



GENERAL COMMITTEE MEETING AGENDA

TUESDAY, OCTOBER 20, 2015

7 P.M.

**COUNCIL CHAMBERS
AURORA TOWN HALL**

PUBLIC RELEASE
October 16, 2015



**TOWN OF AURORA
GENERAL COMMITTEE MEETING
AGENDA**

Tuesday, October 20, 2015
7 p.m.
Council Chambers

Councillor Pirri in the Chair

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

2. APPROVAL OF THE AGENDA

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

3. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

4. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

5. DELEGATIONS

(a) Techa van Leeuwen, Director of Building & By-law Services
Re: Item 2 – BBS15-011 – Proposed Sign By-law

pg. 1

6. PRESENTATIONS BY THE ADVISORY COMMITTEE CHAIR

7. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

8. NOTICES OF MOTION

9. NEW BUSINESS/GENERAL INFORMATION

10. CLOSED SESSION

11. ADJOURNMENT

AGENDA ITEMS

1. **Memorandum from Director of Parks and Recreation Services** pg. 2
Re: Tree Protection By-law

RECOMMENDED:

THAT the memorandum regarding Tree Protection By-law be received for information.

2. **BBS15-011 – Proposed Sign By-law** pg. 146

RECOMMENDED:

THAT Report No. BBS15-011 be received; and

THAT the proposed Sign By-law be referred to the Economic Development Advisory Committee and the Chamber of Commerce and be posted on the Town's website for review and final comment; and

THAT staff report back with a final proposed Sign By-law for enactment at a future Council meeting.

3. **CFS15-039 – 2016 Fees and Charges Update** pg. 165

RECOMMENDED:

THAT Report No. CFS15-039 be received; and

THAT the 2016 Fees and Charges for applications, permits, use of Town property, the sale of Town publications and for the prescribed service charges for administrative matters as itemized on the attached schedules be approved:

Schedule A – General Fees and Charges
Schedule B – Building and Bylaw Services
Schedule C – Legal and Legislative Services
Schedule D – Planning and Development
Schedule E – Infrastructure and Environmental Services
Schedule F – Corporate and Financial Services
Schedule G – Parks and Recreation Services; and

THAT the necessary bylaw be enacted at the November 24, 2015 Council meeting in accordance with the Town's Notice Provision Policy.

4. IES15-058 – Facility Projects Status Report pg. 189

RECOMMENDED:

THAT Report No. IES15-058 be received for information.

5. IES15-059 – Aurora Family Leisure Complex (AFLC) Additional Modification Requests pg. 197

RECOMMENDED:

THAT Report No. IES15-059 be received; and

THAT no additional modifications to the AFLC be approved at this time; and

THAT staff monitor the operation and performance of the AFLC areas being considered for additional modification as outlined in Report No. IES15-059 for a 12-month period; and

THAT staff consider any additional projects outlined in Report No. IES15-059 in the 2017 Capital Budget.

6. PR15-032 – Aurora Sports Hall of Fame Relocation pg. 202

RECOMMENDED:

THAT Report No. PR15-032 be received; and

THAT the relocation of the Sports Hall of Fame to the Stronach Aurora Recreation Complex (SARC) be approved; and

THAT Capital Project No. 74011 in the amount of \$7,500.00 be approved as an addition to the 2016 Capital Budget, with funding to be provided from the Growth & New Capital Reserve Fund.

**7. PL15-077 – Application for Zoning By-law Amendment
Brookfield Homes (Ontario) Aurora Limited
15776 Leslie Street (2C Planning Area)
File Number: ZBA-2015-01** pg. 207

RECOMMENDED:

THAT Report No. PL15-077 be received; and

THAT Application to Amend the Zoning By-law File: ZBA-2015-01 (Brookfield Homes (Ontario) Aurora Limited) be approved, to zone the subject lands from “Row Dwelling Residential (R6-62) Exception Zone” to “Detached Dwelling Second Density Residential (R2-104) Exception Zone”; and

THAT the implementing Zoning By-law Amendment be presented at a future Council meeting for enactment.

8. Heritage Advisory Committee Meeting Minutes of October 5, 2015

pg. 223

RECOMMENDED:

THAT the Heritage Advisory Committee meeting minutes of October 5, 2015, be received for information; and

THAT the Heritage Advisory Committee recommend to Council:

1. HAC15-012 – Proposed Demolition of Existing Second Storey and Accessory Garage to a Listed Heritage Building, 36 Larmont Street

THAT the demolition of the existing second storey at 36 Larmont Street be approved; and

THAT the demolition of the existing detached garage be approved; and

THAT staff work with the applicant to ensure that the massing of the second storey and design of the reconstruction is appropriate; and

THAT the final proposed design for 36 Larmont Street be brought back to the Heritage Advisory Committee.

9. Accessibility Advisory Committee Meeting Minutes of October 7, 2015

pg. 228

RECOMMENDED:

THAT the Accessibility Advisory Committee meeting minutes of October 7, 2015, be received for information.



Legal and Legislative Services
905-727-3123
CSecretariat@aurora.ca
Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

DELEGATION REQUEST

This Delegation Request form and any written submissions or background information for consideration by either Council or Committees of Council must be submitted to the Clerk's office by the following deadline:

4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE DATE: October 20, 2015

SUBJECT: Item 2 - Proposed Sign By-law

NAME OF SPOKESPERSON: Techa van Leeuwen, Director, Building & By-law Services

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable):

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION:

To provide Council with an overview of the Sign By-law review, highlight changes to the temporary and permanent Sign By-laws and to seek Council's approval to release the proposed Sign By-law to stakeholders for review and final comment.

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest? YES NO

IF YES, WITH WHOM? DATE: N/A

I acknowledge that the Procedural By-law permits five (5) minutes for Delegations.



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 4752
Email: adowney@aurora.ca
www.aurora.ca

**Town of Aurora
Parks and Recreation
Services**

MEMORANDUM

DATE: October 20, 2015
TO: Mayor Dawe and Members of Council
FROM: Allan D. Downey, Director of Parks and Recreation Services
RE: Tree Protection By-law

RECOMMENDATIONS

THAT the memorandum regarding Tree Protection By-law be received for information.

BACKGROUND

On May 26, 2015, Council directed staff to place the Draft Tree Protection By-law on a future General Committee agenda for discussion and direction. Council further directed staff to include all previous reports on this matter. Attached are copies of all staff reports on the Draft Tree Protection By-law which summarizes all previous discussion on this matter.

Council also directed staff to provide Council with options for meeting dates for the public to offer comments on the Draft Tree Protection By-law. Staff will propose meeting dates should Council direct this matter to go forward.

ATTACHMENTS

Attachment #1 - PR14-004 January 14, 2014 Tree Protection By-law
Attachment #2 - PR12-001 January 24, 2012 Approval of Tree Protection By-law
Attachment #3 - PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law
Attachment #4 - PR13-046 October 1, 2013 Tree Protection By-Law
Attachment #5 - Tree Permit By-law Number 4474-03.D

Attachment #1



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. PR14-004

SUBJECT: *Tree Protection By-Law*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *January 14, 2014*

RECOMMENDATIONS

THAT Report No. PR14-004 be received; and

THAT Council approve the Private Tree Protection By-law as attached.

PURPOSE OF THE REPORT

To provide Council with the Private Tree Protection By-law effective May 1st, 2014.

BACKGROUND

At the October 1, 2013 General Committee meeting, Council engaged in significant discussions concerning several areas of concern within the the revised Private Tree Protection By-law (the "By-law"). As a result Council referred the draft By-law back to staff for further revisions prior to releasing the By-law to the public

Pursuant to Council direction, the Tree Protection By-law Committee has identified three sections of the draft By-law which were the focus of Council discussion at the October 1, 2013 General Committee Meeting as follows:

- Trees in the Heritage District;
- Trees on larger residential private property;
- Trees on golf courses.

Staff have attempted to condense the issues surrounding each of these areas of concern and itemized various options that could be considered by Council in further revising the current draft Tree Protection By-law.

January 14, 2014

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Report No. PR14-004

COMMENTS

In response to Council direction to provide further revisions to the draft Tree Protection By-law, staff reconvened a meeting with the By-law Review Committee who were initially assigned to review the Tree Protection By-law. This meeting was conducted on November 4, 2013.

It was the position of the Committee that the recommended by-law was drafted in accordance with the Committees mandate and, as such, the committee did not suggest that revisions be made to the draft By-law at this time. Alternatively, the Committee discussed the three areas of the By-law that appeared to be problematic and suggested the various options that Council may wish to select in arriving at a fair and comprehensive final Private Tree Protection By-law.

EXISTING BY-LAW	PROPOSED BY-LAW		
TREES IN THE HERITAGE DISTRICT	TREES IN THE HERITAGE DISTRICT	ISSUES	OPTIONS
<p>No special protection measures. Not more than 4 trees greater than 20 centimeters in diameter can be removed in a 12 month period without obtaining a permit.</p>	<p>Tree Removal Permit must be obtained to remove any tree within the Heritage District and or classified as a Heritage Tree (see definition in new By-law) and Council approval (following a review by the Heritage Advisory Committee) is required.</p>	<p>May be seen as overly restrictive as property owners would be required to obtain a permit to remove a single tree of all sizes including sapling trees</p> <p>Wide application effecting all properties within the designated heritage district, and listed on the Town's Register of Properties of Cultural Heritage Value or Interest (see attached list)</p>	<ol style="list-style-type: none"> 1. Apply the By-law exactly the same as all other areas in Town, i.e. permit removal two trees of any size within a 12 month period. 2. Require a permit for removal of any tree 40 cm- in diameter or greater in a 12 month period; trees under 40cm in diameter would be treated as any other tree under the new By-law. 3. Delete reference in the By-law to Register of Properties of Cultural Heritage Value or Interest. Permit would be required to remove any tree that would fall under the limited definition. 4. Revise definition of a Heritage Tree to only apply to trees greater than 20 cm in diameter. Permit would be required to remove any such trees.

January 14, 2014

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Report No. PR14-004

EXISTING BY-LAW	PROPOSED BY-LAW		
TREES ON LARGER RESIDENTIAL PRIVATE PROPERTY	TREES ON LARGER RESIDENTIAL PRIVATE PROPERTY	ISSUES	OPTIONS
No special protection measures. Not more than 4 trees greater than 20 centimeters in diameter can be removed in a 12 month period without obtaining a permit.	Tree removal permit must be obtained prior to the removal of three or more trees in a 12 month period regardless of property size.	Concerns that the number of trees permitted to be removed without first obtaining a permit is disproportionate in terms of property size e.g. owner of a smaller residential property permitted to remove same number of trees as owners of larger properties.	<ol style="list-style-type: none"> 1. Continue to permit owners of properties to remove 4 trees in a 12 month period as is currently permitted in the existing By-law, regardless of property size. 2. Permit owners of larger properties (.25 ha or greater) to remove 2 trees per .25 ha in a 12 month period.
TREES ON GOLF COURSES	TREES ON GOLF COURSES	ISSUES	OPTIONS
<p>Currently exempt from Town of Aurora tree permit process. Golf courses can remove any number of trees at any time in areas defined as woodlots.</p> <p>Regional Tree By-law does apply to areas greater than 1 ha, which fall under the definition of Woodlands under the Regional By-law</p>	Golf Courses must obtain a tree removal permit for the removal of eleven or more trees in a 12 month period.	<p>Concerns relative to a lack of formal foundation or basis as to the number of trees permitted to be removed on a golf course in the proposed draft By-law.</p> <p>Concerns that requirement is overly restrictive in view of the operational needs of the golf industry.</p>	<ol style="list-style-type: none"> 1. Continue to apply existing By-law exempting golf establishments from the tree protection By-law 2. Include golf establishments in the proposed draft By-law and limit tree removal to one tree per four ha in a 12 month period. Option 2 is formed on the basis that the average area of an 18-hole golf course is approximately 40 ha or 98 acres; using this formula, an average golf course would be permitted to remove ten trees in a 12 month period).

By-Law Services identified that if an area requirement is introduced it may create enforcement challenges. If we suspect there is a contravention, based on an area, we would require undisputable documentation to lay charges which may require the Town to prepare a survey.

In the event Council selects any of the options contained in this report or other applicable options, staff will proceed with completing a final draft of the By-law and present it to Council for final review and approval.

January 14, 2014

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Report No. PR14-004

LINK TO STRATEGIC PLAN

The amended Tree Protection By-law supports the Strategic Plan goal of Supporting Environmental Stewardship and Sustainability for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Assess the merits of measuring the Town's natural capital assets.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council consider the options contained in this report and direct staff to prepare a revised Private Tree Protection By-law incorporating any and all changes pursuant to Councils direction.
2. Further Options as required.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time spent on communicating with and educating residents and customers on the various aspects of the By-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering the proposed By-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual Fees and Charges By-law.

CONCLUSIONS

That Council repeal By-law Number 4474-03.D, as amended, and enact a new Private Tree Protection By-law in its place to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town of Aurora and that the amended Private Tree Protection By-law come into full force and effective on May 1, 2014.

January 14, 2014

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Report No. PR14-004

PREVIOUS REPORTS

PR12-001 January 24, 2012 Approval of Tree Protection By-law
PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law
PR13-046 October 1, 2013 Tree Protection By-Law

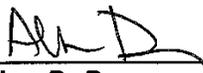
ATTACHMENTS

Attachment #1 – Town of Aurora – Properties of Cultural Heritage Value or Interest
Attachment #2 – Town of Aurora – Properties of Cultural Heritage Value or Interest –
Downtown Area
Attachment #3 - Tree Protection By-Law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Wednesday, November 13, 2013.
Executive Leadership Team Meeting, Wednesday, November 20, 2013.
Executive Leadership Team Meeting, Monday, January 6, 2013.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

Attachment #3 to PR14-004

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-14

**BEING A BY-LAW to
prohibit and/or regulate
the Injury or Destruction of
Trees on Private Property
in the Town of Aurora.**

WHEREAS subsection 135(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS trees provide real value in the ecological, social, economic and communal fabric of the community;

AND WHEREAS trees are among the most important living organisms in their ability to absorb air pollutants, expel life giving oxygen and provide a host of other environmental goods and services;

AND WHEREAS subsection 135(7) of the Act provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Aurora (the "Town") desires to repeal By-law Number 4474-03.D, as amended, and enact a new replacement by-law to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.(1) The following words as set out in this by-law shall have the following meanings:

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner or an authorized agent of the Owner who submits an Application under the provisions of this by-law;
- (c) "Application" means an application for a Permit on a form prescribed by the Director;

- (d) "Arborist" means an expert in the care and maintenance of trees, and includes:
 - (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities;
 - (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience;
 - (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture;
 - (iv) a consulting arborist registered with the American Society of Consulting Arborists;
 - (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or
 - (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means a property that is used for the dominant purpose of growing and maintaining fruit or nut Trees for the commercial harvesting and sale of their fruits or nuts;
- (h) "DBH" means the diameter at breast height, which shall be the diameter of the trunk of a Tree at a point of measurement 1.37 metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed by the Director. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated as prescribed by the Director;
- (i) "Destroy" and/or "Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his/her designate;
- (k) "Emergency Work" means work necessary to terminate an immediate threat to life or property and includes maintenance works arising from natural events (e.g. ice storm, high winds, lightning, etc.) as well as

- maintenance works associated with emergency drain repair, utility repair and building repairs;
- (l) "Golf Course" means a property that is used to commercially operate a golf course in compliance with all applicable laws;
 - (m) "Hazard Tree" means a Tree that is a safety concern to property or life but not an immediate threat;
 - (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnants, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) designated by the Ontario Urban Forest Council;
 - (iv) listed on the Town's Register of Properties of Cultural Heritage Value or Interest;
 - (o) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by:
 - (i) removing, cutting, girdling, or smothering of its roots;
 - (ii) interfering with its water supply;
 - (iii) setting fire to it;
 - (iv) applying chemicals on, around, or near it;
 - (v) compacting or re-grading within the drip line of it;
 - (vi) causing damage by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*;
 - (vii) storing any materials within the drip line; or
 - (viii) any other means resulting from neglect, accident or design;
 - (p) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
 - (q) "Municipal Law Enforcement Officer" means an individual appointed by the Town by by-law pursuant to subsections 15(1) and 15(2) of the *Police*

Services Act, R.S.O. 1990, c. P.15, as amended, for the administration and enforcement of Town by-laws;

- (r) "Nursery Stock" means coniferous or hardwood seedlings, transplants, grafts, or trees propagated or grown in a nursery and with the roots attached, and includes cuttings with or without the roots attached;
- (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (t) "Owner" means the person having the right, title, interest or equity in the land containing a subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Town's Fees and Charges By-law, as may be amended from time to time;
- (w) "Person" and/or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one-quarter ($\frac{1}{4}$) of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement, providing clearance and eliminating interference with utility lines, buildings, pedestrians or vehicles, or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended;
- (aa) "Region" means The Regional Municipality of York;
- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least four and a half (4.5) meters at physiological maturity and having its trunk located wholly on private

property;

- (dd) "Tree Farm" means a property on which Trees are grown and maintained for the dominant purpose of commercial sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) proper practices to remove Trees to be destroyed;
- (ff) "Woodlands" means land at least one (1) hectare in area and with at least:
 - (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees, measuring over five (5) centimeters DBH, per hectare;
 - (iii) 500 trees, measuring over twelve (12) centimeters DBH, per hectare; or
 - (iv) 250 trees, measuring over twenty (20) centimeters DBH, per hectare;but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or Nursery Stock;
- (gg) "York Region Forest Conservation By-law" means by-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Region.

2. APPLICATION OF THE BY-LAW

- 2.(1) Except as otherwise provided in this by-law, the provisions of this by-law shall apply to any Tree whose trunk is located wholly on private property.
- 2.(2) Despite subsection (1), the Region shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3. EXEMPTIONS FROM THE BY-LAW

- 3.(1) The provisions of this by-law do not apply to:
 - (a) activities or matters within Woodlands that are governed by the York

Region Forest Conservation By-law;

- (b) activities or matters within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than one and a half (1.5) metres above a built substructure;
- (c) activities or matters undertaken by the Town or a Local Board;
- (d) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (e) Trees having its trunk located wholly or partially on municipal lands;
- (f) the Injuring or Destruction of Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Trees were planted;
- (g) the Injuring or Destruction of Trees within a Cultivated Orchard;
- (h) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (i) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of an site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement, including a site plan agreement and a subdivision agreement, entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (j) the Injuring or Destructing of Trees imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (k) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (l) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry

issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;

- (m) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - (i) that has not been designated under the *Aggregate Resources Act* or predecessor legislation; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;

4. PERMIT REQUIREMENT

4.(1) Unless otherwise exempted under this by-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees on any one (1) property within any twelve (12) month period having a trunk DBH of more than twenty (20) centimetres DBH and less than seventy (70) centimeters;
- (b) any Tree having a trunk DBH greater than seventy (70) centimeters; or
- (c) any Heritage Tree;

without first obtaining a Permit pursuant to this by-law.

4.(2) Where a Permit has been issued under this by-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit and any other supporting documentation relevant to the issuance of the Permit.

4.(3) Despite subsection (1), a Permit is not required:

- (a) to Injure, Destroy or remove any Tree, or a part of a Tree, as a necessary part of Emergency Work pursuant to section 6;
- (b) to perform Pruning;
- (c) where the Injury or Destruction of a Tree is specifically required in an order made under this by-law, the Act or the Town's Property Standards By-law;
- (d) for the removal of not more than ten (10) Trees within any twelve (12) month period located on a Golf Course and having a trunk diameter of more than twenty (20) centimetres DBH and less than seventy (70) centimeters DBH.

5. DEAD, DISEASED AND HAZARD TREES

- 5.(1) Where a person wishes to Injure, Destroy or remove any dead, diseased or Hazard Tree, or any portion of such a Tree, such a person shall provide to the Town an Arborist certificate, or a report satisfactory to the Director, confirming that any such Tree is dead, diseased or a Hazard Tree along with an application required pursuant to section 8.
- 5.(2) Notwithstanding subsection 8(1), an Application fee is not required to be submitted in relation to an Application relating to a dead, diseased or Hazard Tree. However, should the Director deem a certificate or report provided under subsection (1) to be incomplete, insufficient or deficient in any way, the Director shall not issue a Permit until a satisfactory certificate or report is provided or a new Application is submitted to the Town that satisfies all the requirements of this by-law, including the fee requirement.
- 5.(3) No Injury, Destruction or removal activity shall be taken by any person beyond what is contemplated in any applicable certificate or report provided under subsection (1).

6. EMERGENCY WORK

- 6.(1) Injury, Destruction and removal of any Tree may be conducted without a Permit provided that any such Injury, Destruction or removal was necessary and a part of Emergency Work.
- 6.(2) Following any Emergency Work, the Owner of the property on which Tree(s), for which a Permit would have otherwise been required, affected by any such Emergency Work are located shall, within seventy-two (72) hours of completing or abandoning such Emergency Work, submit evidence satisfactory to the Director that any Injury, Destruction or removal of a Tree was required as part of the Emergency Work.
- 6.(3) The Director has the authority to deem any Injury, Destruction or removal of a Tree, or of any portion of a Tree, done pursuant to subsection (1), to not have been necessary and/or not in the category of Emergency Work based on the materials provided under subsection (2) and any other information deemed relevant by the Director, in which case, the Director may require that a retroactive Permit application be made and/or pursue any enforcement steps permitted under this by-law.

7. ADMINISTRATION

Administration Authority Delegated to the Director

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- 7.(1) The Director is hereby delegated the authority and responsibility for the administration of this by-law, including the authority to receive Applications, certificates from Arborists, and any associated fees, to issue, to revoke and to refuse to issue Permits and also to impose conditions on any Permits in accordance with this by-law.
- 7.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

Enforcement

- 7.(3) The Director and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections of Tree(s) pursuant to the exercise of their authority under this by-law and any other enacted Town by-law or legislation.

Fees

- 7.(4) All fees and charges pursuant to this by-law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-law.

8. PERMIT APPLICATIONS

Permit Application Requirements

- 8.(1) Where an Applicant applies for a Permit for the Injury or Destruction of a Tree(s), he/she shall submit the following to the Director:
- (a) an Application form completed to the satisfaction of the Director;
 - (b) the name, address and telephone number of the Owner;
 - (c) Application fee;
 - (d) description of the purpose for which the Permit is required;
 - (e) an Arborist's Report, if deemed to be required by the Director;
 - (f) where the trunk of a Tree straddles a property line, the written consent to the Permit issuance from the property owner(s) on whose property the affected Tree is partially located; and
 - (g) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application;

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- (h) any other information deemed necessary by the Director.

Director's Authority to Refund and Waive Fees

- 8.(2) Notwithstanding 8(1)(c), should the Director determine that a Permit is not required for an activity, matter or Tree subject to an Application or that such activity, matter or Tree is exempt from this by-law, any application fee submitted as part of such an Application shall be refunded to the Applicant, unless it is determined by the Director, at his/her discretion, that Town staff had expended considerable time and resources to process such Application due to an error on the part of the Applicant.
- 8.(3) Notwithstanding 8(1)(c), the Director is authorized to reduce or waive the Application fee if deemed appropriate, at his/her discretion.

False or Misleading Information

- 8.(4) No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, the Director will have the authority to refuse any such Application under consideration by the Town and to revoke any Permit issued by the Town on the basis of any such false or misleading information.

9. ISSUANCE OF A PERMIT

Permit Approval Process

- 9.(1) Upon receipt of an Application, the Director shall:
 - (a) Make a decision as to whether or not a Permit will be issued and whether any conditions will be imposed on such a Permit considering the following:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any public comments received;
 - (viii) comments received from such persons, staff and agencies as deemed necessary, in the Director's opinion, for the proper review

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- of the Application;
- (ix) whether or not a Tree is a Heritage Tree;
 - (x) any conflicts with existing agreements or plans of the Town; and
 - (xi) any other information that the Director deems to be relevant to the Application.
- (b) If a Tree subject to an Application is found by the Director to be a Heritage Tree, the Director shall not issue a Permit unless the Injury, Destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee.
- (c) If the Director determines that a Permit will not be issued pursuant to an Application, the Director shall notify the Applicant of the decision in writing and provide reasons for the refusal.

Signage

- 9.(2) Upon receipt of an Application, the Director may Post an informational sign, as established by the Director, relating to the Application in a conspicuous place at or near the property on which the Tree subject to the Application is located and leave such sign in place for a period determined by the Director.
- 9.(3) No person shall temper with or remove any sign posted pursuant to subsection (2), unless following an Application, a Permit is issued and work pursuant to such Permit is completed, a Permit is issued and expires or it is otherwise directed by the Director.

Permit Not Issued

- 9.(4) A Permit shall not be approved or issued where:
- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
 - (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
 - (c) issuance of a Permit is under the jurisdiction of the Region and/or addressed under the York Region Forest Conservation By-law; or
 - (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

Subdivision Not Yet Draft Approved

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- 9.(5) Where an Application is made with respect to a Tree that is located on land that is subject to an application for a subdivision approval or a consent that has not received a draft approval or a provisional consent, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Planning Application Not Approved

- 9.(6) Where an Application is made with respect to a Tree that is located on land that is subject to a re-zoning application, an application for site plan approval, or an application to amend the official plan that has not received final approval, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Permit Approved Subject to Conditions

- 9.(7) The issuance of a Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:
- (a) submission of a Vegetation Management Plan ("VMP"), satisfactory of the Director, prepared by a certified Landscape Architect and, if required by the Director or Council, an Arborist and the VMP may include, but not be limited to, the following:
 - (i) a vegetation inventory and assessment, including species size and condition, identifying all vegetation greater than 80mm DBH for individual Tree assessments, the perimeter at canopy of woodlands, groups or stands of vegetation, and trees and vegetation on adjacent properties that may be impacted;
 - (ii) identification of all vegetation removals and protection measures for vegetation designated to be preserved, including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture ("ISA") Guide for Plant Appraisal or approved equivalent completed by an Arborist and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or

- destroyed; and
- (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years or where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town's Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
 - (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
 - (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

Permit Expiry Date

- 9.(8) The Director shall include an expiration date on any Permit being issued by Town, which shall not exceed one (1) year from the date of issuance, upon taking into account the work to be completed under the Permit and any third party or Town activities or interests that might be affected by the work. No Injury or Destruction activity is permitted pursuant to any Permit after the expiration date.

10. APPEALS

- 10.(1) Where the Director refuses to issue a permit, an Applicant may, within five (5) business days of the date of receipt of a written refusal, appeal the decision of the Director to the Council, or such other tribunal or committee designated by Council, by submitting a written request to the Town Clerk.

11. SEVERABILITY

- 11.(1) If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

12. ENFORCEMENT

Power of Entry – Inspection

- 12.(1) The Director and/or a Municipal Law Enforcement Officer may, at any reasonable

time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this by-law;
- (b) direction or order made pursuant to this by-law or the Act;
- (c) condition of a Permit issued under this by-law; or
- (d) an order made under section 431 of the Act.

12.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

12.(3) The Director and/or a Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued under section 438 of the Act.

12.(4) Submission of an Application is deemed to be a consent of the Owner for persons designated as an inspector by the Canadian Food Inspection Agency, pursuant to the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect the lands subject to the Application for the presence of pests (as defined in the said legislation) and to take any and all action deemed appropriate by such an inspector, including the removal of any Tree(s) on such private property of the Owner, in accordance with the said legislation.

Contravention Orders

12.(5) Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this by-law or a Permit has occurred, such Director or Municipal Law Enforcement Officer may make an order requiring that the person who caused or permitted such contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention.

12.(6) An order pursuant to subsection (5) shall set out the following:

- (a) the municipal address and/or the legal description of the land or property on which the contravention occurred;
- (b) reasonable particulars of the contravention;
- (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
- (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the Town will have the work done at the expense of the person directed or required to do it; and
- (f) information regarding the Town's contact person.

12.(7) An order issued pursuant subsection (5) may be served:

- (a) personally on the person that is subject to the order; or
- (b) by sending it by prepaid registered mail to the last known address of the Owner or occupier of the land on which the contravention occurred or, if the person subject to the order is not the Owner or occupier, to the last known address of such person subject to the order.

12.(8) Where service of an order is made by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

12.(9) In the event that service of an order cannot be effected under subsection (7), the Director or a Municipal Law Enforcement Officer may place a placard containing the terms of the order in a conspicuous place on the property subject to the order and the placing of the placard shall be deemed sufficient service of the order on the Owner and/or occupier of such subject property.

12.(10) Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of Director or a Municipal Law Enforcement Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

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12.(11) For the purposes of taking remedial action under subsection (10), the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

13. OFFENCES

13.(1) Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law or the Act, or fails to comply with an order issued pursuant to this by-law or the Act, is guilty of an offence.

13.(2) Pursuant to paragraph (a) of subsection 429(2) of the Act, all contraventions of this by-law or of orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

14. PENALTIES

14.(1) Upon conviction of an offence under this by-law a person is liable to a fine as follows:

(a) a minimum fine for any offence under this by-law is five-hundred dollars (\$500.00) and the maximum fine is one-hundred-thousand dollars (\$100,000).

(b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all the daily fines for an offence is not limited to one-hundred-thousand dollars (\$100,000).

(c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all fines for each included offence is not limited to one-hundred-thousand dollars (\$100,000).

14.(2) In addition to fine under subsection (1), a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law.

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15. REPEAL

15.(1) By-law Number 4474-03.D, as amended, is hereby repealed on the day of this by-law coming into full force and effect.

16. SHORT TITLE

16.(1) This by-law shall be known and may be cited as the "Private Tree Protection By-law".

17. EFFECTIVE DATE

17.(1) This by-law comes into full force and effect on May 1, 2014.

READ A FIRST AND SECOND TIME THIS XXst DAY OF MONTH, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS XXst DAY OF MONTH, 2014.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

Attachment #2



TOWN OF AURORA
GENERAL COMMITTEE

No. PR12-001

SUBJECT: *Approval of Tree Protection By-law*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *January 17, 2012*

RECOMMENDATIONS

THAT report PR12-001 be received as information; and

THAT staff be directed to publicise notice of the revised Draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stake holders with an opportunity to review the proposed By-law and provide comment; and

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Councils consideration in enacting the final revised By-law.

PURPOSE OF THE REPORT

To provide Council with a draft of a proposed Tree Protection By-law and to provide the public and stake holders with an opportunity to review and comment on the By-law prior to its enactment.

BACKGROUND

At the January 25, 2011 General Committee meeting, Council received a delegation from a citizen who had several concerns with the Town's current *Tree Permit By-Law No.4474-03D*. The concerns of this citizen were primarily focused on tree removal on the Oak Ridges Moraine and, in particular, with the fact that Golf Course establishments are exempt under the Town's current by-law.

In response to this delegation General Committee directed staff as follows:

General Committee recommends:

THAT the comments of the delegate be received and referred to staff; and

THAT staff be directed to report back to Council on the specific comments raised by the delegate respecting golf courses as well as any other issue staff may identify with respect to the enforcement and protection of trees.

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Following Council direction, members of the Executive Leadership Team appointed a Tree By-law Review Committee consisting of the Manager of Parks, the Manager of Engineering and Design, the Manager of Building Code Review, and the Manager of Planning and Development.

The Committee held a series of meetings for the purposes of conducting an overall review of the current by-law in an effort to evaluate its applicability and effectiveness including a number of issues revolving around the administration of the by-law.

As a first step in the by-law review, the Committee conducted a public consultation process whereby an online survey was conducted in order to assist the Committee in establishing a baseline of public opinion regarding the importance of trees in our municipality.

The online survey was completed by 100 respondents. This could be considered a relatively low participation rate and not indicative of community-wide public opinion, given Aurora's gross population of over 52,000; however, staff was advised by our Communication Department, who assisted in the survey, that this survey was among the highest in participation of any previously conducted survey.

While the information obtained from the survey was helpful in assisting the Committee, it was not considered paramount or as a single resource in formulating the overall content of the revised by-law; rather, the committee used a measured approach in guiding the review process, taking into consideration a number of criteria including the following:

- Research of other neighbouring and GTA municipalities Tree Protection by-laws;
- Consultation with the Region of York;
- Identification and revision of inconsistent language in the current By-law and revision of same;
- Public opinion;
- Revisions to internal interdepartmental administration processes; and
- Consultation with the Manager of Heritage Planning.

During the review process the Committee focused on a number of areas where there was concern with interpreting and differentiating between the Towns's existing Tree Permit By-law and the Region of York Tree Protection By-law No. TR-004-2005-036.

As with all local by-laws, the Upper-tier municipality by-law (York Region) takes precedence in its applicability over any lower-tier by-law (Aurora). To state this in simplistic terms, the *York Region Tree Permit By-law* will continue to apply to wooded properties in the Town of Aurora greater than one hectare in size. The Town of Aurora's *Tree Protection By-law* will continue to apply to any private property or tree covered area within a property that is less than one hectare in size, as is currently the case.

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In our discussions with the Region of York, staff were advised that the Town of Aurora did not delegate to the Region of York, our authority to enforce their *Tree Protection By-law* on Aurora properties of 0.2 to 1.0 hectares in size when the York Region *Tree Protection By-law* was revised in 2005, as is permitted under subsection 135 (10) of the *Municipal Act*.

Staff were advised that many other local municipalities did delegate this authority to the Region of York; however, in our discussions with the Regional Forestry Coordinator, it was agreed that there was no advantage in delegating our authority to the Region given that our by-law is more geared to the higher density municipal setting and properties that are, for the most part, under one hectare in size.

TREE PROTECTION BY-LAW REVISIONS PROPOSED

There are a number of revisions proposed in the by-law, many of which are small in nature; however, in addition to these revisions, there are more significant revisions that will substantially change the way the by-law works and how it is applied. For the purposes of highlighting only the more significant revisions, the Committee has listed these revisions along with a brief explanation of each revision as follows:

1. REDUCTION IN THE NUMBER OF TREES REMOVED WITHOUT A PERMIT DOWN TO TWO TREES IN A 12-MONTH PERIOD FROM NOT MORE THAN FOUR TREES

The proposed by-law will reduce the number of trees that can be removed without first obtaining a permit from the current four trees down to two trees. Based on the results of the public survey, and the fact that many other municipalities require that a permit be issued for the removal of a single tree, this change was considered a more moderate revision that would still enable most private property owners to manage their property.

2. GOLF COURSES NOW INCLUDED IN THE BY-LAW BUT ABLE TO REMOVE UP TO 10 TREES IN A 12-MONTH PERIOD WITHOUT A PERMIT

The current by-law provides for an exemption to golf courses. In reviewing the public survey results and other municipal trees by-laws, the By-law Review Committee sees a need to regulate the cutting of trees on golf course properties; however, the Committee also believes that golf course owners need a level of flexibility to be able to manage their business needs. As such, the Committee felt that being able to remove ten trees in a 12-month period without a permit provides golf courses with that flexibility. In addition, most other municipal tree by-laws require golf courses to obtain a permit to remove a single tree.

3. CONSERVATION AUTHORITY AND SCHOOL BOARDS ARE NOW INCLUDED IN THE BY-LAW REQUIRED TO OBTAIN PERMITS

The current by-law provides for an exemption to Conservation Authorities and School Boards. The By-law Committee in discussions with our Legal Services department were advised that there are no provincial acts or regulations that exempt these agencies from complying with local ordinances. In view of the

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public comments and the large tracts of forested lands owned and managed by LSRCA and TRCA in the Town of Aurora, the Committee suggests that these agencies be included in the proposed by-law as an additional measure of protection over these resources.

4. DIRECTOR TO ISSUE/DENY PERMITS AS AN ADMINISTRATIVE FUNCTION

Permits issued under the current by-law are subject to Council approval. Although this is an effective approvals process in that Council is well informed of all tree removal permits, it is a very time consuming and administratively intensive process that can require six to eight weeks to process a tree permit application. The Committee felt that this process should be streamlined both from a customer service and administrative standpoint which is in keeping with the majority of other municipal Tree Protection By-laws. Council will remain involved in the process in the event of a permit refusal by the Director of Parks and Recreation Services whereby an Applicant would appeal the refusal decision directly to General Committee. In addition, staff can establish, via policy, that Council is notified of all tree permits that have been issued or denied.

5. PERMIT MUST BE OBTAINED PRIOR TO REMOVING SINGLE TREES 70 CM (27.5 in.) AND ABOVE

There are no provisions in the current by-law that require a permit to be obtained prior to removing up to four trees of any size in a 12-month period. Based on the results of the public survey and the environmental benefits associated with the leaf area canopy of our larger trees, the Committee suggested that single tree protection in the by-law for these older and much larger trees is appropriate.

6. PERMIT MUST BE OBTAINED PRIOR TO REMOVING A SINGLE TREE IN THE HERITAGE RESOURCE DISTRICT INCLUDING TREES ON DESIGNATED HERITAGE PROPERTIES

The current by-law has provision for protection of five trees or more on properties designated under the *Ontario Heritage Act*. With a further requirement for an applicant to obtain approval from the Town's Heritage Advisory Manager prior to the issuance of a tree removal permit. The proposed revision will apply to single tree protection on OHA designated properties as well as single trees within the Heritage Resource Area as identified on Schedule B attached to the By-law. The Aurora Cemetery would be an example of a designated property that would be subject to obtaining a permit to remove a single tree 20 cm in diameter or larger.

7. CLARIFIED INTENT OF THE BY-LAW EXEMPTIONS AS IT RELATES TO ADMINISTERING SUBDIVISION AND SITE PLAN APPLICATIONS

Section 20 of the existing by-law which deals with tree permit exemptions - relating to planning approvals associated with land development - has been previously interpreted to require that all final development agreements be signed by both parties prior to the removal of trees on the subject lands. In this case a tree removal permit is not required.

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Very often there is an extensive period of time required in the process of executing a final development agreement. The By-law Review Committee acknowledges that this particular requirement can cause significant delays and complications for applicants wishing to proceed with pre-servicing of sites while awaiting the final development agreement to be executed. As such the Committee suggests that the revised by-law requires all applicants wishing to move forward with site works prior to a signed agreement be required to obtain a tree removal permit.

Under this scenario, the applicant will be required to apply for a tree removal permit and to fulfill all conditions imposed on the permit in order to satisfy the intent of both the *Tree Protection By-law* and all forestry-related requirements contained in the pending development agreement.

8. SET MINIMUM FINES

Under the current by-law there are no applicable minimum/maximum fines for a first offence. The revised by-law now provides for a minimum fine of \$500.00 on a first offence and a maximum fine for any offence of \$100,000.00.

COMMENTS

Perhaps one of the more significant revisions in this by-law is the provision to include golf course establishments. During the consultation process, staff received a written submission from a local golf course suggesting that the current *Regional Tree Protection By-law* was sufficient enough to ensure that due process was in place to regulate golf courses and further suggested that the inclusion of golf courses in the revised by-law could be seen as duplication.

While the committee acknowledged the fact that the Regional by-law is applicable, it is only applicable to woodlands greater than one hectare in size. The Town's revised by-law will deal with treed areas on golf course lands less than one hectare which is not a duplication of the Regional by-law.

With this more restrictive *Tree Protection By-law* it is expected that there will potentially be a corresponding increase in the level of administrative work that will result. Currently Parks Division staff is primarily responsible for the majority of the administrative requirements associated with the by-law.

The By-law Enforcement section is also involved when an infraction has been reported and an onsite investigation is deemed necessary. Currently, staff issues an average of two or three tree permits each year. A total of nine permits have been issued since the *Tree Permit By-law* was enacted in 2003. As such staff are recommending that a watch-and-wait approach for a one-year period to properly gauge and assess the increase in the administrative work load prior to recommending retention of additional resources.

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Following this period staff will be in a better position to evaluate and quantify the impacts that this revised by-law has had on both the Parks and Recreation section and the By-law Enforcement section. If deemed necessary, staff will then follow up with a further report to Council on the matter and include the appropriate recommendations with respect to the administration resource needs of the by-law.

As with any revised or newly created by-law there will be a period of time required to educate and communicate with our residents and businesses in order to ensure that the revised by-law is enacted through a fair and open process.

The Committee suggests that in the event Council approves the revised by-law, a significant effort and time allocation be made to communicate this revised by-law to the public prior to its enactment. As such, staff will prepare an appropriate public notice to be posted in the local media, on our website and in our municipal buildings for a period of time.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the draft by-law prior to its releasing the By-law to the Public-
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time communicating with and educating residents and customers on the various aspects of the by-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering this by-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual fees and service charges.

CONCLUSIONS

That Council receive the draft revised *Tree Protection By-law* as information and that staff be directed to publicise notice of the revised *Tree Protection By-law* in the local media for the purposes of allowing the public and stake holders to review the draft By-law and provide comments.

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ATTACHMENTS

Attachment #1 – Revised *Tree Protection By-law*
Attachment #2 – Schedule A to the Draft Tree Protection By-law
Attachment #3 – Schedule B to the Draft Tree Protection By-law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, January 5, 2012.

Prepared by: Jim Tree, Manager of Parks- Ext.3222



Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-12

BEING A BY-LAW to prohibit and/or regulate the Injury or Destruction of Trees on Private Property in the Town of Aurora and to repeal By-law Number 4474-03.D.

WHEREAS subsection 135(1) of the *Act* provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS subsection 135(7) of the *Act* provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Town has delegated jurisdiction over Woodlands to the Regional Municipality;

AND WHEREAS Council passed By-law Number 4474-03.D on October 28, 2003, with respect to authorizing the injury or destruction of trees;

AND WHEREAS the Town deems it necessary and expedient to replace By-law Number 4474-03.D with a new By-law and repeal By-law Number 4474-03.D in its entirety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

**SECTION 1
DEFINITIONS**

1.1 The following words as set out in this By-law shall have the following meanings:

- (a) "*Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner who submits an Application under the provisions of this By-law;
- (c) "Application" means an application for a Permit or a Heritage Permit, on such form as prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes: (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience; (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture; (iv) a consulting arborist registered with the American Society of Consulting Arborists; (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist

- or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
 - (g) "Cultivated Orchard" means land where fruit or nut Trees are grown and maintained for the harvesting of their fruits or nuts;
 - (h) "DBH" means the Diameter at Breast Height which shall be the diameter of the trunk of a Tree at a point of measurement 1.37metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed in Schedule "A" to this By-law. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated diameter at 1.37 metres above the ground as set out in Schedule "B" to this By-law;
 - (i) "Destroy and/or Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
 - (j) "Director" means the Director of Parks & Recreation Services for the Town or his or her designate;
 - (k) "Emergency Work" means work required to be done immediately in order to prevent imminent danger, including Tree maintenance works necessary arising from natural events (e.g., ice storm, high winds, lightning, etc.) as well as Tree maintenance works associated with emergency drain, utility and building repairs;
 - (l) "Golf Course" means an area of land laid out and operating as a golf course, and includes putting greens, driving ranges, and other areas that are ancillary to the golf course uses on the land;
 - (m) "Hazardous" means destabilized or structurally compromised to an extent that it presents an imminent danger of causing property damage or injury to life;
 - (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnant, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) it is located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) it is designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) it is designated by the Ontario Urban Forest Council;
 - (iv) it is listed on the Town's Register of Properties of Cultural Heritage Value or Interest.
 - (o) "Heritage Permit" means a Heritage Permit issued by the Town as endorsed by Council after consultation with the Town's Heritage Advisory Committee;
 - (p) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by: (i) removing, cutting, girdling, or smothering of its roots; (ii) interfering with its water supply; (iii) setting fire to it; (iv) applying chemicals on, around, or near it; (v) compacting or re-grading within the drip line of it; (vi) damages caused by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*; (vii) storing any materials within the

- drip line; or (viii) any other means resulting from neglect, accident or design;
- (q) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
 - (r) "Municipal Law Enforcement Officer" means an individual appointed by the Town by By-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended for the administration and enforcement of Town by-laws;
 - (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
 - (t) "Owner" means the person having the right, title, interest or equity in the land containing the subject Tree, or his or her agent authorized in writing;
 - (u) "Permit" means a Permit to Injure or Destroy a Tree issued by the Director;
 - (v) "Permit Application Fee" means the prescribed fee as set out in the Application and as set out in the Town's Fees and Services By-law, as may be amended from time to time;
 - (w) "Person" and or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, Directors, or other legal representatives of a person to whom the context can apply according to law;
 - (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
 - (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one quarter of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement; providing clearance for utility lines, buildings, pedestrians or vehicles; or eliminating dead, hazardous or diseased wood;
 - (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended ;
 - (aa) "Regional Municipality" means The Regional Municipality of York;
 - (bb) "Town" means The Corporation of the Town of Aurora;
 - (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity, located within the boundaries of the Town;
 - (dd) "Tree Farm" means land where Trees are grown and maintained for sale;
 - (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval

pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) and proper practices to remove Trees to be destroyed;

- (ff) "Woodland" means land at least one (1) hectare in area and with at least:
- (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees measuring over five (5) centimeters DBH per hectare;
 - (iii) 500 trees measuring over twelve (12) centimeters DBH per hectare; or
 - (iv) 250 trees measuring over twenty (20) centimeters DBH per hectare;

but does not include a nursery, a Cultivated Orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

- (gg) "Woodlot" means land at least 0.2 hectares in area and no greater than one (1) hectare in area and with at least:
- (i) 200 trees, of any size, per 0.2 hectares;
 - (ii) 150 trees, measuring over five (5) centimeters DBH, per 0.2 hectares;
 - (iii) 100 trees, measuring over twenty (12) centimeters DBH, per 0.2 hectares
 - (iv) 50 trees measuring over twenty (20) centimeters DBH, per 0.2 hectares;

but does not include a nursery, a Cultivated Orchard or a plantation established for the purpose of producing Christmas trees or nursery stock;

- (hh) "York Region Forest Conservation By-law" means By-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Regional Municipality.

SECTION 2
PERMIT REQUIRED

2.1 Unless otherwise exempted by this By-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees within a twelve (12) month period having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (b) any Tree greater than seventy (70) centimeters DBH within a 12 month period; or
- (c) any Heritage Tree;

without first obtaining a Permit or Heritage Permit pursuant to this By-law.

2.2 Where a Permit or Heritage Permit has been issued under this By-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit or Heritage Permit and any other supporting documentation relevant to the issuance of the Permit or Heritage Permit.

SECTION 3
PERMIT NOT REQUIRED

3.1 Delegation to the Regional Municipality for Woodlands

The Regional Municipality shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3.2 Exemptions

Notwithstanding section 2 of this By-law, a Permit or Heritage Permit is not required for the Injury or Destruction of Trees:

- (a) within Woodlands that are governed by the York Region Forest Conservation By-law;
- (b) within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than 1.5 metres above a built substructure;
- (c) within a Tree Farm that is being actively managed and harvested for the purpose for which the Trees were planted;
- (d) within a Cultivated Orchard;
- (e) that is for the removal of a dead, diseased or Hazardous Tree, or a portion of such a Tree, where a certificate confirming the need for removal has been issued by an Arborist and submitted to the Director;
- (f) for Emergency Work;
- (g) for Pruning;
- (h) for activities or matters undertaken by the Town or a Local Board, but excluding activities requiring Heritage Permits;
- (i) for activities or matters authorized under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (j) for work performed by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (k) imposed after December 31, 2002, as a condition to the approval of an executed site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (l) imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;

- (m) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - (n) undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;
 - (o) undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that: (i) has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended or a predecessor of that Act; or (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
 - (p) on lands owned by the Town or lands within the Town owned by the Regional Municipality; or
- for the removal of not more than ten (10) Trees within a twelve (12) month period on a Golf Course. having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (q)

SECTION 4 ADMINISTRATION

4.1 Administration Authority Delegated to the Director

The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive certificates from an Arborist, Applications, and any required fees. The Director is further authorized to issue, revoke, or refuse to issue Permits, including imposing conditions thereto, in accordance with this By-law.

4.2 Power of Entry

Submission of an Application is deemed consent of the Owner for the Director or Municipal Law Enforcement Officer to enter onto the lands that are subject to the Application to inspect the Tree(s) if considered necessary, in the sole opinion of the Director.

Furthermore, submission of an Application is deemed consent of the Owner for such person designated as an inspector by the Canadian Food Inspection Agency, for the purposes of the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect for the presence of pests (as defined in the said legislation) and to take any and all action including the removal of Trees on all private property, in accordance with the said legislation.

4.3 Enforcement

The Municipal Law Enforcement Officer is hereby delegated the authority to enforce this By-law, and conduct inspections of Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted legislation.

SECTION 5 CERTIFICATE REQUIREMENTS

5.1 Dead, Diseased, or Hazardous Trees

Subject to section 2.1 of this By-law, no person shall Injure, Destroy, or remove a dead, diseased or Hazardous Tree without first submitting a certificate prepared by an Arborist confirming that the Tree is dead,

diseased or Hazardous, to the sole satisfaction of the Director.

5.2 Emergency Works

Notwithstanding subsection 3.2(f) of this By-law, the Owner shall, within seventy-two (72) hours of the completion of any Emergency Work, submit a certificate prepared by an Arborist confirming the requirement, nature and extent of the Emergency Work performed together with photographs depicting the condition of the Tree(s) removed immediately prior to its removal, all to the sole satisfaction of the Director.

**SECTION 6
APPLICATION REQUIREMENTS**

6.1 Permit Application

An Owner who wishes to Injure or Destroy Tree(s) for which a Permit or Heritage Permit is required shall submit an Application to the Director, and shall provide the following:

- (a) the name, address and telephone number of the Owner;
- (b) the non-refundable Application fee;
- (c) the purpose for which the Permit is required;
- (d) an Arborist's Report at the discretion of the Director;
- (e) where the base of a Tree straddles a property line, the written consent to the Permit issuance from the affected adjacent property owner; and
- (f) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application.

Notwithstanding subsection 6.1(b), should the Director determine that the Application is exempt from the requirement for a Permit or Heritage Permit in accordance with section 3 of this By-law, the prescribed costs shall be refunded to the Owner.

6.2 Offence – False or Misleading Information

No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, such Application under consideration will be refused, and any Permit or Heritage Permit issued on the basis of such false or misleading information will be immediately rescinded.

6.3 Application Fee – Director Authorized to Waive

The Director is authorized to reduce or waive the Application fee at his or her sole discretion, giving consideration to the financial circumstances of the Applicant.

**SECTION 7
ISSUANCE OF PERMIT**

7.1 Permit Approval Process

Upon receipt of an Application, the Director shall:

- (a) determine, with the assistance of the Manager of Heritage Planning, whether a Heritage Permit (instead of a Permit) is required pursuant to this By-law;
- (b) make a decision as to whether or not a Permit will be issued, and whether any conditions will be imposed on a Permit, through the Director's consideration of the following criteria:

- (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any potential cultural heritage value of the Tree in consultation with the Manager of Heritage Planning;
 - (viii) any public comments received;
 - (ix) comments received from such persons, staff and agencies as deemed necessary, in the Director's sole opinion, for the proper review of the Application to determine whether or not a Permit should be issued and any conditions imposed thereto; and
 - (x) any other such information that the Director deems to be necessary for the issuance of a Permit.
- (c) cause the Owner to post an information sign on the property in a location clearly visible from the street. The information sign will be provided by the Town to the Owner at the time of the Application, and shall remain posted on the property until the Permit has been issued. The sign can be attached to an existing feature such as a fence or pole, or placed on a stake. A declaration of sign posting must be completed and signed by the Applicant and submitted to the Director once the sign is posted.

7.2 Signage

The signage called for in subsection 7.1(c) shall be posted and remain on the property for at least fifteen (15) days prior to the issuance of a Permit or Heritage Permit, and shall remain posted and visible on the property until the earlier of the completion of the works permitted pursuant to the Permit/Heritage Permit or the Permit/Heritage Permit expiration date.

7.3 Permit Not Issued - Subdivision Not Yet Draft Approved

A Permit or Heritage Permit shall not be approved or issued where an application for subdivision approval or consent related to lands on which the subject Tree(s) is/are located has been submitted to the Town and has not received draft approval or provisional consent.

7.4 Permit Not Issued - Planning Application Not Approved

A Permit or Heritage Permit shall not be approved or issued where a rezoning application, an application for site plan approval, or an application to amend the official plan related to the lands on which the Tree(s) is/are located has been submitted to the Town and has not received final approval.

7.5 Permit Not Issued - Other

A Permit or Heritage Permit shall not be approved or issued where:

- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
- (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
- (c) issuance of a Permit is under the jurisdiction of the Regional Municipality and/or required under the York Region Forest Conservation By-law; or
- (d) approval is inconsistent with an approved Tree Inventory and

Preservation Plan.

7.6 Permit Approved Subject to Conditions

The issuance of a Permit or Heritage Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:

- (a) submission of a Vegetation Management Plan (“VMP”) to the satisfaction of the Director. The VMP shall be prepared by a certified Landscape Architect and may require the retention of an Arborist, at the discretion of the Director or Council. The VMP shall include, but not be limited to, the following:
 - (i) a vegetation inventory & assessment: Identify all vegetation greater than 80mm DBH for individual Tree assessments and/or identify perimeter at canopy of woodland, groups or stands of vegetation; Identify trees & vegetation on adjacent property that may be impacted. Inventory shall include species, size and condition;
 - (ii) identification of all vegetation removals and identification of all protection measures for vegetation designated to be preserved; including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture (“ISA”) Guide for Plant Appraisal or approved equal (to be completed by an Arborist) and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed;
 - (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years). Where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town’s Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

7.7 Permit Expiry Date

The Director, in his or her sole discretion and taking into account the work to be completed under the Permit, shall include an expiration date on the Permit which shall not exceed a one (1) year period. Council may wish to impose an expiration date on any Heritage Permit being issued by the Town. No further Tree Injury or Destruction that is allowed pursuant to the Permit may occur after the expiration date.

SECTION 8
APPEALS

8.1 An Applicant for a Permit or Heritage Permit may appeal to the Ontario Municipal Board under the following circumstances:

- (a) if the Town refuses to issue a Permit, within thirty (30) days after the refusal;
- (b) if the Town fails to make a decision on the Application, within sixty (60) days after the Application is received by the Director; or
- (c) if the Owner objects to a condition in the Permit or Heritage Permit, within thirty (30) days after the issuance of the Permit.

SECTION 9
SEVERABILITY

9.1 Severability

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms, to the extent possible, according to law.

SECTION 10
ENFORCEMENT

10.1 Enforcement by Officer

Pursuant to subsection 436(1) of the *Act*, a Municipal Law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, a direction or order under this By-law, or an order made pursuant to section 431 of the *Act* is being complied with. Pursuant to section 438 of the *Act*, a Municipal Law Enforcement Officer may undertake inspections pursuant to orders issued pursuant to section 438 of the *Act*.

10.2 Inspection – Powers

For the purpose of an inspection carried out pursuant to subsection 10.1 of this By-law, a Municipal Law Enforcement Officer may:

- (a) require the production of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts; and
- (c) require information from any person concerning a matter related to the inspection; and alone or in conjunction with a person possessing special expert knowledge make examinations, measurements, take tests, samples or photographs necessary for the purpose of the inspection.

10.3 By-law - Order Issued

Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a Permit/Heritage Permit issued under this By-law has occurred, the Director or Municipal Law Enforcement Officer may make an order setting out the particulars of the contravention and requiring the Owner or any other person to stop the Injury or Destruction of a Tree, or requiring work to be done to correct the contravention.

The order shall set out the following:

- (a) the name of the Owner, the municipal address and the legal description of the land or property that is the subject of the contravention;
- (b) reasonable particulars of the contravention;
- (c) what the owner or any other person must do to rectify the contravention;
- (d) a statement that if the work is not done in compliance with the order within a specified time period, the Town will have the work done at the sole expense of the Owner or any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree;
- (e) the date and time by which the order must be compliance with; and
- (f) information regarding the Town's contact person.

10.4 An order issued pursuant to subsection 10.3 may be served personally or by sending it by prepaid registered mail to the last known address of the Owner and, if known, to the last known address of any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree.

10.5 Where service of an order under subsection 10.3 is made by mail, it shall be deemed to have been effected on the fifth (5th) day after the date the order is mailed.

10.6 In the event that service cannot be carried out under subsection 10.4 of this By-law, the Director or Municipal Law Enforcement Officer shall place a placard containing the terms of the order in a conspicuous place on the property where the Tree(s) are situated and placement of the placard will be deemed sufficient service of the order on the Owner and any other person to whom the order is directed.

10.7 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order:

- (a) requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and/or
- (b) do work to correct the contravention.

10.8 Wherever this By-law or a Permit/Heritage Permit issued under this By-law directs or requires any matter or thing to be done by any person, and such person has failed to complete the matter or thing, the matter or thing may be done by the Town under the direction of the Director or a Municipal Law Enforcement Officer at the Owner's sole expense. The Town may enter upon the land at any reasonable time for this purpose and the Town may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to section 398 of the *Act*.

10.9 Contravention- Offences

Any person who contravenes any provision of this By-law or an order issued pursuant to subsection 10.3 of this By-law is guilty of an offence. Pursuant to paragraph (a) of subsection 429(2) of the *Act*, all contraventions of this By-law or orders issued under subsection 10.3 of this By-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. For greater certainty, when multiple Trees are

Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

10.10 Contravention - Fines

On conviction of an offence under this By-law, a person is liable to a fine in accordance with section 429 of the *Act* and the following rules made pursuant to section 429 of the *Act*:

- (a) The minimum fine for any offence under this By-law is Five Hundred Dollars (\$500.00);
- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00), and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all of the daily fines for the offence may exceed One Hundred Thousand Dollars (\$100,000.00); and
- (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be Five Hundred Dollars (\$500.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

10.11 Special Fines - No Maximum

On conviction of an offence under this By-law a person is liable to a special fine in accordance with paragraph (d) of subsection 429(2) of the *Act*. The amount of the special fine will be the minimum fine as provided for in subsection 10.10 of this By-law to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of this By-law and/or order issued pursuant to subsection 10.3 of this By-law. Pursuant to paragraph 1 of subsection 429(3) of the *Act*, a special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

10.12 Conviction of an Offence – Additional Remedy

Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to plant or replant trees in such manner and within such a period of time as the court considers appropriate, including any arboricultural treatment necessary to re-establish the Tree(s) or have the Tree(s) re-established.

10.13 Presumption - Owner

If a contravention of this By-law or an order issued pursuant to subsection 10.3 of this By-law occurs, the contravention is presumed to have been committed by the Owner of the property on which the contravention has occurred unless otherwise proven by the Owner.

**ARTICLE 11
REPEAL**

11.1 Repeal

By-law Number 4474-03.D be and is hereby repealed in its entirety as of the effective date of this By-law.

**ARTICLE 12
EFFECTIVE DATE**

12.1 Effective date

THAT this By-law shall come into full force and effect on XXXX, 2012.

READ A FIRST AND SECOND TIME THIS XX DAY OF XXXX, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2012.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

DRAFT

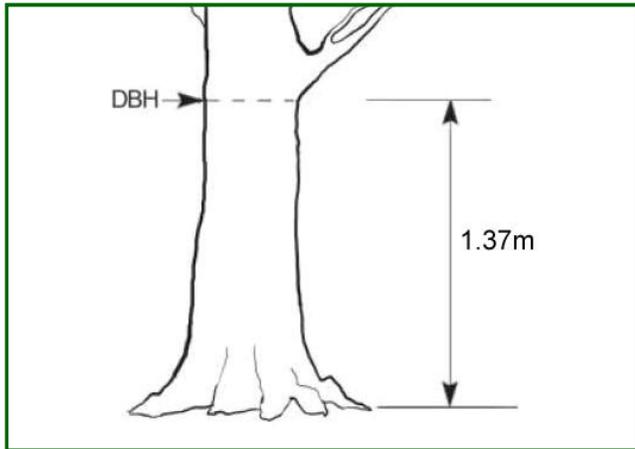
Town of Aurora Tree Preservation By-law - SCHEDULE 'A'

Measuring Tree Trunk Diameter At Breast Height (D.B.H)

You must obtain a Permit to Injure or Destroy (a) Tree(s) prior to the harm, damage, impairment or destruction of any tree in the Town of Aurora with a trunk diameter at breast height (DBH) of 20 cm or more. To determine the DBH, you must measure the diameter of the tree trunk at 137 cm (1.37 m) above ground level.

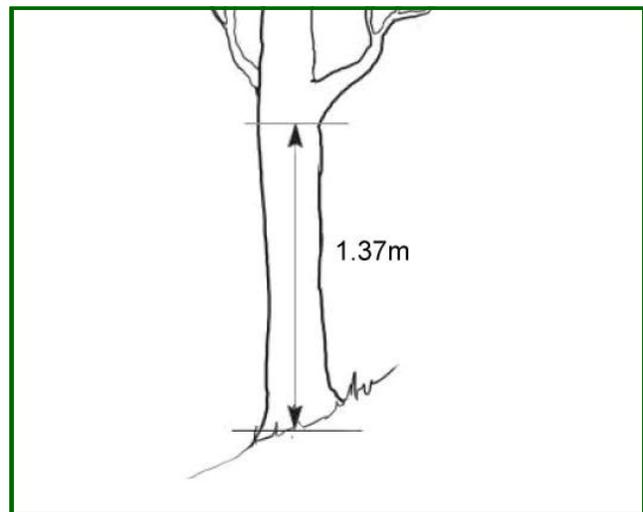
A Tree with a Single Straight Trunk

Simply measure a straight line 137cm (1.37m) from the ground up along the trunk



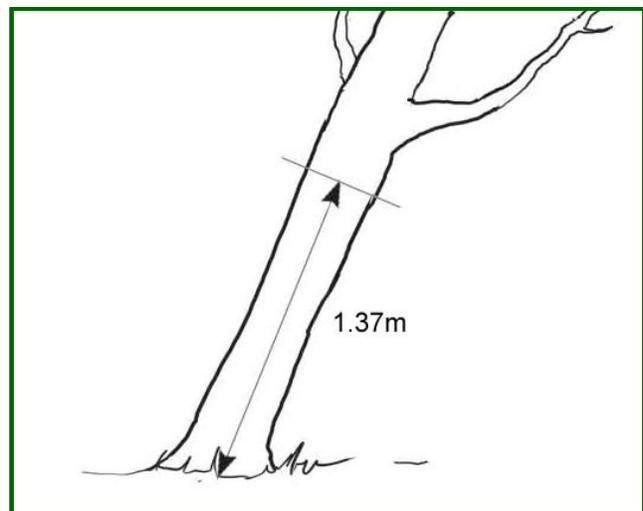
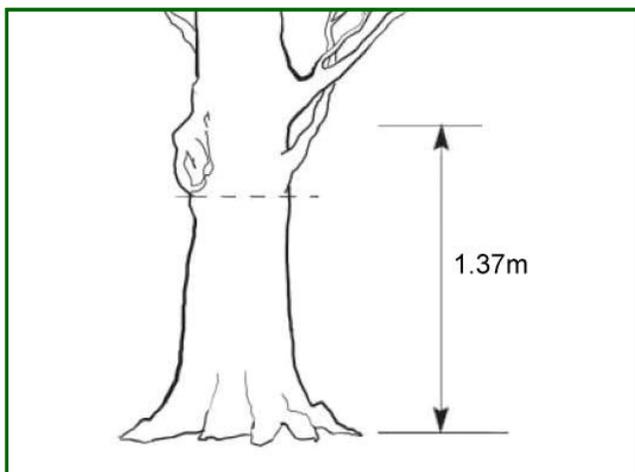
A vertically growing tree on a slope, or a leaning tree

Measure the diameter 137cm above the ground, at the mid-point of the trunk along the slope.



A Tree with Branches or Bumps

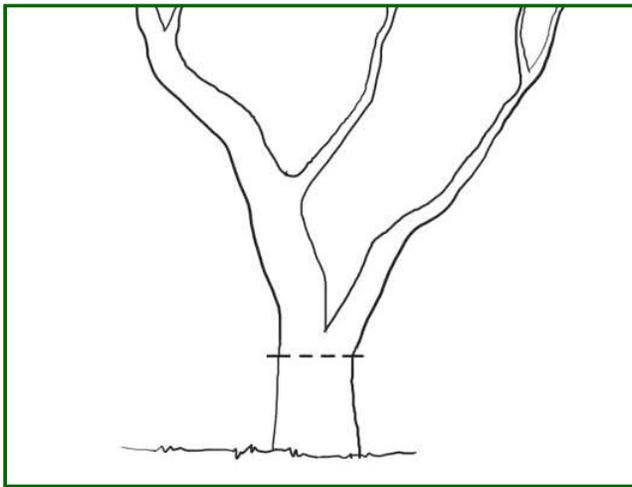
If a tree's branches or bumps interfere with the DBH measurement, take the measurement below the branch or bump



Measuring Tree Trunk Diameter At Breast Height Page 2

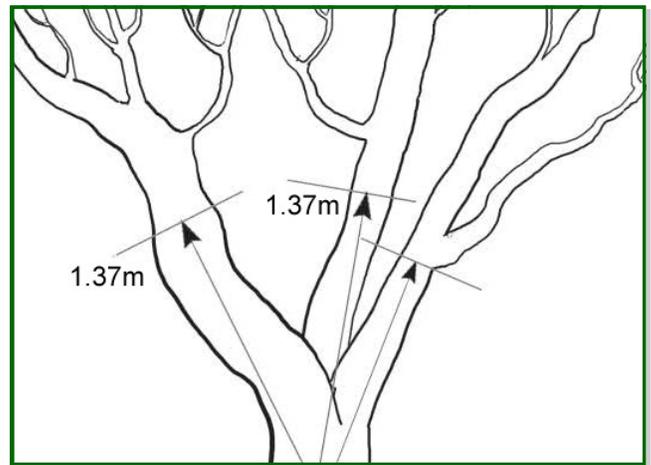
A Tree that forks below or near 137cm

Record the diameter at the narrowed part of the main stem below the fork.



A Tree that splits into several trunks close to ground level

Following the guideline to the left, measure the DBH of each trunk separately.



Where can I get more information about the Town of Aurora's Tree Preservation By-law?

Copies of the Town of Aurora Tree Preservation By-law are available from the Leisure Services department (Parks & Recreation Services) at the Municipal Offices located at 100 John West Way or on the Town of Aurora website:

www.aurora.ca

Anyone who contravenes any provision of the Tree Preservation by-law is guilty of an offence and subject to penalty

Measuring Tree Trunk Diameter

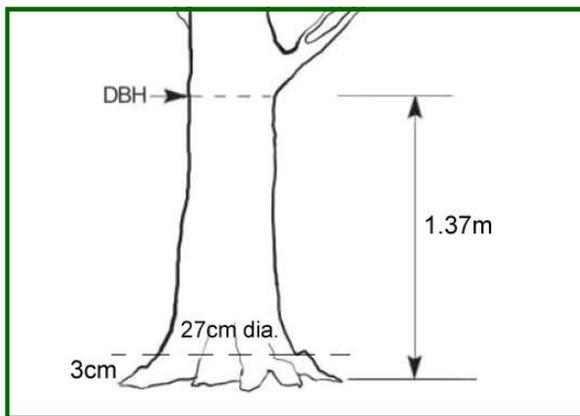
Minimum Diameter Measurements

Trees greater than 20 cm diameter at breast height will be expected to have the following minimum diameter measurements.

Typical Measurements

Height of Measurement above grade level - **3cm**

Trunk Diameter - **27cm**



Attachment #3

 **TOWN OF AURORA
PUBLIC PLANNING MEETING REPORT No. PR12-016**

SUBJECT: *Public Meeting for Proposed Tree Protection By-law*

FROM: *Tree Protection By-law Review Committee
Represented by: Manager of Parks
Manager of Development Planning
Manager of Building Code Review; and
Manager of Engineering*

DATE: *April 25, 2012*

RECOMMENDATIONS

THAT report PR12-016 be received; and

THAT comments presented at the Public Planning Meeting be addressed by the Tree Protection By-law Committee in a comprehensive report outlining recommendations and options at a future General Committee meeting, and that all parties expressing interest at the Public Meeting and stakeholders be advised of the General Committee meeting date.

PURPOSE OF THE REPORT

To provide Council with background information related to the process review of the proposed revision to the current *Tree Protection By-law*. The public meeting is being held for Council to consider that information and to provide the public and stakeholders with a further opportunity to provide comments on the proposed draft *Tree Protection By-law*.

BACKGROUND

On January 17, 2012, the draft *Tree Protection By-law* (attached) was presented to General Committee as an information item. Council subsequently adopted the following recommendations:

THAT report PR12-001 be received; and

THAT staff be directed to publicize notice of the revised draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stakeholders with an opportunity to review the proposed By-law and provide comment; and

April 25, 2012

- 2 -

Report No. PR12-016

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Council's consideration in enacting the final revised By-law.

Following the January 17, 2012 meeting Council, at their meeting on February 28, 2012 provided further direction as follows:

THAT Council direct staff to organize a public meeting to present the Town's proposed tree protection by-law and to answer any questions that the public might have at that time.

Pursuant to Council direction, the Tree Protection By-law Review Committee has coordinated this public meeting and the appropriate notices advising of the meeting were posted in the local newspapers and on the Town's Web page.

In addition letters have been forwarded to all of the stakeholders advising them of this meeting and all participants who completed the Town's on-line survey during our initial public consultation process have also been notified via e-mail. A copy of staff report PR12-001 is attached to this report which outlines the background and research findings to date.

COMMENTS

Throughout the *Tree Protection By-law* review process the Committee has solicited comments on the draft By-law from all stakeholders and from the public. Following the January 17, 2012 Council meeting, comments have been received by staff and are attached as information. The Tree Protection By-law Committee will add these comments to the record and consider them in preparation of the final draft *Tree Protection By-law*.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Direct staff to report back to another Public Planning Meeting addressing any issues that may be raised at the Public Planning Meeting.

FINANCIAL IMPLICATIONS

Pending the outcome of the final terms contained within the *Tree Protection By-law*, financial implications will be considered and outlined in detail in the final *Tree Protection By-law* report that will be presented to Council.

April 25, 2012

- 3 -

Report No. PR12-016

CONCLUSIONS

On January 17, 2012 General Committee considered the draft *Tree Protection By-law* and directed that a public meeting be scheduled to consider comments regarding the proposed changes to the by-law. As such a Council public meeting has been advertised and scheduled to receive further input into the proposal. The background report considered at the January 17, 2012 meeting is included and forms the basis of the review works done to date.

ATTACHMENTS

Attachment #1 –Draft Tree Protection By-law

Attachment #2 – Report PR12-001Tree Protection Bylaw

Attachment #3 – Comments from the public and stakeholders received since January 17, 2012

Attachment #4 – Letter to stakeholders and individual who participated in the on-line survey process.

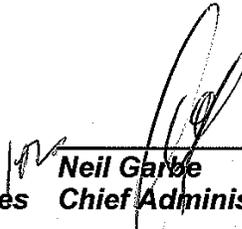
PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Wednesday, April 18, 2012

Prepared by: Jim Tree, Manager of Parks-Ext.3222



Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-12

BEING A BY-LAW to prohibit and/or regulate the Injury or Destruction of Trees on Private Property in the Town of Aurora and to repeal By-law Number 4474-03.D.

WHEREAS subsection 135(1) of the *Act* provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS subsection 135(7) of the *Act* provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Town has delegated jurisdiction over Woodlands to the Regional Municipality;

AND WHEREAS Council passed By-law Number 4474-03.D on October 28, 2003, with respect to authorizing the injury or destruction of trees;

AND WHEREAS the Town deems it necessary and expedient to replace By-law Number 4474-03.D with a new By-law and repeal By-law Number 4474-03.D in its entirety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

**SECTION 1
DEFINITIONS**

1.1 The following words as set out in this By-law shall have the following meanings:

- (a) "*Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner who submits an Application under the provisions of this By-law;

- (c) "Application" means an application for a Permit or a Heritage Permit, on such form as prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes: (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience; (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture; (iv) a consulting arborist registered with the American Society of Consulting Arborists; (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means land where fruit or nut Trees are grown and maintained for the harvesting of their fruits or nuts;
- (h) "DBH" means the Diameter at Breast Height which shall be the diameter of the trunk of a Tree at a point of measurement 1.37metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed in Schedule "A" to this By-law. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated diameter at 1.37 metres above the ground as set out in Schedule "B" to this By-law;
- (i) "Destroy and/or Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his or her designate;
- (k) "Emergency Work" means work required to be done immediately in order to prevent imminent danger, including Tree maintenance works necessary arising from natural events (e.g., ice storm, high winds, lightning, etc.) as well as Tree maintenance works associated with emergency drain, utility and building repairs;
- (l) "Golf Course" means an area of land laid out and operating as a golf course, and includes putting greens, driving ranges, and other areas that are ancillary to the golf course uses on the land;

- (m) "Hazardous" means destabilized or structurally compromised to an extent that it presents an imminent danger of causing property damage or injury to life;
- (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnant, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) it is located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) it is designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) it is designated by the Ontario Urban Forest Council;
 - (iv) it is listed on the Town's Register of Properties of Cultural Heritage Value or Interest.
- (o) "Heritage Permit" means a Heritage Permit issued by the Town as endorsed by Council after consultation with the Town's Heritage Advisory Committee;
- (p) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by: (i) removing, cutting, girdling, or smothering of its roots; (ii) interfering with its water supply; (iii) setting fire to it; (iv) applying chemicals on, around, or near it; (v) compacting or re-grading within the drip line of it; (vi) damages caused by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*; (vii) storing any materials within the drip line; or (viii) any other means resulting from neglect, accident or design;
- (q) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
- (r) "Municipal Law Enforcement Officer" means an individual appointed by the Town by By-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended for the administration and enforcement of Town by-laws;
- (s) "*OHA*" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;

- (t) "Owner" means the person having the right, title, interest or equity in the land containing the subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a Permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Application and as set out in the Town's Fees and Services By-law, as may be amended from time to time;
- (w) "Person" and or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, Directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one quarter of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement; providing clearance for utility lines, buildings, pedestrians or vehicles; or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended ;
- (aa) "Regional Municipality" means The Regional Municipality of York;
- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity, located within the boundaries of the Town;
- (dd) "Tree Farm" means land where Trees are grown and maintained for sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved

through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) and proper practices to remove Trees to be destroyed;

(ff) "Woodland" means land at least one (1) hectare in area and with at least:

- (i) 1000 trees, of any size, per hectare;
- (ii) 750 trees measuring over five (5) centimeters DBH per hectare;
- (iii) 500 trees measuring over twelve (12) centimeters DBH per hectare; or
- (iv) 250 trees measuring over twenty (20) centimeters DBH per hectare;

but does not include a nursery, a Cultivated Orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

(gg) "Woodlot" means land at least 0.2 hectares in area and no greater than one (1) hectare in area and with at least:

- (i) 200 trees, of any size, per 0.2 hectares;
- (ii) 150 trees, measuring over five (5) centimeters DBH, per 0.2 hectares;
- (iii) 100 trees, measuring over twenty (12) centimeters DBH, per 0.2 hectares
- (iv) 50 trees measuring over twenty (20) centimeters DBH, per 0.2 hectares;

but does not include a nursery, a Cultivated Orchard or a plantation established for the purpose of producing Christmas trees or nursery stock;

(hh) "York Region Forest Conservation By-law" means By-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Regional Municipality.

**SECTION 2
PERMIT REQUIRED**

2.1 Unless otherwise exempted by this By-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees within a twelve (12) month period having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (b) any Tree greater than seventy (70) centimeters DBH within a 12 month period; or
- (c) any Heritage Tree;

without first obtaining a Permit or Heritage Permit pursuant to this By-law.

2.2 Where a Permit or Heritage Permit has been issued under this By-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit or Heritage Permit and any other supporting documentation relevant to the issuance of the Permit or Heritage Permit.

**SECTION 3
PERMIT NOT REQUIRED**

3.1 Delegation to the Regional Municipality for Woodlands

The Regional Municipality shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3.2 Exemptions

Notwithstanding section 2 of this By-law, a Permit or Heritage Permit is not required for the Injury or Destruction of Trees:

- (a) within Woodlands that are governed by the York Region Forest Conservation By-law;
- (b) within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than 1.5 metres above a built substructure;
- (c) within a Tree Farm that is being actively managed and harvested for the purpose for which the Trees were planted;
- (d) within a Cultivated Orchard;

- (e) that is for the removal of a dead, diseased or Hazardous Tree, or a portion of such a Tree, where a certificate confirming the need for removal has been issued by an Arborist and submitted to the Director;
- (f) for Emergency Work;
- (g) for Pruning;
- (h) for activities or matters undertaken by the Town or a Local Board, but excluding activities requiring Heritage Permits;
- (i) for activities or matters authorized under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (j) for work performed by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (k) imposed after December 31, 2002, as a condition to the approval of an executed site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (l) imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (m) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (n) undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;

- (o) undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that: (i) has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended or a predecessor of that Act; or (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (p) on lands owned by the Town or lands within the Town owned by the Regional Municipality; or

for the removal of not more than ten (10) Trees within a twelve (12) month period on a Golf Course. having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;

SECTION 4 ADMINISTRATION

4.1 Administration Authority Delegated to the Director

The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive certificates from an Arborist, Applications, and any required fees. The Director is further authorized to issue, revoke, or refuse to issue Permits, including imposing conditions thereto, in accordance with this By-law.

4.2 Power of Entry

Submission of an Application is deemed consent of the Owner for the Director or Municipal Law Enforcement Officer to enter onto the lands that are subject to the Application to inspect the Tree(s) if considered necessary, in the sole opinion of the Director.

Furthermore, submission of an Application is deemed consent of the Owner for such person designated as an inspector by the Canadian Food Inspection Agency, for the purposes of the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect for the presence of pests (as defined in the said legislation) and to take any and all action including the removal of Trees on all private property, in accordance with the said legislation.

4.3 Enforcement

The Municipal Law Enforcement Officer is hereby delegated the authority to enforce this By-law, and conduct inspections of Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted legislation.

**SECTION 5
CERTIFICATE REQUIREMENTS**

5.1 Dead, Diseased, or Hazardous Trees

Subject to section 2.1 of this By-law, no person shall Injure, Destroy, or remove a dead, diseased or Hazardous Tree without first submitting a certificate prepared by an Arborist confirming that the Tree is dead, diseased or Hazardous, to the sole satisfaction of the Director.

5.2 Emergency Works

Notwithstanding subsection 3.2(f) of this By-law, the Owner shall, within seventy-two (72) hours of the completion of any Emergency Work, submit a certificate prepared by an Arborist confirming the requirement, nature and extent of the Emergency Work performed together with photographs depicting the condition of the Tree(s) removed immediately prior to its removal, all to the sole satisfaction of the Director.

**SECTION 6
APPLICATION REQUIREMENTS**

6.1 Permit Application

An Owner who wishes to Injure or Destroy Tree(s) for which a Permit or Heritage Permit is required shall submit an Application to the Director, and shall provide the following:

- (a) the name, address and telephone number of the Owner;
- (b) the non-refundable Application fee;
- (c) the purpose for which the Permit is required;
- (d) an Arborist's Report at the discretion of the Director;
- (e) where the base of a Tree straddles a property line, the written consent to the Permit issuance from the affected adjacent property owner; and
- (f) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application.

Notwithstanding subsection 6.1(b), should the Director determine that the Application is exempt from the requirement for a Permit or Heritage Permit in accordance with section 3 of this By-law, the prescribed costs shall be refunded to the Owner.

6.2 Offence – False or Misleading Information

No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, such Application under consideration will be refused, and any Permit or Heritage Permit issued on the basis of such false or misleading information will be immediately rescinded.

6.3 Application Fee – Director Authorized to Waive

The Director is authorized to reduce or waive the Application fee at his or her sole discretion, giving consideration to the financial circumstances of the Applicant.

**SECTION 7
ISSUANCE OF PERMIT**

7.1 Permit Approval Process

Upon receipt of an Application, the Director shall:

- (a) determine, with the assistance of the Manager of Heritage Planning, whether a Heritage Permit (instead of a Permit) is required pursuant to this By-law;
- (b) make a decision as to whether or not a Permit will be issued, and whether any conditions will be imposed on a Permit, through the Director's consideration of the following criteria:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any potential cultural heritage value of the Tree in consultation with the Manager of Heritage Planning;
 - (viii) any public comments received;
 - (ix) comments received from such persons, staff and agencies as deemed necessary, in the Director's sole opinion, for the proper review of the Application to determine whether or not a Permit should be issued and any conditions imposed thereto; and
 - (x) any other such information that the Director deems to be necessary for the issuance of a Permit.

- (c) cause the Owner to post an information sign on the property in a location clearly visible from the street. The information sign will be provided by the Town to the Owner at the time of the Application, and shall remain posted on the property until the Permit has been issued. The sign can be attached to an existing feature such as a fence or pole, or placed on a stake. A declaration of sign posting must be completed and signed by the Applicant and submitted to the Director once the sign is posted.

7.2 Signage

The signage called for in subsection 7.1(c) shall be posted and remain on the property for at least fifteen (15) days prior to the issuance of a Permit or Heritage Permit, and shall remain posted and visible on the property until the earlier of the completion of the works permitted pursuant to the Permit/Heritage Permit or the Permit/Heritage Permit expiration date.

7.3 Permit Not Issued - Subdivision Not Yet Draft Approved

A Permit or Heritage Permit shall not be approved or issued where an application for subdivision approval or consent related to lands on which the subject Tree(s) is/are located has been submitted to the Town and has not received draft approval or provisional consent.

7.4 Permit Not Issued - Planning Application Not Approved

A Permit or Heritage Permit shall not be approved or issued where a rezoning application, an application for site plan approval, or an application to amend the official plan related to the lands on which the Tree(s) is/are located has been submitted to the Town and has not received final approval.

7.5 Permit Not Issued - Other

A Permit or Heritage Permit shall not be approved or issued where:

- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
- (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
- (c) issuance of a Permit is under the jurisdiction of the Regional Municipality and/or required under the York Region Forest Conservation By-law; or
- (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

7.6 Permit Approved Subject to Conditions

The issuance of a Permit or Heritage Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:

- (a) submission of a Vegetation Management Plan (“VMP”) to the satisfaction of the Director. The VMP shall be prepared by a certified Landscape Architect and may require the retention of an Arborist, at the discretion of the Director or Council. The VMP shall include, but not be limited to, the following:
 - (i) a vegetation inventory & assessment: Identify all vegetation greater than 80mm DBH for individual Tree assessments and/or identify perimeter at canopy of woodland, groups or stands of vegetation; Identify trees & vegetation on adjacent property that may be impacted. Inventory shall include species, size and condition;
 - (ii) identification of all vegetation removals and identification of all protection measures for vegetation designated to be preserved; including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture (“ISA”) Guide for Plant Appraisal or approved equal (to be completed by an Arborist) and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed;
 - (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years). Where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town’s Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;

- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or

- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

7.7 Permit Expiry Date

The Director, in his or her sole discretion and taking into account the work to be completed under the Permit, shall include an expiration date on the Permit which shall not exceed a one (1) year period. Council may wish to impose an expiration date on any Heritage Permit being issued by the Town. No further Tree Injury or Destruction that is allowed pursuant to the Permit may occur after the expiration date.

SECTION 8
APPEALS

8.1 An Applicant for a Permit or Heritage Permit may appeal to the Ontario Municipal Board under the following circumstances:

- (a) if the Town refuses to issue a Permit, within thirty (30) days after the refusal;
- (b) if the Town fails to make a decision on the Application, within sixty (60) days after the Application is received by the Director; or
- (c) if the Owner objects to a condition in the Permit or Heritage Permit, within thirty (30) days after the issuance of the Permit.

SECTION 9
SEVERABILITY

9.1 Severability

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms, to the extent possible, according to law.

SECTION 10
ENFORCEMENT

10.1 Enforcement by Officer

Pursuant to subsection 436(1) of the *Act*, a Municipal Law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, a direction or order under this By-law, or an order made pursuant to section 431 of the *Act* is being complied with. Pursuant to section 438 of the *Act*, a Municipal Law Enforcement Officer may undertake inspections pursuant to orders issued pursuant to section 438 of the *Act*.

10.2 Inspection – Powers

For the purpose of an inspection carried out pursuant to subsection 10.1 of this By-law, a Municipal Law Enforcement Officer may:

- (a) require the production of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts; and
- (c) require information from any person concerning a matter related to the inspection; and alone or in conjunction with a person possessing special expert knowledge make examinations, measurements, take tests, samples or photographs necessary for the purpose of the inspection.

10.3 By-law - Order Issued

Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a Permit/Heritage Permit issued under this By-law has occurred, the Director or Municipal Law Enforcement Officer may make an order setting out the particulars of the contravention and requiring the Owner or any other person to stop the Injury or Destruction of a Tree, or requiring work to be done to correct the contravention.

The order shall set out the following:

- (a) the name of the Owner, the municipal address and the legal description of the land or property that is the subject of the contravention;
- (b) reasonable particulars of the contravention;
- (c) what the owner or any other person must do to rectify the contravention;
- (d) a statement that if the work is not done in compliance with the order within a specified time period, the Town will have the work done at the sole expense of the Owner or any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree;
- (e) the date and time by which the order must be compliance with; and
- (f) information regarding the Town's contact person.

10.4 An order issued pursuant to subsection 10.3 may be served personally or by sending it by prepaid registered mail to the last known address of the Owner and, if known, to the last known address of any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree.

10.5 Where service of an order under subsection 10.3 is made by mail, it shall be deemed to have been effected on the fifth (5th) day after the date the order is mailed.

10.6 In the event that service cannot be carried out under subsection 10.4 of this By-law, the Director or Municipal Law Enforcement Officer shall place a placard containing the terms of the order in a conspicuous place on the property where the Tree(s) are situated and placement of the placard will be deemed sufficient service of the order on the Owner and any other person to whom the order is directed.

10.7 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order:

- (a) requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and/or
- (b) do work to correct the contravention.

10.8 Wherever this By-law or a Permit/Heritage Permit issued under this By-law directs or requires any matter or thing to be done by any person, and such person has failed to complete the matter or thing, the matter or thing may be done by the Town under the direction of the Director or a Municipal Law Enforcement Officer at the Owner's sole expense. The Town may enter upon the land at any reasonable time for this purpose and the Town may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to section 398 of the *Act*.

10.9 Contravention- Offences

Any person who contravenes any provision of this By-law or an order issued pursuant to subsection 10.3 of this By-law is guilty of an offence. Pursuant to paragraph (a) of subsection 429(2) of the *Act*, all contraventions of this By-law or orders issued under subsection 10.3 of this By-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

10.10 Contravention - Fines

On conviction of an offence under this By-law, a person is liable to a fine in accordance with section 429 of the *Act* and the following rules made pursuant to section 429 of the *Act*:

- (a) The minimum fine for any offence under this By-law is Five Hundred Dollars (\$500.00);

- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00), and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all of the daily fines for the offence may exceed One Hundred Thousand Dollars (\$100,000.00); and
- (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be Five Hundred Dollars (\$500.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

10.11 Special Fines - No Maximum

On conviction of an offence under this By-law a person is liable to a special fine in accordance with paragraph (d) of subsection 429(2) of the *Act*. The amount of the special fine will be the minimum fine as provided for in subsection 10.10 of this By-law to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of this By-law and/or order issued pursuant to subsection 10.3 of this By-law. Pursuant to paragraph 1 of subsection 429(3) of the *Act*, a special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

10.12 Conviction of an Offence – Additional Remedy

Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to plant or replant trees in such manner and within such a period of time as the court considers appropriate, including any arboricultural treatment necessary to re-establish the Tree(s) or have the Tree(s) re-established.

10.13 Presumption - Owner

If a contravention of this By-law or an order issued pursuant to subsection 10.3 of this By-law occurs, the contravention is presumed to have been committed by the Owner of the property on which the contravention has occurred unless otherwise proven by the Owner.

**ARTICLE 11
REPEAL**

11.1 Repeal

By-law Number 4474-03.D be and is hereby repealed in its entirety as of the effective date of this By-law.

**ARTICLE 12
EFFECTIVE DATE**

12.1 Effective date

THAT this By-law shall come into full force and effect on XXXX, 2012.

READ A FIRST AND SECOND TIME THIS XX DAY OF XXXX, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2012.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

DRAFT

Attachment #2 to PR12-016



**TOWN OF AURORA
GENERAL COMMITTEE**

No. PR12-001

SUBJECT: *Approval of Tree Protection By-law*
FROM: *Allan D. Downey, Director of Parks and Recreation Services*
DATE: *January 17, 2012*

RECOMMENDATIONS

THAT report PR12-001 be received as information; and

THAT staff be directed to publicise notice of the revised Draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stake holders with an opportunity to review the proposed By-law and provide comment; and

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Councils consideration in enacting the final revised By-law.

PURPOSE OF THE REPORT

To provide Council with a draft of a proposed Tree Protection By-law and to provide the public and stake holders with an opportunity to review and comment on the By-law prior to its enactment.

BACKGROUND

At the January 25, 2011 General Committee meeting, Council received a delegation from a citizen who had several concerns with the Town's current *Tree Permit By-Law No.4474-03D*. The concerns of this citizen were primarily focused on tree removal on the Oak Ridges Moraine and, in particular, with the fact that Golf Course establishments are exempt under the Town's current by-law.

In response to this delegation General Committee directed staff as follows:

General Committee recommends:

THAT the comments of the delegate be received and referred to staff; and

THAT staff be directed to report back to Council on the specific comments raised by the delegate respecting golf courses as well as any other issue staff may identify with respect to the enforcement and protection of trees.

January 17, 2012

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Report No. PR12-001

Following Council direction, members of the Executive Leadership Team appointed a Tree By-law Review Committee consisting of the Manager of Parks, the Manager of Engineering and Design, the Manager of Building Code Review, and the Manager of Planning and Development.

The Committee held a series of meetings for the purposes of conducting an overall review of the current by-law in an effort to evaluate its applicability and effectiveness including a number of issues revolving around the administration of the by-law.

As a first step in the by-law review, the Committee conducted a public consultation process whereby an online survey was conducted in order to assist the Committee in establishing a baseline of public opinion regarding the importance of trees in our municipality.

The online survey was completed by 100 respondents. This could be considered a relatively low participation rate and not indicative of community-wide public opinion, given Aurora's gross population of over 52,000; however, staff was advised by our Communication Department, who assisted in the survey, that this survey was among the highest in participation of any previously conducted survey.

While the information obtained from the survey was helpful in assisting the Committee, it was not considered paramount or as a single resource in formulating the overall content of the revised by-law; rather, the committee used a measured approach in guiding the review process, taking into consideration a number of criteria including the following:

- Research of other neighbouring and GTA municipalities Tree Protection by-laws;
- Consultation with the Region of York;
- Identification and revision of inconsistent language in the current By-law and revision of same;
- Public opinion;
- Revisions to internal interdepartmental administration processes; and
- Consultation with the Manager of Heritage Planning.

During the review process the Committee focused on a number of areas where there was concern with interpreting and differentiating between the Town's existing Tree Permit By-law and the Region of York Tree Protection By-law No. TR-004-2005-036.

As with all local by-laws, the Upper-tier municipality by-law (York Region) takes precedence in its applicability over any lower-tier by-law (Aurora). To state this in simplistic terms, the *York Region Tree Permit By-law* will continue to apply to wooded properties in the Town of Aurora greater than one hectare in size. The Town of Aurora's *Tree Protection By-law* will continue to apply to any private property or tree covered area within a property that is less than one hectare in size, as is currently the case.

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Report No. PR12-001

In our discussions with the Region of York, staff were advised that the Town of Aurora did not delegate to the Region of York, our authority to enforce their *Tree Protection By-law* on Aurora properties of 0.2 to 1.0 hectares in size when the York Region *Tree Protection By-law* was revised in 2005, as is permitted under subsection 135 (10) of the *Municipal Act*.

Staff were advised that many other local municipalities did delegate this authority to the Region of York; however, in our discussions with the Regional Forestry Coordinator, it was agreed that there was no advantage in delegating our authority to the Region given that our by-law is more geared to the higher density municipal setting and properties that are, for the most part, under one hectare in size.

TREE PROTECTION BY-LAW REVISIONS PROPOSED

There are a number of revisions proposed in the by-law, many of which are small in nature; however, in addition to these revisions, there are more significant revisions that will substantially change the way the by-law works and how it is applied. For the purposes of highlighting only the more significant revisions, the Committee has listed these revisions along with a brief explanation of each revision as follows:

1. REDUCTION IN THE NUMBER OF TREES REMOVED WITHOUT A PERMIT DOWN TO TWO TREES IN A 12-MONTH PERIOD FROM NOT MORE THAN FOUR TREES

The proposed by-law will reduce the number of trees that can be removed without first obtaining a permit from the current four trees down to two trees. Based on the results of the public survey, and the fact that many other municipalities require that a permit be issued for the removal of a single tree, this change was considered a more moderate revision that would still enable most private property owners to manage their property.

2. GOLF COURSES NOW INCLUDED IN THE BY-LAW BUT ABLE TO REMOVE UP TO 10 TREES IN A 12-MONTH PERIOD WITHOUT A PERMIT

The current by-law provides for an exemption to golf courses. In reviewing the public survey results and other municipal trees by-laws, the By-law Review Committee sees a need to regulate the cutting of trees on golf course properties; however, the Committee also believes that golf course owners need a level of flexibility to be able to manage their business needs. As such, the Committee felt that being able to remove ten trees in a 12-month period without a permit provides golf courses with that flexibility. In addition, most other municipal tree by-laws require golf courses to obtain a permit to remove a single tree.

3. CONSERVATION AUTHORITY AND SCHOOL BOARDS ARE NOW INCLUDED IN THE BY-LAW REQUIRED TO OBTAIN PERMITS

The current by-law provides for an exemption to Conservation Authorities and School Boards. The By-law Committee in discussions with our Legal Services department were advised that there are no provincial acts or regulations that exempt these agencies from complying with local ordinances. In view of the public comments and the large tracts of forested lands owned and managed by

January 17, 2012

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Report No. PR12-001

LSRCA and TRCA in the Town of Aurora, the Committee suggests that these agencies be included in the proposed by-law as an additional measure of protection over these resources.

4. DIRECTOR TO ISSUE/DENY PERMITS AS AN ADMINISTRATIVE FUNCTION

Permits issued under the current by-law are subject to Council approval. Although this is an effective approvals process in that Council is well informed of all tree removal permits, it is a very time consuming and administratively intensive process that can require six to eight weeks to process a tree permit application. The Committee felt that this process should be streamlined both from a customer service and administrative standpoint which is in keeping with the majority of other municipal Tree Protection By-laws. Council will remain involved in the process in the event of a permit refusal by the Director of Parks and Recreation Services whereby an Applicant would appeal the refusal decision directly to General Committee. In addition, staff can establish, via policy, that Council is notified of all tree permits that have been issued or denied.

5. PERMIT MUST BE OBTAINED PRIOR TO REMOVING SINGLE TREES 70 CM (27.5 in.) AND ABOVE

There are no provisions in the current by-law that require a permit to be obtained prior to removing up to four trees of any size in a 12-month period. Based on the results of the public survey and the environmental benefits associated with the leaf area canopy of our larger trees, the Committee suggested that single tree protection in the by-law for these older and much larger trees is appropriate.

6. PERMIT MUST BE OBTAINED PRIOR TO REMOVING A SINGLE TREE IN THE HERITAGE RESOURCE DISTRICT INCLUDING TREES ON DESIGNATED HERITAGE PROPERTIES

The current by-law has provision for protection of five trees or more on properties designated under the *Ontario Heritage Act*. With a further requirement for an applicant to obtain approval from the Town's Heritage Advisory Manager prior to the issuance of a tree removal permit. The proposed revision will apply to single tree protection on OHA designated properties as well as single trees within the Heritage Resource Area as identified on Schedule B attached to the By-law. The Aurora Cemetery would be an example of a designated property that would be subject to obtaining a permit to remove a single tree 20 cm in diameter or larger.

7. CLARIFIED INTENT OF THE BY-LAW EXEMPTIONS AS IT RELATES TO ADMINISTERING SUBDIVISION AND SITE PLAN APPLICATIONS

Section 20 of the existing by-law which deals with tree permit exemptions - relating to planning approvals associated with land development - has been previously interpreted to require that all final development agreements be signed by both parties prior to the removal of trees on the subject lands. In this case a tree removal permit is not required.

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Very often there is an extensive period of time required in the process of executing a final development agreement. The By-law Review Committee acknowledges that this particular requirement can cause significant delays and complications for applicants wishing to proceed with pre-servicing of sites while awaiting the final development agreement to be executed. As such the Committee suggests that the revised by-law requires all applicants wishing to move forward with site works prior to a signed agreement be required to obtain a tree removal permit.

Under this scenario, the applicant will be required to apply for a tree removal permit and to fulfill all conditions imposed on the permit in order to satisfy the intent of both the *Tree Protection By-law* and all forestry-related requirements contained in the pending development agreement.

8. SET MINIMUM FINES

Under the current by-law there are no applicable minimum/maximum fines for a first offence. The revised by-law now provides for a minimum fine of \$500.00 on a first offence and a maximum fine for any offence of \$100,000.00.

COMMENTS

Perhaps one of the more significant revisions in this by-law is the provision to include golf course establishments. During the consultation process, staff received a written submission from a local golf course suggesting that the current *Regional Tree Protection By-law* was sufficient enough to ensure that due process was in place to regulate golf courses and further suggested that the inclusion of golf courses in the revised by-law could be seen as duplication.

While the committee acknowledged the fact that the Regional by-law is applicable, it is only applicable to woodlands greater than one hectare in size. The Town's revised by-law will deal with treed areas on golf course lands less than one hectare which is not a duplication of the Regional by-law.

With this more restrictive *Tree Protection By-law* it is expected that there will potentially be a corresponding increase in the level of administrative work that will result. Currently Parks Division staff is primarily responsible for the majority of the administrative requirements associated with the by-law

The By-law Enforcement section is also involved when an infraction has been reported and an onsite investigation is deemed necessary. Currently, staff issues an average of two or three tree permits each year. A total of nine permits have been issued since the *Tree Permit By-law* was enacted in 2003. As such staff are recommending that a watch-and-wait approach for a one-year period to properly gauge and assess the increase in the administrative work load prior to recommending retention of additional resources.

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Following this period staff will be in a better position to evaluate and quantify the impacts that this revised by-law has had on both the Parks and Recreation section and the By-law Enforcement section. If deemed necessary, staff will then follow up with a further report to Council on the matter and include the appropriate recommendations with respect to the administration resource needs of the by-law.

As with any revised or newly created by-law there will be a period of time required to educate and communicate with our residents and businesses in order to ensure that the revised by-law is enacted through a fair and open process.

The Committee suggests that in the event Council approves the revised by-law, a significant effort and time allocation be made to communicate this revised by-law to the public prior to its enactment. As such, staff will prepare an appropriate public notice to be posted in the local media, on our website and in our municipal buildings for a period of time.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the draft by-law prior to its releasing the By-law to the Public.
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time communicating with and educating residents and customers on the various aspects of the by-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering this by-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual fees and service charges.

CONCLUSIONS

That Council receive the draft revised *Tree Protection By-law* as information and that staff be directed to publicise notice of the revised *Tree Protection By-law* in the local media for the purposes of allowing the public and stake holders to review the draft By-law and provide comments.

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ATTACHMENTS

Attachment #1 – Revised *Tree Protection By-law*

Attachment#2 –Schedule A to the Draft Tree Protection By-law

Attachment #3–Schedule B to the Draft Tree Protection By-law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, January 5, 2012.

Prepared by: Jim Tree, Manager of Parks- Ext.3222

Allan D. Downey
Director of Parks and Recreation Services

Neil Garbe
Chief Administrative Officer

Attachment #3 to PR12-016

From: Wright, Carole
Sent: Thursday, April 12, 2012 4:22 PM
To: Tree, Jim
Subject: Tree Permit By-Law Review

April 12, 2012

This email is in response to your comments regarding the Town of Aurora Tree Permit By-law Review.

You will recall our previous e-mail message that was sent to you on February 1, 2012 advising you that the Town had completed a comprehensive review of the Tree Permit By-law and prepared a new draft. This draft by-law was received and approved by Council as an information item on January 24.

On February 01, 2012 Council directed staff to conduct a public meeting to provide residents and stakeholders with additional opportunities to make comments on the draft by-law.

The Public meeting is scheduled to take place at the Town Hall, 100 John West Way, in the Council Chambers, on April 25th at 7:00 PM.

Members of the public are welcome to attend the meeting and speak to the proposed tree by-law if they wish.

Written comments can also be submitted online through the Town's website or comments can be e-mailed to Jim Tree, Manager of Parks Operations.

Comments will be received until noon on **May 3, 2012**.

The input will be reviewed by Town staff and a report will be presented to Council with a recommendation on enacting the revised Tree Permit By-law.

Further notice will be posted advising of the date and time that the final draft by-law will be presented to Council.

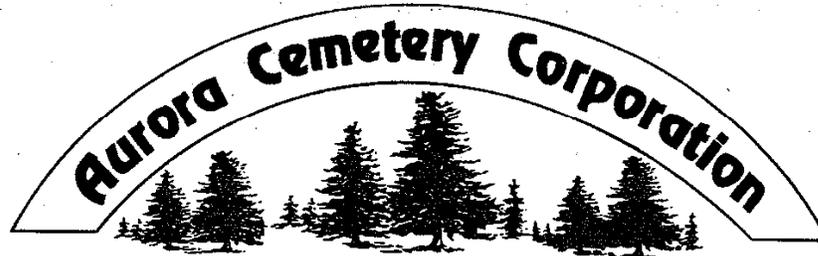
For more information, please contact Jim Tree, Manager of Parks Operations at 905-727-3123 ext. 3222 or e-mail jtree@aurora.ca

Carole Wright
Parks Department
Administrative Assistant

Town of Aurora
100 John West Way, Box 1000
Aurora, Ontario L4G 6J1

Phone: 905-727-3123 ext. 3233

Mailing Address
4253 Yonge Street
Aurora, Ontario
L4G 3G9
CPA



Phone: (905) 727-9321
Fax: (905) 727-9324
3061

TO: Board of Directors
FROM: David H. Peirce, President
RE: Tree Permit-By-Law Review
DATE: June 14, 2011

Aurora Cemetery Corporation has reviewed the proposed by-law for control of tree cutting, etc. in the Town of Aurora. In addition the cemetery supports such effort by the Town. (By-law #4474-03.D).

However, for the reasons outlined below, the Board requests that the ACC be exempted from the by-law.

- a) The cemetery, including the grounds and all buildings, are subject to a Heritage Act by-law. The purpose of the by-law is to preserve and protect the ambience of the cemetery as it exists.
- b) In addition to the cited purpose set out in (a) the by-law directs the Board of ACC to preserve and protect the plan and designs of the cemetery which are to mirror and continue the "Victorian styled cemetery" of the early portion of the last century.
- c) In order to accomplish the heritage goals, ACC has established a tree inventory which is an ongoing program, since many of the trees are 100-180 years of age.
- d) To maintain the tree inventory, ACC expends considerable time and effort to preserve the trees growing in the cemetery. However, in each year there are one to five emergent situations affecting the trees. With the extensive cabling and trimming of the trees, the appearance of the cemetery is maintained.
- e) The trees and tree inventory are reviewed and updated in each year. The cemetery cannot necessarily plan nor extend a tree program in each year due to the age and size of many of the trees. However, the cemetery does utilize and employ arborists and other professionals in its programs at all times. Because much work is of an emergent nature due to weather and related conditions, tree replacement, trimming and expansion of the inventory are dealt with forthwith when required and not necessarily in a lock-step manner.

For the cited reasons, ACC does not want another level of bureaucracy imposed on its operations. It is the option of ACC that such a step will infringe adversely on the cemetery.

Serving The Community Since 1869

Tree, Jim

From: Isobel Raiston |
Sent: Thursday, February 02, 2012 2:11 PM
To: Tree, Jim
Subject: Emailing: AFTER 7th Hole (View 1), AFTER 7th Hole (View 2a), AFTER 7th Hole (View 2b), BEFORE 7th Hole (View 1), BEFORE 7th Hole (View 2), IMG00180, IMG00183, IMG00184, IMG00185, IMG00190, IMG00192

Attachments: AFTER 7th Hole (View 1).jpg; AFTER 7th Hole (View 2a).jpg; AFTER 7th Hole (View 2b).jpg; BEFORE 7th Hole (View 1).jpg; BEFORE 7th Hole (View 2).jpg; IMG00180.jpg; IMG00183.jpg; IMG00184.jpg; IMG00185.jpg; IMG00190.jpg; IMG00192.jpg



AFTER 7th Hole (View 1).jpg (222 KB) AFTER 7th Hole (View 2a).jpg (174 KB) AFTER 7th Hole (View 2b).jpg (153 KB) BEFORE 7th Hole (View 1).jpg (224 KB) BEFORE 7th Hole (View 2).jpg (137 KB) IMG00180.jpg (196 KB) IMG00183.jpg (137 KB) IMG00184.jpg (196 KB) IMG00185.jpg (137 KB)



IMG00190.jpg (137 KB) IMG00192.jpg (196 KB)

Jim;

Here is some devastation on woodlots. Two photos are "before" the cutting...

Isobel

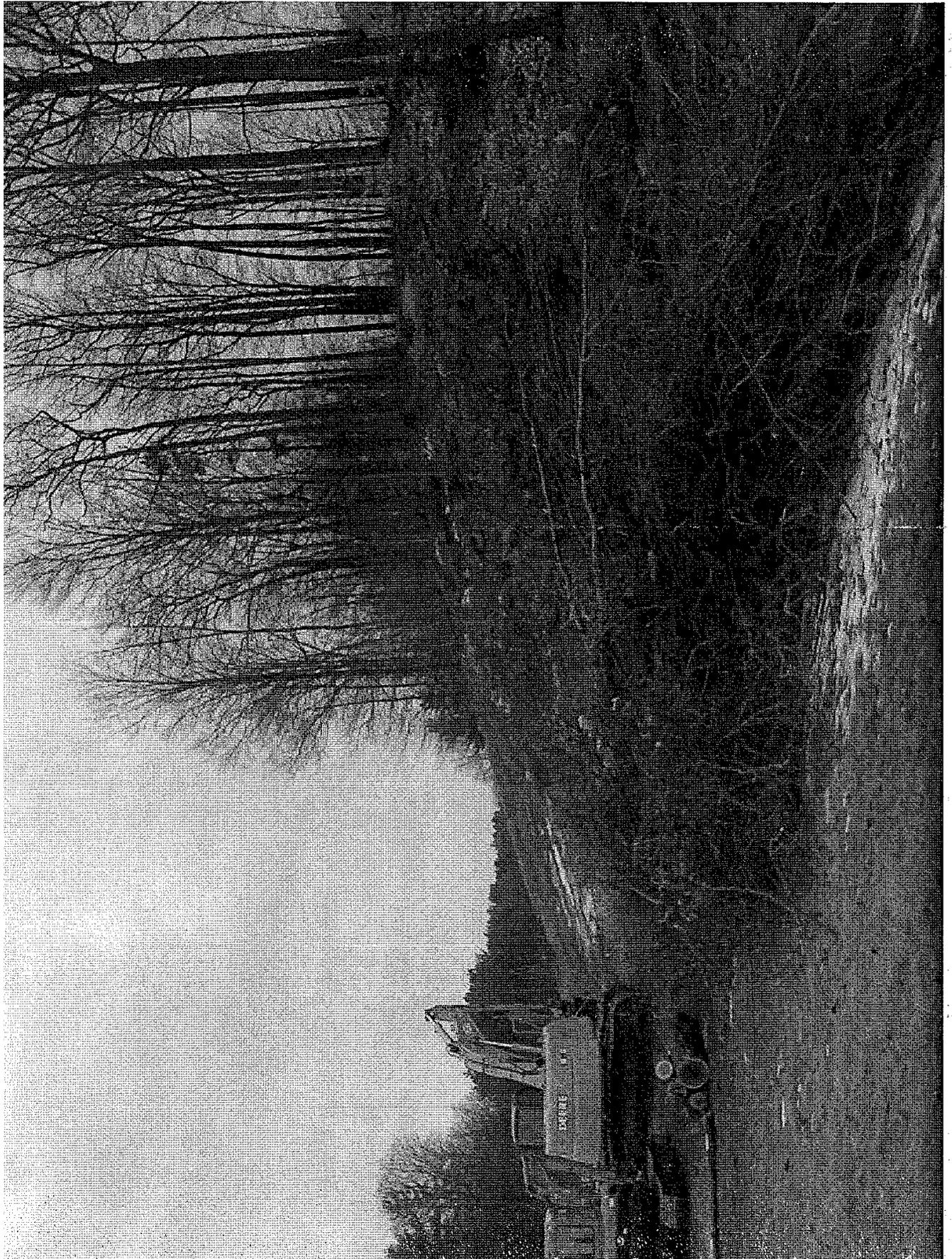
Your message is ready to be sent with the following file or link attachments:

AFTER 7th Hole (View 1)
AFTER 7th Hole (View 2a)
AFTER 7th Hole (View 2b)
BEFORE 7th Hole (View 1)
BEFORE 7th Hole (View 2)
IMG00180
IMG00183
IMG00184
IMG00185
IMG00190
IMG00192

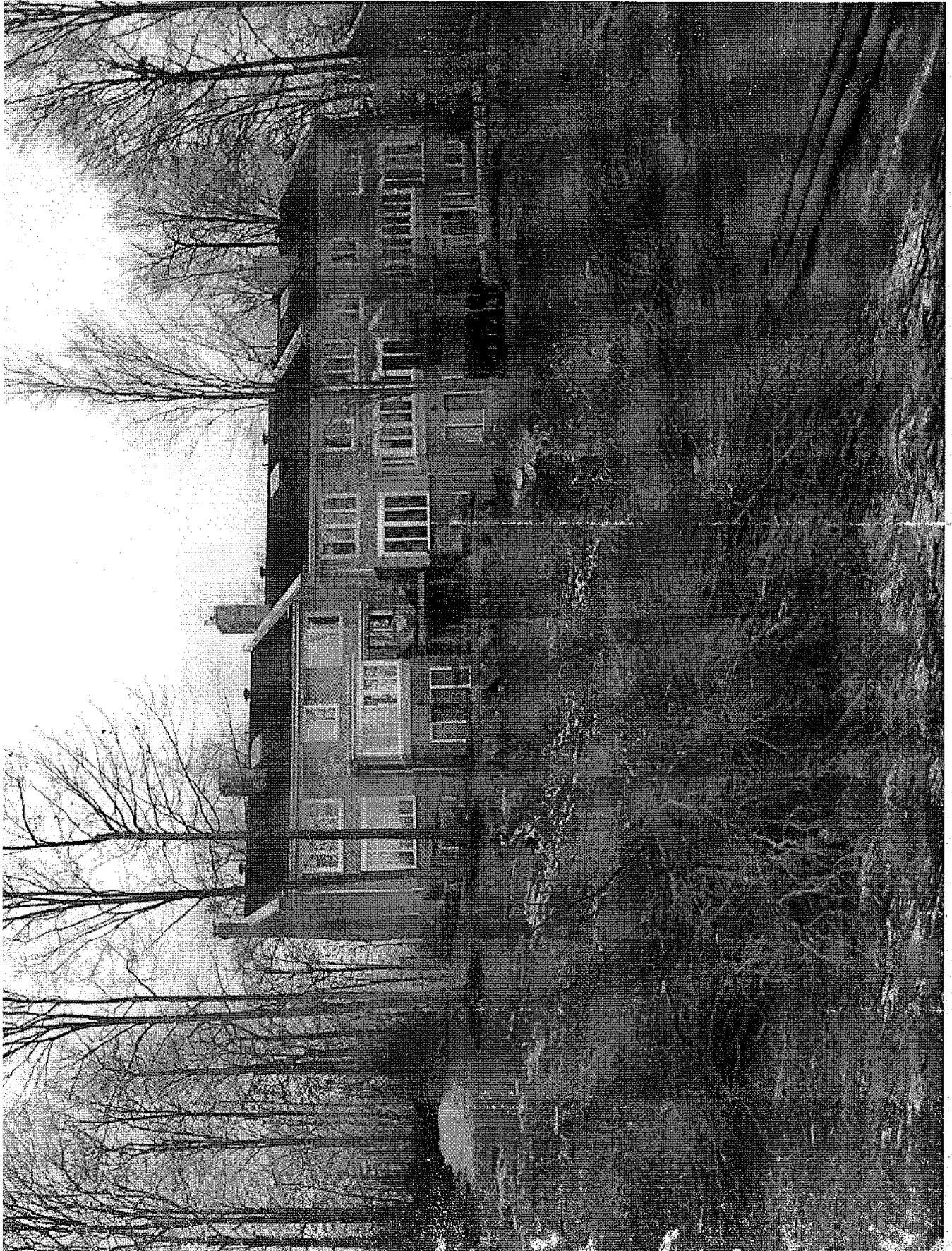
Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



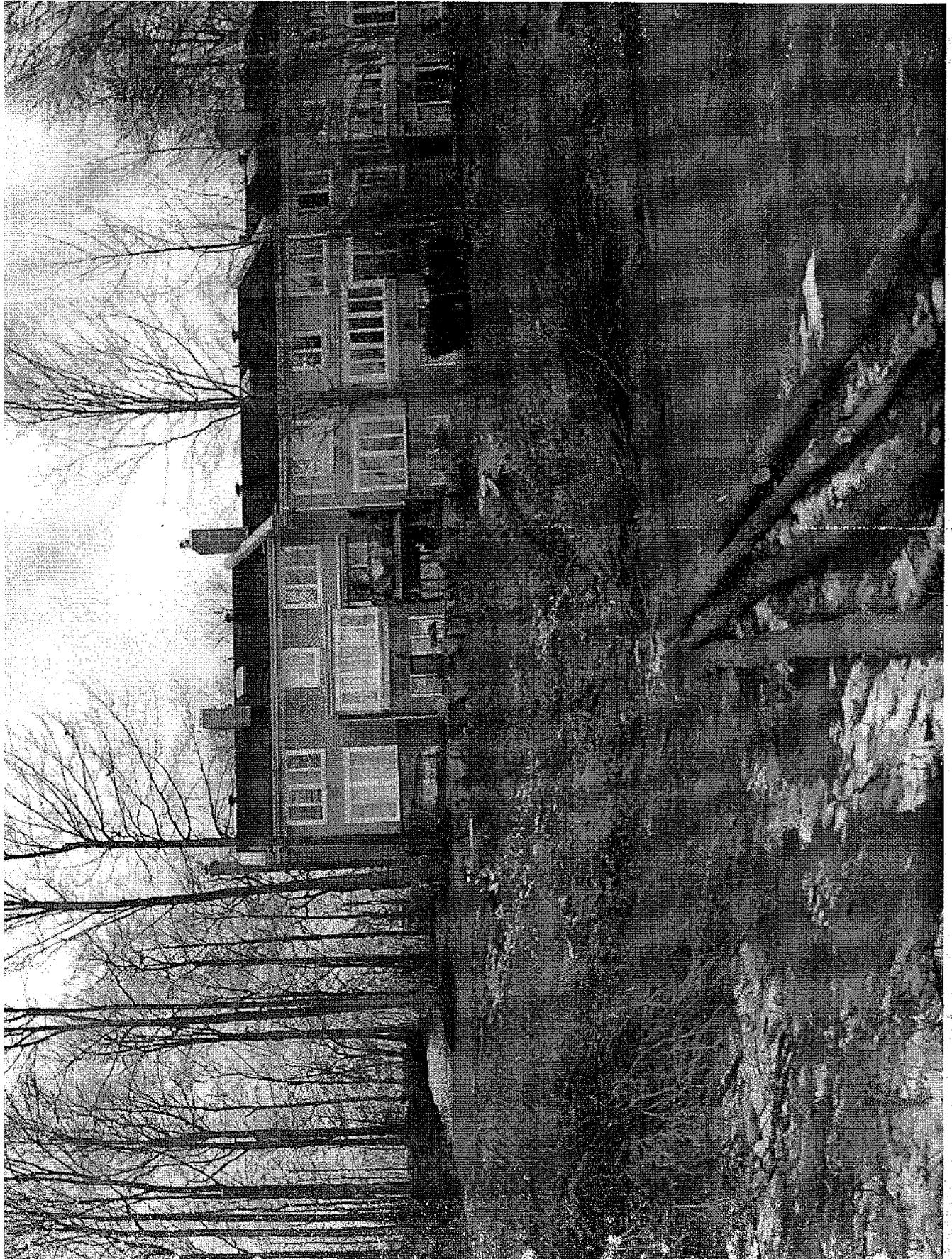


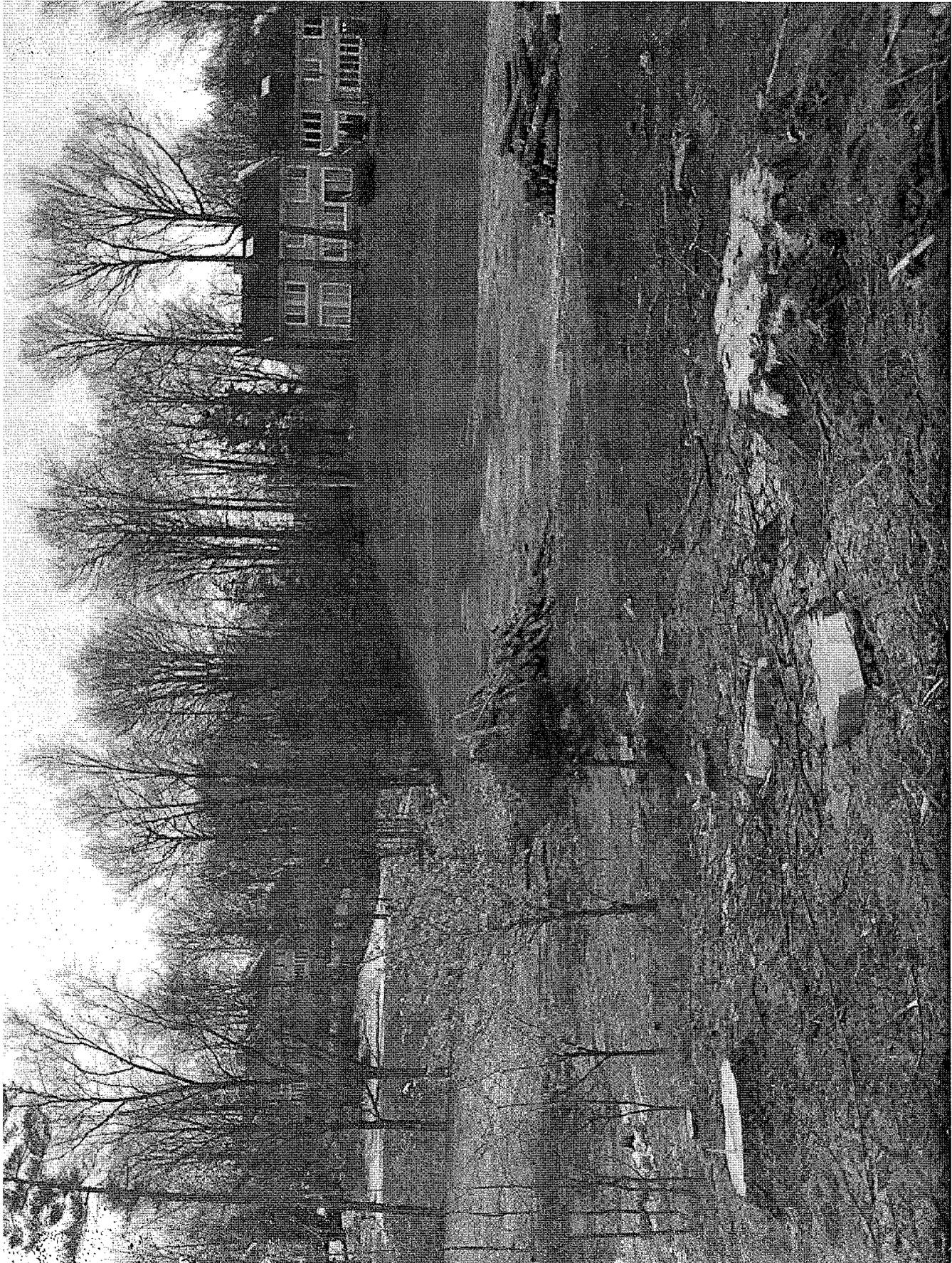


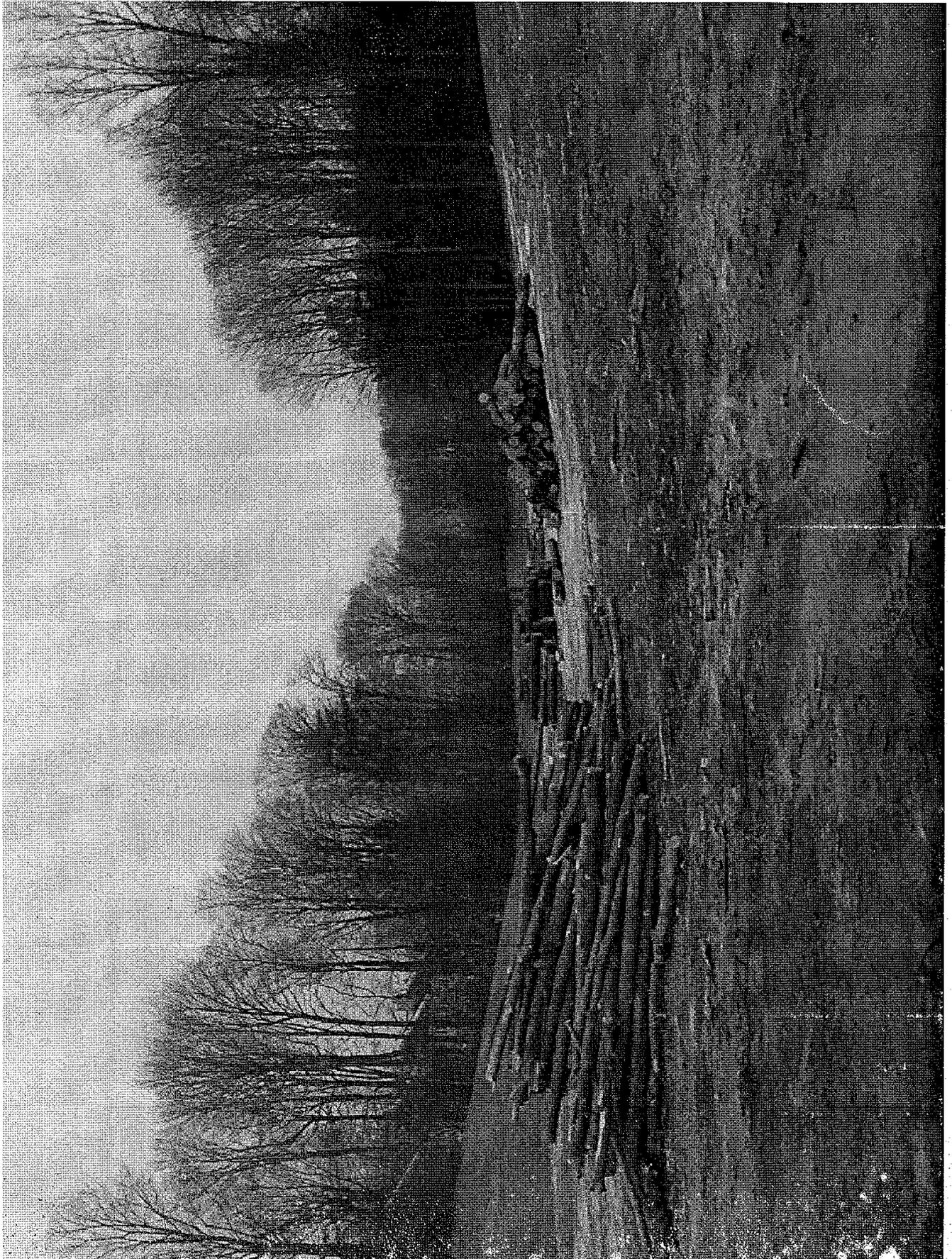












Tree, Jim

From: Heidi Schellhorn
Sent: Sunday, April 15, 2012 5:54 AM
To: Tree, Jim
Subject: Tree By Law

Good morning.

I must say that it saddens me to see the loss of trees/shrubs within Aurora in the past few years. This is a wonderful opportunity for the Town to show leadership and control the amount of trees lost. As an example, one of my neighbours cut down a perfectly healthy beautiful Maple Tree a few years ago because they didn't like having to rake leaves and sweep keys. Seriously? That was her prerogative, of course, as there is currently no accountability.

We have 4 trees in our back yard, all mature and in excess of 25 years in age. The canopy provides the house with beautiful, cooling shade in the summer and I would not dream of cutting down a healthy tree for the sake of inconvenience. I realize that with Ash trees, we may eventually have to resort to taking down trees, however, I would like to see the municipality show real leadership. We are creating a fantastic arboretum and we are fortunate to have gorgeous trails. Please align yourself with other municipalities and limit our ability to destroy a wonderful natural canopy.

While I have your attention - can I ask why the Region (I assume it's the Region as it is St. John's Sdrd east of Yonge) had the 'wisdom' to plant trees directly below power lines? I am no arborist but I can confidently predict that the trees will grow up and into the power lines. I have always meant to ask you this question.

Thanks for the incredibly valuable work you do!

Sincerely,

Heidi Schellhorn

4/16/2012

Tree, Jim

From: Evert Vos
Sent: Thursday, March 15, 2012 12:06 PM
To: Dawe, Geoff
Cc: Abel, John; Thompson, Michael; Buck, Evelyn; Humfryes, Sandra; Gallo, John; Gaertner, Wendy; Ballard, Chris; Pirri, Paul; Tree, Jim
Subject: Golf Course Tree removal

Dear Mayor Dawe and members of Council,

Over many years I have been a visitor to one of the houses bordering the golf course where recently there has been a massive removal of trees. I have watched the YOUTUBE video of this uncalled for destruction. I am incredulous that you and your councillors have permitted to allow this vandalism to take place. You quote the bylaws, however, that is an abdication of responsibility: a court injunction could have halted this destruction and allow a judge to rule on whether the area, Oak Ridges Moraine, was actually protected. You chose not to do so and in doing this you abdicated your responsibility to the community.

One may wonder how many of you are members of this Club and thus conflicted.

It is my fervent wish that you and your colleagues reap your "reward" in the forthcoming elections because "as you sow you shall reap".

Evert C Vos, MD

Tree, Jim

From: Svetla Topouzova
Sent: Wednesday, March 07, 2012 8:35 AM
To: Ed Addison; Tree, Jim
Cc:

Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Anderson,

Great job in doing a detailed analysis of the subject matter.
Can you share more with us in respect to point#7 you made below?

Best Regards,

Svetla Topouzova,

From: Ed Addison
To: jtree@aurora.ca
Cc:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Good morning Jim;

Revisions

1. reasonable
2. great improvement over past activities
3. great improvement over past activities
4. great improvement (as long as contentious decisions may be referred to Council)
5. one size does not fit all. This should take into account the varying size of species of tree at maturity [e.g. ironwood smaller than black cherry; black cherry smaller than hard, Norway, silver maples + beech, etc]. Additionally, size alone is only one contributing factor and habitat contribution would also be valuable to account for in this revision [e.g. deciduous and conifer trees both contribute habitat niches for wildlife but they are highly contrasting in what they offer. Especially slow growing species like hemlock, deserve extra permit requirements for one aim of the bylaw being to preserve diverse habitats.
6. reasonable
7. improvement. I am still concerned with the poor understanding or lack of concern by many developers where I see their actions around trees compromising and predictably dooming them within limited times after the development is complete. However, this may only be important if this bylaw was in support of some agreed upon defined set of tree/forest objectives as defined in a management plan.

4/11/2012

8. reasonable

Perhaps there is a forest management plan or agreed upon set of objectives for Aurora regarding trees. [I have not looked for one, hence do not know]. However, this bylaw and its individual components would be more meaningful [e.g. why 70 cm vs. ?, why no distinction based on habitat contributions of species of trees when selecting size requiring permits?] if the bylaw did not appear to be an 'orphan' as it does without referring to the management plan upon which the clauses of the bylaw are rationalized.

Notwithstanding the above concern [major for me], the draft changes are wonderful!

Thank you.

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]
Sent: Tuesday, March 06, 2012 3:15 PM
To:
Cc:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Thank you very much Mr Addison for your lengthy and informative e-mail , can I respectfully request your assistance in providing me with specific comments directly related to the draft By-law , Preferably summarized in bullet point , I have read through your information and was unable to determine if you had any specific information you wish to see included or excluded from the draft By-law , this would be most helpful to the staff By -law review committee .
Thanks again for your participation

From: Ed Addison
Sent: Tuesday, March 06, 2012 1:59 PM
To: Tree, Jim
Cc: Ballard, Chris, ; 'David Taillefer'; Ed Addison; 'James McConnell'; Harti, Jeff; Gallo, John; 'Judy Gilchrist'; Thoma, Patty; Pirri, Paul; 'Peter Piersol'; 'Svetoslava Topouzova'
Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

ed

Ed Addison

4/11/2012

Tree, Jim

From: Paul Scenna
Sent: Monday, March 26, 2012 11:35 AM
To: Tree, Jim
Subject: tree permit bylaw review

Dear Jim,

Further to my previous letter dated June 3, 2011 and after review of the proposed tree permit bylaw for the town of Aurora, I just thought I would touch base with a few further comments.

First, golf courses are inherently unique from most other businesses and certainly different from residential or industrial properties because of their true nature. They are usually large areas in the case of Beacon Hall and we are approximately 270 acres and we virtually entirely green space. Golf courses are a combination of trees and turf that is a tremendous asset to any city. Turf is at times is undervalued, but is a huge contributor to the environments oxygen production, its carbon filtering, its erosion control abilities and its cooling impact. So, I understand why a tree permit was not necessary in the past for golf courses except for areas identified as significant woodlands.

Having said that, I understand the political pressure you and other governing officials are under. We appreciate a "means to operate" and in the proposed permit of having 10 trees per year as unpermitted is helpful but frankly speaking having a little more latitude to properly manage a huge property when we have increased pressure provincially to reduce pesticide use would be better suited. Shaded turf with little to no air movement would be the leading cause of disease formation and creating a good site to minimize pesticide use should be a priority with all golf courses. It would be helpful if minimum sized caliper small trees or shrubs were exempt as 10 stems would not go very far in creating air flow around a tee for example. Also, it would be helpful to exempt certain invasive species like buckthorn as it should be helpful and good woodlot management to remove such species. If proposed bylaw is approved hopefully the manner in which it is executed is effective in terms of the approval process and the ways and means golf courses can operate with minimal wait times and additional costs. In any case, whatever the future parameters are, I am sure we will continue to work well together. Best Regards, Paul

Paul Scenna MS
Golf Course Superintendent
Beacon Hall
(905) 841-9122 office

4/11/2012

Tree, Jim

From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:06 AM
To: Ballard, Chris
Cc: Tree, Jim
Subject: Review of Aurora's tree Bylaw
Attachments: Survey_Template_Lower_Tier_Elena.xls; tree preservation bylaws contacts.pdf; TreeCanadaCommentsCanada'sForestStrategy.doc; Urban Forest Management Plans.htm; Flyer for toolkit.pdf

<http://www.tcf-fca.ca/programs/urbanforestry/cufn/resources/pages/files/OctoberFinal.pdf>

The Heritage Trees Toolkit has a chapter titled 'Legislative Tools for Heritage Tree Protection.

With regards to Town of Aurora Tree Protection Bylaw Proposed revisions. First of all I am an Aurora resident of 33 years so have a commitment more than my professional field. I agree that first and foremost the main issues are clearcuttings on estate properties and golf courses. However as time goes by you will much more infill development in Aurora. Toronto that has the model tree bylaw since 1995 still has large (even heritage trees removed) as permits are granted on a case to case basis. As mentioned at the Town meeting on Monday night, tree bylaws are only as good as the community and the politicians that serve the community. Municipal staff would like to protect trees always in most cases in my experience. I did sit at Toronto Council Chambers in 1995 but more important worked with the local community on Lyndhurst Avenue and following at the OMB to help start the precedent of municipal tree bylaws. I see in York Region, Richmond Hill, Markham (and Vaughan now - boy they needed it) to have very strong tree bylaws (see attached) You can only look at the huge development issues in these areas so the community and politicians rallied very strongly. This will be the case for Aurora soon.

The 7 listed points of Revision.

#5 Research has shown that broadleaf deciduous trees begin providing maximum environmental benefits by the time they reach 40 years of age. So rather than 70 cm. DBH, you should be looking at least 50 cm. DBH and be strongly focussed on tree species such as maple and oak
http://www.milliontreesnyc.org/downloads/pdf/talking_trees_urban_forestry_toolkit.pdf and
www.coloradotrees.org/benefits.htm

#6 Trees designated by the Ontario Heritage Act are already fully protected but of course this can be repealed through actions of the local council. This includes trees on designated heritage properties.

I hope my suggestions and attached information are helpful. I would like to discuss and not debate any of my suggestions to you and Jim, Chris. I will plan on attending the next meeting.

best regards
Jack Radecki
Executive Director
Ontario Urban Forest Council
www.oufc.org

Tree, Jim

From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:57 AM
To: Tree, Jim
Cc: Ballard, Chris; Robson, Dale; Alnabhan, Mai; Mihail, Anca; Letman, Glen; Downey, Al
Subject: RE: Review of Aurora's tree Bylaw clarification:

there are 6 not 7 points of revision as inputed by the community. I am responding to points 5 and 6. Sorry for the confusion, Jim

Jack

10th Canadian Urban Forest Conference, Oct.2-4, London, ON
10ième conference canadienne sur la forêt urbaine, oct 2-4, London (ON)
www.cufc10.ca / www.ccfu10.ca

From: jtree@aurora.ca [mailto:jtree@aurora.ca]
Sent: March 7, 2012 9:43 AM
To: Radecki, Jack
Cc: CBallard@aurora.ca; DRobson@aurora.ca; MAlnabhan@aurora.ca; AMihail@aurora.ca; gletman@aurora.ca; adowney@aurora.ca
Subject: RE: Review of Aurora's tree Bylaw

Hi Jack

I see you indicated you had 7 points of revision however it appears to me that only #5 and #6 have been included here, was there something else you intended to add ?
Thanks Jim

The 7 listed points of Revision.

#5 Research has shown that broadleaf deciduous trees begin providing maximum environmental benefits by the time they reach 40 years of age. So rather than 70 cm. DBH, you should be looking at least 50 cm. DBH and be strongly focussed on tree species such as maple and oak
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From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:06 AM
To: Ballard, Chris
Cc: Tree, Jim
Subject: Review of Aurora's tree Bylaw

<http://www.tcf-fca.ca/programs/urbanforestry/cufn/resources/pages/files/OctoberFinal.pdf>

4/11/2012

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The 7 listed points of Revision.

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http://www.milliontreesnyc.org/downloads/pdf/talking_trees_urban_forestry_toolkit.pdf and
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I hope my suggestions and attached information are helpful. I would like to discuss and not debate any of my suggestions to you and Jim, Chris. I will plan on attending the next meeting.

best regards
Jack Radecki
Executive Director
Ontario Urban Forest Council
www.oufc.org

10th Canadian Urban Forest Conference, Oct.2-4, London, ON
10^{ième} conférence canadienne sur la forêt urbaine, oct 2-4, London (ON)
www.cufc10.ca / www.ccfu10.ca

4/11/2012

Tree, Jim

From: Ed Addison
Sent: Wednesday, March 07, 2012 5:57 AM
To: Tree, Jim
Cc: Ballard, Chris; ; Harti, Jeff;
Gallo, John; judyup@sympatico.ca; Thoma, Patty; Pirri, Paul; piersol@sympatico.ca;
; Downey, Al
Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw
Please do as you wish with what I submitted, Jim.

Regards,

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]
Sent: Tuesday, March 06, 2012 3:43 PM
To:

[REDACTED]

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Hello again Mr Addison

Do you have any objection to us including these Citizen Comments in our future staff report associated with the proposed tree protection by-law or sharing these comments with all the members of our Council
Thank, you
Jim

From: Ed Addison
Sent: Tuesday, March 06, 2012 1:59 PM
To: Tree, Jim

[REDACTED]

Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

4/11/2012

**The Proposed
Aurora Tree Protection Bylaw [see PR12-001]
And
Citizen Meeting Regarding Tree Removal [5 March 2012]**

Ed Addison
6 March 2012

Background on Citizen

My wife and I have been citizens of Aurora, living at 107 Kennedy Street West, for the past 32 years. I am a retired research scientist for the Ontario government. My past experiences include studying health of wildlife and wildlife habitats for approximately 40 years. I am currently a member of the Aurora Environmental Advisory Committee [EAC].

Introduction

The staff of Aurora has done an excellent job over the past decades of managing our trees.

The recent cutting of large numbers of trees on the Beacon Hall Golf Course is testimony to the inadequacy of the current bylaw in pursuing goals of maintaining or increasing the health of our region through meeting stated regional goals for forest management.

The citizens group and those facilitating them have done an excellent job of bringing their realistic concerns to the immediate past and current Aurora Councils.

Our tree management staff and the current Council have done an excellent job of responding to the citizen concerns raised through the report [PR12-001] with the draft bylaw currently under review.

In addition to all of the progress being made, much more can, and should, be considered.

Management Time Frames

The single biggest problem we have with tree or forest management in urban ecosystems is the vastly contrasting time frames for planning for urban development as compared to tree and forest life history.

This is a difficult concept for many people. In years past, while addressing high school students about urban development, “smart growth” and “infill”, etc., I used a prop. I have a sector of wood taken from what was in 1997 the tallest tree in Ontario. This white pine tree, growing on the north shores of Lake Huron, toppled and died in 1998 at 355 years of age. By itself this means little.

John Graves Simcoe, the first land developer for this region, landed and shook hands with the local natives in 1793. That seems like a long time ago. However, when telling students that if this tree that had died a short 14 years ago had been growing on the shores of Lake Ontario in what is now Toronto, the tree would have been over 200 years old when ‘watching’ Simcoe arrive! Two years later in 1795, Simcoe started cutting out a trail through the contiguous bush to the north and it became Yonge Street.

I know one local citizen whose first relative came through the Aurora area six years later in 1806, turning east of Newmarket to find and start clearing land granted to him. I doubt that there are any trees alive in Aurora today that were here when this ancestor came through. If there are, those trees are quite likely eastern hemlock, one of the slowest growing species of trees in our local ecosystem. Sixty years later in 1866, this citizen’s great grandfather came into Aurora from his farm in King Township to be married. I doubt that there are many trees alive in Aurora today that were here in 1866. However, it is quite possible that there are trees currently in Aurora that were living here when yet a different great grandfather moved here to preach at the Aurora Methodist Church [now Aurora United Church] from 1888 to 1890. Quite possibly, the heritage oak in front of the Church Street School was seen by this preacher ancestor with no more than a three minute walk from his church!

The English have a rhyme that pretty well says it all: “We plant pears for our heirs”.

**People can have a strong connection to their community
and develop strong senses of value and stewardship for their community
based of what their ancestors and others before them have bequeathed to them.**

**Our children, grandchildren, great grandchildren and other future Aurora citizens
will likely value and wish to have old trees as much as ourselves.**

**To provide the natural values of the trees in our community to future Aurora
citizens, we must right now take actions that consider not only our current
aspirations but aspirations 200 years out on the horizon because that is the time
frame at which tree communities develop.**

What Ages/Sizes of Trees Do We Wish to Promote/Protect?

We place greatest value on our largest trees. The neighboring citizens who watched scores of trees removed from the Beacon Hall property spoke eloquently about the large size and agedness of the trees removed.

The proposed bylaw addresses our special value of old/large trees by proposing restrictions based on tree size.

A number of years ago, the Ontario government had a 2-3 year long exercise to identify from the public the values of wildlife and wildlife habitat and they had approximately 100 people from various walks of life involved. At the first session, we were all asked what we valued most. Numerous people cited their high value of the climax forest; old mature forests with 200-300 year-old trees. We were then invited to comment on our initial aspirations. One concern raised was that despite the high value placed on ecosystems with 200-300 year-old trees, there were no spokespersons placing high value on 10, 50 and 100 year-old trees. There is a lesson here.

**Understanding forest succession as we do,
we must not only place great value in Aurora on our large/old trees.
We require legislation/regulation that promotes and protects all ages and sizes of
trees.**

At last night's citizen meeting, well known and expert local environmentalist, David Tomlinson, described his involvement in urban tree management in London, England during the 1960s. The actions taken included that if a tree had to be removed, it had to either be relocated or alternatively a defined number of young trees had to be planted to replace it. This accommodates for the needs of urban development while also acknowledging the need to both protect trees and promote forest succession.

The similar principle is used in the federal Canadian fisheries habitat legislation. If there is to be a change/destruction of fish habitat to, for example put in docks, bridges, etc., the plan must include providing comparable new fisheries habitat as a replacement.

We need to protect habitats in addition to trees.

Tree Protection Bylaw or Tree/Forest Management Plan

Both David's example of tree management in London and fisheries habitat management here in Canada are much more comprehensive than our current proposed "Tree Protection Bylaw".

As other citizens have said to me and I agree with them:

We require a tree/forest management plan for Aurora from which a tree protection bylaw can be developed.

Management of trees is different for trees of differing ages and sizes and if we wish to manage for our descendents to have 200 year-old trees, the planning might best be more comprehensive than the much improved current draft bylaw.

As a provincial civil servant, I found that I and my colleagues most often considered resource management actions only as we perceived them within the jurisdictional boundaries of Ontario. However, as knowledge increased, we all became more aware that ecological health locally is dependent on interactions among adjacent ecological units and not dependent on jurisdictional lines on a map. Thus, in management of migratory birds, we recognized that we, in Ontario, had obligations locally but that we needed to work with other jurisdictions for the success of migratory birds. The Oak Ridges moraine initiatives and plans take this more modern, holistic approach. We recognize that the Oak Ridges moraine here in Aurora is dependent for its health to some extent on actions and coordination of actions among jurisdictions throughout the moraine ecosystem. Benefits of coordination of efforts among jurisdictions is as applicable for management of trees and forests in Aurora as it is for management of migratory birds in Ontario.

At last night's citizen meeting, a person working locally in the resource sector, spoke of a discussion with the proponents of a planned cutting of two hectares of forest from a golf course in an adjacent jurisdiction, indeed almost within hollering distance of the Aurora boundary. Apparently the concerns of the citizens and town staff of Aurora about the tree removal at the Beacon Hall site were raised. The responding comment from the proponents of the cutting was that they were not impacted by what happened in Aurora because the bylaw in their jurisdiction allowed them to proceed. What happens in adjacent jurisdictions and in Aurora will all impact objectives at other ecological and jurisdictional [e.g. regional, provincial] scales.

**For the health of our trees/forests in Aurora,
we clearly must promote cooperation among Aurora and adjacent municipalities
in order to manage our local Aurora forest ecosystem effectively.
This should be a component of our tree/forest management plan.**

The Importance of Diversity

Diversity is a 'here and now' buzzword in ecology/biology. While sometimes 'overworked' in my opinion,

diversity is of extreme importance for us to meet our future aspirations for trees/forests in Aurora.

The importance of diversity of sizes and ages of trees has been mentioned above for us to provide value to future generations.

The diversity of trees is relevant in many other ways and cannot easily be implemented within the current draft of the tree protection bylaw.

Trees of different sizes and ages provide differing habitats for a wide variety of wildlife and are valued by citizens for fitting into spaces of differing sizes and other vegetation types within their properties.

This is another reason for the citizens, staff and Council to embrace a broadening of our approach from a tree protection bylaw to legislation based on an urban forest management plan.

Tree diseases are not new although recently they certainly have been receiving a higher profile in the news hence are of greater concern to more citizens than in past decades. Just some of the diseases of current concern from outside North America are included on the following list which is from material provided by well known ecologist and botanist, John Riley: beech bark blight [arrived in Nova Scotia 1890], Dutch elm disease [arrived in New York 1909], Asian long-horned beetle [arrived Chicago 1997], larch sawfly [in Quebec in 1870s], chestnut blight [in New York by 1904], larch canker [in Massachusetts by 1920s], gypsy moth [France to Massachusetts 1869], butternut canker [reached Wisconsin 1967], European pine shoot moth [New York 1914], eastern pine shoot moth [Connecticut], pine shoot beetle [Ohio 1992], emerald ash borer [Detroit, 2002], woolly adelgid in hemlocks [Connecticut 1927], and basswood thrips [Wisconsin 1926].

There are a number of key points here.

Trees diseases, like trees themselves and natural distribution of tree seeds have never taken human jurisdictional lines into account, hence the value for Aurora to be working cooperatively within regional and provincial tree/forest management planning.

Many of the diseases mentioned are detrimental to only a single species of tree or to a number of tree species within a genus, and seldom to trees in many genera. Thus by having a tree/forest management and tree protection plan/legislation that promotes taxonomic diversity of tree species, we can better sustain healthy trees/forests in Aurora over the necessary ecological long term.

In addition to providing “pears for our heirs” and providing habitat for a wide range of wildlife, we must emphasize species diversity of trees in addition to the current emphasis on protecting large trees.

How Many Trees are Enough?

Last night I heard at the citizen meeting that there are stated objectives for numbers of trees or perhaps it is % coverage by trees of defined land areas. Dr. Danijela Puric-Mladenovic, a forestry research scientist with the Ontario Ministry of Natural Resources effectively addressed a number of the salient issues at the Aurora citizen meeting last night [5 March]. In addition to emphasizing as above the need for long term planning, Dr. Puric-Mladenovic cautioned not to emphasize numbers of trees planted but quality of trees and sites to which they are planted. Dr. Puric-Mladenovic noted that we [the generic ‘we’] are still buying nursery stock from the United States, stock that is not adapted, indeed may be maladapted to Ontario sites for planting. This shocked me because some forest ecologists in the Ontario Ministry of Natural Resources certainly recognized this problem at least back in the 1980s and took steps in at least some of their regeneration programs to use seeds from trees in specific ecological sites to propagate seedlings for replanting to those same sites. Acknowledgement of the value in using locally adapted seed is not a new idea and should be a part of what we do in Aurora.

David Tomlinson presented a comprehensive paper to the March 1, 2012 meeting of the Aurora EAC in which he, like Dr. Puric-Mladenovic, emphasized the importance of site preparation for successful management of young trees at time of planting. David provided specific recommendations for pre-planting site prep especially for ‘street-scape’ trees. While David’s report which has been submitted to Mr. Jim Tree did provide many other suggestions such as species lists most appropriate for particular sites. Like Dr. Puric-Mladenovic David emphasized that

it is the quality to what is done that is the most important measure of success, not the quantity of trees planted.

This approach should be a part of the direction upon which our tree management legislation is based.

What Specific Sizes of Trees Should Receive Specific Protection?

The proposed bylaw identifies a size of tree [70 cm DBH] above which a permit will be required to remove even a single tree. This is a positive action by town staff in acknowledgement of the greater value that citizens have placed on large, as compared to small, trees as expressed in the citizen survey.

Presented above with explanation are suggestions of why we should promote a diversity in size, age and species of trees. Dr. Puric-Mladenovic most appropriately pointed out that 'one size doesn't protect all'. Her comment was reinforced by an observation that ironwood or hop horn beam [*Ostrya virginiana*] very rarely reaches over 70 cm DBH. There is one larger tree in Huron County and possibly one locally in King Township but most very old ironwood trees, including a very large one in Sheppard's Bush here in Aurora are much smaller. For this species protecting the largest trees would require identification of a much smaller diameter for considering special attention

There are enormous benefits in passing bylaws that are simple, indeed capable of being implemented at minimal cost. It must also be recognized that species specific sizes for protection of trees within our bylaws is very valuable to maintain a diversity of tree species, a diversity of forest structure and a diversity of wildlife habitats.

Trees as a Source for Human Food

There are environmental initiatives in our area for growing local foods [community gardens], reducing dependence on gas consumption [local shopping, bike and walking trails, a regional program on car-pooling to work, etc.], a 'fresh food partners gleaning program' and in general growing more food locally. There are increasing data in support of health problems associated with contaminants and additives in packaged and processed foods.

There are some in Aurora who as individuals choose to grow the majority of their own pesticide free local fruit and vegetables. In addition to apples from private property, some citizens forage for apples from 'wild' apple trees within our town limits and adjacent townships and eat fine tasting, pesticide free apple sauce all year. A variety of local and regional initiatives that are healthy for us ecologically are less effective when managed as isolated 'silos' rather than when developed in a complementary manner with other environmental initiatives.

We do not want trees on our street-scapes dropping a lot of unwanted fruit on the roads and sidewalks. However, in addition to personal front and back yards, there are town owned sites in Aurora where the ground beneath prospective trees is not manicured and hence where dropping fruit would not be an added cost to the taxpayer. No added costs but definite social, economic and ecological value to the people in our community makes

the benefits of including fruit-bearing trees on our public sites and encouraging the same on private property a definite 'win-win' situation. Fruit-bearing trees such as pears, plums, cherries and apples would be used extensively by birds and other mammals.

Include, when appropriate in our tree management plans, the planting of fruit-bearing trees, for the benefit of wildlife and of citizens who through eating more locally will alleviate some of our development pressures within our ecosystem.

Is Cutting Down Trees Bad for Us and our Ecosystem?

The simple answer is 'no', cutting down trees is not uniformly 'bad'. Our current bylaw and the proposed bylaw both acknowledge this by pointing out that 'yes' some trees will be cut, perhaps need to be cut, but that we wish to control the extent and perhaps the reasons for cutting trees.

This topic is included because I get the general impression that some citizens feel that every tree must be protected and I encourage a broadening of such views. Trees should be cut for

- reasons of personal human safety,
- protection of human dwellings, and
- promotion of improved growth of remaining trees close by on the same site.

Twenty-five years ago, we removed two extremely large spruce trees, the stumps of which were within two metres of the foundation of our house and whose boughs and needles continually destroyed our roof through lack of 'breathability' for the roof. Should we have felt badly or have been restricted by others from removing such large mature spruce in order to protect our home? I think not.

Our home has been broken into twice, one time included vandalism. These occurred when the house was somewhat secluded from the street. We personally removed five or six large spruce from across the front of our property. Only one neighbor, who had lived opposite our lot since the 1930s and whose late husband had planted the trees, chose to complain. Once she saw the beautiful perennial flower beds that replaced the spruce and once she was welcomed to pick her herbs from the vegetable portion of the garden, she was a convert!

For anyone who has visited the provincially famous gardens of Dierdre and David Tomlinson here in Aurora, they will have been thrilled with the diversity of unique plant life, the diversity of the wildlife that their garden supports and the artistry of their efforts. This garden would not have been possible without the Tomlinsons having removed trees.

As David Tomlinson pointed out to the citizen meeting on March 5, in London they consider what will replace a tree in considering permission to cut a tree.

Here in Aurora, it would also be beneficial for us to look more broadly beyond the act of cutting down a tree when establishing our values.

In the case on our property, yes we have removed numerous mature trees. In so doing, we have also planted an additional 6-10 species of trees previously not present on our property. We consider this of long term value to the citizens of Aurora and the local ecosystem and hope that our fellow citizens agree.

One of our neighbors had for decades only mature and over mature trees on their property. Recognizing the inevitable crisis of no old trees on the property in the 'near' future and how much we all value large trees in our neighborhood, I encouraged them to cut the odd old tree and get something else started. While this is a 'hard sell' for many of us, it is vitally important to consider. It is important because as we have developed new subdivisions in our town, trees get planted. Thus, many trees in any given part of town were planted at the same general time and it logically follows that those that 'grow together will die together' [while acknowledging many exceptions].

A sound long range tree protection plan/legislation should identify the weaknesses of predominantly similarly aged trees within an area and allow for removal and replacement of some to increase age diversity.

Is it "Too Late", are Cut Trees "Lost Forever" and "Irreplaceable"?

At the citizen meeting of March 5, I saw for the first time the extent of and impact upon their neighbors of the cutting of so many mature hardwoods on the Beacon Hall property. I was impressed by the logical, factual, well organized presentations by these citizens despite the unimaginable emotion stress and impacts of this cutting on them. Nevertheless, I did understandably hear comments such as 'it is too late', these forest are 'lost forever' or that they 'could not be replaced'.

With every respect for the work these fellow citizens are doing and their excellent approach, these citizens and all citizens should be encouraged to recognize that trees and forests can and indeed have been replaced locally....but we have to do it!

We had a family friend who during the great depression of the 1930s used to travel by train from Toronto to ski out in the Dagmar area on the Oak Ridges moraine east and south of Coppins Corners. This chap was my father's best friend from about age five until both men died. In addition to their friendship, these two men had complementary means and knowledge. The family friend bought 1500 acres of land over time, much of it an eroded, desert-like wasteland caused by pioneer attempts to farm those sand hills. My father, on the other hand, was a highly experienced forester. Over time between the 1930's and the 1990s, the landowner reforested the area with appropriate species, with an emphasis on oaks because of the site features. He created what is now a beautiful mature forest and he did so, in part, by removing trees as they grew [yes cutting them down!] and selling lumber from them. We have some of Mr. Jim Walker's oak that we bought from

him. Prior to his death, much of Mr. Walker's property was donated to the province and perhaps some of you have hiked on the trails of the Oak Ridges moraine "Walker Tract". The lesson here is that:

It is never too late to develop and implement a sound long term forest management plan for our community. Forests can be replaced. Other communities have done so and we have living examples of it working in the ecosystem of which Aurora is a part.

Final Thoughts

The town staff who manage our trees do an exemplary job and I expect that both they and our Council are moving in the right direction. The citizens who have experienced so much trauma over the winter cutting on the Beacon Hall property are to be admired for their positive efforts.

I am a member of the Aurora Environmental Advisory Committee [EAC] and new to this process. Perhaps due to my lack of experience, I do not understand why the topic of this tree bylaw was not placed before EAC prior to, or simultaneously with, the request for responses from the public. I regret this because here I am responding as an Aurora citizen rather than a member of EAC. While I know that I have captured some of the ideas of some of my fellow committee members as acquired in recent informal chats, I also know that the expertise and variety of views on the committee could have added much more than this report from an individual citizen. The contents of this report in no way reflect an agreed upon understanding or recommendations of our EAC.

Tree, Jim

From: Elaine Pepe
Sent: Sunday, February 05, 2012 8:43 PM
To: Tree, Jim
Subject: Draft Tree Permit By-Law

Hi,

First of all, I want to thank you for a job well done looking after our town's park needs. Furthermore, several years ago, you also were of assistance to my son who had to do a research study for his environmental landscape program in college. Your patience and help were beyond expectation, and much appreciated.

As far as the study and draft, I am having some difficulty understanding why the draft states there were 100 respondents to the survey, but the survey results state 128.

In terms of the recommendations I have several comments. We live on the Moraine. As such we have a major responsibility for its care and protection. We do not do enough in this regard, especially in approving endless golf courses and increased building.

In regard to the draft #2, as stated, golf courses should not be able to remove ANY trees. We already have sufficient proof that money and arrogance overrides our by-law all too often when it comes to golf courses.

If a single tree is to be authorized, it should be with a review first by an environmentalist whose advice will actually be heard and followed, and not one provided by the developer. We are surrounded by at least 108 golf courses, all of which are a detriment to our ground water, aquifer and clean air. Golf courses, as you know, are not even held accountable by the "no pesticides" by laws, thereby endangering all of our Nature, including trees, animals, water, oxygen, etc.

Number 4 of the draft does not specify who will take over this responsibility. It must not be an individual, but rather a group of knowledgeable people, concerned about our environment.

Number 7 MUST include golf courses, school boards and businesses.

Thank you,
Elaine Pepe

4/11/2012

Tree, Jim

From: Sandy Yorston / Denise Cross
Sent: Wednesday, February 01, 2012 4:18 PM
To: Tree, Jim
Subject: Bylaw draft

Hello,

Do we get to see the new bylaw draft before it is presented to council?

Thank you,
Sandra yorston

Tree, Jim

From: svetlatopouzova
Sent: Wednesday, March 07, 2012 2:15 PM
To: Ed Addison
Cc: Tree, Jim; George Topouzov
Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Addison,

This was a very detailed explanation-thank you!

Further education in the environmental sector will help the community to take better decisions and to build sustainable plans for the future.

I am suggesting EAC to take the leadership role in providing the schools, planning departments and overall the general public in Aurora with valuable environmental information which can be a good basis for preventive measures and meaningful green regulations in the Town.

Best Regards,

Svetla Topouzova

Sent wirelessly from my BlackBerry device on the Bell network. Envoyé sans fil par mon terminal mobile BlackBerry sur le réseau de Bell.

From: "Ed Addison"
Date: Wed, 7 Mar 2012 09:39:50 -0500
To: 'Svetla Topouzova'
Cc: <jtree@aurora.ca>
Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Hi Svetla;

My comments were ambiguous. I see houses been renovated or replaced and the construction equipment being held back from the base of the trees to be protected by some fencing. Despite this, many trees later die and it seems easy to predict why. The developers have little sensitivity to the needs of the trees and not infrequently place the fences too close to the trunks of trees, thus allowing too much compression of the soil in the areas of parts of the root system. Another scenario is that the fencing is lowered to make it possible to maneuver heavy equipment or to store supplies for the building project. Not surprisingly, this frequently occurs when the size of the house being erected is very large relative to the size of the lot upon which it is being built.

This is what I find regrettable. There is killing of valuable trees, not in violation of legislation perhaps, but out of ignorance or lack of placing a high value on the trees. It often takes a number of years for trees to die when stressed this way. As a result, the action stimulating the death of the tree is removed in time from when the tree dies.

Another alternative explanation is that this is all 'baloney' and of no real concern...lest one treats themselves too seriously! ☺

Thanks for asking.

ed

Ed Addison

From: Svetla Topouzova
Sent: Wednesday, March 07, 2012 8:35 AM

4/11/2012

To: Ed Addison; jtree@aurora.ca



Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Anderson,

Great job in doing a detailed analysis of the subject matter.
Can you share more with us in respect to point#7 you made below?

Best Regards,

Svetla Topouzova,

From: Ed Addison
To: jtree@aurora.ca



Sent: Wednesday, March 7, 2012 7:05:09 AM

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Good morning Jim;

Revisions

1. reasonable
2. great improvement over past activities
3. great improvement over past activities
4. great improvement (as long as contentious decisions may be referred to Council)
5. one size does not fit all. This should take into account the varying size of species of tree at maturity [e.g. ironwood smaller than black cherry; black cherry smaller than hard, Norway, silver maples + beech, etc]. Additionally, size alone is only one contributing factor and habitat contribution would also be valuable to account for in this revision [e.g. deciduous and conifer trees both contribute habitat niches for wildlife but they are highly contrasting in what they offer. Especially slow growing species like hemlock, deserve extra permit requirements for one aim of the bylaw being to preserve diverse habitats.
6. reasonable
7. improvement. I am still concerned with the poor understanding or lack of concern by many developers where I see their actions around trees compromising and predictably dooming them within limited times after the development is complete. However, this may only be important if this bylaw was in support of some agreed upon defined set of tree/forest objectives as defined in a management plan.
8. reasonable

Perhaps there is a forest management plan or agreed upon set of objectives for Aurora regarding trees. [I have not looked for one, hence do not know]. However, this bylaw and its individual components would be more meaningful [e.g. why 70 cm vs. ?, why no distinction based on habitat

4/11/2012

contributions of species of trees when selecting size requiring permits?] if the bylaw did not appear to be an 'orphan' as it does without referring to the management plan upon which the clauses of the bylaw are rationalized.

Notwithstanding the above concern [major for me], the draft changes are wonderful!

Thank you.

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]

Sent: Tuesday, March 06, 2012 3:15 PM

To:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Thank you very much Mr Addison for your lengthy and informative e-mail , can I respectfully request your assistance in providing me with specific comments directly related to the draft By-law , Preferably summarized in bullet point , I have read through your information and was unable to determine if you had any specific information you wish to see included or excluded from the draft By-law , this would be most helpful to the staff By -law review committee .
Thanks again for your participation

From: Ed Addison

Sent: Tuesday, March 06, 2012 1:59 PM

To: Tree, Jim

Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

ed

Ed Addison

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1913 / Virus Database: 2114/4853 - Release Date: 03/05/12

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Checked by AVG - www.avg.com

Version: 2012.0.1913 / Virus Database: 2114/4853 - Release Date: 03/05/12

4/11/2012

Subject: FW: Tree Permit By-Law Review

From: Colin Nisbet
Sent: Wednesday, April 18, 2012 3:00 PM
To: Tree, Jim
Cc: Wright, Carole
Subject: RE: Tree Permit By-Law Review

Please accept my comments in the matter of the proposed Tree Protection By-law.

As an owner and operator of Westview Golf Club, located in Aurora, I am very interested in any proposal to enact a Tree Removal By-law, as it could very significantly affect the operation of my business. In the normal course of operations we are required to manage our trees through planting, pruning and occasionally removal and it is something that we take very seriously and don't do haphazardly. Trees are very important to our operation, they effect the strategic part of the game, add to the landscape and scenic value of the property, in fact we use one for our logo. By way of background, golf courses encompass many acres of property and are home to many trees, in Westview's case 213 acres and thousands of trees. I have read where it is proposed to limit golf courses to 10 tree removals annually without a permit, this seems very restrictive when compared to the average property owner being allowed to remove 2 trees without a permit. The removal of ten trees on an extremely large property, would certainly not have the same impact as on a small property. Typically, if we decide on removal, we are dealing with only a few trees at a time, but it wouldn't take long to exceed the 10 tree limit through the course of a year. The additional burden of time & cost in having to make application for any removal above the annual limit seems onerous and unnecessary.

Even though the removal of trees can be a very emotional issue, it should not form the basis of a bylaw. If the town decides to go ahead with their own Tree Removal Bylaw, it needs to be workable and fair to everyone including golf courses.

I plan on attending the public meeting on the 25th.

Sincerely,

Colin Nisbet
President

Westview Golf Club

t (905) 727-0446 ext. 223
cnisbet@westviewgolf.ca

From: cwright@aurora.ca [mailto:cwright@aurora.ca]
Sent: Thursday, April 12, 2012 4:22 PM
To: jtree@aurora.ca
Subject: Tree Permit By-Law Review

4/18/2012

ONTARIO GOLF SUPERINTENDENTS' ASSOCIATION

Guelph Turfgrass Institute
328 Victoria Road South
Guelph, Ontario N1L 0H2
www.golfsupers.on.ca



OGSA is committed to serving its members,
advancing their profession, and enriching
the quality of golf and its environment

April 18, 2012

To: Public Planning Committee
Town of Aurora

On behalf of the all the all golf courses in Ontario and most specifically the golf courses in Aurora we would like to comment on the debate on amending your current tree bylaw and the proposed revision to include golf courses.

Golf courses are inherently different than other properties in that they are commercial enterprises of which the success is determined by the quality of the landscape to support a specific use – the playing of the game of golf. The success of a particular golf course as a business is directly dependant on the quality of the course in comparison to others. Quality is measured in many ways, the aesthetic appeal of the course, the degree of challenge and most notably, the quality and consistency of tees, greens and fairways. Achieving excellence in the management of tees, greens and fairways is a science.

Turf requires specific ratios of sunlight, moisture, nutrition, etc. to remain in a good resilient state that can withstand the impacts of play. Consequently golf courses must have the latitude to manage trees specifically and the landscape in general to ensure that they remain viable and successful businesses in the realm of the competitive golf marketplace.

If the exemption was not in place and a course was for whatever reason not permitted to remove trees that grow very large over time and impact the quality or playability of the course, this in turn would directly impact the viability of the course as a business and this could have further ramifications in terms of requests for compensation for the loss of revenue resulting from the prohibition of tree removal. Once again, an idea that appears to be very simple on the surface holds the potential to have significant ramifications that could lead to undesirable conflicts in practice.

Most importantly, all areas designated as significant woodlands are already governed by York Region. With this in mind we present the following comments.

The golf courses in Aurora are committed to the cultural, environmental and economic sustainability of the Town of Aurora and outlying areas. We ask that you consider our requests to be included within the Town of Aurora's amended Tree By-law #4474-03.D, and that it remains clear, broadly inclusive, and consistent with other municipal, regional and provincial policies and legislation. Policies need to incorporate concepts relevant to the responsible environmental management of golf courses and move beyond conventional notions of tree removal as it pertains to residential units to include playability, safety, agronomic, economic and ecological considerations. It is with this commitment that we ask the Town of Aurora's amended Tree Bylaw considers some specific needs of the golf industry to assist us in our sustainability goals.

Phone: (519) 767-3341

Email: ogsa@gti.uoguelph.ca

Toll Free 1-877-824-OGSA (6472)

Web Site: www.golfsupers.on.ca

Fax: (519) 766-1704

If golf courses are not exempt by the amended Tree By-Law #4474-03D, and are therefore required to apply for permits whenever the removal of ten or more trees is required, we ask that you respectfully consider the following 3 requests:

A) Tree removal parameters must be cohesive with recommendations of industry best practices supported by Ontario's cosmetic pesticides ban. The requirements of the ban, which took effect April 22, 2009, are detailed in Ontario Regulation 63/09 and the Pesticides Act, which was amended by the Cosmetic Pesticides Ban Act, 2008. This also saw the Town of Aurora's Pesticide By-law 5033-08.P, which also supported industry best practices, was made inoperative by Section 7.1 (5) of the Pesticides Act.

In order for golf courses to maintain an exemption of Ontario Regulation 63/09 and the Pesticides Act, they must demonstrate the use of best practices and be approved by a certified environmental auditor as designated by the Canadian Environmental Certification Approvals Board (CECAB). The IPM Agent (golf course representative) must demonstrate to the Auditor the methods he/she uses to implement IPM.

Tree and branch removal are promoted as best practices to encourage sun exposure, while the clearing of tree's and understory in some circumstances helps to increase air movement around turfgrass that is prone to fungal infestation. These methods are supported by the Ontario Golf Superintendent Association (OGSA), the Canadian Golf Superintendents Association (CGSA) and the Integrated Pest Management Council of Canada and therefore are considered tools and best practices by CECAB auditors and the IPM Accreditation program.

We request that if golf courses are required to meet the expectations set forth within an amended Tree By-Law that provisions and exceptions are made for golf courses to continue to meet these high standards set forth by industry and Provincial Government.

B) The Town of Aurora's Parks Division has two fully trained and experienced municipal Arborists. We request that their approval of plans through an on-site visit be considered as part of this new bylaw. Their trained and educated decisions would help ensure town standards are adhered to while also accommodating the agronomic, cultural and environmental needs of the golf course. If council decides that the golf course should be responsible for Arborist fee's we ask that you consider a five year transition to ease the financial burden on golf courses and allow them to prepare budgets accordingly

C) Mandatory compensation plantings, referred to as "replacement trees" in By-law #4474-03.D, do not meet the needs of all golf course models. They can have profound effects on the economic (business model), social (playability) and ecological model of the golf course. Some estimate that Aurora's tree coverage stands at about 17 percent; Aurora's golf courses are committed to contribute, not take away, from this total coverage.

In a unified effort to increase the Town of Aurora's total tree coverage, we ask that compensation plantings are allowed off-site along roadways, local watersheds, schools, neighborhoods and businesses. We also ask that forest edge plantings can be at higher densities to preserve natural transition of interior forest needs and accommodate for the ecological infrastructure that supports the design of a golf hole. In all compensation circumstances golf courses would be required to cover the costs of the replacement trees and the maintenance of the trees for a period of up to two (2) years.

In addition we ask for credit for the additional planting of trees that happens voluntarily by golf courses all the time. This credit can be used towards future cutting for the above stated reasons.

Something else to consider is the permit required to plant a tree, as so many trees are ill-suited to their environment and planted with a limited future. If we are asking for permit for removal, then should there not be a permit to plant?

We believe that the above provisions allow for our golf courses to remain competitive in the market place and will also enable us to reach our sustainability goals.

We encourage council to make well informed decisions that take into consideration all the facts and indeed the various implications that may ensue from those decisions.

We ask that you find a balance between the public's desire for equality, and the courses ability to practice sound environmental stewardship, fulfill their economic needs, and assure they continue to provide green space within the township of Aurora.

Yours sincerely,
Ontario Golf Superintendents' Association

A handwritten signature in black ink, appearing to read 'DB', is positioned above the typed name and title.

Doug Breen
President



Attachment #4 to PR12-016

MEMORANDUM

**Parks & Recreation Department,
Parks Division**

Date: April 20, 2012
To: Mayor and Members of Council
From: Jim Tree
Re: Tree Permit By-law Review

Please note that the attached letter regarding the Tree Permit By-law review was sent to the following stakeholders:

Regional Municipality of York - Ian Buchanan, Manager of Natural Heritage & Forestry Service
York Region District School Board - Ken Thurston, Director of Education
York Catholic District School Board - Susan LaRosa, Director of Education
Lake Simcoe Region Conservation Authority - Brian Kemp, Director, Conservation Lands
Aurora Cemetery Corporation, April Ross, Manager
Beacon Hall Golf Course, Paul Sceena, Superintendent
Magna Golf Club - Wayne Rath, Superintendent
St. Andrews Golf Club - David Nisbet, Superintendent
Westview Golf Club - Colin Nisbet, Superintendent
Aurora Highlands Golf Club - Golf Club Superintendent

Jim Tree,
Parks Manager



Services
Jim Tree
905-727-3123 ext 3222
jtree@aurora.ca

Town of Aurora
100 John West Way Aurora ON L4G 6J1

April 11, 2012

York Catholic District School Board
320 Bloomington Road West
Aurora, Ontario
L4G 0M1

Attention: Susan LaRosa, Director of Education

Re: Tree Permit By-law Review

This letter serves as follow up to our January 25, 2102 correspondence wherein we notified you that the Town has completed a comprehensive review of the Tree Permit By-law and prepared a Draft of a revised Tree Protection By-law. This Draft By-law was received and approved by Council as an information item on January 24, 2012. The Staff Report and proposed Draft By-law along with the Public On Line Survey results are available for review on the Town of Aurora Website www.aurora.ca . Hard copies are also available by contacting the Manager of Parks Operations.

Since our previous correspondence, Aurora Council directed staff to hold a Public Meeting for the purpose of allowing a further opportunity for the general public and stake holders to provide their input and comments with regard to the Revised Tree Protection By-law

The Public Meeting will be held on April 25, 2012 at 7:00 pm in the Aurora Town Hall Council Chambers.

The Town of Aurora welcomes your input on all aspects of the proposed Tree Protection By-law and would encourage you or your representative to attend the public meeting.

Written comments can also be submitted on line by following the link on the Towns website. Alternatively you can mail or e-mail your comments to the undersigned up until 12:00 noon May 3 2012.

....2



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York Catholic District School Board
Susan LaRosa

A further notice will be posted in the media and on our website advising the public of the date and time that the final proposed By-law will be presented to Council for approval.

Yours sincerely,



Jim Tree
Manger of Parks

JT:cw

cc: Allan Downey, Director of Parks and Recreation





Attachment #4

**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PR13-046**

SUBJECT: *Tree Protection By-Law*
FROM: *Allan D. Downey, Director of Parks and Recreation Services*
DATE: *October 1, 2013*

RECOMMENDATIONS

THAT Report No. PR13-046 be received; and

THAT Council repeal By-law Number 4474-03.D; and

THAT a new by-law to deal with matters relating to the injury and destruction of trees located wholly on private property, being the proposed By-law Number 5551-13 (the "Private Tree Protection By-law"), be enacted; and

THAT the Private Tree Protection By-law shall come into full force and effect on May 1, 2014; and

THAT information concerning the Private Tree Protection By-law be published in the local media, the Town of Aurora website, and in all municipal facilities for the purpose of allowing the public and stakeholders an opportunity to familiarize themselves with the new By-law.

PURPOSE OF THE REPORT

To provide Council with the Private Tree Protection By-law effective May 1st 2014.

BACKGROUND

At the February 19, 2013 General Committee meeting, Council approved the revised Private Tree Protection By-law (the "By-law") subject to final review of the By-law by staff and Council.

Pursuant to this Council directive both the Parks & Recreation Services Department and the Legal Services Department staff have completed a final review of the By-law. Some minor corrections and technical revisions were required; however, the content of the more significant provisions to the By-law remain unchanged since the previous draft was presented to Council on February 19, 2013.

October 1, 2013

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Report No. PR13-046

As noted in previous reports dealing with this matter, this by-law revision has involved a significant process involving a number of internal staff, stakeholders and our Environmental Action Committee, all of whom have contributed to both the process and content of the final proposed by-law. A summary of the most significant revisions in the by-law are as follows:

PROPOSED REVISION	CURRENT BY-LAW
Two (2) trees having a trunk diameter more than 20 centimetres but less than 70 centimeters can be removed without a permit within any 12-month period	Four (4) trees with a trunk diameter greater than 20 centimeters can be removed without a Permit
Golf courses allowed to remove ten (10) trees having a trunk diameter more than 20 centimetres but less than 70 centimeters in any 12-month period without a permit	Golf courses exempt from Tree Permit By-Law
Conservation Authority and School Boards now required to abide by the By-law	Conservation Authorities and School Boards exempt from Tree Permit By-law
Director of Parks & Recreation Services to issue or deny Tree Removal Permits as an administrative function (other than a Heritage Tree)	Council approves or denies Tree Removal Permits
Tree Removal Permit must be obtained prior to removal of a single tree with a trunk diameter greater than 70 centimeters	No regulations on removing any single tree
Tree Removal Permit must be obtained to remove any tree classified as a Heritage Tree (see definition in new By-law) and Council approval (following a review by the Heritage Advisory Committee) is required	No regulations on removing any single tree in a heritage district (other than specific heritage protection for a tree)
Minimum fines are established within the new By-law	Currently no minimum fines included in the By-law

COMMENTS

As noted in our previous reports, this more restrictive *Tree Protection By-law* is expected to generate an increase in the level of administrative work for the Parks Division with the issuance of permits and site inspections.

The By-law Enforcement Division will also be involved when an infraction has been reported and an on-site investigation is deemed necessary. Currently, it is difficult to predict the exact level of additional resources that will be required to meet the needs of this more stringent by-law. Because of this, staff is recommending that no additional resources be added to either the Parks Division or By-law Services at this time. Staff suggests a watch-and-wait approach for a one-year period to properly gage and assess the increase in the administrative work load prior to recommending retention of additional resources.

October 1, 2013

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Report No. PR13-046

Should it be determined that the administrative requirements associated with the revised By-law are in fact insufficient, staff will report back to Council on all aspects of the additional needs with the appropriate recommendations and alternatives. In our on-going efforts keep our stakeholders and members of the public informed throughout the Tree Protection By-law review process, staff have sent out formal notices to all of our local golf establishments and other interested parties advising them of this staff report and its addition to the October 1, 2013 General Committee agenda. Additionally, a draft of the proposed Tree Protection By-law has been placed on our website for public review and notices have been running on the Town of Aurora's Notice Board page in the Aurora newspaper.

Summary of Technical Amendments to By-law

As part of the final review by Parks and Legal staff, a number of technical and clerical revisions were undertaken to adhere to the Town's general by-law formatting standards. In addition, the structure and placement of some provisions was re-organized to provide more clarity and to eliminate any vagueness and inconsistencies within the By-law. The following is a summary of the technical and organizational changes that were made from the previous version of the By-law that was presented to Council:

Section 1 – Definitions

A number of definitions were updated to provide more clarity. The following is a summary of the more significant amendments:

- Cultivated Orchard – added language to limit the definition of orchards to lands that are predominantly used for the purpose of commercially harvesting the produce of fruit and nut trees for sale. Definition was previously too broad. Also, defined the orchard as the entire property as it could be difficult to meaningfully distinguish different parts of a property for the purposes of enforcement.
- Emergency Work and Hazard Trees – updated these definitions to differentiate between the categories. There was overlap between the categories. Emergencies are now matters related to imminent hazards that have to be immediately remedied, whereas hazard trees would be ones that are a concern but there is no imminent danger.
- Golf Course – updated the definition to clarify that an entire golf course property was part of the golf course. Previously, it was unclear what parts of the golf course would actually fall into the definition. From an enforcement perspective, it could be too difficult to meaningfully distinguish areas that are actually used in the operation of a golf course and determine which provisions should apply to different parts of a property.
- Nursery Stock – added definition from Regional By-law for consistency.
- Tree Farm – added some language to clarify that a farm is to have a commercial purpose. Also, defined the farm as the entire property as it could be difficult to meaningfully distinguish different parts of a property for the purposes of enforcement.

October 1, 2013

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Report No. PR13-046

- Woodlands – amended definition to mimic the Regional by-law. Regional by-law will overwrite the Town’s by-law in case of conflict and inconsistencies could only create confusion.
- Woodlot – eliminated definition as it was not used in the Town’s by-law.

Section 2 – Application of By-law

- Added a new provision to alert the reader at the outset that the Town’s By-law only concerns trees that are wholly located on private property and to point out the jurisdiction of the Region. This does not change the application of the by-law from the previous version.

Section 3 – Exemptions

- The exemptions provision, which was previously intermixed with a provision on exceptions from the permit, was separated into its own section.
- The separation allows the reader to clearly identify what matters are not governed by the By-law before considering any permit requirements or exceptions. This is more consistent with wording in the *Municipal Act*.
- The wording of the exemptions was cleaned-up and made consistent with the *Municipal Act*.

Section 4 – Permit Requirement

- This provision was moved from section 2 and some language was cleaned up.
- A list of exceptions from permit requirements was added that was previously intermixed with exemptions from application of the by-law.
- An exception was added for instances where a person is required to remove a tree pursuant to an order of the Town.
- The scope of the other exceptions was not changed.

Section 5 – Dead, Diseased and Hazard Trees

- This provision was separated from Emergency Work and clarified to eliminate overlap. The powers of the Director in relation to such cases and the process of removing such trees were clarified.
- The provision requires that a certificate from an Arborist or a report satisfactory to the Director be submitted to confirm the state of the tree.
- The clarification of the process and involvement of the Director in overseeing any such removals was added to avoid potential of abuse of this provision.

Section 6 – Emergency Work

- This provision was separated from Hazard Trees to eliminate overlap.
- As in the previous version, one is permitted to do emergency work where there is an imminent hazard and is required to submit a justification after the work is completed.
- The process and powers of the Director were clarified to avoid abuse of this provision.

Section 7 – Administration

- This was moved from section 4.

October 1, 2013

- 5 -

Report No. PR13-046

- The provision was reworded to clarify the delegation of authority to the Director but its scope was not changed.
- Director of Parks is given the power and responsibility to administer and enforce the By-law and to designate such powers and responsibilities to others.
- Also, it was clarified that by-law officers and the Director, who can delegate such power to other staff, can enforce the By-law.

Section 8 – Permit Applications

- Moved from section 6.
- Some of the language was cleaned up but requirements for an application were not changed.

Section 9 – Issuance of a Permit

- Moved from section 7.
- Cleaned up some of the language in this provision.
- Eliminated the provision dealing specifically with Heritage Permits and changed the approach to a one permit system. One would not be required to apply for a special heritage permit, but would simply apply for a Tree permit, which will not be issued by the Director without Council's approval in the case of a heritage tree.
- It was also clarified that the Director is to provide a notification letter in case a permit is denied, containing reasons for the refusal, which will allow the opportunity to appeal to Council.
- Reworded provisions dealing with subdivisions, consents, zoning and site plan approvals to clarify that a permit would not be issued until such approvals are granted by Council or it is otherwise directed by Council.

Section 10 – Appeals

- Added an appeals provision to clarify the process in case of refusal of permit by Director. Applicants may appeal to Council by submitting an appeal notice.

Section 11 - Severability

- Moved from section 8.

Sections 12, 13, 14 – Enforcement, Offences and Penalties

- These provisions were cleaned-up to clarify Town powers as set out under the *Municipal Act*. Provisions dealing with similar matters from other parts of By-law were moved into this section.

Sections 15, 16, 17

- Amended some of the technical language in relation to repeal and the effectiveness of new By-law.

October 1, 2013

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Report No. PR13-046

LINK TO STRATEGIC PLAN

The amended Tree Protection By-law supports the Strategic Plan goal of Supporting Environmental Stewardship and Sustainability for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Assess the merits of measuring the Town's natural capital assets.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the By-law prior to releasing the By-law to the public.
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.
3. Further Options as required.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time spent on communicating with and educating residents and customers on the various aspects of the By-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering the proposed By-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual Fees and Charges By-law.

CONCLUSIONS

That Council repeal By-law Number 4474-03.D, as amended, and enact a new Private Tree Protection By-law in its place to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town of Aurora and that the amended Private Tree Protection By-law come into full force and effective on May 1, 2014.

October 1, 2013

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Report No. PR13-046

PREVIOUS REPORTS

PR12-001 January 24, 2012 Approval of Tree Protection By-law

PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law

ATTACHMENTS

Attachment #1 – Draft of Revised Private Tree Protection By-law

PRE-SUBMISSION REVIEW

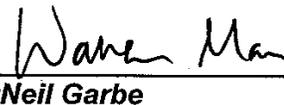
Executive Leadership Team Meeting, Wednesday, September 25, 2013.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey

Director of Parks and Recreation Services



for Neil Garbe

Chief Administrative Officer



THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5551-13

**BEING A BY-LAW to prohibit
and/or regulate the Injury or
Destruction of Trees on Private
Property in the Town of Aurora.**

WHEREAS subsection 135(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS trees provide real value in the ecological, social, economic and communal fabric of the community;

AND WHEREAS trees are among the most important living organisms in their ability to absorb air pollutants, expel life giving oxygen and provide a host of other environmental goods and services;

AND WHEREAS subsection 135(7) of the Act provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Aurora (the "Town") desires to repeal By-law Number 4474-03.D, as amended, and enact a new replacement by-law to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.(1) The following words as set out in this by-law shall have the following meanings:

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner or an authorized agent of the Owner who submits an Application under the provisions of this by-law;
- (c) "Application" means an application for a Permit on a form prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes:
 - (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities;
 - (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience;

- (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture;
 - (iv) a consulting arborist registered with the American Society of Consulting Arborists;
 - (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or
 - (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means a property that is used for the dominant purpose of growing and maintaining fruit or nut Trees for the commercial harvesting and sale of their fruits or nuts;
- (h) "DBH" means the diameter at breast height, which shall be the diameter of the trunk of a Tree at a point of measurement 1.37 metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed by the Director. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated as prescribed by the Director;
- (i) "Destroy" and/or "Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his/her designate;
- (k) "Emergency Work" means work necessary to terminate an immediate threat to life or property and includes maintenance works arising from natural events (e.g. ice storm, high winds, lightning, etc.) as well as maintenance works associated with emergency drain repair, utility repair and building repairs;
- (l) "Golf Course" means a property that is used to commercially operate a golf course in compliance with all applicable laws;
- (m) "Hazard Tree" means a Tree that is a safety concern to property or life but not an immediate threat;
- (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnants, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
- (i) located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) designated by the Ontario Urban Forest Council;
 - (iv) listed on the Town's Register of Properties of Cultural Heritage Value or Interest;
- (o) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by:
- (i) removing, cutting, girdling, or smothering of its roots;

- (ii) interfering with its water supply;
 - (iii) setting fire to it;
 - (iv) applying chemicals on, around, or near it;
 - (v) compacting or re-grading within the drip line of it;
 - (vi) causing damage by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*;
 - (vii) storing any materials within the drip line; or
 - (viii) any other means resulting from neglect, accident or design;
- (p) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
- (q) "Municipal Law Enforcement Officer" means an individual appointed by the Town by by-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, for the administration and enforcement of Town by-laws;
- (r) "Nursery Stock" means coniferous or hardwood seedlings, transplants, grafts, or trees propagated or grown in a nursery and with the roots attached, and includes cuttings with or without the roots attached;
- (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (t) "Owner" means the person having the right, title, interest or equity in the land containing a subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Town's Fees and Charges By-law, as may be amended from time to time;
- (w) "Person" and/or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one-quarter ($\frac{1}{4}$) of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement, providing clearance and eliminating interference with utility lines, buildings, pedestrians or vehicles, or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended;
- (aa) "Region" means The Regional Municipality of York;

- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least four and a half (4.5) meters at physiological maturity and having its trunk located wholly on private property;
- (dd) "Tree Farm" means a property on which Trees are grown and maintained for the dominant purpose of commercial sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) proper practices to remove Trees to be destroyed;
- (ff) "Woodlands" means land at least one (1) hectare in area and with at least:
 - (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees, measuring over five (5) centimeters DBH, per hectare;
 - (iii) 500 trees, measuring over twelve (12) centimeters DBH, per hectare; or
 - (iv) 250 trees, measuring over twenty (20) centimeters DBH, per hectare;but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or Nursery Stock;
- (gg) "York Region Forest Conservation By-law" means by-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Region.

2. APPLICATION OF THE BY-LAW

- 2.(1) Except as otherwise provided in this by-law, the provisions of this by-law shall apply to any Tree whose trunk is located wholly on private property.
- 2.(2) Despite subsection (1), the Region shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3. EXEMPTIONS FROM THE BY-LAW

- 3.(1) The provisions of this by-law do not apply to:
 - (a) activities or matters within Woodlands that are governed by the York Region Forest Conservation By-law;
 - (b) activities or matters within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than one and a half (1.5) metres above a built substructure;
 - (c) activities or matters undertaken by the Town or a Local Board;

- (d) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (e) Trees having its trunk located wholly or partially on municipal lands;
- (f) the Injuring or Destruction of Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Trees were planted;
- (g) the Injuring or Destruction of Trees within a Cultivated Orchard;
- (h) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (i) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of an site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement, including a site plan agreement and a subdivision agreement, entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (j) the Injuring or Destructing of Trees imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (k) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (l) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;
- (m) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - (i) that has not been designated under the *Aggregate Resources Act* or predecessor legislation; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;

4. PERMIT REQUIREMENT

- 4.(1) Unless otherwise exempted under this by-law, no person shall permit or cause the Injury or Destruction of:
- (a) more than two (2) Trees on any one (1) property within any twelve (12) month period having a trunk DBH of more than twenty (20) centimetres DBH and less than seventy (70) centimeters;
 - (b) any Tree having a trunk DBH greater than seventy (70) centimeters; or
 - (c) any Heritage Tree;

without first obtaining a Permit pursuant to this by-law.

- 4.(2) Where a Permit has been issued under this by-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit and any other supporting documentation relevant to the issuance of the Permit.
- 4.(3) Despite subsection (1), a Permit is not required:
- (a) to Injure, Destroy or remove any Tree, or a part of a Tree, as a necessary part of Emergency Work pursuant to section 6;
 - (b) to perform Pruning;
 - (c) where the Injury or Destruction of a Tree is specifically required in an order made under this by-law, the Act or the Town's Property Standards By-law;
 - (d) for the removal of not more than ten (10) Trees within any twelve (12) month period located on a Golf Course and having a trunk diameter of more than twenty (20) centimetres DBH and less than seventy (70) centimeters DBH.

5. DEAD, DISEASED AND HAZARD TREES

- 5.(1) Where a person wishes to Injure, Destroy or remove any dead, diseased or Hazard Tree, or any portion of such a Tree, such a person shall provide to the Town an Arborist certificate, or a report satisfactory to the Director, confirming that any such Tree is dead, diseased or a Hazard Tree along with an application required pursuant to section 8.
- 5.(2) Notwithstanding subsection 8(1), an Application fee is not required to be submitted in relation to an Application relating to a dead, diseased or Hazard Tree. However, should the Director deem a certificate or report provided under subsection (1) to be incomplete, insufficient or deficient in any way, the Director shall not issue a Permit until a satisfactory certificate or report is provided or a new Application is submitted to the Town that satisfies all the requirements of this by-law, including the fee requirement.
- 5.(3) No Injury, Destruction or removal activity shall be taken by any person beyond what is contemplated in any applicable certificate or report provided under subsection (1).

6. EMERGENCY WORK

- 6.(1) Injury, Destruction and removal of any Tree may be conducted without a Permit provided that any such Injury, Destruction or removal was necessary and a part of Emergency Work.
- 6.(2) Following any Emergency Work, the Owner of the property on which Tree(s), for which a Permit would have otherwise been required, affected by any such Emergency Work are located shall, within seventy-two (72) hours of completing or abandoning such Emergency Work, submit evidence satisfactory to the Director that any Injury, Destruction or removal of a Tree was required as part of the Emergency Work.
- 6.(3) The Director has the authority to deem any Injury, Destruction or removal of a Tree, or of any portion of a Tree, done pursuant to subsection (1), to not have been necessary and/or not in the category of Emergency Work based on the materials provided under subsection (2) and any other information deemed relevant by the Director, in which case, the Director may require that a retroactive Permit application be made and/or pursue any enforcement steps permitted under this by-law.

7. ADMINISTRATION

Administration Authority Delegated to the Director

- 7.(1) The Director is hereby delegated the authority and responsibility for the administration of this by-law, including the authority to receive Applications, certificates from Arborists, and any associated fees, to issue, to revoke and to refuse to issue Permits and also to impose conditions on any Permits in accordance with this by-law.
- 7.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

Enforcement

- 7.(3) The Director and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections of Tree(s) pursuant to the exercise of their authority under this by-law and any other enacted Town by-law or legislation.

Fees

- 7.(4) All fees and charges pursuant to this by-law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-law.

8. PERMIT APPLICATIONS

Permit Application Requirements

- 8.(1) Where an Applicant applies for a Permit for the Injury or Destruction of a Tree(s), he/she shall submit the following to the Director:
- (a) an Application form completed to the satisfaction of the Director;
 - (b) the name, address and telephone number of the Owner;
 - (c) Application fee;
 - (d) description of the purpose for which the Permit is required;
 - (e) an Arborist's Report, if deemed to be required by the Director;
 - (f) where the trunk of a Tree straddles a property line, the written consent to the Permit issuance from the property owner(s) on whose property the affected Tree is partially located; and
 - (g) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application;
 - (h) any other information deemed necessary by the Director.

Director's Authority to Refund and Waive Fees

- 8.(2) Notwithstanding 8(1)(c), should the Director determine that a Permit is not required for an activity, matter or Tree subject to an Application or that such activity, matter or Tree is exempt from this by-law, any application fee submitted as part of such an Application shall be refunded to the Applicant, unless it is determined by the Director, at his/her discretion, that Town staff had expended considerable time and resources to process such Application due to an error on the part of the Applicant.
- 8.(3) Notwithstanding 8(1)(c), the Director is authorized to reduce or waive the Application fee if deemed appropriate, at his/her discretion.

False or Misleading Information

8.(4) No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, the Director will have the authority to refuse any such Application under consideration by the Town and to revoke any Permit issued by the Town on the basis of any such false or misleading information.

9. ISSUANCE OF A PERMIT

Permit Approval Process

9.(1) Upon receipt of an Application, the Director shall:

- (a) Make a decision as to whether or not a Permit will be issued and whether any conditions will be imposed on such a Permit considering the following:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any public comments received;
 - (viii) comments received from such persons, staff and agencies as deemed necessary, in the Director's opinion, for the proper review of the Application;
 - (ix) whether or not a Tree is a Heritage Tree;
 - (x) any conflicts with existing agreements or plans of the Town; and
 - (xi) any other information that the Director deems to be relevant to the Application.
- (b) If a Tree subject to an Application is found by the Director to be a Heritage Tree, the Director shall not issue a Permit unless the Injury, Destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee.
- (c) If the Director determines that a Permit will not be issued pursuant to an Application, the Director shall notify the Applicant of the decision in writing and provide reasons for the refusal.

Signage

9.(2) Upon receipt of an Application, the Director may Post an informational sign, as established by the Director, relating to the Application in a conspicuous place at or near the property on which the Tree subject to the Application is located and leave such sign in place for a period determined by the Director.

9.(3) No person shall temper with or remove any sign posted pursuant to subsection (2), unless following an Application, a Permit is issued and work pursuant to such Permit is completed, a Permit is issued and expires or it is otherwise directed by the Director.

Permit Not Issued

- 9.(4) A Permit shall not be approved or issued where:
- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
 - (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
 - (c) issuance of a Permit is under the jurisdiction of the Region and/or addressed under the York Region Forest Conservation By-law; or
 - (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

Subdivision Not Yet Draft Approved

- 9.(5) Where an Application is made with respect to a Tree that is located on land that is subject to an application for a subdivision approval or a consent that has not received a draft approval or a provisional consent, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Planning Application Not Approved

- 9.(6) Where an Application is made with respect to a Tree that is located on land that is subject to a re-zoning application, an application for site plan approval, or an application to amend the official plan that has not received final approval, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Permit Approved Subject to Conditions

- 9.(7) The issuance of a Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:
- (a) submission of a Vegetation Management Plan ("VMP"), satisfactory of the Director, prepared by a certified Landscape Architect and, if required by the Director or Council, an Arborist and the VMP may include, but not be limited to, the following:
 - (i) a vegetation inventory and assessment, including species size and condition, identifying all vegetation greater than 80mm DBH for individual Tree assessments, the perimeter at canopy of woodlands, groups or stands of vegetation, and trees and vegetation on adjacent properties that may be impacted;
 - (ii) identification of all vegetation removals and protection measures for vegetation designated to be preserved, including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture ("ISA") Guide for Plant Appraisal or approved equivalent completed by an Arborist and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed; and

- (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years or where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town's Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

Permit Expiry Date

9.(8) The Director shall include an expiration date on any Permit being issued by Town, which shall not exceed one (1) year from the date of issuance, upon taking into account the work to be completed under the Permit and any third party or Town activities or interests that might be affected by the work. No Injury or Destruction activity is permitted pursuant to any Permit after the expiration date.

10. APPEALS

10.(1) Where the Director refuses to issue a permit, an Applicant may, within five (5) business days of the date of receipt of a written refusal, appeal the decision of the Director to the Council, or such other tribunal or committee designated by Council, by submitting a written request to the Town Clerk.

11. SEVERABILITY

11.(1) If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

12. ENFORCEMENT

Power of Entry – Inspection

12.(1) The Director and/or a Municipal Law Enforcement Officer may, at any reasonable time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this by-law;
- (b) direction or order made pursuant to this by-law or the Act;
- (c) condition of a Permit issued under this by-law; or
- (d) an order made under section 431 of the Act.

12.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:

- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

12.(3) The Director and/or a Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued under section 438 of the Act.

12.(4) Submission of an Application is deemed to be a consent of the Owner for persons designated as an inspector by the Canadian Food Inspection Agency, pursuant to the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect the lands subject to the Application for the presence of pests (as defined in the said legislation) and to take any and all action deemed appropriate by such an inspector, including the removal of any Tree(s) on such private property of the Owner, in accordance with the said legislation.

Contravention Orders

12.(5) Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this by-law or a Permit has occurred, such Director or Municipal Law Enforcement Officer may make an order requiring that the person who caused or permitted such contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention.

12.(6) An order pursuant to subsection (5) shall set out the following:

- (a) the municipal address and/or the legal description of the land or property on which the contravention occurred;
- (b) reasonable particulars of the contravention;
- (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
- (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the Town will have the work done at the expense of the person directed or required to do it; and
- (f) information regarding the Town's contact person.

12.(7) An order issued pursuant subsection (5) may be served:

- (a) personally on the person that is subject to the order; or
- (b) by sending it by prepaid registered mail to the last known address of the Owner or occupier of the land on which the contravention occurred or, if the person subject to the order is not the Owner or occupier, to the last known address of such person subject to the order.

12.(8) Where service of an order is made by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

- 12.(9) In the event that service of an order cannot be effected under subsection (7), the Director or a Municipal Law Enforcement Officer may place a placard containing the terms of the order in a conspicuous place on the property subject to the order and the placing of the placard shall be deemed sufficient service of the order on the Owner and/or occupier of such subject property.
- 12.(10) Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of Director or a Municipal Law Enforcement Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
- 12.(11) For the purposes of taking remedial action under subsection (10), the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

13. OFFENCES

- 13.(1) Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law or the Act, or fails to comply with an order issued pursuant to this by-law or the Act, is guilty of an offence.
- 13.(2) Pursuant to paragraph (a) of subsection 429(2) of the Act, all contraventions of this by-law or of orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

14. PENALTIES

- 14.(1) Upon conviction of an offence under this by-law a person is liable to a fine as follows:
- (a) a minimum fine for any offence under this by-law is five-hundred dollars (\$500.00) and the maximum fine is one-hundred-thousand dollars (\$100,000).
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all the daily fines for an offence is not limited to one-hundred-thousand dollars (\$100,000).
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all fines for each included offence is not limited to one-hundred-thousand dollars (\$100,000).
- 14.(2) In addition to fine under subsection (1), a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law.

15. REPEAL

- 15.(1) By-law Number 4474-03.D, as amended, is hereby repealed on the day of this by-law coming into full force and effect.

16. **SHORT TITLE**

16.(1) This by-law shall be known and may be cited as the "Private Tree Protection By-law".

17. **EFFECTIVE DATE**

17.(1) This by-law comes into full force and effect on May 1, 2014.

READ A FIRST AND SECOND TIME THIS 8th DAY OF OCTOBER, 2013.

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF OCTOBER, 2013.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

Attachment #5

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4474-03.D

**BEING A BY-LAW to
Authorize the Injury or
Destruction of Trees
(Tree Permit By-law)**

WHEREAS the Council of The Corporation of the Town of Aurora recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

AND WHEREAS Section 135 (7) of the *Municipal Act, 2001*, R.S.O. 2001, c. 25 provides that a by-law passed may require a permit be obtained to injure or destroy trees and to impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroys trees;

AND WHEREAS section 135(1) of the *Municipal Act, 2001* authorizes a local municipality to prohibit or regulate the injuring or destruction of trees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

“application” means a tree permit application form provided by the Town;

“arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience;

“arborist report” means a report prepared by an arborist which provides details on the species, size and health of a tree to be destroyed, injured or removed;

“base diameter” means the measurement of the diameter of the trunk of a tree from outside the bark at the existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured at existing grade;

“Clerk” means the Clerk of The Corporation of the Town of Aurora or his duly appointed designate;

“Council” means the Council of The Corporation of the Town of Aurora;

“dead” means a tree that has no living tissue;

“dying” means a tree that is infected by a lethal pathogen or where 70% or more of its crown is dead;

“emergency work” means the work necessary to terminate an immediate threat to life or property;

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“golf course” means an area of land laid out and operated as a golf course and includes putting greens and driving ranges;

“hazard” means a tree that is a potential hazard to property or life but not an immediate threat;

“injure or destroy a tree” means the injury or destruction of a tree by removal, cutting, girdling of the tree or roots, interfering with the water supply, application of chemicals, compaction and regrading within the drip line of the tree, or by other means including irreversible injury which may result from neglect, accident or design but does not include pruning;

“lands” means a lot only and does not include a building;

“lot” means a parcel of land having specific boundaries which is capable of legal transfer;

“Manager” means the Park Manager of the Leisure Services Department for the Town or his/her designate;

“nursery” is a lot on which the principal business of selling plants, shrubs and trees occurs;

“owner” means the registered owner of a lot, his respective successors and assigns or his authorized agent;

“officer” means a person authorized to perform inspections pursuant to this By-law;

“permit” means a permit required by this By-law to injure or destroy a tree on private property within the Town .

“person” means an individual, his heirs, executors and administrators and his respective successors and assignees and includes a corporation and its directors and officers;

“pruning” means the appropriate removal in accordance with good arboricultural practices of not more than one-third of the live branches or limbs of a tree or more than one third of the live branches or limbs on a tree as part of a consistent annual pruning program;

“Town” means The Corporation of the Town of Aurora;

“tree” means a self-supporting woody plant which has reached or will reach a height of at least 4.5 m at maturity;

“tree diameter” means the measurement of the diameter of the trunk of a tree from outside the bark 1.4 m above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured approximately 140 cm above existing grade;

SCOPE

2. This By-law shall apply to all private property in the Town.

PERMIT REQUIREMENTS AND EXCEPTIONS

3. (1) No person shall injure or destroy five (5) or more trees each with either a tree diameter greater than 20 cm or a base diameter greater than 40 cm on a lot within any one year period without first obtaining a permit pursuant to this By-law.

- (2) Despite subsection (1), a permit is not required:
 - (a) for emergency work;
 - (b) for the pruning of a tree;
 - (c) for the removal of dead branches;
 - (d) to injure or destroy trees located on rooftop gardens, interior courtyards, or solariums; or
 - (e) to injure or destroy trees on a nursery or golf course.

FILING FOR A PERMIT

- 4. An Owner who applies for a permit shall submit to the Manager the following:
 - (1) a completed application;
 - (2) a plan or drawing of the lot to the satisfaction of the Manager illustrating which trees are to be injured or destroyed;
 - (3) payment of the required fees prescribed by the Fees and Services By-law;
 - (4) an arborist report, if required by the Manager;
 - (5) where the base of a tree straddles a property line the written consent to the permit issuance from the affected adjacent property owner; and
 - (6) where the person is not the owner the written authorization of the owner consenting to the application.

REVIEW OF A PERMIT APPLICATION

- 5. (1) The Manager shall review all completed applications based on the following criteria:
 - (a) the trees are dead or dying;
 - (b) the trees are a hazard;
 - (c) the tree location conflicts with any of the following:
 - (i) proposed building permit plans that comply with the zoning of the land;
 - (ii) a proposed pool enclosure; or
 - (iii) the expansion of parking areas that complies with the zoning of the land;
 - (d) there will be no negative impact on flood or erosion control, or slope stability; or
 - (e) the lot is designated under the *Heritage Act* R.S.O. 1990, c. 0.18, as amended, and the Town of Aurora's Heritage Advisory Committee has approved the injury or destruction of the tree.

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CONDITIONS OF THE ISSUANCE OF A TREE PERMIT

6. Town Council may issue a permit and impose conditions.

COUNCIL'S CONSIDERATION OF AN APPLICATION

7. Where the Manager receives an application for a permit, the Manager shall prepare a report forthwith to be heard by Council.
8. The Owner may appear before Council to make representation regarding the application by notifying the Clerk.
9. The Owner shall post on the property where the trees that are the subject of the application are located a sign supplied by the Town advising of the date of the Council meeting in which the application for a permit will be considered, the intent of the permit and the name of the Town official to contact for further information. The sign shall be posted on the property in a location visible from the street edge for minimum period of two weeks before the Council meeting.

REVOCATION OF PERMIT

10. Council may revoke a permit issued pursuant to this By-law if it was issued because of mistaken, false or incorrect information received from the owner.

APPEAL TO THE ONTARIO MUNICIPAL BOARD

11. An Owner may appeal to the Ontario Municipal Board under the following circumstances:
- (a) If the municipality refuses to issue a permit, within 30 days after the refusal;
 - (b) If the municipality fails to make a decision on the application, within 45 days after the application is received by the clerk or
 - (c) If the Owner objects to a condition in the permit, within 30 days after the issuance of the permit.

PERMIT APPROVALS

12. The approval of a permit shall be valid for only one (1) year from the date of issuance.

POSTING OF PERMIT

13. The approved tree permit shall be posted on the lot from which the trees are to be injured or destroyed in a location visible from the street edge for the period during which the trees are being injured or destroyed.

INSPECTION

14. The Council may from time to time designate officers to carry out the administrative functions of this By-law including the enforcement thereof.
15. An officer may at any reasonable time enter and inspect any lands to which this By-law applies to determine whether the By-law, an order or a condition to a permit is being complied with.
16. An officer, in carrying out an inspection, can be accompanied by assisting personnel.

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17. Where an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the person who contravened the by-law or who caused or permitted the injuring or destruction of trees in contravention of the by-law to stop the injuring or destruction of trees.
18. A order issued pursuant to section 17 shall set out the municipal address or legal description of the land, reasonable particulars of the contravention and the period within which there must be compliance with the order.
19. A person shall comply forthwith with an order as issued by the officer.

EXEMPTIONS

20. A By-law passed under this section does not apply to,
 - (a) any activities or matters undertaken by the Town, the Region, the School Boards for the development of a school or any other government authority, conservation authority or utility corporation;
 - (b) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*;
 - (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - (e) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
 - (f) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of construction and maintaining a transmission system or distribution system, as those terms are defined in that section;
 - (g) the injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
 - (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*.

OFFENCES

21. (1) Any person who contravenes any provision of this By-law is guilty of an offence is liable:
 - (a) on a first conviction, to a fine of not more than \$10,000 or \$1,000

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- per tree, whichever is greater; and
- (b) on any subsequent conviction, to a fine of not more than \$20,000 or \$2,500 per tree whichever is greater.
- (2) Any a corporation that contravenes any provision of this By-law and is guilty of an offence is liable:
- (a) on a first conviction, to a fine of not more than \$50,000 or \$5000 per tree, whichever is greater; and
 - (b) on a subsequent conviction, to a fine of not more than \$100,000 or \$10,000 per tree whichever is greater.

SHORT TITLE

22. This By-law may be referred to as the "Tree Permit By-law".

READ A FIRST, SECOND AND THIRD TIME AND ENACTED THIS 28TH DAY OF OCTOBER, 2003.

T. JONES, MAYOR

B. PANIZZA, TOWN CLERK



**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. BBS15-011**

SUBJECT: *Proposed Sign By-law*

FROM: *Techa van Leeuwen, Director of Building and Bylaw Services*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. BBS15-011 be received; and

THAT the proposed Sign By-law be referred to the Economic Development Advisory Committee and the Chamber of Commerce and be posted on the Town's website for review and final comment; and

THAT staff report back with a final proposed Sign By-law for enactment at a future Council meeting.

PURPOSE OF THE REPORT

To provide Council with an overview of the Sign By-law review, highlight changes to the temporary and permanent Sign By-laws and to seek Council's approval to release the proposed Sign By-law to stakeholders for review and final comment.

BACKGROUND

Building and Bylaw Services commenced with a Sign By-law review in 2012 as a departmental initiative. The Town currently has two separate by-laws, By-law No. 4897-07.P respecting temporary signs and By-law No. 4898-07.P respecting permanent signs. The Temporary Sign By-law is administered and enforced by the Bylaw Division and the Permanent Sign By-law is administered and enforced by the building division as permanent signs are subject to building code requirements.

A cross-divisional management team was established to develop a consolidated Sign By-law. The project has included a review of documented issues with the by-laws, staff discovery sessions, stakeholder consultation, development of sign variance evaluation criteria and a review of other municipal Sign By-laws.

COMMENTS

The objective of the Sign By-law review is to respond to business and community

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needs and increase customer service.

The objective of the Sign By-law review was established early in the project upon feedback from our business sector and other stakeholders including the Economic Development Advisory Committee. Proposed changes to the by-law reflect comments, concerns and staff experience and knowledge as outlined;

- Providing more flexibility with respect to the permanent Sign By-law and creating a better balance in the Temporary Sign By-law between business needs and the visual quality and appearance of the community
- Streamlining the process by reducing the need for sign variances through objective based regulatory provisions, delegated authority of scope limited sign variances and approval of Signs through the Site Plan approval process
- Aligning the Sign By-law with objectives of the Town's strategic plan in promoting economic opportunities and encouraging a more sustainable business environment
- Providing clarity and consistency in the By-law
- Updating the By-law to reflect the changes in the sign industry and technologies

Initial feedback from the Economic Development Advisory Committee, the Chamber of Commerce, the Sign Industry and other stakeholders has been positive.

During the early stages of the project staff attended an Economic Development Advisory Committee meeting and met with the Chamber of Commerce to provide an overview of the project and highlight the objectives. Staff has also advised other stakeholders such as sign companies and business owners of this project and have encouraged all stakeholders to provide comments through various channels including our website.

Feedback from stakeholders has been focussed on two significant areas respecting permanent signs, one being the limit on the number of wall signs permitted and the other being the length of time to process sign variances.

Feedback related to temporary signs includes reducing the amount of temporary sign pollution mainly with respect to election signs, sandwich board signs and other inexpensive unsightly signs. Some business owners have submitted requests to allow for additional time allocation for mobile signs. The proposed changes to temporary signs include allocation of additional time for mobile signs and requiring sign permits for certain types of temporary signs for better tracking and improved compliance.

In general the feedback received from various stakeholders in terms of proposed

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changes has been positive and aligned with the project objectives.

Increased flexibility with respect to wall sign provisions will reduce the number of sign variances request based on a review of variances processed over the years.

The current by-law regulates wall signs based on maximum area and maximum wall coverage. It also limits the number of wall signs a business may have and in many cases businesses are only permitted to have one wall sign even if they are far below the thresholds for area and wall coverage. Number of wall signs is the number one variance requested as our current provisions are restrictive and not meeting business needs. Historically these variances have been granted for individual businesses and larger commercial developments with multi-tenant buildings. Staff are proposing to remove the limit on the number of signs and regulate wall signs based on sign area and wall coverage.

Delegated Authority for sign variances within a specific scope is efficient and effective in serving our business community.

In February of 2014 staff developed sign variance evaluation criteria to provide methodology and consistency when evaluating and making recommendations on sign variances. Each requested variance presented to Council contains a measure of the variance based on the criteria. Staff often work with applicants to reduce the variance(s) to meet the intent of the by-law. Since 2005, 50 variances have been presented to Council of which 47 of them were approved based on the staff recommendation.

Proposed changes to the variance process include limited delegated authority to staff for variances. The scope limits on delegated authority allow for one additional sign or small increases in area, height and location. Variances beyond the scope limits would be subject to Council approval.

Delegating authority for sign variances within the scope limits will greatly reduce the turnaround times in processing variances, reduce the variance fees as there will far less effort and resources assigned to processing and increase customer service significantly.

Signs included in the Site Plan Approval process will be deemed to be in compliance with the Sign By-law thereby reducing red tape and increasing efficiency.

The development approvals process starts with Planning and Development Services. Development is subject to the Site Plan approval process. Part of that process includes the submission of a site plan and elevations. Upon Site Plan approval, a building permit may be obtained for the construction of the building and any accessory signs. If the signs are not in conformance with the sign bylaw a variance may be requested. As the development process can take significant time to complete a year or more may have

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lapsed between the original site plan application and the sign variance process. Staff recommends a customer forward and streamlined approach to the development process that would allow applicants to include signage as part of their site plan process. Areas of non-compliance would be identified through the Planning process and approval of the Site Plan would include approval of signage.

This process would provide an early approval and streamlined approach to approvals as Building staff review the site plan drawing for Zoning Compliance and could include A sign bylaw review during the process.

The proposed Election Sign provisions are aligned with the York Regions provisions.

Subsequent to the 2014 Municipal Election a Council motion carried that directed staff to bring forward amendments to the Temporary Sign By-law respecting Election Signs. The impetus of the motion was to establish clear provisions with respect to the placement of election signs and the duration of time and to further align the municipal Sign By-law provisions with York Region's by-law.

The Region undertook a similar exercise and has amended their election Sign By-law provisions. The Region did consult with surrounding municipalities with a view to harmonize election sign provisions as much as possible. The Regions by-law was amended on June 25, 2015.

Proposed amendments to the Town's election sign provisions are aligned in terms of the duration as well as the number of signs per intersection. Staff have reviewed the non-Regional intersections and have identified Town intersections where election signs may be placed that would not negatively impact residential neighbourhoods. Election signs would not be permitted on centre medians, traffic circles or daylight triangles. Further, candidates may only place one election sign per private property.

New permit provisions have been added to certain types of temporary signs to achieve improved compliance with the by-law.

The current temporary Sign By-law only requires permits for mobile signs. Other types of signs such as special event signs and banner signs are regulated and contain size, location and duration restrictions but are not subject to approval. The lack of permit, tracking and inspection produce increased non-compliance. Enforcement on a non-compliant property can be costly and absorb resources in a negative context. Staff are proposing that these types of signs require a permit increasing the overall effectiveness of the Sign By-law.

Sandwich Board signs create visual clutter, are often placed on municipal property and can create mobility issues.

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The current temporary by-law allows for sandwich board signs to be placed on private property provided they are removed every day at the close of business. Most often they are placed on municipal property in order to achieve the desired exposure. Sandwich board signs create visual clutter and can create mobility issues if placed on sidewalks. They can also create a hazard during inclement weather. Staff is recommending in the proposed by-law that sandwich boards not be allowed unless as displayed for a special event which would be under permit and subject to placement approval and time limits.

Editorial changes and consolidation of two bylaws improves consistency and administration of the bylaw.

Improved administration and enforcement provisions have been consolidated. Definitions have been updated to reflect industry changes and trends. For example recognizing feather banner signs as a type of sign and regulating them. Editorial changes provide for clear, concise language and a logical format and flow. Duplications and conflicts have been eliminated.

Fees have been adjusted to better reflect resource effort.

The fees for sign permits are very low and do not reflect the resource effort involved. Every permit is subject to a Sign By-law review, possibly a building code review and on average two inspections as well as administrative activities. The current fee structure has been in place since 2004 with the exception of sign variance fees which were adjusted in 2006.

Staff are recommending increasing fees to better reflect resource effort. The attached municipal comparison chart indicates our current fee is significantly less than surrounding municipalities. Staff are proposing a fee increase to offset service delivery costs.

An education campaign and communication plan will assist in the transition to a new Sign By-law that aims at reducing temporary sign pollution.

One of the objectives of the proposed bylaw is to provide more flexibility with respect to permanent signs and create a better balance with Temporary Sign By-law between business needs and the visual quality and appearance of the community. In achieving this objective staff will undertake an education campaign with commercial property owners to ensure they understand the by-law provisions and are able to inform their tenants of any changes that may affect them.

Understanding transition allowances are necessary to allow the business community an adjustment period staff are recommending a 6 month transition to engage business and property owners. Following the transition staff will commence with a proactive enforcement program to remove non-compliant signs.

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LINK TO STRATEGIC PLAN

The proposed Sign By-law project supports the Strategic Plan goal of ***Enabling a diverse, creative and resilient economy*** through its accomplishment in satisfying requirements in the following key objectives of; ***Promoting economic opportunities that facilitate the growth of Aurora as a desirable place to do business and supporting small business and encouraging a more sustainable business environment.***

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council waive the distribution to stakeholders and request staff to bring forward the draft by-law for enactment to a future Council meeting.
2. Council provide direction.

FINANCIAL IMPLICATIONS

Staff recommends an increase to sign permit fees to better reflect resource effort. Currently the minimum fee for a permanent sign is \$75.00 and the fee for a mobile sign is \$30.00. Staff is recommending increasing fees to \$150 minimum for permanent signs and \$100 for mobile signs, banner/feather banner and special event signs. The attached document provides a fee comparison with surrounding municipalities.

The increase in revenue is difficult to forecast as it is dependent on the type of sign and number of sign permits issued.

CONCLUSIONS

The sign bylaw review is a significant project that has been ongoing for some time and was conducted internally with staff who work with the bylaw on a daily basis and have a thorough understanding of the issues, trends and industry requests. Stakeholder consultation at an early stage of the project provided confirmation of the project objectives. The comprehensive review has concluded in a thorough rewrite of the bylaw. Staff are recommending a final distribution of the proposed bylaw for comment prior to bringing it forward for enactment.

PREVIOUS REPORTS

- BBS12-008 – General Committee, November 6, 2012
- BBS14-005 – General Committee, February 4, 2014

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ATTACHMENTS

Attachment No.1 – Current By-law provisions and Proposed Changes
Attachment No.2 – Sign Permit Fee Comparison Diagrams

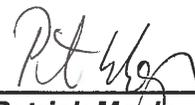
PRE-SUBMISSION REVIEW

Executive Leadership Team – October 8, 2015

Prepared by: Techa van Leeuwen, Director of Building and Bylaw Services - Ext. 4748



for **Techa van Leeuwen**
Director of Building and Bylaw Services



Patrick Moyle
Interim Chief Administrative Officer

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Attachment No. 1

Highlights of Changes to the Sign By-law:

Item	Section	Current By-law	Proposed By-law
1	Application, Intent & Scope	Signs are regulated under two separate By-laws: Temporary Sign By-law and Permanent Sign By-law.	The two By-laws have been merged into one By-law regulating all types of sign.
2	Definition	Each By-law (Temporary and Permanent) has its own definition.	The definitions have been merged and updated to facilitate the administration and enforcement of the By-law and reflect changes within the sign industry.
3	Definition	N/A	"Feather Banner" signs have been defined and regulated in order to address the new trend in the sign industry.
4	Definition	N/A	"Open House Real Estate Signs" have been defined and regulated in order to recognize the nature and needs of the real estate business.
5	Definition	"Special Event Sign" is defined as a type of sign.	The definition of "Special Event Sign" has been deleted and instead provisions have been made to regulate signs advertising a "Special Event" which is already a defined term.
6	Administration (sign permit)	No permit is required for Banner Signs.	Permit is required for Banner Signs and Feather Banner Signs.

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Item	Section	Current By-law	Proposed By-law
7	Administration (signs not requiring a permit)	Memorial signs and plaques identifying a building or structure and its architectural or historical significance not exceeding 0.5 m ² in sign area are exempt from the provisions of the Sign By-law.	This item has been deleted since the By-law states that the requirements of this By-law shall not apply to the Town or any signs erected by a governmental body, or under the direction of such a body.
8	Administration (signs not requiring a permit)	Section 5.15(d) of the current Sign By-law allows "Signs customarily displayed on gasoline pumps which are an integral part of the pump or pump island design" with no specific regulations around them.	This item has been moved to section 4.2(i) of the new Sign By-law under "Signs not requiring a permit".
9	Administration (signs not requiring a permit)	The current Sign By-law does not regulate signs affixed to the interior side of a window.	The following item has been added to section 4.2 under "Signs not requiring a permit": <i>signs affixed to the interior side of a window in zones other than residential zones covering not more than 25% of the window, window section or window pane.</i>

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Item	Section	Current By-law	Proposed By-law
10	Administration (signs not requiring a permit)	N/A	The following item has been added to section 4.2 under "Signs not requiring a permit": <i>signs on a temporary sales trailer or sales office which has been approved by the Town through a fully executed agreement and which signs are associated with the sale of new residential units, provided the maximum area of the signs does not exceed 15.0 m2 per elevation and 30.0 m2 for all elevations combined.</i>
11	Administration (signs not requiring a permit)	N/A	Real Estate Signs and Election Signs have been added to the list of signs not requiring a permit under section 4.2 subject to compliance with their respective general provisions.
12	Administration (application requirements)	N/A	Application requirements for Mobile Signs, Banner Signs and Feather Banner Signs have been added to Section 4.3 "Application Requirements For a Sign Permit".
13	Administration (York Region)	Section 3.8 specifies York Region's requirements.	This section has been moved to "Application Requirements For a Sign Permit".
14	Administration (Ministry of Transportation)	Section 3.9 specifies the Ministry of Transportation requirements.	This section has been moved to "Application Requirements For a Sign Permit".

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
15	Administration (conservation authority)	The current Sign By-law is silent about conservation authority requirements.	The requirements of conservation authorities have been added to "Application Requirements For a Sign Permit".
16	Administration (Region's approval)	The current Sign By-law states that an approval from the Region must be obtained prior to the issuance of a sign permit for any sign fronting on a Regional Road.	The wording of this provision has been updated to reflect York Region's memo dated April 3, 2104 which states that as of May 1, 2014 the Regional Municipality of York will no longer review the placement of a sign that is completely located on a private property.
17	Administration (abandoned applications)	N/A	New provisions have been added to address the abandoned permit applications.
18	Administration (review by Planning Department)	Section 3.7 of the current Sign By-law specifies the requirement of heritage review by Planning and Development Services.	Section 4.7 of the new By-law specifies the type of applications that are subject to review and approval by Planning and Development Services with respect to heritage and also conformity to the Promenade streetscape and implementation plan.
19	Administration (effect of site plan approval)	N/A	New provisions have been added to specify that where signs are included and approved as part of a site plan application they shall be deemed to comply with the provisions of the Sign By-law with respect to area, height, location, number and type of the sign; however, they will be subject to permit requirements.

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
20	Administration (sign variance)	According to the current By-law only the Town's Council have the approval authority to grant sign variances.	New provisions have been added that delegate the authority to the Director to authorize sign variances that fall within the scope limits outlined in the By-law. The new provisions also specify that where a variance is denied by the Director the applicant can appeal to Council within 30 days. The By-law also specifies that those sign variance requests that exceed the described scope limits, shall only be authorized by the Council.
21	Illumination	The current Sign By-law does not allow wall signs that are facing and within 20 metres of residential properties. However there are no such restrictions for other types of signs.	The new By-law has a more objective approach by not allowing <u>illumination</u> of <u>any</u> sign within 20 metres of residential properties.
22	Wall Signs	The current By-law states that wall signs shall not cover more than 20% of the wall on which they are erected.	This provision has been deleted as wall signs are already subject to a maximum area of 0.75 m ² per linear metre of the wall face which is generally more restrictive than the 20% wall coverage. The 20% wall coverage would only be more restrictive if height of the wall from finished grade to top of the parapet is less than 3.75m (12') which typically is not the case in any commercial, industrial and institutional buildings.

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
23	Wall Signs	The current By-law limits the number of wall signs to one sign except for premises located on a corner or through lots where one additional sign is permitted.	Restrictions on the number of wall signs have been lifted however the total aggregate area of all signs per each elevation will be still limited to 0.75 m ² per linear metre of the wall face. This provides more flexibility without increasing the maximum allowable sign area on each elevation.
24	Ground Signs	The current By-law states that ground signs <u>shall</u> be located between the street line and the minimum setback lines defined in the Zoning By-law.	This provision has been removed in the new By-law since all concerns with respect to the location of ground signs including daylight triangle, distance to traffic light, distance to residential zones, distance to adjacent lots and distance to driveways have already been addressed through other provisions of the By-law.

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
25	Dynamic Signs (Readograph Signs)	The current By-law regulates "Readograph Signs".	In the new By-law the outdated term "Readograph Signs" has been replaced with "Dynamic Signs" to include all sorts of signs using various technologies on which the sign message changes. The new By-law also includes provisions to limit the minimum time period between two successive message changes to fifteen (15) seconds and specifies that where display message changes use light emitting diodes (LEDs) or other illumination technology, a minimum distance of fifteen (15) metres shall be maintained between the sign and a traffic light.
26	Free Standing Canopy Signs	N/A	New provisions have been added for "Free Standing Canopy Signs" including a new provision that allows the sign to extend up to 0.6 metre above the canopy fascia.
27	Mobile Signs	The current By-law only allows one mobile sign per lot at any one time (regardless of the size or type of the lot).	The new By-law allows one additional mobile sign (total of two) for lots with a street line greater than 75 m or for corner lots with a street line of more than 12.2 m.
28	Mobile Signs	Mobile signs are permitted up to <u>8</u> weeks per calendar year.	Mobile signs are permitted up to <u>12</u> weeks per calendar year.

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
29	Banner Signs	The current By-law only allows one banner sign per premises.	The new By-law allows for two banner signs, feather banner signs or any combination thereof per premises.
30	Banner Signs	The current By-law regulates Banner signs but no permit is required.	In the new By-law a sign permit is required for Banner Signs and Feather Banner Signs.
31	Open House Real Estate Signs	The current By-law is silent with respect to open house real estate signs.	New provisions have been added to limit the maximum area of an open house real estate signs to 0.5 m ² and limit the display time to 24 hours.
32	Election Signs	The current By-law is silent with respect to how long in advance election signs can be erected.	The new By-law specifies that election signs shall not be erected prior to 10:00 am on the 28th day before election day.
33	Election Signs	The current By-law specifies that election signs shall be removed four days after the election.	The new By-law specifies that election signs shall be removed within seventy-two (72) hours following the closing of polls on Election Day.
34	Election Signs	The current By-law limits the size of election signs to 2 m ² .	The new By-law limits the size of election signs to 1.49 m ² with no dimension of the sign face exceeding 1.22 metres.

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Item	Section	Current By-law	Proposed By-law
35	Election Signs	The current By-law is silent with respect to the number and location of Election Signs.	The new By-law allows for one election sign per each candidate on a private lot. The new By-law also allows for a maximum of two election signs on each of the selected intersections listed in Schedule "C" of the new By-law, with not more than one election sign per each corner of an intersection. (for the purposes of this section, an intersection has been defined as the Town owned lands within fifty metres of the point of intersection of the centre lines of the intersecting streets and shall exclude any roadways and areas used for vehicular traffic, any centre median, roundabouts, traffic circles and traffic islands)

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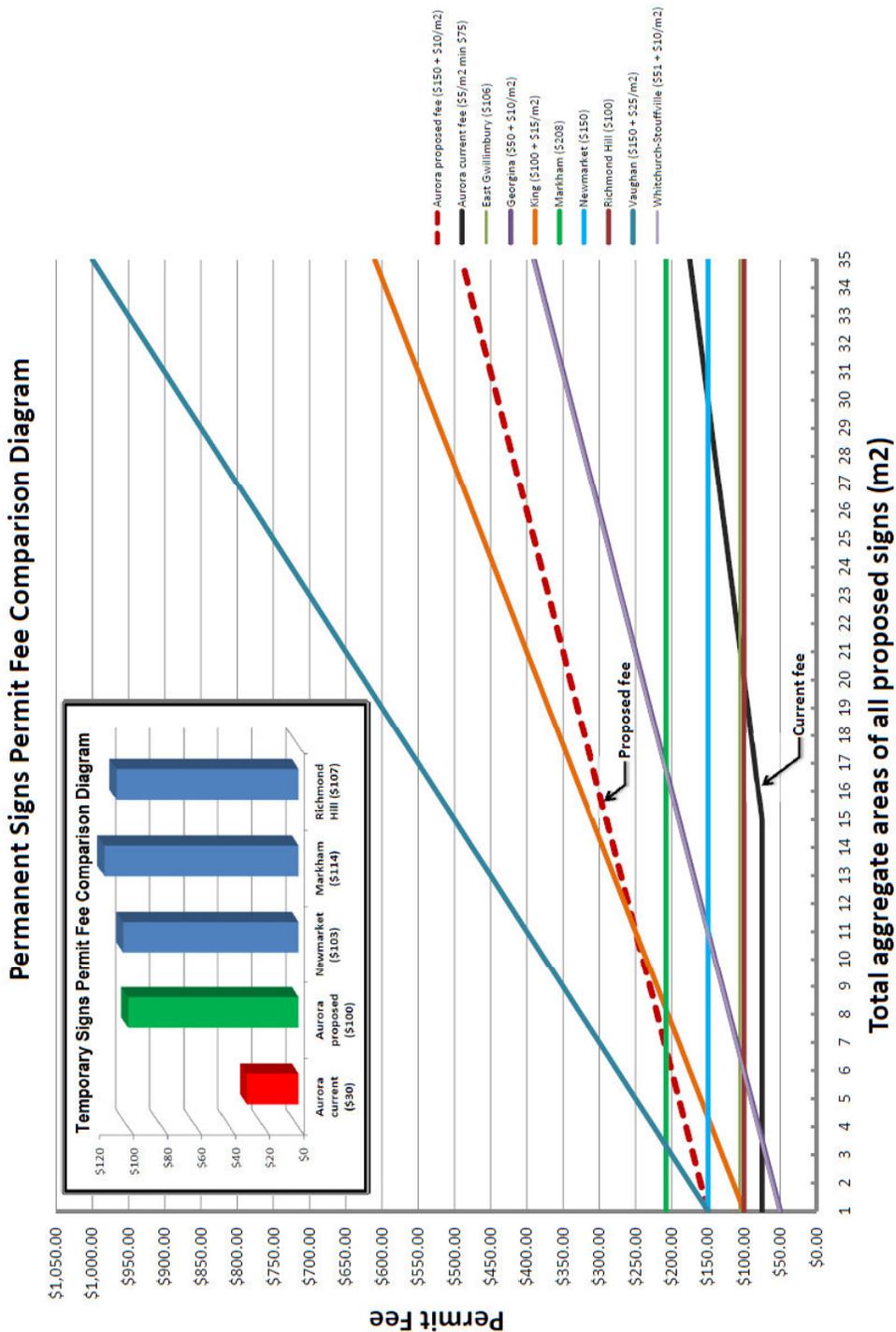
Item	Section	Current By-law	Proposed By-law
36	Election Signs	The current By-law does not contain any enforcement provisions specific to election signs.	The new By-law contains the following enforcement provisions specific to election signs: <i>“any election sign found to be in violation of this By-law is subject to seizure by the Town and any such seized signs shall be stored up to thirty (30) days after the Election Day; a candidate, or any person acting on the behalf of a candidate, may retrieve a sign stored by the Town but the Town may destroy or otherwise dispose of any election sign that has not been retrieved within the aforementioned thirty (30) day period without notice or compensation to any person.”</i>
37	Sandwich Board Signs	The current By-law allows one Sandwich Board Sign per premises up to 1 m ² in sign area which shall be removed at the close of the business each night and shall not be located on Town’s property.	In the new By-law Sandwich Board Signs are only allowed in the form of “Open House Real Estate Signs” and signs advertising a “Special Event”.
38	Special Event Signs	The current By-law defines and regulates “Special Event Signs”. The By-law states that Special Event Signs shall not include commercial advertising.	The title of this section has been changed from “Special Event Signs” to “Signs Advertising a Special Event”. The new By-law states that signs advertising a special event shall not include commercial advertising <u>except to identify sponsors of the event.</u>

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Report No. BBS15-011

Item	Section	Current By-law	Proposed By-law
39	Additional Requirements Related to Zone and Land-Use	N/A	All specific requirements with respect to zone and land-use have been moved to this section in table format with minor technical adjustment to some of the tables.
40	Enforcement	There are limited enforcement provisions in the current By-laws.	A new comprehensive enforcement section has been added to facilitate enforcement and improve compliance with the By-law.





**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CFS15-039

SUBJECT: *2016 Fees and Charges Update*

FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. CFS15-039 received; and

THAT the 2016 Fees and Charges for applications, permits, use of Town property, the sale of Town publications and for the prescribed service charges for administrative matters as itemized on the attached schedules be approved:

- Schedule A – General Fees and Charges*
- Schedule B – Building and Bylaw Services*
- Schedule C – Legal and Legislative Services*
- Schedule D – Planning and Development*
- Schedule E – Infrastructure and Environmental Services*
- Schedule F – Corporate and Financial Services*
- Schedule G – Parks and Recreation Services; and*

THAT the necessary bylaw be enacted at the November 24, 2015 Council meeting in accordance with the Town's Notice Provision Policy.

PURPOSE OF THE REPORT

To revise the Town of Aurora Fees and Charges bylaw to reflect updates to the fee schedule for 2016.

BACKGROUND

Council last revised the Town's Fees and Charges bylaw in December of 2014. The bylaw is structured to align fees with their departmental owners in the form of individual schedules for each department in order to facilitate reviews and updates as required. It has been the Town's practice to review the attached schedules annually and to make revisions as required.

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Report No. CFS15-039

COMMENTS

All fees and charges listed on the schedules attached to the Fees and Charges bylaw are for user pay services, where the requesting party is the sole beneficiary from the service. Most of the fees are on a full cost recovery basis, which allows the Town to fully recover the costs of providing a specific service or use of property. Most of the changes on all schedules are due to a minimum 1.1% increase to reflect the impact of inflation on the costs of service delivery. These inflationary increases are necessary in order to maintain desired applicable service cost recovery benchmarks. All fees increased for other reasons or rationales will be explained within the individual schedules listed below, and are flagged with the '*' symbol on the right hand side. The final schedules to the Fees and Charges bylaw will only include the 2016 fees column.

Explanations for the changes proposed for 2016 are as follows:

Schedule A – General Fees and Charges

Inflationary indexing changes only.

Schedule B - Building and Bylaw Services

Building & Bylaw Services has introduced several new fees that are driven by a growing demand for the following associated services:

- Sign Review – review of applications other than for a sign permit application, such as the review of sign requests relating to planning applications
- Attendance Supervisory Fee – attendance at private property to ensure contractors are bringing a property into compliance after failing to comply with a notice or order for clean yards or property standard violation
- Non-compliance Re-Inspection Fee – Applicable for additional inspections occurring after failing to meet the requirements of a notice of violation
- Pool Enclosure Re-Inspection Fee – On any and all final inspections after two failed final inspections
- Parking Permits – This fee is related to the expansion of the parking permit program, the associated report will be brought forward to Council before the end of 2015.

In an effort to clean-up the existing bylaw schedule, several fees have been eliminated as they are no longer applicable for lottery licensing purposes.

Schedule C - Legal and Legislative Services

Fees listed under the Document Preparation/Review section which are both General and Specific in nature have been increased to better reflect the cost of providing these services.

Two new fees are being added in recognition of the associated administrative workload in regards to both insurance claims and highway dedications/subdivision assumptions.

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Report No. CFS15-039

Schedule D - Planning and Development and Committee of Adjustment

Fees for address and street name changes have been increased to better reflect the cost of providing these services.

Two new fees are being added due to the growing demand for these services:

- Provision of GIS Analysis services
- Circulation Label Fee

Schedule E - Infrastructure and Environmental Services

In 2014, staff compared Town of Aurora rates for Subdivision and Site Plan Engineering Fees with those of other municipalities within the GTA and determined the rate that is required in order to keep the Town more in line with the fees being charged by other municipalities for the same service, while maintaining its rate on the low side of the municipal average as some municipalities are charging as high as 8%. Staff continue to revisit this percentage as part of the annual budget process and have determined that increasing the percentage to 6.0% is appropriate for 2016.

It has been deemed necessary to introduce a road excavation deposit in order to ensure that the town's assets are returned to their original state.

Staff have been working to revise the existing Road Closure bylaw in order to ensure that an appropriate value of deposits and fees are being collected. The revised bylaw will be brought forward for Council for its approval in early 2016. These fees had previously been captured under the Road Closure By-law 4750-05.

The Fees listed under the Flat Rate Service Connections have been increased in order to better reflect the cost of providing these services.

All water turn on/off service charges were reviewed by staff and have subsequently been adjusted to better reflect the impact of providing these services at different times. These fees had previously been included in the Water/Wastewater Fees By-law 5716-15.

Schedule F - Corporate and Financial Services

The fee charged for payments recalled by the bank has been increased to reflect an increase in the related fees that the town incurs from its bank services provider for such actions.

A new fee is being added to cover the expense of adding unpaid charges to a property's tax bill.

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Report No. CFS15-039

Schedule G - Parks and Recreational Services

Parks and Recreational Services are proposing the following changes to their fees:

Section 1 (d)

Child Supervisory Services - Babysitting

This program has been cancelled.

Section 1 (e)

Aurora Seniors Centre Membership Fee

These fees have been increased at the request of the Aurora Senior Association.

Section 1 (n)

Park Permit Maintenance Deposit

This fee is being changed to a range allowing for an appropriate deposit for the services being requested.

Section 2 (c)

Youth Activities

This fee range has been expanded in order to provide this program area with a greater ability to offer new programs with higher costs and associated revenues.

Section 3 (a) & (b)

Leadership Programs & Aquatics Specialty Programs

These fee ranges have been expanded to be more reflective of current costs and allow the provision of new specialty programs.

Section 4 (b) & (c)

Day Camps & Specialty Camps

These fee ranges have been expanded to be more reflective of current costs and allow the provision of new specialty programs.

Section 8

Pool Party Packages

The fee for this service has been adjusted to a range to allow different rates for the different pools and rooms available for rental.

Section 9 (a)

Special Events

Range of fees has been expanded to accommodate new pricing structure for Ribfest.

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Report No. CFS15-039

Section 10 (a), (b), (d) & (f)

Combo Membership, Group Fitness Membership, Aquafit Membership & Squash Membership

The Senior Spouse fee category in each of these areas has been eliminated.

Section 10 (j)

Youth Summer Gymnasium Membership

Introduction of a new fee to encourage youth to participate in summer drop in programs.

Section 11 (g) & (h)

Cyclefit – Casual User Fee Adult and Senior

These fees are being eliminated as they are covered under the Fitness Centre Casual User Fee.

Section 13 (c)

Friends at Play (Christmas Program)

This program has been cancelled.

Section 15 (f)

Pool – School Instructional Lessons

The fees included in this section have been adjusted to include private and semi-private lessons as well as to better align our fees with the going market rates.

Section 15 (h)

Additional Instructor Fee

Introduction of a new fee for school groups to lower the student/teacher ratio.

Section 16 (c)

Seniors Skate

This fee is not required as it is included in the Public Skating Fee.

Section 18 (j), (k) & (l)

Half Gym Rates

These fees are being eliminated as half gymnasium rentals are not available.

Section 18 (q)

52 Victoria Street

This fee is being eliminated as the facility is not available for rental by the hour.

Section 18 (t)

Beach Volleyball Courts

These fees are being eliminated as the facilities are primarily used for programs.

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Report No. CFS15-039

LINK TO STRATEGIC PLAN

Reviewing and updating the Town's fees and charges annually for user pay services contributes to achieving the Strategic Plan guiding principle of "Leadership in Corporate Management" and improves transparency and accountability to the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Increase or decrease any proposed fees and service charges other than as recommended.
2. Leave fees at 2015 levels and absorb incremental costs of providing relating services within the town's tax levy.

FINANCIAL IMPLICATIONS

The proposed 2016 fees and charges have been adjusted in order to reflect changes to departmental costs in providing their applicable services to users. All fee increases will alleviate tax pressure on the 2016 tax base; when costs increase as a result of inflation, but non-tax revenues do not increase, the tax revenues must therefore increase by more than inflation to balance the budget. Council should be aware that the fees presented in these schedules include HST where applicable.

CONCLUSIONS

As part of the annual update of the Town's fees and charges, staff have ensured that all changes brought forward are a fair representation of the cost of these services and that they are in line with surrounding municipalities for similar services.

PREVIOUS REPORTS

N/A Updating fees is an annual report for budget purposes.

ATTACHMENTS

Attachment #1 – Draft Bylaw schedules A to G

PRE-SUBMISSION REVIEW

Executive Leadership Team – Thursday, October 8, 2015

October 20, 2015

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Report No. CFS15-039

Prepared by: Laura Sheardown, Financial Analyst



Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer



Patrick Moyle
Interim Chief Administrative Officer

By-Law 5770-15
Schedule A
General Fees and Charges
Effective January 1, 2016

Attachment #1

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
GENERAL FEES			
Photocopies (8 1/2 X 11 and 8 1/2 X 14)	per page	\$ 0.70	\$ 0.65
Photocopies (11x 17)	per page	\$ 1.30	\$ 1.25
Fax Transmittal	first page	\$ 6.75	\$ 6.65
	per additional page	\$ 2.30	\$ 2.25
TENDER DOCUMENTS			
Tender documents per set depending on size of document	per tender	\$45.00 to \$355.00	\$45.00 to \$350.00
DISBURSEMENTS			
As required to reimburse costs incurred by the Town of Aurora, including but not limited to Registration Fees, Courier Fees, Corporate Search Fees, external File Retrieval Costs, etc., at the discretion of the Director.	each	Disbursement Cost	Disbursement Cost

General Committee Meeting Agenda
Tuesday, October 20, 2015

By-Law 5770-15
Schedule B
Building and ByLaw Services Department
 Effective January 1, 2016

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 Fee or Charge (Including H.S.T. where applicable)	2015 Fee or Charge (Including H.S.T. where applicable)
Permitted Use Letter			
To respond in writing to enquires related to uses of specific properties with respect to permitted uses as set in the Town of Aurora Zoning By-law 2213-78, as amended	each	\$ 78.00	\$ 77.00
Property Information Request			
Review of departmental files and documents related to specific property requests relating to zoning, permits, occupancy and general property status	each	\$ 135.00	\$ 133.00
Administrative Costs			
Additional costs associated with the administration fee internal processing model homes applications with respect to outside agencies, and engineering review, and corporate policies and procedures	per unit	\$ 415.00	\$ 410.00
Construction Activity Report			
Reports generated upon request providing permit numbers, location, description and construction value	each	\$ 78.00	\$ 77.00
Zoning Review			
Zoning review of applications other than a building permit application including zoning review of Committee of Adjustment or Consent applications and determination of legal non-conforming status.	each	\$ 155.00	\$ 153.00
Sign Review			
Sign By-law review of applications other than a sign permit application including Sign By-law review of Planning Applications.	each	\$ 155.00	n/a
Permit fees related to By-law Number 4753-05.P			
Pool Enclosure Permits	each	\$ 290.00	\$ 286.00
Hot Tub Permits	each	\$ 155.00	\$ 153.00
ADMINISTER OATHS/TAKE AFFIDAVITS			
This fee is to commission documents for work that is not in connection with business of the Town (i.e. third party)			
Commission Service for Aurora Resident and Business Owner	per commission	\$ 15.70	\$ 15.50
Commission Service for Non-Aurora Resident and Business Owner	per commission	\$ 21.50	\$ 21.00
VITAL STATISTICS INFORMATION			
Marriage Licences	per licence	\$ 150.00	\$ 148.00
Burial Permits (HST Exempt)	per permit	\$ 31.50	\$ 31.00
LOTTERY LICENSING			
Bingo Events (HST Exempt)	regulated by Province	3% of prize board	3% of prize board
Raffles (HST Exempt)	regulated by Province of Ontario	3% of prize board	3% of prize board
BREAK OPEN TICKETS (NEVADA) (HST Exempt)	regulated by Province of Ontario	3% of prize board	3% of prize board
Media Bingo (HST Exempt)	regulated by Province of Ontario	3% of prize board	3% of prize board
Letters of Approval (HST Exempt) Town approval of Lottery Schemes Licenced by the Province of Ontario	per application	\$ 35.00	\$ 31.00
Administration Fee - Bingo Waiting List	per application	n/a	\$ 30.00
Administrative Fee - Eligibility Review	per application	n/a	\$ 30.00
Administration Fee - Raffles with a Prizeboard less than \$300.00	per application	n/a	\$ 13.25
LIQUOR LICENSE CLEARANCE LETTER			
	each	\$ 150.00	\$ 123.00
ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA) TRAINING			
Provision of AODA Training	per person	\$ 50.50	\$ 50.00
By-Law Inspection and Attendance Fees			
Attendance Supervisory Fee	hourly	\$ 50.00	n/a
Non Compliance Re-Inspection Fee	per visit	\$ 100.00	n/a
Pool Enclosure Re-Inspection Fee	per visit	\$ 50.00	n/a
Parking Permit Fees			
Parking permits	per permit	\$10.00 - \$300.00	n/a

**By-Law 5770-15
Schedule C
Legal and Legislative Services Department
Effective January 1, 2016**

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
DOCUMENT PREPARATION/REVIEW (General)			
Basic	per document	\$ 650.00	\$ 625.00
Complex	per document	\$ 1,700.00	\$ 1,650.00
DOCUMENT PREPARATION/REVIEW (Specific)			
Condominium Agreement	per document	\$ 6,000.00	\$ 5,750.00
Subdivision Agreement	per document	\$ 8,000.00	\$ 7,000.00
Site Plan/Development Agreement	per document	\$ 1,600.00	\$ 1,500.00
Encroachment/Licence Agreement	per document	\$ 650.00	\$ 615.00
Amending Agreement	per document	\$ 650.00 (minimum)	\$ 615.00 (minimum)
GENERAL LEGAL FEES			
Law Clerk	per hour	\$ 98.00	\$ 97.00
Solicitor	per hour	\$ 240.00	\$ 230.00
Town Insurance Claim Legal Administration Fee	per claim	10% of the value of the claim made by the Town plus disbursements	n/a *
SERVICES RELATED TO EXISTING DEVELOPMENT AGREEMENTS			
Information regarding the status of registered agreements	per letter	\$ 115.00	\$ 110.00
Highway Dedication/Subdivision Assumption By-law Legal Administration Fee	per by-law	\$ 750.00	n/a *
Miscellaneous services related to existing development agreements	per agreement	\$ 150.00	\$ 110.00
REGISTRATION FEE	per document	\$ 200.00	\$ 200.00
CERTIFIED PHOTOCOPIES	per page	\$ 10.50	\$ 10.00
FREEDOM OF INFORMATION (F.O.I.) REQUESTS (Fees related to search and records preparation are prescribed by legislation)			
Application Fee	per application	\$ 5.00	\$ 5.00
Manual Search Time and Preparation Time	per 15 minutes	\$ 7.50	\$ 7.50
Photocopies	per page	\$ 0.20	\$ 0.20
COUNCIL MATERIALS/ANNUAL SUBSCRIPTION PICK-UP COST			
Council (agenda only)	annually	\$ 90.00	\$ 89.00
General Committee (agenda only)	annually	\$ 42.50	\$ 42.00
Public Planning (agenda only)	annually	\$ 42.50	\$ 42.00
Advisory Committees/Boards (agenda only)	annually per Committee/Board	\$ 42.50	\$ 42.00
Council (agenda & attachments)	annually	\$ 360.00	\$ 357.00
General Committee (agenda & attachments)	annually	\$ 92.00	\$ 91.00

**By-Law 5770-15
Schedule C
Legal and Legislative Services Department
Effective January 1, 2016**

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
Public Planning (agenda & attachments)	annually	\$ 85.00	\$ 84.00
Advisory Committees/Boards (agenda & attachments)	annually per Committee/Board	\$ 85.00	\$ 84.00
Council (minutes)	annually	\$ 85.00	\$ 84.00
General Committee (minutes)	annually	\$ 42.50	\$ 42.00
Public Planning (minutes)	annually	\$ 85.00	\$ 84.00
Advisory Committees/Boards (minutes)	annually per Committee/Board	\$ 42.50	\$ 42.00
MAIL OUT COST (Annual Subscription)			
To receive by mail annual subscription for any of the above listed materials will require an additional charge to the subscription fee	additional charge to subscription fee	\$ 280.00	\$ 278.00
AudioCD/DVD/ Tape - Council/General Committee/Public Planning/Advisory Committees/Boards meeting	per CD/DVD/tape	\$ 30.50	\$ 30.00
CIVIL MARRIAGE SERVICES (previously included in By-law #5697-15)			
Civil Marriage Solemnization Fee during regular business hours (<i>fee includes the use of a Town Hall facility only; other Town facility rental fees may apply</i>)	per service	\$ 294.00	\$ 282.50
Civil Marriage Solemnization Fee outside regular business hours	per service	\$ 407.00	\$ 395.50
Witness Fee (<i>if Town staff are required to be witnesses</i>)	per witness	\$ 62.00	\$ 56.50
Rehearsal Fee for offsite Civil Marriage ceremony	per service	\$ 90.00	\$ 84.75
Administrative Fee to be charged for change of wedding date within 7 days of scheduled ceremony	per change	\$ 62.00	\$ 56.50
Administrative Fee to be charged for cancellation of Civil Marriage ceremony before consultation meeting	each	\$ 62.00	\$ 56.50
Administrative Fee to be charged for cancellation of Civil Marriage ceremony after consultation meeting	each	\$ 147.00	\$ 141.25
Note: All Documentation Preparation/Review (General) fees may be waived or reduced at the discretion of the Town Solicitor. In addition, all fees and/or service charges may be increased based on the complexity and nature of the agreement, document, or service as determined by the Town Solicitor to be fair and reasonable.			

By-Law 5770-15
Schedule D
Planning and Development Services Department
Effective January 1, 2016

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
Official Plan Schedule 'A' Map (18x24 inches)	per map	\$ 17.00	\$ 16.00
Official Plan Schedules other than 'A' (11x17)	per map	\$ 7.00	\$ 6.00
Town Street Plan Map (b/w) (22x34 inches)	per map	\$ 7.00	\$ 6.00
Town Street Plan Map (colour) (22x34 inches)	per map	\$ 12.00	\$ 11.00
Town Air Photo Map (34x44 inches)	per map	\$ 37.00	\$ 36.00
Application Status Listing	per copy	\$ 17.00	\$ 16.00
Application Status List Map (18x30 inches)	per map	\$ 12.00	\$ 11.00
Aurora Promenade Study	per copy	\$ 52.00	\$ 51.00
Official Plan (previously New Official Plan)	per OP	\$ 52.00	\$ 51.00
2C Secondary Plan	per copy	\$ 32.00	\$ 31.00
Secondary Plans	per Secondary Plan	\$ 22.00	\$ 21.00
Official Plan Amendments	per OPA	\$ 12.00	\$ 11.00
Secondary Plans Consolidation	per copy	\$ 42.00	\$ 41.00
Zoning By-law 2213-78 (1996 Consolidation)	per By-law	\$ 83.00	\$ 82.00
Northeast Old Aurora Heritage Conservation District Plan	per copy	\$ 27.00	\$ 26.00
Vacant Employment Land Inventory	per copy	\$ 17.00	\$ 16.00
Address Change	each	\$ 1,000.00	\$ 368.00 *
Street Name Change	each	\$ 1,500.00	\$ 615.00 *
GIS Analysis	per hour	\$ 75.00	n/a *
Circulation Fees, including Labels	per circulation	\$ 75.00	n/a *

By-Law 5770-15
Schedule E
Infrastructure and Environmental Services
Effective January 1, 2016

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
Subdivision and Site Plan Engineering Fees	percentage of servicing costs	6.0%	5.5%
Benchmarks	per benchmark	\$73.00	\$72.00
Plot WIMS/SIMS Maps, Engineering Drawings - drawings printed in-house	per sheet of map	\$3.65	\$3.60
Plot WIMS/SIMS Maps, Engineering Drawings - drawings sent out for reproducing	per sheet of map	\$18.60 or \$3.65 per sheet, whichever is greater	\$18.40 or \$3.60 per sheet, whichever is greater
Request for digital drawings	per drawing	\$3.65 (fee applies only for large requests: over 10 drawings)	\$3.60 (fee applies only for large requests: over 10 drawings)
Topsoil Preservation Permit	flat fee + price per ha of site area	\$625.00 Flat Fee + \$35.40/ha	\$600.00 Flat Fee + \$35.00/ha
Request for Information	per request	\$61.75	\$61.00
REQUEST FOR TRAFFIC DATA			
7-Day Traffic Counts	per location	\$61.00	\$60.00
8-Hour Turning Movement Count	per intersection	\$157.00	\$155.00
Traffic Signal Timings	per intersection	\$76.00	\$75.00
Lot Grading review and inspection	per lot	\$270.00	\$265.00
Grading review and inspection for pool construction (securities of \$1,000 will be collected at the time of permit fee payment)	per lot	\$270.00	\$265.00
Work Performed for Residents, Contractors and Developers		Actual Labour, Material & Equipment plus 35% overhead and full cost of contracted services plus 15% administrative fee, subject to HST	Actual Labour, Material & Equipment plus 35% overhead and full cost of contracted services plus 15% administrative fee, subject to HST
Hydrant Deposit	Each	\$2,042.00	\$2,042.00
Fire Flow Test	Each	\$250.00	\$250.00
Sewer Camera Rate	lump sum	actual cost plus 15% administrative fee	actual cost plus 15% administrative fee
Water Sampling - New Subdivisions	each	\$105.00 + lab costs	\$100.00 + lab costs
Water Meters and Water Meter Accessories	each	Actual cost plus 35% overhead, subject to HST	Actual cost plus 35% overhead, subject to HST
Water Meter Wire Charge	per box	\$103.00, subject to HST	\$102.00, subject to HST
Road Excavation Fees			
Road Excavation Permit Deposit	each	\$500.00	n/a
Road Excavation Control Permit	whichever is greater	\$130.00 or 10%	\$128.00 or 10%
Road Closure Fees (previously part of By-law 4750-05)			
Road Closure Deposit	each	\$0.00 - \$10,000	\$500.00 - \$3,000.00
Road Closure Administrative Fee	each	\$0.00 - \$6,000.00	\$300.00
Road Closure Set-up & Take Down Fee	each	\$0.00 - \$2,000.00	n/a
Film Road Inspection	each	\$500.00	\$250.00
Flat Rate Service Connections Fees			
25mm Water Service	each	\$6,174.20	\$5,712.00
40mm Water Service	each	\$7,813.79	\$7,316.00
50mm Water Service	each	\$8,296.75	\$7,784.00
125mm Sanitary Service	each	\$8,860.86	\$8,439.00
150mm Storm Service	each	\$8,860.86	\$8,439.00
125mm Sanitary Service & 150mm Storm Service in same trench	each	\$10,548.64	\$10,127.00
Clean-out/Inspection Chamber	each	\$2,349.27	\$2,014.00
Water Connection Fee	each	\$804.00	\$795.00
Sewer Connection Fee	each	\$804.00	\$795.00

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Schedule E
Infrastructure and Environmental Services
Effective January 1, 2016

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
Existing Services Disconnection (in conjunction with new service installation)	each	\$209.76	\$168.00
Existing Services Disconnection (not in conjunction with new service installation)	each	\$1,342.44	\$1,259.00
Inspection Fee for Services Installed by Owner	each	\$248.00	\$245.00
Water Turn On/Off Service Charges (previously included in By-law 5716-15)			
During weekday working hours (8:30am - 4:30pm)	each	n/a	\$40.00
Other than normal working hours	each	n/a	\$80.00
48 hours or more of notice during business hours (8:00am - 4:00pm)	each	\$0.00	n/a
Less than 48 hours notice during business hours (8:00am - 4:00pm)	each	\$80.00	n/a
Outside business hours	each	\$160.00	n/a
Waste Collection Fees			
Blue Boxes	each	\$15.00	\$13.00
Blue Totes	each	\$140.00 + delivery charge of \$30.00 for the 95 gal totes (which includes picking up old damaged totes)	\$138.00 + delivery charge of \$26.00 for the 95 gal totes (which includes picking up old damaged totes)
Green Bins	each	\$25.00	\$25.00
Kitchen Catcher	each	\$7.00	\$7.00
Backyard Composters	each	\$35.00	\$31.00

**By-Law 5770-15
Schedule F
Corporate and Financial Services
Effective January 1, 2016**

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
Tax Bill Reprint - per tax year	per document	\$ 16.00	\$ 15.30
Returned Cheques	per cheque	\$ 42.00	\$ 41.00
Payment recalled by Bank	per item	\$ 15.00	\$ 10.20 *
Tax Certificate	per property	\$ 78.00	\$ 77.00
Water/Wastewater Certificate	per property	\$ 78.00	\$ 77.00
Water Bill Reprint - per billing period	per document	\$ 16.00	\$ 15.30
Official Tax Receipt Letter for Government Agencies	per document	\$ 30.00	\$ 28.00
Duplicate Receipt	per receipt	\$ 13.00	\$ 12.25
Detailed Analysis of Tax Account-per tax year	per property	\$ 32.00	\$ 31.00
Tax Roll Ownership Change	per property	\$ 32.00	\$ 31.00
Water Account Ownership Change/ New Account Set-up	per property	\$ 50.00	\$ 46.00
Letter of Reference for Utilities	each	\$ 26.00	\$ 25.50
Addition of unpaid charges to tax bill	per addition	\$ 15.00	n/a *

By-Law 5770-15
Schedule G
Parks and Recreation Services
Effective January 1, 2016

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
1. ADMINISTRATION				
a)	Membership Refunds (Except Medical Reasons)	per refund	\$ 36.50	\$ 36.00
b)	Membership On Hold (Except Medical Reasons)	per hold	\$ 36.50	\$ 36.00
c)	Program Refund (Except Medical Reasons)	per refund	\$ 20.25	\$ 20.00
d)	Child Supervisory Services - Babysitting	per 1.5 hours/per child	n/a	\$ 4.00 *
e)	Aurora Seniors Centre Membership Fee (55 yrs+)	per Resident	\$ 25.00	\$ 20.00 *
		per Non-Resident	\$ 35.00	\$ 25.00 *
f)	Landscaping Administration Fees	each	8% - less than \$100K 7% - \$100K to \$250K 6% - \$250K to \$500K 5% - more than \$500k	8% - less than \$100K 7% - \$100K to \$250K 6% - \$250K to \$500K 5% - more than \$500k
g)	Landscape Maintenance Fees	each	25% of estimated value of landscape works installed on municipal property (excludes open space plantings)	25% of estimated value of landscape works installed on municipal property (excludes open space plantings)
h)	Vendor Permit Fee	per event/ per day	\$51.00 - \$506.00	\$50.00 - \$500.00
i)	Park Clean Up Fee - Refundable Deposit	each	\$ 105.00 - \$1,050.00	\$ 100.00 - \$1,000.00
j)	Program/Event Promotional Material	each	\$ 0.50 - \$10.50	\$ 0.25 - \$10.00
k)	Swim Diapers & Swim Goggles	each	\$ 10.50 - \$20.50	\$ 10.00 - \$20.00
l)	Park Event Set-Up Fee (Includes up to 6 tables + 6 garbage receptacles, access to electrical, water, washrooms, where available.)	per event/ per day	\$ 330.00	\$ 325.00
m)	Additional Parks Set-Up Fee (In addition to Park Event Set-Up Fee, for up to 6 additional tables and 6 additional garbage receptacles.)	per event/ per day	\$ 76.00	\$ 75.00
n)	Park Permit Maintenance Deposit (Refundable) (For groups of 25 or more, not requiring an event set-up.)	per event/ per day	\$100.00 - \$500.00	\$ 100.00 *
2. REGISTERED SEASONAL PROGRAMS				
a)	Pre-School Activities	per class	\$ 4.25 - \$21.25	\$ 4.00 - \$21.00
b)	Children's Activities	per class	\$ 5.25 - \$30.50	\$ 5.00 - \$30.00
c)	Youth Activities	per class	\$ 3.25 - \$30.50	\$ 3.00 - \$20.00 *
d)	Adult Activities	per class	\$ 7.25 - 55.75	\$ 7.00 - 55.00
e)	Senior's Activities	per class	\$ 2.75 - \$25.50	\$ 2.50 - \$25.00
f)	Family Activities	per class	\$ 4.25 - \$10.50	\$ 4.00 - \$10.00
g)	Fitness Programs	per class	\$ 1.75 - \$30.50	\$ 1.50 - \$30.00
3. REGISTERED AQUATICS PROGRAMS				
a)	Lessons - Learn to Swim	per class	\$ 6.75 - \$23.50	\$ 6.50 - \$23.00
b)	Leadership Programs	per program	\$ 30.50 - \$475.00	\$ 30.00 - \$320.00 *
c)	Aquatics Specialty Programs	per class	\$ 6.75 - \$23.50	\$ 7.00 - \$10.00 *

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Schedule G
Parks and Recreation Services
Effective January 1, 2016

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
4. REGISTERED CAMP PROGRAMS				
a)	Day Camps	per day	\$ 10.50 - \$50.00	\$ 10.00 - \$35.00 *
b)	Specialty Camps	per day	\$ 12.25 - \$90.00	\$ 12.00 - \$60.00 *
c)	Extended Care	per person	\$ 25.50 - \$107.00	\$ 25.00 - \$105.50
d)	Seniors Bus Trips	per person	\$ 5.25 - \$202.25	\$ 5.00 - \$200.00
5. DROP-IN ACTIVITIES		per visit	Free - \$3.00	Free - \$3.00
6. P.A. DAY PROGRAMS		per person	\$ 16.00 - \$42.50	\$ 15.75 - \$42.00
7. WORKSHOP/ CLINICS/ TOURNAMENTS				
a)	Individual	per person	\$ 2.25 - \$16.00	\$ 2.00 - \$15.75
b)	Team	per team	\$ 20.50 - \$26.50	\$ 20.00 - \$26.00
8. POOL PARTY PACKAGES		each	\$165.00 - \$305.00	\$ 225.00 *
9. SPECIAL EVENTS				
a)	Individual	per person	\$ 2.75 - \$20.50	\$ 2.50 - \$12.00 *
b)	Family	per family	\$ 16.75 - \$25.50	\$ 16.50 - \$25.00
c)	Float Registration Fees	Resident Commercial	\$ 76.00	\$ 75.00
		Non-Resident Commercial	\$ 152.00	\$ 150.00
d)	Ribfest Vendors	each	\$ 405.00 - \$3,540.00	\$ 400.00 - \$3,500.00
e)	Art Show Entry Fees	each	\$ 10.50 - \$40.50	\$ 10.00 - \$40.00
f)	Food Vendors - Non Profit Groups	per day	\$ 50.75	\$ 50.00
g)	Food Vendors	per day	\$ 50.75 - \$506.00	\$ 50.00 - \$500.00
10. MEMBERSHIPS (Note: All memberships apply to Aurora residents only. Non-Residents are subject to a 20% surcharge.)				
a)	COMBO MEMBERSHIP (Equipment and Group Fitness) ADD ON: Pool Aquafit Squash	Adult	3 mo. 6mo. 1 yr. \$152.00/\$254.00/\$419.00	3 mo. 6mo. 1 yr. \$150.00/\$251.00/\$414.00
		Additional Family/ Youth/Student/ Senior	3 mo. 6mo. 1 yr. \$121.50/\$203.00/\$335.00	3 mo. 6mo. 1 yr. \$120.00/\$200.00/\$331.00
		Senior Spouse	n/a	3 mo. 6mo. 1 yr. \$96.00/\$160.00/\$265.00 *
		1 Month Trial	\$ 38.50	\$ 38.00
		1 Month Renewal	\$ 64.00	\$ 63.00
		Winter Student Special - Home for the Holidays - 1 mth max	\$ 40.50	\$ 40.00
		Spring Break Student Special - 2wk max	\$20.25/week	\$20.00/week
		Summer Student Special May 31 - Aug 31 (4mth)	\$ 121.50	\$ 120.00
		Summer Student Special July 1 - Aug 31 (2mth)	\$ 60.75	\$ 60.00
b)	GROUP FITNESS MEMBERSHIP ADD ON: Pool Aquafit Squash	Adult	3 mo. 6mo. 1 yr. \$136.00/\$226.00/\$372.00	3 mo. 6mo. 1 yr. \$134.00/\$223.00/\$368.00
		Youth/Student/ Senior	3 mo. 6mo. 1 yr. \$108.00/\$180.00/\$298.00	3 mo. 6mo. 1 yr. \$107.00/\$178.00/\$294.00
		Senior Spouse	n/a	3 mo. 6mo. 1 yr. \$86.00/\$142.00/\$235.00 *
		1 Month Renewal	\$ 57.00	\$ 56.00

General Committee Meeting Agenda
Tuesday, October 20, 2015

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Parks and Recreation Services
Effective January 1, 2016

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
c)	POOL MEMBERSHIP Lane & Leisure Only	Adult	3 mo. 6mo. 1 yr. \$79.00/\$119.00/\$193.00	3 mo. 6mo. 1 yr. \$78.00/\$117.00/\$191.00
		Youth/ Student/ Senior	3 mo. 6mo. 1 yr. \$63.00/\$95.00/\$155.00	3 mo. 6mo. 1 yr. \$62.00/\$94.00/\$153.00
		Child	3 mo. 6mo. 1 yr. \$40.00/\$60.00/\$97.00	3 mo. 6mo. 1 yr. \$39.00/\$59.00/\$96.00
d)	AQUAFIT MEMBERSHIP ADD ON: Pool	Adult	3 mo. 6mo. 1 yr. \$136.00/\$226.00/\$372.00	3 mo. 6mo. 1 yr. \$134.00/\$223.00/\$368.00
		Youth/Student/Senior	3 mo. 6mo. 1 yr. \$108.00/\$180.00/\$298.00	3 mo. 6mo. 1 yr. \$107.00/\$178.00/\$294.00
		Senior Spouse	n/a	3 mo. 6mo. 1 yr. \$86.00/\$142.00/\$235.00
		1 Month	\$ 57.00	\$ 56.00
e)	TRACK MEMBERSHIP	Youth/Student/Senior	No Charge	No Charge
		Adult	No Charge	No Charge
		ASA Member	No Charge	No Charge
f)	SQUASH MEMBERSHIP	Adult	3 mo. 6mo. 1 yr. \$153.00/\$255.00/\$425.00	3 mo. 6mo. 1 yr. \$151.00/\$252.00/\$420.00
		Youth/Student/Senior	3 mo. 6mo. 1 yr. \$123.00/\$204.00/\$340.00	3 mo. 6mo. 1 yr. \$121.00/\$202.00/\$336.00
		Senior Spouse	n/a	3 mo. 6mo. 1 yr. \$97.00/\$162.00/\$269.00
		1 Month	\$ 53.00	\$ 52.00
g)	ADD-ON OPTIONS	Pool Package	3 mo. 6mo. 1 yr. \$22.00/\$32.00/\$55.00	3 mo. 6mo. 1 yr. \$21.00/\$31.00/\$54.00
		Aquafit Package	3 mo. 6mo. 1 yr. \$22.00/\$32.00/\$55.00	3 mo. 6mo. 1 yr. \$21.00/\$31.00/\$54.00
		Squash	3 mo. 6mo. 1 yr. \$71.00/\$109.00/\$181.00	3 mo. 6mo. 1 yr. \$70.00/\$107.00/\$179.00
h)	CORPORATE MEMBERSHIPS Per Company	Group of 3 - 4	15% Discount	15% Discount
		Group of 5 - 10	20% Discount	20% Discount
		Group of 11+	25% Discount	25% Discount
i)	Youth After-School Membership Fee (14-25 yrs)	each	3 mo. 6mo. 1 yr. \$66.00/\$112.00/\$178.00	3 mo. 6mo. 1 yr. \$65.00/\$110.00/\$176.00
j)	Youth Summer Gymnasium Membership	Youth - each	2 month (July & August) \$40.00	n/a

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Schedule G
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Effective January 1, 2016

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
11. DAILY USER FEES				
a)	Fitness Centre - Casual User Fee (access to group fitness classes, including cyclefit and aquafit)	Youth/Adult	\$7.25/class or \$57.00/10 visits	\$7.00/class or \$56.00/10 visits
		Senior	\$5.60/class or \$44.80/10 visits	\$4.45/class or \$36.40/10 visits
b)	Track - Casual User Fee (12 to 14 yrs)	each	No Charge	No Charge
c)	Leisure Pool - Casual User Fee	each	\$3.25/use or \$24.50/10 visits	\$3.00/use or \$24.00/10 visits
d)	Squash - Daily User Fee (40 min Court Fee)	Prime	\$8.75/use or \$69.00/10 visits	\$8.50/use or \$68.00/10 visits
e)	Squash - Daily User Fee (40 min Court Fee)	Non Prime	\$5.00/use or \$40.00/10 visits	\$5.00/use or \$40.00/10 visits
f)	Squash - Daily User Fee (40 min Court Fee)	Senior	20% off listed fee	20% off listed fee
g)	Cyclefit - Casual User Fee	Adult	n/a	\$7.00/class or \$55.63/10 visits
h)	Cyclefit - Casual User Fee	Senior	n/a	\$3.50/class or \$27.85/10 visits
i)	Recreation Complex Day Pass	each	\$12.25/visit	\$12.00/visit
12. SQUASH				
a)	Lessons (40 min)	Private	\$ 30.50	\$ 30.00
		Semi Private	\$22.75/ person	\$22.50/ person
		3 or more	\$18.25/ person	\$18.00/ person
b)	Clinics	per 1.5 hour clinic	\$ 11.75	\$ 11.50
c)	House League (40 min)	Members	free	free
		Non-members	n/a	n/a
d)	Junior Squash Program	per week	\$ 11.75	\$ 11.50
e)	Equipment Rentals	Racquets	\$4.25 (\$20.00 deposit)	\$4.00 (\$20.00 deposit)
		Eye Guards	\$3.25 (\$20.00 deposit)	\$3.00 (\$20.00 deposit)
f)	Equipment Sales	Squash Balls	\$ 3.25	\$ 3.00
		Eye Guards	\$ 17.25	\$ 16.95
13. SEASONAL PACKAGES				
a)	Summer Splash Pass	per family	\$ 103.00	\$ 102.00
b)	Summer Squash Special	each	\$ 107.00	\$ 106.00
c)	Friends At Play (Christmas Program)	1 child	n/a	\$10.00/hour
		2 children	n/a	\$7.50/hour per child
		3 or more children	n/a	\$5.00/hour per child

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Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
14. PERSONAL TRAINING PACKAGES Note: All fees are for members. Non-members are subject to a 20% surcharge.				
a)	Land Based Training - Single Session rate	Private	\$ 58.75	\$ 58.00
		Semi-Private	\$44.50/person	\$44.00/person
b)	Land Based Training - 3 Session Rate (Get Started) One Time Offer	Private	\$ 137.50	\$ 136.00
		Semi-Private	\$103.25/person	\$102.00/person
c)	Land Based Training - 5 Sessions	Private	\$ 240.00	\$ 237.00
		Semi-Private	\$180.00/person	\$178.00/person
d)	Land Based Training - 10 Sessions	Private	\$ 455.00	\$ 450.00
		Semi-Private	\$341.75/person	\$338.00/person
e)	Land Based Training - 20 Sessions	Private	\$ 893.00	\$ 883.00
		Semi-Private	\$632.00/person	\$625.00/person
f)	Aquatic Personal Training - Single Session	Private	\$ 61.00	\$ 60.00
		Semi-Private	\$45.50/person	\$45.00/person
g)	Aquatic Personal Training - 3 Session Rate (Getting Started) One Time Offer	Private	\$ 142.00	\$ 140.00
		Semi-Private	\$106.25/person	\$105.00/person
h)	Aquatic Personal Training - 5 Sessions	Private	\$ 253.00	\$ 250.00
		Semi-Private	\$190.00/person	\$188.00/person
i)	Aquatic Personal Training - 10 Sessions	Private	\$ 480.00	\$ 475.00
		Semi-Private	\$360.00/person	\$356.00/person
j)	Aquatic Personal Training - 20 Sessions	Private	\$ 910.00	\$ 900.00
		Semi-Private	\$682.50/person	\$675.00/person
15. COMPLEX RENTAL RATES				
a)	AFLC Pool - Private Rental	per lane	\$11.25/hour (plus lifeguard costs)	\$11.00/hour (plus lifeguard costs)
		per pool	\$71.00/hour (plus lifeguard costs)	\$70.00/hour (plus lifeguard costs)
b)	SARC 8 Lane Pool - Private Rental	per lane	\$11.25/hour (plus lifeguard costs)	\$11.00/hour (plus lifeguard costs)
		per pool	\$89.00/hour (plus lifeguard costs)	\$88.00/hour (plus lifeguard costs)
c)	SARC Teaching Pool - Private Rental	per hour	\$22.25 (plus lifeguard costs)	\$22.00 (plus lifeguard costs)
d)	SARC Leisure Pool/Slide - Private Rental	per hour	\$36.50 (plus lifeguard costs)	\$36.00 (plus lifeguard costs)
e)	SARC Teaching Pool - Therapy Rentals	per person	\$7.25/visit \$57.00/10 visits	\$7.00/visit \$56.00/10 visits
		Therapist	\$7.25/visit	\$7.00/visit
f)	Pool - School Instructional Lessons (30 mins)	per person	\$21.00/class (1 or 2) \$11.00/class (3 or 4) \$9.00/class (5 to 10) \$7.00/class (11 or more)	\$7.25/visit (4 or less) \$6.00/visit (5 to 10) \$5.50/visit (11 or more)
g)	Squash Courts	per court per hour	\$ 12.25	\$ 12.00
h)	Additional Instructor Fee	per hour	\$ 20.25	n/a

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Effective January 1, 2016

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
16. PUBLIC SKATING PROGRAMS			
a) Adult Shinny Hockey	per person	\$5.75 or \$45.50/10 visits	\$5.50 or \$45.00/10 visits
b) Public Skating (all)	per person	\$2.75 or \$20.25/10 visits	\$2.50 or \$20.00/10 visits
c) Seniors Skate	per person	n/a	\$2.50/hour
d) Family Skate Pass	each	\$ 112.00 - \$194.00	\$ 110.00 - \$192.00
17. ICE RENTALS			
a) ACC/AFLC/SARC - Ice Rental Prime - Adult	per hour	\$ 195.25	\$ 193.00
b) ACC/AFLC/SARC - Ice Rental Prime - Minor Hockey/Skating Club	per hour	\$ 183.00	\$ 181.00
c) ACC/AFLC/SARC - Ice Rental Non-Prime (Adult and Youth) - Weekday (8:00am to 4:00pm)	per hour	\$ 119.50	\$ 118.00
d) ACC/AFLC/SARC - Ice Rental Non-Prime - 6:00am to 8:00am Weekday - 8:00am to 4:00pm Summer Ice - Weekend Summer Ice (July 1 - Aug. 31)	per hour	\$ 126.50	\$ 125.00
18. FACILITY RENTALS			
a) COMMUNITY CENTRE - Auditorium	per hour	\$ 56.00	\$ 55.00
b) COMMUNITY CENTRE - Auditorium	per day (8 hours)	\$ 335.00	\$ 330.00
c) COMMUNITY CENTRE - ACC#1 Meeting Room	per hour	\$ 30.00	\$ 29.00
d) COMMUNITY CENTRE - ACC#2 Meeting Room	per hour	\$ 23.00	\$ 22.00
e) COMMUNITY CENTRE - Arena Floor Rental - Youth	per hour	\$ 42.00	\$ 41.00
f) COMMUNITY CENTRE - Arena Floor Rental - Adult	per hour	\$ 54.00	\$ 53.00
g) COMMUNITY CENTRE - Arena Floor Event - Private or Non-Aurora	per day - multi day event (open - close)	\$1,072.00/surface	\$1,060.00/surface
h) COMMUNITY CENTRE - Arena Floor Event - Non-Profit in Aurora	per day - multi day event (open - close)	\$759.00/surface	\$750.00/surface
i) LEISURE COMPLEX	Meeting Room	\$30.00/hour	\$29.00/hour
	Program Room C (2nd Floor)	\$35.00/hour	\$34.00/hour
	Program Room A (Main Floor - small)	\$30.00/hour	\$29.00/hour
	Program Room B (Main Floor - large)	\$35.00/hour	\$34.00/hour
	Teaching Kitchen	\$26.00/hour	\$25.00/hour
j) GYMNASIUM - Prime - Adult	Full Gym - per hour	\$ 102.00	\$ 100.00
	Half Gym - per hour	n/a	\$ 55.00 *

By-Law 5770-15
Schedule G
Parks and Recreation Services
Effective January 1, 2016

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
k)	GYMNASIUM - Prime - Youth	Full Gym - per hour	\$ 76.00	\$ 75.00
		Half Gym - per hour	n/a	\$ 40.00 *
l)	GYMNASIUM - Non-Prime - 8:00am to 4:00pm Weekdays	Full Gym - per hour	\$ 56.00	\$ 55.00
		Half Gym - per hour	n/a	\$ 30.00 *
m)	56 VICTORIA STREET	Main Floor Meeting Room	\$30.00/hour	\$29.00/hour
		Main Floor North	\$30.00/hour	\$29.00/hour
		Main Floor North & South	\$46.00/hour	\$45.00/hour
		Upper Level North	\$30.00/hour	\$29.00/hour
		Upper Level South	\$30.00/hour	\$29.00/hour
		Upper Level North & South	\$46.00/hour	\$45.00/hour
n)	SENIORS CENTRE	Activity Room A	\$30.00/hour	\$29.00/hour
		Activity Room B	\$30.00/hour	\$29.00/hour
		Activity Room A & B	\$35.00/hour	\$34.00/hour
		Activity Room A & B & Kitchen	\$55.00/hour	\$54.00/hour
		Activity Room C	\$30.00/hour	\$29.00/hour
		Activity Room & Kitchen	\$50.00/hour	\$49.00/hour
		Craft Room	\$35.00/hour	\$34.00/hour
		Multi-Purpose Room/Kitchen - Hourly	\$112.00/hour	\$110.00/hour
o)	STRONACH AURORA RECREATION COMPLEX	Meeting Room	\$30.00/hour	\$29.00/hour
p)	VICTORIA HALL	per hour	\$ 35.00	\$ 34.00
		Daily (8 hours)	\$ 207.00	\$ 204.00
q)	52 VICTORIA STREET	per hour	n/a	\$ 35.00 *
		Daily (8 hours)	n/a	\$ 210.00 *
		Monthly	\$1,633.00/month	\$1,615.00/month
r)	TENNIS COURTS	per hour	\$ 7.75	\$ 7.50
s)	BAND SHELL	Park Event/Large Company/School Picnic	\$ 329.00	\$ 325.00
		Hourly (no set-up or utility access required)	\$ 28.00	\$ 27.00
t)	BEACH VOLLEYBALL COURTS	Youth	n/a	\$7.50/hour *
		Adult	n/a	\$9.00/hour *
u)	TOWN HALL - Coffee Service	Per 25 people or less	\$28.00/ 25 people	\$27.00/ 25 people
v)	TOWN HALL - Aurora Based Non-Profit Groups (as defined by Town Policy)	Leksand Room	No Charge	No Charge
		Holland Room	No Charge	No Charge

**By-Law 5770-15
Schedule G
Parks and Recreation Services
Effective January 1, 2016**

Description of Service for Fee or Service Charge		Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
w)	TOWN HALL - Aurora Based Groups	Leksand Room	\$30.00/hour	\$29.00/hour
		Holland Room	\$36.00/hour	\$35.00/hour
x)	TOWN HALL - Non-Aurora Based Groups	Leksand Room	\$36.00/hour	\$35.00/hour
		Holland Room	\$41.00/hour	\$40.00/hour
y)	TOWN HALL - COUNCIL CHAMBERS	Aurora Based Groups	\$56.00/hour	\$55.00/hour
		Non-Aurora Based Groups	\$117.00/hour	\$115.00/hour
z)	TOWN HALL - SKYLIGHT GALLERY	Professional/Commercial Groups	\$229.00/hour	\$226.00/hour
aa)	PUBLIC LIBRARY	per hour	\$ 56.00	\$ 55.00
		Magna Room - Hourly	\$ 35.00	\$ 34.00
		Magna Room - Daily (8 hours)	\$ 207.00	\$ 204.00
		Lebovic Room - Hourly	\$ 30.00	\$ 29.00
ab)	McMAHON PARK	Lebovic Room - Daily (8 hours)	\$ 176.00	\$ 174.00
		Aurora Lawn Bowling Club	\$1,011.00/year	\$1,000.00/year
ac)	THEATRE AURORA	Aurora Community Tennis Club	\$1,643.00/year	\$1,625.00/year
		per year	\$ 2.00	\$ 2.00
ad)	AURORA ARMOURY	Full Facility - Monthly (rooms & event space)	\$ 1,517.00	\$ 1,500.00
		Event/ Activity Space - Monthly	\$ 1,011.00	\$ 1,000.00
		Event/ Activity Space - Daily (8hrs)	\$ 380.00	\$ 375.00
		Event/ Activity Space - Hourly	\$ 51.00	\$ 50.00
		Office/ Meeting/ Storage Spaces - Monthly	\$152.00 - \$354.00	\$150.00 - \$350.00
		Office/ Meeting/ Storage Spaces - Hourly	\$16.00 - \$41.00	\$15.00 - \$40.00

**By-Law 5770-15
Schedule G
Parks and Recreation Services
Effective January 1, 2016**

Description of Service for Fee or Service Charge	Unit of Measure (i.e. per hour, page, document, etc.)	2016 (Including H.S.T. where applicable)	2015 (Including H.S.T. where applicable)
19. PLAYING FIELD USER FEES			
a) Adult Ball	per hour	\$ 15.67	\$ 15.50
b) Youth Ball	per hour	\$ 9.86	\$ 9.75
c) Youth Soccer	per hour	\$ 8.57	\$ 8.48
d) Adult Soccer	per hour	\$ 10.28	\$ 10.17
e) Youth Rugby	per hour	\$ 8.57	\$ 8.48
f) Adult Rugby	per hour	\$ 10.28	\$ 10.17
g) Soccer/Rugby Tournaments - Youth	each	\$217.37/ tournament plus \$8.57/pitch per hour	\$215.00/ tournament plus \$8.48/pitch per hour
h) Soccer/Rugby Tournaments - Adult	each	\$217.37/ tournament plus \$10.28/pitch per hour	\$215.00/ tournament plus \$10.17/pitch per hour
i) ARTIFICIAL TURF FIELD - Aurora based non-profit May 15 - September 30 (regular season)	Youth	\$8.57/hour	\$8.48/hour
	Adult	\$10.30/hour	\$10.17/hour
j) ARTIFICIAL TURF FIELD - Aurora based non-profit Youth/Adult - Oct 1 - May 14	per hour	\$ 22.25	\$ 22.00
k) ARTIFICIAL TURF FIELD - All schools and Aurora based private people - May 15 - September 30 (regular season)	per hour	\$ 27.30	\$ 27.00
l) ARTIFICIAL TURF FIELD - All schools and Aurora based private people - October 1 - May 14	per hour	\$ 60.66	\$ 60.00
m) ARTIFICIAL TURF FIELD - All non-Aurora based groups Youth/Adult - Any time of year	per hour	\$ 192.09	\$ 190.00



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-058**

SUBJECT: *Facility Projects Status Report*

FROM: *Ilmar Simanovskis, Director of Infrastructure and Environmental Services*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. IES15-058 be received for information.

PURPOSE OF THE REPORT

This report provides Council with an update on the following facility projects:

- Addition of the Community Space for Youth at the AFLC
- New joint operations centre

BACKGROUND

Council approved the following projects as part of the annual capital planning process:

- No. 74004 - Community Space for Youth
- No. 34217 - Joint Operations Centre

These projects are significant to both the community and the Town. To facilitate providing timely information, staff are providing monthly reports to Council on the progress of these projects. Additional approvals and requirements for Council direction will be either included in this monthly report or augmented with an additional staff report depending on the need.

The reporting process will continue until satisfactory completion of these projects or as directed by Council.

COMMENTS

This report provides a brief update on progress for the above projects.

Community Space for Youth at AFLC

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Report No. IES15-058

Project Summary

The scope of work for this tender includes a single storey 9,300 square foot addition and 18,400 square foot renovation to existing two storey Aurora Family Leisure Complex. Addition includes new fitness room, programme spaces, climbing wall, control desk, office spaces, new entry driveway and drop off area, parking, landscaping, and outdoor skateboard park. Renovation includes work in existing gymnasium and to suspended track, gym and pool change rooms, and fire exit corridors.

The tender for this project was awarded to Jasper Construction by Council on November 12, 2013 in the amount of \$6,039,000 excluding taxes.

The project is now substantially complete and occupancy was received February 28, 2015. The building was also opened to the public and program delivery has resumed as of February 28, 2015.

In addition to completion of construction activities concluding, staff report that all items identified by the user committee that was formed to address operational and usability concerns have also been completed. Two items that could not be accommodated directly through the committee have been reported to Council in Staff Report IES15-049 and will be before Council for consideration.

Milestone	Estimated Completion Date
Council Approval of Tender	November 2014
Construction start	November 2014
Interior Demolitions Phase 1	November to January 2015
Excavation and earthworks	January to March 2015
Exterior Foundations	March to May 2015
Exterior Structure	February to July 2015
Interior Partitions	February to October 2015
Stair F Interior Demolitions Phase 2	March 2015
Exterior site works	July to October 2015
Skate Park	September to October 2015
Occupancy	February 2015
Deficiencies and Landscaping	Spring 2015
Issue Certificate of Substantial Completion	May 29, 2015
Release of 10% holdback (45 days after certificate)	July 20, 2015
Project Complete	August 2015

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Report No. IES15-058

Joint Operations Centre

Activities completed since last report ending September 31, 2015

- Overall concrete completion 97 percent
- Retaining wall on south face of site complete
- Exterior cladding 75 percent complete
- Interior drywall progressing
- Generator complete
- Masonry work 60 percent complete

Activities planned for October 2015:

- Continue with interior finishing
- Continue with masonry
- Site paving
- Salt Dome structure
- Building glazing started
- Parking lot lighting

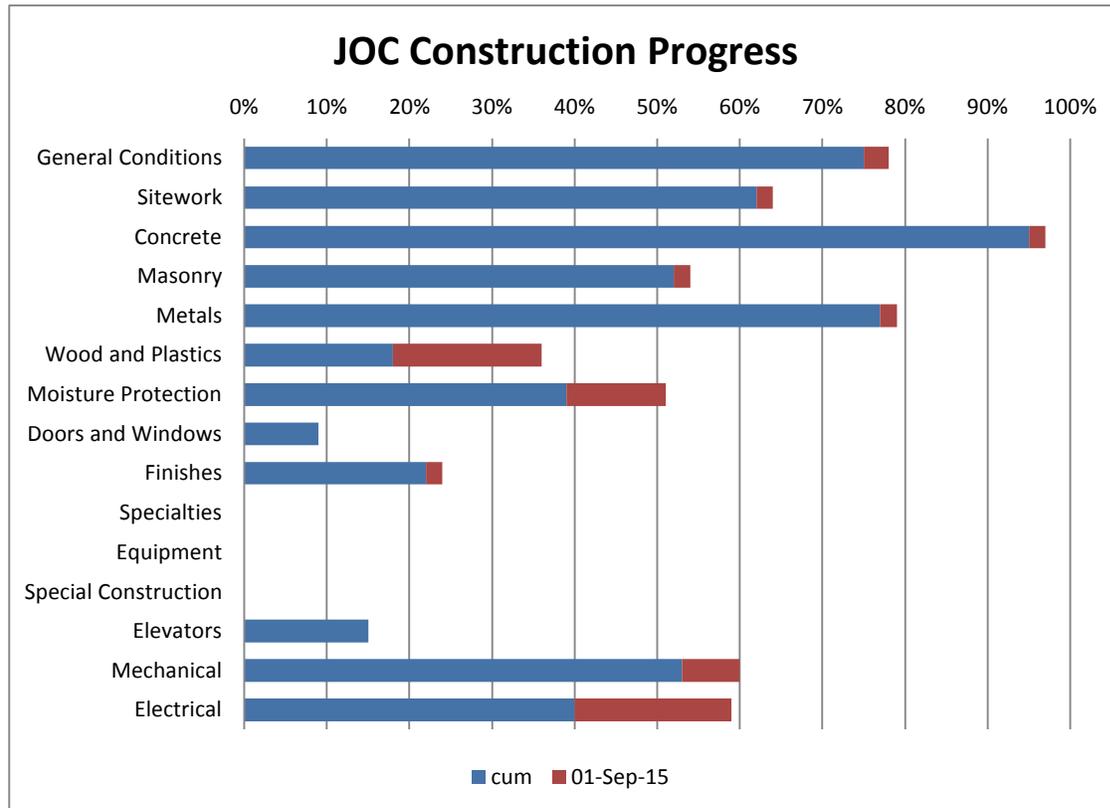
Milestone	Estimated Completion Date
Site Works	Aug/14 to Dec/15
Office Building	
Foundations	Mar 2015
Basic Structure	May 2015
Building Water Tight	July 2015
Exterior Cladding	Sept 2015
Mechanical/electrical	July 2015
Interior Finishes	Dec 2015
Garage Areas	
Foundations	April 2015
Basic Structure	Jun 2015
Exterior Envelope	Aug 2015
Interior Finishes	Oct 2015
Final Commissioning and Closeout	Feb 2016
Move in activities	March 2016

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Report No. IES15-058

The following figure provides a summary of progress to date based on construction components:



Financial and Schedule Update

The project remains on schedule and on budget.

Financial Monitoring Task Force Meeting

The Financial Monitoring Task Force meeting was not required in advance of this report as no decisions were required. Material in this report will be reviewed at the next Financial Monitoring Task Force meeting.

LINK TO STRATEGIC PLAN

The above projects support the Strategic Plan goal of **supporting an exceptional quality of life for all** through their accomplishment in satisfying requirements in the following key objectives within this goal statement:

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Report No. IES15-058

Investing in sustainable infrastructure: By using new technologies and energy and environmentally conscious design and building practices.

Encouraging an active and healthy lifestyle: Through new services and facilities focused on youth needs.

Strengthening the fabric of our community: Through new and better formats to engage the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None.

FINANCIAL IMPLICATIONS

The financial approvals and commitments are presented for each project in the following sections. These figures are excluding HST.

Community Space for Youth at AFLC:

There is no new information to report on the financial position of this project.

Joint Operations Centre:

Funding approvals and commitments for the Joint Operations Centre are summarized in the following table as based on Council recommendations from the August 12, 2014 Meeting.

Approved Funding and Contract Commitments

Construction and Related Costs:	
Buttcon Limited Contract Award (excluding optional items)	17,004,000
Non-refundable taxes (1.76%)	299,270
Fees for One Space Architects Unlimited	954,084
FF&E and Internal IT costs	125,000
Third party testing services (soils, concrete, building envelope)	150,000
Subtotal	18,532,354
Contingency Allowance (10%)	1,853,235
Project Construction Budget	20,385,589

Contract Change Log

Change Order Group 1 added to contract value (Report IES15-001)	653,632
Change Order Group 2 added to contract value (Report IES15-010)	93,000
Change Order Group 3 added to contract value (Report IES15-023)	100,048
Change Order Group 4 added to contract value (Report IES15-032)	nil
Change Order Group 5 added to contract value (Report IES15-037)	31,343
Change Order Group 6 added to contract value (Report IES15-039)	-175,449.24
Change Order Group 7 added to contract value (Report IES15-053)	nil

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Report No. IES15-058

Subtotal	702,574
Change Order Group 8 added to contract value	nil
Total Change Order value to date	702,574
Approved Contingency for Contract Changes	1,700,400
Remaining Value	997,826

Contract Payments

Item	Transaction	Balance Remaining
Approved Contract Value		17,004,000
Payment Certificate #1 (September 18, 2014)	-211,756	16,792,244
Payment Certificate #2 (October 17, 2014)	-497,468	16,294,776
Payment Certificate #3 (November 21, 2014)	-977,432	15,317,344
Payment Certificate #4 (December 16, 2014)	-1,164,015	14,153,329
Approve Change order group 1 (Sept/Dec)	653,632	13,499,697
Payment Certificate #5 (January 16, 2015)	-890,323	12,609,374
Approve Change order group 2 (Jan 2015)	93,000	12,702,374
Payment Certificate #6 (February 17, 2015)	-695,814	12,006,560
Approve Change order group 3 (Feb 2015)	100,048	12,106,608
Payment Certificate #7 (March 2015)	-316,976	11,789,632
Approve Change order group 4 (March 2015)	nil	11,789,632
Payment Certificate #8 (April 2015)	-733,357	11,056,275
Approve Change order group 5 (April 2015)	31,343	11,087,618
Payment Certificate #9 (May 13, 2015)	-796,433	10,291,185
Approve Change order group 6 (May 2015)	-175,449	10,115,736
Payment Certificate #10 (June 15, 2015)	-1,116,115	8,999,621
Payment Certificate #11 (July 15, 2015)	-841,953	8,157,668
Payment Certificate #12 (August 15, 2015)	-1,609,260	6,548,408
Approve Change order group 7 (August 2015)	nil	6,548,408
Payment Certificate #13 (September 21, 2015)	-787,864	5,760,544
Approve Change order group 8 (September 2015)	nil	5,760,544

Funding Sources Summary:

Source	Approved Funding Budget	Received to Date: August 31, 2015
Development Charges	\$11,932,404	\$3,886,300
Sale of Municipal Lands	8,453,185	522,000
Interim Line of Credit (LOC) if nec.		5,870,000
Internal awaiting LOC draw.		1,300
Total	\$20,385,589	\$10,279,600

CONCLUSIONS

This report is provided to Council as an ongoing communication on the progress of the following two facilities projects; 1) Addition of the youth centre to the AFLC, 2) New joint operations centre.

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Report No. IES15-058

PREVIOUS REPORTS

Infrastructure and Environmental Services

1. January 18, 2011, IES11-002 – Award of RFP No.IES2010-73-Architectural Consulting Services for a New Operations Centre
2. March 20, 2012, IES12-012 – Town of Aurora Joint Operations Centre
3. April 3, 2012, IES12-017 – Town of Aurora Joint Operations Centre
4. July 17, 2012, IES12-039 – Town of Aurora Joint Operations Centre Site Selection
5. September 18, 2012, CFS12-032 – Follow-up Information: Funding Sources for New Joint Operations Centre Capital Project
6. October 2, 2012, IES12-052 – Town of Aurora Joint Operations Centre
7. October 23, 2012, IES Memo 09-12 – Cost Information for Leadership in Energy and Environmental Design for New Construction (LEED NC)
8. May 21, 2013, IES13-031 – Joint Operations Centre Status and Snow Disposal Site Consideration
9. July 16, 2013, CFS13-023 – Capital Financing of Youth Centre and Operations Centre Capital Projects
10. January 7, 2014- IES14-001 JOC Pre-tender scope and budget approval
11. February 18, 2014- IES14-009 Facility Project Status Report
12. April 15, 2014- IES14-024 Facility Project Status Report
13. May 20, 2014 – IES14-027 Facility Status Report
14. June 17, 2014 – IES14-032 Facility Status Report
15. July 29, 2014 – IES14-041 Facility Status Report
16. September 16, 2014 – IES14-052 Facility Status Report
17. December 9, 2014 – IES14-057 Facility Status Report
18. January 13, 2015 – IES15-001 Facility Status Report
19. February 17, 2015 – IES15-010 Facility Status Report
20. March 24, 2015 – IES15-023 Facility Status Report
21. April 21, 2015 – IES15-032 Facility Status Report
22. May 19, 2015 – IES15-037 Facility Status Report
23. June 16, 2015 – IES15-039 Facility Status Report
24. September 22, 2015 – IES15-053 Facility Status Report

ATTACHMENTS

N/A

October 20, 2015

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Report No. IES15-058

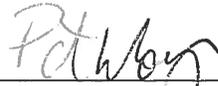
PRE-SUBMISSION REVIEW

Executive Leadership Team meeting of October 8, 2015

Prepared by: Ilmar Simanovskis, Director Infrastructure and Environmental Services, Ext. 4371



**Ilmar Simanovskis
Director, Infrastructure &
Environmental Services**



**Patrick Moyle
Interim Chief Administrative Officer**



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-059**

SUBJECT: *Aurora Family Leisure Complex (AFLC) Additional Modification Requests*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. IES15-059 be received; and

THAT no additional modifications to the AFLC be approved at this time; and

THAT staff monitor the operation and performance of the AFLC areas being considered for additional modification as outlined in Report No. IES15-059 for a 12-month period; and

THAT staff consider any additional projects outlined in Report No. IES15-059 in the 2017 Capital Budget.

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with additional information on the Liaison Committee's requests for installation of new lockers and to modify the north entrance area to allow for public access as well as address separate requests for the addition of a turnstile to control public access and addition of separate bathrooms within the courtyard area.

BACKGROUND

The renovated AFLC facility was re-opened to the public February 28, 2015. Although occupancy was granted for this opening date, a significant list of deficiencies remained for the contractor to complete. This work has been ongoing since occupancy.

The long timeframe for the contractor to complete outstanding deficiencies has been frustrating for both Council/staff and the members of the facility. At its meeting of April 7, 2015, Council passed a motion to establish a Liaison Committee based on concerns raised by active members. The purpose of the Liaison Committee was to engage the users, Council members and staff to identify user related deficiencies and make modifications where possible to improve the overall user experience.

Staff Report IES15-049 was received by General Committee on September 8, 2015 and

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Report No. IES15-059

summarized the actions taken in response to the Liaison Committee requests. This report provides information on the two outstanding items being the request to modify the rear entrance to allow open access to the public, and to replace the existing lockers with larger lockers.

Additionally, there has been interest to consider adding bathrooms in the court yard area and a turnstile type access control to regulate access to the facilities. This information was discussed under new business at Council's meeting of September 29, 2015.

COMMENTS

Two items that the Liaison Committee is seeking are 1) allowing public access from the North entrance as was provided previous to the alterations, 2) replacement of existing smaller lockers with full size lockers. These items have been investigated by staff and are being brought to Council for consideration as they represent significant changes to the initial design intent and are not able to be accommodated in the current budget.

Request to allow public access from north entrance

The philosophy on access to the building has changed significantly from the original layout to the new layout. The old access plan included public access from both the north and south entrances. This was primarily due to the inability to move between the pool area and the gym area. If access was desired between these amenities, members where required to walk through the second floor.

With the new layout, the public have full access to all amenities located on the lower floor by providing a connection walkway along the pool. This new arrangement only requires a single point of entry to the building. Other reasons for moving to a single point of enter from the south entrance area was to consolidate staffing stations and create a central control area. The north entrance was isolated from public access to better manage membership activities without the need for additional staff resources.

The users who attended the Liaison Committee were of the opinion that the north entrance is an essential element of proper building access and should be reinstated to allow for public access. The rational was that users of the pool who may be physically challenged are required to move through the entire building to reach the pool and, if parking in the north area, would have to essentially walk four lengths of the building to enter and exit the building from the south doors.

To better accommodate physically challenged users, staff converted all parking spots at the south area adjacent to the entrance to handicap only.

The conversion of the north entrance to public access is not a straightforward project.

Requirements include:

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Report No. IES15-059

- additional security cameras and monitoring
- additional door controls
- construction of a secure staff work station
- provisions for communications, monitoring and security controls at the work station
- minor modification to the entrance area to better accommodate public use

Staff have reviewed the scope and anticipate a budget requirement of \$80,000 to \$100,000 to provide the necessary infrastructure. This is exclusive of staff attendance which will be required to oversee the new entrance point.

Request to increase locker sizes

The original project scope called for reuse of existing lockers which consist of a combination of full size and half size lockers. The users complaint is that the half size lockers are insufficient to accommodate the user's needs and should be replaced with full size lockers.

This is applicable to the following areas:

- men's pool change room
- women's pool change room
- family change room
- men's fitness change room
- women's fitness change room

There are a total of 250 lockers throughout these rooms of which 125 are existing full sized lockers.

There are also two locker configurations. There is the hasp fitted lockers which require the user to bring their own lock, as well as the coin operated lockers which can be used for a fee but do not require a user's own lock.

Full change out of the half sized lockers to a basic pad lock configuration would require a budget of \$130,000 which would include supply, installation and disposal of the old lockers. Benches may also be an option along the locker wall with raised lockers placed on top of the bench top to provide additional bench space. An additional budget of \$15,000 would be required for these benches.

Also, if coin operated lockers are preferred; there is an additional cost per locker of \$350. If 60 of the new lockers are to be coin operated, the additional budget requirement is \$21,000.

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Report No. IES15-059

Other items to be considered include additional bathroom and access control to the building

A request has been made to investigate the possibility of converting the courtyard area to bathrooms in conjunction with adding access control with a turnstile near the control desk. The reason for this request is to provide readily accessible bathrooms for those using the skate park and other facilities not related to the fitness and gym areas. The addition of access control through a turnstile is to limit open access to the facility.

These options are possible, however staff will be required to investigate further as this fundamentally changes the public access concept of the facility and how these changes integrate with the final direction on the rear entrance configuration.

To assist in Council's decision on these items the Architect was requested to provide an estimated value of these proposals. The recommended area for a bathroom was 900 square feet at a unit cost of \$400 to \$500 per square foot. A public access bathroom and closure of the courtyard area was estimated at \$400,000 to \$500,000 and could occupy up to seventy percent of the courtyard area for multi stall bathrooms.

The turnstile can be provided at an estimated budget of \$20,000 but may have other cost aspects related to security and access control that have not been considered as the overall building control plan will need to be developed based on the outcome of the north entrance proposal.

LINK TO STRATEGIC PLAN

Establish policies and programs that enhance the accessibility and safety of new and existing facilities and infrastructure.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

That Council provide direction on the following options:

1. Allow public access to the North Entrance of the building - \$100,000
2. Half size lockers be replaced with full size lockers - \$166,000
3. Consideration of additional bathrooms in the courtyard area - \$500,000
4. Addition of turnstiles to control user access - \$20,000

FINANCIAL IMPLICATIONS

The four items under consideration will require additional funding in the amount of \$786,000 (10% increase in the approved capital budget for this project). The options for funding are:

- Development Charges as these items are related to the work required for the

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Report No. IES15-059

- Repair and Replacement reserve.

CONCLUSIONS

Many of the requested changes identified by the AFLC Liaison Committee have been accommodated. There are two items remaining unresolved due to their significant cost.

These are the requests to allow public access from the north entrance of the building and to replace existing lockers with new larger lockers. The overall budget to perform this work is \$266,000.

There was also a request to investigate the addition of bathroom in the courtyard area and the addition of an access control turnstile near the control desk. The combined estimated value of this project is \$520,000.

There is currently no funding approved for these projects and a funding source will be required prior to approval. It is therefore recommended that staff monitor the operation and performance of the facility for the next 12 months and then consider including any necessary projects in the 2017 capital budget.

PREVIOUS REPORTS

None

ATTACHMENTS

None

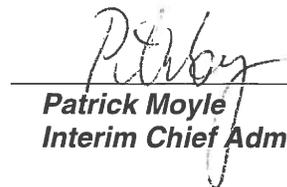
PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, October 8, 2015

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Ilmar Simanovskis
Director, Infrastructure &
Environmental Services



Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. PR15-032**

SUBJECT: *Aurora Sports Hall of Fame Relocation*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. PR15-032 be received; and

THAT the relocation of the Sports Hall of Fame to the Stronach Aurora Recreation Complex (SARC) be approved; and

THAT Capital Project No. 74011 in the amount of \$7,500.00 be approved as an addition to the 2016 Capital Budget, with funding to be provided from the Growth & New Capital Reserve Fund.

PURPOSE OF THE REPORT

To obtain Council approval on the relocation of the Aurora Sports Hall of Fame.

BACKGROUND

At the General Committee meeting of June 16, 2015, General Committee received a delegation requesting the selection of the Aurora Sports Hall of Fame.

Council, at their meeting of June 23, 2015, approved the following recommendation:

THAT the Director of Parks and Recreation Services be directed to report back to Council on recommendations with respect to: allowing the sports-related artefacts contained in the Aurora Collection to be displayed in the Aurora Sports Hall of Fame; and relocating the Sports Hall of Fame, currently housed on the third floor of the Town Hall, to the Stronach Aurora Recreation Complex.

COMMENTS

Staff have investigated potential locations at the SARC to accommodate the Aurora Sports Hall of Fame. Staff evaluated the potential site with concern for general use of the building, traffic patterns, visual accessibility, complimentary uses and minimal upgrade.

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Report No. PR15-032

Using these parameters, staff recommend that an area outside of the West Arena be considered for the relocation of the Aurora Sports Hall of Fame.

This is a public area, in the flow of traffic, but not in a high traffic or public gathering area.

The area contains an existing display cabinet that could be repurposed and with the construction of a wall, an area for plaques an additional showcase can be created.

Staff estimate the cost of the renovations to be \$7,500.00. The primary costs would be for the wall and the existing display cases could be relocated in the area. Attachment #1 identifies the area proposed for the Aurora Sports Hall of Fame. Future expansion of the area could be accommodated along the south wall of the hallway presently used for advertising signage.

LINK TO STRATEGIC PLAN

The relocation of the Aurora Sports Hall of Fame supports the Strategic Plan goal of Supporting an Exceptional Quality of Life for All through its accomplishment in satisfying requirements in the following key objective within this goal statement:

Celebrating and Promoting our Culture: Expand opportunities and partnerships that contribute to the celebration of culture in the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could recommend that the move not occur and the Aurora Sports Hall of Fame remain in the same location at Town Hall.
2. Council could defer the relocation to a future year.
3. Council could recommend another location within the SARC or another facility
4. Further options as required.

FINANCIAL IMPLICATIONS

The cost of the renovations are estimated at \$7,500.00. Funding is appropriately sourced from the Growth & New Capital Reserve Fund, which has an estimated ending 2015 balance of \$1,100,000.00 prior to this allocation.

Staff recommend that this project be approved and added to the 2016 Capital Budget.

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CONCLUSIONS

The existing location for the Aurora Sports Hall of Fame is in a low traffic area of Town Hall and has limited space for expansion. Relocation to the SARC addresses both of these issues and supports the ongoing operation of the Aurora Sports Hall of Fame.

PREVIOUS REPORTS

None.

ATTACHMENTS

Attachment #1 – SARC floorplan

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, October 8, 2015.

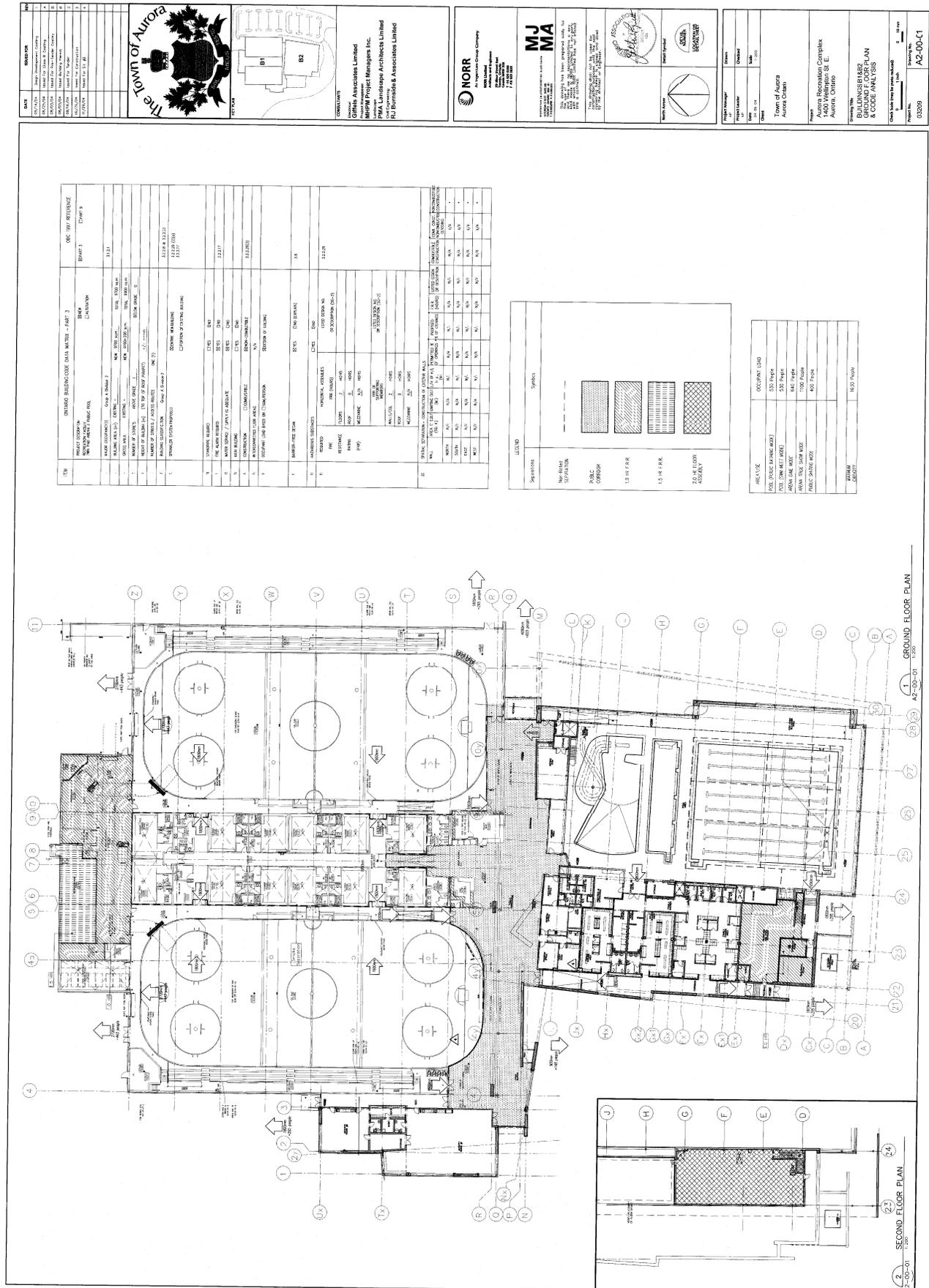
Prepared by: Allan D. Downey, Director of Parks & Recreation Services- Ext. 4752

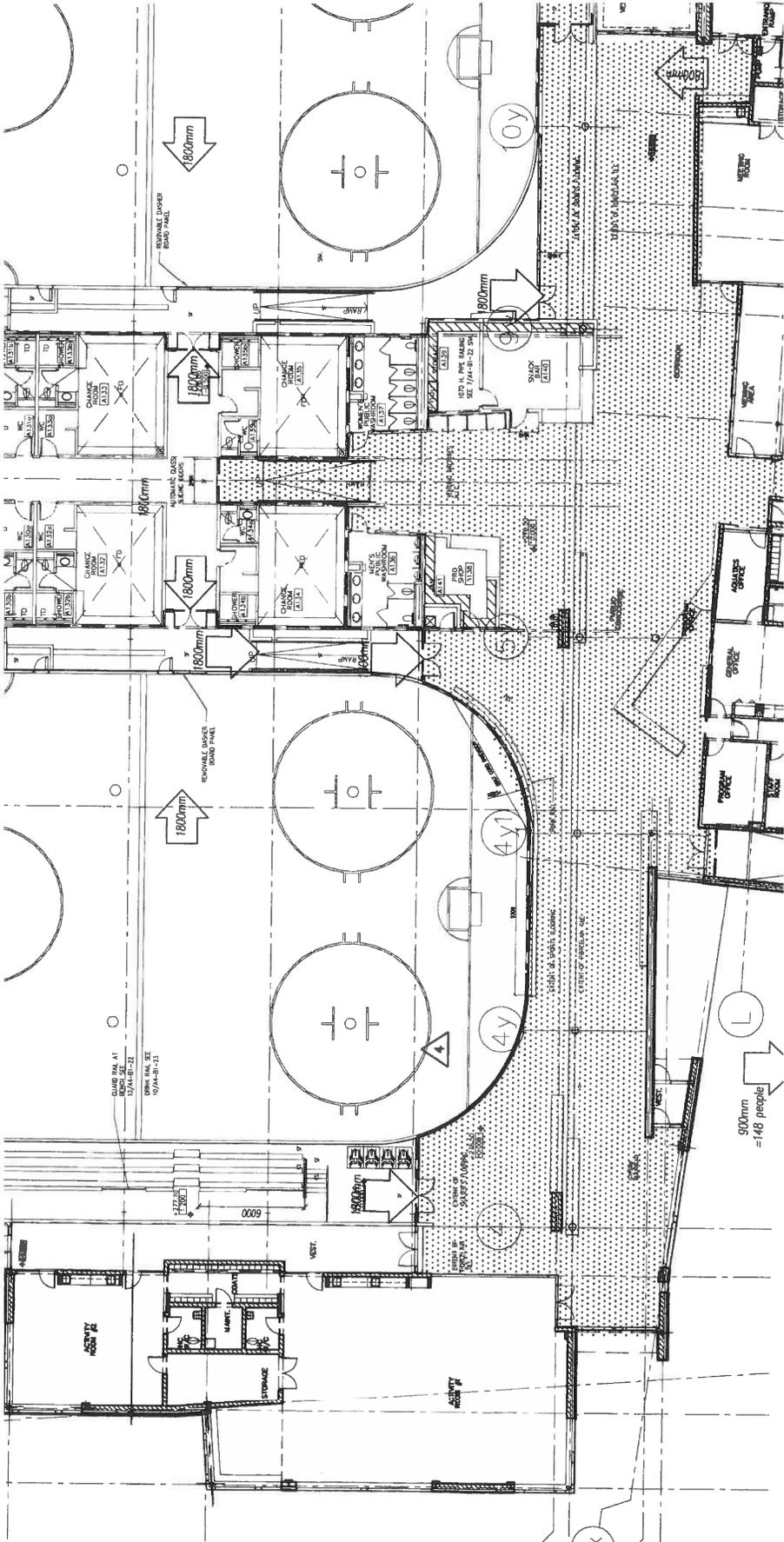


Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer







TOWN OF AURORA

GENERAL COMMITTEE REPORT

No. PL15-077

SUBJECT: *Application for Zoning By-law Amendment
Brookfield Homes (Ontario) Aurora Limited
15776 Leslie Street (2C Planning Area)
File Number: ZBA-2015-01*

FROM: *Marco Ramunno, Director of Planning & Development Services*

DATE: *October 20, 2015*

RECOMMENDATIONS

THAT Report No. PL15-077 be received; and

THAT Application to Amend the Zoning By-law File: ZBA-2015-01 (Brookfield Homes (Ontario) Aurora Limited) BE APPROVED, to zone the subject lands from "Row Dwelling Residential (R6-62) Exception Zone" to "Detached Dwelling Second Density Residential (R2-104) Exception Zone"; and

THAT the implementing Zoning By-law Amendment be presented at a future Council meeting for enactment.

PURPOSE OF THE REPORT

The purpose of this report is to outline the proposed Zoning By-law Amendment application submitted for 15776 Leslie Street proposing 49 single detached dwelling units on the subject lands.

BACKGROUND

History

The subject lands, municipally known as 15776 Leslie Street, are currently zoned as Row Dwelling Residential R6-62 Exception Zone as part of the original Draft Plan of Subdivision and Zoning By-law amendment applications (Files: SUB-2011-04, ZBA-2011-12). The Draft Plan of Subdivision and Zoning By-law Amendment applications were approved by Town Council on March 26, 2013. Approximately 20.0 ha (Phase 1) of the Draft Plan of Subdivision was registered on December 3, 2014. The subject lands (Block 273 on the approved Draft Plan of Subdivision, Figure 4) has not yet been registered.

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Report No. PL15-077

Zoning By-law 5525-13 was enacted on June 25, 2013 on the subject lands to allow for the development of a minimum of 50 townhouse dwelling units. The Owner has subsequently made application to amend the Zoning By-law to allow single detached dwelling units, rather than row housing units (File: ZBA-2015-01).

The proposed Zoning By-law Amendment application was heard at the Public Planning Meeting held on May 21, 2015.

At that meeting Council passed the following resolution:

“THAT Report No. PL15-035 be received; and

THAT comments presented at the Public Planning meeting be addressed by Planning and Development Services in a comprehensive report outlining recommendations and options at a future General Committee meeting.”

Since the Public Planning Meeting, the applicant has worked with Town staff in addressing comments raised during the circulation and review of the proposed Zoning By-law Amendment.

Location/ Land Use

The subject lands are located on the west side of Leslie Street, municipally known as 15776 Leslie Street and legally described as Part of Lot 24, Concession 2 (Figure 1). The subject lands have the following characteristics:

- Total site area of approximately 3.0 ha;
- Two road access points from William Graham Drive;
- Proposed development will be freehold lots on a shared private road (condominium); and
- Site graded as part of the approved draft Plan of Subdivision.

The surrounding land uses are as follows:

North: McLeod Woodlot;

South: Public Park

East: McLeod Woodlot; and

West: Future Residential and William Graham Drive.

Policy Context

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) 2014 was issued under Section 3 of the *Planning Act* and came into effect as of April 30, 2014. The PPS provides policy direction for matters of provincial interest related to land use planning and development.

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The PPS encourages the development of strong communities through the promotion of efficient land use and development patterns. The following are key policies summarized within the PPS that the subject site has been reviewed for consistency:

- Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (section 1.1);
- Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted (section 1.1.3.1);
- To provide 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; (1.3.1);
- Healthy, active communities are to be promoted through meeting the needs of pedestrians and community connectivity (Section 1.5.1);
- Stormwater management shall minimize, or, where possible, prevent increases in contaminant loads (section 1.6.6.7);

Decisions on planning matters shall be consistent with the provisions of the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (2006), as amended in June 2013, is a guiding document for growth management within the Greater Golden Horseshoe (GGH) Area to 2041. Section 1.2.2 of the Growth Plan states the following principles that will guide decisions on how land will be planned, designated, zoned and designed:

- Build compact, vibrant and *complete communities*.
- Plan and manage growth to support a strong and competitive economy.
- Protect, conserve, enhance and wisely use the valuable natural resources of land, air and water for current and future generations.
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.
- Provide for different approaches to managing growth that recognize the diversity of communities in the *GGH*.
- Promote collaboration among all sectors – government, private and non-profit – and residents to achieve the vision.

Decisions on planning matters shall be consistent with the provisions of the Growth Plan.

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York Region Official Plan (2010)

The subject lands are designated as “Urban Area” within the York Region Official Plan. York Region’s vision for the Urban Area is to strategically focus growth while conserving resources and to create sustainable lively communities. Under the York Region’s Official Plan, it is a regional urbanization goal to enhance the Region’s urban structure through City Building, intensification and compact, complete communities.

The Regional Official Plan recognizes that the housing market is faced with demand for a broader variety of housing types and sizes to meet the diverse range of needs of the Region’s residents and workers. Meeting these needs allows people to live and work in their communities as they progress through the stages of life. Policy 3.5 requires that local municipal official plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community. The mix and range of housing shall be consistent with Regional forecasts, and intensification and density requirements.

Town of Aurora 2C Secondary Plan Area - Official Plan Amendment No. 73

The subject lands are designated as “Urban Residential 1 (UR1)” by Official Plan Amendment No. 73 (OPA 73) (Figure 2). The UR1 designation permits single-detached, semi-detached dwellings units, places of worship, small apartments (3.5 stories in height and lower) and townhouses up to a maximum of 20 percent of the total number of units within the Draft Plan. Density within the Urban Residential 1 Designation shall range from between 17 and 40 units per net residential hectare.

Zoning By-law

The subject lands are currently zoned “Row Dwelling Residential R6-62 Exception Zone. The Holding (H) provision was removed on the subject lands through Zoning By-law 5720-15, approved April 28, 2015 by Council. The existing zoning of the subject and surrounding lands is shown on Figure 3, attached. The current R6-62 Zone permits the following uses:

- 50 townhouse dwelling units (minimum); and
- A home occupation.

An Amendment to the Zoning By-law is required to re-zone the lands to allow for single detached units as a permitted use and site specific exceptions to accommodate a private road condominium development.

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Reports and Studies

The subject lands were approved by Council for the development of a minimum 50 Row housing units through previous Draft Plan of Subdivision and Zoning By-law Amendment files: SUB-2011-04 and ZBA-2011-12. The Owner submitted required technical studies supporting the above mentioned application. The subject lands (Block 273, Figure 4) are included in all the detailed studies previous submitted. As part of the current Zoning By-law Amendment application, a revised Planning Justification Report, revised transportation study and pavement marking & signage plan were submitted by the Owner.

Proposal

The Owner is proposing 49 single detached dwellings on the subject lands. Property frontages will range between 11.0 and 13.1m (26 lots with 11.0m frontage and 23 lots with 13.1m frontage) with lot depths ranging between 29m and 50m (Figure 5). Four (4) parking spaces per lot are proposed, including two (2) parking spaces in the driveway and two (2) in the garage. The lots will front on a shared private road (condominium).

The Owner has advised that the lands will be developed as a Plan of Condominium. Town staff have pre-consulted with the applicant regarding application details. All development details will be submitted by the applicant and considered by Council at a future date.

COMMENTS

The subject application was circulated to Town departments, Powerstream, Ontario Power Generations Inc., Rogers, Enbridge, Fire Services, York Region, Lake Simcoe Region Conservation Authority (LSRCA), Bell Canada, Rogers, and local school boards. There are no objections to the proposed re-zoning application to allow single detached units.

Planning Considerations

Provincial Policy Statement

As mentioned previously, the Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest for land use planning matters within the Province of Ontario. The proposal demonstrates cost-effective development patterns and standards to minimize land consumption and servicing costs. The subject application is in keeping with the PPS.

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Growth Plan for the Greater Golden Horseshoe

The subject lands are located within the built-up area of the Growth Plan for the Greater Golden Horseshoe, as amended. A significant portion of population and employment growth is required to be accommodated within existing built-up areas through intensification. The proposed development is located along a Major Collector Road which promotes alternative modes of transportation and pedestrian-friendly urban environment. The proposed Zoning By-law Amendment application is consistent with the Growth Plan for the Greater Golden Horseshoe.

York Region Official Plan

The subject lands are designated "Urban Area" in the York Region Official Plan. The Urban Areas are the focus of growth within York Region, with a full range of residential, commercial, industrial and institutional uses permitted. The proposed Zoning By-law Amendment is in keeping with the policies and objectives of the York Region Official Plan.

Town of Aurora 2C Secondary Plan Area - Official Plan Amendment No. 73

As previously indicated, the subject lands are designated as "Urban Residential 1 (UR1)". It is the intent of the Urban Residential 1 Designation to promote well-designed, low density housing in appropriate locations throughout the community. The maximum height of any building within the Urban Residential 1 Designation shall be 3.5 storeys or 11.0 metres, whichever is less. All development within the UR1 Designation shall be generally within 400 metres of an identified component of the Area 2C Greenland Systems.

Planning Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the land use and development policies of the Official Plan and is compatible with the surrounding neighbourhood and adjoining land uses.

Zoning By-law

An Amendment to the Zoning By-law is required to re-zone the lands from "Row Dwelling Residential (R6-62) Exception Zone" to "Detached Dwelling Second Density Residential (R2-104) Exception Zone" to allow for single detached units as a permitted use and associated site specific exceptions. Pertinent lot and siting specification information pertaining to the proposed R2-104 exception zone is as follows:

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	Current - Row Dwelling (R6-62) Exception Zone	Proposed – Detached Dwelling Second Density Residential (R2-104) Exception Zone
Uses permitted (minimum)	50 townhouse dwelling units	49 single detached dwelling units
Lot Area (minimum)	165 sqm	300 sqm
Lot Frontage (minimum)	6.0 m	11 m
Front Yard – Main Building (minimum)	4.5 m	4.5 m
Front Yard – Garage (minimum)	6.0 m	6.0 m
Rear Yard (minimum)	7.0 m	7.0 m
Interior Side Yard – one side (minimum)	1.2 m	1.2 m
Interior Side Yard – other side (minimum)	-	0.6 m
Exterior Side Yard – Main Building (minimum)	3.0 m	4.5 m
Exterior Side Yard – Garage (minimum)	6.0 m	6.0 m
Building Height (maximum)	12.0 m	11.0 m
Interior Garage Length (minimum)	6.0m	6.0 m
Interior Garage Width (minimum)	2.9 m – (single car)	5.4 m (double car)
Interior Garage Width (maximum)	6.2 m	-

Planning Staff have evaluated the proposed zoning by-law amendment and exceptions to the by-law and have determined these to be appropriate in the context of the 2C Secondary Plan and supporting documents. Planning staff are of the opinion that the proposed rezoning application is appropriate and compatible with adjacent and neighbouring development.

Landscaping

Parks and Recreation Services (PRS) staff have reviewed the above noted Zoning By-law Amendment application and they have no objections to the amendment application to allow 49 single detached dwellings on the subject property. A condominium application will be required in the future providing details of the landscaping component of the development application where PRS staff will comment on landscaping requirements in greater detail.

Building Elevations

As illustrated on Figure 6, the proposed buildings will be two storey structures and will be similar in architectural design and building material to the previously approved Brookfield Homes (Ontario) Aurora Limited, Phase 1 Subdivision Agreement single detached units. The proposed housing units and built streetscape will also be required to be consistent with the Urban Design Guidelines for the Aurora 2C Secondary Plan.

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Parking

All required visitor parking will be provided within the private right-of-way adjacent to the public park located to the south of the subject lands. Four parking stalls (two in the garage and two on the driveway) will be proposed for each unit, which satisfies Council's policy on parking. The Subject lands will be developed as a private Plan of Condominium with a private road right-of-way of 11.5m. The details of the right-of-way will be examined further at the Plan of Condo stage.

Transportation

A traffic control plan showing traffic signage and pavement markings as well as cross-sections for the proposed right-of-way showing pavement width verifies on-street parking can be accommodated and has been reviewed by the Town's Traffic Transportation Analyst. The Town's Traffic Transportation Analyst has reviewed the proposed Zoning By-law Amendment and has advised that they have no objection.

Servicing

The proposed development will be built to full municipal standards in accordance with the 2C development guidelines. Servicing to the subject lands was previously approved through the registration of the Phase 2 Brookfield Homes (Ontario) Aurora Limited Subdivision Agreement. The Town's Engineer has reviewed the proposed Zoning By-law Amendment and has no objection to the proposed roadway and on/street parking. Detailed grading and drainage plans will be reviewed through the Site Plan and/or Condominium application.

LINK TO STRATEGIC PLAN

The proposed Zoning By-law Amendment Application support the Strategic Plan goal of **Supporting an exceptional quality of life for all** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Strengthening the fabric of our community: Through the review and approval of the Zoning By-law Amendment, housing opportunities are created in accordance with the **Collaborate with the development community to ensure future growth includes housing opportunities for everyone.**

Strengthening the fabric of our community: Through the review and approval of the Zoning By-law Amendment, residential growth opportunities are created in accordance with the **Work with development community to meet the intensification targets to 20131 as identified in the Official Plan.**

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ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Direct Staff to report back to Council addressing any issues that may be raised at the General Committee Meeting; or
2. Refusal of the application with an explanation for the refusal.

FINANCIAL IMPLICATIONS

A Zoning By-law Amendment enactment surcharge fee will be payable before the implementing Zoning By-law is presented to Council. Additional administrative and staff fees will also be collected in the future. As a result of the upcoming Draft Plan of Condominium application including a fee for the collection of a Community Improvement Benefit in the amount of \$1,400.00 per unit for the construction of community and recreational facilities.

PREVIOUS REPORTS

Public Planning Meeting Report No. PL15-035 dated May 21, 2015;

General Committee Report No. PL15-026 dated April 21, 2015, Removal of Holding (H) Provision;

General Committee Report No. PL13-009 dated March 13, 2013; and

Public Planning Meeting Report No. PL12-032 dated June 27, 2012.

CONCLUSIONS

Planning & Development Services staff have reviewed the subject Zoning By-law Amendment in accordance with the provisions of the Town's Official Plan Amendment No. 73, 2C Secondary Plan and in the context of the compatible surrounding and future land uses. Staff recommend approval of Zoning By-law Amendment application file: ZBA-2015-01.

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Report No. PL15-077

ATTACHMENTS

- Figure 1 – Location Map
- Figure 2 – Aurora 2C Secondary Plan Area – OPA 73
- Figure 3 – Zoning Map
- Figure 4 – Draft Approved Plan of Subdivision
- Figure 5 – Conceptual Site Plan
- Figure 6 – Conceptual Building Elevations

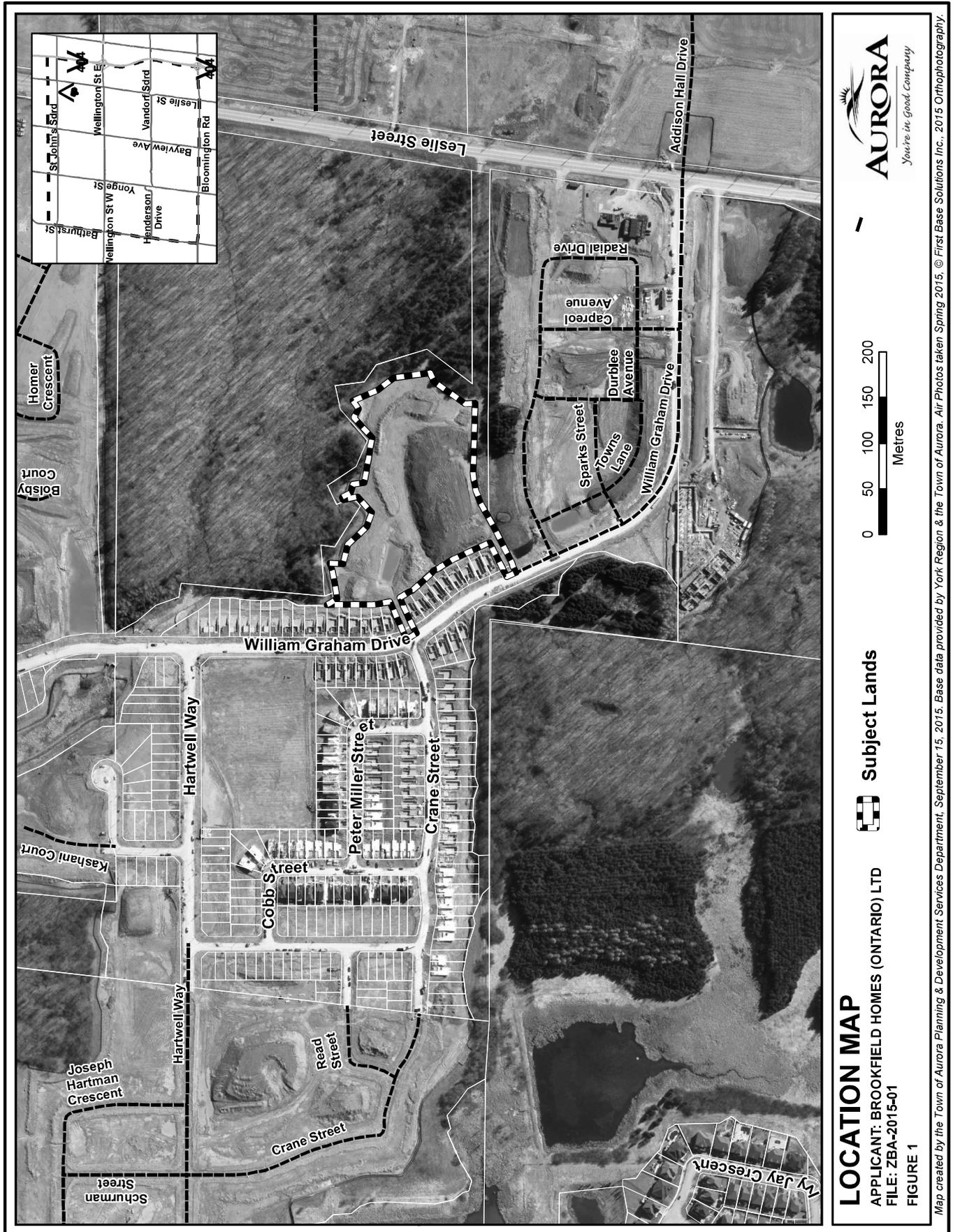
PRE-SUBMISSION REVIEW

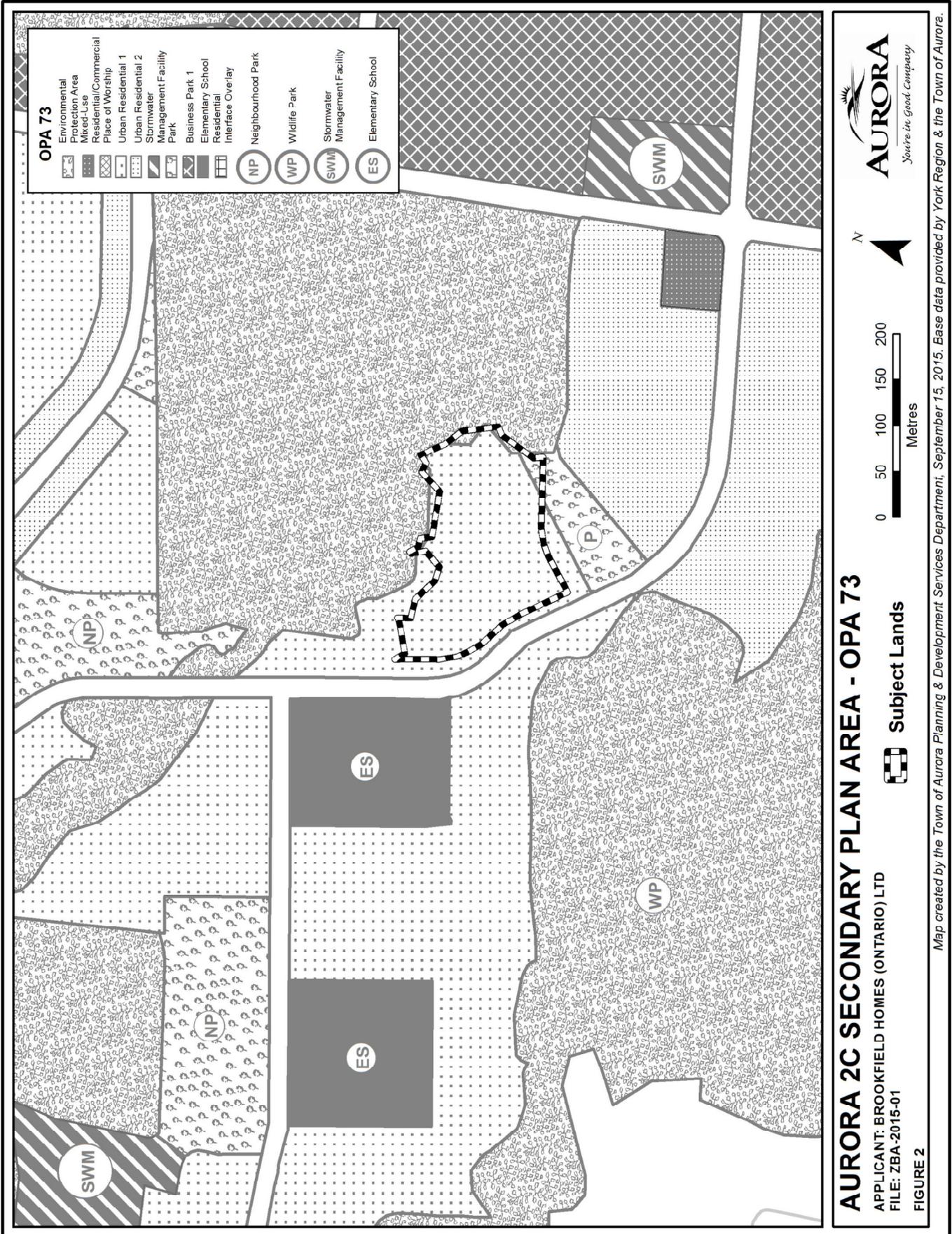
Executive Leadership Team Meeting- October 8, 2015.

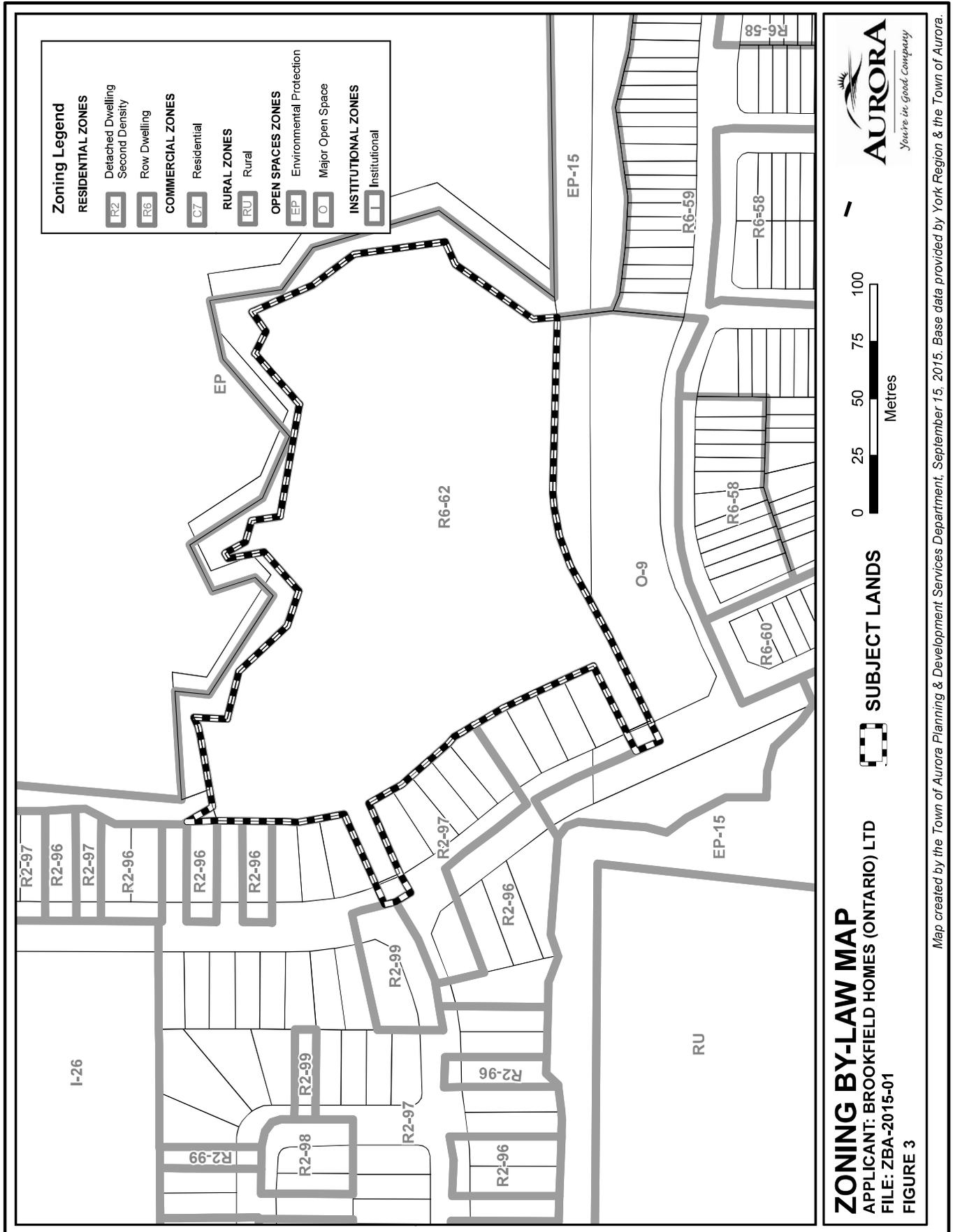
Prepared by: Drew MacMartin, Planner, Extension 4347


Marco Ramunno, MCIP, RPP
Director of Planning & Development
Services


Patrick Moyle
Interim Chief Administrative Officer



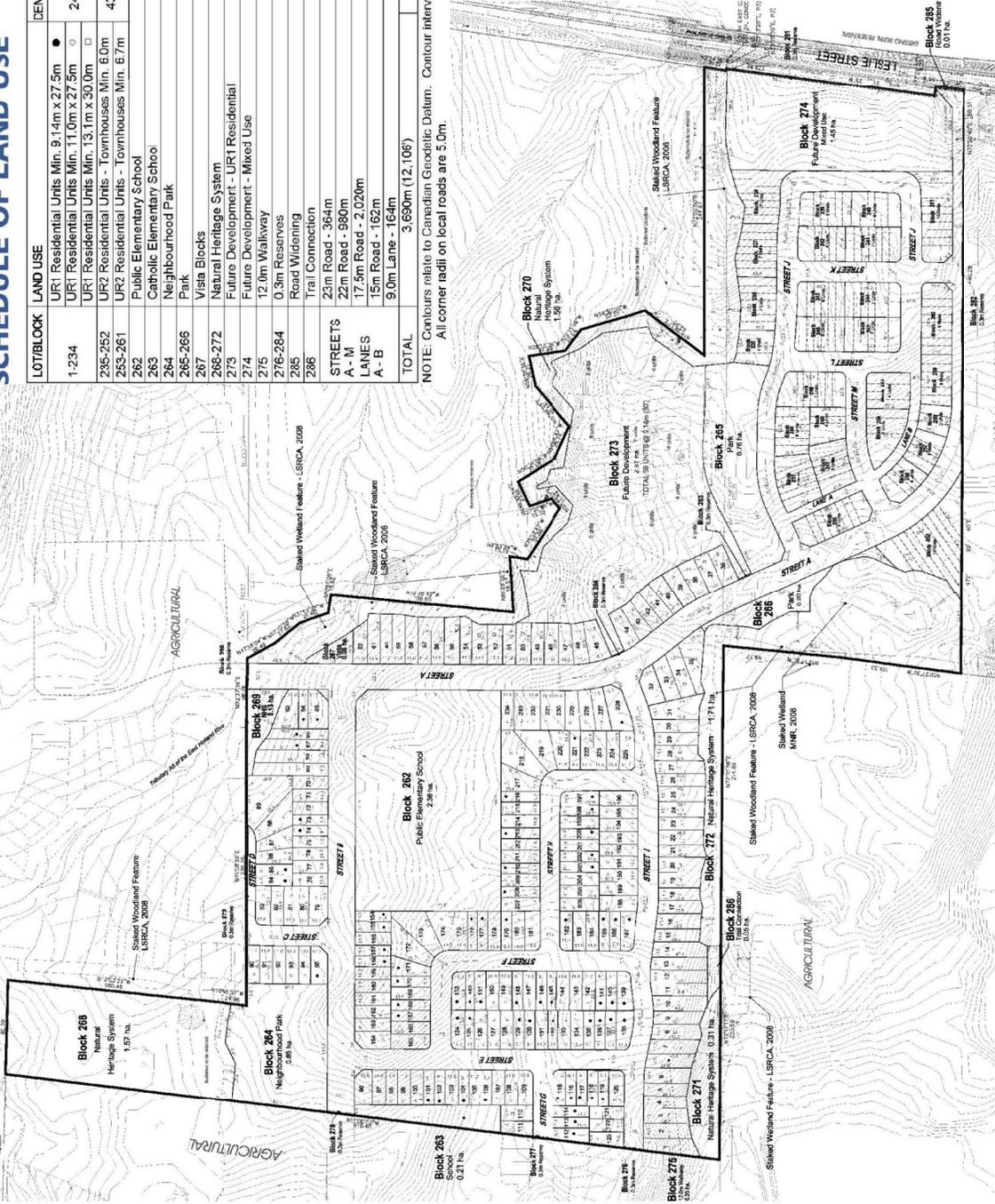




SCHEDULE OF LAND USE

LOT/BLOCK	LAND USE	DENSITY	UNITS	AREA (ha)
1-234	UR1 Residential Units Min. 9.14m x 27.5m UR1 Residential Units Min. 11.0m x 27.5m UR1 Residential Units Min. 13.1m x 30.0m	24.7	65 141 28	9.49
235-252	UR2 Residential Units - Townhouses Min. 6.0m	43.9	114	2.62
253-261	UR2 Residential Units - Townhouses Min. 6.7m		51	1.14
262	Public Elementary School			2.36
263	Catholic Elementary School			0.21
264	Neighbourhood Park			0.95
265-266	Park			0.98
267	Vista Blocks			0.06
268-272	Natural Heritage System			5.28
273	Future Development - UR1 Residential			2.97
274	Future Development - Mixed Use		(50-80)	1.45
275	12.0m Walkway		(100-250)	0.05
276-284	0.3m Reserves			0.001
285	Road Widening			0.01
286	Trail Connection			0.05
STREETS	23m Road - 364m 22m Road - 980m			
A - M	17.5m Road - 2.020m			
LANES	15m Road - 162m 9.0m Lane - 164m			
TOTAL	3.690m (12.106)	399 (549-729)	34.14	

NOTE: Contours relate to Canadian Geodetic Datum. Contour interval is 1 m with 5m interpolated. All corner radii on local roads are 5.0m.

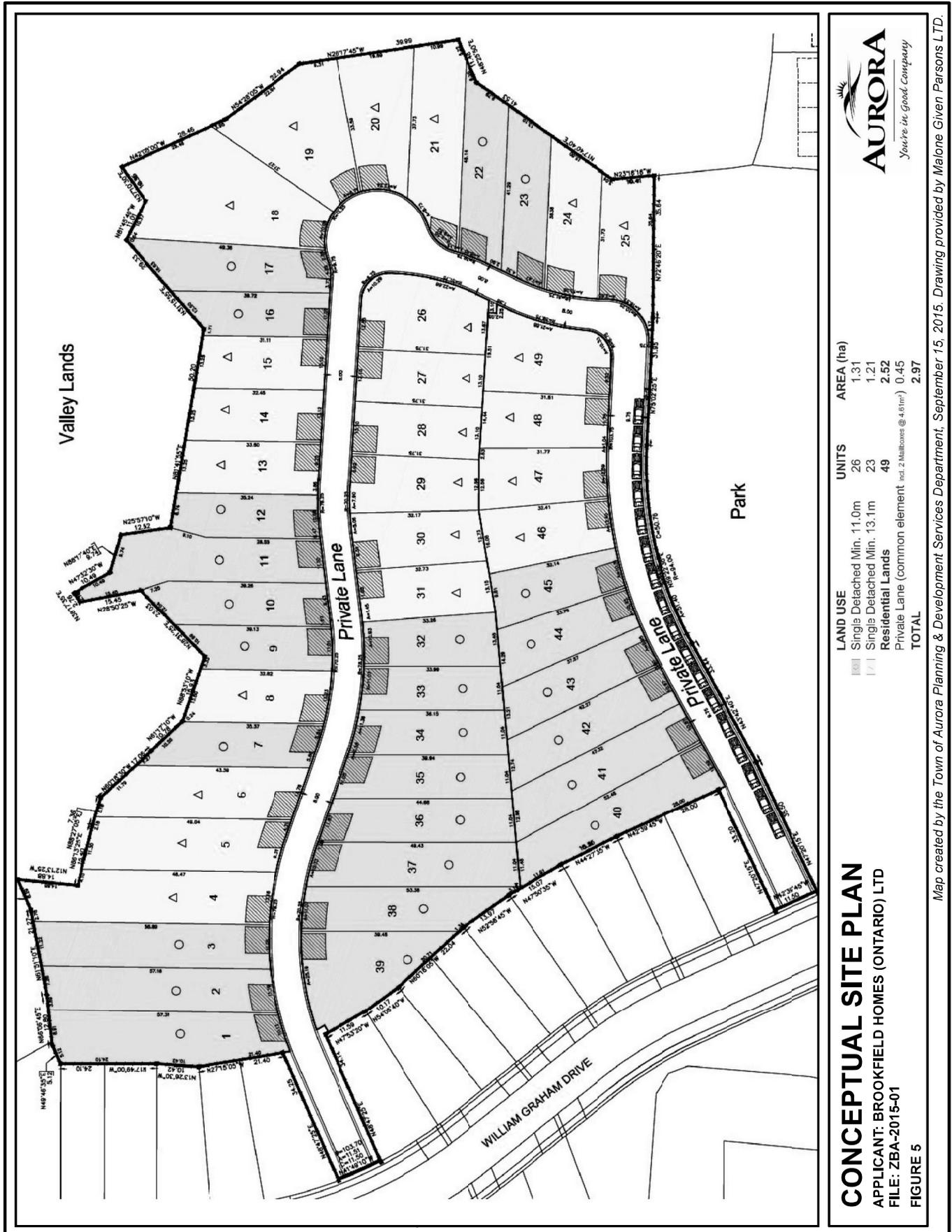


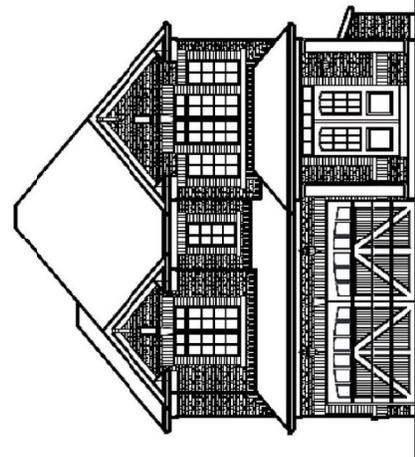
DRAFT APPROVED PLAN OF SUBDIVISION

APPLICANT: BROOKFIELD HOMES (ONTARIO) LTD
 FILE: ZBA-2015-01
 FIGURE 4

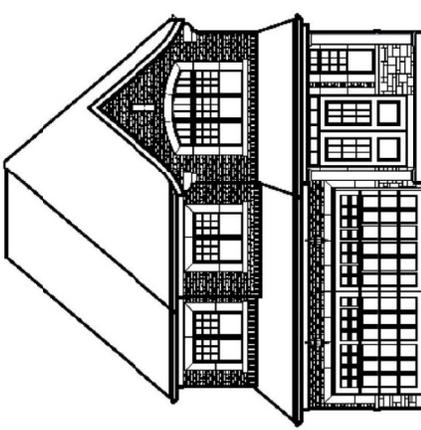


Map created by the Town of Aurora Planning & Development Services Department, September 15, 2015. Drawing provided by Malone Given Parsons LTD.

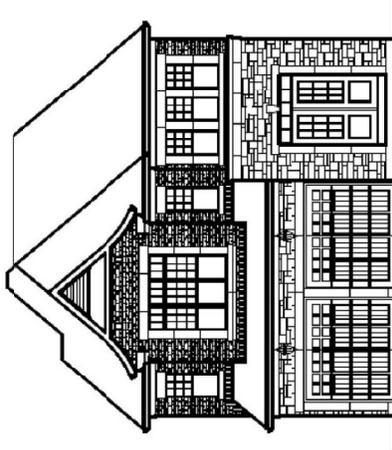




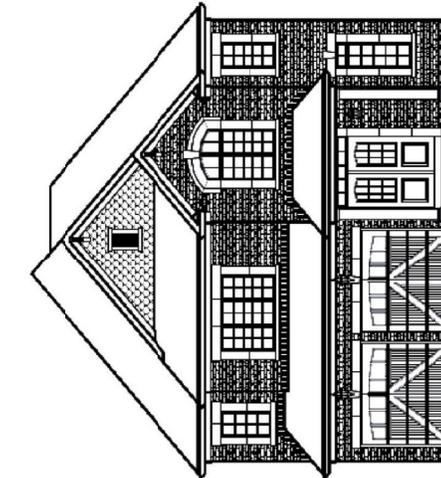
ALGONQUIN (35-1), ELEVATION A



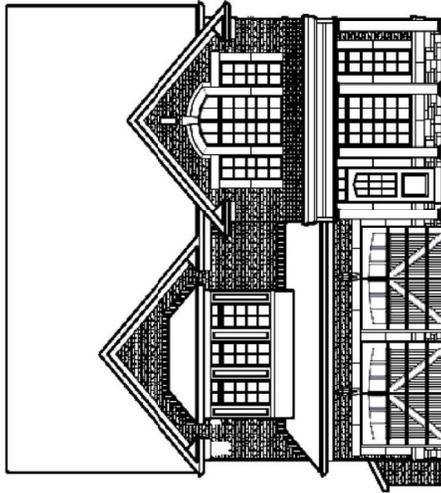
CRAIGHLEITH (36-2), ELEVATION B



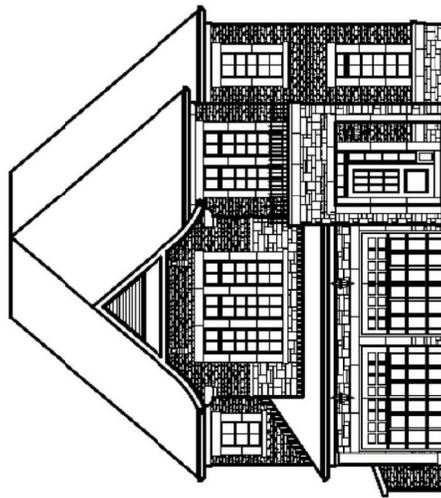
KAWARTHA (36-6), ELEVATION C



BANFF (43-1), ELEVATION A



JASPER (43-2), ELEVATION B



SABLE (43-3), ELEVATION C

CONCEPTUAL BUILDING ELEVATIONS

APPLICANT: BROOKFIELD HOMES (ONTARIO) LTD
FILE: ZBA-2015-01

FIGURE 6



Map created by the Town of Aurora Planning & Development Services Department, September 15, 2015. Drawing provided by Malone Given Parsons LTD.



**TOWN OF AURORA
HERITAGE ADVISORY COMMITTEE
MEETING MINUTES**

Date: Monday, October 5, 2015

Time and Location: 7 p.m., Holland Room, Aurora Town Hall

Committee Members: Councillor Jeff Thom (Chair), Councillor Wendy Gaertner (Vice Chair), Barry Bridgeford, Bob McRoberts (Honorary Member), and Carol Gravelle

Member(s) Absent: Kathy Constable and Martin Paivio

Other Attendees: Councillor Tom Mrakas, Marco Ramunno, Director of Planning and Development Services, Jeff Healey, Planner, Anca Mihail, Manager of Engineering, and Samantha Kong, Council/Committee Secretary

The Chair called the meeting to order at 6:58 p.m.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Councillor Gaertner
Seconded by Barry Bridgeford**

THAT the agenda as circulated by Legal and Legislative Services be approved.

CARRIED

3. RECEIPT OF THE MINUTES

Heritage Advisory Committee Meeting Minutes of September 9, 2015

Moved by Bob McRoberts
Seconded by Councillor Gaertner

THAT the Heritage Advisory Committee meeting minutes of September 9, 2015, be received for information.

CARRIED

4. DELEGATIONS

(a) Paul Lapalme, Consultant representing Town of Aurora Engineering
Re: Reconstruction of Catherine Avenue

Mr. Lapalme presented an overview of the reconstruction of Catherine Avenue from Yonge Street to Walton Street, which is located in the Northeast Old Aurora Heritage Conservation District. He discussed the goals of the project and reviewed the existing and proposed street conditions and configuration. Mr. Lapalme noted that the reconstruction design would harmonize with the heritage characteristics of the street and would have minimum impact on existing trees.

Moved by Councillor Gaertner
Seconded by Barry Bridgeford

THAT the comments of the delegation be received for information.

CARRIED

5. MATTERS FOR CONSIDERATION

1. HAC15-012 – Proposed Demolition of Existing Second Storey and
Accessory Garage to a Listed Heritage Building,
36 Larmont Street

Staff provided a brief overview of the subject property and advised that the applicant is proposing to replace the second storey structure, as well as replace the existing garage with one that is further set back on the property.

The Committee inquired about height restrictions, prospective use of rental property and proposed dormers. Staff indicated that the height of the second storey would comply with the Zoning By-law and that the property is zoned R5 special mixed density housing which allows a range of housing types and up to four (4) units within an existing structure. The Committee noted that the proposed second storey design appears disproportional to the existing structure and requested staff to work with the applicant to ensure the massing of the second storey and design of the reconstruction is appropriate.

Moved by Carol Gravelle
Seconded by Barry Bridgeford

THAT Report No. HAC15-012 be received; and

THAT the Heritage Advisory Committee recommend to Council:

THAT the demolition of the existing second storey at 36 Larmont Street be approved; and

THAT the demolition of the existing detached garage be approved; **and**

THAT staff work with the applicant to ensure that the massing of the second storey and design of the reconstruction is appropriate; and

THAT the final proposed design for 36 Larmont Street be brought back to the Heritage Advisory Committee.

CARRIED AS AMENDED

2. Memorandum from Planner
Re: 89 Mosley Street, Aurora Armoury, Ontario Heritage Plaque

Staff presented a brief overview of the Ontario Heritage Plaque located at the Aurora Armoury, which was erected in 2007 by the Department of National Defense. Staff noted that, as the Aurora Armoury was purchased by the Town in 2014, the plaque has become out-of-date. Staff stated that the Ontario Heritage Trust only replaces vandalized or destroyed plaques. Staff proposed options to replace or amend the heritage plaque.

The Committee recommended that the consideration of the restoration of the Ontario Heritage Plaque at 89 Mosley Street be placed on the Committee pending list for consideration following Council's decision regarding the future use of the Aurora Armoury.

Moved by Barry Bridgeford
Seconded by Carol Gravelle

THAT the memorandum regarding 89 Mosley Street, Aurora Armoury, Ontario Heritage Plaque be received; and

THAT the Heritage Advisory Committee consider the restoration of an Ontario Heritage Plaque located at 89 Mosley Street ***following Council's decision regarding the future use of the Aurora Armoury.***

CARRIED AS AMENDED

3. Memorandum from Planner
Re: Event Date, Doors Open Aurora 2016

Staff proposed a date of August 20, 2016 for Doors Open Aurora 2016 and the Committee expressed support for the proposed date. The Committee inquired about the event dates of neighbouring municipalities and staff indicated that other municipalities host Doors Open events in the spring and late fall.

Moved by Bob McRoberts
Seconded by Carol Gravelle

THAT the memorandum regarding Event Date, Doors Open Aurora 2016 be received; and

THAT Doors Open Aurora 2016 be held on August 20, 2016.

CARRIED

6. INFORMATIONAL ITEMS

None

7. NEW BUSINESS

Bob McRoberts extended an invitation to other Committee members to become a part of the Property Evaluation Sub-Committee.

The Committee inquired about establishing a list of approved engineering companies with heritage preservation experience to provide opinion and feedback to applicants proposing demolition to heritage structures.

The Committee requested that the Notice of Motion provided to Council by Councillor Mrakas regarding a Design Review Panel be brought to the Committee for information should the Motion be adopted by Council.

8. ADJOURNMENT

**Moved by Barry Bridgeford
Seconded by Councillor Gaertner**

THAT the meeting be adjourned at 8:17 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS OTHERWISE ADOPTED BY COUNCIL AT A LATER MEETING.



**TOWN OF AURORA
ACCESSIBILITY ADVISORY COMMITTEE
MEETING MINUTES**

Date: Wednesday, October 7, 2015

Time and Location: 7 p.m., Leksand Room, Aurora Town Hall

Committee Members: John Lenchak (Vice Chair), Gordon Barnes, and James Hoyes

Member(s) Absent: Tyler Barker (Chair), David Newton, and Councillor Sandra Humfries

Other Attendees: Chris Catania, Accessibility Advisor, and Gloria Hardychuk, Council/Committee Secretary

The Vice Chair called the meeting to order at 7:20 p.m.

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

2. APPROVAL OF THE AGENDA

**Moved by Gordon Barnes
Seconded by James Hoyes**

THAT the agenda as circulated by Legal and Legislative Services be approved.

CARRIED

3. RECEIPT OF THE MINUTES

Accessibility Advisory Committee Meeting Minutes of July 15, 2015

Moved by Gordon Barnes
Seconded by James Hoyes

THAT the Accessibility Advisory Committee meeting minutes of July 15, 2015, be received for information.

CARRIED

4. DELEGATIONS

None

5. MATTERS FOR CONSIDERATION

1. Memorandum from Accessibility Advisor
Re: Aurora Community Centre Parking Lot Reconstruction

Staff reviewed the memorandum and provided an enlarged site plan drawing of the proposed Aurora Community Centre parking lot reconstruction. Members provided comments and feedback on accessibility and access issues.

Moved by Gordon Barnes
Seconded by James Hoyes

THAT the memorandum regarding Aurora Community Centre Parking Lot Reconstruction be received; and

THAT the following Accessibility Advisory Committee suggestions be considered by Infrastructure & Environmental Services staff:

1. Significant grading at the accessible parking spaces next to the entrance of ACC 2 to improve the down slope;
2. Inclusion of a small car pool area be considered;
3. Widening of the accessible parking spaces at ACC 2 and inclusion of proper access aisles to reflect the accessible parking spaces provided at ACC 1;
4. An access point to the proposed trail at parking space #12;
5. Proper delineation and appropriate curb cuts along the sidewalks at ACC 2 to provide ample access; and
6. Appropriate pavement markings and a calming hump at the entrance of ACC 1.

CARRIED

**2. Memorandum from Accessibility Advisor
Re: Capital Accessibility Initiatives for 2016-2022**

Staff reviewed the memorandum regarding Capital Accessibility Initiatives for 2016-2022 and provided a brief explanation of the past practices. Following a brief discussion the Committee requested that the matter be deferred to the next meeting in November for further discussion. It was requested that comments be provided via email to the Accessibility Advisor prior to the next meeting.

**Motion to defer
Moved by Gordon Barnes
Seconded by James Hoyes**

THAT the memorandum regarding Capital Accessibility Initiatives for 2016-2022 be received and deferred to the next Accessibility Advisory Committee meeting of November 4, 2015.

CARRIED

6. INFORMATIONAL ITEMS

**3. Extract from Council Meeting of September 15, 2015
Re: Accessibility Advisory Committee Meeting Minutes of July 15, 1015**

**Moved by James Hoyes
Seconded by Gordon Barnes**

THAT the Extract from Council Meeting of September 15, 2015, regarding the Accessibility Advisory Committee Meeting Minutes of July 15, 2015, be received for information.

CARRIED

7. NEW BUSINESS

The Committee expressed appreciation and congratulated the Town of Aurora on a job well done with respect to the leveling of sidewalks Town-wide.

8. ADJOURNMENT

**Moved by Gordon Barnes
Seconded by James Hoyes**

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Accessibility Advisory Committee Meeting Minutes
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THAT the meeting be adjourned at 8:15 p.m.

CARRIED

COMMITTEE RECOMMENDATIONS ARE NOT BINDING ON THE TOWN UNLESS
ADOPTED BY COUNCIL AT A LATER MEETING.