance. The 2015 budget will present the opportunity for a more realistic budget to be reflected.

### **CONTACT**

For more information on this report, contact Lesley Long, Supervisor of Bylaws, 905-953-5300, extension 2222 or via email at [llong@newmarket.ca](mailto:llong@newmarket.ca).

  
\_\_\_\_\_  
Lesley Long, Supervisor of Bylaws  
\_\_\_\_\_  
Andrew Brouwer, Director, Legislative Services/ Town Clerk  
\_\_\_\_\_  
Anita Moore, Commissioner of Corporate Services



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-54

A BY-LAW TO AMEND BY-LAW 1993-62, AS AMENDED BEING A BY-LAW TO REGULATE PARKING WITH IN THE TOWN OF NEWMARKET,  
(Regulate Parking in Unauthorized Areas)

WHEREAS Bylaw 1993-62 was enacted to regulate parking within the Town of Newmarket and has been amended by various by-laws;

AND WHEREAS the Council of the Corporation of the Town of Newmarket finds it appropriate to regulate parking in unauthorized areas.

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

1. THAT By-law 1993-62, as amended, be amended by adding the following definitions in Section 1:
  - 1.40 "Boulevard" – means that portion of the highway located between the edge of the roadway and the property line of the highway which may include the untraveled portion of any highway, grassed/gravelled or paved area, ditches, sidewalks and paved paths.
  - 1.41 "Front Yard" - means a yard extending across the full width of a lot between the front line and the nearest wall of the principal building or structure on the lot.
  - 1.42 "Lot Line" - means a boundary of a lot including its vertical projection.
  - 1.43 "Officer" – a Police Officer as defined under the *Police Services Act*, R.S.O. 1990, c. P15, as amended, is an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the *Police Services Act*, as amended, or any other individual designated by the Town to enforce this By-law;
  - 1.44 "Rear Yard" – means a yard extending across the full width of a lot between the rear Lot Line and the nearest main wall of any main building or structure on the Lot;
  - 1.45 "Side Yard" – means a yard extending from the Front Yard to the Rear Yard of a lot and between a side Lot Line and the nearest main wall of any building or structure on the lot;
  - 1.46 "Unauthorized Area" – means:
    - (a) a Front Yard or Side Yard, except as otherwise permitted under the Town's Zoning By-law 2010-40, as amended
    - (b) the Boulevard, except where parking, standing, or stopping is authorized by Town of Newmarket by-law; and,
  - 1.47 "Yard" – means an open space on a lot appurtenant to a building and unoccupied by buildings or structures.
2. AND THAT Section 32 of By-law 1993-62 as amended, be amended by deleting Parking Permit Zones and by adding the following in Section 32 Parking in Unauthorized Areas:
  - 32.1 No person shall park, stand or stop a motor vehicle in an Unauthorized Area





# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-50

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (National Homes)

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

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

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

- Deleting from 2010-40 Schedule "A", Map No.19, the Transition (TR) Zone on Part of Lot 29, Concession 11, EYS and substituting therefore on Schedule 'A' Map No. 19 the

Residential Detached Dwelling 15m (R1-D-120) Exception Zone;  
Residential Detached Dwelling 12.0 m (R1-E-120) Exception Zone  
Residential Detached Dwelling 9.7 m (R1-F-120) Exception Zone  
Open Space (OS-1) Zone; and,  
Environmental Protection (OS-EP) Zone

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

- Adding the following regulations relating to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference	File Reference
120	R1-D-EX, R1-E-EX, R1-F-EX	19	2013-50	19TN.2005.004; D14-NP12 29/ D12-NP12 29
i) Location: ii) Legal Description: Part of Lot 29, Concession 11, EYS iii) Development Standards:				
	R1-D-X	R1-E-X	R1-F-X	
Min Lot Area	n/a	n/a	n/a	
Min lot Frontage	15m	12m	10m	
Min lot depth with a sidewalk	26m			
Without a sidewalk	25m			
Min front yard	4.5m			
With a sidewalk	3.5m			
Without a sidewalk	7.0m			
Min rear yard	6.5m			
If one storey dwelling				
e)Side yard setbacks				
one side	1.2m		0.6m	
other side	0.6m		0.6m	
Min building separation	1.2m			
Max building height	11m			
Max driveway width(*7)	6.0m			5.5m
Min driveway length (*11)(*12)	10m			10m

- (a) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 5.0 metres.

- (b) Permitted Encroachments:

An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 3.0 metres into the required front yard and 1.5 metres into the required exterior side yard and shall be permitted to have a maximum permitted height of 4.5 metres measured from the established grade to the underside of the rafters or ceiling of the porch, however, in no case shall the porch or steps be closer than 1.5 metres from the front lot line.

Bay or box windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metres into the required front yard, rear yard or exterior side yard for a maximum width of 4.0 metres. In addition, a bay or box window projection into the required rear yard may include a door.

Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.5 metres into any required yard.

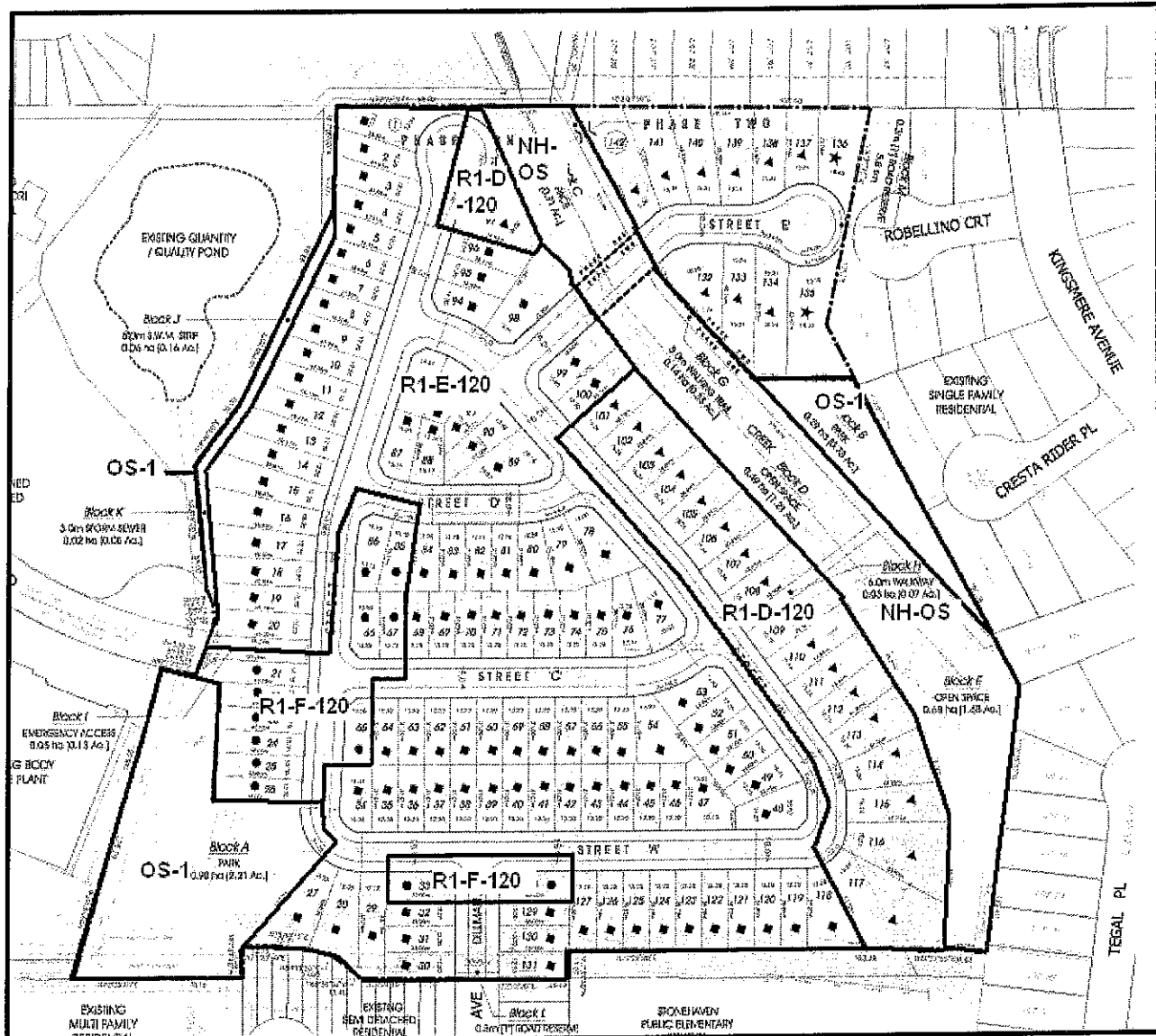
- (c) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0 m from the lot line of the flanking street. Further, where any driveway and/or garage faces the exterior side yard, the minimum driveway length provisions shall apply from the flanking street.
- (d) On a corner lot where a daylighting triangle or rounding has been conveyed to the public authority, the exterior side lot line and the front lot line shall be deemed to be the continued projection of the exterior side lot line and the front lot line to a point of intersection, for the purposes of calculating the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
3. AND THAT all other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law;

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

**TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK  
PART OF BLOCKS 1 AND 2, PLAN 65M-2559**



**SCHEDULE 'X' TO BY-LAW 2013-50  
TOWN OF NEWMARKET  
PLANNING AND BUILDING SERVICES**

This is Schedule 'X' to  
By-Law 2013-50

Passed this \_\_\_\_\_  
Day of \_\_\_\_\_

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_







## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-54

A BY-LAW TO AMEND BY-LAW 1993-62, AS AMENDED BEING A BY-LAW TO REGULATE PARKING WITH IN THE TOWN OF NEWMARKET,  
(Regulate Parking in Unauthorized Areas)

WHEREAS Bylaw 1993-62 was enacted to regulate parking within the Town of Newmarket and has been amended by various by-laws;

AND WHEREAS the Council of the Corporation of the Town of Newmarket finds it appropriate to regulate parking in unauthorized areas.

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

1. THAT By-law 1993-62, as amended, be amended by adding the following definitions in Section 1:
  - 1.40 "Boulevard" – means that portion of the highway located between the edge of the roadway and the property line of the highway which may include the untraveled portion of any highway, grassed/gravelled or paved area, ditches, sidewalks and paved paths.
  - 1.41 "Front Yard" - means a yard extending across the full width of a lot between the front line and the nearest wall of the principal building or structure on the lot.
  - 1.42 "Lot Line" - means a boundary of a lot including its vertical projection.
  - 1.43 "Officer" – a Police Officer as defined under the *Police Services Act*, R.S.O. 1990, c. P15, as amended, is an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the *Police Services Act*, as amended, or any other individual designated by the Town to enforce this By-law;
  - 1.44 "Rear Yard" – means a yard extending across the full width of a lot between the rear Lot Line and the nearest main wall of any main building or structure on the Lot;
  - 1.45 "Side Yard" – means a yard extending from the Front Yard to the Rear Yard of a lot and between a side Lot Line and the nearest main wall of any building or structure on the lot;
  - 1.46 "Unauthorized Area" – means:
    - (a) a Front Yard or Side Yard, except as otherwise permitted under the Town's Zoning By-law 2010-40, as amended
    - (b) the Boulevard, except where parking, standing, or stopping is authorized by Town of Newmarket by-law; and,
  - 1.47 "Yard" – means an open space on a lot appurtenant to a building and unoccupied by buildings or structures.
2. AND THAT Section 32 of By-law 1993-62 as amended, be amended by deleting Parking Permit Zones and by adding the following in Section 32 Parking in Unauthorized Areas:
  - 32.1 No person shall park, stand or stop a motor vehicle in an Unauthorized Area

32.2 No person shall permit the parking, standing or stopping of a motor vehicle in an Unauthorized Area.

ENACTED THIS 12TH DAY OF NOVEMBER 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk



# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-55

A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWN OF NEWMARKET.

(Planning Department Application Fees)

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

AND WHEREAS some fees and charges are authorized by the *Planning Act* R.S.O. 1190cP.13, as amended;

AND WHEREAS Council enacted By-law 2012-82 to establish planning application fees for the Corporation of the Town of Newmarket;

AND WHEREAS it is deemed necessary to enact a new by-law setting out the Planning Department fees and charges and to repeal said By-law 2012-82.

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

1. THAT the fee structure of the Planning Department of the Corporation of the Town of Newmarket shall be as in Schedule 'A' attached hereto;
2. AND THAT should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the by-law shall continue in full force and effect;
3. AND THAT notwithstanding fees and charges prescribed in other legislation, this by-law supersedes all other Planning Application Fees by-laws;
4. AND THAT this by-law shall be referred to as the Planning Application Fees By-law and shall come into full force and effect on January 1, 2014 at which time By-law 2012-82 be repealed.

ENACTED THIS 12TH DAY OF NOVEMBER 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted after Sept. 15/2006.</b>						
Official Plan Amendment	each	\$ 20,761.87	\$ 21,384.72	\$ 2,780.01	\$ 24,164.73	3%
Zoning By-law Amendment	each	\$ 18,097.43	\$ 18,640.35	\$ 2,423.25	\$ 21,063.60	3%
Subdivision - Residential	Base fee	\$ 65,966.00	\$ 67,944.98	\$ 8,832.85	\$ 76,777.83	3%
	Plus per unit	\$ 170.78	\$ 175.90	\$ 22.87	\$ 198.77	3%
Subdivision - Commercial	Base fee	\$ 70,776.67	\$ 72,899.97	\$ 9,477.00	\$ 82,376.97	3%
	Plus per hectare	\$ 1,309.26	\$ 1,348.54	\$ 175.31	\$ 1,523.85	3%
Subdivision - Industrial	Base fee	\$ 72,740.64	\$ 74,922.86	\$ 9,739.97	\$ 84,662.83	3%
	Plus per hectare	\$ 327.32	\$ 337.14	\$ 43.83	\$ 380.97	3%
Subdivision - Institutional	Base fee	\$ 72,085.06	\$ 74,247.61	\$ 9,652.19	\$ 83,899.80	3%
	Plus per hectare	\$ 654.64	\$ 674.28	\$ 87.66	\$ 761.94	3%
Revision of Draft Plan Approval Requiring Circulation	each application	\$ 2,546.13	\$ 2,622.52	\$ 340.93	\$ 2,963.45	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

Department: Planning

Effective Date:

January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Revision to Conditions of Draft Approval	each application	\$ 2,546.13	\$ 2,622.52	\$ 340.93	\$ 2,963.45	3%
Extension of Draft Approval	each application	\$ 1,273.05	\$ 1,311.24	\$ 170.46	\$ 1,481.70	3%
Registration of each Phase of a Plan	each	\$ 1,273.05	\$ 1,311.24	\$ 170.46	\$ 1,481.70	3%
Site Plan - Residential	each	\$ 33,896.07	\$ 34,912.95	\$ 4,538.68	\$ 39,451.63	3%
	Plus per unit	\$ 170.78	\$ 175.90	\$ 22.87	\$ 198.77	3%
Site Plan - High Rise Office Commercial	Per 1,800 m <sup>2</sup> of gross floor area	\$ 11,091.71	\$ 11,424.47	\$ 1,485.18	\$ 12,909.65	3%
Site Plan - All Other	each	\$ 10,880.76	\$ 11,207.18	\$ 1,456.93	\$ 12,664.11	3%
Condominium - Residential	each	\$ 30,380.84	\$ 31,292.27	\$ 4,068.00	\$ 35,360.27	3%
	Plus per unit	\$ 170.78	\$ 175.90	\$ 22.87	\$ 198.77	3%
Condominium - All Other	each	\$ 7,623.34	\$ 7,852.04	\$ 1,020.77	\$ 8,872.81	3%
Removal of Holding (H)	each	\$ 3,373.05	\$ 3,474.24	\$ 451.65	\$ 3,925.89	3%
Part Lot Control	each	\$ 1,598.11	\$ 1,646.05	\$ 213.99	\$ 1,860.04	3%
Consent - Severance	each	\$ 5,681.13	\$ 5,851.57	\$ 760.70	\$ 6,612.27	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Consent - Other	each	\$ 3,787.87	\$ 3,901.51	\$ 507.20	\$ 4,408.71	3%
Minor Variance	each	\$ 1,270.28	\$ 1,308.39	\$ 170.09	\$ 1,478.48	3%
Special Committee of Adjustment Meeting for Emergent Issues	each	\$ 872.26	\$ 898.43	\$ 116.80	\$ 1,015.23	3%
Sign or fence By-law variance - within the jurisdiction of staff	each	\$ 76.22	\$ 78.51	\$ 10.21	\$ 88.72	3%
Sign or fence By-law variance or appeal to the Variance Committee	each	\$ 450.24	\$ 463.75	\$ 60.29	\$ 524.04	3%
Telecommunications Tower	each	\$ 10,725.71	\$ 11,047.48	\$ 1,436.17	\$ 12,483.65	3%
Application Reactivation Fee	each	\$ 575.38	\$ 592.64	\$ 77.04	\$ 669.68	3%
	Plus Annual Increase					
Woodlot Preservation Application (By-Law 2007-71)	per tree	\$ 115.08	\$ 118.53	\$ 15.41	\$ 133.94	3%
Tree Preservation, Protection, Replacement and Enhancement Policy Compensation	Based on the "Guide for Plant Appraisal" 9 <sup>th</sup> (or latest) edition established by the International Society of Arboriculture.					
Request for Support Resolution (Feed-In-Tariff Program)	Per Application	150	\$ 150.00	\$ -	\$ 150.00	0%
Peer Review and/or External Consulting Fees	Actual Cost					
Planning Administrative Fee	5% of consultant's fee					

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Referral of Plan to Ontario Municipal Board	each	\$ 125.00	\$ 125.00	\$ -	\$ 125.00	0%
Ontario Municipal Board Hearing Deposits	Ontario Municipal Board Hearing Deposits are due and payable upon the receipt of an appeal with respect to the application(s). The said deposit shall be paid by the applicant in a manner and amount to be determined by the Council of the Town of Newmarket. Fees incurred by the Municipality above and beyond the amount of the deposit required will be invoiced to and payable by the applicant. Should the fees incurred be less than the amount of the deposit required, the appropriate refund will be issued to the applicant.					
Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted prior to Sept. 15/2006.						
Draft Approval and Final Registration Coordination Fee (payable at time of draft approval)						
Industrial Subdivisions		\$ 18,507.62	\$ 19,062.85	\$ 2,478.17	\$ 21,541.02	3%
Residential Subdivisions (more than 30 lots)		\$ 18,517.14	\$ 19,072.66	\$ 2,479.45	\$ 21,552.11	3%
All other Subdivisions		\$ 13,881.39	\$ 14,297.84	\$ 1,858.72	\$ 16,156.56	3%
Coordination Fee for Engineering Drawing Submissions beyond 4 <sup>th</sup> Submission (payable at time of 5 <sup>th</sup> submission)						
Industrial Subdivisions		\$ 4,536.85	\$ 4,672.96	\$ 607.48	\$ 5,280.44	3%
Residential Subdivisions (more than 30 lots)		\$ 4,536.85	\$ 4,672.96	\$ 607.48	\$ 5,280.44	3%
All other Subdivisions		\$ 2,268.42	\$ 2,336.47	\$ 303.74	\$ 2,640.21	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Miscellaneous Items</b>						
Photocopies	each	\$ 0.82	\$ 0.84	\$ 0.11	\$ 0.95	3%
Zoning By-law Amendment (copy)	each	\$ 3.06	\$ 3.15	\$ 0.41	\$ 3.56	3%
Street Maps (36" X 42")	each	\$ 14.40	\$ 14.83	\$ 1.93	\$ 16.76	3%
Full Size Drawings (Copies)	each	\$ 14.40	\$ 14.83	\$ 1.93	\$ 16.76	3%
Zoning Maps	each	\$ 6.01	\$ 6.19	\$ 0.80	\$ 6.99	3%
Developments Pending Map	each	\$ 14.40	\$ 14.83	\$ 1.93	\$ 16.76	3%
Lot Map	each	\$ 14.40	\$ 14.83	\$ 1.93	\$ 16.76	3%
OPA	each	\$ 7.24	\$ 7.46	\$ 0.97	\$ 8.43	3%



**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Yonge Street Study	each	\$ 20.47	\$ 21.09	\$ 2.74	\$ 23.83	3%
Newmarket Official Plan 2006-2026 (Approved Version)	each	\$ 49.24	\$ 50.71	\$ 6.59	\$ 57.30	3%
Bylaw 1979 - 50	each	\$ 50.46	\$ 51.97	\$ 6.76	\$ 58.73	3%
Zoning Bylaw 2010-40	each	\$ 62.25	\$ 64.12	\$ 8.34	\$ 72.46	3%
Street Number Maps (set)	each	\$ 72.10	\$ 74.27	\$ 9.66	\$ 83.93	3%
Zoning Confirmation Letter	each	\$ 77.65	\$ 79.98	\$ 10.40	\$ 90.38	3%
Zoning Compliance Letters	each	\$ 131.77	\$ 135.73	\$ 17.64	\$ 153.37	3%
Newmarket Historic Downtown Community Improvement Plan (CIP)	each	\$ 12.02	\$ 12.38	\$ 1.61	\$ 13.99	3%
CIP Design Guidelines	each	\$ 6.01	\$ 6.19	\$ 0.80	\$ 6.99	3%
Oak Ridges Moraine (OPA)	each	\$ 42.05	\$ 43.32	\$ 5.63	\$ 48.95	3%
Oak Ridges Moraine (Zoning Bylaw)	each	\$ 6.01	\$ 6.19	\$ 0.80	\$ 6.99	3%
Owner Request for Change of Address	each		\$ 150.00	\$ 19.50	\$ 169.50	N/A





# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-56

A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWN OF NEWMARKET.  
(Fees and Charges – Fire Services)

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

AND WHEREAS Council enacted By-law 2012-83 to establish Fire Services fees and charges for the Corporation of the Town of Newmarket;

AND WHEREAS it is deemed necessary to enact a new by-law setting out the Fees and Charges for Fire Services.

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

1. THAT the attached Schedule A form part of this B y-law;
2. AND THAT should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the By-law shall continue in full force and effect;
3. AND THAT notwithstanding fees and charges prescribed in other legislation, this By-law supersedes all other Fire Services fees and charges previously established by the Town of Newmarket for the services identified in this By-law;
4. AND THAT this By-law shall come into full force and effect on January 1, 2014 at which time By-law 2012-83 be repealed.

ENACTED THIS 12TH DAY OF NOVEMBER 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Apartment/Office Inspections Base Building	One to five storey premises	6 hours	\$390.10	\$334.38	\$43.47	\$377.85	-14.3%
	Six or more storey premises	8 hours	\$501.57	\$445.84	\$57.96	\$503.80	-11.1%
	Each additional unit	1.5 hours	\$83.60	\$83.60	\$10.87	\$94.47	0.0%
	Day Care Home Inspection	1.5 hours	\$83.60	\$83.60	\$10.87	\$94.47	0.0%
	Day Nursery Inspection	1.5 hours	\$83.60	\$83.60	\$10.87	\$94.47	0.0%
	Faxing or Mailing Reports	0.5 hours	\$27.86	\$27.86	\$3.62	\$31.48	0.0%
Hazardous Materials Response (any location)	First hour per fire unit/flat rate		\$410.00	\$410.00	\$0.00	\$410.00	0.0%
	Each additional 1/2 hour per fire unit		\$205.00	\$205.00	\$0.00	\$205.00	0.0%
	Per hour/firefighter plus material used		\$37.49	\$43.00	\$0.00	\$43.00	14.7%
	Per hour/officer plus material used		\$43.11	\$49.45	\$0.00	\$49.45	14.7%
Industrial & Commercial Inspection	Per single industrial unit	1.5 hours	\$83.60	\$83.60	\$10.87	\$94.47	0.0%
	Each additional unit	1.5 hours	\$83.60	\$83.60	\$10.87	\$94.47	0.0%
	LLBO Inspections	2 hours	\$111.47	\$111.47	\$14.49	\$125.96	0.0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Provincial Highway Accident Responses	First hour per fire unit/flat rate		\$410.00	\$410.00	\$0.00	\$410.00	0.0%
	Each additional 1/2 hour per fire unit		\$205.00	\$205.00	\$0.00	\$205.00	0.0%
Request for Incident Reports/Property File Search			\$89.16	\$41.80	\$5.43	\$47.23	-53.1%
Retrofit Inspections (9.5, 9.6, 9.8)			\$178.34	\$178.34	\$23.18	\$201.52	0.0%
Paid Duty Truck Stand-by	First hour per fire unit/flat rate		\$410.00	\$410.00	\$0.00	\$410.00	0.0%
	Each additional 1/2 hour per fire unit		\$205.00	\$205.00	\$0.00	\$205.00	0.0%
	Per hour/firefighter plus material used		\$37.49	\$43.00	\$0.00	\$43.00	14.7%
	Per hour/officer plus material used		\$43.11	\$49.45	\$0.00	\$49.45	14.7%
Extinguisher Training Using Classroom and Burn Pan	Per session up to 20 people with own extinguishers		New	\$350.00	\$45.50	\$395.50	n/a
Chronic False Alarm (preventable cause)-after two responses	Per unit/per incident		\$410.00	\$410.00	\$0.00	\$410.00	0.0%





# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-57

A BY-LAW TO ADOPT FEES AND CHARGES FOR SERVICES OR ACTIVITIES PROVIDED BY THE TOWN OF NEWMARKET.

(Fees and Charges – All Departments – Plan Reproduction and Photocopy Fees; Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering Services; Legislative Services – General Fees)

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

AND WHEREAS Council enacted By-law 2012-81 to establish Fees and Charges – All Departments – Plan Reproduction and Photocopy Fees; Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering Services; Legislative Services – General Fees;

AND WHEREAS it is deemed necessary to enact a new by-law setting out the General Fees and Charges for All Departments as well as Fees and Charges for Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering Services; Legislative Services – General Fees and to repeal By-law 2012-81;

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

1. THAT the attached schedules form part of this by-law and this by-law be known as the General Fees and Charges By-law for the Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering Services; Legislative Services – General Fees, including the Plan Reproduction and Photocopy Fees for All Departments;
2. AND THAT should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the by-law shall continue in full force and effect;
3. AND THAT notwithstanding fees and charges prescribed in other legislation, this by-law supersedes all other fees and charges for Finance; Procurement Services; Information Systems; Legal Services; Public Works Services; Engineering Services; Legislative Services – General Fees, including the Plan Reproduction and Photocopy Fees for All Departments previously established by the Town of Newmarket for the services identified in this by-law;
4. AND THAT this by-law shall come into full force and effect on January 1, 2014 at which time By-law 2012-81 be repealed.

ENACTED THIS 12TH DAY OF NOVEMBER 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE A**

**Department: All Departments**

**Effective Date:**

**January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Plan Reproduction:</b>						
24" x 36" sheet – for first sheet	per sheet	\$ 15.88	\$ 16.37	\$ 2.13	<b>\$18.50</b>	3.1%
additional sheets	per sheet	\$ 7.93	\$ 8.19	\$ 1.06	<b>\$9.25</b>	3.2%
36" x 42" sheet – for first sheet	per sheet	\$ 15.88	\$ 16.37	\$ 2.13	<b>\$18.50</b>	3.1%
additional sheets	per sheet	\$ 7.93	\$ 8.19	\$ 1.06	<b>\$9.25</b>	3.2%
<b>Photocopy:</b>	per copy	\$ 0.80	\$ 0.84	\$ 0.11	<b>\$0.95</b>	5.0%



**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE B**

**Commission: Corporate Services**

**Effective Date: January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST
<b><u>FINANCE</u></b>					
Accounts Receivable Finance Charges	1.5% monthly on outstanding balance	N	1.5% monthly on outstanding balance	1.5% monthly on outstanding balance	
Accounts Receivable Collection Charges	20.12% of the outstanding balance	N	20.12% of the outstanding balance	20.12% of the outstanding balance	
Tax Certificate		N	\$75.00	\$75.00	\$0.00
Treasurer's Compliance Letter		N	\$75.00	\$75.00	\$0.00
Returned Cheque		N	\$50.00	\$50.00	\$0.00
Statement of Taxes Paid		N	\$35.00	\$35.00	\$0.00
Statement of Tax Acct. – Owner only	each	N	\$35.00	\$35.00	\$0.00
Verification of Local Improvements		N	\$75.00	\$75.00	\$0.00
Property Search Fee	per hour	N	\$35.00	\$35.00	\$0.00
Detailed Analysis of Tax Account	per hour	N	\$45.00	\$45.00	\$0.00
Update Mortgage Company Information		N	\$15.00	\$15.00	\$0.00
Accounting Administrative Fee	15% of invoice	Y	15% of invoice	15% of invoice	
Copies of Assessment View	per copy	Y	\$ 0.80	\$ 0.84	\$0.11
Administration of Developments	5% of Security Requirement, to a maximum amount +HST	Y	5% of Security Requirement, maximum \$50,000 +HST	5% of Security Requirement, maximum \$60,000 +HST	

TOTAL FEE	% INCREASE
1.5% monthly on outstanding balance	0%
20.12% of the outstanding balance	0%
\$75.00	0%
\$75.00	0%
\$50.00	0%
\$35.00	0%
\$35.00	0%
\$75.00	0%
\$35.00	0%
\$45.00	0%
\$15.00	0%
15% of invoice+HST	0%
\$0.95	105%
5% of Security Requirement, maximum \$60,000 +HST	0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE B**

**Commission: Corporate Services**

**Effective Date: January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST	TOTAL FEE	% INCREASE
<b><u>PROCUREMENT SERVICES</u></b>							
Quotations, Proposals and Tenders	range from \$10.00 to \$250.00 depending on the complexity or value of the solicitation	Y	range from \$10.00 to \$250.00 depending on the complexity or value of the solicitation	range from \$10.00 to \$250.00 depending on the complexity or value of the solicitation		range from \$10 to \$250 depending on complexity or value of the solicitation	0%
<b><u>INFORMATION SYSTEMS</u></b>							
Custom Mapping (minimum charge of 1/2 hour)	per hour	Y	\$50.00	\$50.00	\$6.50	\$56.50	0%
	per additional copy (size 8.5x11 to 11x17)	Y	\$2.00	\$1.99	\$0.26	\$2.25	0%
	per additional copy (larger than 11x17)	Y	\$5.00	\$5.00	\$0.65	\$5.65	0%
Digital Address Points Including Street Number and Name		Y	\$1,200.00	\$1,200.00	\$156.00	\$1,356.00	0%
Digital Building Footprints		Y	\$1,200.00	\$1,200.00	\$156.00	\$1,356.00	0%
Ward Polling Location Map	per copy	Y	\$12.52	\$12.52	\$1.63	\$14.15	0%
Individual Ward Map	per copy	Y	\$12.52	\$12.52	\$1.63	\$14.15	0%
Detailed Street Map	per copy	Y	\$25.00	\$25.00	\$3.25	\$28.25	0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE B**

**Commission: Corporate Services**

**Effective Date: January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST	TOTAL FEE	% INCREASE
Municipal Address Map Series	full set of 42, D sized sheets	Y	\$125.00	\$125.00	\$16.25	\$141.25	0%
	per sheet (D sized)	Y	\$6.69	\$6.68	\$0.87	\$7.55	0%
	full set of 42, 11x17	Y	\$66.96	\$66.95	\$8.70	\$75.65	0%
	per sheet (11x17)	Y	\$2.00	\$1.99	\$0.26	\$2.25	0%
Large 2007 Ortho Meeting Room Map	per copy	Y	\$50.00	\$50.00	\$6.50	\$56.50	0%
Large 2009 Ortho Meeting Room Map	per copy	Y	\$50.00	\$50.00	\$6.50	\$56.50	0%
Large 2011 Ortho Meeting Room Map	per copy	Y	\$100.00	\$100.00	\$13.00	\$113.00	0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2014**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of \$256.00 per lawyer and \$95 per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Standard Encroachment Agreement -New	each	Y	min. \$1,082.00	min. \$1,115	varies	Varies	3.0%
Renewals of Encroachment Agreement re: change of property ownership	each	Y	min. \$542.00	min. \$558	varies	Varies	3.0%
Model Home Agreement	each	Y	\$ 957.00	\$ 986.00	\$128.18	\$1,114.18	3.0%
Builder's Agreement	each	Y	\$ 957.00	\$ 986.00	\$128.18	\$1,114.18	3.0%
Standard Pre-servicing Agreement	each	Y	min. \$1,082.00	min. \$1,115	varies	Varies	3.0%
Temporary Sales Office Agreement	each	Y	\$ 957.00	\$ 986.00	\$128.18	\$1,114.18	3.0%
Temporary Structure Agreement	each	Y	\$ 957.00	\$ 986.00	\$128.18	\$1,114.18	3.0%
Spine Services Development Agreement	each	Y	min. \$8,954.00	min. \$9,223	varies	Varies	3.0%
Amendments to Spine Services Development Agreement	each	Y	min. \$1,673.00	min. \$1,723	varies	Varies	3.0%
Miscellaneous Agreements (based on complexity)	each	Y	min. \$395.00	min. \$407	varies	Varies	3.0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2014**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of \$256.00 per lawyer and \$95 per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT FEES (Legal Services from Commencement of Application to Final Release of Acceptance of Subdivision) Billed After Plan Registration</b>							
<b>SUBDIVISION/CONDOMINIUM AGREEMENTS</b>							
Subdivision (includes Residential Condominium) Base Fee (includes first 100 lots and/or developable blocks)	each	Y	min. \$8,954.00	min. \$9,223	varies	Varies	3.0%
Plus Additional Fee for Each Lot - 101 to 250 Lots	per lot	Y	\$ 30.00	\$ 31.00	\$4.03	\$35.03	3.3%
Plus Additional Fee for Each Lot - 251 to 400 Lots	per lot	Y	\$ 19.00	\$ 20.00	\$2.60	\$22.60	5.3%
Plus Additional Fee for Each Lot - 401 and over	per lot	Y	\$ 13.00	\$ 13.00	\$1.69	\$14.69	0.0%
Standard Subdivision Agreement	each	Y	min. \$5,740.00	min. \$5,912	varies	Varies	3.0%
Amendments to Standard Subdivision Agreement	each	Y	min. \$1,739.00	min. \$1,791	varies	Varies	3.0%
Commercial/Industrial	base fee	Y	\$ 5,796.00	\$ 5,970.00	\$776.10	\$6,746.10	3.0%
Commercial/Industrial	per acre	Y	\$ 120.00	\$ 124.00	\$16.12	\$140.12	3.3%
Security Release Requests	each	Y	min. \$317.00	min. \$327	varies	Varies	3.0%
Security Reduction Requests	each	Y	min. \$163.00	min. \$168	varies	Varies	3.0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2014**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of \$256.00 per lawyer and \$95 per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>SITE PLAN AGREEMENTS</b>							
Commercial/Industrial Sites including commercial, residential or multi-use condominiums (Head Agreements)	each	Y	min. \$788.00	min. \$812	varies	Varies	3.0%
Commercial/Industrial Sites including commercial, residential or multi-use condominiums (Amendments to Head Agreements)	each	Y	min. \$513.00	min. \$528	varies	Varies	3.0%
Private Schools	each	Y	min. \$507.00	min. \$522	varies	Varies	3.0%
Regional Schools	each	Y	min. \$507.00	min. \$522	varies	Varies	3.0%
Region of York	each	Y	min. \$788.00	min. \$812	varies	Varies	3.0%
All other Site Plan/Development Agreements	each	Y	min. \$788.00	min. \$812	varies	Varies	3.0%
All other Amending Site Plan/Development Agreements	each	Y	min. \$528.00	min. \$544	varies	Varies	3.0%
Security Release Requests	each	Y	min. \$317.00	min. \$327	varies	Varies	3.0%
Security Reduction Requests	each	Y	min. \$163.00	min. \$168	varies	Varies	3.0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2014**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of \$256.00 per lawyer and \$95 per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>OTHER</b>							
Compliance Letters (For 48 hour turnaround, add 25%) (Legal issues only)	each	Y	min. \$152.00	min. \$157	varies	Varies	3.0%
Release of Agreement	each	Y	min. \$256.00	min. \$264.00	varies	Varies	3.0%
Discharge Mortgage –Per Discharge	each	Y	min. \$226.00	min. \$233	varies	Varies	3.0%
Property Standards Order – Compliance Release (preparation of discharge and registration per order)	each	Y	min. \$275	min. \$283	varies	Varies	3.0%
Release Documents, Restrictions, Easements, etc.	each	Y	min. \$226.00	min. \$233	varies	Varies	3.0%
Bylaws that Require Registration	each	Y	min. \$282.00	min. \$290	varies	Varies	3.0%
Transfers of land and easements or other conveyances not pursuant to a development agreement	each	Y	min. \$542.00	min. \$558	varies	Varies	3.0%
Reconveyance of land pursuant to an Agreement	each	Y	min. \$542.00	min. \$558	varies	Varies	3.0%
Registration of Miscellaneous Documents	each	Y	min. \$271.00	min. \$279	varies	Varies	3.0%
Miscellaneous letters in response to requests for information	each	Y	min. \$152.00	min. \$157	varies	Varies	3.0%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Parks</b>							
Installation of Banners on Main & Water		Y	\$ 592.28	\$ 610.04	\$ 79.31	\$ 689.35	3%
Installation of Banners at all other locations	\$50.00/hour for each staff person plus 15% admin fee to a max. \$550.00						
<b>Celebration Programs</b>							
Celebration & Boulevard Trees (Planting Included)	Each	Y	\$ 350.00	\$ 350.00	\$ 45.50	\$ 395.50	0%
Veteran's Memorial Walkway Stones (Large)	Each	Y	\$ 300.00	\$ 300.00	\$ 39.00	\$ 339.00	0%
Veteran's Memorial Walkway Stones (Small)	Each	Y	\$ 150.00	\$ 150.00	\$ 19.50	\$ 169.50	0%
Celebration Bench	Each	Y	\$ 1,000.00	\$ 1,000.00	\$ 130.00	\$ 1,130.00	0%
Reflection Bench	Each	Y	\$ 1,500.00	\$ 1,500.00	\$ 195.00	\$ 1,695.00	0%
<b>Sewer</b>							
Special Sanitary Sewer Charge - Infilling Lot	per residential unit	N	\$ 400.00	\$ 412.00	\$ -	\$ 412.00	3%
Inspection Fee for Res. San. Service Installed by Owner	\$133.04 + Admin \$19.96	Y	\$ 153.00	\$ 157.61	\$ 20.49	\$ 178.10	3%
Remove second and subsequent blockages in sanitary sewer (if on private property)	Actual + Administration Fee	Y	\$ -		\$ -	\$ -	



**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Water</b>							
Water flow test not related to existing site plan agreements	(\$141.91 + Admin \$21.29) each	Y	\$ 163.20	\$ 168.10	\$ 21.85	\$ 189.95	3%
Water Construction Charge	Residential	N	\$ 79.53	\$ 81.95	\$ -	\$ 81.95	3%
	Commercial/ Industrial/ Institutional	N	\$ 133.19	\$ 137.20	\$ -	\$ 137.20	3%
Watermain Tap for Residential Water Service (by Town)	\$383.87 + Admin of \$57.59	Y	\$ 441.46	\$ 454.69	\$ 59.11	\$ 513.80	3%
Turn Water Off / On for Unpaid Water Bill	During Regular Working Hours	Y	\$ 124.44	\$ 128.19	\$ 16.66	\$ 144.85	3%
	Emergency After Hours (\$310.48+Admin of \$46.56)	Y	\$ 357.04	\$ 367.74	\$ 47.81	\$ 415.55	3%
	Hydrant (\$378.73+Admin of \$56.81)	Y	\$ 435.54	\$ 448.63	\$ 58.32	\$ 506.95	3%
Repair/Replace Anti-Tampering device	Valve (\$260.87+Admin.\$39.91)	Y	\$ 300.78	\$ 309.78	\$ 40.27	\$ 350.05	3%
Inspection Fee for Residential Water Service Installed by Owner	\$115.30+Admin of \$17.30	Y	\$ 132.60	\$ 136.59	\$ 17.76	\$ 154.35	3%
Water Valve Operating After Hours -- related to developments	\$381.39+Admin of \$57.21	Y	\$ 438.60	\$ 451.77	\$ 58.73	\$ 510.50	3%
Water Collection Fee	Per application	Y	\$ 38.00	\$ 39.16	\$ 5.09	\$ 44.25	3%
Water - Bulk Rate	Per 1000 gallon	N	\$ 19.63	\$ 19.63	\$ -	\$ 19.63	0%
	Per liter	N	\$ 0.004318	\$ 0.004318	\$ -	\$ 0.004318	0%
Special Water Charge - Infilling Lot (For new developments)	Per residential unit	N	\$ 480.00	\$ 494.40	\$ -	\$ 494.40	3%
Meter Seal - Return Visit	\$119.74 + Admin \$17.96	Y	\$ 137.70	\$ 141.86	\$ 18.44	\$ 160.30	3%
Valve Locate or Line Tracing	\$102.00 + Admin \$15.30	Y	\$ 117.30	\$ 120.84	\$ 15.71	\$ 136.55	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE D**

Department: Public Works Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Water Meters</b>							
Installed by Builder/Plumber	16x13 (5/8"x 1/2")	Y	\$ 354.32	\$ 364.96	\$ 47.44	\$ 412.40	3%
Installed by Builder/Plumber	16x19 (5/8"x3/4")	Y	\$ 354.32	\$ 364.96	\$ 47.44	\$ 412.40	3%
Installed by Builder/Plumber	19 (3/4")	Y	\$ 371.57	\$ 382.70	\$ 49.75	\$ 432.45	3%
Installed by Builder/Plumber	25.0 (1")	Y	\$ 387.28	\$ 398.89	\$ 51.86	\$ 450.75	3%
Installed by Builder/Plumber	38 (1-1/2")	Y	\$ 734.39	\$ 756.42	\$ 98.33	\$ 854.75	3%
Installed by Builder/Plumber	50 (2")	Y	\$ 981.59	\$ 1,011.06	\$ 131.44	\$ 1,142.50	3%
75 Compound (3") Installed by Dev.	(including cost of strainers)	Y	\$ 3,965.50	\$ 4,084.47	\$ 530.98	\$ 4,615.45	3%
100 Compound (4") Installed by Dev.	(including cost of strainers)	Y	\$ 6,241.80	\$ 6,429.07	\$ 835.78	\$ 7,264.85	3%
<b>Note: No Refunds on Water Meters</b>							
<b>Other Services</b>							
Municipal Consents	Regular Service	N	\$ 430.00	\$ 442.90	\$ -	\$ 442.90	3%
Water Saving Kits	Each	Y	\$ 8.61	\$ 8.85	\$ 1.15	\$ 10.00	3%
Fire Route/Handi Cap Signs	Each	Y	\$ 35.00	\$ 36.06	\$ 4.69	\$ 40.75	3%
Street Name/Stop Signs, Hardware & Post	Each	Y	\$ 428.00	\$ 440.84	\$ 57.31	\$ 498.15	3%
Anti-Tampering Devices	Each	Y	\$ 120.00	\$ 123.58	\$ 16.07	\$ 139.65	3%
Anti-Idling Signs	Each	Y	\$ 39.00	\$ 40.18	\$ 5.22	\$ 45.40	3%
Road Occupancy Permit	Each	N	\$ 70.00	\$ 72.10	\$ -	\$ 72.10	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Temporary Encroachment on Roadways	Per m2/week	Y	\$ -	\$ 2.52	\$ 0.33	\$ 2.85	New
Temporary Encroachment on Boulevard/ Sidewalk	Per m2/week	Y	\$ -	\$ 0.27	\$ 0.03	\$ 0.30	New
Aerial Crane Trespass	Per Month	Y	\$ -	\$ 500.00	\$ 65.00	\$ 565.00	New
Construction Access Fee		Y	\$ -	\$ 100.00	\$ 13.00	\$ 113.00	New
Curb Cut – by Town Contractor	\$231.00 + Admin. Fee \$35.00	Y	\$ 258.00	\$ 265.75	\$ 34.55	\$ 300.30	3%
Curb Cut - by Town Contractor - RUSH	\$271.00+ Admin. Fee \$41.00	Y	\$ 302.50	\$ 311.59	\$ 40.51	\$ 352.10	3%
Curb Cut – without Approval	\$319.00+ Admin. Fee \$41.00	Y	\$ -	\$ 360.00	\$ 46.80	\$ 406.80	N/A
Physical Locates		Y	\$ -	\$ 17.70	\$ 2.30	\$ 20.00	N/A
Physical Locates - Demed to be Non- Emergency after the fact		Y	\$ -	\$ 176.99	\$ 23.01	\$ 200.00	N/A
Graffiti Removal for Utilities	at Cost	Y	\$ -	TBD			N/A
Road Closure		Y	\$ -	\$ 30.97	\$ 4.03	\$ 35.00	N/A
<b>Solid Waste and Recycling</b>							
White Goods (freezer, stove, etc.)		Y	\$ 10.62	\$ 10.93	\$ 1.42	\$ 12.35	3%
Commercial & Industrial/Apartment Wheel Carts	64 gallon	Y	\$ 142.15	\$ 142.17	\$ 18.48	\$ 160.65	0%
	95 gallon	Y	\$ 155.00	\$ 155.00	\$ 20.15	\$ 175.15	0%
Composters	Standard Size	Y	\$ 17.70	\$ 17.70	\$ 2.30	\$ 20.00	0%
Large Items	(furniture, mattress, etc.)	Y	\$ 10.62	\$ 10.84	\$ 1.41	\$ 12.25	2%
Recycling Blue Box	Each	Y	\$ 8.85	\$ 8.85	\$ 1.15	\$ 10.00	0%
Garbage Bag Tags (Sold in Package of 5)		N	\$ 12.00	\$ 12.00	\$ -	\$ 12.00	0%
Special Refuse Cleanup	Actual + administration cost	N			\$ -	\$ -	

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2014

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Source Separated Organics (SSO)	Large Bin	Y	\$ 17.70	\$ 17.70	\$ 2.30	\$ 20.00	0%
	Kitchen Bin	Y	\$ 5.31	\$ 5.31	\$ 0.69	\$ 6.00	0%
<b>Sewer</b>							
Sanitary Sewer Connection -- Residential/ICI - Road Allowance - owner to obtain qualified contractor	Owner's Cost to Install	Y			\$ -	\$ -	
Sanitary Connection Application	Per application	Y	\$ 100.00	\$ 103.01	\$ 13.39	\$ 116.40	3%
Sanitary Connection - Local Improvement	Per application						
<b>Water</b>							
Water Connection -- Residential/ICI - Road Allowance - owner to obtain qualified contractor	Owner's Cost to Install	Y			\$ -	\$ -	
Water Connection Application	Per application	Y	\$ 100.00	\$ 103.01	\$ 13.39	\$ 116.40	3%
<b>Other Services</b>							
Road and boulevard inspection fee for security requirement or release related to private residential construction	Per application	Y	\$ 100.00	\$ 103.01	\$ 13.39	\$ 116.40	3%
Gate Inspection Fee	Each	Y	\$ 100.00	\$ 103.01	\$ 13.39	\$ 116.40	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE E**

**Department: Engineering Services**

**Effective Date: January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Development Services</b>							
Subdivision Design Standard Manual	Each	Y	\$ 82.05	\$ 84.51	\$ 10.99	\$ 95.50	3%
Fill Permit	Owner Occupied Residential	N	\$ 172.30	\$ 177.50	\$ -	\$ 177.50	3%
	All Other Types of Property	N	\$ 344.60	\$ 354.95	\$ -	\$ 354.95	3%
<b>Engineering Checking &amp; Inspection</b>							
Site Plans handled fully in house	6% of the value of all site works and services outside of the buildings <b>\$711.18 minimum</b>	Y	\$ 690.47	\$ 711.20	\$ 92.45	\$ 803.65	3%
Projects in which the Town's Checking Consultant is providing the design review and field monitoring service <b>plus</b> a deposit estimated by the Town for payment of the Town's Checking Consultant is required.	<b>3.00% Admin Fee - minimum of \$711.18</b> of the value of outside works and services plus deposit for checking consultant	Y	\$ 690.47	\$ 711.20	\$ 92.45	\$ 803.65	3%
Subdivisions – Admin. Fee + Deposit for Checking Consultant	<b>3.00% Admin Fee + 2.75% deposit</b> for checking consultant	Y	\$ -	\$ -	\$ -	\$ -	

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE E**

**Department: Engineering Services**

**Effective Date: January 1, 2014**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Other Services</b>							
Emergency Work Performed for Developer or Other	minimum \$929.68 plus HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 902.60	\$ 929.69	\$ 120.86	\$ 1,050.55	3%
Coordination/administration of private works in Town contract or as part of private works Town works in Region contract	\$183.71 minimum + HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 178.36	\$ 183.72	\$ 23.88	\$ 207.60	3%
Coordination/administration of Regional works within Town contracts.	18% Admin. Fee + HST	Y					
Property Information – Assumed/ Unassumed + Release Cert. If requested & available	Per application	Y	\$ 150.77	\$ 155.31	\$ 20.19	\$ 175.50	3%
Property Information	(legal, environmental, compliance)	Y	\$ 150.77	\$ 155.31	\$ 20.19	\$ 175.50	3%
Consultant's request for traffic counts (ATR or TMC)	Each	Y	\$ 105.06	\$ 108.23	\$ 14.07	\$ 122.30	3%

**TOWN OF NEWMARKET  
2014 USER FEES  
SCHEDULE F**

Department: Legislative Services- General Fees      January 1, 2014

**Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% Increase
<b>VITAL STATISTICS</b>							
Death Registration	each event	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
Marriage Licence	each licence	N	\$ 125.00	\$ 125.00	\$0.00	\$125.00	0.0%
Municipal Information - Liquor Licence	each location	N	\$ 150.00	\$ 155.00	\$0.00	\$155.00	3.3%
Ontario Municipal Board (OMB) Appeal Fee	each	N	\$ 150.00	\$ 155.00	\$0.00	\$155.00	3.3%
Property Standards Appeal Fee	each	N	\$ 100.00	\$ 103.00	\$0.00	\$103.00	3.0%
Property Standards Reinspection Fee	each	N	\$ 150.00	\$ 155.00	\$0.00	\$155.00	3.3%
Sign By-law Exemption Fee	each	N	\$ 150.00	\$ 155.00	\$0.00	\$155.00	3.3%
Noise Exemption Application /Residential	each	N	\$ 50.00	\$ 52.00	\$0.00	\$52.00	4.0%
Noise Exemption Application/Construction	each	N	\$ 150.00	\$ 155.00	\$0.00	\$155.00	3.3%
Permit Fee - Inground/Onground Pool	each	N	\$	\$ 150.00	\$0.00	\$150.00	
Permit Fee - Above Ground Pool	each	N	\$	\$ 150.00	\$0.00	\$150.00	
Permit Fee - Hot Tub	each	N	\$	\$ 150.00	\$0.00	\$150.00	
Permit Fee - Inflatable Pool	each	N	\$	\$ 150.00	\$0.00	\$150.00	
Permit Fee - Ponds	each	N	\$	\$ 150.00	\$0.00	\$150.00	
Commissioning of Documents (except foreign pensions)	\$15 per document	Y	\$ 15.04	\$ 15.04	\$1.96	\$17.00	0.0%
Certification of Document	\$5 per document to a maximum of \$25	Y	\$ 4.94	\$ 4.94	\$0.06	\$5.00	0.0%

**TOWN OF NEWMARKET**  
**2014 USER FEES**  
**SCHEDULE F**

Department: Legislative Services- General Fees      January 1, 2014

**Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% Increase
<b>FILMING PERMIT</b>							
Administration Fee		N	\$ 250.00	\$ 250.00	\$0.00	\$0.00	
Administration Fee - private property		N	\$ 135.00	\$ 135.00	\$0.00	\$250.00	0.0%
Municipal Property Fee	if applicable	N	\$ 250.00	\$ 250.00	\$0.00	\$135.00	0.0%
Contribution to Main Street District BIA if filming within designated BIA		N	\$ 500.00	\$ 500.00	\$0.00	\$250.00	0.0%
Security Deposit depending on the nature of the film (where deemed necessary)	\$500 to \$5000	N	\$500 to \$5000	\$500 to \$5000	\$0.00	\$500.00	0.0%
<b>Registration of Accessory Dwelling Units</b>							
Application (Non-refundable)	each	N	\$ 110.00	\$ 250.00	\$0.00	\$250.00	127.3%
Lost identification plate	each	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	0.0%
Accessory Dwelling Unit Appeal	each	N		\$ 100.00	\$0.00	\$100.00	
<b>FENCE VIEWING</b>							
Administration Fee		N	\$ 250.00	\$ 250.00	\$0.00	\$0.00	0.0%
Fence Viewer's Inspection Fee	per person	N	\$ 50.00	\$ 50.00	\$0.00	\$50.00	0.0%
<b>MARRIAGES</b>							
Civil Marriage Solemnization Service Fee	per service	Y	\$ 250.00	\$ 250.00	\$32.50	\$282.50	0.0%
Witness Fee	per person	Y	\$ 50.00	\$ 50.00	\$6.50	\$56.50	0.0%
Administration fee to be charged for change of wedding date within 7 days		Y	\$ 25.00	\$ 25.00	\$3.25	\$28.25	0.0%



**TOWN OF NEWMARKET**  
**2014 USER FEES**  
**SCHEDULE F**

Department: Legislative Services- General Fees      January 1, 2014

**Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2013 FEE BEFORE TAX	2014 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% Increase
Administration Fee to be charged for cancellation before consultation		Y	\$ 50.00	\$ 50.00	\$6.50	\$56.50	0.0%
Administration fee to be charged for cancellation after consultation		Y	\$ 150.00	\$ 150.00	\$19.50	\$169.50	0.0%
<b>LOTTERY LICENCES</b>							
Bingo	2.5% of the prize value	N				\$0.00	
Nevada	3% of the prize value	N				\$0.00	
Raffle	3% of the prize value	N				\$0.00	
<b>Election Candidate Nominations</b>							
	Mayor	N	\$ 200.00	\$ 200.00	\$0.00	\$200.00	0.0%
	Regional Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
	Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
<b>Freedom of Information</b>							
Application	each	N	\$ 5.00	\$ 5.00	\$0.00	\$5.00	0.0%
Photo Copies	per page	N	\$ 0.20	\$ 0.20	\$0.00	\$0.20	0.0%
Disks	per disk	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	0.0%
Manually Searching Records \$7.50 per ¼ hour	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
Preparation of Record of Disclosure	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
Developing a Computer Program \$15.00 per ¼ hour	per hour	N	\$ 60.00	\$ 60.00	\$0.00	\$60.00	0.0%

Clerks - General Fees



**CORPORATION OF THE TOWN OF NEWMARKET****BY-LAW NUMBER 2013-58**

A BY-LAW TO ESTABLISH A COMBINED UTILITY RATE STRUCTURE IN THE TOWN OF NEWMARKET FOR 2014.

WHEREAS By-law 2012-84 enacted on December 17, 2012 established a combined utility rate in the Town of Newmarket for the year 2013;

AND WHEREAS it is deemed advisable to establish a combined utility rate structure in the Town of Newmarket for the year 2014.

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

THAT the rates listed in Schedule "A" attached hereto shall come into full force and effect on January 1, 2014 at which time By-law 2012-84 shall be deemed to be repealed.

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

---

Tony Van Bynen, Mayor

---

Andrew Brouwer, Town Clerk

**TOWN OF NEWMARKET**  
**2014 USER FEES**  
**Schedule A - Water and Wastewater Rates**  
**Effective Date: January 1, 2014**

	Current 2013 Rates		Proposed 2014 Rates		Change
	per 100 cubic feet	per cubic metre	per 100 cubic feet	per cubic metre	%
<b>Combined Utility Rates</b>					
<b>Taxable Properties</b>					
<b>Water</b>					
Taxable properties	\$7.803	\$2.755	\$8.193	\$2.892	4.97%
Non-taxable properties					
Flat rate - no meter, monthly	\$3.920	\$1.384	\$4.077	\$1.439	4.00%
Basic charge, monthly	\$4.344	\$1.534	\$4.518	\$1.595	4.00%
	\$48.825		\$52.926		8.40%
	\$12.000		\$14.000		16.67%
<b>Wastewater</b>					
Taxable properties	\$3.883	\$1.371	\$4.116	\$1.453	6.00%
Non-taxable properties	\$4.173	\$1.474	\$4.423	\$1.562	6.00%
Flat rate - no meter, monthly	\$47.740		\$51.750		8.40%
Basic charge, monthly	\$12.000		\$14.000		16.67%
<b>Average Bill</b>					
250 Cubic metres annual average consumption		\$976.75		\$1,059.00	8.42%
300 Cubic metres annual average consumption		\$1,114.50		\$1,203.60	7.99%



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-59

#### A BY-LAW TO DEDICATE CERTAIN LANDS AS A PUBLIC HIGHWAY.

(0.3m Parcel of Land located South of Mulock Drive & East of Bathurst Street - within Southwest Quadrant – Ward 6) - HOUSEKEEPING

WHEREAS it is deemed necessary for the Town of Newmarket to acquire a (0.3m) parcel of land from the Owner (711371 Ontario Corp.) who is a Developer (Oxford Homes). The land is legally described as Part of Block 67, Plan 65M-4000 designated as Part 10, 65R-30197;

AND WHEREAS it is deemed appropriate that upon the conveyance of the land to the Town, the land designated as Part 10, 65R-30197 shall automatically be designated as a public highway and to form part of the municipal road known as Valley Green Trail;

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

1. THAT the land legally described as Part of Block 67, Plan 65M-4000 designated as Part 10, 65R-30197, Town of Newmarket in the Regional Municipality of York be received by the Town of Newmarket subject to the satisfaction of the Municipal Solicitor;
2. AND THAT upon the conveyance of the land to the Town, the land designated as Part 10, 65R-30197 shall automatically be designated as a public highway and to form part of the municipal road known as Valley Green Trail;
3. AND THAT the Municipal Solicitor or her designate be authorized and directed to electronically sign and register this by-law on title on behalf of the Corporation of the Town of Newmarket.

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk





# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-60

A BY-LAW TO APPOINT AN INTEGRITY COMMISSIONER FOR THE TOWN OF NEWMARKET. (SUZANNE CRAIG)

WHEREAS Council has adopted a Council Code of Conduct through the enactment of By-law 2007-42;

AND WHEREAS the *Municipal Act, 2001*, s.223.3 and 223.4 provides the authority for the Municipality to appoint an Integrity Commissioner and deals with the conduct of an inquiry;

AND WHEREAS Council adopted a motion on October 21, 2013 directing staff to request the Integrity Commissioner to investigate a potential breach of the Council Code of Conduct by Councillor Di Muccio.

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

THAT Suzanne Craig is hereby appointed Integrity Commissioner for the Corporation of the Town of Newmarket for the purpose of investigating a potential breach of the Council Code of Conduct by Councillor Di Muccio with respect to comments directed to Mayor Van Bynen at the Committee of the Whole meeting on September 23, 2013.

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk







# CORPORATION OF THE TOWN OF NEWMARKET

## BY-LAW NUMBER 2013-61

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (487 Queen Street)

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

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

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

1. Deleting from Schedule "A", Map No.12, the Service Commercial (CS) Zone on 487 Queen Street; and substituting therefore the Downtown Urban Centre Exception 121 (UC-D2-121) Zone as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.
2. Adding the following regulations relating to the Downtown Urban Centre Zone to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference	File Reference
121	UC-D2-121	12	2013-61	D14-NP-13-09
i)	Location: 487 Queen Street			
ii)	Notwithstanding any other provision of Zoning By-law 2010-40, the following provisions shall also be applied to the lands subject to this by-law for a 16-unit residential development:			
	a)	Front yard setback	1.7m	
	b)	Rear yard setback	17m	
	c)	West side yard setback	6.8m	
	d)	East side yard setback	1m	
	e)	Maximum floor space index	1.2	
	f)	No barrier free parking spaces are required for a non-accessible 16-unit residential building.		
	g)	Minimum of 20 parking spaces are required for a 16-unit residential building; maximum of 21 parking spaces.		
	h)	No loading spaces are required for a 16-unit residential building.		
	i)	Minimum entrance at street line	5.6m	
	j)	Minimum landscape buffer	0m	
	k)	Minimum setbacks for a parking lot from side and rear lot lines 0m		
	l)	Minimum driveway width	5.2m	
	m)	Minimum drive aisle width	6.7m	
	n)	Steps may encroach into the front yard setback to a 0m setback on the east end of the building and 0.6m on the west end of the building.		
	o)	Snow storage does not have to be accommodated on site.		

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

By-Law No. 2013-61	Property Description	Permitted Uses until holding provision removed	Conditions for Removal	Date Enacted
	487 Queen Street	<p>No person within the lands zoned <b>(H)UC-D2-121</b> shall use any lot or erect, alter or use any buildings or structures for any purpose except for those uses which existed on the date of passing of this By-Law.</p> <p>Furthermore, no extension or enlargement of the uses which existed on the date of passing of this By-Law shall occur unless an amendment to this By-Law or removal of the '(H)' prefix, as identified in the next column, is approved by the Council of the Corporation of the Town of Newmarket and comes into full force and effect.</p>	The requirements of Section 10.4, Contaminated Lands, of the Town's Official Plan have been satisfied to the satisfaction of the Director of Engineering Services.	November ____, 2013

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

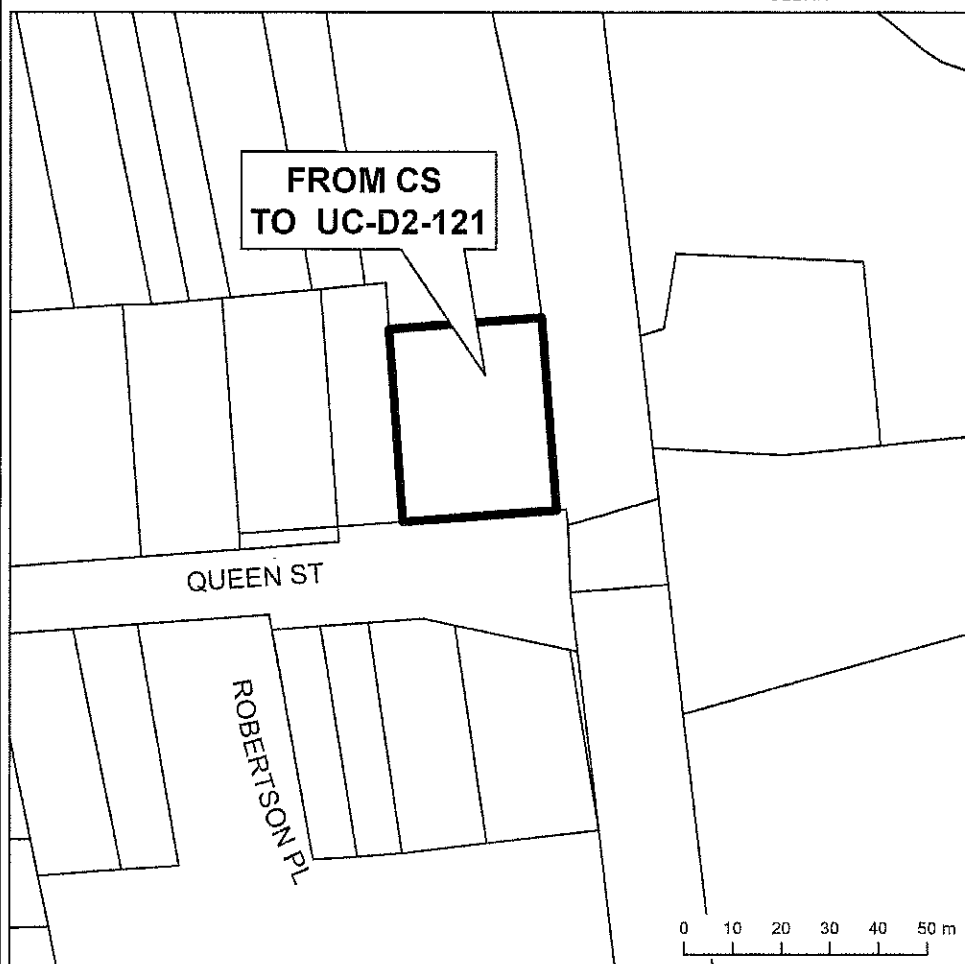
\_\_\_\_\_  
Andrew Brouwer, Town Clerk

487 Queen Street  
Town of Newmarket  
Regional Municipality of York

This is Schedule 'X'  
To Bylaw 2013-61  
Passed this \_\_\_\_\_ Day  
of \_\_\_\_\_, 2013.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



SCHEDULE "X" TO BY-LAW 2013-61  
TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Printed: November 2013. Land Parcel Boundaries - © Teramet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2013 Zoning - Town of Newmarket, 2013. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and cannot be used where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey. ©\Project\Planning\MapDocuments\2013\487 Queen St.mxd





## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2013-62

A BY-LAW TO CONFIRM THE PROCEEDINGS OF A MEETING OF COUNCIL – NOVEMBER 12, 2013.

WHEREAS s. 5(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council;

AND WHEREAS s. 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1. THAT subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. AND THAT the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. AND THAT nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. AND THAT any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

ENACTED THIS 12TH DAY OF NOVEMBER, 2013.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

