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January 31, 2014

**CORPORATE SERVICES (LEGAL SERVICES)
INFORMATION REPORT 2014-02**

TO: Mayor Van Bynen and Members of Council

SUBJECT: 180-194 Main Street – Appeal by Main Street Clock Inc. to the Ontario Municipal Board - Lower Main Street South Heritage Conservation District By-law 2013-51

ORIGIN: Director, Legal Services/Municipal Solicitor

COMMENTS

In August 2013, Main Street Clock Inc. filed a rezoning application to redevelop the lands known as 180-194 Main Street, Newmarket (“the lands”). In September 2013, the application was deemed “complete”. On Monday, February 3, 2014, a statutory public meeting will be held pursuant to the provisions of the *Planning Act* in respect of the application.

On October 21, 2013, Council enacted the Lower Main Street South Heritage Conservation District By-law 2013-51. The by-law designates a Heritage Conservation District and places various obligations on owners of properties within that District. The lands that are the subject of the above-noted appeal are located within the Heritage Conservation District.

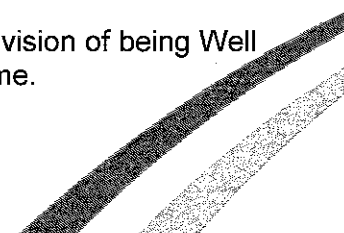
After filing its Notice of Appeal to By-law 2013-51, the solicitor for the appellant advised the Town that it did not intend to set a date for hearing of the appeal until after Council makes a decision regarding the rezoning application for the lands. A comprehensive planning report with recommendations regarding the rezoning application will be prepared subsequent to the statutory public meeting and after all departments and commenting agencies have provided their comments to the Planning department.

The solicitor for the appellant also advised the town that Main Street Clock Inc. consented to By-law 2013-51 coming into force and effect for all lands except those subject to the rezoning application. Legal Services is currently working with the Ontario Municipal Board to obtain an Order declaring By-law 2013-51 to be in full force and effect for all lands within the Lower Main Street South Heritage Conservation District except for the appellant's lands. Council will be advised once that Order is obtained

In accordance with the Procedure By-law, any Member of Council may request this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The establishment of a Heritage Conservation District assists the Town in meeting its vision of being Well Balanced by celebrating our culture and heritage and ensuring its preservation over time.



CONSULTATION

Legal has consulted with the Planning Department regarding this matter.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of matters discussed in this report.

BUDGET IMPACT (CURRENT AND FUTURE)

There will be a budgetary consideration if Council decides to defend the Heritage Conservation District implementation By-law at the Ontario Municipal Board.

CONTACT

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Anita Moore
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