



Town of Newmarket

Agenda

Committee of the Whole

Date: Tuesday, May 21, 2019
Time: 10:00 AM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Pages

1. Additions & Corrections to the Agenda

2. Declarations of Pecuniary Interest

3. Presentations & Recognitions

3.1 Development Charges (12:30 PM)

Note: This item will be considered from 12:30 PM onward.

Presentation to be distributed when available.

3.2 Regulations for Smoking By-law

Note: Presentation to be distributed when available.

4. Deputations

5. Consent Items

5.1 Regulations for Smoking By-law

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1. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,
2. That Smoking By-law be enacted; and,
3. That Delegation By-law 2016-17 be amended; and,
4. That Parks By-law 2013-14 be amended; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- 5.2 Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site) (12:30 PM) 20

Note: This item will be considered from 12:30 PM onward.

This item was deferred from the April 29, 2019 meeting of the Committee of the Whole.

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. That Council endorse in principle the notion of redeveloping the entirety of the properties municipally known as 693 Davis Drive, 713 Davis Drive and 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 2 – Site Plan” and “Scenario 2 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- 5.3 Site Specific Exemptions to Interim Control By-Law 2019-04

Note: This item was deferred from the May 6, 2019 meeting of Council.

Report to be distributed when available.

- 5.4 By-Law to Regulate Backflow Prevention 40

1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,
2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,
3. That a copy of The Town of Newmarket’s Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

- 5.5 Application for Zoning By-Law Amendment - 247 and 251 Kathryn 62

Crescent

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

5.6 2019 Annual Servicing Allocation Review

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1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received;
2. That Council rescind servicing allocation from the following developments:
 - a. 345-351 Davis Drive;
3. That Council reinstate servicing allocation to the following developments:
 - a. The Davis (175 Deerfield Rd)
 - b. Redwood Properties Phase 1 (17645 Yonge St)
 - c. Sundial Phase 2 (Davis Drive W)
 - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd)
 - e. Maple Lane Homes (680 Gorham St);
4. That Council grant servicing allocation to the following developments:
 - a. Goldstein (16333 Leslie St)
 - b. Marianneville / Kerbel Phase 2 (I & I Program)
 - c. 281 Main St N;
5. That the Town's resulting remaining servicing capacity (the Town Reserve) of 3317 persons of allocation (of which 20

persons of allocation is to be held in a Severance Reserve) be maintained; and

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

5.7 Regulatory Review for 2018-2022 Term of Council 86

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.8 Council Appointments to the Newmarket Historical Society Board 94

1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,
2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

5.9 Property Tax Rates and By-law for 2019

Note: Report to be distributed when available.

5.10 Resolution from Brantford City Council regarding Single Use-Plastic Straws 98

Note: This item was placed on the agenda at the request of Councillor Simon.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Resolution from Brantford City Council regarding Single-Use Plastic Straws be received for information.

5.11 Accessibility Advisory Committee Meeting Minutes of June 21, 2018 100

1. That the Accessibility Advisory Committee Meeting Minutes of June 21, 2018 be received.

- 5.12 Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 and April 16, 2019 104

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 3, 2018 and April 16, 2019 be received.

- 5.13 Newmarket Public Library Board Meeting Minutes of January 16, 2019 and March 20, 2019 116

1. That the Newmarket Public Library Board Meeting Minutes of January 17, 2019 and March 20, 2019 be received.

- 5.14 Outstanding Matters List 126

1. That the list of outstanding matters be received.

6. Action Items

7. Reports by Regional Representatives

8. Notices of Motions

9. Motions

9.1 Bill 108 Ontario Municipal Board Changes (Councillor Bisanz)

Whereas the legislation that abolished the OMB and replaced it with LPAT received unanimous – all party support; and,

Whereas All parties recognized that local governments should have the authority to uphold their provincially approved Official Plans; to uphold their community driven planning; and,

Whereas Bill 108 will once again allow an unelected, unaccountable body make decisions on how our communities evolve and grow; and,

Whereas On August 21, 2018 Minister Clark once again signed the MOU with the Association of Municipalities of Ontario and entered into “...a legally binding agreement recognizing Ontario Municipalities as a mature, accountable order of government.”; and,

Whereas This MOU is “enshrined in law as part of the Municipal Act”. And recognizes that as “...public policy issues are complex and thus require coordinated responses...the Province endorses the

principle of regular consultation between Ontario and municipalities in relation to matters of mutual interest”; and,

Whereas By signing this agreement, the Province made “...a commitment to cooperating with its municipal governments in considering new legislation or regulations that will have a municipal impact”; and,

Whereas Bill 108 will impact 15 different Acts - Cannabis Control Act, 2017, Conservation Authorities Act, Development Charges Act, Education Act, Endangered Species Act, 2007, Environmental Assessment Act, Environmental Protection Act, Labour Relations Act, 1995, Local Planning Appeal Tribunal Act, 2017, Municipal Act, 2001, Occupational Health and Safety Act, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Workplace Safety and Insurance Act, 1997.

Now Therefore Be it Hereby Resolved:

1. That the Town of Newmarket oppose Bill 108 which in its current state will have negative consequences on community building and proper planning; and,
2. That the Town of Newmarket call upon the Government of Ontario to halt the legislative advancement of Bill 108 to enable fulsome consultation with Municipalities to ensure that its objectives for sound decision making for housing growth that meets local needs will be reasonably achieved; and,
3. That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier and MPP Newmarket-Aurora, the Honourable Steve Clark, Minister of Municipal Affairs, the Honourable Andrea Horwath, Leader of the New Democratic Party, and all MPPs in the Province of Ontario; and,
4. That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

10. New Business

11. Closed Session (if required)

12. Public Hearing Matter

None.

13. Adjournment



Town of Newmarket
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Regulations for Smoking By-law Staff Report to Council

Report Number: 2019-52

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Regulations for Smoking By-law dated May 21, 2019 be received; and,
2. That Smoking By-law (**Attachment 1**) be enacted; and,
3. That Delegation By-law 2016-17 be amended (**Attachment 2**); and,
4. That Parks By-law 2013-14 be amended (**Attachment 3**); and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Smoke Free Ontario Act governs smoking and vaping of tobacco and cannabis products in Ontario. Under the Municipal Act, the Town has the authority to further restrict where smoking and vaping may be permitted within Newmarket. Town Council directed staff to review the Smoking By-law in light of the recent legislation which legalized cannabis consumption for personal use. This report presents a draft Smoking By-law that has been formed based on consultation that was conducted with the community over the month of April and with staff from across York Region (upper and lower tier municipalities) and York Region Public Health.

The basis of the draft By-law proposes to prohibit smoking and vaping tobacco and cannabis on all municipally-owned property, including facilities, parks public green spaces, and trails. The By-law also provides for the provision of Designated Smoking

Areas on Town-owned property, which will be determined on a case by case situation to ensure that the Area does not conflict with the regulations within the Smoke Free Ontario Act.

Purpose

The purpose of this report is to seek Council approval for a revised Smoking By-law for the Town.

Background

This report supplements the information that was presented to Committee of the Whole at its meeting on March 18, 2019. [Report 2019-33](#) identified three options for consideration, and it also directed staff to undertake a period of public consultation with the community. Council directed staff to survey the community and report back with a draft by-law for consideration. This report summarizes the feedback from the community and also presents a new Smoking By-law for the Town.

Discussion

Community Consultation

Following Council direction, staff conducted community consultation over the month of April. The Town retained MDB Insight to undertake a telephone survey of Newmarket residents, and an online survey with the same questions was developed and used to gather the community's feedback.

The online survey was launched on April 3, 2019 at the Community Open House. At this event, staff encouraged residents to complete the survey, and answered many questions regarding current and possible regulations for smoking in the Town. The survey was distributed to all Boards and Committees of Council (e.g., the Main Street Business Improvement Area, Accessibility Advisory Committee, etc.). Additionally, laptops with access to the survey were made available at the Magna Centre, the Municipal Offices and at the Newmarket Public Library. The survey was promoted on the Town's social media accounts and these links were shared with Members of Council for their own use and distribution. The online survey was restricted to completion once per device.

352 responses were received from the telephone survey, and 1157 individuals provided responses online.

Survey Questions

Following confirmation that the survey respondent was over the age of 19 and lived in Newmarket, the following questions were asked of respondents regardless of whether they were completing the survey over the phone or online. It is noted that the response of the respondent to declare that they live in Town and were over the age of 19 was

based on them answering truthfully; no additional verification was undertaken to prove this claim.

The survey differentiated vaping and smoking tobacco from vaping and smoking cannabis with all questions.

1. [Context regarding where smoking is permitted and prohibited was provided.]
Below is a list of locations where the smoking or vaping of tobacco and cannabis products is currently permitted according to provincial laws and we want to know if you think it should be allowed or prohibited.

- Public green spaces
- Public trails
- Backyards of private residences
- Designated smoking areas on private property

2. Smoking tobacco or cannabis is not permitted on or within 20 metres from a recreation facility such as the Tim Hortons Skating and Water Feature at Newmarket's Riverwalk Commons, playgrounds, sports fields, or recreation facilities. However, public gathering areas beyond the 20 metre limit do not have any such restriction.

Should smoking or vaping of tobacco or cannabis products be allowed or prohibited in the public areas beyond the 20 metre limit?

3. Shisha smoking (also called hookah), is a way of smoking tobacco, sometimes mixed with fruit or molasses sugar, through a bowl and hose or tube.

Do you think Shisha smoking in a private business catering to Shisha smoking should be allowed or prohibited in the Town of Newmarket?

Respondents were also asked to advise whether they smoke or vape tobacco and cannabis products, and if so, how frequently they smoke or vape.

Telephone and Online Survey Findings

The majority of respondents would not permit smoking or vaping of tobacco and cannabis in public green spaces, public trails, or public gathering areas beyond the areas already prohibited by the Smoke Free Ontario Act (SFOA).

The majority of respondents would permit smoking and vaping of both tobacco and cannabis in backyards.

Tobacco smoking and vaping in designated smoking areas on private property seems acceptable to most, but not cannabis.

The majority of telephone respondents would permit smoking of shisha in a private business catering to Shisha Smoking in the Town of Newmarket. Online respondents

were more divided on this question. Almost half of respondents would permit private shisha businesses, whereas almost 40% would suggest banning. It is noteworthy that when staff were assisting respondents at the Community Open House, there were a number of questions regarding specifically what shisha was. Given that most of the responses between the online and telephone survey were generally consistent, it can be inferred that individuals may not have had the benefit of speaking to a person prior to answering a question they were unsure of. It is also noteworthy that 30% of the online respondents skipped this question and a further 12% stated they “didn’t know or were unsure”, which further supports staff’s suggestion that respondents didn’t necessarily understand what shisha was when they answered this question.

Demographics and Behaviour Information from Telephone Survey

The telephone survey was able to weight answers based on ward and age. The following information was provided by MDB Insight based on their analysis.

The results across wards were very similar with the exception of ward 2, who are more likely to permit smoking and vaping of tobacco on public green space and trails.

The attitudinal difference between smoking and vaping tobacco versus cannabis in designated smoking areas seems to be driven by age and over time would dissolve.

Demographics and Behaviour Information from Both Surveys

Respondents were asked to comment on the frequency in which they smoke or vape tobacco and cannabis products.

The majority (80% or more) of online and telephone respondents stated that they never smoke or vape tobacco or cannabis.

9% of online and telephone respondents smoke or vape **tobacco** products everyday, and between 1% and 5% of online and telephone respondents smoke or vape **cannabis** products everyday.

The remaining respondents indicated that they either smoke or vape tobacco and cannabis products on a frequency that ranged from several times a week to less often.

Draft Smoking By-law (Attachment 1)

As indicated at the March 18, 2019 Committee of the Whole meeting, staff have participated in a York Regional Working Group to develop consistency as it relates to by-law definitions, powers of entry, enforcement, offences and penalties, etc. This group included staff from York Region’s prosecutor’s office.

In general, the provisions of the Smoking By-law presented with this report (**Attachment 1**) are as follows:

- With limited exceptions, this By-law addresses regulations for smoking and vaping on public property only. This means that private property owners are responsible for establishing their own regulations (and Designated Smoking Areas) as it pertains to tobacco and cannabis use on their property.
- Smoking and vaping tobacco and cannabis is not permitted on all properties where schools, daycare facilities, and other child care facilities are located.
- Smoking and vaping tobacco and cannabis would not be permitted at all Town-owned parks, green spaces, and trails. **Attachment 3** seeks Council approval to amend Parks By-law for clarity.
- Smoking and vaping tobacco and cannabis is not permitted on street furniture, which include benches, picnic tables, or other furniture items that are maintained, owned or leased by the Town.
- Smoking and vaping tobacco and cannabis would be permitted only in Designated Smoking Areas.

Designated Smoking Areas on Public Property

The draft Smoking By-law currently permits Designated Smoking Areas to exist so long as they do not contravene the Smoke Free Ontario Act (SFOA). Staff recommend that the establishment of permanent Designated Smoking Areas on public property (including potential Designated Smoking Areas in parks and along trails) be delegated to staff. This would allow staff to evaluate each property based on the a number of matters including the regulations contained in the SFOA, health and safety, the Town's current Smoking in the Workplace Policy, and individuals within each environment. Staff would also use factors such as proximity to a sidewalk as factors to determine whether a Designated Smoking Area should exist on public property. Accordingly, **Attachment 2** seeks Council approval to amend Delegation By-law to provide for this delegation to staff.

For approved Designated Smoking Areas, staff would evaluate each property and develop a mechanism to delineate the defined Area. Additionally, signage will be erected to clearly mark the Area as designated for smoking, and waste receptacles will be installed to help reduce littering.

Upon approval of the permanent Designated Smoking Areas, staff will communicate these areas on the Town's website (with visual maps) to promote compliance and develop marketing material to conduct public education over the summer months.

Special Events

Staff note that the event organizers have already inquired whether smoking or vaping is permitted at their special event being held on Town-owned property. Given that each event is unique, staff recommend that each event organizer work with the Town's Program Coordinators to determine whether a temporary Designated Smoking Area would be permitted at their event. Following consultation with York Region Public Health staff, it is apparent that each special event needs to be evaluated and considered separately (i.e., staff will need to know if food being served, if there is a movable play structure such as a bouncy castle for children to play on, etc.) These are some factors that would require staff to determine whether the SFOA provisions apply and if there is an established setback in accordance with the Act. For example, an inflatable bouncy castle would classify as a playground for the purposes of the SFOA, therefore, smoking or vaping on the structure would be prohibited, and smoking or vaping within 20 metres of it would also not be permitted.

Individuals are permitted to smoke or vape tobacco and cannabis on Municipal Boulevards

As indicated on page 11 of [Staff Report 2019-33](#), the Municipal Act specifies that individuals may smoke or vape on a highway, which includes the municipal boulevard. This means that individuals are permitted to smoke or vape on sidewalks.

At the March 18, 2019 Committee of the Whole meeting, there was discussion regarding a specific laneway between Main and Cedar streets in downtown Newmarket, and whether it was classified as a "highway" for the purposes of the Municipal Act. Staff conducted further research into this matter, and have concluded that this laneway is a highway; therefore, smoking and vaping cannot be restricted on this laneway.

Medical Cannabis

Individuals who use cannabis for medicinal purposes are provided an exemption from the By-law. This means that if they are smoking or vaping for medical reasons in places that are prohibited, they will need to ensure that they are carrying their documentation with them in the event they are asked by an Enforcement Officer.

Conclusion

Should Council approve the recommendations as set out within this report, staff will work to develop a communication and education plan to advise residents and visitors of the community of the smoking and vaping regulations in Newmarket.

Business Plan and Strategic Plan Linkages

This report aligns with the Town's vision of being Well-Equipped & Managed, and Well Planned & Connected.

Consultation

An internal working group of staff from Planning & Building Services, Financial Services, Public Works Services, Legal Services, Legislative Services, Customer Service, Economic Development, Recreation and Culture, Central York Fire Services, and Communications was consulted on this report.

Additionally, staff have been participating in a York Region Working Group consisting of staff from all 10 York Region municipalities and York Region Public Health, and as part of this Working Group staff have solicited external legal opinions with matters respecting a municipality's authority to limit cannabis consumption in private and public spaces.

Human Resource Considerations

In anticipation of the public education campaign over the summer months, staff will be hiring 2 summer students to conduct public outreach and education between June and August of this year.

Budget Impact

Many of the parks and trails currently have signs advising visitors of the rules of being on the property; these signs will be updated to advise that smoking is not permitted while in a park or on a trail. Additional signs will be erected on an as needed basis, and should additional funding be required to support these signs, staff will report to Council with a budget request.

Attachments

Attachment 1 - Draft Smoking By-law

Attachment 2 - Amendment to Delegation By-law

Attachment 3 - Amendment to Parks By-law

Approval

Lisa Lyons

Director of Legislative Services/Town Clerk

Contact

For more information, please contact Kiran Saini at ksaini@newmarket.ca.



Corporation of the Town of Newmarket

By-law 2019-XX

A By-law to prohibit the smoking of tobacco, cannabis, and non-tobacco substances in prescribed locations in the Town of Newmarket.

Whereas Section 8 the Municipal Act, 2001, c. 25, as amended (the “Municipal Act”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and,

Whereas Section 115 of the Municipal Act provides that a municipality may prohibit and regulate the Smoking of tobacco and cannabis in Public Places and workplaces; and,

Whereas clause 6 of subsection 11(2) of the Municipal Act provides that a municipality may pass By-laws in the interest of the health, safety and well-being of its residents; and,

Whereas Section 128 of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council of the Town of Newmarket (the “Council”) are or could become or cause public nuisances; and,

Whereas Section 129 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to odours; and,

Whereas Section 425 of the Municipal Act provides that a municipality may pass By-laws providing that a person who contravenes any By-law of the municipality is guilty of an offence; and,

Whereas subsection 429(1) of the Municipal Act provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a By-law of the municipality passed under the Municipal Act; and,

Whereas Section 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality; and,

Whereas Section 435 of the Municipal Act provides for conditions governing the powers of entry of a municipality; and,

Whereas Section 436 of the Municipal Act provides that a municipality has the power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law; and

Whereas the Council wishes to prohibit the Smoking of tobacco, cannabis, and any other non-tobacco products in prescribed places within the Town of Newmarket; and,

Whereas Section 18 of the Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Schedule 3, as amended (the “Smoke Free Ontario Act”) contemplates that a municipal By-law may deal with a matter to which that Act applies but in a more restrictive manner, and directs that the By-law prevails to the extent it is more restrictive than that Act; and,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1.0 By-law Title

1.1 This By-law may be cited as the “Smoking By-law”.

2.0 Definitions

2.1 For the purpose of this By-law:

- (a) “Council” means the Council of The Corporation of the Town of Newmarket.
- (b) “Designated Smoking Area” means an open-air unenclosed outdoor area in a Public Place or Town Property leased by a Tenant marked by signage approved by the Municipality and where an individual may Smoke, provided that this area does not conflict with the Smoke-Free Ontario Act.
- (c) “Highway” means:
 - I. A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided includes a portion of the highway.
- (d) “Municipality” means The Corporation of the Town of Newmarket.
- (e) “Officer” means:
 - I. a Provincial Offences Officer of the Municipality or other person appointed by or under the authority of a municipal By-law to enforce municipal By-laws; or
 - II. a Police Officer employed by York Regional Police, Ontario Provincial Police or the Royal Canadian Mounted Police.
- (f) “Private Dwelling” means private self-contained living quarters in any detached or multi-unit building or facility
- (g) “Public Place” includes Town Property to which the public has access as of right or invitation, express or implied, and also includes any motor vehicle located in a Public Place.
- (h) “Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer or any other lighted, heated or otherwise

activated smoking or vaporizing equipment, that contains any tobacco, cannabis or other substance or product.

- (i) “Tenant” means any person(s) or corporation(s) leasing or licensing Town Property and includes any director(s) and officer(s) of a corporation that is leasing or licensing a Town Property.
- (j) “Town Property” means all lands and premises, whether or not a building is constructed thereon, which is owned, leased, licensed, managed or maintained by the Municipality but excludes Highways.

3.0 General Prohibitions:

- 3.1 In addition to the prohibitions set out in the Smoke-Free Ontario Act as amended from time to time, no person shall Smoke in a Public Place.
- 3.2 A Tenant shall not permit Smoking on Town Property leased or licensed by the Tenant.

4.0 Applicability and Exceptions

- 4.1 This By-law does not apply to a Private Dwelling.
- 4.2 Despite subsections 3.1 and 3.2 of this By-law, a person may Smoke in a Designated Smoking Area.
- 4.3 Despite subsections 3.1 and 3.2 of this By-law, if permitted under the Smoke Free Ontario Act, as amended from time to time, a person may Smoke cannabis in a Public Place other than a Designate Smoking Area where the person is authorized to possess cannabis for the individual’s own medical purposes in accordance with Part 14 of the Cannabis Regulations (Canada) or in accordance with a court order.
- 4.4 A person claiming exemption in accordance with subsection 4.4 shall have their medical document on their possession at all times of Smoking cannabis, and shall surrender the medical document for inspection upon demand of an Officer.

5.0 Powers of Entry and Inspection

- 5.1 Officers and persons acting under their direction may, at any reasonable time, or at any time when there are reasonable grounds to believe that a contravention of this By-law is occurring or alleged to be occurring, enter onto any Town Property to determine if the provisions of this By-law are being complied with.
- 5.2 Officers are authorized, for the purposes of inspection to determine and enforce compliance with the By-law, to:
 - (a) require any person to produce for inspection all documents or things relevant to the inspection. Officers may inspect and remove documents and things for the purposes of making copies or extracts;
 - (b) alone or in conjunction with a person possessing special or expert knowledge, make examinations, take tests, samples, audio recordings, video recordings, or photographs necessary for the purposes of inspection; and,

- (c) require information from any person concerning a matter related to the inspection including their name, date of birth and address.

6.0 Enforcement

- 6.1 The provisions of this By-law may be enforced by an Officer.
- 6.2 An Officer who has reasonable grounds to believe that a person or Tenant has contravened any provision of this By-law may require that person or Tenant to provide their identification to the Officer.
- 6.3 Every person or Tenant who is required by an Officer to provide identification under Section 6.2 shall identify themselves to the Officer. Giving their name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute an offence as set out in Section 7.2 of this By-law.

7.0 Offences

- 7.1 Any person or Tenant who contravenes or fails to comply with any provision of this By-law is guilty of an offence.
- 7.2 No person or Tenant shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 7.3 A court or hearing officer may, in the absence of evidence to the contrary, infer that any substance in question is cannabis from the fact that a witness describes it as cannabis or by a name that is commonly applied to cannabis. For greater certainty, a witness need not possess special or expert knowledge for the court to make any such inference.

8.0 Continuation, Repetition Prohibited by Order

- 8.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or Tenant convicted, and such order shall be in addition to any other penalty imposed on the person or Tenant convicted.

9.0 Administrative Penalties

- 9.1 Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended (the "Provincial Offences Act"), for a breach of any provision of this By-law, an Officer may issue an administrative penalty to the person or Tenant who has contravened this By-law.
- 9.2 The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act. If an administrative penalty is issued to a person or Tenant for the breach, no charge shall be laid against that same person or Tenant for the same breach.
- 9.3 The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in an administrative penalty By-law as amended, or any successor By-law.

- 9.4 A person or Tenant who is issued an administrative penalty shall be subject to the procedures as provided for in an administrative penalty By-law, as amended, or any successor By-law.
- 9.5 An administrative penalty imposed on a person or Tenant pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person or Tenant to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

10.0 Penalties

- 10.1 Every person or Tenant who is guilty of an offence under this By-law shall be subject to the following penalties:
 - (a) Upon a first conviction, to a fine of not less than \$100.00 and not more than \$5,000.00.
 - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$250.00 and not more than \$10,000.00.
 - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00.

11.0 Collection of Unpaid Fines

- 11.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the person or Tenant upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 11.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine for which a person or Tenant is responsible that is in default to the tax roll for any lands owned by the person or Tenant in the local municipality, and collect it in the same manner as municipal taxes.

12.0 Severability

- 12.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

13.0 Interpretation

- 13.1 The provisions of Part VI of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F shall apply to this By-law.
- 13.2 Where a term used in this By-law is not defined in this By-law, but is defined in the Smoke-Free Ontario Act that definition shall apply to the term used in this By-law.
- 13.3 The onus of proving an exception under Part 4 of this By-law is on the person claiming the exception, in accordance with s. 47(3) of the Provincial Offences Act as amended.

14.0 Force and Effect

- 14.1 This By-law comes into force and effect on the day it is passed.
- 14.2 That By-laws 1987-85, 1994-22, 1994-79, 2009-24, and 2011-73 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Attachment 2

Corporation of the Town of Newmarket
By-law 2019-XX

A By-law to amend Delegation By-law 2016-17.

Whereas Council deems it necessary to delegate the establishment of Designated Smoking Areas to staff in accordance with the Town’s Smoking By-law, as may be amended from time to time.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule D of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of permanent Designated Smoking Areas on Public Property	Municipal Act 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Chief Administrative Officer	

2. That Schedule C of the Delegation By-law 2016-17 be amended as follows:

TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
Designated Smoking Areas	Approval and establishment of temporary Designated Smoking Areas on Public Property	Municipal Act 2001, S.O. 2001 C.25 s. 115	Designated Smoking Areas must comply with the Smoke Free Ontario Act, as amended from time to time.	Legal Services; Legislative Services; Planning & Building Services; Public Works Services; Recreation & Culture	Director of Public Works Services or designate	

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Attachment 3****Corporation of the Town of Newmarket****By-law 2019-XX**

A By-law to amend Parks By-law 2013-14.

Whereas Council deems it necessary to ensure public clarity for smoking and vaping provisions within the Town of Newmarket.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subsection 2.8.1 of the Parks By-law be repealed and replaced with the following:
 - 2.8.1 While in a park, a person shall comply with the provisions of the Town's Smoking By-law, as amended from time to time.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
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Newmarket, Ontario, L3Y 4X7

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Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site) Staff Report to Council

Report Number: 2019-40

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: April 29, 2019

Recommendations

1. That the report entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)”, dated April 29, 2019 be received;
2. That Council endorse in principle the notion of redeveloping the entirety of the properties municipally known as 693 Davis Drive, 713 Davis Drive and 35 Patterson Street, in a manner generally consistent with the conceptual drawings entitled “Scenario 2 – Site Plan” and “Scenario 2 – Aerial View”, attached to this Report, prepared by the Briarwood Development Group, dated December 7, 2018; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this Report is to provide Council with sufficient information in order to assist with a strategic land use decision on the properties known as 693 Davis Drive, 713 Davis Drive, and the Town-owned 35 Patterson Street / the Hollingsworth Arena property (combined, hereafter referred to as the ‘subject properties’).

Background

Staff Report 2018-38 was presented to Committee of the Whole in June, 2018. This Report introduced a redevelopment concept that was prepared by the Briarwood Development Group for the subject properties.

As per direction received at the June, 2018 Committee of the Whole meeting, the Briarwood Development Group revised the concept and subsequently submitted two revised concept plans dated December 7, 2018 for presentation to the public at a developer-led Public Information Centre (PIC). This developer-led PIC was held on February 5, 2019, where the Briarwood Development Group presented their two concept plans (Scenario 1 and Scenario 2, dated December 7, 2018) to the public.

On April 15, Council formally decided to decommission the Hollingsworth Arena. With this decision made, the Council must now make a decision regarding the future use of this property. As Council is aware, the Briarwood Development Group has expressed an interest in purchasing the arena property to facilitate the comprehensive redevelopment of the subject properties. This report will provide background information to Council to assist in this decision.

Discussion

Two Redevelopment Scenarios

The Briarwood Development Group has prepared two redevelopment scenarios, Scenario 1 and Scenario 2, as described in greater detail in the following sections:

Scenario 1 (attachments 1 & 2)

This concept is applicable to the two properties that front on Davis Drive (693 Davis Drive, 713 Davis Drive) and the southerly 21m of the Hollingsworth Arena property (35 Patterson Street).

This concept shows two 15 storey point towers connected by a 2 and 3 storey podium, an 'urban park' fronting along Davis Drive, and commercial uses at the base of each tower fronting Davis Drive and the urban park. Townhouse units are also shown at the base of each tower, facing Patterson Street and the internal street located east of the eastern tower. Finally, limited surface parking is shown to the north and east of the towers; the majority of the required parking is located underground.

In total, 289 residential units are shown (apartment and townhouse), as well as 1,260 sq m of commercial space.

The balance of the subject properties (specifically the remainder of the Hollingsworth Arena property) is shown as a 'community park'.

Scenario 2 (attachments 3 & 4)

This concept is a revised version of the concept presented to Council in June, 2018 (the “Initial Concept”). It is applicable to the entirety of the subject properties.

This concept shares the same development as Scenario 1 on the two properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property, including the two 15 storey towers, podium, townhouse units, commercial uses, urban park and limited surface parking.

However, this concept differs from Scenario 1 as it relates to the balance of the subject properties (specifically the remainder of the Hollingsworth Arena property). In this area, a 6 storey residential building is shown with limited surface parking area, and a ‘community park’ located in the northern area of the property along the Irwin Street frontage. The uses of the 6 storey building are identified as ‘community facility’ on a portion of the ground floor, and a ‘senior’s residence’ in the remainder of the building.

With the inclusion of the 6 storey residential building, 120 residential units and 798 sq m of community space is added to the redevelopment concept. The total number of residential units in this concept is 409.

Attachment 5 provides a comparison sheet of redevelopment Scenarios 1 and 2.

Urban Centres Secondary Plan Sets the Vision for the Properties

As noted in Report 2019-01, the Urban Centres Secondary Plan sets out the vision for the subject properties. This vision consists of redeveloping these properties in a more intensive, efficient urban form than what currently exists.



In terms of land use, the Secondary Plan designates the majority of the subject properties Mixed Use (residential, commercial, employment, community uses, etc.) and requires at-grade commercial uses fronting along Davis Drive through the use of a Priority Commercial Area overlay. There is also an area

designated Parks and Open Space along the Irwin Crescent frontage.

The Secondary Plan designates the two

properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property as Medium-High Density, which requires building heights ranging from 4-12 storeys and floor space indexes (FSI) ranging from 2.0 to 2.5. The remainder of the subject properties are designated Low Density which requires building heights ranging

Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

from 2-6 storeys and floor space indexes (FSI) ranging from 1.5 to 2.0. With these height and density designations, the higher and more intensive development is concentrated along the Davis Drive frontage, decreasing towards the northern part of the subject sites.



The Secondary Plan also provides for discretionary maximum height and density bonusing, applicable only to the two properties that front on Davis Drive and the southerly 21m of the Hollingsworth Arena property. In these areas, maximum building heights can be increased to 15 storeys and maximum density can be increased to 3.0 Floor Space Index (FSI) in exchange for specified community benefit(s) that are determined as per the Town's Height and Density Bonusing Implementation Guidelines.

	permitted min. height	permitted max. height	permitted min. FSI	permitted max. FSI	discretionary max. height with bonusing	discretionary max. FSI with bonusing
High Density	6 storeys (20m)	17 storeys (53m)	2.5	3.5	20 storeys (62m)	4.0
Medium-High Density	4 storeys (14m)	12 storeys (38m)	2.0	2.5	15 storeys (47m)	3.0
Medium Density	3 storeys (11m)	8 storeys (26m)	1.5	2.0	10 storeys (32m)	2.5
Low Density	2 storeys (8m)	6 storeys (14m)	1.5	2.0		

Note: - Bonusing is subject to Policy 6.4.5 iv.
- The proposed streets network is shown conceptually on this Schedule and will be determined in accordance with Policy 8.3.2.

Being a Council-approved planning document, any redevelopment of the subject properties must be consistent with these requirements, not only regarding *maximum* limits,

but also *minimum* requirements such as minimum building heights and densities. Based on a preliminary review of the materials provided by Briarwood Developments, it appears that 'Scenario 1' and Scenario 2' both generally satisfy the Urban Centres Secondary Plan's vision; this conclusion was noted previously in Report 2019-1.

Marketing the Corridors Efforts

As noted in Information Report 2018-44, a series of cross-departmental initiatives were identified in order to facilitate the redevelopment of the Yonge Street and Davis Drive corridors. This project became known as the 'Marketing the Corridors' campaign, and various departments were tasked with determining and implementing ways to encourage the redevelopment of the Yonge Street and Davis Drive corridors.

A total of 9 policy-related initiatives were completed by Planning and Building Services, including those that reduced hard and soft development costs in our corridors in an effort to make the Town more competitive. These initiatives included the reduction of parking requirements, the development of density bonusing guidelines, the update to and reinstatement of the Town's Development Charge Deferral policy, and an update to the Servicing Allocation Policy to focus prioritization to the Urban Centres. Finally, the preparation and passing of the Urban Centres Zoning By-law, which 'zoned-in' almost

20 million square feet (1,858,061 square metres) of additional mixed-use space along our transit-supported Urban Centre corridors.

These planning initiatives were completed in parallel with a Community Investment Brand/Marketing and Communications Strategy, headed by Economic Development and Corporate Communications. This initiative involved the creation of a print and digital marketing strategy intended to attract further development and sustainable interest in Newmarket's corridors.

Finally, various members of the Town's senior staff and elected officials meet regularly with developers and owners of strategic landholdings along the corridors to advise on the Marketing the Corridors campaign and obtain information on any redevelopment plans.

The above noted efforts are beginning to pay dividends. An increasing number of developers are requesting pre-consultation meetings, expressing interest in developing their properties for higher, denser and more efficient uses, as per the vision of the Urban Centres Secondary Plan.

One such developer is the Briarwood Development Group, whose redevelopment scenarios (particularly Scenario 2) generally implement the approved planning vision of the subject properties as per the Secondary Plan.

Major Transit Station Area (BRT)

As defined by provincial policy, Major Transit Station Areas (MTSAs) are the areas within an approximate 500 metre radius of any existing or planned higher order transit station, including Bus Rapid Transit (BRT) stations and GO Rail Stations. Newmarket has a total of 12 such station areas.

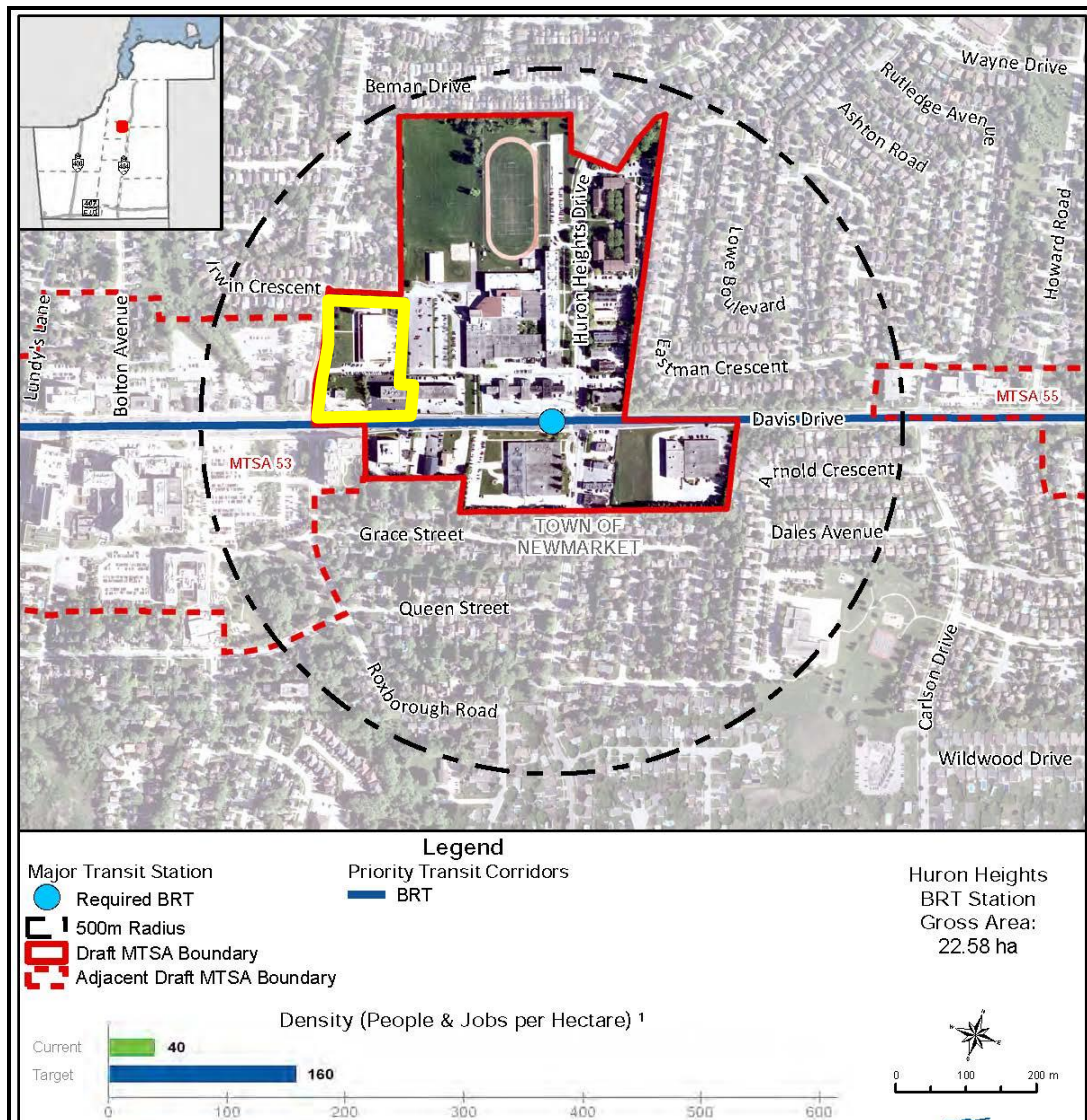
As per provincial policy, MTSAs are to be focus areas for growth and development. In particular, BRT stations must be planned to accommodate a minimum of 160 people and jobs (combined) per hectare. This is a fundamental planning principle, known as Transit Oriented Development, where higher levels of people and jobs are located in close proximity to transit in order to achieve more efficient use of land and servicing infrastructure, and create healthier, more walkable communities.

York Region is required to delineate and set minimum density targets for MTSAs. Over the last year, staff have been working closely with York Region staff through the Municipal Comprehensive Review to both delineate and set the minimum density targets for each MTSA (these areas and density targets are currently in draft form and are awaiting approval by the Region).

The subject properties are located in The Huron Heights BRT Station MTSA as mapped below. This MTSA has a required minimum density target of 160 people and jobs (combined) per hectare, thereby satisfying the minimum density target as set out in provincial policy. Significant redevelopment within this MTSA is required in order to

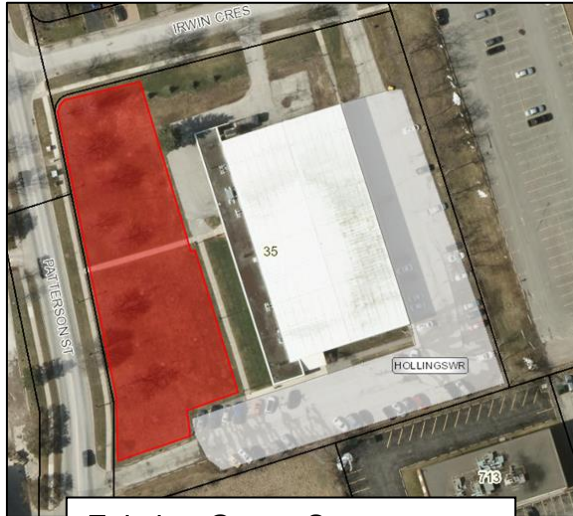
Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

meet this future density target; the contemplated Briarwood redevelopment scenarios (particularly Scenario 2) would assist in this regard.

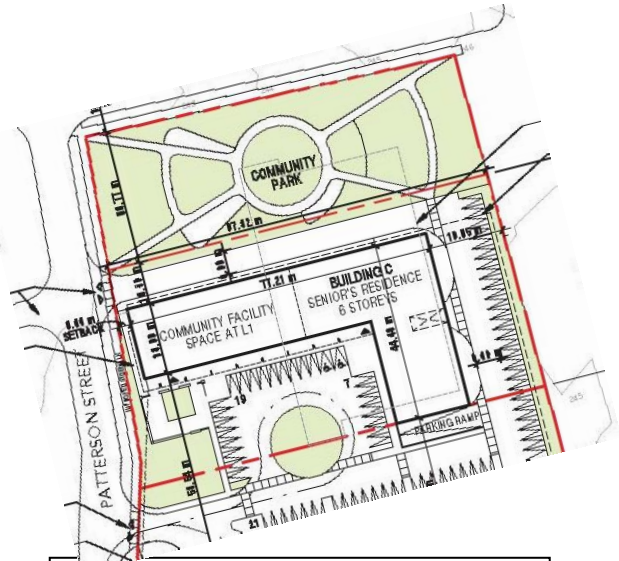


Parkland Area

It is understood that many residents in the surrounding neighbourhood currently use the green space located to the west of the existing arena building for informal recreation purposes. Therefore a comparison of this area has been undertaken to see how this informal green space compares with the potential 'community park' area shown on Scenario 2. As shown in red below, these areas are generally comparable in shape but the 'community park' in Scenario 2 is slightly larger.



Existing Green Space
Approx. 2,600 sq m (0.26ha)



Scenario 2 does so in a more comprehensive, immediate manner whereas Scenario 1 does so by first developing the southern portion of the properties in a way that is generally consistent with the Urban Centres Secondary Plan, but does not preclude future development to occur on the remainder of the site as per the Secondary Plan. As such, both scenarios provide a reasonable foundation on which to base a formal planning application.”

Although both redevelopment scenarios generally satisfy the approved planning vision for the subject properties, Scenario 2 implements the Secondary Plan in a more fulsome manner in terms of land uses, building Heights and densities, including the community park shown in the northern area of the subject properties which implements the linear ‘Parks and Open Space’ designation shown on Schedule 3 of the Secondary Plan.

Therefore, Scenario 2 is staff’s preferred redevelopment scenario. Accordingly, it is being recommended that the notion of redeveloping the entirety of the subject properties in a comprehensive manner, as exemplified by Scenario 2, be endorsed in principle.

Preliminary Planning Opinion vs Support

As Council is aware, a planning opinion of any kind is typically reserved until such time as a formal planning application has been submitted by a developer and reviewed by staff. However, this is a unique situation involving the potential sale of Town-owned land (the Hollingsworth arena property) and therefore a preliminary opinion is required to determine to what extent the redevelopment scenarios align with the approved planning vision for the subject properties. This preliminary opinion and accompanying information will assist Council in making an informed decision regarding this potential sale.

Should any future planning application be submitted involving the subject properties, all materials will be reviewed and a formal planning opinion will be provided to Council consistent with the statutory planning process. The preliminary planning opinion in this Report is not a statement of supportability on any such future planning application.

Conclusion

The Town is in the unique position of owning a significant portion of land within the Urban Centres that is central to implementing the approved planning vision in a key location within the Urban Centres.

In order to realize the approved planning vision for the subject properties, capitalize on the Marketing the Corridors initiative, and more expeditiously meet minimum density targets of the area, this Report is recommending that Council endorse in principle the notion of redeveloping the entirety of the properties municipally known as 693 Davis Drive, 713 Davis Drive and 35 Patterson Street, as exemplified by the ‘Scenario 2’ concept prepared by the Briarwood Development Group.

Business Plan and Strategic Plan Linkages

Well-Equipped and Managed:

- Creating a clear vision of the future and supporting plans and strategies to guide the way.

Well-Planned and Connected:

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

Consultation

Internal stakeholders consulted during the preparation of this Report include Legal Services staff and Recreation and Culture Services staff.

Human Resource Considerations

None.

Budget Impact

A large-scale redevelopment within the Urban Centres such as the one contemplated, would increase the tax base and efficiently uses existing infrastructure, land and resources.

Attachments

1. Redevelopment Scenario 1 – Site Plan, the Briarwood Development Group, dated December 7, 2018.
2. Redevelopment Scenario 1 – Aerial View, the Briarwood Development Group, dated December 7, 2018.
3. Redevelopment Scenario 2 – Site Plan, the Briarwood Development Group, dated December 7, 2018.
4. Redevelopment Scenario 2 – Aerial View, the Briarwood Development Group, dated December 7, 2018.
5. Comparison Sheet of Redevelopment Scenarios 1 & 2.

Approval

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

Jason Unger, MCIP, RPP
Assistant Director of Planning

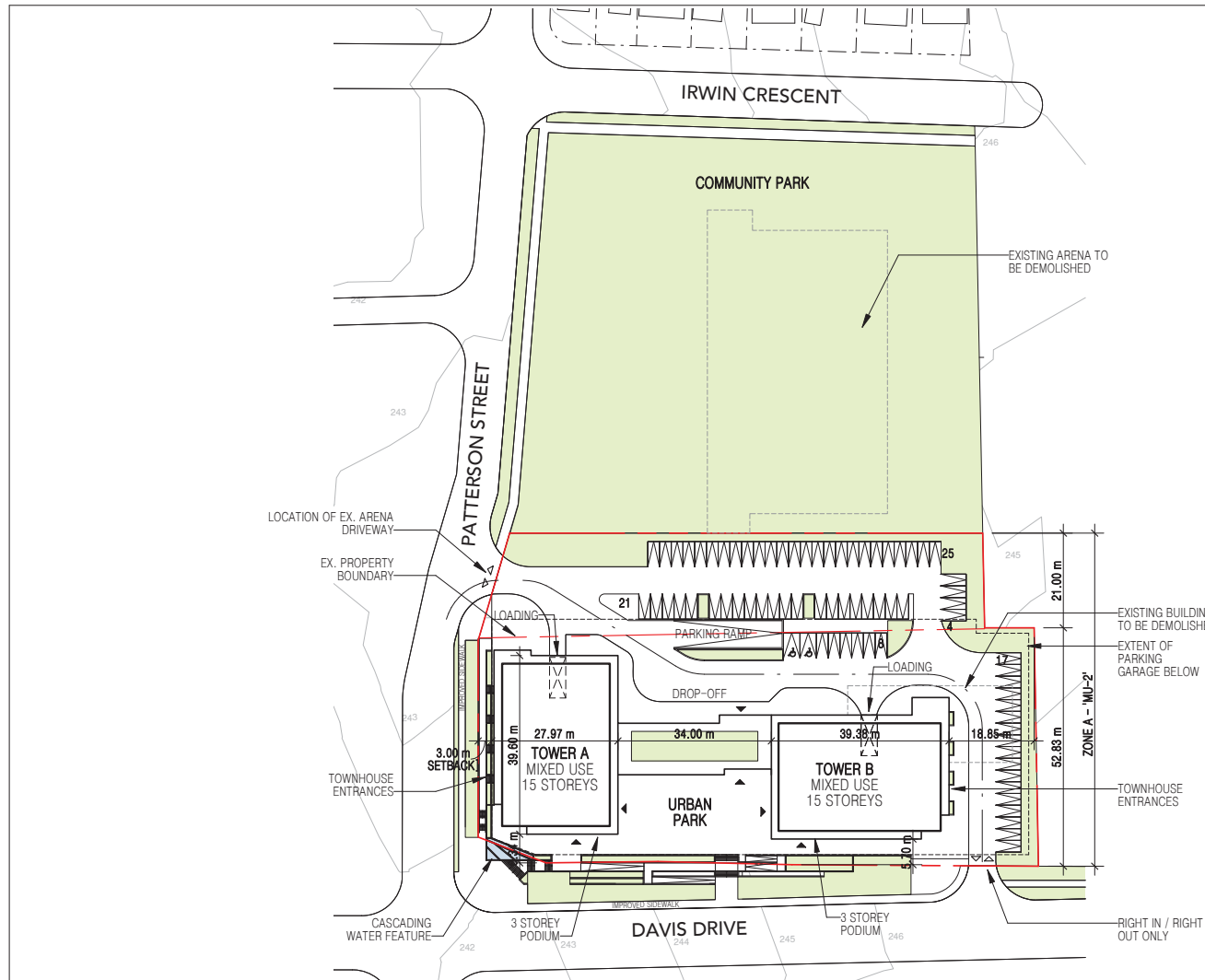
Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street

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

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

Contact

Adrian Cammaert, Senior Policy Planner, acammaert@newmarket.ca



KEY MAP



SITE STATISTICS - ZONE A

ZONING DESIGNATION	SITE AREA	TOTAL GFA	FSI
ZONE A: MU-2	8,699 m ²	26,060 m ²	3.00

BUILDING STATISTICS

GROSS FLOOR AREA	UNITS	AREA(sm)
TOWER A&B		26,060 sm
Residential	289	24,800 sm
Commercial		1,260 sm
TOTAL:	289	26,060sm

PARKING SPACES	REQUIRED	PROPOSED
TOWER A&B		
RESIDENTS	272	272 (U/GROUND)
VISITOR	44	26 (U/GROUND)
COMMERCIAL	32	75 (@ GRADE)
TOTAL	348	373

*REFER TO COMPLETE STATISTICS PROVIDED

SCENARIO 1 - SITE PLAN

17-126
2018-12-07
As indicated

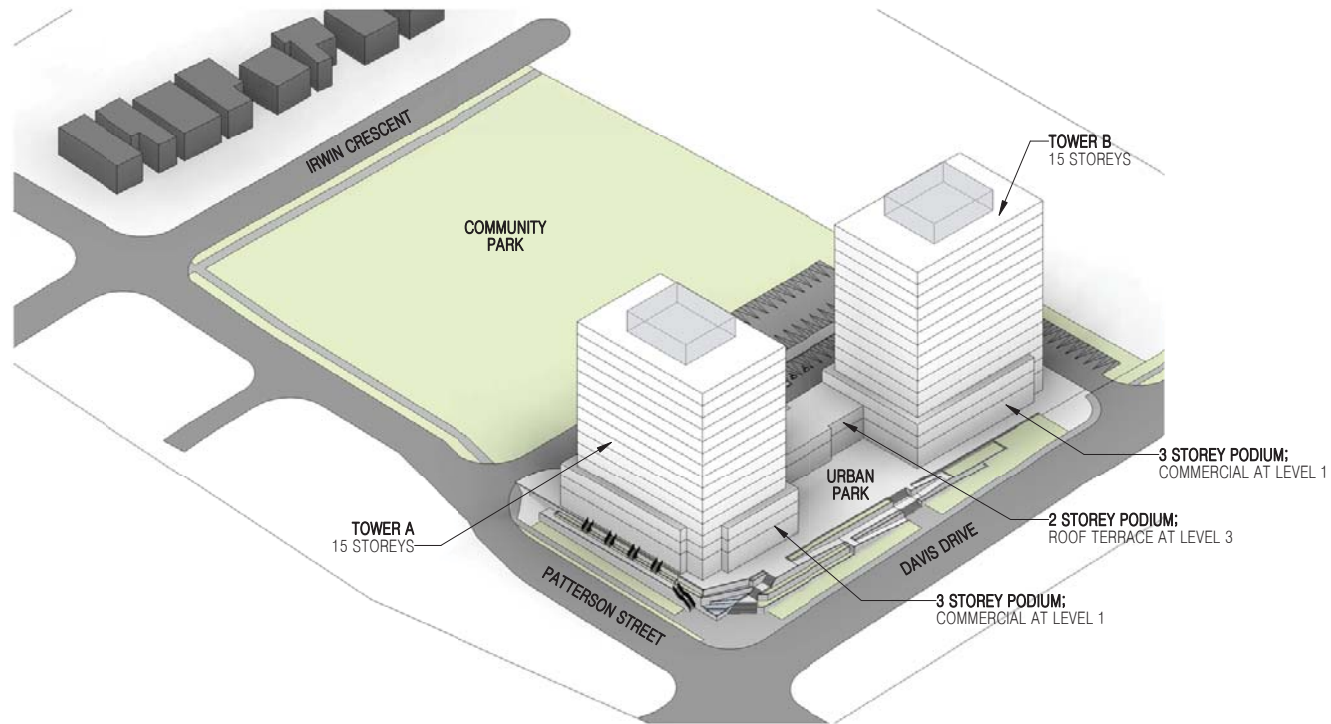
DAVIS DRIVE & PATTERSON STREET
693 - 713 Davis Drive
Newmarket, ON

Briarwood Development Group



Kohn

Kohn Partnership Architects Inc.
116 Spadina Avenue, Suite 501, Toronto ON M5V 2K6
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SCENARIO 1 - AERIAL VIEW

17-126
2018-12-07

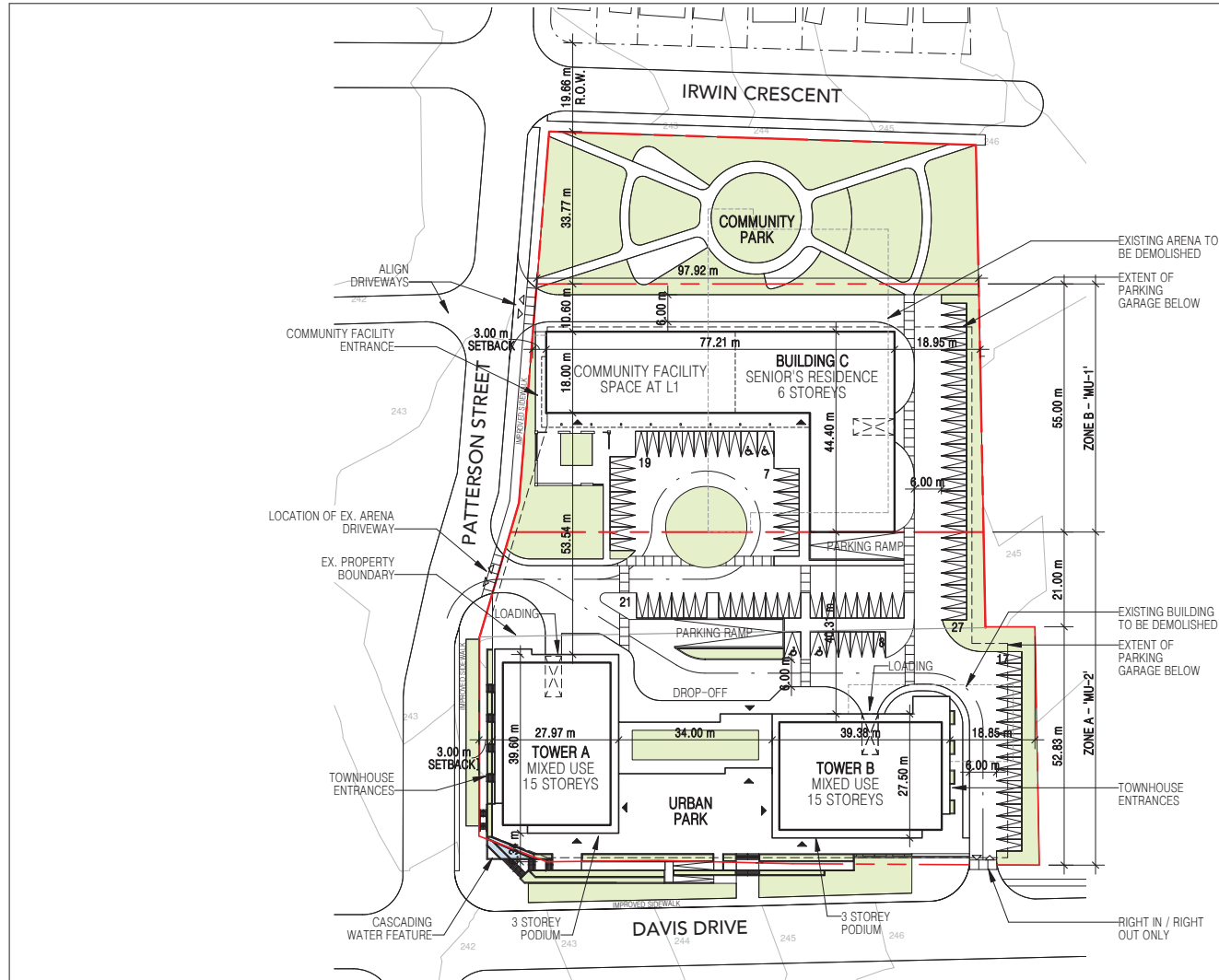
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KEY MAP



SITE STATISTICS - ZONE A & B

ZONING DESIGNATION	SITE AREA	TOTAL GFA	FSI
ZONE A: MU-2	8,699 m ²	26,060 m ²	3.00
ZONE B: MU-1	5,542 m ²	11,100 m ²	2.00

BUILDING STATISTICS

GROSS FLOOR AREA	UNITS	AREA(sm)
TOWER A&B		26,060 sm
Residential	289	24,800 sm
Commercial		1,260 sm
SENIOR'S RESIDENCE		11,000 sm
Residential	120	10,202 sm
Community Facility		798 sm
TOTAL:	409	37,060sm

PARKING SPACES	REQUIRED	PROPOSED
TOWER A&B	348	366
RESIDENTS	272	272 (U/GROUND)
VISITOR	44	26 (U/GROUND)
COMMERCIAL	32	68 (@ GRADE)
SENIOR'S RESIDENCE	155	165
RESIDENT	108	108 (U/GROUND)
VISITOR	18	18 (@ GRADE)
COMMUNITY	29	39 (@ GRADE)
TOTAL	503	531

*REFER TO COMPLETE STATISTICS PROVIDED

SCENARIO 2 - SITE PLAN

2018-12-07
As indicated

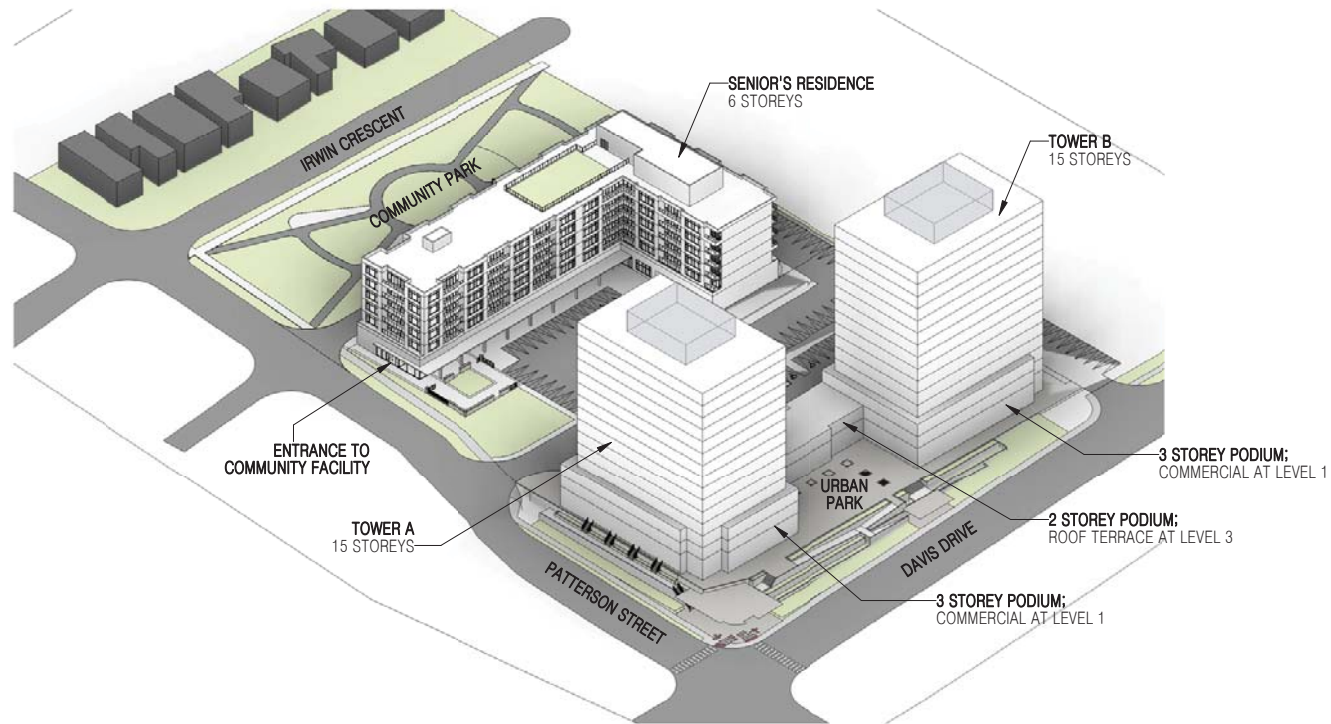
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SCENARIO 2 - AERIAL VIEW

2018-12-07

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Newmarket, ON



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Comparison Sheet of Redevelopment Scenarios 1 & 2

Scenario 1	Scenario 2
Properties: 693 Davis Drive, 713 Davis Drive and the southerly 21m of 35 Patterson Street	Properties: 693 Davis Drive, 713 Davis Drive and 35 Patterson Street
Conceptual Rendering	
	
Implement the vision of the Secondary Plan?	
Yes, in a staged manner. Davis Drive / tower portions are redeveloped without precluding future redevelopment of the arena portion.	Yes, in a comprehensive manner.
Building Heights	
<p>Towers:</p> <ul style="list-style-type: none"> • Tower A: 15 Storeys (47m) • Tower B: 15 Storeys (47m) <p>Podium:</p> <ul style="list-style-type: none"> • 2-3 storeys (max 11m) 	<p>Towers:</p> <ul style="list-style-type: none"> • Tower A: 15 Storeys (47m) • Tower B: 15 Storeys (47m) <p>Podium:</p> <ul style="list-style-type: none"> • 2-3 storeys (max 11m) <p>Mid-rise:</p> <ul style="list-style-type: none"> • 6 storeys (22m)
Density	
<p>Tower portion:</p> <ul style="list-style-type: none"> • 3.0 	<p>Tower portion:</p> <ul style="list-style-type: none"> • 3.0 <p>Mid-rise portion:</p> <ul style="list-style-type: none"> • 2.0
Section 37 Bonusing Required?	
Yes, for Davis Drive tower portions	Yes, for Davis Drive tower portions
Total Number of Residential Units	
<p>Tower portion: 289</p> <p>TOTAL: 289</p>	<p>Tower portion: 289</p> <p>Mid-rise portion: 120</p> <p>TOTAL: 409</p>
Inclusion of Mid-rise?	
No	Yes
Inclusion of Commercial Presence along Davis Drive?	
Yes, 1260 sq m	Yes, 1260 sq m
Inclusion of indoor Community Facility area?	
No	Yes, 798 sq m
Parkland	
<p>1. Urban Park fronting on Davis Drive</p>	<p>1. Urban Park fronting on Davis Drive</p> <p>2. Community Park fronting on Irwin Crescent</p>
Require Sale of Arena Property?	
Yes, the southernmost 21m at a minimum.	Yes, in its entirety.



Town of Newmarket
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Newmarket, Ontario, L3Y 4X7

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

By-Law to Regulate Backflow Prevention Staff Report to Council

Report Number: 2019-48

Department(s): Development & Infrastructure Services, Public Works Services

Author(s): Luigi Colangelo

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled By-Law to Regulate Backflow Prevention dated March 13, 2019 be received; and,
2. That Council adopt a New Backflow Prevention Bylaw to regulate the installation and testing of backflow preventers, as described in this report and set out in Attachment 1; and,
3. That a copy of The Town of Newmarket's Backflow Prevention Bylaw be placed on the Town of Newmarket Website; and,
4. That new administration fees for surveys and testing of Backflow Preventers be added to the 2019 Fees and Charges as set out in Attachment 2, and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

To help protect the safety of the Town's drinking water system and its users by implementing a mandatory bylaw to install and inspect backflow prevention devices in all Industrial, Commercial, Institutional and Multi-Residential properties.

Background

This report is to follow-up on the information report (2018-52) on the proposed backflow prevention program provided to Council on November 13, 2018. A cross-connection is defined as "any actual or potential connection between a potable water system and any

source of possible pollution or contamination”. Cross-connections are present in every drinking water system and are potentially dangerous sources of contamination if the Town’s water distribution system is not protected against backflow. Backflow occurs when water flows from private properties back into the municipal water distribution system. This can occur due to higher pressures generated on the private side of the water service connection or lower pressure within the municipal system due to a water main break or fire hydrant use. Due to the resulting health hazards, it is important for the municipality to have an effective backflow prevention program and By-Law in place to control these hazards.

The proposed Backflow Prevention By-Law will regulate the installation and testing of backflow prevention devices to minimize the potential of contaminants entering the municipal water distribution system and placing it at risk; and to establish a system of recourse and penalties for non-compliance for all new and existing Industrial Commercial and Institutional (ICI) properties including mixed use properties as well as multi-residential properties.

These requirements are consistent with the Town’s Drinking Water Quality Management System (DWQMS) and Quality Management System (QMS) Policy which states that:

- The Town of Newmarket Water Distribution System is recognized by the Ministry of the Environment Conservation and Parks (MECP) previously known as Ministry of Environment & Climate Change (MOECC) as a Large Municipal Residential Drinking Water System.
- The Town of Newmarket is committed to the consistent delivery of safe drinking water through compliance with applicable legislative and regulatory requirements.
- The Town will strive to achieve this goal through the implementation, maintenance, and continuous improvement of the Quality Management System.

Discussion

The Town’s Water Distribution System is regulated by the Safe Drinking Water Act, 2002 and applicable regulations and adheres to the Town’s Quality Management System Policy

It is important to note that the Safe Drinking Water Act, 2002, Section 19 requires those with decision-making responsibility for a water system or those with operating authority, to demonstrate a “standard duty of care”. This requirement applies to members of Council and senior municipal officials. In 2011 as part of the Annual Drinking Water Inspection Report, the MECP recommended that “the Town of Newmarket develop a program, policy, or By-Law that requires the installation, inspection, and maintenance of backflow preventers at high hazard facilities (any industrial, commercial, institutional and agricultural facilities)”.

Part 7 of The Ontario Building Code (OBC) has required the installation of backflow prevention devices on fixtures or areas within the facility since 2006. However it was not until 2014 that complete premise isolation was required for Severe and Moderate hazard levels due to a cross connection or potential cross connection within the entire facility. Premise isolation is achieved through the installation of a backflow preventer immediately after the water meter in order to protect the Towns drinking water system from contamination.

The OBC requires that a backflow prevention device be selected and installed in accordance with Canadian Standards Association (CSA) B64 series standards. However, the OBC does not give authority to plumbing inspectors to re-enter a building for the purposes of inspecting backflow prevention devices to ensure they are being tested annually. It also does not give them the authority to inspect existing buildings to ensure that adequate backflow protection is in place. The Backflow Prevention Bylaw will give the Town this authority.

A backflow prevention By-Law would require the installation and annual maintenance and testing of backflow prevention devices for severe or moderate hazards in order to protect the drinking water system from potential contamination. Minor hazards will require testing every five years.

The proposed By-Law is limited to industrial, commercial, institutional, multi-residential and mixed use properties only. There are approximately 900 properties that would be subject to the by-law. Several of these properties already meet the requirements of the proposed By-Law and would only be required to perform the survey and submit the information requested.

The facility survey that must be completed by a qualified person recognized under the Authorized Functions List (Attachment 3) will identify any properties that currently meet the proposed By-Law, require retrofitting for the purpose of premise isolation, improper devices, or annual maintenance and testing.

Records of installed backflow preventers have only been compiled with the Building Department since 2016. Consequently the number of properties not meeting the proposed requirements is unclear. Additionally, many properties that are classified under ICI may not require backflow prevention as per the criteria set out in the proposed By-Law.

The survey will identify the manufacturing methods or service the facility provides, level of hazard (severe, moderate, minor) or requirements of backflow protection. Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, provided no other testable device is located within the facility and at the sole discretion of the Director.

The majority of large municipalities within Ontario have already established a similar By-Law which include Markham, Richmond Hill, Vaughan, Guelph, and Grimsby to mention a few.

Conclusion

Business Plan and Strategic Plan Linkages

Focusing on health, safety and the environment to promote activity, innovation and create a truly livable and engaged community means we are: • Ensuring community safety and security • Encouraging environmental protection.

Consultation

Through funding from the Clean Water and Wastewater Fund (CWWF), DFA Infrastructure International Inc. was selected as the consultant to develop the Backflow Prevention Program. The Project Team also includes staff from Public Works Services, Communications, Building, By-Laws, Customer Service and Legal Services.

Best Management Plans were reviewed from several other municipalities, regulatory agencies, and industry leaders.

An open house was held at the Operations Centre on the evening of February 19, 2019 to present the proposed program and obtain feedback from customers. Invitations to the open house were sent directly to all ICI and Multi residential customers through inserts in their water bills in January 2019. Program information and notice of the open house were also placed on the Town's website. However no customers attended. Staff has since been working with the Economic Development Department to reach out to the business associations and their membership to increase program awareness and obtain feedback. The feedback from only a few customers to date has been in support of the program. Future consultation will include staff from Information Technology to establish the capability for customers to directly submit the information on-line.

Human Resource Considerations

Immediate staffing levels are not impacted as a result of the recommendations in this report. Staffing of 0.5 FTE will be recommended in the 2020 draft budget. This may be accommodated through a 50/50 sharing of responsibility through the water meter replacement coordinator.

Budget Impact

The 0.5 FTE would be partially or fully funded by the Administration Fee's collected.

Attachments

Attachment 1. Proposed By-Law

Attachment 2. Proposed Administration Fees

Attachment 3. Authorized Functions List

Approval

Chris Kalimootoo

Director, Public Works Services

Peter Noehammer

Commissioner, Development & Infrastructure Services

Contact

Luigi Colangelo, Manager

Water Waste/Water Services

905.895.5193 extension 2553



Corporation of the Town of Newmarket

By-law 2019-XX (May 2, 2019)

A By-law to regulate cross connections and backflow prevention in private plumbing systems as required to protect the Town of Newmarket's drinking water system from contamination.

Whereas section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that The Corporation of the Town of Newmarket (the "Town") may pass By-Laws relating to public utilities, including matters affecting water distribution, and for the purposes related to health, safety and well-being of persons;

And whereas subsection 11(1) of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every owner of a municipal drinking water system to ensure that all water provided by the system meets the requirements of drinking water quality standards and that the drinking water system is operated in accordance with the *Safe Drinking Water Act, 2002*;

And whereas section 19 of the *Safe Drinking Water Act, 2002*, S.O. 2002, c. 32, as amended, requires every person who oversees or has decision-making authority over a municipal drinking water system to exercise the level of care diligence and skill that a reasonable prudent person would be expected to exercise in a similar situation and act honestly competently and with integrity with a view to ensuring the protection and safety of the users of the municipal drinking water system;

And whereas Part 7 (Plumbing) of the Building Code (as defined in this By-Law) requires potable water systems to be protected from contamination;

And whereas contamination of the Town's drinking-water system can arise as a result of a backflow incident from a private plumbing system that is attached to the Town's municipal drinking-water system and such contamination of the municipal drinking-water system can have an adverse impact on the health, safety and well-being of the users of the Town's drinking water;

And whereas, the Town desires to put mechanisms in place so as to minimize the potential or discharging of a contaminating substance into the municipal drinking-water system

Now therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. SHORT TITLE

1.(1) This By-Law shall be known as the "Backflow Prevention By-Law."

2. DEFINITIONS

2.(1) The following words as set out in this By-Law shall have the following meanings:

"Authorized Functions List" means the list of functions and the persons with the required qualifications authorized to carry out such functions as set out in Schedule "A" of this By-Law;

"Auxiliary Water Supply" means any water source or system, other than the Town's potable water distribution system, that may be available in a building or structure on any property;

“Backflow” means the flowing back of or reversal of the normal direction of the flow of water;

“Backflow Preventer” means a device or a method that prevents backflow in a water distribution system and includes, but is not limited to, a reduced pressure principle assembly, a dual check valve and a double check valve;

“Building” shall have the same meaning as set out in Building Code Act and includes anything constructed or built permanently or temporarily which is provided with a source of potable water;

“Building Code (OBC)” means the regulations, as amended from time to time, made under section 34 of the Building Code Act;

“Building Code Act” means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or successor thereto;

“Cross Connection” means any actual or potential connection between a potable water system and any source of pollution or contamination and includes any by-pass, jumper connection, removable section of pipe, swivel or changeover device and any other temporary or permanent connecting arrangement through which backflow may occur;

“Cross Connection Control Survey Report” means a report which shall include all cross connections identified, the existing method of protecting those cross connections and corrective measures, recommendations and a date for which each device will be installed on the Town’s prescribed form, as amended from time to time;

“Cross Connection Control Survey Report Fee” means the prescribed fee, if any, as set out in the Town’s Fees and Charges By-law, as amended from time to time;

“CSA Standard” means the document entitled B64.10-17/B64.10.1-17 – ‘Selection and installation of backflow preventers/Maintenance and field testing of backflow preventers’, as well as any other standards documents that are applicable to backflow prevention works, installation, testing and maintenance, published by the Canadian Standards Association, as amended or any successor thereof;

“Director” means the Director of Public Works Services or any person authorized by the aforesaid to act in his/her place;

“Fire Service Main” as defined by the Ontario Building Code means a pipe and its appurtenances that are connected to a source of water and that are located on a property as follows:

- I. Between the source of water and the base of the riser of a water-based fire protection system;
- II. Between the source of water and inlets to foam making systems;
- III. Between the source of water and the base elbow of private hydrants or monitor nozzles;
- IV. As a fire pump suction and discharge piping not within a building; or
- V. Beginning at the inlet side of the check valve on a gravity or pressure tank

“Initial Administration Fee” means a one-time administration fee, as set out in the Town’s Fees and Charges By-law, as amended from time to time, due upon submission of the first Cross Connection Control Survey Report;

“Minor Hazard”; means any type of cross-connection or potential cross-connection that involves a substance that does not affect health but only reduces the aesthetic quality of the water, as defined by the CSA Standard;

“Mixed Use Building” means residential properties including single family homes where there is a business activity in addition to the property being a home

“Moderate Hazard” means any minor hazard (MH) connection that has a low chance of becoming a severe hazard. The water’s aesthetic qualities have been further reduced

and, under certain conditions, can create a danger to health, as defined by the CSA Standard;

"Multi-residential building" means a residential building that consists of more than five (5) self-contained residential dwelling units, but does not include buildings that only consist of residential single-dwelling units that are solely attached to other residential units on the sidewall (such as semi-detached homes, townhomes or row houses) or single-dwellings that contain basement apartments or annexes;

"Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or successor thereto;

"Municipal Drinking Water System" means municipal drinking water system as defined by Section 2(1) of the *Safe Drinking Water Act* and that is owned and operated by the Town

"Owner" means any person, firm or corporation having control over property to which this By-Law applies and includes the owner registered on the title of the property and any occupant of any building or structure on such property;

"OWWA" means the Ontario Water Works Association

"Person" includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person to whom the context can apply at law and shall also include any group of persons comprising a society, association or other organization and shall include the plural where the context so requires;

"Plumbing System" means a system for water and wastewater not on the Town's right of ways and waterworks easements, separate from the municipal potable water system as defined in the Building Code;

"Potable Water" means water that is safe for human consumption and that complies with section 10 of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, as amended or successor thereto;

"Premise Isolation" means the isolation of a property's private plumbing system from the Town's drinking water distribution system by installing a backflow preventer

"Preventer Test Report" means an inspection and testing report of a backflow preventer containing the make, model, serial number, size, type, installation date, location and installation address and the test results on the Town's prescribed form, as amended from time to time;

"Preventer Test Report Fee" means the prescribed fee, if any, as set out in the Town's Fees and Charges By-Law, as amended from time to time;

"Preventer Test Tag" means a tag, containing the make, model, serial number, size, type, location, installation date and address as well as test history of a backflow preventer;

"Qualified Person" means a person with the qualifications noted in the Authorized Functions List.

"Provincial Watermain Disinfection Procedure" means the most up-to-date version of the Watermain Disinfection Procedure published by the Ministry of the Environment Conservation and Parks, Environmental Assessment and Permissions Division, or its future successor document;

"Residential full flow through fire sprinkler system" means an assembly of pipes and fittings installed in the residential portions of a building containing one or two dwelling units that conveys water from a water service pipe to outlets in the sprinkler system and is fully integrated into the potable water system to ensure a regular flow of water through all parts of the sprinkler system as defined by Part I of the Building Code);

"Severe Hazard" means any type of cross-connection or potential cross-connection that involves water that has additives or substances that, under any concentration, can create a danger to health, as defined by the CSA Standard;

"Town" means The Corporation of the Town of Newmarket;

"Water Meter" means an apparatus at a property/building/structure used to record the amount of water supplied to such property/building/structure by the Town through the municipal water system;

"Water Service Line" means a water line that supplies potable water to the property from the municipal water system.

3. APPLICATION OF BY-LAW AND CROSS CONNECTION PROHIBITION

- 3.(1) This By-Law applies to all existing and proposed industrial, commercial, institutional, multi-residential and mixed use buildings within the Town, except for buildings of residential occupancy within the scope of Part 9 of the Building Code.
- 3.(2) Notwithstanding subsection (1), this By-Law applies to any building where a condition exists, or a condition is created or proposed to be put in place, in a building or structure that is determined by the Director to be hazardous or detrimental to the municipal drinking water system based on the risk of contamination of the municipal drinking water system by such condition.
- 3.(3) Notwithstanding subsection (1), this By-Law applies to any building that has a connection, or where such a connection is proposed or put in place, to the municipal drinking water system and also to any auxiliary water supply, lawn sprinkler or irrigation system (except for residential lawn sprinkler or irrigation systems as defined within the scope OBC Part 9), or fire protection system (except for a residential full flow through fire sprinkler system).
- 3.(4) No person or owner shall connect, cause to be connected, or allow to remain connected to the Town's municipal drinking-water system or any other potable water system any plumbing, piping, fixture, fitting, container, appliance, vehicle, machine or the like in a manner which may under any circumstance allow water, waste water or any other liquid, chemical or substance to enter such municipal drinking-water system or potable water system, except where suitable backflow prevention is provided in compliance with the provisions of this By-Law.
- 3.(5) No person or owner shall connect, cause to be connected, or allow to remain connected any auxiliary water supply or private well to a plumbing system which is supplied by the Town's municipal water system, unless appropriate premise isolation provided.
- 3.(6) In a situation where any requirements of the Ontario Building Code or other By-Law or regulation conflict with the requirements of this By-Law, the requirement that provides the highest amount of premise isolation shall apply.

4. CROSS CONNECTION CONTROL SURVEY REQUIREMENT

- 4.(1) A Cross Connection Control Survey shall be completed by the owner at the owner's expense and submitted along with the Cross Connection Control Survey Report Fee to the Town within the timeframes noted in Schedule "B" of this By-Law for each of the following situations:
 - (a) The Town notifying the owner of an existing building that a survey is required,
 - (b) The survey anniversary date
 - (c) Change of ownership or change of use or as otherwise required by the Town
 - (d) A new connection being made to a building to which this By-Law applies;

- (e) The circumstances or equipment to which a survey applies changes or is modified that alters, or has the potential to alter, the information contained in a most recent Cross Connection Control Survey that has been provided to the Town; or
 - (f) The use or circumstance of a building changing or being modified in a manner that increases, or has the potential to increase, the hazard level for a plumbing system to which the most recent Cross Connection Control Survey applies.
- 4.(2) A Cross Connection Control Survey shall be carried out for each water service line starting from the water meter to all plumbing in each building linked to such meter and shall include any plumbing that by-passes the water meter
 - 4.(3) A Cross Connection Control Survey shall include any fire service main that is connected to the municipal drinking water system.
 - 4.(4) A Cross Connection Control Survey shall indicate if the risk to the municipal drinking water system is a severe, moderate or minor hazard in accordance with the CSA Standard.

5. TEMPORARY WATERMAIN CONNECTIONS

- 5.(1) Where a temporary watermain is connected to the municipal drinking water system, such as during installation of new or replacement watermains, backflow prevention shall be accomplished in accordance with the Provincial Watermain Disinfection Procedure by the person responsible for the temporary watermain
- 5.(2) If a backflow preventer is required pursuant to 5(1), then it shall be installed, tested and certified in accordance with the requirements of this By-Law.
- 5.(3) A building permit shall not be required for temporary watermain connections

6. INSTALLATION OF BACKFLOW PREVENTION DEVICES

- 6.(1) Selection and installation of the backflow prevention device shall be in accordance with acceptable engineering practices, the requirements of Building Code, manufacturer's specification and CSA Standard for premise isolation.
- 6.(2) Every person installing a backflow preventer or causing a backflow preventer to be installed or replaced shall ensure that:
 - (a) such device is installed in a building structure, unless otherwise directed by the Director;
 - (b) all piping between the water meter and such device does not exceed 3 metres is clearly labelled "no connection permitted";
 - (c) A building permit is obtained from the Town prior installation of the backflow preventer except in cases where an exact replacement of an existing backflow preventer is required; and
 - (d) Inspection of the installation of the backflow preventer is carried out in accordance with the requirements of the building permit and the CSA Standard as the case may be.
- 6.(3) The initial compliance implementation date for all required buildings and structures existing at the date of the passing of this By-Law to meet the backflow prevention device installation requirements of this By-Law shall be no later than the dates stipulated in Schedule "B".
- 6.(4) Premise isolation backflow preventers shall be installed at all buildings with plumbing systems that pose a severe or moderate risk regardless of any area or source backflow prevention devices that may be installed within the plumbing system.
- 6.(5) Plumbing systems that pose a minor risk to the municipal drinking water system may be exempt from the requirement to install a backflow preventer, at the sole discretion of the Director, except as specified in Section 6.(6) and Section 6.(7).

- 6.(6) Plumbing systems with existing area or source backflow prevention devices that pose a minor risk to the municipal drinking water system shall have premise backflow preventers installed.
- 6.(7) Plumbing systems that already have premise isolation backflow preventers installed at the time of passage of this by-law shall be subject to this by-law regardless of risk level
- 6.(8) All costs related to installation of backflow preventers shall be at the Owner's expense.
- 6.(9) The backflow preventer shall be owned and maintained by the Owner
- 6.(10) The Director reserves the right to shorten the date(s) identified in 6(2) for a specific property if deemed to be necessary due to risk of contamination of the Town's water system.
- 6.(11) Every Owner who does not comply with notice to install is guilty of offence.

7. PERSONS PERMITTED TO CARRY OUT WORK

- 7.(1) Only those persons with the required qualifications listed in the Authorized Functions List, attached as Schedule "A", shall carry out the corresponding functions set out therein.
- 7.(2) In addition to the required qualifications listed in the Authorized Functions List, the persons who are permitted to perform the Cross Connection Control Surveys or testing of backflow preventers shall also have and submit proof of the following qualifications in a form satisfactory to the Town:
 - (a) a Tester's Certificate issued by the Ontario Water Works Association or an approved equivalent which has been issued or renewed within five (5) years prior to date of the submission of a Cross Connection Control Survey Report or a Preventer Test Report; and
 - (b) a current calibration certificate for the test equipment issued within the (12) twelve months prior to the date of submission of a Preventer Test Report.
- 7.(3) No person shall submit to the Town any information that is false or inaccurate.
- 7.(4) The proof of qualifications and test equipment calibration required under Section 8(2) shall be submitted at the same time the Cross Connection Control Surveys and Preventer Test Reports are submitted to the Town
- 7.(5) The Owner shall be responsible for ensuring that the persons selected to perform the work are qualified in accordance with 7(2).

8. TESTING OF BACKFLOW PREVENTERS

- 8.(1) Every owner who has a backflow preventer installed on his or her property shall ensure, at the owner's expense, that:
 - (a) the backflow preventer is maintained in proper working condition;
 - (b) such a device is tested when it is first installed and annually thereafter, , or when requested by the Director, and also when it is cleaned, repaired, overhauled or relocated;
 - (c) notwithstanding (b) any building with premise isolation that has a plumbing system identified as a minor hazard shall have its premise isolation backflow preventer tested every 5 years.
 - (d) when such device is tested, that a Preventer Test Report of such a test is completed;
 - (e) the Preventer Test Report is submitted to the Town within the timeframe specified in Schedule "B" along with the Preventer Test Report Fee;

- (f) in the event that such a device is malfunctioning or otherwise not in proper working order, cause the device to be repaired or replaced; and
- (g) whenever a device is tested, a test tag is affixed to the device.

8.(2) Every qualified person who tests a backflow preventer shall:

- (a) provide a legible Preventer Test Report to the owner of the premises subject to such a test;
- (b) upon completing such test, supply, complete and affix a Preventer Test Tag to the device or immediately adjacent to the device on the piping connected thereto; and
- (c) upon finding that such device is malfunctioning or otherwise not in proper working order, immediately notify the owner of the building subject to such a test and the Town of such condition.

9. BACKFLOW TEST EQUIPMENT MAINTENANCE

9.(1) Where required by the CSA Standard, all equipment used to test backflow prevention devices shall be verified and/or calibrated for accuracy. Proof of such verification and/or calibration shall be presented to the Town upon request and in conjunction with the submission of Preventer Test Reports.

10. GENERAL PROVISIONS

- 10.(1) Notwithstanding anything this By-Law, the Town may at any time order an owner to conduct tests, provide reports, including a Cross Connection Control Survey Report or a Preventer Test Report, and undertake any other measures required for the prevention of backflow or protection of a cross connection.
- 10.(2) Reports identified in this By-Law shall be submitted to the Public Works Services within timeframe specified in Schedule "B" for the related work, or as otherwise specified by the Director.
- 10.(3) The selection, maintenance, and field testing of backflow prevention devices shall be in accordance with the CSA Standard and the Building Code, or by a professional engineer using the CSA Standard.
- 10.(4) An owner shall obtain, or ensure that it is obtained, a building permit pursuant to the Town's Building By-Law in order to install, modify or perform any corrective action, or to remove a backflow preventer and any related plumbing.
- 10.(5) Where a timeframe is set out in this By-Law for carrying out any action, the Town may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Town.

11. CORRECTIVE ACTIONS ON CROSS CONNECTION CONTROL DEFICIENCIES

- 11.(1) Every owner shall take corrective actions on any deficiencies or to address any recommendations made by a qualified person or identified either on a Cross Connection Control Survey Report or on a Preventer Test Report for his or her property.
- 11.(2) Should a condition be found on a property which is in contravention of this By-Law, the Town may:
 - i) Issue an order to the owner to correct the issue at the owner's expense within a specified time period and if the order is not complied with, the Town may discontinue the supply of water from the municipal drinking water system to the plumbing system, and/or;
 - ii) Without notice to the owner, discontinue the supply of water from the municipal drinking water system to the plumbing system, where the Town, at its sole discretion, has determined that an immediate severe hazard exists that could result in contamination of the municipal drinking water system, and/or;

- iii) Issue any order or require any work to be undertaken as otherwise permitted pursuant to this By-Law.

12.REMOVAL OF BACKFLOW PREVENTION DEVICES PROHIBITED

- 12.(1) No owner of a building in which a backflow preventer is installed shall cause or permit the removal of such device, or part thereof, unless such removal is to immediately replace the device with another device that meets or exceeds the provisions of this By-Law or such removal is due to change of the function of a building or structure into a category to which this By-Law does not apply or that would not require a backflow preventer and such removal is approved by the Director.

13.ADMINISTRATION AND ENFORCEMENT

- 13.(1) The Director shall be responsible and is delegated the power to administer and enforce this By-Law, including prescribing the content of any forms or other documents required under this By-Law from time to time.
- 13.(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.

14.POWER OF ENTRY

- 14.(1) The Town 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) The provisions of this By-Law;
 - (b) An order issued under this By-Law;
 - (c) Condition of any permit or licence issued under this By-Law; or
 - (d) An order made under section 431 of the Municipal Act.
- 14.(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.
- 14.(3) The Town may undertake an inspection pursuant to an order issued under section 438 of the Municipal Act.
- 14.(4) Pursuant to Section 435 of the Municipal Act, the Town's power of entry may be exercised by an employee, officer or agent of the Town, or by a member of the York Regional Police Service, as well as by any person under their direction
- 14.(5) When entering a property under this By-Law, the person exercising the power of entry:

- (a) Shall provide identification to any person requesting identification during the course of the entry;
 - (b) May be accompanied by a person or persons under their direction; and
 - (c) Shall not enter or remain in any room or place actually used as a dwelling unless at least one of the conditions set out in section 437 of the Municipal Act is met.
- 14.(6) Under the authority of this By-Law, no person shall decline or neglect to give, produce or deliver any access, information, document or other thing that is requested by the Town carrying out an inspection.
- 14.(7) Where the Director or any Town municipal law enforcement officer is satisfied that a contravention of this By-Law has occurred, such person may make an order 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 to do work to correct the contravention at the person's expense.
- 14.(8) Whenever this By-Law or an order issued under this By-Law directs or requires any work or thing to be done by any person, in default of it being done by the person directed or required to do it, such work may be done by the Town or its agents at that owner's expense and the Town may recover all costs and expenses incurred through a legal action or by recovering such costs in the same manner as taxes.
- 14.(9) The Town may, in addition to taking any other steps, shut off the water supply to a property or any portion of a property if the Director deems that a threat of contamination exists from such a property that can endanger public health or safety until such time as the threat of contamination is eliminated.
- 14.(10) Service of an order shall be posted at the site of the address of the Owner shown on the most current tax assessment roll or delivered through regular mail to the address of the Owner shown on the most current "Tax Assessment Roll". Where service is made by regular mail, it shall be deemed to have been received by the Owner on the fifth Business Day after the date of mailing.
- 14.(11) No Person shall hinder or obstruct, or attempt to hinder or obstruct an employee, officer, agent or contractor of the Town or other Person so authorized by the Town who is performing a duty or exercising a power under this By-Law pursuant to section 426 of the Municipal Act.
- 14.(12) When the Town has provided advance notice to exercise a power of entry in accordance with the requirements of this By-Law and the Owner or occupier, within the time set out in the Town notice, has not provided access, the Owner will be charged a "missed appointment or service refusal" fee as set out in the Fees and Charges By-Law to compensate the Town for costs incurred in attempting access and for each subsequent attempt.

15. PENALTY PROVISIONS

- 15.(1) Every Person who contravenes a provision of this By-Law, including an order issued under this By-Law is guilty of an offence.
- 15.(2) Any person who is in contravention of any provision of this By-Law, or who fails to comply with an order issued under this By-Law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 15.(3) If any order has been issued under this By-Law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.

15.(4) Any person who is guilty of an offence under this By-Law, and upon conviction shall be subject to the following penalties as established pursuant to the Municipal Act:

- a) Upon first conviction, the minimum fine shall be Three Hundred Dollars (\$300.00) and the maximum fine shall be Fifty Thousand Dollars (\$50,000.00);
- b) Upon a second or subsequent conviction for the same offence a fine shall be a minimum of Four Hundred Dollars (\$400.00) and the maximum fine shall be One Hundred Thousand Dollars (\$100,000.00); and
- c) upon conviction for a continuing offence, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

15.(5) For the purposes of this By-Law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-Law.

15.(6) For purposes of this By-Law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

15.(7) 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 make an order prohibiting the continuation or repetition of the offence by the person convicted.

16. PROCEEDS OF FINES

16.(1) Pursuant to subsection 433 (1) of the Municipal Act, where a Person has been convicted of any offence under this By-Law, every fine imposed for a contravention of this By-Law belongs to the Town.

17. SPECIAL FINES

17.(1) In addition to any other fine, every Person who gains an economic advantage or economic gain from contravening this By-Law, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from such contravention. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

18. UNPAID FINES

18.(1) Pursuant to Subsection 441.1 of the Municipal Act, 2001, S.O. 2001, c. 25, the treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collect it in the same manner as taxes.

19. GENERAL BY-LAW ENFORCEMENT POWERS/ORDERS TO DISCONTINUE ACTIVITY

19.(1) Pursuant to section 444 of the Municipal Act, the Town may make an order requiring any Person, who contravened this 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.

20. WORK ORDER

- 20.(1) Pursuant to section 445 of the Municipal Act, the Town may make an order requiring any Person, who contravened this By-Law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

21.OBSTRUCTION

- 21.(1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-Law.

22.NOTICE

- 22.(1) Where an order is issued by the Town, the Person is in receipt of the order on the date it is posted in a conspicuous place at the subject Property. The Person is deemed to be in receipt of the order, if the order is delivered personally or posted by mail five (5) Business Days at the last known address provided to the Town. If no address for the Person has been provided, then the Town will send the notice by mail to the Property address identified on the tax rolls.

23.FEES

- 23.(1) Any fees and administrative costs associated with this By-Law are non-refundable.
- 23.(2) 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.

24.SEVERABILITY

- 24.(1) Notwithstanding that any section, or any part or parts thereof, of this By-Law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof shall be deemed to be severable, and all other sections of this By-Law, or parts thereof, are separate and independent there from and enacted as such

25.REPEAL

- 25.(1) All By-Laws of the Town previously providing for regulating cross connections and backflow prevention in private plumbing systems and related appurtenances are hereby repealed.

26.INTERPRETATION

- 26.(1) The provisions of Part VI of the Legislation Act, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-Law.

27.EFFECTIVE DATE

- 27.(1) This By-Law comes into force on the day it is passed.

- 27.(2) Enacted this xx day of xxxx, 2019.

John Taylor, Mayor

Kiran Saini, Acting Town Clerk

Backflow Prevention Program - Administration Fees	Fee	H.S.T	Total
Preventer Test Report Fee (Annually for Severe and Moderate Hazard - Every five years for minor hazard)	\$21.03	\$2.73	\$24
Cross Connection Control Survey Report Fee (Every 5 yrs with report submission)	\$42.07	\$5.47	\$48
Initial Administration Fee (One-time fee due Fall 2019 with submission of first First Cross Connection Control Survey Report - Includes First Cross Connection Control Survey Report Fee)	\$58.69	\$7.63	\$66
Late Fee - Surveys	\$15.10	\$1.96	\$17
Late Fee - Test Reports	\$15.10	\$1.96	\$17



Corporation of the Town of Newmarket

By-law 2019-XX: Schedule A

SCHEDULE "A" TO BY-LAW NUMBER 2019 - xx - AUTHORIZED FUNCTIONS LIST

Item	Authorized Function	Professional Engineer with Tester's Certificate	*Certified Engineering Technologist with Tester's Certificate	Licensed Master Plumber with Contractor's License and Tester's Certificate	** Journeyman Plumber with Tester's Certificate	***Apprentice Plumber with Tester's Certificate	Licensed Master Sprinkler and Fire Protection Installer with Tester's Certificate	** Journeyman Sprinkler and Fire Protection Installer with Tester's Certificate
1	Carry out Cross Connection Survey	YES	YES	YES	YES	YES	NO	NO
2	Install, Relocate or Replace Backflow Prevention Device	NO	NO	YES	YES	YES	NO	NO
3	Repair of Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO
4	Test Backflow Prevention Device	YES	YES	YES	YES	YES	NO	NO

* Required to be under the direction of a Professional Engineer.

** Required to be under the direction of a Licensed Master, except if working in-house.

*** Required to be under the direct supervision of a Journeyman Plumber, if working in-house, or a Licensed Master Plumber.

For the purposes of this Schedule "A", a Tester's Certificate means an Ontario Water Works Association Cross Connection Control Specialist Certificate or an American Society of Sanitary



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

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

Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent Staff Report to Council

Report Number: 2019-49

Department(s): Planning and Building Services

Author(s): D. Ruggle

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Application for Zoning By-Law Amendment 247 and 251 Kathryn Crescent dated May 21, 2019 be received; and,
2. That application for Zoning By-Law amendment, as submitted by Kariminejad Nobari, for lands on the north side of Kathryn Crescent, be referred to a statutory public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Reza Hayati, Sunrise Constrade Corp., 7368 Yonge Street, Unit 210, Thornhill, L4J 8H9 be notified of this action.

Executive Summary

Staff have reviewed the development proposal for the subject lands against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is sufficiently advanced to warrant referral to the required statutory public meeting.

Purpose

The purpose of this report is to provide Council with the details of the application, the comments to date, and to recommend referral of the zoning application to the required statutory public meeting.

Background

An application for Zoning Amendment has been submitted by Siavash Kariminejad Nobari, Zahar Kariminejad Nobari and Faras Kariminejad Nobari (Kariminejad Nobari) to rezone the subject land from the Residential Detached Dwelling 15m (R1-D-119) zone to the Residential Detached Dwelling 12m (R1-E) zone to facilitate the division of these two lots into three separate building lots for single detached dwellings generally as shown on the attached conceptual development plan. If this rezoning application is approved, the applicant will be required to apply for consent to sever the property.

Discussion

Site Description

- the Subject lands currently contain two single storey, single detached dwellings, both with a ground floor area of approximately 120 metres.
- 247 Kathryn Crescent has a lot area of approximately 610m²
251 Kathryn Crescent has a lot area of approximately 585m²
- There are 5 mature trees on the subject lands. One significant tree in the front yard proposed to be removed (discussed further in this report)
- the surrounding land uses are:
 - North: Low density residential on Kathryn Crescent and Avenue Road
 - South: Low density residential on Kathryn Crescent, some commercial and service uses on Eagle Street
 - West/East: Existing low density residential

Preliminary Review

Official Plan Considerations

The Subject Property is designated Stable Residential on Schedule A - Land Use Plan to the Town's Official Plan. The main objectives of the Stable Residential designation are to sustain and enhance the character and identity of existing residential communities as well as encourage the preservation and maintenance of existing housing stock.

Section 3.9 of the Official Plan indicates that infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole is a permitted form of intensification within the Stable Residential designation. The creation of new lots for the purpose of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal, availability of hard services and road access requirements.

As the proposed rezoning is intended to facilitate consent applications to create a total of 3 building lots, compliance with Section 16.1.5 Consents is required. This section indicates that applications for consents shall only be granted where:

- a. the severance is for the purpose of infilling within existing development;
- b. a plan of subdivision is not necessary;
- c. the number of lots created is three or less;
- d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e. no extension, improvement or assumption of municipal services is required;
- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g. the lot will not restrict the ultimate development of adjacent lands;
- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i. the consent complies with all relevant provisions of this Plan.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;
- b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
- c. potential nuisance effects upon adjacent uses are mitigated;
- d. adequate municipal services are available;
- e. the size of the lot is appropriate for the proposed uses;
- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
- g. the on-site parking, loading and circulation facilities are adequate; and,

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

With regard to the above requirements, the uses permitted within the stable residential designation are single family and semi detached dwellings. This infill proposal for a total of 3 single family dwelling lots proposes frontages of 12.19m. Properties on the same side of Kathryn Crescent have frontages of approximately 18m where the properties adjacent to the subject lands, on the south side of Kathryn Crescent have frontages of approximately 15m. It does not appear that the proposed rezoning will have any nuisance effects on adjacent uses and municipal services are available for the lands. The proposed lots are of sufficient size to accommodate a single family dwelling however require a rezoning to do so due to the proposed lot frontage width.

As Eagle Street is a primary collector road and this proposal would add a single unit to the street, we do not anticipate any traffic impacts if this application is approved. The site is of sufficient size to accommodate parking requirements of the Zoning By-Law. A public meeting will be held in accordance with the Planning Act.

Established Neighbourhoods Compatibility Study and Interim Control By-Law

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

As residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment, concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current zoning by-law regulations, but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

Council recently directed staff to initiate a study of existing established neighbourhoods to examine the regulatory framework of the Town's Zoning By-law and Official Plan and propose recommendations for amendments that will assist in maintaining the existing character of the mature neighbourhoods.

Interim Control By-law (ICB) 2019-04, which regulates new residential buildings and additions, was passed by Town Council on January 21, 2019 and is a temporary by-law put in place while Council studies the issues of compatibility in established neighbourhoods. Council directed staff to bring forward the by-law to prevent significant new residential dwellings and additions until such time as they implement new policies

to address the issue. The study includes public consultation and outreach and is intended to conclude by the end of 2019 or shortly thereafter. The intent is that the neighbourhoods will be defined and studied to determine the important aspects and characteristics of the neighbourhoods and draft policies and standards for new buildings and additions in an attempt to ensure compatibility with the existing homes.

As this application for Zoning By-Law Amendment was submitted and declared complete prior to the enactment of the Interim Control By-law, it is not subject to the ICB policies. However, compatibility remains an important theme in the Town's current Official Plan. The established exemption process for the ICB looks at application against the following two criteria: Physical Character Compatibility and Streetscape Character Compatibility.

Compatibility

The existing neighbourhood is predominantly low density residential with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the pioneer cemetery to the south. A new Townhouse development is currently under construction on Eagle Street to the south of this proposal.

Lot Sizes - There are a range of lots sizes in the area however, they generally fall between 500 and 800 square meters with the predominant zoning in the area (R1-D) having a minimum lot area requirement of 511 square metres. The applicant is proposing three lots, each with a lot area of approximately 400 square metres.

Building Standards – All the existing dwellings on Kathryn Crescent are bungalow or side split style. Two storey dwellings are common in the broader neighbourhood. Existing side yard setbacks range from around 1 metre to 4 metres. The proposal would see side yard setbacks of 1.2 on one side and 0.65 metres to 1.11 metres on the other, providing a minimum of 1.8 metres building separation. The existing homes on Kathryn Crescent generally have floor areas between 125 and 200 square meters over one storey. The proposed westerly dwelling is intended to have a Gross Floor Area of 211.7 square metres. The other two dwellings are proposed to have a Gross Floor Area of 222.2 square metres. The actual proposed building footprint will be similar or less than those existing on the street, however, over two storeys the Gross Floor Area will be slightly greater than that of the largest home on the street. Many of the homes are built well below the permissions in the zone category.

Garages – A variety of types of garages appear in this neighbourhood including, detached and attached one and two car garages. The proposal details each dwelling with an attached two car garage and associated driveway that would also accommodate two vehicles.

Streetscape – The single storey nature of the dwellings along with building setbacks gives this street a very open and airy feel.

Zoning Bylaw Considerations

The subject lands are currently zoned Residential Detached Dwelling 15m (R1-D-119) by By-law 2010-40. The applicant is proposing to rezone the property to the Residential Detached Dwelling 12m (R1-E) Zone to facilitate future consent applications to redevelop these lands with three single family detached dwelling lots of 12.19m frontages each. The following table details the proposed zoning standards for each lot which will continue to be reviewed as we proceed through the process.

Table 1- Proposed Specifications

Lot #	Lot Area (M ²)	Frontage (M)	West Side Set Back (M)	East Side Set Back (M)	Rear Set Back (M)	Front Set Back (M)	Building Coverage (%)	Building Height (M)	Total Building Area (M ²)
1	395.58	12.19	1.2	0.76	9.37	7.10	34.60	9.41	222.2
2	400.40	12.19	1.2	1.11	10.16	6.32	33.00	9.38	211.7
3	397.80	12.19	0.65	1.2	10.09	6.90	34.4	9.49	222.2

Provincial Policy Statement

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

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

This proposal appears to be consistent with all relevant provisions the Provincial Policy Statement (2005).

Tree Preservation, Protection, Replacement and Enhancement Policy

The submitted tree review prepared by Central Tree Care Ltd. identifies all trees on the property and on adjacent lands. The report identifies 5 trees and proposes to retain 4 of them. The 5th tree, proposed for removal, is located in the front yard of 247 Kathryn Crescent. This tree is proposed to be removed as it would interfere with a driveway for the most westerly proposed dwelling. The Arborist report indicates that an alteration of the proposed driveway may allow for this tree to be preserved. The driveway would have to be located along the westerly property line and only as wide as needed to enter the proposed garage space. The tree work is currently under peer review.

Departmental and Agency Comments

The Town has received comments from utilities issuing no objections.

Engineering Services have provided the following comments on the application

Stormwater Management (SWM)

The proposed change in zoning would decrease the overall perviousness of the properties resulting in higher peak discharge and runoff volume. It is recommended the applicant be required to provide stormwater management measures to address same. Should the stormwater comments not be satisfactorily addressed prior to Planning's report to council it is recommended a "Holding Provision" be applied.

Grading & Drainage

Under the existing condition the lots drain from the front yard to the rear yard with reverse grade driveways. The documentation submitted with the application shows a drainage scheme with positive drainage from the front of the dwellings to the street. It appears a satisfactory grading design can be accommodated. However, a detailed grading plan for the property will be required at the detailed design stage.

Servicing

It is anticipated new service connections will be required for the proposal as submitted. The applicant will be required to submit a Functional Servicing Report/ Letter with a subsequent development application.

Environmental Reports

A Phase One ESA prepared by Sunrise Constrade Corp. dated October 18, 2018 concludes there are "no Areas of Potential Environmental Concern, and as such, no further investigation is warranted."

Engineering Services has no objection to the proposed Zoning By-Law amendment subject to the above comments.

Conclusion

The subject application Zoning By-Law amendment is sufficiently advanced to warrant its referral to a statutory public meeting.

Business Plan and Strategic Plan Linkages

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

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

Consultation

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the Zoning By-Law.

Human Resource Considerations

n/a

Budget Impact

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Zoning By-law amendment. The Town will also receive revenue from development charges as required by the Town's development charges by-law. Increased property tax assessment revenue would be collected from the development of these lands in the event the applications are approved.

Capital Budget

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

Attachments

Location Map

Proposed Site Plan

Proposed streetscape elevation

Approval

Commissioner Development and Infrastructure
Services

Director of Planning and Building
Services

Senior Planner – Community Planning

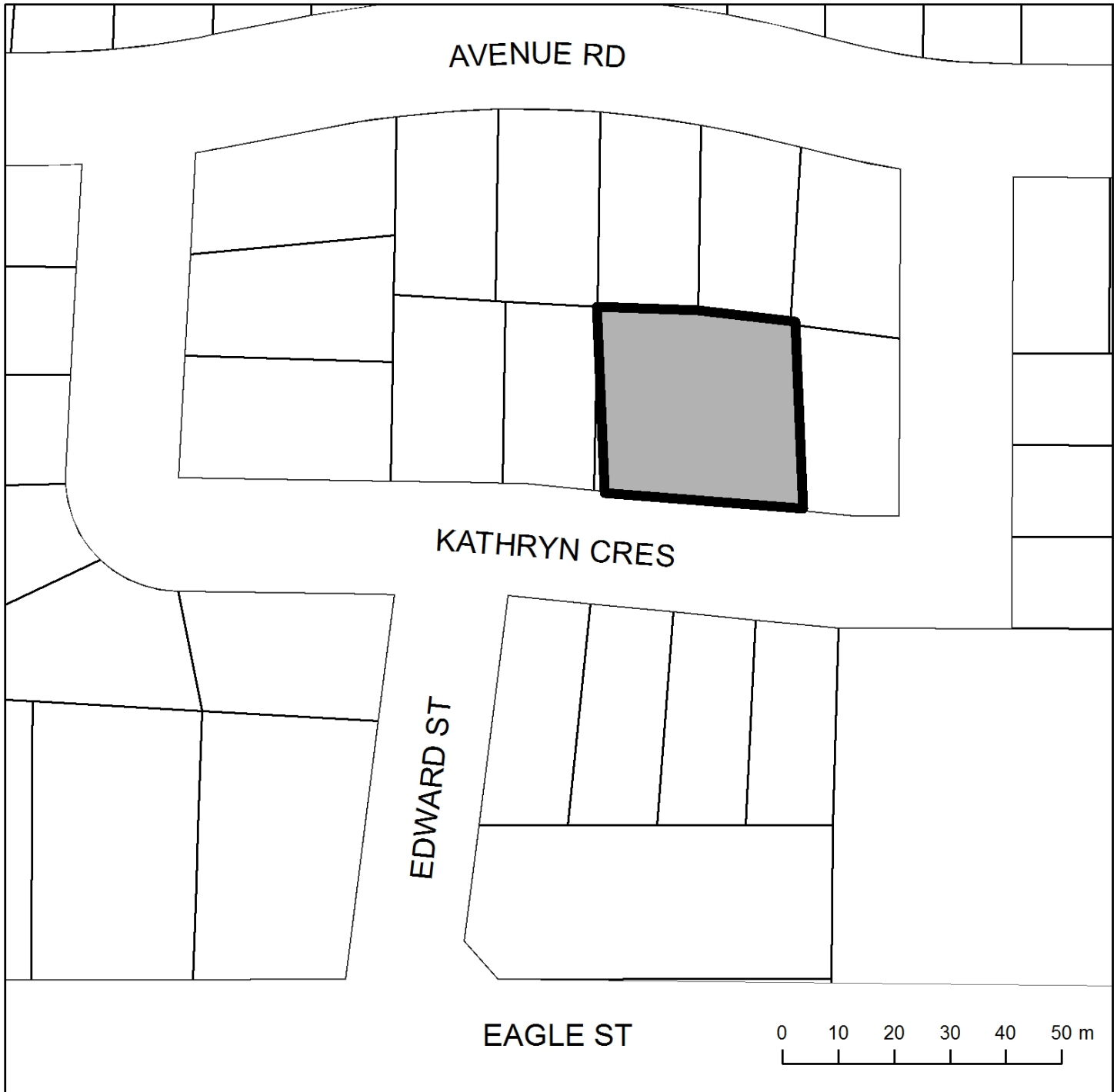
Contact

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

LOCATION MAP

247 and 251 Kathryn Crescent

Town of Newmarket



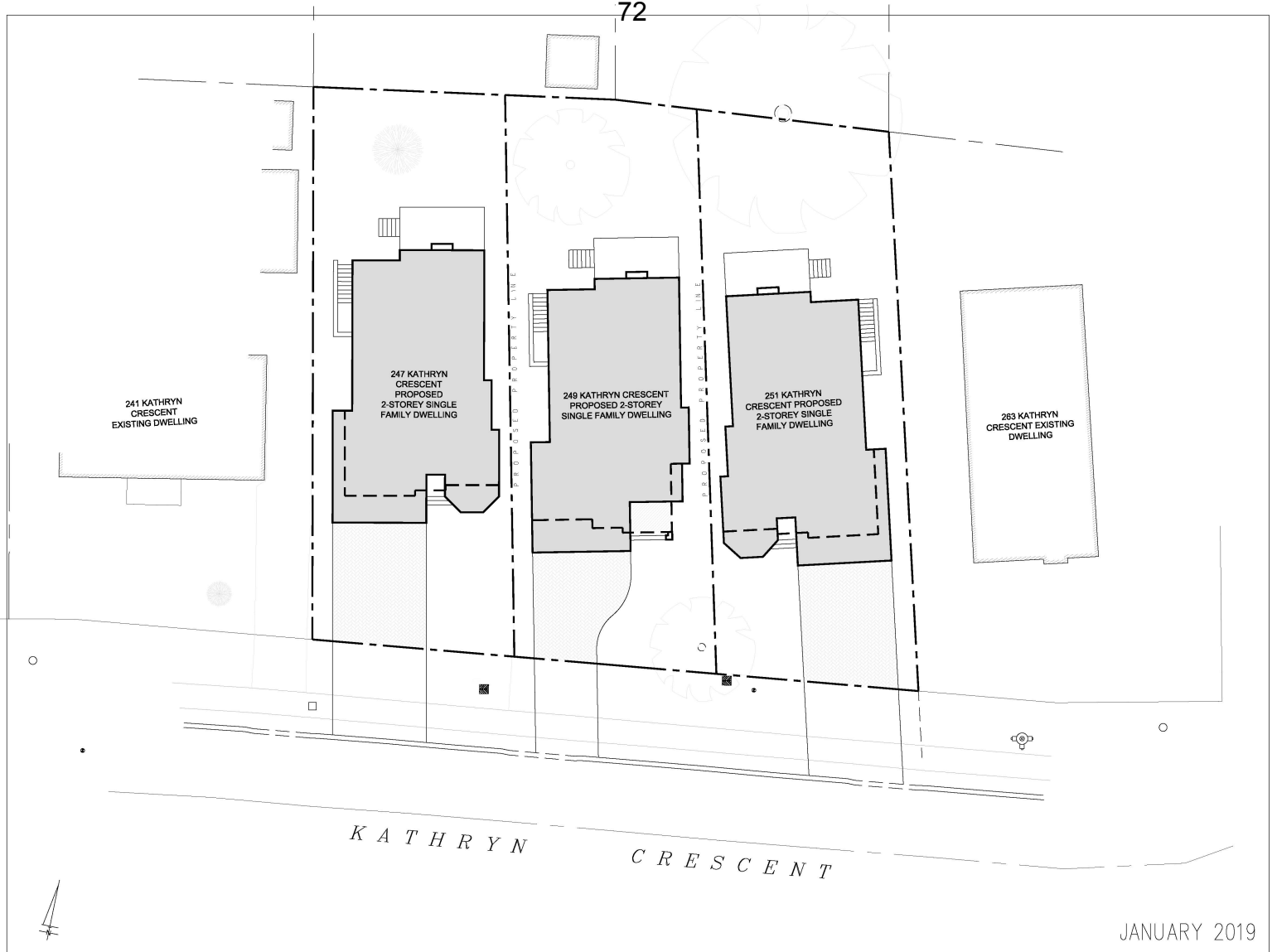
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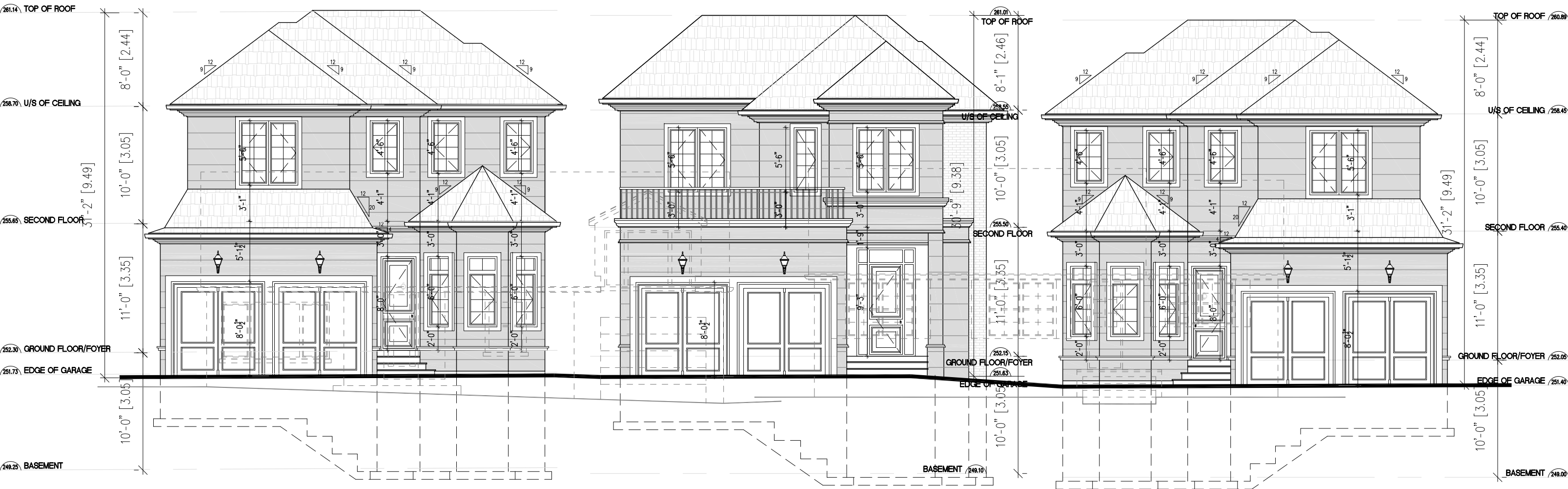
TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS Printed: January, 2019. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2015. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T:\DI Services\Planning\Dave\file related documentation\247 251 Kathryn\location map for complete application.mxd





NO.	DATE	DESCRIPTION	BY
1	2018-12-18	ISSUED FOR ZBA	

General Notes

CONTRACTOR SHALL CHECK ALL DIMENSIONS ON THE WORK SITE AND REPORT DISCREPANCIES TO THE CONSULTANTS BEFORE PROCEEDING.

ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF
CONSULTANTS AND MUST BE RETURNED AT THE COMPLETION OF WORK.
THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNTIL SIGNED BY CONSULTANT.

STAMP	NORTH

SHEET TITLE:

STREETSCAPE- SOUTH ELEVATION

SCALE: 1/8"=1'-0"

PROJECT TITLE:

251 KATHRYN CRESCENT
NEWMARKET, ON L3Y 1L9

DRAWING NO.:
A0-0

DRAWING BY.:
A.S

CHECKED BY.:
R.H



SUNRISE CONSTRADE CORP.
Tel: 905 597 7392
Cell: 647 527 7392



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

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

2019 Annual Servicing Allocation Review Staff Report to Council

Report Number: 2019-50

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled 2019 Annual Servicing Allocation Review dated May 21, 2019 be received;
2. That Council rescind servicing allocation from the following developments:
 - a. 345-351 Davis Drive;
3. That Council reinstate servicing allocation to the following developments:
 - a. The Davis (175 Deerfield Rd)
 - b. Redwood Properties Phase 1 (17645 Yonge St)
 - c. Sundial Phase 2 (Davis Drive W)
 - d. Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd)
 - e. Maple Lane Homes (680 Gorham St);
4. That Council grant servicing allocation to the following developments:
 - a. Goldstein (16333 Leslie St)
 - b. Marianneville / Kerbel Phase 2 (I & I Program)
 - c. 281 Main St N;
5. That the Town's resulting remaining servicing capacity (the Town Reserve) of 3317 persons of allocation (of which 20 persons of allocation is to be held in a Severance Reserve) be maintained; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is twofold: i) to provide Council with recommendations for 2019 regarding the distribution of servicing capacity to development applications on file

that have a residential component; and ii) to provide Council with a general update on the Town's current servicing capacity status.

Background

A review of all development applications involving residential uses is completed annually by staff. This review is completed to assess where development applications are in the process (e.g. in the zoning by-law amendment stage, the site plan approval stage, approved, or under construction). Staff then assesses each application under the Town's Servicing Allocation Policy which seeks to direct servicing capacity to applications within the following Servicing Priority Areas:

1. Allocation Priority Area 1 – Urban Centres Secondary Plan Area
2. Allocation Priority Area 2 – Areas designated Historic Downtown Centre
3. Allocation Priority Area 3 – Areas designated Emerging Residential
4. Allocation Priority Area 4 – Areas designated Stable Residential

Based on the status of each application as well as the conclusions of the Servicing Allocation Policy assessment, staff make annual recommendations to Council regarding servicing allocation for each application.

Discussion

All development applications involving residential uses have been categorized into the following three categories:

1. Recommendations where Servicing has been Previously-Allocated;
2. Recommendations for New Requests for Servicing; and
3. Applications Not Recommended for Servicing Allocation at this Time.

Recommendations where Servicing has been Previously-Allocated

Figure 1 below identifies current development applications that have been granted servicing allocation in the past. Staff monitors the progress of each development and as part of the annual allocation review makes recommendations to either rescind or reinstate allocation depending on the work that has been completed during the past year. These recommendations are provided in the right-hand column.

Table 1 – Recommendations for Applications with Previously-allocated Servicing

Development	Allocation Priority Area	Allocation¹	Status	Recommendation
The Davis Phases 1 & 2 (175 Deerfield Rd)	1	366 apartments (714 people).	Awaiting 2 nd technical site plan submission.	Reinstate
Redwood Properties Phase 1 (17645 Yonge St)	1	184 apartments (359 people).	Awaiting 2 nd technical site plan submission.	Reinstate
Sundial Phase 2 (Davis Drive W)	3	18 semi-detached; 156 townhouses (463 people).	Draft plan approved and zoned (H). Servicing infrastructure in progress.	Reinstate
Landmark Estates Phase 5 (Yonge St and Clearmeadow Blvd)	4	34 semi-detached (98 people).	Draft approved, zoned, servicing infrastructure in progress.	Reinstate
Maple Lane Homes (680 Gorham St)	4	4 apartments (8 people).	3 rd technical site plan submission.	Reinstate
TOTAL		858 units (1829 people)		
345-351 Davis Dr*	1	40 townhouses (106 people)	Incomplete second site plan submission; property listed for sale; concept possibly being revised.	Rescind

¹ Based on persons per unit calculations by dwelling type and including credits for any existing on site units

*345-351 Davis Drive

Council granted approval for this development and granted servicing allocation from the previously-existing Urban Centres reserve in 2016. In 2018, given the lack of activity on the site, Council reinstated the allocation on the condition that a formal response addressing the first submission comments was received by July 30, 2018. The applicant filed a response prior to July 30, 2018, however it was incomplete. The property is currently for sale and staff has met with a few potential purchasers to discuss alternate development plans. Based on the lack of activity on the site as per the approved site-specific zoning, and given the new information regarding potential alternative development plans, staff recommends that the previously granted servicing allocation in the amount of 40 townhouses/106 people be rescinded from this property.

Recommendations for New Requests for Servicing

In addition to development applications that have been granted servicing allocation in the past, there are applications on file that had previously not been granted servicing allocation, but are now adequately advanced in the planning approval process to warrant the allocation of servicing. Table 2 lists these applications.

Table 2 – Recommendations for Applications without Previously-allocated Servicing

Development	Allocation Priority Area	Allocation²	Status	Recommendation
Goldstein* (16333 Leslie St)	n/a (designated Commercial)	5 apartments (10 people as part of mixed-use residential/commercial development).	2 nd technical site plan submission submitted.	Grant
Marianneville / Kerbel Phase 2*	3	4 single-detached (13 people).	Draft plan approved and zoned (H).	Grant
281 Main St N	3	2 semi-detached; 9 townhouses. (30 people subtract credit for demolished single- detached = 27 people)	Awaiting 3 rd site plan submission (H).	Grant
Total		20 units (50 people)		

² Based on persons per unit calculations by dwelling type and including credits for any existing on site units

*Goldstein (16333 Leslie St)

The property is currently designated Commercial in the Town's Official Plan, so it is not specifically contemplated by the Town's Servicing Allocation Policy's priority areas. However, this development does facilitate the completion of a community which is a goal of the Policy and as such, servicing is recommended to be allocated.

*Marianneville / Kerbel Phase 2

Allocation for 4 single-detached units (13 people) has been requested by Marianneville Developments to allow the completion of the first 2 phases of the Glenway application. This allocation is an administrative correction that will reconcile the initially-proposed unit counts of these developments with the total number of units that were ultimately registered.

Applications Not Recommended for Servicing Allocation at this Time

In other cases, development applications are not yet adequately advanced in the planning approval process to warrant the allocation of servicing, and/or they are located in lower priority areas in the Town's Servicing Allocation Policy. As such, they are not being recommended for allocation at this time. However, these applications will be re-considered for allocation reviewed annually as they progress through the approvals process. Table 3 lists these applications.

Table 3 – Applications Not Recommended for Servicing Allocation at this Time

Development	Allocation Priority Area	Allocation ³	Status
Kerbel (17365 & 17395 Yonge St) (I&I Program)	1	360 apartments (702 people).	ZBA application submitted; awaiting resubmission for revised concept.
Clock Tower (Main St / Park Ave)	2	Undetermined.	OMB - Minutes of settlement issued.
Forest Green Homes (16920 Leslie St)	3	350 townhouses (921 people).	OPA/ZBA applications submitted; awaiting revised Draft Plan submission.
Shining Hill (Yonge South) (I&I Program) 16250 Yonge St	3	12 single-detached; 10 semi-detached; 162 townhouses (494 people).	Draft plan approved and zoned (H). 3 rd engineering submission.

³ Based on persons per unit calculations by dwelling type and including credits for any existing on site units

Development	Allocation Priority Area	Allocation ³	Status
Sundial (Balance of plan)	3	22 semi-detached; 222 townhouses (648 people).	Draft plan approved and zoned (H).
Cougs (Silken Laumann Dr)	3	28 townhouses (74 people).	OMB approved (H).
Millford (55 Eagle St)	3 & 4	154 apartments; 38 townhouses (401 people).	Before the OMB.
2529473 Ontario Ltd. (1038-1040 Jacarandah Dr)	4	26 semi-detached (75 people).	OPA/ZBA applications submitted; awaiting resubmission for revised concept.
Gorham Street Apts. (751 & 757 Gorham St)	4	82 apartments (160 people)	OPA/ZBA applications submitted; stat public meeting held.
Azure Homes (172 & 178 Old Main St)	4	12 semi-detached (35 people)	Awaiting 2 nd subdivision engineering submission (H).
Lulu Holdings (1015, 1025 & 1029 Davis Dr)	4	23 townhouses (61 people)	OPA/ZBA applications submitted; stat public meeting held.

Current Town Reserve

The Town Reserve is currently 3261 persons of allocation. This accounts for:

576 people - Town Reserve at beginning of 2018

+ 1531 people - York Durham Sewage System Reserve, August 15, 2018

+ 144 people - Marianneville Developments' I&I repayment, August 17, 2018

+ 1010 people - Marianneville Developments' I&I repayment, December 6, 2018

3261 people (Current Town Reserve)

If the recommendations of this report are adopted, servicing allocation would be reinstated for 858 units (1829 people); as this would be a reinstatement of allocation, it would not affect the Town Reserve. However, this report also recommends granting new allocation to 20 units (50 people) and rescinding allocation from 106 people (345-351 Davis Drive), thereby creating a **2019 Town Reserve of 3317 persons** of allocation, of which 20 are to be held in the Town's Severance Reserve.

For reference, 3317 persons of allocation is equivalent to:

- 1701 apartment units; or
- 1261 townhouse units; or

- 1151 semi-detached units; or
- 1020 detached units.

Without taking into consideration the future anticipated allocation assignments noted below related to the twinning of the forcemain and other interim solutions, and assuming an annual building program of 300 - 400 units per year, the Town Reserve should accommodate anticipated growth for three to five years, depending on the unit mix.

Future Capacity

Recent & Future Infrastructure Improvements

As noted in the Town Reserve calculation above, on August 15, 2018 Newmarket was granted an additional 1531 persons of capacity by the Region from the York Durham Sewage System Reserve which was made immediately available and therefore it was included in the current Town Reserve calculation above.

In terms of future assignments, the Region has committed an additional 1500 persons of servicing to Newmarket as part of the Region's forcemain twinning project. Timing of the allocation being made available is dependent on the completion of the forcemain twinning project, however it is estimated to be sometime in 2021. This amount will be added to future reserves.

An additional 1309 people will be granted to Newmarket by the Region as a result of additional interim solution projects. This servicing will be made available by the Region as these projects are completed, however the general timeline is 2021-2022. This amount will be added to future reserves.

The Upper York Sewage Solutions (UYSS) project is a major Regional infrastructure project that will provide the ultimate sewage servicing solution for Aurora, Newmarket and East Gwillimbury. The central component to this project is a new 40 megalitre-per-day (MLD) water reclamation centre that will provide wastewater services to support growth in the aforementioned municipalities. However, as noted in the 2018 Annual Servicing Allocation Review Report, this project is not expected to be completed until 2026 or later.

Recent & Future Inflow and Infiltration Reduction (I&I) Program Repayments

Over the past two years, Marianneville Developments has completed three repayments through its I&I program, which have been added back into the Town's reserve. These repayments have totaled 412.5 units (1340.8 persons):

1. December 22, 2017 - 57.6 units (187.3 persons).
2. August 17, 2018 - 44.1 units (143.5 persons).
3. December 6, 2018 - 310.8 units (1010 persons).

Additional Allocation for Centres and Corridors

Lastly, a 1000 person capacity generated through the interim servicing projects will be reserved for Centres and Corridors in Aurora, East Gwillimbury and Newmarket once the actual capacity provided by the interim solutions is confirmed by the Region. Regional staff will establish allocation criteria after confirmation of actual capacity through interim solutions and will advise as this servicing becomes available. This additional servicing will be added to future reserves as soon as it becomes available.

Conclusion

Staff have completed their annual review of current development applications requiring servicing and have provided servicing allocation recommendations as per the Town's Servicing Allocation Policy. This report recommends granting new allocation to 20 units (50 people) and rescinding allocation from 106 people (345-351 Davis Drive), thereby creating a **2019 Town Reserve of 3317 persons** of allocation of which 20 are to be held in the Town's Severance Reserve.

In terms of a future outlook, the Town will have adequate capacity to sustain a moderate level of growth over the mid- to long-term, due to recent and planned infrastructure improvements, recent and future inflow and infiltration reduction program repayments, and additional allocation being granted by the Region to Centres and Corridors.

Business Plan and Strategic Plan Linkages

Well-Planned & Connected:

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

Consultation

The annual servicing allocation letter was sent to developers having active planning applications in the Town that include a residential use. This letter requested updated information regarding development status, phasing plans, anticipated construction timing, etc., and advised that this report would be considered at an upcoming Committee of the Whole meeting.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

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

Jason Unger, MCIP, RPP
Assistant Director of Planning

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

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

Contact

Adrian Cammaert, Senior Policy Planner, acammaert@newmarket.ca



Town of Newmarket
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Newmarket, Ontario, L3Y 4X7

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

Regulatory Review for 2018-2022 Term of Council Staff Report to Council

Report Number: 2019-51

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Regulatory Review for 2018-2022 Term of Council dated May 21, 2019 be received; and,
2. That Council repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151; and,
3. That Staff be directed to implement the timelines for the review or development of by-laws and frameworks as set out within this report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to seek Council approval for a timeline for regulatory and licensing by-laws to be reviewed or updated, and for frameworks to be developed for new by-laws during the 2018-2022 Term of Council.

Background

In September 2018 staff issued [Information Report 2018-17](#) which presented a number of by-laws that were updated between 2016 and 2018 and also identified by-laws that required substantial review. At that time, staff also indicated that a workshop with the new Term of Council was required to seek approval for prioritization of by-law review

and development of frameworks for areas that are not currently regulated by the Town. Accordingly, on March 25, 2019 a Regulatory Review Council Workshop was held and staff sought Council feedback on a proposed schedule. This report seeks Council approval for the timeline established during that Workshop.

Additionally, this report seeks Council approval to amend Licensing By-law 2002-151 by repealing schedules 3, 5, 6, 8, 13 and 14. Additional details regarding the schedules are provided within the Discussion section of this report.

Discussion

Guiding Principles for Regulatory Review

Given that the Municipal Act provides broad authority to municipalities to develop by-laws unique to each municipality, there are a number of principles which guide staff in the regulatory area and serve the purpose of providing an overall framework for the same. Staff are expected to act in good faith and in the public's interest when drafting and presenting by-laws to council for their consideration. By-laws that meet the legislative requirements is only part of the process. Individual needs of communities and consultation with those communities is also an important part of by-law development. Community consultation assists staff with developing municipal standards that are easy to understand.

Well-crafted by-laws should have the following inherent principles:

- The by-law is developed for certainty, predictability, democratic transparency and accountability.
- The by-law is understandable, enforceable and accomplishes council's desired goal.

In addition to the consumer protection and standards licensing regimes create, these regulations can have a positive impact on the tax base through cost recovery. Administrative and licence fees help to offset the administrative and enforcement costs associated with licensing regimes.

Proposed Timeline

The below table represents a timeline for when by-laws will be presented to Council for consideration.

By-law to be presented to Council for consideration in:	Regulatory Area:
Q2 2019	<ul style="list-style-type: none"> • Smoking (tobacco and cannabis) • Animal Control (including options related to enforcement for pet stores)
Q3 2019	<ul style="list-style-type: none"> • Parking Control

By-law to be presented to Council for consideration in:	Regulatory Area:
Q4 2019	<ul style="list-style-type: none"> Vehicles for Hire (e.g., review to include taxis, Uber, Lyft, etc.)
Q1 2020	<ul style="list-style-type: none"> Pet Store Licensing (subject to Council discussion on Animal Control provisions in Q2 2019)
Q2 2020	<ul style="list-style-type: none"> Personal Service Establishments Body Rub Parlours Elections Signs
Q3 2020	<ul style="list-style-type: none"> Short Term Accommodations and Rentals (e.g., AirBnB, HomeAway, etc.)
Q4 2020	<ul style="list-style-type: none"> Hawker & Peddlers (including a review of the name) Tow Trucks
Q1 2021	<ul style="list-style-type: none"> Retail stores selling tobacco
Q2 2021	<ul style="list-style-type: none"> Clothing Donation Bins

Short Term Accommodations and Rentals

Town staff are currently participating in a York Region wide working group on short term accommodations and rentals. This group started meeting in April 2019, and will be meeting on a monthly basis. The intent of this group is to share best practices, and to learn about what regimes are being developed by other municipalities in York Region. Town staff will share information with Council as it becomes available. Based on initial conversations with City of Vaughan, which has been working on regulations for this industry, there was a fairly lengthy period of consultation and regulation development (i.e., a year) before a draft framework being presented to Council.

Licensing Reform

As indicated during the Council Workshop, there are a number of licences that now need to be repealed because of changes to the industry. The following schedules are recommended for repeal as these businesses either no longer exist in Newmarket, or because they have changed. In 2018, the Town issued one licence for a place of amusement, an auctioneer's licence, a billiards licence, and a bowling licence. No licences were issued for horse riding establishments or loud speakers. This decline in licensing for these businesses have been on the decline and therefore staff believe it is appropriate repeal the licensing framework for the same.

Schedules to Licensing By-law recommended for repeal (Attachment 1)

- Schedule 3 - Place of Amusement
- Schedule 5 - Auctioneers
- Schedule 6 - Billiards
- Schedule 8 - Bowling
- Schedule 13 - Horse Riding Establishments
- Schedule 14 - Loud Speakers

Community Consultation

As indicated in the guiding principles section of this report, community consultation and stakeholder input is an important part of regulatory development. As such, there will be both internal and external consultations that will occur prior to frameworks being presented to Council. It is the Town's practice to avoid consultation over the summer months due to the public's limited availability. Municipal partners, for example, York Regional Police, York Regional Public Health, and Committees of Council may be consulted as part of this process.

Conclusion

Upon receiving Council approval of the proposed timeline, staff will work towards conducting the research, analysis and consultation required to inform a regulatory framework for Council.

Business Plan and Strategic Plan Linkages

The initiative relates to the Well-equipped and managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

Staff will undertake internal and external consultation using the avenues available to the Town, such as HeyNewmarket, Public Information Centres, focus groups, etc.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 - Repeal Schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151

Approval

Lisa Lyons
Director of Legislative Services/Town Clerk

Contact

For more information please contact Kiran Saini at ksaini@newmarket.ca.



Corporation of the Town of Newmarket

By-law 2019-XX

A By-law to repeal schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151.

Whereas Council deems it necessary to repeal the following schedules of the Licensing By-law 2002-151 due to changes to their respective industries:

Schedule 3 - Place of Amusement;
Schedule 5 - Auctioneers;
Schedule 6 - Billiards;
Schedule 8 - Bowling;
Schedule 13 - Horse Riding Establishments;
Schedule 14 - Loud Speakers; and now,

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That schedules 3, 5, 6, 8, 13 and 14 of Licensing By-law 2002-151 be repealed.

Enacted this 27th day of May, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
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Council Appointments to the Newmarket Historical Society Board Staff Report to Council

Report Number: 2019-53

Department(s): Legislative Services

Author(s): Andrew Walkom, Legislative Coordinator

Meeting Date: May 21, 2019

Recommendations

1. That the report entitled Council Appointments to the Newmarket Historical Society Board dated May 21, 2019 be received; and,
2. That Council make no further appointment to the Newmarket Historical Society Board until the review of the Board structure is complete; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide Council with an update regarding appointments to the Board of the Newmarket Historical Society.

Background

For a number of years, the Heritage Newmarket Advisory Committee has appointed a member to represent the Committee on the Newmarket Historical Society Board. This member served as a full member of the Board.

The Newmarket Historical Society Board's by-laws set out the structure of its Board as follows:

“The Board shall consist of 12 directors, ten of whom shall be elected from among the membership, and two members being appointed by the Council of the Town of Newmarket from among its members.”

From past Council records, it appears that typically only one Councillor was appointed to the Board. The Board by-law does not require a representative from the Heritage Advisory Committee to be appointed to the Board.

Staff have reviewed Local Architectural Conservancy Advisory Committee (LACAC) and Heritage Committee minutes to determine the origin of the appointment of a Heritage Committee member to the Historical Society Board. During the early 2000s, a Heritage member also served on the Historical Society Board and provided updates to the Heritage Committee on meetings of the Board. During the Committee Structure Review in 2004, staff noted that there had been a request for closer collaboration between Heritage Newmarket, the Historical Society and the Elman W. Campbell Museum Board, due to the similar mandates of these groups. The following recommendation was included in the staff report and passed by Council at the May 10, 2004 meeting:

“That the Newmarket Historical Society, Heritage Newmarket and the Museum Board be advised that should they wish to undertake discussions regarding any opportunities for collaboration and coordination between the groups, the Town of Newmarket would offer to facilitate the process.”

At the June 30, 2004 meeting of Heritage Newmarket, a member was appointed as a representative to the Historical Society. This appears to be the first appointment by the Heritage Committee to the Historical Society Board.

Staff have not been able to locate a formal delegation of the Historical Society Board appointment to the Heritage Committee by Council. It appears that this appointment was an informal process between the Heritage Committee and Historical Society, and has been continued at the beginning of each new term of Council in the years following this initial appointment.

Discussion

At the December 17, 2018 Council meeting, Councillor Woodhouse was appointed as Council’s representative to the Newmarket Historical Society Board.

Staff have received a request from the Historical Society that Council leave the second position vacant to allow the Historical Society to complete the review of its Board structure.

Conclusion

Staff will continue to consult with the Newmarket Historical Society to determine if further action from Council is required.

Business Plan and Strategic Plan Linkages

This report relates to the Well-equipped and Managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

Consultation

Staff consulted with the President of the Newmarket Historical Society and the staff support person for the Heritage Advisory Committee.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

Kiran Saini

Deputy Town Clerk

Lisa Lyons

Director of Legislative Services/Town Clerk

Contact

For more information please contact Andrew Walkom at awalkom@newmarket.ca.



April 16, 2019

Below is a copy of a Resolution adopted by Brantford City Council at its meeting held March 26, 2019. In keeping with City Council's direction, a copy is being distributed to other municipalities in the Province of Ontario.

C. Touzel
City Clerk

RESOLUTION

6.1 Single-Use Plastic Straws

WHEREAS section 8(1) of the *Municipal Act, 2001* requires that the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS section 8(3) of the *Municipal Act, 2001* permits the municipality to pass by-laws under section 10 and 11 which: regulates or prohibits the matter; and to require persons to do things respecting the matter; and

WHEREAS section 10(2) of the *Municipal Act, 2001* permits single-tier municipalities to pass by-laws respecting the following matters: economic, social and environmental well-being of the municipality, including respecting climate change; and

WHEREAS the Council of The Corporation of the City of Brantford wishes to consider regulating or prohibiting the sale and distribution of single-use plastic straws in the municipality in order to reduce: (a) littering; (b) the impact on landfills; (c) the impact on sewers; and (d) the contribution to climate change;

NOW THEREFORE BE IT RESOLVED THAT City Staff BE DIRECTED to:

1. Analyze the impacts of single-use plastic straws in the municipality; and how to reduce those impacts through the regulation and prohibition of single-use plastic straws;

2. Consult with the public and impacted industries, including but not limited to:
 - i. Retail Stores;
 - ii. Restaurants;
 - iii. Manufacturers and Distributors, as applicable;
 - iv. Chamber of Commerce;
 - v. Brantford Accessibility Advisory Committee; and
 - vi. Brantford Environmental Policy Advisory Committee;
3. THAT City Staff REPORT BACK to Council on the results of their analysis and consultation; along with a process, including timelines, to:
 - a. In the first phase, regulate the sale and distribution of single-use plastic straws, taking into account existing inventories and the sourcing of alternate suppliers; and
 - b. In the final phase, prohibit the sale and distribution of single-use plastics straws.
4. THAT a copy of this resolution BE FORWARDED to the MP and MPP Brantford-Brant, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and other municipalities in the Province of Ontario.



Town of Newmarket

Minutes

Accessibility Advisory Committee

Date: Thursday, June 21, 2018
 Time: 10:30 AM
 Location: Council Chambers
 Municipal Offices
 395 Mulock Drive
 Newmarket, ON L3Y 4X7

Members Present: Steve Foglia, Chair
 Councillor Bisanz
 Richard Wilson
 David Hingsburger
 Jeremy Slessor

Members Absent: Kelsy McIntosh
 Linda Jones
 Aaron Firth

Staff Present: H. Leznoff, Council/Committee Coordinator
 P. McIntosh, Recreation Programmer, Family and Special
 Needs
 S. Chant, Inclusion BASE Director
 S. Niezen, Records and Projects Coordinator

The meeting was called to order at 10:30 AM.

Steve Foglia in the Chair.

1. Additions & Corrections to the Agenda

Introductions were made around the table.

The Chair advised of two additional items, being a presentation regarding the Millard Avenue Culvert Project and a Presentation regarding the 2018 Municipal Election.

Moved by: Jeremy Slessor

Seconded by: Richard Wilson

1. That the additions and corrections to the agenda be approved.

Carried

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

3. Presentations & Deputations

3.1 Millard Avenue Culvert Project

The Project Manager, Roads Capital Planning was not available to attend. It was discussed that the item could either be deferred to the next meeting, or additional information will be provided to Committee Members over email, when available.

3.2 Municipal Election Update

The Records and Projects Coordinator provided the Committee with an update regarding internet and telephone voting for the 2018 municipal election. She requested that a member of the Committee assist the Elections Team with the audits of the Town facilities that will be used for Voter Assistance Centres during the election period. She further advised that the Election Team want the Committee's input on the voting system and election accessibility plan and would bring this information to the Committee when available. There was discussion regarding holding a special meeting of the Committee in July related to election matters.

4. Approval of Minutes

4.1 Accessibility Advisory Committee Meeting Minutes of May 17, 2018

Moved by: Jeremy Slessor

Seconded by: Richard Wilson

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

Carried

5. Items

5.1 Site Plan Application - 1250 Davis Drive & 1240 Twinney Drive

Richard Wilson provided an overview of the Site Plan Application and highlighted some areas of concern regarding accessibility. The Committee reviewed the plans as a group and Richard advised that he would submit a memorandum to the Planning Department outlining the comments from the Committee.

5.2 Council Workshop - Committee Accomplishments Presentation

The Committee reviewed the draft presentation.

5.3 Update from the Sub- Committee re: National Access Awareness Week Event

The Recreation Programmer, Family and Special Needs and the Inclusion Base Director provided an overview of the National Access Awareness Week Event held on June 2, 2018. They advised that the event was well attended and included a variety of performances and activities.

6. New Business

None.

7. Adjournment

Being no further business, the meeting adjourned at 12:00 PM.

Date

Steve Foglia, Chair



Town of Newmarket

Minutes

Heritage Newmarket Advisory Committee

Date: Tuesday, July 3, 2018
 Time: 7:00 PM
 Location: Mulock Room
 Municipal Offices
 395 Mulock Drive
 Newmarket, ON L3Y 4X7

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

Members Absent: Councillor Hempen
 Soni Felix Raj

Staff Present: M. White, Planner
 A. Walkom, Council Committee Coordinator

Guest: Deborah Alexander, Alexander Planning Inc.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations/Deputations

3.1 292-294 Court Street

Deborah Alexander presented to the Committee on behalf of the owners of 292-294 Court Street. She advised the Committee of the owner's intention to demolish the existing structure and construct two single

detached homes. She advised that the new homes are intended to match the heritage character of the neighbourhood.

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the Heritage Newmarket Advisory Committee request that the owner of 292-294 Court Street provide drawings of the proposed single detached homes and details on how they will interface with the neighbourhood.

Carried

4. Approval of Minutes

Moved by: Malcolm Watts

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of June 5, 2018 be approved

Carried

5. Correspondence

5.1 Correspondence from the Town of Newmarket Planning Department - Notice of Complete Application (18095 & 18099 Leslie Street)

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the correspondence from the Town of Newmarket Planning Department - Notice of Complete Application (18095 & 18099 Leslie Street) be received.

Carried

5.2 Correspondence from the Town of Newmarket Planning Department - Notice of Public Meeting (Urban Centres Zoning By-law)

Moved by: Joan Seddon

Seconded by: Rohit Singh

1. That the Heritage Newmarket Advisory Committee request that Malcolm Watts attend the Urban Centres Zoning By-law public meeting and report back to the Committee.

Carried

6. Items

6.1 Operating Results for the Five Months Ending May 31, 2018

The Committee discussed the budget for the 2018 year to date.

6.2 292-294 Court Street

This item was addressed under Item 3.1.

7. Reports of Committee Members

7.1 Designated Property Maintenance and Concerns

7.1.1 Stickwood Walker site visit

Athol Hart provided an update on the recent visit to the Stickwood Walker site and provided the Committee the details on the condition of the property. He provided the Committee with a list of concerns that should be remedied to protect the building from further damage.

Moved by: Malcolm Watts

Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee approve the recommendations by Athol Hart on the Stickwood Walker site; and,
2. That the recommendations be provided to the Town of Newmarket.

Carried

7.1.2 Site Plaques

There was no update on this item.

7.1.3 Residence Plaques

There was no update on this item.

7.1.4 Heritage Location Plaques

There was no update on this item.

8. Sub Committee Reports

8.1 Architecture, Recreation, Culture, Heritage (ARCH) Committee

There was no update on this item.

8.2 Elman W. Campbell Museum Board

Billie Locke provided an update on the recent Canada Day event, and advised that fewer people had attended the Museum than the previous year.

8.3 Lower Main Street South Heritage Conservation District Advisory Group

Athol Hart advised that the Noodle Shop had submitted an application to replace the awnings on the building.

8.4 Newmarket Historical Society Board of Directors

Joan Seddon advised that the Board has no meetings scheduled for the summer months.

9. New Business

9.1 Union Hotel

The Committee discussed the Union Hotel building. The Planner advised that the Site Plan Agreement has not yet been signed by York Region and that any future owner would be held to the terms of this agreement.

10. Adjournment

Chair

Date



Town of Newmarket

Minutes

Heritage Newmarket Advisory Committee

Date: Tuesday, April 16, 2019
 Time: 7:00 PM
 Location: Cane Room
 Municipal Offices
 395 Mulock Drive
 Newmarket, ON L3Y 4X7

Members Present: Christina Bisanz
 Norman Friend
 Billie Locke
 Gord McCallum
 David McLennan
 Mitch Sauder
 Joan Seddon

Staff Present: D. Ruggle, Senior Planner - Community Planning
 A. Walkom, Legislative Coordinator

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

David McLennan declared a conflict related to items 5.1 and 6.3. He advised that the owners of 951 Srigley Street and 578 Lydia Street are clients of his law firm.

3. Presentations/Deputations

3.1 Orientation Session

The Legislative Coordinator provided an orientation presentation concerning Town By-laws, meeting procedures and the Code of Conduct.

The Senior Planner provided an orientation presentation concerning the mandate of the Heritage Committee and relevant legislation such as the Heritage Act.

4. Approval of Minutes

4.1 Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018

Moved by: Joan Seddon

Seconded by: David McLennan

1. That the approval of the Heritage Newmarket Advisory Committee Meeting Minutes of July 3, 2018 be deferred until the May 7, 2019 meeting.

Carried

5. Correspondence

5.1 Correspondence from the Committee of Adjustment re: Notice of Deferred Application - 951 Srigley Street

Moved by: Norman Friend

Seconded by: Mitch Sauder

1. That the Correspondence from the Committee of Adjustment re: Notice of Deferred Application - 951 Srigley Street be received.

Carried

David McLennan took no part in the discussion or vote on the foregoing matter due to a declared conflict.

6. Items

6.1 Appointment of Chair and Vice-Chair

Moved by: David McLennan

Seconded by: Joan Seddon

1. That Billie Locke be appointed as Chair of the Heritage Newmarket Advisory Committee.

Carried

Moved by: Christina Bisanz

Seconded by: Joan Seddon

1. That Gord McCallum be appointed as Vice-Chair of the Heritage Newmarket Advisory Committee.

Carried

Billie Locke assumed the role of the Chair.

6.2 Appointments to Other Boards and Committees

6.2.1 Elman W. Campbell Museum Board

Moved by: Joan Seddon

Seconded by: David McLennan

1. That Norman Friend be appointed to the Elman W. Campbell Museum Board of Management as the representative of the Heritage Newmarket Advisory Committee.

Carried

6.2.2 Lower Main Street South Heritage Conservation District Advisory Group

Moved by: Christina Bisanz

Seconded by: Gord McCallum

1. That Mitch Sauder be appointed to the Lower Main Street South Heritage Conservation District Advisory Group as the representative of the Heritage Newmarket Advisory Committee.

Carried

6.3 Requests for Removal from the Heritage Registry of Non-Designated Properties - 578 Lydia Street and 270 Prospect Street

6.3.1 270 Prospect Street

The Senior Planner provided a background on the 270 Prospect Street property and the application. He advised that the request was to remove the property from the Municipal Register of Non-Designated Properties.

Moved by: Gord McCallum

Seconded by: Joan Seddon

1. That the matter be deferred to the next meeting so that the Heritage Newmarket Advisory Committee can gather more information on the property; and,
2. That the Committee seek permission from the owner to visit the property.

Carried

6.3.2 578 Lydia Street

The Senior Planner advised that a demolition permit was requested related to the property and that Council has 60 days to respond to the request. He advised that the Heritage Committee would need to provide a recommendation concerning the property, to be received by Council at the Committee of the Whole on April 29, 2019.

The Committee discussed the condition of the house as well as its history and Heritage merits.

Moved by: Mitch Sauder

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee recommend that the property located at 578 Lydia Street be removed from

the Heritage Registry of Non Designated Properties with the condition that it be documented and a photographic record be made of the property prior to demolition.

Carried

David McLennan took no part in the discussion or vote on the foregoing matter due to a declared conflict.

7. Reports of Committee Members

Moved by: David McLennan

Seconded by: Joan Seddon

1. That consideration of sub-committee appointments be deferred to the next meeting.

Carried

7.1 Designated Property Maintenance and Concerns

7.1.1 Site Plaques

7.1.2 Residence Plaques

7.1.3 Heritage Location Plaques

8. Committee Reports

8.1 Elman W. Campbell Museum Board

None.

8.2 Lower Main Street South Heritage Conservation District Advisory Group

The Senior Planner advised that an application related to the facade restoration for 184-194 Main St. South has been received. He provided a brief overview of the drawings of the proposal.

9. New Business

- (1) The Senior Planner advised that SvN has been hired as a consultant related to the established neighbourhood character study.

(2) The Legislative Coordinator advised that the next meeting would be held May 7, 2019.

10. Adjournment

The meeting adjourned at 8:43 PM.

Chair

Date



438 Park Avenue
Newmarket, Ontario L3Y 1W1

Email: npl@newmarketpl.ca

Website: newmarketpl.ca

Phone: 905-953-5110

Newmarket Public Library Board

Regular Board Meeting Minutes

Wednesday, January 16, 2019
Newmarket Public Library Board Room

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Kelly Broome
Darcy McNeill
Venkatesh Rajaraman
Jane Twinney

Regrets: Tara Brown
Tom Vegh

Staff Present: Todd Kyle, CEO
Linda Peppiatt, Deputy CEO
Lianne Bond, Administrative Coordinator

The Chair called the meeting to order at 5:40 pm

Adoption of Agenda Items

1. Adoption of the Regular Agenda
2. Adoption of the Closed Session Agenda
3. Adoption of the Consent Agenda Items

The Chair asked if there were any additions to the agenda. One Item was added under New Business.

Motion 19.01.327

Moved by Kelly Broome

Seconded by Venkatesh Rajaraman

That Agenda items 1) to 3) be adopted as amended.

Carried

Declarations

None were declared.

Consent Agenda Items:

4. Adoption of the Regular Board Meeting Minutes for Wednesday, December 19, 2018
5. Strategic Operations Report for November, 2018
6. Fourth Quarter Statistical Report
7. Monthly Bank Transfer

Motion 19.01.328

Moved by Darcy McNeill

Seconded by Jane Twinney

That Consent Agenda items 4) to 7) be received and approved as presented.

Carried

Note: The Fourth Quarter Statistical Report was deferred to the next Library Board meeting.

Reports

There were no reports

Business Arising

8. Library Board Action List

The Library Board reviewed the Action list.

Motion 19.01.329

Moved by Jane Twinney

Seconded by Venkatesh Rajaraman

That the Library Board receive the Action List as presented.

Carried

New Business

9. Security Concerns

The Library Board discussed the news article on the Newmarket Today website and the safety and security concerns of the Library.

Dates of Future Meetings

The next Regular Library Board meeting is scheduled for Wednesday, February 20, 2019 at 5:30 pm in the Library Board room.

Adjournment**Motion 19.01.330**

Moved by Kelly Broome

Seconded by Venkatesh Rajaram

That there being no further business the meeting adjourn at 6:04 pm.

Carried

Joan Stonehocker, Chair

Todd Kyle, Secretary/Treasurer



Newmarket Public Library Board

Minutes

Date: Wednesday, March 20, 2019
 Time: 5:30 PM
 Location: Newmarket Public Library Boardroom
 Newmarket Public Library
 438 Park Avenue
 Newmarket ON L3Y 1W1

Members Present: Darryl Gray
 Leslee Mason
 Art Weis
 Jane Twinney
 Victor Woodhouse (left at 7:15 pm)

Members Absent: Darcy McNeill
 Kelly Broome

Staff Present: Lianne Bond, Administrative Coordinator
 Linda Peppiatt, Deputy CEO
 Todd Kyle, CEO

Guests: Guests: Ian McDougall, Commissioner, Community Services,
 Town of Newmarket (left at 6:40 pm)
 Lynn Geogoff, Director, Human Resources Director, Town of
 Newmarket (left at 7:00 pm)

1. **Welcome**

The CEO welcomed the new Library Board members and gave an overview of the documents included in the Library Board orientation package.

2. **Appointment of Library Board Officers**

The CEO called for the nomination of Library Board Chair.

Motion 19-03-01

Moved by Jane Twinney

Seconded by Darryl Gray

That Darcy McNeill is appointed to the position of Chair for Newmarket Public Library Board.

Carried

Motion 19-03-02

Moved by Jane Twinney

Seconded by Art Weis

That Jane Twinney is appointed to the position of Vice Chair for the Newmarket Public Library Board

Carried

3. Adoption of Agenda Items

3.1 Adoption of the Regular Agenda

3.2 Adoption of the Closed Session Agenda

3.3 Adoption of the Consent Agenda Items

The Chair asked if there were any additions to the agenda.

Motion 19-03-03

Moved by Victor Woodhouse

Seconded by Art Weis

That Agenda items 3.1 to 3.3 be adopted as presented.

Carried

4. Declarations

None were declared.

5. Consent Agenda Items

5.1 Adoption of the Regular Board Meeting Minutes for Wednesday, January 16, 2019

5.2 Strategic Operations Report for January and February, 2019

5.3 Monthly Bank Transfer

5.4 Southern Ontario Library Service Correspondence

Adoption of the Regular Board meeting minutes for Wednesday, January 16, 2019 were deferred to the next regularly scheduled Board meeting.

Motion 19-03-004

Moved by Darryl Gray

Seconded by Leslee Mason

That Consent Agenda items 5.2 to 5.4 be received and approved as presented

Carried

6. Reports

6.1 Operational Efficiencies Implementation Update

Background and overview of the joint Newmarket Public Library / Town of Newmarket efficiency review conducted in 2017 was provided to the Board. The Board viewed a presentation on the progress towards the implementation of the recommendations from the efficiency review.

Motion 19-03-005

Moved by Leslee Mason

Seconded by Art Weis

That the Library Board receive the report and accompanying presentation on the Library operational efficiencies review.

Carried

6.2 Library - IT Shared Services

The Board reviewed the report on the Library/Town of Newmarket Technology Shared Services review.

Motion 19-03-006

Moved by Darryl Gray

Seconded by Victor Woodhouse

THAT the Library Board receive the report on Library-IT Shared Services Review;

AND THAT the Library Board direct the creation of a Service Level Agreement between the Library and Information Technology based on this report and any other input the Board may have;

AND THAT the Library Board request a joint Information Report be sent to Council to report on the review and any subsequent Board decisions.

Carried

7. Closed Session

- 7.1 For the purposes of discussing personal matters about an identifiable individual

Motion 19-03-07

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board move in to a Closed Session at 6:05 pm to consider matters about an identifiable individual.

Carried

Motion 19-03-08

Moved by Victor Woodhouse

Seconded by Darryl Gray

That the Library Board move out of closed session at 6:30 pm.

Carried

Motion arising from Closed Session:

Motion 19-03-09

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the closed session reported pertaining to personal matters of identifiable individuals.

Carried

- 7.2 For the purposes of discussing matters pertaining to Labour relations

Motion 19-03-10

Moved by Art Weis

Seconded by Victor Woodhouse

That the Library Board move in to a second closed session at 6:40 pm to discuss Labour relation matters.

Carried

Motion 19-03-11

Moved by Victor Woodhouse

Seconded by Darryl Gray

That the Library Board move out of closed session at 7:00 pm.

Carried

Motion 19-03-12

Moved by Leslee Mason

Seconded by Art Weis

Motion Arising from Closed Session:

That the Library Board receive the report on Labour relations.

Carried

8. Business Arising

8.1 Leadership by Design Board Orientation Exercise Part 1

The Board participated in Part 1 of the Leadership by Design Board Orientation exercise.

8.2 Library Board Action List

The list of outstanding Board action items will be reviewed by the CEO and Chair.

9. New Business

9.1 2019 Newmarket Chamber of Commerce Home and Lifestyle Show

The Library is participating in the Newmarket Chamber of Commerce Home and Lifestyle show being held at Ray Twinney Centre from March 29th to March 31st. Board members were invited to stop by the Library's booth.

10. Dates of Future Meetings

The next Library Board Regular meeting is Wednesday, April 17, 2019 at 5:30 pm in the Library Board room.

11. Adjournment

Motion 19-03-13

Moved by Art Weis

Seconded by Leslee Mason

That there being no further business the meeting adjourn at 7:20 pm.

Jane Twinney, Vice Chair

Todd Kyle, Secretary/Treasurer



Town of Newmarket

Outstanding Matters List (2018 – 2022 term of Council)

As of May 7, 2019

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
2019				
1.	Meeting Date: Council – June 7, 2016 – Item 35 Subject: Federal Infrastructure Funding	Recommendation: 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' Responsible Departments: ➤ Strategic Initiatives	2019	Awaiting next phase of funding announcements
2.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration	Recommendations: 1. That CAO/Human Resources Report 2018-05 be received; and, 2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and, 3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and, 4. That staff be authorized and directed to do all things necessary to give effect to this resolution. Responsible Department: ➤ Office of the CAO/Human Resources	2019 TBD	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
3.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Old Bathurst Street	Recommendations: 1. That the deputation provided by Gaetano Rossi regarding Old Bathurst Street be received and referred to Staff. Responsible Department: ➤ Public Works Services	Completed – to be removed from Outstanding Matters List after May 27, 2019 Council meeting	Deputant has been contacted and has been advised the matter is part of a future Capital Budget process.
Q2, 2019				
4.	Meeting Date: Committee of the Whole – February 27, 2017 Subject: Report 2017-05 – Tree Removal, Protection Policies and Regulations	Recommendation: 1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. (completed) 2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and, 3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. (completed) Responsible Department: ➤ Planning and Building Services	Q2, 2019	June 17, 2019 Committee of the Whole

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
5.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Information Document for Residents Related to Construction Sites</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council approve the following motion in principle: 2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and, 3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and, 4. That the aforementioned motions be referred to staff for a report back including options and resource requirements. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning & Building Services 	Q2, 2019	Information Report to be distributed.
6.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p>Subject Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> a. That the final report be brought back to Council by early Quarter 3 2018; and, b. That staff continue to expedite the process to provide the report sooner, if possible; and, c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy. <p>Responsible Department</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q2, 2019	Information report to be distributed prior to end of June 2019.

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
7.	Meeting Date: Committee of the Whole – March 19, 2018 Subject: Cats at large (deputation)	Recommendation: 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff Responsible Department: ➤ Legislative Services	Q2, 2019	June 17, 2019 - Committee of the Whole
8.	Meeting Date: Committee of the Whole – January 14, 2019 Subject: Clothing Donation Bins	Recommendation: 3. That the licensing of Clothing Donation Bins be referred to the Regulatory Review Workshop Responsible Department: ➤ Legislative Services	Q2, 2019	May 21, 2019 - Committee of the Whole
9.	Meeting Date: Committee of the Whole – January 14, 2019 Subject: Deputation: Traffic Signage on Wayne Drive	Recommendation: 1. That staff be directed to contact the Principal of the Glen Cedar Public School regarding a drop-off area at the school; and, 2. That staff report back to Council with information on a drop-off area. Responsible Departments: ➤ Engineering Services	Q2, 2019	June 17, 2019 Committee of the Whole meeting
10.	Meeting Date: Committee of the Whole - September, 25, 2017 Subject: Report 2017-16 Vacant Building Report – Window Wrap Program	Recommendation: 1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and, 2. That staff be directed to report back on Option 2, a Window Wrap program. Responsible Departments: ➤ Legislative Services/Economic Development	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
11.	Meeting Date: Committee of the Whole - June 11, 2018 Subject: Intensification in Stable Residential Neighbourhoods	Recommendation: 1. That the report entitled Development And Infrastructure Services/Planning & Building Services Report 2018-37 dated June 11, 2018 be received; and, 2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and, 3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report. 4. That staff bring back an interim control by-law to the August 27, 2018 Committee of the Whole meeting for consideration. (completed) Responsible Department: ➤ Planning and Building Services Established Neighbourhoods Compatibility Study Responsible Department: ➤ Planning and Building Services	Complete	
			Q4 2019	Study includes public consultation and outreach and is intended to conclude by the end of 2019
	Meeting Date: Committee of the Whole – March 18, 2019 Subject: Interim Control By-law 2019-04	Recommendation: 1. That the request for an exemption to Interim Control By-law 2019-04 be referred to staff; and, 2. That staff explore options for an Interim Control By-law exemption process and provide recommendations to Council. Responsible Departments: ➤ Planning and Building Services	Q2 2019	Deferred to May 21, 2019 Committee of the Whole

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
12.	Meeting Date: Special Committee of the Whole - January 30, 2017 Subject: Internet Voting and Ranked Ballots	Recommendation: 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. Responsible Departments: ➤ Legislative Services	Q2, 2019	Special Committee of the Whole – May 14, 2019

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
13.	<p>Meeting Date: (1) Committee of the Whole – February 27, 2017</p> <p>(2) Committee of the Whole - November 6, 2017</p> <p>(3) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p>Subject: Residential Parking</p>	<p>Recommendation: (1) 1. That staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</p> <p>(2) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and, b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report. c. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal. <p>(3) Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p>Responsible Department: ➤ Planning and Building Services / Legislative Services</p>	Q2, 2019	CW scheduled for June 10, 2019

Q3, 2019				
14.	Meeting Date: Committee of the Whole - April 30, 2018 Subject: Asset Replacement Fund Strategy	Recommendation: 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date. Responsible Departments: <ul style="list-style-type: none"> ➤ Financial Services 	Q3, 2019	
15.	Meeting Date: Committee of the Whole – January 14, 2019 Subject: Residents of Knapton Drive – Woodland Hills (stop signs - deputation)	Recommendations: 1. That the deputation be received and referred to staff. Responsible Department: <ul style="list-style-type: none"> ➤ Transportation Services 	Q3, 2019	
16.	Meeting Date: (1) Council – December 14, 2015 (2) Council – January 18, 2016 – Item 35 Subject: 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	Recommendation: <ol style="list-style-type: none"> 1. That staff provide alternate trail options for this area at a lower cost. 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. Responsible Department: <ul style="list-style-type: none"> ➤ Planning and Building Services ➤ Engineering Services 	Q3, 2019	Deferred subsequent to VivaNext construction

17.	<p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p>	<p>Recommendation: That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:</p> <ul style="list-style-type: none"> ➤ That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services 	Q3, 2019	Joint Meeting to be scheduled with Business Improvement Area and Newmarket Accessibility Advisory Committee
18.	<p>Meeting Date: Committee of the Whole - April 30, 2018</p> <p>Subject: Heritage Designations – York Region Administrative Building and Newmarket Canal System</p>	<p>Recommendation: 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:</p> <ul style="list-style-type: none"> a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q3, 2019	
19.	<p>Meeting Date: Council – December 5, 2016</p> <p>Subject: Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street S.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> 1. That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q3, 2019	

20.	<p>Meeting Date: Committee of the Whole – April 8, 2019</p> <p>Subject: Hollingsworth Arena and Future Ice Allocation Considerations</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the report entitled Hollingsworth Arena and Future Ice Allocation Considerations, dated April 8, 2019, be received; and, 2. That the Town of Newmarket decommission the Hollingsworth Arena after the 2019-2020 season, ending in April 2020; and, 3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and, 4. That staff conduct programmatic changes as outlined in the report in order to accommodate user groups post closure of Hollingsworth Arena; and, 5. That construction of a new outdoor ice pad coincide with the final season of Hollingsworth Arena if at all possible; and, 6. That within six months staff bring back a report on any plans for public amenity use at this location; and, 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Recreation 	Q3, 2019	
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21.	<p>Meeting Date: Committee of the Whole – March 19, 2018</p> <p>Subject: Vibration Control and construction activity (deputation)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and, 2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and, 3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services & Engineering Services 	Completed	On March 18, 2019 CoW Agenda
	<p>Meeting Date: Committee of the Whole – March 18, 2019</p> <p>Subject: Construction Vibration Issues</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the report entitled Construction Vibration issues dated March 18, 2019 be received; and, 2. That staff require vibration impact assessments as part of a complete application for development proposals ; and, 3. That Council endorse the proposed notice and complaint process identified in this report; and, 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.-(Completed) 5. That staff investigate options for existing sites where construction activity will cause significant vibrations. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services & Engineering Services 	Q3, 2019	
22.	<p>Meeting Date: Committee of the Whole – April 8, 2019</p> <p>Subject: Cycling Infrastructure – Mulock Drive</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the Information Report entitled Active Transportation Implementation Plan, dated March 15, 2019, be received for information purposes; and, 2. That staff be directed to prepare a report on prioritizing cycling infrastructure on Mulock Drive to enhance the work of the Secondary Plan that is underway and to better connect the community to the Mulock Farm Park. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q3, 2019	

Q4 2019				
23.	Meeting date: Committee of the Whole – March 19, 2018 Subject: 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)	Recommendation: 1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and, 2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and, 3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019. Responsible Department: ➤ Engineering Services/ Community Centre Lands Task Force	Q4, 2019	
24.	Meeting Date: Committee of the Whole – February 25, 2019 Subject: Recognition of the Widdifield Family	Recommendations: 1. That staff be directed to investigate options that will recognize the area east of the river and west of Doug Duncan Drive, that lies between Timothy and Water St to be recognized in some format by a commemorative plaque or other option that acknowledges and demonstrates the background and history of an area known to be Widdifield Park; and, 2. That Mike Widdifield of Newmarket be notified of any proposals. Responsible Department: ➤ Recreation / Parks	Q4, 2019	Information Report to be provided
25.	Meeting Date: Committee of the Whole - February 26, 2018 Subject: Newmarket Public Library Study Implementation	Recommendations: 1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and, 2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process. Responsible Department: Community Services/Newmarket Public Library	Q4, 2019	

26.	<p>Meeting Date: Committee of the Whole – April 29, 2019</p> <p>Subject: 2018-2022 Council Strategic Priorities</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the attached Vision, Strategic Pillars and Strategic Priorities contained within the Final Report from MDB Insight be adopted with the following amendments: <ol style="list-style-type: none"> a. That point ii of Economic Leadership and Job Creation be amended to read "Increase downtown parking availability through additional spaces and by leveraging Smart City solutions and other innovative options"; and, b. That point v of Vibrancy on Yonge, Davis and Mulock be amended to read "Consider development incentives to provide a range of housing and employment options that meet the needs of current and future residents, including the pursuit of CIP to incent corridor development"; and, 2. That Staff report back to Council with respect to a fulsome, ongoing communications plan and an overall performance measurement approach intended to track and present progress. <p>Responsible Department: To be determined</p>	Q4 2019	
2020				
27.	<p>Meeting Date: Council – June 26, 2017- Item 10</p> <p>Subject: Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That traffic impacts be monitored post construction. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Development is estimated to not be completed before 2020	