



Town of Newmarket

Agenda

Committee of the Whole

Date: Monday, September 17, 2018
 Time: 1:30 PM
 Location: Council Chambers
 Municipal Offices
 395 Mulock Drive
 Newmarket, ON L3Y 4X7

Agenda published on September 13, 2018

	Pages
1. Additions & Corrections to the Agenda	
Note: Additional items are marked by an asterisk*.	
2. Declarations of Pecuniary Interest	
3. Presentations & Recognitions	
3.1 York University Presentation	1
Note: Dr. Rhonda Lenton will be in attendance to provide a presentation on this matter.	
4. Deputations	
4.1 Queen Street Safety Concerns	3
Note: Colleen Keats will be in attendance to provide a deputation on this matter.	
4.2 Polycystic Kidney Disease (PKD) Awareness Day	5
Note: Jeffrey Robertson will be in attendance to provide a deputation on this matter.	
5. Consent Items	
*5.1 Draft Plan of Condominium Approval Marianneville Block 119	7

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2018-002) dated September 17, 2018 be received; and,
2. That approval be given to draft plan of condominium 19CDMN-2018 002 subject to the Schedule of Conditions attached and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Rd., Unit 109, Richmond Hill, ON, L4B 3K1 be notified of this action.

*5.2 Tertiary Plan Public Meeting Request

17

1. That the report entitled Tertiary Plan Public Meeting Request dated September 17, 2018 be received; and,
2. That the Old Main Street Tertiary Plan be referred to a public meeting; and,
3. 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 of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

*5.3 175 Deerfield Road - Incentives for Affordable and Rental Housing

73

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received;
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act;
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each;

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

***5.4 175 Deerfield Road - Zoning By-law Amendment Application 111**

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1;
2. That staff be authorized and directed to do all things necessary to give effect to this report;
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

***5.5 Zoning By-law Review 127**

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received;
2. That the proposed amendments to Zoning By-Law 2010-40 be adopted;
3. 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; and
4. That staff be directed to do all things necessary to give effect to the recommendations in this report

***5.6 Urban Centres Zoning By-law: Approval 177**

1. That the report entitled Urban Centres Zoning By-law: Approval, dated September 17, 2018, be received;
2. That the Draft Urban Centres Zoning By-law, dated September 17, 2018, generally as attached to this Report, be approved;
3. 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;

4. That the required notice of passing be issued in accordance with the requirements of the Planning Act; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

***5.7 FCM Municipal Asset Management Program - Grant Submission 345**

1. That the report entitled “FCM Municipal Asset Management Program – Grant Submission” dated September 17, 2018 be received; and,
2. That Council directs staff to apply for grant funding through the Federation of Canadian Municipalities’ Municipal Asset Management Program toward the implementation of the Town’s Integrated Asset Management Strategy;
3. That the Town of Newmarket commits to conducting the activities in its proposed project application submitted to the Federation of Canadian Municipalities’ Municipal Asset Management Program;
4. That the Town of Newmarket commits to funding up to 20% of the eligible project costs to a maximum of \$12,500 of which the remaining 80% is to be funded by FCM, if successful;
5. That Council endorse the attached Council Resolution for the Mayor and Town Clerk’s signature;
6. That Staff be authorized and directed to do all things necessary to give effect to the attached Council Resolution.

5.8 Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council 351

1. That the report entitled “Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council” be received; and,
2. That, in accordance with the Committee Administration Policy, all regularly scheduled Advisory Committee meetings between October 1, 2018 and December 31, 2018 be cancelled; and,
3. That should a time sensitive or legislated matter requiring the consideration by an Advisory Committee between October 1, 2018 and December 31, 2018, a meeting be scheduled; and,

4. That any Advisory Committee vacancies remain vacant until the new term of Council, or until the Advisory Committee review is complete; and,
5. That staff be directed and authorized to do all things necessary to give effect to this resolution.

5.9 November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule 355

1. That the report entitled “November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule” dated September 17, 2018 be received; and,
2. That the Council and Committee of the Whole Meeting Schedule (Attachment A) be adopted; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

5.10 York Durham Sewage System Forcemain Twinning Project Noise Exemption Request 379

1. That the report titled York Durham Sewage System Forcemain Twinning Project Noise Exemption Request dated September 17, 2018 be received and,
2. That the Noise Exemption Request to allow for 24 hours per day for 7 days a week be adopted; and,
3. That the request from Regional Municipality of York for a noise exemption to perform necessary works for the York Durham Sewage System Forcemain Twinning project from January 2, 2019 until December 31, 2021, be approved; and,
4. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.11 Outstanding Matters List 451

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

*11.1 Property in Ward 4 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

*11.2 Property in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.

*11.3 Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

12. Public Hearing Matter (7:00 PM)

12.1 Zoning By-law Amendment Application - 18095 - 18099 Leslie Street

467

Note: Michael Smith of Michael Smith Planning Consultants will be in attendance to provide a presentation on this matter.

13. Adjournment



Office of the President

1050 KANEFF TOWER
4700 KEELE ST.
TORONTO ON
CANADA M3J 1P3
T 416 736 4567

yorku.ca/president

June 11, 2018

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

Dear Mayor Van Bynen:

Thank you for your support of the \$25,000,000 Funding Agreement between York Region and York University for the development of the new Markham Campus in York Region. This financial contribution represents a significant portion of the funding envelope needed to ensure that the full vision and potential for York Region's first university campus is realized.

As you know, the campus will provide more than 4,000 students with access to over 20 degree programs, including innovative joint-programming with Seneca College. In addition, York will partner with local businesses and industry to provide unique experiential learning opportunities for students which are directly linked to the region's major economic clusters.

I am deeply committed to strengthening York's connectedness, and to realizing our aspiration to become known as Canada's most engaged university. To that end, I would like to extend an offer to meet with you to discuss the Markham Centre Campus, its programming and to answer any outstanding questions that you may have about the project. My team and I would also be willing to provide your Council with an overview of the campus. This would give us an opportunity to talk about ways in which York University may be able to partner with the Town of Newmarket to meet some of your local needs and goals.

Thank you again for supporting the funding agreement that will allow the development of the Markham Centre Campus to move forward towards completion in the fall of 2021. I look forward to continuing to work with you as the Markham Campus moves forward through the construction process and beyond.

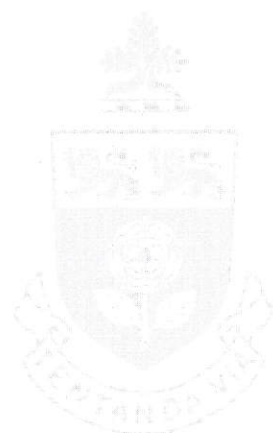
Sincerely,

Rhonda L. Lenton, PhD
President and Vice-Chancellor

:st

MAYOR'S OFFICE		
INCOMING MAIL	REFERRED TO	COPIED TO
COUNCIL		
CAO		
JUN 19 2018		
COMMISSIONER		
DEPARTMENT		
CLERKS		
CONCERNS		

IS IT POSSIBLE
TO HAVE A
PRESENTATION @
Aug C.O.U.
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a



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, 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: Colleen Keats	
Organization / Group/ Business represented:	
Address:	Postal Code: L3Y 2G1
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: August 28, 2018
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

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

Name: <u>JEFFREY ROBERTSON</u>	
Organization / Group/ Business represented: <u>PKD FOUNDATION OF CANADA</u>	
Address: [REDACTED]	Postal Code: <u>L3Y 1V9</u>
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <u>Sept 17/18</u>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No: <u>N/A</u>
<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): <u>We have requested a proclamation for Sept 4 to be tied to PKD Awareness Day. I wish to address Council on the prevalence & impact of polycystic Kidney disease in the York Region & Canada, while also educating the group on what the PKD Foundation of Canada does.</u>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Application for Draft Plan of Condominium (19CDMN-2018-002)

Staff Report

Report Number: 2018-53

Department(s): Planning and Building Services

Author(s): D. Ruggle, Senior Planner, Community Planning

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2018-002) dated September 17, 2018 be received; and,
2. THAT approval be given to draft plan of condominium 19CDMN-2018 002 subject to the Schedule of Conditions attached and forming part of this report;
3. AND THAT Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Rd., Unit 109, Richmond Hill, ON, L4B 3K1 be notified of this action.

Purpose

The purpose of this report is to recommend Council approved the attached Draft Plan of Condominium for Block 119 within the Marianneville Draft Plan of Subdivision.

Background

An application for draft plan of Condominium has been submitted by Marianneville Development Limited. The applicant received site plan approval and has subsequently entered into a site plan agreement dated May 23, 2018 for the development of the residential buildings on this site. The townhomes are now under construction and it is appropriate to approve the draft plan of condominium.

Discussion

Draft plan of condominium 19CDMN-2018 002 relates to a development containing 74 townhouse dwellings. The subject land is located on the south side of Crossland Gate at
Application for Draft Plan of Condominium (19CDMN-2018-002)

Alex Doner Drive and is shown on the attached Location Map. A copy of the draft plan of condominium, as recommended for approval, is also attached.

The subject lands are being developed by parcels of tied land whereby the only common elements are the private road and associated boulevard areas, visitor parking and amenity areas. The remainder of the lands will be subdivided through the Part Lot Control Exemption process under the Planning Act and would have a freehold tenancy on the private road. As noted above, the applicant has received site plan approval and has entered into a site plan agreement dated May 23, 2018 for the development of the residential buildings on this site. The townhomes are now under construction and it is appropriate to approve the draft plan of condominium.

Planning Considerations

This application for draft plan of condominium proposes to identify and create the common elements for the condo corporation which includes the road, visitor parking and all amenity areas which are to be maintained by the condominium corporation. The proposed Draft Plan of Condominium is appended to this report.

Application for site plan approval for the 74 townhouse units on a condominium road was approved in principle by Council on March 6, 2017. The site plan agreement dated May 23, 2018 has been executed by the Town and all payments and securities required by the site plan agreement have been submitted.

The subject property is designated Emerging Residential in the Town's Official Plan. The Emerging Residential designation was put in place by the Ontario Municipal Board through its Order dated November 18, 2014. Townhouse dwellings are a permitted use in the emerging residential designation and the proposed draft plan of condominium application conforms to the purpose and intent of the Official Plan.

The subject property is currently zoned R4-N-124 by the Ontario Municipal Board through its Order dated November 18, 2014, which permits the townhomes as approved through the site plan approval process. Council removed the holding provision from the zoning by-law as it relates to this development through by-law 2018-25 dated May 28, 2018.

Provincial Policy Statement Considerations

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

The sections on Managing and Directing Land use to Achieve Efficient Development and Land Use Patterns, Settlement Areas, and Housing are relevant for the subject application. These sections require efficient development and land use patterns,

Application for Draft Plan of Condominium (19CDMN-2018-002)

promoting intensification and redevelopment opportunities while taking into account existing building stock, and providing for an appropriate range of housing types and densities that reduce the cost of housing and facilitate compact form. Efficient and varied housing is an important component of successful communities and providing appropriate accommodation for future residents.

Conclusion

Draft plan of condominium 19CDMN-2018 002 is recommended for approval subject to the conditions set out in the Schedule of Conditions attached to and forming part of this Report.

Business Plan and Strategic Plan Linkages

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities

Consultation

N/A

Human Resource Considerations

N/A

Budget Impact

Operating Budget (Current and Future)

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

Capital Budget

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

Attachments

1 – Schedule of Conditions

2 - Location Map

3 – Proposed Draft Plan of Condominium

Application for Draft Plan of Condominium (19CDMN-2018-002)

Approval

Peter Noehammer, Commissioner, Development and Infrastructure Services

Rick Nethery, Director, Planning and Building Services

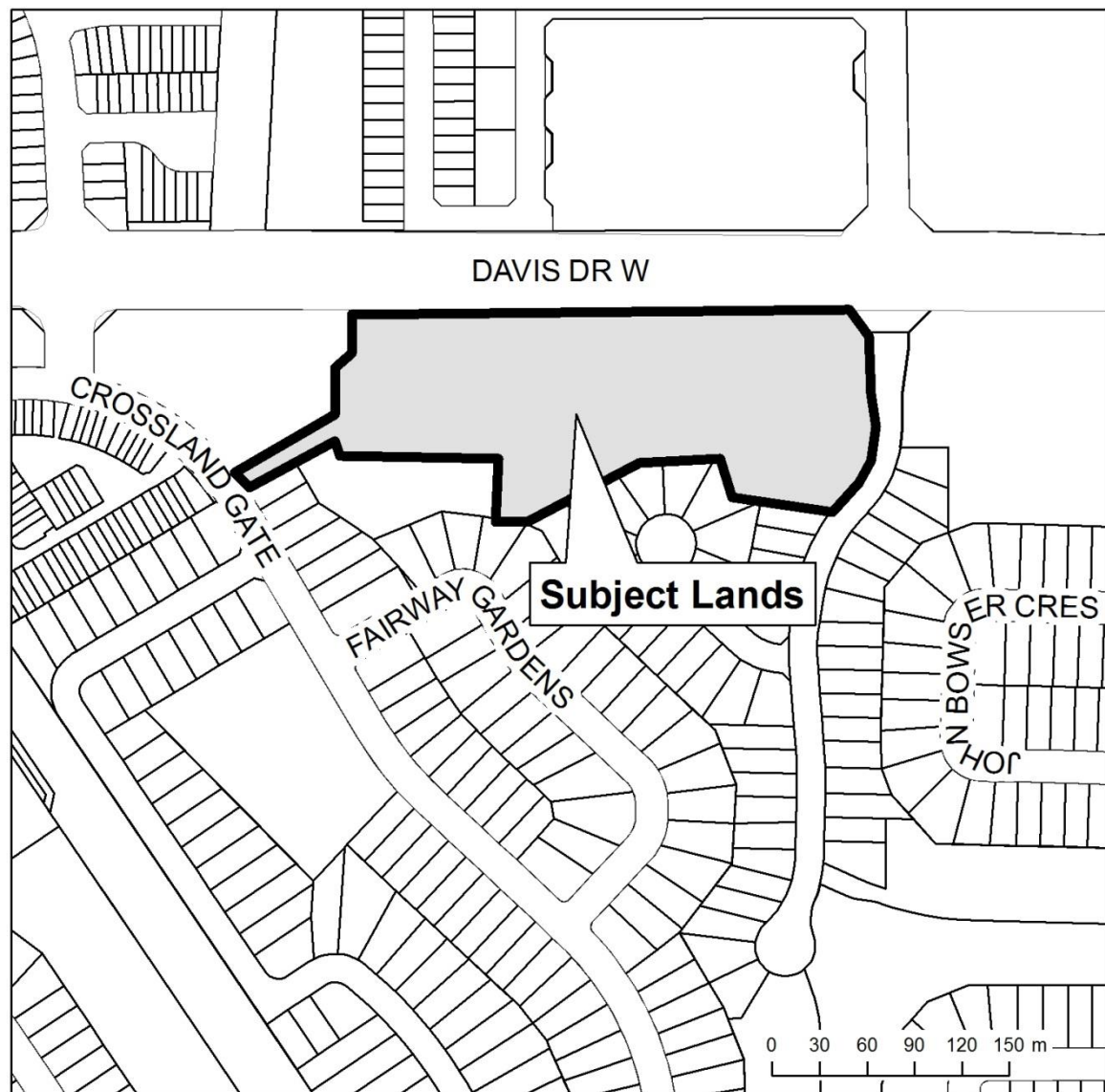
Contact

Dave Ruggle, Senior Planner Community Planning druggle@newmarket.ca

SCHEDULE OF CONDITIONS
DRAFT PLAN OF CONDOMINIUM 19CDMN-2018 002
MARIANNEVILLE DEVELOPMENTS LIMITED.

1. Approval shall relate to the draft plan of condominium prepared by J.D. Barnes Limited, Reference Number 15-21-831-00-dp-glenway2, signed by Marianneville Developments Limited on May 10, 2018.
2. The Owner shall provide confirmation from the Director of Engineering Services that the Owner has fulfilled all of its obligations under the Site Plan Agreement dated May 23, 2018, as amended from time to time, or in the alternative, that the Owner has provided sufficient financial security and appropriate completion schedules to ensure that the Site Plan Agreement will be complied with in a timely manner.
3. Prior to registration, the Owner shall obtain any required minor variances to recognize any zoning deficiencies, if required.
4. Prior to final approval, the Owner shall submit a survey substantially in conformity with the plan set out in Condition Number 1 and in conformity with the requirements of the Condominium Act.
5. Prior to final approval, the Owner shall confirm that all of the works within the Regional ROW under file no. D19-14.003N has sufficient securities to cover the cost of any outstanding works. Should there be insufficient securities to cover the cost of the remaining works, the Owner shall arrange for the deposit of additional securities in the amount sufficient to cover the cost of all outstanding works.
6. Prior to final approval, the Owner shall provide confirmation that all transfers of obligation have been completed where Regional agreements require responsibility to change from the Owner to the Condominium Corporation.

LOCATION MAP
Block 119 Plan 65M4587
Town of Newmarket
Regional Municipality of York



Town of Newmarket Planning Services



Designed & Produced by Information Technology - GIS Printed: August, 2018. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015. Zoning - Town of Newmarket, 2015.
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

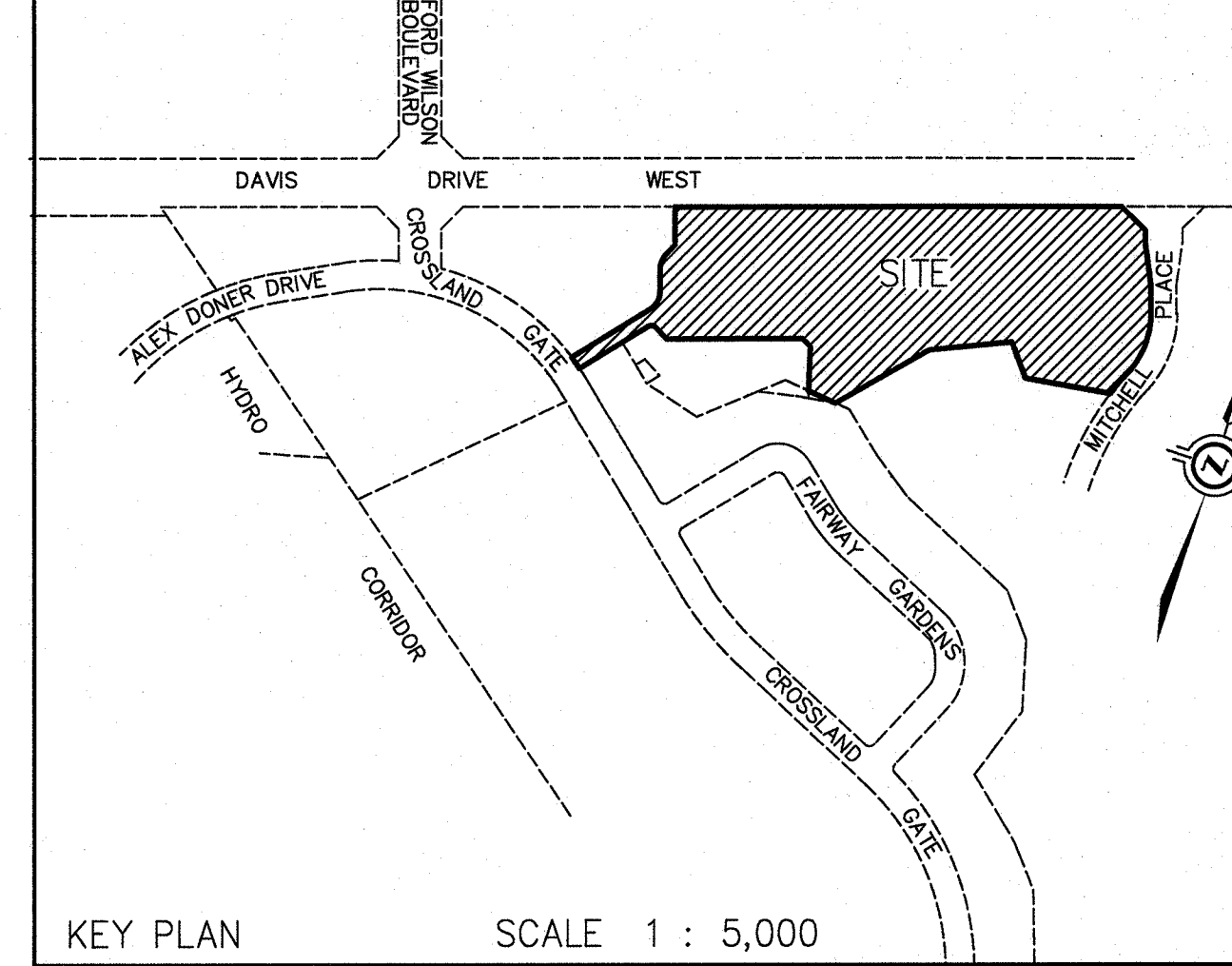
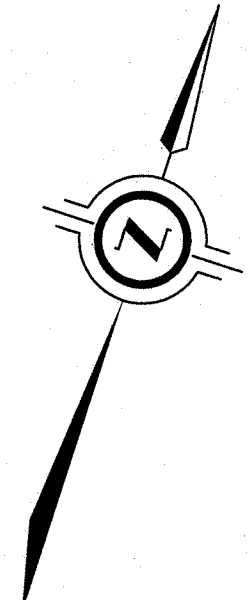
T:\DI Services\Planning\Dave\file related documentation\Glenway condominiums\Block 119\location map block 119.mxd

NOTES

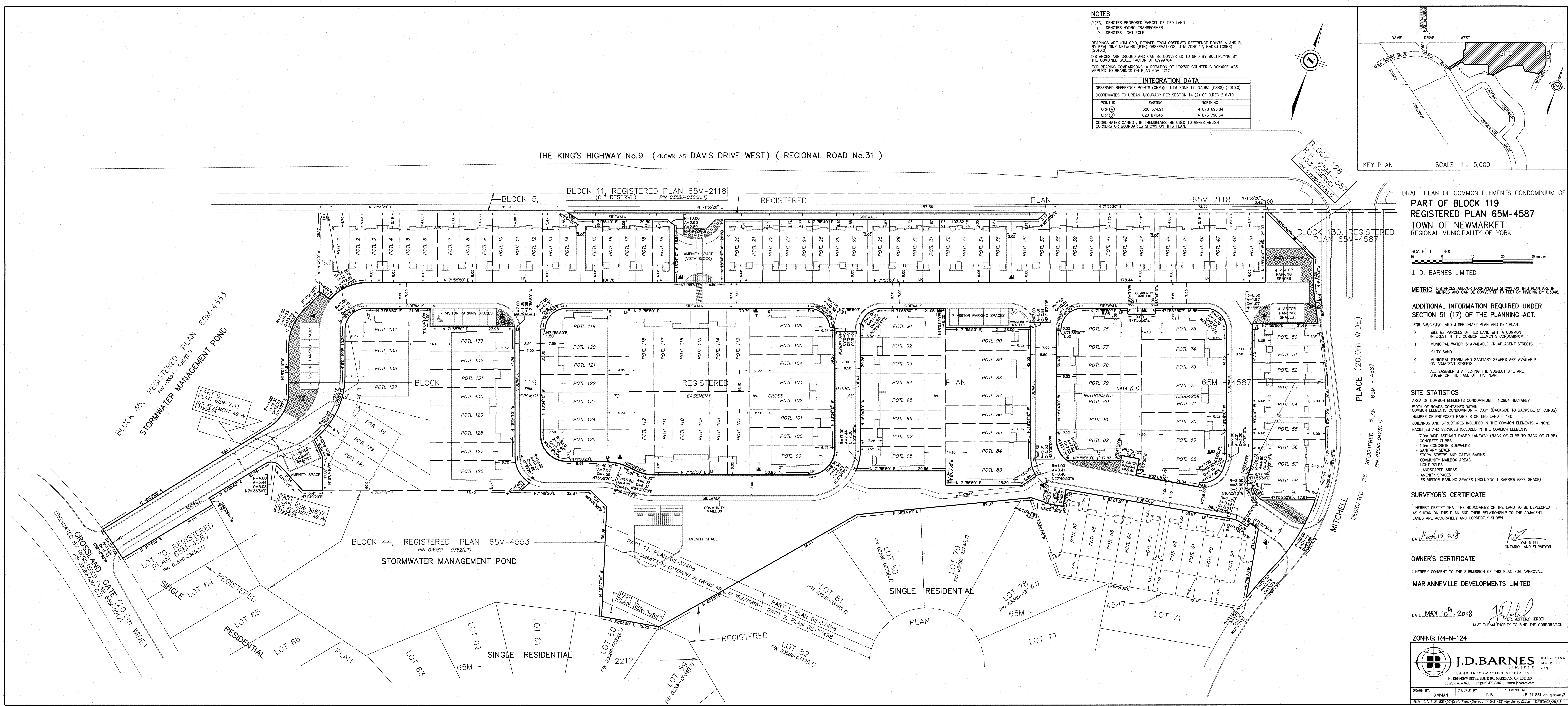
POTL DENOTES PROPOSED PARCEL OF TIED LAND
T DENOTES HYDRO TRANSFORMER
LP DENOTES LIGHT POLE
BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999784.
FOR BEARING COMPARISONS, A ROTATION OF 102°50' COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 65M-2212.

INTEGRATION DATA

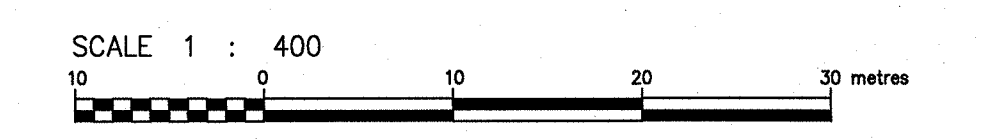
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	620 574.91	4 878 693.84	
ORP (B)	620 871.45	4 878 790.84	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			



THE KING'S HIGHWAY No.9 (KNOWN AS DAVIS DRIVE WEST) (REGIONAL ROAD No.31)



DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM OF
PART OF BLOCK 119
REGISTERED PLAN 65M-4587
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK



J. D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT.

- FOR A,B,C,E,G, AND J SEE DRAFT PLAN AND KEY PLAN
- D WILL BE PARCELS OF TIED LAND WITH A COMMON INTEREST IN THE COMMON ELEMENTS CONDOMINIUM
 - H MUNICIPAL WATER IS AVAILABLE ON ADJACENT STREETS
 - I SILTY SAND
 - K MUNICIPAL STORM AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS
 - L ALL EASEMENTS AFFECTING THE SUBJECT SITE ARE SHOWN ON THE FACE OF THIS PLAN.

SITE STATISTICS

- AREA OF COMMON ELEMENTS CONDOMINIUM = 1.2684 HECTARES
WIDTH OF ROADS CONTAINED WITHIN COMMON ELEMENTS CONDOMINIUM = 7.0m (BACKSIDE TO BACKSIDE OF CURBS)
NUMBER OF PROPOSED PARCELS OF TIED LAND = 140
BUILDINGS AND STRUCTURES INCLUDED IN THE COMMON ELEMENTS = NONE
FACILITIES AND SERVICES INCLUDED IN THE COMMON ELEMENTS:
- 7.0m WIDE ASPHALT PAVED LANEWAY (BACK OF CURB TO BACK OF CURB)
- CONCRETE CURBS
- 1.5m CONCRETE SIDEWALKS
- SANITARY SEWER
- STORM SEWERS AND CATCH BASINS
- COMMUNITY MAILBOX AREAS
- LIGHT POLES
- LANDSCAPED AREAS
- AMENITY SPACES
- 38 VISITOR PARKING SPACES (INCLUDING 1 BARRIER FREE SPACE)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: March 13, 2018
TARU HU
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE SUBMISSION OF THIS PLAN FOR APPROVAL.

MARIANNEVILLE DEVELOPMENTS LIMITED

DATE: MAY 10th, 2018
DR. JEFFERY KERBEL
I HAVE THE AUTHORITY TO BIND THE CORPORATION

ZONING: R4-N-124

J.D. BARNES
LAND INFORMATION SPECIALISTS
140 RIVERVIEW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3
T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com

DRAWN BY: G.VIVIAN
CHECKED BY: Y.HU
REFERENCE NO.: 15-21-831-dp-glenway2
FILE: C:\15-21-831\00\Draft Plans\Glenway\15-21-831-dp-glenway2.dgn DATE: 02/28/18

SURVEYING
MAPPING
GIS



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Tertiary Plan Public Meeting Request Staff Report

Report Number: 2018-56

Department(s): Planning & Building Services

Author(s): Meghan White, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Tertiary Plan Public Meeting Request dated September 17, 2018 be received; and,
2. That the Old Main Street Tertiary Plan be referred to a public meeting; and,
3. 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 of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to refer the draft Old Main Street Tertiary Plan to a public meeting.

Background

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

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

Subsequently, staff presented three concept plans of varying densities to the public at a workshop event in April 2018. The summary of that event is attached as Appendix A to this report. The three land use concepts are attached as Appendix B.

Staff are now seeking permission to hold a public meeting to advance the Tertiary Plan process. Ultimately, the Tertiary Plan will form an amendment to the Official Plan and as such will require approval from the Region.

Discussion

The Old Main Street Tertiary Plan Study will provide guidance to the overall pattern of development in the area and will assess matters such as the location of required infrastructure (i.e. streets and sidewalks), the layout of development and land uses, the location of parks (if possible), the location of the natural heritage system (including environmental features and the floodplain), and urban design considerations. It would also encourage and provide direction for comprehensive development which will enhance the area as opposed to piecemeal redevelopments which may have negative impacts on the existing community. The Plan will result in revised and updated Official Plan policies for the study area.

Highlights of the Draft Plan

The draft Tertiary Plan including land use schedules is attached to this report as Appendix C.

Different levels of density were considered for implementation through the Tertiary Plan. The draft Tertiary Plan proposes some redevelopment while maintaining the character of the area. It proposes to allow for singles, semi-detached dwellings with secondary units, either inside the main building or as a second building on the property. Triplexes and four-plexes which look and feel like singles and semis are also proposed to be permitted. The intent is that a person walking down the street would feel that they are walking past a row of single or semi-detached dwellings. There are detailed policies, generally more detailed than typical Official Plan policies which act as urban design guidelines. Below is a picture of homes on Bayview in Toronto (Bayview & Eglinton) which exemplify the type of built form the Tertiary Plan considers permitting.



Figure 1: these are four-plexes which look like single detached dwellings

The consultants have also prepared a guidance document for the implementing zoning by-law, which is attached as Appendix D. It is currently suggested that if a Town-initiated zoning by-law amendment is undertaken to implement the Tertiary Plan, that a Holding Provision be put in place to ensure the requisite works and studies are completed prior to significant redevelopment taking place.

In terms of the infrastructure and engineering component, further detailed study is required. The draft policies require the town to undertake a Master Plan to study the stormwater management and drainage patterns of the area. It is anticipated that any works required out of this study could be, at least partially, funded through development charges. This can be further discussed at the Public Meeting and in staff's final recommendation report.

Plan Conformity and Consistency

The Planning Act requires that a decision of Council shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the "PPS"). The provincial plan relevant to this area of Newmarket is the Growth Plan for the Greater Golden Horseshoe 2017 (the "Growth Plan").

Provincial Policy Statement

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

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

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

Growth Plan

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

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

York Region Official Plan

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

Newmarket Official Plan

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

The Stable Residential designation permits single and semi-detached units. The objectives of the Stable Residential designation are to provide for a range of residential accommodations by housing type, tenure, size, location and price ranges and encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision design. The Official Plan in Section 3.7 allows for intensification and infill development in Stable Residential areas that is compatible with the surrounding neighbourhood.

The draft Tertiary Plan is considering gentle intensification that will allow for a mix of housing forms while being compatible with the existing neighbourhood. This is in

keeping with the general intent and overall direction of the Official Plan and the residential policies.

Conclusion

The Old Main Street Tertiary Plan is now substantially advanced enough to warrants it's referral to a statutory public meeting.

After the Statutory Public Meeting, staff will report back to Council on the outcomes of the further consultation with a recommendation on how to proceed.

Should Council adopt a Tertiary Plan as an amendment to the Official Plan, the document will be sent to the Region for approval.

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

As mentioned, previously staff have engaged the public and various agencies twice through the Tertiary Plan Study process to date. Staff will hold the required Open House prior to the Public Meeting. It is anticipated that the Public Meeting will be held in January or February of 2019.

If the recommendations of this report are adopted, staff will notify the respective agencies and review partners of the Public Meeting and request their comments accordingly.

Human Resource Considerations

None.

Budget Impact

Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

Attachments

Appendix A – Summary of April 12th Public Consultation

Appendix B – Three Land Use Concepts from April 12th Public Consultation

Appendix C - Draft Tertiary Plan with Land Use Schedules

Appendix D – Draft Zoning By-law Directions

Approval

Richard Nethery, Director Planning and Building Services

Peter Noehammer, Commissioner Development & Infrastructure Services

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Summary Report

Public Consultation Session #2 - Open House/Design Workshop

As a continuation of the public consultation process for the Old Main Street Tertiary Plan Study, the Town of Newmarket invited local residents to participate in a public open house and design workshop. The meeting was facilitated by Town Staff, in coordination with a multi-disciplinary consultant team, which has been retained to undertake the study.

The public open house and design workshop was held on Thursday, April 12, 2018. The meeting, which was held at the Seniors Meeting Place, commenced at 7:00pm and concluded at 9:00pm. The meeting was attended by approximately 25 participants, which included residents of Old Main Street, residents of the surrounding neighbourhood, and representatives of various land owners. Some Councillors and the Mayor were also in attendance.

The meeting included an open house component with display board viewing and informal discussion, as well as a presentation, and workshop. The objective of the meeting was to present the findings of the Background Study, and to obtain feedback on the Draft Vision Statement, Guiding Principles, Land Use Concepts, and Streetscape and Cross-Section Concepts. Participants were provided with workbooks, which included a series of exercises and questions. These materials were collected at the end of the meeting. Following the meeting, several participants provided supplementary verbal and written feedback to Town Staff and the consultant team via telephone and email.

The following document summarizes the feedback provided throughout the course of the open house and design workshop. Findings from the open house and design workshop will be considered in the preparation of the Draft Tertiary Plan.



DRAFT VISION STATEMENT REVIEW

1. What does your table like about the draft Vision Statement?

Residents reported that:

- They felt that their concerns were heard from the previous round of feedback.
- The Vision Statement pays respect to past and existing prevailing site character, while also looking to the future.
- The Vision Statement presents an appropriate balance taking into account development, green space protection, and infrastructure improvements.
- The Vision Statement allows flexibility for new types and placement of development.
- The Vision Statement includes a good planning perspective with regards to infrastructure updates and upgrades that are needed.
- The Vision Statement takes into account natural asset protection.
- The Vision Statement allows change to natural topography within reason to enable development on the slope.
- The specific mention of pedestrians is valued.

2. What does your table dislike about the Vision Statement?

Residents reported that:

- The Vision Statement leaves too much room for interpretation.
- The Vision Statement does not specifically mention housing typologies (such as single detached housing) which are an important component of street character.
- The Vision Statement is not specific enough about history and historic significance of architecture.
- Concerns were raised about pedestrian connections creating increased foot traffic unwanted by some residents.
- The specific mention of “cottage like” character is too narrow of a description, residents value the variety of architecture in the neighbourhood.
- Architecture should be in the range between cottage-like and modern, but not too far either direction.
- The elements “gateway features” and “enhancements” are vague.
- Investment in gateway features are not valued by all.

3. What is missing from the draft Vision Statement? What would you like to see added?

Residents reported that:

- The Vision Statement does not include enough clarity regarding density.
- The Vision Statement does not include enough clarity regarding housing types. However, opinions varied regarding how to address housing types in the Vision Statement.
 - Some respondents reported that the Vision Statement is an opportunity to incorporate new ideas about other types of development, such as multi-unit developments, that incorporate into the area’s natural environment, topography, and enhance green infrastructure.
 - Other respondents reported that the Vision Statement should specifically mention that the street is currently comprised of entirely single detached housing, which is an important part of the area’s history and character.
- The Vision Statement’s scope does not consider the context and location of the area, specifically the nearby Go Train station and rail corridor.
- The Vision Statement lacks any mention of affordable housing.
- The Vision Statement does not address parks and recreation space, including children’s play areas.
- The Vision Statement lacks mention of street parking.
- Safety impacts of increased pedestrians using service road to access Tom Taylor Trail is missing from the Vision Statement.



DRAFT GUIDING PRINCIPLES REVIEW

1. What does your table like about the draft Guiding Principles?

Residents reported that:

- That the Guiding Principles recognize the unique topography, including hill and flood plain, and the associated issues.
- The Guiding Principles respect natural systems and enhance open space.
- Major issues are addressed water flow, traffic, development.
- The Guiding Principles acknowledge that cottage character can exist alongside other housing characteristics, which is already seen in the community. Variety is important to recognize and promote.
- Enhanced design is valued, particularly the role of design to ease into increased density in the area, according to some respondents.
- Unobstructed views, prevailing site setbacks, and 1-2 storey building height are highly valued in the community.



2. What does your table dislike about the Guiding Principles?

Residents reported that:

- Opinions differed on the wording preference, some residents liked the flexible tone, while others found the vague wording left too much room for interpretation.
- The Guiding Principles are vague with regard to what is considered “significant,” “acknowledged,” and “encouraged.”
- The preservation of all existing woodlots is not necessary. Two perspectives about woodlot preservation reported are:
 - Existing woodlot protection should focus on preserving high quality woodlots, as not all areas contain healthy, valuable tree cover.
 - Woodlots should be utilized as a buffer to the cemetery, but in other locations, unprotected woodlots are not valuable to preserve as they may impede development opportunities.
- New development should be required to plant new trees.
- There is concern that too much weight is being given to the “cottage-like” characteristic of the area. Some residents reported concerns that the style is potentially outdated and will not attract development or new home buyers.
- There is not enough detail provided regarding the placement of sidewalks, street parking, and if there is a trade-off of parking for sidewalks.
- Too many elements are included for how narrow the street is in reality.
- There are not enough details provided regarding street surface treatment.
- Concern was raised that the predominantly east-west alignment is very restrictive to the larger lots that stretch back to the cemetery. Development opportunity would necessitate a new road to stretch from Main Street N to the back of the lots.



DRAFT LAND USE CONCEPTS - MINOR DEVELOPMENT AND TRAFFIC CALMING OPTION

- Opinions varied widely about the preferences of the appropriate level of development in this Concept.
 - Some respondents preferred the lower population density.
 - Some respondents felt that this plan is the least obstructive to maintaining the current character of the street.
 - Some respondents reported that this plan is too conservative and that infill is too minor.
 - Some respondents reported that limiting development to single detached houses will not maximize positive benefits for the neighbourhood.

1. What does your table like about this Concept?

- Residents liked that this plan addresses storm water management and green infrastructure for all parties.
- Detached dwelling development keeps in line with current design of the street.

2. What does your table dislike about this Concept?

- Concerns were raised regarding the lack of detailed impact analysis of the broader area, including:
 - bike, car, and foot traffic on surrounding streets, and
 - potentially busier intersection where Main Street and Old Main Street intersect.
- Residents reported that they dislike lack of sidewalks and possible impact on pedestrian safety.
- Some reports raised concern about development that requires tearing down existing homes.
- Concerns were raised about alleviating the tax burden on existing homes in the area. Some residents reported that this Concept restricts opportunities for the municipality to gain revenue to pay for all of the necessary upgrades to road, sewage, and other improvements.



DRAFT LAND USE CONCEPTS - MODERATE DEVELOPMENT AND TRAFFIC CALMING OPTION

- Opinions ranged in a similar manner as the first Concept, however more common ground was found in this option. Still, some opinions found this moderate Concept too restrictive on development, where other opinions found it not restrictive enough.

1. What does your table like about this Concept?

- Residents liked that this Concept acknowledges flood water control, particularly on the hill slope, by limiting impermeable surfaces of new developments (parking pads, foundations, etc.).

2. What does your table dislike about this Concept?

- Concern was raised regarding added number of cars and people impacting traffic on the street.
- Concern that not enough development or density to generate city revenue to pay for upgrades and improvements.
- The concern over loss of existing homes was raised again in this Concept.
- Questions raised over the placement of proposed sidewalk.



DRAFT LAND USE CONCEPTS - SIGNIFICANT DEVELOPMENT AND TRAFFIC CALMING OPTION

- Opinions ranged widely on whether this Concept portrayed the appropriate level of development as well.
 - Some residents raised concerns that significant development does not respect the character of the area and promotes too much density.
 - Some residents reported that they support the infill and low-rise development promoted in this Concept.
 - Some residents felt that this Concept is the best opportunity to take advantage of the location of the neighbourhood and develop under-utilized land potential in the center of a growing town, near transit and other amenities.

What does your table like about this Concept?

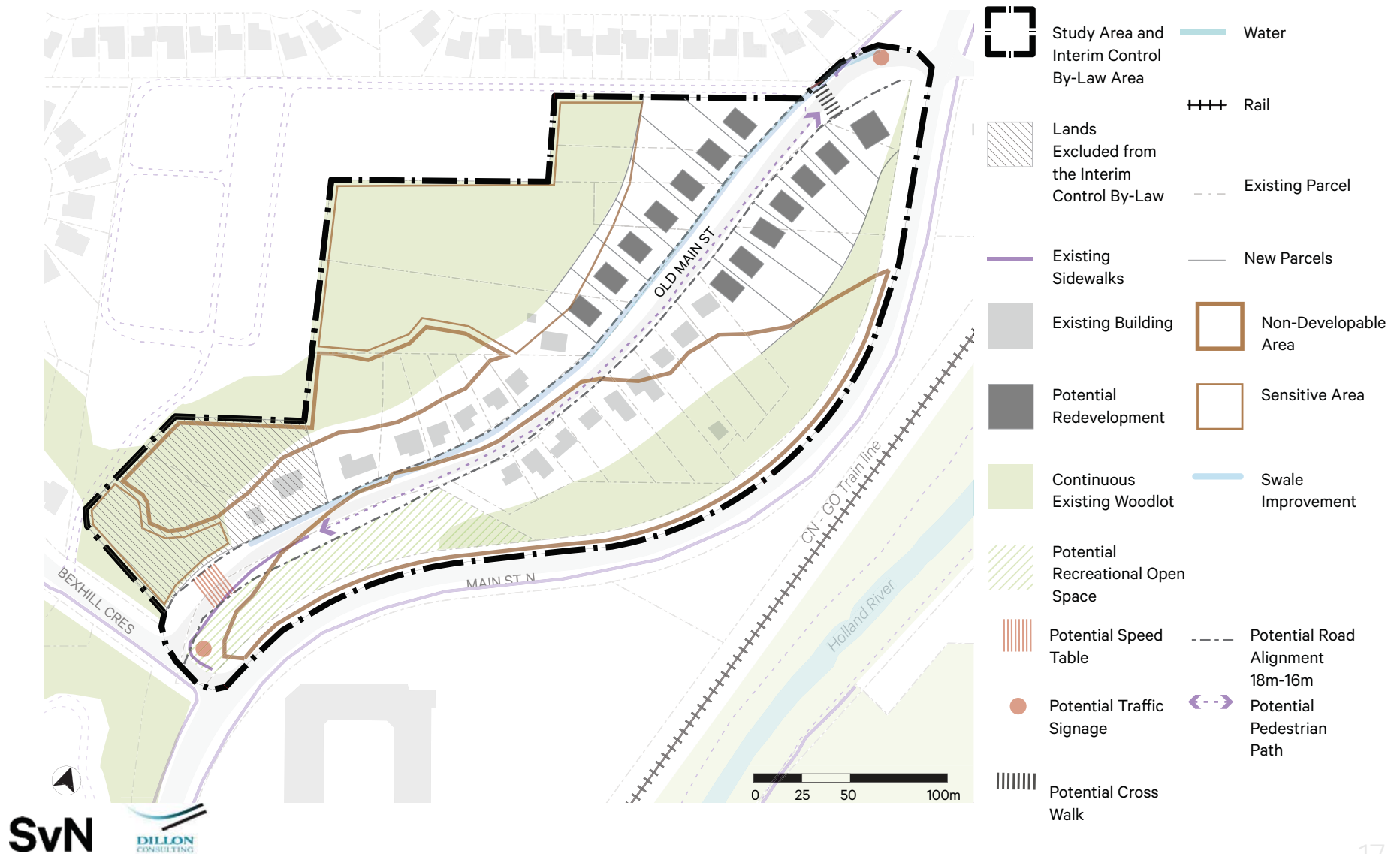
- Appreciate optimization of required servicing and infrastructure improvements.
- Appreciate townhouse design, good balance of density and limiting vehicle traffic.
- This concept has opportunity to address affordability issue and attract first time home buyers or young families.
- This option can provide a tax base that will help support services for the aging population.

What does your table dislike about this Concept?

- Concept 3 presents both a pedestrian path and a sidewalk, which raised questions about whether they are both necessary.
- Concern that this Concept promotes developer and municipal tax revenue at the expense of residents.
- Concerns raised regarding property value dropping due to encroaching development for adjacent landowners.
- Concern raised regarding limiting future cemetery expansion by developing across from the cemetery ground.
- Third row of houses closest to the cemetery should be removed or be dispersed with woodlots.
- The view of new development from the street raised concern by several respondents:
 - Interspersing woodlots within this Concept will help blend in new developments with mature trees.
 - Concern was raised over brick walls or fences facing the street.

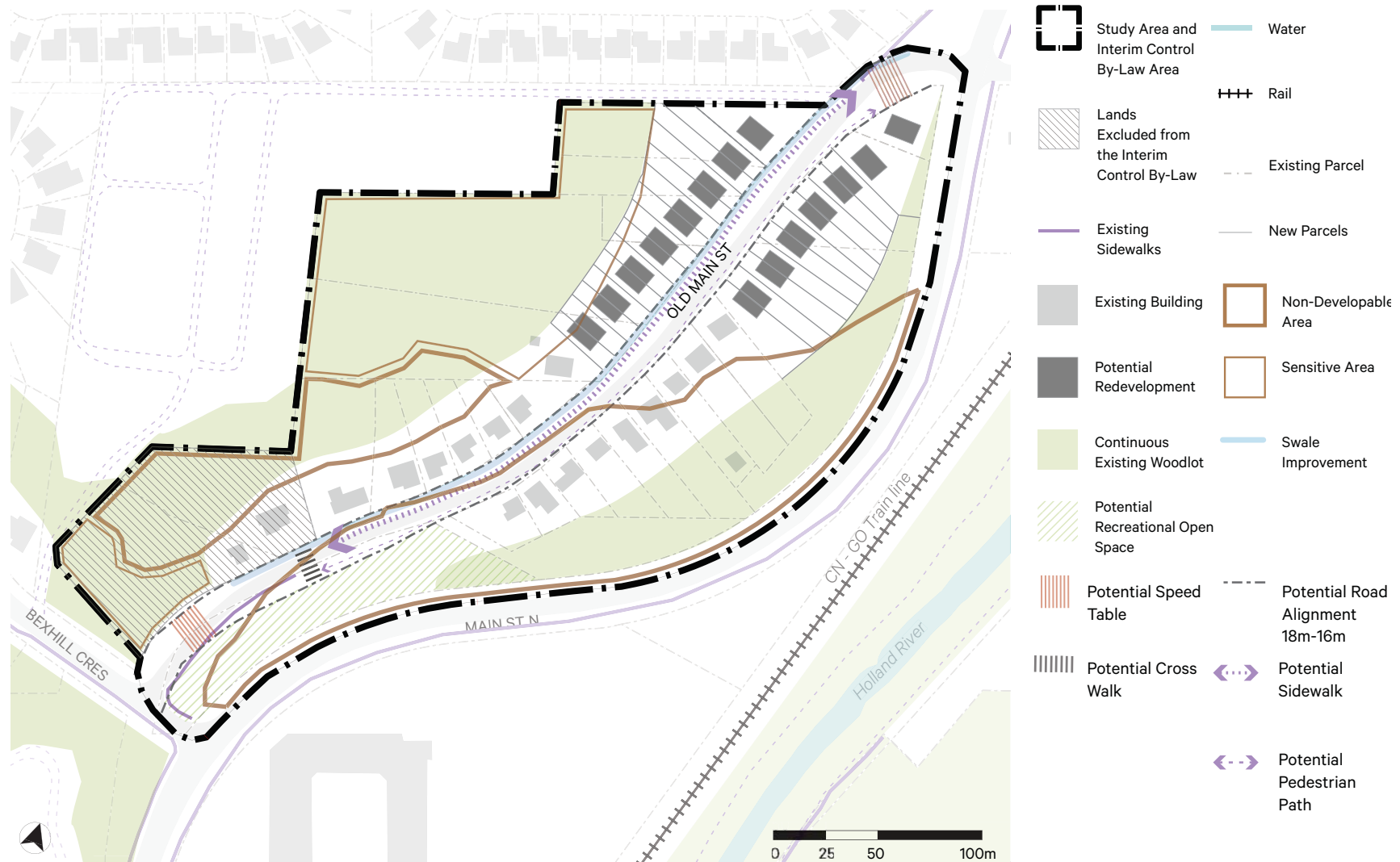
DRAFT LAND USE CONCEPTS

Minor Development and Traffic Calming Option



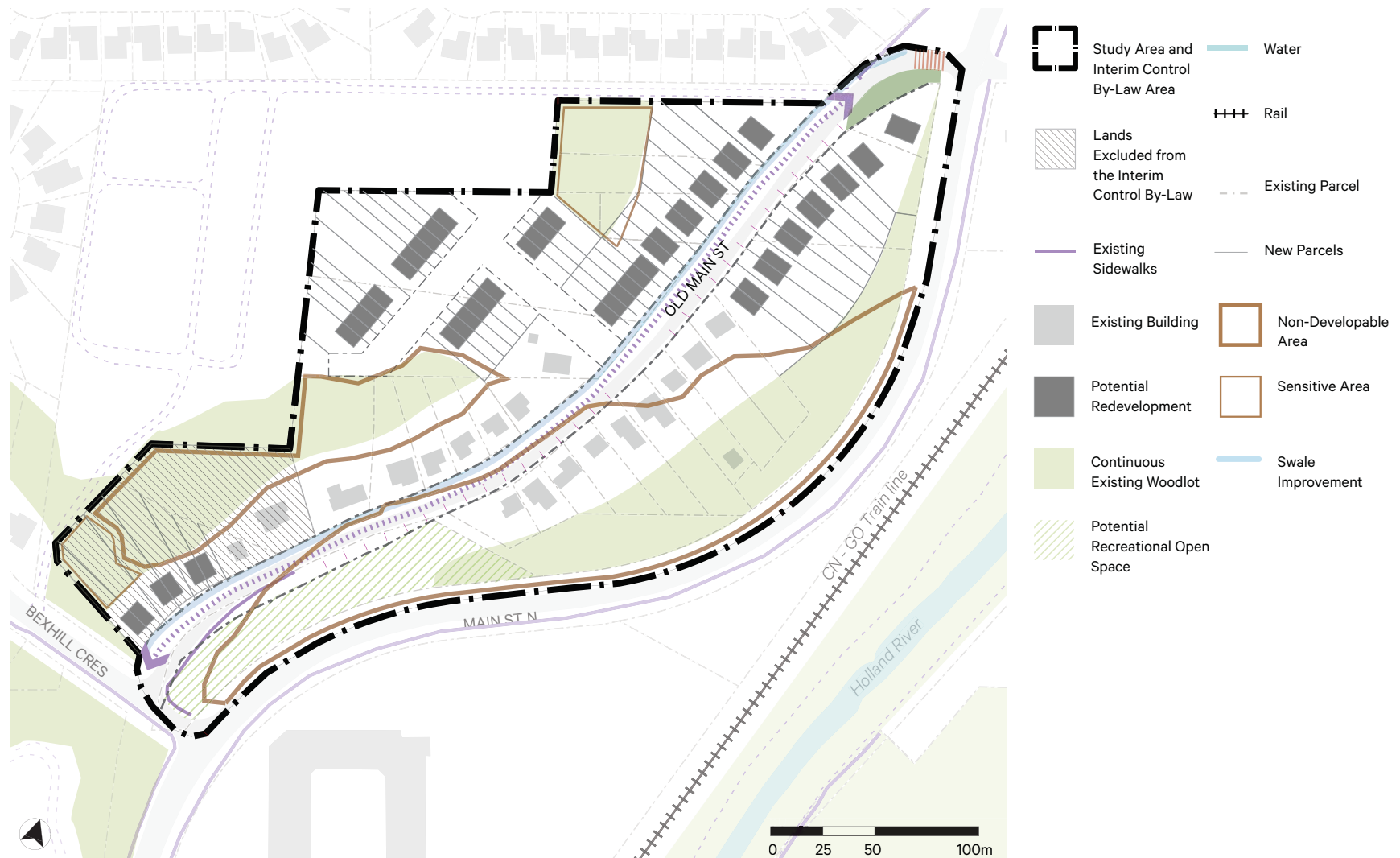
DRAFT LAND USE CONCEPTS

Moderate Development and Traffic Calming Option



DRAFT LAND USE CONCEPTS

Significant Development and Traffic Calming Option



TOWN OF NEWMARKET
OLD MAIN STREET
TERTIARY PLAN

SEPTEMBER, 2018 (DRAFT)







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1.0 INTRODUCTION

1.1 Overview

Newmarket is poised for growth. While the majority of this will occur through the redevelopment of the Davis Drive and Yonge Street corridors, other areas of the Town are facing development interest. One of these areas is the Old Main Street Neighbourhood.

The character of the Old Main Street Neighbourhood has been influenced by a hierarchy of provincial, regional and municipal policies and regulations, as well as a number of historic and spatial elements, which combine to create a distinct 'sense of place' and continue to inform future development patterns. Such development has contributed toward the incremental evolution of neighbourhood character over time.

Old Main Street is a very old street and was established prior to modern engineering and planning standards. It has "developed" organically over the years and without an overall or consistent plan. The lotting is haphazard; there are some fairly large lots and some lots which are much smaller.

Recently there has been an increased interest in redeveloping some of the larger properties along Old Main Street. As redevelopment was not previously considered in this area, it was determined this was an appropriate time to pause redevelopment in the area and undertake a study to determine what is the best form of, and best course of action for, redevelopment. The study resulted in this Tertiary Plan. A Tertiary Plan is a mini secondary plan. It is a policy document which sets out guidelines for development within a certain, small and specific area within the municipality. Tertiary Plans consider all of the planning elements that official plan and secondary plans speak to, such as density, unit type and housing mix, and land use.

1.2 Purpose of the Tertiary Plan

The purpose of the Old Main Street Tertiary Plan is to provide a detailed land use plan and policies to guide land use and development in accordance with the provisions of provincial plans and policies, the York Region Official Plan and the Town of Newmarket Official Plan. The Plan must be read in conjunction with the applicable policies of the Town of Newmarket Official Plan.

The Old Main Street Tertiary Plan provides direction on the possibilities of redevelopment along Old Main Street. The Plan incorporates a detailed planning, transportation and servicing review and analysis of relevant background information, as well as a robust public and stakeholder consultation process. Policies have been prepared to address all relevant matters with respect to land use, density, stormwater management, low impact development, transportation and servicing infrastructure, open space and natural heritage. Additionally, the Plan incorporates urban design policies which aim to reinforce the character of the Old Main Street neighbourhood. Such policies address matters pertaining to building height and massing, building elements, garages and driveways, setbacks and landscaping, special features, and built heritage. The Old Main Street Tertiary Plan forms part of an amendment to the Town of Newmarket Official Plan, and could be used to inform an amendment to the Town of Newmarket Zoning By-law.

Tertiary Plans are policy documents which set out guidelines for development within certain, small and specific areas of the municipality. The purpose of a Tertiary Plan is to assist Council, landowners, residents and developers to interpret the policies of the Town of Newmarket Official Plan, as they relate to where and how development is encouraged to take place within the Tertiary Plan area. Unlike Official Plans



Aerial Map - Old Main Street Study Area

and Secondary Plans, Tertiary Plans are not statutory documents and do not have legislative requirements set out in the Ontario Planning Act. Notwithstanding, the Old Main Street Tertiary Plan establishes Council's intent and direction for the Old Main Street Neighbourhood on all relevant matters with respect to land use, density, stormwater management, low impact development, transportation and servicing infrastructure, open space, natural heritage and urban design.

1.3 Location and Description of the Tertiary Plan Area

The Old Main Street Tertiary Plan specifically addresses properties which front onto either side of Old Main Street, between Bexhill Road and Main Street North. However, consideration is also given to all publicly and privately-owned lands which are generally bounded by Bexhill Road to the south, Main Street North to the east, properties fronting onto the south side of Dover Crescent to the north and St. John Cemetery to the west.



View looking west from Main Street North.

2.0 VISION AND GUIDING PRINCIPLES

2.1 Vision Statement

The Old Main Street Neighbourhood will retain its rural, cottage-like and scenic natural character, while accommodating contextually-sensitive development. Future development will be planned and designed in a manner which respects the existing natural heritage system and topographical conditions; enhances existing landscaping and open space features, while introducing new and improved stormwater management facilities; facilitates the establishment of new pedestrian connections, gateway features, and the enhancement of Old Main Street; and respects prevailing site, building and architectural characteristics.

2.2 Guiding Principles

Respect the Natural Heritage System and Existing Topography.

Existing woodlots are encouraged to be protected, and significant natural heritage features are encouraged to be retained, in order to maintain a contiguous natural heritage system. Adequate buffers and open space linkages should be provided, in order to protect local wildlife habitat. Elements of the natural environment should be incorporated into future development, and existing topographical conditions should be respected.

Enhance Landscaping and Open Space Features.

The existing informal open space and recreational area should be enhanced, and existing landscape buffers should be improved to mitigate acoustic and visual impacts associated with Main Street North. A new stormwater management facility may be introduced at the foot of Old Main Street, to increase flood storage capacity, mitigate flooding and stormwater runoff, and improve stormwater treatment. The use of soft and permeable front yard landscaping is encouraged.

Establish Pedestrian Connections and Gateway Features.

Pedestrian connections should be provided to surrounding park, open space, natural heritage, trail, and public transit networks. Gateway treatments should be established at either end of Old Main Street, through the provision of accent planting, enhanced landscaping, traffic calming measures, special surface paving treatments, and signage.

Enhance the Design of Old Main Street.

The design of Old Main Street should be enhanced, while acknowledging its quiet, meandering and rural character. The street should be re-graded and re-paved. Shoulder areas should be formalized. Subject to further assessment, it is proposed that the existing swale and road ditch drainage system be eliminated and frontage runoff be directed to a new road storm sewer. The new road should be urbanized with curbs and gutters. Street trees should be planted, where possible. Sidewalks and landscape buffers should be introduced.

Respect Prevailing Site Design Characteristics.

The predominant east-west alignment of existing lots should be maintained, with primary building façades and entrances oriented towards Old Main Street. The varied and porous character of Old Main Street, as well as prevailing front and side yard setbacks, should be acknowledged. Unobstructed views should be promoted between dwellings and adjacent streets and open spaces. Sky views, sunlight penetration, and privacy between adjacent properties should be maintained. Driveways and curb-cut widths should be minimized, and all parking should be provided within the lot.

Respect Prevailing Building Design and Architectural Characteristics.

A diverse and eclectic mix of traditional and contemporary architectural styles should be encouraged. The “cottage-like” character of many existing dwellings should be acknowledged. Finished ground floor heights should be minimized relative to established grade, in order to establish positive interfaces between buildings and the adjacent street. The prevailing rhythm of entrances, windows, address signage, wall-mounted lighting, and weather protection elements should be acknowledged. The prevailing character of 1 to 2 storey dwellings should be reflected, and issues contributing to perceived increases in building height should be mitigated. An appropriate variety of roof styles and building materials should be encouraged.



View looking south from Old Main Street.

3.0 LAND USE AND DENSITY

3.1 Introduction

The Old Main Street Neighbourhood remains comprised entirely of single detached dwellings, the majority of which are relatively modest in size. Some include integral accessory dwelling units, such as basement suites.

Future development within the Old Main Street Neighbourhood will retain its low-rise residential character, while augmenting existing single detached dwellings with new semi-detached dwellings, triplexes, fourplexes and detached accessory dwelling units.

3.2 Objectives

The objective of these land use policies is to facilitate future development, including the introduction of new building typologies, in order to accommodate infill development while maintaining the stability of the Old Main Street Neighbourhood, and respecting prevailing land use and density characteristics.

3.3 Policies

This section sets out policies that are intended to guide the provision of primary and accessory building typologies and associated development densities throughout the Old Main Street Neighbourhood.

3.3.1 Residential Areas

- i. Lands identified as Residential Areas on Schedule 2 are permitted to include a combination of single detached dwellings, semi-detached dwellings, triplexes, and fourplexes.
- ii. Residential Areas are permitted to include a maximum of 1 integral or detached accessory dwelling unit in combination with a single detached or semi-detached dwelling.
- iii. The density of Residential Areas shall be limited to a floor space index of 1.0.

4.0 TRANSPORTATION

4.1 Introduction

Old Main Street extends approximately 530 metres, between Bexhill Road to the south and Main Street North to the northeast. Throughout its length, the pavement width varies between approximately 7 and 11 metres, and the right-of-way width varies between approximately 10 and 18 metres. The alignment of Old Main Street meanders as it traverses throughout the neighbourhood, adhering to a gentle slope and wrapping around significant topographical features.

Old Main Street is characterized as a local road with a rural cross-section. Swales and culverts are provided throughout the length of the street, along its west side. Cuts and sidewalks are only provided at points of entry from Bexhill Road and Main Street North. Narrow gravel shoulders are provided in select locations, primarily in the northeastern-most portion of the neighbourhood. Street lights are mounted on hydro poles, which traverse along the west side of the street, throughout the neighbourhood. A community mailbox is provided adjacent to the sidewalk at the south end of the street, adjacent to Bexhill Road.

Old Main Street will be reconstructed to local road standards utilizing an urban cross section with curb and gutters and under road storm sewer, eliminating the existing road ditch drainage system. Pavement design requirements (i.e. asphalt and granular thickness) will require geotechnical input. The elimination of the existing road ditch/swale drainage system will require further review to confirm its viability. This will be achieved through the completion of a Comprehensive Master Stormwater and Drainage Plan, with an associated survey of the study area and a geotechnical investigation.

4.2 Objectives

The objective of these transportation policies is to aim for the creation of an 18.0 m local road right-of-way, while minimizing associated grading impacts to adjacent properties and facilitating the introduction of new streetscape amenities.

4.3 Policies

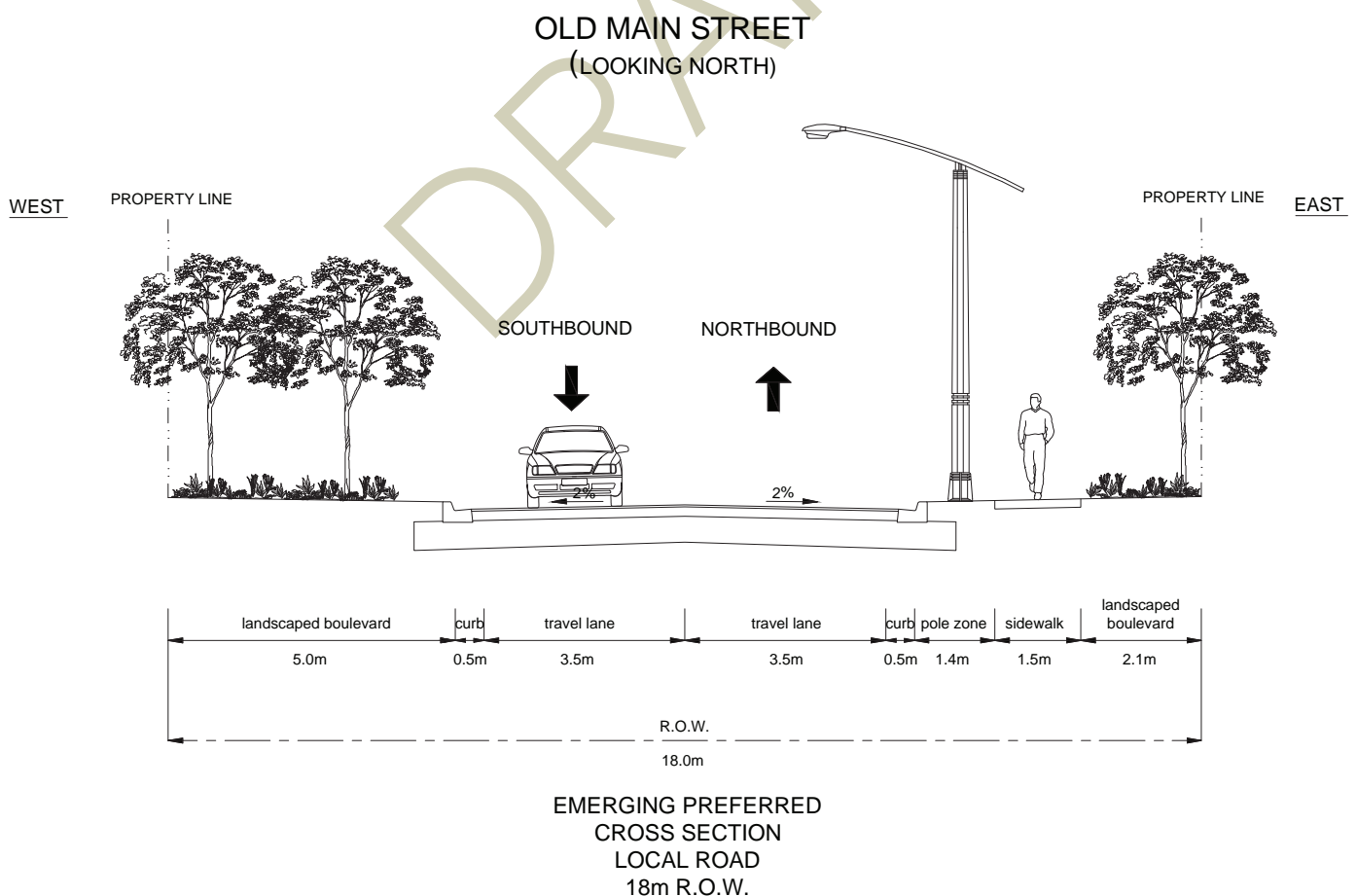
This section sets out policies that are intended to guide the development of transportation infrastructure throughout the Old Main Street Neighbourhood.

4.3.1 Old Main Street

- i. The Old Main Street right-of-way shall be widened to approximately 18.0 metres, between Bexhill Road and Main Street North, where feasible.
- ii. The redesign of Old Main Street shall acknowledge the quiet, meandering and rural character of the existing street.
- iii. The redesign of Old Main Street shall endeavor to incorporate:
 - a. 2 sets of 3.5 metre wide travel lanes, and 2 sets of 0.5 metre wide curb zones;
 - b. a 1.4 metre wide pole zone on the east side of the right-of-way, adjacent to the curb;
 - c. a 1.5 metre wide sidewalk, adjacent to the pole zone, on the east side of the right-of-way;

- d. 2.5 metre wide on-street parking bays, provided in combination with landscaped bump-outs, at key locations and where space permits to provide supplementary visitor parking;
 - e. a 5.0 metre wide boulevard with soft landscaping on the west side of the right-of-way, adjacent to the curb, and a 2.1 metre wide boulevard with soft landscaping on the east side of the right-of-way, adjacent to the sidewalk;
 - f. Low impact development features and permeable surface materials, where appropriate; and
 - g. formal traffic calming measures, including measures such as boulevard bump-outs, raised pedestrian crossings, special surface paving treatments and signage, where feasible.
- iv. The redesign of Old Main Street shall mitigate stormwater run-off.

Idealized Cross-Section Diagram - For Illustrative Purposes Only



5.0 SERVICING AND UTILITIES

5.1 Introduction

Residences on Old Main Street are all connected to the municipal water system. Most of the dwellings are connected to the municipal sanitary service, some are still on heritage septic systems. It appears the municipal water and sanitary systems could accept additional development, subject to the limitations of the larger system governed by the Region.

Significant stormwater management and flooding issues have been reported by residents throughout the neighbourhood, particularly properties on the east side of Old Main Street.

5.2 Objectives

The objective of these servicing policies is to ensure all servicing and utility infrastructure complies with Town standards, and that adequate servicing and stormwater systems are provided to support future development. A Comprehensive Master Stormwater and Drainage Plan, with an associated survey of the study area and a geotechnical investigation, will be required to assess the feasibility of recommended stormwater measures.

5.2 Policies

This section sets out policies that are intended to guide the development of servicing and utility infrastructure throughout the Old Main Street Neighbourhood.

5.3.1 Wastewater

- i. Future development shall improve and expand upon the existing wastewater sewer system, in order to reduce reliance on individual septic systems.

5.3.2 Water

- i. Future development shall connect to the municipal water system.

5.3.3 Grading and Drainage

- i. Design grades for all buildings shall be set to ensure that water is directed away from the building and neighbouring properties and toward the adjacent street.
- ii. Existing grades, as set by the average grade of neighbouring properties, shall be maintained.
- iii. Landscape design shall incorporate strategies to minimize stormwater run-off and reduce water consumption.
- iv. Basements are not permitted within detached accessory dwelling units.

- v. Site Drainage and Grading Plans shall be completed for all properties where detached accessory dwelling units are proposed in order to ensure that development sufficiently mitigates potential impacts on adjacent properties and manages stormwater run-off. These plans shall be stamped by a Professional Engineer licensed to practice in the Province of Ontario.

5.3.4 Stormwater Management

- i. The existing linear swale and culvert system along the west side of Old Main Street shall be replaced with a sub-surface storm sewer system. The feasibility of the storm sewer system will be dependent on the completion of a Comprehensive Master Stormwater and Drainage Plan for the area. This Plan will address the catchment areas flows to be intercepted into the new storm sewer, the need for upstream, new development runoff controls and downstream outlet controls and capacity constraints.
- ii. Future development shall explore opportunities to improve on-site stormwater management. Increases in post-development flows may require mitigation. This will be evaluated on a case-by-case basis, through the completion of a Comprehensive Master Stormwater and Drainage Plan.
- iii. Future development should incorporate low impact development measures (LIDs)

where feasible, to manage stormwater on-site. These could include bioswales, infiltration galleries; rain gardens and soil cells.

- iv. LID measures will also be considered within the proposed road right-of-way, including the potential use of permeable pavements in sidewalk areas. The feasibility of incorporating low impact development measures should be confirmed through the Comprehensive Master Stormwater and Drainage Plan.

5.3.5 Utilities

- i. Future development shall consider the visual impact and location of existing above and below-grade utilities including telephone, hydro, water and natural gas.
- ii. Future development shall consider implications arising from the potential need for relocation and/or burying of existing utilities.
- iii. Existing vehicle-oriented lighting standards shall be replaced with new pedestrian-oriented lighting standards.
- iv. Waste and recycling storage areas shall be located to the side or rear of buildings, or shall be screened from view along Old Main Street.
- v. Utilities, infrastructure and servicing shall be located so as not to interfere with existing trees, mature tree growth or landscaping.

6.0 SITE DESIGN

6.1 Introduction

Properties located in the central-most portion of the Old Main Street Neighbourhood are generally smaller, while parcels located at the northern and southern-most portions are generally larger. Throughout the neighbourhood, all properties are irregular in shape. Lot depths range between approximately 30 and 160 metres, while lot frontages range between approximately 15 and 50 metres. Due to the variety of lot shapes and dimensions, existing lot coverages range significantly between approximately 5% and 30%.

Front yard setbacks range between 5 and 18 metres. The southern-most portion of the neighbourhood is generally characterized by shallow front yard setbacks, while the northern-most portion is generally comprised of deeper front yard setbacks. Side yard setbacks vary significantly, depending on the size and shape of the parcel. Generally, narrower properties are characterized by narrower side yard setbacks, and wider properties are characterized by deeper side yard setbacks. Rear yard setbacks also vary significantly, depending on the size and shape of the parcel. Rear yard setbacks range between approximately 5 and 150 metres.

Front yards are generally characterized by manicured grass, which occupies the majority of the frontage with trees, accent planting adjacent to the street and/or building entrance, and pedestrian walkways. The street interface varies throughout the course of the neighbourhood. Where the southern-most portion incorporates a light to moderate tree canopy and some low vegetated screening elements, the northern-most portion incorporates a light to heavy tree canopy, tall vegetated screening elements and wooden fencing. Rear yards are generally characterized by manicured grass and, in some cases, patios and/or decks with trees, accent planting, walkways, accessory structures, and privacy fencing. Side yards vary in character, depending on the nature of on-site parking.

The majority of parcels contain individual driveways and curb cuts. The width of the driveway and associated curb cut generally facilitates 1 to 2 parking lanes. However, a small number of properties on the east side of Old Main Street have shared driveways. In these circumstances, the width of associated curb cuts is increased to facilitate 2 to 3 parking lanes. There are also a number of instances, on the west side of Old Main Street, where single parcels contain multiple curb-cuts. The location of driveway entrances is generally staggered, establishing a rhythm of front yard landscaping between adjacent driveways. Exceptions include a small number of properties with adjacent but separated driveways and curb cuts. Such conditions disrupt the prevailing rhythm of front yard landscaping, producing large swaths of uninterrupted paving.

Parking is provided on-site in a variety of forms. This includes side yard parking pads, integral front yard garages, and detached rear yard garages. Throughout the neighbourhood, the majority of parcels contain either parking pads or detached rear yard garages. Properties along the east side of Old Main Street are generally characterized by side yard parking pads or detached rear yard garages. In contrast, the west side of Old Main Street incorporates a small number of properties with detached rear yard garages within the northern-most portion of the neighbourhood, and a small number of properties with parking pads, but is primarily comprised of parcels with integral garages.

Future development within the Old Main Street Neighbourhood will take a contextually-sensitive approach to the dimensioning and orientation of new development parcels, the organization of private landscaping and amenity spaces, the layout and design of driveways and parking facilities, and the siting and orientation of new buildings.

6.2 Objectives

The objective of these site design policies is to facilitate future development, including the introduction of new building typologies, while respecting the prevailing lot development and site design characteristics of the Old Main Street Neighbourhood.

6.3 Policies

This section sets out policies that are intended to guide lotting patterns and the design of sites throughout the Old Main Street Neighbourhood.

6.3.1 Lot Dimensions

- i. Future development shall maintain the appearance of prevailing lot dimensions and areas, while facilitating contextually-sensitive infill and introducing new forms of low-rise residential housing.

6.3.2 Lot Coverage

- i. Limitations shall be placed on lot coverage, in order to ensure the provision of adequate landscaping and amenity spaces, while maintaining on-site stormwater management functions.

6.3.3 Location and Orientation

- i. Future development shall maintain the predominant east-west alignment of existing parcels.
- ii. Future development shall minimize overview and shadow impacts on adjacent properties.

- iii. Primary dwellings shall be located near the front of the property, with primary façades and entrances oriented toward Old Main Street.
- iv. Where permitted, detached accessory dwelling units shall be located near the rear of the property, with primary façades and entrances oriented toward the rear yard amenity space or exterior side yard in the case of corner conditions.

6.3.4 Setbacks

- i. Primary dwellings shall maintain the appearance of prevailing front, side and rear yard setback conditions while facilitating contextually-sensitive infill and introducing new forms of low-rise residential housing.
- ii. Integral garages shall maintain adequate front yard setbacks to facilitate on-site parking.
- iii. Detached accessory dwelling units shall maintain adequate side and rear yard setbacks.

6.3.5 Separation Distances

- i. Adequate separation distance shall be provided between primary dwellings and detached accessory dwelling units, where permitted.

6.3.6 Landscaping and Amenity Space

- i. Soft landscaping shall be provided within the front, side and rear yards where space is not required for porches, decks, driveways, parking pads, and pedestrian walkways.

- ii. Permeable surface materials shall be incorporated throughout landscaped areas and outdoor amenity spaces where driveways, parking pads, and pedestrian walkways are provided, where feasible.
- iii. Plantings should be specified and strategically located to provide significant visual impact on Old Main Street, private streets and the central open space, and to maintain privacy for accessory dwelling units and neighbouring properties.
- iv. Unobstructed views shall be provided between dwellings and Old Main Street. This shall be achieved through the siting of elements such as landscaping, fencing, and municipal address signage.
- v. Single detached and semi-detached dwellings shall incorporate private outdoor amenity space through the provision of landscaped rear yards. Notwithstanding this, single detached and semi-detached dwellings may incorporate supplementary private outdoor amenity space through the provision of upper storey balconies and terraces.
- vi. Triplexes and fourplexes shall incorporate communal outdoor amenity space through the provision of landscaped rear yards. Furthermore, triplexes and fourplexes shall incorporate private outdoor amenity space through the provision of upper storey balconies and terraces.

6.3.7 Parking

- i. All required parking shall be provided on-site.
- ii. Reduced parking standards shall be considered through the implementing Zoning By-law for the length of Old Main Street.
- iii. Future development shall accommodate parking in a variety of forms, including integral or detached garages, parking pads, or some combination of the two.
- iv. Tandem parking spaces, whether situated within the driveway, the garage, or a combination of the two, shall be permitted as a means of satisfying on-site parking requirements for multiple vehicles.
- v. Driveways and curb-cuts shall be minimized in width.
- vi. Driveways and curb-cuts shall either be consolidated and shared between adjacent properties, or staggered relative to one another.
- vii. Driveways shall incorporate permeable surface materials, where feasible.
- viii. Garages shall be designed so as not to visually detract from the primary dwelling or accessory dwelling unit, where permitted.

6.3.8 Pedestrian Access

- i. Pedestrian walkways shall be provided to facilitate direct and barrier-free access between Old Main Street and the integral or detached accessory dwelling unit, where feasible.
- ii. Downcast pedestrian-scaled lighting, which does not spill over onto adjacent properties, shall be provided in key locations, including primary and secondary building entrances.
- ii. Primary building entrances shall be located on the primary façade of the building, and shall be visible and directly accessible from Old Main Street.
- iii. Single detached and semi-detached dwellings may incorporate a secondary building entrance for integral accessory dwelling units. Such entrances shall be situated within the interior or exterior side yard, shall not detract from the visual prominence of the primary entrance, and shall be accessible from Old Main Street.

6.3.9 Entrances

- i. Future development shall promote an appropriate rhythm of ground-related building entrances with associated windows, address signage, wall-mounted lighting, and weather protection elements such as canopies or roof overhangs, entry patios or porches, and a small number of stairs.
- iv. Triplexes shall incorporate 1 primary building entrance, with individual units accessed via an interior corridor and stairwell.
- v. Fourplexes shall incorporate a maximum of 2 primary building entrances, with individual units accessed via interior corridors and stairwells.

7.0 BUILDING DESIGN

7.1 introduction

The Old Main Street Neighbourhood is characterized by a diverse and eclectic mix of architectural styles. Existing buildings are generally built at or close to established grade, with a small number of steps to the front door and, in some instances, an open or partially enclosed front porch.

All properties contain building heights which range between 1 and 2 storeys. Properties located on the east side of Old Main Street are generally characterized by 1 storey dwellings, which reflect the area's traditional cottage-like character, and the nature of post-war veterans housing. However, a small number of these properties contain buildings with a partial 2nd storey. Some of these are vertical additions to traditional 1 storey cottages, while others were purpose built. In contrast, properties located along the west side of Old Main Street contain a greater mix of 1 and 2 storey buildings, with a significant number of partial or full 2nd storeys.

The majority of properties contain buildings with pitched gable, hipped, or hybrid gable-hipped roofs. Front and back pitches and side to side pitches exist in equal proportion. In some instances, such buildings incorporate small dormer windows, and/or intermediate roof pitches above the ground floor. The area does not incorporate flat roof buildings. Buildings are primarily clad in wooden or vinyl siding, brick masonry, or a combination of the two. A small number of older buildings, located at the southern-most extent of the study area, have been clad in white stucco for the purpose of encasing and protecting their original façades.

Future development within the Old Main Street Neighbourhood should take a contextually-sensitive approach to the massing, articulation and detailing of new buildings, as well as the organization of building entrances, and habitable indoor and outdoor spaces.

7.2 Objectives

The objective of these building design policies is to facilitate future development, including the introduction of new building typologies, while respecting prevailing building design characteristics throughout the Old Main Street Neighbourhood.

7.3 Policies

This section sets out policies that are intended to guide the design of future buildings throughout the Old Main Street Neighbourhood.

7.3.1 Building Heights and Massing

- i. Future development shall acknowledge, and respond to, the height of existing adjacent buildings.
- ii. Future development shall mitigate issues surrounding the perception of excessive building height.
- iii. Future development shall acknowledge the prevailing ground-related character of buildings, and shall ensure a direct interface and positive relationship between the building and Old Main Street.
- iv. Single detached and semi-detached dwellings, as well as fourplexes, shall have a maximum building height of 2 storeys.
- v. Triplexes shall have a maximum building height of 3 storeys. However, preference is given to 2 storey buildings with basement units.
- vi. Detached accessory dwelling units shall have a maximum building height of 2 storeys.

- vii. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall have a finished first floor height which establishes a positive interface with Old Main Street.
- viii. Detached accessory dwelling units shall have footprints and gross floor areas which are less than that of the primary dwelling.
- ix. Triplexes shall incorporate an up-down configuration only, and shall read as a large single detached dwelling. Side-side and front – rear triplexes are not permitted.
- x. Fourplexes shall incorporate a combined up-down and side-side configuration only, and shall read as set of semi-detached dwellings. Front-back fourplexes are not permitted.
- iv. Exterior walls shall be articulated through material and colour composition, as well as appropriate architectural details.
- v. Blank wall conditions are not permitted within front or exterior side yard conditions.
- vi. Where permitted, blank wall conditions shall be articulated through material and colour composition, as well as appropriate architectural details.

7.3.4 Roofs

- i. Future development shall promote a variety of roof designs and types, while acknowledging the prevailing character of pitched gable, hipped, or hybrid gable-hipped roofs.
- ii. Notwithstanding policy 7.3.4i, flat roof conditions are not in keeping with the character of the Old Main Street Neighbourhood and are not permitted unless being utilized as part of an upper-storey terrace.
- iii. Future development shall mitigate the perception of building height through the selection of appropriate roof types, slopes and scales.
- iv. The materiality and colour of rooftops, whether flat or pitched, shall complement the façade materials and overall design of the building.
- v. Future development is encouraged to incorporate structures which are rough-in ready and can support the future installation of solar panels.

7.3.2 Terraces and Balconies

- i. Terraces and balconies are permitted at the front and rear of primary dwellings.

7.3.3 Building Articulation and Materials

- i. Future development shall facilitate a diverse and eclectic mix of traditional and contemporary architectural styles, while acknowledging the modest and prevailing 'cottage-like' character of buildings along Old Main Street.
- ii. Future development shall acknowledge the predominant cladding patterns, and the use of traditional colour palettes.
- iii. Building materials shall be selected for their functionality and aesthetic quality, as well as their durability, long-term maintenance requirements, and energy efficiency.

8.0 OPEN SPACES AND NATURAL HERITAGE

8.1 introduction

The Old Main Street Neighbourhood benefits from proximity and access to an extensive park and open space network, and natural heritage system. Within the neighbourhood, publicly owned lands along the east side of Old Main Street, north of Bexhill Crescent, function as a stormwater management facility and landscape buffer along the edge of Main Street North. Portions of these lands also serve as an informal open space, and are commonly used by local residents for a combination of active and passive recreational uses including soccer, baseball, lawn-bowling, picnicking and informal gathering.

The interface between the Neighbourhood and Main Street North is characterized by moderate topographical changes and wooded areas. This buffers the neighbourhood from Main Street North, which functions as a by-pass around Old Main Street.

The Old Main Street Neighbourhood contains protected woodlots, contiguous wooded areas and individual public and private landscapes, including trees that contribute to the form and function of the urban forest. Urban forests are vital components of the Town's natural infrastructure in that they provide an array of benefits to residents, ranging from stormwater retention and air pollution removal to improved human health and recreational opportunities.

Future development within the Old Main Street Neighbourhood will protect significant natural features and local wildlife habitat. This will be achieved by establishing appropriate buffers to these features, while integrating elements of the natural environment into new development. Furthermore, future development will respect existing topographical conditions and enhance the existing open space network, while exploring opportunities to establish gateway features and improve connections to the broader open space network.

8.2 Objectives

The objective of these open space and natural heritage policies is to facilitate future development, including the introduction of new building typologies, in a manner that protects, restores and enhances existing natural features, and sustains and improves the urban forest. This includes the ecological connectivity and functionality of the natural heritage system and other naturalized areas.

8.3 Policies

This section sets out policies that are intended to guide the preservation and enhancement of the open space and natural heritage system throughout the Old Main Street Neighbourhood.

8.3.1 Woodlots and Natural Heritage System

- i. Existing woodlots and significant portions of naturalized areas shall be protected, in order to maintain a continuous natural heritage system.
- ii. An adequate buffer between development, the existing woodlots and naturalized areas shall be maintained to protect the form and ecological function of these natural / naturalized features.
- iii. Future development shall respect the significance of the Regional Greenlands System, and resulting limitations placed on infill and redevelopment in select locations.
- iv. The protection of existing woodlots and naturalized areas does not mean that they will come under public ownership. They may be protected by buffers, zoning, or a combination of both.

8.3.2 Topographical Conditions

- i. Future development shall respect existing topographical conditions and changes, and resulting limitations placed on infill and redevelopment in select locations.
- ii. Future development shall limit the extent of topographical changes adjacent to Old Main Street.

8.3.3 Open Space

- i. Future development shall enhance the appearance of landscaped boulevards along the length of Old Main Street by incorporating accent planting and increasing the urban tree canopy, where feasible.
- ii. The existing informal open space and recreational area along the east side of Old Main Street shall be enhanced.
- iii. Future development shall maintain existing landscape buffers, which mitigate acoustic and visual impacts associated with vehicle traffic on Main Street North.

8.3.4 Gateways and Crossings

- i. Consideration shall be given to the introduction of some or all of the following features at either end of Old Main Street: accent planting and enhanced landscaping, as well as boulevard bump-outs, raised pedestrian crossings, special surface paving treatments, and signage.
- ii. Consideration will be given to improving pedestrian connections between Old Main Street and the surrounding park, open space, trail and public transit networks, through the provision of dedicated pedestrian crossings.

9.0 IMPLEMENTATION

9.1 introduction

This section sets out policies that are intended to guide and facilitate the implementation of the Old Main Street Tertiary Plan.

9.2 Policies

This section sets out policies that are intended to guide the preservation and enhancement of the open space and natural heritage system throughout the Old Main Street Neighbourhood.

9.2.1 Interpretation

- i. The Old Main Street Tertiary Plan is a statement of policy intended to guide the development of the Old Main Street Neighbourhood. The Town may permit some flexibility in the interpretation of general policies, provided the intent of the Plan is maintained and the objectives and targets are achieved.
- ii. The Old Main Street Tertiary Plan shall be read in conjunction with the Town of Newmarket Official Plan.
- iii. The schedules included in the Old Main Street Tertiary Plan are general. Minor adjustments to the boundaries of designations are permitted without amendment to this Plan, except where the designations are established by fixed boundaries, such as the existing street rights-of-way, or where they are specifically stated as fixed in the policies of this Plan.
- iv. Minor variations from numerical requirements in this Plan, with the

exception of permitted maximum building heights and densities, may be permitted without amendment to the Old Main Street Tertiary Plan where it is demonstrated, through a site-specific application, to be appropriate, and provided that the general intent and applicable policies of this Plan are met.

9.2.2 Coordination of Development

- i. It is the policy of this Plan that development shall be coordinated with the provision of the sanitary sewers and stormwater management facilities. As such, no development shall be permitted to proceed until it can be demonstrated, to the satisfaction of the Town, that adequate provision of these services is or will be available, or that arrangements satisfactory to the Town for the provision of these services have been made. This policy will be implemented through the use of a Holding Symbol "H".
- ii. Future development should be planned comprehensively. Where possible, development blocks with multiple land owners should be coordinated and phased with affected landowners and, where applicable, adjacent parcels. Non-participating lands within the development block should be conceptually addressed through a phasing plan. Development of smaller parcels shall be discouraged where, in the opinion of the Town, such development would compromise the effective redevelopment of the development block in accordance with the

provisions of this Plan. Landowners shall be encouraged to amalgamate parcels or enter into agreements with neighbouring landowners in order to demonstrate, to the satisfaction of the Town, that development achieves the intended built form, density and other provisions of this Plan, in a logical and comprehensive manner.

9.2.3 Concept Site Plan

- i. Policy 16.1.6 of the Newmarket Official Plan requires a Concept Site Plan and a Streetscape and Landscape Plan as part of a complete application. Within the Old Main Street Neighbourhood, these plans shall include, where appropriate:
 - a. a context plan that demonstrates the compatibility of the development within the surrounding context;
 - b. a lotting plan that delineates and dimensions the development within each development block;
 - c. a description and illustrations of the build-out for every phase of the development;
 - d. proposed density and massing of buildings for individual buildings as well as each development block;
 - e. access and circulation plan for pedestrians, vehicles and cyclists;
 - f. proposed streetscape improvements; and
 - g. locations and conceptual design of any open spaces.

9.2.4 Zoning

- i. To implement development in accordance with this Plan, Council shall enact amendments to the Town's Zoning By-law; and
- ii. In addition to Policy 16.2.1 of the Town of Newmarket Official Plan, the Town may, when enacting implementing zoning by-laws, apply the Holding Symbol "H" and specify the future uses of lands that, at present time, are considered premature or inappropriate for development for any one of more of the following reasons.
 - a. Public infrastructure, such as sanitary sewers and stormwater management facilities, are insufficient to serve the proposed development;
 - b. Development relies upon other matters occurring first, such as the consolidation of land ownership;
 - c. Technical studies are required, such as a Comprehensive Stormwater Management and Drainage Plan and/or other matters that Council considers necessary; and/or
 - d. Servicing allocation has not been granted.

Schedule 1: Study Area

- Tertiary Plan Boundary
- CN - GO Rail Corridor
- Holland River



0 25 50 100m








Schedule 2: Land Use

- Residential Area
- Parks and Open Space
- Natural Heritage System
- Floodplain and Hazard Lands
- Tertiary Plan Boundary
- CN - GO Rail Corridor
- Holland River



0 25 50 100m

Schedule 3: Height and Density

- | | | | |
|--|--|---|------------------------|
|  | Medium Density (Permitted Max. Height = 3 Storeys
Permitted Max. Density = 1.0 FSI) |  | Tertiary Plan Boundary |
|  | Parks and Open Space |  | CN - GO Rail Corridor |
|  | Natural Heritage System |  | Holland River |
|  | Floodplain and Hazard Lands | | |



0 25 50 100m

Schedule 4: Parks, Open Spaces and Natural Heritage

- Parks and Open Space
- Natural Heritage System
- Floodplain and Hazard Lands
- Streetscape Improvements
- Tertiary Plan Boundary
- CN - GO Rail Corridor
- Holland River



0 25 50 100m

TOWN OF NEWMARKET
OLD MAIN STREET
TERTIARY PLAN

ZONING BY-LAW DIRECTIONS

SEPTEMBER, 2018 (DRAFT)



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1.0 Permitted Uses

- i. R___ Zones are permitted to include a combination of single detached dwellings, semi-detached dwellings, triplexes, and fourplexes.
- ii. R___ Zones are permitted to include a maximum of 1 integral or detached accessory dwelling unit in combination with a single detached or semi-detached dwelling.

2.0 Density

- i. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall be limited to a floor space index of 1.0.

3.0 Lot Dimensions

- i. A minimum lot frontage of 12 metres, and a minimum lot depth of 30 metres, shall be provided for each single detached dwelling unit and triplex.
- ii. A minimum lot frontage of 9 metres, and a minimum lot depth of 30 metres, shall be provided for each semi-detached dwelling unit.
- iii. A minimum lot frontage of 18 metres, and a minimum lot depth of 30 metres, shall be provided for each fourplex.

4.0 Lot Coverage

- i. A maximum lot coverage of 50% shall be provided for all buildings and covered structures including the primary dwelling, accessory dwelling unit, garage, and other accessory buildings.

5.0 Setbacks

5.1 Primary Dwelling Setbacks

- i. A minimum front yard setback of 4.0 metres, and a maximum front yard setback of 6.0 metres, shall be provided between the front face of the primary dwelling and Old Main Street.
- ii. Notwithstanding policy, future development shall generally reflect front yard setbacks established by adjacent properties and should be sensitive to the surrounding context of the Old Main Street Study Area. However, slight variations in front yard setbacks may be appropriate for the purpose of achieving diversity.
- iii. A minimum side yard setback of 2.5 metres shall be provided between the side face of the primary dwelling and the adjacent side property line. This shall apply to both sides of a single detached dwelling, triplex and fourplex, as well as one side of a semi-detached dwelling.
- iv. A minimum rear yard setback of 7.5 metres shall be provided between the rear face of the primary dwelling and the adjacent rear property line.

5.2 Garage Setbacks

- i. A minimum front yard setback of 6.0 metres shall be provided between the front face of the integral garage and Old Main Street.
- ii. A minimum side yard setback of 1.2 metres shall be provided between the side face of the detached garage and the adjacent side property line. This shall apply to both sides of a detached garage.
- iii. A minimum rear yard setback of 1.2 metres shall be provided between the rear face of the detached garage and the adjacent rear property line.

5.3 Detached Accessory Dwelling Unit Setbacks

- i. A minimum side yard setback of 1.2 metres shall be provided between the side face of the accessory dwelling unit and the adjacent side yard property line. This shall apply to both sides of the accessory dwelling unit.
- ii. A minimum rear yard setback of 2.0 metres shall be provided between the rear face of the accessory dwelling unit and the adjacent rear property line.

5.4 Uninhabited Accessory Building or Structure Setbacks

- i. A minimum side yard setback of 0.6 metres shall be provided between the side face of the uninhabited accessory building or structure and the adjacent side yard property line. This shall apply to both sides of the accessory dwelling unit.

- ii. A minimum rear yard setback of 0.6 metres shall be provided between the rear face of the uninhabited accessory building or structure and the adjacent rear yard property line.

6.0 Separation Distances

- i. A minimum separation distance of 5.0 metres shall be provided between the rear face of the primary dwelling and the front face of the accessory dwelling unit, where permitted.
- ii. A minimum separation distance of 4.0 metres shall be provided between the rear face of the primary dwelling and the front face of uninhabited accessory buildings or structures.

7.0 Landscaping and Amenity Space

- i. Single detached and semi-detached dwellings shall incorporate soft landscaping encompassing a minimum 30% of the total property area, distributed throughout the front, side and rear yards.
- ii. Triplexes and fourplexes shall incorporate soft landscaping encompassing a minimum of 15% of the total property area, distributed throughout the front, side and rear yards.
- iii. Single detached and semi-detached dwellings shall incorporate a private amenity space within the rear yard, encompassing a minimum depth of 5.0 metres and a minimum area of 40 square metres.
- iv. Triplexes and fourplexes shall incorporate private amenity space, in the form of upper storey balconies and terraces, encompassing a minimum area of 3 square metres per unit.

- v. Triplexes and fourplexes shall incorporate communal amenity space within the rear yard, encompassing a minimum depth of 5.0 metres and a minimum area of 40 square metres.

8.0 Parking

- i. A minimum of 1 on-site parking space shall be provided per primary dwelling unit.
- ii. A minimum of 1 on-site parking space shall be provided per accessory dwelling unit.
- iii. A maximum of 1 driveway and curb-cut are permitted per property.
- iv. Curb-cuts shall have a maximum width of 3.0 metres.
- v. Individual driveways shall have a maximum width of 3.0 metres. Consolidated and shared driveways shall have a maximum width of 6.0 metres, and shall taper to a maximum of 3.0 metres at the associated curb-cut.
- vi. Driveways and parking pads shall have a minimum depth of 6.0 metres, measured from the front property line to the edge of the paved area or the front face of the adjacent garage, in order to facilitate on-site parking.
- vii. Integral garages shall occupy no more than 50% of the front face of the primary dwelling.

9.0 Entrances

- i. Secondary entrances may be located on the side of the building, provided that there is a walkway with a minimum clear width of 0.6 metres which connects the entrance directly to Old Main Street.

10.0 Finished First Floor and Porch Heights

- i. Primary dwellings shall have a maximum finished first floor height of 1.2 metres above established grade.
- ii. Covered front porches shall have a maximum height of 4.5 metres, measured to the top of a flat roof or the median point of a pitched roof. Where a pitched roof is provided, no portion of the porch roof shall exceed a maximum height of 5.5 metres.

11.0 Building Heights

- i. Single detached dwellings, semi-detached dwellings and fourplexes shall have a maximum building height of 8.5 metres.
- ii. Triplexes shall have a maximum building height of 10.5 metres.
- iii. Detached accessory dwelling units shall have a maximum building height of 6.0 metres.

12.0 Building Width and Depth

- i. Single detached dwellings and semi-detached dwellings shall have a maximum building width of 10.0 metres.
- ii. Triplexes and fourplexes shall have a maximum building width of 13.0 metres.
- iii. Single detached and semi-detached dwellings, as well as triplexes and fourplexes, shall have a maximum building depth of 15.0 metres.
- iv. Detached accessory dwelling units shall have a maximum building depth of 10.0 metres, and a maximum building width of 10.0 metres.

- v. Future development shall only reflect maximum depth and width standards where applicable minimum setback and separation distance standards are achieved.
- ii. Stairs leading up to the front porch shall not extend into the front yard setback.
- iii. Covered porches, excluding stairs, are permitted to be enclosed. In these circumstances, the front façade shall include a minimum 40% as window area.

13.0 Gross Floor Area

- i. Detached accessory dwelling units shall have a maximum gross floor area which is the lesser of 80 square metres or the equivalent of 80% of the gross floor area of the primary dwelling.

14.0 Projections

14.1 General

- i. Architectural features such as eaves, weather protection, bay windows, landings and chimneys may project into the side and rear setbacks a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.
- ii. Air conditioning units shall be placed at the rear of buildings or on the exterior side yard of a corner property, and may project into the side or rear setbacks a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.

14.2 Front Porches and Stairs

- i. Covered front porches and front stairs shall be setback a minimum of 2.5 metres from the side property lines.

14.3 Roofs

- i. Chimneys may extend beyond the maximum permitted building height in keeping with the requirements of the Ontario Building Code.
- ii. Solar panels may project beyond the maximum permitted building height a maximum of 45centimetres from the surface of the roof. Solar panels shall not extend beyond the roof edge.

14.4 Dormers

- i. Dormers may extend beyond the pitch of the roof, and the maximum permitted building height. In these circumstances, the aggregate base width of dormers shall not exceed 50% of the width of the respective wall.
- ii. Dormers shall incorporate a minimum stepback of 0.6 metres from the respective building façade.

14.5 Window Wells

- i. Window wells are permitted to extend into the required side or rear yard setback a maximum of 1.2 metres, provided such features do not interfere with required driveway dimensions.



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Incentives for Affordable and Rental Housing Staff Report

Report Number: 2018-61

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received;
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act;
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each;
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Council has approved the zoning by-law amendment for 175 Deerfield Road to permit a residential development comprised of three towers over two phases (two in phase one and the third in phase two). The applicant has offered certain matters and community benefits. These would be secured in exchange for both (1) additional height and density as permitted by the Urban Centres Secondary Plan and (2) with certain financial incentives.

The matters and community benefits that the applicant has committed to providing are the following. First, they will allow the Town to guarantee two buildings as rental tenure to support the Town's objectives of increasing the supply of rental housing. Second, they will allow the Town to guarantee one building as a condominium tenure building to support Council's desire for a new condominium building. Third and subject to providing

a Tax Increment Equivalent Grant (TIEG), they will provide 19 units in one rental building and 13 in the other at a guaranteed affordable price, and have noted that all of the studio and one-bedroom units in the condominium building will be sold at a price that meets the affordable ownership threshold. Finally, as part of height and density bonusing the applicant will provide \$339,000 in community benefits in the form of cash or capital infrastructure to support parkland development in proximity to the site.

In further support of parkland development, the applicant will be required to obtain and convey additional park lands to the Town to satisfy the existing requirements of the parkland dedication by-law. The specifics of this are set out in the section “Parkland Dedication” later in this report.

To achieve this, this report recommends a 48-month deferral of half of fees to be paid for all buildings, to have Council agree to allow the payable development charges for the rental buildings to be ‘locked in’ at the current rate, and to provide a 10-year Tax Increment Equivalent Grant for the rental buildings. This report proposes that the condominium building be granted access to the “Strategic Condominium Reserve” created by Council through the Servicing Allocation Policy. This report also proposes to provide servicing allocation to the first two buildings of the development contingent on them participating in the Region’s LEED program which would cause the Town to receive a refund of 30% of the allocation required for the buildings, permitting the third building to also be constructed.

The 175 Deerfield Road application includes other matters that have been the subject of further inquiry from members of Council, which are discussed in this report. In particular, additional details related to affordable housing and social housing as was discussed at the most recent Committee of the Whole meeting are presented in the section “Affordable housing and social housing” under the “Affordable housing” section.

Purpose

This report serves to provide recommendations to Committee of the Whole on the incentives requested as part of the application for zoning by-law amendment for 175 Deerfield Road (hereafter referred to as the subject lands) under Section 34 of the *Planning Act*.

This report builds on Planning Services Report 2018-17, which provided the initial comments on the application and Report 2018-52 of August 2018 in which Committee approved the Zoning By-law amendment application.

Report 2018-62 also on the agenda for this Committee meeting is a companion to this report. Report 2018-62 presents the amending Zoning By-law to secure community benefits, and should be read in conjunction with this report as the outcome of this report should determine Committee’s disposition of Report 2018-62.

Background

Following the adoption of the Urban Centres Secondary Plan (UCSP), the Town has worked to encourage development on the Yonge Street and Davis Drive corridors. The Secondary Plan area constitutes the future of growth in Newmarket, the achievement of required growth under Regional and Provincial growth plans, the best opportunity for efficient growth patterns and transportation planning, and a source of increased property tax revenue. The Town is working to ‘market the corridors’ and entice development. Staff have worked collaboratively and flexibly with developers to make building in Newmarket an attractive proposition and demonstrate to property owners that the market demand for higher-density development in Newmarket is strong.

Other relevant reports

- [Preliminary Report \(Item 7\)](#)
- [Recommendation Report](#)

Moreover, the Town has worked to achieve the important objectives of the UCSP in the various development applications – high quality buildings, attractive landscaping, providing parkland and open space, and achieving an increased supply of rental housing and affordable housing. Some of these objectives can be achieved collaboratively – property owners have an individual interest in having an attractive and well-designed site.

Other objectives may require incentives or requirements in order for them to be achieved – building affordable housing is inherently less profitable than market-rate housing, and is unlikely to ever be voluntarily provided by a private for-profit developer without significant incentives. In that sense, this report discusses a proposed development at 175 Deerfield Road and proposed financial incentives sought by the applicant, and should be understood in a context of encouraging development while seeking to achieve the objectives of the UCSP.

Discussion

The Town has diverse objectives for the development of the Yonge Street and Davis Drive corridors, from redevelopment and intensification to a more walkable streetscape to sustainable development and high quality urban design, among others. Many of these objectives can be achieved through the requirements of typical processes under the *Planning Act* – zoning by-laws can control height and density and encourage a built form that supports walking, site plan processes can review urban design and layout, parkland dedication requirements can oblige developers to provide land or funds for parks.

Other objectives are more elusive, and may require the use of other tools to prioritize and facilitate developments that meet the Town’s objectives. For example, the Town has adopted objectives of encouraging increased rental housing supply – however, the Town cannot control the tenure (ownership model) of developments through zoning. Efforts to encourage one form or another of tenure thus require incentives for developers. Tenure

is discussed in more detail later in this report. Similarly, the Town has adopted policies to require the provision of affordable housing – however, the Town currently has few tools to control the price of dwelling units, whether rental or ownership. A third example is that the Town has adopted sustainability objectives that new developments exceed the energy and water efficiency standards of the Ontario Building Code – however, the Town cannot mandate standards greater than the Code, although developers may voluntarily exceed them.

In the pursuit of objectives that cannot be secured through standard planning practices, the Town may need to employ other incentives. This report addresses incentives that are sought by the 175 Deerfield Road Zoning By-law amendment application to encourage the development, ensure viability, and provide matters and community benefits that may otherwise not be achieved.

This report discusses (1) recent incentive initiatives, (2) the state of rental housing in Newmarket, (3) affordable housing and how it works, (4) eligibility and long-term maintenance of affordability, (5) the incentives that are specifically requested as part of the 175 Deerfield Road application, and (6) recommendations on the requested incentives.

Recent incentive initiatives

The Town has employed a number of incentive programs to support redevelopment and investment. These have supported investments and development principally in the Main Street South and UCSP areas.

Town initiatives

The “Town of Newmarket Policy for Deferral of Payment of Development Charges and Planning Application Fees in the Yonge/Davis and Regional Healthcare Urban Centres” was adopted in 2012 and allowed for the deferral of development charges (“DCs”) for high-rise mixed-use residential and high-rise office development for up to 18 months. The policy required a letter of credit (“LC”) for the full value of the deferral. An ‘enhanced’ version of the deferral was also provided, which deferred all Town DCs and 50% of *Planning Act* application fees for 18 months without requiring an LC, provided that the development meet a range of stringent criteria related to sustainability and affordability. No development application ever employed the Policy as it was adopted by Council, though 212 Davis Drive received an expanded set of incentives as is discussed later in this report.

In May of 2018 Council adopted an updated version of the policy titled “Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres”. The updated policy also provides for a ‘standard’ and an ‘enhanced’ approach. The standard approach now provides a 36-month deferral of all Town DCs secured by an LC. The enhanced approach now provides a 48-month deferral of all Town DCs and 50% of *Planning Act* application fees, provided that the development

meet a set of criteria including LEED certification, providing affordable housing in residential developments, and meeting all development standards of the Site Plan Approval Process Manual. To date, no development applications have employed the Policy.

York Region initiatives

York Region has adopted a “Development Charge Deferral for Purpose-Built High Density Rental Buildings” to allow developers of purpose-built high density rental buildings to defer the Regional development charges for a period of 36 months. The Regional program requires the building to be a minimum of 4 storeys in height, to guarantee the rental tenure of the building for no fewer than 20 years, and that the local municipality offer equal or greater incentives.

York Region has also recently endorsed the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”. This guideline and plan proposes to offer additional incentives as part of an effort to encourage private purpose-built rental housing supply for mid-range income households. This would assist in the creation of rental units that are greater in price than affordable units (which are restricted to 125% of average market rent) and support the creation of mid-range income units (which would be restricted to 175% of average market rent).

The new Regional guideline and plan, once approved by Regional Council in 2019, would provide for a 48-month deferral of Regional development application fees (in addition to the 36-month DC deferral for purpose-built high-density rental buildings), as well as a Tax Increment Equivalent Grant (TIEG) for the Regional portion of property taxes for up to 5 years.

A TIEG is an annual grant equal to all or a portion of the property tax increase (increment) following the completion of a project that has resulted in an increase in the assessed value of the property. In effect, the increase in property tax that occurs due to the increased value of the development is phased in over a period of time as the municipality “grants back” a diminishing portion of the increase each year. The Guideline incorporates a five year TIEG with a grant for 80 per cent of the tax increment in year one, reduced by 20 per cent a year to full taxes paid in year five.

A TIEG can only be implemented through the use of a Community Improvement Plan (CIP). CIPs are authorized under Section 28 of the *Planning Act* and provide for a broad ability for municipalities to provide grants or loans in conformity with the policies of the Plan. To date the Town has adopted a CIP for the Main Street area, but has no CIP that would enable grants in any other part of Newmarket. Regional Council has directed Region staff to implement a CIP that would enable the provision of the incentives of the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”, namely the TIEG.

Legal information obtained to date from the Ministry of Municipal Affairs and Housing through Regional staff indicates that the Town would not be obliged to adopt a separate

CIP in order to participate in the program and would be able to take advantage of the Region's CIP to offer incentives for the same purposes. However, in order to do this the Town would be obliged to amend its Official Plan in order to be able to participate in the CIP of the upper-tier municipality as this is specifically required by Section 28 (7.2) of the *Planning Act*. This opportunity for an upper- or lower-tier municipality to participate in the CIP of the other was implemented in an amendment to the *Planning Act* in 2006, the year that the Town's Official Plan was adopted. At the same time, a requirement for an Official Plan policy authorizing such participation was also implemented in the *Act*. For example, the York Region Official Plan reads (emphasis added):

8.3.6 To use the Community Improvement provisions of the Planning Act to implement the policies of this Plan. In doing so, the Region may:

- a.** designate any part of the Region as a Community Improvement Project Area;
- b.** enact a Regional Community Improvement Plan that utilizes incentive programs including making grants or loans within the Community Improvement Plan Area either to registered property owners or to local municipalities; and,
- c. participate in a Community Improvement Plan of a local municipality.**

If Council adopts the recommendations of this report, it will authorize staff to begin the Official Plan Amendment process to implement a similar policy in the Town's Official Plan, either through a standalone amendment or as part of a larger Official Plan Amendment or review. Actual participation in any CIP would require further Council approvals.

The Town has also engaged in unique incentive programs for individual developments to ensure development viability and support the objectives of the Official Plan and Urban Centres Secondary Plan. These have included incentives for the Renessa retirement home on Gorham Street and the purpose-built rental development at 212 Davis Drive. More recently, Council has agreed to waive building permit and planning application fees for 514 Davis Drive and to defer development charges for 36 months.

Rental housing

Newmarket has an insufficient supply of rental housing. 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, well below the 3% that is generally regarded as an indicator of a healthy market.¹

This section will present (1) the current status of the rental market in Newmarket, (2) trends in the tenure of developments in Newmarket, (3) the importance of rental housing for economic development, and (4) a rationale for why rental housing may require different considerations than condominium developments. Through this information, Committee may consider the merits of the requested incentives to facilitate the proposed rental residential development.

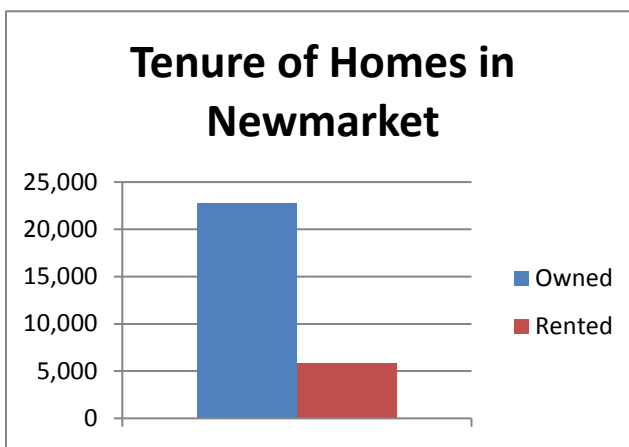
Current status of rental housing in Newmarket

Newmarket has 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 rental units. Located principally on Lorne Avenue, Huron Heights, and Crossland Gate, Newmarket's larger purpose-built rental buildings provide approximately 500 dwelling units.

Conversely, Newmarket has more high-density condominiums than it does high-density rental units. While of a similar age to rental buildings, condominiums in Newmarket are concentrated on Davis Drive west of Lorne Avenue and on 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.² Tenancy legislation in Ontario permits landlords to require a tenant to vacate a unit for the landlord's own use, and no rental protections of the Residential Tenancies Act (RTA) are available to tenants who share a kitchen or bathroom with the property owner. Purpose-built rental buildings tend to offer greater security of tenure and stability for tenants.³ This is discussed in a report by the Ryerson University City Building Institute:



¹ CMHC, Rental Market Reports

² Ryerson City Building Institute: Getting to 8,000

³ Ontario Rental Market Study: Measuring the Supply Gap

This recent shift towards condominium rentals is troublesome. Units in the secondary market, including condos, are more susceptible to evictions based on the “landlord’s own use” provision: tenants in secondary units can be evicted if the owner decides to move into the unit or if the unit is sold to a new owner who plans to occupy the unit. Potential units provided through the secondary market, such as new condos, can also be placed on the short-term rental market or may be intentionally left vacant.

Secondary rental units (not purpose-built rental) are an important element of the rental market that contributes to flexible housing options. However, it is important that the Town support the development of purpose-built rental housing that provides for stable housing for Newmarket residents.

Trends in housing development

The need for rental housing in Newmarket has not been met, as is evidenced by vacancy rates below those that indicate a healthy rental market. Recent applications suggest that there is increased interest in new rental developments for the first time in many years. However, key indicators of the strength of the housing system in Newmarket show that rental remains undersupplied, ownership housing continues to be the dominant tenure, and ongoing efforts are needed to support rental development.

The stock of ownership housing units has continued to outpace rental by a significant margin. Virtually all significant developments in Newmarket in the past decade have been ownership-tenure housing. This includes applications that were proposed and not built, applications that are in progress, and completed developments.

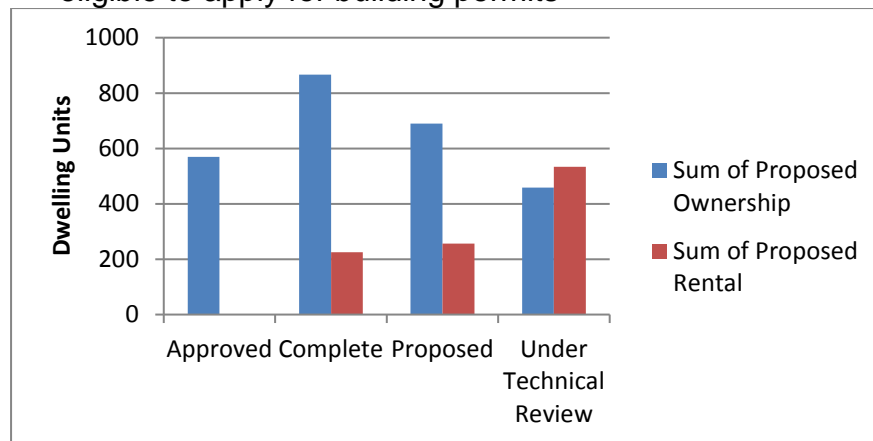
These include the following, as a non-exhaustive list of ownership-tenure developments that have been proposed or are underway:

Development	Unit Composition
345-351 Davis Drive	40 townhouse units
Marianneville (Glenway)	209 detached, 235 townhouse, and 298 apartment units
National homes	142 single detached units
Forest Green	350 townhouse units
995/955 Mulock Drive	73 townhouse units
Sundial	82 detached, 40 semi-detached, and 529 townhouse units
King George School	11 apartment and 14 townhouse units
Shining Hill	12 detached, 10 semi-detached, 162 townhouse units

260 Eagle Street	27 townhouse units
400 Park Avenue	11 apartment units and 14 townhouse units

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, (3) the majority of homes proposed in Newmarket will be owned. The figure below illustrates this, showing recent Planning Act 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
- Complete – Planning approval process complete, project under construction or eligible to apply for building permits



Increased rental housing supports economic development

Increased rental housing stock supports the Town's economic development goals by allowing local businesses to attract employees to a diverse and high-quality stock of housing. It has been anecdotally expressed to the Town by a number of employers that their employees have found it challenging to meet their housing needs and that additional rental housing would assist with meeting this need. As was reported in the Toronto Region Board of Trade, which includes employers across the GTHA, "Limited access to affordable and desirable housing affects our region's ability to attract and retain a world-class workforce. Astonishingly, 42% of the young professionals the Board surveyed said they were likely to leave the region because of the high cost of housing."

Rental housing provides housing for a wide range of demographics from young professionals to downsizing seniors, and supports the employee-

The rental sector plays a critically important role in Canada's housing system. Reflecting transitions in life, many tenants are young, creating new tenant households when they leave the family home. Others are older, seeking apartment living when they no longer need or want to maintain larger family homes. Similarly, immigrant households, a critical component of labour market supply, initially rent before they transition to ownership.

—Federation of Canadian Municipalities

attraction efforts of a range of employers from high-tech workers to medium-term contract professionals such as nurses and doctors. The Town supports increased development focused on the Yonge Street and Davis Drive corridors, and increased rental supply and diversification of type and tenure of housing options are important elements of that intensification

Effects of lack of rental housing

The Ryerson City Building Institute and Evergreen report succinctly describes the critical role that rental housing plays in ensuring that municipalities have a housing system that meets the needs of all residents.

Not providing enough rental housing contributes to negative effects on the social and economic wellbeing of a community. Without sufficient rental supply, businesses may struggle to attract employees while seniors and young adults leave communities in search of housing that meets their needs.

A lack of rental housing may push households into home-ownership that is too expensive for them or choose to rent housing that is more than 30% of their income. This results in less spending elsewhere in the economy, including on essentials like food and heating.

The relationship between rental and ownership is also a factor. Empty nesters, who are over-housed in a hot real estate market, are unable to find suitable down-sizing opportunities in their neighbourhoods, such as rental housing or smaller units. This causes them to continue occupying detached or semi-detached homes that would otherwise become available if appropriate and affordable downsizing opportunities existed in the area. More affordable rental options can help households move from more precarious housing situations such emergency shelters and transitional housing into longer- term options.⁴

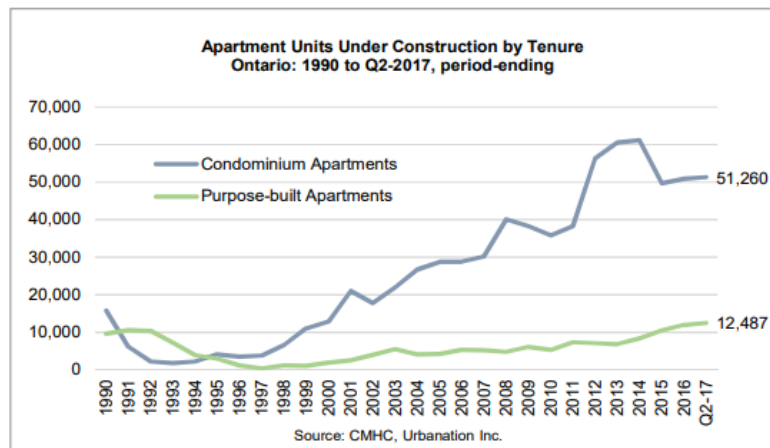
In short, rental housing plays a critical role in meeting the needs of Newmarket's residents. Rental housing provides choice for residents at each stage of life, reduces dependency on government housing supports, and supports businesses attracting talented employees.

⁴ Ryerson City Building Institute: Getting to 8,000

Why rental housing may require incentives

Financial data from the applicant combined with staff analysis indicate that developing purpose-built rental is typically more difficult than similar developments in condominium tenure.

The effect of this difference is evident in the tenure of developments that have taken place across Ontario in recent decades. Data from the Canada Mortgage and Housing Corporation (CMHC) indicated in the figure at right shows the development of condominium apartments vastly outstripping purpose-built rental apartments.



Apartment construction rates 1990-2017

This trend has led to declining rental vacancy rates, increasing rents, and an increasing proportion of condominium units being leased as rental units, which provides housing that is inherently less stable than purpose-built rental, as discussed earlier in this report.

In addition to rental housing being more difficult to develop than condominium units, developing residential rental units that meet the Town's affordable housing targets is more difficult yet. The current affordable rental threshold, which is set at 125% of the average of market rents of buildings built since 1990, is \$1,496 per month. Market rent for newly-built rental buildings is typically well in excess of this threshold.

Fundamental market trends that have led to the growth of the condominium developments far more quickly than rental development continue to shape the development market. These are well explained by the Ryerson City Building Institute in their report on rental and condominium market forces, in which they explain why condominiums are generally preferred by developers:

- Condos generate faster returns than rental buildings
 - Many developers prefer to build condos due to the ability to receive a return on investment more quickly than from a rental development. Profits come from sales, which means that when a building is occupied the developer can walk away.
- Financing is easier to obtain for condo projects
 - Developers have to put less of their own financing into a condominium project than a rental project, as pre-sales and deposits provide an

additional source of revenue. This reduces borrowing costs and financial risk for the developer.⁵

Notwithstanding that there has been an observed increase in interest in rental development in the recent past, the fundamental economic forces that have caused the increase in condominium development over the past twenty years have not shifted significantly. Condominium developments are inherently easier for developers, and thus encouraging rental development may require incentives to achieve a balanced housing supply.

Rental housing conclusion

In short, Newmarket's housing supply is undersupplied by rental-tenure housing. Ongoing trends show that ownership-tenure housing will continue to be the dominant sector of the market for the foreseeable future. Rental-tenure developments tend to be more challenging to achieve economic viability. The lack of rental housing has detrimental effects on Newmarket residents.

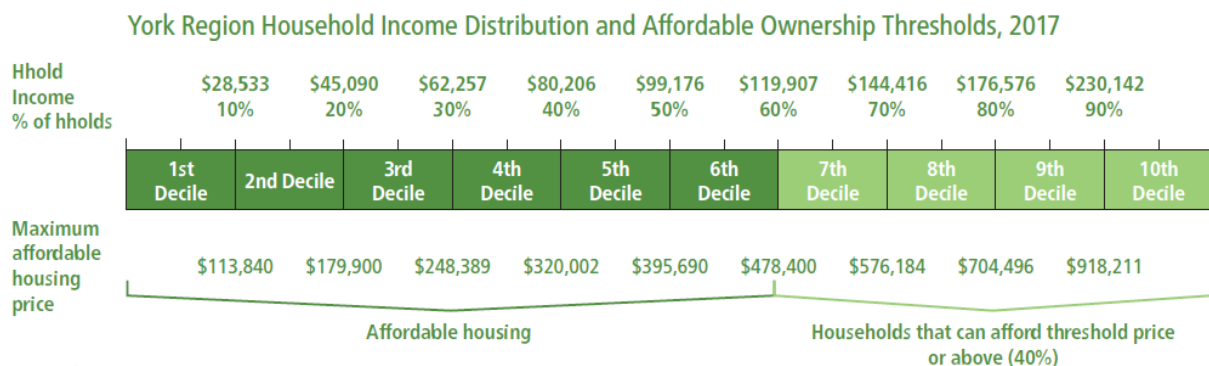
Affordable housing

The York Region Official Plan (YROP) requires that 35% of new dwelling units in Regional Centres such as the Yonge Street and Davis Drive Provincial Growth Centre, and 25% of new dwelling units in the rest of the region, be affordable to low and moderate-income households. The Urban Centres Secondary Plan (UCSP), which is required to conform to the YROP, implements the same policy in Newmarket. This section of the report will discuss (1) affordable housing and how it is defined, (2) how affordable housing units can be secured, (3) a brief synopsis of why affordable housing is necessary, and (4) the difference between affordable housing and social housing.

Affordability threshold

Units are deemed to be affordable if they are rented or sold at a price that meets the Region's annual thresholds. Different thresholds are applicable to ownership-tenure and rental-tenure dwelling units. The affordable threshold for ownership is the maximum price that households in the sixth decile of income distribution of households can afford to pay (see the figure below). In Newmarket, the affordable ownership threshold is \$471,539. For comparative purposes, the average price of a home sold in July of 2018 was \$775,436.

⁵ Ryerson City-Building Institute: Getting to 8,000



Source: York Region Planning and Economic Development, 2018.

Based on Statistics Canada, Bank of Canada and Canada Mortgage and Housing Corporation data.

Regional Council recently endorsed changes that would redefine rental affordability from 125% of the Average Market Rent (AMR), to 125% AMR based on the number of bedrooms. The current thresholds are indicated in the right hand column below.

	Average Market Rent	125% of AMR
Studio	\$892	\$1115
1 Bedroom	\$1170	\$1463
2 Bedroom	\$1346	\$1683
3+ Bedroom	\$1526	\$1908

How affordable units can be achieved

As is noted above, the Town currently has few tools to control the price of dwelling units. In order for affordable housing policies to be achieved, the Town must employ its tools under the *Municipal Act* and *Planning Act* to either persuade or mandate developers to provide affordable housing units. The tools that the Town can employ to secure affordable housing units fall into three categories: (1) height and density bonusing under Section 37 of the *Planning Act*, (2) inclusionary zoning, and (3) incentives.

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. Height and density bonusing is a planning tool and thus must be exercised in a manner that conforms to the UCSP, YROP, and applicable provincial policies. Council has adopted the Height and Density Bonusing Implementation Guidelines to guide this process in Newmarket.

As was discussed in Report 2018-52 in August, 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 qualitative benefits (such as changing tenure) or benefits that exceed the value of the increase in property value (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 financial incentives, may be required to achieve both the community benefit sought by the municipality and to ensure that a desirable development project is viable.

Inclusionary Zoning (IZ) is a land-use planning tool that has recently been permitted in Ontario that a municipality may use to require affordable housing units to be included in residential developments of 10 units or more. In order to implement inclusionary zoning, a municipality must undertake a series of steps, including an assessment report to understand local housing supply and demand, as well as potential impacts which might arise from IZ, and then implement official plan policies and pass a zoning by-law guiding where and how inclusionary zoning will be implemented.

Inclusionary zoning, if implemented, would oblige a developer to provide a certain percentage of dwelling units at a rent or purchase price set by the municipality. Developers would then consider the cost of providing such units among all of the costs of development and determine whether the project was financially viable. To date, Newmarket has not adopted IZ policies or by-laws and thus is unable to employ this tool.

Incentives remain the third and most commonly-employed tool to achieve policy aims. These can take a range of forms – financial incentives through Community Improvement Plans, process incentives to ‘fast-track’ applications toward a faster approval, deferrals or waivers of Development Charges (DCs), reducing parking requirements due to the high cost of providing parking, and waiving or reducing application fees or parkland dedication requirements.

Each of these incentives can reduce costs for the developer. With sufficient incentives the cost of providing dwelling units at a reduced price point can be balanced or overcome. In this way, a municipality may use its regulatory and financial tools to encourage voluntary provision of matters such as affordable housing units.

The need for affordable housing

The challenges of housing affordability have been widely reported upon in recent years, and do not bear significant additional discussion in this report. In short, housing prices have risen significantly and continue to rise. Construction price increases have contributed to increased prices for newly-built dwelling units. Constrained supply of land for intensification contributes to price increases for new development. Finally, wages have not risen nearly as quickly as housing prices.



The average after-tax income of families in Newmarket is \$105,300. A mortgage payment on a home in Newmarket sold for the average selling price, with a 10% down payment at the prevailing mortgage rate, would cost \$3,921 per month or \$47,052 per year, or 44% of the income of the average Newmarket family. For those who do not already own a home, the average Newmarket home is out of reach of the average Newmarket family.

The YROP and UCSP direct that the Town achieve its affordable housing targets. As is discussed above, lacking inclusionary zoning the only tools that the Town can employ to achieve these objectives is through the use of incentives including height and density bonusing.

Affordable housing and social housing

It is also worth noting the distinction between affordable housing and social housing. Affordable units are dwelling units that are leased or purchased at a price that meets the affordability threshold. Social housing units are dwelling units that are managed for eligibility and occupancy by an agency such as a government or not-for-profit, typically for persons based on qualifying criteria such as income, age, or disability.

For example, the dwelling units that were achieved in 212 Davis Drive are managed by the Region, who pays market rent for the units, which typically exceeds 175% of Average Market Rent (AMR), and then sublets the units at a lower price to their tenants (ranging from 20% to 80% AMR) through a subsidy. In order for units to be considered affordable, they must be counted based on rent or price charged at the initial point of occupancy and not based on programs – that is to say, units that are leased to the Region at a price point above the threshold are not affordable units.

In short, while social housing plays a critical role in an equitable housing supply, an arrangement such as was made at 212 Davis Drive to provide units to the Region does not provide units that qualify as affordable.

The dwelling units that are proposed as part of the 175 Deerfield Road application are proposed to be affordable units, and not social housing units. The applicant has indicated that they would entertain the possibility of entering into an agreement to lease a number of units to the Region, but the Region has indicated that the market rent units would be beyond their reach due to their prices exceeding 125% AMR, and the affordable units that may be achieved would not suit their purposes due to each unit being lost from affordability to market rents at the turnover of the first tenant. This process of the proposed affordable rental units being guaranteed only for the duration of the first tenant is discussed further in the “Eligibility and maintenance” section of this report.

Why affordable housing may require incentives

Developing affordable housing units by private, for-profit developers, will only occur if the overall development is able to be financially viable. If this is not possible, not only

would a prudent developer decline to build the project, but they would also likely be unable to raise the necessary financing to undertake the project. In order for a developer to independently (that is, without subsidy) build a project with affordable units, they would need to charge a sufficiently higher rent on market-rent units in order to subsidize affordable units and render the entire development profitable – in effect, market-rate renters of new units in a building would pay for the affordable units themselves.

Given the best data available to staff, this option is unlikely to occur without a requirement for all developments to provide affordable units such that it is a standard expectation for a level playing field. This would take place through the use of Inclusionary Zoning, a power under the *Planning Act* that is discussed earlier in this report.

If it is not possible for a developer to independently build a project with a number of lower-price affordable units, then it may require the intervention of levels of government to make such a project feasible. This is the argument being advanced by the proponent of 175 Deerfield Road. They have noted, as is discussed above, that they are willing to provide affordable housing units if they are provided with sufficient financial incentives that the project is financially feasible.

Affordable housing and tenure

Achieving affordability for rental-tenure and ownership-tenure housing are both important - a healthy, equitable housing system would provide housing choices that offered ownership and rental options for residents from a range of income levels. However, achieving affordability for different tenures requires different considerations. This section of the report will present (1) affordability thresholds, and the effects of the thresholds on achieving (2) affordable ownership and (3) affordable rental units.

Affordability **thresholds** are determined differently for rental and ownership units. As is discussed above, rental affordability thresholds are based on the average market rent (AMR) of existing units by number of bedrooms (see the table under the “Affordable Housing” section earlier in this report). Ownership affordability thresholds are determined based on average household incomes and the costs of accommodation – an ownership-tenure dwelling unit is affordable if a household in the lowest 60% of income distribution can afford the home without spending more than 30% of its gross annual household income on accommodations.

The effects of these different thresholds are evident in the ability to achieve affordability in units of different size and tenure. Achieving **affordable ownership** units can be a challenge, but this becomes significantly more difficult when seeking to achieve affordable family-sized (two and three-bedroom units), as the threshold does not vary with size. As such, developers may seek to achieve affordability targets by providing all studio or one-bedroom units as affordable units. However, the prices of such units are likely to already be in the affordable range due to the small size of units and thus no increase in affordability is achieved through any government intervention if these units

are simply left to be sold, as is discussed further in the “Eligibility and maintenance” section below.

Achieving **affordable rental** units is challenging, as the rent charged for newly-built rental units typically exceeds the threshold as a factor of the property management company seeking rents that will allow them to recover the cost of development and an acceptable return rate over a given period of time. Units in the recently-completed 212 Davis Drive have been observed listed online at the rates indicated below. For comparison, the affordability threshold and average market rent are also indicated:

	212 Davis Drive	Average Market Rent	125% of AMR
Studio		\$892	\$1115
1 Bedroom	\$1695	\$1170	\$1463
1 Bedroom plus den	\$1795		
2 Bedroom	\$2160	\$1346	\$1683
3+ Bedroom		\$1526	\$1908

The result of these factors is that beyond achieving affordable housing units, achieving affordable housing units that meet the needs of different families (dwelling sizes) and stage of life (tenure and size) is challenging. Success in this effort will require further work by Town and Regional staff with the support of senior levels of government.

Eligibility and maintenance of affordable housing

A consideration of affordable housing is how it can be ensured that when affordable units are created through government incentives that the units are occupied by residents who merit assistance and that the units are maintained as affordable.

As incentive-created affordable units such as those proposed in the 175 Deerfield Road development are created it is important that the policy objectives of creating and maintaining affordable housing for low- and moderate-income families is achieved and the units are not allowed to become windfalls for speculators or those who are already able to afford a home. To that end, this section discusses affordable housing programs generally, how eligibility can be ensured, and how long-term affordability maintenance can be achieved. An important distinction is made between units that are intrinsically affordable, which are not anticipated to require eligibility and long-term maintenance, and units which are made affordable through government intervention whose eligibility and maintenance should be ensured to achieve the intended policy aims.

Larger urban municipalities that have experienced more dramatic intensification, demographic changes, and housing market shifts, have long sought to address affordable housing. As ever, it suits Newmarket to seek to profit from the lessons that

these municipalities have learned in their experience, while seeking to achieve the Town's goals without expanding administrative processes.

Affordable Home Ownership

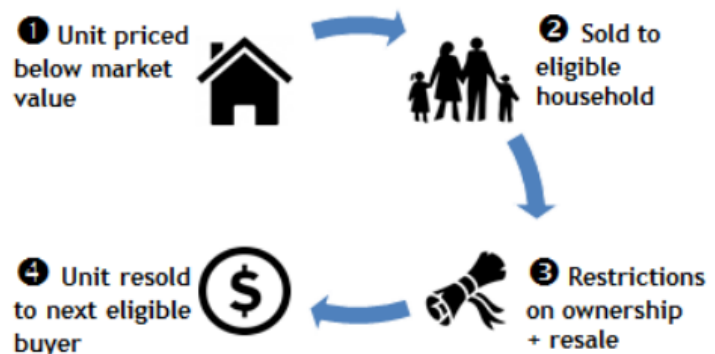
The City of Vancouver produced a report that succinctly summarizes some of the key considerations in managing affordable ownership-tenure housing. The excerpt below illustrates some of these considerations that are applicable to Newmarket.

Affordable Home Ownership (AHO) programs in cities around the world aim to create opportunities for low, moderate and middle income households to transition from market rental to homeownership. The specific structure of the programs such as eligibility criteria, re-sale restrictions, etc. are diverse to address the different priorities and objectives in each city.

In a typical affordable home ownership program, housing units are created and sold at below market value by a social purpose organization, non-profit, government created housing authority, or by market developers as a community contribution required through inclusionary zoning. Different mechanisms are used to create affordability, including city or donated land, bulk building of modest housing forms, reinvestment of the value of additional density created, innovative financing and/or forgoing market-based profits. Eligible households are then able to purchase a unit at a below market price.

There are two general categories of programs:

- *Shared Appreciation Models:* create affordability and entry to the market for initial buyers and an opportunity to build equity via market appreciation over time
- *Limited Appreciation Models:* prioritize maintaining affordability for subsequent purchasers and limiting the appreciation gain for the buyer.



Affordable Home Ownership - How it Works

Buyers in most AHO programs are subject to restrictions on occupancy and re-sale. The legal and administrative structure of the pricing, occupancy restrictions, and sale and re-sale terms in the ownership agreements are structured to achieve these different outcomes. Typically the larger the public investment in the

creation of the initial affordability, the more restrictive the terms for the ownership and future re-sale are to ensure preservation of the public investment.⁶

Shared appreciation models are seen in action in Ontario through developers such as Options for Homes, in which Options reduces the purchase price of a unit for a new homeowner by providing a portion of the downpayment through a second mortgage. When the homeowner eventually sells the unit, the homeowner shares a portion of the increased value of the home with Options in an amount commensurate with the initial investment. Options then reinvests this return into future units.

Limited appreciation models exist in Whistler, Boston, San Francisco, and New York, among others. In these cases an initial investment or incentive creates a unit at a price that is lower than the market would bear, and the long-term affordability of the unit is ensured through resale and occupancy restrictions. That is to say, the units can only be resold to eligible buyers at an affordable price. This means that the unit does not appreciate in price in the same way as a market unit – while the unit may stay affordable, neither the occupant nor the government receive a significant financial return from the resale of the unit.

If the Town and the Region invest in affordable housing by providing incentives, the investment should assist those who are the target population (low and medium-income families) by ensuring that the units are only sold to those who meet eligibility requirements such as income and asset limits. Similarly, such an investment should reap returns (maintaining the supply of affordable units), rather than being a one-time subsidy to individual property owners, which is accomplished by ensuring that the re-sale or lease of such units only takes place to other eligible residents at an affordable price.

Finally, it should be noted that the 175 Deerfield Road application includes studio and one-bedroom condominium units that are expected to be sold at prices that inherently meet the ownership affordability threshold. This is anticipated to occur independently of any offered incentives. Given this, no eligibility and maintenance requirements are anticipated for affordable ownership-tenure units as there is no investment to protect for long-term affordability.

Affordable rental

The process of achieving affordable rental units differs from affordable ownership units. While an incentive or subsidy to achieve an ownership unit reduces its price at the point of sale and then transfers all future obligations to the owner, an incentive or subsidy for rental must be considered over a period of time and thus a duration of affordability must be determined. That is to say, if a rental unit would be leased at a market price that is \$100 per month greater than the affordable threshold and a developer is offered an

⁶ Dunnet, A. City of Vancouver. Affordable Home Ownership Pilot Program Policy Report. 08-2000-20. April 20, 2016.

incentive worth \$1200, a 12-month affordability period may be achieved. In addition, tenants will often remain in place for periods that will extend beyond the guaranteed affordability period and be entitled to rent controls that will maintain their unit at a lower price with increases at a limited percentage per year, provided that the price remain below the affordable threshold during the first tenancy.

The duration of time that units will be leased below market rent is a key consideration in projecting the overall cost of offering affordable rental units to the developer. This duration can be set through an agreement for an absolute period of time in which any new tenant leases a unit they receive it at the affordable rate, or by declining to implement such a requirement and being content that providing affordable units to the first lessee is sufficient.

In the latter case, each time an affordable-rate tenant leaves the property owner has the opportunity to set a new market rent for the unit. Given that affordable units are in scarce supply, it can be assumed that these units will see lower turnover rates than market rent units, which are cited in Toronto to be near 16%. A projected annual turnover for affordable units might more appropriately be 10% or lower, although data on this figure is limited.

Considered more broadly, this means that if the Town (and Region) offers incentives for affordable rental units at the affordable threshold that the duration of time secured is a primary determinant of the cost of providing the affordable units. Thus, a limited incentive may secure the initial tenancy but without significantly greater incentives the units must be removed from affordability and transferred to market rent after a tenant leaves. Any unit leased initially would meet the affordability threshold, and any tenant leasing a unit during this period would then be entitled to inhabit the unit at that price (plus whatever limited increase is permitted by rent control provided it does not exceed the threshold during the period) for as long as the tenant wishes.

Initially the property owner would see significant lost revenue as each unit would pay well below market rent each month, as the projected difference between market rent and affordable rent is projected to be approximately \$540 per month in 2021 when the first building at 175 Deerfield Road rental building could be expected to be occupied. Over time, the amount of reduced revenue would diminish as tenants in these units vacated them and they returned to market rents. At these assumptions for future rent and turnover rates, the property owner would forgo approximately \$2.4 million in rent to affordable units over a 20-year period for the two buildings.

The proposed TIEG would secure 19 affordable rental units in Building 1 and 13 in Building 3.

Determining eligibility and ensuring maintenance of rental dwelling units will be a new process for the Town to be established with the developer and established through a contractual relationship with the owner of the rental building. As such the Town could oblige the owner determine that any tenant who would lease an affordable unit would

pass the given criteria and to report this to the Town upon request, or establish an internal eligibility system.

Requested incentives

This section of the report provides (1) the specific incentives sought by the applicant and how the Town is able to offer incentives, (2) possible effects of declining to provide incentives, and (3) recommendations on incentives for this project.

It should be noted that much of the discussion of incentives and affordable housing is in comparison to other areas where they have been employed (Toronto, Vancouver, New York, Boston), but that these municipalities are much larger and the incentives that they provide are much more significant. As such, the gains in terms of depth and duration of affordability tend to be larger and longer. For example, projects in Toronto's Open Doors Affordable Housing Program may receive exemptions from:

- Planning Application Fees
- Development Charges
- Building Permit Fees
- Education Development Charges from the Toronto District School Board
- Parkland Dedication
- Residential Property Taxes for the duration of the affordability period

As the requested incentives for 175 Deerfield Road are principally deferrals of fees plus a limited TIEG, the matters to be secured will be more limited in scale and duration. These are presented later in the report. Staff also note that the analysis undertaken of the costs and outcomes of the development application draw on figures provided by the applicant, research from Regional staff and Town staff, and data from agencies such as Housing York Inc and the Canada Mortgage and Housing Corporation. The financial analysis relies on a range of assumptions related to the developer and the Town's ability to access capital, future construction costs and market rental and sale prices, potential tenant turnover rates, and projected average market rents. Given the range of assumptions in such an analysis, staff cannot guarantee the figures but have made best efforts to validate them.

Incentives

The applicant is seeking height and density bonusing in addition to a range of incentives that are outside of the ambit of the *Planning Act*, which are discussed in detail below. These include:

- Deferrals of development charges (DCs) and 'grandfathering' of certain DCs
- Tax Increment Equivalent Grant (TIEG)
- Deferring municipal fees (*Planning Act* application fees, Building Permit fees, peer review fees, legal and engineering review fees)
- Certainty of servicing allocation

Given the value of incentives recommended and the cost of matters to be secured, this report recommends that the Town can employ these incentives to gain the following:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- At least 19 of the dwelling units in Building 1, and at least 13 units in Building 2, being each at least one bedroom and five hundred square feet in size, to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

Development charges

Section 27 of the *Development Charges Act* provides municipalities the ability to enter into agreements for applicants to pay development charges early or late – in effect, to allow for development charge deferral agreements.

Council has adopted the “Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres”, as discussed earlier in this report, which provides for the deferral of DCs for up to 36 months for developments in the UCSP area under the ‘standard approach’ and up to 48 months under the ‘enhanced approach’. The applicant for 175 Deerfield has requested a deferral period of 48 months (four years) as well as flexibility from the Town on the criteria laid out in the Policy for being eligible for such a deferral.

The value of development charges to the Town are projected to be \$7,162,130.

The criteria to access the ‘enhanced approach’ and its 48-month deferral of Town DCs are as follows, along with a note on how the criteria applies to the 175 Deerfield Road application:

Criteria	Applicability
i) The proposed development complies with all applicable provisions of the Provincial Policy Statement, Regional Official Plan, Town Official Plan, and the Urban Centres Secondary Plan, including but not limited to: urban design, housing affordability and sustainability.	Application complies with applicable policies and plans. Housing affordability is subject to provision of requested incentives and approval of zoning by-law amendment.

ii) The mandatory and applicable optional provisions of the Site Plan Approval Process Manual and Development Standards Checklist (March 25, 2008, as amended).	The Site Plan Approval Process Manual has been overhauled and the development standards replaced with applicable UCSP policies. This can be addressed through the site plan approval process.
iii) The proposed development participates in the Region's Sustainable Development through LEED® Incentive Program (LEED).	The applicant is reviewing with York Region whether to participate in this program, and whether LEED-equivalent metrics are permitted.
iv) The proposed development implements a three stream waste collection system.	The development will provide a three-stream waste collection system through three chutes or a chute-and-sorter system.
v) For developments within the Provincial Urban Growth Centre, it is demonstrated to the satisfaction of the Town that a minimum of 35% of new housing units within the development are affordable to low and moderate income households.	Not applicable, as the site is not located in the PUGC.
vi) For developments outside of the Provincial Urban Growth Centre, it is demonstrated to the satisfaction of the Town that a minimum of 25% of new housing units within the development are affordable to low and moderate income households.	Housing affordability is subject to provision of requested incentives and approval of zoning by-law amendment

The applicant has also requested certainty in the amount of DCs by receiving Council approval to “lock in” or “grandfather” the DC rate at the time of submission of the site plan approval application. If Council permits the applicant to pay the current rate of Town DCs for the rental building and the Town DCs increase in 2019 by 15% based on the applicant's projection relying on the trends of previous years, this would have a value of \$767,112.

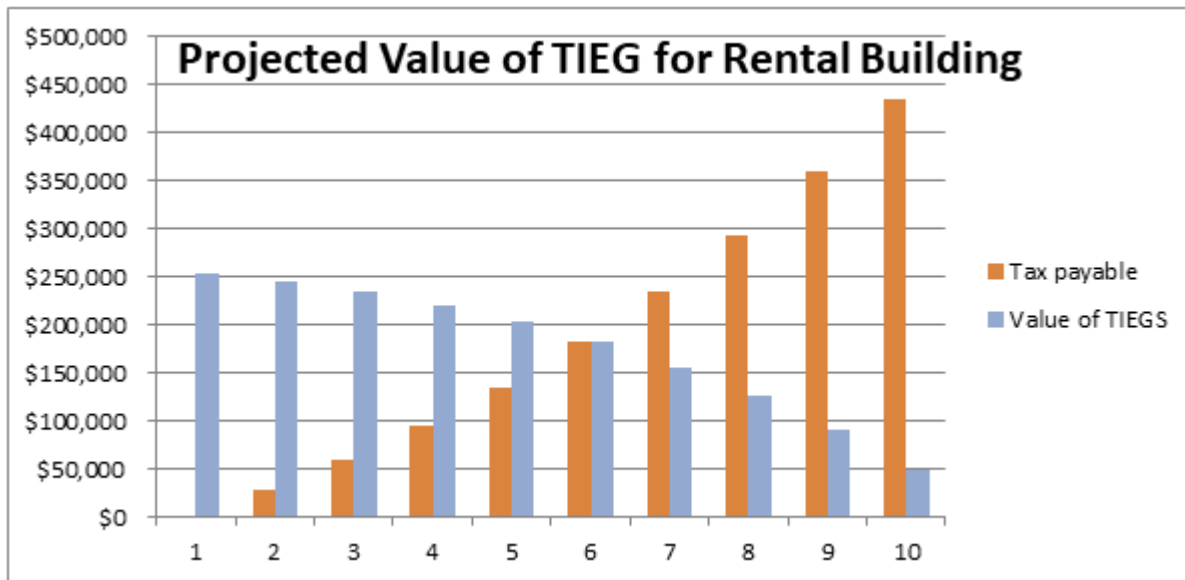
The recommendations of this report would permit the applicant to access the “enhanced” deferral program, with the requirement for affordable housing being contingent on the Town providing the proposed TIEG. If the Town does not provide this TIEG, the requirement for affordable housing as required by the deferral policy would be waived.

Tax Increment Equivalent Grant

The applicant has requested an incentive known as a Tax Increment Equivalent Grant (TIEG) for a span of ten years. This would allow the property owner to pay only the original pre-development property tax in the first year (i.e. a 100% discount on the

increased value), and successively 10% less of a discount every year until the full property tax value is paid in the tenth year following the completion of the project.

A TIEG has been noted by the applicant as being particularly valuable to rental projects due to the assistance they provide in the long-term financial forecasts that are more important to rental development than condominium development. The chart below shows a projection of a TIEG for the purpose-built rental building of the proposed development over ten years, as discussed above.



While TIEGS are a cost to municipalities they are argued to be of reduced financial impact as they encourage development that would either not occur, or would not occur for a significant period of time. By offering a TIEG that causes development to occur earlier, a municipality may still achieve more property tax assessment growth than would otherwise be the case if the development did not occur or occurred at a later date. The recommendations of this report propose a 10-year TIEG for only the property tax assessment growth associated with the purpose-built rental building, in accordance with the Region's proposed CIP. This duration is longer than the Region's program, in keeping with the Town's efforts to stimulate investment and development.

The cost of the TIEG to the Town is projected to be \$2.7 million over 10 years. The projected increased Town property tax revenue from the 175 Deerfield property over the same period post-development is projected to be \$9.8 million.

The implementation of a TIEG requires the Region to implement a CIP, the Town to amend its Official Plan, and a future Council to approve the TIEG. As this requires a number of future steps whose accomplishment cannot be guaranteed, the recommendations of this report would direct staff to begin the work to implement the TIEG, and to only require the affordable rental housing units if the TIEG is implemented. If the Region fails to implement the CIP, or the Town declines to enact the TIEG, the development would be

able to proceed without receiving the TIEG and without providing the affordable rental housing units.

Parkland dedication

The *Planning Act* provides for the ability for municipalities to require the conveyance of land and/or cash-in-lieu of land for parkland. Council has adopted By-law Number 2017-56, which sets out parkland dedication requirements for the entire

The total value of parkland dedication is estimated to be \$3,850,000

town and specific requirements for the UCSP area. These requirements are clear and direct, and cannot be waived or varied without Council's approval. Staff will ensure that lands and/or funds are received to satisfy the requirements of the by-law.

Parkland dedication for the site is discussed in Report 2018-52 presented to the August 27th Committee of the Whole. This report does not recommend changes to the parkland dedication requirement, but rather the deferral of the payment of the required cash-in-lieu, along with a timeline that physical land dedication requirements take place roughly commensurately with the move-in date of the first residents. The total value of parkland dedication is estimated to be \$3,850,000, with portions of this being POPS, part cash-in-lieu, and part physical land dedication.

Parkland dedication under Section 42 of the *Planning Act* takes place only when development occurs. The Town typically receives parkland dedication or cash-in-lieu at the time of site plan approval. No parkland dedication is required as a condition of zoning approval.

Beyond the existing requirements of the parkland dedication by-law, the recommended conditions to be tied to the incentives would require that the applicant convey lands to the Town. These would be lands in close proximity to the site, to the satisfaction of the Director of Planning to ensure that adequate public park space is provided. Any deviation from this condition would require further Council approval.

Height and Density Bonusing

The application as proposed requires 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 Schedule 4 of the UCSP. 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.

The total value increased land value due to height and density bonusing is estimated to be \$1.35 million.

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.

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.

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. Thus, in order to secure the affordable housing units discussed in this report the financial incentives such as TIEGs are required.

The estimated lift in value of the land through the use of height and density bonusing is \$1.35 million. The Height and Density Bonusing Guidelines adopted by Council recognize that many of the benefits that the Town seeks to secure cannot be accurately quantified in terms of value. These include the benefits that are to be secured as a part of this application:

- a. the provision of publically accessible private roads
- b. the provision of affordable housing
- c. the provision of rental housing

The guidelines state that in these cases Council will consider these benefits outside of the method of the lift in land value, as it is challenging to quantify the benefits that these provide. Putting a dollar figure to providing rental housing and having a housing supply in Newmarket that better meets the needs of the Town's residents is difficult to achieve. The benefits of this are discussed briefly earlier in this report. The provision of affordable housing can be somewhat quantified in the cost of provision, as is discussed earlier in this report, but the value of a housing system that assists low-income families to have the means to improve their living situation has benefits that go beyond the cost of housing subsidies.

The Town will receive \$339,000 in cash or capital works toward parkland and public art.

However, for full context the 25% target to be captured in the case where benefits can be quantitatively valued would be approximately \$340,000. The applicant has also committed to providing \$339,000 in community benefits in the form of cash or capital infrastructure to be dedicated to parks and public art in the immediate vicinity of the site. In addition, the Town gains financial benefits such as having the applicant reconstruct and maintain Deerfield Road in perpetuity. All benefits in exchange for height and density include:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

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.

Fee deferrals

The applicant has paid fees for the current application for zoning by-law amendment, and will be faced with other municipal fees as their application proceeds. These include site plan approval fees, fees for

The value of estimated planning application and building permit fees is \$1.7 million. These will be deferred but paid.

removing any holding provisions in the amending zoning by-law, potential applications to the Committee of Adjustment, building permit fees, and any additional contributions to public art or trails. The applicant has requested deferral of all fees. The appendix to this report which includes the list of recommended incentives, provides a list of which fees are recommended to be deferred and under which conditions. Generally, it is recommended to extend the Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres to permit the deferral of 50% of all required fees for 48 months.

Support from other levels of government

The Town regularly seeks financial support from other levels of government. If Council adopts the recommendations of this report the provided incentives will be in pursuit of, among other matters, securing affordable housing.

The applicant has also indicated they are pursuing discussions on other incentives such as through the Canada Mortgage and Housing Corporation direct lending program, which permits a long-term low-interest loan to reduce risk associated with interest rates for development. Town staff will assist as necessary to secure any senior government investments in affordable or rental housing in Newmarket.

Incentives conclusion

The applicant has requested a suite of financial incentives to make their project feasible and meet the Town's objectives of providing rental housing and affordable housing. Staff

concur that developing rental housing and affordable housing is more challenging to deliver a financially feasible project and that assistance for such projects may be necessary if Town objectives are to be met. Certain incentives should be offered, subject to conditions and necessary agreements to secure community benefits.

Effect of incentives

If the incentives are provided as recommended by this report, Committee is recommended to adopt the recommendations of companion Report 2018-62 as well. If this occurs, the Zoning By-law will be amended for 175 Deerfield Road as recommended, with the additional height and density under Section 37 of the *Planning Act* being subject to the community benefits laid out in the By-law (i.e. rental and condominium tenure and contribution toward parkland and public art). In effect, the matters laid out in Report 2018-62 will proceed and be enacted through a future site plan approval application.

Effect of declining to provide incentives

In this section this report will provide a discussion of the potential effects if the requested incentives are not provided.

Reduced scale of development

Lacking these incentives, the applicant has indicated they will substantially reduce the size of the development and instead proceed with a townhouse or stacked townhouse development application on the site to meet the minimum required densities. Staff are unable to fully verify the viability of the project or the probability of the design changing in the manner indicated by the applicant. The effect of the potential changes expressed by the applicant would be reduced density and number of units, as a townhouse development on the site would not achieve the same height and built form as is currently proposed.

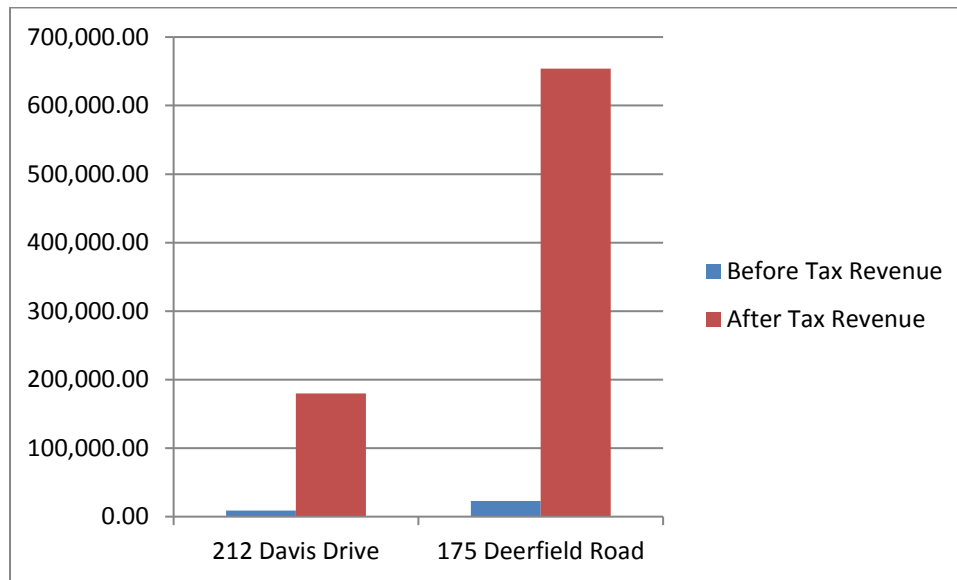
Reduced property tax revenue

Such a change in the proposal would cause commensurately reduced resulting value of the property and reduced growth in property tax income for the Town. The current site has a value of \$4.5 million according to its 2018 assessed value. This results in annual property tax revenue to the Town of \$23,000.

For comparison purposes, 212 Davis Drive had a property value of \$2,625,500 as a vacant land assessed as multi-unit residential use with annual property tax revenue to the Town of \$8,961. The property has been re-assessed as a developed multi-unit residential building and has a new property value of \$52,594,227, which provides property tax revenue in the first year to the Town of \$180,000.

It is assumed that when completed the two phases (three buildings) of the proposed development at Deerfield Road would have a value of \$191 million and property tax

revenue in the first year to the Town of \$654,000. The figure below illustrates these changes in property tax revenue.



Town property tax revenue change for 175 Deerfield Road (estimated)

Reduced growth in rental supply

If the development is revised to a lower-density format this will result in an inability to achieve an increase in rental housing supply. As is discussed above, Newmarket continues to experience rental apartment vacancy rates well below those that would indicate a healthy rental market.

Reduced ability to achieve affordable housing

Finally, if the development changes format this will likely preclude the achievement of any affordable housing units on the site. 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, it becomes increasingly difficult to achieve these targets if development applications proceed without supplying any affordable units.

Staff recognize that achieving affordable housing targets will generally require partnerships between developers, the Town, and the Region. Financial modeling by staff from the Region has demonstrated that affordable housing at even the threshold of affordability will require significant incentives to reach the levels of feasibility of market-price developments. It should not be thought that requests for incentives to reach affordable housing targets are a windfall for developers – while a careful review of incentive tools is important for financial responsibility, it is well understood that

affordable housing cannot be achieved without some level of subsidization or the imposition of requirements through inclusionary zoning.

Servicing allocation

The applicant has noted that they are engaged in conversations with York Region regarding participating in the “Sustainable Development Through LEED” program, which reduces the required number of servicing allocation units for developments that meet sustainability metrics. In effect, such developments can allow the Town to recoup allocation units.

Participation in this program would be among the first developments in York Region to adopt the program, and would assist slightly with the Town’s limited allocation capacity. 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

The applicant is continuing in discussions with the Region as to whether the development may participate in this program, although this is not yet determined. The recommendations of this report would provide allocation for the first two phases, and the conditions attached to the provided incentives would require the applicant to participate in the Region’s LEED program. This would return 30% of the allocation required for the first two phases, being 201 units – in effect, almost all of the allocation required for the third building would then be new allocation returned to the Town. The recommendations of this report would then allow this newly-created allocation to be used for the third building. As the Servicing Allocation Policy provides, if any allocation provided to the developer is not used within one year the Town rescinds the allocation for other use.

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 two of the three buildings simultaneously with one as a rental and one as a condominium, subject to the requested incentives and availability of servicing allocation. 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.

The applicant has expressed that they are willing to commit to building one of the buildings as a condominium and requested a commitment from the Town that servicing for the condominium building will be granted from the condominium reserve. This certainty will facilitate their ability to begin pre-sales and raise the necessary financing for the building and advance its construction.

Road network

As was discussed in Report 2018-52 in August of 2018, the Deerfield Road application includes the conveyance of the Calgain Road lands from the applicant to the Town for part of the future UCSP street network. The UCSP also calls for Deerfield Road to be conveyed to become a private road, as laid out in Report 2018-52. While the road lands have a value, this value is reduced by necessary burdens on the road lands. These include that the Town will retain its benefit of the road in perpetuity due to public right-of-way easements over the land, and that the Town will reduce its future liabilities and costs by obliging the applicant to reconstruct and maintain the road. Given this, it is recommended that the Town not require an additional payment for the road lands and any additional value be considered a further incentive to achieve the development as laid out in this report and Report 2018-62.

Recommendations

Newmarket is poised for growth and development focused on the Yonge Street and Davis Drive corridors. The Town has implemented a number of efforts to permit and encourage intensification. Certain Town objectives such as overall growth and intensification on the corridors will be achieved through development driven by the market. Other objectives such as increasing rental housing stock and creating new affordable housing units will likely not occur without either imposing requirements through by-laws or encouraging through financial incentives.

General recommendations

The Town evaluates on an ongoing basis what incentives it is prepared to offer to achieve its objectives of bringing new development, diversifying housing stock, and creating affordable housing. These incentives should, to the greatest possible degree, be aligned with those offered by the Region and further supported by investments from senior levels of government.

It should be acknowledged that certain Town objectives such as growing rental supply and achieving affordable housing may not be met without the use of financial incentives such as those discussed in this report or mandates such as inclusionary zoning.

The Town should explore tools such as TIEGS and deferrals to continue to encourage development. Furthermore, the recently-released municipal authority to implement inclusionary zoning should be considered as a predictable and consistent tool to achieve the Town's affordable housing objectives.

Deerfield recommendations

Based on the above discussion, staff recommend the incentives listed in Attachment 1 be provided for 175 Deerfield Road. If Committee adopts the recommendations of this report, these incentives, combined with height and density bonusing under Section 37 of

the *Planning Act*, will serve to secure the following matters through the various planning and financial tools:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area
- Subject to providing a TIEG, at least 19 of the dwelling units in Building 1, and at least 13 units in Building 2, being each at least one bedroom and five hundred square feet in size, to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease

To secure these benefits, it is recommended that Committee adopt the recommendations of companion Report 2018-62, which will serve to enact the amending Zoning By-law for the property and secure the benefits through Section 37 of the *Planning Act*.

This report, if its recommendations are adopted, would not bind the Town to providing the recommended incentives. Council is prohibited from making such a decision at this time by Section 275 of the *Municipal Act*, often referred to as the “lame duck” provisions. Rather, this report would indicate support in principle for a final decision to be rendered by the new Council and to authorize staff to begin the necessary groundwork.

Conclusion

Council has approved the zoning by-law amendment for 175 Deerfield Road, and if Council approves in principle the financial incentives discussed in this report then the Town will secure the matters laid out in the amending Zoning By-law attached to Report 62, subject to the final approval of financial incentives by the newly-elected Council in 2019. If Council denies the requested financial incentives, then the benefits will not be secured and the development may proceed without providing these benefits.

Business Plan and Strategic Plan Linkages

Describe the Strategic Plan Linkages, such as the Community vision, Corporate mission and/or Core Values.

Consultation

The Strategic Leadership Team was consulted in the drafting of this report. The report was provided for comment to staff from Financial Services and Legal Services.

Human Resource Considerations

None.

Budget Impact

Subject to final Council approval in 2019, Development charges and fees will be deferred as laid out in Attachment 1. It is not anticipated that deferring DCs will impact the Town's capital works program. Locking in DCs to be paid at the 2018 rate has a projected cost of \$767,112. Subject to final Council approval in 2019, a 10-year TIEG will be provided for the rental buildings at a cost of approximately \$2.7 million.

Increased property tax revenues of \$9.8 million are projected over 10 years post-completion. Less the value of the TIEG, an increased property tax revenue over 10 years of \$7.1 million is projected.

Attachments

Attachment 1: Incentives, Terms & Conditions

Approval

Ted Horton, Planner

Richard Nethery, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

Ted Horton, Planner

thorton@newmarket.ca

Attachment 1: Incentives, terms, and conditions

Incentive	Incentive – Rental Buildings	Incentive – Condo Building
DC Deferral	48 Month DC deferral payable at rate in place upon date of both Zoning By-law Amendment Application being approved and Site Plan Approval Application being complete.	48 Month DC deferral payable at rate in place on date of building permit issue.
Fee Deferral	Defer 50% of any fees not yet paid for 48 months from date of required payment: All unpaid fees related to site plan approval and building (e.g. Engineering Review Fee, Legal Fee, Financial Administration Fee, Building permit fees).	
TIEG	A 10-year TIEG for the purpose-built rental buildings.	No incentive.
Servicing Allocation	Building 1: Granted immediately Building 2: Granted from refunded units from Region from LEED program when available	Building 2: Granted immediately from Strategic Condominium Reserve
Parkland Dedication	Deferral of parkland dedication. Cash-in-lieu deferred for 48 months from date of required payment. Land and infrastructure conveyance deferred for period laid out in conditions below.	
Conditions		
Deferral Subordination	To be addressed in the same manner as deferral agreement for 212 Davis Drive.	
Tenure	One building of not fewer than 180 dwelling units, and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years. One building of not fewer than 170 dwelling units to be guaranteed as a condominium.	
TIEG	Subject to the Region implementing a Community Improvement Plan and a Regional TIEG, and Council adopting future recommendations to implement a local TIEG. Council directs staff to begin process to amend Official Plan to allow participation in Regional CIPs, and to engage with the Region in support of the development of the CIP to allow the Town to offer this incentive in partnership with the Region.	

	<p>Provided that the Town offers the 10-year TIEG, at least 19 of the dwelling units, being each at least one bedroom and five hundred square feet in size in the guaranteed rental building indicated as Phase One on the site plan provided as part of the zoning by-law amendment application to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease. If the Town does not offer the 10-year TIEG, no affordable rental units will be provided.</p> <p>Provided that the Town offers the 10-year TIEG, at least 13 of the dwelling units, being each at least one bedroom and five hundred square feet in size in the guaranteed rental building indicated as Phase Three on the site plan provided as part of the zoning by-law amendment application to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease.</p> <p>If Council determines not to provide the TIEG, Council waives requirement 6.2.1 (vi) of the Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres.</p> <p>The owner is to cooperate with the Town in developing and implementing an eligibility guarantee system for any affordable units in the rental buildings.</p>
Deferral of fees	<p>Deferral and grandfathering of DCs requires the owner to obtain, before September 17, 2020, a building permit for the guaranteed rental building indicated as Phase One on the site plan provided as part of the zoning by-law amendment application.</p> <p>Deferral of parkland dedication requires that the owner convey to the Town physical lands in close proximity to the subject lands for the purposes of partial payment of required parkland dedication. Conveyance to take place not more than 60 days following first occupancy of the first building. Council agrees to vary the requirements of Section 3.2 of Parkland Dedication By-law 2017-56 to allow off-site land dedication to the satisfaction of the Director of Planning.</p>
Community benefits	<p>The owner is required to convey to the Town \$339,000 under Section 37 of the Planning Act for community benefits. These funds are to be in the form of cash or capital facilities and are to be allocated at the discretion of the Town toward park lands, public art, and park infrastructure in close proximity to the subject lands. Payment is to be made in 3 amounts of \$113,000, one payment or conveyance of</p>

	capital made within 60 days of occupancy of each of the buildings.
Servicing allocation	<p>Allocation is subject to the Servicing Allocation Policy, in particular regarding the Town's right to withdraw allocation if it is not used.</p> <p>Allocation is provided for the first two buildings, and will be provided to the third building upon the Town receiving the refund of 30% of allocation of units from the Region due to participation in the Region's Sustainable Development Through LEED program.</p>
Three-stream waste	Each building to provide a waste disposal system including three-stream waste infrastructure to each floor.
Agreement	Applicant to enter into a Section 37 Agreement and DC Deferral Agreement to secure matters in a form similar to the agreement used for 212 Davis Drive.



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

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

Report Number: 2018-62

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1;
2. That staff be authorized and directed to do all things necessary to give effect to this report;
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

Purpose

On August 27, 2018 Committee approved in principle the Zoning By-law amendment application for 175 Deerfield Road, file number D14-NP17-20. This report is a companion to Report 2018-61, titled Incentives for Affordable and Rental Housing on this agenda, in which incentives for the development are proposed.

This matter has been presented to Committee at the August and September 2018 meetings through two sets of reports in order to divide (1) the question of the application on its merits to be decided in light of the requirements of the *Planning Act* from (2) the question of incentives as a corporate strategic decision to secure community benefits as supported by the Urban Centres Secondary Plan (“UCSP”).

Background

Committee of the Whole adopted preliminary Planning and Building Services Report 2018-17 on March 19, 2018, to refer the Zoning By-law Amendment for 175 Deerfield Road (the “subject lands”) to a statutory public meeting. On August 27, Committee adopted the recommendations of Report 2018-52 regarding Incentives for Affordable and Rental Housing, approving the application, and directed staff to prepare a by-law to enact the approval. Report 2018-52 also discussed incentives that were requested by the applicant in order for the Town to secure community benefits as part of the development.

As Committee has approved the overall application, this report presents the By-law to enact the approval and in particular provides the list of community benefits that will be secured as a condition of approval if Committee grants the requested incentives.

Other relevant reports

- [Preliminary Report \(Item 7\)](#)
- [Recommendation Report](#)

Discussion

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.

The applicant has proposed to employ Section 37 to increase the height and density of the development as is permitted by the UCSP. As particular community benefits to justify the increase in height and density the applicant has proposed the benefits discussed in Report 2018-61.

This report presents only the Amending Zoning By-law to enact the approved development. The development standards, use, and holding provisions are in line with those presented Report 2018-52. The recommendation for Committee is to enact the By-law with the Section 37 (required community benefits) provisions. The rationale for these incentives is discussed in Report 2018-52 and Report 2018-61 and this report provides only the By-law for Committee to consider.

This By-law includes Section 37 community benefits that will be secured as a condition of the increased height and density, and in exchange for this increase and the financial incentives. These benefits include:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium

- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

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.

The community benefits listed in the By-law will be secured through the use of Section 37 agreement and other agreements, as required.

Business Plan and Strategic Plan Linkages

Well Balanced

- Meeting the needs of all life-cycle stages

Well-equipped & managed

- Varied housing types, affordability and densities

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.

This report has been provided for review to the Senior Leadership Team and to staff from Legal Services and Financial Services.

Human Resource Considerations

None.

Budget Impact

The adoption of one of the attached By-laws will have no direct financial impact. The financial impact of the requested incentives is discussed in Report 2018-61.

Attachments

- Attachment 1: Amending Zoning By-law

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



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Attachment 1: Amending Zoning By-law

Corporation of the Town of Newmarket

By-law 2018-XX

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 175 Deerfield Road and the Deerfield Road Right-of-Way, Newmarket.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the Town of Newmarket contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 2010-40, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the Town of Newmarket;

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

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

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. THAT By-law 2010-40 as amended is hereby further amended by:
 - a. Deleting from Schedule 'A' Map No. 10 the Regional Urban Centre (UC-R) Zone on 175 Deerfield Road and substituting therefore the Regional Urban Centre Exception 144 ((H)UC-R-144) Zone

b. Adding the following Section 8.1.1. List of Exceptions:

Exception 144	Zoning (H)UC-R-144	Map 10	By-Law Reference 2018-XX	File Reference D14-NP17-20
i)	Location:	175 Deerfield Road and the Deerfield Road Right-of-Way		
ii)	Legal Description:	Pt Lt 5 Pl 32 Whitchurch; Pt Lt 6 Pl 32 Whitchurch As In A39024A, A21661A Except Pt 1, Exprop Pl YR2224452; Together With An Easement Over Pt Lt 4, Pl 32, Pts 3 & 4, 65R34936 As In YR2129520 Town Of Newmarket Pt Lt 6 Pl 32 Whitchurch As In A21662A, Aka Deerfield Road ; Town Of Newmarket		
iii)	Notwithstanding Section 6.4.1, Live Work Unit and Stacked Townhouse shall be permitted.			
iv)	Notwithstanding the definition of “Lot” in Section 3, Parcel A and Parcel B as shown in Schedule 1, are deemed one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of a plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of this By-law.			
v)	Development Standards:			
	(a) Established grades for each building identified on Schedule “2” to this By-law:		Building 1 – 256.07 metres above sea-level Building 2 – 258.71 metres above sea-level Building 3 – 254.92 metres above sea-level	
	Notwithstanding the definition of “Height” in Section 3, height shall mean the vertical distance measured between the average established grades as identified for each building and the top of the building exclusive of mechanical penthouse, parapets, green roofs, roof terraces, roof assemblies and stair pop-			

	ups structures.	
	(b) Building Height (minimum):	4 storeys (14 m)– Parcel A 3 storeys (11 m) – Parcel B
	(c) Building Height (maximum):	12 storeys (38 m)– Parcel A 15 storeys (47 m)– Parcel A subject to entering into an agreement pursuant to Section 37 of the <i>Planning Act</i> 8 storeys (26 m)– Parcel B
		10 storeys (32 m)– Parcel B subject to entering into an agreement pursuant to Section 37 of the <i>Planning Act</i>
	(d) Floor Space Index (minimum):	2.0 – Parcel A 1.5 – Parcel B
	(e) Floor Space Index (maximum):	2.5 – Parcel A 2.0 – Parcel B
	(f) Floor Space Index (discretionary maximum):	3.0 – Parcel A subject to the lifting of holding provision 2.5 – Parcel B subject to the lifting of holding provision
	(g) Building setbacks shall be as shown on Schedule “2” to this By-law.	
	(i) Notwithstanding required setbacks and permitted encroachments, structures below established grades may encroach into required yards	
	(h) Minimum loading	One (1) loading space shall be provided for each building regardless of Gross Floor Areas.
	(i) Bicycle parking	Minimum 0.33 spaces per dwelling unit within a building and Minimum 0.1 spaces per dwelling unit outside of a building
	(j) Notwithstanding Section 5, no additional parking shall be required for units on the first floor that include live-work units or commercial uses	
	(k) Notwithstanding Section 4, the following may also be permitted to encroach	

	<p>into required yards:</p> <p>Bollards, cornices, lighting fixtures, awnings, canopies, architectural features, ornamental structures, parapets, trellises, terraces, columns, guardrails, balustrades, railings, stairs, stair landings, retaining walls, monitor wells, driveways, private roads, covered or uncovered bicycle parking areas, walkways, patios, fences and safety railings, accessibility ramps, safety or wind protection features, landscape features, and other ornamental or accessory structures.</p>
vi)	<p>Conveyance</p> <p>i) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.</p>
vii)	<p>Section 37 Provisions</p> <p>(i) Pursuant to Section 37 of the <i>Planning Act</i>, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as (H)UC-R-144 on Schedule 1 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 3 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the <i>Planning Act</i> that are in a form and registered on title to the lands to the satisfaction of the Municipal Solicitor.</p> <p>(ii) Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.</p> <p>(iii) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this exception, unless the provisions of Schedule 3 of such By-law are satisfied.</p>

1. List of Holding Provisions

The following holding provisions apply to the properties specified:

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2018-XX	<p>175 Deerfield Road</p> <p>Parcel A as identified by Schedule "1" to this By-</p>	No person within the lands zoned (H)UC-R-144 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of	Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has

	law	<p>this By-law.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and registration of the Record(s) of Site Condition. Prior to these activities taking place the</p>	<p>been filed for the site.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p> <p>That sufficient servicing capacity has been allocated by the Town.</p> <p>Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads.</p> <p>Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road.</p> <p>Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel A to</p>
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		<p>applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>the satisfaction of the Town to permit the discretionary maximum height of 15 storeys and discretionary maximum density of 3.0 FSI.</p> <p>Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible.</p> <p>A Site Plan Agreement to permit the residential development as proposed on Parcel A has been entered into between the Town and the property owner and registered on title to the property.</p> <p>That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
1. 2018-XX	<p>175 Deerfield Road</p> <p>Parcel B as identified by Schedule "1"</p>	<p>No person within the lands zoned (H)UC-R-144 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of</p>	<p>Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has</p>

	to this By-law	<p>this By-law.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and registration of the Record(s) of Site Condition. Prior to these activities taking place the</p>	<p>been filed for the site.</p> <p>That sufficient servicing capacity has been allocated by the Town.</p> <p>Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p> <p>Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads. Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road. Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction</p>
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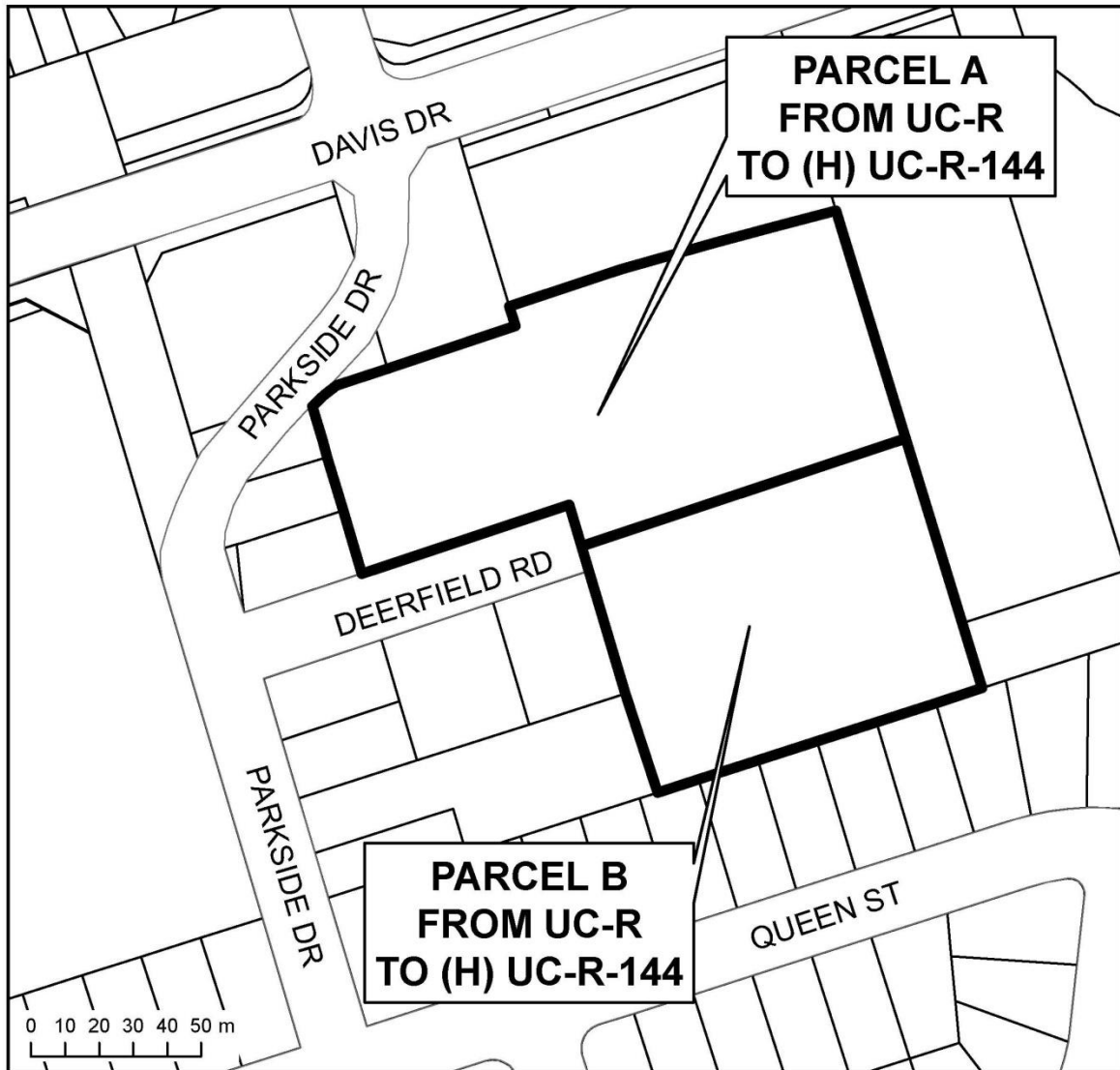
		<p>applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel B to the satisfaction of the Town to permit the discretionary maximum height of 10 storeys and discretionary maximum density of 2.5 FSI.</p> <p>A Site Plan Agreement to permit the residential development as proposed on Parcel B has been entered into between the Town and the property owner and registered on title to the property.</p> <p>That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
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TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 175 DEERFIELD RD
 PLAN 32 PT LOTS 5 6
 RP 65R21851 PT PART 2

This is Schedule 'X'
 To Bylaw 2018-
 Passed this _____ Day
 of _____, 2018.

MAYOR _____

CLERK _____

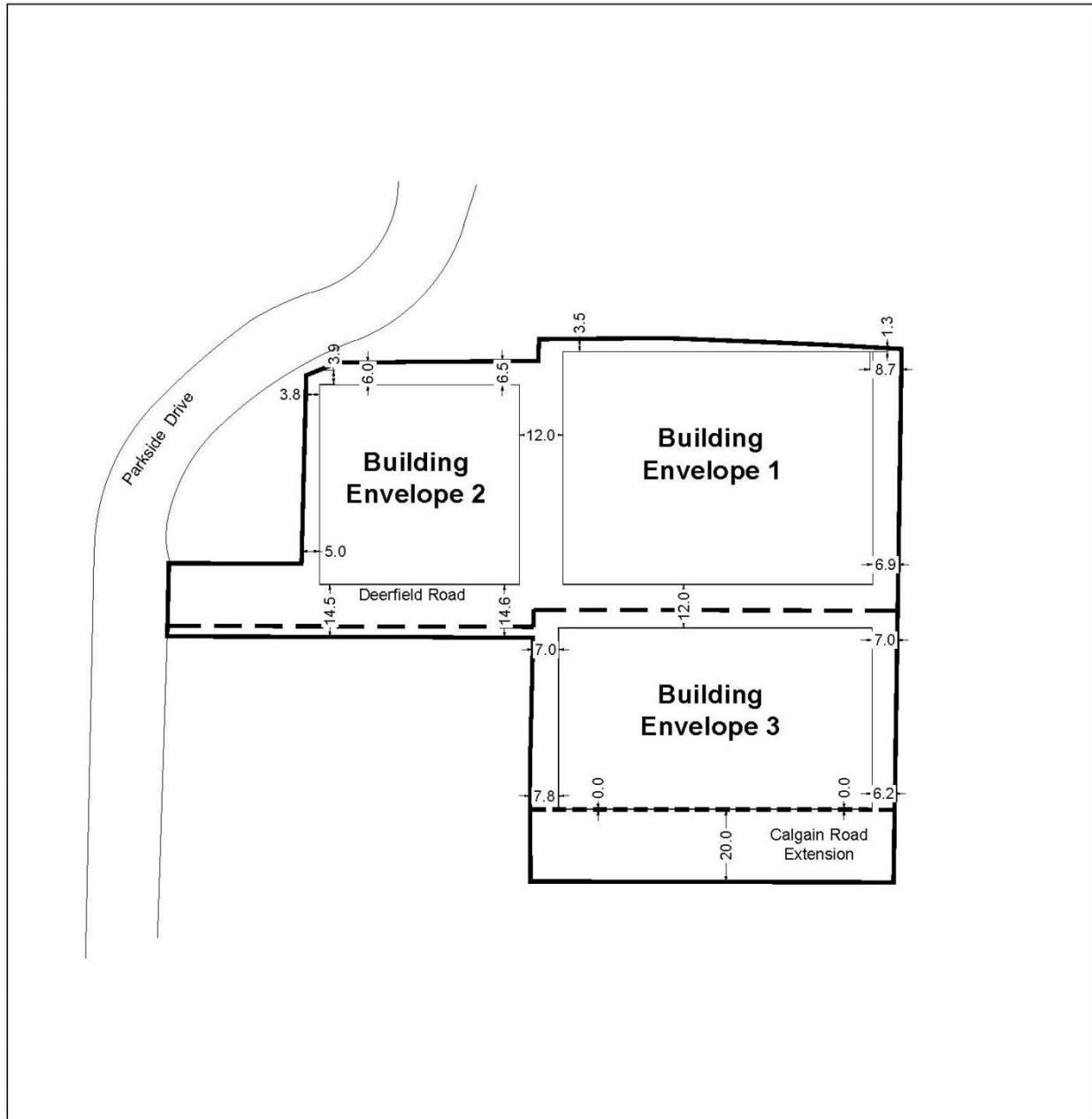


SCHEDULE "1" TO BY-LAW 2018-
 TOWN OF NEWMARKET PLANNING DEPARTMENT



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Schedule 2

175 Deerfield Road,
Newmarket, Ontario

LEGEND

 Property Line

SCHEDULE 3

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the Town at the owner's expense in return for the increase in height and density of the proposed development on the lands shown as (H)UC-R-144 on Schedule 1 of this By-law, and secured in an agreement or agreements registered on title to the property pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

1. One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, is to be guaranteed of rental tenure for a period of not less than 20 years.
2. One building of not fewer than 170 dwelling units is to be guaranteed as a condominium.
3. The owner is required to convey to the Town \$339,000 under Section 37 of the Planning Act for community benefits. These funds are to be in the form of cash or capital facilities and are to be allocated at the discretion of the Town toward park lands, public art, and park infrastructure in close proximity to the subject lands. Payment is to be made in 3 amounts of \$113,000, one payment or conveyance of capital made within 60 days of occupancy of each of the buildings.
4. To provide easements in favor of the Town to be registered on title to the Deerfield Road lands to ensure public access over the private roads.
5. To execute agreements to ensure the owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road. To execute agreements to ensure access for abutting property owners over the roads during and after construction.
6. To provide easements in favor of the Town or executed agreements to provide the same over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



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

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Zoning By-law Review Phase One Staff Report

Report Number: 2018-54

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received;
2. That the proposed amendments to Zoning By-Law 2010-40 be adopted;
3. 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; and
4. That staff be directed to do all things necessary to give effect to the recommendations in this report

Executive Summary

Planning Services has undertaken a review of the Town's zoning by-laws in order to address oversights, address technical updates, clarify requirements, improve design standards and accessibility, and modernise use permissions. Committee of the Whole was presented with this effort under Planning and Building Services Report 2017-25 and 2018-21. A statutory public meeting was held on August 27th, 2018. This report provides the recommended amendments to Zoning By-law 2010-40 for adoption.

Purpose

This report serves to inform Committee of the Whole of the final recommended amendments for Phase One of the Zoning By-law Review. For clarity and consistency, it is intended that this amendment occur alongside the Urban Centres Secondary Plan Zoning By-law.

Background

Context

Since its adoption in 2010 Zoning By-law 2010-40, has been the subject of some 38 zoning by-law amendment applications, more than 160 minor variances, and more than 7,500 building permits. The implementation of the zoning by-laws through these applications has revealed improvements that can be made.

Staff have prioritized and divided the proposed amendments as necessary to address them in manageable and understandable groups. Phase One of the Zoning By-law Review is presented in this report for adoption, and this phase addresses principally less complex matters. These include amendments from a range of source areas:

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

Subsequent phases will address more complex matters as discussed in Planning and Building Services Report 2017-25 and 2018-21, including changes in provincial legislation related to Accessory Dwelling Units, judicial/tribunal decisions related to group homes, ongoing efforts at clarification and simplification, and policies related to source water protection.

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. An analysis of the conformity of the proposed amendments was provided in Planning and Building Services Report 2018-21.

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

of this report and the preliminary report. Additional comments are presented below for greater context.

York Region

Staff from the Regional Municipality of York have provided comments on the application. Where possible, Planning staff have integrated these comments. Some of the comments provided by Regional staff are addressed through the proposed amendments or existing requirements of zoning or the Site Plan Approval Process Manual. These include:

- Preferential locations for carpool, car-sharing, and bicycle parking

Many of the comments from Regional staff address matters that Planning staff have identified as requiring further amendments to address in Phase Two of the Zoning By-law Review. These include:

- Coordinating land use permissions in Open Space (OS) zones with those set out in the York Region Official Plan
- Permitting Accessory Dwelling Units in townhouses and accessory buildings, as required by the York Region Official Plan and the *Planning Act*
- Broadening permissions related to live-work units
- Coordinating land use permissions in Employment zones with those set out in the York Region Official Plan
- Clarification of which zones permit renewable energy projects
- Implementation of source water protection and wellhead protection area mapping

Other comments from Regional staff are not able to be addressed through this zoning by-law and may require coordination of other efforts related to the parking by-law, the Urban Centres Secondary Plan zoning by-law, and site plan approval development standards. These include:

- On-street parking permissions
- Parking lot design to facilitate redevelopment and retrofitting
- Height and density bonusing in the Urban Centres Secondary Plan area

Effect of Public Input

Planning Services received feedback from several members of the public in response to this proposed amendment. This feedback generally encompasses three areas. First, some residents had questions regarding Phase Two of the Zoning By-law Review and what the outcome of the matters to be addressed in that phase might be. Planning Services has noted that the results of the second phase will not be determined until the research and consultation required have taken place.

Second, some residents inquired with questions regarding individual properties. Planning Services clarified the proposed changes related to each site, and received no objections to the proposed changes.

Third, a member of the public wished to clarify that existing land uses related to motor vehicle repair would not be altered as they have business interests in such uses. Planning Services confirmed and verified in the amendment that no reduction in the permissions for operating a motor vehicle repair use would be proposed.

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.

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 were provided to the Town's review partners per standard practice. Notice was provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

Human Resource Considerations

No human resources impacts are anticipated as a result of this report.

Budget Impact

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

Attachments

Attachment 1: List of proposed amendments.

Approval

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

Ted Horton – thorton@newmarket.ca

Attachment 1: List of Proposed Amendments

Point to Address	Cause of concern	Proposed amendments	Explanation		
(1) Exception 119	The by-law presented two different figures (25% and 20%) for the same requirement in different parts of the text.	<p>Amend Exception 119 * where it reads:</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>To instead read:</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">• 10% of the total lot area or• 75% of the ground floor area of the main building, <p>for roofed accessory buildings or structures in addition to the 25% lot coverage for main dwellings.</p>	Clarifies the maximum lot coverage for accessory buildings, where the by-law cited two different figures.		
(2) Parking requirement for car dealerships	Different uses take place on the lot (sales, office, repair) and it has proven difficult to	<p>Amend Section 5.3.2 to add:</p> <table><tr><td>Motor Vehicle Sales Establishment</td><td>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing,</td></tr></table>	Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing,	Establishes a straightforward parking requirement for new car
Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing,				

	calculate a single parking requirement for the lot.		displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces		dealerships.
(3) Recreational vehicles	<p>A recent amendment related to recreational vehicle parking did not limit parking in all ways that were intended.</p> <p>The by-law requires greater clarity to indicate that human habitation in vehicles is not permitted.</p>	<p>Amend Section 5.8.2 ii to read:</p> <p>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.</p> <p>Add to Section 4.19:</p> <p>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.</p>			Clarifies what constitutes a 'yard' for the purposes of this restriction, while maintaining existing rules on recreational vehicle parking.
(4) Open Outdoor Storage	Some lots with permission to have outdoor accessory storage have stored goods	<p>Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:</p> <p>(*1) Subject to 4.19.X Accessory Outdoor Storage</p>			Sets design requirements for outdoor storage without on what properties it is

	up to the lot line, while any structure would require a setback.	<p>Add to section 4.19: Specific Use Provisions</p> <p>4.19.X Accessory Outdoor Storage</p> <p>Where permitted, Accessory Outdoor Storage shall:</p> <ul style="list-style-type: none"> • not exceed 30% of the lot area; • not be visible from a street; • be screened by an opaque fence; • only be located in a side and/or rear yard; • be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres; • not be located in any landscaped area or required parking area; and • not exceed 4.5m in height. 	allowed.
(5) Micro-breweries and similar emerging uses	Currently difficult to establish a micro-brewery based on how restaurant and manufacturing uses are laid out in the by-law.	<p>Amend the definitions to include:</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>Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the following zones:</p> <ul style="list-style-type: none"> • CS • CR-1 • CR-2 • UC-D1 • UC-D2 	Simplifies rules for uses that both produce (manufacture) and retail goods on-site.

		<ul style="list-style-type: none">• EM• EG• EH <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Micro-Industrial uses</p> <p>Where a <i>Micro-Industrial</i> use is permitted, the following requirements shall apply:</p> <ul style="list-style-type: none">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.ii) All production, retailing, and distribution associated with a <i>Micro-Industrial</i> use 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.iii) Where permitted in an EG zone, <i>retail</i> associated with a <i>Micro-Industrial</i> use 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</i> use shall not exceed 20% of the GFA of the <i>premises</i> in which it is located.											
(6) Exception 4	Error in compiling 2010-40 led to certain site-specific zoning rights not being properly carried forward.	<p>Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following.</p> <table><tr><th>Exception</th><th>Zoning</th><th>Map</th><th>By-Law Reference</th><th>File Reference</th></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>	Exception	Zoning	Map	By-Law Reference	File Reference						Re-establishes site-specific rules that were in place since the 1980's but not maintained under the 2010
Exception	Zoning	Map	By-Law Reference	File Reference									

		<table><tr><td>XX</td><td>CO-XX</td><td>XX</td><td>1983-71 1988-138 2017-XX</td><td></td></tr><tr><td colspan="5"><p>i) Location: 482 Queen Street</p><p>ii) Development standards:</p><p>a. The permitted commercial floor area shall not be less than forty-five square metres.</p><p>iii) Permitted uses:</p><p>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i>.</p></td></tr><tr><td colspan="5"><p>Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.</p></td></tr><tr><td>Exception</td><td>Zoning</td><td>Map</td><td>By-Law Reference 1983-70 2017-XX</td><td>File Reference</td></tr><tr><td>XX</td><td>CO1-4</td><td>XX</td><td></td><td></td></tr><tr><td colspan="5"><p>i) Location: 64-66 Prospect Street</p><p>ii) Development standards:</p><p>a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m².</p><p>iii) Permitted uses:</p><p>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i>; and</p><p>b. Not more than two <i>dwelling units</i>.</p></td></tr></table>	XX	CO-XX	XX	1983-71 1988-138 2017-XX		<p>i) Location: 482 Queen Street</p> <p>ii) Development standards:</p> <p>a. The permitted commercial floor area shall not be less than forty-five square metres.</p> <p>iii) Permitted uses:</p> <p>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i>.</p>					<p>Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.</p>					Exception	Zoning	Map	By-Law Reference 1983-70 2017-XX	File Reference	XX	CO1-4	XX			<p>i) Location: 64-66 Prospect Street</p> <p>ii) Development standards:</p> <p>a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m².</p> <p>iii) Permitted uses:</p> <p>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i>; and</p> <p>b. Not more than two <i>dwelling units</i>.</p>					by-law.
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(7) Consistent terminology	Access points from parking areas to the street are inconsistently	Amend the following sections to replace the word ramp with driveway or the word ramps with driveways: <ul style="list-style-type: none">5.5Exception 57	Makes more consistent the term for where a parking area																														

	referred to as “ramps”, “accesses”, “entrances”, or “driveways”.	<ul style="list-style-type: none"> • Exception 62 • Exception 65 • Exception 92 • Exception 108 • Exception 111 • Exception 116 <p>Amend the following sections to replace the word ramp with underground parking driveway ramp:</p> <ul style="list-style-type: none"> • Exception 51 • Exception 119 	connects to the street.
(8) Food Trucks	Food trucks and mobile restaurants on private property are not addressed by the zoning by-law.	<p>Add definition:</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>Add to section 4.19: Specific Use Provisions</p> <p>Add Section 4.19.X: Food Vehicles</p> <ul style="list-style-type: none"> 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. ii) Notwithstanding Section 5, no parking is required 	Clarifies that food trucks are generally permitted in all zones save for low-density residential.

		for a <i>Food Vehicle</i> .	
(9) Motor Vehicle Uses	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>Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to:</p> <ul style="list-style-type: none"> • delete Motor Vehicle Repair Facility <p>Amend the definitions to:</p> <ul style="list-style-type: none"> • delete the definition of Motor Vehicle Repair Facility <p>Amend the definitions of Motor Vehicle Service Shop to read:</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>Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:</p> <ul style="list-style-type: none"> • delete the word “including” and replace it with the word “excluding” <p>Amend Section 6.5.1 to add Motor Vehicle Service Shop as a permitted use in the following zones:</p>	Simplifies rules of motor-vehicle repair uses.

		<ul style="list-style-type: none"> • EG • E 	
<p>(10) Places of Entertainment</p> <p>Commercial Athletic Centre</p>	<p>Very similar recreational uses with little clarity why there should be a distinction.</p>	<p>Amend section 5.3.2 to:</p> <ul style="list-style-type: none"> • delete the row for Place of Entertainment <p>Amend the definitions to:</p> <ul style="list-style-type: none"> • delete the definition of <i>Place of Entertainment</i> <p>Amend the definitions of <i>Commercial Athletic Centre</i> to read:</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>Amend the by-law to:</p> <ul style="list-style-type: none"> • delete all reference to <i>Place of Entertainment</i> • replace all references to Commercial Athletic Centre with Commercial Recreation Centre • add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones • implement a parking requirement of 1 <i>parking space</i> per 20m² of gross floor area for use by the public. 	<p>Simplifies the by-law by combining two similar categories of use related to entertainment into one.</p>

		Amend Exception 102 to: <ul style="list-style-type: none"> replace Place of Entertainment with Commercial Recreation Centre 	
(11) Exception 61	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.	Amend Exception 61 to read: iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.	Clarifies the longstanding requirement for a landscape buffer along the south edge of properties on the south side of Nellie Little Crescent.
(12) 6.2.3 (*3) and (*4)	Unclear wording has led to confusion.	Amend Section 6.2.3 (*3) and (*4) to read: (*3) 6 metres between blocks of row or townhouses or 3 metres from <i>lot line</i> . (*4) 3.6 metres between pairs of link dwellings or 1.8 metres from <i>lot line</i> .	Clarifies the side-yard setback for townhouses and link homes.

(13) Decks	Common design questions related to decks are not clearly addressed by the by-law.	Add to Section 4.2: 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.	Updates rules for decks to clarify that a two-level deck is permitted, but a roof over a deck in a required yard is not.		
(14) Long term care facility parking rate	Difficult to apply rate for this type of facility as the number of beds and patients can vary from the number of “dwelling units”.	Amend Section 5.3.2 as follows: <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 100m² 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 ² 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 ² of <i>gross floor area</i> used for all other purposes				

(15) Parking area design	Lack of clarity in various sections related to parking space size and parking area design.	Amend Section 5.2.2 to read:	Updates parking space sizes of barrier-free spaces.													
		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">Fewer than 5</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">5 or More</td><td>Parallel</td><td>2.6m by 6.7m</td></tr><tr><td>Perpendicular</td><td>2.7m by 5.5m</td></tr></table>		Number of required spaces	Parking space configuration	Minimum size	Fewer than 5	Parallel	2.6m by 6.7m	Perpendicular	2.6m by 5.0m	5 or More	Parallel	2.6m by 6.7m	Perpendicular	2.7m by 5.5m
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		5 or More		Parallel	2.6m by 6.7m											
				Perpendicular	2.7m by 5.5m											
		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>45 degrees</td><td>4.5 metres</td><td>One Way</td></tr><tr><td>90 degrees</td><td>6.0 metres</td><td>Two Way</td></tr></table>	Angle of Parking Space	Minimum Aisle Width	Direction	45 degrees	4.5 metres	One Way	90 degrees	6.0 metres	Two Way							
Angle of Parking Space	Minimum Aisle Width	Direction														
45 degrees	4.5 metres	One Way														
90 degrees	6.0 metres	Two Way														
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																

		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.													
(16) Pedestrian access	Site design standards require vehicular access but have no specific standards to require pedestrian connections.	Amend Section 5.5 under Required Parking Spaces: 5 or more to add: 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 by requiring clear pedestrian access routes in parking lots.												
(17) Urban Centres	Downtown area should no longer be titled an “Urban Centre”, as this term is used for Secondary Plan area.	Amend the following sections to replace the terms as follows: <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	Removes term “Urban Centre” from downtown area to avoid confusion with Secondary Plan area.
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)		
(18) Commercial motor vehicle	Not present in the zoning by-law	<p>Amend section 5.81 to read:</p> <p>i) On any <i>lot</i> within a Residential <i>Zone</i>, 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 <i>Zone</i>.</p> <p>Add definition:</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>				Clarifies definition of a commercial motor vehicle without changing permissions of where they can be parked.
(19)	Rooftop	Amend definition of Patio, Commercial Rooftop:				Clarifies that

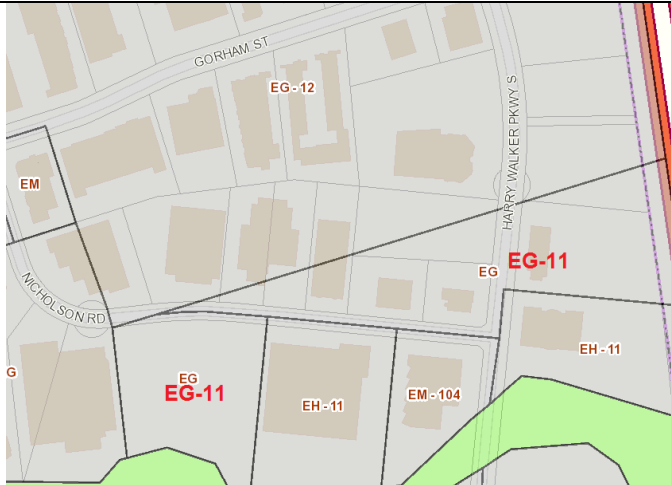
Commercial Rooftop Patios	Commercial Patios are defined in the By-law but not specifically permitted or prohibited.	<p>Patio, Commercial Rooftop Means any portion of a rooftop dedicated as an outdoor serving area that is an <i>accessory use</i> to a <i>restaurant</i> or to a commercial use.</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Commercial Rooftop Patios</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">i) A <i>commercial rooftop patio</i> is prohibited in association with an <i>adult entertainment parlour</i>;ii) The maximum size of a <i>commercial rooftop patio</i> is 50 % of the <i>gross floor area</i> used for the principal use;iii) The design shall be established in accordance with an approved site plan;iv) A <i>commercial rooftop patio</i> must comply with any applicable requirements of the Town's licensing and noise by-laws.	rooftop patios are permitted and implements design requirements.						
(20) Porticoes	Not defined in the by-law, and the intent of allowing for certain roofed encroachments is generally captured by other sections (e.g. porches).	<p>Delete permitted encroachment for Canopies/Porticoes.</p> <p>Amend permitted encroachment for Porches to include Porticoes, reading:</p> <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr><tr><td><i>Porches,</i></td><td><i>Front and exterior</i></td><td>May encroach 2.4</td></tr></table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	<i>Porches,</i>	<i>Front and exterior</i>	May encroach 2.4	Continues to permit covered porches and gives porticoes the same permission.
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment							
<i>Porches,</i>	<i>Front and exterior</i>	May encroach 2.4							

		<i>Porticoes</i> Open, Uncovered or Covered with a platform no higher than the first <i>storey</i> of the <i>building</i> above <i>established grade</i> .	<i>side yards</i>	metres into the required yard including eaves, cornices and steps but no closer than 1.5 metres to the lot line.	
(21) Exception 119 and Building Heights	The current definition does not specify that average front grade is to be used, which is the existing practice.	Amend Exception 119 Section ii) a) to read: 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.			Clarifies how to measure height of buildings in the older areas of town.
(22) Legal Non- conforming Structures	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.	Amend Section 4.8 to read: 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. 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			Clarifies that illegal structures may not be reconstructed.

		increase the <i>height</i> , size or volume or change the <i>use</i> of such <i>building</i> or <i>structure</i> .	
(23) GFA definition	Unclear definition.	<p>Amend the following definitions to read:</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. For the purposes of calculating required parking spaces, all common areas within buildings including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling height of less than 1.8 metres shall be excluded.</p> <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>	Clarifies which floor areas are included in GFA and NFA calculations
(24) Porches	The encroachment provisions for porches are unclear in how	<p>Amend the section of the encroachment table in Section 4.2 related to Porches to read:</p> <p>Porches - Open, Uncovered or Covered with a platform no</p>	Clarifies the limits on porch height.

	they intend to limit porch height.	higher than the floor of the first storey of the building above established grade	
(25) Pools	<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>Add section 4.4 vii:</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>Amend Section 4.4 iii):</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>	Emphasizes that pools in the floodplain require a permit from the LSRCA.
(26) Repeal of Former By-laws	Mis-cited by-law number for Oak Ridges Moraine	<p>Amend Section 1.9 a) i)</p> <p>Subject to 2003-121 (Oak Ridges Moraine)</p>	Corrects a mis-citation of a by-law number.
(27) Single detached dwellings	Providing greater clarity that a typical single detached dwelling lot permits one home.	<p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Single Detached Dwellings</p> <p>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>.</p>	Adds clarity to specifically note the maximum number of dwellings, maintaining existing

			permissions.
(28) Nightclubs	The Town does not license nightclubs, but the zoning by-law sets out that they are subject to municipal licensing requirements.	Delete Section 6.5.1 (*6).	Corrects a reference to licensing nightclubs, which the Town does not do.
(29) Floodplain and the PPS	The incorrect section of the Provincial Policy Statement is cited with regard to uses prohibited.	Amend Section 7.1.1 to read: Prohibited Uses 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: <input type="checkbox"/> <i>Group Home</i> ; <input type="checkbox"/> <i>Special Needs Facility</i> ; <input type="checkbox"/> <i>Accessory Dwelling Unit</i> ; and, <input type="checkbox"/> All other <i>uses</i> in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.	References the correct section of the Policy statement.
(30) Exceptions 11 and 12	Incorrect addresses were used to carry forward this site-specific building height permission.	Amend the zoning by-law maps to show:	Corrects an error in which certain properties were excluded from this exception.

			
(31) 852 Gorham	Is incorrectly zoned as an R1-B property, notwithstanding its long use as a veterinary clinic.	Amend the zoning for the property to add an exception to permit: <i>a Veterinary Clinic</i> <i>a Veterinary Hospital</i>	Permits the existing veterinary use by right.
(32) 820 Gorham	Has R1-B zoning despite being a church, is a holdover from past by-law allowing churches in R zones.	Amend the zoning for the property to I-B.	Permits the existing place of worship by right.
(33) Long-term care facility	The zoning by-law is unclear on the definitions and standards	Add definition of Retirement Residence: <i>Retirement Residence</i> means a building or part of a building licensed in accordance with applicable provincial legislation	Simplifies zoning rules related to retirement

definition	applicable to retirement residences.	<p>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>Amend Section 6 to permit a Retirement Residence in the following zones:</p> <p>UC-R, UC-D1, UC-D2, I-A, I-B</p> <p>Amend Section 5 to add the following parking requirement:</p> <p>Retirement Residence:</p> <p><i>0.5 parking space per unit plus 0.25 parking spaces per unit for visitors</i></p>	residences.						
(34) Eaves	The encroachment provision is unclear as to exactly what portions of a roof edge are included. The permitted encroachments do not reflect common building	<p>Amend Section 4.2 provision for Eaves to read:</p> <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</td><td>Any Yard</td><td>May encroach into a required yard a maximum</td></tr></table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Eaves, eavestroughs, gutters, or similar	Any Yard	May encroach into a required yard a maximum	Clarify where eaves are able to extend further than the building.
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment							
Eaves, eavestroughs, gutters, or similar	Any Yard	May encroach into a required yard a maximum							

	practice.	features		of 0.7 metres, and may be no closer to a lot line than 0.3 metres.	
(35) Outdoor parking	The by-law requires all parking to be outdoor. This would exclude any underground or structured parking.	<p>Amend the introduction to Section 5.3.1 to read:</p> <p>The minimum, off-street parking requirements for <i>residential uses</i> shall be as follows:</p> <p>Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse.</p> <p>(*x) Required <i>parking spaces</i> shall be provided exterior of any <i>garage</i> unless otherwise permitted by this by-law.</p>			Clarifies that underground and above-ground parking is permitted.
(36) Garbage enclosures	No zoning standards for locations of garbage enclosures.	<p>Add Section 4.X : Garbage and Waste Management</p> <p>Garbage containment shall be located within either a <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"> • Any Commercial <i>zone</i>; • Any Employment <i>zone</i>; • Any Institutional <i>zone</i>; • Any Open Space <i>zone</i>; or • Any lot containing an <i>Apartment Building</i>. <p>A <i>structure</i> primarily used for garbage containment or a garbage enclosure shall not be located:</p>			Establishes standards for where garbage can be stored for pickup.

		<ul style="list-style-type: none"> • In a front yard; • In an exterior side yard; • In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or • Within any required landscaped areas. <p>A <i>building</i> used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.</p>	
(37) Private home daycares	Private home daycares are permitted in some types of residential units and not others. Provincial regulations related to daycares have changed.	<p>Amend Section 6.2.1 to:</p> <p>Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.</p> <p>Amend Section 6.2.1 to:</p> <p>Amend (5) to read:</p> <p>(*) A Private Home Daycare must adhere to the 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>Amend the definition of Private Home Daycare to read:</p> <p>Private Home Daycare</p> <p>Means the <i>use</i> of a <i>dwelling unit</i> for temporary care of six or fewer children in exchange for compensation for a</p>	Updates zoning related to private home daycares under new Provincial legislation.

		continuous period not exceeding 24 hours.	
(38) R-X (G, K, L, M, N) zones	Several types of lots were left without exterior side yard setbacks.	Amend Section 6.2.2 to: Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L & M lots.	Provides setback requirements for some types of lots.
(39) R-X (P & R) zones	Several types of lots were left without maximum lot coverages.	Amend Section 6.2.2 to: Include 50% as maximum lot coverage for P & R lots.	Provides a coverage limit for some types of lots.
(40) Domestic animal care facilities	Lack of clarity that domestic animal care facilities are meant to be 'doggy day-cares' and not kennels.	Amend definition of Domestic Animal Care Facility to read: Domestic Animal Care Facility 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> . Add definition Kennel: 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> .	Clarifies that domestic animal care facilities are doggie daycares and not breeding kennels.
(41) Antennas and Satellite Dishes	Zoning regulates the number of satellite dishes but does not address	Amend section 4.1.5 to read: 4.1.5 Satellite Dishes and Antennas Satellite dishes with a maximum width of 1.0 metre each	Updates rules related to antennae and satellite dishes

	antennas.	<p>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 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>Amend Section 4.2 to add:</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> .	to treat them similarly.
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> .				
(42) Definition of attached	The by-law lacks clarity for when a structure should be treated as being “attached”.	<p>Add definition for Structure, Attached:</p> <p>Any structure that is attached to another structure by a common wall or by a common roof structure.</p>	Clarifies what constitutes a connected structure.			
(43) Cross-references	Lack of cross-reference can make determining all applicable	<p>Amend 5.3.3 to include:</p> <p>iv) Shall be located in accordance with Section 5.4.1.</p>	Adds references to other relevant sections of the by-law for ease			

	sections difficult for applicants.		of reading.
(44) Carpool spaces	Carpool spaces are required, but they are not defined in their use, location, or enforcement.	<p>Add definition:</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>Amend section 5.3.7 to read:</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"> i) 5% of the total required parking supply for any of these non-residential uses, or ii) 2.0 parking spaces <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>	Updates rules related to carpool parking spaces.

(45) Bicycle parking	<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>Add the definitions:</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>Amend Section 5.3.8 to read:</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 1000m² 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 ² of gross floor area	<p>Updates rules related to requirements for bike parking.</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 ² of gross floor area						

		<i>Manufacturing/Industrial</i>	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area
		<i>School</i>	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of gross floor area
		<i>Apartment Building</i>	0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit

Where *bicycle parking spaces* are located internal to a *building*, they shall be located:

- a. on the ground floor; or
- 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.

Bicycle parking spaces as required by this by-law shall not be located:

- a. in a dwelling unit; or
- b. on a balcony.

		<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><div>(46)</div><div>Landscape buffers</div></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</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>Front Yard</td><td>6.0 metres</td></tr></table></div>	Location of Landscape Buffer	Minimum Width of Landscape Buffer	Front Yard	6.0 metres	<div>Simplifies rules related to front-yard landscaping in the industrial areas.</div>
Location of Landscape Buffer	Minimum Width of Landscape Buffer						
Front Yard	6.0 metres						

	in it.	<table><tr><td>Exterior Side and <i>Rear Yard</i></td><td>3.0 metres</td></tr></table> Amend Section 4.14.3 (iv) to re-number it to: <ul style="list-style-type: none">• 4.14.X.	Exterior Side and <i>Rear Yard</i>	3.0 metres	
Exterior Side and <i>Rear Yard</i>	3.0 metres				
(47) Landscape Buffer Plantings	Wrong type of size measure for each type of plant.	Amend section 4.14.1 (iii) to read: 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> .	Establishes a minimum size for coniferous trees, deciduous trees, and shrubs.		
(48) Accessibility lifts	Accessibility ramps enjoy a generous encroachment provision that is not extended to lifts.	Add definitions: Accessibility Ramp 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> . Accessibility Lift 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> . Amend Section 4.2:	Updates rules for accessibility ramps in yards.		

		<table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr><tr><td>Accessibility Ramps or Wheelchair Lifts (*2)</td><td>Permitted in any <i>yard</i></td><td>No required setback</td></tr></table>	Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback	
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or 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 to 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>Amend all references to wheelchair ramps :</p> <p>To refer to them as accessibility ramps.</p>							
(49) Shipping containers	By-law does not specifically address shipping containers for storage or as a structure.	<p>Add definition:</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>Amend Section 4.1.2 to add:</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</p>	Adds design requirements for the use of shipping containers.						

		clad with exterior design materials similar to those used for the main building located on the lot.	
(50) Below-grade driveways	Reverse-slope driveways are not addressed, and can lead to basement flooding.	<p>Amend Section 6.2.3 to add:</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>Delete Section 5.5 iii).</p>	<p>Prohibits reverse-slope driveways except as provided for in site plan agreements.</p> <p>Removes multiple driveway access point provisions for low-density residential lots.</p>
(51) Residential Accessory Structures	Confusion over setback provisions related to accessory structures, detached garages, residential accessory structures, and corner lots.	<p>Amend definition of Residential Structure, Accessory to read:</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</p>	Clarifies and slightly changes permissions related to accessory residential structures.

garage or any mechanical equipment as defined under *air conditioner* or privacy screens erected on the ground.

Amend Section 4.2 encroachment provision to read:

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

Amend definition of Carport to read:

Carport

Means a *building* or *structure* attached to the principal or *main building*, 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 *motor vehicles*.

Amend Section 4.1.2 to read:

4.1.2 Accessory Buildings and Structures

Accessory buildings, structures and uses are permitted in all *zones* subject to the following provisions:

- i. The principle *use, building or structure* must already be established on the same *lot*.
- ii. No detached *accessory building or structure* may be used for human habitation or an occupation for gain, unless specifically permitted by this By-Law.
- iii. Unless otherwise specified, *accessory buildings and structures* shall comply with the following requirements.
- iv. *Accessory buildings and structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

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	

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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:

Zone	Maximum Total Lot Coverage
Residential Zones	the lesser of 15% of the total <i>lot</i> <i>area</i> or 75% of the ground floor <i>area of the main</i>
All Other Zones	15% of the <i>lot</i> <i>area</i>

vi) The maximum *height* of an *accessory building or structure* shall be as follows:

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 <i>accessory structure</i> is

(53) Fuel tanks	No existing regulations related to propane and fuel storage in the zoning by-law, or any outside of Wellhead Protection Areas.	Add the definition of Residential Structure, Accessory to add the following words to the list of examples included: fuel tank with a capacity of less than 1500L Add to section 4.19: Specific Use Provisions 4.19.x Fuel Tanks Where fuel tanks are permitted, the following standards shall apply to their location: i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory. ii) In any other zone, be located in accordance with an approved site plan. iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.	Permits a fuel tank on residential lots in a manner similar to other accessory residential features.			
(54) Fireplaces	No specific standards for where an outdoor fireplace can be located.	Amend Section 4.2 to add: <table><tr><td>Permitted Structure</td><td>Applicable Required</td><td>Required Setback or Permitted Encroachment</td></tr></table>	Permitted Structure	Applicable Required	Required Setback or Permitted Encroachment	Applies the existing requirements of the outdoor fire by-law through the zoning by-law.
Permitted Structure	Applicable Required	Required Setback or Permitted Encroachment				

		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.	
(55) AODA standards and barrier-free parking	Accessibility for Ontarians with Disabilities Act requires different standards for parking than 2010-40, and the AODA supersedes.	Amend Section 5.3.6 to read: 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:			Applies the requirement of the AODA to the number and design of barrier-free parking spaces.
		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.	

		<p>Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space.</p> <p>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.</p>	
(56) Coverage	Definition of Lot Coverage is unclear. It is intended to encompass all areas of a lot covered by a roofed structure.	<p>Amend definition of Lot Coverage to read:</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>, pergolas, ornamental structures such as mailboxes or birdhouses, and outdoor swimming <i>pools</i>.</p>	Clarifies that all roofed structures contribute to lot coverage.
(57) Shared parking	Many multi-tenant/multi-business properties have uses whose parking demands do not typically peak at the same time, but they are	<p>Amend Section 5.3.5 i) to read, and delete sections a, b, c, and d of the same section:</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>	Increases flexibility of ability to share parking between uses on the same property, and simplifies requirements for

	not able to benefit from the current shared parking provisions	<p>Amend the tables in Section 5.3.5 i) to include:</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> <tr> <td>Hotel</td><td>80%</td><td>80%</td><td>100%</td></tr> <tr> <td>Assembly</td><td>10%</td><td>25%</td><td>100%</td></tr> </table> <table border="1"> <tr> <th rowspan="2">Type of Use</th><th colspan="3">Percentage of Peak Period (Weekend)</th></tr> <tr> <th>Morn</th><th>Aft</th><th>Even</th></tr> <tr> <td>Industrial or office</td><td>10%</td><td>10%</td><td>10%</td></tr> <tr> <td>Recreational</td><td>90%</td><td>100%</td><td>100%</td></tr> <tr> <td>Hotel</td><td>80%</td><td>80%</td><td>100%</td></tr> <tr> <td>Assembly</td><td>90%</td><td>90%</td><td>100%</td></tr> </table> <p>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</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%	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%	multi-unit plazas.
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		<p>similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses.</p> <p>Amend Section 5.3.5 i) c) to read:</p> <p>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,</p> <p>Amend Section 5.3.2 to add:</p> <table><tr><th>Type or Nature of Use</th><th>Minimum Off-Street Parking Requirements</th></tr><tr><td>Multiple-Unit Buildings within Employment Zones</td><td>The aggregate of:<ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA</td></tr></table>	Type or Nature of Use	Minimum Off-Street Parking Requirements	Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA	
Type or Nature of Use	Minimum Off-Street Parking Requirements						
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<p>(58)</p> <p>Driveways that straddle property lines</p>	<p>Driveways that are across the property line for two properties are common in town, but the by-law is silent on them. A</p>	<p>Add within Section 5.5:</p> <p>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.</p>	<p>Recognizes and permits driveways that straddle property lines.</p>				

	shared driveway permits a more efficient design.		
(59) Offices	Permitted uses in the EM, EG, and EH zones related to offices suggest that offices are only allowed on major roads, and accessory offices are only allowed in EH zones. This would prohibit accessory offices in many of the areas of the employment lands.	<p>Amend Section 6.5.1 to:</p> <p>Delete <i>Accessory Office</i> as a listed use</p> <p>Amend Section 6.5.1 (*8) to read:</p> <p>Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.</p>	Increases permission for offices in industrial areas.
(60) Day Nurseries	The governing provincial legislation related to day nurseries has changed and the zoning by-law references out-of-date legislation.	<p>Amend the definition of Day Nursery to read:</p> <p>Day Nursery 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.</p>	Updates legislation reference.



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Urban Centres Zoning By-law: Approval Staff Report

Report Number: 2018-63

Department(s): Planning and Building Services

Author(s): Adrian Cammaert

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Urban Centres Zoning By-law: Approval, dated September 17, 2018, be received;
2. That the Draft Urban Centres Zoning By-law, dated September 17, 2018, generally as attached to this Report, be approved;
3. 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;
4. That the required notice of passing be issued in accordance with the requirements of the Planning Act; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

This Report will provide an update to Council regarding the Urban Centres Zoning By-law in terms of the preparation process undertaken to date, its general layout and content, and provide justification for the by-law's approval.

Background

Staff Report 2018-36 (June 11, 2018) provided Council with the last update on the Urban Centres Zoning By-law Project, requested release of the draft by-law for public consultation over the summer months and committed to providing a comprehensive report following the consultation period and Open House and Public Meeting.

The public consultation period has now concluded, which included the Open House and Public Meeting. This Report includes a summary of the comments received during this period and how these comments impacted the proposed zoning by-law.

Discussion

Project Status Update

As shown below, this project is nearing completion. The project is currently in Task 36 of 37.

Phase 4 - By-law Refinement and Enactment
Task 28: Preparation of Draft Zoning By-law
Task 29: Town review/comment/revise Draft Zoning By-law
Task 30: Update Report and Committee of the Whole Authorizing Release of Draft ZBL
Task 31: Public Review Period
Task 32: Meet with stakeholders / refine standards & drawings
Task 33: Public Open House
Task 34: Statutory Public Meeting
Task 35: Finalize Zoning By-law
Task 36: Final Staff Report and Committee Approval
Task 37: Council Approval

Tasks 31 to 35 were completed during June, July and August, 2018. Following the release of the draft by-law, the 2 month (approximate) public review period occurred (Task 31). During this time, staff and the consulting team have allotted time to meet with key stakeholders (i.e. owners of significant land holdings and/or landowners contemplating future developments) to explore opportunities to refine the draft by-law to respond to comments (Task 32). Following these meetings, the draft by-law was presented to the public at the Open House and statutory Public Meeting on August 27 (Tasks 33 and 34). The draft by-law was then further revised as appropriate to respond to the feedback received at and following the statutory Public Meeting (Task 35). The draft Urban Centres Zoning By-law is now ready for presentation to Committee of the Whole (Task 36) and ultimate approval by Council (Task 37).

Draft Urban Centres Zoning By-law

Purpose

The purpose of the Urban Centres Zoning By-law is to directly implement the policies in the Urban Centres Secondary Plan (the “Secondary Plan”). The Secondary Plan contains land use provisions, building height, density and urban design direction at a policy level, and it is now this project’s goal to clearly implement these policies at the zoning level.

Layout

The by-law has been prepared with the objective to create a clearly understandable, easy to use document. To achieve this goal, the document relies on tables, illustrations and diagrams in addition to regular text. Tables are used where empirical data is provided (e.g. zone standards), and diagrams are used in the body of the document to help explain certain concepts including definitions. Although not technically part of the by-law, the Illustrations (as opposed to Diagrams) further assist the reader in interpreting the by-law provisions.

The Zoning, Height and Holding maps are each divided into sets of 6 maps, corresponding to the 6 Character Areas that are set out in the Secondary Plan. This allows the information on each map to be focused, legible and not overwhelming to the reader.

One unique aspect of the by-law is the use of overlay mapping. As noted above, four overlay zones are proposed: the Parking Reduction Area overlay, the Priority Commercial Areas overlay, Floodplain and Other Natural Hazards (FP-NH) zone overlay, and the Holding Zones overlay. Each of these is shown on a separate map. This was done to keep the zone maps as clear as possible and allows zone names to be as concise as possible and therefore highly understandable.

Zone Categories

The draft Urban Centres Zoning By-law proposes four main zone categories: Mixed Use (MU), Institutional (I), Open Space (OS), and Site Specific (SS).

In order to implement the Mixed Use designation of the Secondary Plan, the most prevalent zone is the Mixed Use (MU) zone. This zone permits a range of uses and is subdivided into 3 sub-zones, MU-1 to MU-3. The distinction between these 3 sub-zones is density, with higher permitted densities permitted in the higher end of this range:

- MU-1: 1.5-2.0
- MU-2: 2.0-2.5
- MU-3: 2.5-3.5

These density ranges directly correspond with the ranges set out in the Secondary Plan (not including the discretionary maximums) and correspond with the Secondary Plan’s

four height/density designation areas. There are no land use differences among the three Mixed Use sub-zones.

The Institutional (I) zone applies to much of the Southlake Regional Healthcare Centre lands. This zone permits a range of institutional, office and retail/service uses. This zone is subdivided into 2 sub-zones, I-1 and I-2. Similar to the Mixed Use sub-zones, the distinction between I-1 and I-2 is density, with higher permitted densities permitted in I-2:

- I-1: 1.5-2.0
- I-2: 2.0-2.5

Similar to the Mixed Use sub-zones, these density ranges directly correspond with the ranges set out in the Secondary Plan (not including the discretionary maximums) and correspond with the Secondary Plan's four height/density designation areas. There are no land use differences between the two Institutional sub-zones.

The Open Space (OS) zone permits a range of parks, recreation and community uses. This zone is subdivided into 3 sub-zones (OS-1, OS-2 and OS-3) based on separate land uses, as well as lot frontage and lot coverage standards. The Open Space sub-zones have been applied to some, but not all, lands that are designated Parks and Open Space in the Secondary Plan. In some instances, the location of future parks as identified in the Secondary Plan are contingent on the location of the future public street network (i.e. in the Secondary Plan a future park is shown abutting a future public street). Without knowing the exact location of the future public streets, the exact location of these future parks is unknown and therefore they could not be 'zoned in'. This issue is addressed through the use of holding provisions, as discussed under the "Holding Provision" section of this report.

The Site Specific (SS) zone accommodates existing low density residential blocks located within the Secondary Plan area that are under common ownership, such as ground-oriented condominiums. These areas are designated Mixed Use in the Secondary Plan, however they host low density residential uses that are not expected to redevelop in the near future.

In addition to the above noted 4 main zones, the draft Zoning By-law includes four overlay zones: the Parking Reduction Area overlay, the Priority Commercial Areas overlay, Floodplain and Other Natural Hazards (FP-NH) zone overlay, and the Holding Zones overlay. Each of these overlays contain individual regulations that are to be applied in conjunction with main zoning on a site. Where a property has a Floodplain and Other Natural (FP-NH) zone overlay, the provisions of the (FP-NH) zone take precedence where they are more restrictive.

Building Heights

Permitted minimum and maximum building heights are expressed through ranges on a series of height maps. There are 4 height range categories:

- 8m-20m
- 11m–26m
- 14m-38m
- 20-53m

These height ranges directly correspond with the ranges included in the Secondary Plan, and have been placed over geographic areas that correspond to the four height/density designations of the Secondary Plan. All building heights are expressed in metres rather than number of storeys in order to avoid confusion.

Exceptions

One of the goals of the Urban Centres Zoning By-law project was to create a flexible zoning regime that accommodates a range of uses and built forms. This goal has been achieved, and as a result, many of the site-specific exceptions that existed in Zoning By-law 2010-40 have been absorbed into the new zoning standards. Notwithstanding this, some exceptions are still required in order to accommodate the Secondary Plan's Site Specific Exceptions. The locations of the properties applicable to these exceptions are all located in the Mixed Use zone, and therefore they are referred to as the Site Specific Exceptions to the Mixed Use Zone Regulations (Section 6.2.5). These exceptions are for:

1. 39 Davis Drive (property northwest corner of Davis Drive and George Street), to implement Section 15.1 of the Secondary Plan.
2. Part Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710, (triangular-shaped property just north of the Mulock Estate), to implement Section 15.3 of the Secondary Plan.
3. 17725 Yonge Street (plaza at the southeast corner of Yonge Street and Kingston Road), to implement Section 15.4 of the Secondary Plan.
4. Plan 65M3648 BLK 133 (property on the southwest corner of Yonge Street and Mulock Drive), to implement Section 15.5 of the Secondary Plan.

Holding Provision

As noted, the by-law uses a Holding Zones overlay, which applies to lands within the Urban Centres where future public streets and/or parks are identified by the Secondary Plan. Within these areas, no development (other than interim development which is addressed elsewhere in the by-law) may occur. The main purpose of these holding provisions is to prevent large-scale development from occurring which would preclude the build-out of the future public street network and parks as per the Secondary Plan. To lift this holding provision, an applicant must prepare a plan that is acceptable to the Town, identifying the location of these future streets and parks. In areas where no future public streets or parks are identified, no holding provision has been applied.

Low Density Residential Clusters Excluded from the UC ZBL

Through the development of the by-law, it was noted that the Secondary Plan area contains clusters of existing low density development, largely in the form of single

detached dwellings. It was initially thought that the by-law would create a low density residential zone (e.g. an “R1” zone) for these areas, however the Secondary Plan does not contain any low density residential policies that would allow such a zone to be created. It is also recognized that these areas are stable and do not face the same redevelopment likelihood as other areas within the Secondary Plan. Further, these areas would also not fall within the Site Specific (SS) zone due to their separate ownerships. Therefore, these areas have been excluded from the by-law and are shown in grey hatching in the zoning schedules, with a notation indicating these areas remain subject to Zoning By-law 2010-40.

Other Sites Excluded from the UC ZBL

Through the development of the by-law, it became evident that certain properties should not be included in the Urban Centres Zoning By-law. These are properties that have a policy basis for them to be excluded (e.g. the Upper Canada Mall), are subject to an current planning application (e.g. 17365 / 17395 Yonge St, 17645 Yonge St), are subject to a deferred Secondary Plan designation (e.g. 230 Davis Drive) or have been specifically requested for omission by the landowners for other reasons (432 and 438-442 Davis Drive). These sites have been excluded from the by-law and are shown in grey hatching in the by-law’s zoning schedules, with a notation indicating these areas remain subject to Zoning By-law 2010-40.

Mulock Estate

The draft by-law proposes to zone the property Open Space 1 (OS-1). This zoning permits a range of conservation, park and recreation uses. It should be noted that the Parks and Open Space designation that was intended for this property in the Secondary Plan is not yet in force and effect (it was deferred then appealed). However, Section 24(2) of the Planning Act allows the property to be zoned in accordance with the intended designation because this zoning will be in conformity with the Secondary Plan once the Parks and Open Space designation comes into full force and effect. Specific wording explaining this permission, provided by Legal Services, has been included in Section 1 of the by-law.

Public Consultation

Following Council authorization on June 11, 2018, a draft version of the by-law was posted online. Notice of the draft’s availability was provided in accordance with the requirements of the Planning Act, and additional notice was provided via email to key stakeholders and the development industry. In total, 16 written submissions were received during this consultation period:

1. York Region.
2. Bousfields Inc. on behalf on Criterion Development Corporation.
3. Groundswell Urban Planners Inc. on behalf of Redwood Properties.
4. Kerbel Group Inc. regarding 17365 and 17395 Yonge Street.
5. MHBC on behalf of 175 Deerfield Inc.

6. MHBC on behalf on Home Depot of Canada Inc.
7. MHBC on behalf of Yonge-Kingston Centre Inc.
8. MHBC on 17555 Yonge Street, 39 Davis Drive and 22 George Street.
9. MSH on behalf of the Southlake Regional Healthcare Centre.
10. MSH on behalf of Crosslands Church.
11. Scott Shields Architects Inc. on behalf of Yongemill Group Inc., owners of 17310 Yonge Street.
12. Stephen Upton on behalf of Newmarket Plaza.
13. Weston Consulting on behalf of 17565 Yonge Street.
14. Weston Consulting on behalf of 16655 Yonge Street.
15. Zelinka Priamo Ltd. on behalf of Loblaw Properties.
16. Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited.

The statutory Public Meeting was held on August 27, 2018. At this meeting, only one comment was provided by a member of the public. This comment was procedural, requesting confirmation on the anticipated approval timelines.

Analysis of Public Submissions

The submissions generally provided numerous suggestions that have been used to refine the document.

Comments received relate to **mapping adjustments** to ensure that the proposed zone limits, height and density areas and ranges accurately align with those in the Secondary Plan. These comments were implemented.

In addition, comments were received regarding the implementation of some of the **Site Specific Exceptions** for specific properties that were created through the preparation of the Secondary Plan. These comments were implemented.

York Region provided comments to ensure conformity with the Regional Official Plan and Source Water Protection requirements and conformity with the applicable Source Protection Plan. In addition, York Region provided many comments regarding Health Protection. While some of these comments were implemented, the more substantive comments regarding source water protection are planned to be addressed through a future comprehensive amendment as part of the “Phase 2” work being completed as part of the amendment to Zoning By-law 2010-40. This will ensure both by-laws contain the same regulations regarding this matter, resulting in greater consistency between the documents.

Comments were received requesting additional **permitted uses** as listed in the Secondary Plan and other parts of the by-law. These additional permitted uses include Parking Lots, Places of Worship, Commercial Schools, Retirement Residences, Museums, and Townhouse dwellings, among others. These were added as permitted uses and additional analysis was undertaken to ensure all permitted uses cited in other areas of the by-law, as well as the Secondary Plan, were captured in Table 6.2.2.1.

Many comments were received regarding the refinement of the draft by-law's **urban design regulations**, including those regarding setback distances, podium heights, angular planes, tower/midrise separation distances, priority commercial area frontages, mechanical penthouse permissions, communications technology and green roofs. These comments ranged from changing the proposed development regulations to correcting the illustrations to ensure consistency with the text. Where warranted and in compliance with the Secondary Plan, these comments were implemented.

Regarding **surface parking lots**, comments were received requesting that these be permitted within front yards along Davis Drive and Yonge Street. It was determined that this permission would be inconsistent with the Secondary Plan's policies that require surface parking lots to be located within side and rear yards only on properties along Yonge St and Davis Dr. However, the by-law was revised to include more explicit language permitting them as a conditional permitted use in the Mixed Use zones, subject to not being located fronting along Yonge Street or Davis Drive.

Multiple comments were received regarding the **underground parking** facility requirements. It was suggested that additional provisions be created to allow underground parking facilities under parks, private streets and public streets. In order to encourage the construction of these facilities, it was agreed that additional provisions would be beneficial, however allowing them under public streets was not deemed appropriate due to the area needed for servicing infrastructure under streets. Therefore, the changes made include permitting underground parking facilities under parks and private streets, but not under public streets (although a 0m setback was introduced between these facilities and public streets).

One area of the draft by-law that received numerous comments is its table setting out the **minimum and maximum permitted densities**. The draft by-law previously included maximum non-residential and maximum residential FSI requirements, effectively requiring the inclusion of non-residential elements in every development, even those not located in Priority Commercial Areas. Comments received provided that these requirements were overly burdensome given the future of retail in general, and the current market demand for office uses. In addition, it was provided that these requirements represented an unnecessarily high degree of development oversight on a lot-by-lot basis. After much consideration, it was determined that the priority commercial area provisions in the ZBL, combined with the secondary plan's policy requirements on mixed use are adequate to govern the level of non-residential development, and having these rows would result in a high number of amendments being requested thereby getting away from the goal of allowing flexibility to facilitate development. Therefore, these two requirements were removed from the by-law, leaving only the minimum and maximum density ranges per each Mixed Use sub-zone.

Comments were also received requesting that the **discretionary heights and densities** be built into the zoning by-law, in order to allow these higher ranges by right. These additional heights and densities are set out in the Secondary Plan, and policies exist

regarding accessing them through the rezoning process as well as a Section 37 Agreement that addresses community benefits. Therefore, this comment was not implemented.

One landowner provided comments requesting **inclusion of their landholdings** within the by-law. These landholdings are currently being used for low density residential purposes and were therefore excluded from the by-law, however a preference was expressed by the landowner to include these landholdings in the by-law as they are within the Urban Centres, under single ownership and a consistent zoning would better facilitate their comprehensive redevelopment. These comments were implemented.

As noted above, various landowners requested **exclusion of their landholdings** from the by-law. These comments were implemented and rationale for these exclusions is provided under the “Other Sites Excluded from the UC ZBL” section of this Report.

Multiple comments were submitted regarding **editorial revisions**, including those regarding consistent terminology, typos, section numbers and the addition/refinement of the by-law’s diagrams and illustrations. These comments were implemented.

In addition, a small number of submissions were **procedural in nature**, preserving appeal rights and requesting inclusion/exclusion of property(ies) from the by-law. These comments were implemented.

All of the written comments were considered by staff and as noted, the majority resulted in revisions to the by-law. The result of this consultation is a more refined document that better achieves the goal of clearly implementing the Secondary Plan’s policies at the zoning level.

UC ZBL’s Alignment with Zoning By-law 2010-40

In parallel to this project, work has been undertaken on the Town’s main zoning by-law (2010-40) to identify a series of amendments. Over 60 amendments have been identified, primarily to align it with the new Urban Centres Zoning By-law but also to address technical errors, improve clarity and enforceability, respond to changing legislative and judicial decisions, address new circumstances and consolidate existing by-laws (see Staff Report 2018-54 dated September 17, 2018).

Because the amendments to by-law 2010-40 were largely completed to ensure compatibility between it and the new Urban Centres Zoning By-law, both the items were presented to the public at a single information session on August 27, consisting of an Open House and Public Meetings.

Conclusion

The draft Urban Centres Zoning By-law was prepared over the last 28 months and is now being proposed for approval. This by-law fulfils its goal of providing a document

that clearly implements the policies of the Urban Centres Secondary Plan at the zoning level.

Over the course of the project, a significant amount of public consultation has occurred, over and above the Planning Act requirements. This consultation has provided a significant amount of feedback that has largely been integrated in the document. This feedback has resulted in a more refined document that is highly useable by both the development industry and members of the public.

Business Plan and Strategic Plan Linkages

Well-Equipped & Managed:

- Balancing an ideal mix of residential, commercial, industrial and institutional land uses.
- Ensuring an appropriate mix of jobs to population and people to industry.
- Providing varied housing types, affordability and densities.

Well-Planned & Connected:

- Planning and managing growth through long-term plans and strategies, supported by short-term action plans.

Consultation

To date, public consultation has taken the form of:

- Individual Meetings with Key landowners (March 2, 2017)
- Stakeholder Engagement Session (April 4, 2017)
- Public Charrette (March 1, 2018)
- Public consultation period (June, July and August, 2018)
- Open House (August 27, 2018)
- Statutory Public Meeting (August 27, 2018)

Staff also maintain a project website which provides project information, draft documentation and details on public input opportunities: <https://bit.ly/2kNQ5QX>

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

Draft Urban Centres Zoning By-law, dated September 17, 2018.

Approval

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

Jason Unger, MCIP, RPP
Assistant Director of Planning

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

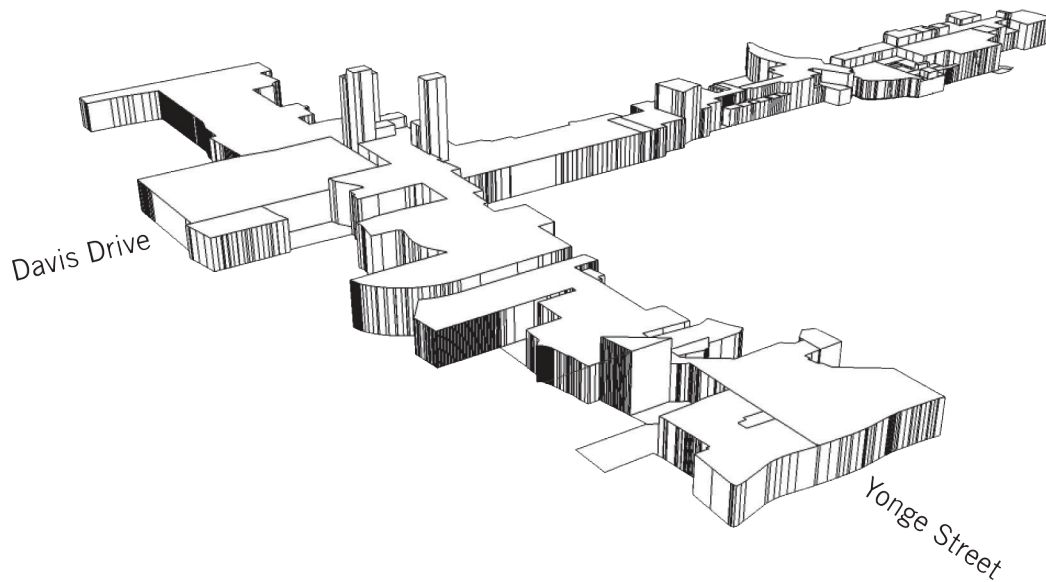
Peter Noehammer, P. Eng.
Commissioner of Development & Infrastructure Services

Contact

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The Corporation of the Town of Newmarket

Urban Centres Zoning By-law 2018-48



September 17, 2018

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Preamble

Introduction

These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

Purpose of this Zoning By-law

The purpose of this By-law is to implement the policies of the Town of Newmarket Official Plan and the Newmarket Urban Centres Secondary Plan. The Official Plan and the Urban Centres Secondary Plan both contain general policies that affect the *use* of land throughout the municipality. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan and the Secondary Plan are general documents that are not intended to regulate every aspect of the built-form on a private *lot*. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any zoning by-law passed by Council must conform to the Official Plan and the Secondary Plan, if one exists.

The statutory authority to *zone* land is granted by the Ontario Planning Act. The Planning Act specifies what a by-law can regulate. A zoning by-law can:

- prohibit the *use* of land or *buildings* for any *use* that is not specifically permitted by this By-law;
- prohibit the erection or siting of *buildings* and *structures* on a *lot* except in locations permitted by this By-law;
- regulate the type of construction and the *height*, bulk, location, size, floor area, spacing, character, and *use* of *buildings* or *structures*;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a *lot* that any *building* or *structure* may occupy;

- regulate the minimum elevation of doors, windows or other openings in *buildings* or *structures*;
- require parking and loading facilities be provided and maintained for a purpose permitted by this By-law;
- prohibit the *use* of lands and the erection of *buildings* or *structures* on land that is:
 - subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;
 - contaminated;
 - a sensitive groundwater recharge area or head water area;
 - the location of a sensitive aquifer;
 - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - a significant corridor or shoreline of a lake, river or stream; or,
 - the site of a significant archaeological resource; and,
- use a holding provision to permit a future road network or *Park* which places a hold symbol on certain lots that can be removed upon approval of a plan of *Subdivision* or consent.

How to Use this By-law

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on a Schedule and Map

Maps in this By-law are called 'Maps'. Schedules in this By-law refer to types of Maps, and in most cases, each Schedule Map is further broken up into separate Maps. The first step to using this By-law is to refer to the *zone* maps that are contained at the back of this By-law to determine in which *zone* category your property is located. The Zoning Map on Schedule "A" breaks up into six geographical areas on Maps 1 through 6, each pertaining to the Urban Centres character areas defined in the Newmarket Urban Centres Secondary Plan. The *zone* category will be indicated on the maps by a symbol or abbreviation. For example, you may see a symbol such as "MU-1" applied to your property. This would indicate that your property is within the 'Mixed Use 1 Zone'. The *zone* symbols or abbreviations are explained on the first page of Section 2 of this By-law. Section 2 also provides assistance to help you identify the *zone* boundaries on the maps. For example, if your property appears close to a *zone* boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of this By-law.

2. By-law Amendments

This By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier zoning by-law amendment. These amendments are listed in Section 1.9 of this By-law. More recent amendments may not be included in the version of this By-law that you are using. Staff in the Town's Planning Department will be able to assist you to confirm if your property has been subject to a more recent by-law amendment.

3. Permitted Uses

The next step to using this By-law is to determine what *uses* are permitted on your property. Section 6 of this By-law identifies the permitted *uses* for each *zone* in the municipality. The definitions in Section 3 can assist you if you are not sure of the nature of a *use* or how it has been defined for the purposes of this By-law. *Uses* which are not identified as permitted *uses* within a particular *zone* are not permitted in that *zone*.

4. Zone Standards

Steps 1 and 2 have now identified the *zone* in which your property is located and have identified what *uses* are permitted on your property. The next step is to determine what standards may apply to the *uses* on your property. Section 6 of the By-law also identifies the *zone* standards for each *zone* in the municipality including standards for minimum *lot area*, minimum frontage requirements, minimum *yard* requirements, maximum *lot coverage* for *buildings*, maximum permitted *height* of *buildings* and in some cases, the minimum required landscaped open space on the *lot*. Refer to the *height* maps that are contained at the back of this By-law to determine in which *height* category your property is located. The *Height Map* on Schedule "B" breaks up into six geographical areas on Maps 7 through 12.

The primary *zone Structure* of this By-law includes a list of permitted *uses* and *zone* standards for each *zone* category. In some cases, an additional set of regulations are identified through the *use* of an *Overlay Zone*. An *Overlay Zone* is a second layer of *zone* regulations that take precedence over the *zone* category requirements. Where an *Overlay Zone* has been applied, the permitted *uses* of the underlying *zone* continue to apply however, more restrictive provisions of the *Overlay Zone* replace the specified regulation of the underlying *zone*. An *Overlay Zone* is a second level of standards that allow the Town of Newmarket to address unique or special circumstances through the zoning process.

Refer to the Maps that are contained at the back of this By-law to determine which Overlay Zones apply to your property. The Holding Zones Map on Schedule "C" breaks up into Maps 13 through 18. Schedule "D" contains the Priority Commercial Areas Map, while Schedule "E" contains the Floodplain and Other Natural Hazards Map. Finally, Schedule "F" contains the Parking Reduction Areas.

5. General Provisions

Now that you are aware of the *uses* permitted on your property and the specific zone standards that apply to those *uses*, reference should be made to Section 4 of this By-law. Section 4 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all *zones* throughout the Urban Centres. For example, the general provisions contain standards that regulate the construction and location of *accessory buildings* and platforms that apply to all properties regardless of where in the municipality a property is located.

6. Parking and Loading

Section 5 of this By-law provides the parking and loading requirements for all permitted *uses* in the Urban Centres. If you are considering changing the *use* of your property or adding a new *use* to your property, you should review Section 5 to ensure that you are aware of the parking requirements for the proposed *use*.

7. Diagrams and Illustrations

A series of drawings and side notations are provided throughout this By-law. Drawings that are labelled 'Diagrams' are regulations that include drawings to which the by-law regulations apply. Drawings that are labelled 'Illustrations' or notes that are provided in the sidebar of the document are there to assist the reader in interpreting the zoning by-law provisions. While 'Diagrams' do form part of the provisions of this By-law, 'Illustrations' and notes in the sidebars of this document do not form part of the provisions of this By-law.

Description of By-law Components

This By-law contains 9 sections which together, provide the standards applicable to all lands within the Urban Centres of the Town of Newmarket. These sections are as follows:

Section 1 – Interpretation and Administration

Section 2 – Establishment of *Zones*

Section 3 – Definitions

Section 4 – General Provisions

Section 5 – Parking, Loading and Queuing Requirements

Section 6 – *Zone* Provisions

Section 7 – Overlay *Zones*

Section 8 – Site Specific Provisions, Holding Provisions, Temporary *Use Zones* and Interim Control *Zones*

Section 9 – Enactment

The purpose of each of these sections is described below:

Section 1 – Interpretation and Administration

This section of the By-law specifies:

- what lands are covered by this By-law;
- that every parcel of land in the area covered by this By-law is to conform and comply with this By-law; and,
- what penalties can be levied against a person or a corporation if they contravene any provision in this By-law.

Section 2 – Establishment of Zones

This section establishes the *Zones* that apply to the lands covered by this By-law. This section also describes how to determine the location of the *Zone* boundaries on the Maps.

Section 3 – Definitions

It is necessary to define words in this By-law because it is a legal document. A zoning by-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in this By-law and ensure that this By-law and its intent is applied consistently.

Section 4 – General Provisions

This section contains a number of regulations that apply to certain types of *uses*, *buildings* or *structures* regardless of where in the Urban Centres or in what *zone* they are located. For example, this section contains provisions dealing with the construction of *accessory buildings* in any *zone* or legal *non-complying Buildings* or *Structures*.

Section 5 – Parking, Loading and Queuing Requirements

Parking and loading facilities are required for almost all *uses* within the municipality. This section provides the requirements for these facilities including such regulations as the calculation of *parking space* requirements based on land *use* and proximity to transit and includes provisions regarding shared parking, barrier free *parking spaces*, as well as loading and *Queuing Lane* requirements.

Section 6 – Zone Provisions

This section lists the *uses* that are permitted in each *Zone*. The effect of these *Zones* is to only permit certain *uses* in various parts of the municipality. The only *uses* permitted in a *zone* are those that are specified in the By-law. If a *use* is not specifically mentioned as a permitted *use* in a *Zone* then it is not permitted. Similarly, if a *use* is defined in Section 3 of the By-law but does not appear as a permitted *use* in any *zone*, then it is not a *use* permitted by the By-law.

This section also contains a number of regulations that control the placement, bulk, setback, angular plane and minimum and maximum *heights* of a *building* on a *lot*. This includes regulations such as minimum *lot* size, minimum frontage, maximum *building height* or the maximum coverage of a *building* on a *lot*. In the case of the Mixed *Use zone* regulatory sets, such *zone* is divided into separate *zones* that identify the permitted range of density and *height* throughout the Urban Centres based on the Secondary Plan thresholds.

Section 7 – Overlay Zones

This section identifies the various overlay zones that will be applied within the Urban Centres, such as Parking Reduction Areas, Priority Commercial Areas and Floodplain and Other Natural Hazards. The Floodplain and Other Natural Hazards (FP-NH) Overlay Zone provide individual regulations that can be applied to specific properties in conjunction with specified *use zones* and/or established regulatory sets.

Section 8 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

This section provides a consolidated list of properties that are subject to Site Specific Provisions, Holding Provisions, Temporary *Use Zones* and Interim Control By-laws.

Section 9 – Enactment

This section contains the signatures of the Mayor and the Clerk who signed this By-law when it was passed by Council in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Section 1–Interpretation and Administration

1.1. Title

This By-law may be referred to as the “Town of Newmarket Urban Centres Zoning By-law” and applies to all lands identified on Schedule “A” of this By-law.

1.2. Administration

This Zoning By-law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the Town of Newmarket.

1.3. Conformity and Compliance with By-law

No person shall change the *use* of any *building, structure* or land; erect or *use* any *building* or *structure*; or occupy any *building* or land except in accordance with the provisions of this By-law. Where any *buildings* or land are used for more than one purpose, all provisions of this By-law relating to each separate *use* shall be applied.

Any *use* not specifically permitted by this By-law shall not be permitted in the Town of Newmarket Urban Centres. A *use* which is defined but not identified within a permitted *use* table in any *zone* or by exception is not permitted.

1.4. Interpretation

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Newmarket or any other regulation of the Regional Municipality of York, Province of Ontario or Government of Canada that may otherwise affect the *use* of lands, *buildings* or *structures* in the Town of Newmarket.

1.5. Permits

1.5.1. Building Permits

The requirements of this By-law must be met before a *building* permit is issued for the erection, addition to or alteration of any *building* or *structure*.

1.5.2. Other Permits Required

The requirements of this By-law are in addition to the regulations and standards established under separate legislation and authority, such as the Ministry of Environment, Conservation and Parks, or the Technical Standards and Safety Authority. In order to *use* land or *buildings* the Town may require proof that the standards of other agencies have been met. Some of these requirements may affect the permission for *uses* and *buildings* and include but are not limited to limitations on *use* and *building* established by the Lake Simcoe Region Conservation Authority and the Ministry of Transportation.

1.6. Enforcement

Any person or corporation that contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine as provided for in the Planning Act, R.S.O. 1990, Chapter P.13 as amended.

1.7. Severability

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.8. Effective Date

This By-law shall come into force the day it was passed.

1.9. Transition Clause

1.9.1. Building Permit Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for which a complete application for a *Building* permit was filed on or prior to September 24th, 2018 if the project in question compiles, or the *Building* permit application for the project is amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.
- ii) For the purposes of Section 1.9.1, a “complete application for a *Building* permit” means an application for a *Building* permit that satisfies the requirements set out in *Building* By-law 2015-58 or its successor by-law.

1.9.2. Minor Variance Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure*, in the circumstances set out in Section 1.9.2(i) and (ii), for which:
 - a) complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to September 24th, 2018; or
 - b) complete application for a minor variance under Section 45 of the Planning Act was filed after September 24th, 2018 based on a *Building* permit application referred to in Section 1.9.1.
- ii) For the purpose of Section 1.9.2, a “complete application for a minor variance” means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.
- iii) Where a project qualifies under Section 1.9.2 (i):
 - a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of the applicable Former Zoning By-law as it read on September 24th, 2017; and,

- b) a *Building* permit for the project may be issued after final approval is received for the minor variance if the project in question complies, or the *Building* permit application for the project is amended to comply, with the applicable Former Zoning By-law as it read on September 24th, 2018 and all final approved minor variances.

1.9.3. Site Plan Approval Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for a project for which a complete application for site plan approval was filed on or prior to September 24th, 2018, if the project in question complies with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.
- ii) For the purposes of Section 1.9.3(i), a “complete application for site plan approval” means an application which satisfies the requirements set out in the Town of Newmarket Official Plan and Town of Newmarket Urban Centres Secondary Plan.
- iii) Where a project qualifies under Section 1.9.3(i):
 - a) Final site plan approval may be granted if the project complies with the provisions of the applicable Former Zoning By-law, as it read on September 24th, 2018, all requirements of the Planning Act.
 - b) After final site plan approval is received for a project that qualifies under Section 1.9.4(1), a *Building* permit for that project may be issued if the project in question complies, or the *Building* permit application for the project is amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 4th, 2018, the site plan approval, and all finally approved minor variances.

1.9.4. Other Approvals and Agreements

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for which a complete application for the following, if the complete application was filed on or prior to September 24th, 2018:
 - a) a consent to sever;
 - b) an approval of draft plan of *Subdivision*;
 - c) a plan of condominium approval;
 - d) a payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; or
 - e) a part *lot* control exemption approval pursuant to Section 50 of the Planning Act.
- ii) For the purposes of Section 1.9.4(i)(a), (b) and (c), a “complete application” means an application which satisfies the requirements in the Town of Newmarket Official Plan and Town of Newmarket Urban Centre Secondary Plan.
- iii) Where a project qualifies under Section 1.9.4(i):
 - a) the consent to sever, the approval of the draft plan of *Subdivisions*, the plan of condominium approval and the part *lot* control exemption approval may be granted, and the payment in lieu of parking agreement may be entered into, if the project complies with the provisions of the applicable Former General Zoning By-law as it read on September 24th, 2018 and all requirements of the Planning Act; and,
 - b) a *Building* permit for that project may be issued, based on an application for the *Building* permit filed after September 24th, 2018, if the project in question complies, or the *Building* permit application for the project amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018 and all finally approved minor variances.

1.9.5. Duration

- i) Nothing in this By-law applies so as to continue the application of the exceptions permitted by Section 1.9 beyond the issuance of the *Building* permit upon which the exemptions are founded.
- ii) In no case do the exemptions mentioned in Section 1.9 continue beyond the repeal of this transition section.

1.9.6. Repeal

The exception which permits compliance with the Town of Newmarket By-law 2010-40, 1979-50 and 1981-96 continues three-years after the adoption of this By-law.

1.10. Repeal of Former By-laws

- i) In the Urban Centres, which applies to all lands identified on Schedule "A" of this By-law, Town of Newmarket By-law 2010-40 is repealed in its entirety on the date that all appeals of this By-law, if any, are resolved including all of the Sections, Schedules and amendments that apply to all lands subject to By-law 2010-40, save except for those lands that are:
 - a) located within hatched areas identified on all Schedules "A" through "E" and all Maps associated with those schedules of this By-law, including lands that are:
 - located at 192, 194, 196 & 198 Lancaster Avenue and 13 Kingston Road,
 - located at 17700 & 17600 Yonge Street,
 - located at 78, 80, 80-B, 84, 86, 90, 90-B & 92 Rye Crescent and 47, 47-B, 49, 49-B, 51, 51-B, 57, 59, 59-B, 61, 63 & 65 Walter Avenue,
 - located at 17365 & 17395 Yonge Street,
 - located at 1, 1-B, 3, 3-B, 5, 5-B, 7, 9, 11, 11-B, 13, 13-B, 15, 15-B, 17, 19, 19-B, 21, 23, 25, 25-B, 27, 29, 31, 31-B, 33, 35, 35-B, 37, 39, 41, 41-B & 43 Walter Avenue and 10, 10-B, 12, 14, 14-B, 16, 18, 20, 20-B, 22 & 24 Lonfgord Drive,

- located at 188, 188-B, 190, 192, 194, 196, 198, 200, 202, 204, 206, 206-B, 208, 2010, 216, 218, 224, 224-B, 226, 226-B, 228, 230, 232, 232-B, 234 & 234-B Penn Avenue,
 - located at 230 Davis Drive,
 - located at 15 & 19 Vincent Street,
 - located at 49, 51, 53, 55, 61 & 63 Main Street North,
 - located at 73, 77, 81, 81-B, 85, 91, 99, 101 & 101-B Main Street North, 422 Asa Street, 0, 43, 47, 71, 72, 75, 81, 85, 91, 95 & 97 Franklin Street and 423 Penn Avenue East,
 - located at 14, 22 Niagara Street, 347, 349, 349-B, 353, 353-B, 355 & 359 Simcoe Street,
 - located at 21 Niagara Street,
 - located at 11 Niagara Street and 379, 385 & 389 Simcoe Street,
 - located at 393 Simcoe Street,
 - located at 395, 397, 399 & 403 Simcoe Street,
 - located at 407, 411, 411-B & 415 Simcoe Street,
 - located at 451, 451-B, 453 & 457 Simcoe Street,
 - located at 25, 29, 33, 37, 43 & 39 Charles Street,
 - located at 67 Charles Street and 551 Queen Street,
 - located at 563 Queen Street,
 - located at 567 Granby Place,
 - located at 55 & 61 Prospect Street and 63 Queen's Lane,
 - located at 31, 35-B & 43 Lundy's Lane; 32, 36, 39, 39-B & 40 Bolton Avenue and 592 Watson Avenue.
- b) In the Urban Centres, which applies to all lands identified on Schedule 'A' of this By-law, Town of Newmarket Zoning By-laws 1979-50 and 1989-96 is repealed in their entirety, including all of the sections, schedules and amendments.

1.11. Technical Revisions to the Zoning By-law

The following technical revisions to this By-law are permitted without a zoning by-law amendment provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected:

- i) Changes to the numbering, cross-referencing, format and arrangement of the text, tables, diagrams, illustrations, schedules and maps;
- ii) Additions to and revisions of technical information on schedules, maps, diagrams and illustrations including, but not limited to *infraStructure* and topographic information, notes, legends, shading and title blocks;
- iii) Alterations of punctuation or language; and,
- iv) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.

Section 2– Establishment of Zones

2.1. Establishment of Zones

The following *zones* are hereby established and they may be referred to by name or by the symbol set opposite the name of the *zone* below:

ZONE	SYMBOL
Mixed Use 1 Zone	MU-1
Mixed Use 2 Zone	MU-2
Mixed Use 3 Zone	MU-3
Institutional 1 Zone	I-1
Institutional 2 Zone	I-2
Open Space Zone	OS-1
Open Space Zone	OS-2
Open Space Zone	OS-3
Floodplain and Other Natural Hazards	FP-NH
Site Specific Zone	SS

2.2. Zone Symbols

The *zone* symbols may be used to refer to *lots, buildings and structures* and to the *use of lots, buildings and structures* permitted by this By-law. Site Specific Provisions, Holding Provisions, Temporary *Use Zones* and Interim Control *Zones* are identified in Section 8 of this By-law.

2.3. Zone Maps

The *zones* and *zone* boundaries are shown on Schedule “A” Maps 1 through 6 which are attached to and form part of this By-law.

2.4. Determining Zone Boundaries

When determining the boundary of any zone as shown on Schedule “A” Maps 1 through 6, forming part of this By-law, the following provisions shall apply:

- i) a boundary indicated as following a highway, street, lane, railway right-of-way, or watercourse shall be the centre line of such highway, street, lane, railway right-of-way, or hydro corridor;
- ii) a boundary indicated as following *lot lines* or the municipal boundaries of the Town of Newmarket shall follow such *lot lines* or boundary;
- iii) where a boundary is shown parallel to a *street line* and the distance from the *street line* is not indicated, the boundary shall be deemed to be parallel to such a *street line* and the distance from the *street line* shall be determined according to the bar scale shown on the zone map;
- iv) where two or more zones are located on a single *lot* and the distance of the respective zone boundaries is indicated on the zone maps, the boundary shall be determined in accordance with the distances noted on the zone maps;
- v) where a *lot* is divided into two or more zones the zone boundary dividing the *lot* shall be deemed to be a *lot line* for purposes of calculating coverage, and each portion of the *lot* is required to satisfy the provisions of this By-law for the applicable zone; and,
- vi) where none of the above provisions apply, the zone boundary shall be scaled from the zone map.

Section 3–Definitions

Accessibility Lift

Means a vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground floor from *grade*.

Accessibility Ramp

Means an inclined plane installed in addition to or instead of stairs that permits users to access a ground floor from *grade*.

Accessory Building or Structure

Means a detached *building* or *structure*, the *use* of which is incidental, subordinate and exclusively devoted to a main *building* or main *use* on the same lot.

Accessory Dwelling Unit

Means a separate *dwelling unit* that is located within the *Structure* of a detached or semi-detached *dwelling unit* and which is clearly subordinate or incidental to the principal dwelling.

Accessory Outdoor Storage

Means the incidental storage of equipment, goods, or materials that are directly related to the primary *use* of the *lot*, outside of any *building* or *structure*.

Accessory Residential Structure

Means accessory *structures* that are not used for human habitation, but the *use* of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal *residential use* or dwelling and located on the same *lot* therewith. Residential accessory *structures* may include, but are not limited to a change house/cabana; *private play structure*; gazebo; dog house or dog run; private greenhouse; shed; *patio shelter*; portable tent *Structures*; standalone antennae or satellite dishes; and, standalone *solar capture equipment*; but shall not include a detached garage or any mechanical equipment as defined under *air conditioner* or privacy screens erected on the ground.

Accessory Residential Structure Height

Means the distance from the *established grade* to the highest point of the *structure*.

Accessory Retail Sales Outlet

Means the accessory sale of products created, manufactured, processed or assembled within the primary use of the lot.

Accessory Use

Means a use customarily incidental or subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same lot.

Adult Entertainment Parlour

Means any premises or part thereof in which is provided, in pursuance of a performance or services appealing to or designed to appeal to erotic or sexual appetites or inclinations as licensed in accordance with the Town of Newmarket.

Air Conditioner

Means any mechanical equipment which is required for residential domestic use and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipment.

Apartment Building Dwelling

Means a building containing 4 or more dwelling units which are rented or owned by the occupants and which have a common entrance from the street level and the occupants of which have the right to use in common, hallways, stairs, and/or elevators and yards but does not include any other dwelling defined herein.

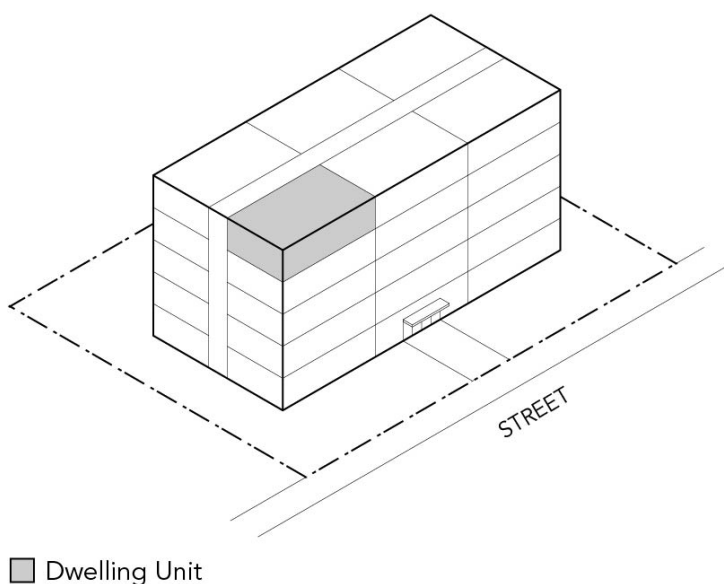


Diagram 3-1. Apartment Building Dwelling

Art Gallery

Means a *premises* where paintings, sculptures, or other works of art are exhibited or sold.

Attached Structure

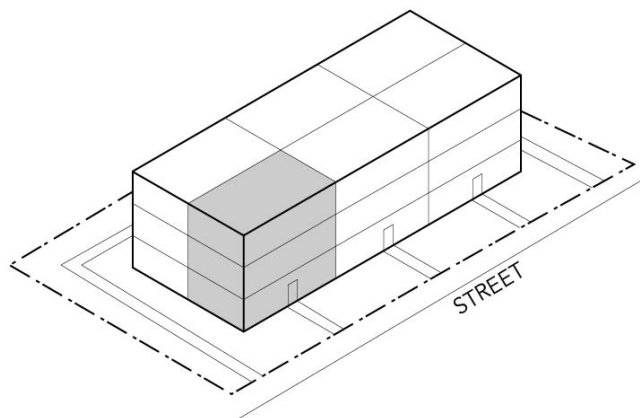
Means any *structure* that is attached to another *structure* by a common wall or by a common roof *Structure*.

Automated Motor Vehicle Washing Establishment

Means a *building* or part thereof with a capacity to wash *motor vehicles* using automated or production line methods.

Back to Back Townhome Dwelling

Means a *building* containing a minimum of 6 and not more than 20 *dwelling units* that is divided by common walls including a common rear wall without a *rear yard* setback, and where each *dwelling unit* has an independent entrance to the *dwelling unit* from the outside which is accessed through the *front yard* or *exterior side yard*.



■ Dwelling Unit

Diagram 3–2. Back to Back Townhome Dwelling

Balcony

Means a raised platform or *structure* in excess of 3.0 metres above *grade* which is not supported by vertical uprights other than from the exterior wall of the *building* from which it projects and is only accessible from within the *building*.

Banquet Facility

Means a *premises* used for the purpose of catering to large groups of people for which food and beverages are prepared and served.

Basement

Means that portion of a *building* that is underground, which has more than one third of its *height* above *established grade* but where the *height* above *established grade* does not exceed 1.8 metres.

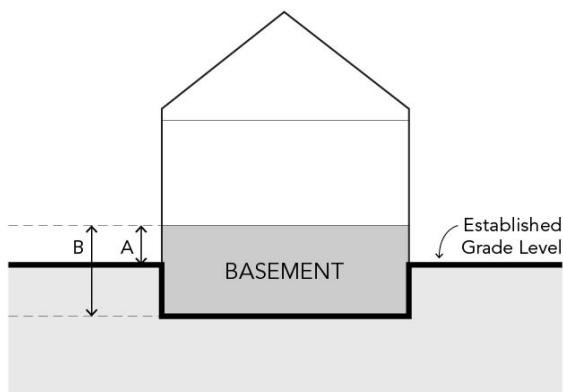


Diagram 3-3. Basement

Bed and Breakfast Establishment

Means a dwelling or part of a dwelling in which not more than 3 bedrooms are used or maintained for the accommodation of the travelling public, in which the owner-occupant supplies lodgings with or without meals for hire or pay but shall not include any other establishment otherwise defined or classified in this By-law.

Bicycle Parking Spaces

Means an area used for parking or storing of a bicycle for either *short-term bicycle parking* or *long-term bicycle parking*.

Body Rub

Includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

Body Rub Parlour

Means any *premises* or part thereof where a *body rub* is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include the medical or therapeutic services of a Registered Massage Therapist.

Building

Means a *structure* occupying an area greater than 10.0 square metres and consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures and service systems. This definition shall also include a private sewage system but shall not include a *mobile home*.

Building Line

Means a line which runs parallel to a *lot line* for the purpose of establishing the minimum distance that must exist between a *building* or *structure* erected on the *lot* and a *lot line* of the *lot*.

Bulk Fuel Depot

Means a *premises* where petroleum, gasoline, fuel, oil, propane or other flammable liquid or fluid is stored, *warehoused* and/or kept for retail sale.

Carpool Parking Space

Means a designated *parking space* for vehicles to be used only by vehicles carrying more than one occupant.

Carport

Means a *building* or *structure* attached to the principal or main *Building*, 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 *motor vehicles*.

Cellar

Means a storey or any part of a storey which has less than one third of its *height* above the *established grade*.

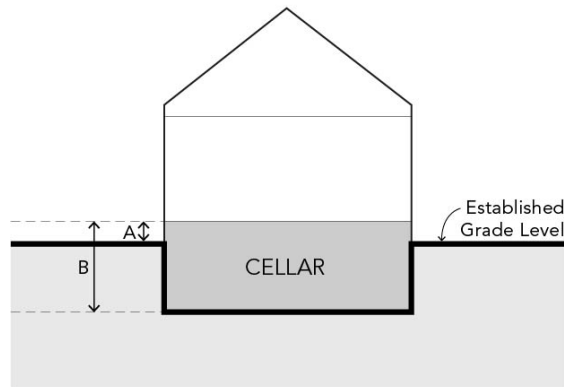


Diagram 3-4. Cellar

Cemetery

Means land that is set apart or used for the interment of the deceased or in which human remains have been buried, and may include a crematorium, a *columbarium* and a mausoleum but does not include any facilities for public assembly.

Child Care Centre

Means a *Premises* 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.

Columbarium

Means a *structure* designed for the purpose of interring cremated human remains in sealed compartments.

Commercial Motor Vehicle

Means 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 *food vehicle*, 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.

Commercial Recreation Centre

Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, office space, yoga *Studio*, retail shop and related lounge facilities but shall not include a *private club*. May also include a *premises* 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 *adult entertainment parlour* or a *nightclub*.

Commercial Rooftop Patio

Means any portion of a rooftop dedicated as an outdoor serving area that is an *accessory use* to a *restaurant* or to a *commercial use*.

Commercial School

Means a *premises* operated as a school with teachings dedicated to a specialized skill set and which is conducted for gain or profit but shall not include a *studio*.

Commercial Use

Means the *use* of land, *buildings* or *structures* for the purpose of buying and selling commodities and supplying of services, as distinguished from such *uses* as *manufacturing* or assembling of goods, warehousing, transport terminals, construction and other similar *uses*.

Common Indoor Amenity Area

Means a common area or areas within a *Building* provided for the exclusive use of residents for recreational and social purposes, at least one of which contains a kitchen and a washroom.

Common Outdoor Amenity Area

Means a common area or areas within a *lot* located outdoors provided for the exclusive use of residents for recreational and social purposes.

Community Centre

Means a *building* or *structure* owned and/or operated by the Town of Newmarket that provides facilities for indoor recreational activities and/or other community facilities for use by the public.

Conservation Use

Means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system and may include hiking trails as an *accessory use*.

SECTION 3 – DEFINITIONS

Contractors Yard

Means a *yard* of any *building* trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work, within a wholly enclosed *structure*.

Corner Lot

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

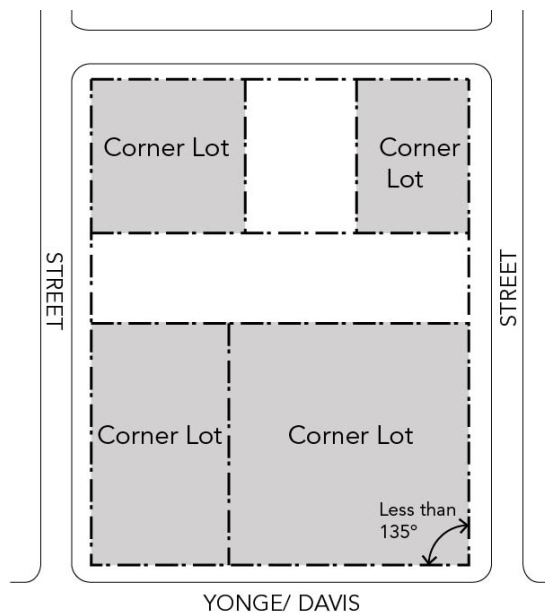


Diagram 3-5. *Corner Lot*

Crematorium

Means a *Premises* used for the purpose of the cremation of human remains.

SECTION 3 – DEFINITIONS

Daylighting Triangle

Means a triangular area of land on a *corner lot*, free of *buildings* or *structures*, formed by measuring from the point of intersection of the *street lines*, the distance required by this By-law along each such *street line* and joining such points with a straight line.

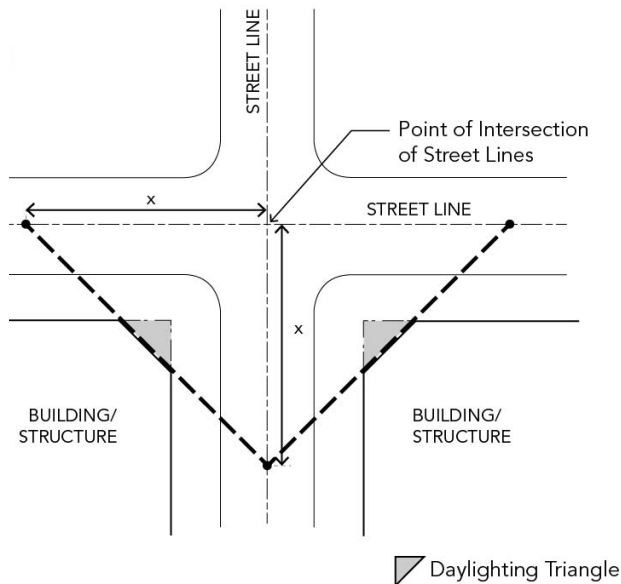


Diagram 3-6. *Daylighting Triangle*

Deck

Means a platform, with no solid roof or walls, which is constructed on piers or a foundation above *established grade* adjacent to a ground floor or *walkout basement* wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in *height* measured from the *deck floor* to the highest part of the privacy screen including any ornamental features.

Detached Dwelling

Means a *building* containing only one primary *dwelling unit* exclusive of any *accessory dwelling unit*.

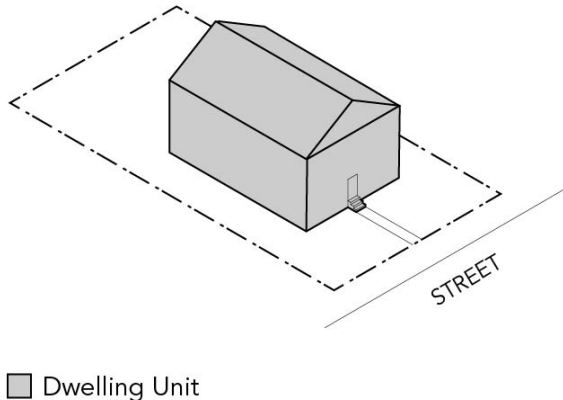


Diagram 3-7. *Detached Dwelling*

Domestic Animal Care Facility

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 *kennel*.

Dormitory

Means a residence hall owned or operated by the Southlake Regional Health Centre, providing temporary accommodation and consisting of either *dwelling units*, *rooming units*, or a mixture of both. A *dormitory* may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas such as living rooms may or may not be provided. A *dormitory* does not include a *group home*, *special needs facility*, *halfway house*, or a *long term care facility*.

Drive-Thru Facility

Means a *building* or *structure* or part thereof where goods, food or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged.

Driveway

Means that portion of a *lot* used to provide vehicular access from a roadway to an off-street parking or loading area located on the same *lot* as the principal use.

Driveway Width

Means the widest horizontal surface of any *driveway*, and includes any portion of hard landscaping or pavement contiguous to a *driveway* or *parking space* where parking or storage of a *motor vehicle* could be accommodated.

Dry Cleaning Depot

Means a *premises* used for the purpose of receiving articles or goods of fabric to be laundered or dry-cleaned elsewhere.

Dry Cleaning Establishment

Means a *premises* in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing, and finishing of such goods are conducted.

Duplex Dwelling

Means a *building* that is divided horizontally above *grade* into 2 *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.

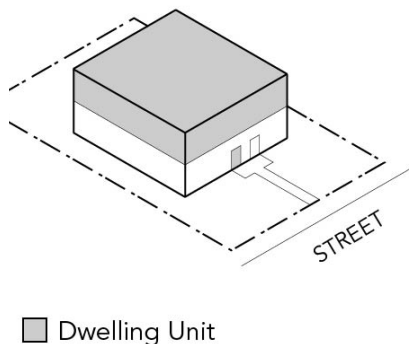


Diagram 3-8. Duplex Dwelling

Dwelling Unit

Means a room or group of rooms to be used by one *Household* that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the *building* or from a common hallway or stairway inside.

Elementary School

Means a Provincially approved institution for academic instruction for kindergarten to grade eight including a publicly funded, private fee paying or a Montessori school.

SECTION 3 – DEFINITIONS

Emergency Service Facility

Means a *building* that houses emergency personnel, their supplies and vehicles and may include an ambulance response facility, fire station or police station.

Established Grade

Means the average elevation of the finished surface of the ground at the base of the outside walls of a *building* or *structure*. The *established grade* is determined by taking the arithmetic average of the levels of the finished ground surface at every location of change of *grade* along the outside walls of a *building* or *structure*.

Existing

Means existing as of the date of the final passing of this By-law.

Existing Building

Means a *Building* or *Structure* of which at least 50% or more of the *main walls* of the first *Storey* and above exists as of the date of the final passing of this By-law.

Exterior Side Lot Line

Means a *side lot line* which abuts a street on a *corner lot*.

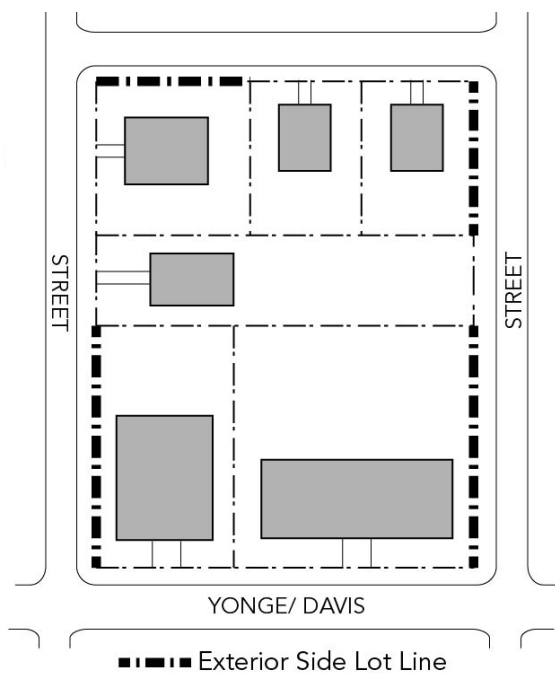


Diagram 3-9. Exterior Side Lot Line

Exterior Side Yard

Means the yard of a *corner lot* extending from the *Front Yard* to the rear yard between the exterior side *lot* line and the nearest *main wall* of the *Principal Building* or *Structure* on the lot.

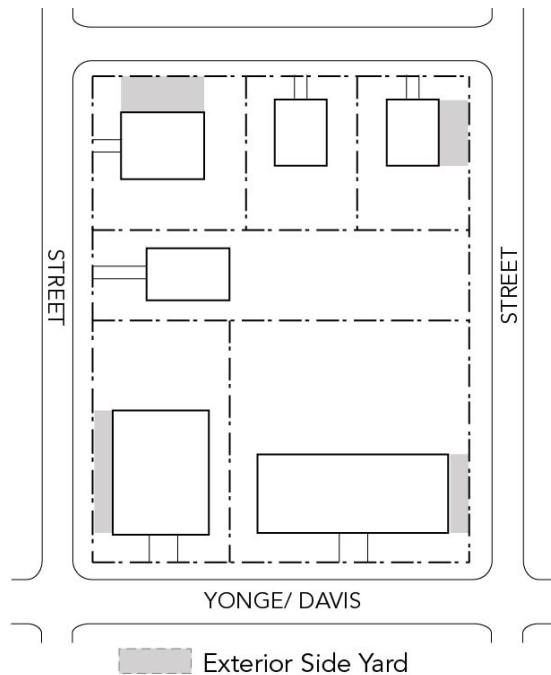


Diagram 3-10. Exterior Side Yard

Financial Institution

Means a *premises* where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and may include an automated banking machine.

Financially Assisted Dwelling Unit

Means a *dwelling unit* in a *mixed use building* or an *apartment building* which is operated or owned by a government agency, a registered charitable corporation, or a registered non-profit corporation as a residential accommodation for persons who require financial assistance towards the regular costs of renting or owning such *dwelling unit*.

SECTION 3 – DEFINITIONS

Floor Space Index

Means the *gross floor area* of all *Buildings* on a *lot* divided by the *lot area*.

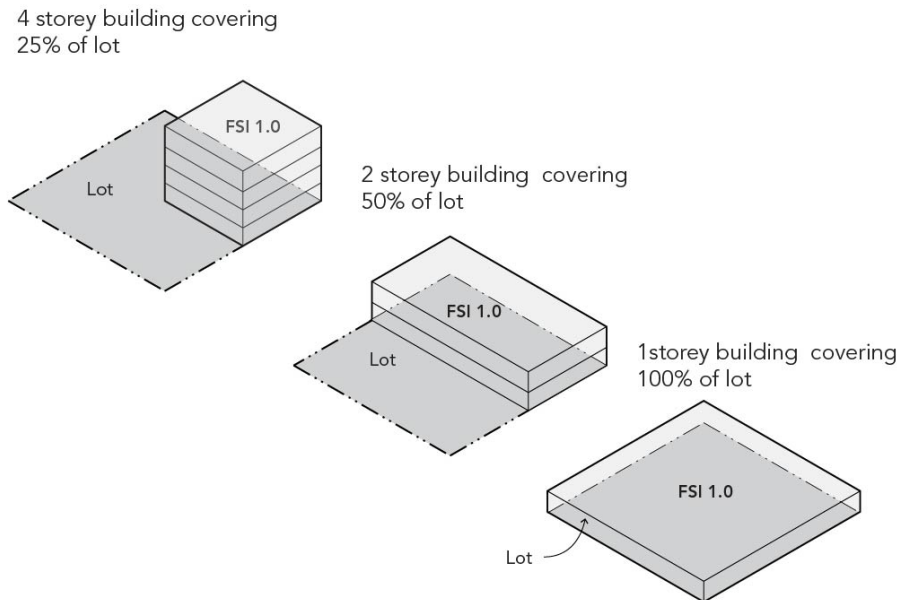


Diagram 3–11. Floor Space Index

Food Vehicle

Means the accessory use 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).

Fourplex Dwelling

Means a *building* that is divided horizontally or a combination of horizontally and vertically into four *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

SECTION 3 – DEFINITIONS

Front Lot Line

A *front lot line* shall be defined as follows:

- i) In the case of an *interior lot*, shall be the *lot line* abutting a street.
- ii) In the case of a *corner lot*, shall be the shorter *lot line* that abuts a street.
- iii) In the case of a *corner lot* with two *street lines* of equal length, shall be the *lot line* which abuts a Regional Road. In the case that both abutting streets are under the same jurisdiction or are of the same width, the Municipality may designate either *street line* as the *front lot line*.
- iv) In the case of a *corner lot* abutting a 0.3 metres reserve, shall be the *lot line* which does not abut the 0.3 metres reserve.
- v) In the case of a *through lot*, shall be the longer boundary dividing the *lot* from the street. In the case that both such *lot lines* shall be of equal length, the Municipality may designate either *street line* as the *front lot line*.

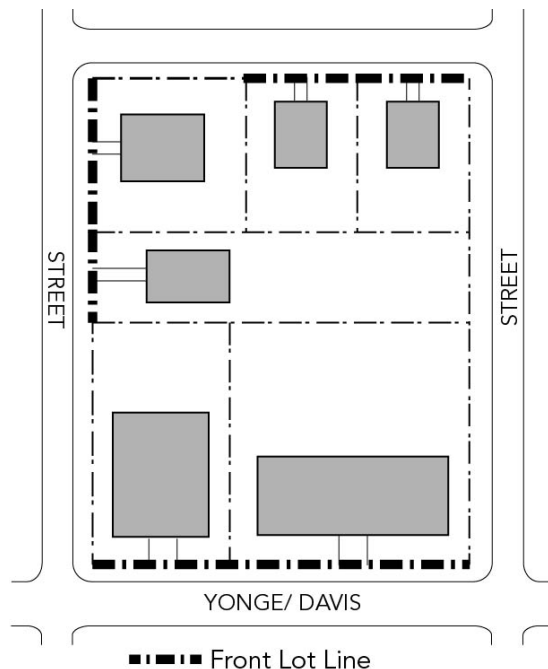


Diagram 3-12. Front Lot Line

SECTION 3 – DEFINITIONS

Front Yard

Means a yard extending across the full width of a *lot* between the *front lot line* and the nearest wall of the *principal building* or *structure* on the *lot*.

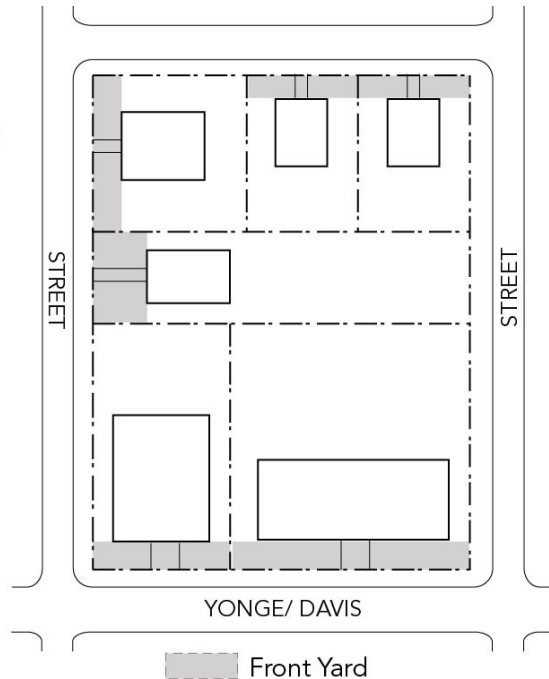


Diagram 3-13. Front Yard

Funeral Home

Means a *premises* designed for the purpose of furnishing funeral supplies and service to the public and includes facilities intended for the preparation of human remains for interment or cremation but does not include a *crematorium*.

Garden Centre

Means a *premises* or portion of a *premises*, used for the display and retail sale of flowers, plants, trees and shrubs and shall also include the retail sale of such goods, products and equipment as are normally associated with gardening or landscaping.

Grade

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

Green Roof

Means an extension to a *building's* roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained.

Gross Floor Area

Means the aggregate of all floor areas of a *building* or *structure*, which floor areas are measured between the exterior faces of the exterior walls of the *building* at each floor level but excluding any *Porch*, veranda, *cellar*, mechanical room or penthouse, or areas dedicated to parking within the *Building*. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

For the purposes of calculating required *Parking Spaces*, all common areas within *Buildings* including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling *height* of less than 1.8 metres shall be excluded.

Ground Floor Area

Shall mean the floor area of the lowest *storey* of a *building* approximately at or first above the *established grade* level excluding any *basement*, *cellar* or sub-*cellar*, which area is measured between the exterior faces of the exterior walls at the floor level of such *storey*, but:

- i) excludes areas to accommodate parking within the *Building*; and,
- ii) for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

Group Home

Means a residence licensed or funded under a federal or provincial statute for the accommodation of 3 to 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well being but shall not include a *halfway house*.

Habitable Room

Means a room designed for living, sleeping, eating or food preparation.

Half Storey

Means a *storey* whose *gross floor area* does not exceed 66% of the *storey* situated immediately below, which is located under a gable, hip, or gambrel roof, and whose wall plates, on at least two opposite walls, are not more than 0.66 metres above the floor of such a *storey*.

SECTION 3 – DEFINITIONS

Halfway House

Means a facility funded, licensed, approved, or supervised by the Province of Ontario as a detention or correctional facility under any general or special Act and amendments or replacements thereto, for the accommodation of 3 or more residents, exclusive of staff.

Hazardous Substances

Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heavy Equipment Sales, Rental and Service

Means a *premises* in which heavy machinery and construction equipment are offered or kept for sale, service, rent, lease or hire under agreement for compensation.

Height

Means the vertical distance measured between the average *established grade* and any of the following:

- i) on a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- ii) the *deckline* of a mansard roof;
- iii) on a gabled, hip, gambrel or any other type of pitched roof, the mean distance between the eaves and ridge of a roof; or
- iv) the highest point of a *structure* without a roof.

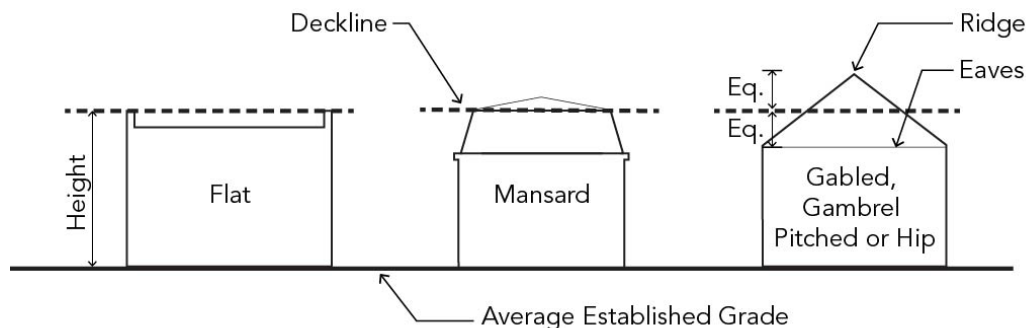


Diagram 3-14. Height

Home Occupation

Means any lawful occupation or business which is conducted entirely within a *dwelling unit* and which is clearly subordinate or incidental to the primary *residential use* of the dwelling.

Hospital

Means any institution, *building* or other *premises* established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public *Hospitals Act* as a public *Hospital* and may include a gift shop, cafeteria or other accessory uses normally associated with a *hospital*.

Hotel

Means a commercial establishment offering accommodation to the travelling public on a daily rate basis and may include such accessory uses as a *restaurant*, *banquet facilities*, meeting rooms, swimming *pool* and a fitness establishment.

Household

Means a person or group of people who may or may not be related, live together as a single housekeeping establishment, and may include not more than 2 roomers or boarders.

Industrial Use

Means the *use* of land, *buildings* or *structures* for the purpose of *manufacturing* or assembling of goods, warehousing, transportation terminals, construction and other similar *uses*.

Institutional Day Centre

Means a *premises* used to deliver a day time program of *Structured* and supervised activities and/or short term temporary care for youths, adults, seniors or persons with disabilities but shall not include a *child care centres*.

Institutional Use

Means a *building* or part thereof used for non-commercial, non-profit purposes by a *public authority*, religious group or community organization.

SECTION 3 – DEFINITIONS

Interior Lot

Means a *lot* other than a *corner lot*.

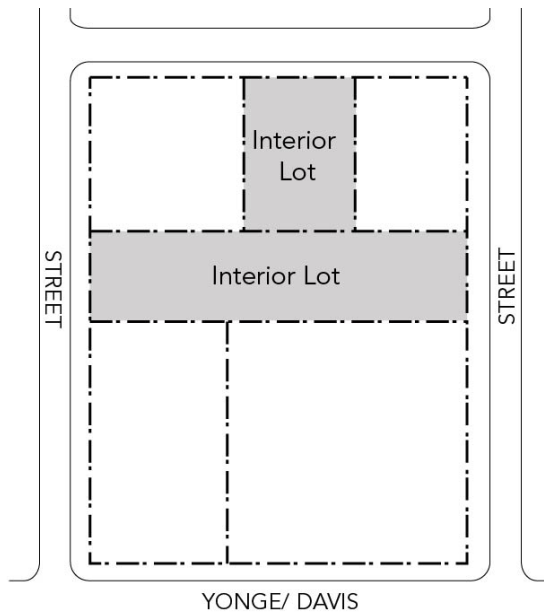


Diagram 3-15. *Interior Lot*

Interior Side Yard

Means a *yard* other than an *exterior side yard*, extending from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest wall of the *principal building* or *structure* on the *lot*.

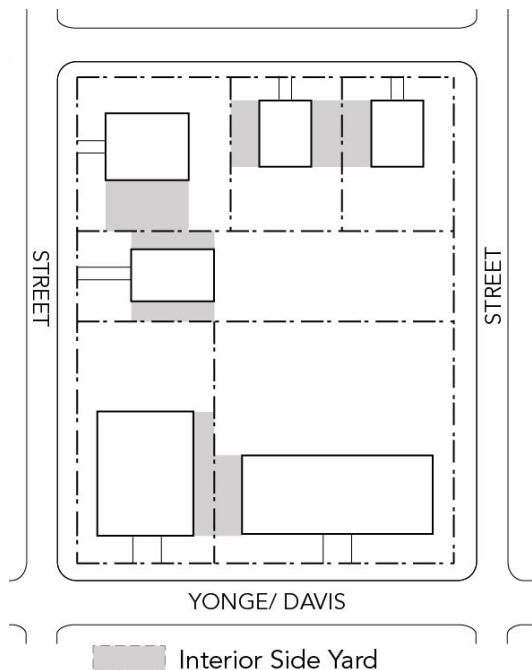


Diagram 3-16. *Interior Side Yard*

Kennel

Means *Premises* used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a *domestic animal care facility*.

Landing

Means a surfaced, open space of land at *grade*, adjacent to a *residential use*, which is adjacent to stairs, steps, or a door providing access to the *building* or *structure* with which it is associated and connected to a *driveway*, *pathway* or *walkway*.

Landscaped Buffer

Means the area of a *lot* which serves to provide separation and to partially or fully obstruct the view of adjacent land *uses* by means of vegetative screening, fencing and/or berms.

Large Scale Wind Energy System

Means wind energy facilities which have a nameplate capacity exceeding 500 kilowatts (kW) and are intend to generate electricity for commercial purposes.

Laundromat

Means a *premises* where laundry machines, using only water and detergents are made available to the public for the purpose of cleaning clothes and other articles made of fabric and which may include a drop-off laundry service.

Leasable Floor Area

Means the aggregate area of all floors in a *building* measured from the centre line of the joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes, such as sales, display, storage and *offices* but excluding storage areas below *grade*.

Library

Means a *building* containing printed, electronic and pictorial material for *public use* for purposes of study, reference and recreation.

Light Equipment Sales and Rental

Means a *premises* in which light machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation and which may include an accessory service shop.

Light Manufacturing

Means the use of *buildings* or *structures* primarily for the purpose of *manufacturing*, processing, fabrication, assembly, treatment, packaging, or distribution and incidental indoor storage of goods and materials and may include accessory sales of such products but does not include basic industrial processing from *raw materials*. All such activities shall be conducted wholly within one or more *buildings*.

Link Dwelling

Means a *building* divided vertically into two separate *dwelling units* above ground, each with an independent entrance to the outside, but the foundation for each *dwelling unit* being connected to a common wall below *grade*.

Live Work Unit

Means a *Building* containing a professional *office* or a personal service use, and a *Dwelling Unit*, in which the owner/occupant of the *office* or personal service use resides.

Loading Space

Means an unobstructed area of land which is provided and maintained upon the same *lot* or *lots* upon which the principal use is located and which area is provided for the temporary parking of one commercial *motor vehicle* while merchandise or materials are being loaded or unloaded from such vehicles.

Long Term Care Facility

Means a nursing home licensed in accordance with applicable federal and or provincial legislation.

Long-Term Bicycle Parking Space

Means a *bicycle parking space* that is located in a *building*, enclosed in a lockable locker, or enclosed in a secured area with controlled access.

Lot

Means a parcel of land which is legally capable of being conveyed in accordance with the Planning Act R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium.

SECTION 3 – DEFINITIONS

Lot Area

Means the total horizontal area within the *lot lines* of the *lot*. In the case of a *corner lot* having *street lines* rounded at one or more corners with a radius of 6.0 metres or less, the *lot area* is to be calculated as if the *lot line* were projected to intersection points.

Lot Coverage

Means the percentage of the *lot area* covered by all *buildings*, *structures* or parts thereof, at or above average grade or *established grade*, exclusive of uncovered *decks*, uncovered *Porches*, and outdoor swimming pools.

Lot Frontage

Means the horizontal distance between parallel *Side Lot Lines* measured along the front *Lot Line*. Where the front *Lot Line* is not a straight *Lot Line*, or where the *Side Lot Lines* are not parallel, the *Lot Frontage* shall be measured by a line 7.5 metres back from and parallel to the chord of the *Lot Frontage*. The chord of the *Lot Frontage* is a straight line joining the two points where the *Side Lot Lines* intersect the front *Lot Line*.

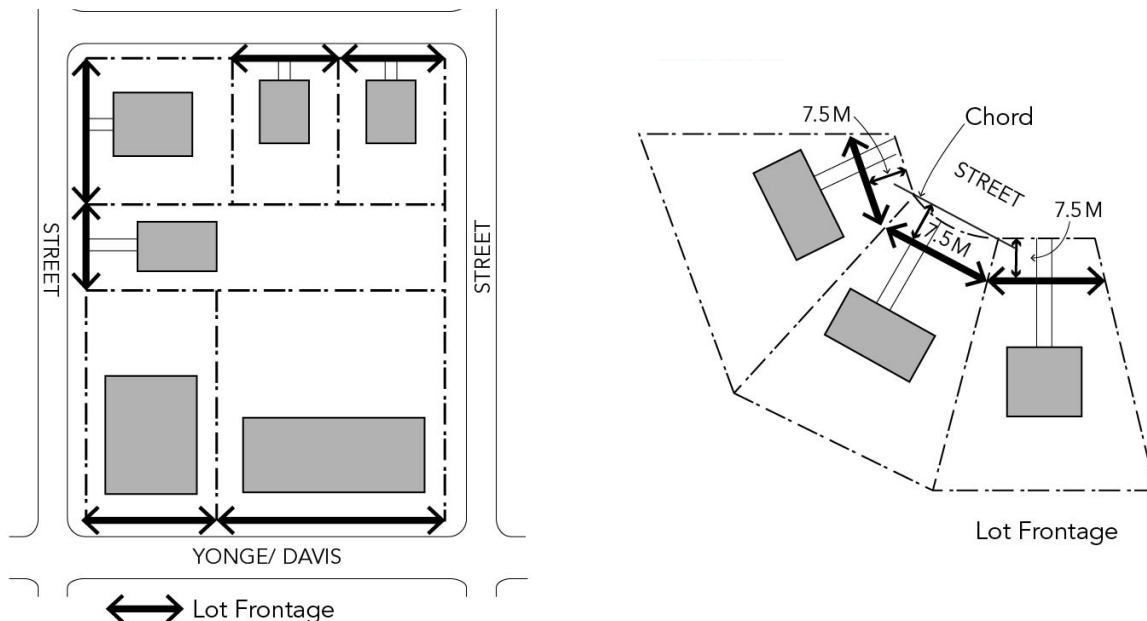


Diagram 3-17. Lot Frontage

Lot Line

Means a boundary of a *lot* including its vertical projection.

Main Wall

Means any exterior wall of a *Building* or *Structure*, including all structural members essential to the support of the roof, including a *balcony*, over a fully or partly enclosed area.

Maisonette Dwelling

Means a *building* that is divided into three or more *dwelling units*, each of which has independent entrances, one to a common corridor and the other directly to the outside *yard* area adjacent to the *dwelling unit*.

Major Transit Station Area

Means an area, including and around any *existing* or planned higher-order transit station within a settlement area, or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500.0 metres radius of a transit station, representing about a 10-minute walk.

Manual Motor Vehicle Washing Establishment

Means a *building* or part thereof that provides self-serve facilities for the manual or coin-operated washing of *motor vehicles*.

Manufacturing

Means the use of land, *building* or *structures* for the manufacturing, processing, fabricating or assembly of *raw materials* or goods and related *accessory uses*.

Mausoleum

Means a *building* or *structure* used for the interment of human remains in sealed crypts or compartments.

Medical Clinic

Means a walk-in *premises* where members of the medical profession provide diagnosis and treatment to the public without overnight accommodation and may include accessory dispensary facilities.

Medical Office

Means a *building* or part thereof, used to accommodate the *offices* of one or more medical physicians, dentists, drugless practitioners, or other healthcare professionals to provide diagnosis and treatment to patients, but which does not provide overnight accommodation.

Medical/Dental Laboratory

Means a *premises* used for the collection, testing or analysis of biological specimens and samples.

Micro-Industrial Use

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 may include 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.

Mixed Use Building Dwelling

Means a *building* containing 4 or more *dwelling units* and a non-residential use. A *mixed use building* is not an *apartment building*.

Mobile Home

Means a transportable, factory-built *dwelling unit* manufactured in accordance with CSA standards that is intended to provide permanent residence but does not include any *trailer* otherwise defined in this By-law.

Motor Vehicle

Means automobile, motorcycle, motor assisted bicycle or any other vehicle propelled or driven other than by muscular power, but does not include a street car, or other *motor vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, riding lawn-mower, self-propelled implement of husbandry or road-Building machine within the meaning of the Highway Traffic Act. R.S.O. 1990, or successor thereto.

Motor Vehicle Body Shop

Means a *premises* used for the painting or repairing of *motor vehicle* bodies, exterior and under-carriage, and in conjunction with which there may be a towing service or *motor vehicle rental establishment* but shall not include a *salvage yard*.

Motor Vehicle Rental Establishment

Means a *premises* where *motor vehicles* are kept for rent, or hire under agreement for compensation and may also include an *office* used to administer the rental of such *motor vehicles* and accessory facilities for the cleaning or incidental maintenance of such vehicles.

Motor Vehicle Sales Establishment

Means a *premises* where new and/or used *motor vehicles* are kept for display, lease or sale, and may include an associated *motor vehicle service centre*.

Motor Vehicle Service Shop

Means a *premises* used to conduct repairs of *motor vehicles* of a mechanical or structural nature and may include an associated towing service, and *motor vehicle* rentals but does not include a *motor vehicle body shop* or impound yard. May also include a *premises* used to conduct diagnostic services, minor repairs, equipping of *motor vehicles* or in which the replacement of incidental parts and services to *motor vehicles* are completed while the customer waits.

Motor Vehicle Service Station

Means a *premises* where gasoline or other motor fuels are kept for sale and delivery directly into a *motor vehicle* but does not include a *motor vehicle service shop*.

Museum

Means *premises* used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest, primarily for the recreation or cultural education of the public.

Net Floor Area

Means the aggregate of the floor areas of a *building*, 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 *Building*, and any space with a floor to ceiling *height* of less than 1.8 metres.

Nightclub

Means a *building* or *structure* or part thereof whose primary function is the provision of theatrical performances, pre-recorded music, or live entertainment, whether such pre-recorded or live performances are provided for listening or dancing by the patrons, or any combination of the above functions and whose secondary function is the sale and consumption of food and/or alcoholic beverages on the *premises*, but shall not include a *restaurant* or *adult entertainment parlour*.

Non-Complying

Means a *lot, building or structure* which is permitted by this By-law but which does not meet the regulations of the *Zone* in which it is located as of the date of passage of this By-law.

Non-Conforming

Means an *existing use* or activity of any land, *building or structure* which is not an identified permitted *use* for the *Zone* in which it is located as of the date of passage of this By-law.

Office

Means a *building* or part thereof, where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration. *Office* shall not include a *medical office* or *medical clinic*.

Outdoor Recreation Facility

Means a *premises* designated and equipped for the conduct of outdoor sports and leisure time activities such as sports field.

Parcels of Tied Land

Means any parcel of land legally bound and tied to a common element condominium. A *parcel of tied land* must front on either a *public street* or a condominium common element roadway and shall, subject to the regulations of this By-law that relate strictly to *parcels of tied land*, be regarded as a type of *lot*.

Park

Means an open space area, owned, operated or maintained in whole or in part by a *public authority* as a recreational area for *public use*, including passive and active forms of recreation, whether indoor or outdoor.

Parking Aisle

Means an internal roadway immediately adjacent to a *parking or loading space* which provides vehicular access to and from the parking or *loading space*, and is not a *driveway*.

Parking Area

Means an off-street, open, unobstructed area of land consisting of a minimum of 2 but not more than 5 *parking spaces* which is accessed by a *driveway* but shall not include any area where *motor vehicles* are stored or kept for sale or repair.

Parking Garage

Means a *building* or part thereof, used for the storage or parking of *motor vehicles*.

Parking Lot

Means an open area, other than a street, used for the temporary parking of 5 or more *motor vehicles* and available for *public use* whether for free or for compensation or as an accommodation for clients, customers or residents, but does not include the storing of impounded or damaged vehicles or a *salvage yard*.

Parking Space

Means an area of land that is accessible by a *driveway* or aisle, having access to a *public street* or *lane*, that is reserved for the purpose of the temporary parking or storage of one *motor vehicle*.

Passenger Transportation Terminal

Means a *premises* where commercial *motor vehicles*, taxis or trains pick up and discharge fare-paying passengers and may include accessory ticket *offices*, luggage checking facilities, bicycle lock units and other similar *uses*.

Patio

Means a surfaced, open space of land at *grade*, adjacent to a *residential* or *commercial use*, which is used as an accessory extension of the primary use of the *building* or *structure* with which it is associated.

Personal Service Shop

Means a *premises* where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or materials is only accessory to the provision of such services.

Place of Assembly

Means a *premises* in which facilities are provided for the gathering of people.

Place of Worship

Means a *premises* primarily used by one or more religious groups for the practice of religious services.

Pool

Means any body of water which is:

- i) located outdoors on private property;
- ii) wholly or partially contained by artificial means;
- iii) capable of holding water in excess of 0.61 metres in depth at any point; and,
- iv) an open exposed water surface of at least 1.0 square metre and includes a hot tub or landscaped decorative pond meeting the above criteria, but for purposes of this By-law does not include any *pool* which is:
 - a) a pond or reservoir to be utilized for farming purposes or as part of a *Golf Course*;
 - b) a *pool* owned by any public or governmental body, agency or authority;
 - c) an *existing* natural body of water or stream; or
 - d) a privately owned stormwater management facility.

Porch

Means a platform with a foundation that is unenclosed, permanent and projecting from the front or exterior wall of the *Building* and which provides access to the ground floor of the dwelling by way of stairs from the *established grade* of the *lot*.

Post Secondary School

Means a *premises* used for educational purposes by a degree granting college or university under applicable Province of Ontario legislation.

Premises

Means the area of a *building* and/or *lot* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one business, each business shall be considered a separate *premises*.

Principal Building

Means a *building* which constitutes, by reason of its use, the primary purpose for which the *lot* is used.

Principal Entrance

Means a pedestrian entrance to a *building* that is not considered solely for the purposes as a service entrance or an entrance solely to a residential portion of the *building* or *structure* or an entrance or exit required by the Ontario *Building Code*.

Principal Window

Means a window of a *dwelling unit* for bedrooms or living areas, but does not include windows of a *dwelling unit* for bathrooms or kitchens.

Private Club

Means a non-profit, non-commercial organization which carries on cultural, social, or recreational activities and includes the *premises* of a fraternal or charitable organization.

Private Home Daycare

Means the use of a *Dwelling Unit* for temporary care of six or fewer children in exchange for compensation for a continuous period not exceeding 24 hours.

Private Lane

Means a private thoroughfare.

Private Park

Means a *park* for public or private *use* that is not owned by a *public authority*.

Private Street

Means a private right-of-way or lane that is used by *motor vehicles* but is not owned or maintained by the Town of Newmarket, Region of York or Province of Ontario.

Public Authority

Means any department or agency of the Government of Canada, Province of Ontario, Regional Municipality of York, Town of Newmarket or the local hydro utility.

Public Lane

Means a public thoroughfare *which affords only a secondary means of access to abutting lots* and which is not intended for general traffic circulation.

Public Storage Facility

Means a *premises* used for the temporary storage of *household* items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers within enclosed *buildings*, which are generally accessible by means of individual loading doors.

Public Street

Means a public thoroughfare available for use by vehicular and pedestrian traffic which is assumed or dedicated by/under the jurisdiction of the Town of Newmarket, Region of York or Province of Ontario, but does not include an unopened road allowance.

Public Use

Means the *use* of any land, *building* or *structure* by a *public* authority.

Quadruplex Dwelling

Means a *building* that is divided vertically, with no common entrance, into 4 separate *dwelling units*, each of which has 2 common walls.

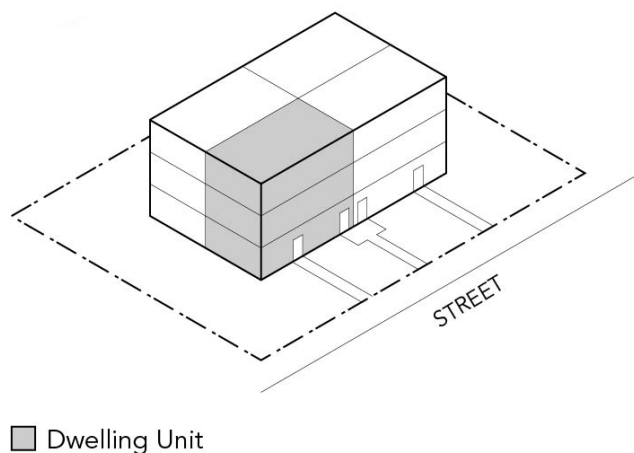


Diagram 3-18. *Quadruplex Dwelling*

SECTION 3 – DEFINITIONS

Queuing Lane

Means a portion of a *parking area* or a *parking lot*, other than a *parking aisle* or a *parking space* which provides standing room for vehicles in a queue while awaiting service from a *drive-thru facility*. For the purposes of this definition, a *queuing lane* shall be measured by the length of a *queuing space* times the number of spaces required.

Queuing Space

Means an area occupied by a *motor vehicle* within a *queuing lane* while awaiting service from a *drive-thru facility*.

Raw Material

Means any material that is directly derived from a primary (natural resource) industry and is in an unprocessed state. Examples include but are not limited to iron ore, logs, and aggregates. Sheet metal, wood boards, and precast cement or concrete blocks are not considered as a *raw material* due to the processes involved in their production.

Rear Lot Line

Means the *lot line* or intersection of the *side lot lines*, opposite to, and most distant from, the *front lot line*.

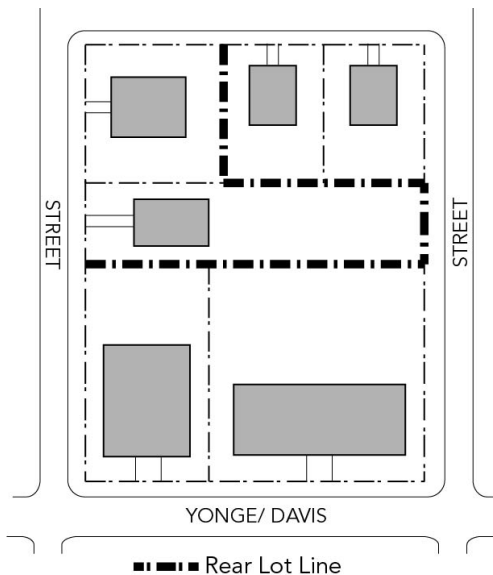


Diagram 3-19. *Rear Lot Line*

SECTION 3 – DEFINITIONS

Rear Yard

Means a yard extending across the full width of a lot between the rear lot line and the nearest wall of the principal building or structure on the lot.

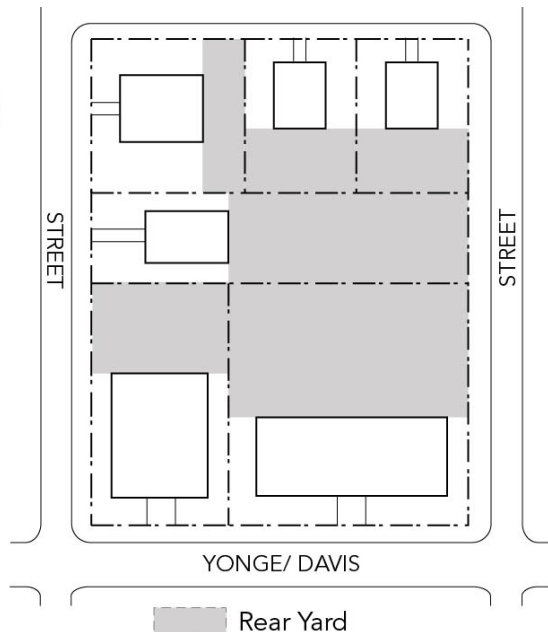


Diagram 3-20. Rear Yard

Recreational Vehicle

Means:

- i) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a *motor vehicle* or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or
- ii) boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and
- iii) a trailer designed to carry any of the items listed in Sections (i) and (ii) of this definition.

Recyclable Material

Means material that is separated waste and *Sensitive Material* into specific categories for the purposes of reuse, recycling or composting.

Refreshment Pavilion

Means a *building, structure* or facility designed, intended or used for the sale of food or refreshments to the public, however no seating or accommodation for the consumption of such food shall be provided within the *building* or *structure*.

Regional Shopping Mall

Means a group of commercial establishments wholly enclosed within one *structure* with a combined *leasable floor area* exceeding 37,000 square metre.

Residential Garage

Means an enclosed *building* or part thereof, located within a residential Zone that is used for the storage of private *motor vehicles, recreational vehicles* and *trailers*.

Residential Hospice

Means the use of land, *buildings* or *structures* for the provision of short-term palliative care at an inpatient facility attending to the physical, emotional and spiritual needs of terminally ill patients, whether under public or private ownership, approved under the provisions of “The Charitable Institutions Act”, but does not include a nursing home or *group home*.

Residential Use

Means the *use* of land, *buildings* or *structures* for human habitation.

Residential Walkway

A hard surface path leading from the front or exterior wall of a *dwelling unit* to a curb, street, sidewalk, or *rear yard*, no wider than 1.2 metres and, if adjacent to a *driveway* shall be of a different material from the *driveway*. A walkway may not be used for vehicular parking.

Restaurant

Means a commercial establishment in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or *patio*, or for home delivery, catering or food pick-up/take-out services.

Retail Store

Means a *premises* in which goods and merchandise are offered or kept for retail sale or rental to the public. This definition shall not include any establishment otherwise defined in this By-law.

Retail Warehouse Store

Means a *premises* where the principal use is the sale of goods and merchandise in a *warehouse* format and may include accessory personal service *uses*, minor maintenance and repair of automobiles. A *warehouse* format means a configuration where the floor area devoted to the sale of goods is integrated with the storage of such goods and is accessible to the public.

Retirement Residence

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.

Rooming Unit

Means one or more rooms within a *dormitory* used or designed for sleeping accommodations and many contain either cooking or washroom facilities, but not both.

Salvage Yard

Means an area outside of an enclosed *building* where *motor vehicles* are disassembled and dismantled, or where vehicles in an inoperable condition or used *motor vehicle* parts are stored or re-sold but shall not include a *motor vehicle body shop*.

SECTION 3 – DEFINITIONS

Secondary School

Means a Provincially approved institution for academic instruction for grade nine to grade twelve including a publicly funded, private fee paying or a Montessori school.

Semi-Detached Dwelling

Means a *building* divided vertically into two *dwelling units* above and below *grade*, each such *dwelling unit* having an independent entrance from outside the *building*.

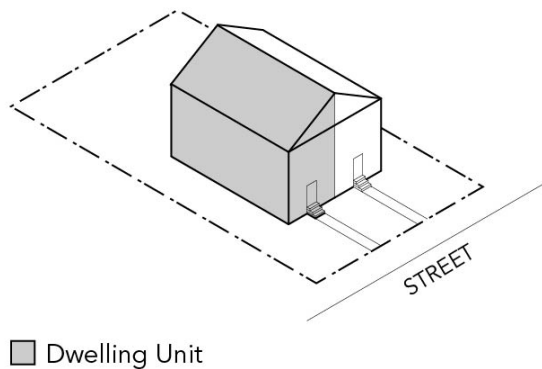


Diagram 3-21. *Semi-Detached Dwelling*

Sensitive Material

Means material that is separated from waste and *recyclable material* based on programs associated with the specific material, such as electronics, textiles, and batteries.

Service or Repair Shop

Means a *premises* for the servicing, repairing or renting, of articles, goods or materials but shall not include any vehicle, *recreational vehicle* or boats.

Shipping Container

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.

Short-Term Bicycle Parking Space

Means a *bicycle parking space* that is located outdoors, on a bicycle rack, or in an easily accessible location.

Side Lot Line

Means a *lot line*, other than a front or rear *lot line*. In the case of a *corner lot*, the *lot line* that abuts a street shall be identified as the *exterior side lot line*.

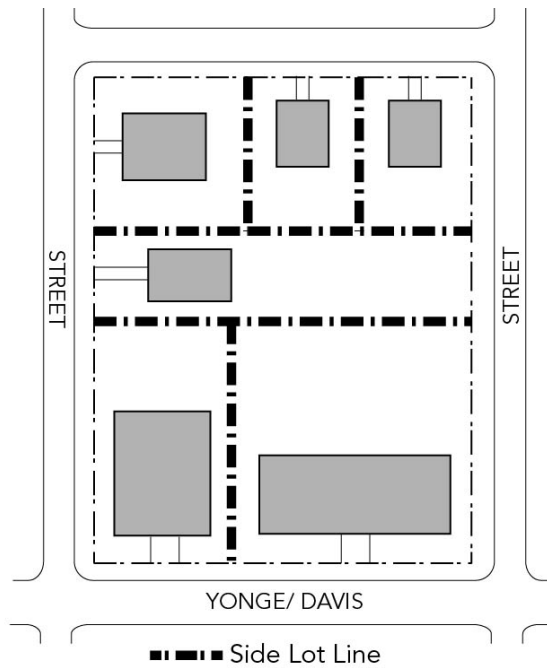


Diagram 3-22. Side Lot Line

Small Scale Wind Energy System

Means wind energy facilities which are intended to generate electricity not exceeding on-site capacity and are not intended or used to produce power for resale.

Solar Capture Equipment

Means a *structure* used for the collection of solar energy for the purposes of converting such energy for heating, lighting, water production or any other domestic or *commercial use* that may be obtained from such sources.

Special Needs Facility

Means a residence licensed or funded under a federal or provincial statute for the accommodation of more than 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well being. This shall also include a *halfway house*.

SECTION 3 – DEFINITIONS

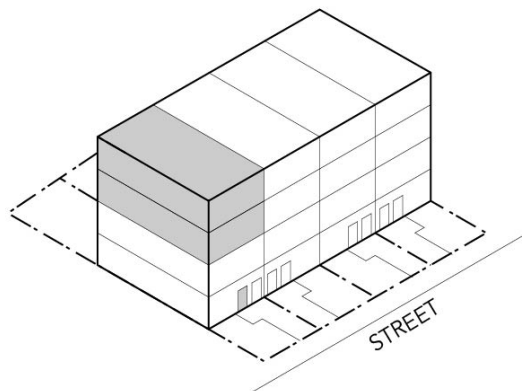
Sports Arena

Means a *building* or part thereof, in which the principal facilities provide for recreational activities such as curling, skating, hockey, lacrosse, broomball or other similar athletic activities, and which facilities may include dressing rooms, concession booths for the provision of food and refreshments, bleachers, equipment for making artificial ice and other such accessory facilities.

Stacked Townhouse Dwelling

Means a residential *building* containing a minimum of four and a maximum of twenty units, provided that:

- i) not more than half of all *dwelling units* shall be on the ground floor;
- ii) *dwelling units* shall be fully attached to adjoining units; and,
- iii) access to each second level unit shall be from an independent interior or exterior stairway.



■ Dwelling Unit

Diagram 3-23. *Stacked Townhouse Dwelling*

Storey

Means a level of a *building* located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a *basement* or *cellar*. Any portion of a *Building* partly below *grade* level shall be deemed a *Storey* where its ceiling is at least 1.8 metres above *established grade*.

Street Line

Means the boundary between a public or *private street* and a *lot*.

SECTION 3 – DEFINITIONS

Street Main Wall

Means any exterior wall of a *building* or *structure*, including all structural members essential to the support of the roof, including a *balcony*, over a fully or partly enclosed area that directly fronts a *lot line* that is adjacent to a *public street*.

Structure

Means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other *structure* but excludes in-ground swimming *pools*.

Studio

Means a *premises* used or dedicated to the pursuit or education of the arts or in which media broadcasts are produced.

Subdivision

Means a plan of *subdivision*, draft approved or registered in accordance with Section 51 of the *Planning Act*, R.S.O., 1990, Chapter 13, similar legislation, where the public highways and lanes within the plan have not been assumed by the authority having jurisdiction.

Through Lot

Means a *lot* bounded on opposite sides by a *public street*.

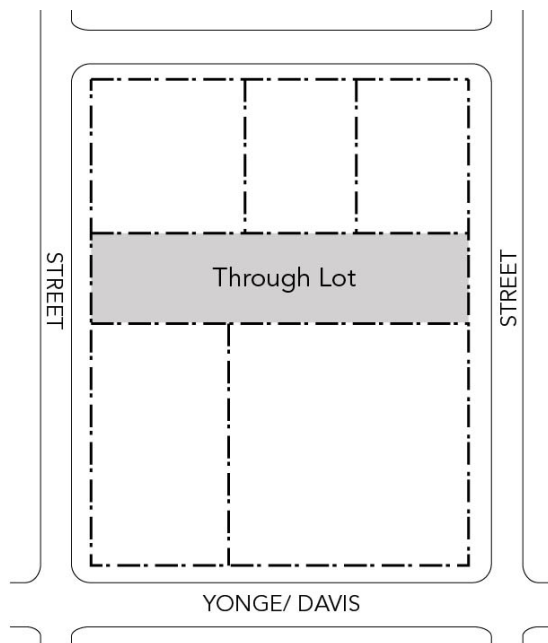
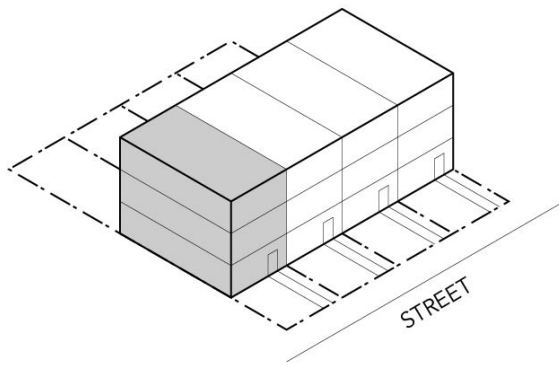


Diagram 3–24. *Through Lot*

SECTION 3 – DEFINITIONS

Townhouse Dwelling

Means a *building* that is divided vertically into 3 or more *dwelling units*, each of which has independent entrances to a front and rear yard.



■ Dwelling Unit

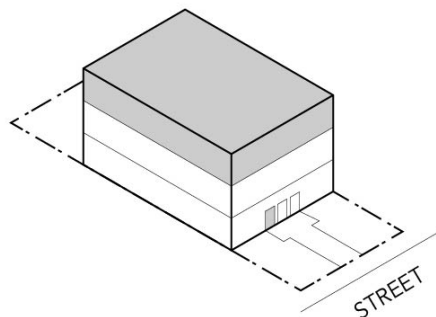
Diagram 3-25. Townhouse Dwelling

Transportation Depot

Means a *premises* where vehicles used to transport goods, wares, or passengers are stored internally or externally.

Triplex Dwelling

Means a *building* that is divided horizontally into 3 *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.



■ Dwelling Unit

Diagram 3-26. Triplex Dwelling

SECTION 3 – DEFINITIONS

Use

Means the purpose for which any land, *building* or *structure* is arranged, designed, intended, operated, occupied or maintained.

Utility Trailer

Means a vehicle so constructed that it is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the *motor vehicle* and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

Veterinary Clinic

Means a *premises* where animals are given medical or surgical treatment or accessory grooming, within which shelter facilities may be provided for short-term overnight medical treatment but shall not include any facilities for the cremation or disposal of dead animals.

Veterinary Hospital

Means a *premises* where animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include a *domestic animal care facility*.

Walkout Basement

Means that portion of a *building* which is partly underground, but which has more than 50% of the floor area not greater than 0.6 metres below *established grade*, and which has an entrance or exit at *grade level*.

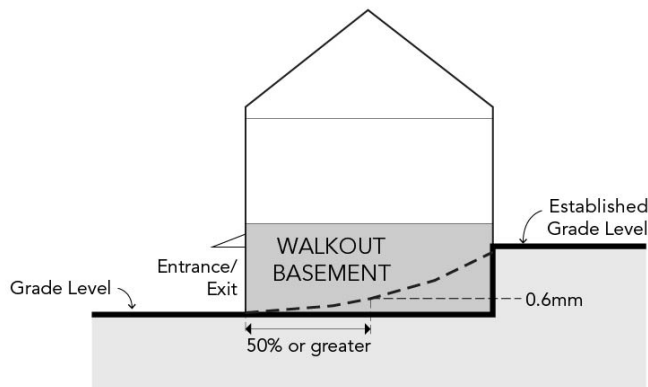


Diagram 3-27. Walkout Basement

SECTION 3 – DEFINITIONS

Warehouse

Means a *premises* where goods and materials are stored internally but shall not include any retail sales component. Vehicles used to transport such wares may be stored internally or externally, kept for hire, loaded or unloaded.

Wholesale Operations

Means a *premises* used to sell merchandise to retailers, industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents of brokers and buying merchandise from, or selling merchandise to such individuals or companies but does not include a *retail warehouse store*.

Width of Driveway

Means the widest horizontal surface of any *driveway*, and includes any portion of hard landscaping or pavement contiguous to a *driveway* or *parking space* where parking or storage of a *motor vehicle* could be accommodated.

Wind Energy System

Means a renewable electrical generation facility that produces power from wind primarily to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution lines.

Wind Turbine

Means a machine for producing power in which a wheel or rotor is made to revolve by a flow of air. A *wind turbine* is considered to be the part of a *wind energy system* encompassing the rotor (including turbine blades), generator, tail and supporting *structure*. Supporting *structure* may include a guyed or free standing *structure* that supports the turbine or may be an *existing building* or *structure* on which the turbine is located.

Yard

Means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as may be expressly permitted by this By-law but does not include a *courtyard*. In determining *yard* measurements the minimum horizontal distance from the respective *lot line(s)* shall be used.

Zone

Means a designated area of land use shown on Schedule "A" to this By-law.

Section 4– General Provisions

4.1. Uses Permitted in all Zones

The *uses* identified in this subsection are permitted in all zones.

4.1.1. Accessory Uses

Unless otherwise specified, *accessory uses* are permitted in all zones. Where another section of the By-law specifically restricts or does not permit an identified *accessory use*, that section shall supersede this section.

4.1.2. Accessory Building and Structure

Accessory buildings, structures and *uses* are permitted in all zones subject to the following provisions:

- i) The principal *use, building or structure* must already be established on the same *lot*.
- ii) No detached *accessory building or structure* may be used for human habitation or an *occupation* for gain, unless specifically permitted by this By-Law.
- iii) Unless otherwise specified, *accessory buildings* and *structures* shall comply with the following requirements.
- iv) *Accessory buildings* and *structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

Permitted Feature or Structure	Measure	Requirement
<i>Accessory residential structure</i>	Location and <i>height</i>	In accordance with Section 4.2
<i>Accessory buildings or structures</i>	Total <i>lot coverage</i>	All Zones: 15% of the <i>lot area</i>
	<i>Height</i>	Mixed Use Zones: Lesser of 4.6 metres or the <i>height</i> of the main <i>building</i> on the <i>lot</i>
		All Other Zones: The maximum permitted <i>height</i> of the zone in which the <i>accessory structure</i> is located
	<i>Corner lot location</i>	Mixed Use Zone abutting any residential zone under By-law 2010-40: Distance equal to the minimum required <i>front yard</i> of the abutting residential zone under By-law 2010-40

- v) Notwithstanding any other provision of this By-Law, the setback for *accessory buildings or structures* on a *corner lot* shall be as follows:

Zones	Applicable Yards	Minimum Required Setback
Mixed Use Zone Abutting any residential zone under By-law 2010-40	<i>Exterior Side Yard</i>	Distance equal to the depth of the minimum required <i>front yard</i> of the abutting residential zone under By-law 2010-40

4.1.3. Public Uses

The provisions of this By-law shall not apply to prevent the use of any land, *building* or *structure* by any *public authority* provided that:

- i) Such *use, building* or *structure* complies with the parking and loading requirements of this By-law.
- ii) No outdoor storage is permitted unless such outdoor storage is specifically permitted in the zone in which the *use* is located.

- iii) Such *use, building or structure* is buffered from an adjacent *residential use* in accordance with the requirements of Section 4.10.2 of this By-law.
- iv) Such *use, building or structure* within the Floodplain and other Natural Hazards (FP-NH) *Zone* shall not conflict with those *uses* that are prohibited under Section 7.3.1.

4.1.4. Services and Utilities Installations

Nothing in this By-law shall prevent the installation and use of a water main, sanitary sewer main, storm sewer main, stormwater management facility, gas main, pipeline, overhead or underground hydro, communications/telecommunications or other utility *infraStructure*.

4.1.5. Temporary Construction Uses

A construction trailer, or other *building or structure* incidental to construction is permitted in all *zones* on the *lot* where construction is taking place provided that a *building* permit has been issued and remains in effect.

4.1.6. Temporary Sales Structures

A temporary sales *Structure* shall be permitted in any *zone* provided that:

- i) the temporary sales *Structure* is located in accordance with the *zone* provisions for the *zone* in which it is located; and,
- ii) an agreement is entered into with the Town of Newmarket.

4.2. Encroachments into Required Yards

- i) The following accessory, structural and ornamental structures to a *principal building* are permitted to encroach into any required yard in accordance with the following provisions:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
STRUCTURAL AND ORNAMENTAL FEATURES:		
Bay windows	<i>Front, rear and exterior side yards</i>	May encroach 1.0 metres into the required yard for a maximum width of 3.0 metres.
<i>Balconies/Landings/Steps/Fire Escapes</i>	<i>All yards</i>	May encroach 1.8 metres into the required yard. But in no instance shall <i>balconies, landings, steps and/or fire escapes</i> be located closer than 1.2 metres from the property line.
<i>Decks, Uncovered (0.6 metres or less in height above finished grade)</i>	<i>Rear Yard</i>	The setback shall not apply where a <i>side lot line</i> extends from a common wall dividing attached <i>dwelling units</i> . No closer than 1.2 metres from the <i>rear lot line</i> .
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Decks, Uncovered (greater than 0.6 metres to 3.0 metres in height above finished grade)</i>	<i>Rear Yard</i>	The setback shall not apply where a <i>side lot line</i> extends from a common wall dividing attached <i>dwelling units</i> . May encroach 3.6 metres into the required <i>rear yard</i> . However, in no circumstances shall the <i>deck</i> encroach closer than 2.4 metres from the <i>rear lot line</i> .
Walkway, residential	<i>Front, interior side, and exterior side yard</i>	No required <i>front or exterior side yard</i> setback. Must maintain 0.6 metres setback from interior side <i>lot line</i> .

SECTION 4 – GENERAL PROVISIONS

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Patios, Uncovered</i>	Mixed Use Zones: front and exterior side yards. All other Zones: rear and exterior side yards.	No required setback. No closer than 0.6 metres from the <i>lot line</i> .
<i>Porches , Porticoes</i> Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the <i>building</i> above established <i>grade</i>	Front, and exterior side yards	May encroach 2.4 metres into the required yard including eaves, cornices and steps but no closer than 1.5 metres to the <i>lot line</i> .
Sills, cornices, parapets, pilasters, or other similar ornamental structures	Any Yard	May encroach 0.6 metres into the required yard
Eaves, eavestroughs, gutters, or similar features	Interior Side Yard	May encroach into a required yard a maximum of 0.7 metres, and may be no closer to a <i>lot line</i> than 0.3 metres.
Chimneys	Any Yard	May encroach 0.6 metres into the required yard.
Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar accessory structures	Permitted in any yard	No required setback
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Accessibility Ramps or Wheelchair Lifts (*1)</i>	Permitted in any yard	No required setback
<i>Below Grade Parking Garages and Associated Vent (Structure);</i>	Permitted in front, rear and side	May encroach upto the applicable <i>Lot Line</i> . No required setback.

(*1) An *Accessibility Ramp* shall have a maximum gradient of 1 to 12. A *Wheelchair Lift* is permitted to elevate no higher than the first *Storey* of the *Building*, and have a maximum area no greater than 3.0 square metres.

- ii) The setback requirements of this table apply only to the *accessory buildings and structures* specifically noted.
- iii) Where an encroachment is permitted, it is subject to the following conditions:
 - a) *Decks or patios* that are permitted to encroach may have a *deck, balcony, gazebo, pergola, or awning* above them provided that:
 - 1) Any *deck* is constructed of a slatted and not a solid floor.
 - 2) Any *awning* is retractable, is not a permanently extended fixture, and does not extend farther from the *structure* than the *deck or patio*.
 - 3) Any *pergola or gazebo* complies with the requirements of an *Accessory Residential 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.
- iv) 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*.

4.3. Accessory Outdoor Mechanical Equipment for Permitted Residential Uses

Notwithstanding any other provision of this By-Law, outdoor mechanical equipment shall be permitted in all zones that permit a *residential use* as follows:

- i) Central air conditioning units, heat pumps, generators, and/or swimming *pool* equipment shall be permitted in all *yards* subject to the following:

Type of Dwelling	Yard	Permitted Location
Townhouses, Stacked Townhouses or other multiple dwellings, excluding apartment buildings	Front Yard	Maximum encroachment of 1.5 metres into required yard but no closer than 3.0 metres to the <i>street line</i> and is screened from the street by fencing, landscaping, or an enclosure
	Interior Side Yard	Setback a minimum 0.3 metres from <i>lot line</i>
	Exterior Side or Rear Yard	Setback a minimum 1.8 metres from <i>lot line</i>

- ii) Notwithstanding the provisions of Section 4.3 (i) above, a minimum lateral separation of 4.6 metres to a window and/or door of a *habitable room* of a dwelling on an adjoining *lot* shall be provided;
- iii) Window or through-wall *air conditioner* units shall be permitted to encroach a maximum of 0.5 metres into all required *yards* subject to a minimum setback of 0.6 metres from all *lot lines*;
- iv) Notwithstanding the provisions of Section 4.3 (i) above, central *air conditioners* and/or heat pump units for *apartment buildings* shall be roof-top mounted.

4.4. Exceptions to Height Requirements

The *height* requirements of this By-law shall not apply to spires, belfries, minarets, monuments, flag poles, chimneys, clock towers, or water towers. The *height* requirements of this By-law shall also not apply to mechanical penthouses and elevator enclosures occupying less than 30% of the aggregate area of the roof of the *building* on which they are located, up to 6.0 metres beyond the permitted *height* limit, in accordance with the requirements of Section 6.2.4.2 (iii) of this By-law.

4.5. Legal Non-Conforming Uses

This By-law shall not prevent the *use* of any land, *building* or *structure* for any purpose prohibited by this By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of passing of this By-law, and provided that such land, *building* or *structure* continues to be used for that purpose.

4.5.1. Restoration to a Safe Condition

Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any *building* or *structure* or part of any such *building* or *structure* that is used for a legally *non-conforming use* as provided for in Section 4.8, provided such alteration or repair does not increase the *height*, size or volume or change the *use* of such *building* or *structure*.

4.6. Legal Non-Complying Building or Structure

4.6.1. Existing Building or Structure

A *non-complying building or structure* which existed legally prior to the passing of this By-law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:

- i) does not further encroach into a required *yard*;
- ii) does not further increase the extent of a non-compliance with a maximum *yard* setback requirement;
- iii) complies with all other applicable provisions of this By-law; and
- iv) in the case of a *lot* that is located in an *Mixed Use Zone*, shall be subject to provision 6.2.1.2 of this By-law.

4.6.2. Valid Building Permit in Effect

This By-law shall not prevent the erection of a *building or structure* for which a *building* permit has been issued in accordance with the *Building Code Act*, prior to the day of the passing of this By-law, so long as the *building or structure* when erected is used and continues to be used for the purpose for which it was erected and provided that the *building* permit remains valid and subject to provision 1.9 regarding Transition.

4.7. Legal Non-Complying Lots

A *lot* which existed legally prior to the effective date of this By-law, that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, shall be deemed to conform to this By-law. Such *lots* may be used and *buildings* may be erected, enlarged, repaired or renovated on the *lot* provided that the *use* and the *buildings or structures* comply with all other provisions of this By-law.

4.8. Public Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to the minimum *lot frontage*, minimum *lot depth*, minimum *lot area*, minimum *floor space index*, maximum *lot coverage*, reduced *building setbacks*,

minimum required number of *parking spaces*, minimum size of *parking spaces*, minimum width of *landscape buffers*, minimum width of a *driveway*, location of *parking spaces* and/or *driveways* or minimum required setbacks and/or *yards* for *driveways* and/or *parking spaces*, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized.

4.9. Frontage on a Public Street

No person shall erect any *building* or *structure* in any zone unless:

- i) The *lot* upon which such *building* or *structure* is to be erected has frontage on a *public street*. This provision shall not restrict the erection of any *building* on a *lot* in a registered plan of *subdivision* where a *subdivision* agreement has been entered into but the streets will not be assumed until the end of the maintenance period or a *Private Street* over which an easement for right of way in favour of the Town of Newmarket has been registered on title; or
- ii) The *lot* upon which the *building* or *structure* is to be erected is a *Parcel of Tied Land*; or
- iii) Notwithstanding any other provisions in this By-law, where a *building* has been erected prior to the date of the passage of this By-law on a *lot* which fronts on a *private street*, such *building* may be enlarged, reconstructed, repaired or renovated provided all other applicable provisions of this By-law are satisfied.

4.10. Landscape Buffers

Where required, *landscape buffers* shall be provided in accordance with the following requirements:

4.10.1. Landscape Buffers for Parking Lots

A *landscaped buffer* area shall be required for *parking lots* designed to accommodate 5 or more *parking spaces* where permitted, and shall conform to the following requirements:

- i) Such buffer area shall be at least 3.0 metres wide and located around the periphery of the *parking lot* within the *lot* on which the *parking area* is located.

- ii) Such buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area.
- iii) 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 1.4 metres 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 metre within a *daylighting triangle*.
- iv) Where a buffer area is required between a *parking lot* in an *Mixed Use Zone* and an *Open Space Zone*, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the *Mixed Use Zone*. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in *height*.
- v) Notwithstanding subsection i) above, where a buffer area is required between a *parking lot* in a *Mixed Use Zone* and an *Open Space Zone*, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the *Mixed Use Zone*. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in *height*.

4.10.2. Landscape Buffers Adjacent to Residential Areas

Notwithstanding any other provision of this By-Law, where the *rear lot line* or *interior side lot line* of a *Mixed Use* or *Institutional Zone* abuts a residential zone outside of the area of this By-law, a *landscaped buffer* shall be required in accordance with the following provisions:

- i) the *Landscape Buffer* shall be located on the *lot* containing the mixed use, or *institutional use*, immediately adjacent to the *lot line* that borders such *lot* with the *residential use* under By-law 2010-40.
- ii) where a *landscaped buffer* is required, such landscape material within the buffer shall be not less than 1.5 metres high. Notwithstanding this requirement, landscape material shall not exceed a *height* of 1.0 metre within the minimum front or *exterior side yard*.

4.11. Daylighting Triangle

Daylighting triangles shall be required on *corner lots* in all zones as follows:

4.11.1. Establishing the Daylighting Triangle

The area within the *daylighting triangle* shall be determined by measuring from the point of intersection of two *street lines* or the extension of such lines on a *corner lot*, the distance required by this By-law, Town of Newmarket Engineering Design Standards and Region of York requirements, whichever is greater, along each such *street line* and joining such points with a straight line. *Daylighting triangles* shall be established as follows:

Location	Minimum Distance Measured Along Each Street Line From Point of Intersection at Corner
All Zones	5.0 metres
Motor Vehicle Service Station, Motor Vehicle Service Shop	15.0 metres

4.11.2. Maximum Height in Daylighting Triangle

Notwithstanding any other provision of this By-law, any fence, sign, *structure* or vegetation within a *daylighting triangle* shall not exceed a *height* of 1.0 metre measured from the *grade* of the streets that abut the *lot*.

4.12. Planned Width of Street Allowance

Notwithstanding any other provision of this By-law, where a *lot* abuts a street which is designated on Schedule "F" to this By-law has a planned width of street allowance which is greater than the present width, that portion of the *lot* lying between the limit of the planned width of street allowance and the present street allowance shall not form part of the *lot* for applying the provisions and required standards of this By-law.

4.13. Specific Use Provisions

Notwithstanding any other provision of this By-law, the following specific use provisions shall apply:

4.13.1. Location of Gasoline and Propane Pumps and Canopies

Where permitted, the following standards shall apply to the location of gasoline and propane pumps and canopies:

- i) the minimum distance of pumps and canopies from the planned *Street Line* of the street upon which the *lot* fronts shall be 4.5 metres; and
- ii) the minimum distance of pumps and canopies from the nearest part of a *daylighting triangle* shall be 3.0 metres.

4.13.2. Outdoor Display and Sales Area

Where the outdoor display and sale of goods and materials is permitted as an *accessory use*, the following provisions apply:

- i) the area used for outdoor display and sales is located on the same *lot* as the principal use and does not occupy more than 35% of the total *lot area*;
- ii) the area used for outdoor display and sales is in addition to and separated from, the area required to satisfy the minimum required parking standards for the principal use; and,
- iii) the area used for outdoor display and sales shall not be located in any minimum required *yard* for the *zone* in which it is located.

4.13.3. 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.

4.13.4. Accessory Outdoor Storage

Where permitted, *Accessory Outdoor Storage* shall:

- i) not exceed 30% of the *lot area*;
- ii) not be visible from a street;
- iii) be screened by an opaque fence;
- iv) only be located in a side and/or *rear yard*;
- v) be located no nearer to a *lot line* than 1.5 metres or to a *street line* than 4.5 metres;
- vi) not be located in any landscaped area or required *parking area*; and not exceed 4.5 metres in *height*.

4.13.5. Micro-Industrial Uses

Where a *Micro-Industrial use* is permitted, the following requirements shall apply:

- i) A *Micro-Industrial use* is only permitted when accompanied by a *retail* and/or *restaurant use* retailing products produced on-site or if it is a personal brewing or wine-making establishment.
- ii) All production, retailing, and distribution associated with a *Micro-Industrial use* must take place within a *building* and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this By-law.

4.13.6. Food Vehicles

- i) Notwithstanding Section 5, no parking is required for a *Food Vehicle*.

4.14. Use for Hazardous Purposes

Notwithstanding any other provision of this By-law, no land, *building* or *structure* may be used for any purpose, which from its nature or from the materials used, is determined to be a health hazard.

4.15. Uses Restricted

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited within 610.0 metres of any *Mixed Use Zone* unless specifically permitted:

- i) The manufacture or open storage of fertilizers from human or animal wastes.
- ii) The slaughtering of animals or poultry.
- iii) The following Commercial or *Industrial uses*:
 - a) animal food plant; clay, concrete or brick products plant; coal yard; *dry cleaning plant using flammable solvents; explosive manufacturing or storage in excess of 11 kilograms; sewage disposal plant; incinerator; or, gas, tar or petroleum processing.*

4.15.1. Nothing in this By-Law Shall Prevent:

- i) the erection of *buildings* for *uses* incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building or structure* incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned; and
- ii) the erection of model homes and sales *offices*, subject to Section 4.1.6, terms and conditions as established by the Town, and the provision of an access route for fire department *use* in accordance with the *Building Code*, O.Reg. 403/97, or its successor thereto.

4.15.2. Fuel Tanks

Where fuel tanks are permitted, the following standards shall apply to their location:

- i) In any *zone*, be located in accordance with an approved site plan.
- ii) In any *zone*, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.

4.15.3. Uses for Hazardous Purposes

Notwithstanding any other provision of this By-law, no land, *Building* or *Structure* may be used for any purpose, which from its nature or from the materials used, is determined to be a health hazard.

4.16. Source Water Protection

This Zoning By-law is subject to the South Georgian Bay Lake Simcoe Source Water Protection Plan.

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Section 5–Parking, Loading & Queuing Requirements

5.1. Legal Non-complying Parking, Loading and Queuing Requirements

Where on the date of the passing of this By-law, a *building* or *structure* requiring 5 or more *parking spaces* had previously complying parking, loading and/or queuing requirements that no longer comply with the requirements of this By-law, this By-law shall not be interpreted to require that any non-compliance be corrected prior to the construction of any addition. If an addition is made to the *building* which increases the *gross floor area*, then additional parking, loading, and *queuing spaces* applicable to the additional floor area shall be provided by the regulations of this By-law.

5.2. Parking Space Requirements

When any new development is constructed, or when any *existing* development is enlarged, or when any *use* is changed, off-street vehicular *parking spaces* shall be provided in accordance with the standards of this By-law.

5.2.1. Exclusive Nature of Parking Space

Parking spaces and areas required in accordance with this By-law shall only be used for the parking of operative, currently licensed vehicles that are used in relation to the permitted *use(s)* for which the *parking spaces* and areas are required.

5.2.2. Parking Space Design

- i) The minimum required size of a *parking space* shall be as follows:

Number of Required Spaces	Parking Space Configuration	Minimum Size (*1)
Fewer than 5	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.6 metres by 5.0 metres
5 or More	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.7 metres by 5.5 metres

(*1) The minimum width of a *Parking Space* must be increase by 0.3 metres if one or both sides of the *Parking Space* is obstructed according to 5.2.2.1.

- ii) The width of the drive aisle adjacent to a *parking space* shall be in accordance with the following standards:

Angle of Parking Space	Minimum Aisle Width	Direction
45 degrees	4.5 metres	One Way
90 degrees	6.0 metres	Two Way

- iii) Barrier-free *parking spaces* will be provided in two types, and in the quantities stated in Section 5.3.3:
- Type A ("Van"): Minimum size of 3.4 metres by 5.5 metres.
 - Type B: Minimum size of 2.6 metres by 5.5 metres.
- iv) Every accessible *parking space* must have an access aisle adjacent to the space. An access aisle may be shared by two adjacent accessible *parking spaces*. The minimum width of an access aisle is 1.5 metres.
- v) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.

5.2.2.1. Obstructions

The side of a *Parking Space* is obstructed if any part of a fixed object such as a wall, column, bollard, fence, or pipe is situated within 0.3 metres of a side of the *Parking Space*, measured at right angles, and more than 1.0 metre from the front or rear of the *Parking Space*.

5.3. Calculation of Parking Requirements

Where the minimum number of required *parking spaces* is calculated on the basis of a rate or ratio, the number of required spaces shall be rounded to the next higher whole number.

The parking requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the parking requirements for each of the component *uses*, unless otherwise noted.

5.3.1. Parking Standards

The parking standards for the lands located in this By-law, as shown in Schedule "A" Map 1 through 6 and forming part of this By-law, shall be in accordance with the following:

5.3.1.1. Residential Uses

The minimum and maximum off-street parking requirements for permitted *residential uses* in this By-law shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Accessory Dwelling Unit</i>	1.0 exterior parking spaces per accessory dwelling unit	n/a
<i>Detached Dwelling</i>	2.0 parking spaces per dwelling unit (*1)	n/a
<i>Link Dwelling</i>	2.0 parking spaces per dwelling unit (*)	n/a
<i>Semi-Detached Dwelling</i>	2.0 parking spaces per dwelling unit (*1)	n/a
<i>Duplex Dwelling</i>	2.0 parking spaces per dwelling unit (*1)	n/a
<i>Quadruplex, or Maisonette Dwelling</i>	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit	n/a
<i>Townhouse or Stacked Townhouse Dwelling on Private Road</i>	1.0 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Townhouse or Stacked Townhouse Dwelling on Public Road</i>	1.0 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit(*2)	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Bachelor Unit</i>	0.70 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	0.85 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – One Bedroom Unit</i>	0.80 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Two Bedroom Unit</i>	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.20 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Three or more Bedroom Unit</i>	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.4 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Bed and Breakfast Establishment</i>	1.0 <i>parking space</i> for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling	n/a
<i>Dormitory</i>	0.5 <i>parking spaces</i> for each <i>rooming unit</i>	n/a
<i>Group Home</i> <i>Halfway House</i>	2.0 <i>parking spaces</i>	4.0 <i>parking spaces</i>
<i>Home Occupation in a:</i> <i>Detached Dwelling;</i> <i>Link Dwelling;</i> <i>Semi-Detached Dwelling;</i> <i>Duplex Dwelling;</i> <i>Quadruplex Dwelling;</i> or <i>Maisonette Dwelling</i>	Where the area occupied by the <i>home occupation</i> exceeds 24.0 square metres, 1.0 <i>parking space</i> shall be required for every 9.0 square metres above the 24.0 square metres of the <i>dwelling unit</i> used for the <i>home occupation</i>	n/a
<i>Special Needs Facility</i>	2.0 <i>parking spaces</i>	4.0 <i>parking spaces</i>

- (*1) Where in combination with an *accessory dwelling unit* the required *parking spaces* shall be in addition to the required *parking space* for the *accessory dwelling unit*.
- (*2) Where a *dwelling unit* is a *financially assisted dwelling unit*, the minimum *parking space* rate and the maximum *parking space* rate for the *dwelling unit* may be reduced by 30% of the standard minimum and maximum *parking space* rates for the applicable *dwelling unit* type. This reduction does not apply to the visitor *Parking Space* per *dwelling unit* rates.

5.3.1.2. Non-Residential Uses

The minimum and maximum off-street parking requirements for permitted non-residential uses shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Art Gallery</i>	<i>1.0 parking space per 100.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 100.0 square metres of gross floor area</i>
<i>Banquet Facility</i>	<i>1.0 parking space per 9.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Commercial Recreation Centre Community Centre Outdoor Recreation Facility Sports Arena</i>	<i>1.0 parking space per 28.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 28.0 square metres of gross floor area</i>
<i>Commercial School</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Child Care Centre</i>	<i>1.0 parking space per classroom, plus 1.0 parking space for every 8 children licensed capacity</i>	<i>2 times the minimum off-street parking requirement</i>
<i>Domestic Animal Care Facility</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Dry Cleaning Depot Laundromat</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Financial Institution</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Funeral Home</i>	<i>30.0 parking spaces for the first 30.0 square metres of gross floor area, plus 1.0 parking space for each additional 15.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Garden Centre</i>	<i>1.0 parking space per 30.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Hospital</i>	<i>1.0 parking space per 42.0 square metres of gross floor area</i>	<i>n/a</i>

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Hotel</i>	The aggregate of: 1.0 <i>parking space</i> per guest room for the first 20 guest rooms 1.0 <i>parking space</i> per two guest rooms for guest rooms beyond the first 20 1.0 <i>parking space</i> per 10.0 square metres of <i>gross floor area</i> dedicated to administrative, banquet and meeting facilities	n/a
<i>Institutional Day Centre</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Library</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 20.0 square metres of <i>gross floor area</i>
<i>Light Equipment Sales and Rental</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Local Shopping Centre</i>	1.0 <i>Parking Space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>Parking Space</i> per 40.0 square metres of <i>gross floor area</i>
<i>Long Term Care Facility</i>	0.25 <i>parking spaces</i> per <i>dwelling unit</i> or <i>rooming unit</i> , plus 1.0 <i>parking space</i> per 200.0 square metres of <i>gross floor area</i> used for medical, health or personal services	2 times the minimum off-street parking requirement
<i>Medical Clinic</i> <i>Medical Office</i> <i>Medical/Dental Laboratory</i>	1.0 <i>parking space</i> per 35.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 35.0 square metres of <i>gross floor area</i>
<i>Micro-Industry</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Motor Vehicle Rental Establishment</i>	1.0 <i>parking space</i> per 35.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 35.0 square metres of <i>gross floor area</i>

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Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Motor Vehicle Sales Establishment</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i> excluding showroom	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i> excluding showroom
<i>Motor Vehicle Repair Facility</i>	1.0 <i>parking space</i> per 13.0 square metres of <i>gross floor area</i> including the service bays	n/a
<i>Motor Vehicle Service Shop</i>	1.0 <i>parking space</i> per 13.0 square metres of <i>gross floor area</i> including the service bays	n/a
<i>Motor Vehicle Service Station</i>	2.0 <i>parking spaces</i> where the <i>gross floor area</i> of the kiosk is 25.0 square metres or less or 1.0 <i>parking space</i> per 18 square metres where the kiosk is greater than 26.0 square metres with a minimum of 2.0 <i>parking spaces</i>	n/a
<i>Museum</i>	1.0 <i>parking space</i> per 100.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 100.0 square metres of <i>gross floor area</i>
<i>Passenger Transportation Terminal</i>	0.5 <i>parking space</i> per 100.0 square metres of <i>gross floor area</i>	n/a
<i>Office</i>	1.0 <i>parking space</i> per 50.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 50.0 square metres of <i>gross floor area</i>
<i>Personal Service Shop</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Place of Worship</i>	1.0 <i>parking space</i> per 9.0 square metres of the aggregate <i>gross floor area</i> of the nave, public hall, banquet hall or other community/ multi-use hall used as a <i>place of assembly</i>	2.0 <i>parking spaces</i> per 9.0 square metres of the aggregate <i>gross floor area</i> of the nave, public hall, banquet hall or other community/ multi-use hall used as a <i>place of assembly</i>
<i>Private Club</i>	1.0 <i>parking space</i> per 9.0 square metres of <i>gross floor area</i>	n/a

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Restaurant</i>	1.0 <i>parking space</i> per 50.0 square metres of <i>gross floor area</i> , excluding any <i>Porch</i> , veranda and/or <i>Patio</i> dedicated as seasonal serving areas	4.0 <i>parking spaces</i> per 50.0 square metres of <i>gross floor area</i> , excluding any <i>Porch</i> , veranda and/or <i>Patio</i> dedicated as seasonal serving areas
<i>Retail Store</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Retail Warehouse Store</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Elementary School</i>	1.0 <i>parking space</i> per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
<i>Secondary School</i>	1.5 <i>parking space</i> per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
<i>Post Secondary School</i>	1.0 <i>parking space</i> per 200.0 square metres of <i>gross floor area</i> used for instructional and/or academic purposes	2.0 <i>parking spaces</i> per 200.0 square metres of <i>gross floor area</i> used for instructional and/or academic purposes
<i>Service or Repair Shop</i>	1.0 <i>parking space</i> per 28.0 square metres of <i>gross floor area</i>	n/a
<i>Studio</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Veterinary Clinic</i>	1.0 <i>parking space</i> per 27.0 square metres of <i>gross floor area</i>	n/a

5.3.1.3. Reduced Parking Standards for Proximity to Transit

Notwithstanding Sections 5.3.1.1 and 5.3.1.2 of this By-law, the parking standards for lands as shown on Schedule A" Maps 1 through 6 of this By-law, the minimum and maximum parking rates for each of the permitted residential and non-residential uses identified in Sections 5.3.1.1 and 5.3.1.2 may be reduced by 30% if the property of such use is within a Parking Reduction Area as shown on Schedule "F".

5.3.1.4. Carpooling Parking Space for certain Non-residential Uses

Notwithstanding Section 5.3.1.2 of this By-law, the required parking for developments involving *financial institution, hospital, library, medical clinic, medical office building, medical/dental laboratory, office, elementary school, secondary school, or post-secondary school* uses must provide carpooling *parking spaces* as the lesser of:

- i) 5% of the total required parking supply for any of these non-residential *uses*, or
- ii) 2.0 *parking spaces*.

5.3.1.5. Car-Share Parking Space for certain Residential Uses

Notwithstanding Section 5.3.1.1 of this By-law, any development of a *mixed use building or apartment building* providing *parking spaces* for the purposes of car-share parking and does not include any *financially assisted dwelling units*, the applicable minimum *parking space* requirement may be reduced by up to 3 *parking spaces* for each dedicated car-share *parking space*. The limit on the *parking space* reduction is calculated as the greater of:

- i) $4 \times (\text{total number of units} / 60)$, rounded down to the nearest whole number, or
- ii) 1.0 *parking space*.

5.3.2. Shared Parking

- i) A shared parking formula may be used for the calculation of required parking for a *mixed use* development. A *mixed use* 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% of its requirement.
- ii) Shared parking is to be calculated in compliance with the following table. All required *parking spaces* must be accessible to all users participating in the shared parking arrangement and may not be reserved for specific users.

iii) To determine the shared parking requirements for a mixed use:

- a) calculate the parking requirement for each use as if these uses were free-standing buildings;
- b) multiply each use by the percent of the peak period for each time period contained in the following table;
- c) total each peak column for weekday and weekend; and
- d) the highest figure obtained from all time periods shall become the required parking for the mixed use.

Type of Use	Percentage of Peak Period (Weekday)		
	Morning	Afternoon	Evening
<i>Industrial or office</i>	100%	100%	10%
<i>Recreational</i>	25%	80%	100%
<i>Hotel</i>	80%	80%	100%
<i>Assembly</i>	10%	25%	100%
<i>Retail Centre/Retail Store / Personal Service Shop</i>	65%	90%	90%

Type of Use	Percentage of Peak Period (Saturday)		
	Morning	Afternoon	Evening
<i>Industrial or office</i>	10%	10%	10%
<i>Recreational</i>	90%	100%	100%
<i>Hotel</i>	80%	80%	100%
<i>Assembly</i>	90%	90%	100%
<i>Retail Centre/Retail Store / Personal Service Shop</i>	80%	100%	100%

- iv) For the purposes of this section a Recreational use includes *Commercial Recreation Centre, 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.

5.3.2.1. Car-Share Parking Space or Electrical Charging Station in Mixed Use Zones

On a *lot* where a parking *lot* in the form of a surface parking *lot* is permitted:

- i) a minimum 1 car-share *Parking Space* may be provided in lieu of every 3 *Parking Spaces*; and
- ii) a minimum of 1 electrical charging station *Parking Space* shall be provided for every 10 *Parking Spaces*.

5.3.3. Barrier Free Parking Spaces

Off-street barrier free *Parking Spaces* 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:

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

Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces
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 <i>Parking Spaces</i> are required, the extra Type B space may be changed to a Type A space.		

- ii) Notwithstanding subsection i) above, the minimum barrier free parking requirement for *medical offices*, 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 use, providing at least 40% of the required barrier free spaces of each type of Type A and Type B.

5.3.4. Bicycle Parking

- i) *Bicycle Parking Spaces* shall be provided as follows:

Use	Required Bicycle Parking
Retail Store, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000.0 square metres of gross floor area
Manufacturing/Industrial	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces for every 1000.0 square metres of gross floor area
Elementary, Secondary and Post Secondary Schools	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100.0 square metres of gross floor area
Apartment Building, Dwelling Unit, Live Work Unit, Mixed Use Building Dwelling, Stacked Townhouse Dwelling	0.5 Long-Term Bicycle Parking Spaces per Dwelling Unit and 0.1 short-term spaces per dwelling unit

- ii) Where *bicycle parking spaces* are located internal to a *building*, they shall be located:
 - a) on the ground floor; or
 - 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*.
- iii) *Bicycle parking spaces* as required by this By-law shall not be located:
 - a) in a *dwelling unit*; or
 - b) on a *balcony*.
- iv) The minimum dimension of a *bicycle Parking Space* is:
 - a) minimum length of 1.8 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum vertical clearance from the ground of 1.9 metres; and
- v) the minimum dimension of a *bicycle Parking Space* if placed in a vertical position on a wall, *Structure* or mechanical device is:
 - a) minimum length or vertical clearance of 1.9 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum horizontal clearance from the wall of 1.2 metres; and
- vi) A *bicycle Parking Space* must be on the same *lot* as the *use* for which it is required.

5.4. Parking Lot Requirements

For every *building*, *structure* or *use* requiring 5 or more *parking spaces*, off-street parking having access to a *public street* shall be provided on the same *lot* on which the *use*, *building* or *structure* is located unless otherwise specified in this By-law.

5.4.1. Parking Lot Location

Where required, *parking lots* shall be located in accordance with the following requirements:

Zone	Parking Lot Location Requirement
Mixed Use Zones(*1)	<i>Parking spaces</i> may be provided on another <i>lot</i> within a different Mixed Use Zone but not more than 150.0 metres from the <i>lot line</i> of the use it is intended to serve.
	<i>Parking lots</i> shall be located in the <i>interior side yard</i> and/or <i>rear yard</i> not less than 3.0 metres from any side or <i>rear lot line</i> . However, a <i>parking lot</i> as a sole use may be located in any <i>yard</i> .
Mixed Use, Open Space, or Institutional Zones(*1)	<i>Parking lots</i> may be located within any <i>yard</i> but shall not be located within 3.0 metres of any <i>street line</i> .

(*1) Excluding *Elementary* and *Secondary School Uses*

5.4.2. Parking Lot Design

- i) Surface Treatment
Every *parking lot*, including *parking spaces* and *driveways*, shall be graded and drained and the surface treated with a permanent durable and dustless surface that is designed to Town standards. This provision shall not apply to *parking lots* of residential developments having three or fewer *dwelling units*.
- ii) Curbs
The *parking lot* shall have visible boundaries defined by a curb designed to Town standards.

5.4.3. Location of Visitor Parking

Visitor parking shall be located in accordance with the following requirements:

- i) Where visitor parking is required outside of a Mixed Use Zone and in accordance with Sections 5.3.1 and 5.3.2, such parking shall be located at *grade* and shall be separated from any adjacent *street line* by a strip of land not less than 3.0 metres wide which shall be used only for landscaping, entrances and exits.

5.4.4. Parking Lot Illumination

Where a *parking lot* is illuminated and is in or adjacent to a *residential zone* under By-law 2010-40, the lighting fixtures shall be installed in accordance with the following:

- i) the lighting fixtures shall be arranged to have no part of any fixture located at a *height* greater than 9.0 metres above the *established grade* of the *parking lot*; and,
- ii) the lighting fixtures shall be designed and installed to deflect the light downward and away from adjacent residential *buildings, lots* and streets.

5.4.5. Snow Storage Accommodation for Outdoor Parking Lots

An outdoor *parking lot* shall provide an area equivalent to 5% of the number of required spaces for the purpose of snow storage.

5.5. Entrances, Exits and Driveways

i) *Driveways*, entrances and exits shall be provided as follows:

Parking Requirement	Requirement for Entrances and Exits
Required <i>Parking Spaces</i> : 4 or fewer	<ul style="list-style-type: none"> i) The minimum width of a <i>driveway</i>, free of projections shall be 3.0 metres. ii) The minimum distance between a <i>driveway</i> and the intersection of 2 or more streets, measured along the <i>street line</i> intersected by such <i>driveway</i> shall be 4.5 metres. iii) Approaches and <i>Driveways</i> which provide access to <i>Parking Areas</i> other than directly from a municipal street shall be constructed at a width not less than 6.0 metres nor where undivided, not greater than 9.0 metres.

Parking Requirement	Requirement for Entrances and Exits
Required <i>Parking Spaces</i> : 5 or more	<ul style="list-style-type: none"> i) Not more than 2 entrance and exit <i>driveways</i> plus 1 additional entrance or exit <i>driveway</i> for service vehicles, shall be provided to access the <i>parking lot</i>. ii) Each entrance and/or exit <i>driveway</i> shall have a minimum width at the <i>street line</i> of 7.9 metres and if undivided, a maximum width of 9.0 metres. iii) The minimum distance between a <i>driveway</i> and intersection of <i>street lines</i> measured along the <i>street line</i> intersected by such <i>driveway</i> shall be 15.0 metres. iv) approaches and <i>driveways</i> which provide access to <i>parking areas</i> other than directly from a municipal street shall be constructed at a width not less than 6.0 metres nor where undivided, not greater than 9.0 metres. v) A continuous, uninterrupted pedestrian connection of a minimum of 1.5 metres 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 <i>principal entrance</i> of each <i>building</i>. If no sidewalk abuts the property, the connection will be provided from the abutting street. Where <i>Parking Spaces</i> are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8 metres in width.

- ii) 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.

5.6. Loading Spaces

Off-street *loading spaces* shall be provided in accordance with this By-law when any new development is constructed, when any *existing* development is enlarged, or when any *existing use* is changed.

5.6.1. Loading Space Requirements

Required *loading spaces* shall be unobstructed and shall be located on the same *lot* as the *use* that requires the *loading space* as follows:

Zone	Gross Floor Area	Loading Space Requirement	Location On a Lot	Size of Loading Space
Mixed Use and Institutional Zones	Less than 299.0 square metres 300.0 square metres – 999 square metres 1000.0 square metres – 2299 square metres 2300.0 square metres – 7299 square metres Greater than 7300.0 square metres	0 1 2 3 1 additional space for every additional 7432 square metres or fraction thereof	Interior side or <i>rear yard</i> unless the setback from the <i>street line</i> is a minimum of 60.0 metres	Width 3.6 metres Length 9.0 metres Vertical Clearance 4.2 metres

5.6.2. Access to Loading Spaces

Where a *loading space(s)* is required, the access to the *loading space(s)* shall be provided by means of a *driveway* that is a minimum of 6.0 metres wide, unless such spaces are directly linked to a *lane* or roadway.

5.6.3. Setback of Loading Spaces from residential zones

In any *Mixed Use Zone*, no *loading space* shall be located closer than 10.0 metres to any interior *side lot line* or *rear lot line* that abuts a residential zone under Bylaw 2010-40.

5.6.4. Provision of Loading Spaces for Multiple Occupancy Buildings

Notwithstanding any other provision of this By-law, any units within a multiple occupancy *building* in a *Mixed Use Zone* which does not exceed 225.0 square metres in *gross floor area* shall not be included in calculations for required *loading spaces* as required by this By-law.

5.7. Queuing Lane Requirements

Where *queuing lanes* are required in association with a permitted use, the following provisions shall apply:

5.7.1. Exclusive Use of Queuing Space

Queuing lanes and spaces shall be exclusive of any other *parking space* and aisle requirements contained within this By-Law.

5.7.2. Size of Queuing Space

All *queuing spaces* shall be rectangular in shape, with a minimum length of 5.5 metres and a width of 2.6 metres.

Section 6–Zone Provisions

6.1. Zone Provisions

Permitted *uses* and zone standards for all Zones are provided in the following sections:

ZONE CATEGORY	SECTION
Mixed <i>Use</i> Zones	6.2
Institutional Zones	6.3
Open Space Zones	6.4

6.1.1. Permitted Uses

Permitted *uses* in a *Zone* are noted by the symbol 'P' in the column applicable to that *Zone* and corresponding with the row for a specific permitted use. The symbol 'PC' means permitted with conditions. If the *use* is not listed, it is not permitted in that *zone*. A number(s) following the symbol 'P' or 'PC' zone heading or identified permitted *use*, indicates that one or more exceptions apply to the *use* noted or, in some cases, to the entire *Zone*. Exceptions and additional regulations are noted at the end of each table.

6.1.2. Zone Standards

Regulations respecting *lot area*, *frontage*, *coverage*, *yard setbacks*, *floor space* index and *height* are established for each *zone* category.

An asterisk and a number (*1) following the *zone* standard, *zone* heading or description of the standard, indicates an additional *Zone* requirement. These additional standards are listed at the end of each subsection.

6.2. Mixed Use Zones

6.2.1. General

6.2.1.1. General

No person shall *use* any land or erect, alter or *use* any *building* or *structure* in any Mixed *Use* *Zone* except in accordance with Sections 6.2.2 through 6.2.5 of this By-law.

6.2.1.2. Interim Development Exception

The *gross floor area* of an *existing building*, may be increased by 10% without adhering to the density and *height* requirements in Section 6 of this By-law or with the requirement to remove the (H) Symbol under Section 8.2.2 of this By-law.

6.2.2. Permitted Uses and Permitted Uses with Conditions

6.2.2.1. List of Uses

The following table establishes the *uses* permitted in the Mixed Use Zones:

Table 6.2.2.1: Mixed Use Zone Permitted Uses	
	MU 1 - 3
Non-Residential Uses	
Art Gallery	P
Automated Motor Vehicle Washing Establishment (*1)	PC
Banquet Facility	P
Community Centre	P
Commercial Recreation Centre	P
Commercial School	P
Child Care Centre	P
Domestic Animal Care Facility	P
Dry Cleaning Depot	P
Elementary School	P
Emergency Service Facility	P
Financial Institution	P
Funeral Home	P
Garden Centre	P
Home Occupation	P
Hospital	P
Hotel	P
Institutional Day Centre	P
Laundromat	P
Library	P
Local Shopping Centre	P
Long Term Care Facility	P

SECTION 6 – ZONE PROVISIONS

<i>Manual Motor Vehicle Washing Establishment (*1)</i>	PC
<i>Medical Clinic/Medical/Dental Laboratory</i>	P
<i>Micro-Industrial Use</i>	P
<i>Motor Vehicle Rental Establishment (*2)</i>	PC
<i>Office</i>	P
<i>Parking Garage (*3)</i>	PC
<i>Parking Lot (*4)</i>	PC
<i>Passenger Transportation Terminal</i>	P
<i>Personal Service Shop</i>	P
<i>Place of Worship</i>	P
<i>Post Secondary School</i>	P
<i>Private Club</i>	P
<i>Restaurant</i>	P
<i>Retail Store</i>	P
<i>Retail Warehouse (*5)</i>	PC
<i>Secondary School</i>	P
<i>Service or Repair Shop</i>	P
<i>Studio</i>	P
<i>Veterinary Clinic</i>	P
Residential Uses	
<i>Apartment Building Dwelling</i>	P
<i>Group Home</i>	P
<i>Live Work Unit</i>	P
<i>Mixed Use Building Dwelling (*6)</i>	PC
<i>Retirement Residence</i>	P
<i>Special Needs Housing</i>	P
<i>Stacked Townhouse Dwelling (*7)</i>	PC
<i>Townhouse Dwelling (*7)</i>	PC

P = Permitted

PC = Permitted, subject to the following conditions noted

(*1) *An automated motor vehicle washing establishment or manual motor vehicle washing establishment is only permitted within an enclosed Parking Garage.*

(*2) *In a motor vehicle rental establishment the number of surface automobile storage spaces will be limited to 5.*

SECTION 6 – ZONE PROVISIONS

- (*3) Permitted subject to Section 6.2.2.3 and 6.2.2.4.
- (*4) Provided *parking lot* is not located between building and street along Yonge Street and Davis Drive. *Parking lot* is subject to the provisions of section 6.2.4.9 of this By-law.
- (*5) Provided retail *warehouse* is multistory and/or mixed with other uses.
- (*6) *In a mixed-use building dwelling*, a dwelling unit may only be permitted above a ground level *commercial use*.
- (*7) *Townhouse Dwelling* and Stacked Townhouse Buildings shall have a maximum length of 60.0 metres.

6.2.2.2. Priority Commercial Areas

Any *building* in the areas shown on Schedule “D,” forming part of this By-law, shall have *commercial uses* comprising 75% of ground floor frontages. Interim development subject to Section 6.2.1.2 is exempt from this section.

6.2.2.3. Above Grade Parking Garage

Any *building* that contains an *above grade* parking component facing a *public or private street* or an *Open Space Zone* must provide *commercial, residential or institutional uses* along the ground floor of the wall facing the *public or private street* or *Open Space Zone*.

6.2.2.4. Underground Parking

Below *grade* parking is permitted to be setback 0.0 metres from property lines, and may be permitted under *Private Parks* *Private Parks*, parks, *Private Lanes* and *Private Streets*, but is prohibited under *Public streets*.

6.2.3. Lot Requirements

6.2.3.1. Lot Frontage

Table 6.2.3.1: Mixed Use Zone Lot Frontage for Stacked Townhouse

	MU 1 - 3
Max. Lot Frontage	60.0 metres

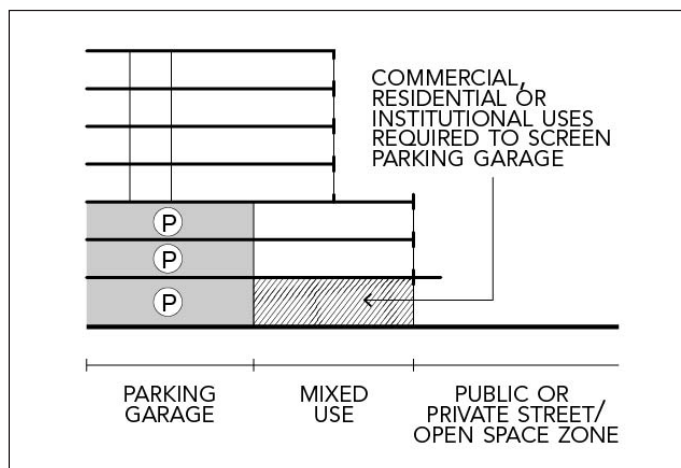


Illustration 6-1. Above Grade Parking Garage

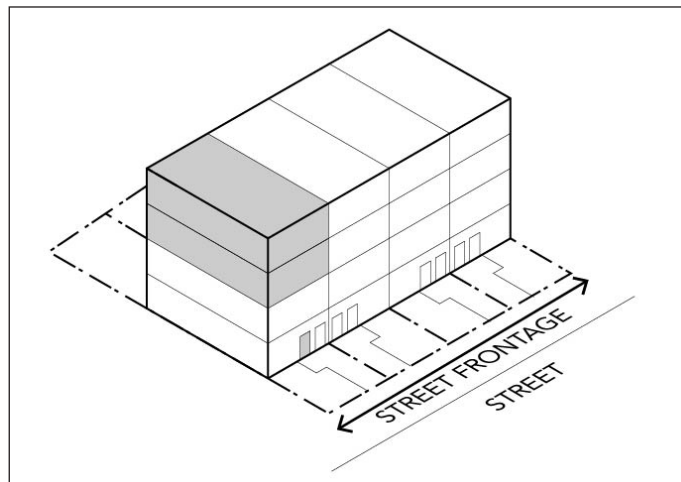


Illustration 6-2. Stacked Townhouse Frontage Example

6.2.3.2. Established Front Lot Lines

Front lot lines shall be identified in Schedule “F,” Maps 19 through 24, forming part of this By-law.

6.2.4. Building Requirements

6.2.4.1. General

- i) *Principal Entrance*
 - a) At least one *principal entrance* shall be provided for any *building* along a *public street* or adjacent to an *Open Space Zone*.
 - b) Any *principal entrance* to a mixed use or apartment *building* shall be no more than 1.5 metres above *grade*.
- ii) *Windows and Glazing*
Glazing shall be provided in *buildings* on any wall adjacent to a *public street* or *Open Space Zone*.

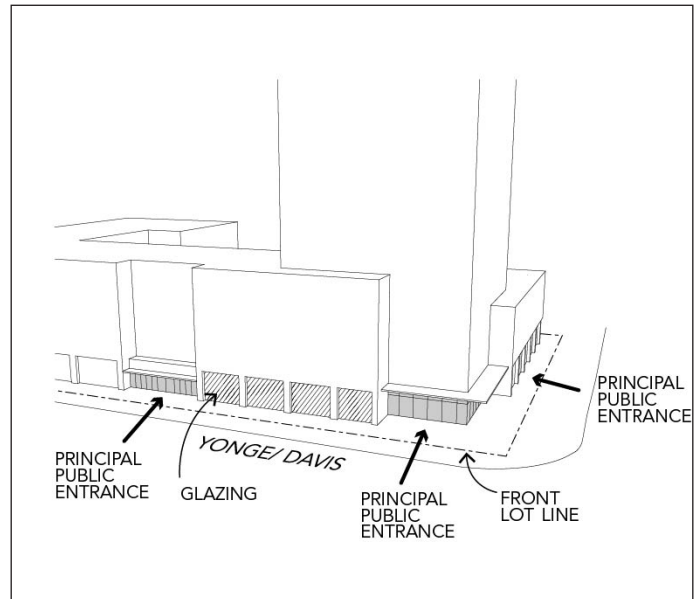


Illustration 6-3. *Principal Entrance Example*

6.2.4.2. Height

- i) *Permitted Height*
Buildings shall be within the minimum and maximum heights in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.
- ii) *Podiums*
 - a) Any building with a height of 38.0 metres or more shall have a podium with a minimum height of 10.5 metres and a maximum height of 20.0 metres covering at least 75% of the lot line adjacent to a public street; the part of the building above the podium shall be set back a minimum of 3.0 metres from the edge of the podium for a length of at least 66% of the Building frontage above the 38.0 metres adjacent to public street.
 - b) If a building with a height greater than 26.0 metres but less than 38.0 metres contains a podium, the podium shall not exceed 17.0 metres in height and the building above the podium shall be set back a minimum of 1.5 metres from the edge of the podium for a length of at least 66% of the podium of the Building above 38.0 metres adjacent to the public street.

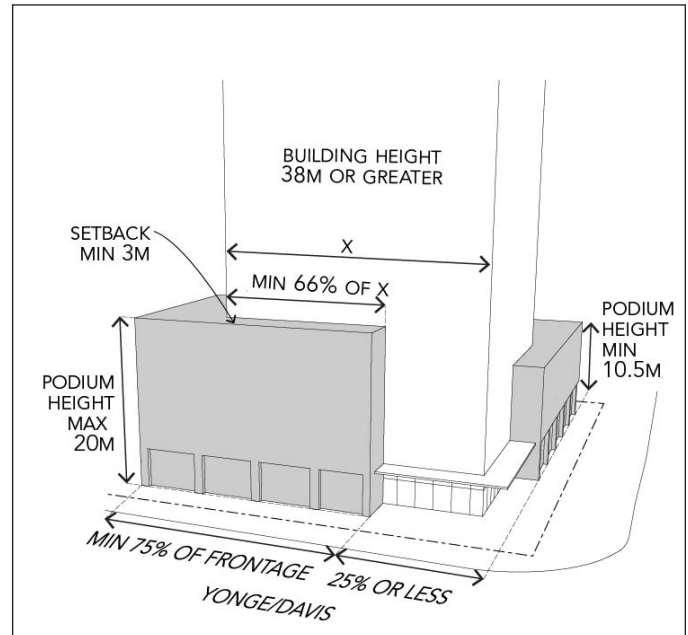


Illustration 6-4. Building Height between 26.0 metres and 38.0 metres.

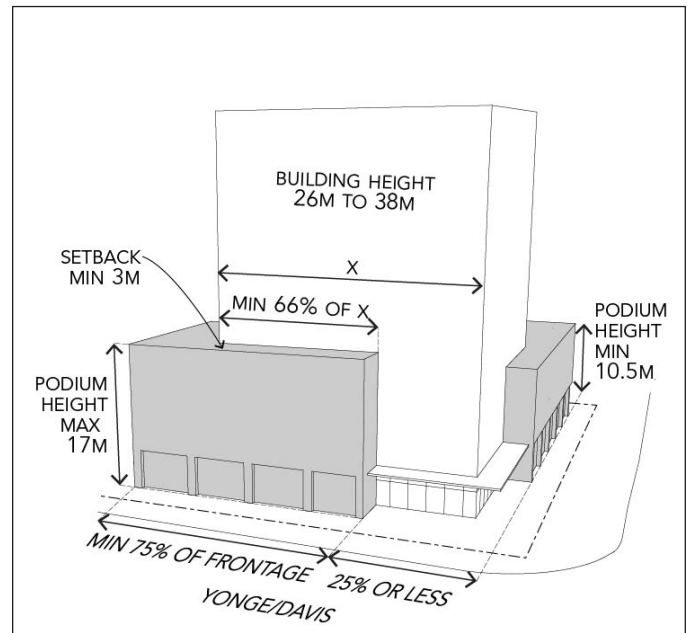


Illustration 6-5. Building Height of 38.0 metres or more.

- c) Any *building* on a *lot* adjacent to any residential zone under By-law 2010-40 or Open Space Zone in this By-law or 2010-40 shall have a podium *height* of no more than 10.5 metres along the frontage adjacent to the Residential or Open Space Zone; or where there is an *existing building or structure* on the adjacent Residential or Open Space Zone which is higher than 10.5 metres in *height*, the podium *height* may be increased but shall not exceed that *height*.

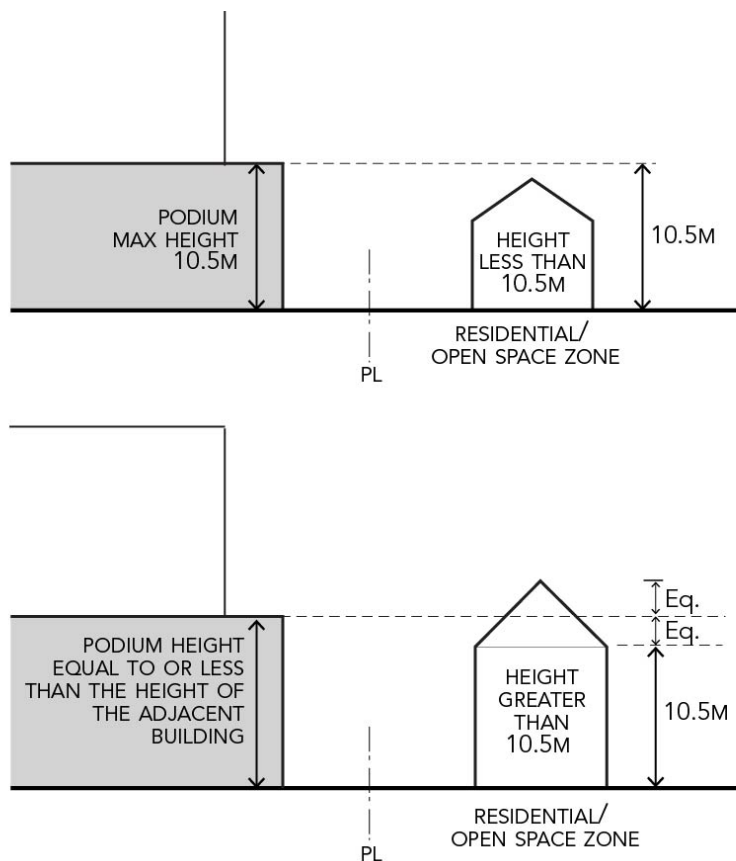


Diagram 6-1. Podium Adjacent to Residential or Open Space

iii) Mechanical Penthouse

Notwithstanding the provisions in Section 4.6, Section 6.2.4.2(i) and (ii), roof top mechanical or telecommunications equipment:

- a) shall not exceed the *height* requirements of this By-law by more than 6.0 metres;
- b) shall not exceed 40% of the roof area of the *building*; and,
- c) be set back a minimum of 3.0 metres from any *main wall* of the *building*.

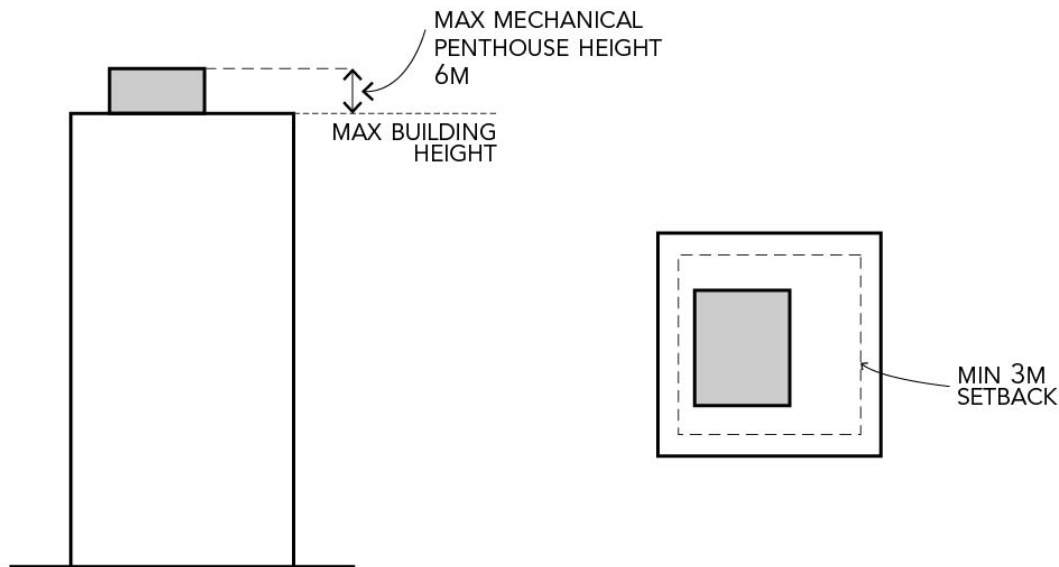


Diagram 6-2. Mechanical Penthouse

6.2.4.3. Floor Space Index

Buildings shall be within the density range identified on the chart below for each *zone* in accordance with Schedule "A," Maps 1 through 6, forming part of this By-law.

Table 6.2.4.3: Mixed Use Zone Floor Space Index

	MU 1	MU 2	MU 3
Minimum Total <i>Floor Space Index</i>	1.5	2.0	2.5
Maximum Total <i>Floor Space Index</i>	2.0	2.5	3.5

6.2.4.4. Amenity Space

Any *building* that contains 20 or more *dwelling units* shall provide 2.0 square metres of *common outdoor amenity area* for each *dwelling unit* and 2.0 square metres of *common indoor amenity space* for each *dwelling unit*.

6.2.4.5. Setbacks

- i) Any *building* with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the *front lot line*.
- ii) The part of any *building* wall containing windows must be set back a minimum of 5.5 metres from any *lot line* that is not adjacent to a *public street*.
- iii) The wall of any tall *building* located above 38.0 metres must be set back a minimum 12.5 metres from any *lot line* that is not a *public street*.

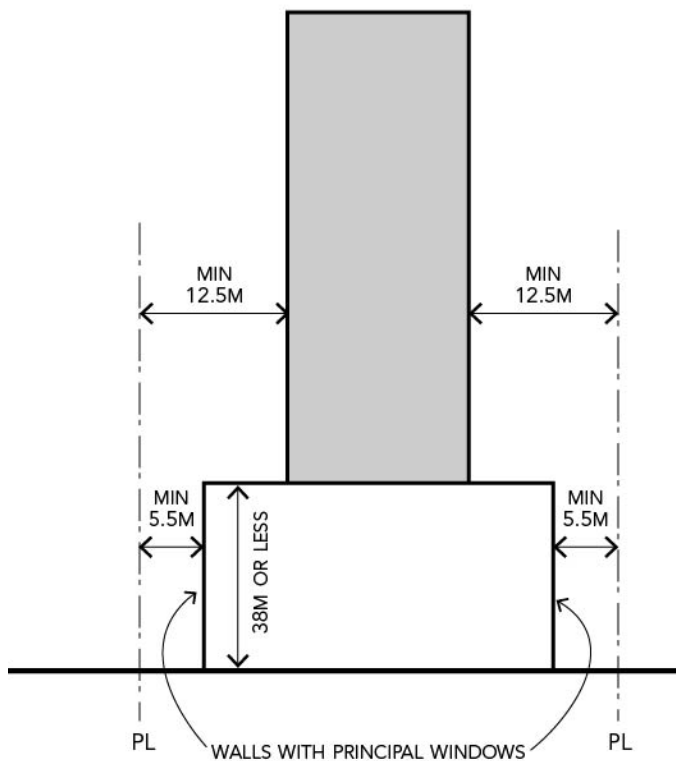


Diagram 6-3. Setback for a Tall Building

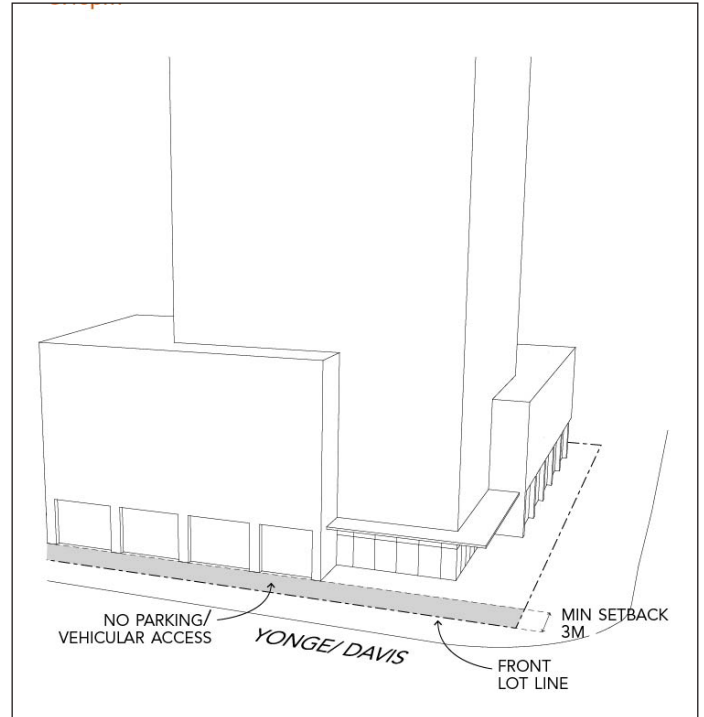


Illustration 6-6. Example of Setback on Yonge Street or Davis Drive

6.2.4.6. Angular Planes

- i) Any *building* on a *lot* adjacent to the rear or side yard of a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law must comply with a 45 degree angular plane from a *height* of 1.7 metres above the established *grade* at the *lot line* of the adjacent residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law; but the angular plane shall not extend beyond the applicable *lot*, or, if the *lot* is bisected by a *public* or *private* street, beyond the boundary of the *public* or *private* street, as set out in Diagram 6-4.

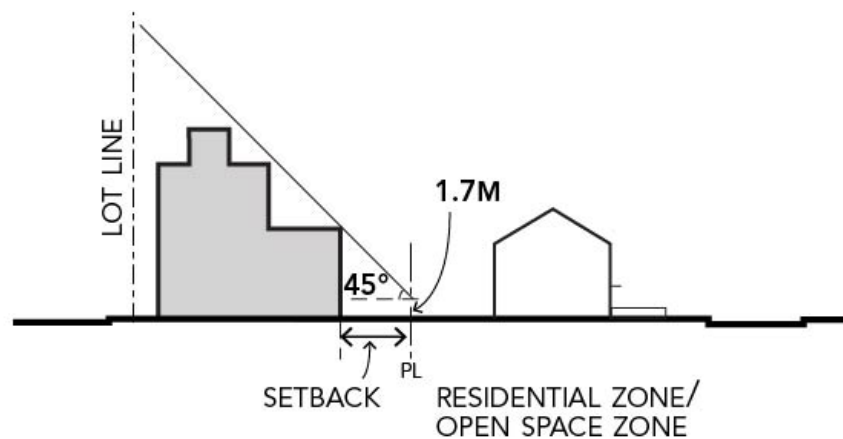


Diagram 6-4. Rear or Side-Yard Transition: Angular Plane Adjacent to Residential / Open Space if Lot Bisected by *Private Street*

- ii) Any building on a lot across the street from a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law, must comply with a 22 degree angular plane measured from a height of Y as determined by the Right of Way width X of the street (see Table 6.2.4.6) at the front lot line but the angular plane shall not extend beyond the applicable lot as set out in Diagram 6–5, or, if the lot is bisected by a public or private street, beyond the public or private street.

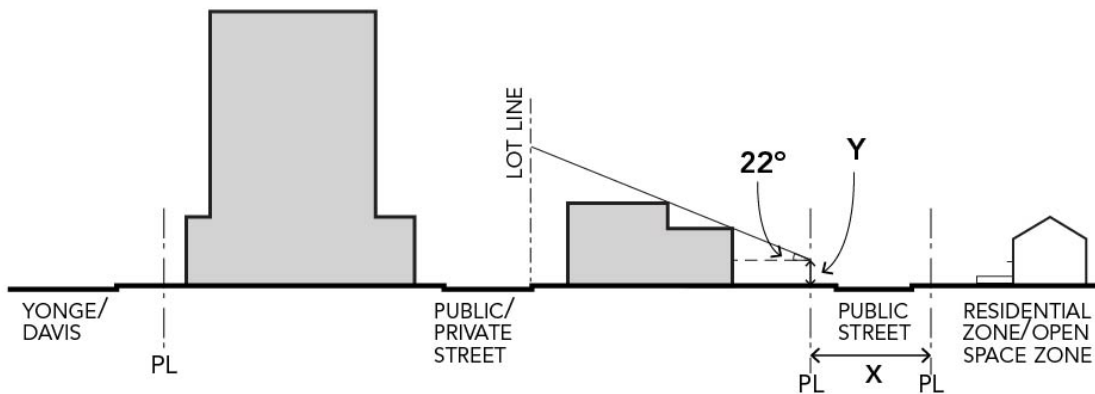


Diagram 6–5. Front Transition: Angular Plane Across the Street from Residential / Open Space

Table 6.2.4.6:	
RIGHT OF WAY WIDTH (X)	HEIGHT (Y)
18.0 metres	8.9 metres
20.0 metres	9.7 metres
22.0 metres	10.5 metres
24.0 metres	11.3 metres
26.0 metres	12.1 metres

6.2.4.7. Separation Distance

- i) Any part of a *building wall* on the same *lot* containing *principal windows* that has a *height* of less than 38.0 metres shall be set back a minimum of 15.0 metres from any other part of a *building wall* containing *principal windows* on the same *lot*.
- ii) Any part of a *building wall* higher than 38.0 metres shall be separated a minimum of 25.0 metres from the part of any other *building wall* on the same *lot* that is higher than 38.0 metres.

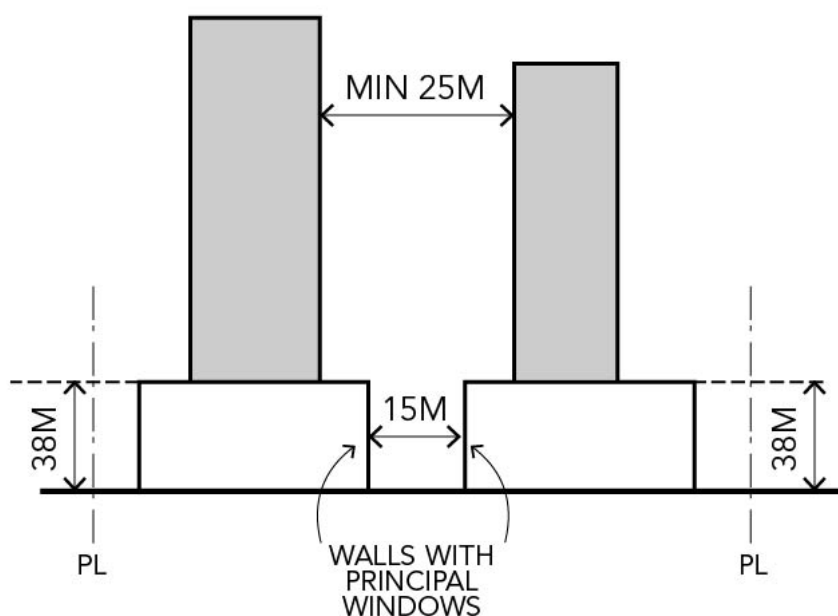


Diagram 6-6. Separation Distance Example

6.2.4.8. Landscaped Buffers

- i) *Landscaped buffers* shall be provided adjacent to surface *Parking Lots* and residential zones under By-law 2010-40 in accordance with Section 4.13 of this By-law.

6.2.4.9. Parking and Access to Lot

- i) No vehicular access may be located along the Davis Drive or Yonge Street frontage of a *lot* adjacent to another *Public street* or public lane, with access to Davis Drive or Yonge Street.
- ii) Parking may be provided within a *building* or *structure* or on a surface *lot* in a *side yard* or *rear yard* of properties that have frontages along Davis Drive or Yonge Street.
- iii) Parking for motorized vehicles shall not be permitted in the *front yard* of a *Building* located along Davis Drive or Yonge Street.
- iv) Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the *front yard* of a *Building* located along Davis Drive or Yonge Street if access to the *lot* is only from other Davis Drive or Yonge Street.
- v) A minimum of 10% of any surface *parking area* or exposed roof of a *parking garage* shall be dedicated to soft landscaping.
- vi) A minimum of 10% of any surface *parking area* shall be devoted to *bicycle parking spaces*.

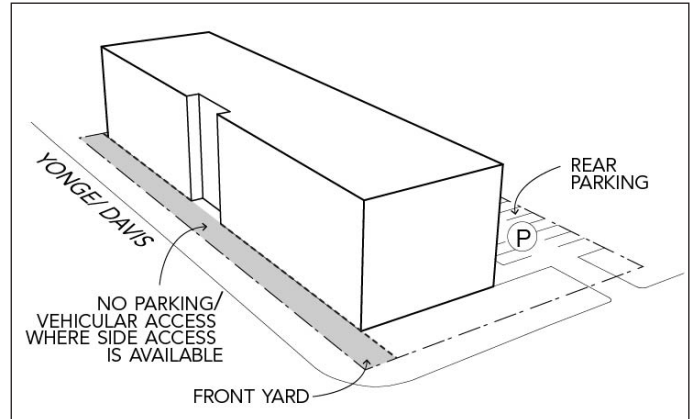


Illustration 6-7. Example of Areas where Parking is Restricted

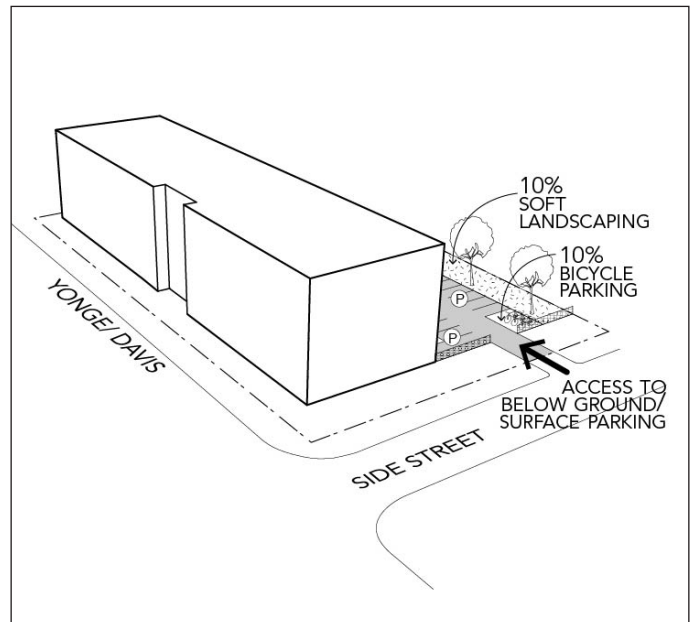


Illustration 6-8. Example of where Parking Access is Permitted

6.2.4.10. Loading

- i) All loading bays, garage facilities, servicing or utility areas shall be wholly enclosed in the main *building* on the *lot* or located in an *accessory building or structure* facing the *rear lot line*.
- ii) On lots that abut a rear lane of side street, all loading facilities shall be accessed only from a rear lane or side street.

6.2.4.11. Technology

Each development block or *building* must provide a dedicated broadband fibre optic conduit from the municipal right of way to each development block or *Building*.

6.2.5. Site Specific Exceptions to the Mixed Use Zone Regulations

All of the regulations of Section 6 of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal zone provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

MU-1(1) – Part Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710 – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to allow a maximum *Building Height* of 30 metres.

MU-1 (2) – 17725 Yonge Street – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to expand up to 40% above the total gross *Ground Floor Area* comprised of the aggregate of all the ground floors of all the *Buildings* present on the site at the time of approval of this Plan provided:

- i) the development is not intended to be long-term and is considered appropriate over the short to medium term;
- ii) the development does not preclude the long-term re-development of the site as envisioned by this Plan;
- iii) the development does not preclude the achievement of a compact, pedestrian oriented and transit- supportive urban form; and,
- iv) the development does not include residential uses or underground parking *Structures*.

Notwithstanding Section 6.2.4.11, the subject land shall require a dedicated broadband fibre optic conduit to be installed from the municipal right-of-way to each development block or *Building(s)* associated with the build-out of the site. It is encouraged that appropriately sized conduits and wiring be distributed internally to each unit within the *Building(s)* in order to ensure access to advanced communication technology, when it becomes available.

MU-3(1) – 39 Davis Drive – Establishes development standards for the property. Established by site specific By-law 2009-63 (formerly UC-P-92).

MU-3(2) – Southwest corner of Yonge and Mulock (Plan 65M3648 BLK 133) - Notwithstanding the permitted uses and zone standards for the MU-3 Zone, commercial *Building(s)* that do not meet the minimum required *Height* and density are permitted on the subject lands within the hatched area identified on Schedule “A” provided that the total residential GFA on the lot does not exceed 20,000.0 square metres. Parking for the commercial *Building(s)* shall be located within the hatched area identified in Schedule “A”.

6.3. Institutional Zones

6.3.1. General

6.3.1.1. General

No person shall use any land or erect, alter or use any *Building* or *Structure* in any Institutional Zone except in accordance with Sections 6.3.2 through 6.3.5 of this By-law.

6.3.1.2. Existing Building Exception

The *gross floor area* of an *existing building*, may be increased by 10% without adhering to minimum density and *height* requirements in Section 6 of this By-law or with the requirement to remove the (H) Symbol under Section 8.2.2 of this By-law.

6.3.2. Permitted Uses and Permitted Uses with Conditions

6.3.2.1. List of Uses

The following table establishes the uses permitted in the Institutional Zones:

Table 6.3.2.1: Institutional Zone Permitted Uses	
	I1-2
Shared Housing/Residences	
<i>Long Term Care Facility</i>	P
<i>Dormitory</i>	P
Offices	
<i>Office</i>	P
<i>Medical and Dental Laboratories</i>	P
<i>Medical Office</i>	P
<i>Sole Medical Practitioner</i>	P
Retail and Service Uses	
<i>Convenience Store</i>	P
<i>Restaurant</i>	PC (*1)
<i>Retail Store</i>	PC (*1)
Automobile Related Uses	
<i>Parking Garage</i>	P
<i>Parking Lot</i>	P (*2)
General Institutions	
<i>Hospital</i>	P
<i>Medical Clinic</i>	P
<i>Medical and Dental Laboratories</i>	P
<i>Place of Worship</i>	P
<i>Post Secondary School</i>	P
Transportation and Public Services	
<i>Passenger Transportation Terminal</i>	P

P = Permitted

PC = Permitted, subject to certain conditions noted:

(*1) Permitted as an accessory use up to a maximum combined gross floor area of 3000.0 square metres.

(*2) A parking lot is subject to the provisions of Section 6.3.4.4 of this By-law.

6.3.3. Lot Requirements

6.3.3.1. Lot Frontage

Table 6.3.3.1: Institutional Zones Lot Frontage	
	I1 - 2
Min. Lot Frontage	40.0 metres

6.3.4. Building Requirements

6.3.4.1. Height

- i) Permitted *Height*
Buildings shall be within the minimum and maximum heights in metres as identified in Schedule "B," Maps 7 through 12, forming part of this By-law.

6.3.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each zone in accordance with Schedule "A," Maps 1 through 6, forming part of this By-law.

Table 6.3.4.2: Institutional Zones Floor Space Index		
	I - 1	I - 2
Minimum Total <i>Floor Space Index</i>	1.5	2.0
Maximum Total <i>Floor Space Index</i>	2.0	2.5

6.3.4.3. Setbacks

Table 6.3.4.3: Institutional Zones Setbacks		
	I - 1	I - 2
Minimum <i>Front Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Rear Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Exterior Side Yard</i> Setback (m.)	3.6	3.6
Minimum <i>Interior Side Yard</i> Setback - 1 side (m.)	3.6	3.6
Minimum <i>Interior Side Yard</i> Setback - Other side (m.)	3.6	3.6

6.3.4.4. Parking and Access to Lot

- i) All loading bays, garage facilities, servicing or utility areas shall be wholly enclosed in the main *building* on the *lot* or located in an accessory *building* or *structure* facing the *rear lot line*.
- ii) On lots that abut a rear lane of side street, all loading facilities shall be accessed only from a rear lane or side street.

6.3.5. Site Specific Exceptions to the Institutional Zone Regulations**6.4. Open Space Zones****6.4.1. General****6.4.1.1. General**

No person shall use any land or erect, alter or use any *Building* or *Structure* in any Open Space Zone except in accordance with Sections 6.4.2 through 6.4.5 of this By-law.

6.4.1.2. Existing Building Exception

The *gross floor area* of an *existing building*, may be increased by 10% without adhering to minimum density and *height* requirements in Section 6 of this By-law.

6.4.2. Permitted Uses and Permitted Uses with Conditions

6.4.2.1. List of Uses

The following table establishes the *uses* permitted in the Open Space Zones:

Table 6.4.2.1: Open Space Zone Permitted Uses			
	OS-1	OS-2	OS-3
Park & Recreation Related Uses			
<i>Agricultural Use</i>	P	P	P
<i>Conservation Use</i>	P	P	P
<i>Park</i>	P	P	
<i>Private Park</i>		P	
<i>Outdoor Recreation Facility</i>	P	P	
<i>Recreational Trails</i>	P	P	P
<i>Accessory Refreshment Pavilion</i>	P	P	
<i>Accessory Buildings & Structures</i>	PC (*1)	PC (*1)	PC (*1)
Community Services / Cultural Facilities			
<i>Community Centre</i>	P		

P = Permitted

PC = Permitted, subject to certain conditions noted:

(*1) *Accessory Buildings and Structures* are permitted in accordance with Sections 4.1.2.

6.4.3. Lot Requirements

6.4.3.1. Lot Coverage

Table 6.4.3.1: Open Space Zone Lot Coverage		
	OS-1	OS-2
Maximum <i>Lot Coverage</i>	20	20

6.4.4. Building Requirements

6.4.4.1. Height

- i) Permitted *Height*

Buildings shall be within minimum and maximum *heights* in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

6.4.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each *zone* in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

6.4.4.3. Setbacks

Table 6.4.4.3: Open Space Setbacks		
	OS-1	OS-2
Minimum <i>Front Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Rear Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Interior Side Yard</i> Setback - 1 side (m.)	9.0	9.0
Minimum <i>Interior Side Yard</i> Setback - Other side (m.)	9.0	9.0

6.4.5. Open Space Zoning Exception Properties:

OS-1 - 16780 Yonge Street (Mulock Estate)

- i) The property at 16780 Yonge Street, Newmarket is designated as Newmarket Urban Centres Secondary Plan Area under the Town of Newmarket Official Plan.
- ii) The said property is proposed to be designated as Parks and Open Space by Official Plan Amendment #10 being the Town of Newmarket Urban Centres Secondary Plan which is not yet in full force and effect over this property.
- iii) Pursuant to Section 24(2) of the Planning Act, this Urban Centres Zoning By-law will be in conformity with Official Plan Amendment #10 if the said amendment comes into full force and effect.

OS-2 (1) – 56, 58, 60 Roxborough Road; 674, 678, 682, 684, 685, 691 Queen Street – Allows a particular *driveway* and establishes parking requirements for *Hospital* and non-*Hospital* associated units and other development standards. Also includes specific setbacks from watercourses. Established by site specific By-law 2009-90 (formerly OS-2-93)..

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Section 7–Overlay Zones

7.1. Parking Reduction Areas

Refer to Section 5.3.1.3 for Reduced Parking Standards Requirements. See Schedule “F”.

7.2. Priority Commercial Areas

Refer to Section 6.2.2.2 for *commercial use* requirements in Priority Commercial Areas. See Schedule “D”.

7.3. Floodplain and Other Natural Hazards Zone

The Floodplain and Other Natural Hazards (FP-NH) *Zone* includes lands that are subject to erosion, steep slopes, unstable soils as well as flooding. The FP-NH *Zone* requirements are to be applied in conjunction with the specified *use(s)* and established regulatory set for the underlying *zone(s)*. The provisions of the FP-NH *Zone* take precedence over the underlying *zone* category requirements where more restrictive.

No person shall use any land or erect, alter or use any *building* or *structure* within the Floodplain and Other Natural Hazards (FP-NH) *Zone* except in accordance with Sections 7.3.1, 7.3.2, and 7.3.3 of this By-Law, and the applicable sections of this By-Law relating to the underlying *zone* category(s). See Schedule “E”.

7.3.1. Non-permitted Uses

The following uses are not permitted within the Floodplain and Other Natural Hazards (FP-NH) *Zone* as determined by the Lake Simcoe Region Conservation Authority:

- i) *Group Home*;
- ii) *Special Needs Facility*;
- iii) *Accessory Dwelling Unit*; and,
- iv) All other uses in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.

7.3.2. Permitted Uses

The permitted *uses* shall be determined by the underlying *zone* for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. Section 7.1.1 shall prevail where there is conflict with this section.

7.3.3. Zone Standards

The applicable *zone* standards shall be determined by the underlying *zone(s)* for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. In addition to underlying *zone* standards, the regulations of the Lake Simcoe Region Conservation Authority may restrict development and may be a pre-condition to development.

Section 8– Site Specific Provisions, Holding Provisions, Temporary Use Zones, and Interim Control Zones

8.1. Site Specific Exceptions

All regulations of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal zone provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

SS(1) – 200 Lancaster Avenue – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(2) – 29 Bolton Avenue – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(3) – 164 to 233, 260 to 294, 194 to 228 Tom Taylor Crescent and 17046 Yonge Street – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(4) – 40 William Row Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(5)– 5 to 171 Brandy Lane Way – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(6) – 415 Davis Drive – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(7) – 33 & 37 Frankin Street – Permits residential development as allowed under the R3-K Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(8) – 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 49, 51, 53 Orchard Gardens, 3, 5, 7, 9, 11, 13, 15 Carr Circle, 2, 4, 6, 8, 12, 14, 16, 18 McConnell Lane, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 79, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108 Emerson Way – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(9) – 20 William Roe Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

8.2. Holding Provisions

8.2.1. Holding Zones and Exceptions to Permit Development

For any *lot* that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-Law (for example (H)-1), the *existing Buildings* and uses on that *lot* shall continue to be permitted and the provisions under Section 6.2.1.2, Section 6.2.5, Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5, and Section 8.1 shall prevail.

8.2.2. Requirement to Remove the (H) Symbol

Notwithstanding Section 6.2.1.2, 8.2.1, for any *lot* that is subject to a Holding Zone (H), no development may occur without an application to remove the (H) symbol from the lot.

The removal of an (H) symbol from a *lot* will be considered after a plan of *Subdivision* application or consent application has been approved by the municipality to identify the location of a required future road or *Park* as set out on Maps 13 through 18, as it pertains to the lot. After removal of an (H) symbol from a *lot* on Maps 13 through 18, the *lot* may develop under the applicable provisions of this By-law.

8.3. Temporary Use Zones

Where on Maps 1 through 6 of this By-Law, a zone symbol is shown followed by a dash and the letter "T" (for example MU-1-T), one or more additional *uses* are permitted on the lands noted until the permission granted by the site specific By-Law expires. :

8.4. Interim Control Zones

Where on Maps 1 through 6 of this By-Law, a zone symbol is followed by a dash and the letters "IC" (for example MU-1-IC), no change in *use* and no construction of any *buildings* or *structures* is permitted until the expiry of the site specific By-Law affecting the lands.

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Section 9– Enactment

9.1. Force and Effect

This By-Law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Newmarket subject to the applicable provisions of the Planning Act, R.S.O. 1990, as amended.

9.2. Readings by Council

This By-Law passed on the _____ day of _____, 2018.

MAYOR: _____

(Municipal Seal)

CLERK: _____

9.3. Certification

I hereby certify that the foregoing is a true copy of Zoning By-Law No. _____ as enacted by the Council of the Corporation of the Town of Newmarket, on the _____ day of _____, 2018.

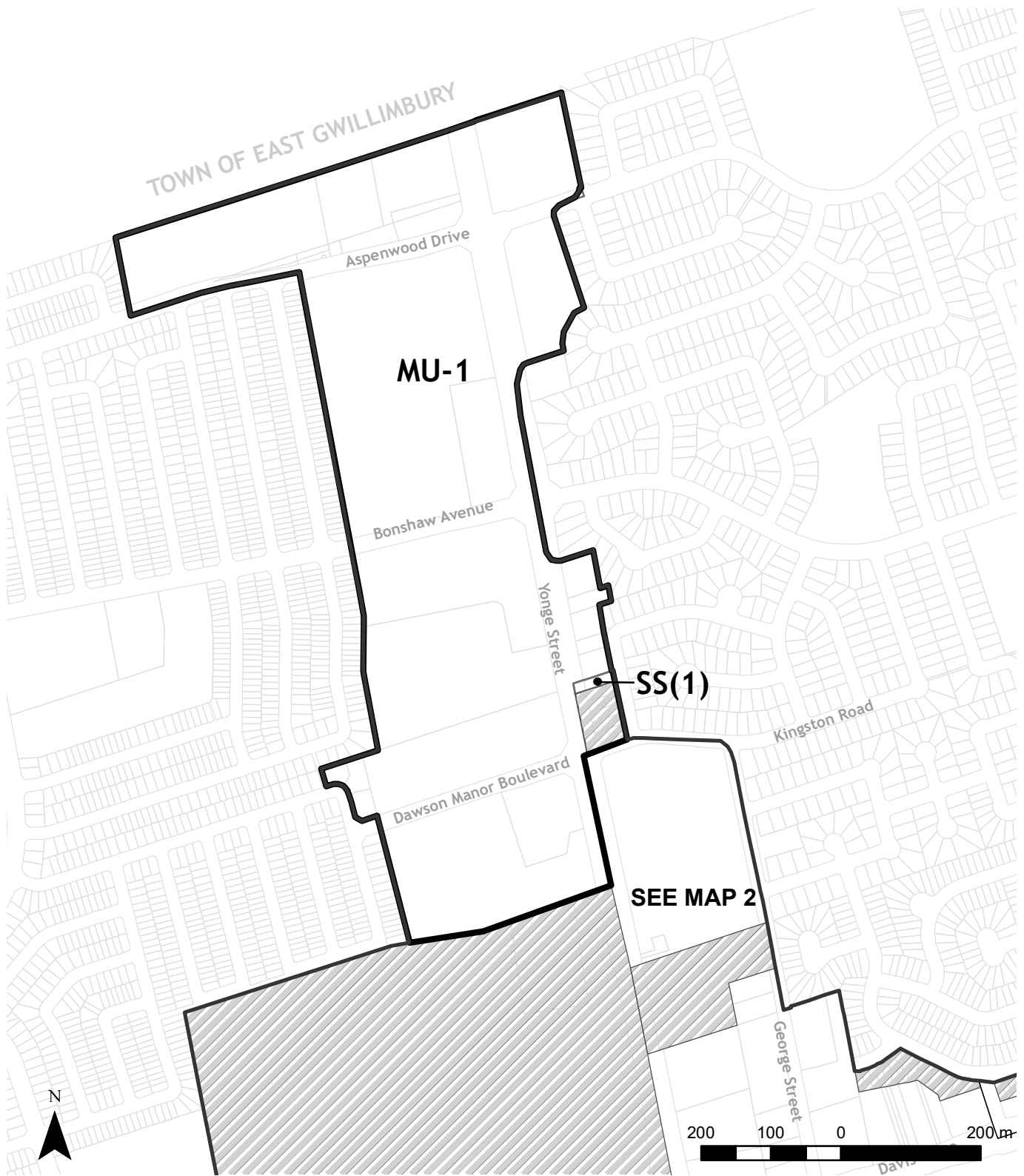
CLERK: _____

ZONING MAP



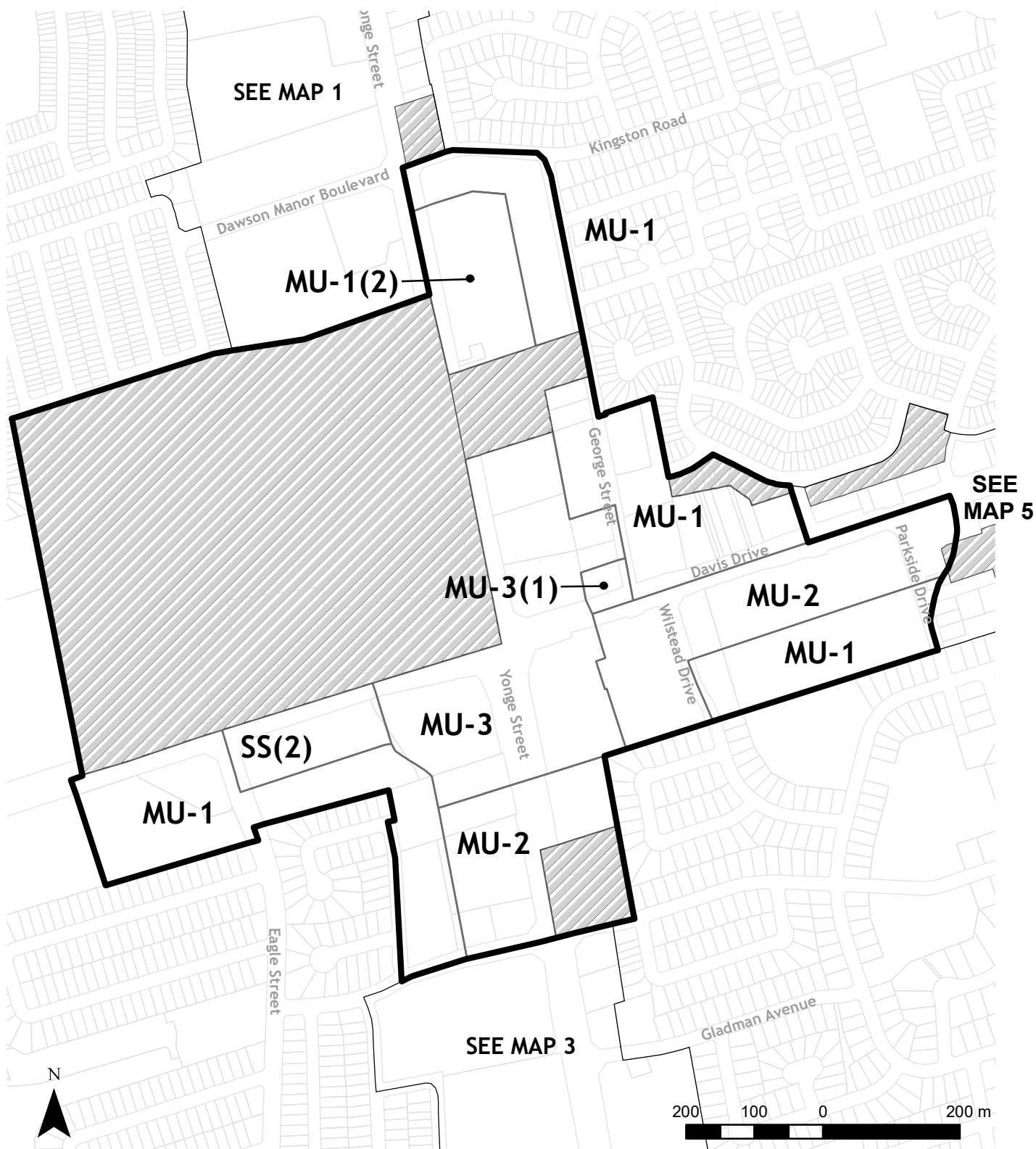
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH ZONING MAP



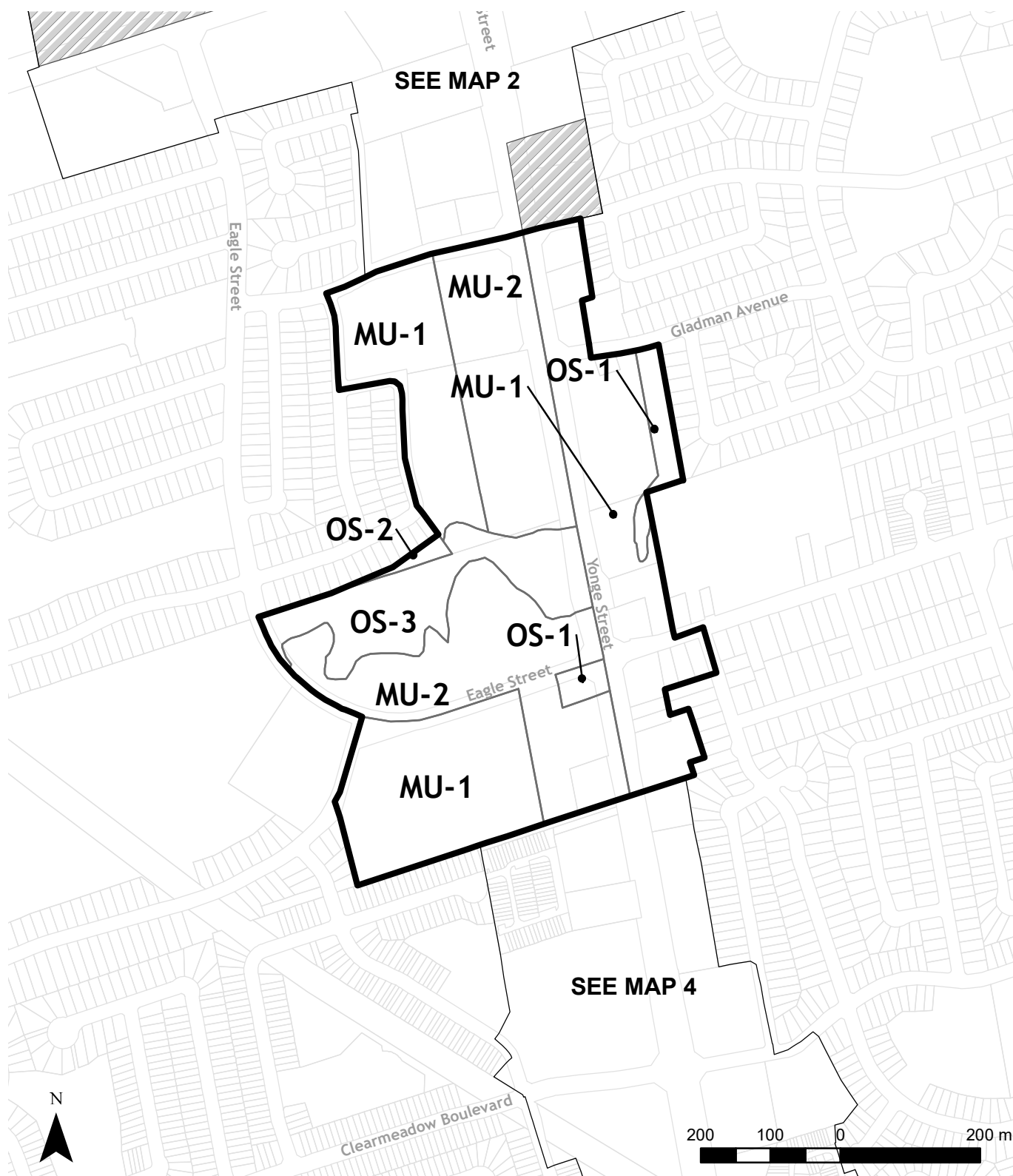
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS ZONING MAP



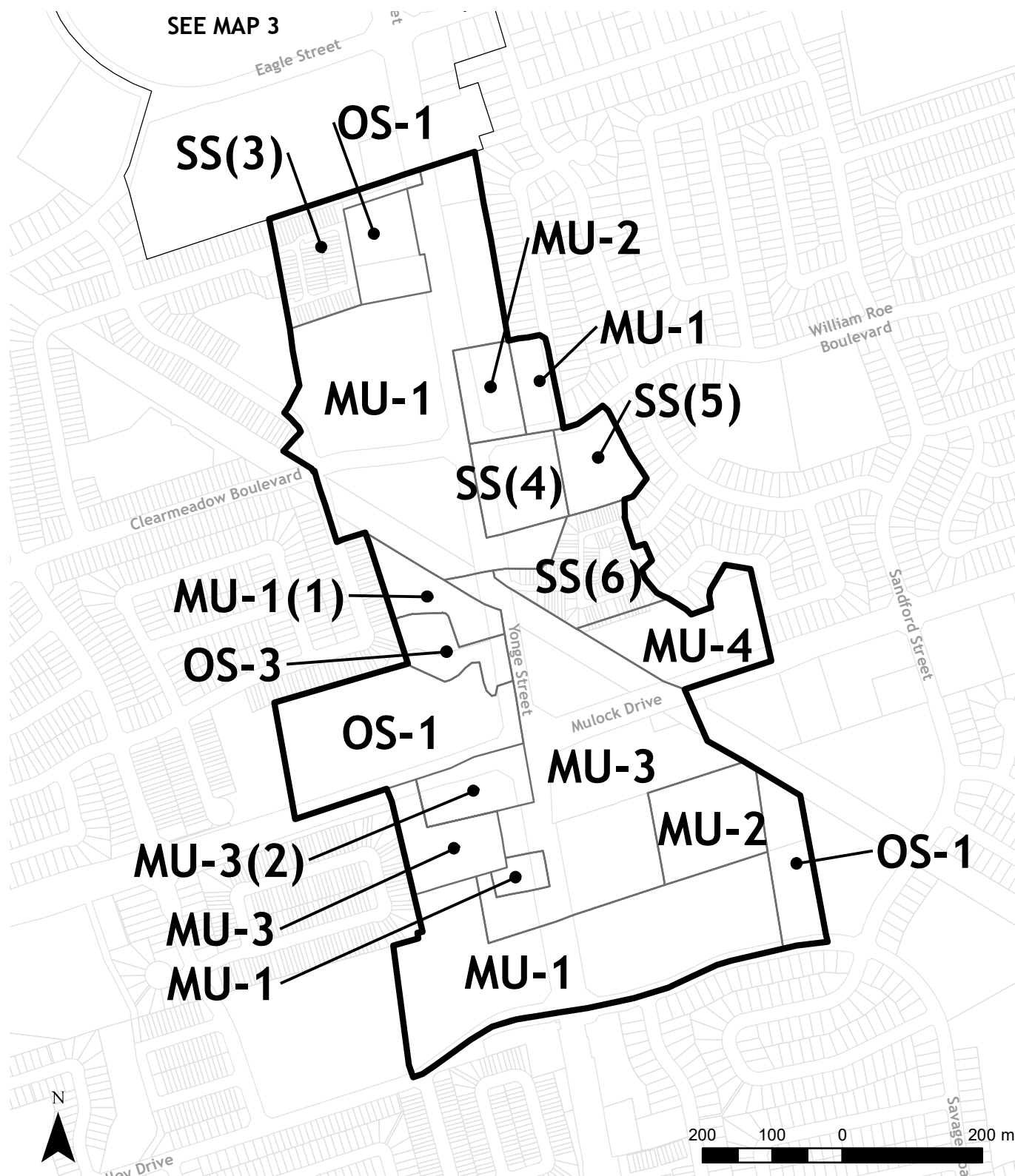
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC ZONING MAP



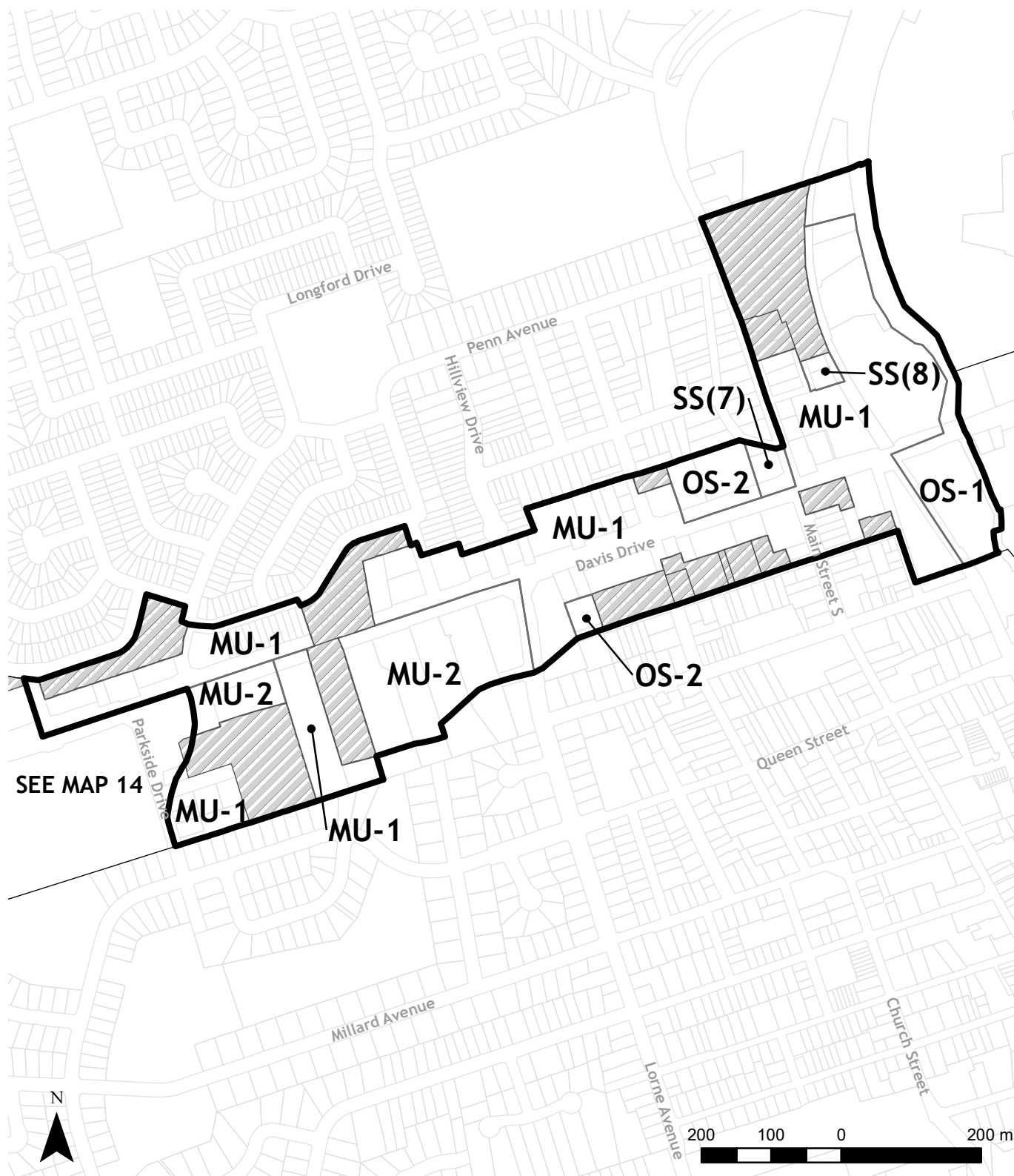
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE SOUTH ZONING MAP

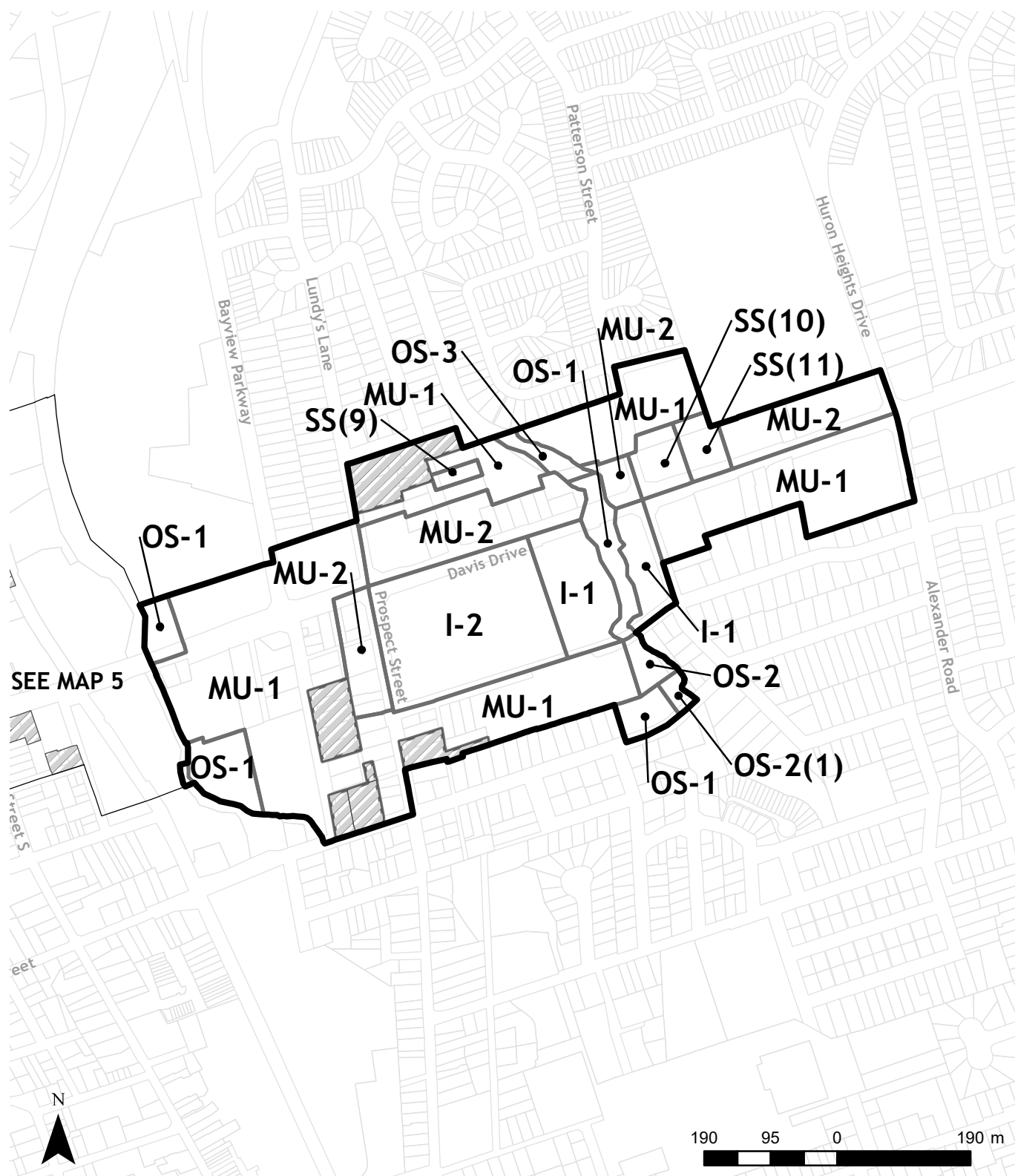


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE ZONING MAP



REGIONAL HEALTHCARE CENTRE ZONING MAP



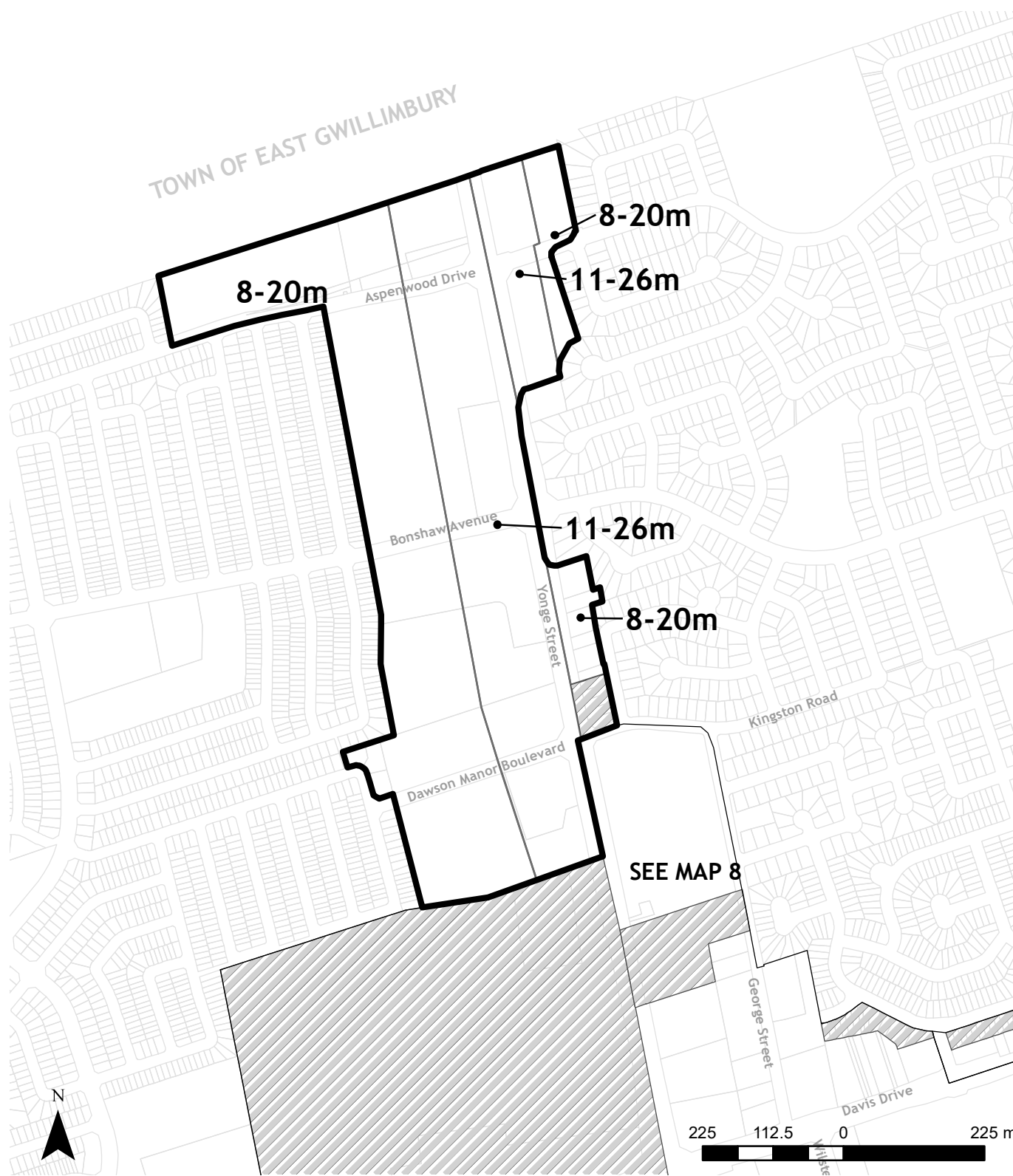
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

HEIGHT MAP



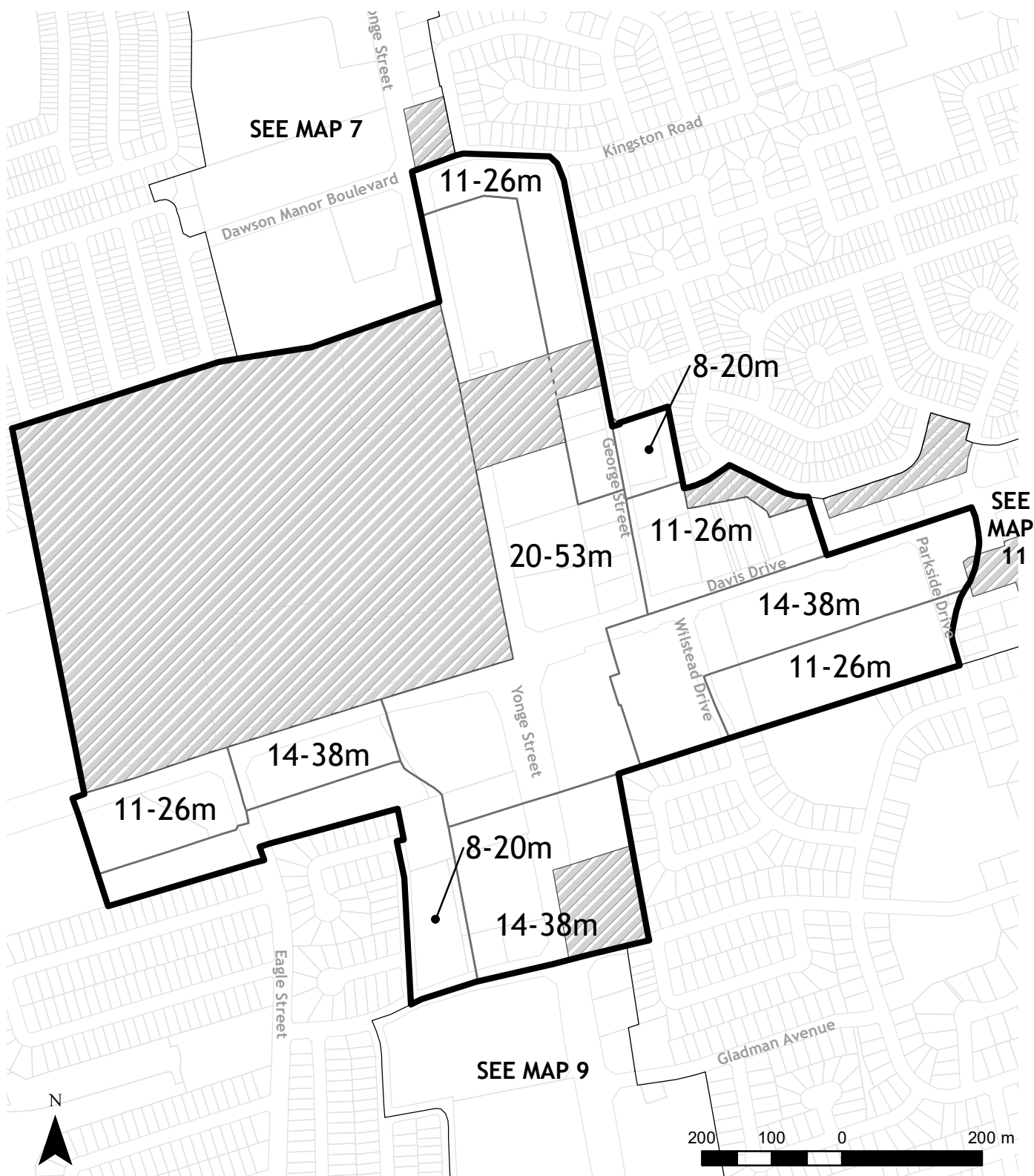
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH HEIGHT MAP



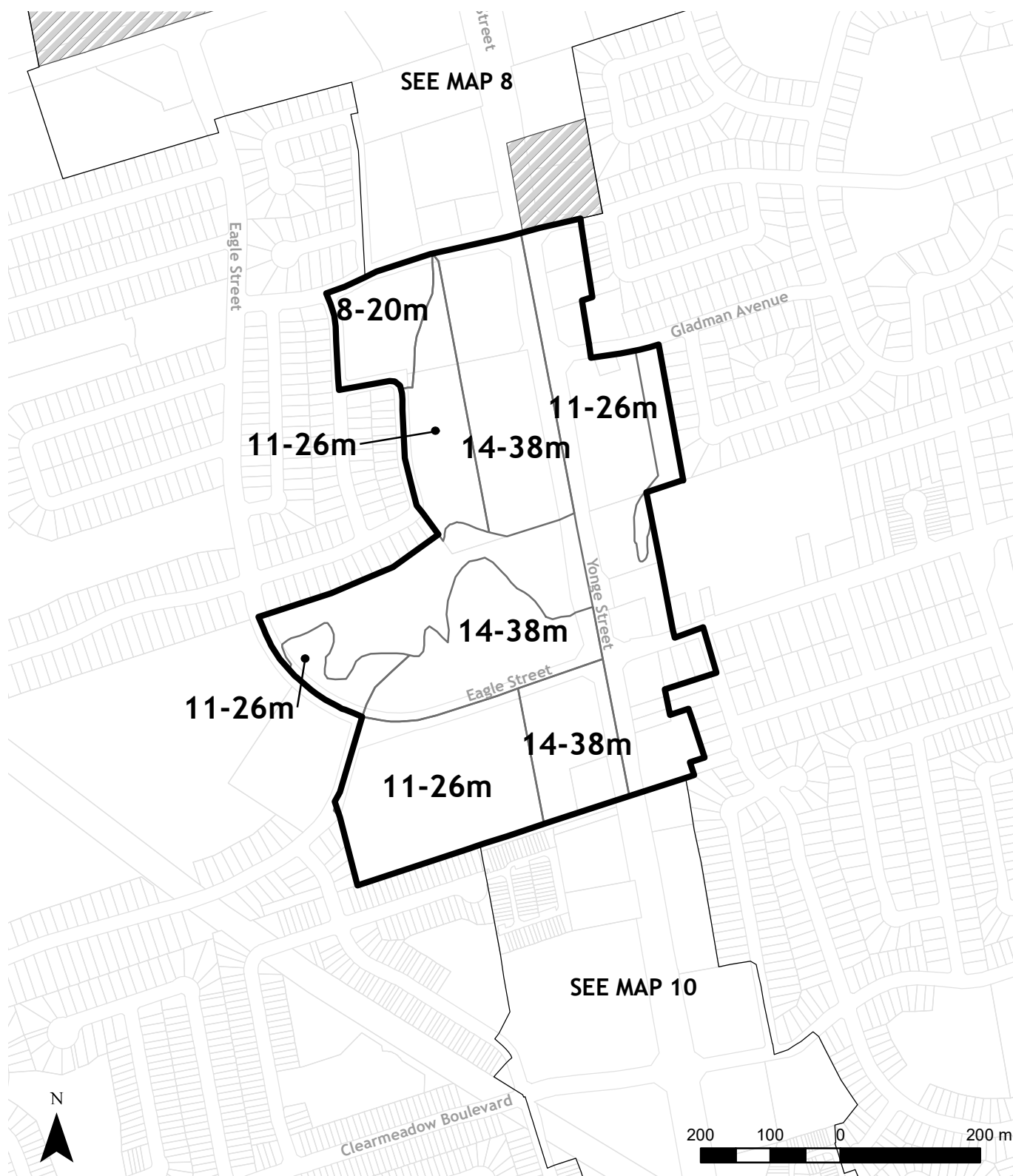
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS HEIGHT MAP



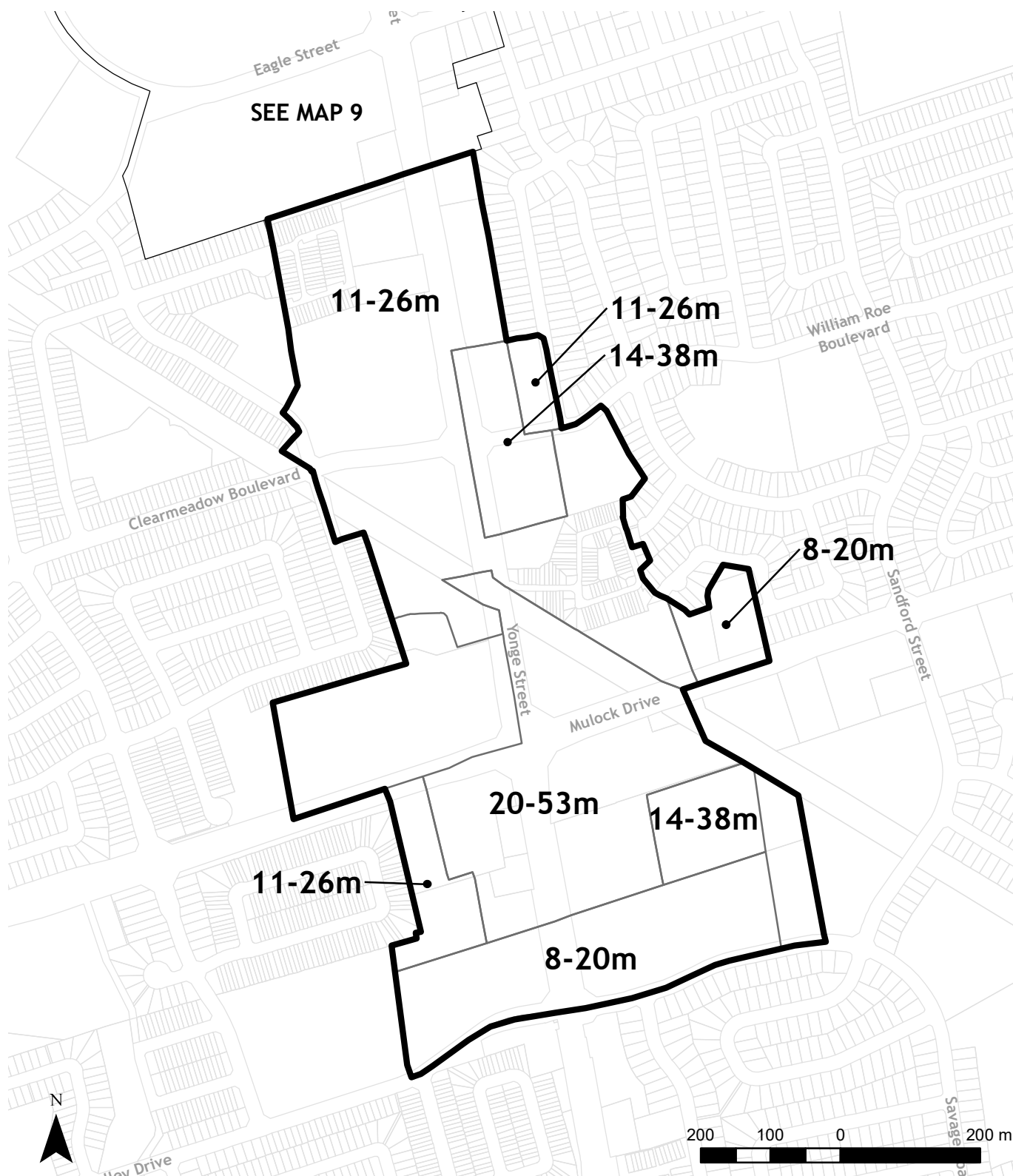
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YONGE CIVIC HEIGHT MAP

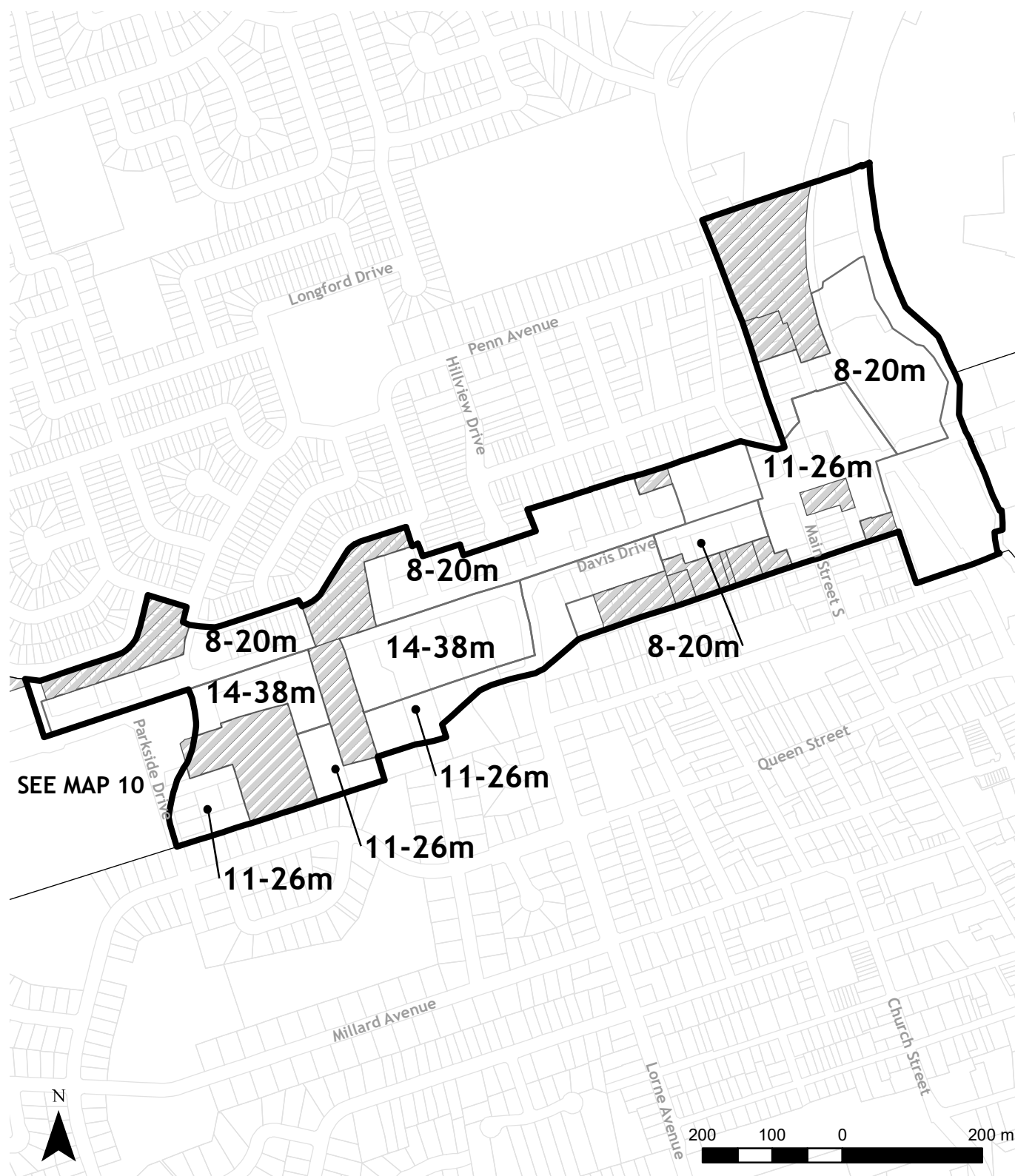


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

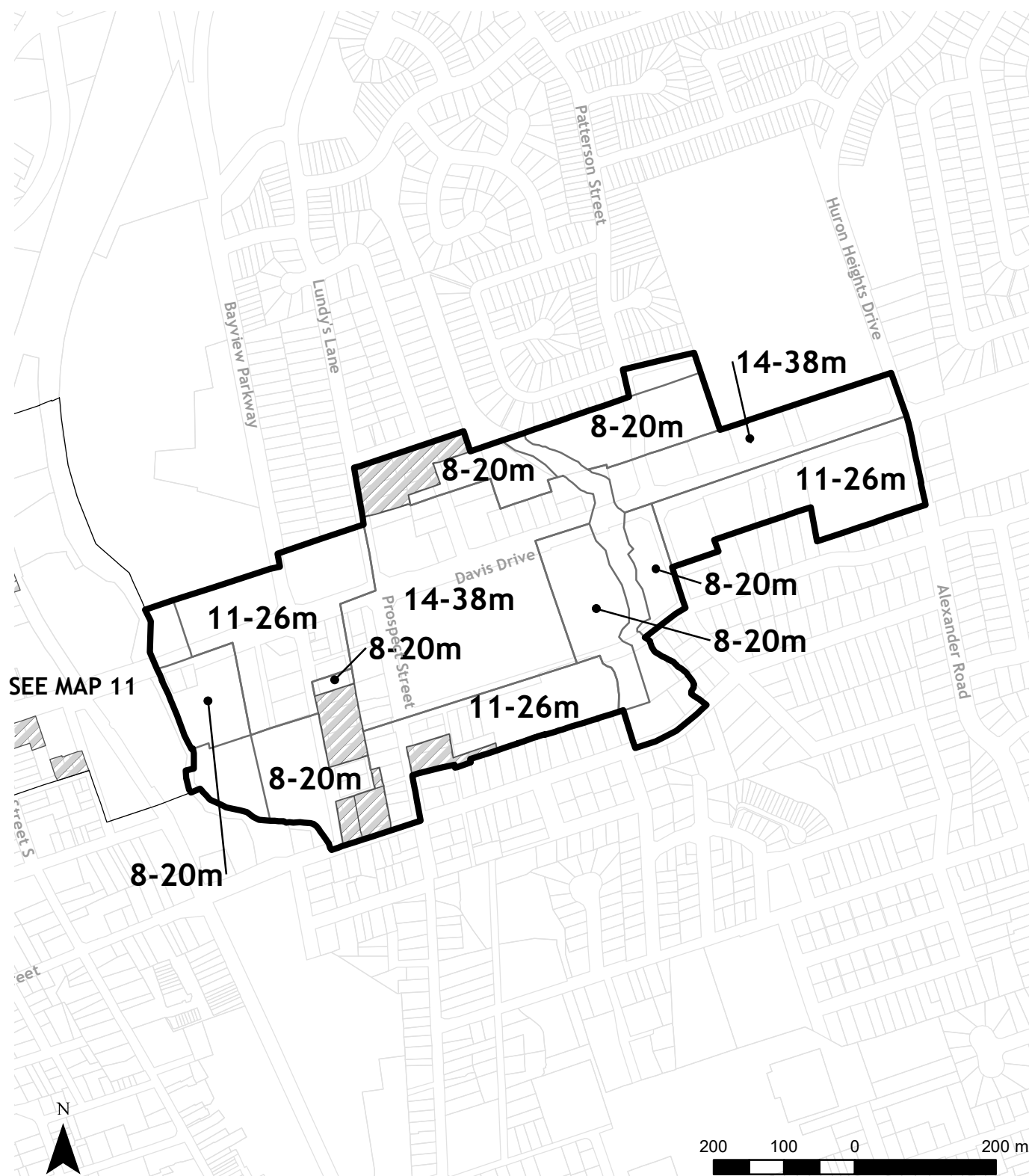
YONGE SOUTH HEIGHT MAP



DAVIS DRIVE HEIGHT MAP



REGIONAL HEALTHCARE CENTRE HEIGHT MAP



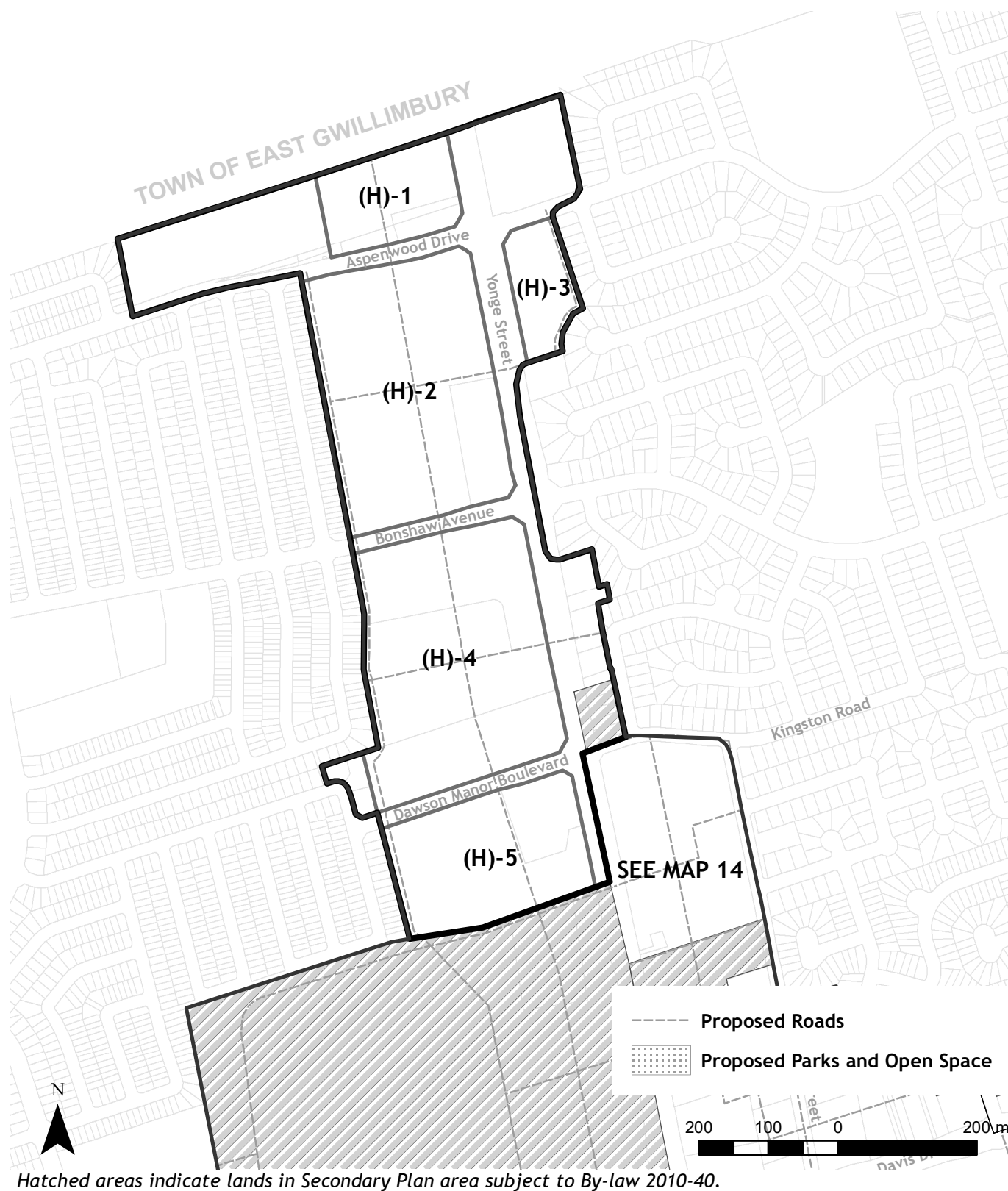
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

HOLDING ZONES

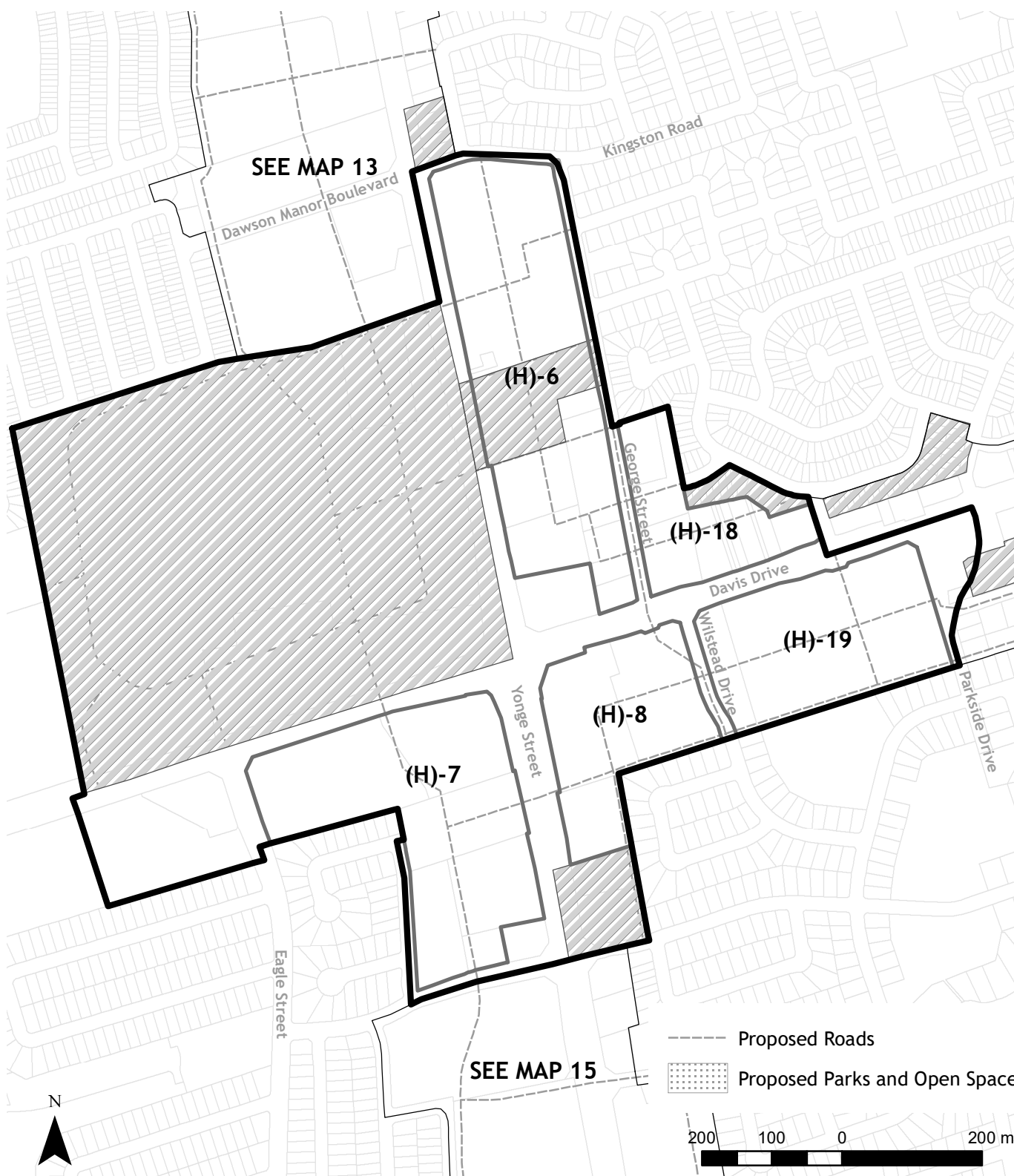


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

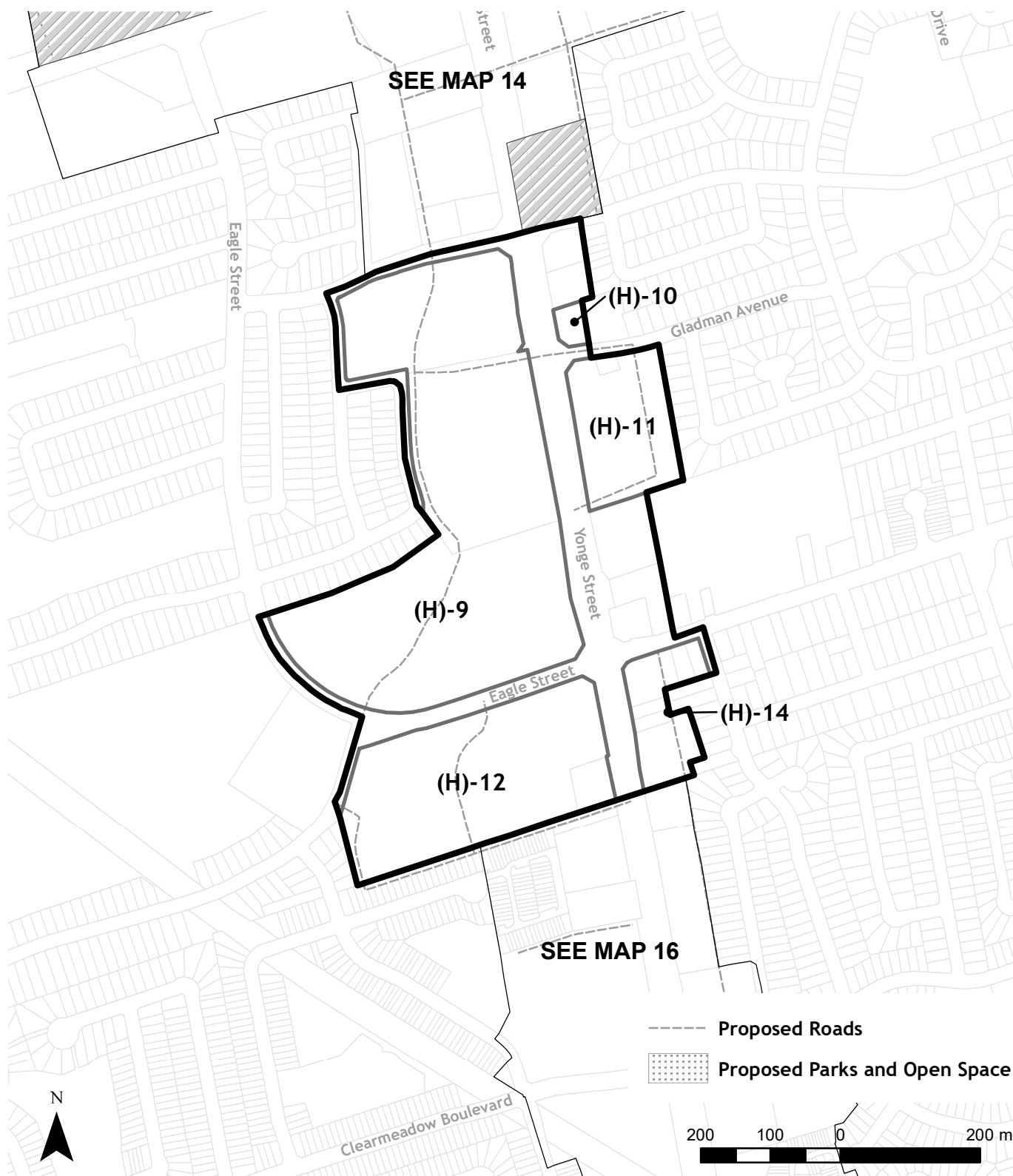
YONGE NORTH HOLDING ZONES



YONGE AND DAVIS HOLDING ZONES

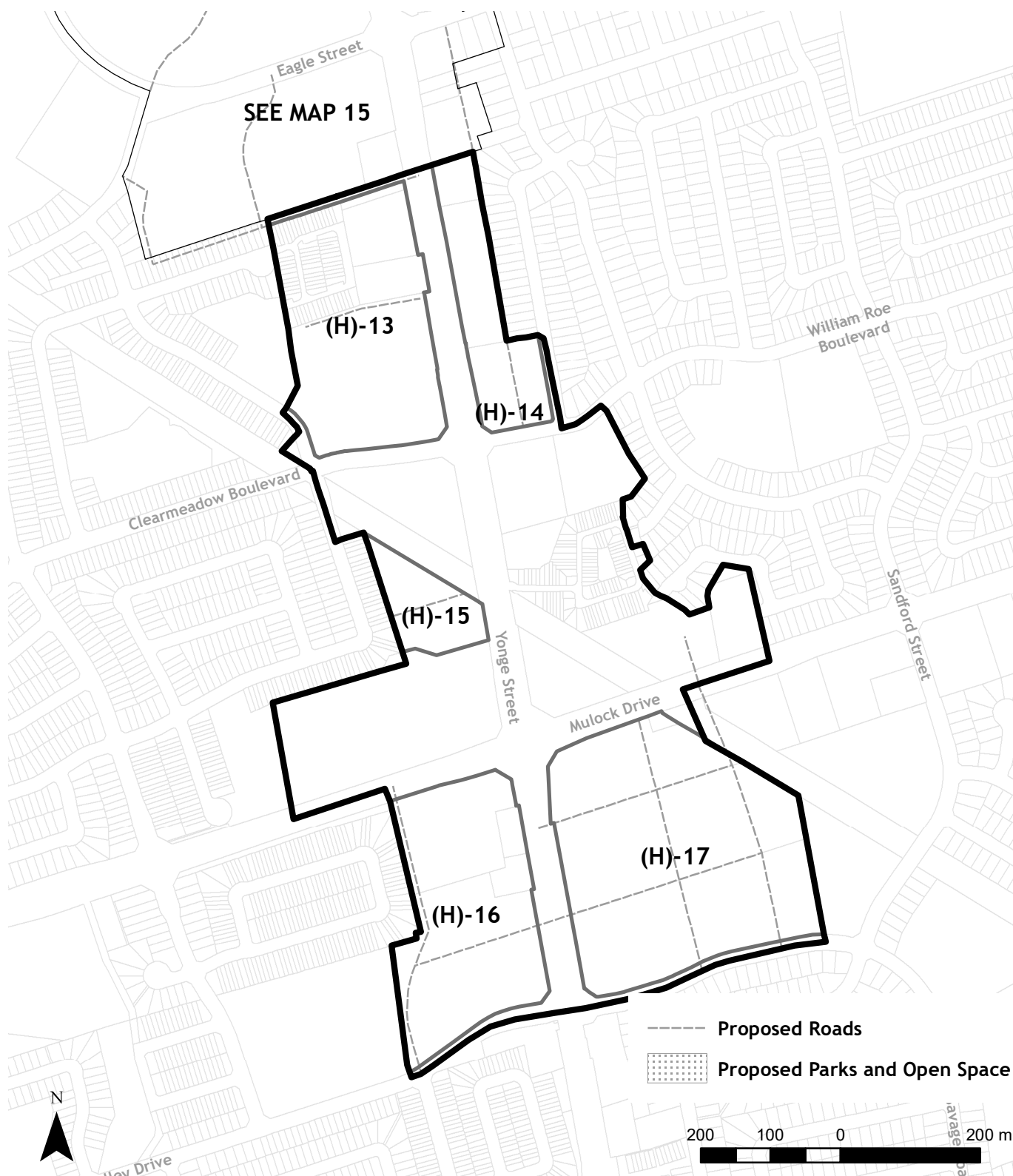


YONGE CIVIC HOLDING ZONES



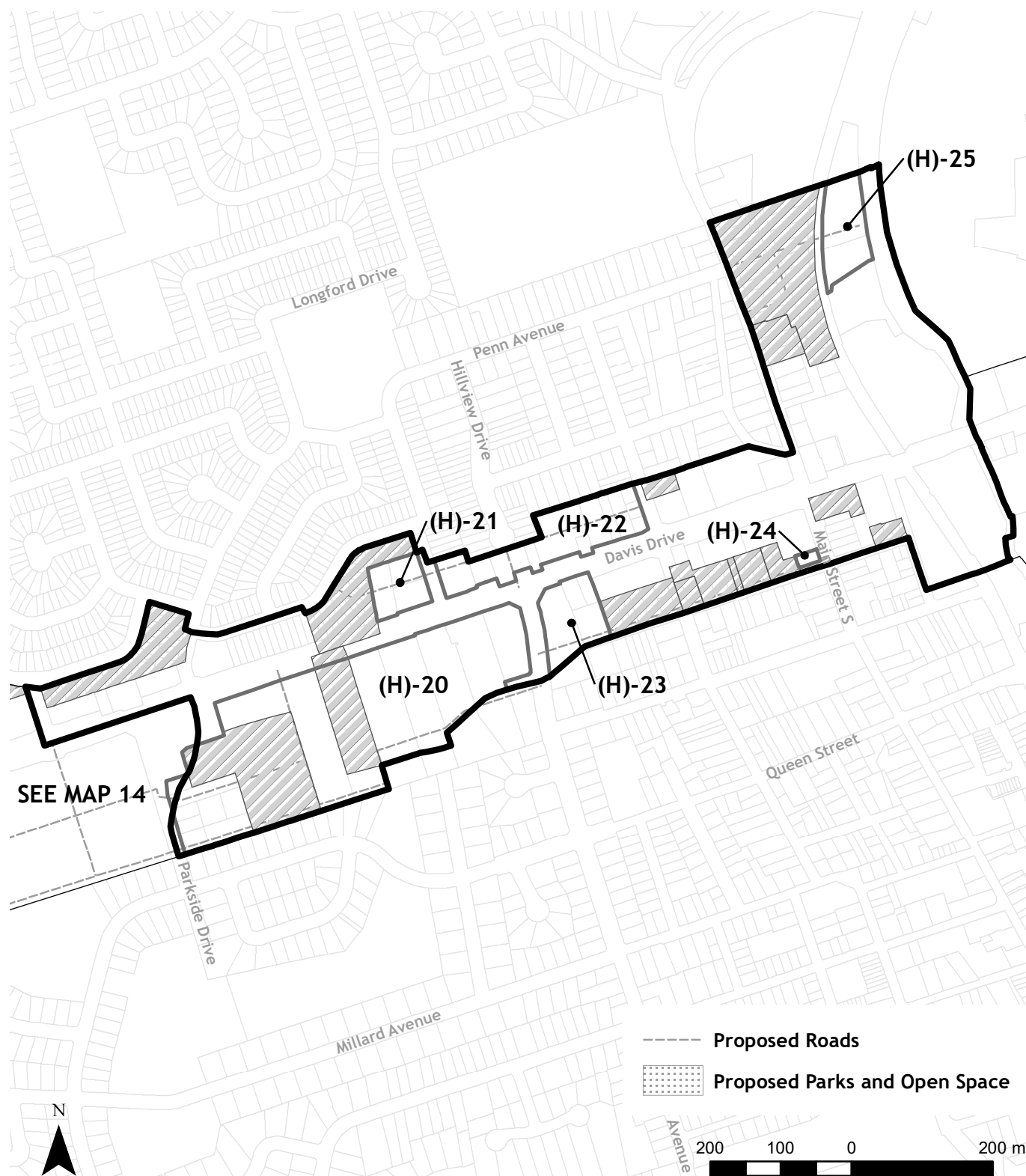
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE SOUTH HOLDING MAP



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

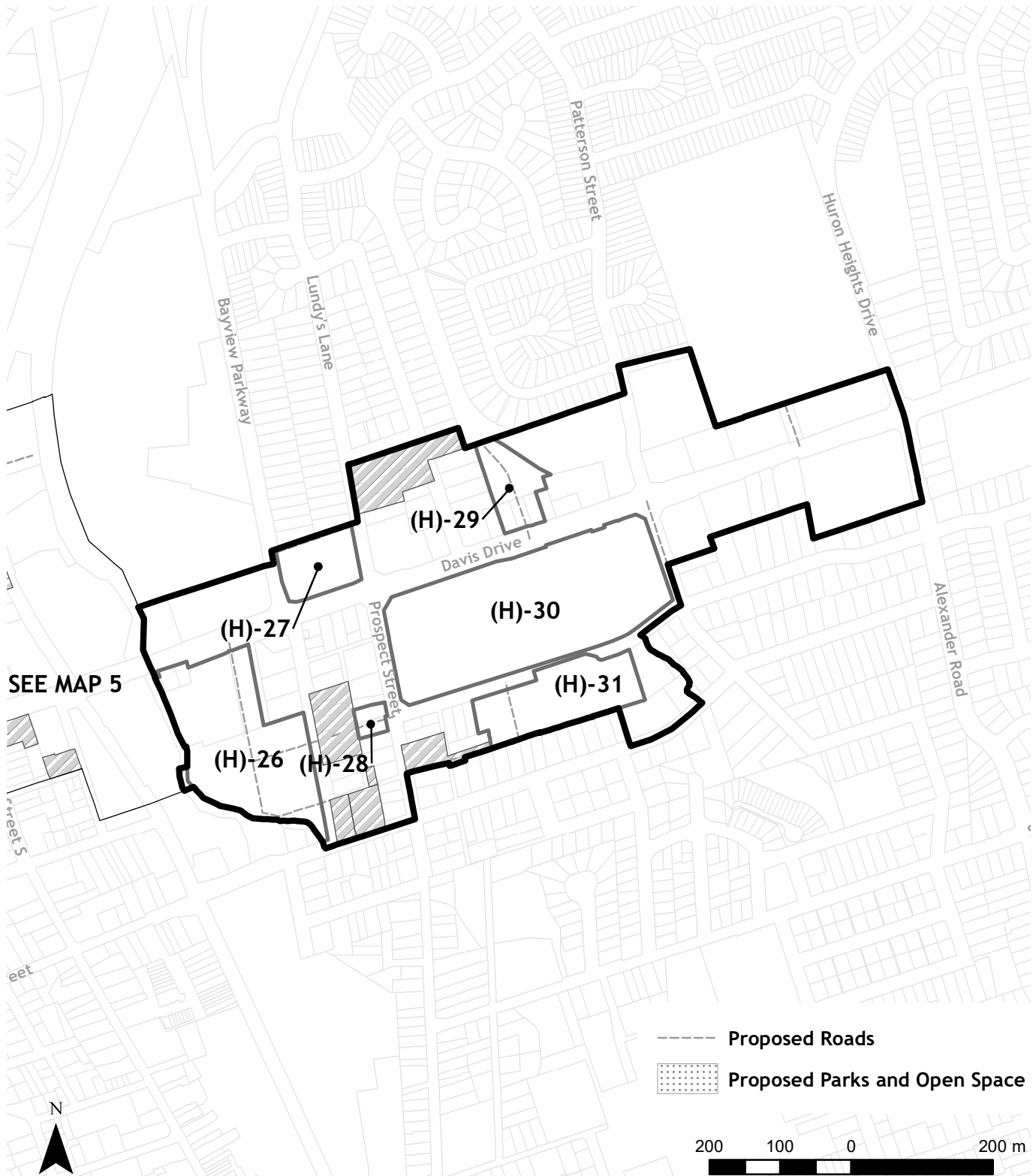
DAVIS DRIVE HOLDING ZONES



SEE MAP 14

Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE HOLDING ZONES



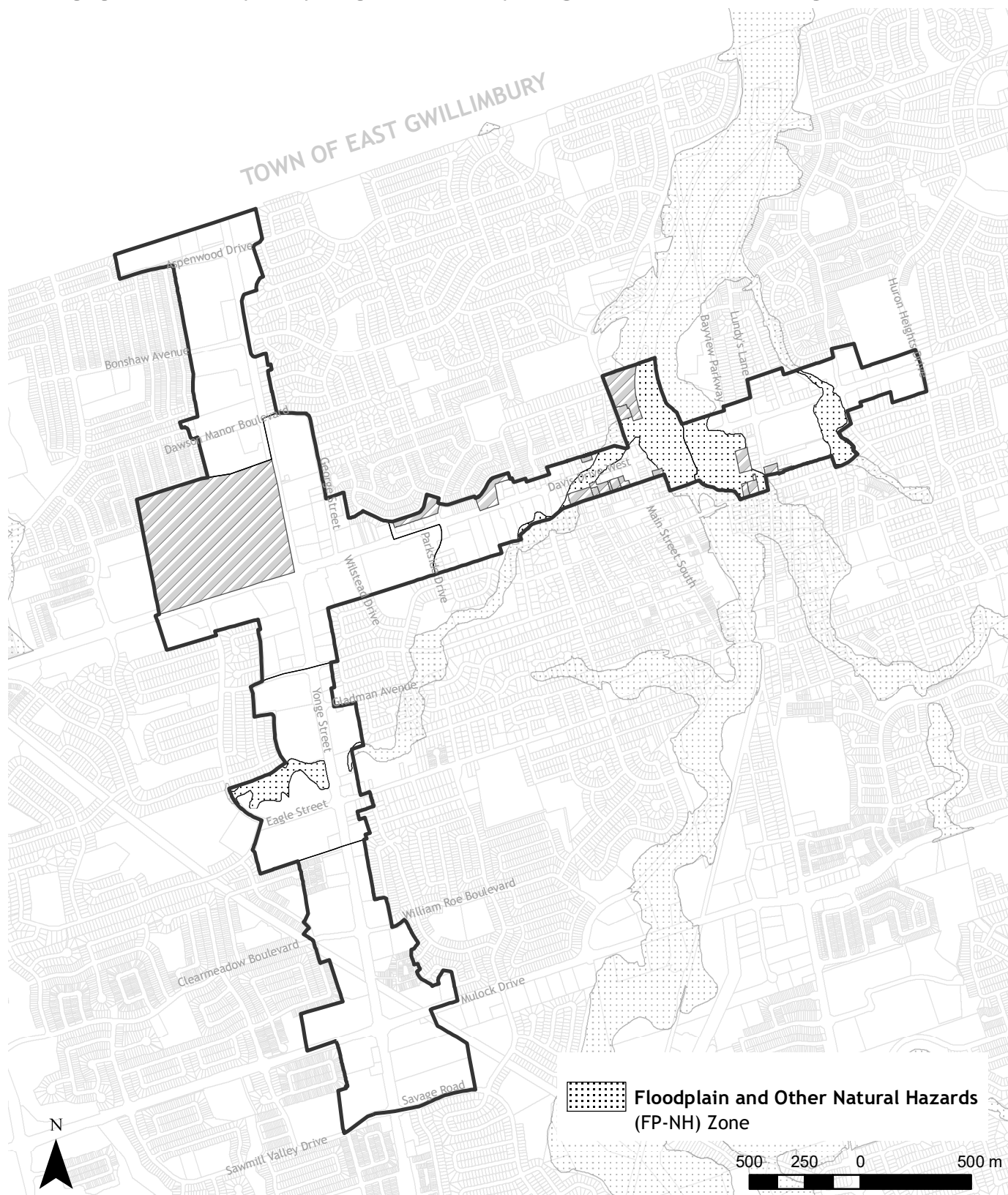
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

PRIORITY COMMERCIAL AREAS



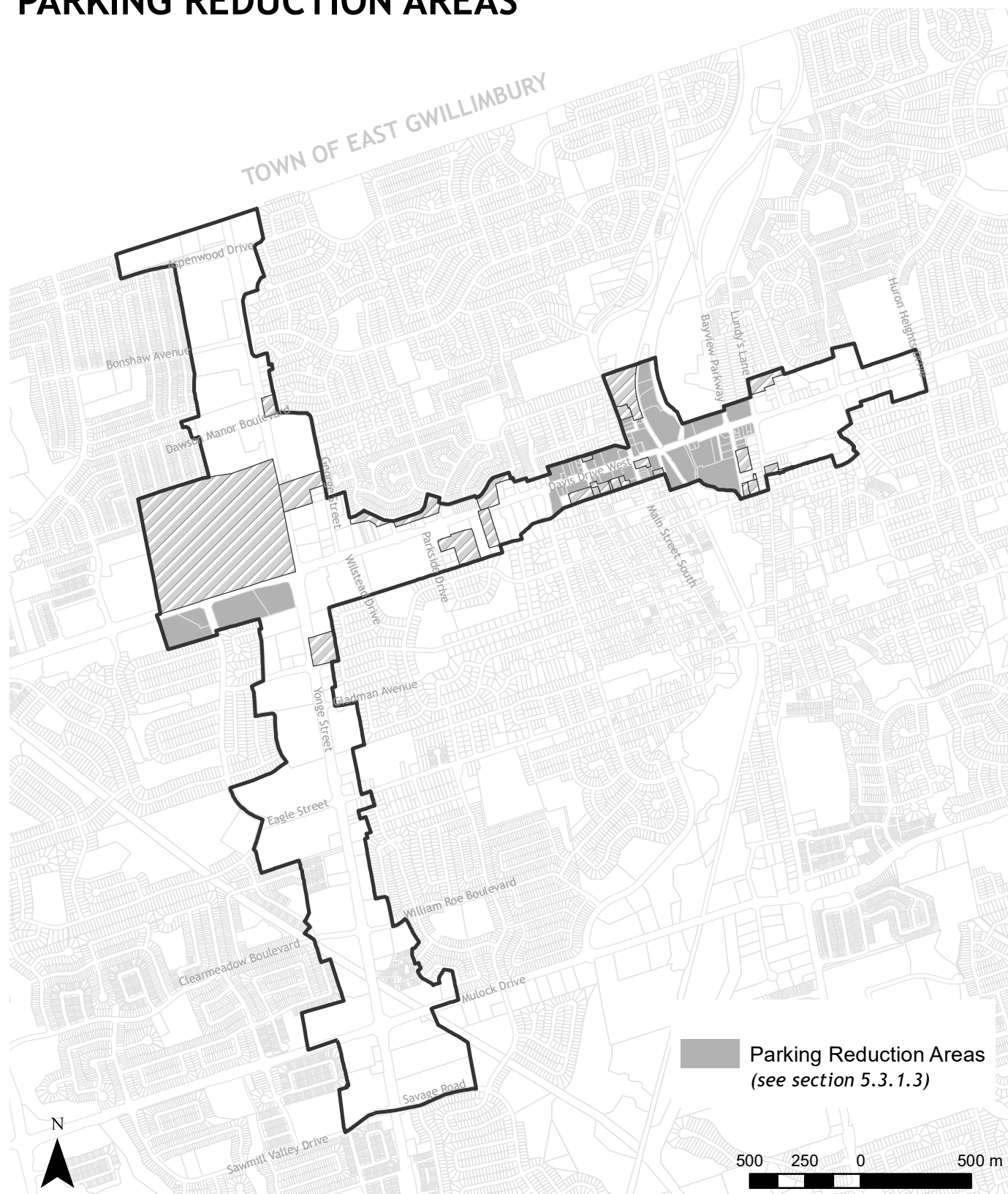
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

FLOODPLAIN AND OTHER NATURAL HAZARDS



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

PARKING REDUCTION AREAS



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.



Town of Newmarket
395 Mulock Drive P.O. Box 328,
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Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

FCM Municipal Asset Management Program – Grant Submission Staff Report

Report Number: 2018-64

Department(s): Development & Infrastructure Services

Author(s): Brett Morrow

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled “FCM Municipal Asset Management Program – Grant Submission” dated September 17, 2018 be received; and,
2. That Council directs staff to apply for grant funding through the Federation of Canadian Municipalities’ Municipal Asset Management Program toward the implementation of the Town’s Integrated Asset Management Strategy;
3. That the Town of Newmarket commits to conducting the activities in its proposed project application submitted to the Federation of Canadian Municipalities’ Municipal Asset Management Program;
4. That the Town of Newmarket commits to funding up to 20% of the eligible project costs to a maximum of \$12,500 of which the remaining 80% is to be funded by FCM, if successful;
5. That Council endorse the attached Council Resolution for the Mayor and Town Clerk’s signature;
6. That Staff be authorized and directed to do all things necessary to give effect to the attached Council Resolution.

Purpose

The purpose of this report is for staff to obtain authorization from Council to: submit a grant application that will assist with the implementation of the Town’s Integrated Asset FCM Municipal Asset Management Program – Grant Submission

Management Strategy through the Municipal Asset Management Program, attest to cost sharing the funded activities, and commit (if funded) to undertaking the proposed projects as required by the Federation of Canadian Municipalities' (FCM).

Background

FCM's Municipal Asset Management Program (MAMP) is currently accepting calls for grant funding applications from municipalities. FCM's Municipal Asset Management Program provides funding to municipalities for projects that enhance their asset management practices. The MAMP will fund up to 80% of eligible project expenditures to a maximum contribution of \$50,000. The goal of the program is to help municipalities make informed investment decisions for infrastructure assets, such as roads, buildings, water supply and sanitation systems, in order to deliver value for money while best serving citizens' needs. The MAMP funds a range of activities for municipalities at all stages of their asset management development, such as:

1. Asset Management Assessments
2. Asset Management Plans, Policies, and Strategies
3. Data Collection and Reporting
4. Training and Organizational Development
5. Knowledge Transfer

Discussion

FCM requires applicants to provide a Council Resolution along with their application to the Municipal Asset Management Program. The Resolution must include an attestation of Council to cost sharing the grant funded activities and to undertake the proposed activities if funded. Staff are currently reviewing eligible projects for this funding program and will communicate to Council if the application is successful.

Conclusion

A Council Resolution containing the information outlined in the Recommendations section of this Report will enable staff to submit a complete application for funding to FCM through MAMP that will act to further serve the implementation of Newmarket's Integrated Asset Management planning.

Business Plan and Strategic Plan Linkages

This report supports the Town's Strategic Plan direction of "Well-Equipped and Managed" by ensuring efficient management of capital assets. This report also supports the Town's Strategic Plan direction of "Well-Planned and Connected" by planning and managing growth through long-term plans and strategies, supported by short-term plans.

Consultation

No external consultations were undertaken in the writing of this report. Internal consultations are on-going to determine the exact activities to be included in the funding application.

Human Resource Considerations

The recommendations in this report have no impact on staffing levels.

Budget Impact

The requested grant funding will assist with the implementation of the Integrated Asset Management Strategy that has been allocated for in previous budgets. The Integrated Asset Management Strategy is currently funded through the Asset Replacement Fund (\$326,400) and grant funding (\$170,000). The maximum project cost the MAMP will fund is \$62,500 with \$12,500 required to be paid by the Town (20%). As Town funding is already allocated to the Integrated Asset Management Strategy this will assist in building capacity for the Asset Replacement Fund for future Town projects. The activities to be identified in the grant application will be activities that would have been funded through the Asset Replacement Fund as identified in the Newmarket's 2018 capital budget. If successful, the grant funding will offset planned capital budget expenditures.

Attachments

Council Resolution

Approval

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

Contact

For more information on this report, please contact Brett Morrow at 905-953-5300 (x2037) or at bmorrow@newmarket.ca



Date: September 24, 2018

Moved by: _____

Seconded by: _____

RESOLUTION

WHEREAS The Federation of Canadian Municipalities requires formal documentation in the form of a Municipal Council Resolution indicating that said Council has authorized staff to submit a grant application under the Municipal Asset Management Program, to attest to cost sharing the grant funding activities to a maximum of \$12,500 or 20% of total eligible project costs, and to undertake the activities within the funding application if approved.

BE IT RESOLVED that the Municipal Council of the Corporation of the Town of Newmarket directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for "Integrated Asset Management Strategy Implementation".

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the Town of Newmarket commits to undertaking the activities in its proposed project application submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program if the application is successful.

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the Town of Newmarket commits a maximum of \$12,500 from its Integrated Asset Management Strategy budget toward the costs of this initiative.

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

THAT the Council of the Corporation of the Town of Newmarket approve and authorize staff to submit a Municipal Asset Management Program funding application, commit to funding a maximum of \$12,500 or 20% of eligible project costs, and if successful, the Town will undertake the activities listed in the funding application:

Tony Van Bynen, Mayor

|

Lisa Lyons, Town Clerk



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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council Staff Report

Report Number: 2018-55

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled “Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council” be received; and,
2. That, in accordance with the Committee Administration Policy, all regularly scheduled Advisory Committee meetings between October 1, 2018 and December 31, 2018 be cancelled; and,
3. That should a time sensitive or legislated matter requiring the consideration by an Advisory Committee between October 1, 2018 and December 31, 2018, a meeting be scheduled; and,
4. That any Advisory Committee vacancies remain vacant until the new term of Council, or until the Advisory Committee review is complete; and,
5. That staff be directed and authorized to do all things necessary to give effect to this resolution.

Purpose

This report is to advise Council that the Committee Administration Policy authorizes the cancellation of all regularly scheduled Advisory Committee meetings for the fourth quarter of 2018.

Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council

Further, as the current Advisory Committees established were for the 2014-2018 term of Council, this report provides a timeline for the Advisory Committee review and recruitment for the new term of Council.

Background

In 2015, Council adopted a Committee Administration Policy, which states “during a Municipal election year, meetings shall be cancelled where possible in the last quarter.” This section was specifically introduced to assist the Legislative Services Department with managing the limited resources assigned to the administration and execution of the election, and supporting the Advisory Committees.

Discussion

Advisory Committee Meeting Schedule between October 1, 2018 and December 31, 2018

The Committee Administration Policy allows for the cancellation of Advisory Committee meetings during the fourth quarter of a Municipal Election year. However, this does not preclude Committees from meeting to consider any matters that are time sensitive or legislated during the fourth quarter.

Council does not have any meetings scheduled for the month of October, and has one meeting in November. Given that the current Advisory Committees report through this term of Council, it is not reasonable for the Committees to continue holding meetings if Council is not meeting.

Most recently, staff have found that many Advisory Committee meetings have been cancelled due to a lack of quorum. This suggests that Committee members may be cognizant of their term ending on November 30 and that it would not be reasonable to meet to advise Council on matters, when Council itself is meeting less frequently.

Advisory Committee Review and Recruitment for 2018-2022 Term of Council

Following the 2010-2014 term, Council adopted a best practice of reviewing the Committee structure after each term to ensure that Advisory Committees reflect the current term of Council and its strategic priorities. A post-term review provides an opportunity to evaluate the efficacy of Advisory Committees, and ensures that a Committee structure is the most appropriate mechanism for consideration of various municipal matters.

Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council

Further, as volunteers are providing an important service to the community, the review provides a chance to assess whether they are finding value in their contributions as a Committee Member.

A well designed Advisory Committee governance structure ensures that the Council of the day has an opportunity to make decisions on a) what types of Committees exist; and, b) who serves as volunteers on the Committees. Accordingly, staff intends to prepare a report for consideration by the new term of Council to seek direction on:

- 1) Appointment of Council representatives to Committees requiring immediate Council appointments, such as the Joint Council Committee for Central York Fire Services; and,
- 2) Recruitment of volunteers for Committees and Boards.

The recruitment will likely be completed in phases. This means that any Committees or Boards that are required to be established by legislation or within a prescribed timeframe will be part of the first phase of recruitment. Additional matters regarding recruitment will be provided to the new term of Council for consideration.

Newmarket Environmental Advisory Committee (NEAC) Motion

At its meeting on June 20, 2018, the Newmarket Environmental Advisory Committee passed the following motion:

1. That the Newmarket Environmental Advisory Committee recommend to Council that current Committee members' terms be extended until their successors are appointed.

Since staff intends to seek the new term of Council's direction on recruitment and term extension for all Committees and Boards, it is recommended that Council not extend NEAC members' term limits at this time.

It should be noted that there are six NEAC members who are eligible for reappointment, and they would be contacted during the recruitment process, should they be interested in re-applying to serve as a Committee Member.

Conclusion

Suspending Committee Meetings during the fourth quarter in a Municipal Election year allows for limited staff resources to be allocated and prioritized accordingly. A meeting will be scheduled if a Committee is required to meet and consider any time sensitive or legislated matters.

Business Plan and Strategic Plan Linkages

The recommendations in this report supports the Town's Vision, Mission and Community Strategic Plan goal of being well-equipped and managed by implementing policies and processes that reflect sound and accountable governance and fiscal responsibility in achieving service excellence.

Consultation

Support and liaison staff from Advisory Committees were consulted as part of this report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

Lisa Lyons
Director of Legislative Services/Town Clerk

Esther Armchuk
Commissioner, Corporate Services

Contact

For more information, please contact Kiran Saini, Deputy Town Clerk at 905-953-5300 ext. 2203 or by email at ksaini@newmarket.ca.



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November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule Staff Report

Report Number: 2018-58

Department(s): Legislative Services

Author(s): K. Saini, Deputy Town Clerk

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled “November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule” dated September 17, 2018 be received; and,
2. That the Council and Committee of the Whole Meeting Schedule (**Attachment A**) be adopted; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide a draft schedule of meetings for Council, Committee of the Whole (**Attachment A**) for Committee’s consideration.

Background

Each year, Council approves a draft schedule of meetings for the upcoming year. There may be occasions when additional special meetings are required, and these meetings are called on an as required basis. Additionally, the Procedure By-law provides that special meetings may be called by the Mayor or upon receipt of a petition signed by a majority of the Members of Council.

It is an election year and not all incumbent Councillors are seeking re-election. Given this, the intent of adopting a draft calendar with this term of Council is to allow all Council

candidates sufficient time to ensure their availability for orientation sessions, Council and Committee meetings, and workshops.

Discussion

Attachment A outlines the draft meeting schedule. Variations of the regular schedule include:

- Workshops and orientation sessions have been included for the new term of Council;
- Budget meetings have been included for the new term of Council to approve the 2019 budget.
- In January only one Committee of the Whole/Council cycle has been scheduled to accommodate the provision of the agenda being available 10 days prior to the meeting;
- A Committee of the Whole meeting is scheduled for Tuesday, May 21, 2019 as the offices will be closed on Monday, May 20, 2019 for Victoria Day.
- Committee of the Whole/Council cycles have been adjusted to ensure meetings do not take place during the Federation of Canadian Municipalities (FCM) Annual Conference in May 2019.
- There is an extra week between the August 26, 2019 Committee of the Whole Meeting and the September 9, 2019 Council meeting due to Labour Day.

Conclusion

Council determines its calendar of meetings every year, and is required to establish its meeting frequency for the following year. The 2019 schedule of meetings is subject to change, if additional meetings are required for Council to conduct its business.

Additionally, should there be additional orientation or workshop sessions required, staff will present a revised calendar of meetings to the new term of Council.

Business Plan and Strategic Plan Linkages

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

Consultation

Once adopted by Council, the new calendar will be posted on the Town's website and will be regularly updated, as required. Also, a notice will be placed on the Town Page advising the public that the full calendar is available for review on the Town's website (weekly editions of the Town Page will provide for a notice of upcoming meetings). A similar procedure will follow should the calendar be amended in the future.

This calendar will be circulated to all Town Council candidates for their information.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment A - Draft Schedule of Meeting for November 2018-December 2019

Approval

Lisa Lyons
Director of Legislative Services/Town Clerk

Esther Armchuk
Commissioner, Corporate Services


Contact

For more information, please contact Kiran Saini, Deputy Town Clerk at 905-953-5300 ext. 2203 or by email at ksaini@newmarket.ca.



NOVEMBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	October 29 Individual Councillor Set Up - IT Services: <ul style="list-style-type: none"> • iPads • Phones • Laptop • How to access info on T drive • Town Central 	October 30	October 31	1	2	3
4	5 Individual Councillor Meetings: <ul style="list-style-type: none"> • Office of the CAO • Corporate Services • Development & Infrastructure Services • Community Services 	6	7	8	9	10
11	12	13	14	15	16	17
18	19 Individual Councillor Meetings - Legislative Services: <ul style="list-style-type: none"> • eSCRIBE training • Meetings 101 • Procedure By-law 101 • Information vs. staff reports 	20	21		23	24

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	<ul style="list-style-type: none"> Meeting decorum Role of Council, Staff, Participants, Delegates 					
25	26  7:00 – CL (CC)	27	28	29	30	

DECEMBER 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1
2	3 7:00 PM - Inaugural Council Meeting	4	5 Council Orientation Workshop I 9 am - 12 pm: <ul style="list-style-type: none"> • CAO/CYFS/ Commissioner overview of key corporate initiatives and drivers • Role of staff/Council 1 pm - 4 pm: <ul style="list-style-type: none"> • LPAT Training (Kim Mullin) 	6 Council Orientation Workshop II 9 am - 12 pm: <ul style="list-style-type: none"> • Community survey updates. • Overview of CRM system 1 pm - 4 pm: <ul style="list-style-type: none"> • Bus Tour (transportation, current properties, future areas for development) 	7	8
9	10 10 AM - 12 PM - Special CoW report on budget target and engagement, fees and charges, Q3 update. 1:30 PM– CoW (CC) +/- 3:00 PM– CoW (Closed, if req'd) 7:00 PM– Public Planning Session	11 9 AM Council Workshop Newmarket Tay Hydro & Subsidiaries (Paul Ferguson)	12 9 AM Council Workshop <ul style="list-style-type: none"> • Clean Water Act • Health & Safety 	13	14	15

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
16	17 7:00 PM – CL (CC)	18	19	20	21 Town Offices Close at 12:00 PM (noon)	22
23	24 Town Offices - Soft Close	25 Christmas Day Town Offices Closed	26 Boxing Day Town Offices Closed	27 Town Offices - Soft Close	28 Town Offices - Soft Close	29
30	31					


January 2019

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1 New Year's Day (Office Closed)	2	3	4	5
6	7	8	9	10	11	12
13	14 Treasurer to begin meeting with Councillors individually on Budget process 1:30 PM – CoW (CC) +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning (CC)	15	16	17	18	19
20	21 9:00 AM – 12:00 PM – Council Workshop – Strategic Priorities 2:00 PM – Site Plan Review (CC), if required 7:00 PM – CL (CC)	22	23	24	25	26

CL – Council




CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
27	28	29	30	31		
	 <p>9 AM - 4 PM Council Workshop Code of Conduct, Integrity Commissioner, Municipal Conflict of Interest Act (Bob Swayze)</p>					

February 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4  1:30 PM – CoW (CC) <ul style="list-style-type: none"> • 2019 preliminary budget +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning (CC)	5	6	7	8	9
10	11 9:00 AM – 12:00 PM – Council Workshop – Strategic Priorities  2:00 PM – Site Plan Review (CC), if required 7:00 PM – CL (CC)	12	13	14	15 Individual budget meetings completed 	16

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
17	18 Family Day Town Offices Closed	19	20	21	22	23
24	25 1:30 PM – CoW (CC) +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning (CC) • Draft budget info on Town website	26	27	28		



March 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 9 AM - 12 PM SP COW – Strategic Priorities 2:00 PM – Site Plan Review (CC), if required 7 p.m. – CL (CC)	5	6	7	8	9
10	11 <i>March Break</i>	12 <i>March Break</i>	13 <i>March Break</i>	14 <i>March Break</i>	15 <i>March Break</i>	16
17	18 1:30 PM – CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	19	20	21	22	23

CL – Council

CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
24	25 2:00 PM – Site Plan 7:00 PM - Council • 2019 budget approval	26	27	28	29	30

April 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	1	2	3	4	5	6
7	8 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	9	10	11	12	13
14	15 9 AM - 11 AM: Council Workshop Lake Simcoe Region Conservation Authority 2:00 PM – Site Plan 7:00 PM - Council	16	17	18	19 Good Friday (Offices Closed)	20
21	22 Easter Monday (Offices Closed)	23	24	25	26	27
28	29 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	30				

May 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6 9:00 AM Council Workshop - Community Centre Lands & Hollingsworth 2:00 PM – Site Plan 7:00 PM - Council	7	8	9	10	11
12	13 9 AM – 12 AM Council Workshop - Legal Matters (General Orientation, strategic & negotiated properties, Social Media)	14	15	16	17	18
19	20 Victoria Day (Town Offices Closed)	21 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	22	23	24	25
26	27 2:00 PM – Site Plan 7:00 PM - Council	28	29	30 FCM Conference	31 FCM Conference	1 FCM

CL – Council

CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat

DRAFT

June 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
2 FCM	3	4	5	6	7	8
9 AMCTO Conferen ce	10 AMCTO Conference	11 AMCTO Conference	12 AMCTO Conference	13	14	15
16	17 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	18	19	20	21	22
23	24 2:00 PM – Site Plan 7:00 PM - Council	25	26	27	28	29
30						

July 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	1 Canada Day (Town Offices Closed)	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



August 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4	5 Civic Holiday (Town Offices Closed)	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	27	28	29	30	31



September 2019 - Draft

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 Labour Day (Town Offices Closed)	3	4	5	6	7
8	9 2:00 PM – Site Plan 7:00 PM - Council	10	11	12	13	14
15	16 9:00 AM Council Workshop - York Region Settlement & new comers	17	18	19	20	21
22	23 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	24	25	26	27	28
29	30 2:00 PM – Site Plan 7:00 PM - Council					

CL – Council

CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop



OCTOBER 2019 - DRAFT

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 Thanksgiving Day (Town Offices Closed)	15 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	16	17	18	19
20	21 2:00 PM – Site Plan 7:00 PM - Council	22	23	24	25	26
27	28	29	30	31		

CL – Council

CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop



NOVEMBER 2019 - DRAFT

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	5	6	7	8	9
10	11 2:00 PM – Site Plan 7:00 PM - Council	12	13	14	15	16
17	18	19	20	21	22	23
24	25 1:30 PM –CoW +/- 3:00 PM (Closed, if req'd) 7:00 PM – Public Planning	26	27	28	29	30

CL – Council

CoW – Committee of the Whole
(CC) – Council Chambers

CW – Council Workshop



DECEMBER 2019 - DRAFT

September 6, 2018

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 2:00 PM – Site Plan 7:00 PM - Council	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24 <i>Town Offices Open until noon</i>	25 Christmas Day (Town Offices Closed)	26 Town Offices Closed	27 <i>Soft Close</i>	28
29	30	31				



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York Durham Sewage System Forcemain Twinning Project Noise Exemption Request Staff Report

Report Number: 2018-57

Department(s): Legislative Services

Author(s): Lesley Long Supervisor of Bylaw Enforcement

Meeting Date: September 17, 2018

Recommendations

1. That the report titled York Durham Sewage System Forcemain Twinning Project Noise Exemption Request dated September 17, 2018 be received and,
2. That the Noise Exemption Request to allow for 24 hours per day for 7 days a week be adopted; and,
3. That the request from Regional Municipality of York for a noise exemption to perform necessary works for the York Durham Sewage System Forcemain Twinning project from January 2, 2019 until December 31, 2021, be approved; and,
4. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose to this report is to seek Council's approval of request for an exemption from the Noise By-law (2017-76) from the Regional Municipality of York on behalf of the Contractor in regards to the York Durham Sewage System Forcemain Twinning Project.

Background

Starting in 2019 York Region will be starting the York Durham Sewage System (YDSS) Forcemain Twinning Project. Currently wastewater from the Town of Newmarket is conveyed to the Duffin Creek Water Pollution Control Plant (WPCP) via a forcemain system that is part of the York Durham Sewage System (YDSS). The existing YDSS forcemain system in Newmarket must be upgraded with a new second forcemain to ensure system reliability during high flow conditions and to provide system redundancy to complete necessary forcemain maintenance work.

The YDSS Forcemain Twinning Project would provide a second forcemain for both the Newmarket and Bogart Creek Sewage Pumping Stations to allow for relief to the YDSS during periods of extreme high wet weather flow. The new forcemain will help mitigate sewer surcharge and bypass to the natural environment, allow for maintenance servicing of the forcemains, and provide sufficient capacity for approved growth to 2031.

The YDSS Forcemain Twinning Project includes the following:

- A new 5.2 kilometre forcemain from the existing Newmarket Sewage Pumping Station to the existing gravity sewer that discharges to the Aurora Sewage Pumping Station.
- A new 0.5 kilometre forcemain from the existing Bogart Creek Sewage Pumping Station to the new Newmarket forcemain.
- Alterations to the Newmarket and Bogart Creek Sewage Pumping Stations to facilitate
- Connection of the new forcemains, including electrical modifications to the Newmarket Sewage Pumping Station.

The new second forcemain routes in Newmarket would generally parallel the existing forcemains, with slight route alterations as required for constructability reasons and to minimize potential impacts to the natural environment and existing infrastructure and utilities.

Most of the new forcemain will be constructed using microtunnelling which is a trenchless technique used to construct small to medium sized tunnels. There will be construction staging areas along the alignment that will be used to support construction of the microtunnel drives. The new Bogart forcemain along Pearson Street will be constructed primarily using open cut construction.

Attachment “A” outlines details of the Noise and Vibration Impact Assessment.

Discussion

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between 8 p.m. and 7 a.m. Monday through Friday and 8 p.m. to 9 p.m. on Saturdays, Sundays and holidays.

Similar noise exemption requests have been granted by Council since January 2013.

The Region of York will communicate and notify the surrounding residents and business owners.

Given the context for the process required to be undertaken, staff recommends approval of the exemption request to the Noise By-law during the hours requested.

In accordance with the Noise By-law 2017-76, because of the length of the exemption request, Council approval is required.

Conclusion

Following Council approval of the Noise Exemption:

1. Ensure the Region of York notifies the residents and business owners of the noise exemption; and
2. Notifying York Regional Police; and
3. Post the exemption of the Town's website.
4. Staff to monitor any complaints.

Business Plan and Strategic Plan Linkages

The initiative relates to the Well-equipped and managed link of the Town's Community Vision-implementing policy and process that reflect sound and accountable governance.

Consultation

Staff will work closely with the York Region Liaison Specialists regarding any concern with respect to noise or vibration.

Human Resource Considerations

There are no human resources considerations related to this report.

Budget Impact

There is no budget related to this report.

Attachments

YDSS Noise and Vibration Impact Assessment

Approval

Lisa Lyons Director Legislative Services Town Clerk

Esther Armchuk Commissioner of Corporate Services

Contact

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



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Upper York Sewage Servicing Detailed Design and Construction

York Durham Sewage System (YDSS) Modifications Noise and Vibration Impact Assessment

**Prepared for:
The Regional Municipality of York**

Prepared by:



GHD

1195 Stellar Drive, Unit 1
Newmarket, Ontario L3Y 7B8

**DECEMBER 2017
REF. NO. 084405 (228)
YORK REGION No. 74270**



Executive Summary

A noise and vibration review was completed for the amended York Durham Sewage System (YDSS) Modifications works as part of the Upper York Sewage Servicing (UYSS) project (Project) in York Region, Ontario.

Building on the outcome of the UYSS Environmental Assessment (EA), the Regional Municipality of York (York Region) engaged a GHD-led consortium to complete detailed design and construction of the YDSS Modifications. This expansion involves twinning a new sanitary forcemain to the existing forcemain that runs from the Newmarket Pump Station and connecting it into an existing gravity sewer that discharges to the Aurora Pump Station (**Figure 1**).

Construction of the YDSS Modifications would utilize microtunnelling methods for approximately 5,040 meters (m) of the alignment, requiring ten shafts spaced at an average of 504 m intervals. Open cut installation would be used in two additional areas for approximately 630 m.

The *Noise and Vibration Baseline Conditions Report* (CRA et al., 2013) confirmed that the majority of the EA-preferred YDSS Modifications alignment experienced road traffic background noise conditions between 50 decibels (dBA) and 55 dBA during the day and 45 dBA during the night and was therefore urban in acoustic character. These noise and vibration baseline conditions (**Section 3.0**) were used to establish criteria to evaluate the potential for adverse noise and vibration impacts associated with the operation and construction of the sending/receiving shafts and open cut areas (**Section 4.0**).

Analysis during the UYSS detailed design process identified 145 existing buildings immediately adjacent to the amended YDSS Modifications alignment and determined that the adoption of trenchless microtunnelling for the majority of the alignment - along with other impact management measures - is anticipated to result in a net reduction in adverse impacts for the majority of those adjacent properties (**Section 4.0**).

Proposed construction equipment and associated noise specifications were reviewed and their anticipated noise impacts were modelled using the Cadna A Acoustical Modelling Software (Cadna A).

Based on the expected noise impacts, preliminary noise abatement measures were recommended to reduce the impacts resulting from construction activities on neighbouring residences. Noise mitigation in the form of construction site hoarding was incorporated into the noise impact modelling. If warranted, hoarding placement was considerate of the site-specific layouts and optimized to provide maximum noise reduction.

Construction activities have the potential to affect surrounding sensitive receptors adversely at all times of the day. Truck traffic, bulldozer, excavator, and on-site generator noise are expected to be the most dominant noise sources at each of the construction sites. The above grade equipment supporting the MTBMs is expected to be the dominant sources of noise at each sending shaft.

Receiving Shaft 1 is ranked the lowest in terms of potential for noise impact exposure. Open Cut Area 2 is the highest potential for noise impact exposure and nuisance complaints but will be restricted to daytime operations to reduce the potential for complaints.

While there are no defined limits for vibration levels under Town of Newmarket By-law, construction vibration limits are defined by the City of Toronto, which may be considered appropriate, non-binding benchmarks for consideration during construction of the amended YDSS Modifications.

Based on the proposed scope of construction activities, ground-borne vibration intensities are not anticipated to exceed the outlined limits beyond the proposed 30 m zone of influence. However, as noted above, the perceived vibration levels in combination with noise and visual effects of heavy machinery working in close proximity to adjacent building and properties may result in complaints.

Of the 145 adjacent properties, 22 are within the 30 m vibration zone of influence with the potential to be adversely affected by vibration impacts from five of the 12 construction sites (**Figures 6A to 6E**): Open Cut Area 2; Sending Shaft 3, and; Receiving Shafts 3, 4 and 5. Of these properties, 12 are built heritage resources, whilst an additional 10 cultural heritage landscapes were identified as falling within the zone of influence for vibration. 122 adjacent properties are within the 30 m vibration zone of influence of the amended YDSS Modifications alignment as the microtunnel boring machines (MTBMs) pass underground along tunnel drives between each shaft site (**Figures 6F to 6J**). All 145 adjacent properties should have pre-construction surveys completed (UYSS EA commitment).

Outside of the pre-construction property surveys, GHD recommends a continuous noise and vibration-monitoring program during construction, in addition to specific corrective/contingency response actions (**Section 5.4**) and a complaint protocol.

The recommendations in this report have been generalized to provide a degree of flexibility for the contractors to specify exact mitigation measures.

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Appendix B	Noise Modelling Results

Section 1.0 Introduction

This document comprises the Noise and Vibration Impact Assessment for construction of the amended York Durham Sewage System (YDSS) Modifications as part of The Regional Municipality of York's *Upper York Sewage Servicing (UYSS)* project in York Region, Ontario.

An UYSS Environmental Assessment (EA) was undertaken for this project and submitted to the Ministry of Environment and Climate Change (MOECC) in July 2014. The UYSS EA included a number of reports (CRA et al. 2014 and CRA et al. 2013) providing a detailed description of the potential effects of the YDSS Modifications in terms of construction noise and vibration. The UYSS EA also provides a list of the reports reviewed or referenced herein.

York Region engaged a GHD-led consortium to complete detailed design and construction of the YDSS Modifications. This involves twinning a new sanitary forcemain to an existing forcemain running from Newmarket Pump Station, connecting to both the Bogart Creek Pump Station and to an existing gravity sewer that discharges to the Aurora Pump Station (**Figure 1**).

1.1 Project Description

The proposed YDSS Modifications include the following:

- A new 1,050 mm diameter forcemain from the existing Newmarket Pumping Station to the existing 1,050 mm diameter gravity sewer which discharges to the Aurora Pumping Station
- A new 450 mm diameter forcemain from the existing Bogart Creek Pumping Station to the new 1,050 mm diameter forcemain as noted above
- Modifications to the Newmarket and Bogart Creek Pumping Stations to accommodate for connection of the new forcemain(s)
- New meter chambers at the existing pumping stations and forcemain appurtenances to regulate and control flow

The new forcemain is to be constructed over a distance of approximately 5,040 metres (m) of microtunneling, with open-cut installation of an additional 630 m. Construction of the forcemain in all tunnelled sections will be undertaken as a double pass operation by microtunnel boring machines (MTBM), with the first pass for excavation and installation of reinforced concrete casing pipe and the second pass to ensure the concrete pressure carrier pipe is laid and grouted in place.

The forcemain alignment is located within the Town of Newmarket in an urban setting with residential, commercial, industrial, and institutional lands, and transportation and utility corridors.

Ten shafts will be required for the YDSS Modifications, four sending shafts (S1 to S4) and six receiving shafts (R1 to R6), which range in depth from approximately 10 to 16 mBGS. The shaft locations are shown on **Figure 1**.

The sending and receiving shafts will be constructed based on the geological and geotechnical characteristics at each location. The shafts are either 15 m or 10 m in diameter, depending on the shaft function (sending or receiving respectively).

Tunnel drives are as follows:

- S1 to R1: from Shaft S1, south within Holland River Floodplain to Shaft R1
- S1 to R2: from Shaft S1, north past Mulock Drive to Shaft R2 at Cane Parkway
- S2 to R2: from Shaft S2, south along Cane Parkway to Shaft R2 at Cane Parkway
- S2 to R3: from Shaft S1, east beneath Metrolinx railway to Shaft R3 near Pearson Street
- S2 to R4: from Shaft S2, north along Cotter Street to Shaft R4 north of Timothy Street
- S3 to R4: from Shaft S3, south to Shaft R4
- S3 to R5: from Shaft S3, north along Charles Street to Shaft R5 north of Davis Drive
- S4 to R5: from Shaft S4, south along Bayview Parkway to R5 north of Davis Drive
- S4 to R6: from Shaft S4, north along Bayview Pkwy to R6 at Newmarket Pump Station.

The slope of the tunnel ranges between 0.18 percent and 0.1 percent with ground cover over the tunnel ranging from about 5 m to 16 m.

Construction sites have been designated at each sending and receiving shaft location to facilitate the microtunneling shaft construction and operational activities, in addition to auxiliary construction staging areas (**Figure 1**). Construction sites are generally situated within urbanized areas, where space is constrained and road closures and traffic diversions may be required. Power and water will be brought to each site, as needed, to facilitate MTBM and construction activities.

The MTBM will pass through glaciolacustrine clay deposits and till at shallow depths of about 5 m beneath the East Holland River and its tributaries in some areas and approximately 4 m within existing infrastructure i.e., the existing YDSS forcemain.

1.2 Study Background

The noise and vibration study area spans the length of the amended YDSS Modifications alignment, from St. John's Sideroad to Green Lane East (**Figure 1**) in the Town of Newmarket, York Region. Mulock Drive, Davis Drive West, and Green Lane East are all arterial roads that cross the study area, connecting to adjacent communities, industrial, commercial and residential zones, and major transportation routes, such as Highways 400 and 404. There are three crossings of the Metrolinx railway tracks.

This report references previous baseline noise monitoring work completed as part of the UYSS Environmental Assessment (EA) and summarises the findings from preliminary noise modelling which investigated the potential for adverse noise impacts on YDSS-adjacent sensitive

receptors. **Section 5.0** recommends construction noise abatement (mitigation) and monitoring measures.

The noise modelling of anticipated locations and sound levels for the day and night period for the amended YDSS alignment are presented on **Figures 5A to 5L**. The existing ambient noise and vibration impacts are dominated by road and air traffic at all times of the day. Some commercial and industrial activities are also present. **Figure 4** shows the locations of the noise and vibration sensitive receptors adjacent to the amended YDSS alignment.

Each of the identified construction sites is surrounded by one or two storey sensitive receptors with direct line-of-sight exposure to the planned construction activities. A sensitive receptor for noise means:

The living and sleeping quarters of dwellings, and sleeping quarters of noise sensitive commercial or institutional land uses.

Examples include, but are not limited to: bedrooms, sleeping quarters such as patient rooms, living/dining rooms, eat-in kitchens, dens, lounges, classrooms, therapy or treatment rooms, assembly spaces for worship, sleeping quarters of detention centres.¹

In the event construction or microtunnelling activities generate noise and vibration, appropriate mitigation measures, monitoring activities and contingency responses are discussed in **Section 5.0** of this report.

¹ MOECC NPC-300

Section 2.0 Applicable Legislation

2.1 Noise

The focus of this assessment is on human annoyances resulting from excessive noise levels. The applicable legislative documents relate to residential impacts and not to impacts on construction workers, which is the responsibility of contractors performing the construction operations.

The acoustic character of the Study Area will be defined in accordance with the following guidelines, regulations, and protocol documents:

- NPC-300 Stationary and Transportation Sources-Approval and Planning
- NPC-103 Procedures
- NPC-104 Sound Level Adjustments
- NPC-115 Construction Equipment
- The Corporation of the Town of Newmarket Noise Control By-Law 2004-94

The Town of Newmarket Amended Noise By-law Number 2005-158 and previous By-law 2004-94 permits construction activities during the daytime hours only and prohibits construction from 8:00 p.m. to 7:00 a.m. Monday to Friday and extends the restriction from 8:00 p.m. to 9:00 a.m. on the weekend (Saturdays, Sundays, and holidays).

Construction noise monitoring is not required for by-law compliance but NPC-115 Construction Equipment requirements are detailed by the Ministry of the Environment and Climate Change (MOECC) as follows:

Table 2.1: NPC-115 Construction Equipment Requirements

	Excavation Equipment, Dozers, Loaders, Backhoes	Pneumatic Pavement Breakers*	Compressors*	Tracked Drills*
Power Rating < 75 kW	83 dBA	85 dBA	76 dBA/70dBA	100 dBA
Power Rating > 75 kW	85 dBA			

Notes: dBA: decibels (A weighted), * = Residential/Quiet Zone
The equipment requirement is based on a January 1, 1981, date of manufacturer or later. A power rating is not applicable for pavement breakers, compressors, or tracked drills.

Measurements are conducted at a 15 m reference distance and at the rated maximum RPM in accordance with SAE J88a procedures as referenced in NPC-103. Stationary or pass-by tests are appropriate following the procedure below:

3.3.6-For stationary tests, record the sound level obtained at a distance of 15 m (50 ft.) normal to the centers of the four major surfaces of the equipment at

the microphone height. Generally, four major surfaces refer to front, rear, and sides of an imaginary box that would just fit over the machine but does not include attachment items such as buckets, dozers, and booms. In the case of a crane or an excavator, the upper (revolving superstructure) fore-and-aft centerline should be in line with the lower fore-and-aft centerline.

3.3.7-For moving tests, take measurements at a distance of 15 m (50 ft.) measured in a direction normal to a major side surface, which is parallel to the machine path.

3.3.8-The final reported sound level per this SAE Recommended Practice shall be the highest of the reported values obtained in paragraphs 3.3.6 and 3.3.7; the test report shall include the test mode, the machine operating conditions during the reported test mode, the stabilized maximum governed engine speed, the location of the microphone in relation to the construction machine, the surface description over which the machine operated, and the sound level measurements were made.

The major concerns of this report are human annoyances due to excessive noise and vibration levels, therefore, the applicable legislative documents that were followed relate to residential impacts and not to impacts on construction workers, which is the responsibility of contractors performing the construction operations.

2.2 Vibration

There are no defined limits for vibration levels under Town of Newmarket by-laws. However, it may be useful to consider appropriate construction vibration benchmarks (e.g., City of Toronto By-law No. 514 2008) during construction of the amended YDSS Modifications (see **Table 2.2**).

It should be noted that the City of Toronto construction vibration limits are not legally applicable within the Town of Newmarket and are defined here only as a benchmark for highlighting the potential for adverse structural affects buildings and infrastructure only. Furthermore, such limits do not account for the potential for personal nuisance or perceived adverse effects, which may be experienced at much lower vibration intensities based on personal tolerance levels.

Table 2.2: Benchmark Construction Vibration Levels²

Frequency of Vibration (hertz)	Vibration Peak Particle Velocity (mm/sec)
Less than 4	8
4 to 10	15
More than 10	25

The perceptibility of ground-borne vibration levels by humans may be determined using International Organization for Standardization (ISO) developed in 1983, or the American National Standards Institute (ANSI) criteria established in 1989, however it should be noted that

² City of Toronto By-law No. 514 2008

a more comprehensive analysis of the PPV data would be required, including root mean square (RMS) calculations in order to compare against these criteria.

Numerous studies also suggest that human response to vibration levels within buildings can be complex, and the degree of perception and annoyance experienced can relate to other phenomena such as rattling, noise, visual effects, and time of day. Therefore, meeting ISO/ANSI guidelines does not necessarily ensure the avoidance of complaints arising from subjective individual experiences. Perceptibility levels are very low and would be unreasonable to consider when establishing permissible limits for the construction activity since human perception is typically at or slightly elevated with respect to baseline conditions and well below any levels that could cause building damage. A summary of the ANSI criteria is presented in **Table 2.3**.

Table 2.3: Summary of ANSI Guidelines for Human Perception of Vibration

RMS Vibration Velocity Level (VdB) (relative to 10 to 6 in/sec)	RMS Particle Velocity (mm/s)	Human Response
65	0.05	Approximate threshold of perception
75	0.14	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find vibration at this level annoying
85	0.45	Vibration only acceptable only if there are an infrequent number of events per day

Section 3.0

Existing Conditions

The UYSS EA *Noise and Vibration Baseline Conditions Report* involved a review of available secondary information and field surveys conducted in 2011 and 2013³. This baseline monitoring aimed to characterize the existing ambient conditions along the EA-preferred alignment for the YDSS Modifications in order to estimate the potential noise and vibration impact exposure associated with the EA-preferred YDSS Modifications. The UYSS EA *Noise and Vibration Impact Assessment Report* analysed those potential effects, recommended associated impact management measures and identified the likely net effects of the EA-preferred YDSS Modifications, including on the existing buildings identified as immediately adjacent to the Preferred YDSS Modifications alignment⁴.

The results from these UYSS EA reports have been carried forward for consideration in the modelling and impact assessment undertaken for the amended YDSS Modifications herein.

The approach to the YDSS Noise and Vibration Impact Assessment process involves the following elements:

- Modelling the characteristics of potential noise sources anticipated during construction
- Establishing an anticipated zone of influence (Zoi) for vibration effects
- Summarising the expected noise and vibration impacts arising from construction of the YDSS Modifications
- Recommending preliminary noise and vibration impact management measures for construction of the YDSS Modifications

To characterize the existing conditions in the area accurately, noise and vibration monitoring was required for sufficient time to be considered representative and to capture the peaks and lows experienced in the area.

Cadna (version 2017) acoustic modeling software generated sound level contour plots of the baseline noise conditions along the EA-preferred YDSS Modifications alignment - specifically in relation to the major roads in the study area. The contours provide a visual representation of the traffic generated sound, and how it propagates with distance, from the road corridor source. The locations and sound levels generated for the day and night period by the existing road traffic for the EA-preferred alignment are presented on **Figures 2 and 3**.

Road traffic noise was determined to be the predominant source of existing ambient noise in the YDSS study area, with the majority of the YDSS alignment estimated to be experiencing road traffic noise conditions between 50 dBA and 55 dBA; suggesting an acoustic character as 'urban'. Ambient noise will fluctuate during a typical 24-hour period due to normal patterns of human activity, natural sounds, and fluctuations in traffic volumes and traffic composition.

³ CRA et al., 2013. 050278-RPT75-Noise and Vibration Baseline Conditions

⁴ CRA et al., 2014. 050278-RPT102-Noise and Vibration Impact Assessment

3.1 Noise

The *Noise and Vibration Baseline Conditions Report* confirmed that the majority of YDSS alignment experiences road traffic noise conditions between 50 dBA and 55 dBA during the day and 45 dBA during the night and was therefore urban in acoustic character.

The noise baseline conditions evaluated representative along the amended YDSS alignment were used to establish criteria to evaluate the potential for adverse noise and vibration impacts at each planned sending/receiving shaft and open-cut areas as shown in **Table 3.1**.

Table 3.1: Baseline Background Sound Levels at YDSS Construction Sites

Construction/Microtunnelling Site	Modelled Background Sound Levels (dBA)	
	Day 7:00 a.m.-11:00 p.m.	Night 11:00 p.m.-7:00 a.m.
Sending Shafts 1 to 4	50 to 55	45
Receiving Shafts 1 to 6	50 to 55	45
Open Cut Area 1	50 to 55	45
Open Cut Area 2	50 to 55	45

3.2 Vibration

Baseline vibration was observed to be environmentally insignificant as there were no significant sources of vibration in the UYSS EA study area.

Section 4.0

Impact Assessment and Management Measures

During the UYSS detailed design process, York Region opted to amend the YDSS Modifications design from a predominantly open-cut approach in the EA-preferred undertaking, to mostly trenchless construction, along with slight deviations from the EA-preferred forcemain alignment in some places. The UYSS detailed design process identified 145 existing buildings immediately adjacent to the amended YDSS Modifications alignment (compared to 118 under the UYSS EA).

4.1 Noise

To assess the potential effects of construction of the amended YDSS Modifications, GHD sought to augment the EA baseline monitoring information with additional acoustic modelling based on the amended YDSS Modifications detailed design (2017).

To assess compliance of noise source emissions, the estimated sound levels at points of reception will be compared with background sound level criteria established in the UYSS EA *Noise and Vibration Baseline Conditions Report* based on the principle of 'predictable worst-case'. This worst-case noise impact would occur during the hour when the difference between the predicted/measured sound level produced by the stationary source(s), is at a maximum versus the background sound level.

The description used in the impact assessment of noise is the one-hour equivalent continuous sound level (Leq) - the time-weighted energy average of the source. Leq is the preferred method to describe sound levels that vary over time, resulting in a single decibel (dBA) value, which takes into account the total sound energy over the period of interest, including the lows and the highs.

4.1.1 Noise Sources at Construction Sites

GHD was provided with a list of anticipated construction equipment and a typical YDSS modifications construction site plan - including open-cut sites and the periods of microtunnelling shaft construction (4 to 6-weeks). Sound power levels for seven pieces of construction equipment (crane, bulldozer, excavator, truck, generator, separation plant, and air compressor) were determined from published reference data for construction equipment or GHD measured values. The noise sources were modelled as individual point sources located at each construction site based on a typical layout.

A summary of the representative sound power levels anticipated for each equipment is presented in **Table 4.1**.

Table 4.1: Sound levels Anticipated from Construction Equipment

Equipment	Anticipated Sound Power Level (dBA)
Crane	100

Equipment	Anticipated Sound Power Level (dBA)
Bull Dozer	108
Excavator	104
Truck	110
Generator	103
Separation Plant	96
Air Compressor	99

The magnitude of noise impacts associated with construction will be dependent upon a number of factors including:

- The intensity of construction activities
- The location of construction activities
- The type of equipment used
- Existing local noise sources
- Intervening terrain
- The prevailing weather conditions

4.1.2 Noise Sources at Microtunnelling Sites

Figure 1 details the sending and receiving microtunnelling sites along the amended YDSS Modifications alignment.

Sound power levels for nine pieces of microtunnelling equipment (crane, forklift, three generators, shaft noise, shredder/shaker, and two pumps) were measured during normal operations, at a comparable microtunnelling site in Mississauga, Ontario in February 2017. Sound power levels were modelled as point sources at each proposed sending and receiving microtunnelling sites based on a typical layout, during microtunnelling operations. Construction of microtunnelling shafts is discussed in **Section 4.1.1**.

A summary of the representative sound power levels anticipated for each equipment are presented in **Table 4.2**.

Table 4.2: Sound levels Anticipated from Microtunnelling Equipment/Operations

Equipment	Anticipated Sound Power Level (dBA)	Equipment used at shaft sites: Sending/Receiving
Crane*	100	Yes/Yes
Generator*	103	Yes/No
Lighting Generator*	93	Yes/Yes
Shaft Noise*	97	Yes/No
Shredder/Shaker*	93	Yes/No
HP Pumps*	101	Yes/No
Bentonite Pump	87	Yes/No

Equipment	Anticipated Sound Power Level (dBA)	Equipment used at shaft sites: Sending/Receiving
Water Pump	91	No/Yes
Forklift	112	Yes/No
Truck	110	Yes/No
Note: * = Equipment measured by GHD at representative MTBM shaft site		

MTBMs are very similar to tunnel boring machines but on a smaller scale and operated remotely. The MTBM and jacking frame are set up in a sending shaft at the required depth. The operator is given constant feedback about the machine's location, orientation, and hydraulic devices.

The MTBM is launched through an entry eye of the sending shaft and pipes are pushed behind the machine. This is a process often called pipe jacking and is repeated until the MTBM reaches the receiving shaft. As the machine advances, more tunnel liner or pipe is pushed from the sending shaft, through the entry eye until it reaches the corresponding receiving shaft.

Most microtunnelling operations include a hydraulic jacking system to advance the MTBM and pipe string, a closed loop slurry system to transport the excavated spoils, a slurry cleaning system to remove the spoil from the slurry water, a lubrication system to lubricate the exterior of the pipe string during installation and a guidance system to provide line and grade control. Auxiliary equipment includes an electrical supply and power distribution system, a crane to hoist pipe sections into the sending shaft, and various trucks and loaders to transport spoil off site.

This above grade equipment is expected to be the dominant sources of noise at the sending shafts while the receiving shafts are relatively inactive, with the exception of lighting generators and water pumps to maintain the site.

4.1.3 Noise Modelling

Cadna A (version 2017) acoustical modelling software was used to model the potential impacts of the significant noise sources. Cadna A calculates sound level emissions based on the ISO 9613-2 standard Acoustics-Attenuation of Sound during Propagation Outdoors. The following Cadna A modelling assumptions were used:

- Reflection order-a maximum reflection order of 1 was used to evaluate indirect noise impact from one reflecting surface.
- Ground absorption-the models were set up with a ground absorption of 0.25 to represent paved asphalt surfaces; a ground absorption of 1.0 to represent grass. All roads were modelled with a ground absorption of 0.25.
- Receptor elevations-single family dwellings were modelled at a height of 4.5 m to represent the most-exposed and elevated second storey bedroom window.
- Building surfaces-buildings were modelled as reflective surfaces.

A review of all the 145 existing properties determined to be adjacent to the amended YDSS Modifications alignment was completed. By modelling the anticipated construction activities at each of the 12 planned construction sites, the predicted impacts were compared against the existing ambient conditions.

Due to the area containing a mix of one and two storey residential homes on either side of most of the planned construction sites, only the most exposed and impacted receptors were evaluated – the ‘worst-case’. All facades of the buildings at each location were evaluated, however, only the highest impacts are presented in this report. **Table 4.3** and **Table 4.4** summarize the modelled noise impacts and the anticipated exceedances predicted at each key construction site. **Figure 5A** through **Figure 5L** present the generalized noise impact contours and highlight the most impacted receptors at each.

Construction activities have the potential to affect surrounding sensitive receptors adversely at all times of the day. Truck traffic, bulldozer, excavator and on-site generator noise are expected to be the most dominant noise sources at each of the construction sites.

The above grade equipment supporting the MTBMs is expected to be the dominant sources of noise at each sending shaft and the focus of the modelling evaluation.

The background ambient sound determined in the baseline report were used to generate day and night noise criteria to screen each site concerning the potential noise/vibration impact exposure due to construction activities. Sites that are predicted to experience a higher noise impact translate into a higher potential for nuisance noise complaints. The ambient conditions may also be used to establish sound level measurement triggers for complaint investigation or longer term monitoring, if deemed necessary. In the event construction activities generate such complaints, appropriate impact management measures may be required.

4.1.4 Noise Modelling Results

The modelled noise impact exposure for each site with and without hoarding was compared against the adjusted background sound levels during daytime and nighttime.

Table 4.3: Sound Levels at ‘Worst-Case’ Points of Reception - without Hoarding

Sound levels (dBA) during Day/Night					
Construction Site	Background	1 st Storey Worst-Case Modelled Impact	1 st Storey Anticipated Exceedance	2 nd Storey Worst-Case Modelled Impact	2 nd Storey Anticipated Exceedance
Open Cut Area 1	50/45	67/NA	17/NA	67/NA	17/NA
Open Cut Area 2	50/45	81/NA	31/NA	81/NA	31/NA
Sending Shaft 1	50/45	59/59	9/14	59/59	9/14
Sending Shaft 2	50/45	58/58	8/13	58/58	8/13
Sending Shaft 3	50/45	62/62	12/17	62/62	12/17
Sending Shaft 4	50/45	48/48	-/3	48/48	-/3
Receiving Shaft 1	50/45	46/46	-/1	46/46	-/1
Receiving Shaft 2 (plus Sending)	50/45	61/61	11/16	61/61	11/16

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Receiving Shaft 3	50/45	63/63	13/18	63/63	13/18
Receiving Shaft 4	50/45	55/55	5/10	55/55	5/10
Receiving Shaft 5	50/45	61/61	11/16	61/61	11/16
Receiving Shaft 6	50/45	52/52	2/7	52/52	2/7
<hr/>					
Sending Shaft 2/Receiving Shaft 3 Combined	50/45	66/66	16/21	67/67	17/22
<hr/>					
Notes: "NA" = Not applicable during the nighttime period as construction will occur during daytime hours only or no hoarding recommended					
"-/-" = No exceedance					
<hr/>					

The results of the noise modelling for the worst-case point of reception associated with each of the proposed construction site are presented in **Table 4.3** and **Table 4.4**. The modelling with the proposed hoarding uses a typical height of 3 m, as detailed on **Figures 5A to 5L** and in **Section 5.0**.

In order to present the worst-case anticipated exceedance in **Table 4.3** and **Table 4.4** the nighttime adjusted background sound level has been used as well as the modelled impacts during nighttime operations. The receptor height for most of the residences around the Sites was assumed as the worst-case second storey elevation modelled at 4.5 m above grade. Noise impacts at the first storey and any outdoors areas will be less than currently evaluated due to reduced line-of-sight to the construction activities. Detailed results for all Points of Reception can be found in **Appendix B**, Table B.2.

Table 4.4: Sound Levels at 'Worst-Case' Points of Reception - with 3 m Hoarding

Sound levels (dBA) during the Day/Night					
Construction Site	Background*	1st Storey Worst-Case Modelled Impact	1st Storey Anticipated Exceedance	2nd Storey Worst-Case Modelled Impact	2nd Storey Anticipated Exceedance
Open Cut Area 1	50/45	59/NA	9/NA	61/NA	11/NA
Sending Shaft 1	50/45	55/55	5/10	58/58	8/13
Sending Shaft 2	50/45	55/55	5/10	57/57	7/12
Sending Shaft 3	50/45	57/57	7/12	61/61	11/16
Receiving Shaft 1	50/45	42/42	-/-	42/42	-/-
Receiving Shaft 2	50/45	56/56	6/11	56/56	6/11
Receiving Shaft 3	50/45	59/59	9/14	60/60	10/15
Receiving Shaft 4	50/45	51/51	1/6	54/54	4/9
Receiving Shaft 5	50/45	54/54	4/9	61/61	11/16
<hr/>					
Sending Shaft 2/Receiving Shaft 3 combined	50/45	60/60	10/15	63/63	14/19
<hr/>					
Notes: "NA" = Not applicable during the nighttime period as construction will occur during daytime hours only or no hoarding recommended					
"-/-" = No exceedance					
(1) = Open Cut 2, Sending Shaft 4 and Receiving Shaft 6 are not shown as they are not recommended to have hoarding due to limited benefit and/or practical implementation issues due to line of sight exposure					
<hr/>					

It should be noted that **Table 4.3** and **Table 4.4** present the *worst-case* anticipated exceedances and that other points of reception surrounding each of the construction sites would

experience a significantly reduced noise impact. For example, the worst-case impact with hoarding at points of reception surrounding Sending Shaft 1 is 58 dBA, the next highest anticipated exceedance is approximately 50 dBA.

Due to the dense urban environment at each of the key construction sites, the most exposed and impacted receptors were evaluated.

Receiving Shaft 1 is ranked the lowest in terms of potential for noise impact exposure. Open Cut Area 2 is the highest potential for noise impact exposure and nuisance complaints but will be restricted to daytime operations to reduce the potential for complaints.

The results of the detailed construction noise modelling and expected exceedances based on the ambient noise criteria for each site was presented in **Appendix B**, including Table B.2, which summarizes the worst-case modelled noise impacts and the anticipated exceedances predicted at each construction site. **Figures 5A to 5L** present the generalized noise impact contours and highlight the most impacted receptors at each of the sites.

4.2 Vibration

It is anticipated that the zone of influence – i.e., the area that may potentially be impacted by vibrations emanating from the construction activity where the peak particle velocity (PPV) may be equal to or greater than 5 mm/sec-will extend a horizontal distance of up to 30 m from the construction site limits. At this distance and beyond, the vibration levels are anticipated to be relatively low risk for causing building damage. The analysis was based on using equipment with maximum rated energy of 25,000 to 30,000 ft.-lbs (27.2 to 40.7 kN-m).

The zone of influence presented above should be verified through the implementation of a construction vibration-monitoring program that includes the collection and analysis of vibration readings within the construction site and near surrounding properties within the zone of influence, during different stages of construction activities.

Based on the proposed scope of construction activities, it is not anticipated that ground-borne vibration intensities will exceed the outlined limits beyond the proposed 30 m zone of influence. However, as noted above, the perceived vibration levels in combination with noise and visual effects of heavy machinery working in close proximity to adjacent building and properties may result in complaints. 145 existing properties are located immediately adjacent to the amended YDSS Modifications alignment (versus 118 adjacent properties identified in the UYSS EA).

The potential adverse effects of the EA-preferred YDSS Modifications on identified cultural heritage resources (built or landscape) were also analysed as part of the UYSS EA. A review of all records pertaining to historically significant structures near construction was completed in the *Cultural Heritage Impact Assessment of Preferred Alt WRC Site WH1 and Preferred Alt YDSS Route A* (CRA et al. 2013). Vibration limits – and associated risk of adverse effects - for these types of cultural heritage resources are typically more stringent, and can only be established by a professional engineer based on the specific age and condition of the structure. The UYSS EA identified 15 built heritage resources and three cultural heritage landscapes adjacent to the

EA-preferred YDSS Modifications alignment. As part of this amended YDSS Modifications noise and vibration impact assessment, these identified cultural heritage resources were reviewed to determine their proximity to the anticipated zone of influence.

Based on this analysis, 23 of the 145 adjacent properties are within the 30 m zone of influence and have the potential to be adversely affected by vibration impacts from five of the construction sites, as indicated on **Figures 6A to 6E**: Open Cut Area 2; Sending Shaft 3, and; Receiving Shafts 3, 4, and 5.

Of these, 12 are built heritage resources, whilst an additional one cultural heritage landscapes were identified as falling within the zone of influence for vibration.

Table 4.5: Properties within Vibration Zone of Influence for Construction Sites

Location	Construction Site	Nature of Site
327 Terry Carter Crescent	Open Cut Area 2	Regular property
325 Terry Carter Crescent	Open Cut Area 2	Regular property
329 Terry Carter Crescent	Open Cut Area 2	Regular property
331 Terry Carter Crescent	Open Cut Area 2	Regular property
333 Terry Carter Crescent	Open Cut Area 2	Regular property
567 Pearson Street	Open Cut Area 2	Built heritage
573 Pearson Street	Open Cut Area 2	Built heritage
574 Pearson Street	Open Cut Area 2	Built heritage
576 Pearson Street	Open Cut Area 2	Built heritage
578 Pearson Street	Open Cut Area 2	Built heritage
579 Pearson Street	Open Cut Area 2	Built heritage
580 Pearson Street	Open Cut Area 2	Built heritage
311 Prospect Street	Open Cut Area 2	Built heritage
322 Prospect Street	Open Cut Area 2	Built heritage
515 Queen Street	Sending Shaft 3	Regular property
535 Queen Street	Sending Shaft 3	Regular property
85 Concession Street	Sending Shaft 3	Built heritage
89 Concession Street	Sending Shaft 3	Regular property
313 Second Street	Receiving Shaft 3	Built heritage
543 Timothy Street	Receiving Shaft 4	Built heritage
29 Bayview Parkway	Receiving Shaft 5	Regular property
33 Bayview Parkway	Receiving Shaft 5	Regular property
NE of Charles Street and Queen Street	Sending Shaft 3	Cultural Historical Landscape 3

An additional 122 adjacent properties are located (horizontally/vertically) within 30 m of the alignment of the various microtunnelling drives between each shaft site, as indicated on **Figures 6F to 6E**.

Table 4.6: Properties within the Vibration Zone of Influence for the Alignment

Location	Location	Location	Location
120 Bayview Parkway	540 Timothy Street	341 Gaston Place	69 Bayview Parkway

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Location	Location	Location	Location
531 Davis Drive	546 Water Street	339 Gaston Place	73 Bayview Parkway
62 Bayview Parkway	315 Hamilton Street	337 Gaston Place	77 Bayview Parkway
534 Davis Drive	271 Cotter Street	326 Gaston Place	81 Bayview Parkway
554 Davis Drive	315 Cotter Street	520 Water Street	85 Bayview Parkway
540 Davis Drive	330 Second Street	580 Cane Parkway	89 Bayview Parkway
20 Charles Street	402 Mulock Drive	530 Cane Parkway	93 Bayview Parkway
30 Charles Street	307 Second Street	352 Roywood Crescent	97 Bayview Parkway
56 Charles Street	313 Second Street	350 Roywood Crescent	101 Bayview Parkway
3 Charles Street	266 Prospect Street	348 Roywood Crescent	105B Bayview Parkway
7 Charles Street	308 Prospect Street	346 Roywood Crescent	107B Bayview Parkway
11 Charles Street	314 Prospect Street	344 Roywood Crescent	109B Bayview Parkway
17 Charles Street	328 Prospect Street	342 Roywood Crescent	111 Bayview Parkway
21 Charles Street	330 Prospect Street	340 Roywood Crescent	113B Bayview Parkway
25 Charles Street	301 Prospect Street	338 Roywood Crescent	115B Bayview Parkway
29 Charles Street	561 Pearson Street	336 Roywood Crescent	117B Bayview Parkway
33 Charles Street	311 Court Street	360 Mulock Drive	119 Bayview Parkway
37 Charles Street	599 Pearson Street	350 Mulock Drive	121B Bayview Parkway
43 Charles Street	603 Pearson Street	567 Davis Drive	129 Bayview Parkway
49 Charles Street	609 Pearson Street	37 Bayview Parkway	380 Bayview Parkway
93 Concession Street	584 Pearson Street	41 Bayview Parkway	220 Bayview Parkway
535 Wellington Street	590 Pearson Street	45 Bayview Parkway	195 Bayview Parkway
534B Wellington Street	602 Pearson Street	49 Bayview Parkway	550 Heman Street
542 Wellington Street	309 Court Street	53 Bayview Parkway	552 Heman Street
128 Skelton Street	311 Hamilton Street	57 Bayview Parkway	551 Heman Street
240 Prospect Street	622 Gorham Street	61 Bayview Parkway	555 Heman Street
535 Timothy Street	319 Hamilton Street	65 Bayview Parkway	160 Bayview Parkway

Section 5.0

Construction Impact Management Measures

Table 5.1 lists all 145 sensitive receptors for the Study Area that may experience impacts from construction:

Table 5.1: Sensitive Receptors Near Each Construction Site/Alignment

Location	Location	Location	Location
29 Bayview Parkway	121 Bayview Parkway	313 Second Street	43 Charles Street
33 Bayview Parkway	121B Bayview Parkway	309 Court Street	432 Sydor Ct.
37 Bayview Parkway	129 Bayview Parkway	311 Court Street	530 Cane Parkway
41 Bayview Parkway	129B Bayview Parkway	311 Hamilton Street	531 Davis Drive
45 Bayview Parkway	160 Bayview Parkway	240 Prospect Street	534 Davis Drive
49 Bayview Parkway	195 Bayview Parkway	266 Prospect Street	534 Wellington Street
53 Bayview Parkway	215 Bayview Parkway	301 Prospect Street	534B Wellington Street
57 Bayview Parkway	220 Bayview Parkway	308 Prospect Street	535 Queen Street
61 Bayview Parkway	225 Bayview Parkway	311 Prospect Street	535 Timothy Street
61B Bayview Parkway	380 Bayview Parkway	314 Prospect Street	535 Wellington Street
62 Bayview Parkway	500 Bayview Parkway	328 Prospect Street	540 Davis Drive
65 Bayview Parkway	622 Gorham Street	330 Prospect Street	540 Timothy Street
69 Bayview Parkway	670 Madeline Heights	271 Cotter Street	542 Wellington Street
73 Bayview Parkway	7 Charles Street	315 Cotter Street	543 Timothy Street
77 Bayview Parkway	11 Charles Street	315 Hamilton Street	546 Water Street
81 Bayview Parkway	17 Charles Street	319 Hamilton Street	550 Heman Street
85 Bayview Parkway	20 Charles Street	322 Prospect Street	551 Heman Street
89 Bayview Parkway	21 Charles Street	325 Terry Carter Crescent	552 Heman Street
93 Bayview Parkway	25 Charles Street	326 Gaston Place	552B Heman Street
97 Bayview Parkway	29 Charles Street	327 Terry Carter Crescent	555 Heman Street
101 Bayview Parkway	3 Charles Street	336 Roywood Crescent	567 Davis Drive
105 Bayview Parkway	30 Charles Street	337 Gaston Place	580 Cane Parkway
105B Bayview Parkway	33 Charles Street	338 Roywood Crescent	554 Davis Drive
107 Bayview Parkway	37 Charles Street	339 Gaston Place	561 Pearson Street
107B Bayview Parkway	49 Charles Street	340 Roywood Crescent	567 Pearson Street
109 Bayview Parkway	56 Charles Street	341 Gaston Place	573 Pearson Street
109B Bayview Parkway	515 Queen Street	342 Roywood Crescent	574 Pearson Street
111 Bayview Parkway	520 Water Street	343 Gaston Place	576 Pearson Street
113 Bayview Parkway	128 Skelton Street	344 Roywood Crescent	578 Pearson Street
113B Bayview Parkway	260 Jelley Ave	346 Roywood Crescent	579 Pearson Street
115 Bayview Parkway	85 Concession Street	348 Roywood Crescent	580 Pearson Street
115B Bayview Parkway	89 Concession Street	350 Mulock Drive	584 Pearson Street
117 Bayview Parkway	93 Concession Street	350 Roywood Crescent	590 Pearson Street
117B Bayview Parkway	93B Concession Street	352 Roywood Crescent	599 Pearson Street
119 Bayview Parkway	330 Second Street	360 Mulock Drive	602 Pearson Street
120 Bayview Parkway	307 Second Street	402 Mulock Drive	603 Pearson Street
			609 Pearson Street

5.1 Noise Impact Management Measures

Construction activities have the potential to affect surrounding sensitive receptors adversely at all times of the day. Truck traffic, bulldozer, excavator, crane, high-pressure pumps, and on-site generator noise are expected to be the most dominant environmental noise sources.

The modelling documents impacts above the nighttime ambient background sound levels at all locations except Receiving Shaft 1. Based on the evaluation of the noise impacts at each construction site proposed hoarding was recommended where practical and considerate of site access and operations and where it would have a significant reduction on adjacent noise impacts.

Hoarding was recommended at the construction sites indicated in **Table 5.2**:

Table 5.2: Construction Sites with Proposed Hoarding

Proposed Construction Site	Proposed Construction Hoarding
Open Cut Area 1	Yes
Open Cut Area 2	No
Sending Shaft 1	Yes
Sending Shaft 2	Yes
Sending Shaft 3	Yes
Sending Shaft 4	Yes
Receiving Shaft 1	Yes
Receiving Shaft 2	Yes
Receiving Shaft 3	Yes
Receiving Shaft 4	Yes
Receiving Shaft 5	Yes
Receiving Shaft 6	No

Sound attenuating hoarding should be constructed per the requirements in NPC-300. Hoarding means a wall or similar structure, used as a noise control measure, and high enough to break the line-of-sight between the source and the receptor. The minimum surface density (face weight) is 20 kg/m². Subject to technical justification, the surface density can be reduced to no lower than 10 kg/m² for rooftop barriers; and temporary barriers for noise sources operating for a short duration, such as portable equipment. Any combination of material can be used (e.g., wood 1 to 1/2 inch thick) to construct the hoarding as long as it meets the appropriate surface density requirement.

The barrier should be structurally sound, appropriately designed to withstand wind and snow load, and constructed without cracks or surface gaps. Any gaps under the barrier that are necessary for drainage purposes should be minimized and localized, so that the acoustical performance of the barrier is maintained.

These measures were designed to conform to general requirements for work areas in the floodplain as shared by the LSRCA, including modelling and analysis for potential flooding up to

and including a Regional flood event.⁵ The hoarding proposed for the YDSS Modifications sites will include options for mitigating potential increased flood risk at certain sites e.g., a hinged panel at the bottom of the wall that will allow floodwater to pass freely during a flood event.

Due to the potential for adverse noise impacts, the following noise impact management measures should be considered, especially when warranted due to complaints:

1. Use of mobile barrier walls (hoarding) not less than 1 m higher than the tallest equipment on site (other than as already noted in this assessment)
2. Perform the highest noise generating activities during the daytime hours that benefit from and are masked by the most elevated background noise levels
3. Ensure all internal combustion engines operate as per NPC-115 requirements and are fitted with appropriate muffler systems and do not have a tonal character
4. Use of construction equipment or methods with lower noise levels, when possible
5. Use of a noise enclosure for mobile generator and air compressor
6. No on-site truck idling
7. Limiting truck travel paths on site
8. Use of high capacity compressed air storage to limit compressor usage
9. Consider operational duty cycles on construction equipment
10. Advise nearby residents of construction and anticipated schedule in advance of start-up
11. Administrative controls are required to eliminate uncontrolled tailgate banging and the use of inexperienced equipment operators
12. Implementation of complaint procedures
13. In the event of complaints, barrier walls could be implemented at the residence property line to achieve more effective sound level reductions in addition to the construction site hoarding

Increasing the separation distance between a noise source and a receptor and implementing noise exclusion zones is another effective method of reducing the impacts at the receptor. However, given the small footprint of each construction site and the proximity of the sensitive receptors, this option was not considered feasible.

⁵ LSRCA's general requirements: Determine the level of obstruction/impact of the sound attenuation, hoarding or other mitigation measures in a given flood event to the floodplain. An analysis is required for up to and including the Regional event

Additional corrective/contingency actions are presented in **Section 5.4**, whilst a Complaint Protocol is included with the YDSS Modifications Environmental Management Plan and/or Communication Plan).⁶

5.2 Vibration Impact Mitigation Measures

Based on the proposed scope of construction activities, it is not anticipated that ground-borne vibration intensities will exceed the outlined limits beyond the proposed 30 m zone of influence. However, the perceived vibration levels in combination with noise levels and visual effects of heavy machinery working in close proximity to adjacent building and properties may result in complaints. Due to the potential for adverse vibration impacts, the following preliminary vibration mitigation measures are recommended:

- Distribution of notifications to the 145 adjacent properties - with specialized notices for property owners within the construction sites zone of influence - prior to the start of construction to advise them of the construction activity and to offer a pre-construction survey of their property.
- Establishment of construction monitoring plan consisting of pre-construction surveys of the 145 properties identified in the zone of influence to be carried out to document existing conditions of the properties by the construction contractor (Note: the UYSS EA Commitment was for 118 properties). The survey should include videos, photographs and hand drawn sketches and measurement of the interior of the main floor and all below grade levels (basement) and the exterior cladding of the first two storeys above grade, including exterior walkways, stairs, curbs, retaining walls, and sidewalks, in sufficient detail to facilitate comparison of pre-construction and post-construction conditions if required.
- Extra, more in depth surveys for cultural heritage properties are required as vibration limits - and associated risk of adverse effects - for these types of cultural heritage resources are typically more stringent, and can only be established by a professional engineer based on the specific age and condition of the structure.”

Additional corrective/contingency actions are presented in **Section 5.4**, whilst a Complaint Protocol is included with the YDSS Modifications Environmental Management Plan and/or Communication Plan).⁷

5.3 Monitoring Program

Compliance with the applicable noise and vibration limits and guidelines is critical at all times. However, compliance is most critical when activities are scheduled to occur during the nighttime when individuals are most susceptible to sleep disturbance.

Real time, continuous noise and vibration monitoring is recommended during construction activities at properties/sites selected based on proximity/line-of-sight exposure and

⁶ YDSS Modifications Environmental Management Plan (084405-RPT163)

⁷ YDSS Modifications Environmental Management Plan (084405-RPT163)

heritage/sensitive use. Mobile seismograph units and noise meters will be setup as needed at locations between construction sites and the nearest sensitive receptor(s) during critical construction activities. These units will be moved to appropriate locations as construction activity progresses - as determined jointly by GHD and the contractor(s).

The continuous long-term monitoring program will require the use of monitoring units with data-logging capabilities and 'always-on' mobile data connections. These systems will have remote back-up/access capability to view real-time data. Furthermore, the systems will be set up with a built-in trigger (i.e., 5-minute Leq of 85 dBA measured 20 m from the construction activity or pre-established vibration threshold) to alert the Consultant/contractor when the trigger is exceeded. This enables corrective/contingency actions to be taken immediately (see **Section 5.4**) and, if necessary, the contractor can implement the relevant aspects of the YDSS Modifications Complaint Protocol as appropriate (see YDSS Modifications Environmental Management Plan and/or Communication Plan).⁸

Data reporting will be done in real-time and a private website can be set up where the contractor, GHD and York Region can access the real-time noise and vibration information. Weekly and monthly reports can be established for the purposes of maintaining historical record and GHD will discuss the monthly summary reports at regular construction progress meetings along with any recommendations for improvements.

5.4 Contingency Response and Corrective Measures

If construction equipment exceeds NPC-115 requirements and/or the expanded monitoring program determines that corrective action is warranted, the following corrective measures will be considered in consultation with York Region:

- Replacement of construction equipment
- Re routing of equipment and/or travel routes
- Construction stoppage and/or revisions to construction schedules
- Administrative controls such as staged construction to limit simultaneous operation of bad actors
- Implementation of controls, including exhaust mufflers, temporary noise barriers, enclosures on generators or compressors, etc.
- In extreme cases, temporary relocation of residents (budget permitting)

⁸ YDSS Modifications Environmental Management Plan (084405-RPT163)

Section 6.0 References

City of Toronto Vibration By-law No. 514-2008, May 2008

The Corporation of the Town of Newmarket Noise By-law 2004-94, "Noise Control By-law"

CRA et al., 2013. Cultural Heritage Impact Assessment of Preferred Alt WRC Site WH1 West and Preferred Alt YDSS Mods Route A (050278-RPT112)

CRA et al., 2013. UYSS EA Noise and Vibration Baseline Conditions Report (050278-RPT75)

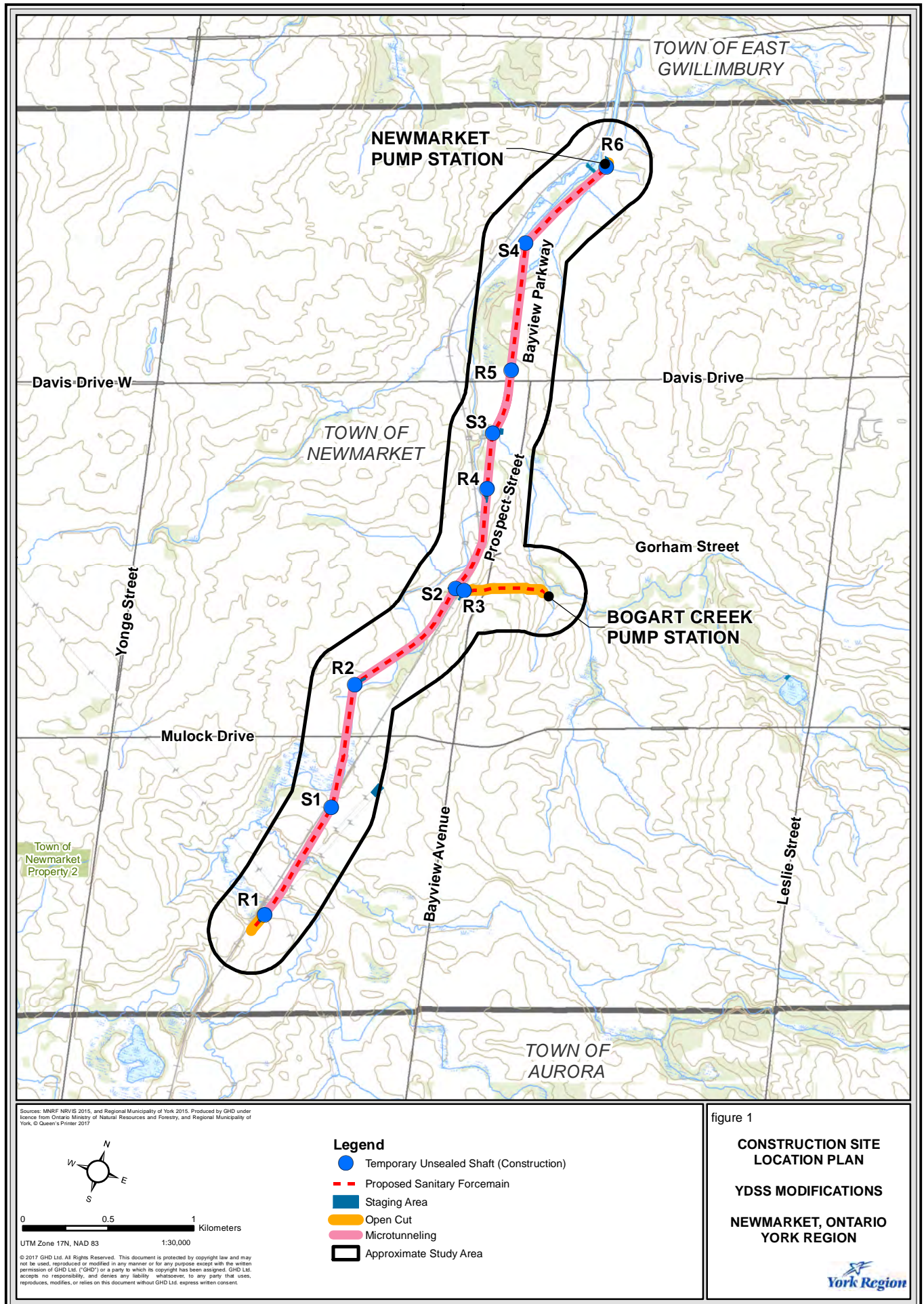
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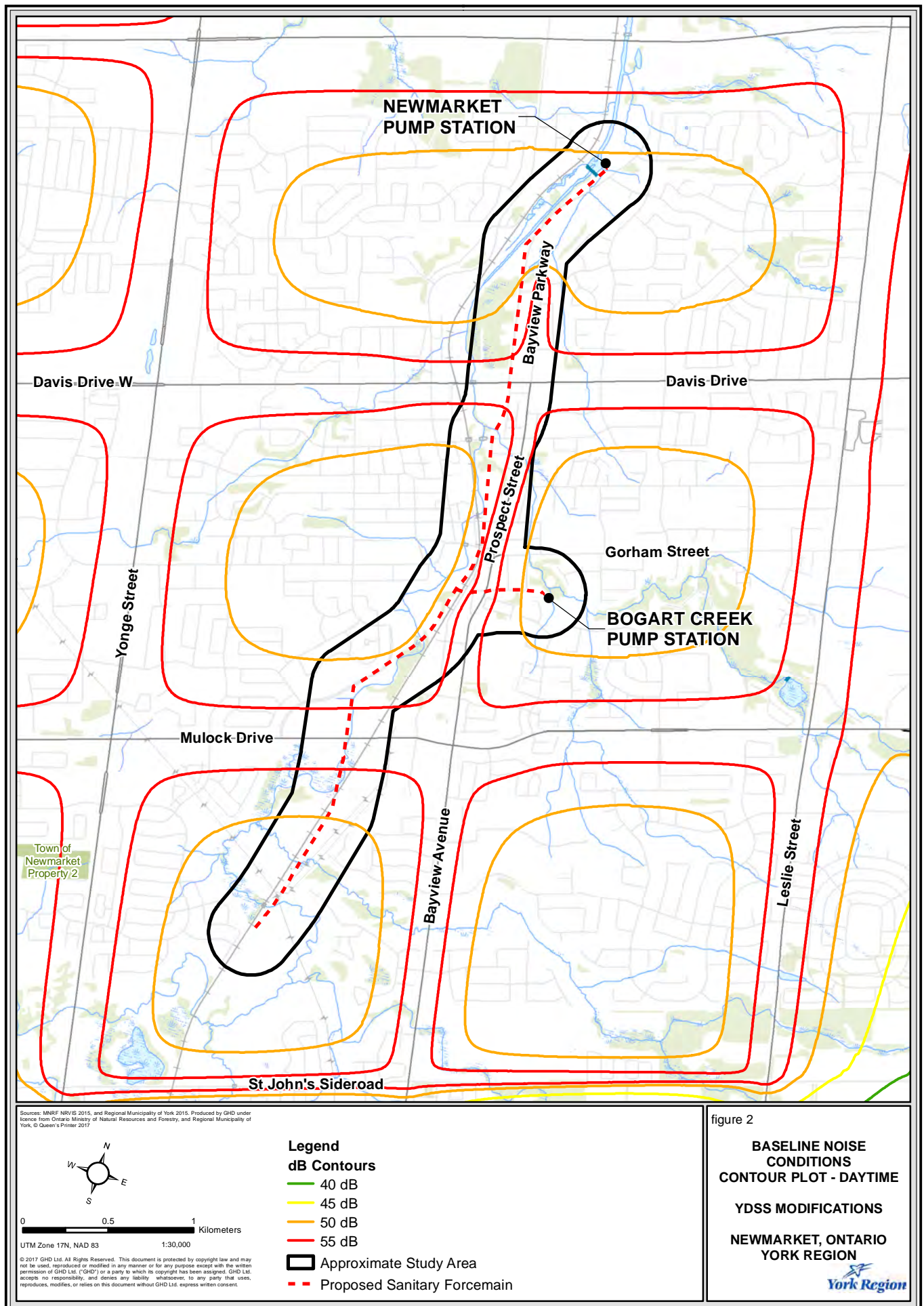
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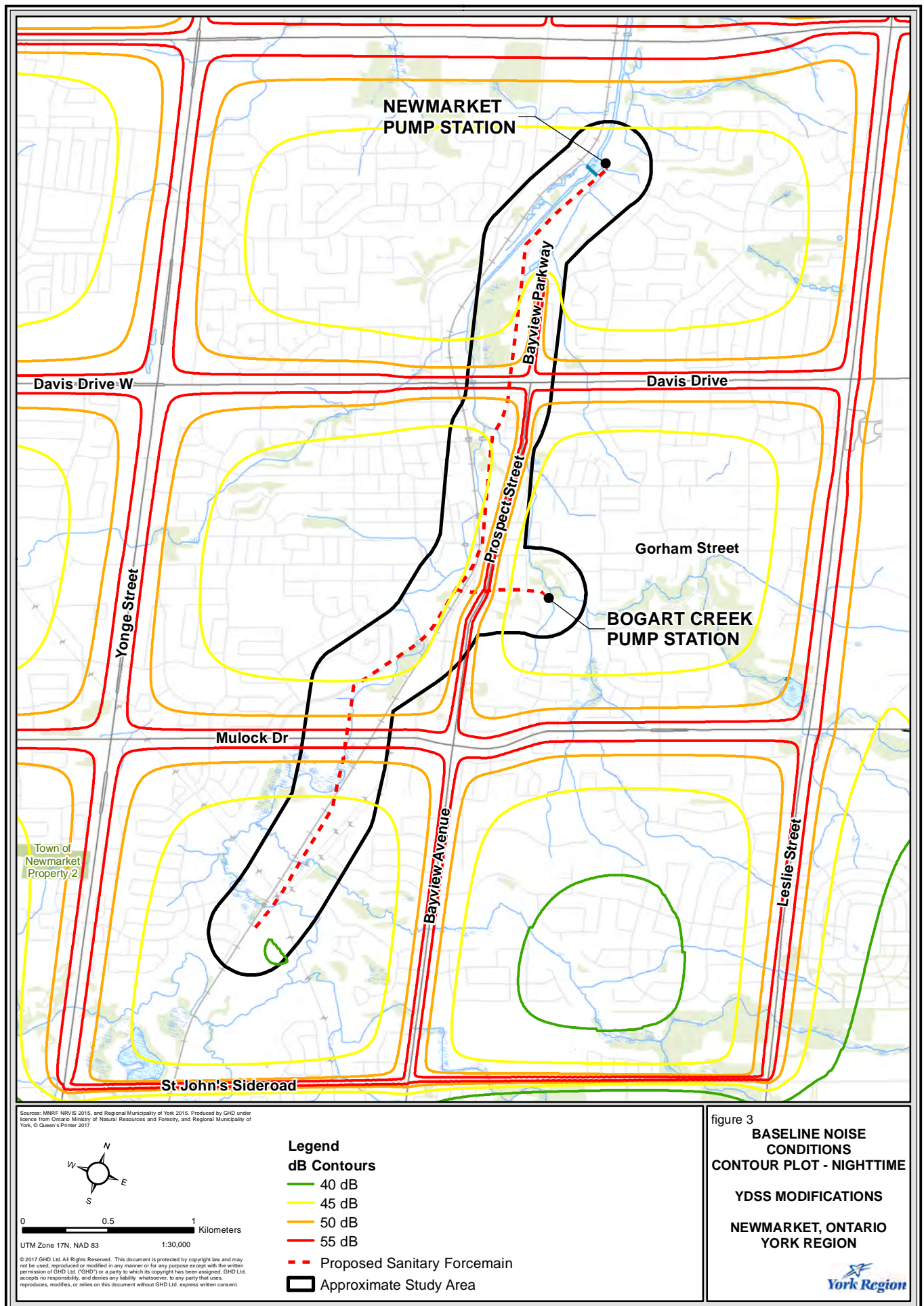
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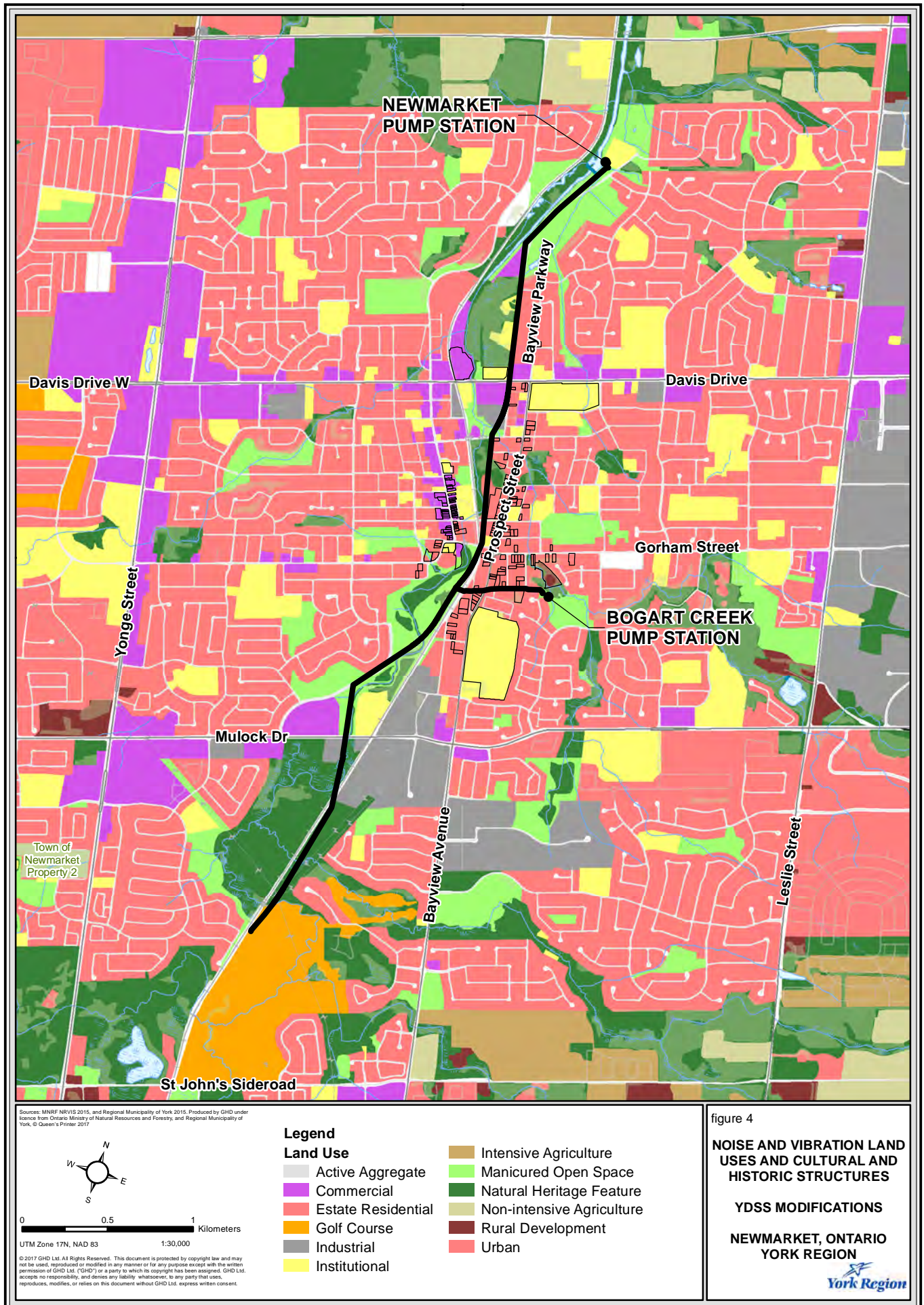
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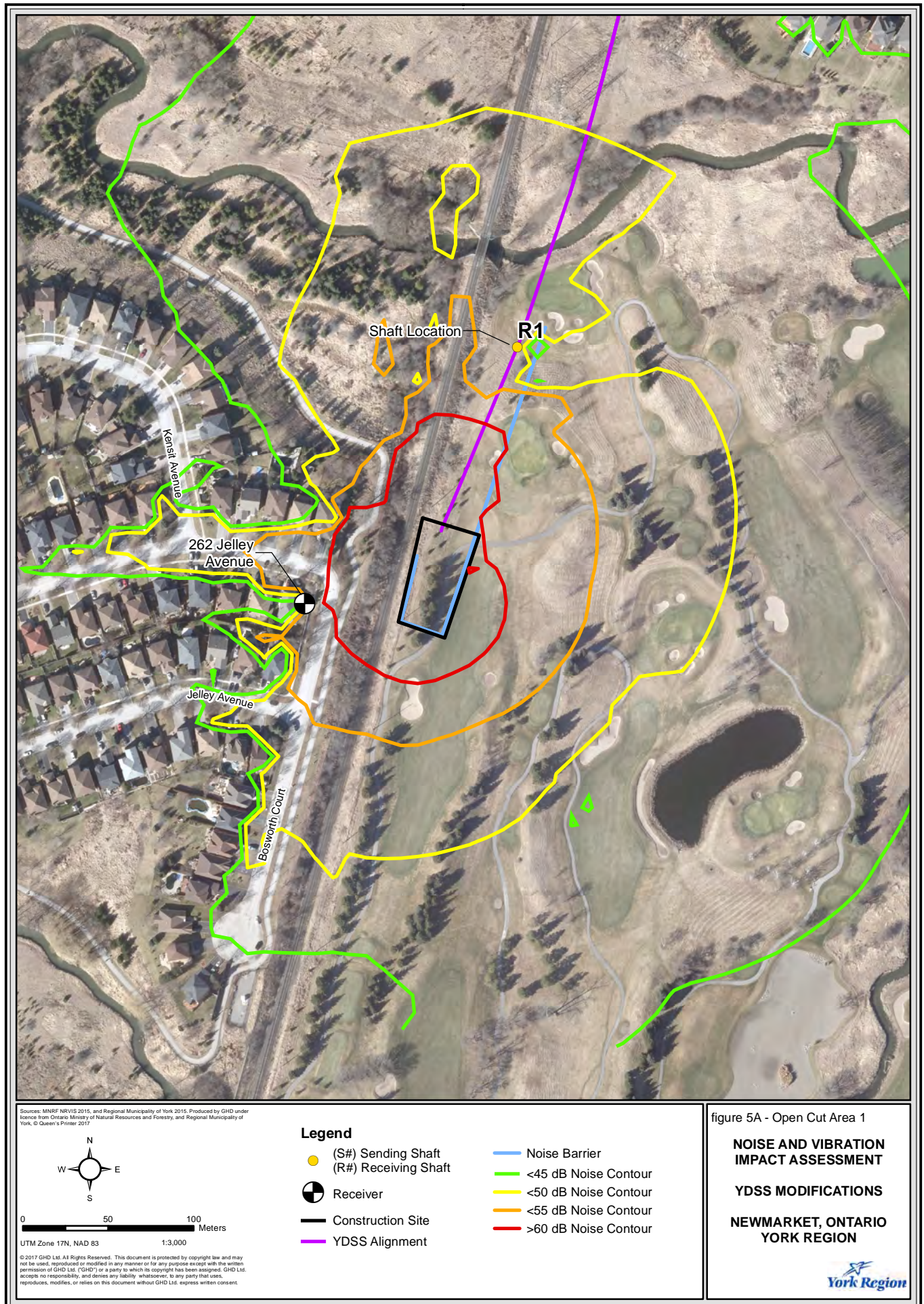
FIGURES

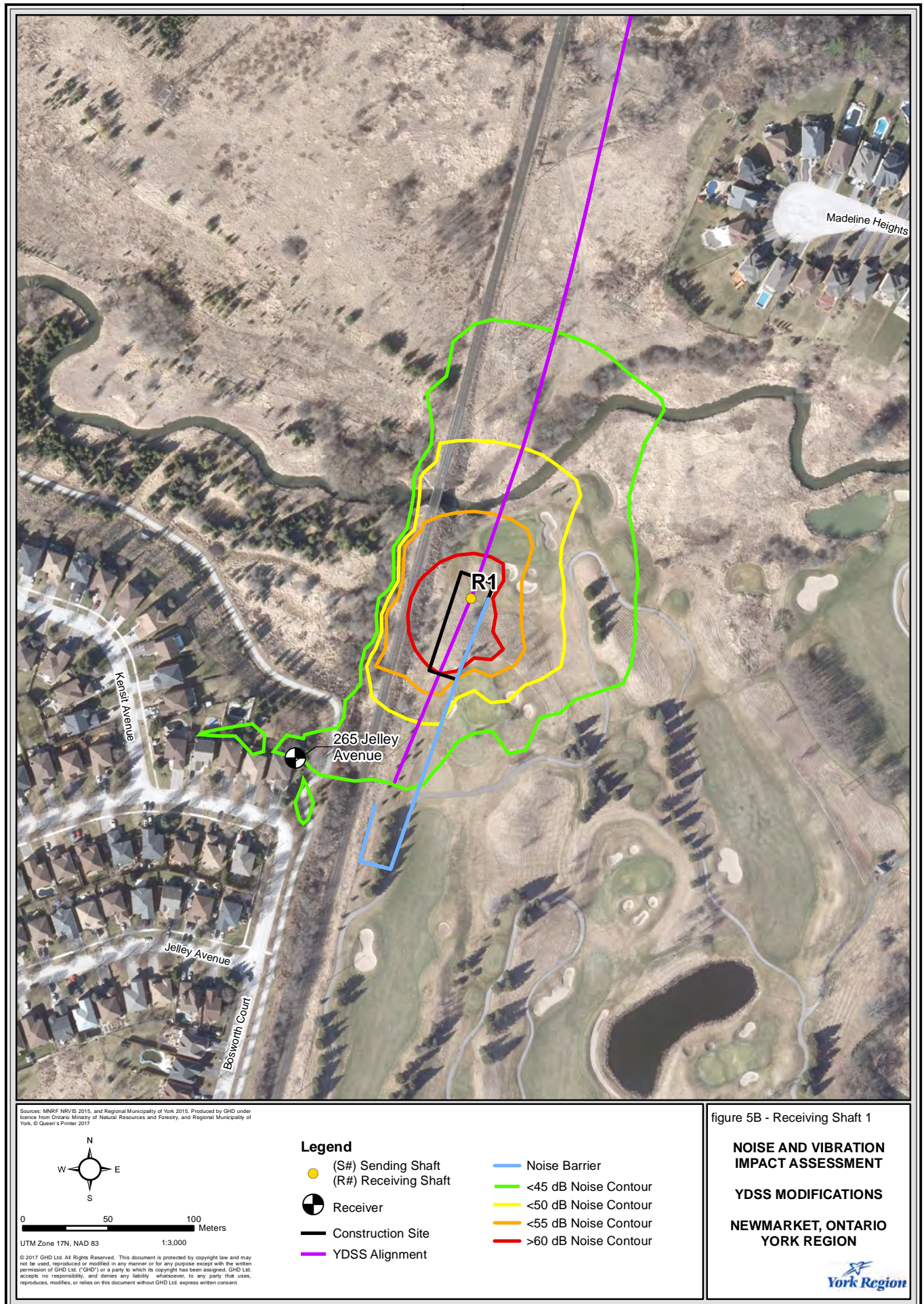


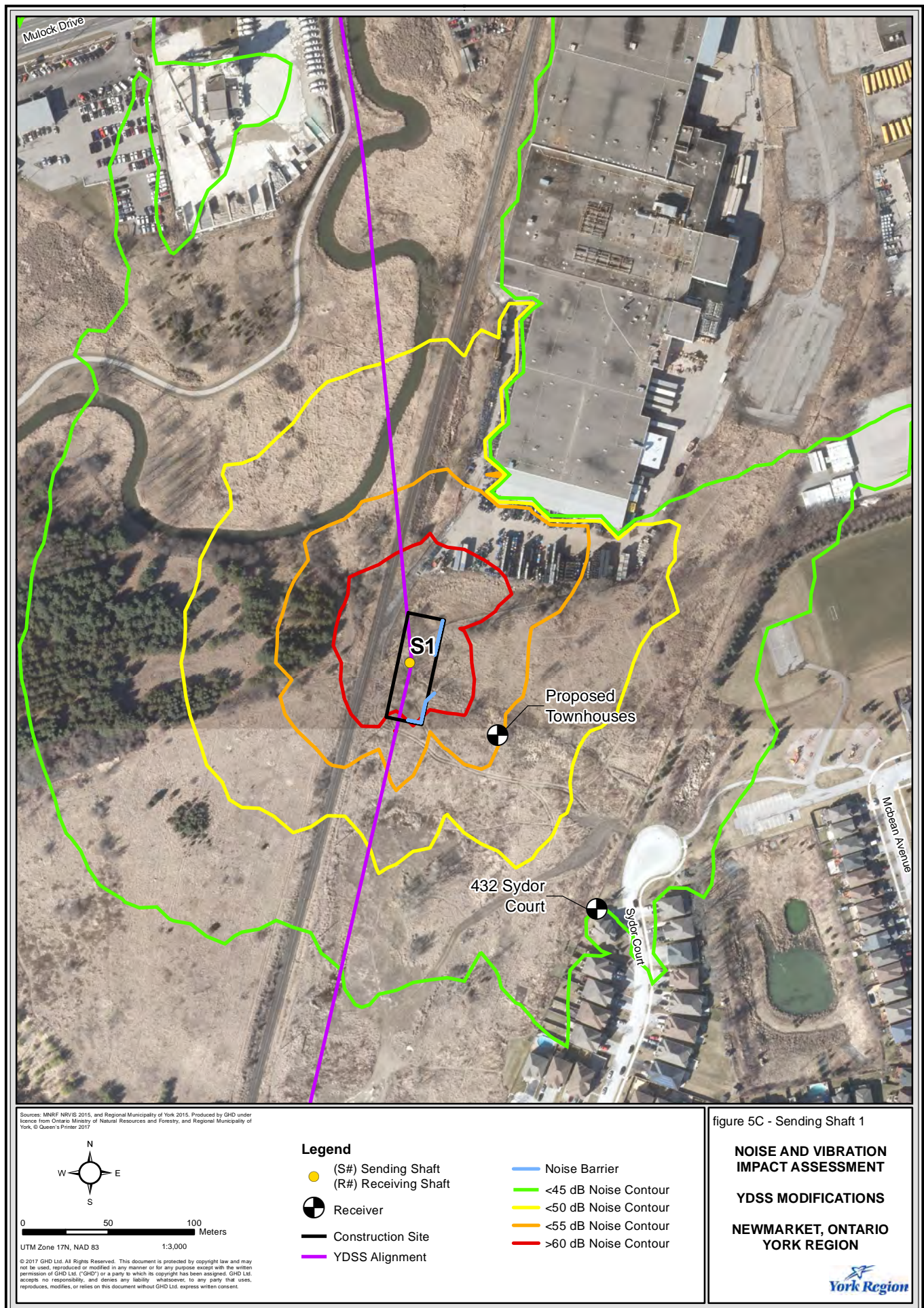


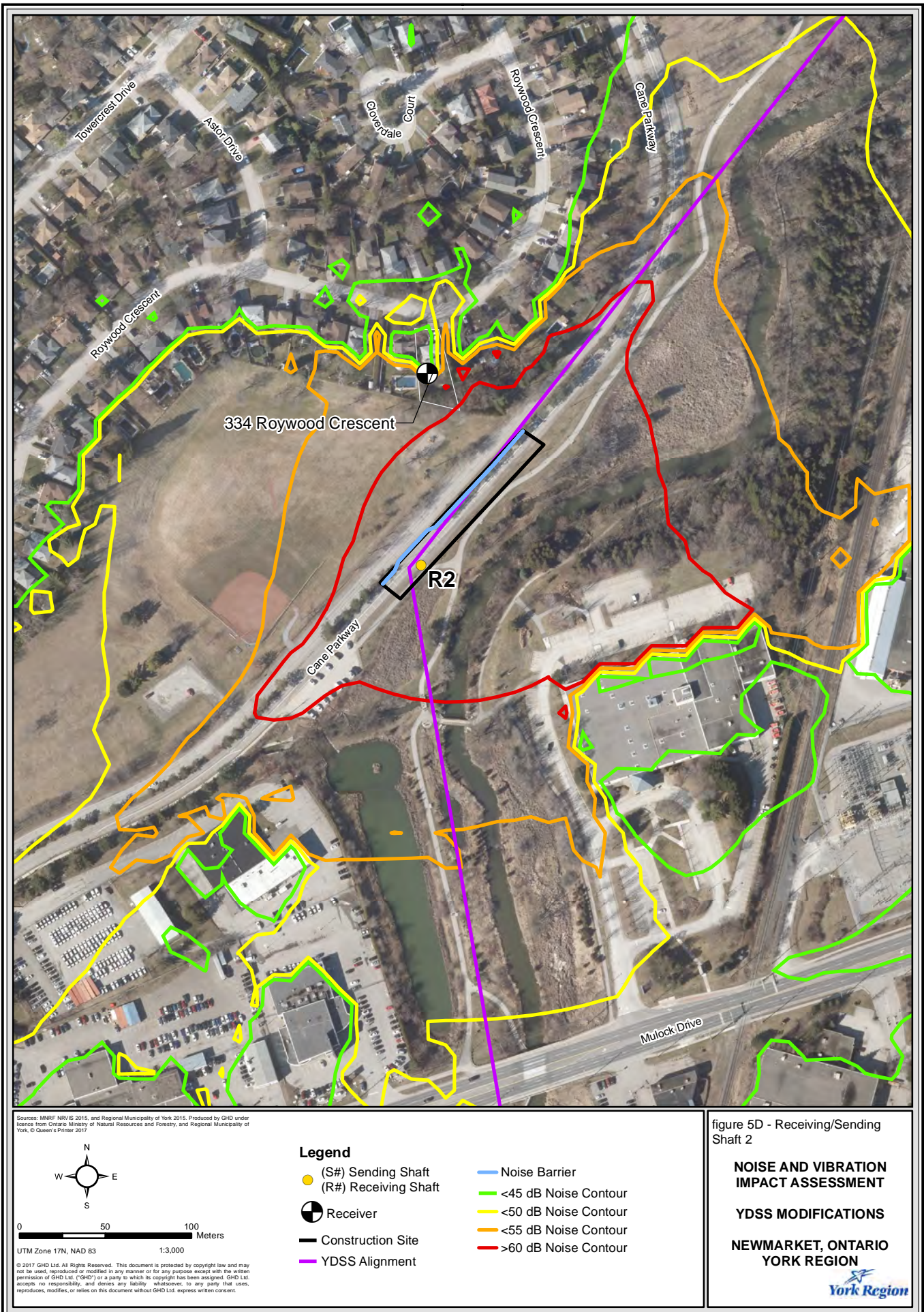


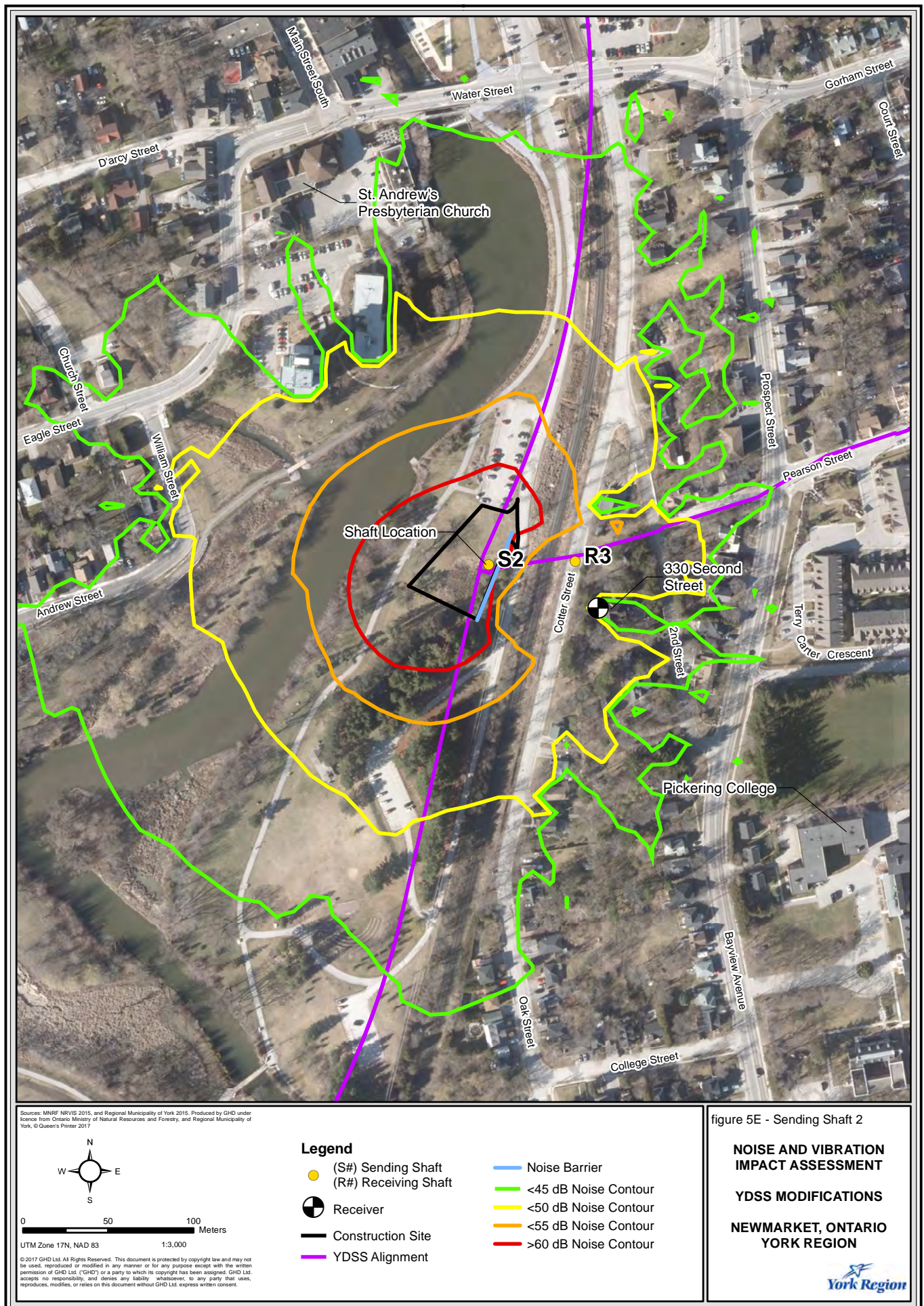


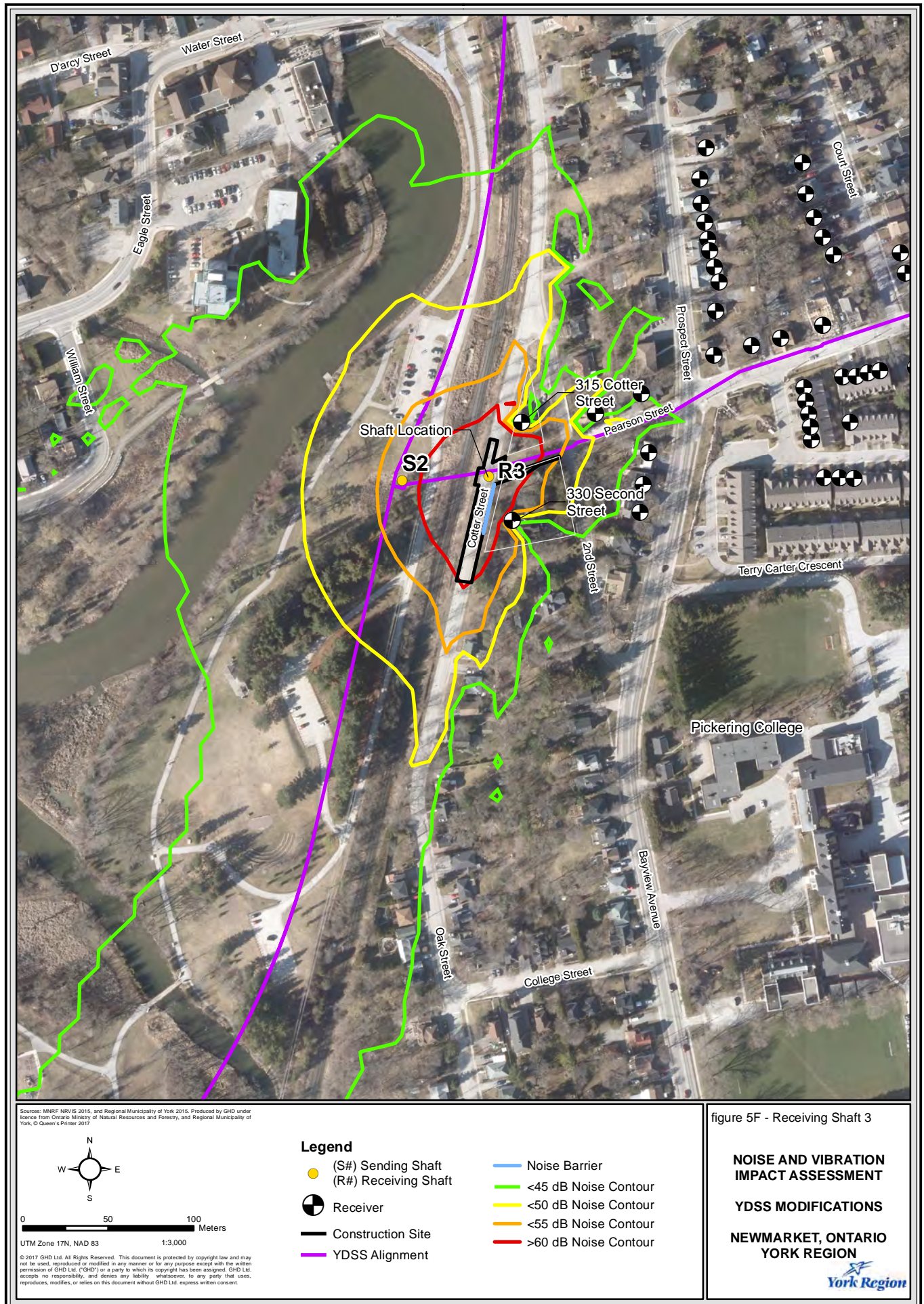


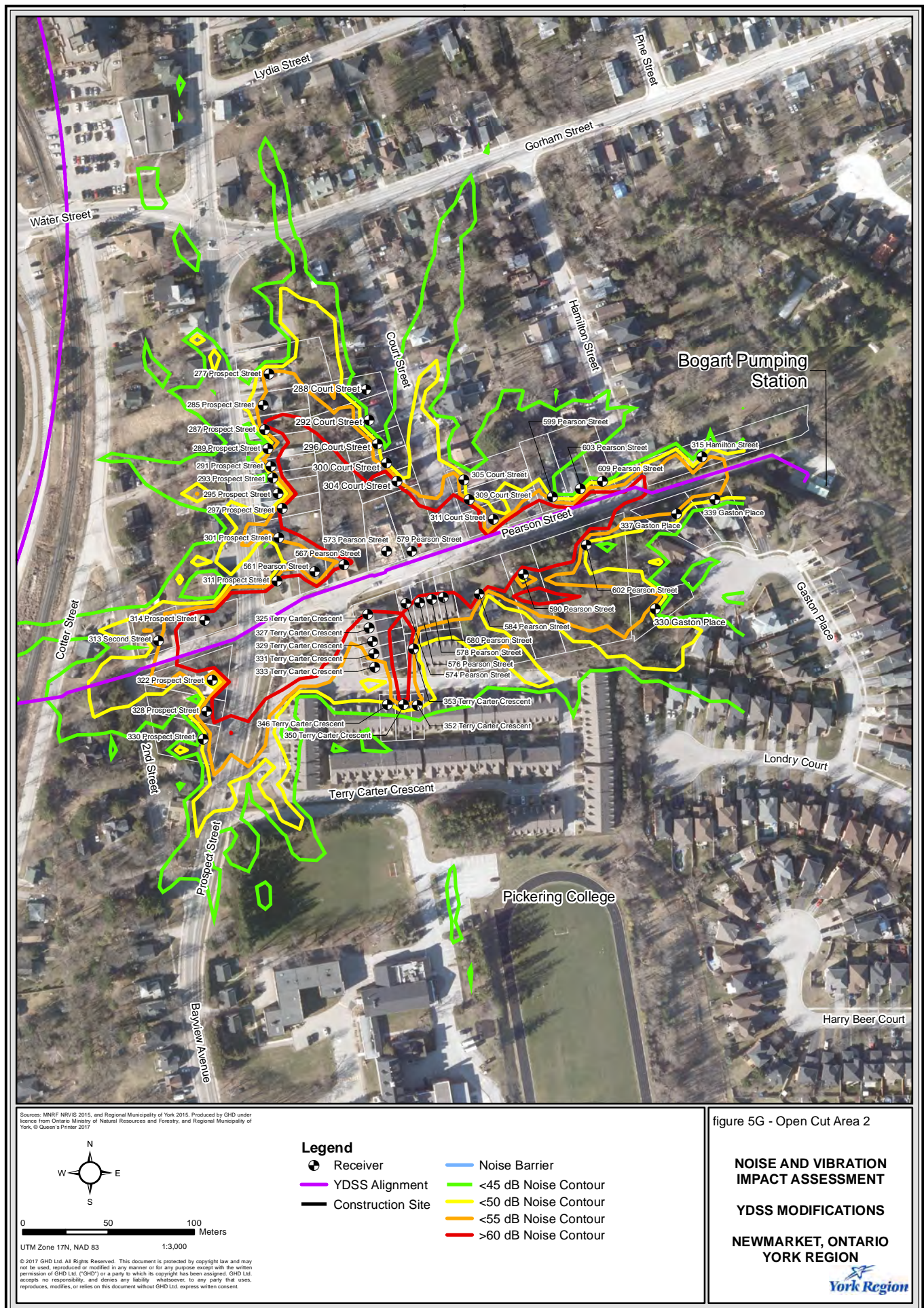


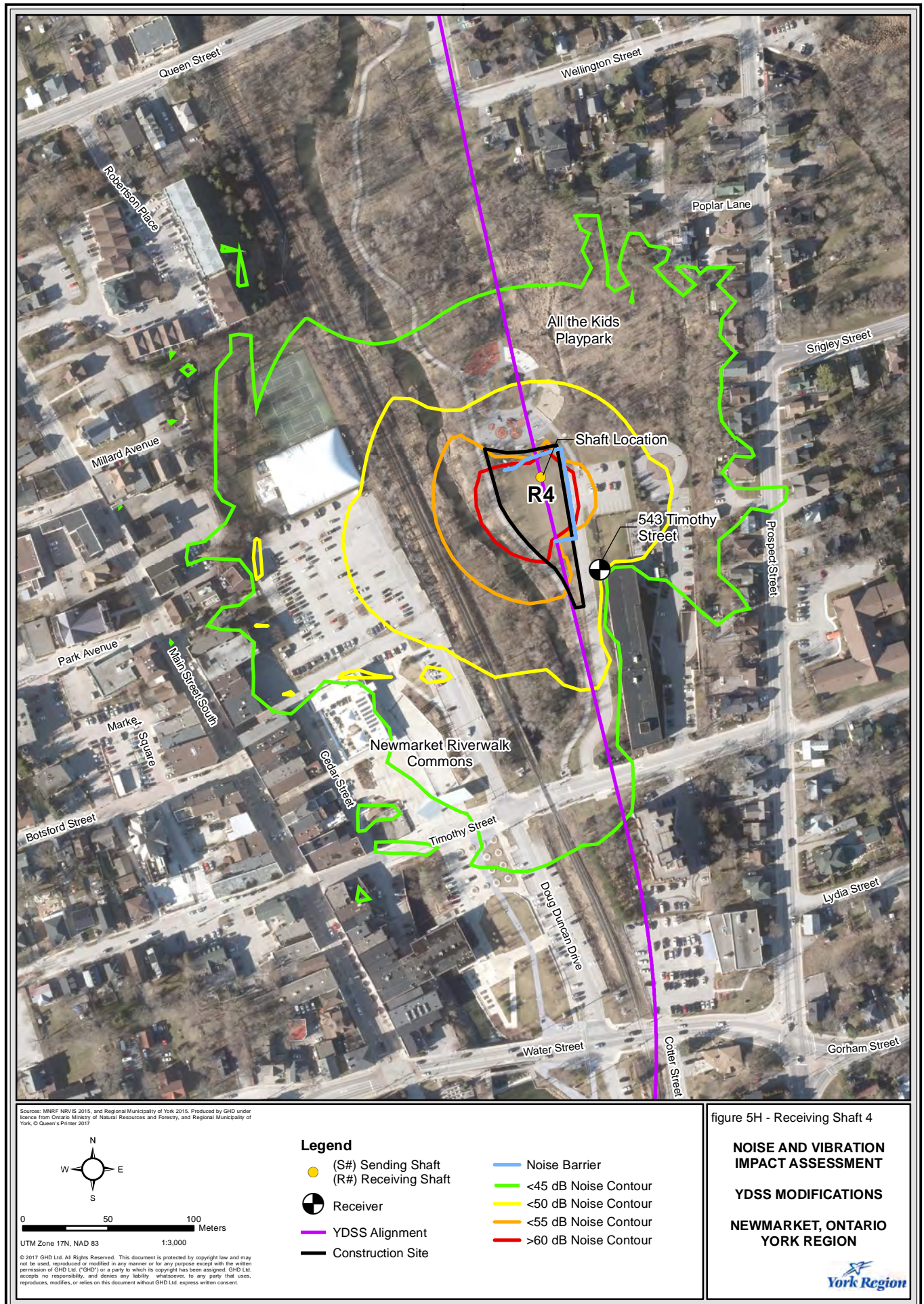


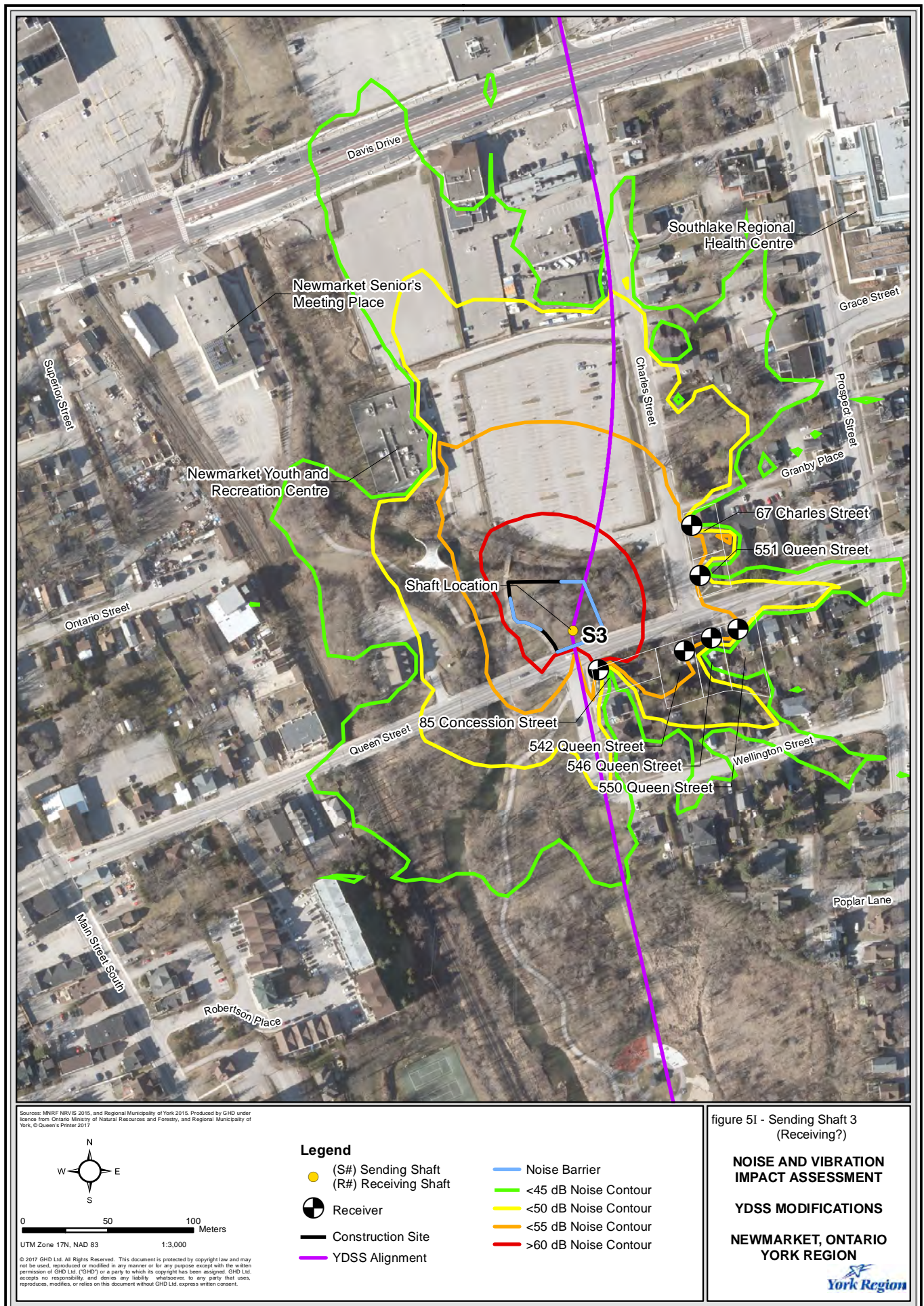


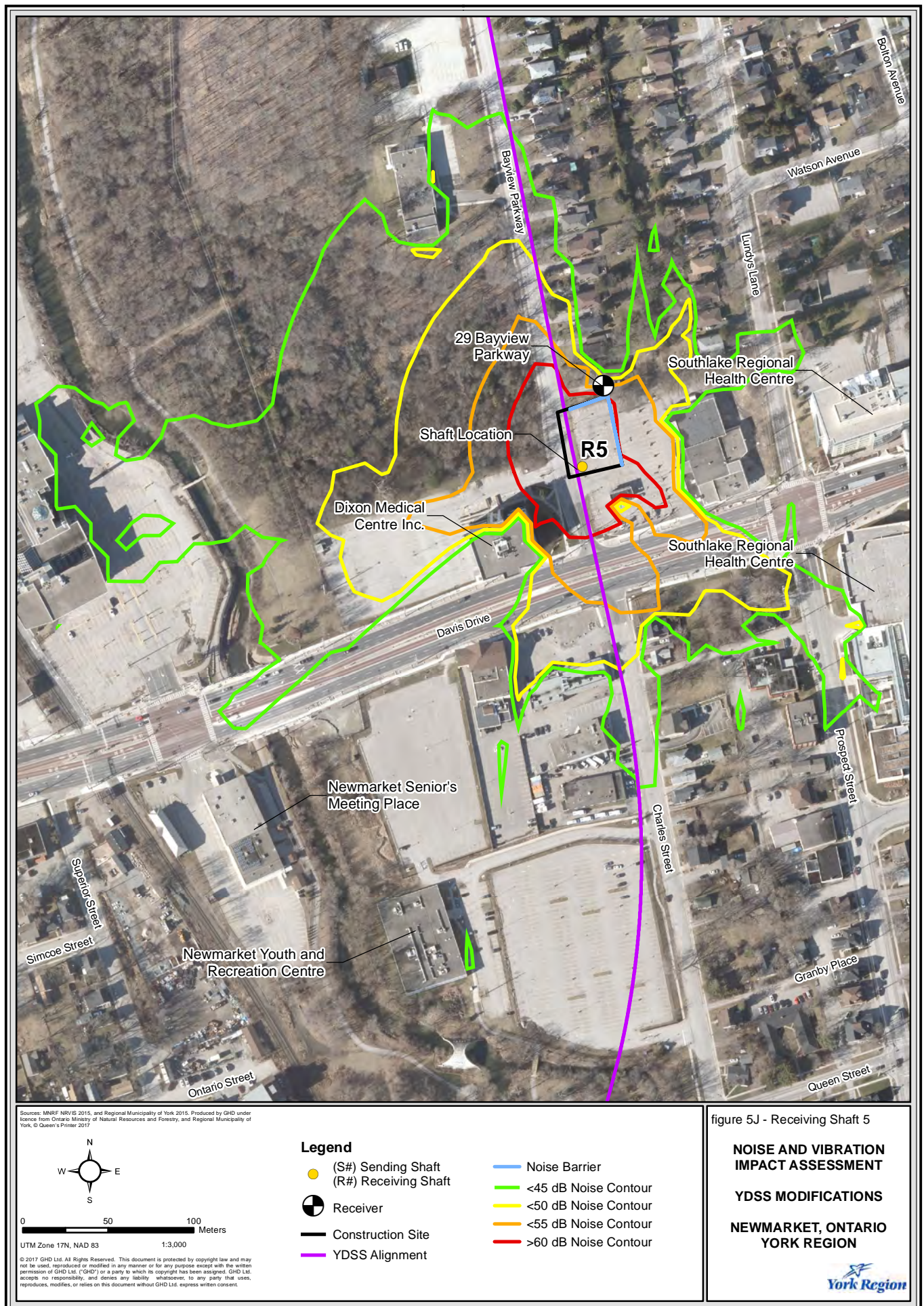


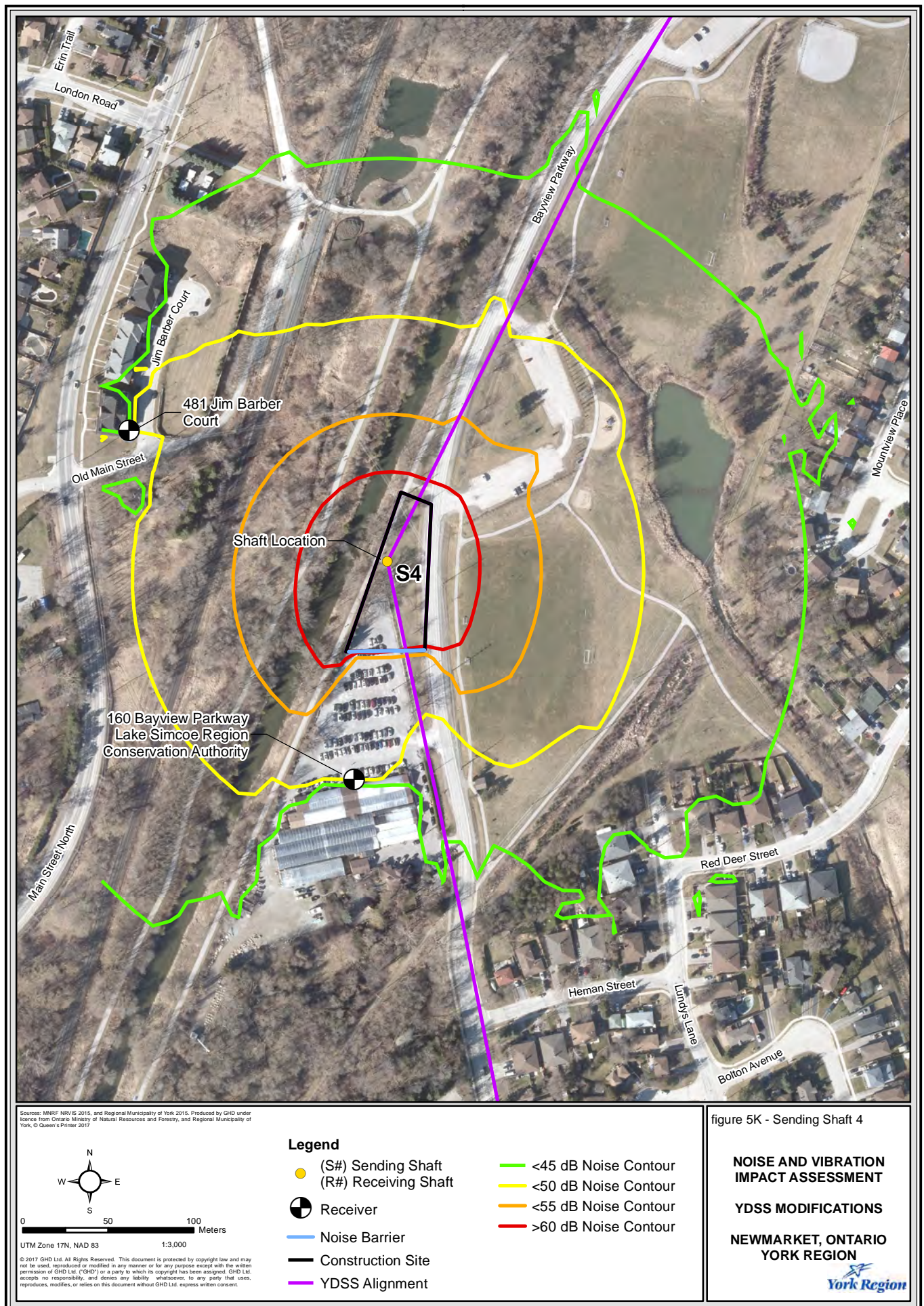


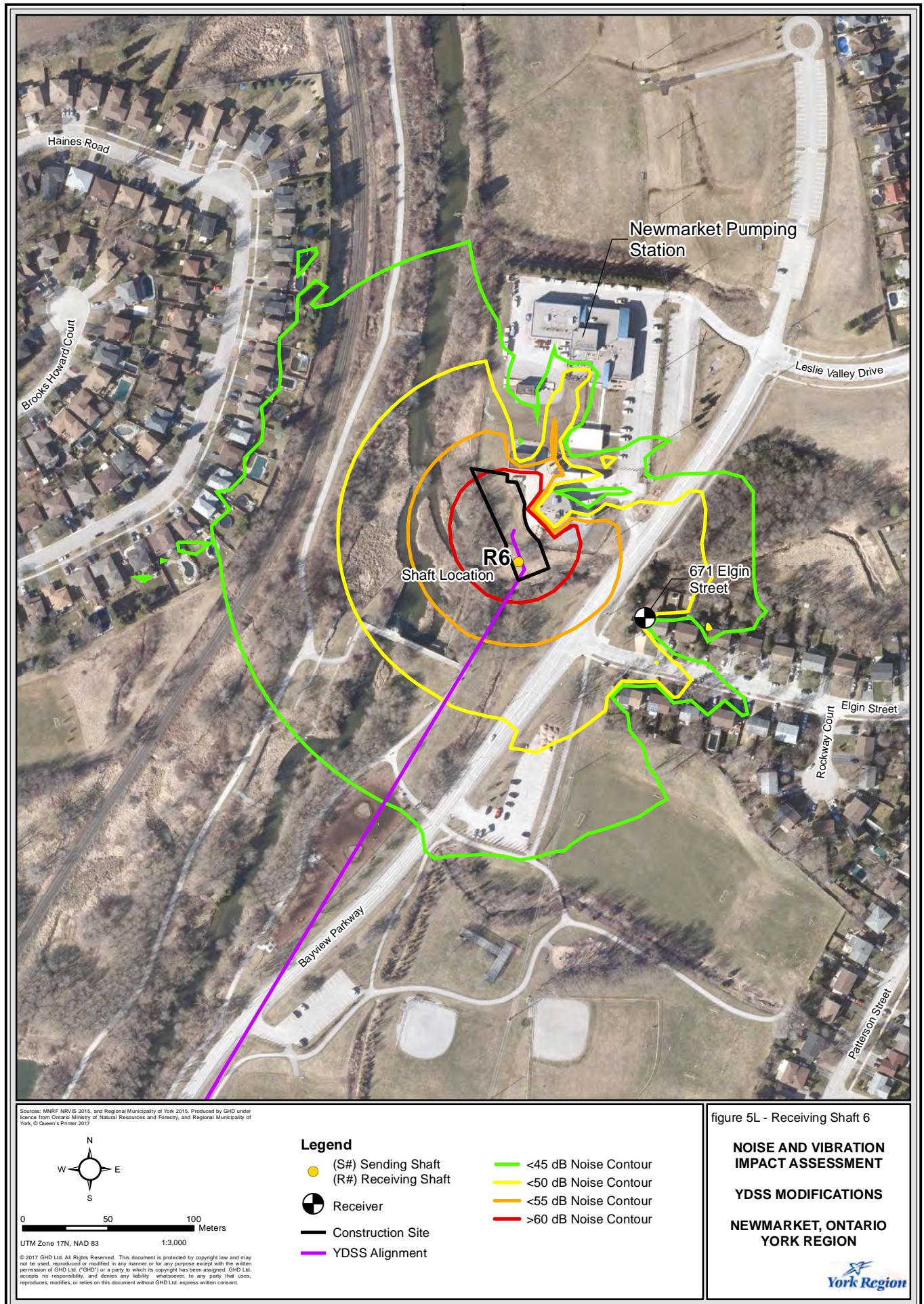






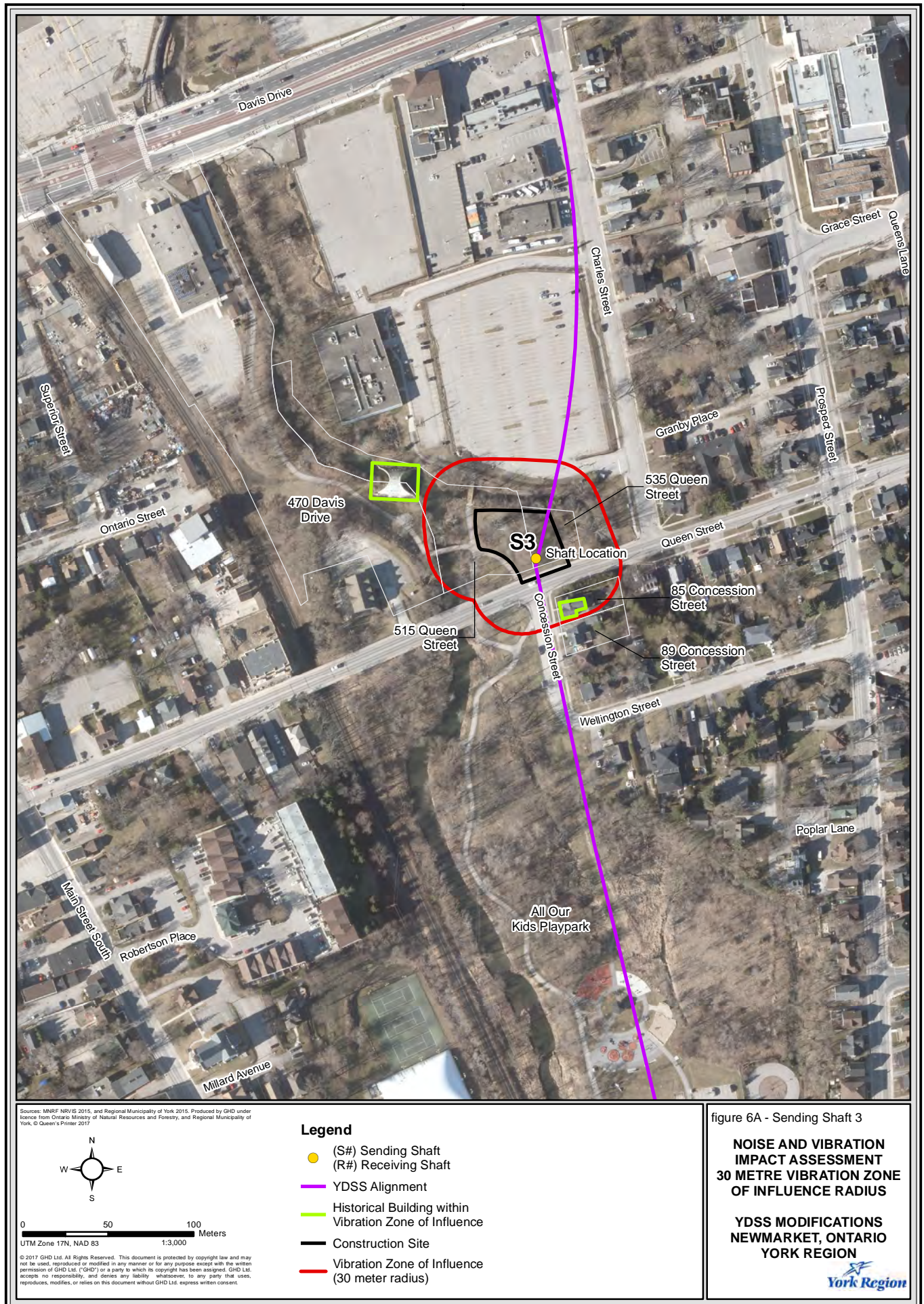




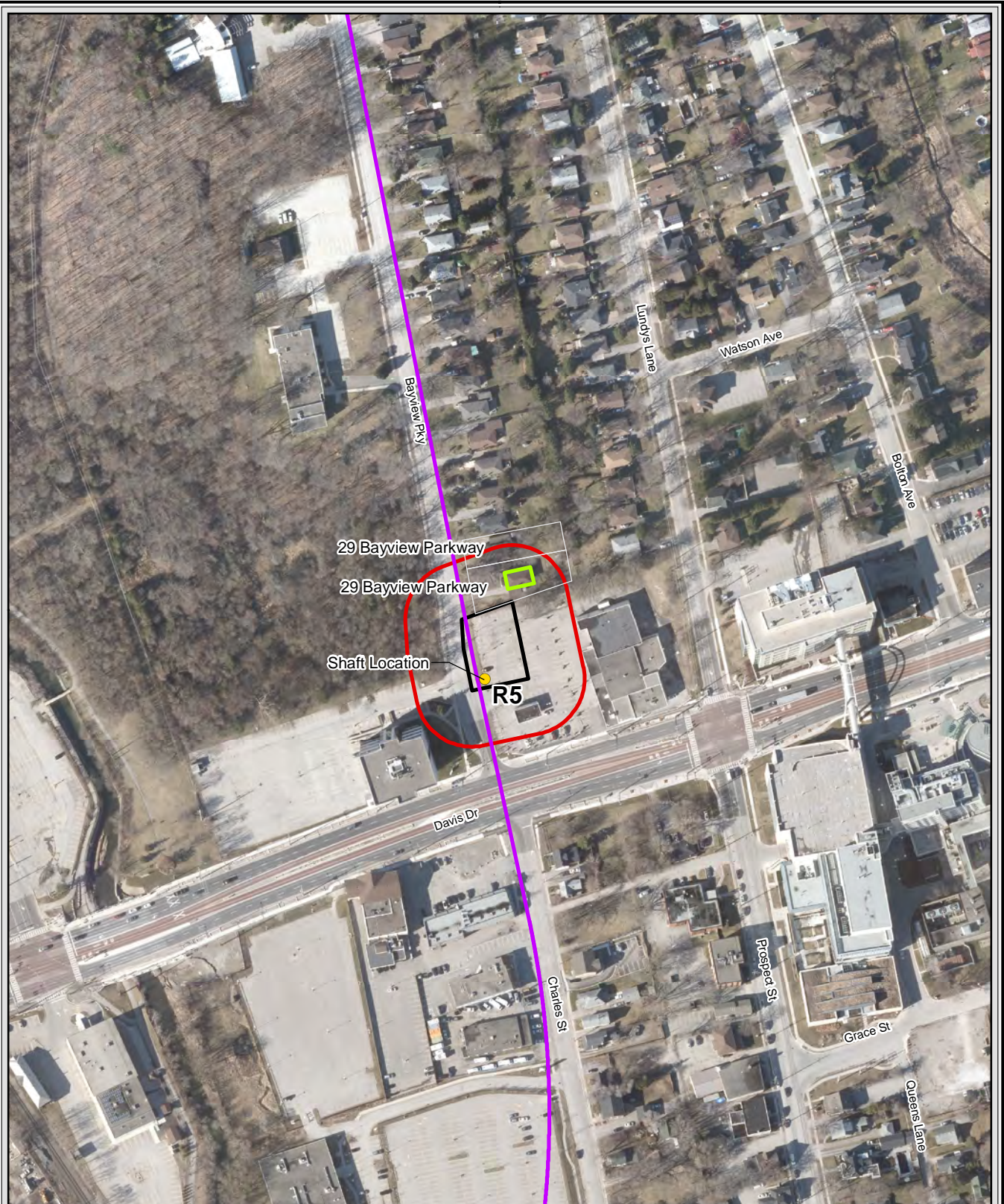




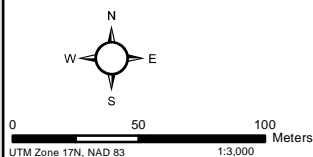








Sources: MNRF NRIS 2016, and Regional Municipality of York 2016. Produced by GHD under licence from Ontario Ministry of Natural Resources and Forestry, and Regional Municipality of York. © Queen's Printer 2017



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Legend

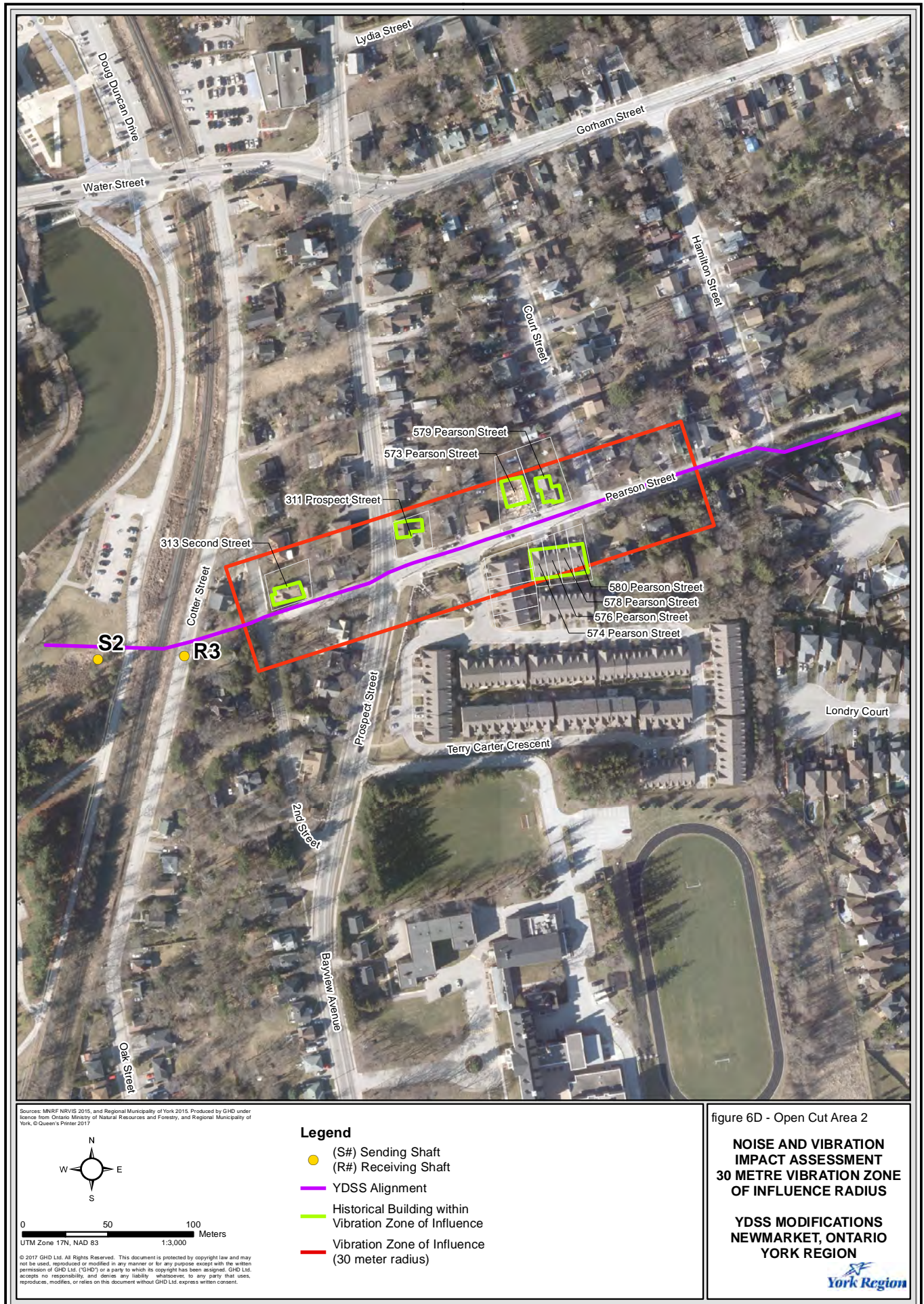
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● (R#) Receiving Shaft
- YDSS Alignment
- Historical Building within Vibration Zone of Influence
- Construction Site
- Vibration Zone of Influence (30 meter radius)

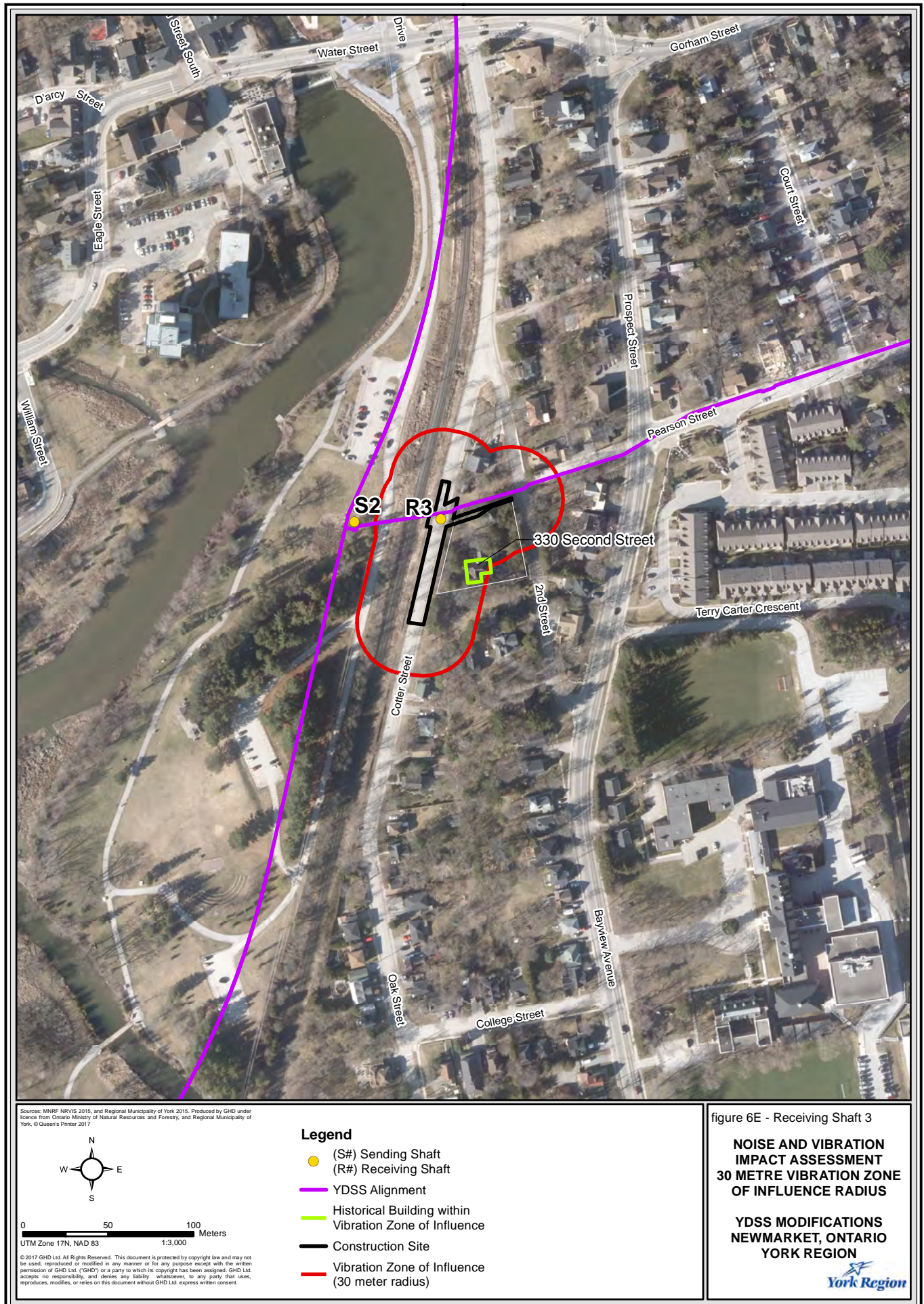
figure 6C - Receiving Shaft 5

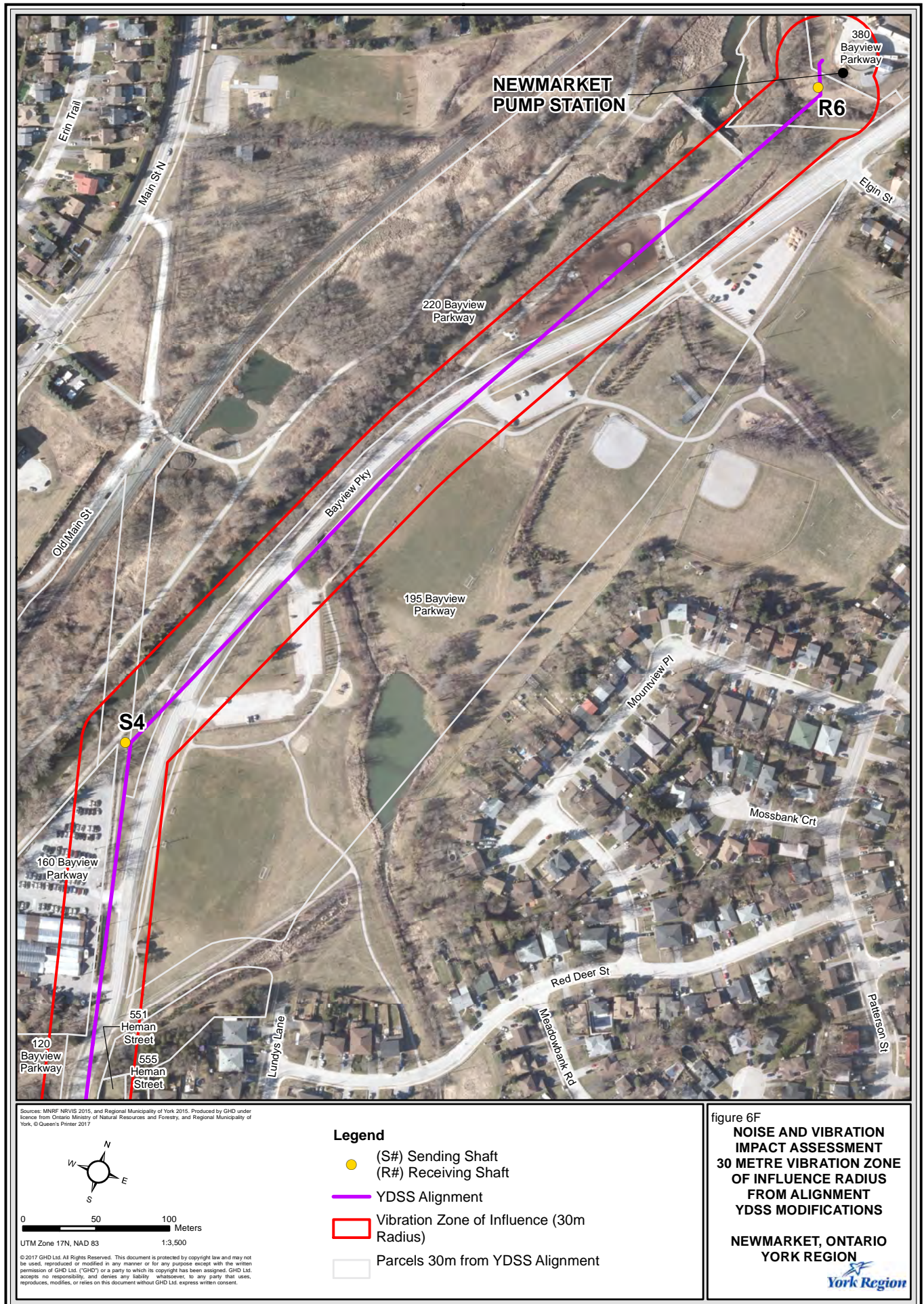
NOISE AND VIBRATION IMPACT ASSESSMENT 30 METRE VIBRATION ZONE OF INFLUENCE RADIUS

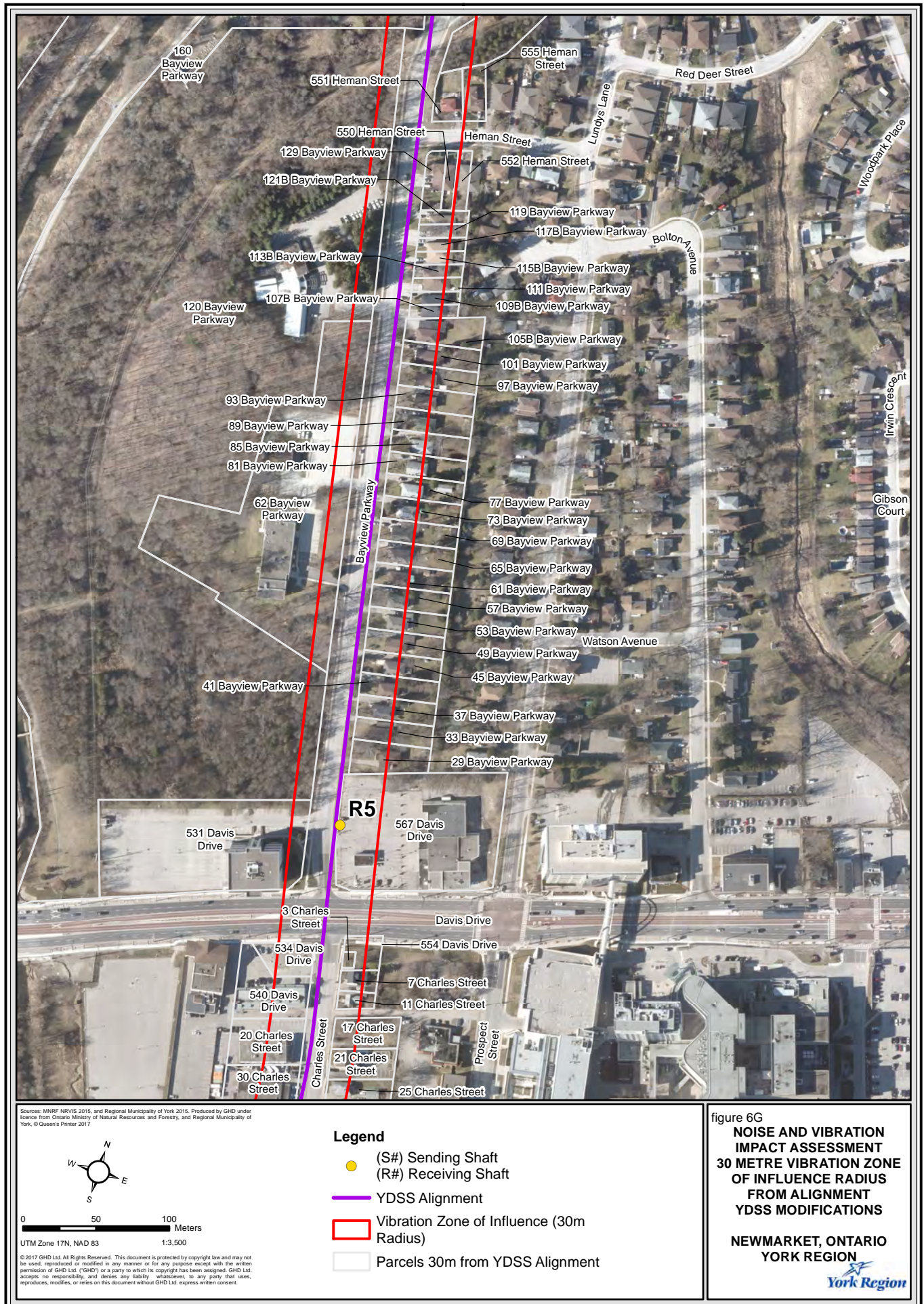
YDSS MODIFICATIONS
NEWMARKET, ONTARIO
YORK REGION

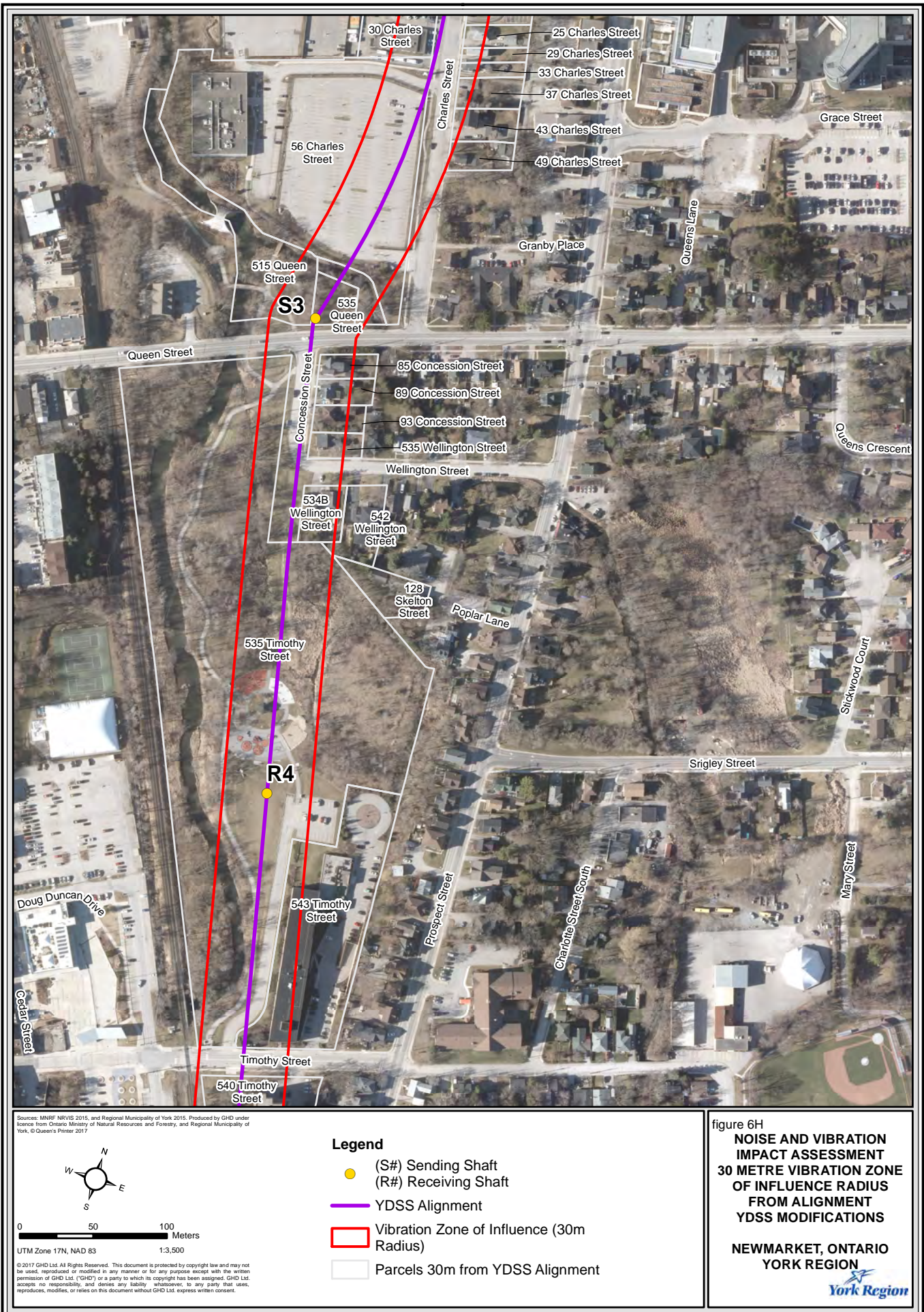


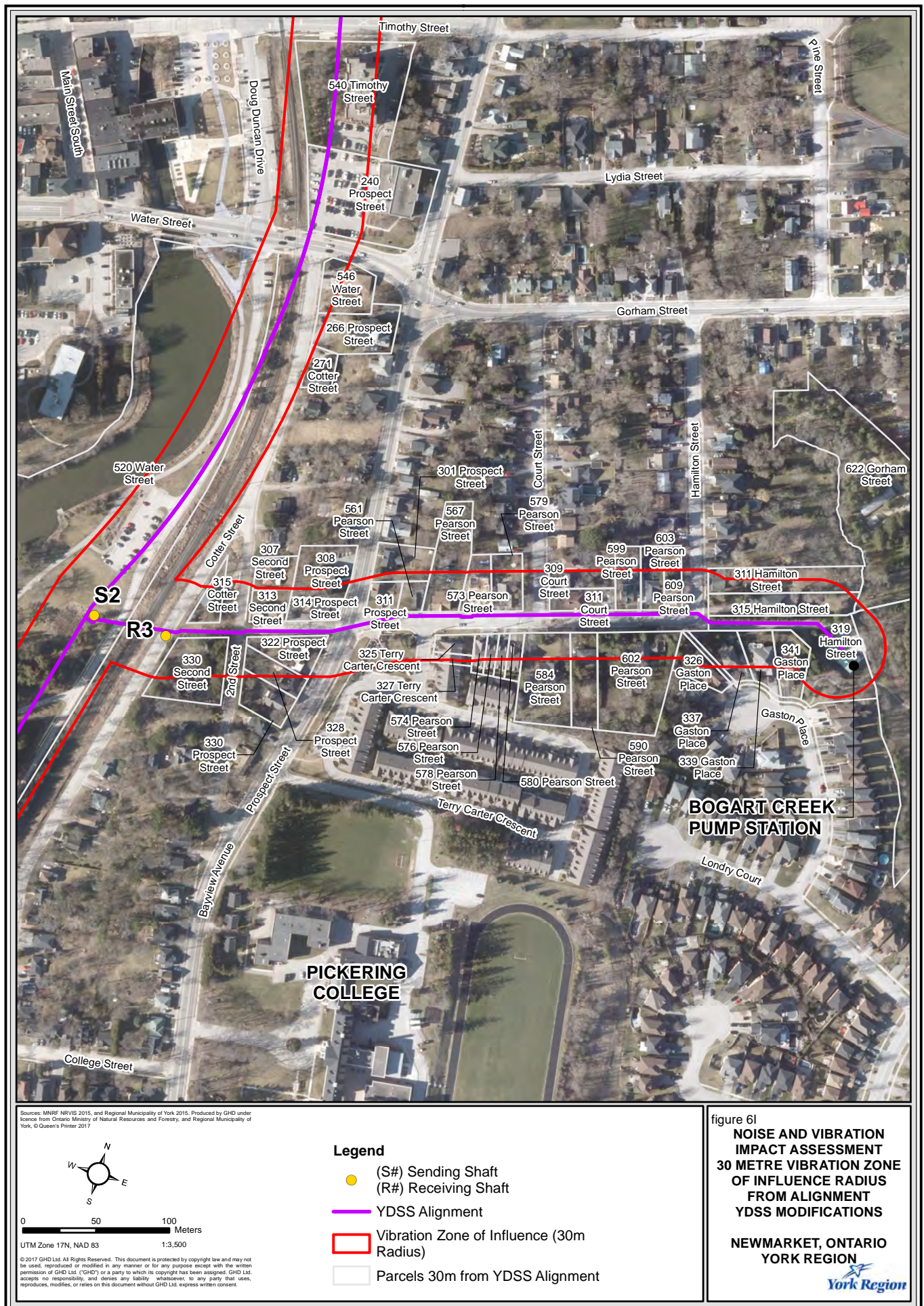


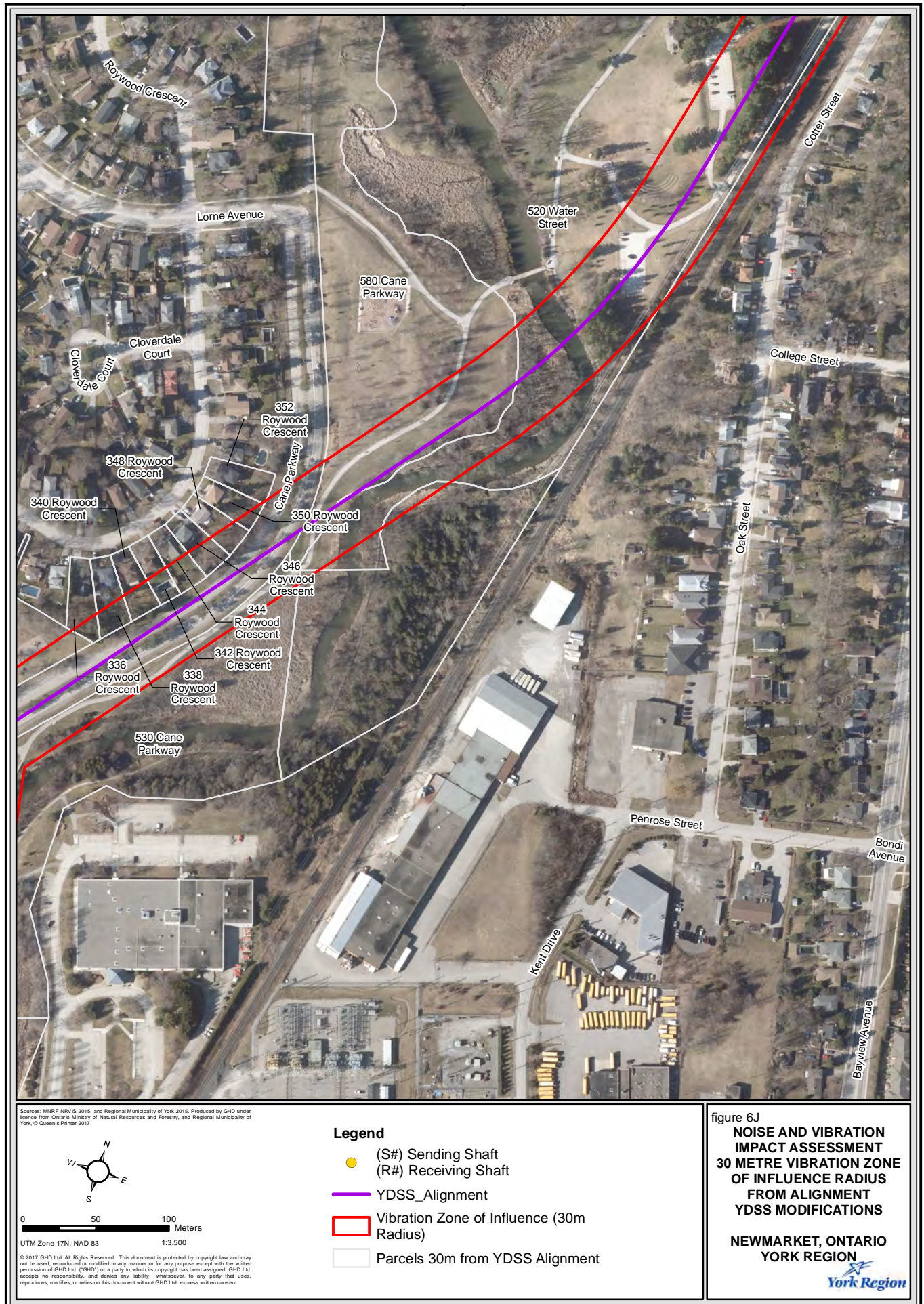


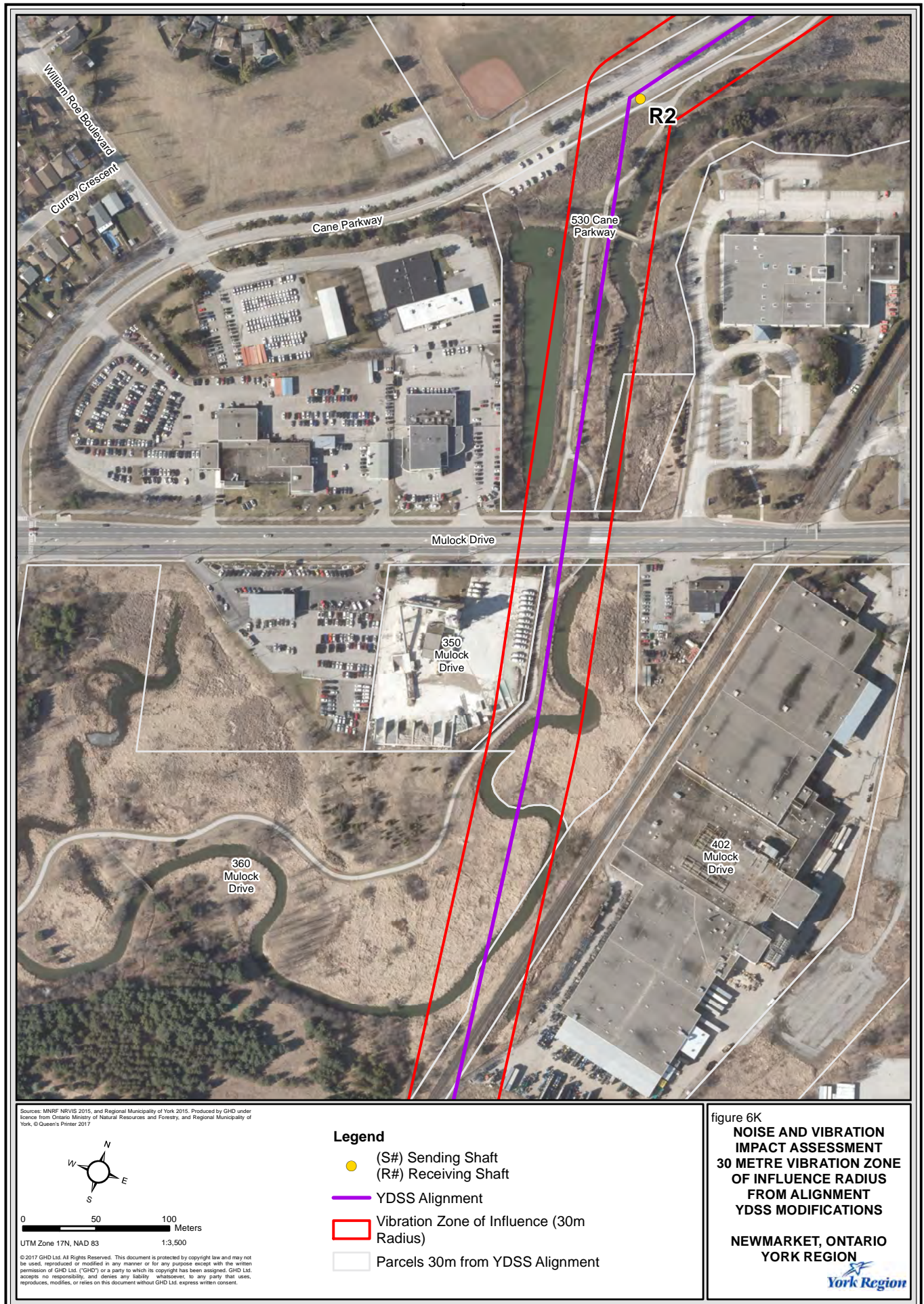


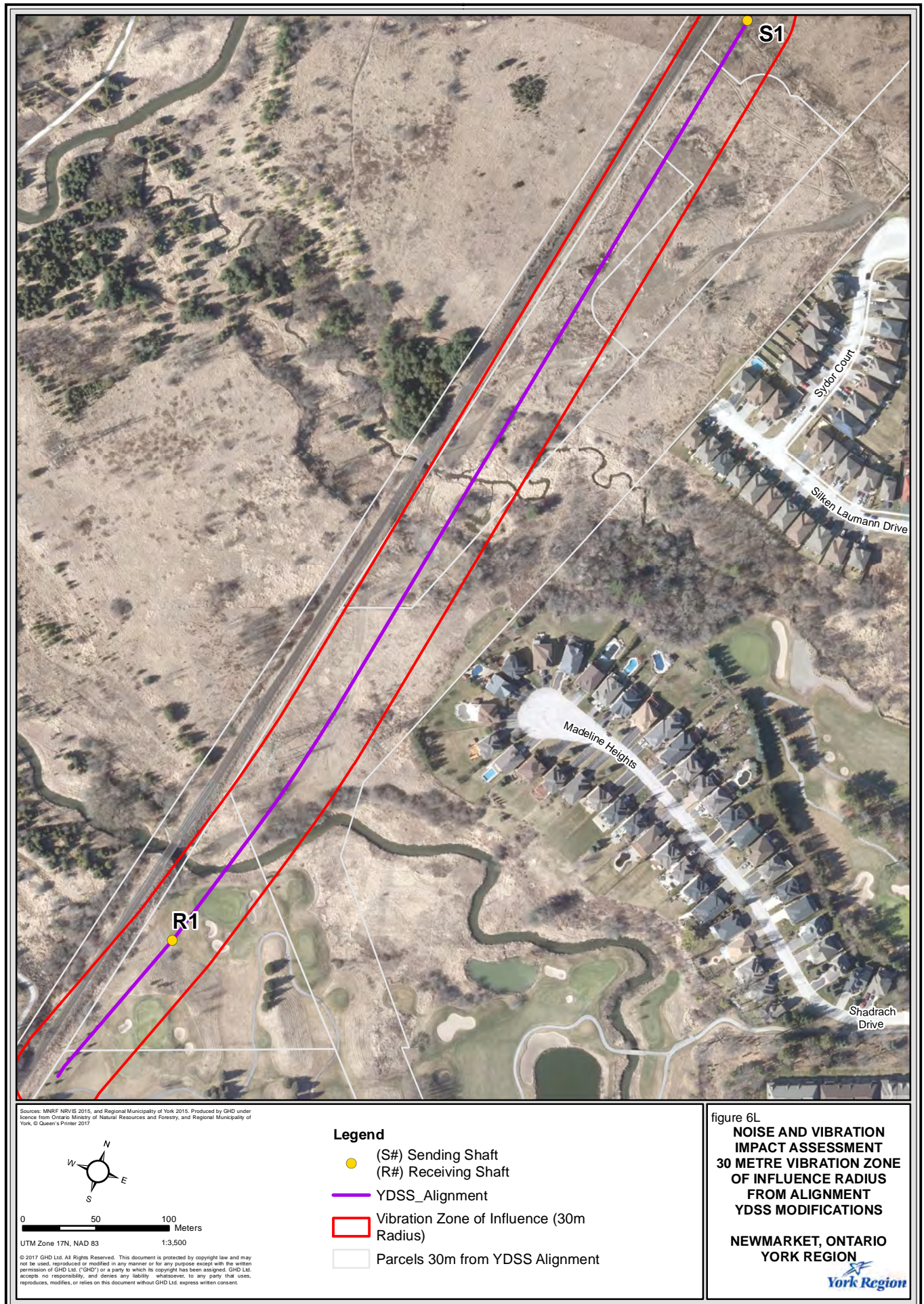












APPENDICES

Appendix A

MOECC Noise Pollution Control (NPC) Guideline-115

Appendix B

Noise Modelling Results

Appendix A

Appendix A – MOECC Noise Pollution Control (NPC) Guideline-115

NPC-115 Construction Equipment requirements are detailed by the Ministry of the Environment and Climate Change (MOECC) as follows:

	Excavation Equipment, Dozers, Loaders, Backhoes	Pneumatic Pavement Breakers – Residential / Quiet Zone	Compressors – Residential / Quiet Zone	Tracked Drills – Residential / Quiet Zone
Power Rating < 75 kW	83 dBA	85 dBA	76 dBA / 70 dBA	100 dBA
Power Rating > 75 kW	85 dBA			

The equipment requirement is based on a January 1, 1981, date of manufacturer or later. A power rating is not applicable for pavement breakers, compressors or tracked drills.

Measurements are conducted at a 15 m reference distance and at the rated maximum RPM in accordance with SAE J88a procedures as referenced in NPC-103. Stationary or pass-by tests are appropriate following the procedure below:

3.3.6 - For stationary tests, record the sound level obtained at a distance of 15 m (50 ft) normal to the centers of the four major surfaces of the equipment at the microphone height. Generally, four major surfaces refer to front, rear, and sides of an imaginary box that would just fit over the machine but does not include attachment items such as buckets, dozers, and booms. In the case of a crane or an excavator, the upper (revolving superstructure) fore-and-aft centerline should be in line with the lower fore-and-aft centerline.

3.3.7 - For moving tests, take measurements at a distance of 15m (50ft) measured in a direction normal to a major side surface which is parallel to the machine path.

3.3.8 - The final reported sound level per this SAE Recommended Practice shall be the highest of the reported values obtained in paragraphs 3.3.6 and 3.3.7; the test report shall include the test mode, the machine operating conditions during the reported test mode, the stabilized maximum governed engine speed, the location of the microphone in relation to the construction machine, the surface description over which the machine operated and the sound level measurements were made.

Appendix B

Table B.1

Point-of-Reception Noise Impact Summary
Noise Vibration Impact Assessment
York Region

Name	Send Shaft 1 Worst-Case Residence	Send Shaft 2 Worst-Case Residence	Send Shaft 3 Worst-Case Residence	Send Shaft 4 Worst-Case Residence	Receive Shaft 1 Worst-Case Residence	Receive Shaft 2 Worst-Case Residence	Receive Shaft 3 Worst-Case Residence	Receive Shaft 4 Worst-Case Residence	Receive Shaft 5 Worst-Case Residence	Receive Shaft 6 Worst-Case Residence	Open Cut Area 1 Worst-Case Residence	Open Cut Area 2 Worst- Case Residence
Open Cut Area 1											67.1	
Comp Air Compressor											51.7	
Crane											53.8	
Dozer											62.2	
Excavator											58.1	
Generator											57	
Seperation Plant											43.9	
Truck											62.9	
<i>With Proposed Hoarding</i>											60.8	
Open Cut Area 2												80.5
Comp Air Compressor												59.7
Crane												70.5
Dozer												77.7
Excavator												69.9
Generator												65.5
Seperation Plant												53.1
Truck												74.3
<i>With Proposed Hoarding</i>												NA
Send Shaft 1	59											
Bentonite Pump	36											
Compressor	50.6											
Crane	51.7											
Generator	52.7											
HP Pump	52.6											
Lighting Genset 1	42.8											
Lighting Genset 2	46.1											
Open Shaft	47.7											
Shredder/Shaker	43											
Forklift Route	43											
<i>With Proposed Hoarding</i>	58.2											
Send Shaft 2		57.8										
Bentonite Pump		40.4										
Compressor		49										
Crane		52.5										
Generator		49.7										
HP Pump		50.6										
Lighting Genset 1		42.2										
Lighting Genset 2		41.5										
Open Shaft		48.5										
Shredder/Shaker		41.9										
Forklift Route		40.6										
<i>With Proposed Hoarding</i>		56.5										

Table B.1

Point-of-Reception Noise Impact Summary
Noise Vibration Impact Assessment
York Region

Name	Send Shaft 1 Worst-Case Residence	Send Shaft 2 Worst-Case Residence	Send Shaft 3 Worst-Case Residence	Send Shaft 4 Worst-Case Residence	Receive Shaft 1 Worst-Case Residence	Receive Shaft 2 Worst-Case Residence	Receive Shaft 3 Worst-Case Residence	Receive Shaft 4 Worst-Case Residence	Receive Shaft 5 Worst-Case Residence	Receive Shaft 6 Worst-Case Residence	Open Cut Area 1 Worst-Case Residence	Open Cut Area 2 Worst- Case Residence
Send Shaft 3			62.2									
Bentonite Pump			44.8									
Compressor			52									
Crane			56.9									
Generator			53.9									
HP Pump			54.3									
Lighting Genset 1			48									
Lighting Genset 2			44.7									
Open Shaft			54.6									
Shredder/Shaker			46.9									
Forklift Route			44.9									
<i>With Proposed Hoarding</i>			61.1									
Send Shaft 4				48.2								
Bentonite Pump				31.8								
Compressor				38.8								
Crane				41.8								
Generator				41.9								
HP Pump				41.1								
Lighting Genset 1				33.7								
Lighting Genset 2				32.8								
Open Shaft				36.3								
Shredder/Shaker				31.9								
Forklift Route				34.2								
<i>With Proposed Hoarding</i>				47.2								
Receive Shaft 1					45.8							
Crane					45							
Water Pumps					35.7							
Lighting Generator					33.9							
<i>With Proposed Hoarding</i>					42.3							
Receive Shaft 2						61.1						
Comp. Air Compressor						50.6						
Crane						48.7						
Dozer						59.1						
Shredder/Shaker						42.1						
Water Pump						37.4						
Lighting Generator						38.9						
Open Shaft						48						
Bentonite Pump						41.7						
HP Pump						52.6						
<i>With Proposed Hoarding</i>						55.9						
Receive Shaft 3							63.2					
Crane							61.4					
Water Pumps							54.7					
Lighting Generator							56.5					
<i>With Proposed Hoarding</i>							59.6					

Table B.1

Point-of-Reception Noise Impact Summary
Noise Vibration Impact Assessment
York Region

Name	Send Shaft 1 Worst-Case Residence	Send Shaft 2 Worst-Case Residence	Send Shaft 3 Worst-Case Residence	Send Shaft 4 Worst-Case Residence	Receive Shaft 1 Worst-Case Residence	Receive Shaft 2 Worst-Case Residence	Receive Shaft 3 Worst-Case Residence	Receive Shaft 4 Worst-Case Residence	Receive Shaft 5 Worst-Case Residence	Receive Shaft 6 Worst-Case Residence	Open Cut Area 1 Worst-Case Residence	Open Cut Area 2 Worst- Case Residence
Receive Shaft 4								54.8				
Crane								52.9				
Water Pumps								45.9				
Lighting Generator								48.1				
<i>With Proposed Hoarding</i>								54.1				
Receive Shaft 5									60.8			
Crane									60.1			
Water Pumps									48.2			
Lighting Generator									50.5			
<i>With Proposed Hoarding</i>									60.6			
Receive Shaft 6										52		
Crane										51.4		
Water Pumps										39.9		
Lighting Generator										41		
<i>With Proposed Hoarding</i>										52		

Table B.2

**Noise Modelling Impact Summary
Noise Vibration Impact Assessment
York Region**

Point of Reception ID	Point of Reception Description	Worst-Case Modelled Impact (dBA)	Background Sound Level (dBA)	Anticipated Exceedance (dBA)
Noise Levels without Hoarding				
<i>Daytime Operations - 7 a.m. to 7 p.m.</i>				
Open Cut Area 1	Open Cut Area 1 Worst-Case Residence	67 (dBA)	50 (dBA)	17
Open Cut Area 2	Open Cut Area 2 Worst-Case Residence	81 (dBA)	50 (dBA)	31
Send Shaft 1	Send Shaft 1 Worst-Case Residence	59 (dBA)	50 (dBA)	9
Send Shaft 2	Send Shaft 2 Worst-Case Residence	58 (dBA)	50 (dBA)	8
Send Shaft 3	Send Shaft 3 Worst-Case Residence	62 (dBA)	50 (dBA)	12
Send Shaft 4	Send Shaft 4 Worst-Case Residence	48 (dBA)	50 (dBA)	-
Receive Shaft 1	Receive Shaft 1 Worst-Case Residence	46 (dBA)	50 (dBA)	-
Receive Shaft 2	Receive Shaft 2 Worst-Case Residence	61 (dBA)	50 (dBA)	11
Receive Shaft 3	Receive Shaft 3 Worst-Case Residence	63 (dBA)	50 (dBA)	13
Receive Shaft 4	Receive Shaft 4 Worst-Case Residence	55 (dBA)	50 (dBA)	5
Receive Shaft 5	Receive Shaft 5 Worst-Case Residence	61 (dBA)	50 (dBA)	11
Receive Shaft 6	Receive Shaft 6 Worst-Case Residence	52 (dBA)	50 (dBA)	2
<i>Nighttime Operations - 7 p.m. to 7 a.m.</i>				
Open Cut Area 1	Open Cut Area 1 Worst-Case Residence	NA	45 (dBA)	NA
Open Cut Area 2	Open Cut Area 2 Worst-Case Residence	NA	45 (dBA)	NA
Send Shaft 1	Send Shaft 1 Worst-Case Residence	59 (dBA)	45 (dBA)	14
Send Shaft 2	Send Shaft 2 Worst-Case Residence	58 (dBA)	45 (dBA)	13
Send Shaft 3	Send Shaft 3 Worst-Case Residence	62 (dBA)	45 (dBA)	17
Send Shaft 4	Send Shaft 4 Worst-Case Residence	48 (dBA)	45 (dBA)	3
Receive Shaft 1	Receive Shaft 1 Worst-Case Residence	46 (dBA)	45 (dBA)	1
Receive Shaft 2	Receive Shaft 2 Worst-Case Residence	61 (dBA)	45 (dBA)	16
Receive Shaft 3	Receive Shaft 3 Worst-Case Residence	63 (dBA)	45 (dBA)	18
Receive Shaft 4	Receive Shaft 4 Worst-Case Residence	55 (dBA)	45 (dBA)	10
Receive Shaft 5	Receive Shaft 5 Worst-Case Residence	61 (dBA)	45 (dBA)	16
Receive Shaft 6	Receive Shaft 6 Worst-Case Residence	52 (dBA)	45 (dBA)	7

Table B.2

**Noise Modelling Impact Summary
Noise Vibration Impact Assessment
York Region**

Point of Reception ID	Point of Reception Description	Worst-Case Modelled Impact (dBA)	Background Sound Level (dBA)	Anticipated Exceedance (dBA)
Noise Levels with Hoarding				
Daytime Operations - 7 a.m. to 7 p.m.				
Open Cut Area 1	Open Cut Area 1 Worst-Case Residence	61 (dBA)	50 (dBA)	11
Open Cut Area 2	Open Cut Area 2 Worst-Case Residence	81 (dBA)	50 (dBA)	31
Send Shaft 1	Send Shaft 1 Worst-Case Residence	58 (dBA)	50 (dBA)	8
Send Shaft 2	Send Shaft 2 Worst-Case Residence	57 (dBA)	50 (dBA)	7
Send Shaft 3	Send Shaft 3 Worst-Case Residence	61 (dBA)	50 (dBA)	11
Send Shaft 4	Send Shaft 4 Worst-Case Residence	47 (dBA)	50 (dBA)	-
Receive Shaft 1	Receive Shaft 1 Worst-Case Residence	42 (dBA)	50 (dBA)	-
Receive Shaft 2	Receive Shaft 2 Worst-Case Residence	56 (dBA)	50 (dBA)	6
Receive Shaft 3	Receive Shaft 3 Worst-Case Residence	60 (dBA)	50 (dBA)	10
Receive Shaft 4	Receive Shaft 4 Worst-Case Residence	54 (dBA)	50 (dBA)	4
Receive Shaft 5	Receive Shaft 5 Worst-Case Residence	61 (dBA)	50 (dBA)	11
Receive Shaft 6	Receive Shaft 6 Worst-Case Residence	52 (dBA)	50 (dBA)	2
Nighttime Operations - 7 p.m. to 7 a.m.				
Open Cut Area 1	Open Cut Area 1 Worst-Case Residence	NA	45 (dBA)	NA
Open Cut Area 2	Open Cut Area 2 Worst-Case Residence	NA	45 (dBA)	NA
Send Shaft 1	Send Shaft 1 Worst-Case Residence	58 (dBA)	45 (dBA)	13
Send Shaft 2	Send Shaft 2 Worst-Case Residence	57 (dBA)	45 (dBA)	12
Send Shaft 3	Send Shaft 3 Worst-Case Residence	61 (dBA)	45 (dBA)	16
Send Shaft 4	Send Shaft 4 Worst-Case Residence	47 (dBA)	45 (dBA)	2
Receive Shaft 1	Receive Shaft 1 Worst-Case Residence	42 (dBA)	45 (dBA)	-
Receive Shaft 2	Receive Shaft 2 Worst-Case Residence	56 (dBA)	45 (dBA)	11
Receive Shaft 3	Receive Shaft 3 Worst-Case Residence	60 (dBA)	45 (dBA)	15
Receive Shaft 4	Receive Shaft 4 Worst-Case Residence	54 (dBA)	45 (dBA)	9
Receive Shaft 5	Receive Shaft 5 Worst-Case Residence	61 (dBA)	45 (dBA)	16
Receive Shaft 6	Receive Shaft 6 Worst-Case Residence	52 (dBA)	45 (dBA)	7

Note:

(1) Minimum MOECC sound level limits defined in Noise and Vibration Baseline Conditions Report (CRA et al., 2013)



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.	Meeting Date: Council – December 5, 2016 Subject: 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 OMB Hearing Scheduled for August 2018. Deferred until resolution of OMB hearing Confidential memo to be issued by CAO's office in 2019	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.	Meeting Date: Committee of the Whole – February 27, 2017 Subject: Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations	Recommendation: <ol style="list-style-type: none"> 1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. 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, 3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. Responsible Department: <p>➤ Planning and Building Services</p>	Q3/Q4, 2017/November 27 Committee of the Whole Q1, 2018 Q3, 2018 Q1, 2019 November 13, 2017 – Council	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
3.	Meeting Date: Council – March 27, 2017 Subject: Zoning By-law Review	Recommendation: 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. Responsible Department: ➤ Planning & Building Services	Q3/Q4, 2017 Q1, Q2, 2018 Q3 2018	Workshop was held on March 26, 2018. Report to be brought back in 60 days.
4.	Meeting Date: Committee of the Whole – May 8, 2017 Subject: Information Document for Residents Related to Construction Sites	Recommendation: 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. Responsible Department: ➤ Planning & Building Services	Q4, 2017 Q1 Q2, 2018 Q1 2019	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
5.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: 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>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and, 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. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	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.	<p>Meeting Date: Committee of the Whole - June 19, 2017</p> <p>Committee of the Whole – February 5, 2018</p> <p>Subject: Textile Diversion Program</p>	<p>Recommendation:</p> <p>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.</p> <p>1. That staff be directed to prepare an RFP for a textile recycling program.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Public Works Services 	<p>February 5, 2018 Committee of the Whole meeting</p> <p>Q3, 2018</p>	Information Report to be provided.
7.	<p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p>	<p>Recommendation: That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:</p> <p>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.</p> <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services 	<p>Q1-Q2, Q3 Q4 2018</p>	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>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – April 9, 2018</p> <p>Subject: Petition regarding Speed and Traffic Mitigation near Queen Street</p>	<p>Recommendation:</p> <p>1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy.</p> <p>Lorne Avenue and Queen Street Traffic Review Report</p> <p>1. That the report entitled Lorne Avenue and Queen Street Traffic Review dated April 9, 2018 be received; and,</p> <p>2. That York Regional Police be sent a copy of this report; and,</p> <p>3. That the Town request that York Regional Police include more Town-Specific enforcement measures and programs in their next Municipal Overview; and,</p> <p>4. That enhanced vulnerable road user safety measures be included in the design for the future reconstruction of Lorne Avenue; and,</p> <p>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.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	<p>Q2, 2018 April 9, 2018 Committee of the Whole</p> <p>Q4, 2018</p>	
9.	<p>Meeting Date: Committee of the Whole - September, 25, 2017</p> <p>Subject: Corporate Services – Legislative Services Report 2017-16 Vacant Building Report – Window Wrap Program</p>	<p>Recommendation:</p> <p>1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,</p> <p>2. That staff be directed to report back on Option 2, a Window Wrap program.</p> <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services/Economic Development 	<p>Q1 Q2, Q3 2018 Q1 2019</p>	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
10.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Council – May 7, 2018</p> <p>Subject Welcome Sign on Longford Drive</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to schedule a meeting for the Mayor, Deputy Mayor & Regional Councillor, Councillor Hompen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and, 2. That staff provide an alternative signage and seating area option that would be as cost effective as possible. <p>Recommendation:</p> <ol style="list-style-type: none"> 1. 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"> a. That Community fundraising exceeds \$10,000; and, b. That Community fundraising funds are in place prior to the Town's expenditure. <p>Responsible Department ➤ Engineering Services</p>	<p>Q1 Q2, 2018</p> <p>TBD</p>	<p>Two meetings held—Signage is subject to funding. Seating area to be removed after feedback from meeting.</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>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p>Subject Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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"> a. That the final report be brought back to Council by early Quarter 3 2018; and, b. That staff continue to expedite the process to provide the report sooner, if possible; and, 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. <p>Responsible Department ➤ Engineering Services</p>	Q3, 2018	
12.	<p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Low Impact Development</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Department ➤ 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.	Meeting Date: Committee of the Whole – March 19, 2018 Subject: Vibration Control and construction activity (deputation)	Recommendation: 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. Responsible Departments: ➤ Planning and Building Services & Engineering Services	Q3, 2018 Q1, 2019	
14.	Meeting Date: Council – March 26, 2018 Subject: Bogart House	Recommendation: 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. Responsible Department: ➤ 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.	Meeting Date: April 30, 2018 Committee of the Whole Subject: Heritage Designations – York Region Administrative Building and Newmarket Canal System	Recommendation: 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. Responsible Department: ➤ Planning and Building Services	Q3, 2018 Q1, 2019	Report to Council to be provided.
16.	Meeting Date: May 22, 2018 Committee of the Whole Subject: Delegated Authority for Fees/Charges	Recommendation: 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. Responsible Department: ➤ Finance Services	August 2018	Information Report to be provided. Information Report was provided

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
17.	Meeting Date: June 11, 2018 Committee of the Whole Subject: Intensification in Stable Residential Neighbourhoods	Recommendation: 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. Responsible Department: ➤ Planning and Building Services	September 17, 2018 Q1, 2019	



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>Meeting Date: Council – December 14, 2015</p> <p>Subject: 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>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide alternate trail options for this area at a lower cost; and, 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, 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, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. <p>Responsible Department: ➤ 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>Meeting Date: Special Committee of the Whole- January 30, 2017</p> <p>Subject: Internet Voting and Ranked Ballots</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. <p>Responsible Departments: ➤ Legislative Services</p>	Q1, 2019	

3.	<p>Meeting Date: Council – June 7, 2016 – Item 35</p> <p>Subject: Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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' <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Strategic Initiatives 	2018	Awaiting next phase of funding announcements
4.	<p>Meeting Date: Council – June 26, 2017- Item 10</p> <p>Subject: Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That traffic impacts be monitored post construction. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Development is estimated to not be completed before 2020	
5.	<p>Meeting Date: Committee of the Whole – November 27</p> <p>Subject: Procedure By-law Amendment and Electronic Participation in Meetings Policy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Legislative Services 	2019	

6.	<p>Meeting Date: 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>Subject: Residential Parking</p>	<p>Recommendation: 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.</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"> 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, 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. 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. <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>Responsible Department: ➤ Planning and Building Services / Legislative Services</p>	<p>Q3/Q4, 2017 November 6, 2017 Committee of the Whole</p> <p>Q1/Q2, 2019</p>	
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7.	<p>Meeting Date: Committee of the Whole - February 26, 2018</p> <p>Subject: Newmarket Public Library Study Implementation</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 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, 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. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Community Services/Newmarket Public Library 	Q1/Q2, 2019	
8.	<p>Meeting date: Committee of the Whole – March 19, 2018</p> <p>Subject: 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>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services/ Community Centre Lands Task Force 	Q1/Q2, 2019	
9	<p>Meeting Date: Committee of the Whole – March 19, 2018</p> <p>Subject: Cats at large (deputation)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Legislative Services 	Q1, 2019	Information Report to be provided

10.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration	Recommendations: 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. Responsible Department: ➤ Office of the CAO/Human Resources	2019	
11.	Meeting Date: Committee of the Whole September 25, 2017 Subject: Diversity and Inclusivity Strategy	Recommendation: 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. Responsible Department: ➤ Human Resources Department	Q4 2017 Q3, 2018, Q1, 2019	York Region conducting further public consultation
18.	Meeting Date: April 30, 2018 Committee of the Whole Subject: Asset Replacement Fund Strategy	Recommendation: 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. Responsible Departments: ➤ Financial Services	Q3, 2019	



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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:

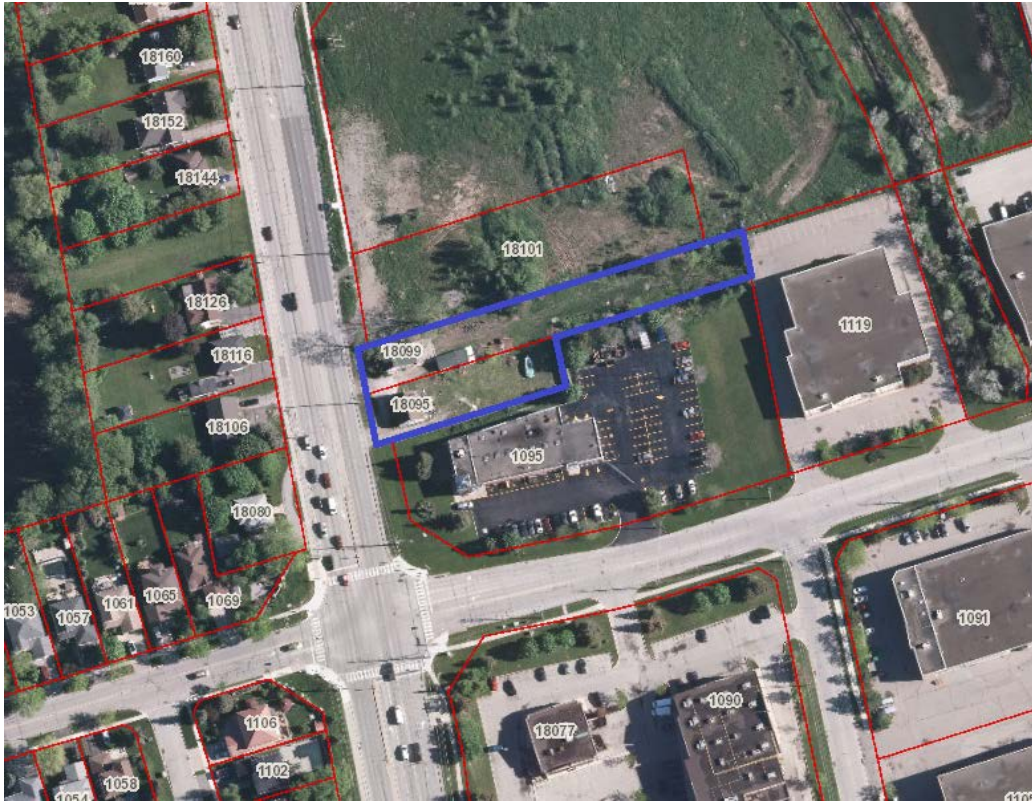
The lands to the north are part of the Town of East Gwillimbury, are currently vacant, and are zoned RU (Rural) and General Employment (M2-102).

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

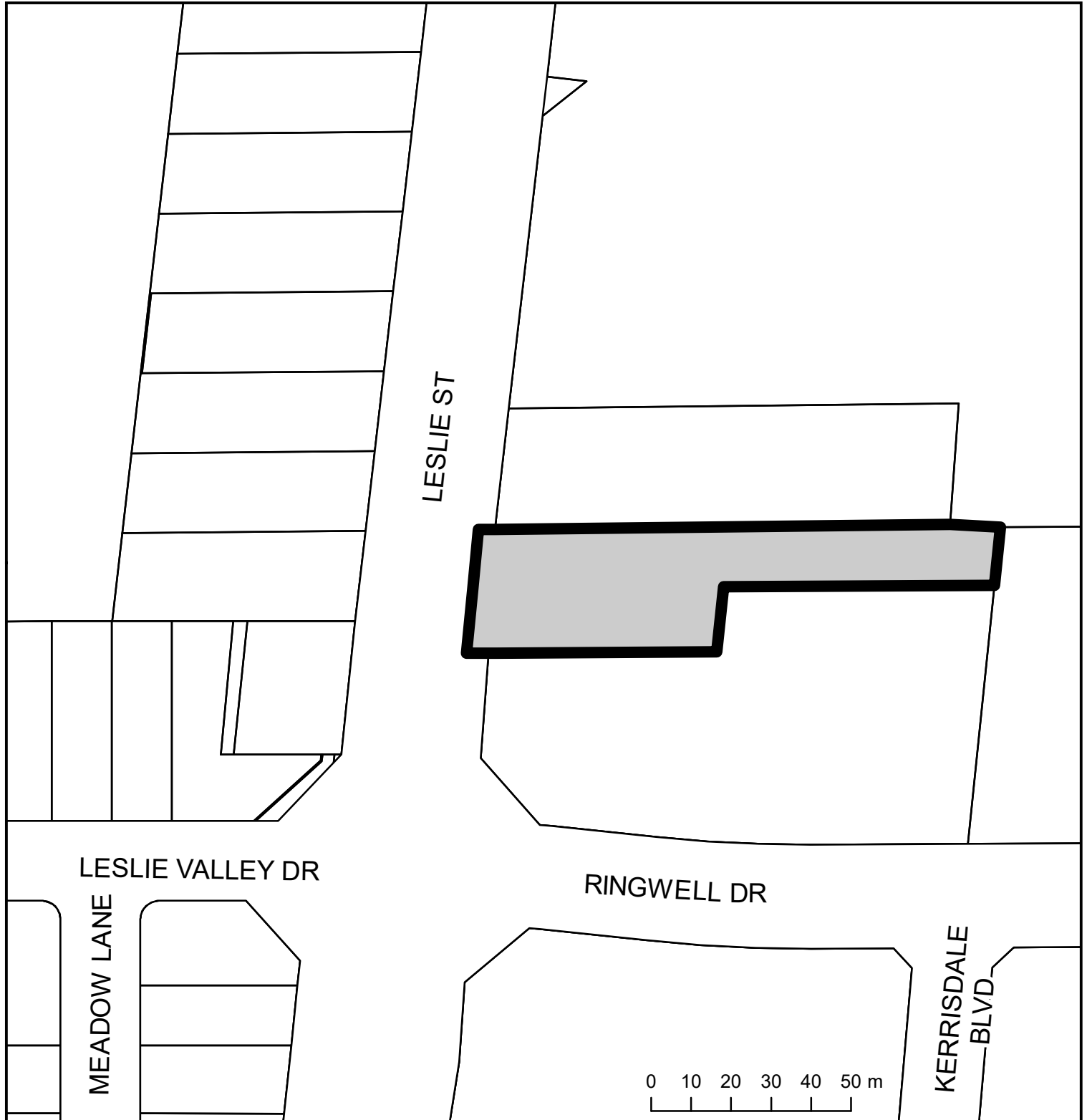
Contact


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LOCATION MAP

18095 & 18099 Leslie Street



 Subject Lands



TOWN OF NEWMARKET PLANNING DEPARTMENT



