



Environment and Land Tribunals Ontario
Ontario Municipal Board
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**MUNICIPAL SUBMISSION FORM (R2)
 PLANNING ACT**

ZONING BY-LAWS & AMENDMENTS

Reference Number (OMB Office Use Only):

Material and information is to be forwarded to the Ontario Municipal Board by the Clerk of the Municipality **within 15 days after the last day for filing a notice of appeal** under the following subsections of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. **Please check the section of the Act under which the appeal(s) have been filed.** Please print clearly throughout the submission form.

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input checked="" type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)

Municipality: Town of Newmarket Zoning By-law No./Municipal File No.: N/A
 Upper Tier: Region of York

Part 2: Municipal Contact Information

First Name: Sarah Last Name: Niezen
 Professional Title Records and Projects Coordinator
 E-mail Address: sniezen@newmarket.ca
By providing an e-mail address you agree to receive communications from the OMB by e-mail.
 Telephone #: 905-953-5300 ext. 2213 Fax #: _____
 Mailing Address: 395 Mulock Dr. PO Box 328 STN Main, Newmarket
 Street Address City/Town
Ontario L3Y 4X7
 Province Postal Code

Part 3: Location Information

178, 180, 184, 190, and 194 Main St. Newmarket.
 Address and/or Legal Description of property subject to the appeal:

Part 4: Related Matters

- (a) Official Plan appeal: _____ O.M.B. File No.: _____
- (b) Subdivision Plan appeal: _____ O.M.B. File No.: _____
- (c) Consent submission: B- _____ O.M.B. File No.: _____
- (d) Other matters at municipality or Board or required to be filed?: Heritage Conservation District appeal - see file # MM130083

Part 5: By-law Information

Give a brief outline of the purpose of the by-law and the nature of the issues raised in the appeal(s):

The zoning by-law amendment requested would amend the existing Historic Downtown Urban Centre (UC-D1) Zone to permit a mixed use building of 7 storeys on the subject lands being 178, 180, 184, 188, 190 AND 194 Main Street South. Specifically the proposal is to accommodate 165 residential apartment units and 5 commercial units fronting Main Street South.

The appellant representing the developer has filed the appeal to object to the Town's refusal to allow the amendment. The By-law amendment was refused because development of the subject lands as proposed would adversely impact the character of the established neighborhood and adjacent properties within the Heritage Conservation District.

Did this by-law start with an application? YES NO
If yes, DATE APPLICATION SUBMITTED TO MUNICIPALITY: August 23, 2013

NOTE: IF THIS IS A 34(11) APPEAL AND THE APPLICATION WAS RECEIVED BEFORE JANUARY 1, 2007 PLEASE ADVISE THE APPELLANT TO USE THE O1 'PRE-BILL 51' FORM AND SUBMIT THEIR APPEAL DIRECTLY TO THE OMB.

If this was a municipally initiated by-law please indicate the following below:

DATE OF PASSING OF THE BY-LAW: N/A

Part 6: Scheduling Information

How many days do you estimate are needed for hearing this appeal? 3 Number of days

How many witnesses do you expect to have at the hearing? 2 Number of witnesses

Describe witness(es)' area of expertise. Heritage planning consultant, professional planner

Do you believe this matter would benefit from mediation? YES NO

If yes, do you believe all parties would consent to participating in mediation? YES NO
(Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES NO

If yes, why? There are other matters to be considered in this appeal including Town owned lands relevant to the application, and a related appeal of the Heritage Conservation District by-law

Part 7: Municipal Representative Information (Legal or Planning) *Person attending OMB hearing

First Name: Paul Last Name: Voorn

Company Name: Town of Newmarket

Professional Title: Associate Solicitor

E-mail Address: pvoorn@newmarket.ca

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 905-953-5300 ext 2436 Alternate Telephone #:


Fax #: 905-953-5136

Mailing Address: 395 Mulock Drive, Newmarket PO Box 328 STN Main

Street Address Apt/Suite/Unit# City/Town
ON L3Y 4X7
Province Country (if not Canada) Postal Code

Part 8: Required Documentation (Please check boxes to indicate document included in filing)

I confirm that I have attached the following items to this form.

Signature of Clerk: 

Date: Jan, 19, 2016

The following material must be attached to this form where applicable, in the order which it is listed:

Original or true copy of each notice of appeal received and reasons for appeal **with indication of the date on which each notice was filed**. Attach a typed list of the names, addresses and telephone numbers of all appellants.

A copy of the application, if applicable, for the amendment to the by-law that includes name, address and telephone number of applicant and lawyer or agent.

Board fee paid by each appellant made payable to the Minister of Finance. The appeal will not be processed without this fee being paid by each appellant. Ensure that cheque/fee payment is affixed to each appeal.

N/A Certified copy of the zoning by-law/proposed amending by-law under appeal.

An affidavit or sworn declaration from an employee of the municipality or planning board certifying, as applicable:

- a) The statutory requirements for the giving of notice and the holding of public meetings and open houses, if required, or the alternative measures for informing and obtaining the views of the public as set out in the official plan have been complied with;
- b) The statutory requirements for the giving of notice of passing or refusal of the by-law have been complied with. Include date written notice was given. Attach a copy of the notice, explanatory note and key map;
- c) A typed list of all persons and public bodies that made oral submissions at the public meeting, including their full names, addresses and telephone numbers; and
- d) If subsection 34(10.7) of the *Act* applies, a certificate that the requirements of clause 34(10.7)(a) of the *Act* have been complied with.

Copy of the Notice of Public meeting as well as the minutes from the public meeting (printed format).

A copy of any planning report considered by the council or planning board.

Original or copy of all written submissions and materials received in respect of the by-law, prior to and after its passing and the dates they were received. Attach a Schedule with a typed list of the names, addresses and telephone numbers of all persons/public bodies that provided written submissions/comments.

A statement from an employee of the municipality or planning board as to whether the decision of the council or planning board,

- i. is consistent with the policy statements issued under subsection 3(1) of the *Act*, and
- ii. conforms to or does not conflict with any applicable provincial plan or plans.
- iii. conforms to the official plan of the municipality or planning board.

A copy of Council's refusal, including the date that the giving of notice of refusal was completed, or an affidavit or declaration duly sworn certifying that Council refused or neglected to make a decision on the complete application within 120 days and an indication that notice of the refusal was given in accordance with the provisions of the *Act*. [Section 34(11)]

A map of the lands under appeal. [Section 34(11)]

N/A Report on the position taken by Council in response to each appeal, including conformity with official plan.

The original or a certified copy of the prescribed information and material received by the council or planning board under subsection 34(10.1) of the *Act*.

N/A The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.

N/A Original or true copy, if any, of each written withdrawal of appeal.

Bill 73 requirements for records that are forwarded to the OMB on or after July 1, 2016:

1. Does the record include all information and material that the municipal council or approval authority considered in making their decision and/or received in relation to the matter such as any written or oral submissions from the public relating to the planning matter? Examples:

Hard copies of any written submissions
Minutes containing oral submission records
Electronic/Video (Thumb drive)
Other
None

Bill 73 requirements for zoning by-laws/amendments that are passed on or after July 1, 2016:

2. Where notice of a decision was issued by e-mail, a list of all e-mail addresses and an indication of the date that the e-mail was sent.
3. Is the 2-year no application restriction under section 34(10.0.0.2) applicable?
 - a. No
 - b. Yes (include a copy of any notice)