



# Town of Newmarket

## Agenda

### Committee of the Whole

Date: Monday, August 27, 2018  
Time: 1:30 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Agenda published on August 23, 2018

	Pages
1. Additions & Corrections to the Agenda	
<b>Note:</b> Additional items are marked by an asterisk*.	
2. Declarations of Pecuniary Interest	
3. Presentations & Recognitions	
4. Deputations	
4.1 Queen Street Safety Concerns	2
<b>Note:</b> Colleen Keats will be in attendance to provide a deputation on this matter.	
*4.2 Mossbank Parking Review	4
<b>Note:</b> John Kaszuba will be in attendance to provide a deputation on this matter.	
5. Consent Items	
5.1 Zoning By-law Amendment Application - 18095 & 18099 Leslie Street	6
1. That the report entitled Zoning By-law Amendment Application – 18095 & 18099 Leslie Street, dated August 27, 2018 be received;	
2. That the application for Zoning By-law Amendment	

submitted by Jason Hyatt for lands municipally known as 18095 & 18099 Leslie Street be referred to a public meeting;

3. That following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
4. That Michael Smith of Michael Smith Planning Consultants, 19027 Leslie Street, Suite 200, Sharon, L0G 1V0, be notified of this action;
5. That Jason Hyatt, 180 Wellington Street East, Aurora, L4G 1J5, be notified of this action; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## 5.2 Zoning By-law Amendment Application - 175 Deerfield Road

20

1. That the report entitled 175 Deerfield Road – Zoning By-law Amendment Application dated August 27, 2018 be received;
2. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and that staff be directed to prepare the necessary Zoning By-law amendments, including the necessary Holding provisions;
3. That Council direct the Director of Planning and the Municipal Solicitor, or her designate, to enter into one or more agreements on behalf of the Town pursuant to Section 37 of the Planning Act to secure community benefits and any matters required as a legal convenience;
4. That per Section 45(1.4) of the Planning Act, Council resolve that minor variances shall be authorized for the subject lands;
5. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided;
6. That staff be directed to do all things necessary to give effect to the recommendations in this report;

7. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
8. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

5.3	Mossbank Parking Review Report	54
	<ol style="list-style-type: none"> <li>1. That the report entitled Mossbank Court Parking Review dated August 27, 2018 be received; and,</li> <li>2. That Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by referring to Appendix A attached: and,</li> <li>3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
5.4	Central York Fire Services – Joint Council Committee Meeting Minutes of March 6, 2018	58
	<ol style="list-style-type: none"> <li>1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of March 6, 2018 be received.</li> </ol>	
5.5	Newmarket Downtown Development Committee Meeting Minutes of March 23, 2018	62
	<ol style="list-style-type: none"> <li>1. That the Newmarket Downtown Development Committee Meeting Minutes of March 23, 2018 be received.</li> </ol>	
5.6	Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018 and June 5, 2018	68
	<ol style="list-style-type: none"> <li>1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018 and June 5, 2018 be received.</li> </ol>	
5.7	Item 7 of Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018	
	<ol style="list-style-type: none"> <li>1. The Senior Leadership Team/Operational Leadership Team recommend that Council direct staff to proceed through the Heritage designation process for the following two properties: <ol style="list-style-type: none"> <li>a. 368 Park Avenue</li> <li>b. 161 Prospect Street</li> </ol> </li> </ol>	

5.8	Newmarket Environmental Advisory Committee Meeting Minutes of May 2, 2018	80
-----	---	----

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of May 2, 2018 be received.

5.9	Item 7.1 of Newmarket Environmental Advisory Committee Draft Meeting Minutes of June 20, 2018	
-----	---	--

1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:
  - a. That the Newmarket Environmental Advisory Committee recommend to Council that current Committee members' terms be extended until their successors are appointed.

5.10	Main Street District Business Improvement Area Board of Management Meeting Minutes of May 15, 2018	84
------	--	----

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 15, 2018 be received.

5.11	Accessibility Advisory Committee Meeting Minutes of May 17, 2018	92
------	--	----

1. That the Accessibility Advisory Committee Meeting Minutes of May 17, 2018 be received.

5.12	Outstanding Matters List	96
------	--------------------------	----

1. That the list of outstanding matters be received.

## 6. Action Items

## 7. Reports by Regional Representatives

## 8. Notices of Motions

## 9. Motions

## 10. New Business

## 11. Closed Session

## 12. Public Hearing Matter (7:00 PM)



12.1	Urban Centres Zoning By-law	112
------	-----------------------------	-----

**Note:** Ian Graham of R.E. Millward and Associates will be in attendance to provide a presentation on this matter.

12.2	Zoning By-law 2010-40	122
------	-----------------------	-----

**Note:** Ted Horton will be in attendance to provide a presentation on this matter.

### 13. Adjournment



## Deputation and Further Notice Request Form

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

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

Name: <b>Colleen Keats</b>	
Organization / Group/ Business represented:	
Address:	Postal Code: <b>L3Y 2G1</b>
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>August 28, 2018</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I am concerned about the safety of Queen Street, East end of Parkview, the new island. The materials I wish to rely on are available at the town office from James Black. It is an In Road Safety Review Report dated May 2014 conducted by IBI Group. I ask that council review this report which is in the town office.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

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

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

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



### Deputation and Further Notice Request Form

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

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

Name: <b>John Kaszuba</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: <b>L3Y 3B1</b>
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <b>August 27 2018</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 2018-51
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <p>The decision of a "no parking" on the North side of the street rather than the South side is not fair and without facts. There are only 2 houses that are involved with this decision - my house (south-side) and the house across the street (north-side). The other houses are not affected, making the petition obsolete. I am dissatisfied with the decision made. Also, one of a few factors in having a no parking on the South side is that I have a Stop sign on my side of the street. This alone should elicit a no parking along the side of the street that has a stop sign.</p> <p>The action I am asking is to reconsider the parking only on the <sup>North</sup><del>South</del> side of the street and to include the <sup>South</sup><del>North</del> Side as well. It only makes sense.</p>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

#### Deputation Guidelines:

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

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

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





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

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

## **Zoning By-law Amendment Application 18095 & 18099 Leslie Street Staff Report**

Report Number: 2018-50

Department(s): Planning and Building Services

Author(s): Ted Horton

Meeting Date: August 27, 2018

### **Recommendations**

1. That the report entitled Zoning By-law Amendment Application – 18095 & 18099 Leslie Street, dated August 27, 2018 be received;
2. That the application for Zoning By-law Amendment submitted by Jason Hyatt for lands municipally known as 18095 & 18099 Leslie Street be referred to a public meeting;
3. That following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
4. That Michael Smith of Michael Smith Planning Consultants, 19027 Leslie Street, Suite 200, Sharon, L0G 1V0, be notified of this action;
5. That Jason Hyatt, 180 Wellington Street East, Aurora, L4G 1J5, be notified of this action; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

The Town has received an application to amend Zoning By-law 2010-40 to permit the redevelopment of the lands known municipally as 18095 & 18099 Leslie Street from the current residential buildings to a motor vehicle repair facility. This report summarizes initial feedback on the application and recommends that the application be referred to a public meeting as required under the Planning Act

## Purpose

This report provides an overview of the application for zoning by-law amendment for 18095 & 18099 Leslie Street to rezone the existing Single Detached Dwelling 30 metre zone (R1-B) to Service Commercial Exception Zone (CS-X). The report recommends that the application be referred to a public meeting in accordance with the requirements of the *Planning Act*.

## Background

### Location and surrounding uses

The proposed zoning by-law amendment submitted by Michael Smith Planning Consultants on behalf of the owners, Jason Hyatt for 18099 Leslie Street and numbered company 2468820 Ontario Inc. for 18095 Leslie Street, under Planning Files D14NP1807, concerns a 0.3 hectare property located on the east side of Leslie Street, north of Ringwell Drive and on the northern boundary between Newmarket and East Gwillimbury. The subject lands are irregularly-shaped, with the northern half of the property extending significantly further east than the southern half. There is currently a single detached structure on each lot.

The subject property is legally described as Part 1 (18099 Leslie Street) and Part 2 (18095 Leslie Street) on Registered Plan 65R-21988. The subject property is comprised of two legal parcels of land that will be required to be merged into one parcel as part of a subsequent site plan approval application if Council should approve this application. The subject property is designated 'Commercial' by the Town of Newmarket Official Plan and zoned Single Detached Dwelling 30 metre zone (R1-B) by Zoning By-law 2010-40, as amended.

Surrounding land uses include:

The lands to the north are part of the Town of East Gwillimbury, are currently vacant, and are zoned RU (Rural) and General Employment (M2-102).

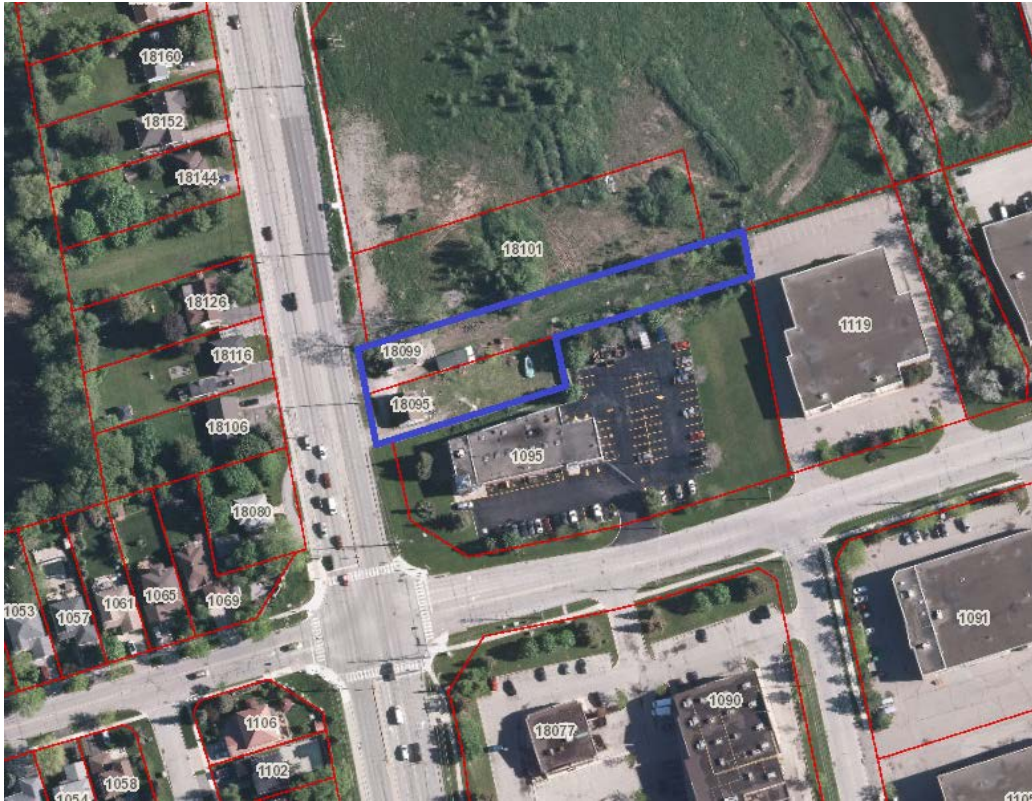
The lands to the east are occupied by an industrial use "Creative Global Services" and zoned Mixed Employment (EM).

The lands to the south are occupied by a Midas and Jiffy Lube operation and zoned Service Commercial (CS).

The lands to the west across Leslie Street are occupied by single detached residential dwellings and zoned Single Detached Dwelling 30 metre zone (R1-B) in Newmarket and Residential Private Services (RP3) in East Gwillimbury.

An aerial photograph indicating the subject lands is provided below.





## Proposal

The applicant is proposing to amend the zoning by-law amendment for 18095 & 18099 Leslie Street to rezone the existing Single Detached Dwelling 30 metre zone (R1-B) to Service Commercial Exception Zone (CS-X). The current intent of the applicant is to demolish the northerly structure, convert the southerly structure into an accessory office, and construct a motor vehicle service shop as a westerly addition to the office.

The applicant has proposed that the easterly half of the lot be permitted to be used for motor vehicle and recreational vehicle storage. The applicant has proposed site-specific land use permissions that vary from a standard CS zone. Namely, to also include as permitted uses a Retail Warehouse, Business and Professional Offices, Accommodation Facilities, and Places of Assembly and Worship.

The applicant has also proposed site-specific development standards to permit a reduced front yard setback (2.5m) to recognize the existing setback of the southerly structure once a required road widening is conveyed to the Regional Municipality of York, and to recognize the existing reduced southerly side yard setback (2.5m). Permitting tandem parking for required parking spaces has also been proposed. A copy of the proposed site plan is included in the attachments to this report.

## Discussion

Decisions on planning matters are required to conform to or be consistent with the policies of superior planning instruments. In the case of an application for a zoning by-law amendment such as this, the decision is required to conform to or be consistent with the Provincial Policy Statement (2014), provincial plans including the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”), the York Region Official Plan (YROP), and the Town of Newmarket Official Plan.

### Provincial Policy Statement and Provincial Plans

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

Section 1.3 of the PPS encourages planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. The proposed application would provide for service commercial uses on a prominent arterial street.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe including: direction on how and where to grow, the provision of infrastructure to support growth, and protecting valuable heritage systems. The proposed development is located within an existing built-up area, and makes use of lands for service commercial redevelopment in a manner akin to nearby land uses.

The Growth Plan also directs that municipalities ensure development is of a high quality and a compact built form, provides an attractive and vibrant public realm through site design and urban design standards. If Council deems to approve this application, this will be ensured through the use of a holding provision requiring the applicant to enter into a site plan agreement which will address matters such as landscaping, urban design, and visual and operational compatibility with adjacent lands.

Through the analysis provided above, staff is of the opinion that the proposed development is generally consistent with the PPS and generally conforms to the Growth Plan.

### York Region Official Plan

The subject lands is designated as “Urban Area” as shown on Map 1 of the YROP, which permits a broad range of residential, institutional, commercial, and industrial uses. The YROP provides objectives to encourage and accommodate economic activity that diversifies and strengthens the Region's economic base, employment opportunities for residents and competitive advantages for its businesses.

Planning Staff have circulated the application to the Regional Municipality of York. Comments from the Region are generally as follows:

- The Region has no significant concerns with the application.
- The Region has noted that the subject lands are within 120m of a watercourse, and that the Lake Simcoe Region Conservation Authority (LSRCA) is responsible for commenting on natural heritage and hydrologic features on the Region's behalf.
- The Region has noted the requirement to convey a road widening from the front of the property to the Region and to construct a sidewalk across the frontage of the property.

Additional policies of the YROP related to water recharge and low impact development will also be required to be satisfied. These will be addressed through a future site plan approval application, should Council deem to approve the application.

Staff is satisfied that the proposed development is in conformity with the YROP.

### **Town of Newmarket Official Plan**

The subject lands are designated 'Commercial' on Schedule A – Land Use in the Town of Newmarket Official Plan. The goals and strategic directions of the Official Plan include supporting employment and economic well-being by achieving opportunities for employment growth.

The Commercial designation of the Official Plan provides for a range of retail and service commercial uses including vehicle sales and service centres. The Official Plan provides that storage occur only where it is visually acceptable and does not detract from the character of an area. The Plan further directs the comprehensive development of lands including internal circulation systems, coordinated access points, and compatible urban design features.

Staff have provided comments to the applicant to assist in bringing the application into greater conformity with the Official Plan. These include requiring appropriate screening to the proposed easterly vehicle storage area and ensuring that it is graded, paved, and curbed to Town standards rather than the proposed gravel area. As part of a future site plan application staff will review the building elevations and landscaping to ensure a compatible site design.

Staff is satisfied that the proposed development is generally in conformity with the Official Plan.

### **Town of Newmarket Zoning By-law 2010-40**

The subject lands are currently zoned Single Detached Dwelling 30 metre zone (R1-B) and the applicant has proposed to amend the by-law to re-zone the subject lands to Service Commercial Exception Zone (CS-X) with site-specific land use permissions and development standards as discussed above.

The Official Plan requires that in considering an amendment to the Zoning By-Law, Council shall be satisfied that:

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

The proposal would rezone the subject from their current residential zoning to a service commercial zoning. This would bring the properties into conformity with the Official Plan.

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

The proposed service commercial use is similar to the uses permitted to the south and north. Staff recommend that fencing and landscape buffering be required surrounding the easterly proposed vehicle storage area to ensure visual separation and compatibility.

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

The adjacent uses, or those permitted on vacant lands, are similar to those proposed for the subject lands and thus nuisance effects are expected to be minimal and shared in nature. Nearby residential properties are located across Leslie Street and will be separated from the proposed use by the principal repair operations occurring within the proposed building to the rear of the existing structure.

- d. adequate municipal services are available;

The applicant has provided a functional servicing report that has been reviewed by Engineering Services. Staff are satisfied that adequate servicing is available.

- e. the size of the lot is appropriate for the proposed use;

The size and frontage of the subject lands exceeds the minimum lot frontage and area for a Service Commercial (CS) lot.

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

The site has driveway access directly onto Leslie Street, which is under the jurisdiction of the Regional Municipality of

York. The Region has expressed no concern with the traffic that may be generated by this site.

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

The proposed site plan provides a number of parking spaces that would conform to the requirements of the zoning by-law. However, eight of the spaces would be tandem spaces, meaning that four spaces would be accessible only through another parking space. The configuration of these spaces would also necessitate the movement of vehicles to access the proposed easterly vehicle storage area. Staff have provided comments to the applicant that site plan revisions would be desirable to avoid the need for tandem spaces.

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

Notice has been provided in accordance with the *Planning Act*.

The applicant has provided reports and studies in support of this application including a site plan, concept landscape plan, arborist report, and initial reports on servicing, grading, and stormwater management. These matters have been reviewed by staff and staff are generally satisfied that these can be appropriately addressed through the site plan approval process to resolve matters discussed above.

### **Site Plan Application**

The proposal is subject to Site Plan Approval. Following the statutory public meeting recommended by this report, and a final recommendation report that will follow, if Council determines to approve the zoning by-law amendment application, a further application for Site Plan Approval will be required.

This application will be required to address matters including:

- Building elevations
- Landscaping
- Construction management
- Stormwater management
- Servicing

Staff from Planning Services, Engineering Services, the Regional Municipality of York, the Lake Simcoe Region Conservation Authority, and the Town of East Gwillimbury have provided comments to the applicant. These will be addressed as appropriate through the use of holding provisions in an eventual amending zoning by-law, if Council should deem to approve the application, and through any subsequent application for site plan approval. In particular, staff may recommend holding provisions related to the

eastern half of the site in order to address the need for further review of grading and stormwater management due to the existing grading challenges of the property.

## **Conclusion**

It is recommended that Council refer the proposed Zoning By-law Amendment application to a public meeting, as required by the *Planning Act*.

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

Well-equipped & managed

- Ideal mix of residential, commercial, industrial, and institutional land use
- Appropriate mix of jobs to population and people to industry

## **Consultation**

### **Community Consultation**

Notice was provided to surrounding property owners and signs placed on the property in accordance with the Planning Act. This report recommends that this application be referred to a public meeting.

### **Agency Circulation**

Notice was provided to development review partners and public bodies per the Town's usual practice. These comments will be considered and integrated into the final recommendation to Council.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

Required application fees were received with the submission of this application. If Council deems to approve the application, a further site plan approval application will be required. The conclusion of this development will lead to the receipt of development charges and any increase in property value for the newly-redeveloped property would bring additional property tax revenue.

## **Attachments**

Attachment 1 – Location Map

Attachment 2- Conceptual Site Plan



## **Approval**

Ted Horton, Planner

Rick Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

## **Contact**

Ted Horton

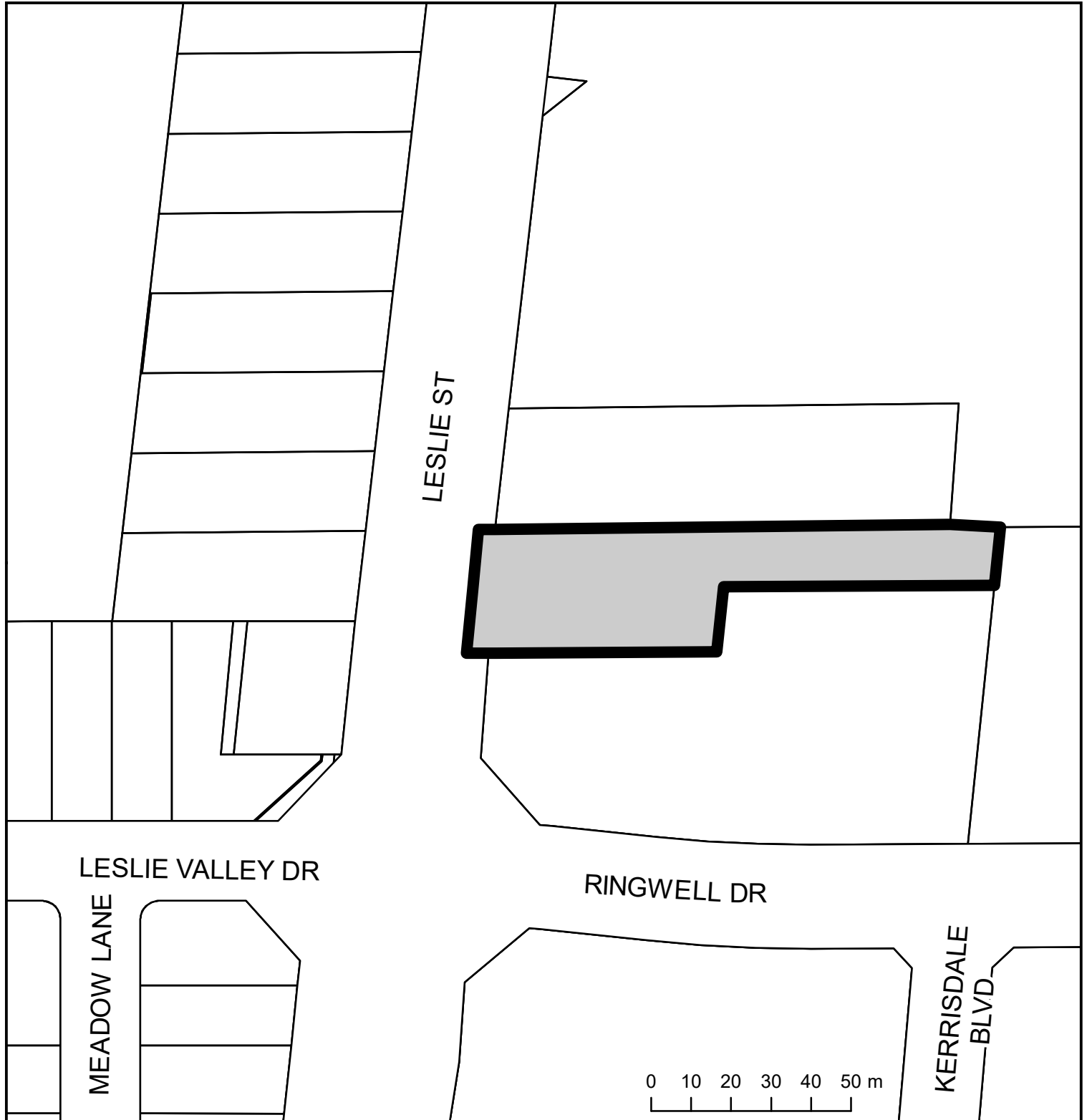
[thorton@newmarket.ca](mailto:thorton@newmarket.ca)






# LOCATION MAP

## 18095 & 18099 Leslie Street



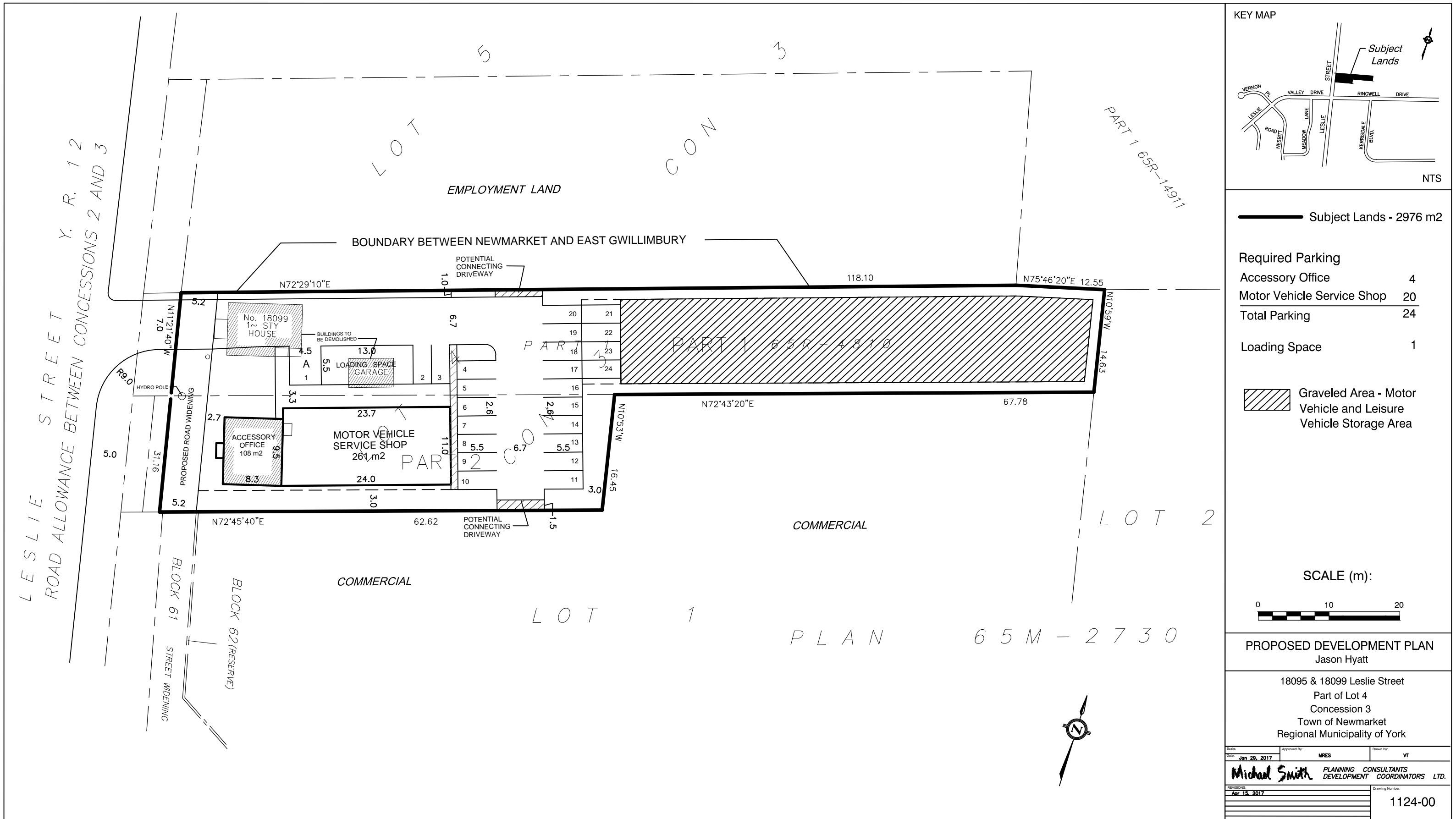
 Subject Lands



TOWN OF NEWMARKET PLANNING DEPARTMENT











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

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

## **175 Deerfield Road – Zoning By-law Amendment Application Staff Report**

Report Number: 2018-52

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: August 27, 2018

### **Recommendations**

1. That the report entitled 175 Deerfield Road – Zoning By-law Amendment Application dated August 27, 2018 be received;
2. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and that staff be directed to prepare the necessary Zoning By-law amendments, including the necessary Holding provisions;
3. That Council direct the Director of Planning and the Municipal Solicitor, or her designate, to enter into one or more agreements on behalf of the Town pursuant to Section 37 of the Planning Act to secure community benefits and any matters required as a legal convenience;
4. That per Section 45(1.4) of the Planning Act, Council resolve that minor variances shall be authorized for the subject lands;
5. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided;
6. That staff be directed to do all things necessary to give effect to the recommendations in this report;
7. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
8. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

### **Executive Summary**

The Town has received an application to amend Zoning By-law 2010-40 to permit the redevelopment of the lands known municipally as 175 Deerfield Road. This was

presented to Committee of the Whole in Planning Services Report 2018-17, dated March 19, 2018. A statutory public meeting was held on April 9, 2018 as required by the Planning Act.

This report provides (1) the context of the site, (2) the details of the proposal and how it has changed from its initial submission, (3) a discussion of the relevant planning policies and how the application addresses them, (4) an outline of feedback received, and (5) next steps in the development process.

If Committee adopts the recommendations of this report, a subsequent report will be presented to the September Committee of the Whole discussing requested incentives for the application. Subject to Committee's decision on these two reports, an amending zoning by-law will be presented to Council in September.

## **Purpose**

This report serves to provide recommendations to Committee of the Whole on the application for zoning by-law amendment for 175 Deerfield Road (the "subject lands") under Section 34 of the Planning Act.

This report discusses the application as it has been revised based on comments from staff from the Town and its development review partners along with feedback provided by members of Council and the public. The recommendations of the report, if adopted, would amend the Zoning By-law to permit the proposed development, apply necessary holding provisions to secure requirements, and authorize staff to enter into agreements under Section 37 of the Planning Act to secure obligations of the applicant.

## **Background**

### **Context**

The subject lands are currently occupied by a vacant three-storey industrial building.

The subject lands are located on Deerfield Road, with a small frontage on the south side of Parkside Drive. The lands are approximately 1.84 hectares in size, with approximately 63 metres of frontage onto Deerfield Road and 4 metres of frontage onto Parkside Drive. As is discussed later in this report, it is proposed that the lands occupied by Deerfield Road be consolidated with this site. The surrounding context is as follows, and is illustrated in Figure 1 as provided by the applicant:

- North: 200 Davis Drive, Two-storey commercial condominium including a range of retail and service uses on the ground floor with upper-floor offices
- East: 212 Davis Drive, fifteen-storey multi-unit residential rental building
- South: Single detached residential dwellings fronting onto Queen Street
- South and West: Low-rise buildings including motor vehicle repair facilities, professional offices, and a day care
- West: Parkside Drive and the Newmarket Plaza commercial centre



**Figure 1: Subject Lands Context**

The subject lands are located in the Urban Centres Secondary Plan (UCSP) area, and designated with a range of applicable policy categories of the UCSP. These include:

- Located in the Davis Drive Regional Corridor (Schedule 1)
- Located in the Davis Drive character area (Schedule 2)
- Designated as Mixed Use (Schedule 3)
- The north portion of the site is within the Medium-High Density area and the south portion of the site is within the Medium Density area (Schedule 4)
- The site is planned to host the extension of Calgain Road along the south edge of the subject lands, a future private road/lanes connecting the Calgain Road extension north to Davis Drive, and Deerfield Road becoming a private road/lane and being extended east (Schedule 5)

The Urban Centres Secondary Plan (UCSP) was adopted by Council on June 23, 2014 and by the Regional Municipality of York on March 26, 2015. Planning Services is continuing work on a zoning by-law that will implement the policies of the UCSP. In advance of the adoption of this general zoning by-law amendment, the applicant has submitted this application to permit site-specific standards to implement the UCSP policies on the subject lands as an amendment to Zoning By-law 2010-40.

## Proposal

This section of the report will present a general outline of the proposal from the applicant. The conformity of the proposal with Town policies will not be provided in this section, but rather is laid out in the following Discussion section.

### Built form

The applicant is seeking to amend Zoning By-law 2010-40 to permit three multi-unit residential buildings, being two 15-storey towers and one 10-storey building. The three buildings can be seen in Attachment 2 and are referred to throughout this report as Building 1 (the northeast building), Building 2 (the northwest building), and Building 3 (the south building). The general built form for each building is similar in its fundamental design; each building begins with a podium or base and a narrower tower above. The overall statistics for the buildings are presented in the table below.

	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>
<b>Storeys</b>	15	15	10
<b>Residential gross floor area (m<sup>2</sup>)</b>	19,919	16,501	14,238
<b>Floor Space Index</b>	2.87	2.87	2.48
<b>Studio and One-bedroom units</b>	69	84	46
<b>Two-bedroom units</b>	104	87	71
<b>Three-bedroom units</b>	13	1	12
<b>Total units</b>	186	172	129
<b>Parking Spaces</b>	224	208	164
<b>Barrier-free parking spaces</b>	5	4	3
<b>Bicycle parking spaces</b>	50	54	36

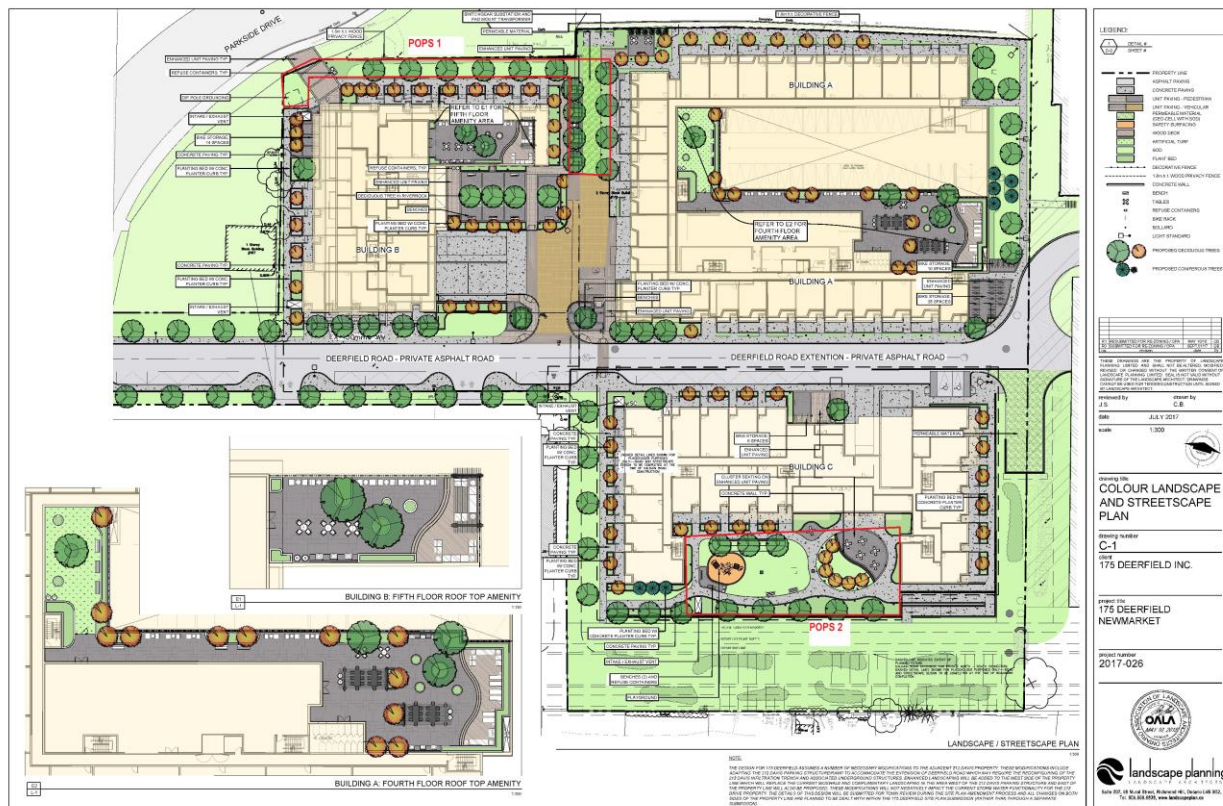
### Open Space

The proposal includes two open space areas. One is proposed to be located at the north edge of the subject lands toward the centre of the site between Buildings 1 and 2, indicated as POPS1 on Figure 2. This open space area is proposed to be a POPS (Privately-Owned Public Space) and a pedestrian mews. A POPS is a space that is



owned by a private landowner, developed in a manner approved by the Town, and open for use by the public.

A second open space area is proposed at the southern edge of the subject lands in a landscaped area that is encircled on three sides by Building 3, indicated as POPS 2 on Figure 2. This open space would abut the future extension of Calgain Road, with access via a ramp to the east and at grade to the west due to the significant change in grade between the open space and the future Calgain extension. The applicant has proposed this open space as a strata park, which would be divided in ownership from the underground parking beneath with the open space being conveyed to the Town. These two proposed areas are indicated in Figure 2 below.



**Figure 2: Open Space Locations**

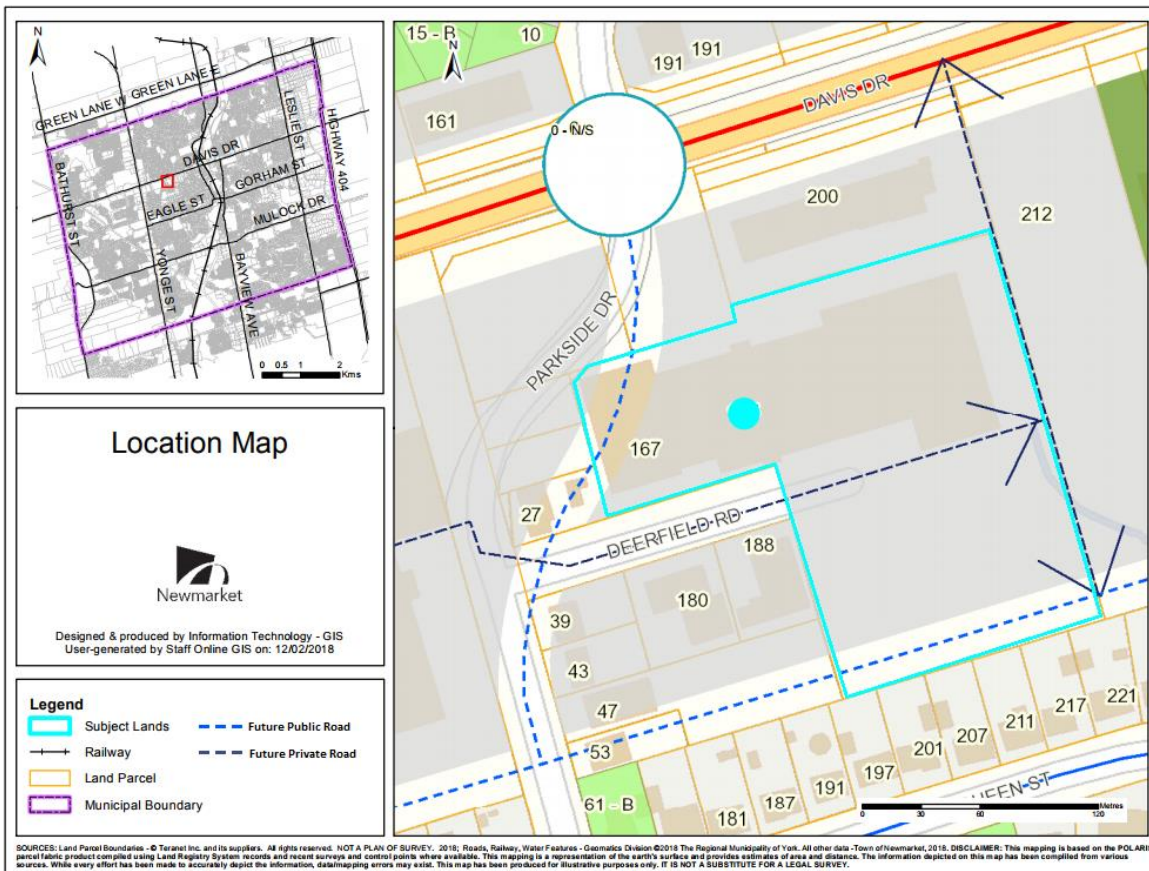
Each of these open spaces is proposed as a partial contribution toward the parkland dedication as required by Section 42 of the Planning Act and enacted in Newmarket by By-law 2017-56.

A discussion of the desirability of each space as public open space in light of the Town's policies and best practices in park design is presented in the discussion section later in this report. These areas have changed in design from the initial version presented; these changes are discussed later in this report.

## Road Network

Schedule 5 of the Urban Centres Secondary Plan (UCSP) indicates the future transportation network in the UCSP Area. As mentioned in the context section above, the subject lands are planned to be the site of part of the future transportation network. These planned roads can be seen in Figure 3.

First, the extension of Calgain Road along the south edge of the the subject lands is planned (see Figure 3 in light blue), building on the lands that were secured along the south edge of 212 and 230 Davis Drive. Second, a future north/south private road is planned to connect the Calgain Road extension north to Deerfield Road, and a connection from Deerfield Road to Davis Drive is also planned. Finally, the UCSP designates that Deerfield Road will become a private road and be extended east to meet the aforementioned north-south private road (see Figure 3 in dark blue).



**Figure 3: Future Street Network**

A discussion of the design of this planned road network and how it aligns with applicable policies is presented in the discussion section later in this report and the individual proposed segments of the network are illustrated in Figure 6 within that section.

## **Tenure**

The applicant has indicated in their Planning Justification report that the intended tenure for Building 1 (the northeast building) is rental, Building 2 (the northwest building) is condominium, and Building 3 (the south building) has not yet been determined. As Council will be aware, while an application may indicate a proposed tenure the Town has limited ability to control the tenure of a development.

The applicant has noted that rental housing is a community benefit that assists in the diversification of the housing stock, and that they are willing to guarantee that all units built as market rental units remain as such for a period of not less than 20 years. This may be eligible as a community benefit in pursuit of height and density bonusing, which may be secured through a Section 37 Agreement under the Planning Act.

## **Affordable Housing**

The applicant has indicated in their Planning Justification report that they intend to meet the affordable housing targets of the UCSP if the Town and Region provide certain incentives. These incentives and the role of government incentives in providing affordable housing are presented in some detail in the discussion section below, and will be discussed in greater detail in a report to Committee of the Whole in September.

## **Discussion**

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

Applicable policies and how they are addressed by this application are discussed below. In certain sections comments are provided regarding how the application will be processed through the development review process to ensure conformity with these policies.

## **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

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

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides “Ontario’s long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns”.

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The PPS supports and promotes intensification in designated growth areas taking advantage of existing and planned infrastructure. The proposed development is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan/UCSP for intensification and redevelopment. The proposal provides for a compact form allowing for the efficient use of land and infrastructure.

## **Growth Plan**

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Urban Centres Secondary Plan (UCSP) will allow the Town to meet its intensification requirements under the Growth Plan. The UCSP directs the majority of the Town’s future growth to the Yonge Street and Davis Drive corridors, where this development application is located.

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

This development aligns with the objectives of the Growth Plan and provincial policy by:

- being located in an intensification area;
- being located along the Davis Drive corridor within a major transit station area;
- contribute to a mix of built forms and public open spaces;
- seeking to meet affordable housing targets;



- providing a range of size and types of dwelling units;
- supporting transportation demand management through limited parking; and
- redeveloping a former industrial site.

The Growth Plan requires that Urban Growth Centres be planned to achieve a minimum gross density target of 160 residents and jobs for major transit station areas on priority transit corridors served by Bus Rapid Transit (BRT) such as the Viva BRT on Davis Drive. The proposal provides approximately 589 people per hectare, which will exceed the Town's density target. While the figure of 589 may seem large compared to the minimum target of 160, it is important to note that the target of 160 is across all major transit station areas on priority transit corridors served by BRT, and other sites within this area will not achieve this density and so it is necessary to permit a range of densities to achieve the overall objective.

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobiles through mixed-use, transit-supportive development. This proposal would improve the diversity of housing stock in Newmarket, provide additional dwelling units close to transit and retail options, and provide a parking supply that supports reduced dependence on private automobile use.

The Growth Plan also directs the implementation of minimum affordable housing targets. This proposal would meet the minimum affordable housing targets of the UCSP, subject to certain financial incentives that are discussed briefly in this report and will be the subject of greater discussion in a report to Committee of the Whole in September.

Decisions with respect to planning matters are required to conform to the provisions of the Growth Plan.

## **York Region Official Plan**

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The YROP designates this site as part of the "Urban Area". Davis Drive is one of the Regional Corridors, which are planned to serve as the primary locations for the most intensive and greatest mix of development. The policy requirements of the YROP have been integrated into the Urban Centres Secondary Plan (UCSP).

## **Town of Newmarket Official Plan**

The subject lands are located in the UCSP area, as is discussed in the Background Context section above.

## **Use**

The subject lands are designated "Mixed Use". The mixed-use area permits a range of uses including commercial, office, residential, employment, recreational and institutional

uses. Apartment buildings are permitted in the Mixed Use designation. While the UCSP does not specifically require each site to provide for a mix of uses, and the site is not within a priority commercial area where commercial uses would be mandatory across the street frontage, UCSP policies address an intent to promote a fine-grained mix of uses to bring activity to the street and provide for resident's daily needs.

These policies include setting an overall target for retail/commercial space per person at the build-out of the area, and setting approximate gross floor area (GFA) proportion targets for each character area by residential and employment uses. For example, the Davis Drive character area in which the subject lands are located is planned to be approximately 70% residential and 30% commercial in the total GFA, for a final build-out of approximately 4,200 residents at 2,000 jobs. The proposed development would add approximately 942 new residents, and is not proposed to add any commercial space.

Staff have noted in feedback to the applicant that the development would be improved through the inclusion of some amount of commercial GFA, as this assists in placing the daily needs of residents within walking distance and maintaining street-level activity throughout different hours of the day. This question of the degree of land-use mix is an important element of reviewing each development in order to create a complete community. A fine grain of land use mixes that include commercial areas in close proximity to or on the same site as residential uses meets the objectives of the UCSP of achieving walkability and livability.

Having daily needs and walkable destinations in close proximity to where residents live increases the proportion of daily trips being made on foot and provides jobs close to where residents live. Conversely, limited land-use mix limits economic development and access to goods and services and increases the costs – be they increased time, transportation costs, or reduced exercise – for residents to access services. The inclusion of additional commercial space also helps to support the economic development of the Town as an increased supply of commercial GFA can help to balance the commercial leasing market and provide space for a range of sizes and types of businesses.

The base of apartments are well-suited locations for commercial uses such as grocery stores, and small-scale retail, and service uses such as clinics, gyms, and daycares. Such uses assist residents to achieve their daily needs close to home while supporting vibrant neighbourhoods through all-day street-level activity. An additional method to integrate a mix of uses into the area beyond the commercial uses that are typically seen in the base of high-density residential buildings in other municipalities may also be to permit and encourage the use of ground-floor residential units for a mix of small-scale commercial uses such as offices and service-related uses, sometimes referred to as 'live-work units'.

The applicant has refused to include commercial areas within the building, arguing that ground-floor retail space in apartment podiums has proven difficult to lease and the location of the site on Deerfield Road rather than Davis Drive would lead to a lack of

visibility and thus viability for retailers. They also note that service commercial uses such as a daycare or dry cleaning is unlikely to match the expected clientele of the building which is expected to be seniors and 'move-down renters'. Further, the applicant has noted that the Townhouse units surrounding the podiums may serve as 'live-work units' that allow the residents to both inhabit the unit and use it as a small-scale commercial unit. Such units are common in dense urban areas and function well for uses such as a small office, hairdresser, or other service commercial uses.

Staff continue to emphasize the need for a fine-grained mix of uses including commercial floor units of a range of sizes but on balance recognize that this may not be achieved on all sites.

## Tenure

The applicant has indicated in their Planning Justification report that the intended tenure for Building 1 is rental, Building 2 is condominium, and Building 3 has not yet been determined. It is a positive element of this application that it proposes rental units, as this will assist the Town in achieving its policy objectives of providing for a range and mix of unit types and tenures. This section will present an overview of the Town's housing stock in order to provide context of why the tenure of the development is an important consideration.

The UCSP states that the Town will promote new rental development and encourage the retention of existing rental stock. This recognizes that a complete community and a healthy housing market provide a range of housing options, which is important for residents at all stages of life to be able to find housing that suits their needs. Rental housing is a critical element of a balanced housing market.

Beginning in 2014, York Region and its local municipalities began work to address the deficiency of rental units. Grouped under the name "Make Rental Happen" and led by the Human Services Planning Board, the campaign worked to develop tools for incentivizing rental construction and to create awareness among property developers that Newmarket and York Region were supportive of new rental development.



The Town worked with the proponent of 212 Davis Drive to offer a suite of incentives to the project, which resulted in the construction of 225 new rental units, the first purpose-built market rental apartment in York Region in at least 20 years. This project's success has led the applicant to propose similar and expanded partnerships to deliver the proposed development, which would include a mix of rental, condominium, and affordable units.

Ownership tenure housing in Newmarket continues to be the dominant form over rental housing. This is true in the existing housing stock, proposed developments, and

developments under construction. Newmarket continues to experience very low rental vacancy rates, which poses challenges for residents to find housing that suits the needs of their families.

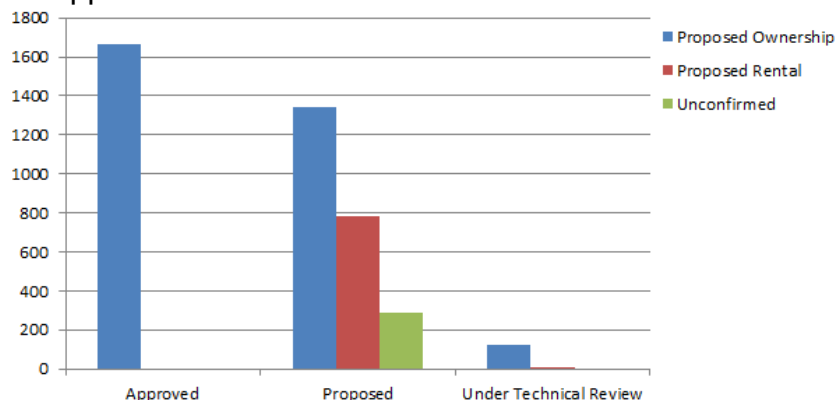


Rental vacancy rates in the past two decades have hovered between 0.7% in 2001 to 1.6% in 2012 and 1.3% in 2017, far short of the 3% vacancy rate that is generally accepted as a marker of a healthy rental market.<sup>1</sup>

The stock and growth of ownership housing units has continued to outpace rental by a significant margin. While there have been high-profile developments that have either entertained the prospect of rental tenure, or proposed rental tenure, the underlying trends continue to show that ownership is the dominant tenure in Newmarket. Without a significant change, rental vacancy rates will continue to be low and Newmarket residents will find it challenging to find rental housing.

The data clearly shows that (1) the majority of homes in Newmarket are owned, (2) the majority of homes being built in Newmarket will be owned, and (3) the majority of homes proposed in Newmarket will be owned. Figure 4 below illustrates developments by the number of dwelling units based on the status of their development applications as follows:

- Approved – Zoning By-law amendment approved
- Proposed – Zoning By-law amendment under review
- Under Technical Review - Zoning By-law amendment approved, site plan/subdivision application under review



**Figure 4: Residential Development Applications in Progress, by Tenure**

This matches broader trends across Ontario, in which the growth of condominium apartments has far outstripped rental apartments.

<sup>1</sup> CMHC, Rental Market Reports



Newmarket has some 5,875 renter households, compared to 22,795 ownership households. Much of Newmarket's rental stock is provided by small-scale private rentals. These include renting an entire home, an accessory dwelling unit (ADU), a unit within a low-rise development such as a duplex or triplex, or a room within a home. The Town's registry of ADUs includes 1,340 units.

Higher-density residential developments provide a relatively small number of units. Located principally on Lorne Avenue, Huron Heights, and Crossland Gate, Newmarket's larger purpose-built rental buildings provide approximately 500 dwelling units.

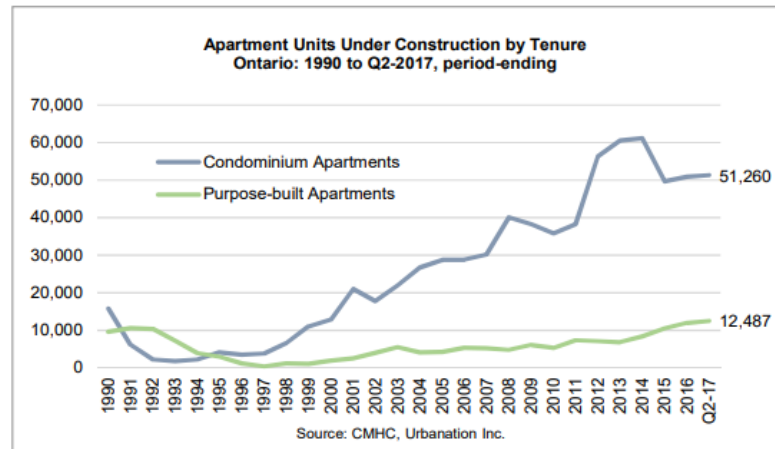


Figure 5: Apartment construction rates 1990-2017

Conversely, Newmarket has more high-density condominiums than it does high-density rental units. Of a similar age to rental buildings, condominiums in Newmarket are concentrated on Davis Drive and William Roe Boulevard. There are approximately 600 condominium units in these developments.

While ADUs and small-scale private rentals provide an important supply of rental housing, this housing stock is inherently less stable than purpose-built rentals.<sup>2</sup> Tenancy legislation in Ontario permits landlords to require a tenant to vacate a unit for the landlord's own use, which is more common in private rentals such as ADUs or home rentals. York Region does not include condominium units that are rented towards any affordable housing targets, as these units can be removed from the rental market at any time. Purpose-built rental buildings tend to offer greater security of tenure and stability for tenants.

## Affordable Housing

This section will present an overview of housing affordability in Newmarket and how this application addresses housing affordability policies.

The UCSP indicates that a minimum of 25% of new housing units outside of the Yonge & Davis Provincial Urban Growth Centre shall be affordable to low and moderate income households. While this 25% is not intended to be achieved on each individual application, but rather within the UCSP area as a whole, Committee should consider how these targets will be achieved if development applications proceed without

<sup>2</sup> Ryerson City Building Institute: Getting to 8,000

supplying any affordable units. Any development that is approved without any affordable units renders the challenge of meeting this target greater.

Units are deemed to be affordable if they are rented or sold at a price that meets the Region's annual thresholds. Regional Council recently endorsed changes to the threshold that would redefine affordability from 125% of the Average Market Rent (AMR), to 125% of the AMR by unit type based on the number of bedrooms.

The current thresholds are indicated in the right hand column below.

	<b>Average Market Rent</b>	<b>125% of AMR</b>
<b>Bachelor</b>	\$892	\$1115
<b>1 Bedroom</b>	\$1170	\$1463
<b>2 Bedroom</b>	\$1346	\$1683
<b>3+ Bedroom</b>	\$1526	\$1908

To date, the Town has had limited success in achieving affordable housing units. Data from 2016 indicates across the Region that 28% of homeowners and 52% of renters spend more than 30% of their household income on housing costs, an amount that is recognized as unaffordable. The financial incentives that are sought by the applicant as a condition of providing affordable housing units are discussed briefly in this report and will be the subject of greater discussion in a report to Committee of the Whole in September.

### **Urban design**

The UCSP has a number of urban design objectives to ensure a high quality of design that is sensitive to the surrounding land uses and create the distinct, livable and vibrant urban place that Newmarket is seeking to achieve.

The proposed built form of the building generally conforms to the urban design policies of the UCSP. Each building provides a podium with setbacks to a tower that rises above it, a transition in scale from adjacent stable residential areas to the south toward Davis Drive, and articulated facades with a range of complementary material types. The angular plane analysis submitted with the application demonstrates that the proposed development will meet the angular plane urban design policies of the UCSP.

Staff have noted to the applicant that further detail regarding the material selection for the elevation plans will be required, along with sustainability requirements and bird-friendly design elements at the site plan application stage. Staff have further noted that minor revisions may be required at the site plan application stage if Council should deem to approve the application, including:

- Implementation of features from Urban Design and Landscape Plan such as street furniture, seating, and the design of amenity areas

- Confirming the design meets requirements of the Integrated Accessibility Standards Regulation of the Accessibility for Ontarians with Disabilities Act

### **Shadow and Wind Impact**

The submitted shadow study indicates that the proposed development has been oriented to minimize shadow and wind impacts. The UCSP prioritizes ensuring that sunlight penetration continues to reach streets, parks, squares and plazas, surrounding neighbourhoods, and shadow-sensitive areas such as schoolyards and amenity areas for seniors. The UCSP does not require that no shadow impact occur on adjacent properties, only that increased shadow impact on certain sensitive land uses and public spaces be minimized. The submitted shadow study indicates that these policies would be met.

The UCSP further directs that new development should minimize wind impact on adjacent properties and public spaces. The wind report submitted with the application indicates that downwashing winds can be expected in immediate proximity to the buildings, but that the impact is generally acceptable. The report notes several pedestrian-level areas such as sidewalks within the subject lands and proposed private amenity areas that may experience uncomfortable levels of wind in the winter. The report continues by recommending wind control measures such as coniferous landscaping, semi-porous wind screens, and minor adjustments to entryways, and appropriate screening for rooftop terraces and amenity areas. These features will be reviewed for implementation through the site plan approval process, if Council should deem to approve this application.

### **Sustainability**

The UCSP requires the incorporation of certain sustainability measures. Section 7.3.7 (i) of the Plan provides that all development be encouraged to strive for a LEED Gold or higher rating or equivalent standard. The provided Sustainable Development Report provides a list of features that the applicant has indicated they will endeavour to provide. These include high-efficiency heating and cooling systems such as heat pumps, window design that will reduce energy consumption, and various Transportation Demand Management (TDM) elements.

If Council should deem to approve this application certain of these elements may be secured at the site plan approval stage, with holding provisions, and through agreements as appropriate. These include physical common-area TDM elements, exterior window design, bicycle parking, a three-stream waste system, and external design features.

In summary of the aspects of the application related to sustainability, the application meets many of the requirements of the UCSP although the sustainability features may need to be secured through appropriate agreements.

## Communication Technology

The UCSP requires that all multi-unit residential buildings will be designed to facilitate advanced telecommunication. The submission indicates that the applicant will ensure that conduits will be provided from the right-of-way to each building and unit such that the buildings are prepared for “fibre to suite” requirements of telecommunication provides. The applicant has indicated they will enter into agreement(s) with a telecommunications company to install such fibre optic infrastructure throughout the buildings. The application appears to meet the policies of the UCSP related to communication technology.

## Transportation

The subject of transportation as it relates to this application can be considered as being made up of five elements: (1) the planned road network, (2) minor variances that may be required, (3) required easements, (4) existing public roads to become private roads, and (5) parking.

The integration of land use and transportation planning is a critical element of the UCSP and of good planning in general. The transportation policies of the UCSP encourage a shift away from single occupant vehicles in favor of more active, efficient, and sustainable transportation modes. The UCSP policies prioritize the use of public transit and active transportation, and direct the establishment of a new road network throughout the UCSP area to provide accessibility and permeability.

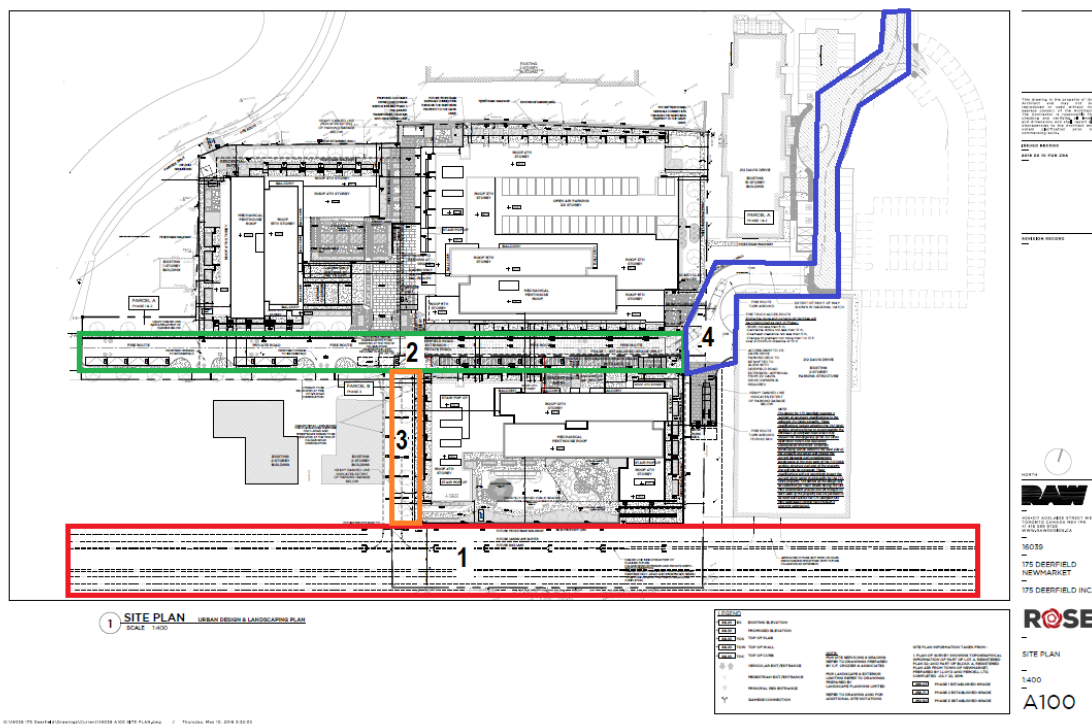
Figure 6 generally illustrates the **planned road network**. The applicant proposes to meet the street network policies of the UCSP. The conveyance of lands at the south of the subject lands for the future extension of Calgain Road is in line with the Town’s expectations (indicated as 1 on Figure 6). Note that only the portion of the future Calgain extension within the subject lands is to be conveyed and existing private property exists to the west that has not been acquired by the Town.

Deerfield is planned to be extended to the east as a road that is privately-owned but publicly-accessible (indicated as 2 on Figure 6). A north-south private road between the Calgain extension and the Deerfield extension is planned between the subject lands and 212 Davis Drive to the east (indicated as 3 on Figure 6). These streets are also planned to connect to Davis Drive through easements over 212 Davis Drive and 230 Davis Drive (indicated as 4 on Figure 6). These have not yet been secured, although staff have indicated to the applicant that they are necessary in order to fulfill the UCSP policies.

This report recommends **authorizing applications for minor variance** for the subject land in order to achieve the future road network policies of the UCSP. The Province made changes to the Planning Act through Bill 73 that received Proclamation on July 1, 2016. This new change provides that once a Zoning By-law amendment is approved by Council, no site-specific zoning by-law amendments (Section 34) or minor variance applications (Section 45) can be submitted to the Town for a period of two (2) years, unless Council passes a resolution permitting such an application.

Staff have identified one matter that was not addressed in the initial application that may require an application for a minor variance, and given the complexity of the application it is probable that others may arise. In particular, staff have identified that a minor variance application may be required for the lands currently occupied by Deerfield Road. These lands were not part of the initial application made by the proponent, but rather were included within the application through the review process as staff recommended in order to comply with Schedule 5 of the UCSP.

As the lands occupied by the road were not part of the initial application, no public notice was provided for them and the Town is unable to amend the zoning by-law to allow for the encroaching structures including the parking garage that is proposed to extend under the future private road. As Section 8.3.4 of the UCSP provides that parking structures will be permitted below private streets, and Schedule 5 directs that the street become private, staff recommend authorizing minor variances to address the required built form permissions to allow the proposed changes to the Deerfield Road parcel, and to address any other minor relief that is required as identified during the site plan application process.



**Figure 6: Future Road Network Segments**

The layout of the proposed road network has altered from the original submission based on review by staff. The initially-proposed north-south road that would connect the Calgain extension to Deerfield was initially proposed to straddle the property line between 212 Davis Drive and 175 Deerfield Road. Grading and civil engineering review indicated this would lead to significant impact on the abutting single detached residential properties to the south on Queen Street due to the required retaining walls. To minimize

this impact the road has been shifted west to straddle the property line on the west side of Building 3.

The applicant has not to date secured the **required easements** over 212 Davis Drive and 230 Davis Drive to provide the required connection from the site to the east and north to Davis Drive (indicated as 4 on Figure 6). The applicant has engaged in conversations with the church who occupies 230 Davis Drive but no agreement has been reached. The church has indicated they may be comfortable with providing an easement provided that traffic access only be permitted once the Calgain Road extension is completed in order to provide a more balanced road network. In order to move forward with the application, the Town can, as a condition of zoning approval, require:

- The registration of agreements on title to each of the three properties
- The construction of the connection between 175 Deerfield Road and 212 Davis Drive
- Limit movements at the property line between 175 Deerfield Road and 212 Davis Drive to westbound-only traffic
- That eastbound traffic between 175 Deerfield Road and 212 Davis Drive be permitted once the Calgain Road extension and the north-south connection between Deerfield Road and Calgain Road are constructed

This approach would ensure that the Secondary Plan road network policies are achieved, while minimizing impact on the church property until such time as the Town undertakes its own construction and the road network begins to take shape. The effect of this would be that traffic from 212 Davis Drive would be able to exit westbound over 175 Deerfield Road, but that traffic from 175 Deerfield Road would not be permitted to move eastbound to Davis Drive over the 212 and 230 Davis Drive lands until Buildings 1 and 2 and the Calgain Road extension are completed.

As is discussed in the Road Network section above and illustrated in Figure 4, the UCSP plans for certain new public roads such as the Calgain extension and new private roads such as Deerfield Road. Where new private roads are to be located the Town will secure an easement over the lands to ensure that the right of all members of the public to use the road in the same manner as a public road is maintained and that appropriate controls for maintenance, operations, and liability are put in place.

The UCSP also directs that certain **existing public roads become private roads**, such as is the case with the existing Deerfield Road. In order to fulfill this UCSP policy while ensuring the ability of other residents and adjacent property owners to use the road, this necessitates that staff effect the easements in favor of the Town over the road to ensure future public access, and approve the design of the road through the site plan approval process. This process is recommended to be initiated through the adoption of the recommendations of this report.

In short, the Town would treat the newly-private road the same as the future private extension through securing an easement over the property in favor of the Town so that all members of the public have the same access over the road. The Town would also ensure access during construction through the construction management plan, not unlike the process to ensure ongoing access during a reconstruction of a road managed by the Town. No change to the rights of the property owners abutting the newly-private road would take place vis-à-vis their ability to redevelop their properties, as the zoning by-law permits redevelopment on such lots, as will continue to be permitted in the Urban Centres Secondary Plan Zoning By-law. In the case of future development of these properties where construction impacts to the private road are required, the Town will secure in site plan agreements the ability for these properties to do so subject to restoration of the road to its original state.

While securing public access over private roads is a first for the Town, it will become more common in future developments due to the number of private roads that are planned in the UCSP area. Beyond fulfilling UCSP policy, transferring Deerfield Road to private ownership and securing public access over future private extensions of the road have several benefits. First, it allows the Town to provide a more permeable street network without taking on the burden of owning and maintaining these roads. Second, it allows for a consistent and efficient street design - the provided plans with the initial application included a large cul-de-sac where the current Deerfield Road would terminate and meet the future private extension. If the Town were to maintain ownership of Deerfield Road this design would be necessary for operations and maintenance such as snow clearing, while if this were transferred a more consistent design without the cul-de-sac may be possible, as is encouraged by the UCSP. Third, transferring the road to private ownership may allow for a more efficient design including using lands under Deerfield Road for underground parking. Finally, securing public access over a privately-owned road that can be designed in a manner that best suits the local site may allow for a more innovative and attractive urban design than a standard asphalt-and-curb road. These designs will be reviewed through the site plan approval process.

Council has directed through the UCSP that Deerfield Road become a private road. The Sale of Land policy exempts this transfer of land from the need for Council approval as it is undertaken through the site plan approval process and it is a case where land is exchanged for land of equal or greater value. As the Town will receive the Calgain Road right-of-way lands and dispose of the Deerfield Road right-of-way lands to the abutting owner (the applicant), these requirements are satisfied.

In terms of **parking**, the application proposes to provide a number of parking spaces that are within the parking requirements for the UCSP area. The number of parking spaces has been increased from the original application based on feedback from members of the public and Council, and now exceeds the rate of parking provided at 212 Davis Drive by approximately 15 to 20%. The proposal includes the following amounts of vehicular parking:

Building	Number of units	Minimum requirement	Maximum requirement	Number of spaces provided
1	186	204	241	224
2	172	182	216	208
3	129	144	169	164

Bicycle parking has been provided on-site, and the applicant has proposed secure bicycle parking for Buildings 2 and 3. Staff believe it is important that secure bicycle parking is available for all buildings and will continue to work with the applicant to enhance bicycle parking opportunities such as providing a secure bicycle parking structure over the exterior bicycle parking for Building 1. The proposal includes the following amounts of bicycle parking:

- Building 1 – 50 spaces (entirely external)
- Building 2 – 54 spaces (40 internal, 14 external)
- Building 3 – 36 parking spaces (30 internal, 6 external)

The applicant has also noted that while no car share service is currently operating in Newmarket that they would be happy to offer spots for such services in the future if one begins operations in Newmarket. This may be secured through the site plan agreement.

In summary of the aspects of the application related to transportation, the application meets many of the requirements of the UCSP although the roads, easements, and TDM features may need to be secured through appropriate agreements.

### **Parkland and Open Space**

There are two interrelated elements of open space that should be considered by Council. These are (1) parkland dedication and (2) amenity space.

**Parkland Dedication** in accordance with Parkland Dedication By-law 2017-56 is required. The By-law requires certain minimum amounts of dedication of land and provides for a calculation of cash in lieu of remaining requirements. While the By-law generally allows for either land or cash to be provided, in the case of large sites of residential development in the UCSP area it requires a minimum amount of physical land to be provided, being:

- Land in the amount of not less than 7.5% of developable site area; and/or
- An urban square or plaza with a minimum street frontage of 7.5 metres and a minimum area of 75 square metres; and/or
- A pedestrian mews of a minimum width of 6m.



The by-law then allows the remainder of the amount to be made up through off-site land dedication, cash-in-lieu, or a combination of both. The parkland dedication proposal included with the application does not appear to meet the requirements of the by-law. This may be addressed in one of three ways:

- The applicant paying cash-in-lieu of parkland at the rate required by the by-law
- The applicant purchasing additional nearby land and conveying it to the Town
- A combination of the above two options

In particular, staff have encouraged the applicant to explore purchasing adjacent land on the west edge of the property that belongs to York Region and is a remnant of the realignment of Parkside Drive. An additional property at the northeast corner of Deerfield Road and Parkside Drive is in private individual ownership and the applicant has noted that they have begun discussions to acquire both properties. It appears that some combination of these lands would satisfy the requirements of the By-law. Adequate lands and cash-in-lieu of lands to satisfy the requirements of the Parkland Dedication By-law will be obtained as part of the site plan approval process.

As is discussed in the Proposal – Open Space section above, the application includes two public open space areas. The first is a proposed Privately Owned Public Space (POPS) in the north of the subject lands between Buildings 1 and 2, and the second a strata park located on top of underground parking on the south edge of Phase 3. These are indicated in Figure 3. If the Town consents to accept these areas, the POPS would continue to be owned by the applicant but be publicly accessible as an urban square and the strata park would be conveyed to the Town through a plan of condominium in which the Town would own the park and the applicant would own the land underneath. Each of these would provide a partial credit for the parkland dedication requirements for the development, reducing the overall cash-in-lieu obligations.

Staff are of the opinion that the northerly POPS not be accepted, but that the southerly open space area may be acceptable as a POPS rather than a strata park. The northerly POPS is not desirable as a public open space, as Town's Parkland Policy Development Manual states that urban squares and plazas such as this should be located along main pedestrian routes with high visual exposure and street frontage.

The applicant has revised the plans based on feedback provided by staff, the public, review partners, and Council. The applicant argues that the POPS would be desirable as a pedestrian mews as it meets the definition of one under the Parkland Dedication By-law. Staff note that the proposed mews offers no additional pedestrian connection as an equally convenient path exists via Parkside Drive and Deerfield, and that the proposed mews terminates in a vehicular access area. The decision to accept land as parkland, or as a POPS in partial fulfillment of parkland dedication requirements, rests with the Town. Staff continue to believe that it is more appropriate to receive land or cash-in-lieu of land rather than this POPS pedestrian mews.

Staff further recommend that the southerly area be accepted as a POPS rather than a strata park. While this would reduce the amount of credit that the area would provide toward the parkland dedication requirements of the applicant, providing the space as a POPS rather than a strata park would maintain the ownership as part of the overall proposed development, eliminating the need for long-term Town maintenance. In addition, a strata park over an underground parking area poses additional legal and maintenance uncertainties that the Town has not yet experienced nor prepared for. Staff continue to work with peers in more densely urbanized municipalities to prepare for accepting and maintaining strata parks as this will provide greater flexibility of design in the future, but believe a POPS is the most appropriate form of parkland in this case. While strata parks may be appropriate and useful forms of parks in the UCSP area, in this case a POPS may accomplish the same function with less complexity.

The proposal also includes **amenity space** for the residents of the proposed development. Amenity space is area that is communal to one or more of the buildings, inaccessible to the general public, and provides space for activities, relaxation, and movement outside of a dwelling unit. Where this might take place on a deck or backyard in ground-related residential development, higher-density residential developments must provide this in more creative ways. In many urban municipalities there are standards in the zoning by-law to set how much amenity space is required for each dwelling unit and the format (e.g. balcony, rooftop space, at-grade space) it must take.

Newmarket has no such standard to date, although one may be implemented by the Urban Centres Secondary Plan Zoning By-law. The amount of amenity space proposed in this development is argued by the applicant to be in excess of requirements of comparable municipalities, and has increased this area in the revised submission. This development proposes rooftop amenity space for Buildings 1 and 2, at-grade private amenity space for Building 2, along with rooftop patios for the upper-level townhouse units on Buildings 1 and 3. In addition there is interior amenity space adjacent to the rooftop spaces in Buildings 1 and 2, and adjacent to the southerly POPS in Building 3.

## Servicing

The proposed development will require servicing allocation in the amounts of:

- Building 1 – 186 units – 362 people
- Building 2 – 172 units – 335 people
- Building 3 – 129 units – 251 people

As Council directed as part of the most recent review of the Servicing Allocation Policy, 300 units of servicing allocation capacity has been set aside for the first condominium development in the urban centres. The applicant has indicated that they wish to access this allocation and construct Buildings 1 and 2 simultaneously with one as a rental and one as a condominium. In addition to meeting Council's aim of achieving a new condominium development, this would reduce construction costs by consolidating the

work period and reduce the construction disruption timeline by reducing the phasing of the development from three phases to two.

This report recommends a holding provision be employed to require that servicing allocation be granted before any development occurs. It is anticipated that servicing allocation would be granted for Building 1 from the Urban Centres Reserve as part of a standard annual allocation report, and for Building 2 from the Strategic Condominium Reserve. Per Section 5 of the Servicing Allocation Policy, any allocation is deemed to be rescinded one year after the date of allocation if no development has taken place. Staff will work with the applicant to proceed with the Site Plan Approval application and rescind allocation as necessary if development does not occur in a timely manner.

In addition, the applicant has noted that they are in discussions with York Region to be the first building to participate in the “Sustainable Development through LEED” program through which constructing the building to LEED Silver standards would provide the Town with a refund of 30% of the servicing allocation required for the building.

### **Height and Density Bonusing**

The application as proposed would require height and density bonusing under Section 37 of the Planning Act. The UCSP has a maximum Floor Space Index (FSI) of 2.5 for Parcel A and 2.0 for Parcel B as shown on Figure 2. The application is seeking an increase of 0.5 FSI for each parcel, to 3.0 and 2.5 FSI, respectively, which comprises an increase of three stories on Parcel A and two storeys on Parcel B.

Section 37 of the Planning Act authorizes municipalities to permit increases in height and density in exchange for certain community benefits or cash-in-lieu of the same. The benefits that are eligible for such bonusing are set out in Section 14.2.9 of the UCSP. In order to permit such an increase in height and/or density, the UCSP states that the applicant shall demonstrate that the development:

- a) represents good planning;
- b) is consistent with the objectives of this Plan;
- c) meets the applicable urban design and built form policies of this Plan;
- d) represents appropriate development in the context of the surrounding character;
- e) can be accommodated by existing or improved infrastructure; and
- f) will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through road and transit improvements which are to be provided prior to the time of development.

The applicant has provided a rationale in their Planning Justification Report (PJR) that explains how the application meets these requirements. As particular community benefits to justify the increase in height and density the applicant has proposed that one of the three buildings will be guaranteed to be rental in tenure for a period of not less than 20 years. The applicant has also proposed that 25% of the proposed dwelling units will meet the affordability threshold, subject to the incentives that are discussed briefly in

this report and will be the subject of greater discussion in a report to Committee of the Whole in September.

It should be noted that height and density bonusing is generally regarded as a means for municipalities to extract benefits that capture the lift in land values that occur when increased height and density is permitted. However, in the case where a municipality is seeking a benefit that exceeds the value of the additional height and density offered, such as may be the case with securing affordable housing units, it may be that height and density bonusing is only one of several necessary incentives. In some cases, as is advanced by the applicant in this proposal, a combination of height and density bonusing, and other incentives, may be required to achieve both the community benefit sought by the municipality and to ensure that a desirable development project is viable.

A Section 37 agreement may be the appropriate tool to secure a range of matters for the development such as the conveyances of roads and easements, the provision of sustainable development features, the supply of any affordable housing units, securing tenure of units, and other matters for legal convenience.

If Committee adopts the recommendations of this report and approves this application, a subsequent report will be presented to the September meeting of Committee of the Whole. Such subsequent reports will discuss the incentives sought by the applicant, in exchange for which community benefits will be secured. This phased approach is necessary in order that the benefits to be secured can be enumerated in the amending Zoning By-law, as is required by Section 37 of the Planning Act. If Committee approves the requested incentives, the benefits will be included in the amending Zoning By-law presented to Council on September 24<sup>th</sup>.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose holding provisions (“H”) on a zoning by-law to limit the use of lands until the provision is removed. The amending zoning by-law will include holding provisions that are typical for zoning by-law amendments for residential developments such as the requirement to enter into a site plan agreement, file a Record of Site Condition (RSC) and to obtain servicing allocation. The amending zoning by-law will also include holding provisions that are required to secure matters required by the Urban Centres Secondary Plan such as the new road network.

As obtaining an RSC will require demolition of the structure and other site works, it is staff’s intent to exclude remediation and below-grade work from the holding provisions in order to facilitate efficient remediation and development.

## Comments

Staff circulate zoning by-law amendment applications to the public and the Town's review partners. Many of the comments provided are outlined in the Discussion section above. Additional comments are presented below for greater context.

### York Region

Staff from the Regional Municipality of York have provided comments on the application. They note that they have no objections to the zoning by-law amendment, and that they have preliminary comments regarding a future site plan application. These comments generally address:

- Requirements of Section 59 of the Clean Water Act
- Servicing allocation from the Town, and the eligibility of the application for the Region's 'Sustainable Development Through LEED Incentive Program', which offers additional servicing allocation capacity to the Town for developments that meet the program's requirements
- The proposed street network is consistent with the Regional Official Plan
- A Transportation Demand Management Study/Plan will be required as part of the site plan application to support efforts to reduce single-occupant vehicle use

Comments from York Region will be addressed through the appropriate planning tools.

### Engineering Services

Staff from Engineering Services have provided comments on the application. They note that they believe that the issues they have raised can be satisfactorily addressed through holding provisions in the amending zoning by-law and during the site plan approval process. The comments from Engineering Services generally address:

- Transportation – The need for reconstruction of Deerfield Road, and the need for connections through 212 Davis Drive and to the future Calgain extension
- Traffic – Deerfield Road is to serve as the sole access to the development in the short term. The supporting traffic studies indicate that the existing road network can adequately accommodate the traffic generated from this development with some localized improvements. In the future, secondary accesses will be provided by way of private road connections to an extended Calgain Road and through private roads/driveways over 212 and 230 Davis Drive.
- Stormwater management – Generally satisfactory, with additional design detail to be reviewed as part of a site plan application
- Servicing – Satisfied that an adequate watermain design can be implemented to provide adequate flow and pressure. Detailed design work remains to be completed for sanitary servicing but staff are satisfied that this can be addressed through a holding provision (H) on the amending zoning by-law.
- Environmental – A Phase Two Environmental Site Assessment should be conducted prior to a Record of Site Condition (RSC) being filed with the Ministry

of the Environment, Conservation, and Parks (MOECP). Staff recognize that demolition of the existing buildings on-site will be necessary to complete the work required to prepare an RSC. Staff are satisfied that this can be addressed through a holding provision (H) on the amending zoning by-law

### **Town Arborist**

The Town's Consulting Arborist, Urban Forest Innovations Inc., has reviewed the application. The Consulting Arborist is generally satisfied with the arborist report submitted by the applicant.

If Council deems to approve the application, staff will ensure compliance with the Tree Preservation, Protection, Replacement, and Enhancement Policy through the future site plan application.

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

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

The LSRCA is satisfied that, from a watershed management perspective, that the application is consistent with the applicable policies. Consequently, the LSRCA has no objection to the application. They further note that more detailed comments will be provided at the site plan application stage in order to ensure compliance with applicable policies related to stormwater management and hydrogeology.

### **Other Review Partners**

- Building Services has indicated they have no comments at this time.
- Central York Fire Services has reviewed the application and they have provided general comments on the site layout and plan detail to ensure appropriate access for emergency vehicles.
- The York Region District School Board has been advised of the application and they have noted that they have no need of a school site within the proposed development application.
- Canada Post has been advised of the application and they have noted their requirements to ensure orderly mail delivery to the development in the event that Council approves the application.
- The Southlake Regional Health Centre has been advised of the application and they have noted the ongoing need for capital investment and public support to meet the needs of the region's growing population.
- Enbridge Gas has indicated no objection to the application.
- The Heritage Newmarket Advisory Committee expressed concern that "that the development at 175 Deerfield Road represents an excessive intensification of the area, interferes with the streetscape of the neighbourhood and severely limits the privacy of the owners of the properties abutting the development."

- Rogers Communications has been advised of the application and they have noted no comment.

## Effect of Public Input

Comments were received from the public at the statutory public meeting, by written correspondence, and in person. The effect of this input, or the way in which the matters raised by the public were otherwise addressed, are discussed below. These comments centered on several themes:

- Provision of affordable housing should be required
- Insufficient bicycle parking
- Insufficient vehicle parking
- Impact on adjacent properties during construction
- Poor current state of Deerfield Road and need for intersection controls
- Impact of future Calgain Road extension
- Need for additional amenity space and facilities for children
- Environmental site conditions
- Shadows and angular plane (overlook) on adjacent properties

Staff concur that **affordable housing** is of critical importance to Newmarket. Rising housing prices and a lack of diverse housing options pose challenges to residents of a range of demographics – seniors looking to downsize or who are on fixed incomes, young professionals looking for rental accommodations or to enter the housing market. The Town has four options related to securing the affordable housing targets set out in the Secondary Plan:

- (1) provide such incentives as would entice developers to voluntarily provide the affordable units,
- (2) refuse to approve an application that does not provide the affordable units,
- (3) approve applications lacking affordable units in the belief that they will be voluntarily provided by other applicants in the future, or
- (4) implement inclusionary zoning to require the affordable units from all developments.

As is discussed earlier in this report, a further report with recommendations related to the requested financial incentives is intended to be presented to Committee of the Whole at its next meeting. It is important to note that the Planning Act requires Council to make a decision on this application on the planning merits of the application – namely, the matters laid out in Section 2 of the Planning Act, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the applicable regional and local official plans. The question of incentives may be considered as a way to secure additional objectives that are beyond what can be legislated through the zoning by-law (i.e. securing rental tenure and affordable housing), but financial

incentives are not grounds on which Council may approve or reject the zoning by-law amendment application.

Staff concur that providing sufficient **bicycle parking** is an important way to facilitate active transportation. Zoning By-law 2010-40 has parking rates that do not require the level of secure, convenient bicycle parking that will encourage residents in apartments to cycle. Based on a review of requirements of other municipalities in urban areas that are seeking to promote active transportation, an increased rate of bicycle parking spaces is common in other jurisdictions, and is also being proposed in the ongoing Zoning By-law Review. Staff have indicated to the applicant that additional supports for active transportation are desirable including additional bicycle parking spaces and weather protection for exterior spaces. These will be required through the amending zoning by-law and design improvements sought through the site plan approval process.

The amount of **vehicular parking** has been increased by the applicant and is within the number of spaces required by Zoning By-law 2010-40, as recently amended. No request for a reduction in required parking has been proposed, and the applicant can provide the proposed amount of parking by right.

The **impact on adjacent properties** and businesses will be addressed through the site plan approval process through the requirement of a Construction Management Plan (CMP). The CMP will be required to address matters such as scheduling, dust, truck movement, erosion during construction, and other matters to the satisfaction of the Director of Engineering Services.

Staff concur that the **state of Deerfield Road** is such that it is in need of reconstruction to support the proposed development. As a condition of site plan approval, the applicant will be required to fully reconstruct and urbanize the road. As is recommended in this report, the applicant is also to accept ownership and long-term maintenance of the road to the Town's satisfaction. Engineering staff have reviewed and concur that intersection controls are not warranted at Deerfield Road and Parkside Drive.

**Calgain Road's** extension was approved through the adoption of the UCSP. Its detailed design remains to be completed. This application does not propose to construct the extension of Calgain Road, rather it will convey land to the Town that will form a part of the road in the future. Any public consultation on the design and timing of the extension will be the Town's role in the future.

Staff concur that **amenity space** is desirable. As is discussed above, Zoning By-law 2010-40 does not currently have a standard for an amount of amenity space that is required. Based on public feedback the applicant has increased the amount of amenity space. The applicant will also be required to provide parkland dedication, which is a separate but related element of the proposal that is discussed in greater detail earlier in the report. The proposal has also been amended to provide play facilities for children in the proposed southern POPS.



To address any issues related to **environmental site conditions** a Phase One Environmental Site Assessment (ESA) has been provided with the application and reviewed by Engineering Services. A Phase Two ESA and Record of Site Condition will be required before development commences on the property. This may require excavation or remediation, which will be addressed by the proposed holding provisions.

The applicant has provided analyses of the **angular plane and shadow** impacts of the proposed buildings. These have been reviewed by staff and found to meet the requirements of the UCSP.

## Conclusion

The application acceptably meets the policies of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

The application has been sufficiently improved from the initial submission that staff recommend its approval, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

## Business Plan and Strategic Plan Linkages

### Living Well

- Traffic and growth management strategies

### Well Balanced

- Meeting the needs of all life-cycle stages

### Well-equipped & managed

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Varied housing types, affordability and densities

### Well planned & connected

- Long-term strategy matched with a short-term action plan
- Improving interconnectivity and interaction amongst neighbours and neighbourhoods

## Consultation

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

A statutory public meeting was held in April of 2018. Following this meeting a revised submission was provided to the Town in May of 2018, which was also circulated for

review and provided for comment to members of the public who had provided comments.

## **Human Resource Considerations**

Not applicable.

## **Budget Impact**

The appropriate planning application fees have been received for the zoning bylaw amendment application. The Town will also receive revenue from development charges and property tax assessment revenue with the development of this proposal in the event the applications are approved. Further discussion of budget impact related to incentives will be presented in a report to Committee of the Whole in September.

## **Attachments**

- Location Map
- Proposed Site Plan

## **Approval**

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

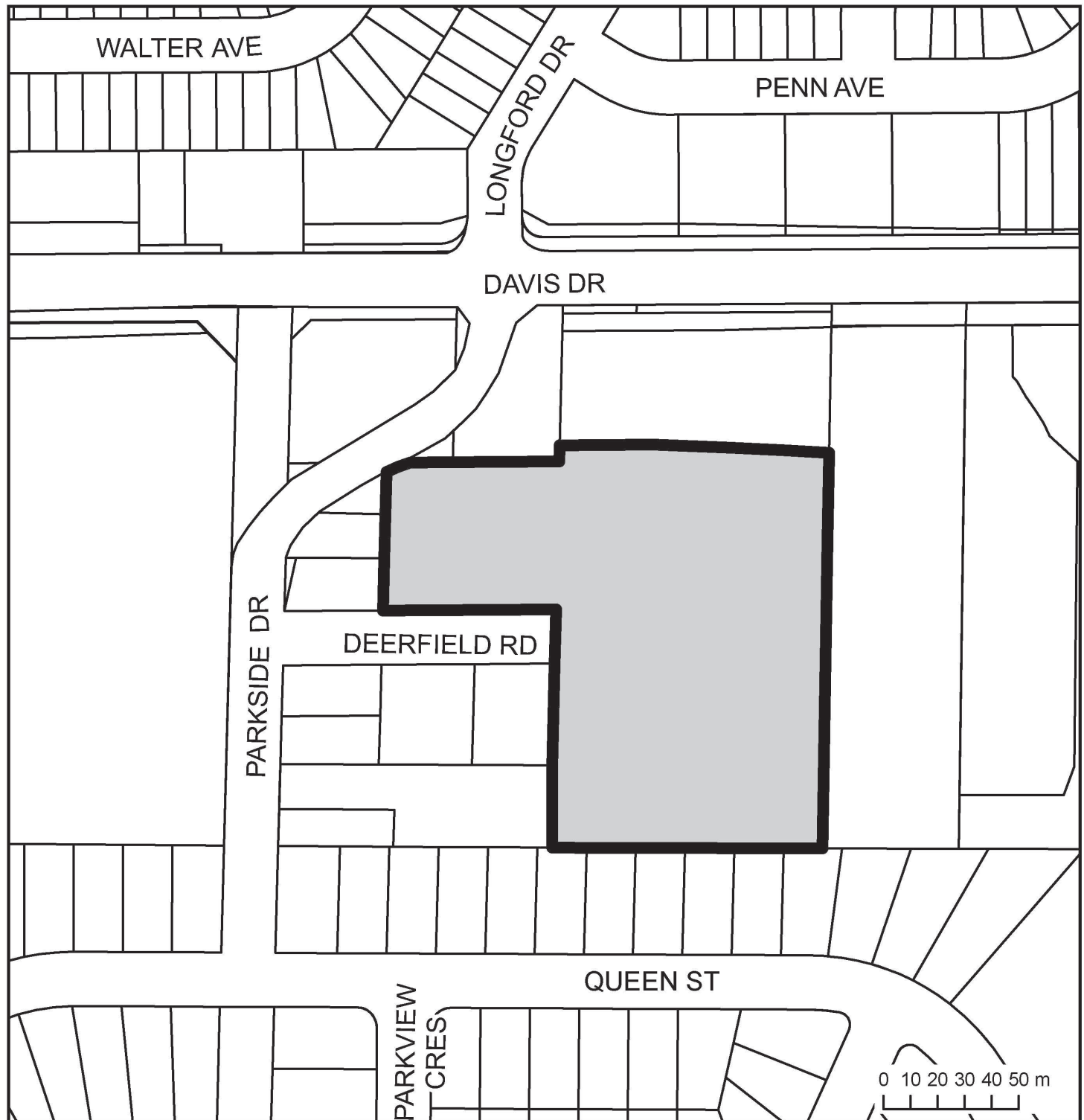
## **Contact**

Ted Horton, Planner

[thorton@newmarket.ca](mailto:thorton@newmarket.ca)

# LOCATION MAP

## 175 Deerfield Road



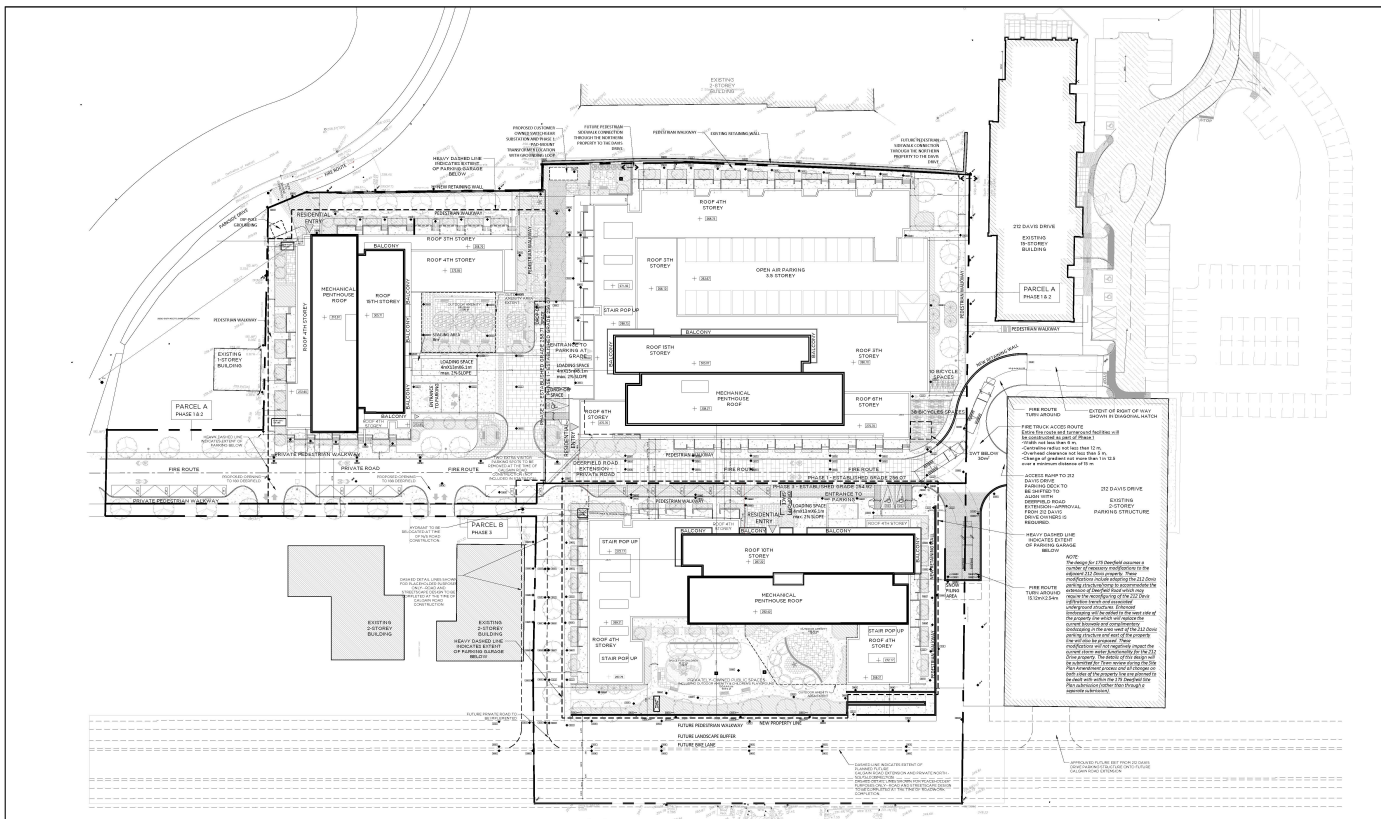
 Subject Lands



TOWN OF NEWMARKET PLANNING DEPARTMENT







**1 SITE PLAN** URBAN DESIGN & LANDSCAPING PLAN  
SCALE 1:400

This drawing is the property of the Architect. It is not to be used for any other project without the written consent of the Architect. The Architect is not responsible for any and all errors and omissions and shall remain liable for any and all errors and omissions.

**REVISION RECORD**

NO.	DATE	DESCRIPTION
1	05/10/18	FOR 2A

**REVISION RECORD**

**RAW**  
400-877 ADELPHI STREET WEST  
TORONTO, CANADA M5V 1B8  
+1 416 595 8775  
WWW.RAWDESIGN.CA

16039  
175 DEERFIELD  
NEWMARKET  
175 DEERFIELD INC.

**ROSE**  
SITE PLAN  
1:400  
A100





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

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

## **Mossbank Court Parking Review Staff Report**

Report Number: 2018-51

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: August 27, 2018

### **Recommendations**

1. That the report entitled Mossbank Court Parking Review dated August 27, 2018 be received; and,
2. THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by referring to Appendix A attached: and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of the report is to submit the findings of the parking review based on the petition request, and provide recommendations to Council.

### **Background**

At its regular meeting of April 16, 2018, Town Council, under New Business, received a petition from the Mossbank Court community to implement a “No Parking” zone on the north side of the street to alleviate parking issues. Mossbank Court, a small cul-de-sac, is a local residential road on the west side of Patterson Drive, just south of Meadowbank Public School. The review, public consultation and results that ensued were conducted in accordance with the Town’s Public Consultation and Support policy.

### **Discussion**

The Town of Newmarket received a petition, signed by all eleven households of the Mossbank Community (100% support), requesting parking restrictions on the north side.

Vehicles were parking on both sides of the road making it difficult for the community to access or egress their driveways, and to manoeuvre through the Mossbank/Patterson intersection. As per the Town's Public Consultation and Support policy, follow-up contact with the community was undertaken.

During the consultation process, there was a request from one resident to review the possibility of removing all parking on both sides of the street instead of only the north side. Since there was only one single request to remove all parking on both sides of the street, staff continued with the original petition request for "No Parking" on the north side only rather than re-starting the entire process. Staff will monitor the situation to determine if the file should be re-opened to consider no parking on both sides of the street sometime in the future.

After reviewing the parking issues both on the street and in the area, it is recommended that a "No Parking" zone be implemented on the north side of the street as requested by the community in its original petition.

## **Conclusion**

It is recommended that a "No Parking" zone be implemented on the north side of Mossbank Court from Patterson Street to the property limit between #655 and #661 Mossbank Court.

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

Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from, and within Newmarket.

## **Consultation**

A petition was received by Town Council on April 16, 2018. A letter was sent to the households on Mossbank Court on May 4, 2018, soliciting any additional comments or information. A review was conducted according to the process outlined in the Town's Public Consultation and Support policy. This final report, which contains the recommendations to Council, shall be provided to the Mossbank community prior to the Committee of the Whole meeting of August 27, 2018, for their information and to allow them to attend the meeting, if they so desire.

## **Human Resource Considerations**

None.

## **Budget Impact**

The initial expenditure for poles, signs and their implementation would be less than \$1,000.00 and shall be funded out of the Capital Budget. Over time, maintenance and



replacement would be funded through the Operating Budget, and the operating cost would be minimal.

## **Attachments**

Appendix A

## **Approval**

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

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

## **Contact**

For more information or questions regarding this report, contact Mark Kryzanowski, Manager, Transportation Services, at 905-895-5193 extension 2508 or [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca)

## Appendix A

THAT Schedule X (No Parking) of the Parking By-law 1993-62, as amended, be further amended by adding the following:

ROAD	SIDE	BETWEEN	PROHIBITED TIMES
Mossbank Court	North	Patterson Street and the property limit between #655 and #661 Mossbank Court	Anytime

**Minutes**

Tuesday, March 6, 2018 at 9:30 AM

Town of Aurora

The meeting of the Central York Fire Services - Joint Council Committee was held on Tuesday, March 6, 2018 in the Holland Room, Town of Aurora, 100 John West Way, Aurora, Ontario.

**Members Present**

Newmarket:

Councillor Twinney, Chair  
Councillor Hempen

Aurora:

Councillor Thompson, Vice Chair  
Councillor Abel

Regrets:

Councillor Bisanz, Newmarket  
Councillor Mrakas, Aurora**Staff Present**

Newmarket:

R.N. Shelton, Chief Administrative Officer  
M. Mayes, Director of Financial Services/Treasurer  
D. Schellenberg, Manager of Finance & Accounting  
L. Georgeff, Director of Human Resources  
K. Saini, Deputy Town Clerk, Recording Secretary

Aurora:

D. Nadorozny, Chief Administrative Officer  
D. Elliot, Director of Financial Services/Town Treasurer

Central York Fire Services:

I. Laing, Fire Chief  
R. Comeau, Deputy Fire Chief

The meeting was called to order at 9:38 AM with Councillor Twinney in the Chair.

## **Additions & Corrections to Agenda**

There were no additions or corrections to the agenda.

## **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## **Presentations**

### **1. Central York Fire Services 10-year Financial Plan**

There was discussion regarding Key Performance Indicators, such as response times, Fire Master Plan, Asset Management Plan (includes conducting a review of the status of the local infrastructure, replacement of trucks, expected end of useful life, data management, desired level of service, financial strategy), 10-year financial outlook for annual budgets, capital budget, cost allocation, detail allocation. Next steps were discussed, and the first draft of the Financial Plan and Outlook is anticipated in May and will be updated on an annual basis going forward. The Development Charges update and Fire Master Plan will also be updated in 2019.

There were questions with regards to municipalities being required to report on their response times to their respective Councils.

Moved by: Councillor Hempen  
Seconded by: Councillor Thompson

1. That the presentation provided by Fire Chief Laing, Mr. Mike Mayes, Director of Financial Services/Town of Newmarket Treasurer, and Ms. Dawn Schellenberg, Manager of Finance & Accounting, Town of Newmarket entitled "Central York Fire Services 10-year Financial Plan" be received.

**Carried**

## **Deputations**

There were no deputations.

## **Approval of Minutes**

### **2. Central York Fire Services – Joint Council Committee Meeting Minutes of January 9, 2018**

It was noted that Fire Medic resolutions were approved by both Councils and sent to the Province.

Moved by: Councillor Abel  
Seconded by: Councillor Thompson

1. That the Central York Fire Services - Joint Council Committee Meeting Minutes of January 9, 2018 be approved.

**Carried**

## **Items**

### **3. Central York Fire Services Preliminary Budget Report - Fourth Quarter**

Ms. Schellenberg provided a brief overview of the report. There were questions about the reserve fund. It was noted that these would be captured in the Asset Replacement Fund.

Moved by: Councillor Thompson  
Seconded by: Councillor Abel

1. That the report entitled "Central York Fire Services Preliminary Budget Report - Fourth Quarter" dated March 6, 2018 be received for information purposes.

**Carried**

### **4. Naloxone Agreement between Fire Services and the Region of York**

The Fire Chief provided an overview of the agreement in place between CYFS and Region of York. He noted that the Region will provide Naloxone to CYFS at no cost.

Moved by: Councillor Abel  
Seconded by: Councillor Hempen

1. That the verbal update provided by the Fire Chief regarding the Naloxone Agreement between Fire Services and the Region of York be received.

**Carried**

## **New Business**

- (1) Amendments to the Fire Prevention and Protection Act

The Fire Chief notes that the legislation is being amended and includes: (1) mandatory certification (new) & training of firefighters; (2) community information; and (3) public reporting of fire response times.

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

Councillor Twinney advised that there was no requirement for a closed session.

## **Adjournment**

Moved by: Councillor Thompson  
Seconded by: Councillor Hempen

1. That the Central York Fire Services Joint Council Committee adjourn at 10:42 AM

**Carried**

---

Date

---

Councillor Twinney, Chair

# Newmarket Downtown Development Committee

Friday, March 23, 21018  
Serpa Lounge, Old Town Hall

The meeting of the Newmarket Downtown Development Committee was held on Friday, March 23, 2018 in the Serpa Lounge, Old Town Hall.

Members Present: Jackie Playter, Chair  
Councillor Kwapis  
Barbara Leibel

Regrets: Olga Paiva  
Steve Whitfield

Staff Present: C. Kallio, Economic Development Officer  
H. Leznoff, Council/Committee Coordinator

The meeting was called to order at 10:05 AM.

Jackie Playter in the Chair.

## **Additions and Corrections**

## **Declarations of Pecuniary Interest**

None

## **Presentations & Recognitions**

None

## **Deputations**

None

## **Approval of Minutes**

1. **Newmarket Downtown Development Committee Meeting Minutes of February 2, 2018.**

Moved by: Barbara Leibel  
 Seconded by: Kwapis

1. That the Newmarket Downtown Development Committee Meeting Minutes of February 2, 2018 be approved.

**Carried**

## **Items**

### **2. Overview**

The Economic Development Officer provided an overview indicating that at the last meeting \$70,000.00 of funding was approved. He further advised that the total requests for applications before the Committee today is \$43,993.00, leaving the Committee with a balance of \$16,000.00 in the 2018 budget.

He further advised that a previously approved project may not move forward as an engineer's study is required to receive approval from the Conservation Authority. He advised that if the project does not move forward, the funding previously provided under the Interior Renovation and Improvement Program would be returned to the Newmarket Downtown Development Committee budget.

### **3. Financial Incentives Program Grant Application 2017-06 – Façade Improvement and Restoration Program**

The Economic Development Officer advised that the owner of 221 Main Street attended the Newmarket Downtown Development Committee in 2017 for assistance in re-doing the rear facing façade of the building. Since that time, the owner has been informed that the material originally suggested is flammable and is requesting additional funds to replace the façade. He further advised that this grant application is subject to Heritage Conservation Permit approval.

Moved by: Councillor Kwapis  
 Seconded by: Barbara Leibel

1. That the Façade Improvement and Restoration Program Grant application in the amount of \$2,758.50 be approved, subject to Heritage Conservation Permit approvals; and,
2. That Anne Martin c/o 355 Millard Avenue, Newmarket ON be notified of this action.

**Carried**



#### **4. Financial Incentives Program Grant Application 2018-03 – Project Feasibility Study Program and Interior Renovation and Improvement Program**

The Economic Developer advised that 185 Main Street has been leased and the tenant has identified extensive renovations that need to occur in order to commence business operations. At the request of the Committee, the owner is submitting a breakdown of costs for the interior renovations. Further, the business has been notified that with the change of use in this space, a fire separation barrier will be required. This expense is being incurred by the tenant. He further advised that the tenant must incur additional Project Feasibility costs to make these changes to the structure and is seeking additional funding under the project feasibility program in addition to the amount approved in February.

Moved by: Councillor Kwapis  
Seconded by: Barbara Leibel

1. That the Project Feasibility Study Program grant application in the amount of \$2,450.00 be approved; and,
2. That the Interior Renovation and Improvement Program Grant application in the amount of \$7785.40 be approved; and,
3. That the Planning and Building Fees Rebate/Credit Program up to \$1000.00 be approved subject to confirmation of costs; and,
4. That Diana Patrice Bromfield of 185 Main St. South, Newmarket ON, be notified of this action.

**Carried**

#### **5. Financial Incentives Program Grant Application 2018-05 – Interior Renovation and Improvement Program**

The Economic Development Officer advised 500 Water Street, “Cachet” will be installing a take-out window on the Fairy Lake side of the building to provide food options. He advised that this renovation will require the addition of kitchen equipment and the corresponding exhaust system. He further advised that the tenant is requesting funding for the interior renovation of the kitchen for the items related to the building permit.

Moved by: Barbara Leibel  
Seconded by: Councillor Kwapis

1. That the Interior Renovation and Improvement Program Grant application in the amount of \$15,000.00 be approved subject to confirmation of costs; and,
2. That Jennifer MacLauchlan c/o Cachet, 500 Water Street, Newmarket be notified of this action;

**Carried**

#### **6. Financial Incentives Program Grant Application 2017-09 – Interior Renovation and Improvement Program**

The Economic Development Officer advised that the owners of 262 Main Street South, The Fresh Tea Shop, are requesting funding to assist in covering the cost of repairing the structural integrity of the second floor/ceiling of first floor of the building. Previous renovations jeopardized the structure and the recent architectural assessment (funded by this program) confirmed that structural work is necessary.

Moved by: Barbara Leibel  
Seconded by: Councillor Kwapis

1. THAT the Interior Renovation and Improvement Program grant application in the amount of \$15, 000.00 be approved; and,
2. That Joseph and Janice Zhang of 262 Main Street, Newmarket ON be notified of this action.

**Carried**

#### **New Business**

##### **a) Outdoor Patio Project**

Questions were raised regarding interest in the summer outdoor patio program, as the program now has space for one more patio. Discussion ensued regarding suitable locations.

##### **b) Main Street Revitalization Initiative**

The Economic Development Officer advised that the Town has received a provincial grant of \$104,000.00 to be used in the downtown area. He advised that staff are developing a list of potential projects, with a downtown garbage strategy near the top of the list.

c) Handrails

Jackie Playter suggested that handrails be placed on steep laneways such as beside the offices of Stiver Vale Barristers and Solicitors at 195 Main Street South.

d) Parking Behind Cachet

Councillor Kwapis provided the Committee with an overview of an information report that was circulated regarding parking options behind Cachet (500 Water Street). He advised that the study indicated that there could only be a maximum of 16 parking spots with a total cost of close to \$400,000.00. He further advised that Council directed staff to look for other parking alternatives.

### Adjournment

Moved by: Barbara Leibel  
Seconded by: Councillor Kwapis

1. That the meeting adjourn at 10:52 AM

**Carried**

---

Date

---

J. Playter, Chair



## **Heritage Newmarket Advisory Committee**

Tuesday, May 1, 2018 at 7:00 PM  
Mulock Room

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, May 1, 2018 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair  
Billie Locke, Vice-Chair  
Joan Seddon  
Rohit Singh  
Malcolm Watts

Absent: Councillor Hempen  
Soni Felix Raj

Staff Present: A. Walkom, Council/Committee Coordinator

The meeting was called to order at 7:03 PM with Athol Hart in the Chair.

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

None.

### **Declarations of Pecuniary Interest**

Athol Hart noted that he would be presenting the Committee with two properties for heritage designation and that he owns one of the properties.

### **Presentation/Deputations**

None.

## Approval of Minutes

### 1. Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018.

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 3, 2018 be approved.

**Carried**

## Correspondence

### 2. Correspondence from the Town of Newmarket Planning Department – Notice of the Passing by the Town of Newmarket of Zoning By-law Amendment (17645 Yonge Street)

Moved by: Joan Seddon  
Seconded by: Rohit Singh

1. That the correspondence from the Town of Newmarket Planning Department – Notice of the Passing by the Town of Newmarket of Zoning By-law Amendment (17645 Yonge Street) be received.

**Carried**

## Items

### 3. Operating Results for the Three Months Ending March 31, 2018

The Committee discussed the budget for the 2018 year to date. The Committee inquired as to the status of the architectural brochures which had been approved in 2017.

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee request an update from the Town Planning Department on the production status of the brochure featuring Newmarket architectural styles.

**Carried**

**4. Council Workshop - Advisory Committees Work Plan Accomplishments  
June 25, 2018**

The Council/Committee Coordinator advised the Committee of the upcoming Council Workshop scheduled for June 25, 2018, which will be an opportunity for the Committee to present their accomplishments over the 2014-2018 term.

**Reports of Committee Members**

**5. Designated Property Maintenance and Concerns:**

a. Site Plaques

Athol Hart advised of a \$5,000 payment to the Town to a Heritage account. Staff will inquire to determine if this money will become available for use in relation to Heritage Committee projects.

b. Residence Plaques

Malcolm Watts advised that he has provided a list of outstanding requests for Residence Plaques to the Senior Planner – Community Planning.

c. Heritage Location Plaques

Athol Hart gave an update on the walking tours being held on Main Street in relation to the Heritage Location Plaques. He also advised of the recent passing of James Nuttal.

Moved by: Rohit Singh  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend that a street be named after James Nuttal.

**Carried**

## 6. Sub Committee Reports

### a. Architecture, Recreation, Culture, Heritage (ARCH) Committee

Athol Hart provided an update on the planning of the Rebel Heartland event.

### b. Elman W. Campbell Museum Board

Billie Locke advised that the most recent Elman W. Campbell Museum Board meeting did not take place.

### c. Lower Main Street South Heritage Conservation District Advisory Group

Athol Hart advised that he and Town staff had met with the owners of the King George Hotel to discuss the recent recommendations of the Heritage Newmarket Committee regarding the east facade windows and front door of the building. He advised that the owners were supportive but must check with the tenants before going forward.

### d. Newmarket Historical Society Board of Directors

Joan Seddon gave an update on the most recent Board meeting and advised of upcoming events, including a talk on the Great Escape in May and a Strawberry Social in June.

## New Business

## 7. Heritage Designations

Athol Hart advised the Committee of two properties which are eligible for heritage designation. He advised that the first property is located at 368 Park Avenue and that the owner wishes to have the property designated. He provided the Committee with an overview of the history of the house and its worthiness of heritage designation.

Moved by: Rohit Singh  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend that the Council of the Town of Newmarket designate 368 Park Avenue.

**Carried**



Athol Hart advised that he owns the second property, which is located at 161 Prospect Street. He provided the Committee with the history of the property and its prominent former owners.

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend that the Council of the Town of Newmarket designate 161 Prospect Street.

**Carried**

## **Adjournment**

The meeting adjourned at 8:22 PM.

---

Athol Hart, Chair

---

Date



## **Heritage Newmarket Advisory Committee**

Tuesday, June 5, 2018 at 7:00 PM  
Mulock Room

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, June 5, 2018 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair  
Billie Locke, Vice-Chair  
Councillor Hempen  
Joan Seddon  
Malcolm Watts (7:08 PM – 7:57 PM)

Absent: Rohit Singh  
Soni Felix Raj

Staff Present: A. Walkom, Council/Committee Coordinator

The meeting was called to order at 7:00 PM with Athol Hart in the Chair.

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

None.

### **Declarations of Pecuniary Interest**

None.

### **Presentation/Deputations**

None.

## **Approval of Minutes**

### **1. Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018.**

Moved by: Councillor Hempen

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018 be approved.

**Carried**

## **Correspondence**

### **2. Correspondence from the Town of Newmarket Planning Department – Notice of Extension by the Town of Newmarket of Interim Control By-law (Old Main Street)**

Moved by: Joan Seddon

Seconded by: Billie Locke

1. That the correspondence from the Town of Newmarket Planning Department – Notice of Extension by the Town of Newmarket of Interim Control By-law (Old Main Street) be received.

**Carried**

### **3. Correspondence from the Town of Newmarket Planning Department – Notice of Passing by the Town of Newmarket of a Zoning By-law (172-178 Old Main Street)**

Moved by: Councillor Hempen

Seconded by: Joan Seddon

1. That the correspondence from the Town of Newmarket Planning Department – Notice of Passing by the Town of Newmarket of a Zoning By-law (172-178 Old Main Street) be received.

**Carried**

**4. Correspondence from the Town of Newmarket Planning Department – Notice of Adoption by the Town of Newmarket of an Official Plan Amendment (16200 and 16250 Yonge Street)**

Moved by: Councillor Hempen  
Seconded by: Malcolm Watts

1. That the Correspondence from the Town of Newmarket Planning Department – Notice of Adoption by the Town of Newmarket of an Official Plan Amendment (16200 and 16250 Yonge Street) be received.

**Carried**

**5. Correspondence from the Town of Newmarket Planning Department – Notice of Adoption by the Town of Newmarket of a Zoning By-law (16200 and 16250 Yonge Street)**

Moved by: Joan Seddon  
Seconded by: Billie Locke

1. That the Correspondence from the Town of Newmarket Planning Department – Notice of Adoption by the Town of Newmarket of a Zoning By-law (16200 and 16250 Yonge Street) be received.

**Carried**

**Items**

**6. Operating Results for the Four Months Ending April 30, 2018**

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the Operating Results for the Four Months Ending April 30, 2018 be received.

**Carried**

**7. 2018 Ontario Heritage Conference**

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the invitation to the 2018 Ontario Heritage Conference be received.

**Carried**

**8. Council Workshop - Advisory Committees Work Plan Accomplishments  
June 25, 2018**

Moved by: Billie Locke  
Seconded by: Joan Seddon

1. That the Heritage Newmarket Heritage Committee ask Athol Hart to present to Council at the Advisory Committee Council Workshop.

**Carried**

**9. Ontario Architectural Style Guide**

Athol Hart provided the Committee members with the printed copies of the Ontario Architectural Style Guide. He advised the members with an overview of the project and that the plan was to replace the pictures with examples of Newmarket architecture.

**Reports of Committee Members**

**10. Designated Property Maintenance and Concerns:**

a. Site Plaques

There was no update on this item.

b. Residence Plaques

Malcolm Watts advised that the list of outstanding requests for Residence Plaques is with the Senior Planner – Community Planning, who is looking for a consultant on the matter.

c. Heritage Location Plaques

Discussion ensued on the Union Hotel, due to the property's future heritage designation. Councillor Hempen provided an update on the recent presentation by VivaNext to Committee of the Whole. He advised that VivaNext intends to sell the property and the responsibility for restoration will be on the next owner.

Moved by: Councillor Hempen  
Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee request that the Town provide the site plan agreement for the Union Hotel to the Committee.

**Carried**

## **11. Sub Committee Reports**

- a. Architecture, Recreation, Culture, Heritage (ARCH) Committee

Athol Hart provided an update on the planning of the Rebel Heartland event.

- b. Elman W. Campbell Museum Board

Billie Locke provided an update on recent Museum events and advised that the Mothers' Day tea event was a success. She further advised of the security concerns in the Museum building and that a security audit had recently been conducted.

- c. Lower Main Street South Heritage Conservation District Advisory Group

Athol Hart advised that no new requests had been received since the last report.

- d. Newmarket Historical Society Board of Directors

Joan Seddon gave an update on the recent events, such as the talk on the Great Escape in May. She advised that Beth Hart of the Elman W. Campbell Museum would be giving a talk as a future event.

## **New Business**

### **12. Bogart House**

Malcolm Watts advised of recent activity at the Bogart House property. Athol Hart advised that the owners of the property have been asked to present a preservation proposal for the building.

## **Adjournment**

The meeting adjourned at 7:57 PM.

---

Athol Hart, Chair

---

Date





Town of Newmarket  
**Minutes**

# **Newmarket Environmental Advisory Committee**

Wednesday, May 2, 2018 at 6:30 PM  
Cane A & B

The meeting of the Newmarket Environmental Advisory Committee was held on Wednesday, May 2, 2018 in the Cane A & B room, 395 Mulock Drive, Newmarket.

Members Present: Dena Farsad, Chair  
Carin Binder, Vice-Chair  
Councillor Vegh (6:34 PM to 8:24 PM)  
John Birchall  
Catherine Ethier (6:52 PM to 8:34 PM)  
Jill King  
Ben Longstaff

Absent: Georgina Anderson Fuentes

Staff Present: A. Walkom, Council/Committee Coordinator

The meeting was called to order at 6:34 PM.

Dena Farsad in the Chair.

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

None.

## **Declarations of Pecuniary Interest**

None.

## **Presentations**

None.

## **Approval of Minutes**

### **1. Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018**

Moved by: Carin Binder  
 Seconded by: Councillor Vegh

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of April 4, 2018 be approved.

**Carried**

## **Correspondence**

### **2. Partners for Climate Protection (PCP) program**

Moved by: Jill King  
 Seconded by: Carin Binder

1. That the correspondence regarding the Partners for Climate Protection (PCP) program be received; and,
2. That the Newmarket Environment Advisory Committee request an update on the Partners for Climate Protection program.

**Carried**

### **3. Correspondence previously distributed by email**

Moved by: Carin Binder  
 Seconded by: John Birchall

1. That the correspondence previously distributed by email be received.

**Carried**

## Items

### 4. Public Events for 2018

#### a. Garage Sale & E-waste Collection

John Birchall and Dena Farsad provided an update on the planning of the Garage Sale and E-waste Collection event. The Committee discussed how many volunteers would be needed for the event and what tasks they would need to do.

Dena Farsad provided an update on the advertising for the event. The Committee discussed where the event should be advertised and what types of ads should be used.

#### b. Public Events Signage

John Birchall advised of the need to replace the A-frame signs and banners for use at public events.

Moved by: Councillor Vegh  
Seconded by: Catherine Ethier

1. That the Newmarket Environmental Advisory Committee approve the purchase of replacement signs.

**Carried**

### 5. Environmental Plan Discussion

The Committee discussed the need for an environmental plan to guide policy decisions for the Town of Newmarket. The Committee discussed the need to research environmental plans which have been implemented by other municipalities and to discuss the issue at a future Committee meeting.

### 6. Council Workshop - Advisory Committees Work Plan Accomplishments June 25, 2018

The Council/Committee Coordinator advised the Committee of the upcoming Council Workshop scheduled for June 25, 2018, which will be an opportunity for the Committee to present their accomplishments over the 2014-2018 term.

## New Business

### 7. Regional EAC Meeting

John Birchall advised that the meeting of the Regional Environmental Advisory Committee has been finalized and the agenda has been sent out. It will be held at the Ray Twinney Recreation Complex in Lounge 2, on June 12, 2018 at 6:30 PM to 9:00 PM.

### 8. Local Environmental Events and Activities

Dena Farsad advised of the following local environmental events and activities:

- a. York Region will be selling compost bins for \$20.
- b. Native Plants in Claremont has native plant seeds sales for schools.
- c. Information sessions will be held for public input on the draft York Regional Forest Management Plan.

## Adjournment

Moved by: Carin Binder  
Seconded by: Ben Longstaff

- 1. That the meeting adjourn at 8:34 PM.

**Carried**

---

Dena Farsad, Chair

---

Date



## Town of Newmarket Minutes

## Main Street District Business Improvement Area Board of Management

Tuesday, May 15, 2018 at 7:30 PM  
Community Centre & Lions Hall #2

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, May 15, 2018 in the Community Centre & Lions Hall #2, 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair  
Councillor Kwapis  
Carmina Pereira  
Rory Rodrigo (7:30 – 8:19 PM)  
Peter Mertens  
Elizabeth Buslovich  
Jackie Playter  
Olga Paiva  
Anne Martin (7:34 – 8:43 PM)

Regrets: Siegfried Wall

Staff Present: E. Bryan, Business Development Specialist  
H. Leznoff, Council/Committee Coordinator

Guests: Peter Salt, Newmarket Stage Company  
Carl Milroy, Craft Brew Festival

The meeting was called to order at 7:30 PM.

Glenn Wilson in the Chair.

### Additions & Corrections to the Agenda

The Chair advised of the following addition to the agenda:

- (1) Deputation Newmarket Stage Company
- (2) Residential Parking downtown
- (3) Street Cleaning

Moved by: Peter Mertens  
 Seconded by: Jackie Playter

1. That the addition to the agenda be approved.

**Carried**

A late addition, a deputation by Carl Milroy regarding the Craft Brew Festival was added.

## **Declarations of Pecuniary Interest**

None

## **Presentation & Recognitions**

The Chair advised that in lieu of a presentation by the Marketing/Sponsorship sub-Committee, an e-mail with the proposed banner designs would be circulated to the Board Members for comment.

## **Deputations**

### **1. Newmarket Stage Company**

Peter Salt, Newmarket Stage Company addressed those present and provided an update regarding the Newmarket Stage Company's recent and upcoming performances. He advised that the Newmarket Stage Company is currently holding performances at the Royal Canadian Legion Branch on Srigley Street, however, they wish to return to the Old Town Hall as their primary location. However, he advised that the rental rates at Old Town Hall are more than what the company can currently accommodate. He requested the Board of Management's assistance, if possible.

Discussion ensued regarding the benefits of the Newmarket Stage Company returning to the downtown area. Councillor Kwapis advised that he would investigate options regarding rental space at the Old Town Hall upon receiving a written request from the Newmarket Stage Company.

Moved by: Councillor Kwapis  
 Seconded by: Elizabeth Buslovich

1. That the deputation by Peter Salt presentation by regarding Newmarket Stage Company.

**Carried**

## **2. Craft Brew Festival**

Carl Milroy addressed the Board regarding the Craft Brew Festival being held on June 16, 2018 from 11:00 AM to 10:00 PM. He provided an overview of the event, advising that it will be family friendly and will include food, drinks and entertainment. He advised that in addition to beer and food vendors, there will be a market with retail vendors and that businesses could submit vendor applications for a fee of \$75.00. The Chair advised that he would distribute this information to the membership.

Moved by: Jackie Playter  
Seconded by: Councillor Kwapis

1. That the deputation by Carl Milroy regarding the Craft Brew Festival be received.

**Carried**

## **Approval of Minutes**

### **3. Main Street District Business Improvement Area Board of Management Minutes of April 23, 2018**

Moved by: Elizabeth Buslovich  
Seconded by: Jackie Playter

1. That the Main Street District Business Improvement Area Board of Management Minutes of April 23, 2018 be approved.

**Carried**

### **4. Marketing Sub-committee Report/Minutes**

There were no minutes to distribute.

## **Items**

## 5. Street Events Update

- (1) Carmina Pereira provided a verbal update regarding the upcoming Canada Day festivities and advised that they are currently receiving and reviewing vendor applications. She further advised that the “kid’s zone” will consist of a face painter and balloon artist.

Moved by: Rory Rodrigo  
 Seconded by: Anne Martin

1. That the street events update be received.

**Carried**

## 6. Financial Update

The Business Development Specialist distributed a document outlining revenues and expenses and provided a verbal update regarding director’s insurance and the reserve funds for 2017/2018.

Moved by: Peter Mertens  
 Seconded by: Rory Rodrigo

1. That the financial update by the business Development Specialist regarding the Main Street District Business Improvement Area Board of Management revenue and expenses to date be received.

**Carried**

## 7. NDDC Update

Jackie Playter advised that there has not been a meeting of the Newmarket Downtown Development Committee since the last Main Street District Business Improvement Area Board of Management Meeting.

The Business Development Specialist provided further information on the Community Grants Fund and the Downtown Development Fund.



## **8. Staff Update**

### **(1) Summer Banner Schedule**

The Business Development Specialist advised of the schedule for the summer banners on Main Street, specifically the time that banners for York Pride Fest and the Ten Minute National Play Festival will be put up and taken down. She advised that the York Pride Fest banners will be put up on May 30, 2018 and taken down on or around June 18, 2018, depending on available staff resources. She advised that the banners for the National Ten Minute Play Festival will be put up after the York Pride Festival ends (June 18, 2018 or later) and will be taken down at the end of July. Questions were raised regarding the Canadian flags and if the Canadian flags stay up when additional banners are added to the light posts. The Business Development Specialist advised that she would confirm that the Canadian flag and another banner can be raised on the light posts at the same time. Discussion ensued regarding marketing the National Ten Minute Play Festival and the banners as a key marketing component.

Moved by: Peter Mertens  
Seconded by: Jackie Playter

1. That the Main Street District Business Improvement Area Board of Management supports the proposed banner schedule for the York Region Pride Fest and the National Ten Minute Play festival, on the condition that the National Ten Minute Play Festival banner and the Canadian flags can both be posted over Canada Day.

**Carried**

### **(2) Downtown Revitalization Grant Update**

The Business Development Specialist provided an update regarding the Downtown Revitalization Grant. She advised that the grant outlines specific restrictions and requirements. She further advised that staff are still determining the specifics of how the grant will be used, but have suggested that the project will involve revitalization of the area south of Timothy Street, including a parking solution at improved grade and an integrated garbage disposal. She further advised that the scope and schedule of the project needs to be confirmed and that after such time, consultation with adjacent property owners will take place.

Olga Paiva raised concerns regarding discrepancies with the number of parking spaces and the ownership of the land. Further questions were raised regarding if the land discussed falls within the BIA area as well as the impact on easements.

Concerns were raised regarding grading and where water will be re-directed, specifically if water will be directed down the lane that could negatively impact the foundation of certain buildings. Olga Paiva, owner of 255 Main St. S. declared she is a major stakeholder in this project, and asked to be included with the planning. Additional concerns were raised regarding a garbage solution being a component of the grant project. The Board had previously requested to be consulted on proposed garbage solutions for the downtown area. The Chair expressed that the BIA would like to be apprised of the plans once they have been finalized and more details of the project are available.

Moved by: Elizabeth Buslovich  
Seconded by: Councillor Kwapis

1. That the staff update be approved.

**Carried**

## **New Business**

- (a) Newmarket Stage Company

The Board expressed support for Councillor Kwapis to bring this matter to the Recreation and Culture Department and look into rental prices for the Old Town Hall.

- (b) Old Town Hall – Entrance Stairs

Councillor Kwapis advised that a safety concern has been raised regarding the front stairs at the Old Town Hall. He advised that chains have been placed across the entrance of the stairs, blocking them from use.

- (c) Flag at the Old Town Hall

Councillor Kwapis advised that the flag at the Old Town Hall will be replaced within the next few weeks, as the flag currently flying, has deteriorated.

- (d) Stairs beside Made in Mexico

Councillor Kwapis advised that tulips have been planted and new handrails have been placed along the stairs to improve safety and visual appeal during renovations.

- (e) Residential Parking

Olga Pavia advised that tenants have been experiencing challenges accessing 24/ hour parking spots in the downtown, as they are often occupied by other customers. She

suggested that a temporary solution should be established while the Town works on a parking strategy for the downtown area.

Councillor Kwapis advised parking is being reviewed by staff but that he would bring the Board's concerns forward. The Chair advised that he would compile the Board's comments into a single e-mail for the Councillor.

(f) Street Cleaning

Olga Paiva suggested that the street cleaning should be done earlier to avoid having cars already parked on the street during cleaning. She further suggested that the cleaning should go down Timothy Street and Botsford Street.

(g) Look Local and Snap'd Ads

Carmina Pereira advised of two advertising opportunities for summer ads. The first would be for full-page ad for July and August in "Look Local." The second would be a quarter page ad in "Snap'd". She advised that the ads would focus on summer events. She requested that funds be allocated to these advertisements rather than the "York Scene" advertisements originally outlined in the budget.

Moved by: Carmina Pereira

Seconded by: Jackie Playter

1. That \$1070.00 be allotted to the "Look Local" and "Snap'd" advertisements; and,
2. That the funds be re-distributed from the expense originally budgeted for "York" Scene advertisements.

**Carried**

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

The Chair advised there was no requirement for a closed session.

## **Adjournment**

Moved by: Jackie Playter

Seconded by: Olga Paiva

1. That the meeting adjourn at 9:01 PM.

**Carried**

---

Date

---

G. Wilson, Chair

The meeting of the Accessibility Advisory Committee was held on Thursday, May 17, 2018 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Steve Foglia Chair  
Linda Jones  
Councillor Bisanz  
Richard Wilson

Regrets: Aaron Firth  
Jeremy Slessor  
Kelsy McIntosh

Staff Present: K Saini, Deputy Town Clerk  
H. Leznoff, Council/Committee Coordinator  
N. Evans, Supervisor, Parks  
A. Fox, Operator, General Parks and Special Events

Guest:

The meeting was called to order at 10:35 AM, with Steve Foglia in the Chair.

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

## **Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

## **Presentation & Deputations**

There were no presentations or deputations.

## **Approval of Minutes**

**1. Newmarket Accessibility Advisory Committee Meeting Minutes of March 15, 2018**

Moved by: Richard Wilson  
Seconded by: Linda Jones

1. That the Accessibility Advisory Committee Meeting Minutes of March 15, 2018 be approved.

**Carried**

**Items for Discussion**

**2. Continuation of Playground Improvement Presentation**

The Supervisor, Parks and Operator, General Parks and Special Events continued a presentation regarding playground improvements. They outlined the timelines for installation, and reviewed the park designs including park materials, equipment such as swings and benches, accessible washrooms and pathways.

The Committee suggested that rather than woodchips, rubber surfaces be used on parks to make them more accessible.

**3. Site Plan Discussion**

The Committee confirmed that Steve Foglia and Richard Wilson will be the point of contact regarding Site Plan Applications. They further advised that they would review all applications and bring relevant ones before the Committee for further comments. Then, they would compile feedback and submit it to the Planning Department.

**4. Update from Chair regarding Site Visit at Old Town Hall**

The Chair advised that he met with staff at the Old Town hall and many issues raised by the committee at their site visit had been, or will be addressed including the landing being roped off, grading of the stairs, handrail locations in the washrooms, and an alternative accessible entrance identified.

Staff advised that they are preparing budget for an accessible washroom at the youth centre.

## **5. Workplan Update/Committee Accomplishments Presentation**

The Council Committee Coordinator advised that the Committee will be required to present their Workplan accomplishments at a Council workshop held on June 25, 2018. She further advised that the presentation from the Committee should highlight the Committee's achievements over the 2014-2018 term.

## **6. National Access Awareness Week – update from Sub-Committee**

The Recreation Programmer, Family and Special Needs provided an overview of the plans for celebrating National Access Awareness Week including:

- the Inclusion Base Director will be attending elementary schools to talk about and promote accessibility and inclusive schools
- Celebration on Saturday June 2, 2018 at the Farmers Market/Community Centre & Lions Hall
  - Guest attendees including artists, magician, writer and singer
  - Information exhibitions
  - Sensory art session facilitated by Deafblind Ontario
  - Interactive pathways to awareness integrative activities

## **7. Availability for June 21 Meeting – election presentation**

The Council/Committee Coordinator advised that there would be a presentation at the next Committee meeting regarding the 2018 municipal election and internet/telephone voting. She asked Committee members to confirm their availability as soon as possible to establish quorum for the meeting.

## **New Business**

### **1. Accessibility on Main Street**

The Council/Committee Coordinator provided an update.

### **2. Upper Canada Mall**

The Chair advised that Upper Canada Mall will be installing fully accessible washroom in 2019. He further advised that there will be temporary improvements to the current accessible washrooms until the renovations are completed.

## **Adjournment**

Moved by: Richard Wilson  
Seconded by: Linda Jones

1. There being no further business, the Accessibility Advisory Committee meeting adjourned at 11:51 PM.

Date

Steve Foglia, Chair





**Town of Newmarket**  
**Outstanding Matters List**  
**Schedule A: Items for the 2014-2018 Term of Council**

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
1.	<b>Meeting Date:</b> Council – December 5, 2016  <b>Subject:</b> Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s	<p>That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</p> <p>➤ Planning and Building Services</p>	Q1, 2019 <del>OMB Hearing Scheduled for August 2018.</del> Deferred until resolution of OMB hearing Confidential memo to be issued by CAO's office	This direction has been deferred as it will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South
2.	<b>Meeting Date:</b> Committee of the Whole – February 27, 2017  <b>Subject:</b> Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li><del>1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy.</del></li> <li>2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,</li> <li><del>3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.</del></li> </ol> <p><b>Responsible Department:</b></p> <p>➤ Planning and Building Services</p>	<del>Q3/Q4, 2017/November 27 Committee of the Whole Q1, 2018</del>  Q3, 2018  Q2, 2019  November 13, 2017 – Council	

	<b>Meeting Date and Subject</b>	<b>Recommendation and Responsible Department</b>	<b>Date for reporting back to Committee of the Whole</b>	<b>Staff Comments</b>
3.	<b>Meeting Date:</b> Council – March 27, 2017  <b>Subject:</b> Zoning By-law Review	<b>Recommendation:</b> 1. That staff review Zoning By-law 2010-40 and 2013-40 to address best practices related to infill development standards across the Town as a whole.  <b>Responsible Department:</b> ➤ Planning & Building Services	<del>Q3/Q4, 2017</del> <del>Q1, Q2, 2018</del> Q3 2018	Workshop was held on March 26, 2018. Report to be brought back in 60 days.
4.	<b>Meeting Date:</b> Committee of the Whole – May 8, 2017  <b>Subject:</b> Information Document for Residents Related to Construction Sites	<b>Recommendation:</b> 1. That Council approve the following motion in principle:  2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and,  3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and,  4. That the aforementioned motions be referred to staff for a report back including options and resource requirements.  <b>Responsible Department:</b> ➤ Planning & Building Services	<del>Q4, 2017</del> <del>Q1 Q2, 2018</del> Q1 2019	

	<b>Meeting Date and Subject</b>	<b>Recommendation and Responsible Department</b>	<b>Date for reporting back to Committee of the Whole</b>	<b>Staff Comments</b>
5.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Meeting Date:</b> Committee of the Whole – September 25, 2017</p> <p><b>Subject:</b> Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report/ East West Bike Lanes on Park Avenue</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and,</li> <li>2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	Q4, 2018	Information Report to be provided

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
6.	<b>Meeting Date:</b> Committee of the Whole - June 19, 2017  Committee of the Whole – February 5, 2018  <b>Subject:</b> Textile Diversion Program	<b>Recommendation:</b> <del>1. That the PowerPoint presentation entitled “Diabetes Canada – Textile Diversion Program for the Town of Newmarket” by Mr. Ryan Michaels and Mr. Blaine Hobson be received and referred to staff.</del>  1. That staff be directed to prepare an RFP for a textile recycling program.  <b>Responsible Department:</b> ➤ Public Works Services	<del>February 5, 2018</del> <del>Committee of the Whole meeting</del>  Q3, 2018	Information Report to be provided.
7.	<b>Meeting Date:</b> Committee of the Whole – August 28 – Motion  <b>Subject:</b> Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area	<b>Recommendation:</b> That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:  1. That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.  <b>Responsible Departments:</b> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services	<del>Q1-Q2, Q3</del> Q4 2018	Information Report to be provided

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
8.	<p><b>Meeting Date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – April 9, 2018</p> <p><b>Subject:</b> Petition regarding Speed and Traffic Mitigation near Queen Street</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy.</li> </ol> <p>Lorne Avenue and Queen Street Traffic Review Report</p> <ol style="list-style-type: none"> <li>1. That the report entitled Lorne Avenue and Queen Street Traffic Review dated April 9, 2018 be received; and,</li> <li>2. That York Regional Police be sent a copy of this report; and,</li> <li>3. That the Town request that York Regional Police include more Town-Specific enforcement measures and programs in their next Municipal Overview; and,</li> <li>4. That enhanced vulnerable road user safety measures be included in the design for the future reconstruction of Lorne Avenue; and,</li> <li>5. That Staff be directed to review temporary speed mitigation measures for Lorne Ave. and Queen St., leading to and from this intersection and report back with recommendations.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services</li> </ul>	<p><del>Q2, 2018</del> <del>April 9, 2018</del> <del>Committee of the Whole</del></p> <p>Q4, 2018</p>	
9.	<p><b>Meeting Date:</b> Committee of the Whole - September, 25, 2017</p> <p><b>Subject:</b> Corporate Services – Legislative Services Report 2017-16 Vacant Building Report – Window Wrap Program</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,</li> <li>2. That staff be directed to report back on Option 2, a Window Wrap program.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services/Economic Development</li> </ul>	<p><del>Q1 Q2, Q3</del> <del>2018</del> <del>Q1 2019</del></p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
10.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Council – May 7, 2018</p> <p><b>Subject</b> Welcome Sign on Longford Drive</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li><del>That staff be directed to schedule a meeting for the Mayor, Deputy Mayor &amp; Regional Councillor, Councillor Hompen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and,</del></li> <li><del>That staff provide an alternative signage and seating area option that would be as cost effective as possible.</del></li> </ol> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>That Council authorize the expenditure of \$10,000 towards a Newmarket Heights entrance sign in recognition of the neighbourhood's 60th anniversary, on the condition: <ol style="list-style-type: none"> <li>That Community fundraising exceeds \$10,000; and,</li> <li>That Community fundraising funds are in place prior to the Town's expenditure.</li> </ol> </li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	<p><del>Q1 Q2, 2018</del></p> <p>TBD</p>	<p><del>Two meetings held—Signage is subject to funding. Seating area to be removed after feedback from meeting.</del></p> <p>Schedule dependant on funding</p>

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
11.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> <li>a. That the final report be brought back to Council by early Quarter 3 2018; and,</li> <li>b. That staff continue to expedite the process to provide the report sooner, if possible; and,</li> <li>c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy.</li> </ol> </li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	Q3, 2018	
12.	<p><b>Meeting date:</b> Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Low Impact Development</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That staff be directed to report to Council in 2018 with best practices and opportunities to implement Low Impact Development (LID) in relation to flooding, flood mitigation, and storm water management in residential neighbourhoods.</li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	December 2018/January 2019	Council Workshop to be scheduled

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
13.	<b>Meeting Date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> Vibration Control and construction activity (deputation)	<b>Recommendation:</b>  1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and,  2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and,  3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals.  <b>Responsible Departments:</b> ➤ Planning and Building Services & Engineering Services	Q3, 2018	
14.	<b>Meeting Date:</b> Council – March 26, 2018  <b>Subject:</b> Bogart House	<b>Recommendation:</b>  1. That Council direct staff to continue to work through the Developer to ensure the rapid restoration of the Bogart House and the permanent preservation of the Bogart House; and,  2. That Council also direct staff to arrange another site visit with the Developers, the Mayor, Deputy Mayor, Councillor Kerwin (as the Ward Councillor) and Councillor Hempen (as the Heritage Committee representative) and staff and the Chair of the Newmarket Heritage Committee to examine avenues for rapid restoration and further protection of the Bogart House; and,  3. That Council reaffirm its position that the Bogart House is a designated heritage house and one of the most important heritage buildings in the community; and,  4. That Council not entertain the demolition or removal of the Bogart House but will seek only full restoration and protection on the current site.  <b>Responsible Department:</b> ➤ Planning and Building Services/Legislative Services	Meeting scheduled May 9, 2018 at site with all partners	Information Report to be provided.



	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
15.	<b>Meeting Date:</b> April 30, 2018 Committee of the Whole  <b>Subject:</b> Heritage Designations – York Region Administrative Building and Newmarket Canal System	<b>Recommendation:</b> 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:  a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and,  b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.  <b>Responsible Department:</b> ➤ Planning and Building Services	Q3, 2018	Information Report to be provided
16.	<b>Meeting Date:</b> May 22, 2018 Committee of the Whole  <b>Subject:</b> Delegated Authority for Fees/Charges	<b>Recommendation:</b> 1. That the report entitled Delegated Authority for Fees/Charges dated May 22, 2018 be received; and,  2. That Council delegate limited authority to execute increases to the Fees and Charges By-law; and,  3. That the delegated authority be limited to Recreation & Culture and Licensing Fees and Charges and that any increase not exceed the rate of inflation and be in compliance with the Service Pricing Policy; and,  4. That Staff be authorized and directed to do all things necessary to give effect to this resolution; and,  5. That Council direct staff to prepare an information report on the 2019 major fees and charges, at which point Council may direct the report to be “bumped up” to the next scheduled Committee of the Whole meeting; and,  6. That if the information report is not “bumped up”, staff are deemed to have delegated authority to execute the increases to the fees and charges.  <b>Responsible Department:</b> ➤ Finance Services	August 2018	Information Report to be provided.

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
17.	<b>Meeting Date:</b> June 11, 2018 Committee of the Whole  <b>Subject:</b> Intensification in Stable Residential Neighbourhoods	<b>Recommendation:</b>  1. That the report entitled Development And Infrastructure Services/Planning & Building Services Report 2018-37 dated June 11, 2018 be received; and,  2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and,  3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report.  4. That staff bring back an interim control by-law to the August 27, 2018 Committee of the Whole meeting for consideration.  <b>Responsible Department:</b> ➤ Planning and Building Services	September 17, 2018	



# TOWN OF NEWMARKET

## Outstanding Matters Schedule B: Items for the 2018-2022 Term of Council

Item	Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
1.	<p><b>Meeting Date:</b> Council – December 14, 2015</p> <p><b>Subject:</b> Item 35 - Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That staff provide alternate trail options for this area at a lower cost; and,</li> <li>2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and,</li> <li>3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and,</li> <li>4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.</li> </ol> <p><b>Responsible Department:</b> ➤ Planning and Building Services</p>	Timeline to be determined	<p>Deferred subsequent to VivaNext construction</p> <p>October 24, 2017 P. Noehammer advised this item should be moved to Schedule B</p>
2.	<p><b>Meeting Date:</b> Special Committee of the Whole- January 30, 2017</p> <p><b>Subject:</b> Internet Voting and Ranked Ballots</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.</li> </ol> <p><b>Responsible Departments:</b> ➤ Legislative Services</p>	Q1, 2019	

3.	<b>Meeting Date:</b> Council – June 7, 2016 – Item 35  <b>Subject:</b> Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)	<b>Recommendation:</b> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary'  <b>Responsible Departments:</b> ➤ Strategic Initiatives	2018	Awaiting next phase of funding announcements
4.	<b>Meeting Date:</b> Council – June 26, 2017- Item 10  <b>Subject:</b> Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street	<b>Recommendation:</b> 1. That traffic impacts be monitored post construction.  <b>Responsible Departments:</b> ➤ Engineering Services	Development is estimated to not be completed before 2020	
5.	<b>Meeting Date:</b> Committee of the Whole – November 27  <b>Subject:</b> Procedure By-law Amendment and Electronic Participation in Meetings Policy	<b>Recommendation:</b> 1. That the Corporate Services – Legislative Services Report - 2017-26 entitled "Procedure By-Law Update and Draft Electronic Participation in Meetings Policy" be received; and,  2. That Council adopt the amendments to the Procedure By-law attached as Appendix A with an effective date of January 1, 2018; and,  3. That Council approve the Electronic Participation in Meetings Policy attached as Appendix B, with an effective date of January 1, 2018; and,  4. That the Town Clerk be authorized to administer the Electronic Participation in Meetings Policy and develop the necessary Procedures to implement the Policy, as required; and,  5. That Council permit the Accessibility Advisory Committee to participate using the Electronic Participation in Meetings Policy effective January 1, 2018 for a trial period of one year; and,  6. That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy.  <b>Responsible Department:</b> ➤ Legislative Services	2019	

6.	<p><b>Meeting Date:</b> Committee of the Whole – February 27, 2017</p> <p>Committee of the Whole - November 6, 2017</p> <p>Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendation:</b>  <del>1. That staff prepare a report on options and opportunities to address residential on-street and off-street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</del></p> <p>1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> <li>b. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and,</li> <li>c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.</li> <li>d. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal.</li> </ul> <p>Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b> ➤ Planning and Building Services / Legislative Services</p>	<p>Q3/Q4, 2017 November 6, 2017 Committee of the Whole</p> <p>Q1/Q2, 2019</p>	
----	---	---	---	--

7.	<p><b>Meeting Date:</b> Committee of the Whole - February 26, 2018</p> <p><b>Subject:</b> Newmarket Public Library Study Implementation</p>	<p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,</li> <li>2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Community Services/Newmarket Public Library</li> </ul>	Q1/Q2, 2019	
8.	<p><b>Meeting date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p>1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and,</p> <p>2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and,</p> <p>3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.</p> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Engineering Services/ Community Centre Lands Task Force</li> </ul>	Q1/Q2, 2019	
9	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Cats at large (deputation)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>➤ Legislative Services</li> </ul>	Q1, 2019	Information Report to be provided

10.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b>  Council Remuneration	<b>Recommendations:</b> 1. That CAO/Human Resources Report 2018-05 be received; and,  2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and,  3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,  4. That staff be authorized and directed to do all things necessary to give effect to this resolution.  <b>Responsible Department:</b> ➤ Office of the CAO/Human Resources	2019	
11.	<b>Meeting Date:</b> Committee of the Whole September 25, 2017  <b>Subject:</b> Diversity and Inclusivity Strategy	<b>Recommendation:</b> 1. That the report entitled “Diversity and Inclusivity Programs” be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter.  <b>Responsible Department:</b> ➤ Human Resources Department	Q4 2017 Q3, 2018, Q1, 2019	York Region conducting further public consultation
18.	<b>Meeting Date:</b> April 30, 2018 Committee of the Whole  <b>Subject:</b> Asset Replacement Fund Strategy	<b>Recommendation:</b> 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.  <b>Responsible Departments:</b> ➤ Financial Services	Q3, 2019	





## NOTICE OF PUBLIC MEETING: NEW ZONING BY-LAW FOR THE URBAN CENTRES

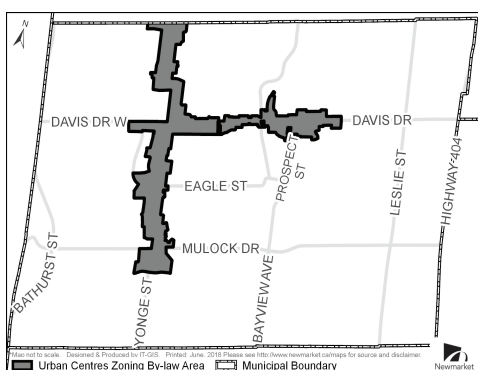
Take notice that the Council of the Corporation of the Town of Newmarket will hold an open house and a public meeting on:

**Monday, August 27, 2018**

**Open House: 6 p.m. | Public Meeting: 7 p.m.**

in the foyer and in the Council Chambers at the Municipal Offices (395 Mulock Drive) to consider a new zoning by-law under Section 34 (1) of the Planning Act, RSO 1990, c. P. 13 as amended. These meetings will include opportunities for members of the public to learn about the new zoning by-law and provide input.

**Purpose and Effect:** The purpose of the Urban Centres Zoning By-law project is to prepare a new zoning by-law for the geographic area known as the Urban Centres, as shown on the map below. The effect of this project is to enact new zoning within the Urban Centres in order to implement the Urban Centres Secondary Plan.



**Any person** may attend the public meeting to make written or verbal representation either in support of or in opposition to the new zoning by-law. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

**If you wish to be notified** of the adoption of the new zoning by-law, you must make a written request to the Town of Newmarket (395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7).

**If a person or public body** would otherwise have an ability to appeal the decision of the Council of the Town of Newmarket to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council of the Town of Newmarket before the by-law is passed, the person or public body is not entitled to appeal the decision.

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

**If you are an owner of any land** containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

**Additional information** relating to the new zoning by-law is available for inspection between **8:30 a.m. and 4:30 p.m.** on weekdays at the Municipal Offices (395 Mulock Drive, Newmarket).

Please provide written comments by **August 31** in order to ensure they are reflected in the applicable Staff Report.



**ZONING OUR URBAN CENTRES**  
YONGE STREET AND DAVIS DRIVE

For any inquiries, please call the Planning Department at **905-953-5321** or email **planning@newmarket.ca**





## Town of Newmarket **Council Extract**

Extract from the Minutes of the Council Meeting held on February 12, 2018.

### **(4) Urban Centres Zoning By-law Project: Status Update and Request for Referral to Public Meeting**

Moved by: Councillor Kerwin  
Seconded by: Councillor Hempen

1. That the report entitled Urban Centres Zoning By-law Project: Status Update and Request for Referral to Public Meeting, dated January 22, 2018, be received; and,
2. That a Public Charrette be held on March 1, 2018; and,
3. That the draft Urban Centres Zoning By-law be referred to a Statutory Public Meeting in May 2018; and,
4. That a Public Open House immediately precede the Statutory Public Meeting; and
5. That following the Public Meeting and Open House, issues identified in this report, together with comments from the public and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(8 in favour, 0 opposed)

**Carried**





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

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

## **Urban Centres Zoning By-law Project: Status Update and Request for Referral to Public Meeting Staff Report**

Report Number: 2018-04

Department(s): Planning and Building Services

Author(s): Matthew Peverini & Adrian Cammaert

Meeting Date: February 5, 2018

### **Recommendations**

1. That the report entitled Urban Centres Zoning By-law Project: Status Update and Request for Referral to Public Meeting, dated January 22, 2018, be received;
2. That a Public Charrette be held on March 1, 2018;
3. That the draft Urban Centres Zoning By-law be referred to a Statutory Public Meeting in May 2018;
4. That a Public Open House immediately precede the Statutory Public Meeting; and
5. That following the Public Meeting and Open House, issues identified in this report, together with comments from the public and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

### **Purpose**

This Report will provide a general status update on the Urban Centres Zoning By-law Project, provide a meeting date for a planned Public Charette, and recommend referral of the draft Zoning By-law to a Statutory Public Meeting that would immediately follow a Public Open House.

### **Background**

The Urban Centres Zoning By-law Project consists of four phases.

- Phase 1 – Project Start-up and Parking Standard Background Study
- Phase 2 – Background Review and Directions Report Preparation
- Phase 3 – Draft By-law Preparation
- Phase 4 – By-law Refinement and Enactment

Phase 1 was completed in February, 2017. As outlined in Staff Report 2016-31, it consisted largely of a Parking Standard Background Study and associated amendment to the existing Zoning By-law to introduce new parking standards. The by-law adopting these new standards was approved by Council on February 13, 2017.

Phase 2 was completed in June, 2017. As outlined in Staff Report 2017-14, this phase largely included the preparation of a Directions Report which determined that a stand-alone area-specific Zoning By-law that does not form part of the Town's Zoning By-law 2010-40, would best achieve the goals of effectively implementing the Secondary Plan.

Phase 3 is underway, and will see the project team bring forward a draft version of the Urban Centres Zoning By-law. A Public Charette for residents and stakeholders is planned to occur on March 1, 2018, and an Open House and Statutory Public Meeting are planned to take place in May 2018. These sessions are intended to generate input for consideration in finalizing the Urban Centres Zoning By-law.

Phase 4 will include the finalizing of the Zoning By-law document, presentation of the draft to Committee, finalizing the By-law and obtaining approval from Council.

A project schedule detailing the four Phases of the Newmarket Urban Centres By-law Project is included as **Attachment 1**.

## Discussion

A draft of the Urban Centres Zoning By-law is being prepared and will require further input from stakeholders, residents, and commenting agencies prior to its finalization and implementation across the Secondary Plan Area. This By-law will combine major components of a Form-based Zoning By-law (graphics focused, progressive) and a conventional zoning by-law (familiar layout, accepted within the industry).

### Project Status Update

The consulting team is currently addressing tasks in Phase 3 of the Project, as seen below:

- **Task 17:** Determining regulations to be brought forward from Zoning By-law 2010-40 and identified Phase 1 housekeeping regulations.
- **Task 18:** Identifying non-Mixed Use zones within the By-law area.
- **Task 19:** Identifying how regulations will be illustrated.
- **Task 23:** Establish Holding provisions for conversion to Mixed Use zones.
- **Task 24:** Establish overall format of by-law document.

These tasks parallel the ongoing Zoning By-law 2010-40 (and By-law Numbers 1979-50 & 1986-91) Review Project, overseen by Town Staff. As Council will recall, the Town's current Zoning By-law (2010-40) is being updated to address technical errors, improve clarity and enforceability, respond to changing



legislative and judicial decisions, address new circumstances and consolidate the Zoning By-laws. Much of the research gathered through the review of Zoning By-law 2010-40 is transferable to the creation of the Urban Centres Zoning By-law.

Following completion of the tasks 17, 18, 19, 23 and 24 outlined previously, and in addition to housekeeping items, the project team moving forward will focus on the remaining tasks in Phases 3 and 4 to bring forward a Draft Zoning By-law.

As the project spans two key corridors within the Town, community consultation is important to ensure an informed and effective final document is drafted and implemented.

### **Public Charrette with Residents and Stakeholders**

A public charrette with residents and stakeholders is planned to occur in Halls 4 and 5 at the Newmarket Seniors' Meeting Place, located at 474 Davis Drive, on March 1, 2018, from 6:30 PM to 9:00 PM. This session will provide an update on the project's progress to date, present new ideas, and aim to generate discussion and feedback from stakeholders and residents that the project consulting team will consider in further drafting the Urban Centres Zoning By-law.

### **Referral to an Open House and Statutory Public Meeting**

In accordance with the requirements of the *Planning Act*, Staff are requesting that a draft version of the Urban Centres Zoning By-law be referred to a statutory Public Meeting in May 2018, with an Open House occurring on the same date, immediately preceding the Public Meeting.

Being a large-scale project, the intent of the Open House is to generate a large turnout, and facilitate dialogue and engagement that will provide for greater discussion at the Public Meeting that follows.

## **Conclusion**

This project is sufficiently advanced to start planning elements of the final consultation strategy including:

- The Public Charrette Workshop on March 1, 2018;
- A Statutory Public Meeting in May 2018; and
- The Public Open House immediately preceding the Statutory Public Meeting planned to occur in May 2018.

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

### **Economic Development/Jobs**

- Supporting innovative projects and partnerships with various sectors

- Creating a strategy for vibrant and livable corridors along Davis Drive and Yonge Street

#### Community Engagement

- Aligning ourselves with communications best practices

### Consultation

Previous consultation measures associated with this project have been outlined in Staff Reports 2016-31 and 2017-14.

As detailed in this report, March 1, 2018 and a date to be determined in May 2018, are two key dates that will hold the (1) Public Charrette, (2) Open House and (3) Public Meeting, for further consultation from internal and external stakeholders.

### Human Resource Considerations

There are no human resource considerations associated with this report.

### Budget Impact

There are no budget impacts directly associated with this report. This project has already been budgeted for and is tracking to be completed within budget.

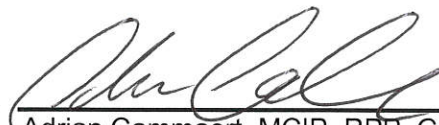
### Attachments

1. Project Schedule for creation of the Newmarket Urban Centres Zoning By-law.


### Approval



Matthew Peverini, BURPI, B.Sc.  
Planner



Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy



Rick Nethery, MCIP, RPP  
Director of Planning & Building Services



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

### Contact

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca).

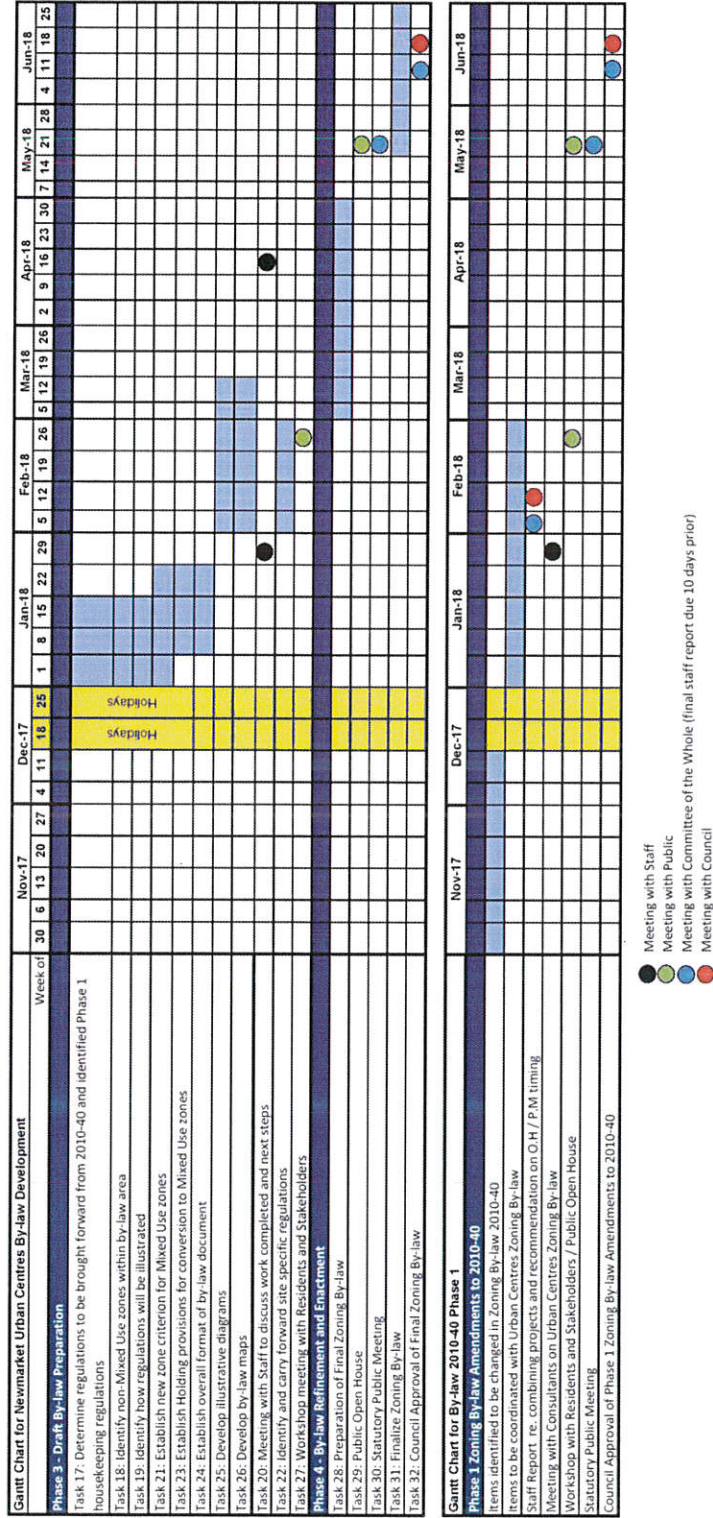




Town of Newmarket  
395 Mullock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

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

## Attachment 1: Project Schedule





**NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING:  
AMENDMENT TO ZONING BY-LAW 2010-40**

**TAKE NOTICE** that the Council of the Corporation of the Town of Newmarket will hold an open house and a public meeting on:

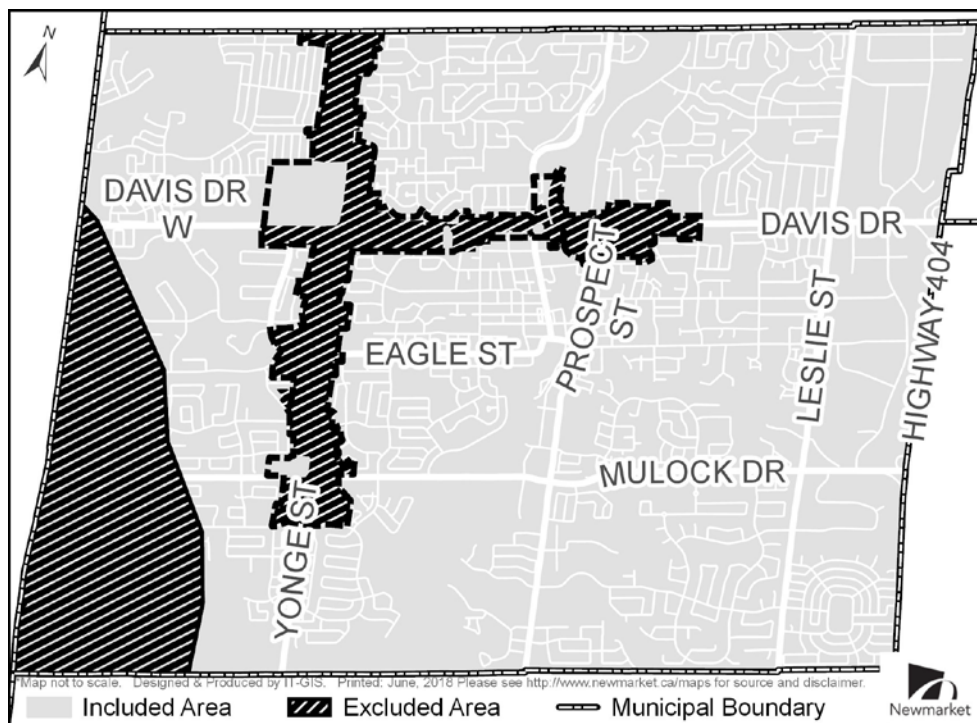
**MONDAY, AUGUST 27, 2018**

**Open House: 6:00 p.m.**

**Public Meeting: 7:00 p.m.**

in the **foyer and in the Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider an amendment to Zoning By-law 2010-40 under Section 34 (10) of the Planning Act, RSO 1990, c. P. 13 as amended. These meetings will include opportunities for members of the public to learn about the proposed zoning by-law amendment and provide input.

**PURPOSE AND EFFECT:** The purpose of this zoning by-law amendment is twofold: (i) to amend certain sections of the Town's principal Zoning By-law (2010-40) on a Town-wide basis; and (ii) to exclude Zoning By-law (2010-40) from being applied to lands located within the Urban Centres following the approval of the proposed Urban Centres Zoning By-law. The effect of this zoning by-law amendment is to address technical errors, improve clarity, respond to changing development trends, amend permissions related to specific properties, and ensure consistency between Zoning By-law 2010-40 and the new Urban Centres Zoning By-law.



**ANY PERSON** may attend the public meeting to make written or verbal representation either in support of or in opposition to the zoning by-law amendment. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

**IF YOU WISH TO BE NOTIFIED** of the adoption of the zoning by-law amendment, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council of the Town of Newmarket to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Council of the Town of Newmarket before the by-law is passed, the person or public body is not entitled to appeal the decision.

**IF A PERSON OR PUBLIC BODY** does not make oral submissions at a public meeting, or make written submissions to Council of the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

**IF YOU ARE AN OWNER OF ANY LAND** containing seven or more residential units you are requested to post this notice in a location that is visible to all of the residents.

**ADDITIONAL INFORMATION** relating to the zoning by-law amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket. Information is also available online at [www.newmarket.ca/zoning](http://www.newmarket.ca/zoning)

Please provide written comments by **August 31, 2018** in order to ensure they are reflected in the Staff Report.

**Please direct any inquiries to the Planning Department 905-953-5321**

**Dated: June 21, 2018**





## Town of Newmarket **Council Extract**

Extract from the Minutes of the Council Meeting held on June 18, 2018.

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

#### **9.1.10 Zoning By-law Review**

Moved by: Councillor Hempen  
Seconded by: Councillor Bisanz

1. That the report entitled Zoning By-law Review dated June 11, 2018 be received; and,
2. That staff provide public notice in accordance with the Planning Act of the Town's intent to amend the Zoning By-law; and,
3. That the proposed amendments to Zoning By-Law 2010-40 be referred to a public meeting; and,
4. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

In Favour (9): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Hempen, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

**Carried (9 to 0)**





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

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

## **Zoning By-law Review Staff Report**

Report Number: 2018-21

File Number: N/A

Department(s): Planning Services

Author(s): Ted Horton, Planner

Meeting Date: June 11, 2018

### **Recommendations**

1. That the report entitled Zoning By-law Review dated June 11, 2018 be received;
2. That staff provide public notice in accordance with the Planning Act of the Town's intent to amend the zoning by-law;
3. That the proposed amendments to Zoning By-Law 2010-40 be referred to a public meeting;
4. And that following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

### **Executive Summary**

Planning Services has undertaken a review of the Town's zoning by-laws in order to address technical errors, improve clarity and enforceability, respond to changing legislative and judicial decisions, address new circumstances, and consolidate existing by-laws. Committee of the Whole was presented with this effort under Planning and Building Services Report 2017-25.

This report provides more specific detail of the proposed amendments and recommends that they be provided for public and agency consultation before being brought to a statutory public meeting.



## Purpose

This report serves to inform Committee of the Whole of the specific recommended amendments for Phase One of the Zoning By-law Review. The recommendations of the report, if adopted, would direct staff to notify the public and agencies of the proposed amendment and organize a statutory public meeting as required by the Planning Act. For clarity and consistency, it is intended that this public meeting occur alongside the statutory public meeting for the Urban Centres Secondary Plan Zoning By-law.

## Background

### Context

As was presented in Planning and Building Services Report 2017-25, on October 1<sup>st</sup>, 1979, Council adopted Comprehensive Zoning By-law 1979-50. In the three decades that followed, the by-law was the subject of more than 200 zoning by-law amendments. In 2006, the Town adopted its new Official Plan and in June of 2010 repealed Zoning By-law 1979-50 and enacted the new Zoning By-law 2010-40, save for lands covered by By-law 2003-128 (Oak Ridges Moraine) and a short list of properties spread throughout the town. Since its adoption, Zoning By-law 2010-40 has been the subject of some 38 zoning by-law amendment applications and more than 160 minor variances.

The application of the zoning by-laws to site plan applications, building permits, and inquiries over the past eight years has revealed improvements that can be made. Staff have identified approximately 140 matters to be addressed through the review. Staff propose to undertake a review of existing zoning by-laws in order to address (1) technical errors, (2) improve clarity and enforceability, (3) respond to changing legislative and judicial decisions, (4) address new circumstances, and (5) consolidate zoning by-laws.

### Proposal

Staff are prioritizing and dividing the proposed amendments as necessary to address them in manageable and understandable groups. Phase One of the Zoning By-law Review, as presented in this report, will address principally less complex matters. These include amendments from a range of source areas:

- Technical amendments, addressing clarifications and definitions
- Accessibility improvements, improving design standards for accessibility
- Simplifying matters, reducing overlapping requirements and conflicting standards
- Addressing oversights, adding missing definitions and rectifying errors
- Modernising requirements, ensuring emerging and innovative uses are permitted
- Improving design, addressing challenging layout elements



Subsequent phases will address more complex matters as discussed in Planning and Building Services Report 2017-25 including changes in provincial legislation related to Accessory Dwelling Units, judicial/tribunal decisions related to group homes, discrepancies in parking requirements, and policies related to source water protection.

The specific proposed amendments for Phase One are presented in Attachment 1 of this report. Additional non-statutory elements may be included in the final amendment such as illustrations that provide convenient visual tools to understand definitions and regulations of the by-law related to matters such as decks, rooflines, driveways, and others.

If adopted, the recommendations of this report will formally initiate the zoning by-law amendment process to consult the public, refine the proposed changes, and return to Council with recommendations on the amendment of the by-law.

## Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

### Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement (PPS). The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the PPS support improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and

accommodating an appropriate range and mix of residential, employment, recreation, parks and open space and other uses to meet long term goals.

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 amendments for this phase are generally minor changes or modifications to existing requirements. A broader evaluation of the degree to which the zoning by-law conforms to the PPS will be undertaken as part of a future update to the Town's Official Plan and the subsequent implementing comprehensive zoning by-law. Staff have reviewed the proposed changes outlined in this report against the policies of the PPS.

### **Growth Plan**

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

The proposed amendments to this by-law do not fundamentally change the land-use permissions in Newmarket. Some amendments are modifications to definitions or ways that performance standards are measured, others improve ease of understanding and administration of the by-law, and still others correct outstanding errors. Some land-use permissions are modified by addressing uses such as microbreweries that were not contemplated by the original zoning by-law, and in these cases they have largely been retained to the zones where similar uses are permitted. Some amendments are updates to standards that flow from governing provincial legislation such as the Accessibility for Ontarians with Disabilities Act (AODA). Amendments to be proposed in Phase 2 of this review are more substantial and will require greater analysis of compatibility with provincial policies and legislation.

Decisions with respect to planning matters are required to conform to the provisions of the Growth Plan.

### **York Region Official Plan**

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The policy requirements of the YROP have been integrated into the Town's Official Plan. As outlined above, a broader evaluation of the degree to which the zoning by-law conforms to superior legislative requirements will follow through the Official Plan review process and subsequent implementing zoning by-law. The proposed amendments are intended to update the by-law and address deficiencies without an overhaul of its fundamental elements.

## **Town of Newmarket Official Plan**

Amendments to the Town's zoning by-laws are required to conform to the Town's Official Plan. The amendments proposed as Phase One of the Zoning By-law review are less complex or broad in scope and conform to the Official Plan. Future amendments in subsequent phases may require amendment(s) to the Official Plan to address matters discussed in Planning and Building Services Report 2017-25.

## **Conclusion**

These proposed amendments should be referred to a public meeting as required under the Planning Act. Following this meeting, staff will continue to work with the Town's review partners to revise the proposals and address provided comments. Staff will return to Council with a recommendation report or a by-law, as required, for Council's decision.

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

Well-equipped & managed

- Service excellence through continuous improvement

Well planned & connected

- Zoning by-laws that are up to date and understandable

## **Consultation**

This report and its appendices were provided to Building Services, Legal Services, Engineering Services, Public Works Services, and Legislative Services for review and comment.

The proposed zoning by-law amendments will be provided to the Town's review partners per standard practice. Notice will be provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

The recommendations of this report refer the proposed amendments to a statutory public meeting as required by the Planning Act.

## **Budget Impact**

No budgetary impacts are anticipated as a result of this report.

## Attachments

- List of proposed amendments

## Approval




---

Ted Horton  
Planner




---

Rick Nethery, MCIP, RPP  
Director of Planning & Building Services




---

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

## Contact

Ted Horton, Planner

[thorton@newmarket.ca](mailto:thorton@newmarket.ca)



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

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

### Attachment 1: Proposed Amendments

Point to Address	Cause of concern	Proposed amendments	Explanation
<b>Exception 119</b>	The by-law presented two different figures (25% and 20%) for the same requirement in different parts of the text.	<p><b>Amend Exception 119 * where it reads:</b></p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.</p> <p><b>To instead read:</b></p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys in height are permitted to have the lesser of</p> <ul style="list-style-type: none"> <li>• 10% of the total lot area or</li> <li>• 75% of the ground floor area of the main building,</li> </ul> <p>for roofed accessory buildings or structures in addition to the 25% lot coverage for main dwellings.</p>	Addresses a text error.

<b>Parking requirement for car dealerships</b>	Different uses take place on the lot (sales, office, repair) and it has proven difficult to calculate a single parking requirement for the lot.	<b>Amend Section 5.3.2 to add:</b> <table><tr><td>Motor Vehicle Sales Establishment</td><td>1 <i>parking space</i> per 25m<sup>2</sup> of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus  1 <i>parking space</i> per 45m<sup>2</sup> of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</td></tr></table>		Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m <sup>2</sup> of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus  1 <i>parking space</i> per 45m <sup>2</sup> of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces	Establishes a clear requirement for new dealerships.  Avoids confusion of changing uses in floor area.
Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m <sup>2</sup> of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus  1 <i>parking space</i> per 45m <sup>2</sup> of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces					
<b>Recreational vehicles</b>	A recent amendment related to recreational vehicle parking did not limit parking in all ways that were intended.  The by-law requires greater clarity to indicate that human habitation in vehicles is not	<b>Amend Section 5.8.2 ii to read:</b>  No recreational vehicle or utility trailer is permitted to park in the front yard, or between the principal structure and the front lot line, unless it is on a driveway, subject to the provisions listed below.  <b>Add to Section 4.19:</b>  x. Human Habitation Not Within Main Buildings No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.		Closes a loophole that may allow recreational vehicles in 'staggered' front yards.  Clarifies that human habitation in vehicles is prohibited.		

	permitted.		
<b>Open Outdoor Storage</b>	Some lots with permission to have outdoor accessory storage have stored goods up to the lot line, while any structure would require a setback.	<p><b>Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:</b></p> <p>(*1) Subject to 4.19.X Accessory Outdoor Storage</p> <p><b>Add to section 4.19: Specific Use Provisions</b></p> <p><b>4.19.X Accessory Outdoor Storage</b></p> <p>Where permitted, Accessory Outdoor Storage shall:</p> <ul style="list-style-type: none"> <li>• not exceed 30% of the lot area;</li> <li>• not be visible from a street;</li> <li>• be screened by an opaque fence;</li> <li>• only be located in a side and/or rear yard;</li> <li>• be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres;</li> <li>• not be located in any landscaped area or required parking area; and</li> <li>• not exceed 4.5m in height.</li> </ul>	Clarifies permitted location and visibility of outdoor storage.
<b>Micro-breweries and similar emerging uses</b>	Currently difficult to establish a micro-brewery based on how restaurant and manufacturing uses are laid out in the by-law.	<p><b>Amend the definitions to include:</b></p> <p>Micro-Industrial use</p> <p>means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.</p> <p><b>Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the</b></p>	Allows micro-industrial uses in all zones where restaurants are allowed.

		<p><b>following zones:</b></p> <ul style="list-style-type: none"> <li>• CS</li> <li>• CR-1</li> <li>• CR-2</li> <li>• UC-D1</li> <li>• UC-D2</li> <li>• EM</li> <li>• EG</li> <li>• EH</li> </ul> <p><b>Add to section 4.19: Specific Use Provisions</b></p> <p><b>Add section 4.19.X: Micro-Industrial uses</b></p> <p>Where a <i>Micro-Industrial</i> use is permitted, the following requirements shall apply:</p> <ul style="list-style-type: none"> <li>i) A <i>Micro-Industrial</i> use is only permitted when accompanied by a <i>retail</i> and/or <i>restaurant use</i> retailing products produced on-site.</li> <li>ii) All production, retailing, and distribution associated with a <i>Micro-Industrial use</i> must take place within a <i>building</i> and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law.</li> <li>iii) Where permitted in an EG zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 40% of the GFA of the <i>premises</i> in which it is located. Where permitted in an EH zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 20% of the GFA of the <i>premises</i> in which it is located.</li> </ul>	
--	--	---	--



Exception 4	Error in compiling 2010-40 led to certain site-specific zoning rights not being properly carried forward.	<b>Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following.</b>					Properly applies the exceptions for two properties that were mis-applied.  Re-implements site-specific permissions for that were not carried forward.
		Exception	Zoning	Map	By-Law Reference	File Reference	
		XX	CO-XX	XX	1983-71 1988-138 2017-XX		
		i) Location: 482 Queen Street ii) Development standards: a. The permitted commercial floor area shall not be less than forty-five square metres. iii) Permitted uses: a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i> .					
<b>Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.</b>							
		Exception	Zoning	Map	By-Law Reference	File Reference	
		XX	CO1-4	XX	1983-70 2017-XX		
		i) Location: 64-66 Prospect Street ii) Development standards: a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m <sup>2</sup> . iii) Permitted uses: a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> ; and b. Not more than two <i>dwelling units</i> .					

<b>Consistent terminology</b>	Access points from parking areas to the street are inconsistently referred to as “ramps”, “accesses”, “entrances”, or “driveways”.	<p><b>Amend the following sections to replace the word ramp with driveway or the word ramps with driveways:</b></p> <ul style="list-style-type: none"> <li>• 5.5</li> <li>• Exception 57</li> <li>• Exception 62</li> <li>• Exception 65</li> <li>• Exception 92</li> <li>• Exception 108</li> <li>• Exception 111</li> <li>• Exception 116</li> </ul> <p><b>Amend the following sections to replace the word ramp with underground parking driveway ramp:</b></p> <ul style="list-style-type: none"> <li>• Exception 51</li> <li>• Exception 119</li> </ul>	Makes consistent the use of terminology related to driveway access points.
<b>Food Trucks</b>	Food trucks and mobile restaurants on private property are not addressed by the zoning by-law.	<p><b>Add definition:</b></p> <p>Food Vehicle</p> <p>Food Vehicle means the <i>accessory use</i> that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).</p> <p><b>Add to section 4.19: Specific Use Provisions</b></p>	<p>Aligns zoning with existing practice.</p> <p>Permits food vehicles on private property.</p>

		<p><b>Add Section 4.19.X: Food Vehicles</b></p> <ul style="list-style-type: none"> <li>i) Notwithstanding Section 4.1.1, a <i>Food Vehicle</i> as an <i>accessory use</i> is not permitted in a Residential zone, save and except the R5 zone.</li> <li>ii) Notwithstanding Section 5, no parking is required for a <i>Food Vehicle</i>.</li> </ul>	
<b>Motor Vehicle Uses</b>	There are a number of similar motor-vehicle-related uses, with little clarity between the types of activities that are allowed at each of them.	<p><b>Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to:</b></p> <ul style="list-style-type: none"> <li>• delete Motor Vehicle Repair Facility</li> </ul> <p><b>Amend the definitions to:</b></p> <ul style="list-style-type: none"> <li>• delete the definition of Motor Vehicle Repair Facility</li> </ul> <p><b>Amend the definitions of Motor Vehicle Service Shop to read:</b></p> <p>Means a <i>premises</i> used to conduct repairs of <i>motor vehicles</i> of a mechanical or structural nature and may include an associated towing service, and <i>motor vehicle</i> rentals but does not include a <i>motor vehicle body shop</i> or impound yard. May also include a <i>premises</i> used to conduct diagnostic services, minor repairs, equipping of <i>motor vehicles</i> or in which the replacement of incidental parts and services to <i>motor vehicles</i> are completed while the customer waits.</p> <p><b>Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:</b></p> <ul style="list-style-type: none"> <li>• delete the word “including” and replace it with the word</li> </ul>	<p>Simplifies rules of motor-vehicle related uses.</p> <p>Allows for motor vehicle repair of all types except for body shops in all areas where it was permitted before.</p> <p>Modifies parking requirements for motor vehicle uses to exclude repair areas from GFA calculations.</p>

		“excluding”	
<b>Places of Entertainment</b>  <b>Commercial Athletic Centre</b>	<p>Very similar recreational uses with little clarity why there should be a distinction.</p>	<p><b>Amend section 5.3.2 to:</b></p> <ul style="list-style-type: none"> <li>delete the row for Place of Entertainment</li> </ul> <p><b>Amend the definitions to:</b></p> <ul style="list-style-type: none"> <li>delete the definition of <i>Place of Entertainment</i></li> </ul> <p><b>Amend the definitions of <i>Commercial Athletic Centre</i> to read:</b></p> <p><i>Commercial Recreation Centre</i></p> <p>Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, <i>office</i> space, yoga studio, retail shop and related lounge facilities but shall not include a <i>private club</i>. May also include a <i>premises</i> where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an <i>adult entertainment parlour</i> or a <i>nightclub</i>.</p> <p><b>Amend the by-law to:</b></p> <ul style="list-style-type: none"> <li>delete all reference to <i>Place of Entertainment</i></li> <li>replace all references to Commercial Athletic Centre with Commercial Recreation Centre</li> <li>add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones</li> </ul>	<p>Simplifies use and complexity by reducing overlapping categories.</p>

		<ul style="list-style-type: none"> <li>implement a parking requirement of 1 <i>parking space</i> per 20m<sup>2</sup> of gross floor area for use by the public.</li> </ul> <p><b>Amend Exception 102 to:</b></p> <ul style="list-style-type: none"> <li>replace Place of Entertainment with Commercial Recreation Centre</li> </ul>	
<b>Exception 61</b>	The lands designated as Open Space in by-law 2004-212 had specific language in the amending by-law that was not carried through in full in 2010.	<p><b>Amend Exception 61 to read:</b></p> <p>iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.</p>	<p>Clarifies the purpose of the buffer.</p> <p>Ensures that no structures, pools, or other changes are permitted.</p>
<b>6.2.3 (*3) and (*4)</b>	Unclear wording has led to confusion.	<p><b>Amend Section 6.2.3 (*3) and (*4) to read:</b></p> <p>(*3) 6 metres between blocks of row or townhouses or 3 metres from <i>lot line</i>.</p> <p>(*4) 3.6 metres between pairs of link dwellings or 1.8 metres from <i>lot line</i>.</p>	<p>Reduces confusion in the reading of the by-law.</p>

<b>Decks</b>	Common design questions related to decks are not clearly addressed by the by-law.	<b>Add to Section 4.2:</b>  Where an encroachment is permitted, it is subject to the following conditions:  i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that: a. Any deck is constructed of a slatted and not a solid floor b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same.  ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure.	Allows for two-level decks, provided they are not solid. This ensures they allow rainwater passage.  Allows pergolas, subject to existing rules.  Allows awnings.  Allows decks to match permitted width of the main structure.		
<b>Long term care facility parking rate</b>	Difficult to apply rate for this type of facility as the number of beds and patients can vary from the number of “dwelling units”.	<b>Amend Section 5.3.2 as follows:</b> <table><tr><td><i>Long Term Care Facility</i></td><td>0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m<sup>2</sup> of <i>gross floor area</i> used for all other purposes</td></tr></table>	<i>Long Term Care Facility</i>	0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m <sup>2</sup> of <i>gross floor area</i> used for all other purposes	More clearly reflects that patient load is tied to beds and not to rooms.
<i>Long Term Care Facility</i>	0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m <sup>2</sup> of <i>gross floor area</i> used for all other purposes				

<b>Parking area design</b>	Lack of clarity in various sections related to parking space size and parking area design.	<b>Amend Section 5.2.2 to read:</b>  5.2.2                      Parking Space Design  i)     The minimum required size of a <i>parking space</i> shall be as follows: <table><tr><th>Number of required spaces</th><th>Parking space configuration</th><th>Minimum size</th></tr><tr><td rowspan="2"><b>Fewer than 5</b></td><td>Parallel</td><td>2.6m by 6.7m</td></tr><tr><td>Perpendicular</td><td>2.6m by 5.0m</td></tr><tr><td rowspan="2"><b>5 or More</b></td><td>Parallel</td><td>2.6m by 6.7m</td></tr><tr><td>Perpendicular</td><td>2.6m by 5.5m</td></tr></table>  ii)    The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards: <table><tr><th>Angle of Parking Space</th><th>Minimum Aisle Width</th><th>Direction</th></tr><tr><td><b>45 degrees</b></td><td>4.5 metres</td><td>One Way</td></tr><tr><td><b>90 degrees</b></td><td>6.7 metres</td><td>Two Way</td></tr></table>  iii)    Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6: i)        Type A (“Van”): Minimum size of 3.4m by 5.5 m ii)        Type B: Minimum size of 2.6m by 5.5m  Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by	Number of required spaces	Parking space configuration	Minimum size	<b>Fewer than 5</b>	Parallel	2.6m by 6.7m	Perpendicular	2.6m by 5.0m	<b>5 or More</b>	Parallel	2.6m by 6.7m	Perpendicular	2.6m by 5.5m	Angle of Parking Space	Minimum Aisle Width	Direction	<b>45 degrees</b>	4.5 metres	One Way	<b>90 degrees</b>	6.7 metres	Two Way	Requires the size of parking space for ground-related (singles, semis, towns, etc) driveways as has been the Town’s practice.  Revises the requirement for barrier-free parking spaces to match the requirement of the AODA.
Number of required spaces	Parking space configuration	Minimum size																							
<b>Fewer than 5</b>	Parallel	2.6m by 6.7m																							
	Perpendicular	2.6m by 5.0m																							
<b>5 or More</b>	Parallel	2.6m by 6.7m																							
	Perpendicular	2.6m by 5.5m																							
Angle of Parking Space	Minimum Aisle Width	Direction																							
<b>45 degrees</b>	4.5 metres	One Way																							
<b>90 degrees</b>	6.7 metres	Two Way																							

		two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m.  i) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.													
<b>Pedestrian access</b>	Site design standards require vehicular access but have no specific standards to require pedestrian connections.	<b>Amend Section 5.5 under Required Parking Spaces: 5 or more to add:</b>  xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the <i>parking lot</i> surface shall be provided from a <i>sidewalk</i> to the principal entrance of each <i>building</i> . If no sidewalk abuts the property, the connection will be provided from the abutting <i>street</i> . Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width.	Improves pedestrian accessibility.												
<b>Urban Centres</b>	Downtown area should no longer be titled an “Urban Centre”, as this term is used for Secondary Plan area.	<b>Amend the following sections to replace the terms as follows:</b> <table><tr><th>Section</th><th>To remove</th><th>To replace with</th></tr><tr><td>4.1.2, 4.2,</td><td>Urban Centre</td><td>Downtown</td></tr><tr><td>4.14.1</td><td>Urban Centre</td><td>- Delete section</td></tr><tr><td>4.21</td><td>Urban Centre</td><td>Downtown Zone</td></tr></table>	Section	To remove	To replace with	4.1.2, 4.2,	Urban Centre	Downtown	4.14.1	Urban Centre	- Delete section	4.21	Urban Centre	Downtown Zone	Renames downtown zones to clarify that they are not part of UCSP.
Section	To remove	To replace with													
4.1.2, 4.2,	Urban Centre	Downtown													
4.14.1	Urban Centre	- Delete section													
4.21	Urban Centre	Downtown Zone													



				or Urban Centres Secondary Plan zone		
		5.3.3	Urban Centre	Delete section outside of UCSP		
		5.3.4	Historic Downtown Urban Centre Zone	Downtown Zones		
		5.4.1	Urban Centre and Commercial Zones	Downtown and Commercial Zones		
		5.4.1	Urban Centre Zones	- Delete section		
		5.4.3	Urban Centre Zone	Downtown		
		5.6.1	Urban Centre Zones	Downtown Zones		
		5.6.3, 5.6.4	Urban Centre	Downtown		
		5.7.5	Urban Centre Zones	Downtown Zones		
		6.1	Urban Centre Zones	Downtown Zones		
		6.4	Urban Centre	Downtown		

			Zones	Zones		
		6.4.1	Historic Downtown Urban Centre Zone (UC-D1)	Historic Downtown Zone (UC-D1)		
		6.4.1, 6.4.2	Downtown Urban Centre Zone (UC-D2)	Downtown Zone (UC-D2)		
<b>Commercial motor vehicle</b>	Not present in the zoning by-law	<p><b>Amend section 5.81 to read:</b></p> <p>i) On any <i>lot</i> within a Residential Zone, the parking or storage of any <i>commercial motor vehicle</i> is not permitted unless wholly located within an enclosed garage. Only one such <i>vehicle</i> may be stored or parked within a garage on a lot in a Residential Zone.</p> <p><b>Add definition:</b></p> <p><i>Commercial motor vehicle</i></p> <p>A motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a <i>food vehicle</i>, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.</p>				<p>Creates new definition for commercial motor vehicle</p> <p>Treats commercial vehicle parking the same as a utility trailer or RV.</p> <p>Clarifies that cars, pickup trucks, and other standard vehicles, even if used for commercial purposes, are</p>


			permitted.
<b>Commercial Rooftop Patios</b>	Rooftop Commercial Patios are defined in the By-law but not specifically permitted or prohibited.	<p><b>Amend definition of Patio, Commercial Rooftop:</b></p> <p>Patio, Commercial Rooftop Means any portion of a rooftop dedicated as an outdoor serving area that is an <i>accessory use</i> to a <i>restaurant</i> or to a commercial use.</p> <p><b>Add to section 4.19: Specific Use Provisions</b></p> <p><b>Add section 4.19.X: Commercial Rooftop Patios</b></p> <p>Restaurants, banquet halls, and other commercial uses shall be permitted to include a <i>commercial rooftop patio</i> as an accessory use, provided that the commercial rooftop patio complies with the following regulations:</p> <ul style="list-style-type: none"> <li>i) A <i>commercial rooftop patio</i> is prohibited in association with an adult entertainment parlour;</li> <li>ii) The maximum size of a <i>commercial rooftop patio</i> is 50 % of the floor area used for the principal use;</li> <li>iii) The design shall be established in accordance with an approved site plan;</li> <li>iv) A <i>commercial rooftop patio</i> must comply with any applicable requirements of the Town's licensing and noise by-laws.</li> </ul>	<p>Clarifies that rooftop patios are permitted</p> <p>Ensures that they are scaled in size to the principal use</p> <p>Confirms other applicable design and operational standards.</p>
<b>Porticoes</b>	Not defined in the by-law, and the intent of allowing for certain roofed encroachments is generally captured by other sections (e.g.	<p><b>Delete permitted encroachment for Canopies/Porticoes.</b></p> <p><b>Amend permitted encroachment for Porches to include Porticoes, reading:</b></p> <p><i>Porches, Porticoes</i> Open, Uncovered or Covered (2.75 metres in height or less</p>	<p>Removes ambiguity.</p> <p>Continues to permit covered porches and gives porticoes the same</p>

	porches).	above <i>finished grade</i> )	permission.
<b>Exception 119 and Building Heights</b>	The current definition does not specify that average front grade is to be used, which is the existing practice.	<b>Amend Exception 119 Section ii) a) to read:</b>  Maximum Height: 10.0 metres  For the purposes of this exception, height shall be measured from the average front grade of the dwelling to the highest portion of the roof.	Maintains control over the exterior built form and retains the existing height limit.
<b>Landscaping in the front yard</b>	The by-law currently limits the amount of 'hard landscaping' that can be present in the driveway through specific limits on each type of feature, but does not clearly state that it is required that where such features are not permitted that 'soft landscaping' must be retained.	<b>Add definitions:</b>  <i>Landscaped Area</i>  Means the part of a lot located outdoors that is used for the placement of any or a combination of the following elements:  <i>Soft landscaping:</i>  An open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits infiltration into the ground. Soft landscaping must allow for the planting of, and sustaining of plant material.  <i>Hard landscaping</i>  Means an area of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, including such features as a walkway, patio, deck or in-ground pool.  <b>Add section 4.24: Residential front yards</b>  General Requirements:	Creates new definitions for soft and hard landscaping   Clarifies that a certain portion of front yards must remain as soft landscaping

		<i>Front yards of residential lots</i> are required to maintain all areas of the <i>yard</i> that are not occupied by a legal <i>driveway</i> , <i>walkway</i> , <i>structure</i> , or permitted encroachment as <i>soft landscaping</i> .	
<b>Legal Non-conforming Structures</b>	The text related to legal nonconforming structures and structures requiring restoration to a safe condition is unclear. The intent is to retain acquired rights and not grant any additional permissions.	<p><b>Amend Section 4.8 to read:</b></p> <p>4.8 LEGAL NON-CONFORMING USES This By-Law shall not prevent the <i>use</i> of any land, <i>building</i> or <i>structure</i> for any purpose prohibited by this By-Law if such land, <i>building</i> or <i>structure</i> was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, <i>building</i> or <i>structure</i> continues to be used for that purpose.</p> <p>4.8.1 Restoration to a Safe Condition Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any <i>building</i> or <i>structure</i> or part of any such <i>building</i> or <i>structure</i> that is used for a legally <i>non-conforming use</i> as provided for in Section 4.8, provided such alteration or repair does not increase the <i>height</i>, size or volume or change the <i>use</i> of such <i>building</i> or <i>structure</i>.</p>	<p>Retains acquired rights as required by law.</p> <p>Clarifies that illegally non-conforming structures may not be reconstruct-ed.</p>
<b>GFA definition</b>	Unclear definition.	<p><b>Amend the following definitions to read:</b></p> <p><i>Floor Area, Gross</i></p> <p>Means the aggregate of all floor areas of a <i>building</i> or <i>structure</i>, which floor areas are measured between the exterior faces of the exterior walls of the <i>building</i> at each floor level but excluding any <i>porch</i>, veranda, <i>cellar</i>, mechanical room or penthouse, or areas dedicated to parking within the <i>building</i>. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.</p>	Clarifies which floor areas are included in GFA and NFA calculations

		<p><i>Floor Area, Net</i></p> <p>Means the aggregate of the floor areas of a <i>building</i>, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the <i>building</i>, and any space with a floor to ceiling height of less than 1.8 metres.</p>	
<b>Porches</b>	The encroachment provisions for porches are unclear in how they intend to limit porch height.	<p><b>Amend the section of the encroachment table in Section 4.2 related to Porches to read:</b></p> <p>Porches - Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade</p>	Maintains ability of porches to encroach into required yards to the same degree, clarifies the limits on porch height.
<b>Pools</b>	<p>Uncertainty as to whether they are permitted in the floodplain.</p> <p>Lack of clarity related to pool patios and decks has led to installation of them up to property lines.</p>	<p><b>Add section 4.4 vii:</b></p> <p>In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA.</p> <p><b>Amend Section 4.4 iii):</b></p> <p>Any <i>patio, deck, residential structure, accessory</i>, or other structure associated with a <i>pool</i> shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.</p>	<p>Requires the appropriate permit from the LSRCA for pools in the flood plain</p> <p>Clarifies that all elements of a pool are subject to the same requirements as other hard landscaping (patios, decks,</p>

			etc).
<b>Repeal of Former By-laws</b>	Mis-cited by-law number for Oak Ridges Moraine	<b>Amend Section 1.9 a) i)</b>  Subject to 2003-121 (Oak Ridges Moraine)	Corrects a mis-citation of the by-law number referring to the Oak Ridges Moraine zoning by-law
<b>Single detached dwellings</b>	Providing greater clarity that a typical single detached dwelling lot permits one home.	<b>Add to section 4.19: Specific Use Provisions</b>  <b>Add section 4.19.X: Single Detached Dwellings</b>  For greater clarity, unless otherwise specified in this by-law, where a <i>dwelling, detached</i> is permitted as a use only one <i>dwelling, detached</i> is permitted on the <i>lot</i> .	Maintains existing practice with clearer language.
<b>Nightclubs</b>	The Town does not license nightclubs, but the zoning by-law sets out that they are subject to municipal licensing requirements.	<b>Delete</b> Section 6.5.1 (*6).	Corrects the statement regarding municipal licensing.  Continues to require appropriate licensing by the AGCO
<b>Floodplain</b>	The incorrect section of the	<b>Amend Section 7.1.1 to read:</b>	Clarifies the appropriate

<b>and the PPS</b>	Provincial Policy Statement is cited with regard to uses prohibited.	<p><b>Prohibited Uses</b></p> <p>The following <i>uses</i> are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Group Home;</i></li> <li><input type="checkbox"/> <i>Special Needs Facility;</i></li> <li><input type="checkbox"/> <i>Accessory Dwelling Unit;</i> and,</li> <li><input type="checkbox"/> All other <i>uses</i> in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.</li> </ul>	section of the PPS for prohibited uses.
<b>Exceptions 11 and 12</b>	Incorrect addresses were used to carry forward this site-specific building height permission.	<p><b>Amend the zoning by-law maps to show:</b></p> 	Corrects the properties captured by the exception.
<b>852 Gorham</b>	Is incorrectly zoned as an R1-B property, notwithstanding its long use as a	<p><b>Amend the zoning for the property to add an exception to permit:</b></p> <ul style="list-style-type: none"> <li>a <i>Veterinary Clinic</i></li> <li>a <i>Veterinary Hospital</i></li> </ul>	<p>Recognizes the existing use.</p> <p>Maintains existing built form</p>



	veterinary clinic.		permissions.
<b>820 Gorham</b>	Has R1-B zoning despite being a church, is a holdover from past by-law allowing churches in R zones.	<b>Amend the zoning for the property to I-B.</b>	Recognizes the existing use.  Establishes standard built form permissions.
<b>Long-term care facility definition</b>	The zoning by-law is unclear on the definitions and standards applicable to retirement residences.	<p><b>Add definition of Retirement Residence:</b></p> <p><i>Retirement Residence</i> means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.</p> <p><b>Amend Section 6 to permit a Retirement Residence in the following zones:</b></p> <p>UC-R, UC-D1, UC-D2, I-A, I-B</p> <p><b>Amend Section 5 to add the following parking requirement:</b></p> <p>Retirement Residence:</p> <p><i>0.5 parking space per unit plus 0.25 parking spaces per unit for visitors</i></p>	<p>Clarifies that retirement residences are a permitted use, and not only as assisted-living long term care facilities</p> <p>Ensures that both public and private facilities are permitted</p> <p>Establishes zones where they are permitted similar to long term care facilities, save for the hospital zones</p> <p>Establishes a parking requirement</p>

			similar to long-term care facilities						
<b>Eaves</b>	The encroachment provision is unclear as to exactly what portions of a roof edge are included. The permitted encroachments do not reflect common building practice.	<b>Amend Section 4.2 provision for Eaves to read:</b> <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr><tr><td>Eaves, eavestroughs, gutters, or similar features</td><td>Any <i>Yard</i></td><td>May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a <b>lot line</b> than 0.3 metres.</td></tr></table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Eaves, eavestroughs, gutters, or similar features	Any <i>Yard</i>	May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a <b>lot line</b> than 0.3 metres.	Clarifies eaves may encroach into interior side yards only, and that the troughs have no greater permissions than the eaves.
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment							
Eaves, eavestroughs, gutters, or similar features	Any <i>Yard</i>	May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a <b>lot line</b> than 0.3 metres.							
<b>Outdoor parking</b>	The by-law requires all parking to be outdoor. This would exclude any underground or structured parking.	<b>Amend the introduction to Section 5.3.1 to read:</b>  The minimum, off-street parking requirements for <i>residential uses</i> shall be as follows:  <b>Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse.</b>  (*x) Required <i>parking spaces</i> shall be provided exterior of any <i>garage</i> unless otherwise permitted by this by-law.	Continues to require 2 exterior spaces for ground-related dwelling units.  Recognizes structured parking for other uses.						
<b>Garbage</b>	No zoning standards for	<b>Add Section 4.X : Garbage and Waste Management</b>  Garbage containment shall be located within either a	Establishes standards for						

<b>enclosures</b>	locations of garbage enclosures.	<p><i>building</i>, or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following <i>zones</i> or where the following <i>uses</i> are being undertaken:</p> <ul style="list-style-type: none"> <li>• Any Commercial <i>zone</i>;</li> <li>• Any Employment <i>zone</i>;</li> <li>• Any Institutional <i>zone</i>;</li> <li>• Any Open Space <i>zone</i>; or</li> <li>• Any lot containing an <i>Apartment Building</i>.</li> </ul> <p>A <i>structure</i> primarily used for garbage containment or a garbage enclosure shall not be located:</p> <ul style="list-style-type: none"> <li>• In a front yard;</li> <li>• In an exterior side yard;</li> <li>• In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or</li> <li>• Within any required landscaped areas.</li> </ul> <p>A <i>building</i> used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.</p>	<p>zones where waste can be handled outside or inside.</p> <p>Establishes standards for where outdoor garbage enclosures can be located.</p> <p>Requires garbage to be kept within the enclosure.</p>
<b>Private home daycares</b>	Private home daycares are permitted in some types of residential units and not others. Provincial regulations related to daycares have	<p><b>Amend Section 6.2.1 to:</b></p> <p>Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.</p> <p><b>Amend Section 6.2.1 to:</b></p> <p>Amend (5) to read:</p> <p>(*) A Private Home Daycare must adhere to the</p>	<p>Allows private home daycares in all residential zones.</p> <p>Defers to the Provincial regulations for</p>

	changed.	<p>requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.</p> <p><b>Amend the definition of Private Home Daycare to read:</b></p> <p>Private Home Daycare</p> <p>Means the <i>use</i> of a <i>dwelling unit</i> for temporary care of children in exchange for compensation for a continuous period not exceeding 24 hours.</p>	limits on numbers of children.
<b>R-X (G, K, L, M, N) zones</b>	Several types of lots were left without exterior side yard setbacks.	<p><b>Amend Section 6.2.2 to:</b></p> <p>Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L &amp; M lots.</p>	<p>Ensures appropriate setbacks for exterior side yards.</p> <p>Provides clarity of expectations for built form.</p>
<b>R-X (P &amp; R) zones</b>	Several types of lots were left without maximum lot coverages.	<p><b>Amend Section 6.2.2 to:</b></p> <p>Include 50% as maximum lot coverage for P &amp; R lots.</p>	Provides certainty of a reasonable maximum in cases of additions.
<b>R-X (CP) zones</b>	Zoning provides for no maximum driveway width for condominium	<p><b>Amend Section 6.2.2 to add an exception * to Minimum and Maximum Driveway Width for CP lots to read:</b></p> <ul style="list-style-type: none"> <li>• Not to exceed the lesser of two-thirds of the frontage of a <i>lot</i> or the façade of the <i>dwelling unit</i> or <i>building</i></li> </ul>	Provides a scalable maximum depending on

	residential zones.	with which the parking space is associated, and not to be less than 3.0m in width.	building frontage.
<b>Domestic animal care facilities</b>	Lack of clarity that domestic animal care facilities are meant to be 'doggy day-cares' and not kennels.	<p><b>Amend definition of Domestic Animal Care Facility to read:</b></p> <p>Domestic Animal Care Facility</p> <p>Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a <i>kennel</i>.</p> <p><b>Add definition</b></p> <p>Kennel:</p> <p>Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a <i>Domestic Animal Care Facility</i>.</p>	Clarifies that domestic animal care facilities are doggie daycares and not breeding kennels.
<b>Antennas and Satellite Dishes</b>	Zoning regulates the number of satellite dishes but does not address antennas.	<p><b>Amend section 4.1.5 to read:</b></p> <p>4.1.5 Satellite Dishes and Antennas</p> <p>Satellite dishes with a maximum width of 1.0 metre each are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of</p>	<p>Recognizes an ongoing need for antennae.</p> <p>Permits antennae in much the same fashion as satellite dishes.</p> <p>Allows either type of fixture on</p>

		<p>a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>In a Residential <i>Zone</i>, not more than 2 cumulative satellite dishes and antennae shall be permitted per <i>dwelling unit</i> on the <i>lot</i>.</p> <p><b>Amend Section 4.2 to add:</b></p> <p>Accessory Structures:</p> <table><tr><td>Antennae or satellite dishes  (Wall mounted in accordance with Section 4.1.5 of this By-law)</td><td>Permitted in any <i>yard</i>.</td><td>Not closer than 0.2m from any <i>lot line</i>.</td></tr></table>	Antennae or satellite dishes  (Wall mounted in accordance with Section 4.1.5 of this By-law)	Permitted in any <i>yard</i> .	Not closer than 0.2m from any <i>lot line</i> .	<p>any building on the lot.</p> <p>Limits height of antennae.</p>
Antennae or satellite dishes  (Wall mounted in accordance with Section 4.1.5 of this By-law)	Permitted in any <i>yard</i> .	Not closer than 0.2m from any <i>lot line</i> .				
<b>Definition of attached</b>	The by-law lacks clarity for when a structure should be treated as being “attached”.	<p><b>Add definition for Structure, Attached:</b></p> <p>Any structure that is attached to another structure by a common wall or by a common roof structure.</p>	<p>Clarifies what constitutes a connected structure</p> <p>Limits the permissions accorded to an attached structure to those that are truly part of the same building.</p>			
<b>Cross-references</b>	Lack of cross-reference can make determining all applicable	<p><b>Amend 5.3.3 to include:</b></p> <p>iv) Shall be located in accordance with Section 5.4.1.</p>	Reduces oversight of related sections.			

	sections difficult for applicants.		
<b>Carpool spaces</b>	Carpool spaces are required, but they are not defined in their use, location, or enforcement.	<p><b>Add definition:</b></p> <p><i>Carpool space or High Occupancy Vehicle Space</i></p> <p>A designated parking space for vehicles to be used only by vehicles carrying more than one occupant.</p> <p><b>Amend section 5.3.7 to read:</b></p> <p><i>Carpool parking spaces</i> shall be provided in conjunction with developments involving <i>financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school</i> uses and shall be included as part of the overall parking requirement as the lesser of:</p> <ul style="list-style-type: none"> <li>i) 5% of the total required parking supply for any of these non-residential uses, or</li> <li>ii) 2.0 parking spaces</li> </ul> <p>For each required <i>carpool parking space</i> provided the total parking requirement may be reduced by 2 spaces. <i>Carpool parking spaces</i> shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free <i>parking spaces</i>.</p> <p>iii) Carpool spaces are to be reserved for the exclusive use of vehicles carrying more than one occupant. Carpool spaces are to be indicated with Town-approved signage.</p>	<p>Requires parking spaces designated as carpool to be reserved for carpool users.</p> <p>Requires carpool space location to be prioritized.</p>

<b>Bicycle parking</b>	<p>Lack of standards leads to bike parking being provided in less than optimal locations.</p> <p>Distinction between “internal” and “external” bicycle parking spaces does not adequately capture the range of bicycle parking options that would fit within the policies of the Official Plan.</p>	<p><b>Add the definitions:</b></p> <p>Bicycle Parking Space, Long-term</p> <p>Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access.</p> <p>Bicycle Parking Space, Short-term</p> <p>Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.</p> <p><b>Amend Section 5.3.8 to read:</b></p> <p>i) <i>Bicycle parking spaces</i> shall be provided as follows:</p> <table><tr><th>Use</th><th>Required Bicycle</th></tr><tr><td>Retail, Service Commercial, Office, Institutional</td><td>2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m<sup>2</sup> of gross floor area</td></tr></table>	Use	Required Bicycle	Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m <sup>2</sup> of gross floor area	<p>Defines types of bicycle parking spaces.</p> <p>Provides standards for their number, size and location.</p>
Use	Required Bicycle						
Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m <sup>2</sup> of gross floor area						



			<table><tr><td><i>Manufacturing/Industrial</i></td><td>2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m<sup>2</sup> of <i>gross floor area</i></td></tr><tr><td><i>School</i></td><td>0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i></td></tr><tr><td><i>Apartment Building</i></td><td>0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit</td></tr></table>	<i>Manufacturing/Industrial</i>	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m <sup>2</sup> of <i>gross floor area</i>	<i>School</i>	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i>	<i>Apartment Building</i>	0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit	
<i>Manufacturing/Industrial</i>	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m <sup>2</sup> of <i>gross floor area</i>									
<i>School</i>	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i>									
<i>Apartment Building</i>	0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit									
<p>Where <i>bicycle parking spaces</i> are located internal to a <i>building</i>, they shall be located:</p> <ul style="list-style-type: none"><li>a. on the ground floor; or</li><li>b. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or an entrance at grade.</li></ul> <p><i>Bicycle parking spaces</i> as required by this by-law shall not be located:</p> <ul style="list-style-type: none"><li>a. in a dwelling unit; or</li><li>b. on a balcony.</li></ul>										

		<div><div>ii)</div><div>The minimum dimension of a bicycle parking space is:<div><div>a.</div><div>minimum length of 1.8 metres;</div></div><div><div>b.</div><div>minimum width of 0.6 metres; and</div></div><div><div>c.</div><div>minimum vertical clearance from the ground of 1.9 metres; and</div></div></div></div> <div><div>iii)</div><div>the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:<div><div>a.</div><div>minimum length or vertical clearance of 1.9 metres;</div></div><div><div>b.</div><div>minimum width of 0.6 metres; and</div></div><div><div>c.</div><div>minimum horizontal clearance from the wall of 1.2 metres; and</div></div></div></div> <div><div>iv)</div><div>A bicycle parking space must be on the same <i>lot</i> as the <i>use</i> for which it is required.</div></div>							
<div>Landscape buffers</div>	<div>This section conflicts with other sections that allow visitor parking closer to property lines. It would be clearer and more predictable to have a standard buffer with no parking permitted in it.</div>	<div><div>Amend Section 4.14.2 to read:</div><div>In addition to the requirements of Section 4.14.1, in all Employment Zones, <i>landscape buffers</i> shall be provided adjacent to <i>street lines</i> except for land used to accommodate pedestrian and vehicular access to the <i>lot</i>. Such buffers shall be established as follows:</div><table><tr><td>Location of Landscape Buffer</td><td>Minimum Width of Landscape Buffer</td></tr><tr><td><i>Front Yard</i></td><td>6.0 metres</td></tr><tr><td>Exterior Side and <i>Rear</i></td><td>3.0 metres</td></tr></table></div>	Location of Landscape Buffer	Minimum Width of Landscape Buffer	<i>Front Yard</i>	6.0 metres	Exterior Side and <i>Rear</i>	3.0 metres	<div>Reduces the required front yard landscape buffer to reflect what is more common in the area.</div> <div>Clarifies that the landscape buffer is not meant to be a parking lot.</div>
Location of Landscape Buffer	Minimum Width of Landscape Buffer								
<i>Front Yard</i>	6.0 metres								
Exterior Side and <i>Rear</i>	3.0 metres								

		<div>Yard</div>				
		<div>Amend Section 4.14.3 (iv) to re-number it to:<ul style="list-style-type: none"><li>4.14.X.</li></ul></div>				
Landscape Buffer Plantings	Wrong type of size measure for each type of plant.	<div>Amend section 4.14.1 (iii) to read:<p>Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a <i>daylighting triangle</i>.</p></div>	Establishes a minimum size for coniferous trees, deciduous trees, and shrubs.			
Accessibility lifts	Accessibility ramps enjoy a generous encroachment provision that is not extended to lifts.	<div><div>Add definitions:<p>Accessibility Ramp</p><p>An inclined plane installed in addition to or instead of stairs that permits users to access a ground <i>floor</i> from <i>grade</i>.</p><p>Accessibility Lift</p><p>A vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground <i>floor</i> from <i>grade</i>.</p></div><div>Amend Section 4.2:<table><tr><td>Permitted Structure or</td><td>Applicable Required</td><td>Required Setback or</td></tr></table></div></div>	Permitted Structure or	Applicable Required	Required Setback or	Ensures that encroachment permissions for accessibility features are not used to misrepresent other design elements.
Permitted Structure or	Applicable Required	Required Setback or				

		Feature	Yard(s)	Permitted Encroachment	
		Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback	
		<p>Add (*2)</p> <p>An <i>Accessibility Ramp</i> shall have a maximum gradient of 1 in 12. A <i>Wheelchair Lift</i> is permitted to elevate no higher than the first <i>storey</i> of the <i>building</i>, and have a maximum area no greater than 3.0 square metres.</p> <p><b>Amend all references to wheelchair ramps :</b></p> <p>To refer to them as accessibility ramps.</p>			
<b>Shipping containers</b>	By-law does not specifically address shipping containers for storage or as a structure.	<p><b>Add definition:</b></p> <p>Shipping Container</p> <p>Means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.</p> <p><b>Amend Section 4.1.2 to add:</b></p> <p>When an accessory building is made up in whole or in part of <i>shipping container(s)</i>, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.</p>			<p>Allows the use of shipping containers.</p> <p>Requires their external appearance to match the main building.</p> <p>Subjects them to the same setback and</p>

			building requirements as any other type of structure.
<b>Parking and walkways</b>	<p>Driveway definition doesn't work well with non-rectilinear lots.</p> <p>Reverse-slope driveways are not addressed, and can lead to basement flooding.</p> <p>Multiple driveway provisions have led to increased loss of yard and sidewalk conflicts.</p>	<p><b>Amend the definition of Walkway, Residential to read:</b></p> <p>Walkway, Residential A hard surface path leading from the front or exterior wall of a <i>dwelling unit</i> to a curb, street, sidewalk, or rear <i>yard</i>, no wider than 1.2 metres and, if adjacent to a <i>driveway</i> shall be of a different material from the <i>driveway</i>. A <i>walkway</i> may not be used for vehicular parking.</p> <p><b>Amend Section 6.2.3 to add:</b></p> <p>(*#) A single <i>Walkway, Residential</i> is permitted for zones R1, R2, R3, and R4 except as provided for in an approved site plan agreement. A <i>Walkway, Residential</i> shall not exceed 1.2m in width, save that where a <i>Walkway, Residential</i> approaches the door of a structure, its width may exceed 1.2m insofar as it then becomes and fulfills the definition and encroachment provisions of a <i>Landing</i>. For clarity, lots are also required to comply with all other provisions of the by-law related to yard landscaping including Section 4.24.</p> <p>(*#) Parking of motor vehicles is only permitted in a driveway in zones R1, R2, R3, and R4 except as otherwise provided for in this by-law or in an approved site plan agreement.</p>	<p>Limits single residential lots to one walkway to prevent the over-paving of lots and creation of improper parking surfaces.</p> <p>Clarifies that parking is only permitted in a driveway.</p> <p>Clarifies how to measure driveway width.</p> <p>Prohibits reverse-slope driveways except as provided for in site plan agreements.</p>

		<p>Nothing in this by-law should be construed so as to permit a walkway or driveway to interfere with a drainage swale as approved through a Plan of Subdivision, Site Alteration Permit, Site Plan Agreement, or other plan approved by the Town of Newmarket. No person shall park a vehicle on a <i>walkway, residential</i>.</p> <p><b>Amend Section 4.2 to add:</b></p>			<p>Allows for side-yard walkways to be treated the same as patio areas in rear and side yards as close as 0.6m.</p> <p>Removes multiple driveway access point provisions for low-density residential lots.</p>
		Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	
		Walkway, residential	<i>Front, interior side, and exterior side yard</i>	<p>No required front or exterior side yard setback.</p> <p>Must maintain 0.6m setback from interior side lot line.</p>	
		Patios, Uncovered	<p>Urban Centre and Commercial Zones: front and <i>exterior side yards</i>.</p> <p>All other Zones: rear and <i>side</i></p>	<p>No required setback.</p> <p>No closer than 0.6 metres from the <i>lot line</i>.</p>	

			yards.		
		<p><b>Add definition:</b></p> <p>Landing</p> <p>Means a surfaced, open space of land at <i>grade</i>, adjacent to a residential <i>use</i>, which is adjacent to stairs, steps, or a door providing access to the <i>building</i> or <i>structure</i> with which it is associated and connected to a <i>driveway</i>, pathway or <i>walkway</i>.</p> <p><b>Amend the definition of Driveway, Width of to read:</b></p> <p>Means the widest horizontal surface of any <i>driveway</i>, and includes any portion of hard landscaping or pavement contiguous to a <i>driveway</i> or <i>parking space</i> where parking or storage of a <i>motor vehicle</i> could be accommodated.</p> <p><b>Amend Section 6.2.3 to add:</b></p> <p>(*#) for a Dwelling Unit, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:</p> <p>(A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or</p> <p>(B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space;</p>			

		<p>except as provided for in an approved site plan agreement.</p> <p><b>Amend the definition of <i>Patio</i>:</b></p> <p>To strike the clause “but shall not include pathways or walkways”.</p> <p><b>Delete Section 5.5 iii).</b></p>				
<b>Residential Accessory Structures</b>	Confusion over setback provisions related to accessory structures, detached garages, residential accessory structures, and corner lots.	<p><b>Amend definition of Residential Structure, Accessory to read:</b></p> <p>Residential Structure, Accessory</p> <p>Means <i>accessory structures</i> that are not used for human habitation, but the <i>use</i> of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal <i>residential use</i> or dwelling and located on the same <i>lot</i> therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; <i>private play structure</i>; gazebo; dog house or dog run; private greenhouse; shed; <i>patio</i> shelter; portable tent structures; standalone antennae or satellite dishes; and, standalone <i>solar panels</i>; but shall not include a detached garage or any mechanical equipment as defined under <i>air conditioner</i> or privacy screens erected on the ground.</p> <p><b>Amend Section 4.2 encroachment provision to read:</b></p> <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr></table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	<p>Allows basketball nets in all yards.</p> <p>Clarifies the existing requirement for accessory structures, but provides a standalone section for detached garages for ease of use.</p> <p>Clarifies that accessory structures are a single permitted encroachment that cannot benefit from</p>
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment				



		Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i>	Permitted in any <i>yard</i>	No required setback		additional encroachment such as balconies.
<p><b>Amend definition of Carport to read:</b></p> <p>Carport</p> <p>Means a <i>building</i> or <i>structure</i> attached to the principal or <i>main building</i>, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more <i>motor vehicles</i>.</p> <p><b>Amend Section 4.1.2 to read:</b></p> <p>4.1.2            Accessory Buildings and Structures</p> <p><i>Accessory buildings, structures and uses</i> are permitted in all <i>zones</i> subject to the following provisions:</p> <ul style="list-style-type: none"><li>i.    The principle <i>use, building</i> or <i>structure</i> must already be established on the same <i>lot</i>.</li><li>ii.   No detached <i>accessory building</i> or <i>structure</i> may be used for human habitation or an occupation for gain, unless specifically permitted</li></ul>						

		<p>by this By-Law.</p> <p>iii. Unless otherwise specified, <i>accessory buildings</i> and <i>structures</i> shall comply with the following requirements.</p> <p>iv. <i>Accessory buildings</i> and <i>structures</i> are not permitted additional encroachments under Section 4.2 for structural or ornamental features.</p> <table><tr><th>Permitted feature or structure</th><th>Measure</th><th>Requirement</th></tr><tr><td rowspan="2">Detached garage in a residential zone</td><td>Location</td><td>Comply with all applicable yard requirements of the zone in which they are located</td></tr><tr><td>Height</td><td>Lesser of 4.6m or the height of the main building on the lot</td></tr><tr><td>Residential accessory structures (RAS)</td><td>Location and height</td><td>In accordance with Section 4.2</td></tr><tr><td>Accessory buildings or structures</td><td>Total lot coverage</td><td>Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot</td></tr></table>	Permitted feature or structure	Measure	Requirement	Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located	Height	Lesser of 4.6m or the height of the main building on the lot	Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2	Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot	
Permitted feature or structure	Measure	Requirement															
Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located															
	Height	Lesser of 4.6m or the height of the main building on the lot															
Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2															
Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot															

				All other zones: 15% of the lot area	
			Height	Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot	
				All other zones: The maximum permitted height of the zone in which the accessory structure is located	
			Corner lot location	Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone	

iv) Notwithstanding Section 4.1.2 (iii) above, *accessory structures* in a residential zone shall be setback from the *lot line* in accordance with the requirements of Section 4.2 of this By-Law.

v) The total *lot coverage* of all *Accessory Buildings and Structures* on a *lot* shall be as follows:

		<table><tr><th>Zone</th><th>Maximum Total Lot Coverage</th></tr><tr><td>Residential Zones</td><td>the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i></td></tr><tr><td>All Other Zones</td><td>15% of the <i>lot area</i></td></tr></table>	Zone	Maximum Total Lot Coverage	Residential Zones	the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i>	All Other Zones	15% of the <i>lot area</i>	
Zone	Maximum Total Lot Coverage								
Residential Zones	the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i>								
All Other Zones	15% of the <i>lot area</i>								
	<p>vi) <i>The maximum height of an accessory building or structure shall be as follows:</i></p> <table><tr><th>Zone</th><th>Maximum Height of Accessory Structures</th></tr><tr><td>Residential, Urban Centre and Commercial Zones</td><td>the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i></td></tr><tr><td>All Other Zones</td><td>the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located</td></tr></table>	Zone	Maximum Height of Accessory Structures	Residential, Urban Centre and Commercial Zones	the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i>	All Other Zones	the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located		
Zone	Maximum Height of Accessory Structures								
Residential, Urban Centre and Commercial Zones	the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i>								
All Other Zones	the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located								
	<p>vii) Notwithstanding any other provision of this By-Law, the setback for <i>accessory buildings or structures</i> on a <i>corner lot</i> shall be as follows:</p>								

		<table><tr><th>Zones</th><th>Applicable Yards</th><th>Minimum Required Setback</th></tr><tr><td>Residential Zones</td><td>Rear Yard or Exterior Side Yard</td><td>4.5 metres from flanking street</td></tr><tr><td>Commercial or Employment Zone Abutting any Residential Zone</td><td>Exterior Side Yard</td><td>Distance equal to the depth of the minimum required front yard of the abutting Residential Zone</td></tr></table>	Zones	Applicable Yards	Minimum Required Setback	Residential Zones	Rear Yard or Exterior Side Yard	4.5 metres from flanking street	Commercial or Employment Zone Abutting any Residential Zone	Exterior Side Yard	Distance equal to the depth of the minimum required front yard of the abutting Residential Zone	
Zones	Applicable Yards	Minimum Required Setback										
Residential Zones	Rear Yard or Exterior Side Yard	4.5 metres from flanking street										
Commercial or Employment Zone Abutting any Residential Zone	Exterior Side Yard	Distance equal to the depth of the minimum required front yard of the abutting Residential Zone										
Fuel tanks	No existing regulations related to propane and fuel storage.	<p><b>Add the definition of Residential Structure, Accessory to add the following words to the list of examples included:</b></p> <p>fuel tank with a capacity of less than 1500L</p> <p><b>Add to section 4.19: Specific Use Provisions</b></p>	Permits a fuel tank in the same manner as a shed, requiring a setback from lot lines and limiting yards where they can be placed.									

		<p>4.19.x Fuel Tanks</p> <p>Where fuel tanks are permitted, the following standards shall apply to their location:</p> <ul style="list-style-type: none"><li>i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory.</li><li>ii) In any other zone, be located in accordance with an approved site plan.</li><li>iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.</li></ul>	<p>Defers to CSA and TSSA on safety and volume limits.</p> <p>Prohibits encroachment of fuel tanks larger than 1499L.</p>						
<b>Fireplaces</b>	No specific standards for where an outdoor fireplace can be located.	<p><b>Amend Section 4.2 to add:</b></p> <table><tr><th>Permitted Structure</th><th>Applicable Required</th><th>Required Setback or Permitted</th></tr><tr><td>Barbeque, chiminea, fireplace, fire pit, or similar structure</td><td>Permitted in any <i>yard</i> of a residential <i>zone</i></td><td>No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.</td></tr></table>	Permitted Structure	Applicable Required	Required Setback or Permitted	Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.	<p>Applies the existing requirements of the outdoor fire by-law through the zoning by-law.</p> <p>Allows for limited outdoor fires, subject to certain setbacks.</p>
Permitted Structure	Applicable Required	Required Setback or Permitted							
Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.							

<b>AODA standards and barrier-free parking</b>	Accessibility for Ontarians with Disabilities Act requires different standards for parking than 2010-40, and the AODA supersedes.	<b>Amend Section 5.3.6 to read:</b>  5.3.6                   Barrier Free Parking Spaces  Off-street barrier free <i>parking spaces</i> shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces.  i)           The minimum barrier free parking requirement shall be as follows: <table><tr><th>Total number of parking spaces provided</th><th>Required Type A Spaces (Van)</th><th>Required Type B Spaces</th></tr><tr><td>1 to 12</td><td>1</td><td>0</td></tr><tr><td>13 to 25</td><td>0</td><td>1</td></tr><tr><td>26 to 50</td><td>1</td><td>1</td></tr><tr><td>51 to 75</td><td>1</td><td>2</td></tr></table>	Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces	1 to 12	1	0	13 to 25	0	1	26 to 50	1	1	51 to 75	1	2	Applies the requirement of the AODA to the number and design of barrier-free parking spaces.  Provides for a higher rate of barrier-free parking spaces for medical uses.
Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces																
1 to 12	1	0																
13 to 25	0	1																
26 to 50	1	1																
51 to 75	1	2																

		76 to 100	2	2	
		101 to 133	2	3	
		134 to 166	3	3	
		167 to 250	3	4	
		251 to 300	4	4	
		301 to 350	4	5	
		351 to 400	5	5	
		401 to 450	5	6	
		451 to 500	6	6	
		501 to 550	6	7	
		551 to 600	7	7	
		601 to 650	7	8	
		651 to 700	8	8	



		701 to 750	8	9	
		751 to 800	9	9	
		801 to 850	9	10	
		851 to 900	10	10	
		901 to 950	10	11	
		951 to 1000	11	11	
		1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B.		
		Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space.			
Notwithstanding subsection i) above, the minimum barrier free parking requirement for <i>medical offices</i> , clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the <i>use</i> , providing at least 40% of the required barrier					

		free spaces of each type of Type A and Type B.																
<b>Coverage</b>	Definition of Lot Coverage is unclear. It is intended to encompass all areas of a lot covered by a roofed structure.	<p><b>Amend definition of Lot Coverage to read:</b></p> <p>Means the percentage of the <i>lot</i> area covered by all <i>buildings, structures</i> or parts thereof, at or above <i>average grade</i> or <i>established grade</i>, exclusive of uncovered <i>decks</i>, uncovered <i>porches</i>, and outdoor swimming <i>pools</i>.</p>	Clarifies that all structures contribute to lot coverage, regardless of if they have ground-floor footprint.															
<b>Shared parking</b>	Many multi-tenant/multi-business properties have uses whose parking demands do not typically peak at the same time, but they are not able to benefit from the current shared parking provisions	<p><b>Amend Section 5.3.5 i) to read:</b></p> <p>A shared parking formula may be used for the calculation of required parking for a mixed <i>use</i> development. A mixed <i>use</i> development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement.</p> <p><b>Amend the tables in Section 5.3.5 i) to include:</b></p> <table border="1"> <tr> <th rowspan="2">Type of Use</th><th colspan="3">Percentage of Peak Period (Weekday)</th></tr> <tr> <th>Morn</th><th>Aft</th><th>Even</th></tr> <tr> <td>Industrial or office</td><td>100%</td><td>100%</td><td>10%</td></tr> <tr> <td>Recreational</td><td>25%</td><td>80%</td><td>100%</td></tr> </table>	Type of Use	Percentage of Peak Period (Weekday)			Morn	Aft	Even	Industrial or office	100%	100%	10%	Recreational	25%	80%	100%	<p>Recognizes that evolving uses are not captured by the existing zoning by-law but have parking demands that are complementary to others.</p> <p>Supports small businesses by making more flexible standards for their location in multi-unit developments.</p>
Type of Use	Percentage of Peak Period (Weekday)																	
	Morn	Aft	Even															
Industrial or office	100%	100%	10%															
Recreational	25%	80%	100%															

		Hotel	80%	80%	100%	Reduces burden on multi-unit building owners to occupy units by establishing a standard parking rate for small industrial plazas that matches the rate they were commonly developed under.
		Assembly	10%	25%	100%	
		Type of Use	Percentage of Peak Period (Weekend)			
			Morn	Aft	Even	
		Industrial or office	10%	10%	10%	
		Recreational	90%	100%	100%	
		Hotel	80%	80%	100%	
		Assembly	90%	90%	100%	
For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses.						
<b>Amend Section 5.3.5 i) c) to read:</b>						
a building or group of <i>buildings</i> on the same <i>lot</i> containing a mix of <i>office or medical office, commercial uses and dwelling units</i> ; or,						

		<b>Amend Section 5.3.2 to add:</b>		
		<b>Type or Nature of Use</b>	<b>Minimum Off-Street Parking Requirements</b>	
		Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none"><li>• 1 <i>parking space</i> per 45 m2 of <i>gross floor area</i> up to 1860 m<sup>2</sup> GFA;</li><li>• 1 <i>parking space</i> per 90 m2 of <i>gross floor area</i> from 1861 m<sup>2</sup> to 3720 m<sup>2</sup> GFA;</li><li>• 1 <i>parking space</i> per 185 m2 of <i>gross floor area</i> greater than 3720 m<sup>2</sup> GFA</li></ul>	
<b>Driveways that straddle property lines</b>	Driveways that are across the property line for two properties are common in town, but the by-law is silent on them. A shared driveway permits a more efficient design.	<b>Add within Section 5.5:</b>  Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access.		Recognizes and permits shared driveways.
<b>Offices</b>	Permitted uses in the EM, EG, and EH zones related to offices suggest that offices are only allowed on major roads, and accessory offices	<b>Amend Section 6.5.1 to:</b>  Delete <i>Accessory Office</i> as a listed use  <b>Amend Section 6.5.1 (*8) to read:</b>  Permitted as a principal use in the EM and EG zones.		Allows offices on all streets in EM and EG zones.  Allows accessory offices in EH zones to a quarter of the

	are only allowed in EH zones. This would prohibit accessory offices in many of the areas of the employment lands.	Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.	floor area.
<b>Day Nurseries</b>	The governing provincial legislation related to day nurseries has changed and the zoning by-law references out-of-date legislation.	<b>Amend the definition of Day Nursery to read:</b>  <b>Day Nursery</b> Means a <i>premises</i> where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.	Updates legislation reference.