



Town of Newmarket

Agenda

Council

Date: Monday, February 10, 2020
Time: 7:00 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Open Forum

2. Public Notices (if required)

3. Additions & Corrections to the Agenda

Note: Additional items are marked by an asterisk*.

4. Declarations of Pecuniary Interest

5. Presentations & Recognitions

6. Deputations

6.1 Never Forgotten National Memorial Foundation

Note: LCol Ferguson Mobbs (ret'd) SBStJ CD will be in attendance to provide a deputation on this matter.

*6.2 Mobile Business Licence By-law

Note: Frank Doyle will be in attendance to provide a deputation on this matter.

*6.3 Mobile Business Licence By-law

Note: Ted Doucette will be in attendance to provide a deputation on this matter.

7. Approval of Minutes

7.1 Council Meeting Minutes of January 20, 2020

1. That the Council Meeting Minutes of January 20, 2020 be approved.

8. Reports by Regional Representatives

9. Reports of Committees and Staff

9.1 Special Committee of the Whole Meeting Minutes of January 20, 2020

Note: This meeting dealt with the Established Neighbourhoods Compatibility Study.

1. That the Special Committee of the Whole Meeting Minutes of January 20, 2020 be received and the recommendations noted within be adopted.

9.1.1 Established Neighbourhoods Study

1. That the presentation regarding the Established Neighbourhoods Study be received.

9.1.2 Deputations

1. That the deputations by Patrick Monks, Elaine Adam and Ann Campbell regarding the Established Neighbourhoods Study be received.

9.2 Council Workshop Meeting Minutes of January 29, 2020

Note: This meeting dealt with the Mulock Property Visioning.

1. That the Council Workshop Meeting Minutes of January 29, 2020 be received.

9.3 Committee of the Whole Meeting Minutes of February 3, 2020

1. That the Committee of the Whole Meeting Minutes of February 3, 2020 be received and the recommendations noted within be adopted.

9.3.1 Presentation - Short Term Rentals

Note: See sub-item 9.3.4 below.

9.3.2 Presentation - Mobile Business Licence By-law

Note: See sub-item 9.3.5 below.

9.3.3 Deputation - Mobile Business Licence By-law

1. That the deputation regarding the Mobile Business Licence By-law by Kim Wright, on behalf of Uber Canada be received.

9.3.4 Short Term Rentals

1. That the presentation regarding Short-Term Rentals provided by the Senior Planner - Community Planning and the Manager of Regulatory Services be received; and,
2. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
3. That Council direct Staff to proceed with Option 3 as described in the report; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.3.5 Mobile Business Licence By-law

1. That the presentation regarding the Mobile Business Licence By-law provided by the Manager of Regulatory Services be received; and,
2. That the report entitled Mobile Business Licence By-law dated February 3, 2020 be received; and,
3. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive) for previously licensed companies only; and,
4. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
5. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,
6. That Council approve the draft Mobile Business Licence By-law 2020-07; and,
7. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
8. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
9. That Staff be authorized and directed to do all things necessary to

give effect to this resolution.

9.3.6 Large Water Meter Rates

1. That the report entitled Large Water Meter Rates Staff Report dated February 3, 2020 be received; and,
2. That the 2020 monthly fees for Large Water Meters as referenced in the report come into effect immediately;
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.3.7 Main Street Clock Inc. Properties - Update

1. That the report entitled Main Street Clock Inc. Properties - Update dated February 3, 2020 be received.

9.3.8 Accessibility Advisory Committee Meeting Minutes of November 21, 2019

1. That the Accessibility Advisory Committee Meeting Minutes of November 21, 2019 be received.

9.3.9 Appointment Committee Minutes of October 9, 2019

1. That the Appointment Committee Meeting Minutes of October 9, 2019 be received.

9.3.10 Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019

1. That the Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019 be received.

9.3.11 Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019 be received.

9.3.12 Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019 be received.

9.3.13 Elman W. Campbell Museum Board of Management Meeting Minutes of

November 21, 2019

1. That the Elman W. Campbell Museum Board of Management Meeting Minutes of November 21, 2019 be received.
- 9.3.14 Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019
1. That the Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019 be received.
- 9.3.15 Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019
1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019 be received.
- 9.3.16 Newmarket Public Library Board Meeting Minutes of November 20, 2019
1. That the Newmarket Public Library Board Meeting Minutes of November 20, 2019 be received.
- 9.3.17 Outstanding Matters List
1. That the Outstanding Matters List be received; and,
 2. That Item 17 regarding the Heritage Conservation District Plan be deleted.
- 9.3.18 Public Hearing Matter - Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision
1. That the presentation provided by Joanne Barnett and Richard Zelinka regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
 2. That the depositions by Allen Matrosov, Gabriel D'aoust, Gord Bell, Jon Brock, Jeff Healey, Kevin Huguenin, Craig Sisson, Tracy and Peter Olesovsky, Roland Garfit, Wanda McClure, Edward Anderson, Leaf Sun, Sean Heavener, Jim Kyriacou, Jude and Nancy Zhao, and Luisa Lloyd regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
 3. That the correspondence by Brian Greiner, Dominic Murphy, Adam

Rogers, Erin Rogers and Gary Rogers, and Richard Smith regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received.

9.4 Committee of the Whole Meeting (Closed Session) Minutes of February 3, 2020

1. That the Committee of the Whole Meeting (Closed Session) Minutes of February 3, 2020 be approved.

10. By-laws

2020-07 A By-law to Regulate and License Mobile Businesses to Operate in the Town of Newmarket

2020-08 A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System (AMPS) in the Town of Newmarket

2020-09 A By-law to amend Fees and Charges By-law 2019-52 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket (Legislative Services - Licensing Charges)

2020-10 A By-law to amend By-law 2019-76 Combined Utility Rate Structure in the Town of Newmarket for 2020 (Large Water Meter Rates)

1. That By-laws 2020-07, 2020-08, 2020-09 and 2020-10 be enacted.

11. Notices of Motions

12. Motions

13. Announcements & Community Events

14. New Business

15. Closed Session (if required)

15.1 Appointments to the Accessibility Advisory Committee (2 Vacancies)

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

15.2 Appointment of Director: Envi Networks Ltd.

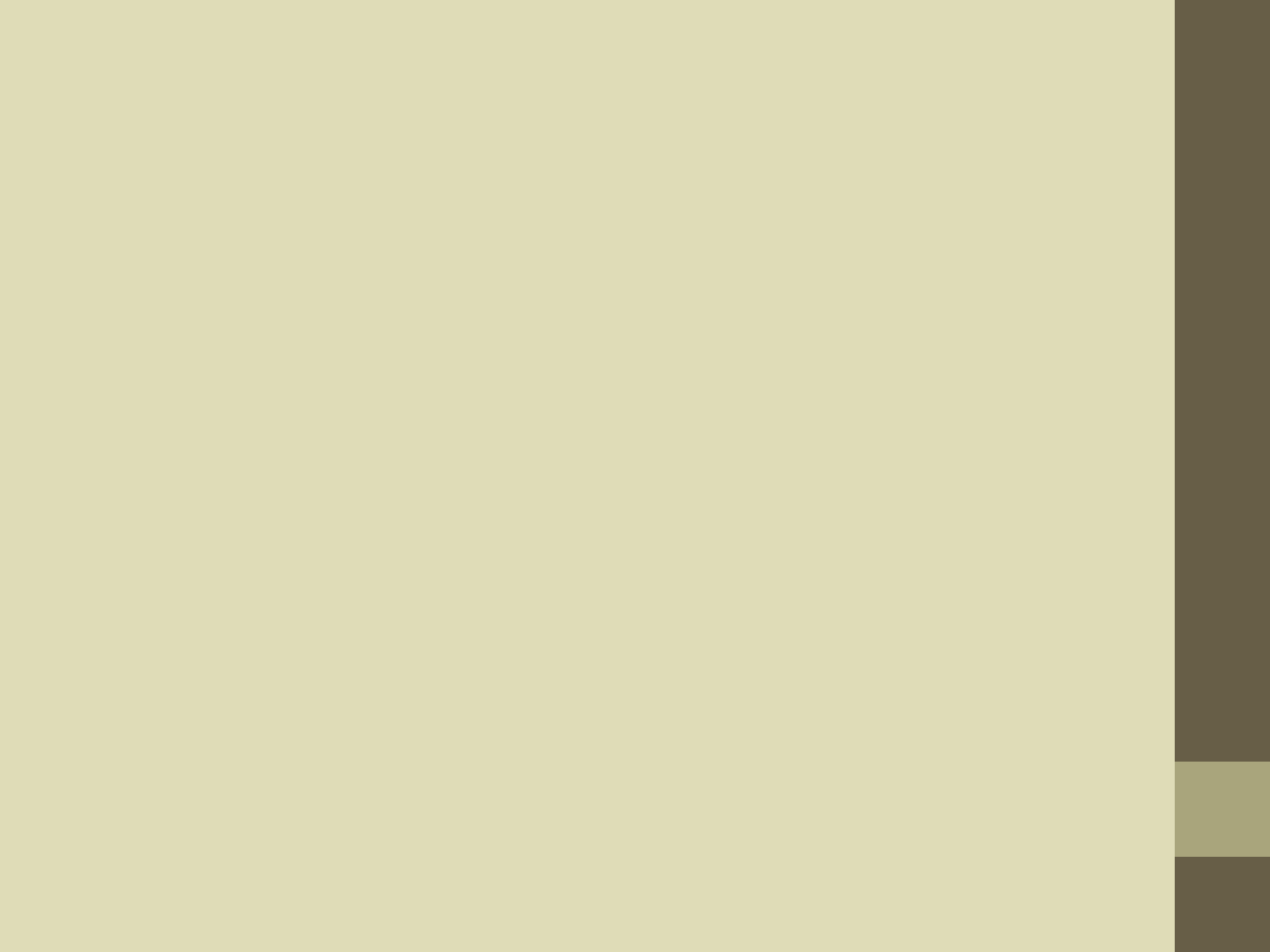
Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.

16. Confirmatory By-law

2020-11 A By-law to Confirm the Proceedings of the February 10, 2020 Council meeting

1. That By-law 2020-11 be enacted.

17. Adjournment

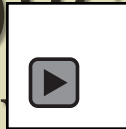





HONOURING CANADIAN WAR DEAD — WHEREVER THEY MAY LIE

If only we could have brought you home

NEVER FORGOTTEN NATIONAL MEMORIAL





*May the first light of day
forever remind us
of the sacrifices you made
for this land, your home ...*

OUR CANADA



When a dream becomes a need and
that need becomes a possibility.

A possibility that reaches out to earn
the support and the respect of a
young nation.

THAT MOMENT IS NOW

My name is Tony Patrick Trigiani and I was born in the small village of Roseto Valfortore in the Puglia region of southern Italy. I am now the president of Norstar Corporation in Etobicoke, Ontario and have proudly called Canada my home for over 60 years. While visiting my hometown a few years ago, I happened upon a Commonwealth War Graves Commission cemetery and with that the grave of a young soldier named Ted Truskoski. Only 17 years old, Ted died in the Battle of Ortona in 1944. He is one of over 114,000 Canadians and Newfoundlanders who have given their lives overseas in defence of this great nation.

It is my firm belief that the heroism and sacrifice of our servicemen and women should never be forgotten. To this end, I invited a number of like-minded Canadians to form an initiative to help establish our country's first National Memorial honouring Our Fallen who have been buried overseas, lost at sea or otherwise consumed into the landscapes of war. This country has become the multicultural and accepting nation it is today because of soldiers like Ted Truskoski, whose sacrifice has helped give millions the opportunity to build a life of freedom, peace and prosperity on Canadian soil.

With the awareness, personal involvement and financial support of our fellow Canadians, the Never Forgotten National Memorial Complex will provide a truly moving experience to forever remember and honour those who fought and died for our freedom... Wherever They May Lie.

Yours sincerely,



Tony Patrick Trigiani





Our Purpose

The Never Forgotten National Memorial Foundation is proud to be building Canada's very first memorial in a national park so that we may all Honour Canadian War Dead – Wherever They May Lie



Honouring Our Fallen

The Never Forgotten National Memorial will be a place for remembrance and gratitude. It will bring forth an exciting new era of commemoration, one allowing Canadians to honour and respect Our Fallen in a manner never previously experienced or possibly even imagined.



This memorial will ignite a new level of inspiration and passion within all Canadians and non-Canadians alike, through its spectacular maritime setting and the creation of the brand new iconic statue of Mother Canada, one that has been lovingly and respectfully modeled after the statue of Canada Bereft in Vimy France. Explore the history of our Canadian Armed Forces and of the Canadian Merchant Navy



The significance of the memorial site and its importance for families of Our Fallen; the impact it will have on Canadians today and for future generations to come; and how you can make a big difference and help contribute to the realization of this truly inspiring national endeavour.



INSPIRED BY THE PAST WHILE ENGAGING THE FUTURE

The Never Forgotten National Memorial Foundation proposes to usher in a new era of commemoration that spans the width and breadth of this young nation by honouring Our Fallen in the beauty of this striking Canadian Maritime landscape.



Mother
Bereft

Vimy
France



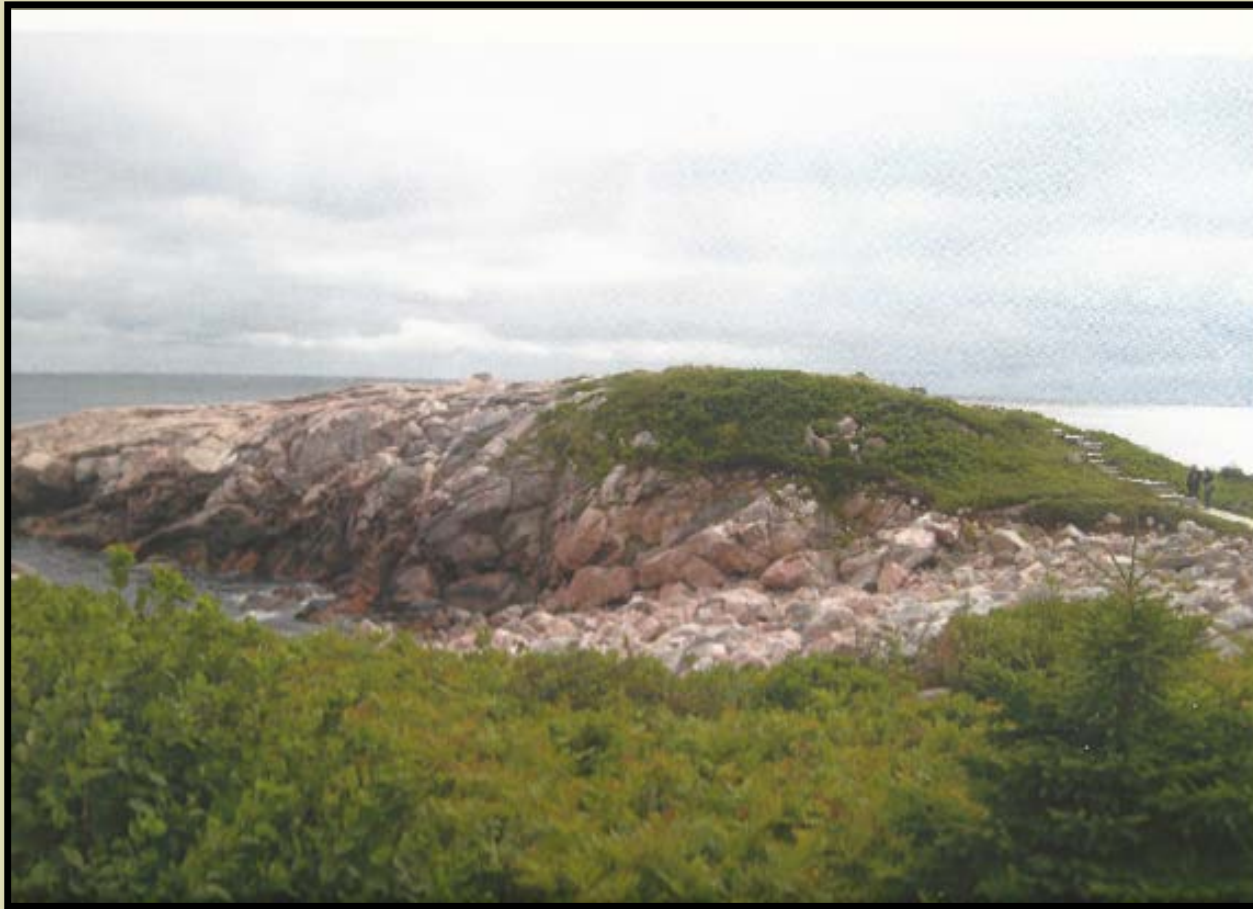
MORE THAN 114,000 CANADIAN WAR DEAD WERE BURIED IN FOREIGN COUNTRIES, LOST AT SEA OR OTHERWISE CONSUMED INTO THE LANDSCAPES OF WAR...

There are over 2,500 constructed Commonwealth War Graves Commission Cemeteries throughout the world. Canadians lie in many of these cemeteries as well as in numerous other plots and in several church and civil burial grounds in some 74 countries. The vast majority of these servicemen and women lost their lives in both World Wars, the Korean War, numerous peacekeeping missions and in recent international conflicts. The Never Forgotten National Memorial will proudly commemorate these brave individuals who lost their lives so far from home in defence of this great nation and its never ending quest for international peace.

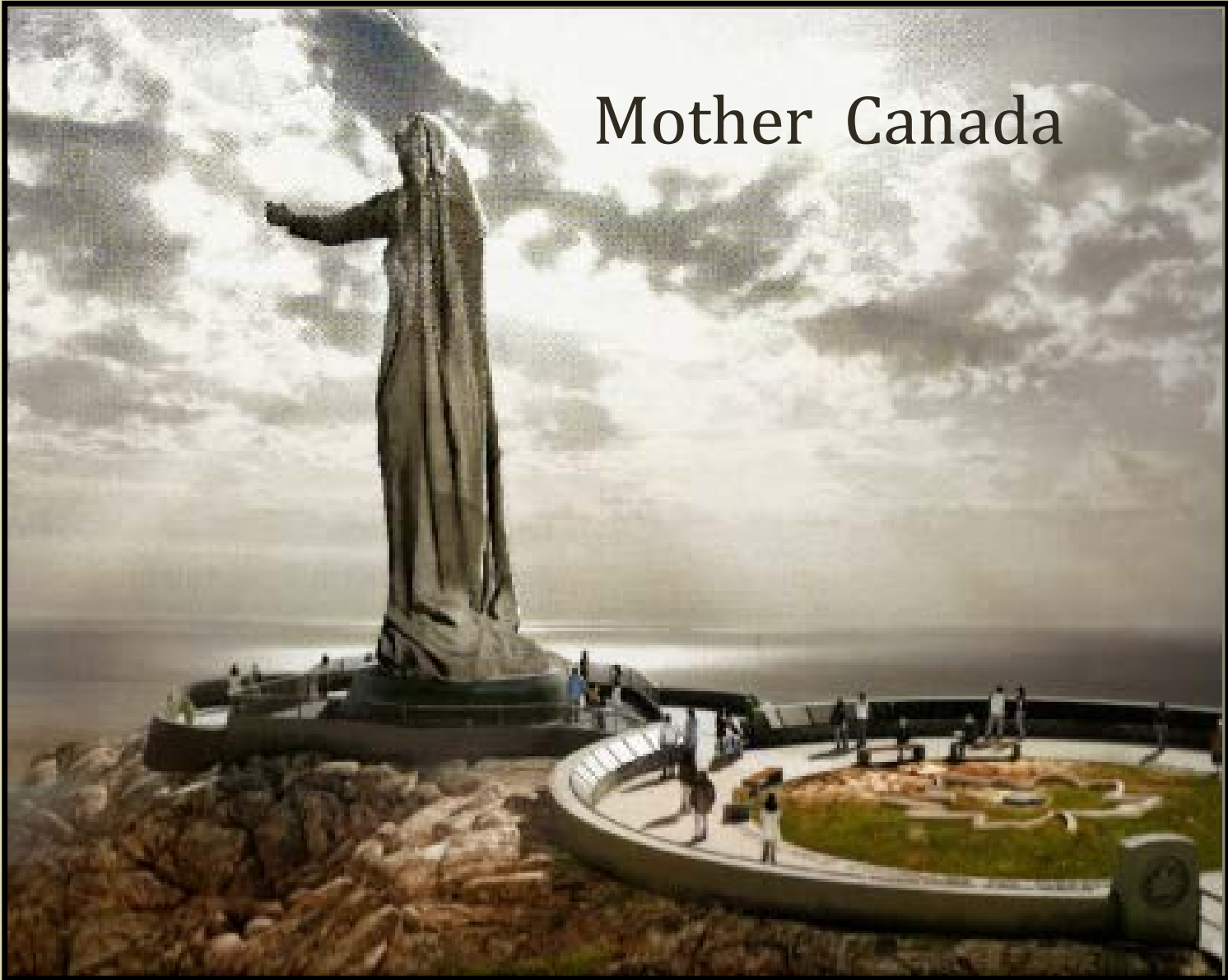


Location

Green Cove, Cape Breton,
Nova Scotia



Mother Canada





Green Cove



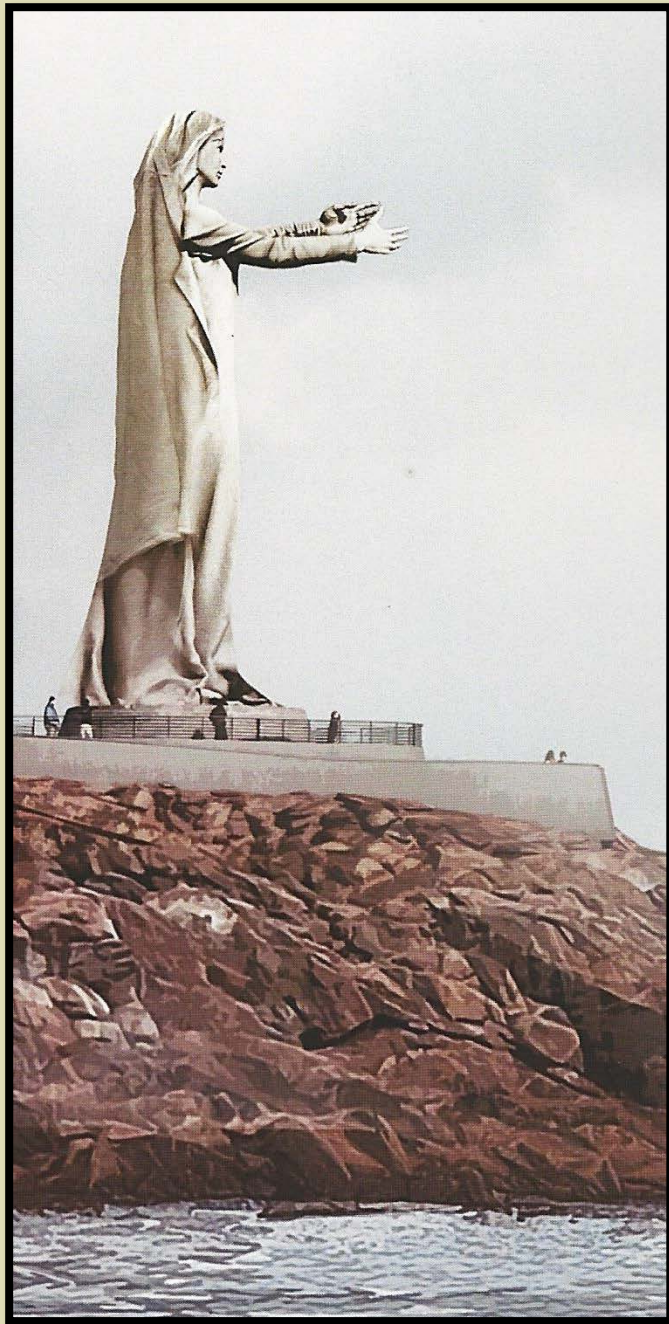
HIS THOUGHTS AND HIS VISION

....together they are now our dream.

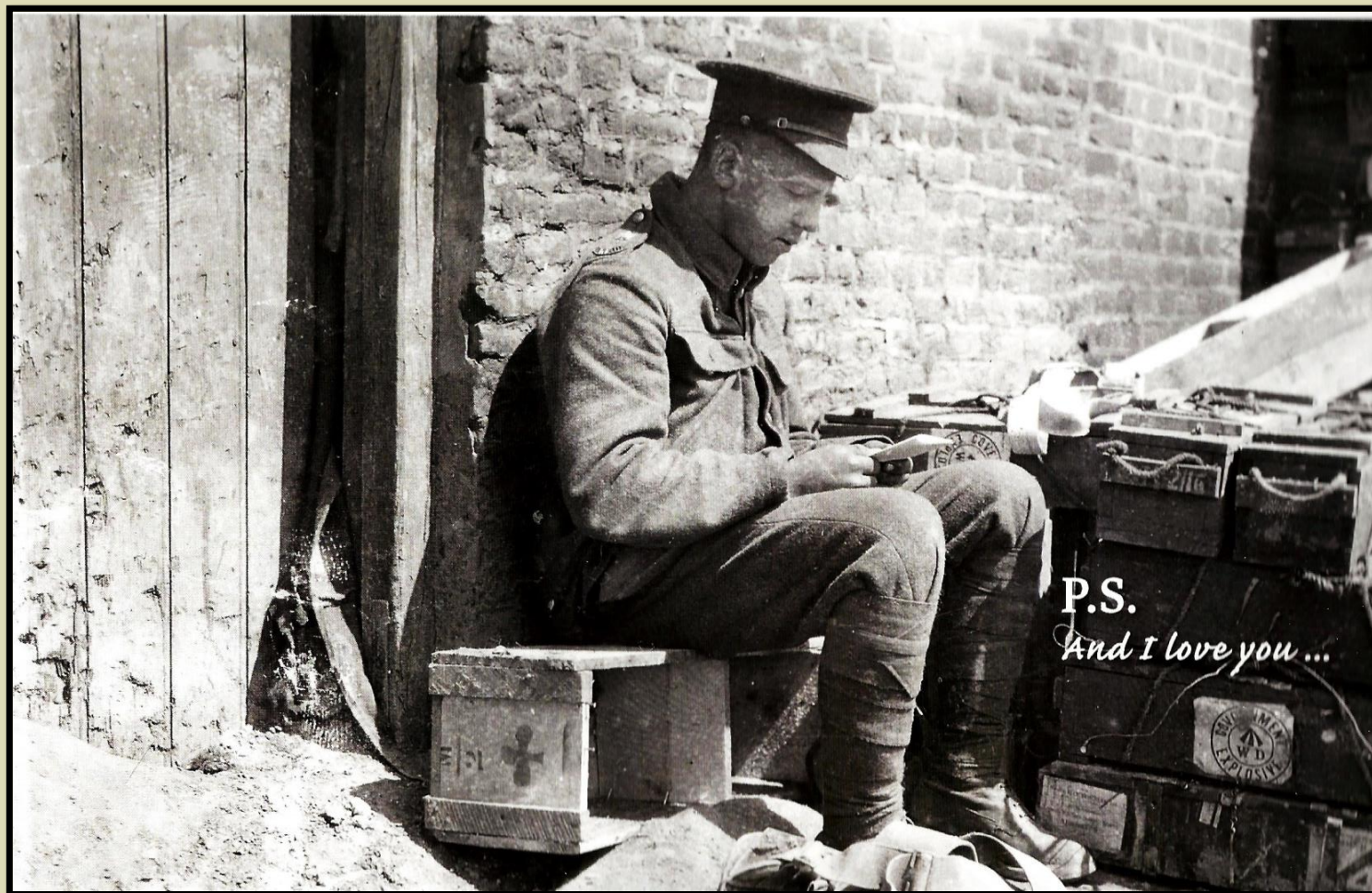
Facing the
Canadian
National Vimy
Memorial

Facing the
Canadian
National
Vimy
Memorial









P.S.
And I love you ...

Memorial Gateway



Adorned with symbols of Canadian sacrifice, The Memorial Gateway expresses the gravity of the memorial.



All the contents of this power point
presentation was taken from the official
presentation book

Never Forgotten National Memorial

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Music
By
John Williams
Hymn to the fallen

Power point presentation and design completed
by
LCol Ferguson A. Mobbs (ret'd) SBStJ, CD, KJ, OLJ

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

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

Name: FRANK DOYLE	
Organization / Group/ Business represented: DOYLES TOWN 6	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: FEB 10, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): TO SPEAK ABOUT THE FEE SCHEDULE THAT IN BEING PRESENTED, AND ASK THAT THIS ITEM BE DEFERRED FOR A SHORT TIME PLEASE DO NOT FAST TRACK THIS.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100

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Name: TED DOUCETTE	
Organization / Group/ Business represented: DOUCETTE BROS. TOWING	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: MONDAY/FEB/10/2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): CRIMINAL CONVICTION - GRANDFATHER CLAUS - OR OTHER OPTION	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Town of Newmarket

Minutes

Council

Date: Monday, January 20, 2020

Time: 7:00 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome (7:02 PM - 8:38 PM)
Councillor Bisanz

Staff Present: I. McDougall, Acting Chief Administrative Officer/Commissioner of Community Services
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
L. Lyons, Director of Legislative Services/Town Clerk
J. Grossi, Legislative Coordinator

The meeting was called to order at 7:00 PM.
Mayor Taylor in the Chair.

1. Open Forum

No one in attendance came forward to address Council during Open Forum.

2. Public Notices (if required)

None.

3. Additions & Corrections to the Agenda

The Clerk advised of the following addition to the agenda:

- Deputation by Gord McCallum regarding Item 9.4.3 - Climate Emergency Declaration.

The Clerk advised of the following correction to the agenda:

- Item 6.3: 2020 Run for Southlake - John Hartman, Consultant – Fund Development and Event Management, and Brian North, Consultant – Run Logistics and Event Management will be in attending in place of Melanie Osmond, Event Assistant, Southlake Regional Health Centre Foundation.

Moved by: Councillor Twinney

Seconded by: Councillor Simon

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

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, and Councillor Bisanz

Carried (8 to 0)

4. Declarations of Pecuniary Interest

None.

5. Presentations & Recognitions

None.

6. Deputations

6.1 2020 Inn From the Cold Update

Ann Watson, Executive Director of Inn From the Cold, provided an update regarding the shelter operations, and invited Council to the 2020 Coldest Night of the Year event on February 22, 2020 at 5:00 PM at Riverwalk Commons.

Members of Council thanked Inn From the Cold for their community involvement and encouraged residents to register for the event.

Moved by: Councillor Kwapis

Seconded by: Councillor Simon

1. That the deputation provided by Ann Watson regarding Inn From the Cold be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

6.2 Newmarket African Caribbean Canadian Association (NACCA) - Black History Month

Jerisha Grant-Hall provided a deputation to Council regarding Black History Month and invited Council to the Black History Month Reception at Old Town Hall on February 8, 2020 from 10:00 AM to 3:00 PM focusing on the Celebration of Precolonial Black History Contributions and Achievements.

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Councillor Bisanz

1. That the deputation provided by Jerisha Grant-Hall regarding the Newmarket African Caribbean Canadian Association be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

6.3 2020 Run for Southlake

Brian North, Consultant – Run Logistics and Event Management, provided a deputation to Council inviting them to the 2020 Southlake Run event on April 26, 2020.

Members of Council thanked Southlake for their community support and encouraged residents to register for the event.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the deputation provided by Brian North regarding the 2020 Run for Southlake be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

6.4 Climate Emergency Declaration

Gord McCallum provided a deputation regarding the Climate Emergency Declaration and expressed concerns with the language used in the motion.

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the deputation provided by Gord McCallum regarding the Climate Emergency Declaration be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

7. Approval of Minutes

7.1 Council Meeting Minutes of December 2, 2019

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the Council Meeting Minutes of December 2, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

7.2 Council Meeting (Closed Session) Minutes of December 2, 2019

Note: Public reporting out of the Closed Session items occurred at the December 2, 2019 Council Meeting.

Moved by: Councillor Morrison

Seconded by: Councillor Broome

1. That the Council Meeting (Closed Session) Minutes of December 2, 2019 be approved.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

8. Reports by Regional Representatives

Deputy Mayor & Regional Councillor Vegh advised of two Provincial consultations regarding Modernizing Public Health & Modernizing Emergency Health Services. He outlined current identified issues with these systems related to space constraints and response requirements.

Mayor Taylor advised of two following notice of motions provided by Mayor Mrakas at the York Region Committee of the Whole Meeting on January 16, 2020:

- Regional Fire Service
 - That staff work with the nine York Region municipalities, and report back on the potential creation of a Regional Fire Service for Council's consideration; and,
- Regional Council Composition Review
 - That as part of the Regional Council composition review report for Council's consideration, staff consider structural reform of Regional Government by reducing the number of members of Regional Council from the current 21 members (11 Regional Councillors, 9 Mayors, and 1 Regional Chair) to a reduced Council of 10 members (9 Mayors and 1 Regional Chair); and,

- That the report be presented as part of the composition review report for Council's consideration in time to implement any changes for the 2022 election.

9. Reports of Committees and Staff

9.1 Joint NEDAC and Council Workshop Meeting Minutes of October 22, 2019

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the Joint NEDAC and Council Workshop Meeting Minutes of October 22, 2019 be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2 Special Committee of the Whole Meeting Minutes of December 2, 2019

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the Special Committee of the Whole Meeting Minutes of December 2, 2019 be received and the recommendations noted within be adopted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.2.1 Established Neighbourhoods Compatibility Study

1. That Council direct Staff to schedule a Special Committee of the Whole in early 2020 for Council to provide direction regarding the Established Neighbourhood Compatibility Study; and,

2. That Staff be authorized an additional 30 days in their project timeline to complete the Established Neighbourhood Compatibility Study.

9.3 Council Workshop Meeting Minutes of December 16, 2019

Moved by: Councillor Simon

Seconded by: Councillor Broome

1. That the Council Workshop Meeting Minutes of December 16, 2019 be received.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.4 Committee of the Whole Meeting Minutes of January 13, 2020

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Bisanz

1. That the Committee of the Whole Meeting Minutes of January 13, 2020 be received and the recommendations noted within be adopted with the exception of sub-item 9.4.3, 9.4.5, 9.4.8, and 9.4.9. See following sub-items 9.4.3, 9.4.5, 9.4.8, and 9.4.9 for motions and recorded votes.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (9 to 0)

9.4.1 Presentation - Proposed Ward Boundary Review

1. That the presentation regarding the Proposed Ward Boundary Review be received.

9.4.2 Deputation - Climate Emergency Declaration Request - Drawdown Newmarket-Aurora

1. That the deputation by Debbie Fletcher-Queen and David Kempton regarding Climate Emergency Declaration Request - Drawdown Newmarket-Aurora be received.

9.4.3 Climate Emergency Declaration

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Kwapis

Whereas the Intergovernmental Panel on Climate Change (IPCC) on October 8, 2018 has urged the world to reduce the level of Green House Gas (GHG) emissions by 45% before 2030 as compared to 2010 to ensure that there is not more than a 1.5 degree increase in global average temperatures above preindustrial levels and to reach net zero by 2050; and,

Whereas there is a need for urgent and transformative action to reduce GHG emissions to limit global warming to 1.5 degrees to avoid catastrophic climate change; and,

Whereas climate change is currently responsible for billions of dollars in property damage worldwide, negatively affecting local and international economies; and,

Whereas climate change is threatening human civilization through rising sea levels, poor air quality, intense wild fires, heat events, unpredictable droughts and heavy rains; and,

Whereas climate change will impact human health through increased injury and death from extreme weather and temperature events and increased rates of vector-borne diseases from a climate more favourable to vectors; and,

Whereas climate change contributes to poor air quality that will exacerbate respiratory and cardiovascular disease, and increased rates of illness through food and water contamination; and,

Whereas these health impacts from climate change will worsen health inequities by disproportionately affecting vulnerable groups such as seniors, children, those experiencing social or economic isolation, and those with chronic health conditions or disabilities or both:

Now therefore be it resolved:

1. That the Town of Newmarket officially declare a climate emergency for the purpose of naming and deepening our commitment to the protection of our environment, economy, and community from the impacts of climate change; and,
2. That the Town of Newmarket officially declare a climate emergency for the purpose of expressing our commitment to reduce emissions across our Town, including both the emitters within the Towns control and all those who consider Newmarket to be their community such that the whole community can benefit from the ancillary opportunities such as economic growth, stimulation in the low carbon economy, and cost savings which are created by reducing emissions; and,
3. That in response to this declaration, Council direct staff to ensure that the Town of Newmarket's Community Energy Plan is utilized as a platform for public engagement and community collaboration in our collective efforts to reduce GHG emissions. Council also direct staff to proactively engage our entire staff team to reduce GHG emissions as outlined in the Community Energy Plan and present additional opportunities relating to increased GHG and energy reductions to Council for consideration as they arise.

In Favour (8): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Opposed (1): Councillor Simon

Carried (8 to 1)

9.4.4 Proposed Ward Boundary Review

1. That the report entitled Ward Boundary Review dated January 13, 2020 be received; and,
2. That a Ward Boundary Review be deferred for consideration by the 2022-2026 term of Council; and,
3. That Staff be directed to create a Ward Boundary Review Reserve Fund; and,

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

9.4.5 Application for Draft Plan of Condominium (19CDMN-2019-002)

Moved by: Councillor Bisanz

Seconded by: Councillor Twinney

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2019-002) dated January 13, 2020 be received; and,
2. That approval be given to Draft Plan of Condominium 19CDMN-2019-002) subject to the Schedule of Conditions attached hereto and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill ON L4B 3G2 be notified of this action.

Carried

9.4.6 Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street dated January be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 110 Niagara Street and adopt the attached exemption by-law.

9.4.7 Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street dated January 13th, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 730 Arthur Street and adopt the attached exemption by-law.

9.4.8 Stormwater Billing 2020 – Options

Moved by: Councillor Kwapis

Seconded by: Councillor Simon

1. That the report entitled Stormwater Billing 2020 – Options, dated January 13, 2020 be received; and,
2. That Council approve the recommendation related to billing options contained in the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9.4.9 Item 6.1 of the Central York Fire Services - Joint Council Committee Meeting of January 7, 2020 Draft Minutes

Moved by: Councillor Broome

Seconded by: Deputy Mayor & Regional
Councillor Vegh

That Council approve the following:

1. That Fire Services Report 2020-01 titled Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program dated December 20, 2019 be received; and,
2. That the Joint Council Committee (JCC) recommend to Newmarket and Aurora Town Councils that amendments to Newmarket By-law 2019-60 be adopted in accordance with Attachment 1 to this report; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9.4.10 Accessibility Advisory Committee Meeting Minutes of September 19, 2019

1. That the Accessibility Advisory Committee Meeting Minutes of September 19, 2019 be received.

9.4.11 Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019

1. That the Elman W. Campbell Museum Board of Management Meeting Minutes of October 17, 2019 be received.

9.4.12 Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019 be received.

9.4.13 Newmarket Public Library Board Meeting Minutes of October 16, 2019 and November 20, 2019

1. That the Newmarket Public Library Board Meeting Minutes of October 16, 2019 and November 20, 2019 be received.

9.4.14 Outstanding Matters List

1. That the outstanding matters list be received.

9.4.15 Public Hearing Matter - 693-713 Davis Drive - Zoning By-law Amendment Application - Presentation

1. That the Presentation regarding 693-713 Davis Drive - Zoning By-law Amendment Application be received.

9.4.16 Public Hearing Matter - 693-713 Davis Drive - Zoning By-law Amendment Application - Deputations

1. That the deputations provided by David Engel, Wendy Cassells, Charles Nanacsik, Kimberly St. Jacques, Patrick Monks and Heather Jongsma regarding 693-713 Davis Drive - Zoning By-law Amendment Application be received.

10. By-laws

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That By-laws 2020-01, 2020-02, 2020-03, 2020-04 and 2020-05 be enacted.

In Favour (9): Mayor Taylor, Deputy Mayor & Regional Councillor Vegh, Councillor Simon, Councillor Woodhouse, Councillor Twinney, Councillor Morrison, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

11. Notices of Motions

None.

12. Motions

None.

13. Announcements & Community Events

- Councillor Bisanz invited residents to her Ward 7 New Years Gathering on February 16, 2020 from 2:00 PM to 4:00 PM at the Ray Twinney Complex.
- Councillor Woodhouse invited residents to the Ted Barris – Rush to Danger talk put on by the Newmarket Historical Society on February 19, 2020 at 7:30 PM at the Newmarket Lion's Hall.
- Councillor Kwapis advised residents that the Town had issued a media release regarding the Historic Simpson House and Main Street Clock Inc., and thanked all those involved in the process.
- Councillor Morrison congratulated Phyllis Brady, Jean Ede and Lynn Robitaille on their volunteer efforts with the Elman W. Campbell Museum over the last 20+ years, and wished them the best in retirement.
- Councillor Morrison invited residents to his community meeting on January 22, 2020 at the Newmarket Lion's Hall and Community Centre at 7:00 PM.
- Councillor Broome invited residents to the Public Information Centre on January 23, 2020 from 6:30 PM to 8:00 PM regarding Animal Control & Licensing.
- Councillor Twinney wished residents a Happy Chinese New Year, Year of the Rat, and invited residents to the celebrations at Upper Canada Mall on February 8, 2020.
- Councillor Simon invited residents to her Ward 1 Carnival on February 9, 2020 from 1:00 PM to 5:00 PM at Ken Sturgeon Park.

14. New Business

14.1 Central York Fire Services - Joint Council Committee Notice of Motion

Councillor Broome advised that Mayor Mrakas provided a notice of motion at the January 7, 2020 Central York Fire Services - Joint Council Committee Meeting to investigate consolidation with Stouffville Fire Services. A motion will be presented at the March 3, 2020 Central York Fire Services - Joint Council Committee Meeting.

15. Closed Session

Mayor Taylor advised that there was no requirement for a Closed Session.

16. Confirmatory By-law

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That By-law 2020-06 be enacted.

Carried

17. Adjournment

Moved by: Councillor Woodhouse

Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 8:38 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket

Minutes

Special Committee of the Whole

Date: Monday, January 20, 2020

Time: 2:00 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon
Councillor Woodhouse
Councillor Twinney (2:05 PM - 4:02 PM)
Councillor Morrison
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: I. McDougall, Acting Chief Administrative
Officer/Commissioner of Community Services
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development &
Infrastructure Services
L. Lyons, Director of Legislative Services/Town Clerk
J. Unger, Acting Director of Planning & Building Services
T. Horton, Senior Planner – Community Planning
A. Walkom, Legislative Coordinator

For consideration by Council on February 10, 2020.

The meeting was called to order at 2:02 PM.

Mayor Taylor in the Chair.

1. Additions & Corrections to the Agenda

The Clerk advised that a revised version of the presentation related to Item 3.1: Established Neighbourhoods Study had been distributed.

Moved by: Councillor Broome

Seconded by: Councillor Morrison

1. That the correction to the agenda be approved.

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations

3.1 Established Neighbourhoods Study

The Senior Planner, Community Planning provided a presentation to Council regarding the Established Neighbourhoods Compatibility Study. The presentation included the results of a Council survey which collected feedback on the elements of a revised Official Plan and Zoning By-law and provided broad patterns based on these survey results.

The Senior Planner outlined the emerging policy directions from the study which include official plan and zoning by-law amendments. He provided a proposed list of character areas for the Town which include contemporary suburban neighbourhoods, traditional suburban neighbourhoods, and organic growth neighbourhoods. The presentation concluded with the target timeline for the project.

Members of Council queried staff regarding the heights of buildings and lot coverage, mixed uses including commercial and residential, soft landscaping requirements and potential parking issues.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the presentation regarding the Established Neighbourhoods Study be received.

Carried

4. Deputations

- Patrick Monks asked questions of Town staff regarding lot coverage calculation with regard to Town property, green driveways and if a revised zoning by-law would restrict the building of two-storey houses in a neighbourhood which consists of bungalows.
- Elaine Adam asked questions of Town staff regarding lot coverage calculation with regard to garages, the timing of the Town's proposed tree protection by-law and if lot coverage calculation included land such as marshland which could not be used for building purposes.
- Ann Campbell asked if the zoning by-law included any restrictions on the number or placement of windows on a new build in relation to an existing house. The Senior Planner advised that there were no such restrictions in place in the zoning by-law.

Moved by: Councillor Bisanz

Seconded by: Councillor Simon

1. That the deputations by Patrick Monks, Elaine Adam and Ann Campbell regarding the Established Neighbourhoods Study be received.

Carried

5. Items

None.

6. Adjournment

Moved by: Councillor Kwapis

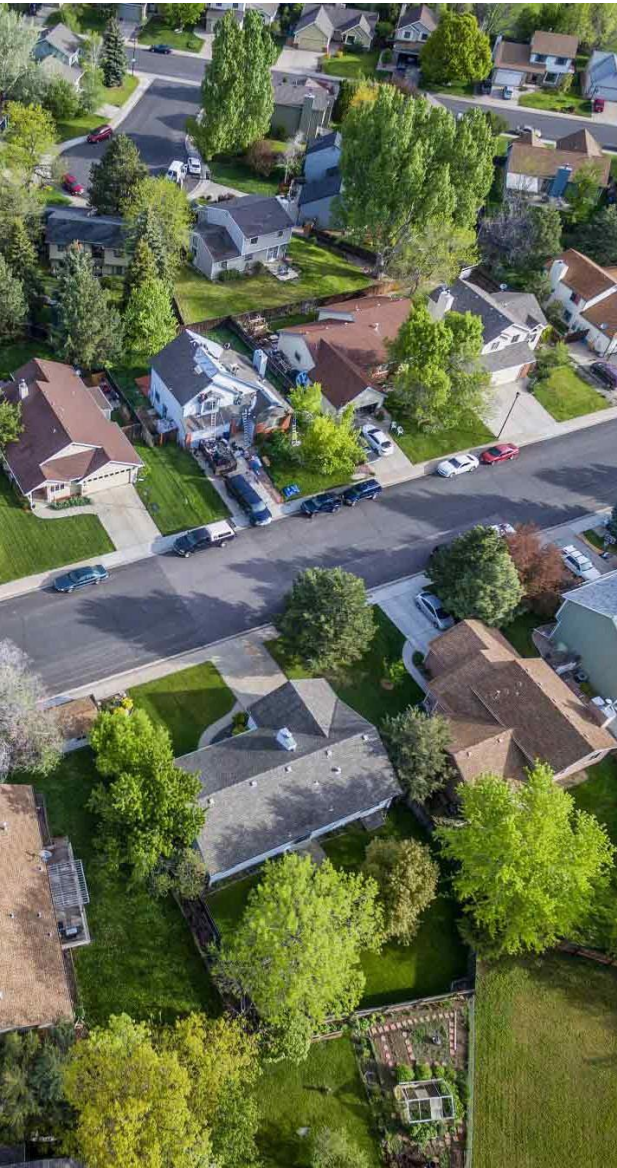
Seconded by: Councillor Twinney

1. That the meeting be adjourned at 4:02 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk



TOWN OF NEWMARKET

ESTABLISHED NEIGHBOURHOODS COMPATIBILITY STUDY

SPECIAL COMMITTEE OF THE WHOLE

JANUARY 20, 2020

PRESENTATION OUTLINE

1. Introduction

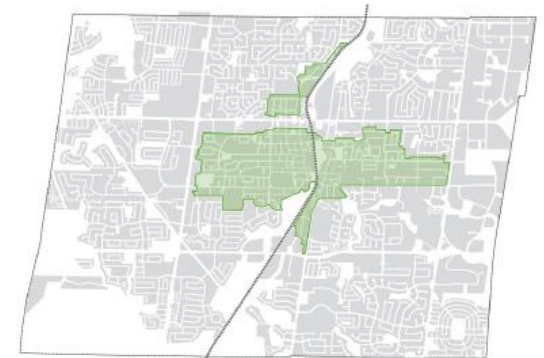
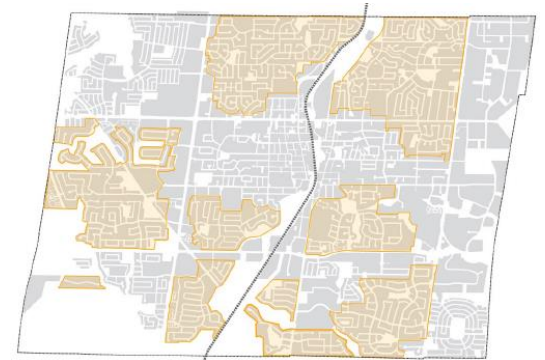
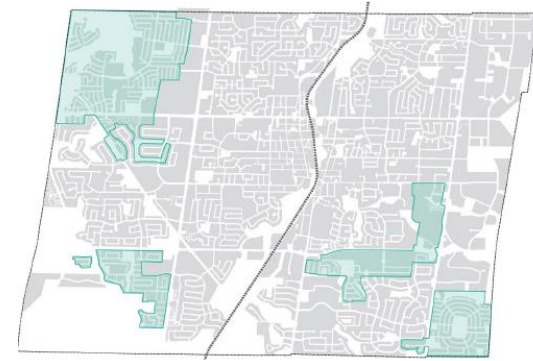
2. Planning 101

3. Summary of December 2nd Presentation

4. Council Survey

5. Emerging Policy Directions

6. Next Steps



1. INTRODUCTION

Target project timeline

- January 20 – Special Committee of the Whole
- Jan-Feb – Staff prepares specific recommended by-laws based on Committee feedback
- February – Statutory notice of proposed amendments to Council and public
- April 14 – Statutory Public Meeting
- May 25 – Recommendation report to Committee of the Whole
- July 20 – Expiry of Interim Control By-law

1. INTRODUCTION

Executive summary

- Proposing to amend the Official Plan to revise Residential Areas and Compatibility policies
- Proposing to amend the zoning by-law to:
 - Make height and coverage more closely reflect existing neighbourhoods
 - Change how we measure height based on types of roofs
 - Increase flexibility in interior layout of homes
 - Make it easier to understand rules related to front yards and driveways
 - Recognize that arterial roads and the primary collectors Eagle Street, Gorham Street, and Prospect Street have a mix of uses
 - Make other required changes during the process of revising residential policies (supportive housing, ADUs, consolidating by-laws)
- Not final decision point nor final recommendation
- Staff will take direction, draft recommendations, provide public notice, schedule public meeting, and report back for future Council decision

2. PLANNING 101

Planning Tools

- Development occurs through *planning applications* and *by right* development



- Official Plan – Guides *planning applications*
 - *Planning applications* request permission that differs from zoning (e.g. 400 Park Avenue, 260 Eagle Street, minor variances).
 - Directs where applications should be approved or refused
 - Shapes applications through review to protect what is most important
 - Statements of intent and design objectives



- Zoning By-law – Regulates land in its use and built form *by right*
 - *By right* development conforms to zoning - is conducted through building permits to change houses (e.g. additions, second storeys, renovations).
 - Is clear and unambiguous

3. DECEMBER 2nd RECAP

Project history

- History of Town zoning efforts on compatible development
- Process of Established Neighbourhoods Study
- Consultation and engagement
- Neighbourhood classifications
 - Organic Growth Neighbourhood
 - Traditional Suburban Neighbourhood
 - Contemporary Suburban Neighbourhood

Project outcome



- Official Plan amendment
 - Updated policies for residential areas
 - Guide future development, where permitted

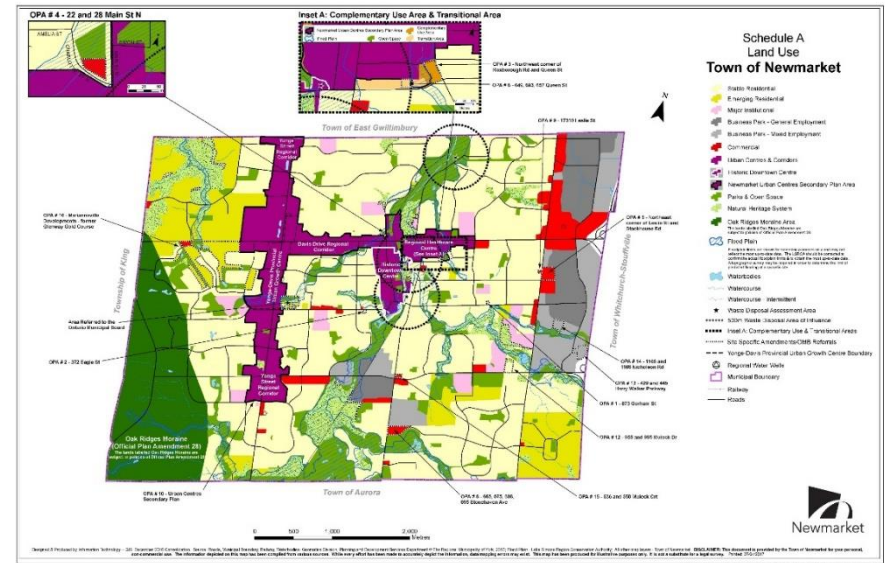


- Zoning by-law amendment
 - Character Area-specific standards
 - Responds to context

3. DECEMBER 2nd RECAP

Key challenges

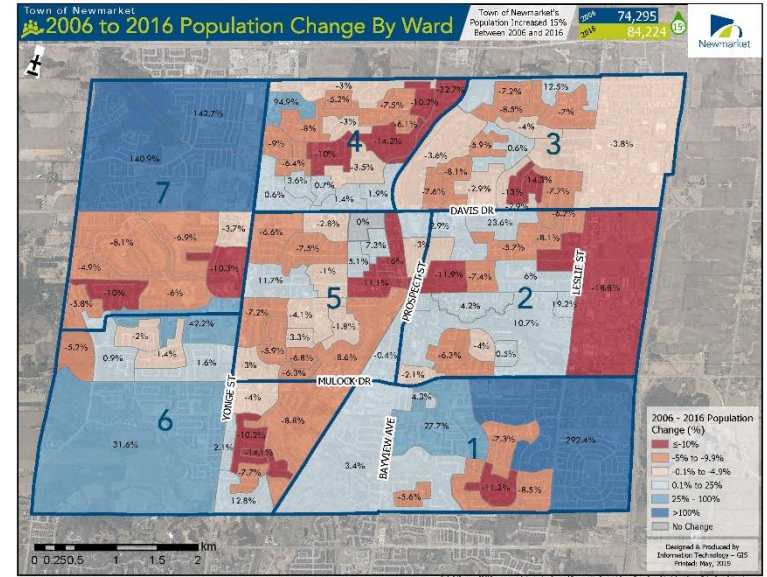
- Outdated land use designations
- Restrictions on higher-density housing forms
- No defined distinction between neighbourhood character
- Inconsistency between zoning permissions and existing built form



3. DECEMBER 2nd RECAP

Key challenges

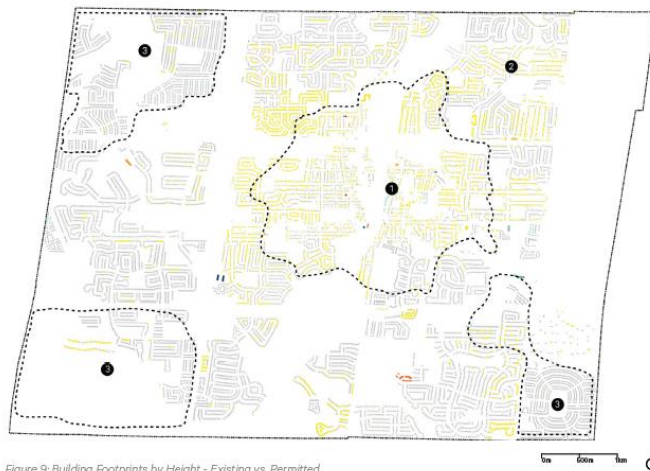
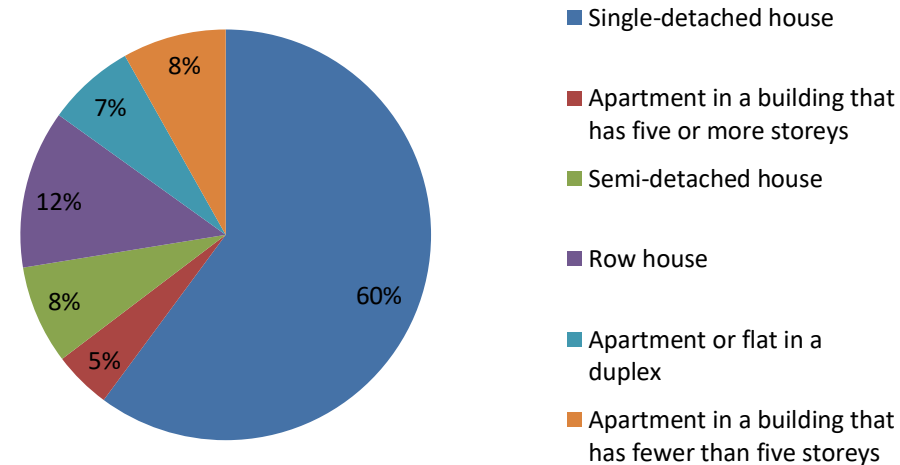
- Changing demographic trends
- Housing affordability
- Declining neighbourhood populations
- Over-housing / Under-housing
- Need for a comprehensive policy solution



3. DECEMBER 2nd RECAP

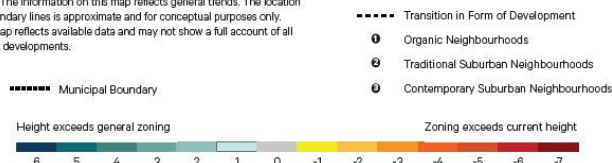
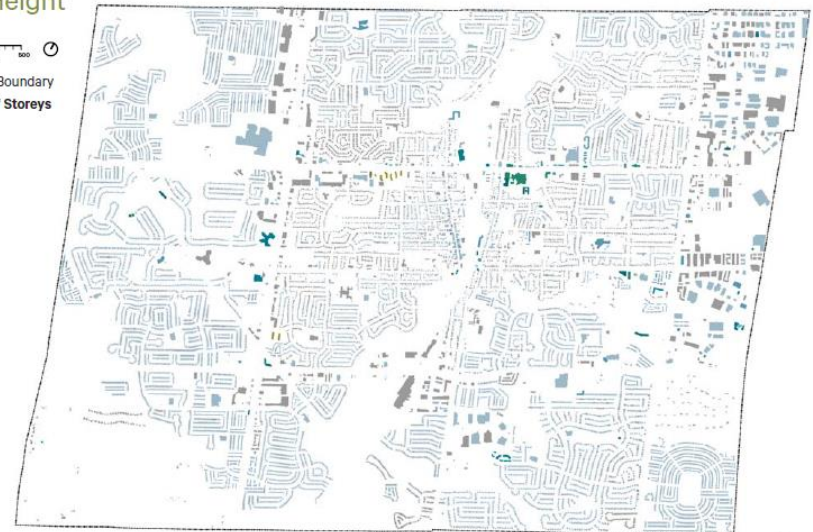
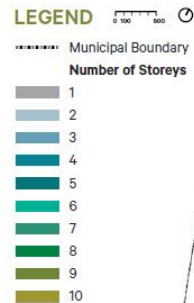
Questions

- Types of single detached dwellings
 - Data availability
 - Ensuring diversity of building types



Note: The information on this map reflects general trends. The location of boundary lines is approximate and for conceptual purposes only. The map reflects available data and may not show a full account of all recent developments.

Building Height



4. COUNCIL SURVEY

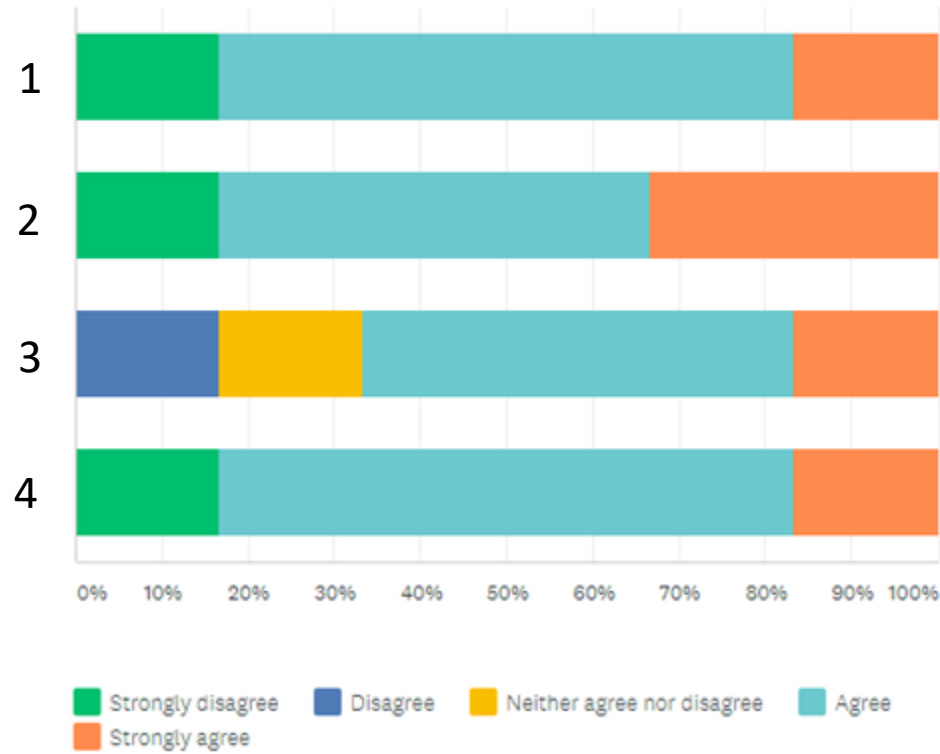
Your feedback



4. COUNCIL SURVEY

Neighbourhoods should incorporate housing choices which accommodate for:

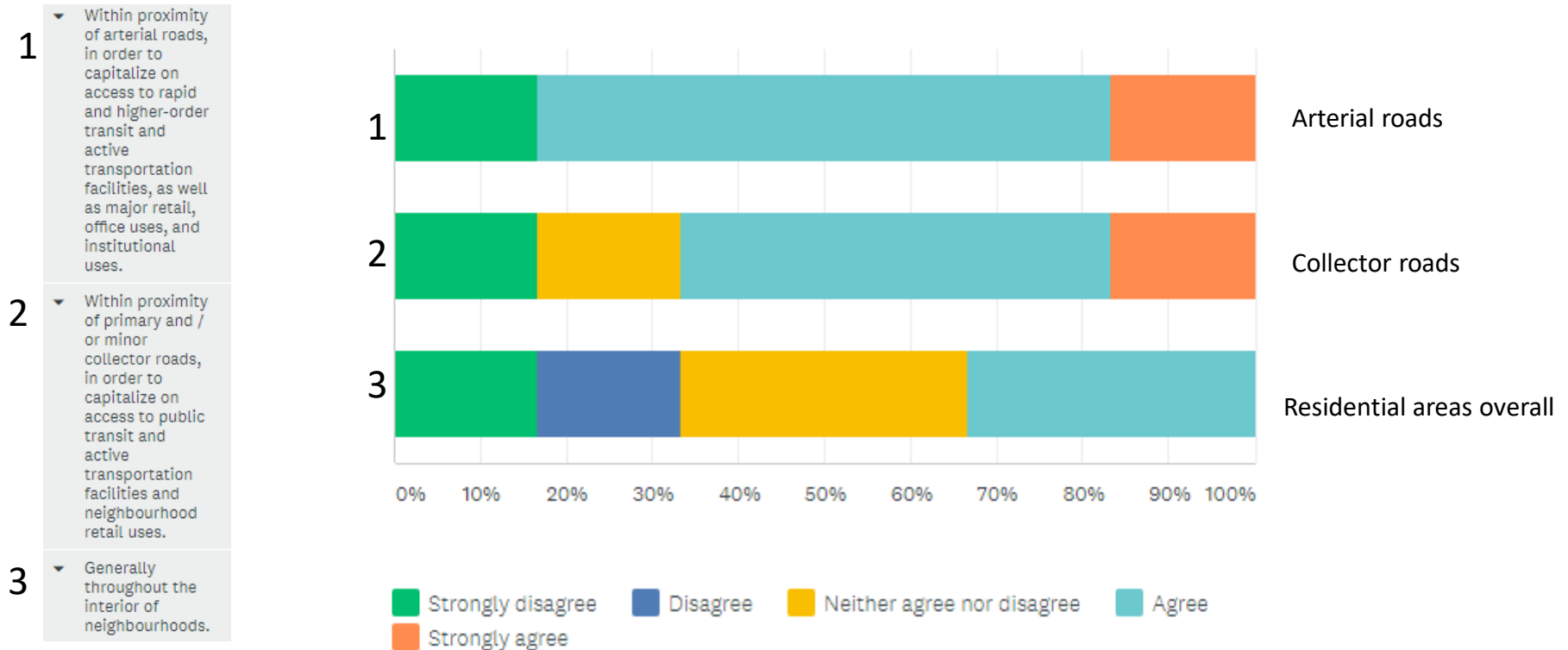
- 1 ▾ Individuals, couples and empty nesters who have minimal requirements for living space.
- 2 ▾ New families, with moderate requirements for living space.
- 3 ▾ Individuals participating in multi-generational or other co-living / co-housing arrangements with moderate to significant requirements for living space and / or unique unit and building configurations.
- 4 ▾ Aging seniors and persons with disabilities, who have moderate to significant accessibility requirements in combination with a range of living space requirements.



4. COUNCIL SURVEY



The Official Plan policies should state that the Town will allow for a greater diversity and range of building types and housing choices:

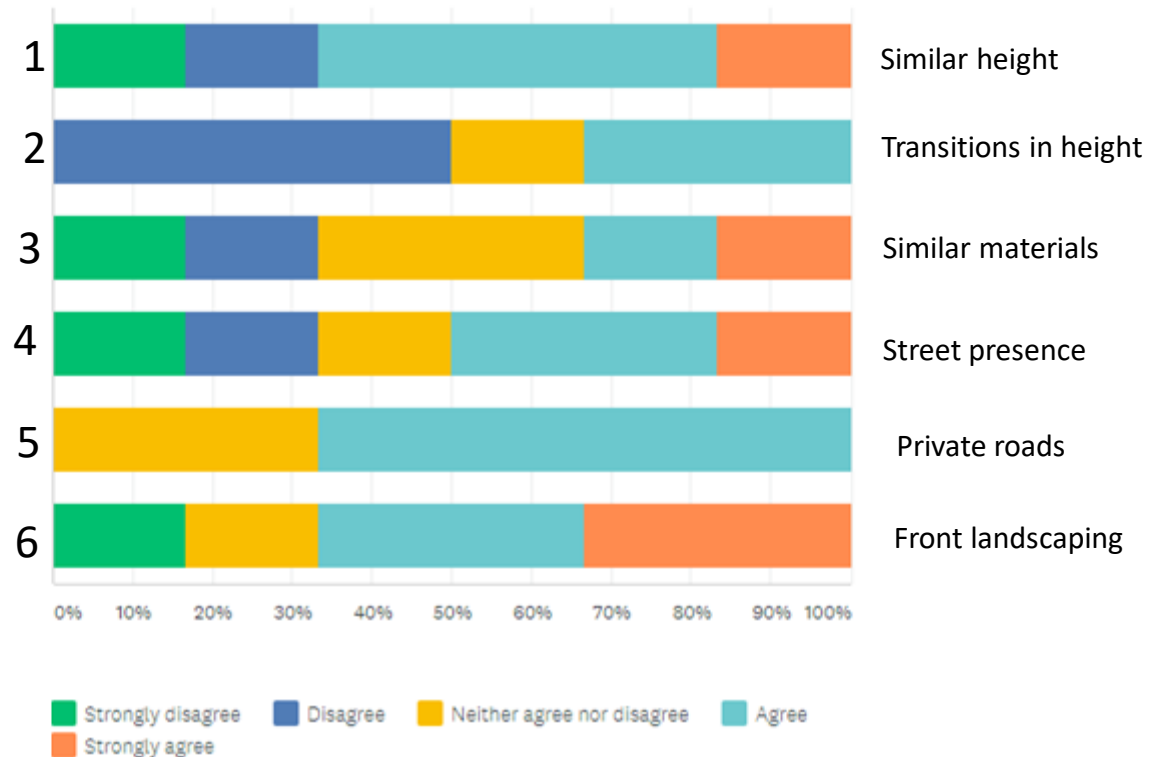


4. COUNCIL SURVEY



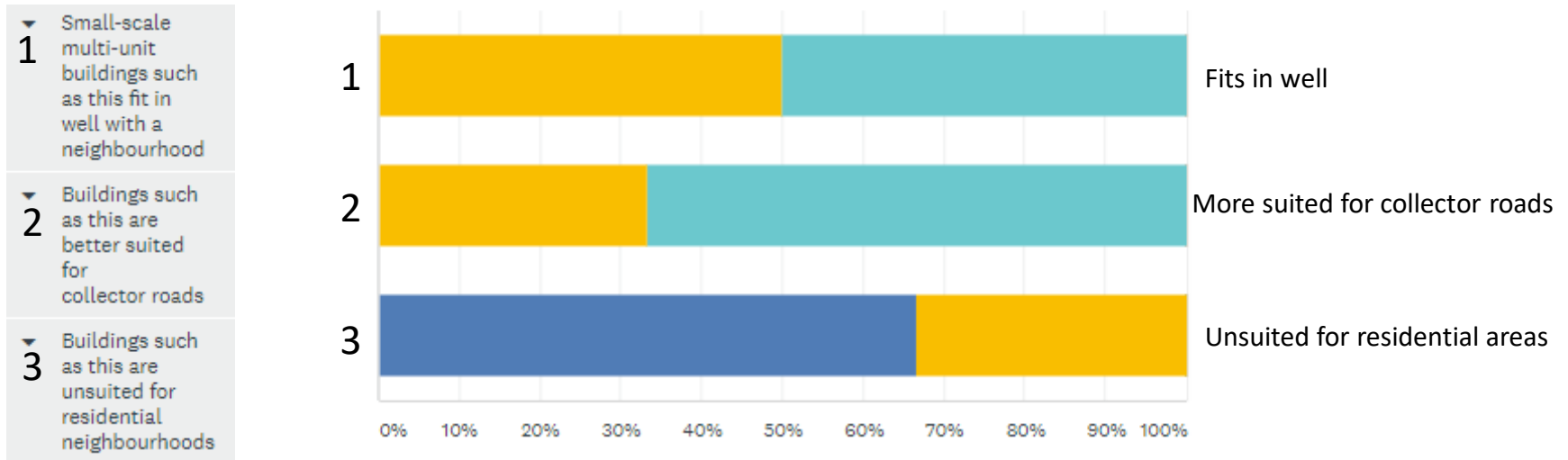
The Official Plan should contain policies which direct that when new forms of development occur:

- | | |
|--|---|
| <p>1 It is similar in height to its streetscape neighbours</p> <p>2 It can be taller than its streetscape neighbours but should gradually transition in height</p> <p>3 It should reflect the material palette that is common among its streetscape neighbours</p> | <p>4 It should have a street presence (front doors, driveways, garages) similar to its streetscape neighbours</p> <p>5 When on larger lots with multiple units (e.g. townhouses) it should be permitted to create a private internal street onto which dwellings can front and have driveways</p> <p>6 It should provide similar front yard landscaped areas as its streetscape</p> |
|--|---|



4. COUNCIL SURVEY

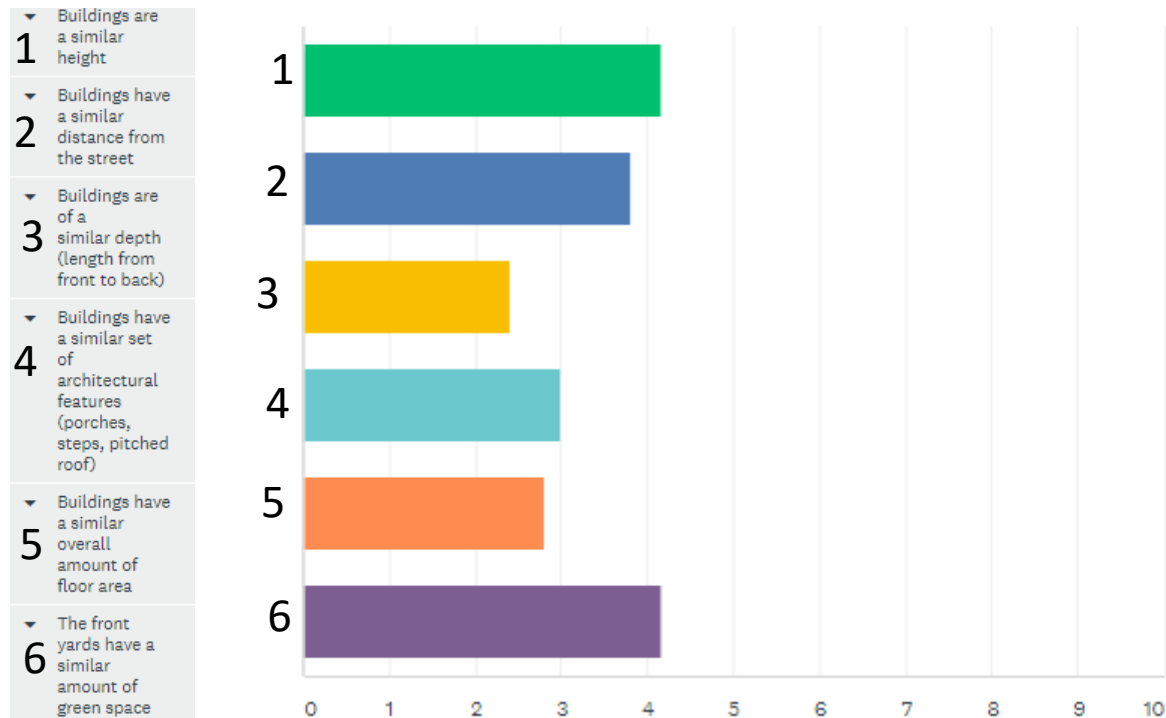
The presentation discussed how there are buildings with multiple units (e.g. triplexes) in many Newmarket neighbourhoods that look and feel like a single detached dwelling (example above that was recently rebuilt). Please indicate your agreement with the following statements:




4. COUNCIL SURVEY



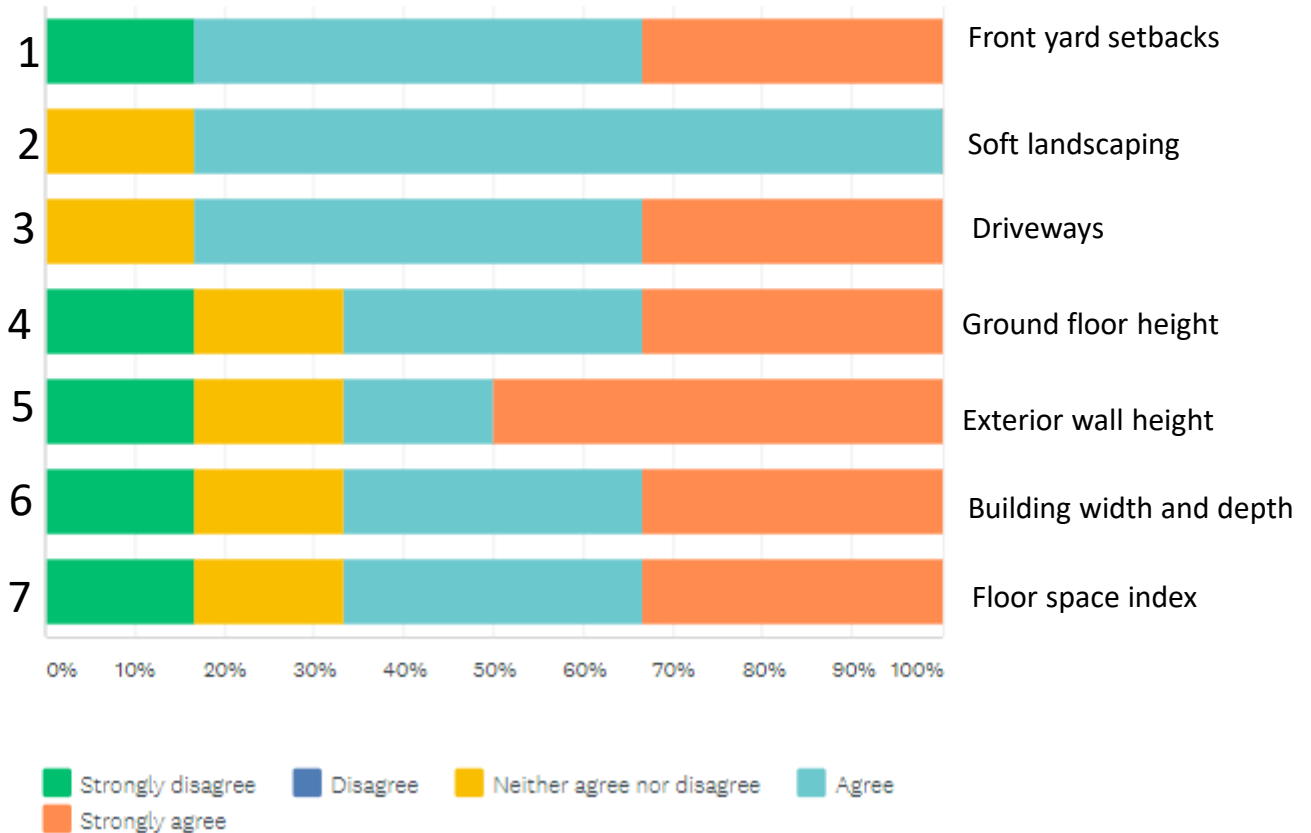
When you think of compatibility between houses in a neighbourhood, how would you rank the importance of the following elements?



4. COUNCIL SURVEY

 The Zoning By-law should incorporate new site and building design standards to regulate:

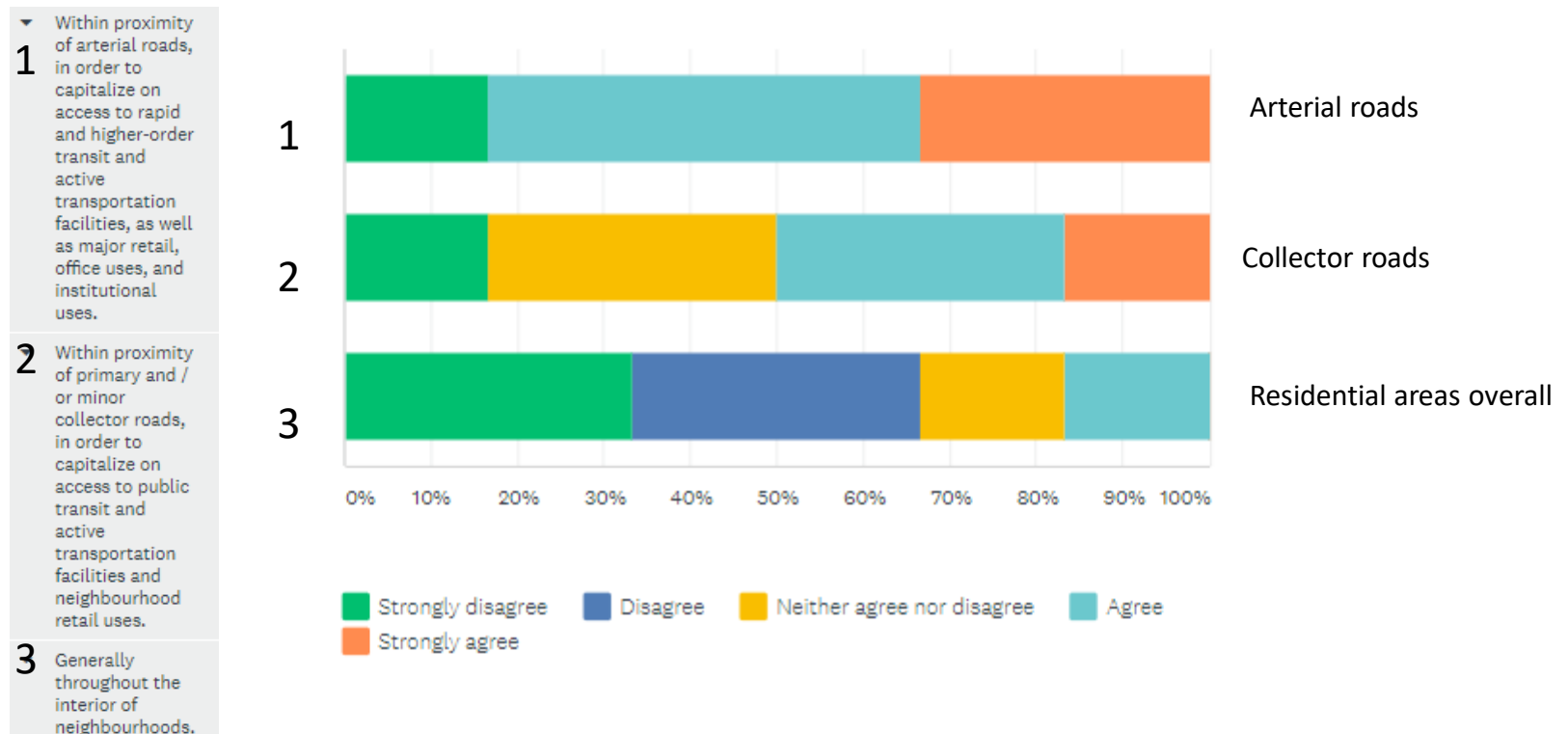
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| <p>1 Maximum front yard setbacks, to be provided in addition to minimum setback requirements, in order to ensure that future development respects prevailing street wall conditions.</p> <p>2 Minimum soft landscaping requirements, in order to maintain prevailing front and rear yard landscaping patterns, and promote on-site stormwater management practices.</p> <p>3 Maximum number of driveway entrances / curb-cuts, in order to ensure that future development maintains prevailing front yard landscaping patterns, and the continuity of existing sidewalks.</p> | <p>4 Maximum ground floor / finished first floor height, in order to ensure that future development respects prevailing ground floor and front porch heights, while minimizing the number of steps required to reach the ground floor.</p> <p>5 Maximum exterior wall heights, to be used in combination with maximum building heights, in order to ensure that future development respects prevailing massing conditions and the scale of existing development.</p> | <p>6 Maximum building width and / or depth, to be used in combination with maximum lot coverage requirements, in order to ensure that future development respects prevailing massing conditions and the scale of existing development.</p> <p>7 Maximum density / floor space index, to be used in combination with maximum lot coverage requirements, in order to ensure that future development respects prevailing massing conditions and the scale of existing development.</p> |
|---|--|---|



4. COUNCIL SURVEY

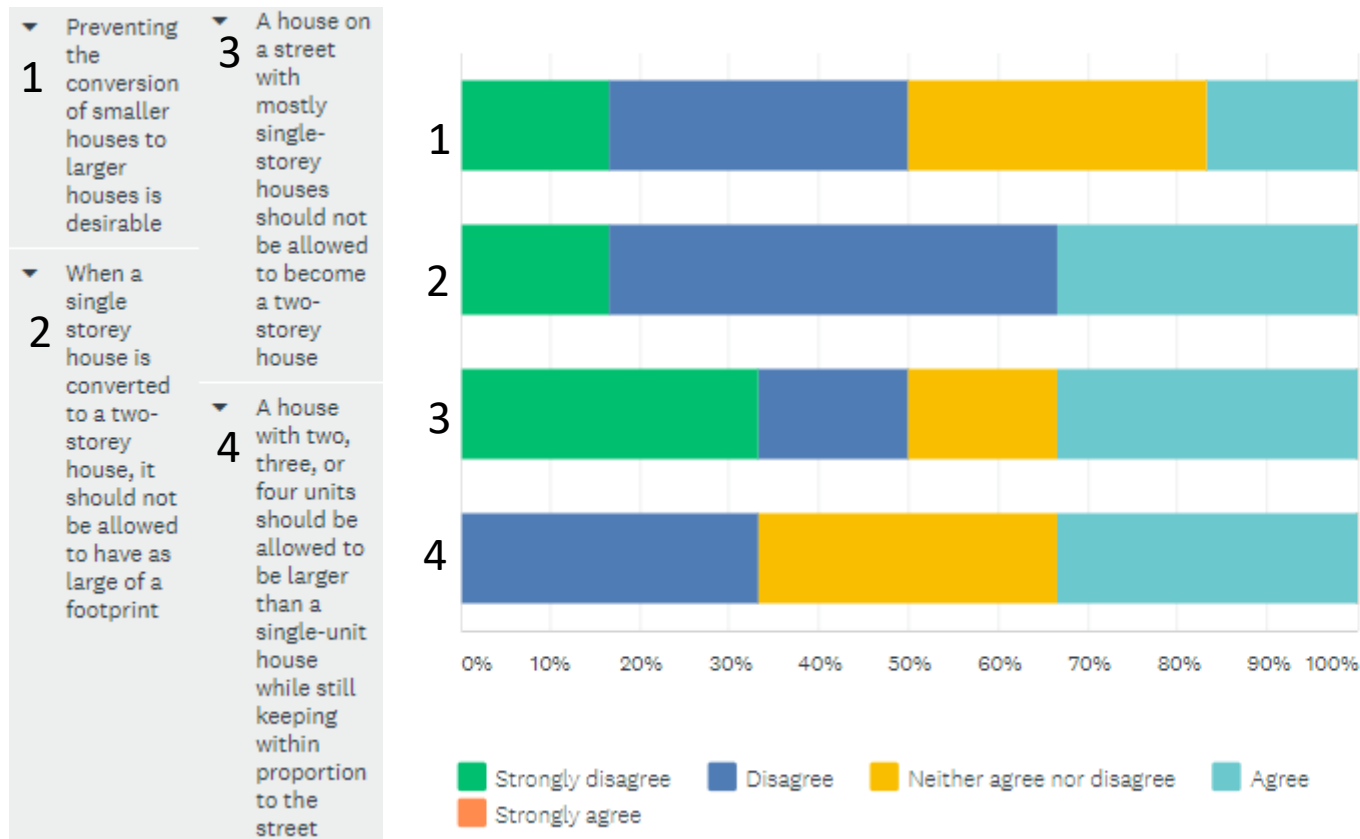


The Zoning By-law should allow for a greater diversity and range of building types and housing choices:




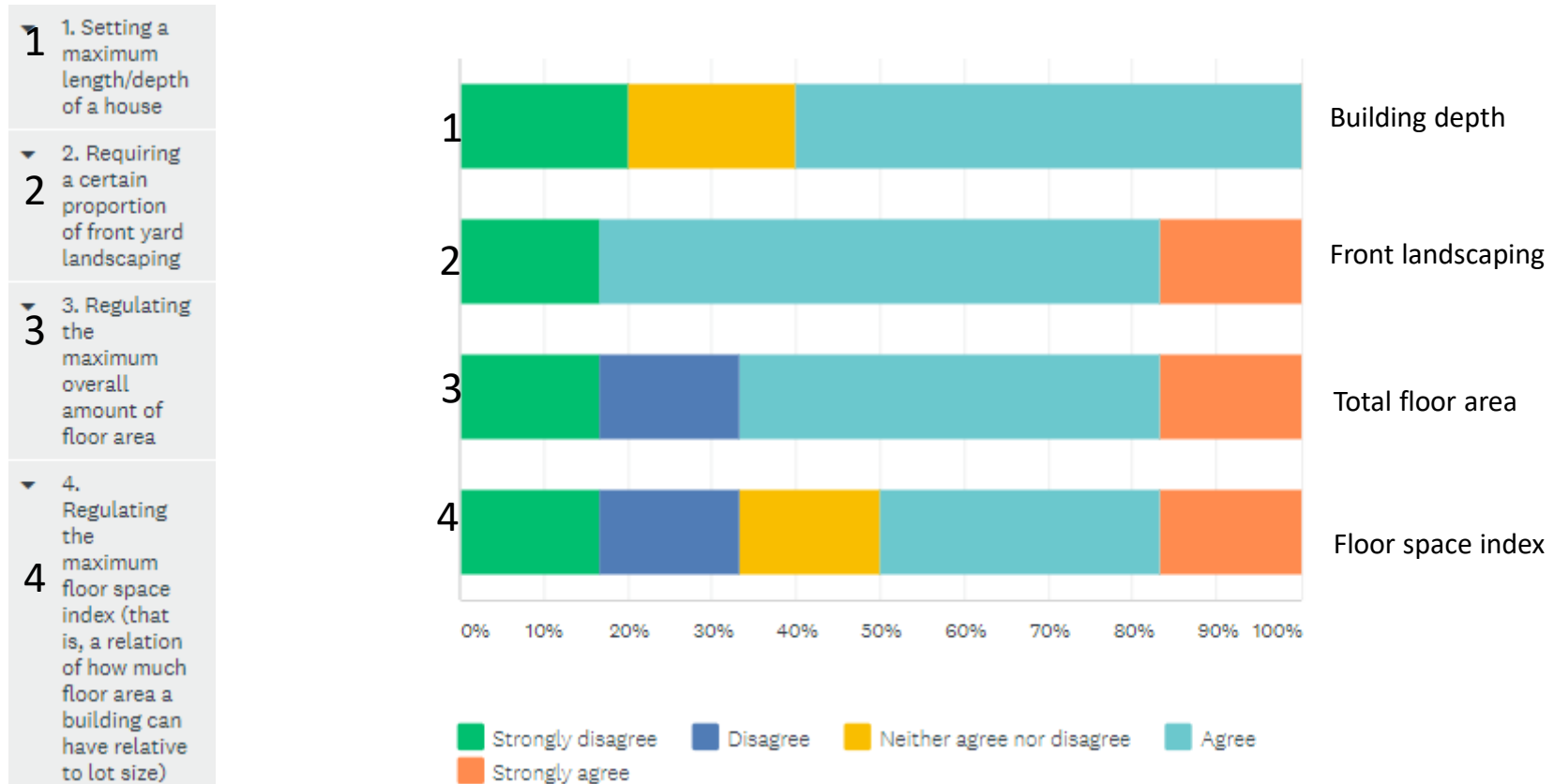
4. COUNCIL SURVEY

Please indicate the degree to which you agree with the following statements




4. COUNCIL SURVEY

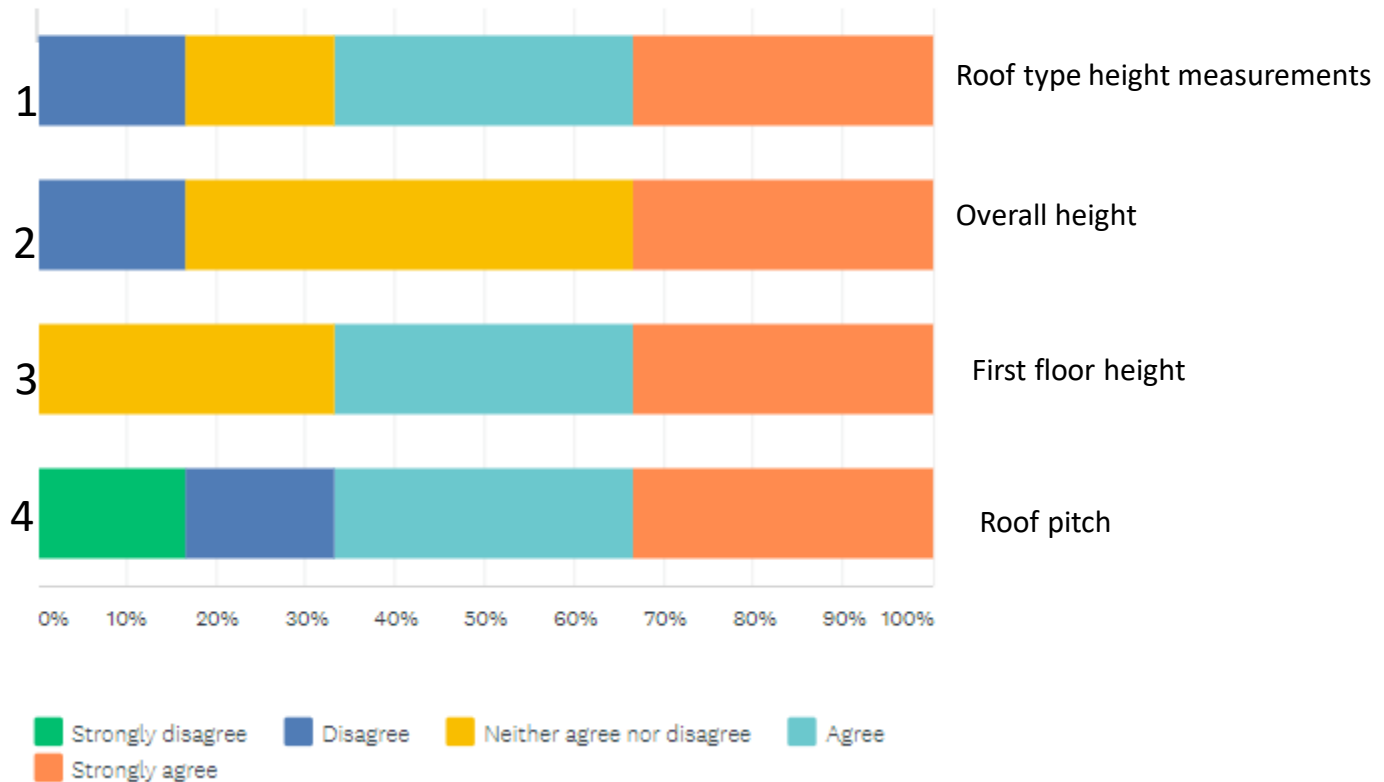
 Zoning can control development by defining measures and creating limits on them. Please indicate your level of support for using the zoning by-law to more tightly limit the following types of measures.




4. COUNCIL SURVEY

 Different ways of controlling building height are possible. Please indicate your level of support for using the zoning by-law to more tightly limit the following types of measures.

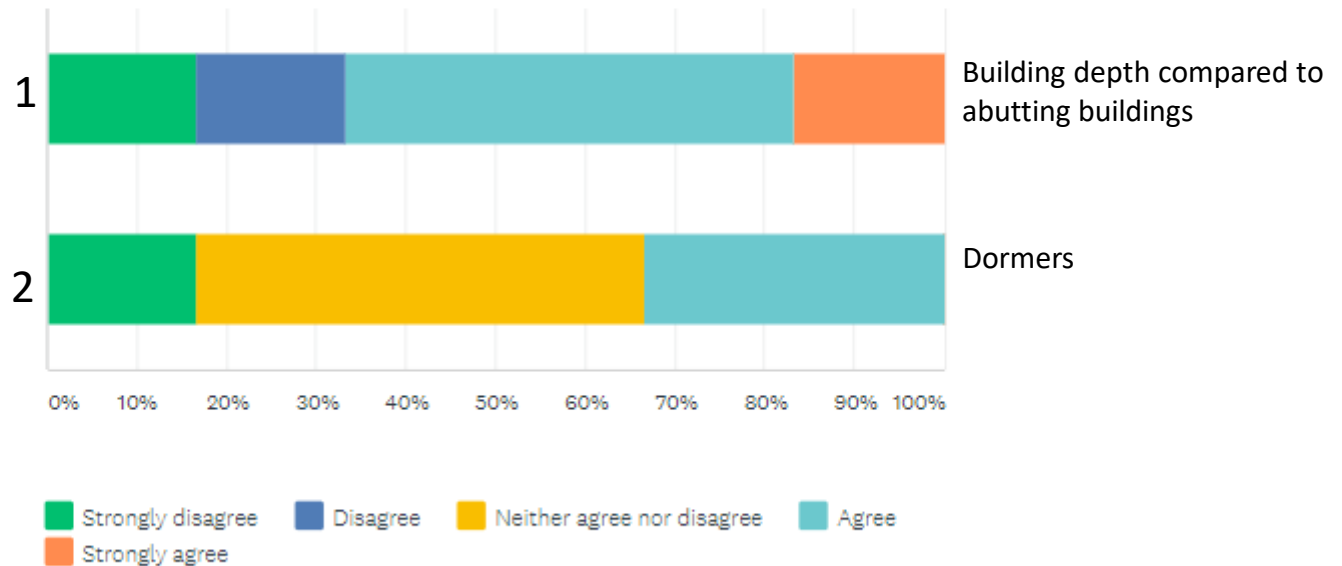
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| <p>1</p> <p>5. Changing how height is measured (e.g. to peak, to midpoint) to discourage roofs of such massing and height</p> | <p>3</p> <p>7. Setting a maximum height for the first floor above grade to ensure entrances are prominent and close to the street</p> |
| <p>2</p> <p>6. Reducing the overall permitted maximum height</p> | <p>4</p> <p>8. Including rules for roof pitch to ensure the additional height provided for pitched roofs is not used to create a flat-roof condition</p> |



4. COUNCIL SURVEY

 Different ways of controlling building size are possible. Please indicate your level of support for using the zoning by-law to more tightly limit the following types of measures.

- ▼ 10.
1 Regulating the maximum length/depth of the building to be similar to or within a certain relation of abutting buildings
- ▼ 11.
2 Regulating the proportion of a roof that can contain dormers to avoid having a roofline appear as a storey



4. COUNCIL SURVEY

Key takeaways and broad patterns :

- Recognition of changing housing needs for a range of demographic groups and family structures (i.e. families, seniors, etc.)
- General consensus on the importance of preserving character of existing neighbourhoods, with some flexibility for different styles (i.e. roofs) and allowances for context-specific variation
- Desire to protect public realm features (i.e. tree canopy, landscaping, driveways, curb-cuts, etc.) to the same or greater extent as built form characteristics – reflective of feedback from public consultation
- Emphasis on how buildings are perceived from the street – general desire to ensure conformity for building height, entrance location and orientation, setbacks, and soft landscaping to avoid “out of place” visual impacts
- Weaker preference for stringent controls on ‘hidden’ elements such as building depth, floor area or floor space index



4. COUNCIL SURVEY

Key takeaways and broad patterns :

- Interestingly, “variety of styles”, “mixed built form”, “eclectic mix of type of styles” identified as distinctive element worthy of preservation
- General support for an increased diversity of building types and housing options in neighbourhoods, including small multi-unit developments – however, mixed tolerance for larger building footprints as a result of conversions from single-family homes
- Consensus around the need to increase housing choice and affordability for residents – look to successful precedents and consider broader context of growth
- Need for a flexible and balanced approach to guide change and development – balance competing and complex interests around preservation, renewal, heritage, affordability, homeowner rights, and well-being



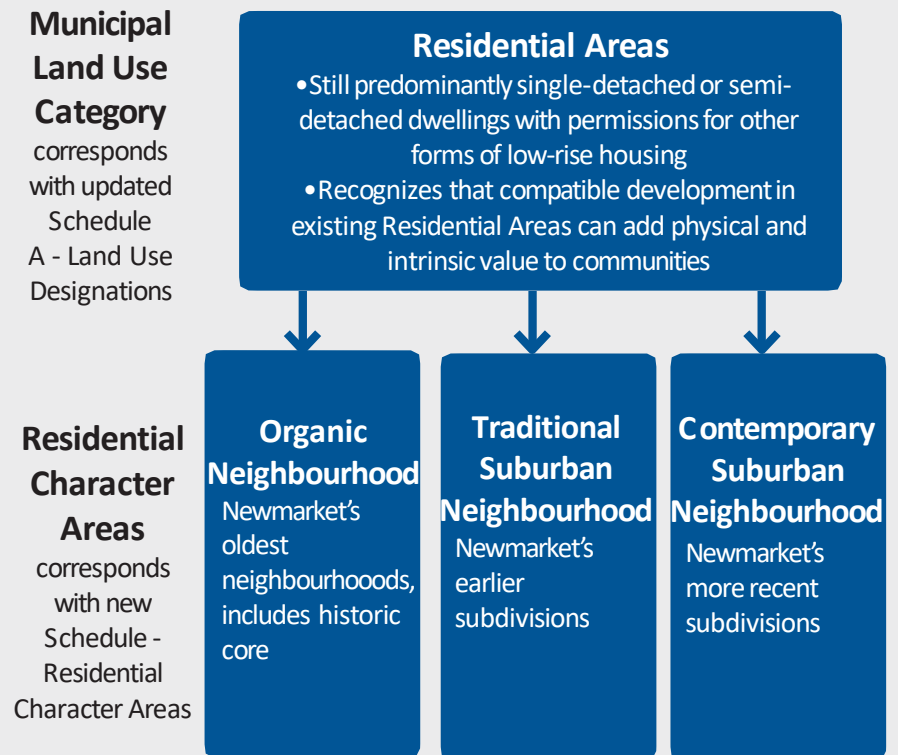
5. EMERGING POLICY DIRECTIONS

Potential Official Plan Structure

Introduce a new layer of Official Plan policy which provides direction for new development within individual Residential Character Areas and:

- defines the boundaries of each Residential Character Area
- provides a neighbourhood character statement, list of predominant built form conditions and predominant public realm conditions;

Town of Newmarket Official Plan



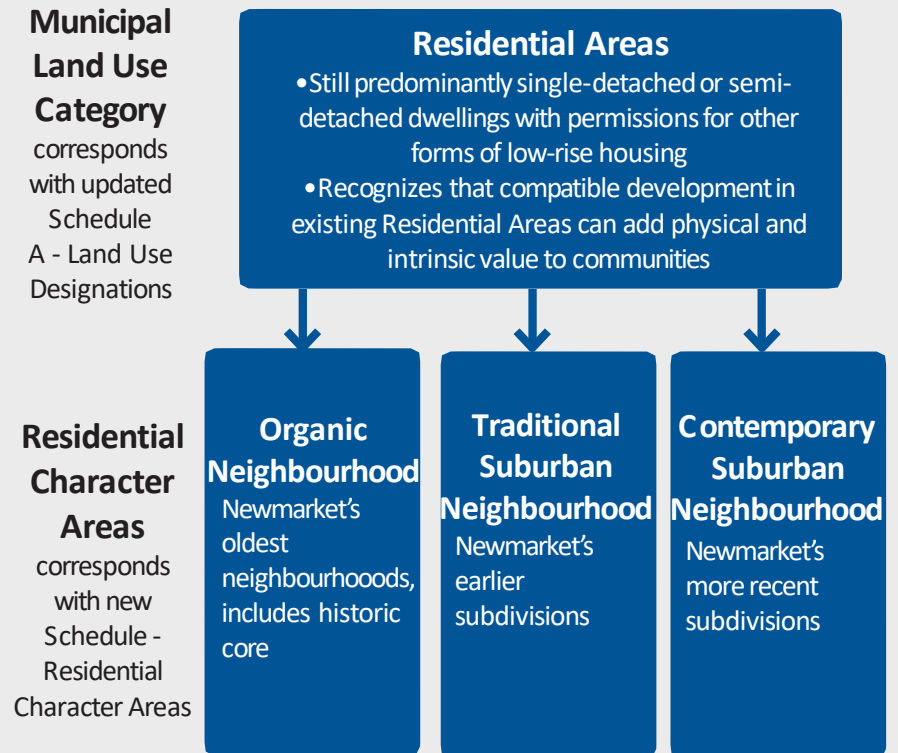
5. EMERGING POLICY DIRECTIONS

Potential Official Plan Structure

Introduce a new layer of Official Plan policy which provides direction for new development within individual Residential Character Areas and:

- recognize that new development will occur, and provides greater guidance on where it may be appropriate and what is important to ensure when it does occur
- directs that while development will differ from the existing built form, it should respect these physical conditions while responding to unique site conditions and demonstrating neighbourhood compatibility.

Town of Newmarket Official Plan



5. EMERGING POLICY DIRECTIONS



Official Plan (December 2016 Consolidation)

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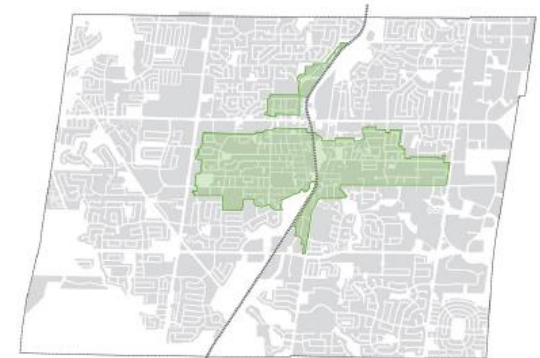
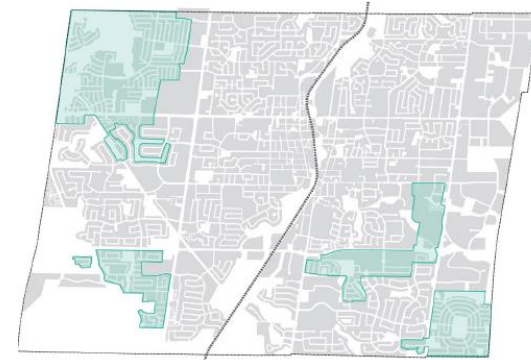
- Consolidate stable and emerging Residential Areas
- Establish an overlay for each Character Area identifying predominant characteristics for development to respect
- Identify a hierarchy that maintains built forms similar to the existing dwellings on local streets, while allowing gradual increases in density along higher-order roads
- Update OP and zoning policies related to supportive housing to conform to tribunal and judicial decisions (i.e. remove separation distances)
- Update OP policies related to ADUs to conform to Planning Act, leave specific zoning by-law regulations for future project
- Update permissions related to small-scale commercial uses and diversity of residential uses on collector roads
- Add new policies related to Character Areas and how development should incorporate elements of prevailing built form and provide appropriate transitions

5. EMERGING POLICY DIRECTIONS

Character Areas

Potential Official Plan Amendments

- Recognize predominant built form for each area in policy
- Acknowledge the mix of uses that occurs in residential areas, principally along collector roads (e.g. small-scale commercial on Prospect Street and Eagle Street)
- Set policy foundation for compatibility of change on major roads while continuing to direct intensification away from interior residential areas
- Ensure that any future Planning Act applications will respect prevailing built form and adhere to compatibility policies



5. EMERGING POLICY DIRECTIONS

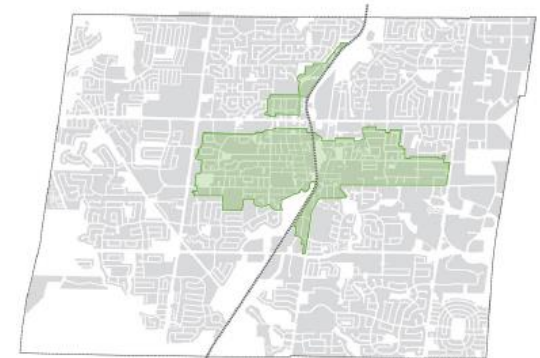
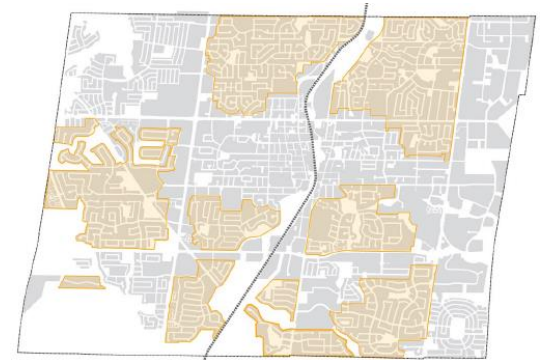
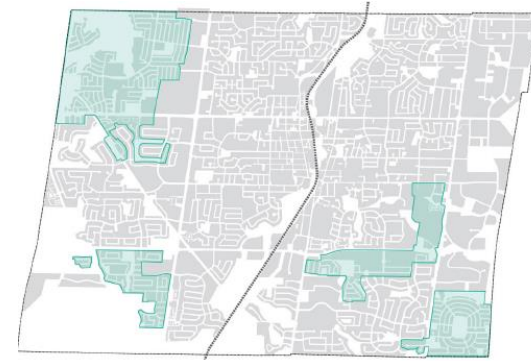
Potential Zoning By-Law Amendments

- Principles
 - Increase diversity of housing options
 - Allow flexibility and change
 - Allow diversity of styles
 - Allow renewal and redevelopment
 - Ensure similarity in built form massing
 - Focus on how a building is perceived from the street
 - Keep it understandable
 - Work with established tools

5. EMERGING POLICY DIRECTIONS

Character Areas

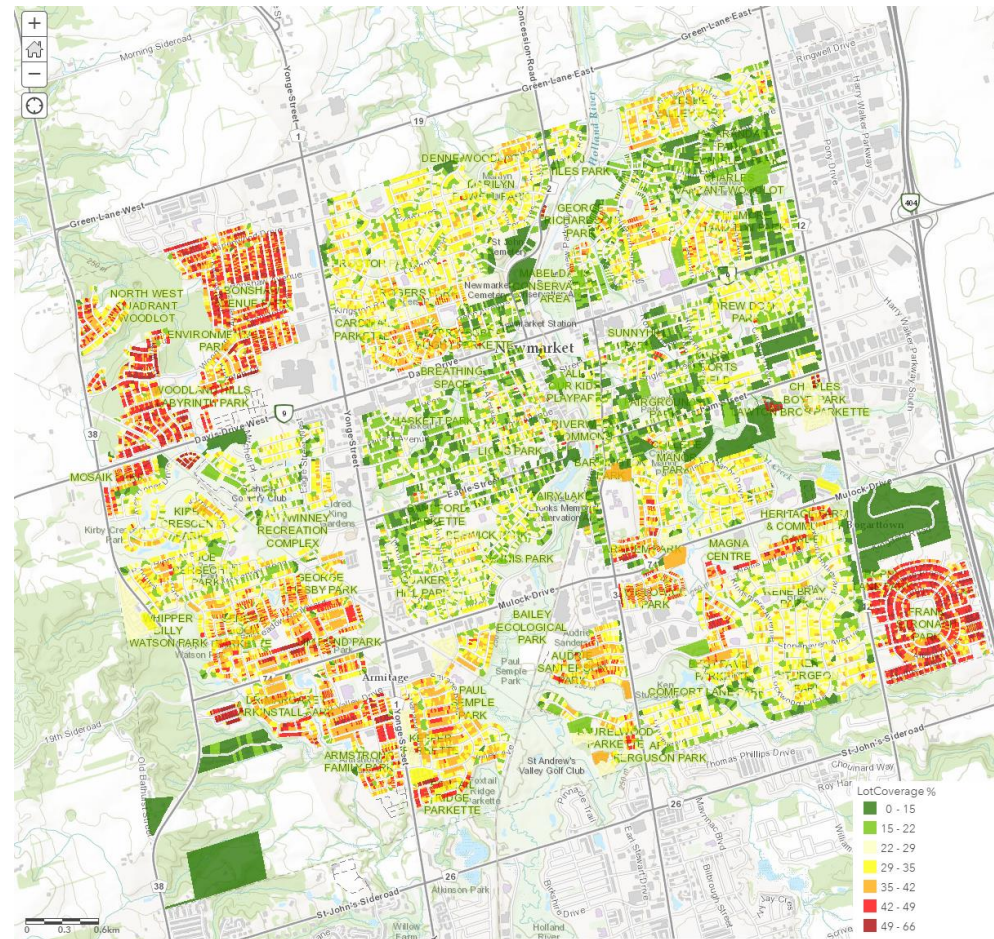
- Contemporary Suburban Neighbourhoods
 - No changes intended due to being recently-constructed neighbourhoods
 - Buildings largely represent maximum permitted building sizes
- Traditional Suburban neighbourhoods
 - Revise regulations on lot coverage to better match prevailing built form
- Organic Growth neighbourhoods
 - Revise regulations on height and roof types to better match prevailing built form
- Overall changes
 - Revise regulations on lot coverage to better match prevailing built form
 - Address supportive housing policies
 - Clarify height, storey, and grade
 - Clarify front yard soft landscaping requirements
 - Increase side-yard setbacks for larger lots
 - Clarify roof pitch definitions
 - Clarify definitions of common features
 - Recognize and permit diversity of uses on arterial and primary collector roads
 - Ensure consistency by consolidating zoning by-laws



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Revise regulations on lot coverage to better match prevailing built form
- Single coverage permission (35%) for most lots outside of oldest parts of Wards 2 and 5
- Very different existing coverage across some of these areas
- Map show lot coverage
- Adjacent areas with same rules, very different existing built form



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Revise regulations on lot coverage to better match prevailing built form

- Existing 16% coverage



- Permitted 25% coverage



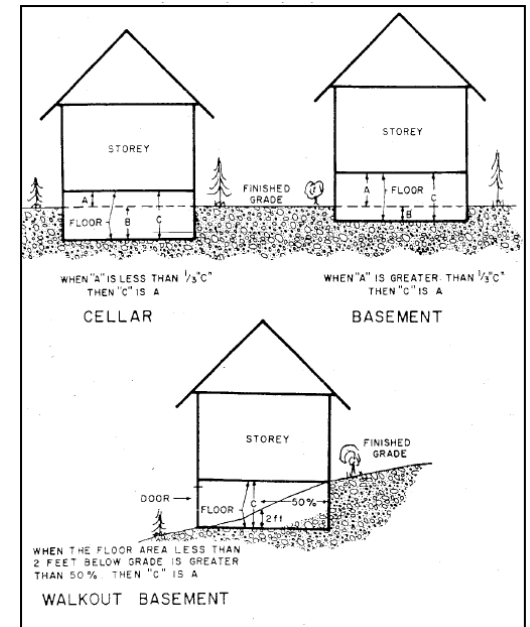
- Permitted 35% coverage



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Clarify height, storey, and grade
 - Fundamental existing control on house height is two storey limit and maximum storey height of 3.6m
 - Definitions of storey, basement, and cellar are challenging to interpret
 - No definition of half-storey
 - Revised definitions will better ensure that building height is properly limited
 - Controlling overall height better will allow for more flexible internal designs
 - Control maximum height of first storey above grade to keep consistent pattern of prominent entrance features

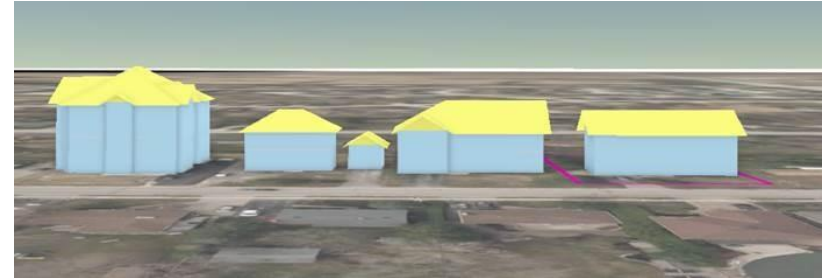


5. EMERGING POLICY DIRECTIONS

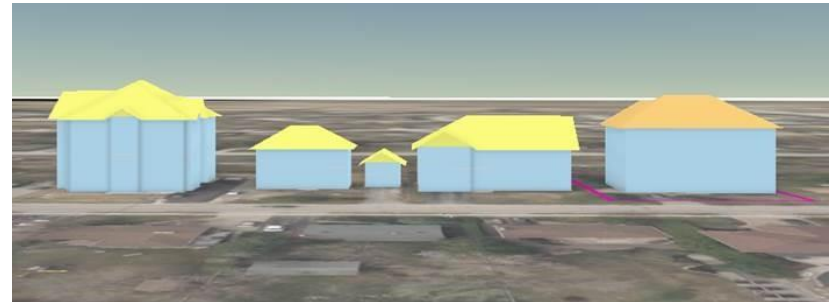
Potential Zoning By-Law Amendments

- Clarify height, storey, and grade

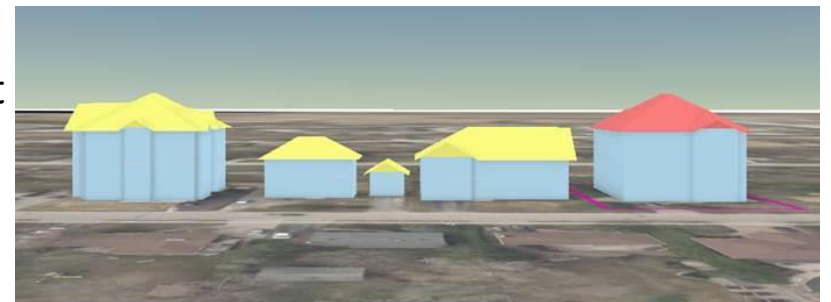
- Existing one storey ~6m height



- Permitted two-storey ~9m height



- Permitted two-storey ~10m height



5. EMERGING POLICY DIRECTIONS

Current Regulation Height provisions

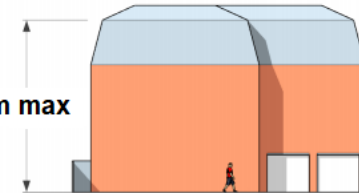
In the case of a **Gable, hip or gambrel roof,**
the mean height between the eaves and ridge.

10.7m max



In the case of a **Mansard roof,**
the decline of the roof.

10.7m max



In the case of a **Flat roof,**
the highest point of the roof surface or parapet, whichever is greater.

10.7m max



Proposed Regulation Height provisions

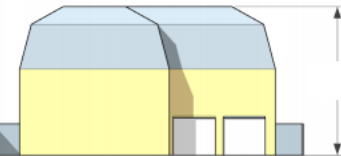
In the case of a **Gable, hip or gambrel roof,**
the highest point of the roof.

max.



In the case of a **Mansard roof,**
the highest point of the roof surface

max.



In the case of a **Flat roof,**
the highest point of the roof surface or parapet, whichever is greater.

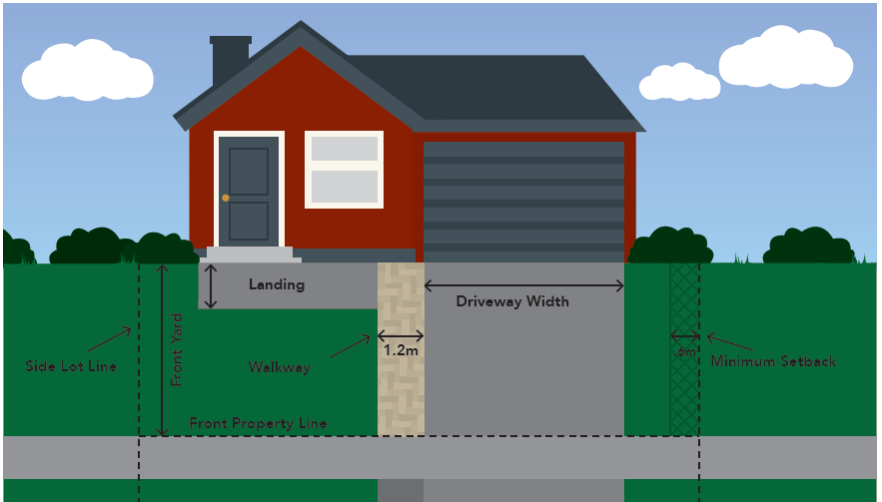
max.



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Clarify soft landscaping requirements
 - Zoning by-law currently has regulations that limit hard landscaping
 - Rules are un-intuitive and could be better framed
 - No change to driveway standards intended



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Increase side-yard setbacks for larger lots
- R1-C zone lots are larger and tend to be bungalows with ample open space
- Existing standards allow same side-yard setbacks as smaller lots
- Slight increase will still allow for growth and change while maintaining open feeling of street

Typical Built Form	Detached dwelling						
Regulatory Set:	A	B	C	D	Ex. 119	E	F
Min. Lot area	0.8 ha	1860 m ²	743 m ²	511 m ²		330 m ²	265 m ²
Min. Lot Frontage	60.0 m	30.0 m	18.0 m	15.0 m		12.0 m	9.7 m
Min. Yard Setbacks							
From Front Lot Line	30.0 m	9.0 m	7.5 m	7.5 m	(*14)	4.5 m	4.5 m
From Rear Lot Line	15.0 m	9.0 m	7.5 m	7.5 m	7.5m	7.5 m	7.0 m
From Exterior Side Lot Line	-	6.0 m	6.0 m	6.0 m	6.0m	3.0 m	3.0 m
From Interior Side Lot Line							
One Side	7.5 m	1.8 m	-	-	-	0.6 m	0.6 m
Other Side	7.5 m	4.2 m	-	-	-	1.2 m	1.2 m
Each Side 1 Storey	-	-	1.2 m	1.2 m	1.2m	-	-
Each Side 1.5 Storeys	-	-	1.5 m	1.5 m	1.5m	-	-
Each Side 2 Storeys	-	-	1.8 m	1.8 m	1.8m	-	-
Min. Building Separation	-	-	-	-	-	1.8 m	1.8 m
Max. Lot Coverage	15%	20%	35%	35%	35% if one storey 25% if two storeys	45%	47%
Max. Height	10.7 m (2 storeys)	10.7 m (2 storeys)	10.7 m (2 storeys)	10.7 m (2 storeys)	10.0m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)
Min. Driveway Width (*7)	-	-	-	-	-	3.0 m	3.0 m
Max. Driveway Width (*7)	-	-	-	-	-	-	-
By-law 2011-25	9m	9m	6m	6m	6m	6.0 m	5.5 m
Min. Driveway Length (*11)	-	-	-	-	-	-	-
Garage Door Segmented	-	-	-	-	-	10 m (*12)	10 m (*12)
Non-Segmented Garage Door	-	-	-	-	-	11.2 m	11.2 m

5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Clarify roof pitch definitions
 - By-law provides different ways of measuring height of a house based on the pitch of its roof
 - There are no definitions of what constitutes each type of roof
 - Defining based on pitch will provide greater clarity and ensure that heights are accurately measured

Height

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

- 1) on a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- 2) the deckline of a mansard roof;
- 3) on a gabled, hip, gambrel or any other type of pitched roof, the mean distance between the eaves and ridge of a roof; or
- 4) the highest point of a *structure* without a roof. *By-law 2011-25.*

5. EMERGING POLICY DIRECTIONS

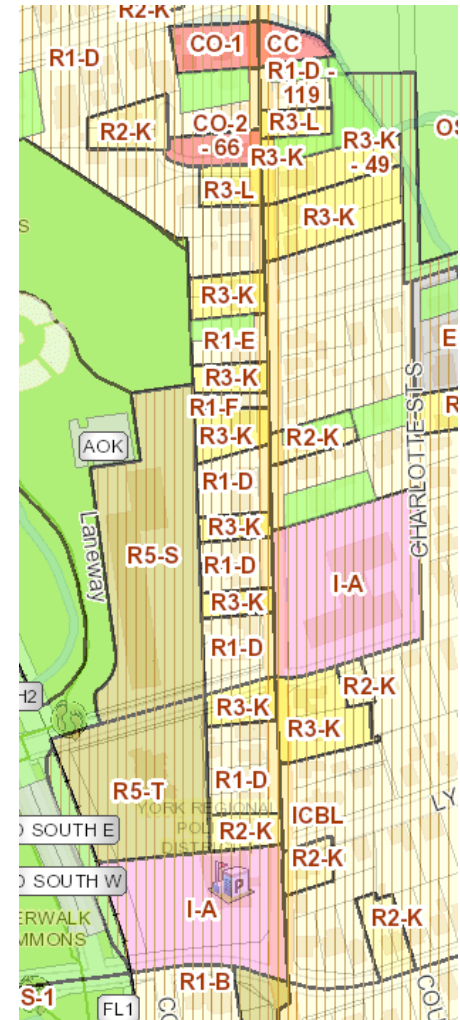
Potential Zoning By-Law Amendments

- Clarify definitions of common features.
- Some definitions are unclear and could benefit from refinement. Examples:
 - Porches by definition have a foundation, which is a distinction unrelated to the element of built form the by-law seeks to control (size and location)
 - A walkway is by definition adjacent to a driveway and the by-law has no provisions for walkways that are in side yards or from a front door to the street not adjacent to a driveway
 - Lack of definition of a half-storey

5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

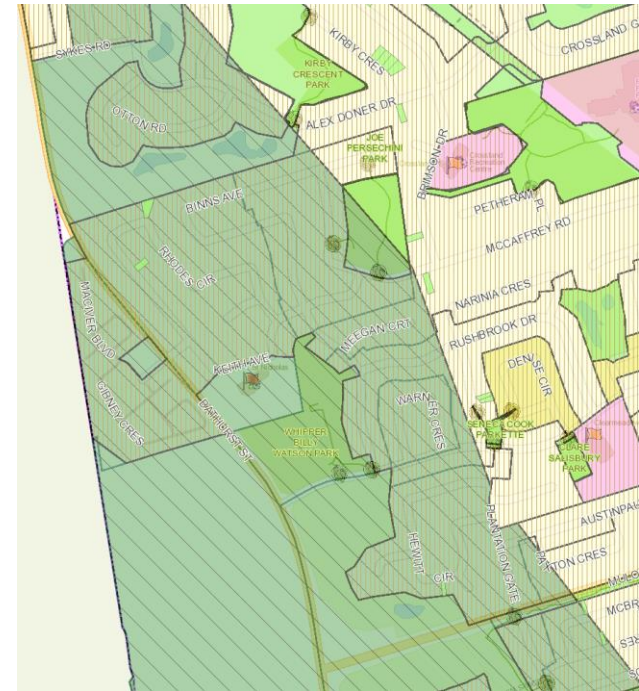
- Recognize and permit diversity of uses on arterial and primary collector roads
- Major streets that currently have a wide mix of uses
- Harmonize permissions of use to be consistent along streets
- Maintain existing built form permissions, subject to other recommended changes



5. EMERGING POLICY DIRECTIONS

Potential Zoning By-Law Amendments

- Ensure consistency by consolidating zoning by-laws
 - Residential lands that remain under Zoning By-law 1979-50
 - Amend to comparable standards of By-law 2010-40
 - Harmonize definitions and bring under amendments that were made to By-law 2010-40
 - No change contemplated for open space lands or lands subject to other applications



5. EMERGING POLICY DIRECTIONS

Character Areas

- Contemporary Suburban Neighbourhoods

- No changes intended due to being recently-constructed neighbourhoods
- Buildings largely represent maximum permitted building sizes

- Traditional Suburban neighbourhoods

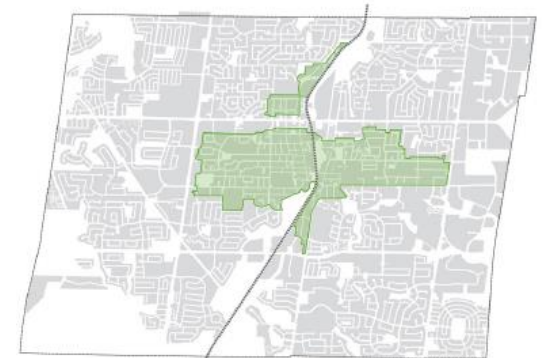
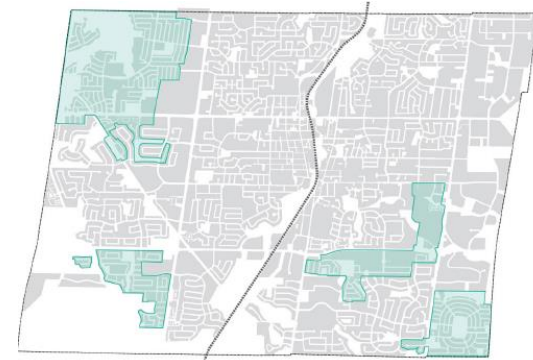
- Revise regulations on lot coverage to better match prevailing built form

- Organic Growth neighbourhoods

- Revise regulations on height and roof types to better match prevailing built form

- Overall changes

- Revise regulations on lot coverage to better match prevailing built form
- Address supportive housing policies
- Clarify height-storey-grade relationship
- Clarify front yard soft landscaping requirements
- Increase side-yard setbacks for larger lots
- Clarify roof pitch definitions
- Clarify definitions of common features
- Recognize and permit diversity of uses on arterial and primary collector roads



6. NEXT STEPS

Target project timeline

- January 20 – Special Committee of the Whole
- Jan-Feb – Staff prepares specific recommended by-laws based on Committee feedback
- February – Statutory notice of proposed amendments to Council and public
- April 14 – Statutory Public Meeting
- May 25 – Recommendation report to Committee of the Whole
- July 20 – Expiry of Interim Control By-law

6. NEXT STEPS

Executive summary

- Proposing to amend the Official Plan to revise Residential Areas and Compatibility policies
- Proposing to amend the zoning by-law to:
 - Make height and coverage more closely reflect existing neighbourhoods
 - Change how we measure height based on types of roofs
 - Increase flexibility in interior layout of homes
 - Make it easier to understand rules related to front yards and driveways
 - Recognize that arterial roads and the primary collectors Eagle Street, Gorham Street, and Prospect Street have a mix of uses
 - Make other required changes during the process of revising residential policies (supportive housing, ADUs, consolidating by-laws)
- Not final decision point nor final recommendation
- Staff will take direction, draft recommendations, provide public notice, schedule public meeting, and report back for future Council decision

6. NEXT STEPS

Committee feedback

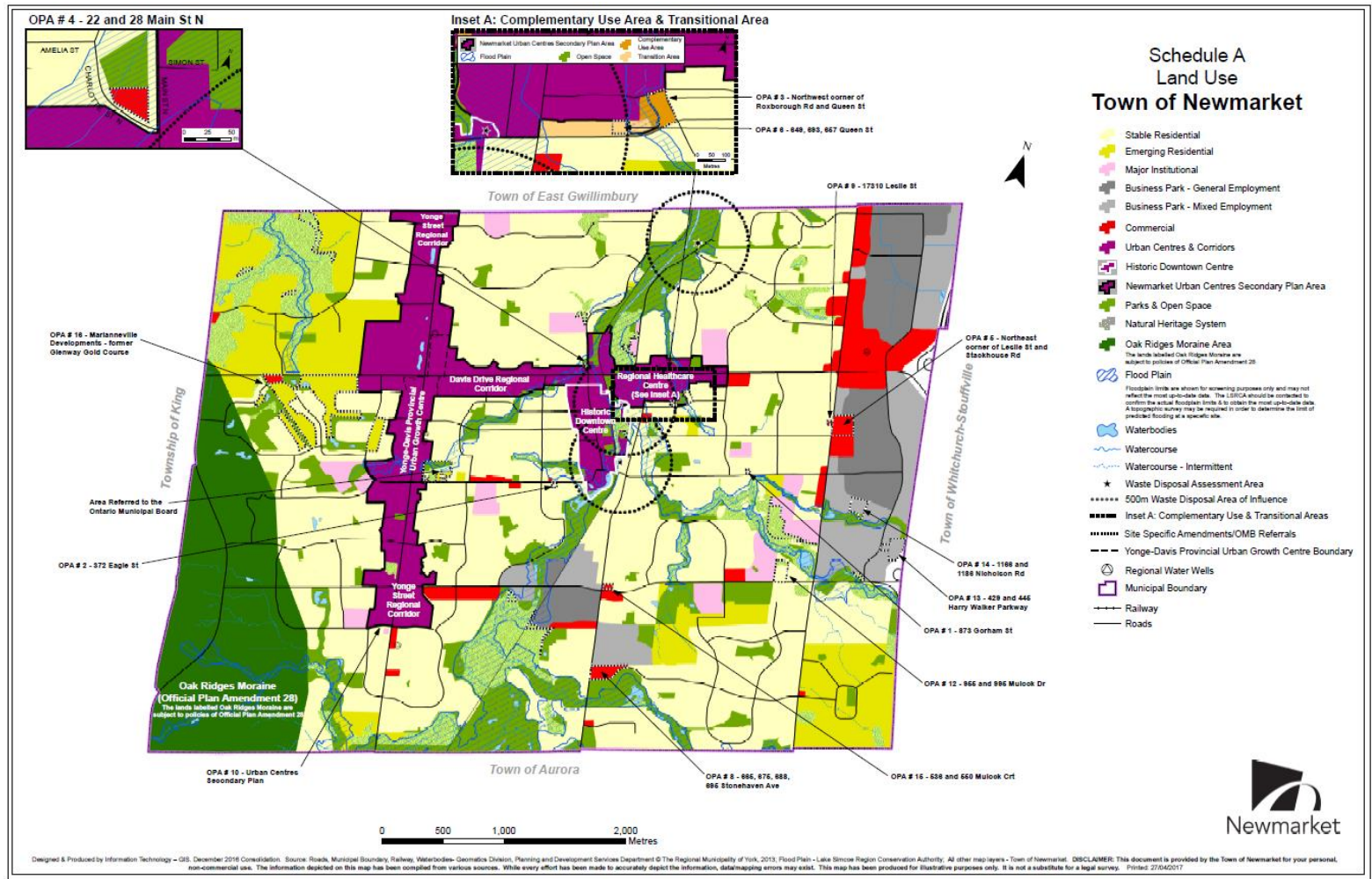
- Are we on the right track?
- Do you have specific questions or suggestions?

Next opportunities for Committee input

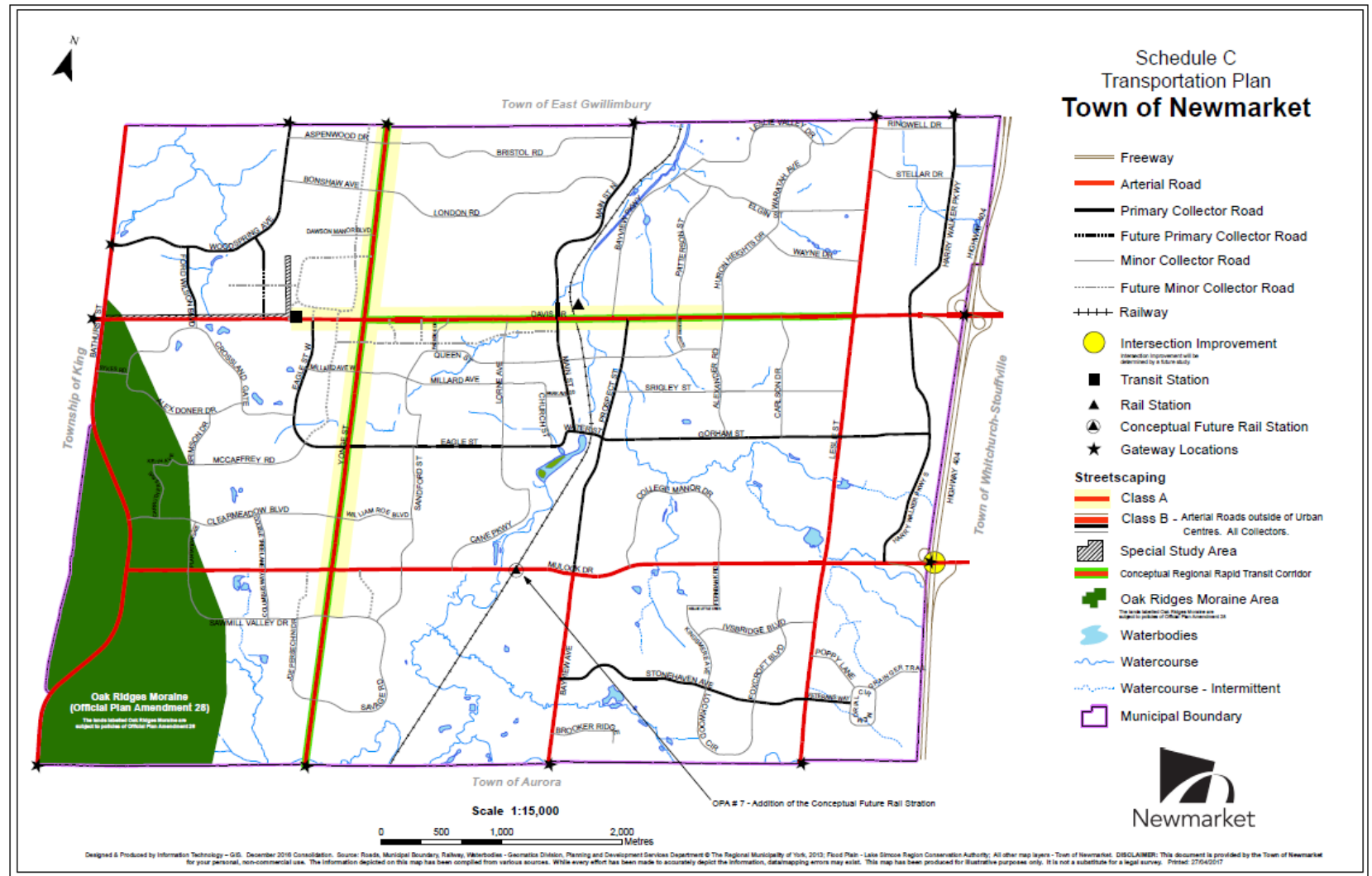
- In writing, following public notice of proposed amendments
- In person, at statutory public meeting
- Through motion, when recommendation report reaches Committee and Council

Thank you

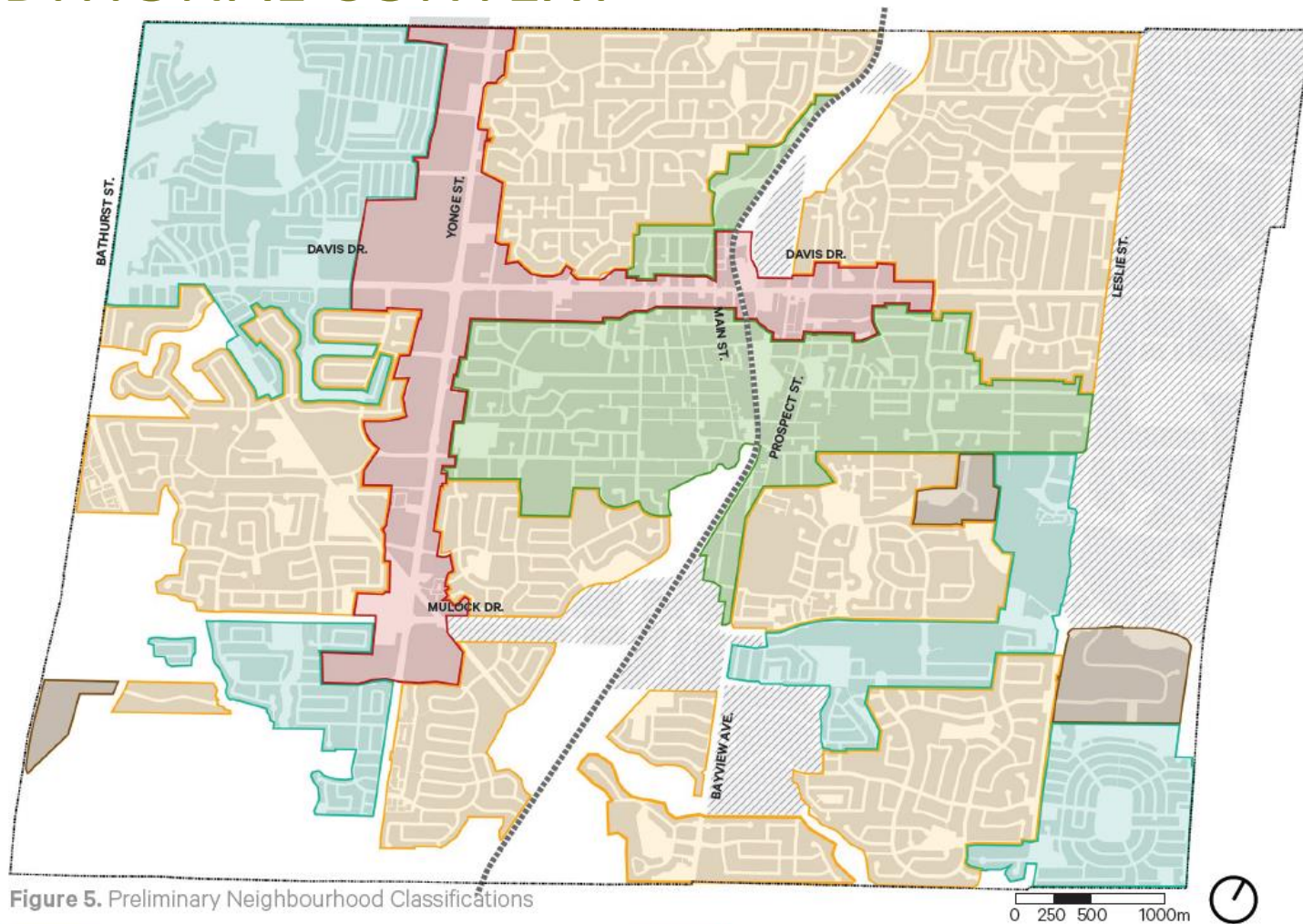
ADDITIONAL CONTEXT



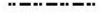


ADDITIONAL CONTEXT



ADDITIONAL CONTEXT



- | | | | |
|---|--------------------------------------|--|-----------------------|
|  | Organic Neighbourhoods |  | Urban Centres |
|  | Traditional Suburban Neighbourhoods |  | Estate Neighbourhoods |
|  | Contemporary Suburban Neighbourhoods |  | Municipal Boundary |
| | |  | Rail |

TOWN OF NEWMARKET
ESTABLISHED
NEIGHBOURHOOD
COMPATIBILITY
STUDY

POLICY OPTIONS

NOVEMBER 2019





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APPENDIX

Appendix A: Public Information Centre #2 - Engagement Summary

EXECUTIVE SUMMARY

Project Purpose and Process

Growth and change are occurring in Newmarket's residential neighbourhoods, with a shift from suburban expansion to urban intensification. In recent years, there has been an increase in infill development in established residential neighbourhoods. Some of these developments have triggered concerns from residents regarding the compatibility of new homes or additions in established neighbourhoods.

The Established Neighbourhood Compatibility Study will result in an Official Plan Amendment and implementing Zoning By-law Amendment for the established residential neighbourhoods to ensure that new development is compatible with existing built form and community character.

The study focuses on residential neighbourhoods across the Town of Newmarket and will be undertaken over a year-long process from March 2019 to March 2020. It includes the following three phases:

- Phase One: Background Review and Analysis
- Phase Two: Policy Options; and
- Phase Three: Policy Recommendations & Amendments.

This report summarizes the findings from Phase Two, which is focused on creating a Neighbourhood Classification System and identifying Policy Options for residential neighbourhoods across Newmarket.

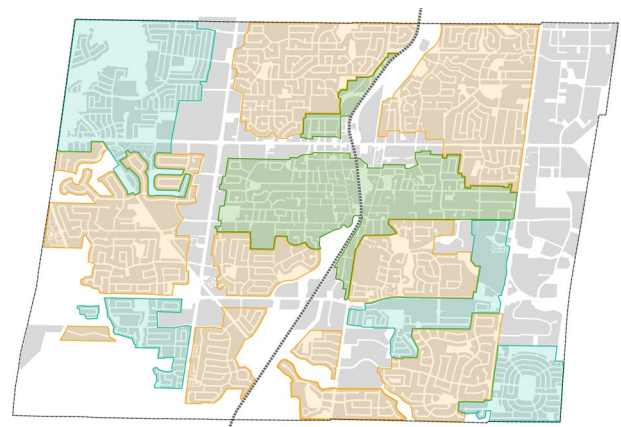
Neighbourhood Classification System




Building upon a detailed planning policy review and analysis of existing conditions in Phase 1, a Neighbourhood Classification System categorizing all residential neighbourhoods across Newmarket was developed.

This was informed by a visual analysis of images of existing conditions in residential neighbourhoods across Newmarket. These images, which were selected to represent a wide geographical spread across the Town, and based in part on a driving tour, were analyzed for conditions relating to building design, site design and streetscape design. Following this, a tabulation of the results was completed, which highlighted shared characteristics across three neighbourhood typologies broadly based on their period of development.

These typologies were further refined through consideration of additional criteria including existing land use patterns, street network, property boundaries and servicing capacity. Using all of this information, boundaries for five Preliminary Neighbourhood Classifications were delineated. Of these preliminary classifications, the Estate Neighbourhoods and Urban Centres were identified as outliers. The three remaining classifications were confirmed as the Preferred Neighbourhood Classifications and focus of this study. They include:

1. Organic Neighbourhoods;
2. Traditional Suburban Neighbourhoods; and
3. Contemporary Suburban Neighbourhoods.



-  Organic Neighbourhoods
-  Traditional Suburban Neighbourhoods
-  Contemporary Suburban Neighbourhoods

Organic Neighbourhoods

Organic Neighbourhoods are situated within and surrounding the historic core of the Town of Newmarket. Generally developed during the pre-war era, these neighbourhoods are characterized by smaller blocks with an interconnected grid of narrow streets, continuous sidewalks, varied landscaping, mature tree canopies, varied lot patterns, front and side-yard driveways with a variety of parking configurations, varied setbacks, and 1-2 storey building heights.



Traditional Suburban Neighbourhoods

Traditional Suburban Neighbourhoods are situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Neighbourhoods located at the periphery of the Town. Generally developed between the 1940's and 1990's, following the advent of subdivision-based planning, they are identified by longer and often disconnected blocks of wider curvilinear streets, discontinuous sidewalks, varied landscaping, evolving and maturing tree canopies, varied lot patterns, front and side-yard driveways with attached garages, varied setbacks, and 1-2 storey building heights.



Contemporary Suburban Neighbourhoods

Contemporary Suburban Neighbourhoods are generally situated at the edge of the Town. They include developments constructed from the 1990's onwards, and are typified by moderately sized blocks with an interconnected modified grid of moderately sized streets, continuous sidewalks and landscaping, recently planted and emerging tree canopies, consistent lot patterns, front yard driveways with attached garages, consistent setbacks, and 2-storey building heights.



Results of Public Engagement

The Established Neighbourhood Compatibility Study incorporates a robust and comprehensive engagement program into all three phases of work. Phase 1 engagement activities included Public Information Centre (PIC) 1, an interactive kiosk at the Main Street Farmer's Market, and social media engagement.

An online survey hosted on the Town's "Hey Newmarket website" served as a supplementary method of engagement. Largely a continuation of the questions presented in PIC 1, the survey focused on residents' personal perceptions of their neighbourhoods, with a focus on neighbourhood change.

The primary engagement activity for Phase 2 was the second Public Information Centre, which was held on October 19th at Riverwalk Commons. The purpose of the event was to provide an overview of the work done to date, present the preliminary Neighbourhood Classification System and Policy Directions, and receive feedback on the classifications while engaging face-to-face with residents. Over 100 people attended the event.

Emerging Policy Directions

Development within Newmarket's neighbourhoods is guided by a series of provincial, regional and municipal policy documents. This study specifically addresses the Town of Newmarket Official Plan and Town of Newmarket Comprehensive Zoning By-law 2010-40, which are most closely linked to development at the neighbourhood level.

The current Official Plan includes an outdated land use designation structure delineating Stable Residential Areas and Emerging Residential Areas when both are at full build-out. Furthermore, permissions for higher-density forms such as triplexes, fourplexes, townhouses and row-houses are limited to Emerging Residential Areas.

This report proposes amendments to remove references to Stable and Emerging Residential Areas. Instead, this report proposes to include policies that would recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types including low and medium-density forms of housing throughout all residential neighbourhoods. Additionally, it suggests a neighbourhood-level framework delineating Residential Areas within three Residential Character Areas: Organic Neighbourhoods, Traditional Suburban Neighbourhoods, and Contemporary Suburban Neighbourhoods. It proposes a defined list of predominant characteristics for each, requiring new development to ensure compatibility with existing built form and public realm standards.

The current Comprehensive Zoning By-law regulates permitted uses and built form standards through a series of five residential zones (R1-R5), with increasing permissions for higher-density forms. The current by-law is inconsistent with existing built form conditions, particularly in older Organic Neighbourhoods. As a result, many new infill developments constructed as-of-right are not compatible with neighbouring properties.

This report proposes three potential options for Zoning By-law Amendments. The options are aimed at requiring new development to respect the qualities of existing neighbourhoods; they differ based on their degree of specificity and include options to link zoning permissions to existing conditions on adjacent properties.

Next Steps

The information contained in this report will serve as the basis for the preferred Policy Recommendations (Phase 3), which will be informed through feedback from the public, Town Council, municipal staff and other stakeholders. These will be presented in the Policy Recommendations Report.



1.0 INTRODUCTION

1.1 Study Purpose



Residential trends in Newmarket are changing, increasingly shifting from suburban growth to urban intensification and redevelopment. As the supply of greenfield lands becomes exhausted, Newmarket is turning to intensification of existing built-up areas to accommodate current and projected growth.

As directed by provincial policy, intensification is generally intended to be focused on urban growth centres, intensification corridors, major transit station sites, brownfields, and greyfields. Despite this, a limited amount of infill and intensification can occur in residential neighbourhoods. The sensitive redevelopment of these areas can add significant value to the community by boosting the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching local communities. However, recent development has triggered concerns from residents regarding the compatibility of new homes or additions in established neighbourhoods in Newmarket.

In 2013, municipal staff introduced Zoning By-law 2013-30, which modified the maximum permitted height, maximum permitted coverage, and front yard setback requirements for older established areas of Newmarket in order to combat incompatible development.

Concerns of incompatible development persisted, and as a result, the Town of Newmarket enforced an Interim Control By-law (2019-04), to allow for a more extensive study. The purpose of the Established Neighbourhoods Compatibility Study is to further the Town's efforts by developing an Official Plan Amendment and implementing Zoning By-law Amendment for established residential neighbourhoods throughout the Town of Newmarket.

The study aims to identify neighbourhoods based on pre-dominant characteristics and introduce policies that enable context-sensitive development in line with the existing built form. The objective is to implement policies that acknowledge, respect and are compatible with the existing physical neighbourhood character, while retaining flexibility for gentle intensification where appropriate.

This study focuses on identifying amendments to the Official Plan and Zoning By-law. However, additional planning tools may be considered by Town Staff and Council following the conclusion and final recommendations of this study, in order to help implement these policy amendments. Such tools include Urban Design Guidelines, enhanced Site Plan Control measures, and a Streetscape Analysis Process.

1.2 Study Area

The study area includes all residential neighbourhoods within the Town of Newmarket (Figure 1). The Town is bounded by Aurora to the south, King to the west, East Gwillimbury to the north, and Whitchurch-Stouffville to the east.

The study area includes all Stable and Emerging Residential Areas from the Town of Newmarket Official Plan, excluding non-residential uses and individual residential properties which have been exempt from Interim Control By-law 2019-04.

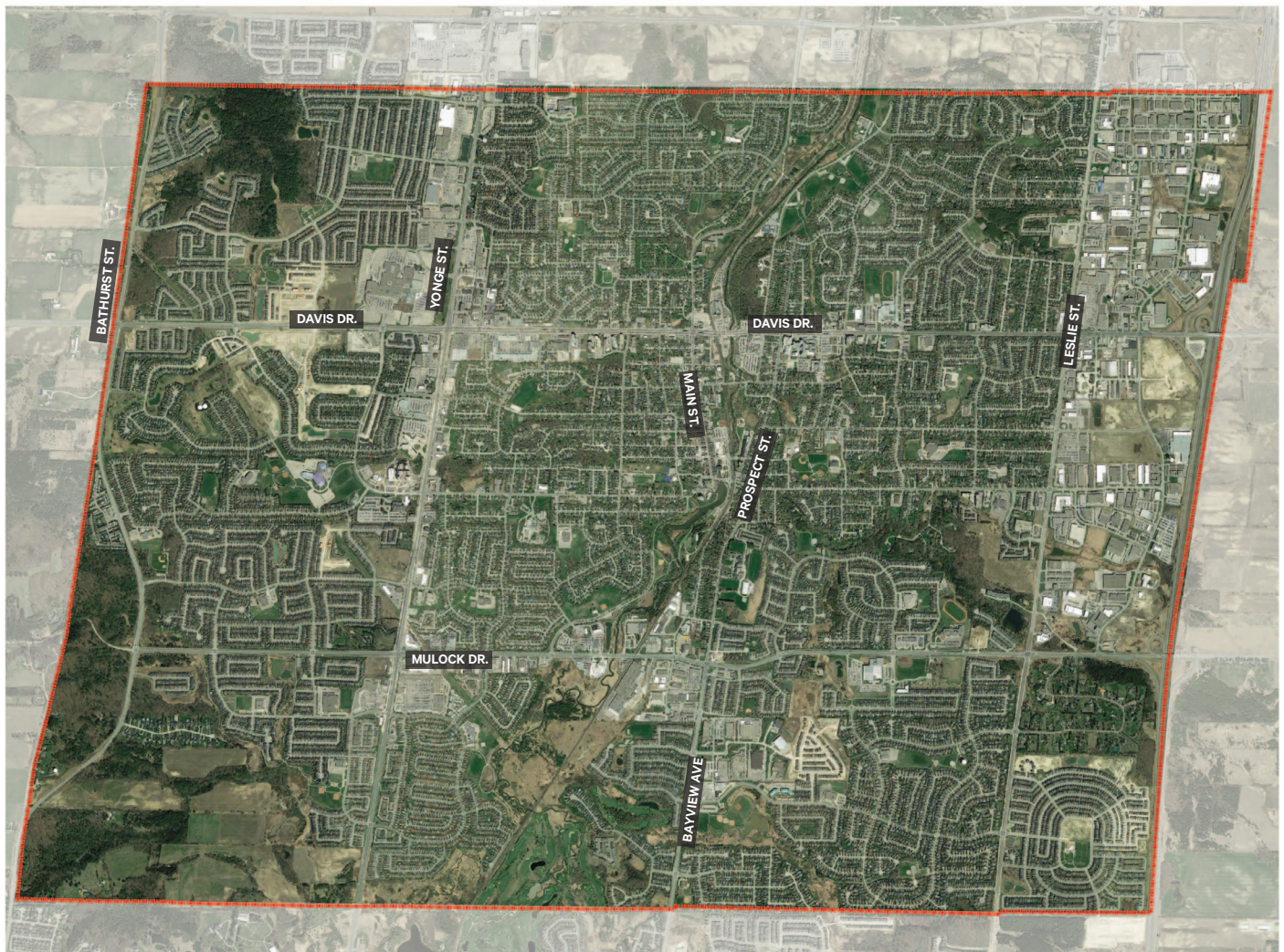
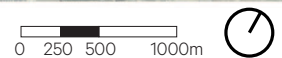


Figure 1. Aerial Map - Study Area



1.3 Study Process

The study is being undertaken over a year-long period from March 2019 to March 2020. It is structured in the three following phases (Figure 2):

Phase 1: Background Review and Analysis

Phase 1 involves study commencement, review of the policy and regulatory context, analysis of existing neighbourhood conditions, precedent and best practices review, and initial public engagement with residents to identify their priorities, values and concerns with respect to their neighbourhoods.

Phase 1 has been completed. Findings from this phase of work can be found in the Background Report, which was presented to Town Council / Committee of the Whole in fall 2019.

Phase 2: Policy Options

Phase 2 involves the development of a draft Neighbourhood Classification System, determination of draft policy options, and the preparation of the Policy Options Report, which will be used to inform the preparation of the policy recommendations in Phase 3.

Phase 3: Policy Recommendations & Amendments

Phase 3 involves the refinement and finalization of the Neighbourhood Classification System, preparation of policy recommendations including supporting Official Plan and Zoning By-law Amendments, and completion of the Policy Recommendations Report. Upon completion, a final Policy Recommendations Report will be presented to Town Council/Committee and at a Statutory Public Meeting in winter 2020.



Figure 2. Study Process

1.4 Document Structure

This report is organized into the following sections:

Section 1: Introduction provides an overview of the study purpose, study process and study area.

Section 2: Neighbourhood Classification System outlines the process undertaken to document existing neighbourhood conditions and character, delineate neighbourhood boundaries, and arrive at a preliminary classification system with three areas of focus.

Section 3: Organic Neighbourhoods introduces the first neighbourhood classification area, generally found in the historic centre of the Town.

Section 4: Traditional Suburban Neighbourhoods which introduces the second neighbourhood classification, generally found generally found surrounding the historic core of the Town.

Section 5: Contemporary Suburban Neighbourhoods which introduces the last neighbourhood classification area, generally found on the far-out periphery of the Town.

Section 6: Emerging Policy Directions which describes the issues and opportunities in the existing policy and regulatory framework, and broad policy directions emerging from this phase of work.

Section 7: Results of Stakeholder Engagement which summarizes feedback obtained from a public open house event and online survey.

Section 8: Next Steps which maps out the work required in Phase 3 to produce the Final Policy Recommendations Report.

2.0 NEIGHBOURHOOD CLASSIFICATION SYSTEM

2.1 Overview

Building upon the analysis of existing conditions undertaken in Phase 1, a Neighbourhood Classification System was developed to identify and group residential neighbourhoods throughout Newmarket. Images of the current streetscape, based in part on a Town-wide tour of residential neighbourhoods, were analyzed to evaluate existing conditions as related to building design, site design and streetscape design. A tabulation of the results revealed distinct patterns between neighbourhoods, broadly based on their historical eras of development.

Additional considerations of existing land use designations, streets and property boundaries, municipal servicing data, applicable by-laws, and further interpretation of built form and public realm characteristics informed the development of five preliminary neighbourhood classifications. Through further analysis and identification of outliers, the Neighbourhood Classification System was refined to include three preferred neighbourhood classifications: Organic Neighbourhoods; Traditional Suburban Neighbourhoods; and Contemporary Suburban Neighbourhoods.

This section of the report explains the process taken to arrive at the Neighbourhood Classification System, including documenting existing conditions, identifying classifications and delineating boundaries, and identifying and removing outliers.

2.2 Documenting Existing Neighbourhood Conditions

Completed as part of Phase 1, the first step of creating the Neighbourhood Classification System involved an iterative process of identifying, analyzing and documenting existing conditions within Newmarket's residential neighbourhoods.

Images of 63 individual location points across Newmarket's residential neighbourhoods were collected and analyzed. A spatially-distributed sampling of streetscapes and adjacent properties from all major eras of the Town's development was used, in order to capture a representative range of building types, street types, and subdivision types.

Three to four images were collected for each location point, from various angles, in order to effectively capture views of the streetscape from different vantage points. This also helped identify similarities and differences between adjacent or facing properties.

Following the collection of the images, visual scans were undertaken to analyze the existing conditions related to building design, site design and streetscape design. Documentation of building design features included examining the heights of buildings, ground floor elevation of buildings, location and orientation of entrances, presence and location of porches, terraces, and balconies, type of roof, presence of weather protection features, and appearance of exterior materiality. Site design features that were studied included the depth and variation in building setbacks, coverage and relationship of buildings to lots, access and orientation of driveways and parking arrangements, and treatment of soft landscaping. Finally, streetscape design features such as the pattern of streets and blocks, width and treatment of sidewalks and

boulevards, maturity of the tree canopy and placement of streetlights and utilities were also analyzed, with particular attention to their impact on the public realm. A character analysis was performed for each location, and the results tabulated.

2.3 Evaluating Neighbourhood Character

Analysis of the tabulated data revealed that Newmarket's neighbourhoods contain a range of building types and built form and public realm characteristics. It identified clear similarities and differences between neighbourhoods, broadly based on their era of development.

Through the documentation and analysis of these conditions, the following key features have been identified, which inform neighbourhood character throughout the Town of Newmarket.

Built Form

- **lot dimensions** - the length, width and area of a single parcel;
- **front, side and rear yard setbacks** - the horizontal distance measured at a right angle from any property lot line to the nearest part of the main wall of a building or structure;
- **siting and orientation** - how and where the building is placed in relation to surrounding streets, buildings, and open spaces;
- **lot coverage** - how much of the lot is covered by the building on the ground floor, typically represented by a percentage;
- **parking and vehicular access** - the configuration through which vehicles gain entry to the property;

- **pedestrian access** - the configuration through which pedestrians gain entry to the property;
- **building entrance location** - the location of the main entry point to the building;
- **private landscaping** - the landscaping and plantings provided on private property;
- **architectural style and expression** - built form features reminiscent of a particular era or how the built form is experienced;
- **materiality** - the materials employed during construction that make up the building and its associated qualities;
- **building height** - the distance between the established grade and the highest elevation of the building;
- **massing** - the structure of the building in three dimensions that shows its shape and form;
- **building depth** - the distance from the building's front main wall to its rear main wall; and,
- **ground floor height** - the distance from grade to the highest elevation point of the first floor.

Public Realm

- **street and block pattern** - the general geometric urban form produced by the street layout of a particular area;
- **street width** - the public right-of-way width measured from one private lot line to another;
- **sidewalk continuity** - the connectivity and walkability of the sidewalk;
- **sidewalk width** - the distance between one edge of the sidewalk to the other;

- **landscaped boulevards** - the landscaped area within public streets, usually located between the sidewalk and road;
- **street tree canopy** - the layer of leaves, branches, and stems of trees that cover the ground when viewed from above; and,
- **utility placement** - the location of municipal servicing infrastructure.

2.4 Identifying Neighbourhood Classifications and Delineating Boundaries

Building on the background analysis completed in Phase 1, Phase 2 commenced with the preparation of a Neighbourhood Classification System to group together neighbourhood areas recognized as characteristically distinct from one another. The findings from Phase 1 confirmed the presence of distinct neighbourhoods and provided a preliminary identification of these neighbourhoods broadly based on historical patterns of development. These were coined as Organic Neighbourhoods, Traditional Suburban Neighbourhoods, and Contemporary Suburban Neighbourhoods. Phase 2 expanded this approach to produce a comprehensive Neighbourhood Classification System categorizing each residential neighbourhood across Newmarket.

The process of developing the Classification System involved two main components. First, it involved identifying, testing, refining and finalizing a list of pre-

dominant characteristics for distinct neighbourhood typologies across Newmarket. This helped identify the tangible features of which make up neighbourhood 'character', and ascertain the which elements of the public realm and built form should be preserved and protected through policy moving forward. Second, it involved delineating the geographic boundaries of each neighbourhood classification within the Town.

The delineation of the Neighbourhood Classification was informed by a set of key evaluation criteria (see Figure 3 and Figure 4). These criteria emerged out of Phase 1 findings, and we informed by discussions with the public and key stakeholders. They include:

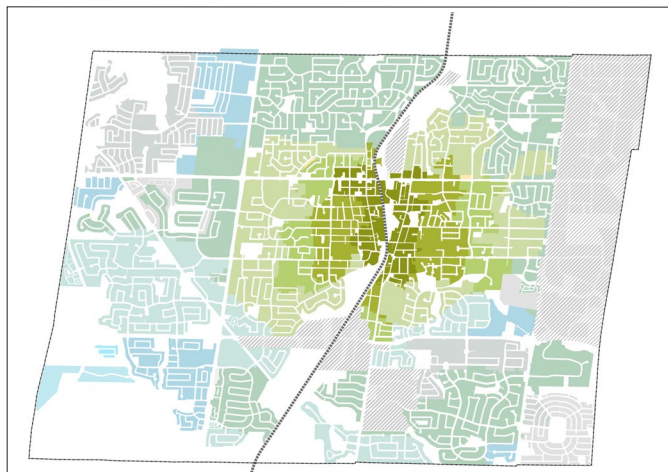
Age of Development

Built form is intimately linked to neighbourhood evolution over time, reflecting conditions and preferences during particular periods of development. For example, in earlier years of development, greater availability of land and costly building construction resulted in typical built forms that reflected smaller buildings on larger lots. Over time, as economies of scale expanded, building technologies advanced and demand for housing grew, this resulted in a shift towards larger buildings on smaller lots.

Existing Major Streets and Property Boundaries

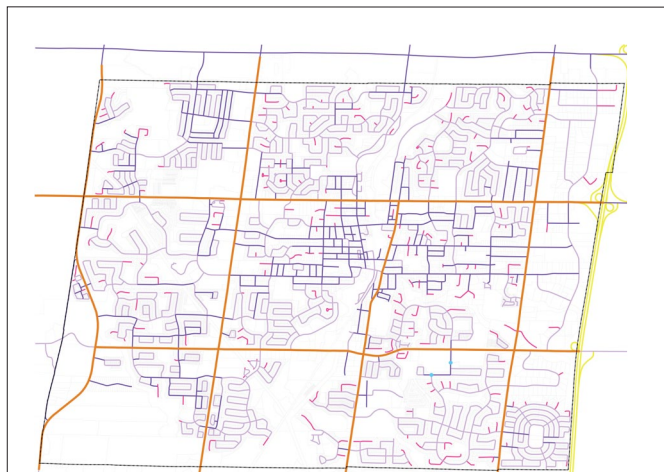
The location of existing major streets was considered to respect the existing urban structure. Property boundaries were integrated in an effort to avoid splitting properties in half and assigning one property multiple classifications.

1 Age of development



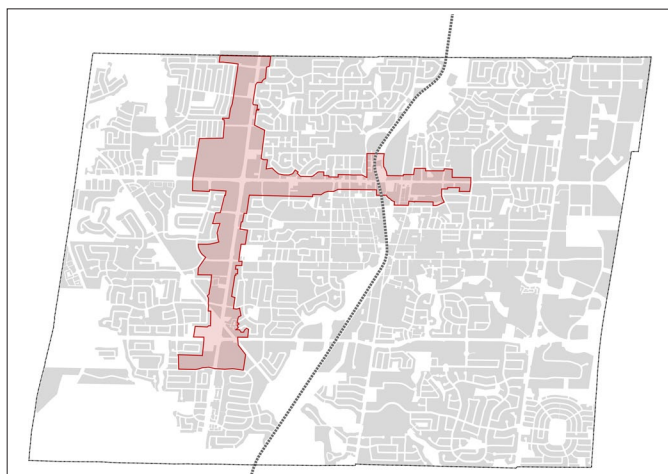
Map depicting the historical progression of development in Newmarket - see Background Report for more information.

2 Existing major streets and property boundaries



Map depicting the street form of Newmarket - see Background Report for more information.

3 Existing Urban Centres boundary



Map depicting the Urban Centres boundary in red.

4 Well and septic data



Map depicting well and septic-served properties (in red).

Figure 3. Four of the key evaluation criteria in the boundary delineation process

Existing Urban Centres Boundary

The Urban Centres area is a unique neighbourhood classification within the Town of Newmarket, with significant future growth and intensification expected around the Yonge Street and Davis Drive corridors. The boundary for the Urban Centres was taken from the Urban Centres land use designation, as identified in the Town of Newmarket Official Plan and Urban Centres Secondary Plan.

Well and Septic Data

The Town of Newmarket provided data on the location of well and septic-serviced properties which do not have access to municipal servicing infrastructure. This informed the classification system as it pertains to the potential of different residential areas to accommodate future infill and intensification. Specifically, this data informed some of the Estate Neighbourhood boundaries.

Applicable Land Use Designations

Only residential areas were included in Neighbourhood Classification System; non-residential areas are not addressed in this study. Schedule A of the Town of Newmarket Official Plan was referenced to ensure that all 'Stable Residential' and 'Emerging Residential' land use areas were included under the classification system.

Applicable Zoning By-Law Regulations

Relevant zoning by-laws and amendments, including Zoning By-law 2010-40, Zoning By-law 2013-30, Zoning By-law 1979-50 and Zoning By-law 1981-96 informed the development of the classification system by identifying varying built form permissions across Newmarket. Where particular area-specific by-law regulations are in-place, the Neighbourhood Classification System sought to mirror those boundaries in the identification of character areas.

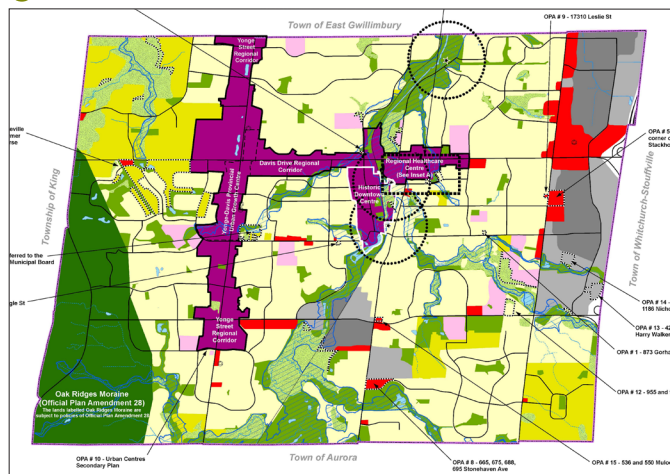
Interpretation of the Built Form

The classification process involved visual interpretation of the current built form, with an eye towards identifying similarities and differences between neighbourhoods. This involved consideration and interpretation of built form features including height, setbacks, materiality, architectural expression and others as listed in Section 2.3.

Interpretation of the Public Realm

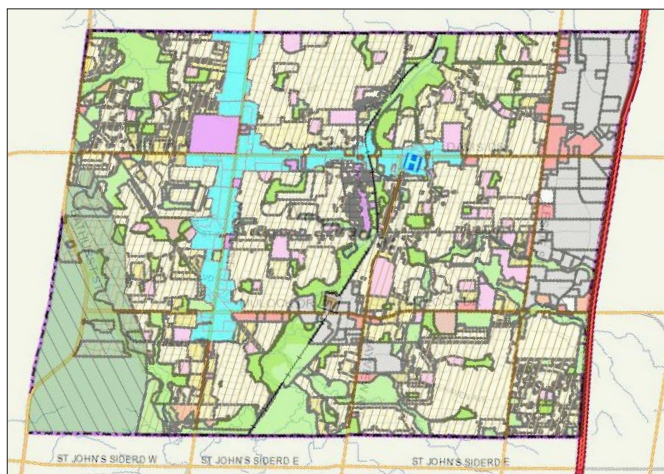
Similarly, the classification process involved visual interpretation of streetscape and the public realm, with an eye towards identifying similarities and differences between neighbourhoods. This involved consideration and interpretation of features including street and block pattern, right of way composition, sidewalks, public boulevards, and others as listed in Section 2.3.

5 Land use designations



Schedule A Land use Map from the Town of Newmarket Official Plan.

6 Applicable zoning by-law regulations



Schedule A from the Town of Newmarket Official Plan.

7 Interpretation of the built form

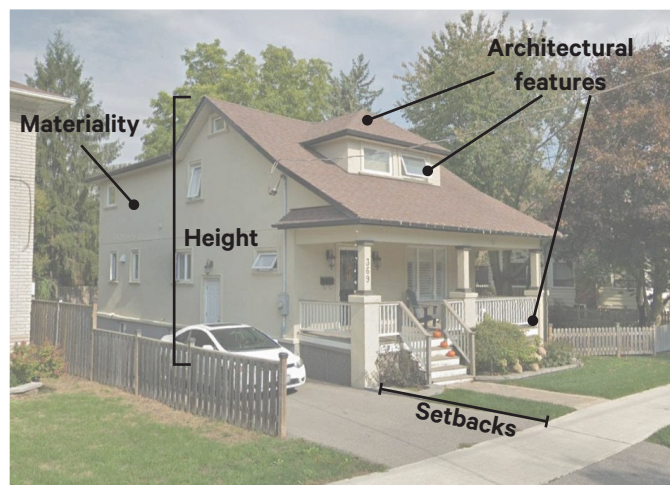


Image only shows some of the elements interpreted, see Section 2.3 for a full list.

8 Interpretation of the public realm



Image only shows some of the elements interpreted, see Section 2.3 for a full list.

Figure 4. Four of the key evaluation criteria in the boundary delineation process

2.5 Preliminary Neighbourhood Classifications

Building upon the analysis of existing conditions and taking into account the evaluation criteria outlined in Section 2.3, five Preliminary Neighbourhood Classifications were identified (see Figure 5). While the classifications may share similar elements, they are characteristically distinct from one another when their body of features is considered as a whole.

The Preliminary Neighbourhood Classifications include:

1. Organic Neighbourhoods;
2. Traditional Suburban Neighbourhoods;
3. Contemporary Suburban Neighbourhoods;
4. Urban Centres; and,
5. Estate Neighbourhoods .

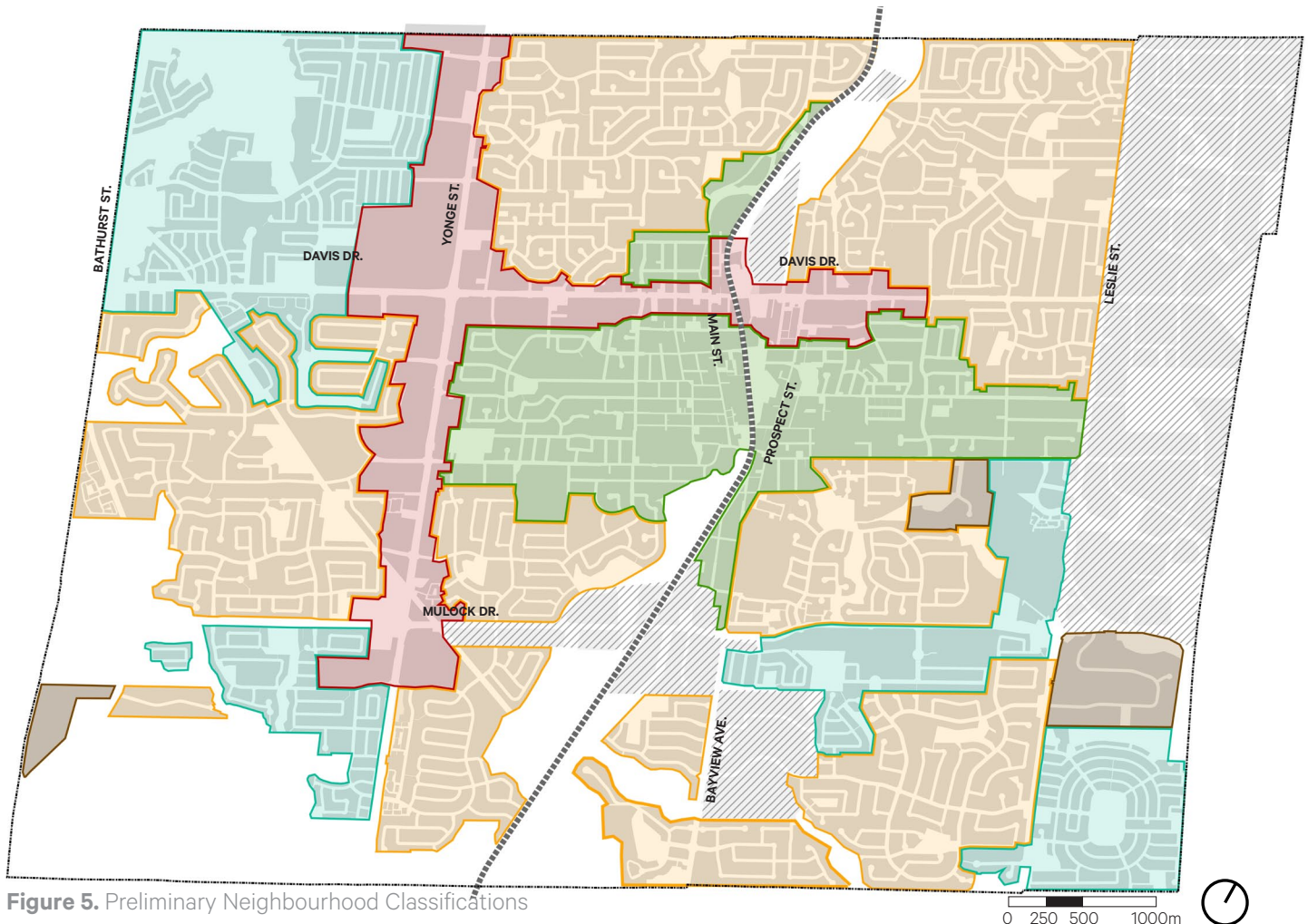
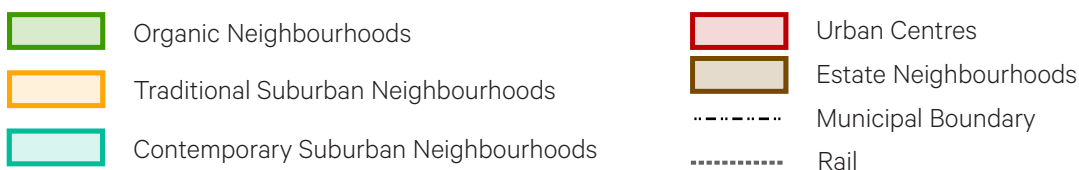


Figure 5. Preliminary Neighbourhood Classifications



2.6 Outliers

Within the five Preliminary Neighbourhood Classifications, the Urban Centres and Estate Neighbourhoods were identified as Outlier Neighbourhoods and, as such, will not be addressed in the final Official Plan Amendment and updated Zoning By-law.

Urban Centres

Focused on the major corridors of Yonge Street and Davis Drive (see Figure 6), the Urban Centres is a vibrant, mixed-use area permitting a wide range of residential, office, commercial and community uses. The area is expected to accommodate a significant amount of future growth, targeted towards the Yonge-

Davis Provincial Urban Growth Centre, the Yonge Street Regional Centre (located on both Yonge Street and Davis Drive) and the Regional Healthcare Centre. The area is characterized by concentrated employment uses, higher-order transit facilities, and a large number of higher-density mid-rise and tall buildings.

The boundary for the Urban Centres was taken from the Town of Newmarket Official Plan and associated Urban Centres Secondary Plan. This area is subject to the Urban Centres Secondary Plan and an Urban Centres Zoning By-law. As such, it will not be subject to further study.

Figures 7 and 8 illustrate the current landscape of the Urban Centres.

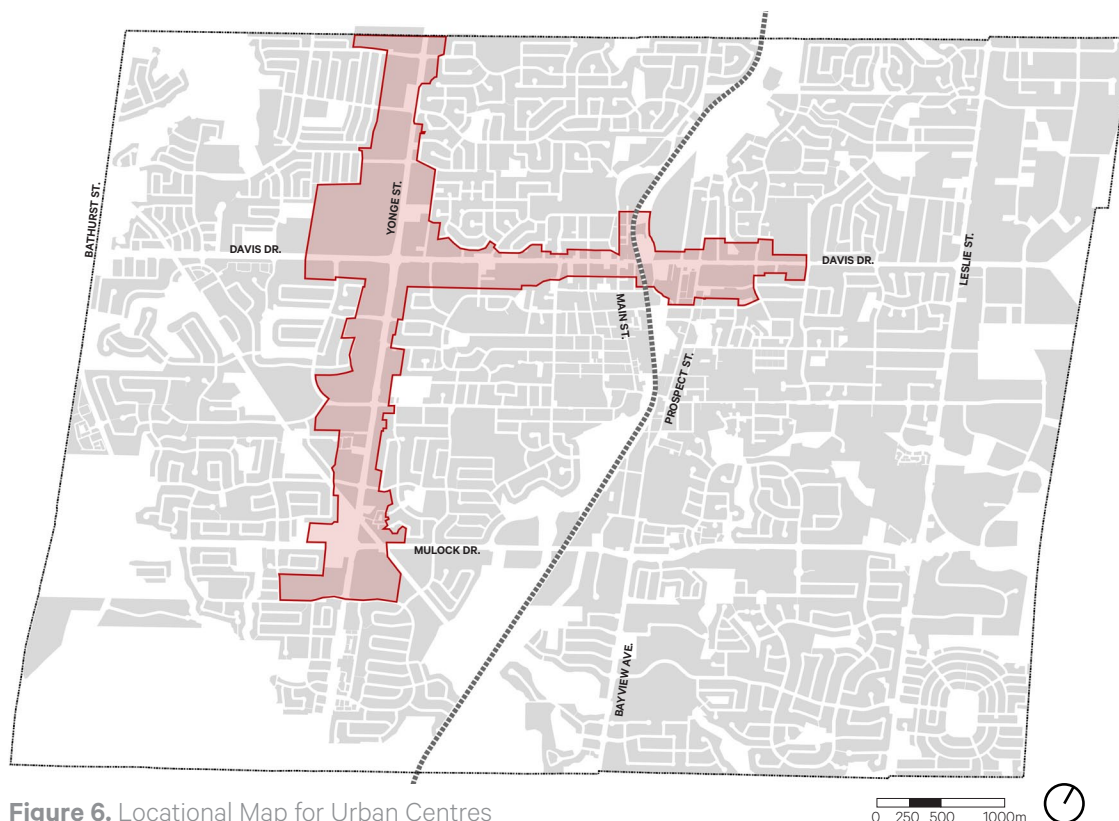


Figure 6. Locational Map for Urban Centres

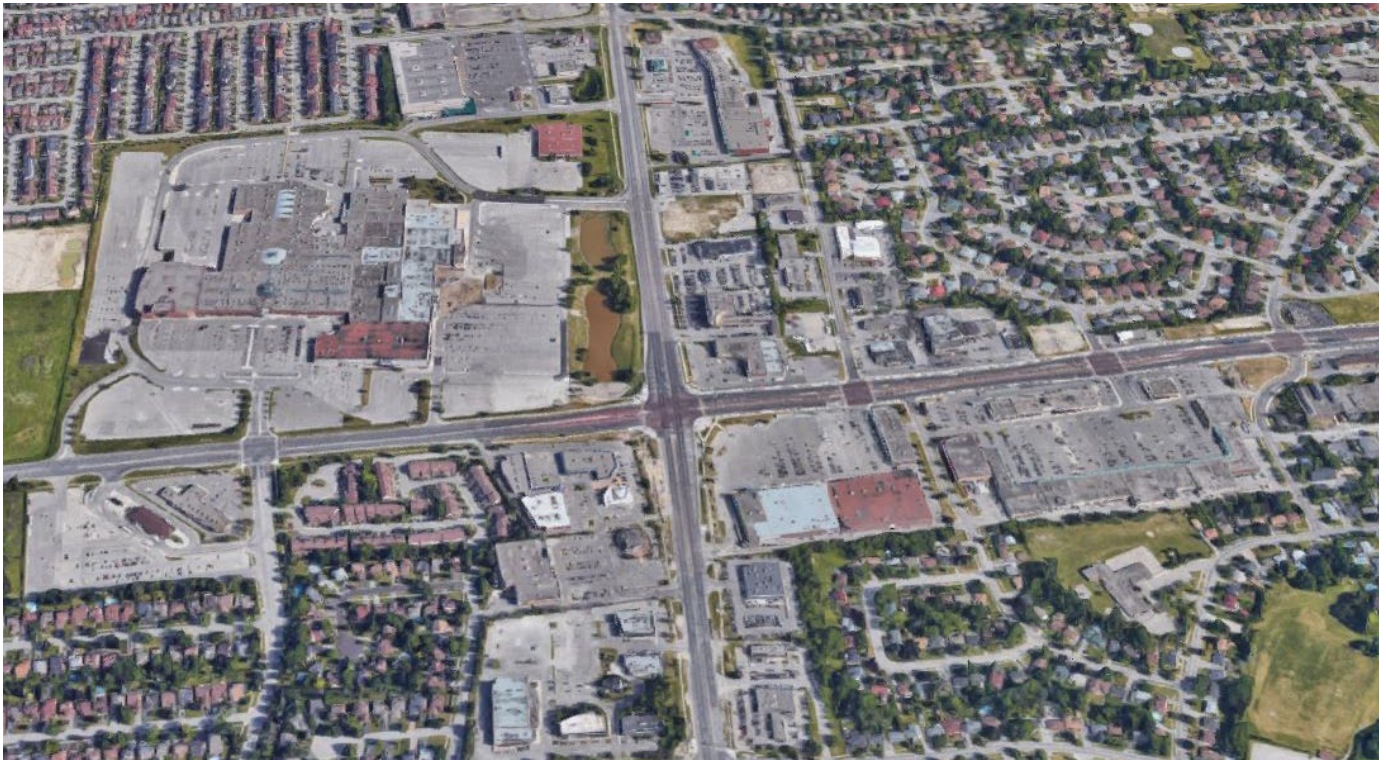


Figure 7. Aerial view at Intersection of Yonge Street and Davis Drive



Figure 8. View at Davis Drive and GO Rail Corridor

Estate Neighbourhoods

Newmarket's Estate Neighbourhoods are distributed throughout the Town, typically situated at the periphery of Newmarket, beyond the Traditional Suburban Neighbourhoods and adjacent to the Contemporary Suburban Neighbourhoods (see Figure 9).

Developed between the 1940's and 1960's, the neighbourhoods are characterized by curvilinear street patterns, long and often undefined discontinuous blocks and narrow street widths. They feature ample greenery, with deep-set properties with significant landscaping on large lots, distributed among large sections of naturalized or wooded areas.

In the absence of sidewalks, landscaped boulevards are accompanied by paved and gravel shoulders, swales and a lush and evolving canopy of mature street trees.

Typical buildings are 1 to 2 storeys in height, without a singular prevailing architectural expression or style. The large lots typically contain front-yard driveways of moderate to significant width, with one or more curb-cuts.

The boundaries for Estate Neighbourhoods were largely informed by well and septic-service property data provided the Town of Newmarket. They are not anticipated to accommodate future infill and intensification, as they are constrained by the absence and/or limited capacity of existing servicing infrastructure. Therefore, they will not be subject to further study.

Figures 10 and 11 illustrate the current landscape of the Estate Neighbourhoods.

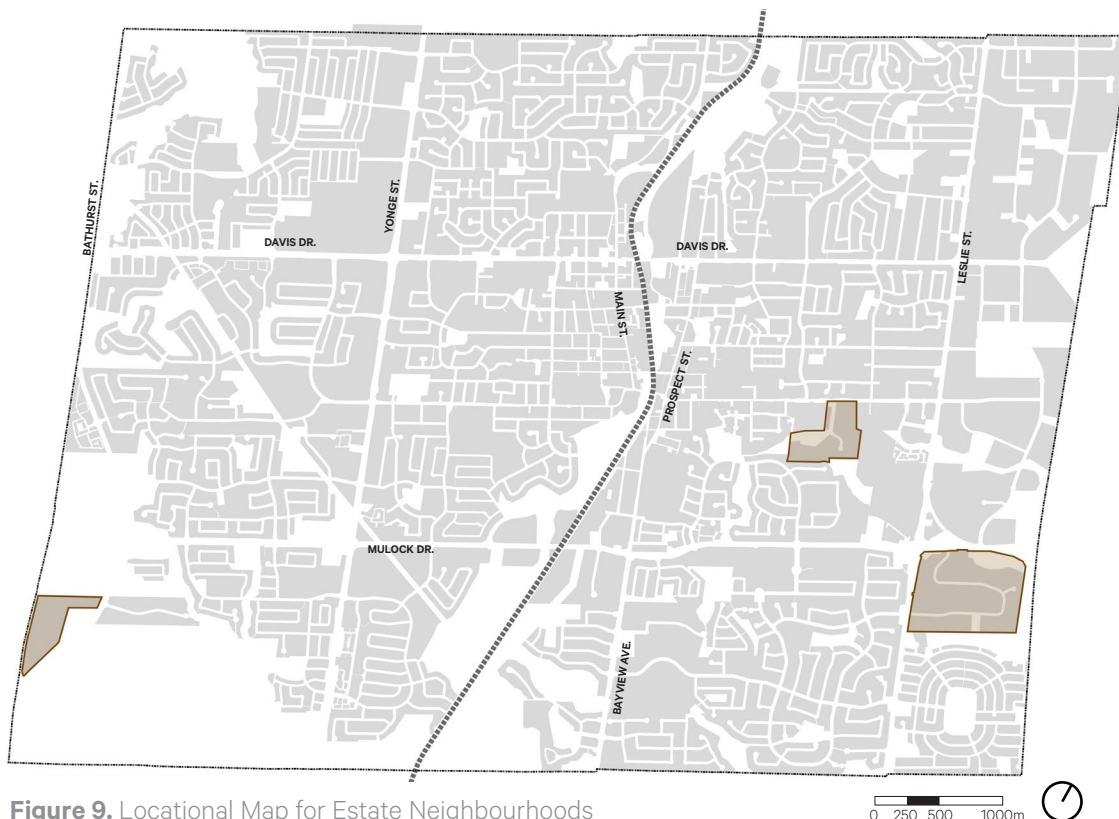


Figure 9. Locational Map for Estate Neighbourhoods



Figure 10. View southeast towards Kingdale Road

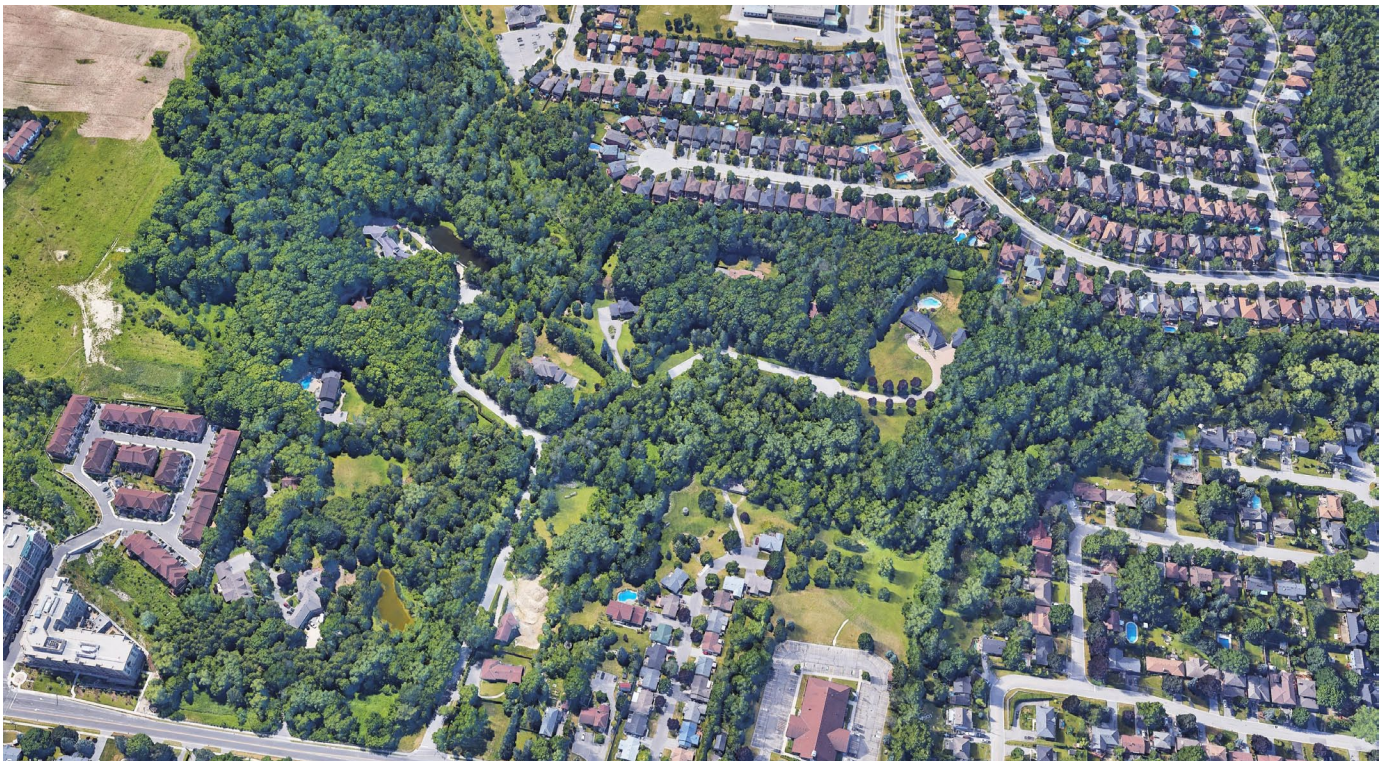


Figure 11. View south towards Premier Place

Outlier Developments

Throughout the Town of Newmarket, permitted residential uses within residential areas are generally limited to forms of low density housing, such as detached and semi-detached dwellings. In special circumstances, rowhouses and townhouses may also be permitted.

However, residential areas also contain other secondary and/or complementary uses. These include a range of small-scale retail, service, office and institutional uses, which may include elementary schools, places of worship, community centers, and local shops providing neighbourhood-oriented amenity and services. This also includes a range of multi-unit dwelling types, such as duplexes, triplexes, fourplexes, townhouses, and walk-up/low-rise apartment buildings. These multi-unit developments encompass both market-rate and affordable dwellings, as well as community-related uses such as group homes, retirement residences, or co-operative housing.

Figures 12-14 illustrate a collection of examples located in established residential neighbourhoods. In some cases, these are located on the periphery of residential neighbourhoods and in close proximity to major arterial or collector roads. While not the predominant form of development, these complementary outlying uses contribute to the character of established neighbourhoods within all neighbourhood classifications throughout the Town of Newmarket.

While Newmarket's established neighbourhoods are characterized by broad similarities, each neighbourhood contains elements of variety which bring their character to life. Examples of triplexes, fourplexes and walk-up apartment buildings can be found throughout the Town's Organic Neighbourhoods, and are visually indistinguishable from neighbouring developments.



Figure 12. Co-operative Housing Complex at Hope Circle



Figure 13. Townhouse and mid-rise apartments at Doak Lane



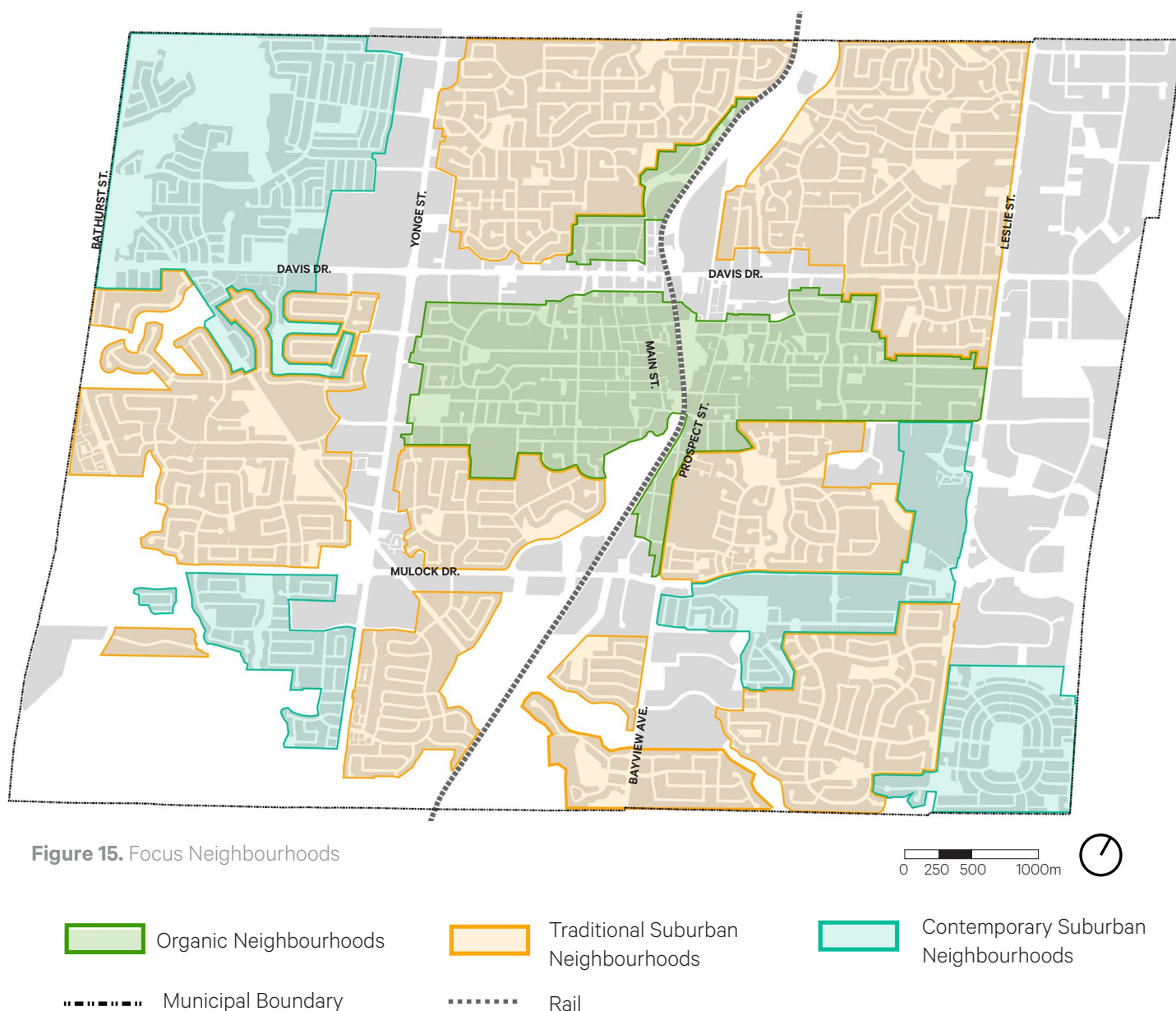
Figure 14. Low-rise apartment complex at Huron Heights Drive

2.7 Preferred Neighbourhood Classifications

Through the analysis of existing conditions and detection of outliers, three Preferred Neighbourhood Classifications were brought forward, from the five Preliminary Neighbourhood Classifications initially prepared, and identified as areas of focus for this study

and will be subjected to the Official Plan Amendment and Zoning By-law Amendment. The three Preferred Neighbourhood Classifications include:

1. Organic Neighbourhoods;
2. Traditional Suburban Neighbourhoods; and,
3. Contemporary Suburban Neighbourhoods.



3.0 ORGANIC NEIGHBOURHOODS

3.1 Character Statement

Organic Neighbourhoods are situated within and surrounding the historic core of the Town of Newmarket (see Figure 16). They were generally developed prior to the 1940's and the advent of subdivision-based planning. They are characterized by smaller blocks with an interconnected grid of narrow streets, continuous sidewalks, varied landscaping, mature tree canopies, varied lot patterns, front and side-yard driveways with a variety of parking configurations, varied setbacks, and 1-2 storey building heights.

Figure 17 illustrates the typical form of these neighbourhoods.

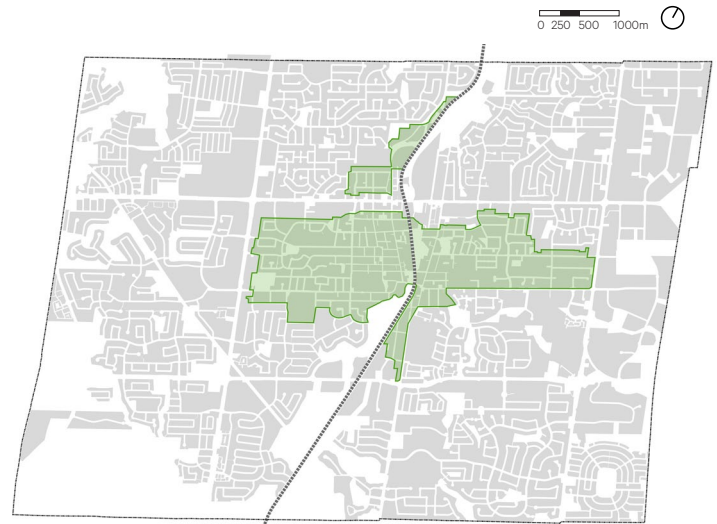


Figure 16. Locational Map for Organic Neighbourhoods



Figure 17. Organic Neighbourhoods Illustrative Typology

3.2 Predominant Public Realm Characteristics

Predominant public realm characteristics of the Organic Neighbourhoods include:

- A traditional fine-grain street pattern, with an interconnected grid of short blocks that is highly walkable;
- Narrow street widths;
- Continuous sidewalks on one or both sides of the street, typically 1-1.5m width,
- Narrow to moderate landscaped boulevards, typically 1-3m in width;
- An extensive canopy of established mature trees;
- An abundance of soft landscaping and accent planting; and,
- Overhead utilities with streetlights added on to utility poles.

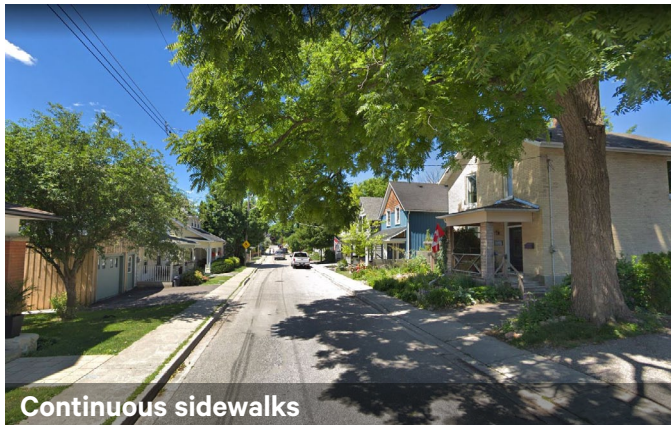


Figure 18. Select Public Realm Characteristics in Organic Neighbourhoods

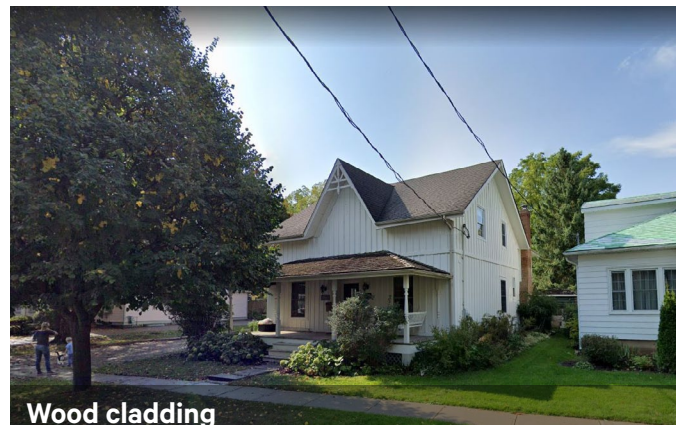
3.3 Predominant Built Form Characteristics

Predominant built form characteristics of the Organic Neighbourhoods include:

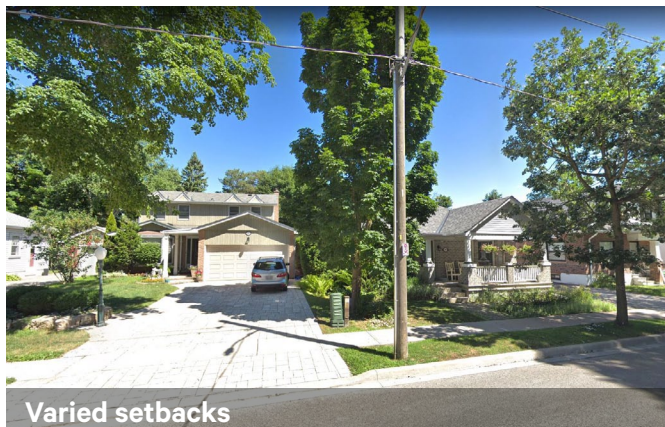
- 1 to 2-storey building heights;
- Rectangular and irregular lots, with lot sizes and dimensions that vary significantly;
- Varied front yard and side yard setbacks, of a shallow to significant depth;
- Front porches of a shallow depth;
- Pitched roofs;
- Weather protection features including canopies, overhangs and some awnings;
- Solid masonry or wood cladding,
- Varied vehicular access configurations, including front and side yard driveways of narrow to moderate width, and an inconsistent rhythm in driveway placement along the street;
- A diverse range of parking configurations, including parking pads, detached garages, and attached garages; and,
- Significant range of architectural expressions and styles, with a focus on Victorian-era architecture.



Shallow front porch



Wood cladding



Varied setbacks



Parking pads as one of many parking configurations

Figure 19. Select Built Form Characteristics in Organic Neighbourhoods

4.0 TRADITIONAL SUBURBAN NEIGHBOURHOODS

4.1 Character Statement

Traditional Suburban Neighbourhoods are generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Neighbourhoods, which traverse the periphery of the Town (see Figure 20). They were generally developed between the 1940's and 1990's, following the advent of subdivision-based planning. They are characterized by longer and often disconnected blocks of wider curvilinear streets, discontinuous sidewalks, varied landscaping, evolving and maturing tree canopies, varied lot patterns, front and side-yard driveways with attached garages, varied setbacks, and 1-2 storey building heights.

Figure 21 illustrates the typical form of these neighbourhoods.

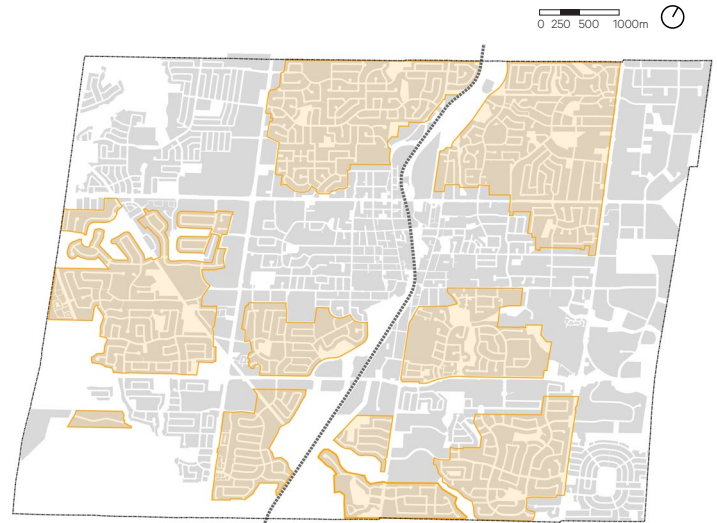


Figure 20. Locational Map for Traditional Suburban Neighbourhoods



Figure 21. Organic Neighbourhoods Illustrative Typology

4.2 Predominant Public Realm Characteristics

Predominant public realm characteristics of the Traditional Suburban Neighbourhoods include:

- Curvilinear street patterns, including crescent streets and cul-de-sacs, with few intersections;
- Significant street widths;
- Discontinuous network of sidewalks on one side of the street, typically 1-1.5m in width, with the exception of cul-de-sacs which commonly have no sidewalks;
- Moderate landscaped boulevards, typically 2-4m in width;
- A moderate to significant canopy of maturing street trees;
- Some soft landscaping and accent planting;
- Consistent placement of streetlights as independent fixtures; and,
- Buried utilities.

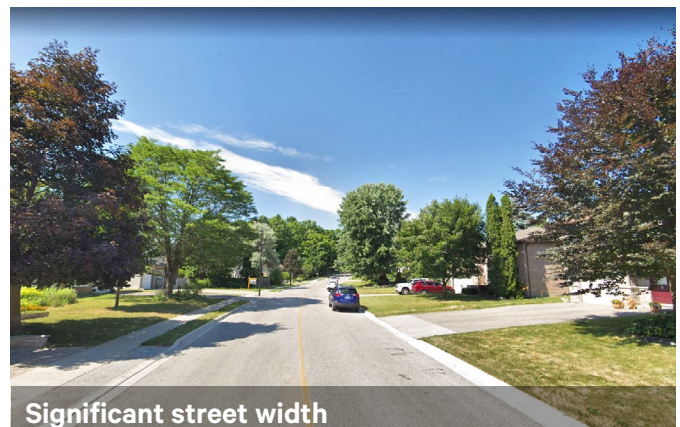


Figure 22. Select Public Realm Characteristics in Traditional Suburban Neighbourhoods

4.3 Predominant Built Form Characteristics

Predominant built form characteristics of the Traditional Suburban Neighbourhoods include:

- 1 to 2-storey building heights;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front yard setbacks, of a moderate to significant depth;
- Consistent side yard setbacks, of a shallow to moderate depth;
- Front porches of a shallow to moderate depth;
- Weather protection features including canopies, overhangs, recessed entrances and some awnings;
- Consistent vehicular access configurations, characterized by front yard driveways of narrow to significant width;
- Pitched roofs;
- Consistent parking configurations, characterized by integral garages;
- Masonry veneer or vinyl cladding; and,
- Limited range of architectural expressions/styles.

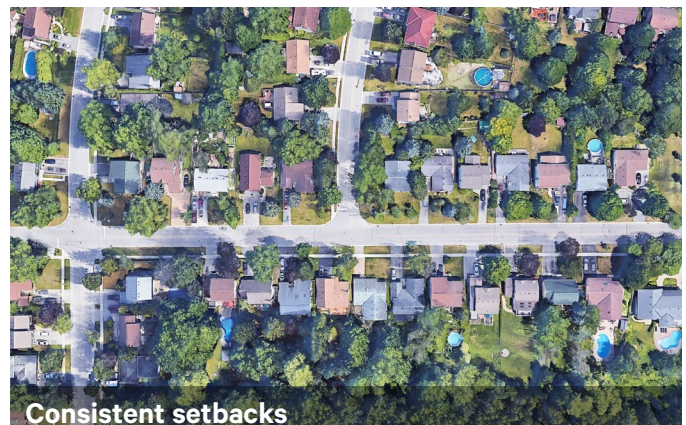
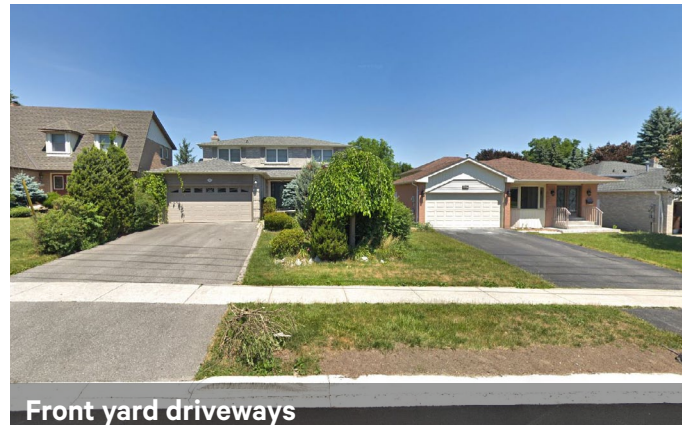


Figure 23. Select Built Form Characteristics in Traditional Suburban Neighbourhoods

5.0 CONTEMPORARY SUBURBAN NEIGHBOURHOODS

5.1 Character Statement

Newmarket's Contemporary Suburban Neighbourhoods are generally situated at the periphery of the Town, beyond the Traditional Suburban Neighbourhoods, and adjacent to the Estate Neighbourhoods (see Figure 24). They were generally developed following the 1990's. They are characterized by moderately sized blocks with an interconnected modified grid of moderately sized streets, continuous sidewalks and landscaping, recently planted and emerging tree canopies, consistent lot patterns, front yard driveways with attached garages, consistent setbacks, and 2-storey building heights.

Figure 25 illustrates the typical form of these neighbourhoods.

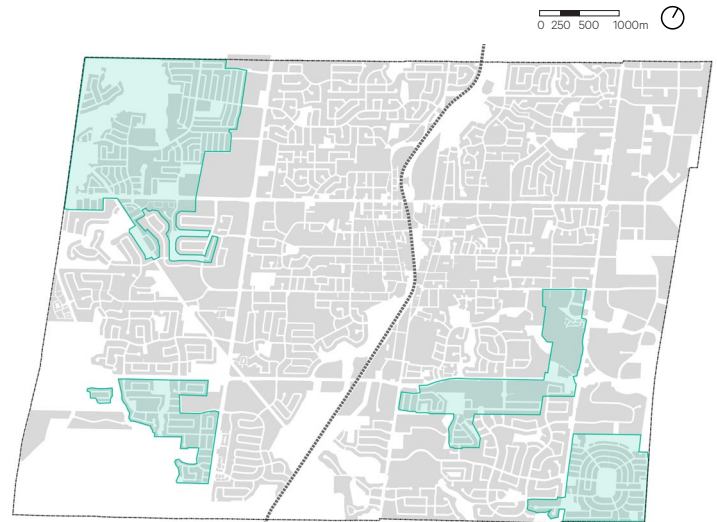


Figure 24. Locational Map for Contemporary Suburban Neighbourhoods



Figure 25. Contemporary Suburban Neighbourhoods Illustrative Typology

5.2 Predominant Public Realm Characteristics

Predominant public realm characteristics of the Contemporary Suburban Neighbourhoods include:

- Modified street grid patterns, with short blocks and frequent intersections;
- Moderate street widths;
- Narrow landscaped boulevards, typically 1-2m in width;
- Modest to limited amount of soft landscaping and accent planting;
- A minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street, typically 1.3-1.7m in width;
- Street lights as independent fixtures, complemented by pedestrian lighting; and,
- Buried utilities;

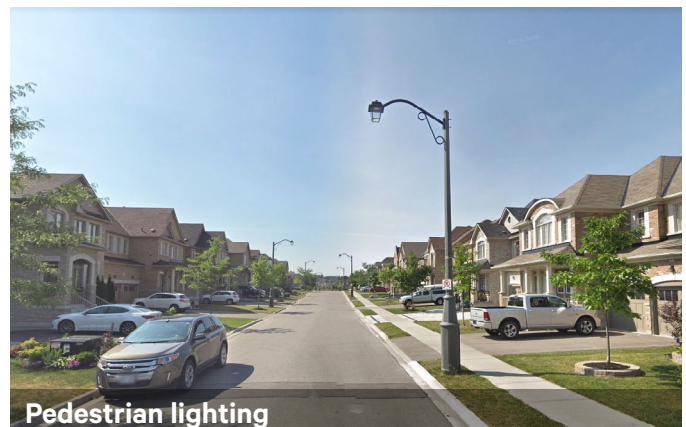
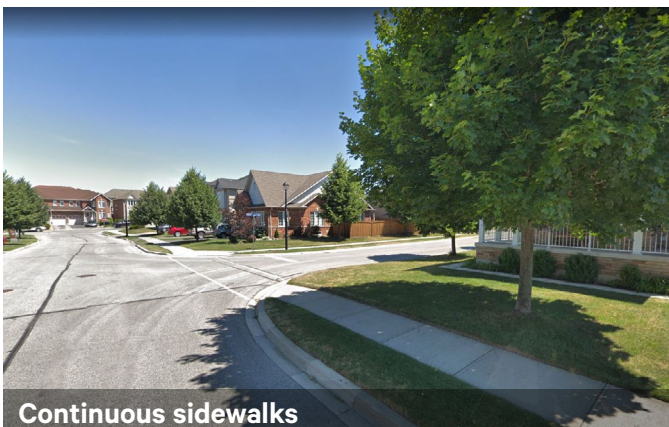
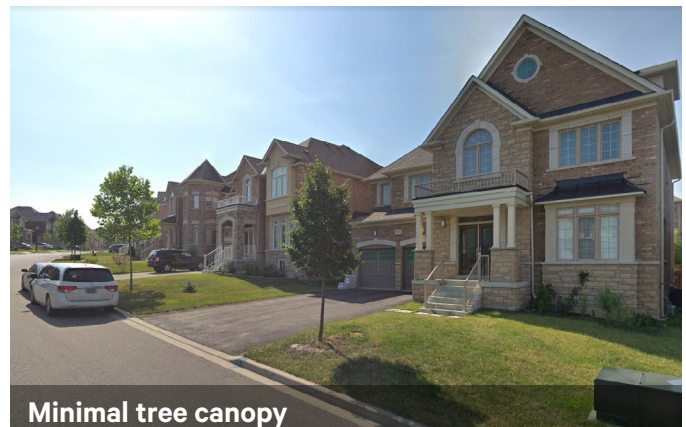


Figure 26. Select Public Realm Characteristics in Contemporary Suburban Neighbourhoods

5.3 Predominant Built Form Characteristics

Predominant built form characteristics of the Contemporary Suburban Neighbourhoods include:

- 2-storey building heights;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front yard setbacks, of a shallow to moderate depth;
- Consistent side yard setbacks, of a shallow to moderate depth;
- Consistent vehicular access configurations, characterized by front yard driveways of narrow to moderate width;
- Consistent parking configurations, characterized by integral garages;
- Masonry veneer or vinyl cladding; and,
- A limited range of architectural expressions and styles.

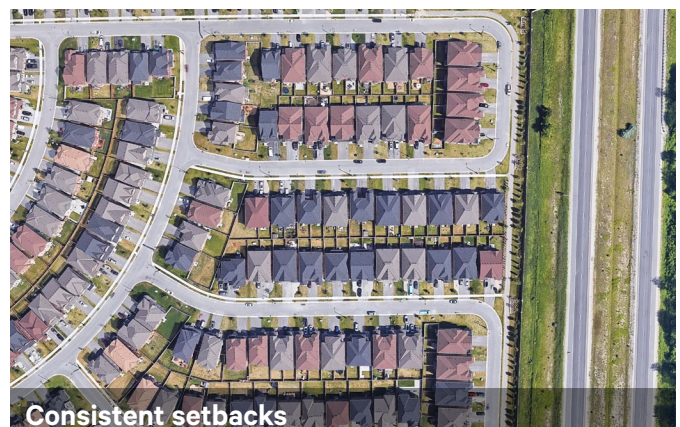
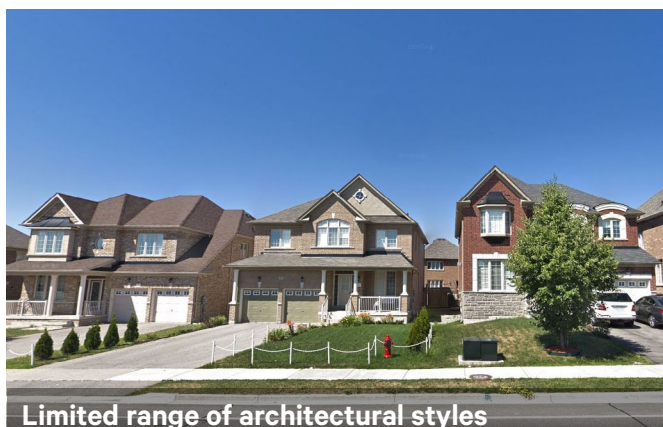
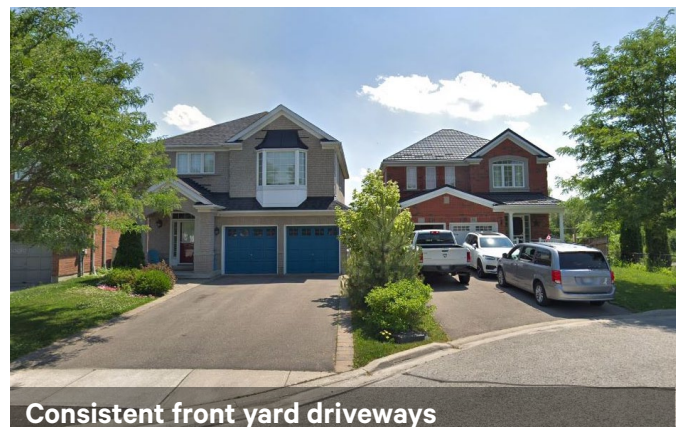
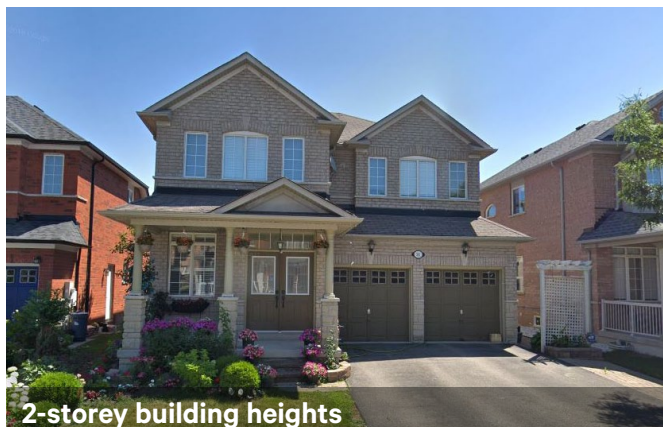


Figure 27. Built Form Characteristics in Contemporary Suburban Neighbourhoods

6.0 EMERGING POLICY DIRECTIONS

6.1 Overview

Building upon the analysis of existing conditions and the preparation of the Preferred Neighbourhood Classification System, the next step of the study process involved a review of the existing planning policy, with consideration for potential improvements to enable development which respects and is complementary to the existing neighbourhood character.

A hierarchy of provincial, regional and municipal planning policy guides land use and development decisions within Newmarket, with the municipal Official Plan and Zoning By-law providing the most detailed direction on neighbourhood-scale development. However, the existing policy framework does not adequately address the issue of neighbourhood character, and what constitutes an appropriate degree of change an evolution throughout the Town's established neighbourhoods.

This section of the report begins by providing a summary of key policy documents, including the Growth Plan, Regional Official Plan, Municipal Official Plan, and Municipal Zoning By-law. This is followed by a discussion on key issues, challenges and opportunities, which identify gaps in existing policy and key changes in addressing them. The section concludes with a series of policy options, which include modifications to the Official Plan Residential Areas land use designation and options for more flexible and context-responsive zoning permissions.

6.2 Existing Policy and Regulatory Framework

Development throughout Newmarket's established neighbourhoods is guided by a hierarchy of provincial, regional and municipal land use policies,. The following section provides a summary of the existing policy and regulatory framework. For a more fulsome discussion, please refer to Section 2 of the Background Report.

Growth Plan for the Greater Golden Horseshoe

At the provincial level, the Growth Plan for the Greater Golden Horseshoe identifies Newmarket's residential neighbourhoods as within the designated Settlement Areas and Delineated Built-Up Areas. Both are areas intended for growth and identified as priority locations to meet minimum intensification targets, with the latter intended to host 50% of residential developments. The updated 2019 Growth Plan now encourages intensification generally throughout the Delineated Built-Up Area. This represents a shift in policy, which encourages a greater level of change and growth throughout municipalities, including residential neighbourhoods, that was not envisioned in when the Urban Centres Secondary Plan came into force.

The Growth Plan also requires municipalities to provide a diverse range and mix of housing options, including secondary units and affordable housing. Municipalities are obliged to support the accommodation of forecasted growth, achievement of intensification goals, and provision of a diversified housing stock in order to realize the achievement of complete communities.

York Region Regional Official Plan

At the regional level, York Region's Official Plan designates Newmarket's residential neighbourhoods as Urban Areas. It specifies that residential intensification within Urban Areas will accommodate a significant

portion of the planned growth in the Region, including through local infill development. The stated residential intensification target for Newmarket is 5,250 new units from 2006 to 2031. The Regional Official Plan also requires that municipal plans and zoning by-laws permit a mix and range of housing types, lot sizes, unit sizes, functions, tenures and levels of affordability within each community.

Town of Newmarket Official Plan

At the municipal level, the Town of Newmarket's Official Plan designates all residential neighbourhoods under one of two Residential Areas land use categories: Stable Residential Areas and Emerging Residential Areas. The Stable Residential Areas designation applies to all existing neighbourhoods and is largely a delineation of established residential areas in 2006, when the Official Plan was created. The Emerging Residential Areas designation primarily applies to the delineation of designated greenfield lands in 2006, which were identified as future residential areas that were in the process of being developed or were anticipated to be developed, eventually becoming Stable Residential Areas.

In Stable Residential Areas, permitted residential forms are restricted to single-detached and semi-detached dwellings, with the intent of the policy to sustain and enhance the character and identity of existing neighbourhoods. Intensification is limited to accessory dwelling units and infill units through the creation of new lots consistent with the size and form of housing as a whole. The creation of new lots is subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill, and the availability of hard services and road access requirements.

In Emerging Residential Areas, increased variety is encouraged through policy mandating the provision of a range of residential accommodation by housing type, tenure, size, location and price. Through the pre-dominant use of land is still identified as single-detached and semi-detached dwellings, rowhouses and townhouses are also permitted. T

Town of Newmarket Zoning By-law

Finally, the Town of Newmarket Comprehensive Zoning By-law 2010-40 contains specific use regulations and building performance standards for each lot within the municipality. The majority of Residential Areas are zoned under the Residential Zone Category, composed of five zones (R1, R2, R3, R4, R5) with increasing permissions for higher-density residential types.

Zoning By-law Amendments introduce variations to the established standards which are appropriate for a locationally-specific context. Zoning By-law 2010-40 has been subject to a process of on-going refinement through amendments, with one such example being Zoning By-Law 2013-30. Zoning By-law 2013-30 applies to an area generally corresponding with Newmarket's older organic core and was introduced to curb overbuilding which was incompatible with surrounding built form. The By-law reduces the maximum permitted height and the maximum permitted coverage, and modifies how front yard setbacks are determined to ensure alignment with dwellings on either side of the property.

6.3 Key Issues and Challenges

As currently structured, Newmarket's existing land use policy and regulatory framework does not adequately address changing patterns of development within the Town's residential neighbourhoods. The following section identifies a number of gaps in the current framework.

Outdated Land Use Designations

The current binary land use designations of Stable Residential Areas and Established Residential Areas is outdated. These designations were put in place in 2006, when the Official Plan was last updated, and were crafted to address a specific context for growth to come. This specific context has run its course and no longer exists, and the Official Plan designations no longer reflect on-the-ground conditions or current provincial policy direction.

Since 2006, almost all of the lands designated as Emerging Residential Areas have been developed, and the Town has been physically built-out. Today, all Residential Areas are effectively 'stable' neighbourhoods. In accommodating for future growth, the Town of Newmarket shall accommodate for some degree of change and growth within its residential neighbourhoods.

Furthermore, there is a disconnect between the uses permitted in the Official Plan's land use policies, and the uses which exist on-the-ground. Notable examples include commercial uses along Eagle Street, Prospect Street and Gorham Street, which fall within Stable Neighbourhoods. Generally, a greater variety and range of uses exist along Primary Collector Roads than is anticipated in the Official Plan.

Restrictions on Higher-Density Housing Forms

Both Stable Residential Areas and Emerging Residential Areas contain established communities, but only Emerging Residential Areas permit higher-density forms such as triplexes, fourplexes, townhouses and row-houses. This distinction no longer makes sense and limits the potential for higher-density buildings to a relatively small portion of the Town. This effectively limits the potential for medium-density housing typologies, such as those identified above. This is in

spite of the fact that these typologies already exist in many areas of the Town and blend seamlessly into character of established neighbourhoods. When the built form of multi-unit dwellings reflects that of adjacent and surrounding properties, it is possible for them to contribute positively to the look and feel of the broader neighbourhood.

No Defined Distinction Between Neighbourhood Character

The current Official Plan does not distinguish between the variation in built form and public realm character between residential neighbourhoods. They are treated as one homogenous whole, when in fact clear distinctions exist between different areas of the Town, as revealed by the analysis of existing neighbourhood conditions and the preparation of the Preferred Neighbourhood Classification System.

Inconsistency Between Zoning Permissions and Existing Built Form

The current Comprehensive Zoning By-law is inconsistent with existing built form conditions, particularly in older organic neighbourhoods where residences built in the 1940's and 50's pre-date the modern zoning by-law. The specifications set out in the Comprehensive Zoning By-law do not reflect existing neighbourhood character, meaning that new infill developments being constructed as-of-right are not physically compatible with their older counterparts.

Large Number of In-Force Zoning By-laws

There are a number of in-force zoning by-laws across the Town of Newmarket, which have been developed, enacted and/or partially repealed over time. Comprehensive Zoning By-law 2010-40 is the most recent by-law which covers most of the Town, but significant portions of Newmarket are regulated by Zoning By-law 2013-30, Zoning By-law 1981-61 and

Zoning By-law 1979-50. This complex collection of separate by-laws is confusing to interpret and difficult to compare as the regulated elements have changed over time.

Changing Demographic Trends

Newmarket's demographic patterns are changing. Average household size is shrinking, caused by societal trends towards couples having fewer children later in life, and seniors living longer and more independently in old age. This reduction in average household size means that more housing is required to house fewer people, putting increased pressure on more units to accommodate a growing population. It has also resulted in a shrinking population within established neighbourhoods, as the built form has not changed to reflect contracting household composition.

Diminishing Capacity

By constraining the supply of low to medium-density housing typologies throughout Newmarket's established neighbourhoods, and directing all development to the Urban Centres and GO Station Areas, the carrying capacity of these designated growth areas will become increasingly strained over time, while the established neighbourhoods will remain relatively under-populated.

Declining Neighbourhood Populations

Over time, the loss of population within Newmarket's established neighbourhoods will make these communities less vibrant and resilient. Eventually, this could result in the closure of community facilities, the decline of local street retail, and an increased per-person tax burden to maintain existing municipal services and infrastructure.

Mismatch Between Supply and Demand

There is a mismatch between the forms of housing which are currently being supplied and those which are demanded. Most new development is occurring in the Urban Centres, where a number of new mixed-use developments are in progress. However, many families would prefer to live in established neighbourhoods, where there is better access to public amenities such as schools and green space. In these locations, a scarce supply of available housing is driving up demand and, with it, the cost of housing.

Need for a Comprehensive Policy Solution

The Town of Newmarket has attempted to address these incompatibilities in locations where discrepancies are most apparent, such as through Zoning By-Law 2013-30 in the older organic neighbourhoods. However, these site-specific by-laws are only stop-gap measures which target small areas of the Town. There is a need to address the issue of neighbourhood compatibility comprehensively on a town-wide basis.

6.4 Key Opportunities

In light of the issues identified above, there are a number of key opportunities to improve the current policy and regulatory framework.

Contextually-Sensitive Infill Development

There is an opportunity to maintain the stability of Residential Areas, while also allowing for contextually-sensitive infill development and limited intensification which demonstrates compatibility with the established character of a neighbourhood.

For example, it is possible to allow permitted uses beyond single-detached and semi-detached dwellings, at a scale which is similar to existing development. This includes maintaining current requirements for single-detached and semi-detached dwellings in residential

neighbourhoods, but introducing permissions for other forms of low-rise housing such as duplexes, triplexes, fourplexes, townhouses, and walk-up apartment buildings. Flexibility for these housing forms should be considered in all residential neighbourhoods, not just those lands designated as Emerging Residential Areas.

Added Value of New Development

There is an opportunity to recognize that new development in Existing Residential Areas can add physical and intrinsic value to communities. New development should be recognized for the potential benefits that it can bring both within neighbourhoods and town-wide.

Defining Neighbourhood Character

There is an opportunity to define neighbourhood character within the Official Plan. In doing so, the potential exists to identify specific qualities which contribute to the character of each Neighbourhood Classification across Newmarket. This would allow for additional policy direction on the characteristics that should be protected and enhanced, leaving less ambiguity in the interpretation of what constitutes 'compatible' development.

Regulating Form and Character Over Dwelling Type

Amendments to the Official Plan present the opportunity to shift away from the existing approach of regulating the type of dwelling (i.e. number of units in the building) in favour of regulating the building form (i.e. size, shape and massing of building). Implemented in tandem with the exercise of defining neighbourhood character, this will allow for development which respects the existing look and feel of a neighbourhood while also providing a broader range of housing options than is currently permitted.

Disconnect Between Official Plan Policies and Zoning Regulations

There is an opportunity to introduce permissions in the Official Plan which allow for a greater variety of medium-density housing typologies throughout established neighbourhoods, without increasing as-of-right permissions in the Zoning By-law. This would allow applicants to seek permissions for medium-density residential housing typologies without requiring and site-specific Official Plan Amendment. It would also allow municipal staff to review and evaluate the compatibility of medium-density building typologies on an application-by-application basis, and to increase as-of-right permissions on an area-specific basis, where it can be demonstrated that adequate services and infrastructure exist to accommodate growth.

Simplifying Existing Zoning By-laws into a Comprehensive Zoning Code

There is an opportunity to simplify the existing collection of in-force Zoning By-laws to allow Zoning By-law 2010-40 to cover all areas of the Town. This may involve repealing old by-laws including Zoning By-law 2013-30, Zoning By-law 1981-61 and Zoning By-law 1979-50, translating their permissions into a language which is consistent with Zoning By-law 2010-40, and then updating and replacing Zoning By-law 2010-40 with new performance standards and/or zoning regulations. This will simplify the regulatory framework and streamline planning processes for both Town staff and applicants by reducing the need to consult and cross-reference several by-laws.

Updated Zoning Permissions: New Area-Specific Standards

There is an opportunity to introduce zoning regulations which more accurately reflect the existing built form in neighbourhoods across the Town of Newmarket. An update to the Zoning By-law can take a number

of different approaches. The modifications that were implemented through By-law 2013-30 could be expanded to other areas of Newmarket experiencing similar development patterns. However, establishing new zoning standards which accurately and comprehensively capture the distinct conditions of each area of the Town may be difficult, as outliers may be evident. The implementation of such standards may also result in the creation of legal non-conforming uses.

New Context-Responsive Standards

In contrast to the approach of creating area-specific standards, an alternative approach could involve linking zoning standards for a property to the existing conditions of adjacent and surrounding properties. This would require new development to respect the qualities of neighbouring properties, while eliminating the need for a catch-all standard. However, this approach lacks the degree of specificity contained in the current by-law.

Achievement of Broader Housing Goals and City-Building Initiatives

Increased infill development has the potential to support more housing, in a broader range of forms and affordability levels, within established residential areas. This would help accommodate Newmarket's growing population, optimizing the use of existing public amenities and infrastructure, and potentially contributing to provincial and regional growth targets at a gentler scale.

6.5 Emerging Policy Directions

A number of policy options have emerged, informed by the analysis of existing conditions, development of the Preferred Neighbourhood Classification System, and informed by public and stakeholder feedback.

These emerging policy options aim to retain prevailing neighbourhood character and physical stability while allowing for sensitive infill and supporting broader housing and intensification goals. They move to recognize the distinct built form and public realm conditions across residential neighbourhoods, and introduce Residential Character Areas to ensure that defining characteristics are acknowledged and maintained. Figure 28 demonstrates options which are currently being explored in the re-structuring of the municipal land use policy framework.

Town of Newmarket Official Plan

At the Official Plan level, consideration should be given to replacing the Stable Residential Areas and Emerging Residential Areas land use designations with a singular Residential Areas land use designation, and providing explanatory language which:

- Acknowledges that while the majority of growth is directed to the Urban Centres, a limited amount of infill and intensification is anticipated to occur throughout Residential Areas;
- Acknowledges that while Residential Areas are primarily comprised of detached and semi-detached dwellings, they also contain a mix of duplexes, triplexes, fourplexes, townhouses, rowhouses, and low-rise apartment buildings; and
- Acknowledges that as Newmarket continues to intensify, Residential Areas are anticipated to accommodate a greater range and diversity of housing types.

Within the Residential Areas land use, consideration should be given to introducing policies which:

- Speak to the need to maintain the stability of Residential Areas, while allowing for contextually-

sensitive infill development and intensification, which demonstrates compatibility with the character of the neighbourhood;

- Outline the ways in which infill development may be achieved through the construction of new residential dwellings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings;
- Outline that limited intensification may be achieved through the construction of new residential dwellings on vacant lots, the addition of secondary suites in new or existing residential dwellings, the severancing or stratification of lands resulting in the introduction of new or additional residential dwellings, and the replacement of single-family dwellings with multi-family dwellings;
- Define neighbourhood character, and states that new development shall acknowledge and respect the prevailing physical character of the surrounding neighbourhood, with consideration for specific character-defining criteria; and,
- State that new development shall have particular attention to the physical character of adjacent and surrounding properties, as well as those properties with frontage along the same street segment.

Consideration should be given to introducing a new layer of Official Plan policy, which provides specific direction for new development within individual Residential Character Areas, the extents of which should be illustrated on a supporting Official Plan Schedule. Within this new section of the Official Plan, explanatory text should be provided which:

- Defines the boundaries of the Residential Character Areas, and outlines how these boundaries have been determined;
- States that the applicability of specific Residential Character Area policies will be subject to review by Town Staff, and determined on a site-by-site basis;
- Provides a neighbourhood character statement, list of predominant built form conditions and predominant public realm conditions for each Residential Character Area; and,
- Acknowledges that, within each Residential Character Area, new development shall acknowledge and respect these physical characteristics while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

Town of Newmarket Comprehensive Zoning By-law

At the Zoning By-law level, consideration should be given to pursuing one of three potential policy options, in order to regulate building and lot standards within each of the three Residential Character Areas:

Option 1: This option involves the introduction of three area-specific Zoning By-law Amendments, one for each of the Residential Character Areas, with rigid zone standards specific to the distinct conditions which present themselves within the three areas.

For example, a property could be subject to a minimum front yard setback of 3 metres, and a maximum front yard setback of 6 metres. This is consistent with the range of front yard setbacks which exist within a particular Neighbourhood Classification. This regulation would apply regardless of the immediate context

of adjacent and/or surrounding properties. In this scenario, the subject property would be permitted a tolerance of 3 metres, and could establish a front yard setback anywhere between 3 and 6 metres.

Option 2: This option involves the introduction of a town-wide Zoning By-law Amendment for all residential zones, with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of town-wide minimum and maximum standards and a specified tolerance for variation.

For example, a property could be subject to a minimum front yard setback of 3 metres, and a maximum setback of 9 metres. This is consistent with the range of front yard setbacks which exist throughout the Town of Newmarket's established neighbourhoods. Within this range, consideration would also be given to the front yard setbacks of adjacent and/or surrounding properties. In this scenario, let's assume that one adjacent property has a front yard setback of 4 metres, and the other adjacent property has a setback of 6 metres. In this scenario, the subject property has two options. The two adjacent setbacks could be averaged to 5 metres, or alternatively, the subject property could be permitted a tolerance for variation from the average setback. In this scenario, let's assume this tolerance is 1 metre. In this event, the subject property would be permitted a front yard setback of 4 to 6 metres.

Option 3: This option involves a hybrid solution combining Options 1 and 2. This would consist of three area-specific Zoning By-law Amendments, with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of Character Area-specific minimum and maximum standards and a specified tolerance for variation.

For example, a property could be subject to a minimum front yard setback of 3 metres, and a maximum front yard setback of 6 metres. This is consistent with the range of front yard setbacks which exist within a particular Neighbourhood Classification. Within this range, consideration would also be given to the front yard setbacks of adjacent and/or surrounding properties. In this scenario, let's assume that one adjacent property has a front yard setback of 5 metres, and the other adjacent property has a front yard setback of 4 metres. In this scenario, the subject property has two options. The two adjacent setbacks could be averaged to 4.5 metres, or alternatively, the subject property could be permitted a tolerance for variation from the average setback. In this scenario, let's assume this tolerance is 1 metre. In this event, the subject property would be permitted a front yard setback of 3.5 to 5.5 metres.

Alternatively, consideration could be given to establishing a Residential Character Areas Overlay, or replacing the Zoning By-law with a Development Permit System. A preferred policy direction will be determined through consultation with Town Staff, members of Town Council, and the public.



Figure 28. Summary of Existing Policy Framework

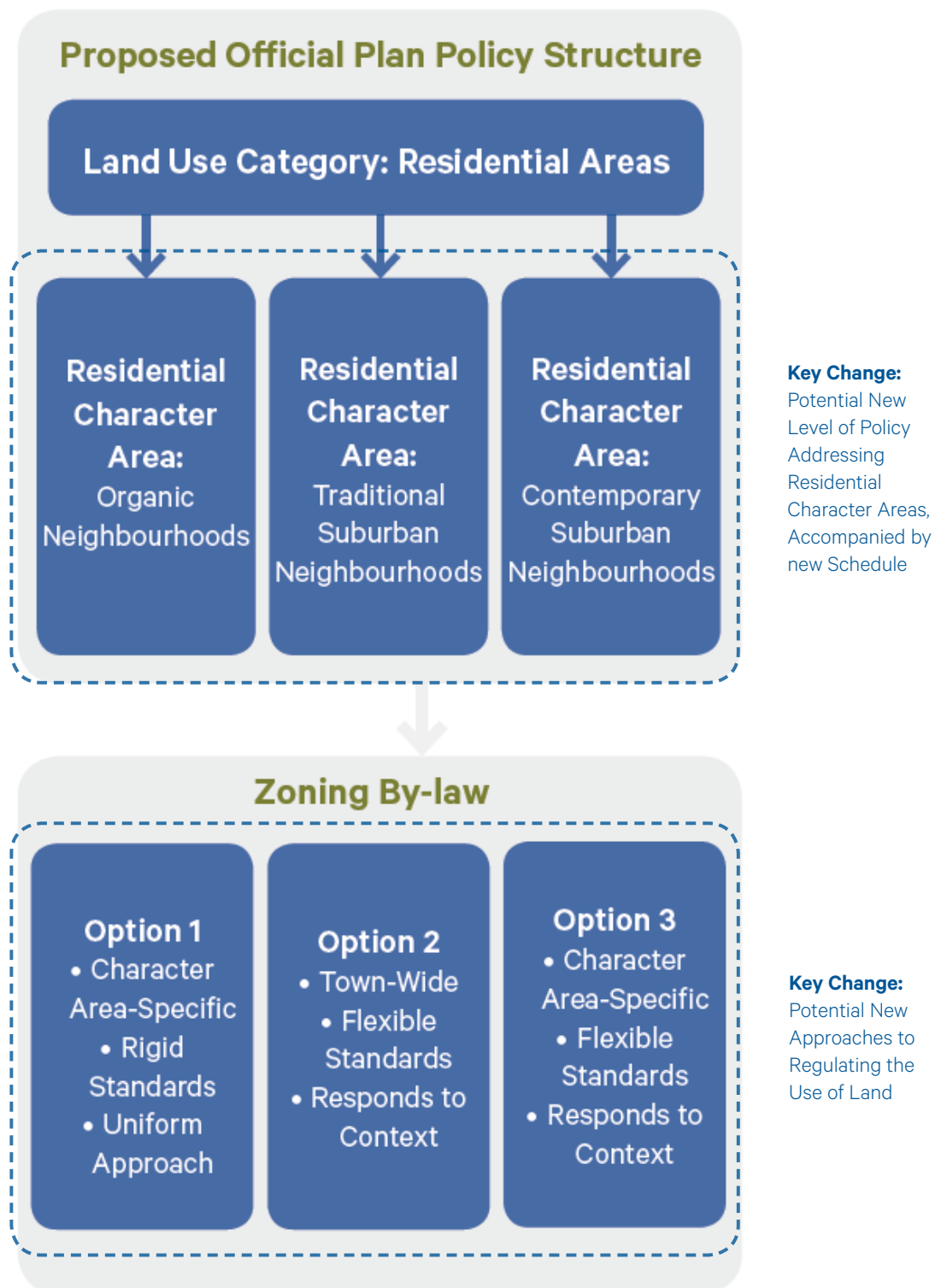


Figure 29. Summary of Emerging Policy Directions

7.0 RESULTS OF PUBLIC ENGAGEMENT

7.1 Overview

During Phase 2, residents were invited to provide further input on their perception and experience of residential neighbourhoods, as well as comment on the preliminary Neighbourhood Classification System and draft Policy Options. Their feedback will help refine the classification boundaries, and determine the defining characteristics of each area.

7.2 Public Information Centre 2

Public Information Centre 2 was held on October 19th, 2019 from 10am to 2pm at the Newmarket Community Centre and Lion's Hall at 200 Doug Duncan Drive. The purpose of the event was to provide an overview of the work done up to date, present the preliminary Neighbourhood Classification System, and receive feedback on the classifications while engaging face-to-face with residents. Over 100 people attended the event, which was held on a Saturday alongside

the popular weekend Farmer's Market. Informational display boards were exhibited and participants were asked to provide feedback through a series of note and comment cards.

Key Findings

As part of an interactive display board, members of the public were asked to place stickers on an aerial map of the Town to indicate where they live. The results indicate strong representation from attendees in the Organic Neighbourhoods and Traditional Suburban Neighbourhoods. Over half of the attendees reside in the Organic Neighbourhood, including a large number living in proximity to Main Street. There was a relatively even spread of attendees from Traditional Suburban Neighbourhoods, representing neighbourhoods from all corners of the Town. Participation from those residing in Contemporary Suburban Neighbourhoods was limited, with only one participant attending.

The project team received generally positive feedback on the Preferred Neighbourhood Classification System



Figure 30. Image of people at consultation event

and draft Policy Options. Participants recognized the benefits of introducing new policies and regulations to direct future development in a manner which is respectful of, and can co-exist harmoniously with, existing development throughout the Town's established residential neighbourhoods. However, participants also acknowledged that, if managed appropriately, changes to the neighbourhood fabric, occurring on a piecemeal and incremental basis, can have a positive and lasting impact to the vibrancy, resiliency and character of the neighbourhood.

Conversely, concerns were raised over the height, massing, scale and density of specific infill developments, and the negative implications such developments have had on the physical character of the neighbourhood. Concerns were also raised regarding management of new development, and the need for improved enforcement to minimize negative impacts on adjacent and surrounding residents through the construction process. This was seen as being equally as important to the resulting

physical form of development. Other concerns were raised regarding the ongoing maintenance of public utilities as well as private properties, as well as the management of short-term rental accommodations, as well as concerns over vehicular traffic and the need for improved enforcement of speeding within residential neighbourhoods.

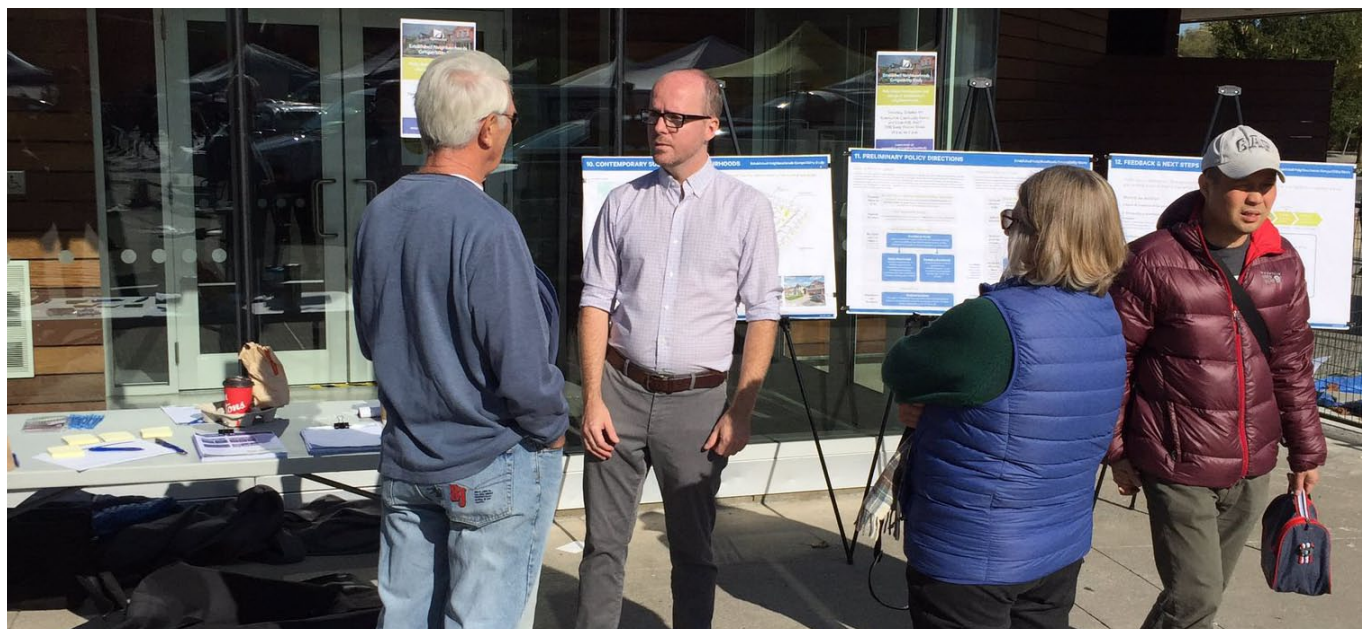


Figure 31. Image of people at consultation event

8.0 NEXT STEPS

The information collected and presented through this Draft Policy Options Report (Phase 2), including the emerging policy options presented in Section 3.7, will be subject to further consultation with Town Staff and members of Town council. Combined with the findings of Public Information Centre 2, this feedback will inform the development of a preferred policy direction, which will be presented in the Policy Recommendations Report.

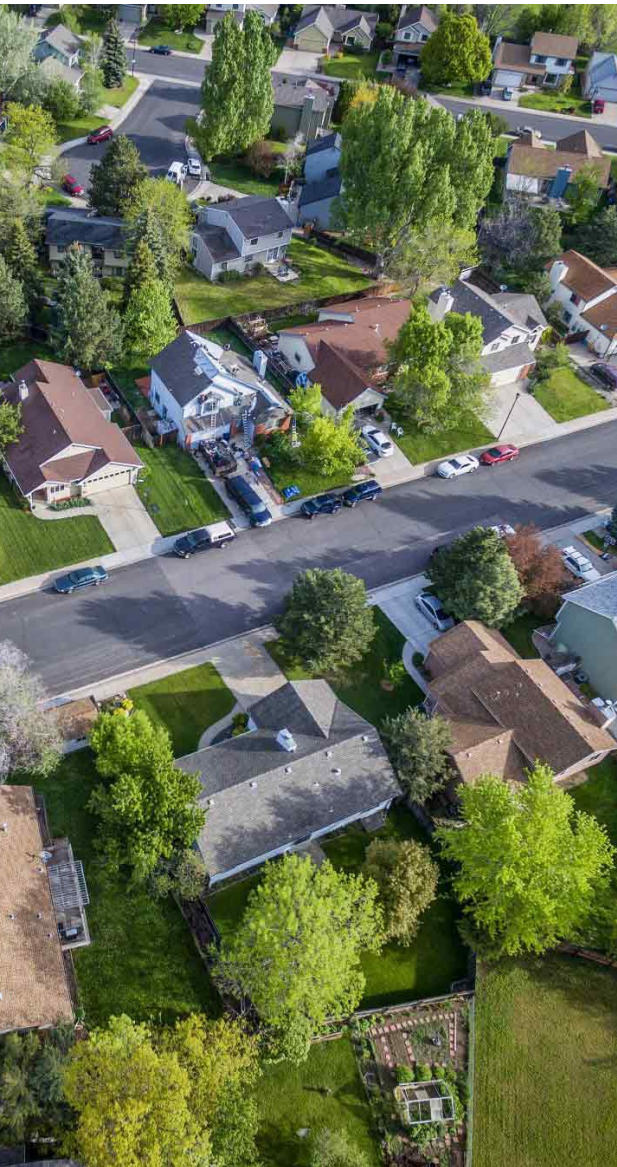
The Preferred Neighbourhood Classification System and draft Policy Options will be presented to members of Town Council at a Council Workshop in December, 2019. This workshop will offer a hands-on opportunity for Councillors to discuss the Neighbourhood Classification System and suggest modifications to ensure that it accurately captures on-the-ground conditions, as well as provide input on the proposed policy directions.

This will culminate in the final Policy Recommendations Report, which will provide a summary of all work undertaken and a detailed rationale for the preferred strategy. An Official Plan Amendment and implementing Zoning By-law Amendment will be drafted to inform future development within the Town of Newmarket's established neighbourhoods. The amendments will include written policies as well as supporting schedules.

These materials will be presented at a third Public Information Centre, to be scheduled in early 2020 prior to a Statutory Public Meeting.



Figure 32. Future Public Engagement Events



TOWN OF NEWMARKET

ESTABLISHED NEIGHBOURHOODS COMPATIBILITY STUDY

SPECIAL COMMITTEE OF THE WHOLE

DECEMBER 2, 2019

PRESENTATION OUTLINE

1. Background
2. Purpose & Process
3. Consultation & Engagement
4. Neighbourhood Character Analysis
5. Preferred Neighbourhood Classifications
6. Key Issues, Opportunities & Challenges
7. Emerging Policy Directions
8. Next Steps

1 BACKGROUND

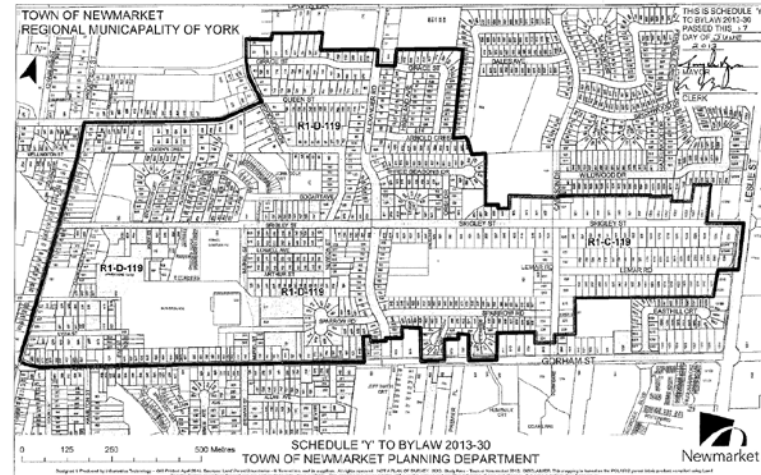
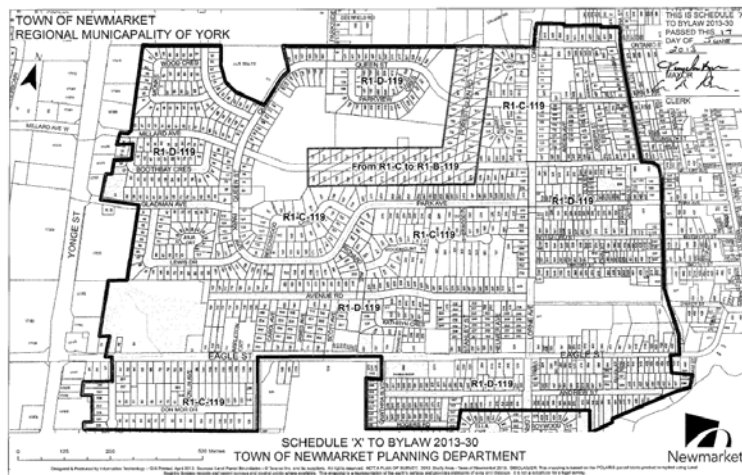
Growth and Intensification in Newmarket

- Newmarket is poised for growth.
- Most is anticipated to occur along the Davis Drive and Yonge Street corridors, as well as surrounding existing and planned GO Stations.
- Neighbourhoods, which are anticipated to remain stable, are also experiencing growth. This has primarily occurred through the creation of new lots and dwellings.
- This can be done respectfully. However, it can also be done in a manner which is not compatible with the character of the neighbourhood.
- This is of primary concern within the Town's most established neighbourhoods, where larger lots and smaller and older dwellings lend themselves to redevelopment.

1 BACKGROUND

Zoning By-law 2013-30

- In response to these concerns, the Town undertook a study of Newmarket's most established neighbourhoods in 2013.
- This culminated in a Zoning By-Law Amendment, which modified regulations governing lot coverage, building height, and setbacks.
- This was done in the interest of ensuring that future development, within Newmarket's most established neighbourhoods, is compatible with the character of those neighbourhoods.



1 BACKGROUND

Planning Tools 101



- Official Plan – Sets broad policy intentions for the Town's over the long term



- Zoning By-law – Regulates land in its use and built form 'as of right'



- Minor Variance – Provides permissions that meet the general intent of the zoning by-law and official plan



- Consent – Allows the division of land



- Site Plan Approval – Reviews technical elements of development

2. PURPOSE & PROCESS

Overview

- Now, the Town is undertaking a comprehensive review of all established neighbourhoods.
- The objective is to:
 - Identify and characterize neighbourhoods throughout Newmarket; and
 - Develop and implement policies to guide future development, while addressing neighbourhood character and compatibility.

2. PURPOSE & PROCESS



Opportunities for Public Feedback

- Three Public Consultation Meetings;
- Three Town Council / Committee of the Whole Meetings;
- Online Survey / Mapping Exercise; and
- Farmers Market Information Kiosk.

Reports and Deliverables

- Background Report;
- Neighbourhood Classification System;
- Policy Options Report;
- Policy Recommendations Report; and
- Official Plan Amendment and Implementing Zoning By-Law Amendment.

3. CONSULTATION & ENGAGEMENT

Overview

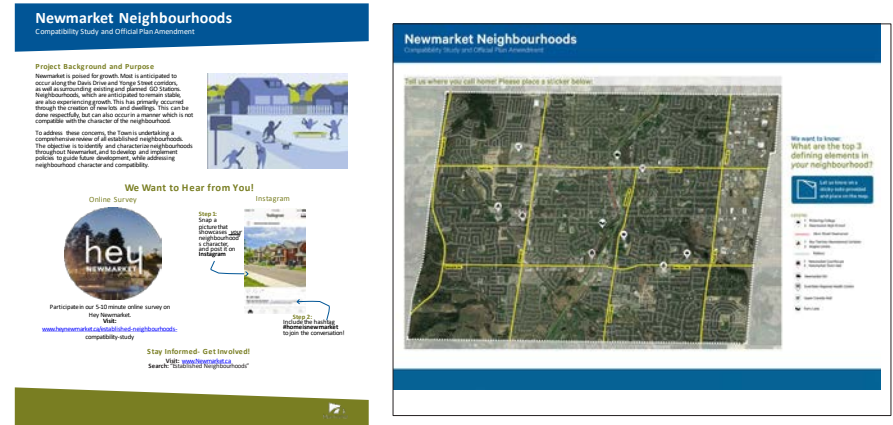
- Objective is to identify residents' priorities, values and concerns with respect to their neighbourhoods.
- Residents know their neighbourhoods intimately, and this knowledge is a resource of immeasurable value that will help to achieve study goals and objectives.

3. CONSULTATION & ENGAGEMENT

Public Information Centre #1 - May 2019



Farmer's Market - July 2019



Online Engagement Tools - Summer 2019



Public Information Centre #2 - October 2019

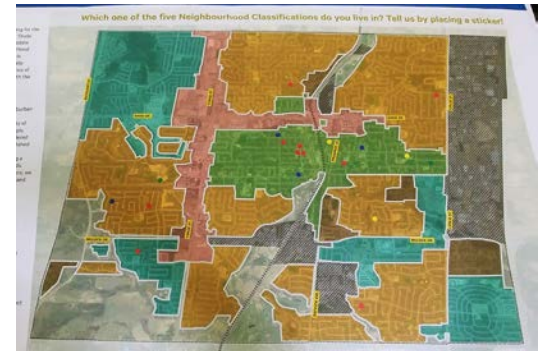


3. CONSULTATION & ENGAGEMENT

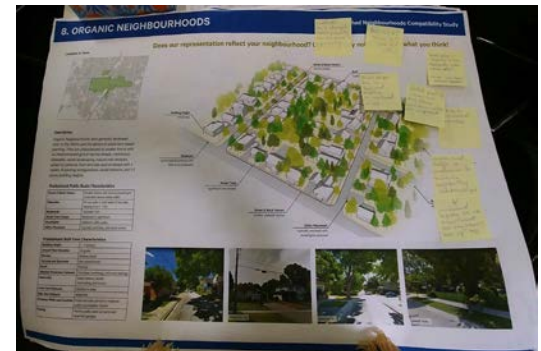
Key Findings - Phase Two

Feedback was collected, analyzed and synthesized. Key findings include:

- Residents recognize the benefits of introducing new policies to guide future development to ensure compatibility with existing neighbourhoods.
- Residents acknowledge that appropriate incremental change can have a positive impact on the vibrancy and character of the neighbourhood.
- Residents voiced concern regarding height, massing, scale and density of specific infill developments.
- Additional concerns were raised regarding management of new development, such as negative impacts during the construction process.
- There was general approval of and agreement with the draft Neighbourhood Classifications.



Neighbourhood Location Mapping



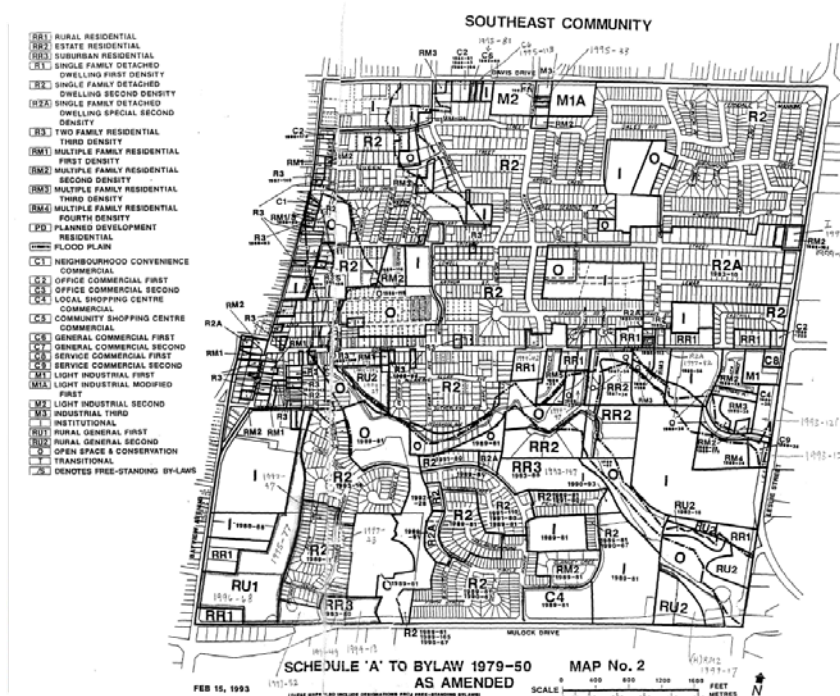
Comments on draft Classifications

4. NEIGHBOURHOOD CHARACTER ANALYSIS

Identifying Neighbourhood Classifications and Delineating Boundaries

- The information collected through the Background Report informed a set of evaluation criteria, which were used to determine the draft Neighbourhood Classifications. These include:

1. Age of Development;
2. Existing Major Streets and Property Boundaries;
3. Existing Urban Centres Boundary;
4. Well and Septic Data;
5. Applicable Land Use Designations;
6. Applicable Zoning By-law Regulations;
7. Interpretation of the Built Form; and
8. Interpretation of the Public Realm.



4. NEIGHBOURHOOD CHARACTER ANALYSIS

Outliers

- Urban Centres - growth-driven, mixed-use area centered on the major corridors of Yonge Street and Davis Drive - subject to area-specific policy through the Urban Centres Secondary Plan and Urban Centres Zoning By-law
- Estate Neighbourhoods - residential areas at the Town's peripheries - not anticipated to accommodate future infill and intensification due to the absence/limited capacity of existing servicing infrastructure
- Other Building and Dwelling Typologies: duplexes, triplexes, fourplexes, townhouses, and walk-up/low-rise apartment buildings inter-dispersed within neighbourhoods - add variety while blending with the character of surrounding properties



Urban Centres - Davis and Yonge

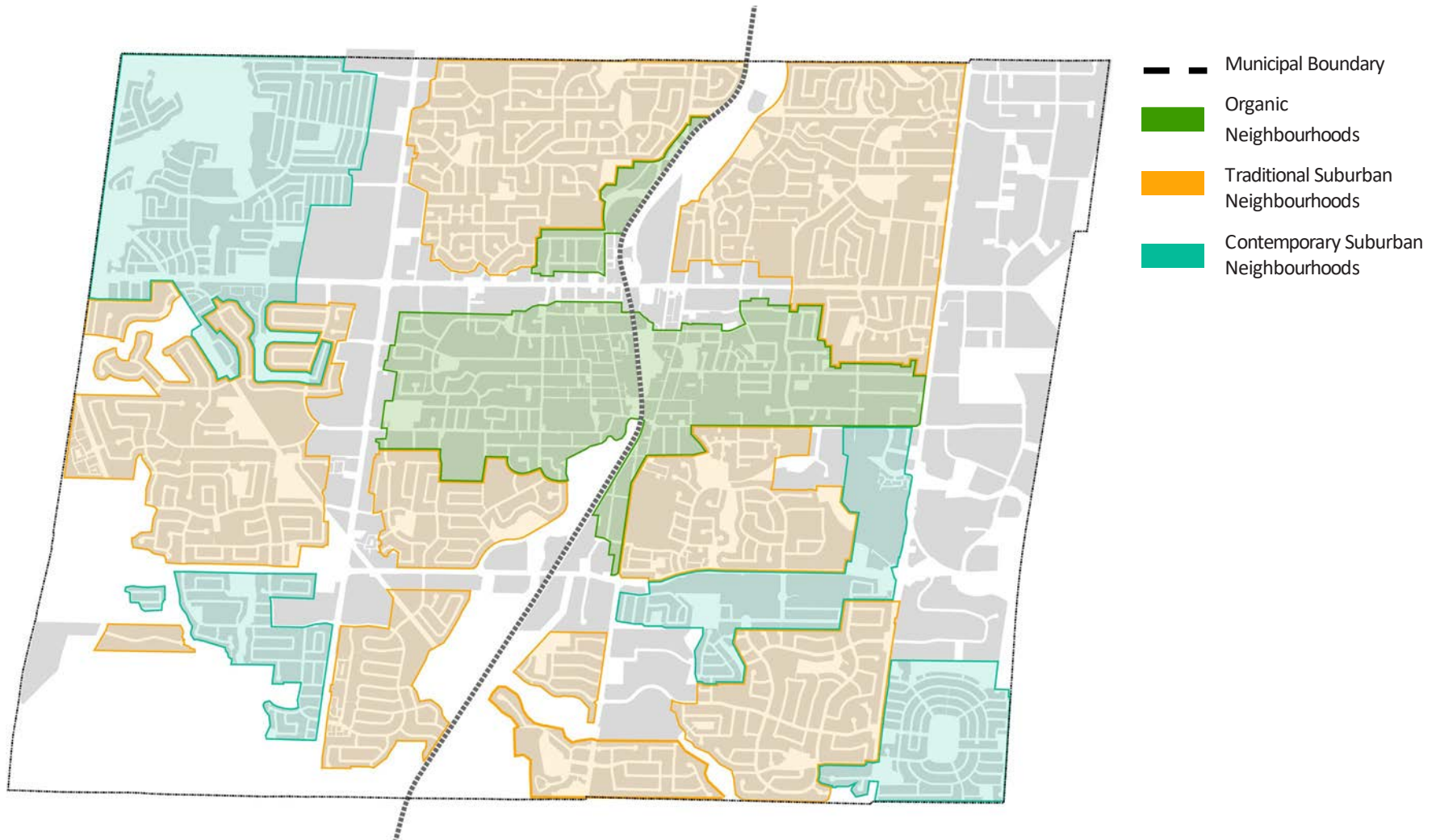


Estate Neighbourhoods - Kingdale Road



Mid-rise and apartment typologies

5. PREFERRED NEIGHBOURHOOD CLASSIFICATIONS



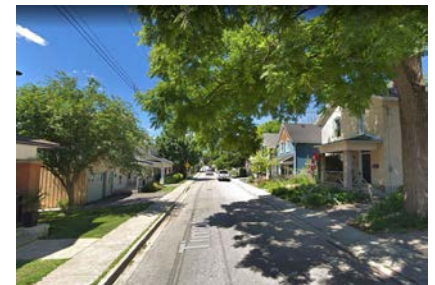
5. PREFERRED NEIGHBOURHOOD CLASSIFICATIONS

Organic Growth Neighbourhood

- Situated within and surrounding the historic core of the Town of Newmarket.
- Developed prior to the 1940's and the advent of subdivision-based planning.
- Characterized by smaller blocks with an interconnected grid of narrow streets, continuous sidewalks, varied landscaping, mature tree canopies, varied lot patterns, front and side-yard driveways with a variety of parking configurations, varied setbacks, and 1-2 storey building heights.



Alexander Rd.

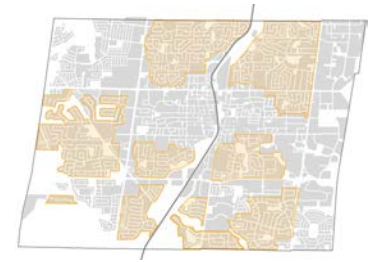


Timothy St.

5. PREFERRED NEIGHBOURHOOD CLASSIFICATIONS

Traditional Suburban Neighbourhood

- Situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Neighbourhoods, which traverse the periphery of the Town.
- Developed between the 1940's and 1990's.
- Characterized by longer and often disconnected blocks of wider curvilinear streets, discontinuous sidewalks, varied landscaping, evolving and maturing tree canopies, varied lot patterns, front and side-yard driveways with attached garages, varied setbacks, and 1-2 storey building heights



Magnolia Ave.

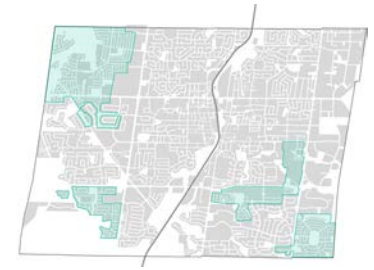


Waratah Ave.

5. PREFERRED NEIGHBOURHOOD CLASSIFICATIONS

Contemporary Suburban Neighbourhood

- Situated at the periphery of the Town, beyond the Traditional Suburban Neighbourhoods, and adjacent to the Estate Neighbourhoods
- Developed following the 1990's.
- Characterized by moderately sized blocks with an interconnected modified grid of moderately sized streets, continuous sidewalks and landscaping, recently planted and emerging tree canopies, consistent lot patterns, front yard driveways with attached garages, consistent setbacks, and 2-storey building heights.



Ernest Cousins Cir.

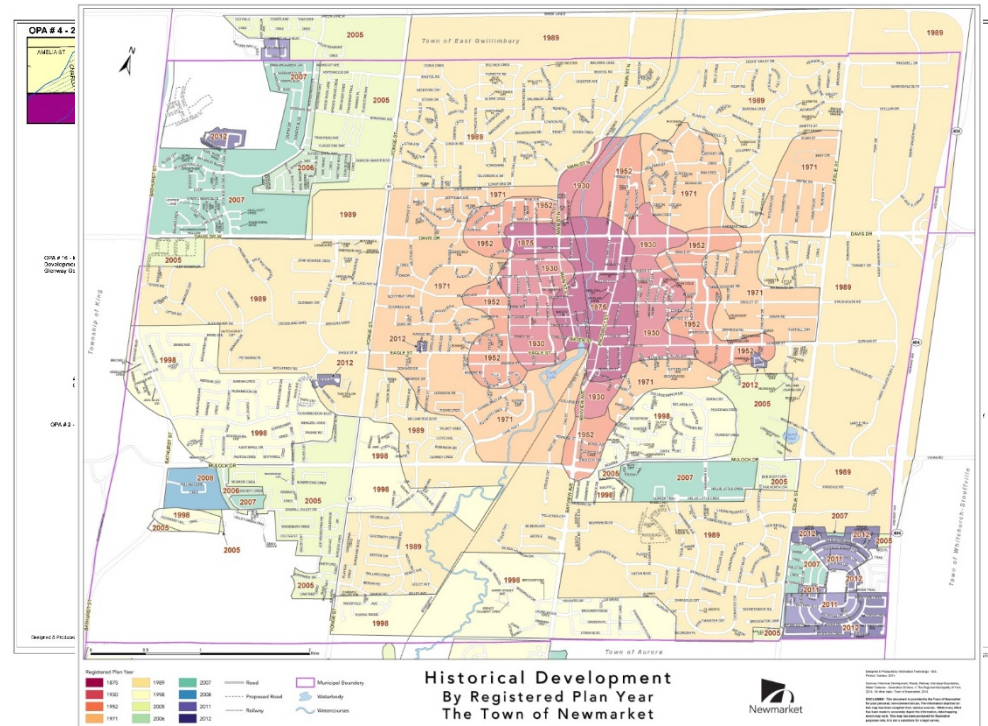


Stuffles Cres.

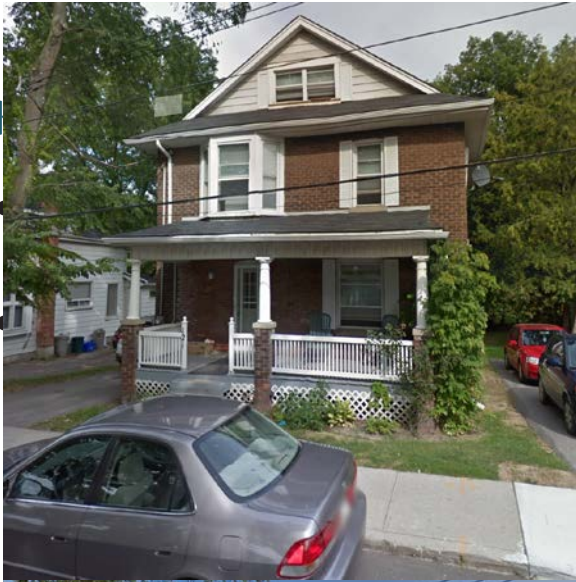
6. KEY ISSUES, OPPORTUNITIES & CHALLENGES

Key Issues and Challenges

- Outdated land use designations
- Restrictions on higher-density housing forms
- No defined distinction between neighbourhood character
- Inconsistency between zoning permissions and existing built form



6. KEY ISSUES, OPPORTUNITIES & CHALLENGES



aws



2009



2011

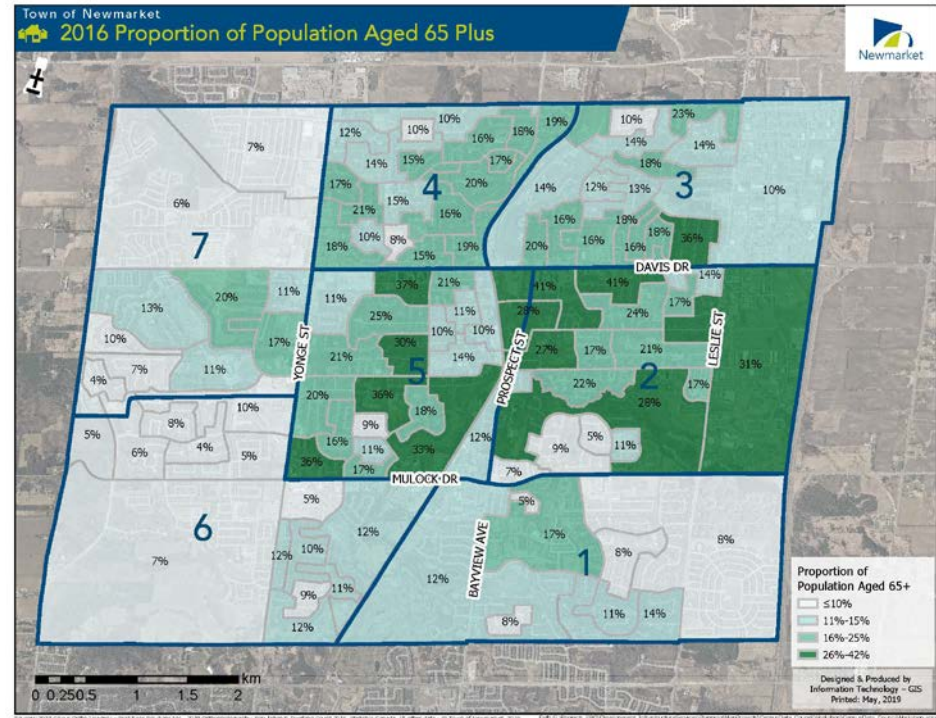


2018

6. KEY ISSUES, OPPORTUNITIES & CHALLENGES

Key Issues and Challenges

- Changing demographic trends
- Housing affordability
- Declining neighbourhood populations
- Over-housing / Under-housing
- Mismatch between units supplied and demanded
- Diminishing capacity in areas targeted for intensification
- Increased demand and finite supply of housing in neighbourhoods
- Need for a comprehensive policy solution



6. KEY ISSUES, OPPORTUNITIES & CHALLENGES

Key Opportunities

- Contextually-Sensitive Infill Development
- Added Value of New Development
- Defining Neighbourhood Character
- Regulating Form and Character Over Dwelling Type
- Disconnect Official Plan and Zoning Regulations
- Simplify and Consolidate Zoning Regulations
- New Area-Specific Standards
- New Context-Responsive Standards
- Increasing Housing Diversity, Choice and Supply
- Supporting a Greater Range of Lifestyles and Life-Cycle Stages
- Protecting Housing Affordability
- Optimizing the Use of Existing Services and Infrastructure
- Supporting Neighbourhood Businesses
- Enhancing the Vitality and Resiliency of Neighbourhoods

7. EMERGING POLICY DIRECTIONS

Planning Tools 101



- Official Plan – Sets broad policy intentions for the Town’s long-term change
 - Applications (e.g. zoning by-law amendments, minor variance, site plan approval) are reviewed against this

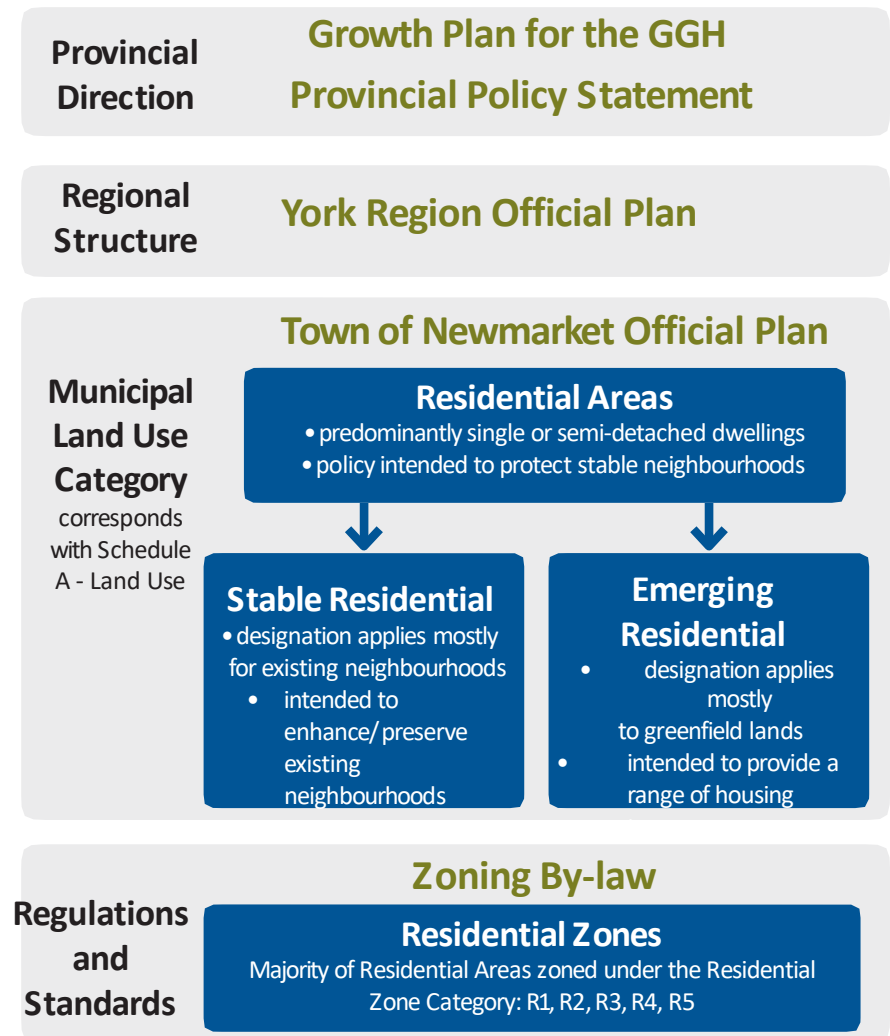


- Zoning By-law – Regulates land in its use and built form
 - Building permits must comply with this

7. EMERGING POLICY DIRECTIONS

Existing Policy Structure

- The Official Plan contains two designations for Residential Areas: Stable Residential and Emerging Residential.
- All Emerging Residential lands have since been developed, and the Town is now largely physically built-out.
- The Official Plan does not define neighbourhood character and compatibility, nor does it contain relevant policies.
- The Official Plan does not sufficiently address modern housing needs, and the range of tenures, ownership models and housing types which are necessary to accommodate them.
- The Zoning By-law does not address neighbourhood character and compatibility.



7. EMERGING POLICY DIRECTIONS

Proposed Official Plan Structure

Update the Official Plan to:

- combine Stable Residential and Emerging Residential into one Residential Areas land use designation;
- acknowledge that a limited amount of infill and intensification will occur in Residential Areas
- define neighbourhood character and speak to the need for compatibility; and
- address the need to accommodate for a range of tenures, ownership models and housing types to address modern housing needs.

Town of Newmarket Official Plan

Municipal Land Use Category

corresponds with updated Schedule A - Land Use Designations

Residential Areas

- still predominantly single-detached or semi-detached dwellings with permissions for other forms of low-rise housing
- Recognizes that compatible development in existing Residential Areas can add physical and intrinsic value to communities



7. EMERGING POLICY DIRECTIONS

Proposed Official Plan Structure

Introduce a new layer of Official Plan policy which provides direction for new development within individual Residential Character Areas and:

- defines the boundaries of each Residential Character Area
- provides a neighbourhood character statement, list of predominant built form conditions and predominant public realm conditions for each Residential Character Area; and
- recognizes that new development shall respect these physical conditions while responding to unique site conditions and demonstrating neighbourhood compatibility.

Town of Newmarket Official Plan

Municipal Land Use Category

corresponds with updated Schedule A - Land Use Designations

Residential Areas

- still predominantly single-detached or semi-detached dwellings with permissions for other forms of low-rise housing
- Recognizes that compatible development in existing Residential Areas can add physical and intrinsic value to communities

Residential Character Areas

corresponds with new Schedule - Residential Character Areas

Organic Neighbourhood

- Newmarket's oldest neighbourhoods, includes historic core

Traditional Suburban Neighbourhood

- Newmarket's earlier subdivision-based planning

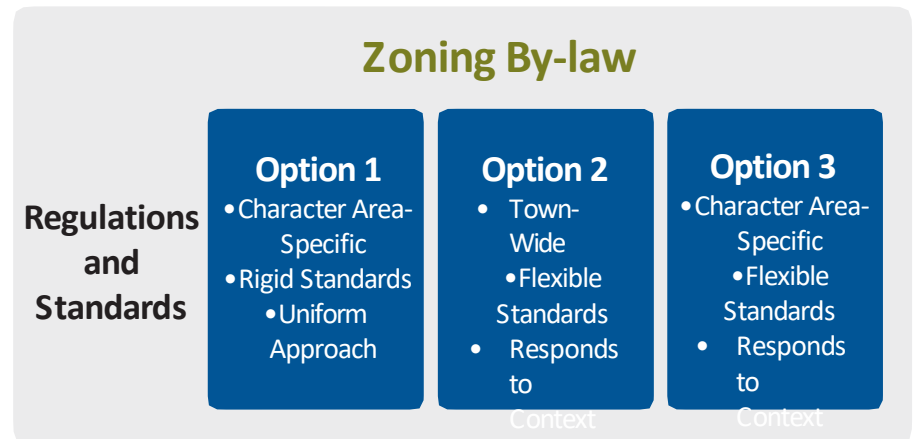
Contemporary Suburban Neighbourhood

- Newmarket's more recent subdivision-based planning

7. EMERGING POLICY DIRECTIONS

Proposed Zoning By-Law Structure

- Option 1- Three area-specific ZBAs, one for each Residential Character Area, with rigid zone standards specific to the distinct existing conditions
- Option 2 - A town-wide ZBA for all residential zones, with flexible standards requiring properties to respond to adjacent and surrounding properties, within minimum and maximum standards and a specified tolerance for variation
- Option 3 - A hybrid solution combining Options 1 and 2, with area-specific ZBAs and flexible standards required to match neighbourhood context



7. EMERGING POLICY DIRECTIONS

Example of Draft Options - Front Yard Setback Scenario

Option 1

- A property would be subject to an area-specific **min. front yard setback of 3m**, and a **max. front yard setback of 6m**, with standards based on existing conditions of the neighbourhood
- Applies regardless of immediate context and surrounding and adjacent properties

Option 2

- A property would be subject to a town-wide min. front yard setback of 3m, and a max. front yard setback of 9m
- In **consideration of adjacent and/or surrounding properties**, the new development averages the two adjacent setbacks of 4m and 6m and applies a variation of 1m, **permitting a front yard setback between 4-6m**

Option 3

- A property would be subject to an area-specific min. front yard setback of 3m, and a max. front yard setback of 6m
- In **consideration of adjacent and/or surrounding properties**, the new development averages the two adjacent setbacks of 4m and 5m, then applies a variance of 1m, **permitting a front yard setback between 3.5-5.5m**

7. EMERGING POLICY DIRECTIONS

Other Zoning Considerations

- New Zoning By-law regulations could seek to create similarity in other built form standards, including:
 - Front, Side and Rear Yard Setbacks
 - Lot Coverage
 - Soft Landscaping
 - Driveway and Curb-Cut Size / Location
 - Finished First Floor Height
 - Building Height (Pitched and Flat Roof)
 - Building Depth
 - Density (Floor Space Index)
 - Etc.

7. EMERGING POLICY DIRECTIONS

Questions for Council

- How much built form variation is desirable?
- Should areas comprised of predominantly of bungalows with large footprints not be permitted to transition towards 1.5 to 2 storey homes with equal footprints?
- Should areas comprised of 2 to 2.5 storey homes, with smaller footprints, be permitted to transition towards buildings with larger footprints and equal height?
- How much density and building type variation is desirable?
- To what degree should the Town be concerned with variations in style rather than size?
- What place is there in Newmarket, if any, for buildings that are similar in size to single detached houses but have more than one unit (duplexes, triplexes, fourplexes)?
- Should areas with a greater mix of land uses and closer to more major roads and transit be allowed denser forms of housing?

8. NEXT STEPS

- Based on your feedback, we will revise the draft Neighbourhood Classification System and Policy Directions.
- These will be incorporated into a set of preferred policy recommendations. These will be presented in a Policy Recommendations Report, which provides a summary of all work undertaken and a detailed rationale for the preferred strategy.
- We will then present these materials at a Statutory Public Meeting in early 2020, targeted for February 24th.
- A recommendation report will be presented to Committee of the Whole with adopting by-laws, targeted for April.
- Following the adoption of these by-laws, the Interim Control By-law can be lifted.

Town Council Workshop

Present Revised
Neighbourhood
Classifications and
Policy Directions

Fall 2019

Public Information Centre #3

Present Final Policy
Recommendations

Winter 2020

Statutory Public Meeting

Present Final Policy
Recommendations

Winter 2020

THANK YOU!



Town of Newmarket

Minutes

Council Workshop

Date: Wednesday, January 29, 2020

Time: 1:30 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon
Councillor Woodhouse
Councillor Twinney
Councillor Morrison
Councillor Kwapis
Councillor Broome

Members Absent: Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
A. Walkom, Legislative Coordinator

For consideration by Council on February 10, 2020.

The meeting was called to order at 1:31 PM.

Mayor Taylor in the Chair.

The Council Workshop recessed at 2:39 PM and reconvened at 2:50 PM.

1. Notice

Mayor Taylor advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting was an opportunity for Council to have informal discussion regarding various matters.

2. Additions & Corrections to the Agenda

None.

3. Declarations of Pecuniary Interest

None.

4. Items

4.1 Mulock Property Visioning

The Commissioner of Development & Infrastructure Services provided an introduction to the presentation and the next steps for the process in the further development of the Mulock Property.

The presenters introduced themselves as Lisa Rapoport, Partner, PLANT Architect Inc., Eric Klaver, Partner, PLANT Architects Inc., and Sara Udow, Principal, Process. Lisa Rapoport provided a status update on the project to date and the overall timeline for the visioning project.

Members of Council engaged in an exercise to provide their perceptions of the Mulock property and the surrounding area, the site itself and to describe their vision for the site's future.

The presentation continued with the indigenous history of the area and the context of Truth and Reconciliation. The presentation included a general history of the area and the development of the site by Sir William Mulock. The presentation provided an overview of the heritage characteristics of the house itself and the surrounding grounds.

Members of Council discussed their thoughts on the history of the site and how the property could be developed to share this history but also continue to look to the future.

The presentation continued with an overview of the physical features of the site and presented a number of options for the development of the park. This included possibilities for landscaping the site, passive gathering spaces, active recreation uses such as a skating trail or rink, amphitheatre, a gathering space for markets, festivals, events, and different types of gardens including traditional indigenous medicine

gardens, vegetable gardens, community gardens, restoration and flower gardens. Other options for the site were included such as parking options, entrances to the site and a linkage to the neighbouring Jim Bond Park.

Members of Council discussed the potential options which were presented and presented their ideas for how to incorporate these features into the site.

The presentation concluded with an overview of the next steps in the public consultation for the site which include an online survey, focus group and residents visioning workshop.

5. Adjournment

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the meeting be adjourned at 3:59 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket

Minutes

Committee of the Whole

Date: Monday, February 3, 2020

Time: 12:30 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Councillor Simon (12:31 PM - 3:37 PM & 7:01 PM - 8:03 PM)
Councillor Woodhouse
Councillor Twinney (12:36 PM - 3:37 PM & 7:01 PM - 8:55 PM)
Councillor Morrison (12:31 PM - 3:37 PM)
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
K. Saini, Deputy Town Clerk
F. Scott, Manager of Regulatory Services
J. Unger, Acting Director of Planning & Building Services
A. Cammaert, Acting Manager, Planning Services
T. Horton, Senior Planner – Community Planning
A. Mollicone, Acting Director of Legal and Procurement Services
A. Walkom, Legislative Coordinator

For consideration by Council on February 10, 2020.

The meeting was called to order at 12:31 PM.

The Committee of the Whole recessed at 3:01 PM and reconvened at 3:15 PM.
The Committee of the Whole recessed at 3:37 PM and reconvened at 7:01 PM.
Mayor Taylor in the Chair.

1. Additions & Corrections to the Agenda

The Clerk advised of the following additions to the agenda:

- Item 4.1: Deputation from Kim Wright, on behalf of Uber Canada regarding the Mobile Business Licence By-law.
- Item 5.3: Main Street Clock Inc. Properties – Update – the report was distributed with the revised agenda.
- Item 11.2: Appointment to Envi Board of Directors [Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001].
- Item 12.1: Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision – The presentation and an additional deputation were distributed with the revised agenda.

The Clerk advised of the following correction to the agenda:

- Item 5.1: Mobile Business Licence By-law – Schedule A to the draft Mobile Business Licence By-law was omitted from the original agenda in error and was distributed with the revised agenda.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

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

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

3.1 Short Term Rentals

Note: This item was dealt with under sub-item 6.1. Please see sub-item 6.1 for motion.

The Senior Planner - Community Planning introduced the presentation and provided an overview of the issue including the community consultation conducted by staff so far and the results of a resident survey. The Manager of Regulatory Services provided the definition of a Short Term Rental.

The presentation outlined the options available to Council for regulation of Short Term Rentals. The Manager of Regulatory Services provided the options available through licensing and the Senior Planner - Community Planning provided the options available through zoning by-law amendments.

3.2 Mobile Business Licence By-law

Note: This item was dealt with under sub-item 5.1. Please see sub-item 5.1 for motion.

The Manager of Regulatory Services provided a presentation which included a background of mobile business licensing by the Town of Newmarket and an overview of the public consultation conducted by staff to date. The presentation included the different types of mobile businesses which would be included in the proposed licensing by-law.

4. Deputations

4.1 Mobile Business Licence By-law

Kim Wright, Wright Strategies on behalf of Uber Canada provided a deputation regarding the proposed Mobile Business Licence By-law. She advised of some revisions to the proposed by-law recommended by her client, as well as changes to the proposed fee structure.

Moved by: Councillor Kwapis
Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the deputation regarding the Mobile Business Licence By-law by Kim Wright, on behalf of Uber Canada be received.

Carried

5. Consent Items

Moved by: Councillor Bisanz

Seconded by: Councillor Simon

1. That sub-items 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11 and 5.12 be adopted on consent. See following sub-items 5.1, 5.2, 5.3, and 5.13 for motions.

Carried

5.1 Mobile Business Licence By-law

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Woodhouse

Seconded by: Councillor Twinney

1. **That the presentation regarding the Mobile Business Licence By-law provided by the Manager of Regulatory Services be received; and,**
2. That the report entitled Mobile Business Licence By-law dated February 3, 2020 be received; and,
3. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive) **for previously licensed companies only;** and,
4. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position **subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,**
5. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position **subject to approval of the Chief Administrative Officer and Commissioner of Corporate Services; and,**
6. That Council approve the draft Mobile Business Licence By-law 2020-07; and,
7. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,

8. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.2 Large Water Meter Rates

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Kwapis

1. That the report entitled Large Water Meter Rates Staff Report dated February 3, 2020 be received; and,
2. That the 2020 monthly fees for Large Water Meters as referenced in the report come into effect immediately;
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 Main Street Clock Inc. Properties - Update

Moved by: Councillor Kwapis

Seconded by: Councillor Morrison

1. That the report entitled Main Street Clock Inc. Properties - Update dated February 3, 2020 be received.

Carried

5.4 Accessibility Advisory Committee Meeting Minutes of November 21, 2019

1. That the Accessibility Advisory Committee Meeting Minutes of November 21, 2019 be received.

5.5 Appointment Committee Minutes of October 9, 2019

1. That the Appointment Committee Meeting Minutes of October 9, 2019 be received.

5.6 Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019

1. That the Appointment Committee Meeting (Closed Session) Minutes of October 9, 2019 be received.

5.7 Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of November 5, 2019 and the Special Meeting Minutes of November 26, 2019 be received.

5.8 Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019

1. That the Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of November 5, 2019 be received.

5.9 Elman W. Campbell Museum Board of Management Meeting Minutes of November 21, 2019

1. That the Elman W. Campbell Museum Board of Management Meeting Minutes of November 21, 2019 be received.

5.10 Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of November 5, 2019 be received.

5.11 Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of October 16, 2019 and November 20, 2019 be received.

5.12 Newmarket Public Library Board Meeting Minutes of November 20, 2019

1. That the Newmarket Public Library Board Meeting Minutes of November 20, 2019 be received.

5.13 Outstanding Matters List

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the Outstanding Matters List be received; and,
2. **That Item 17 regarding the Heritage Conservation District Plan be deleted.**

Carried

6. Action Items

6.1 Short Term Rentals

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. **That the presentation regarding Short-Term Rentals provided by the Senior Planner - Community Planning and the Manager of Regulatory Services be received; and,**

2. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
3. **That Council direct Staff to proceed with Option 3 as described in the report; and,**
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7. Reports by Regional Representatives

None.

8. Notices of Motions

None.

9. Motions

None.

10. New Business

None.

11. Closed Session

11.1 Appointments to the Accessibility Advisory Committee (2 Vacancies)

11.2 Appointment of Director: Envi Networks Ltd.

Moved by: Councillor Simon

Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
 - a. Appointments to the Accessibility Advisory Committee (2 Vacancies) - Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.
 - b. Appointment of Director: Envi Networks Ltd. - Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2) (b) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 3:31 PM.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 3:36 PM

12. Public Hearing Matter (7:00 PM)

The Deputy Clerk welcomed the public to the Committee of the Whole meeting. She advised that the Planning Act requires the Town to hold at least one public meeting on any proposed Zoning By-law Amendment, Official Plan Amendment or Draft Plan of Subdivision or Condominium.

The Deputy Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in the applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

The purpose and effect of this Zoning By-law amendment, Official Plan Amendment and Draft Plan of Subdivision is to allow for the redevelopment of the former golf course lands into a residential subdivision. The draft plan subdivision includes a mix of single detached dwellings, town house units, parkland, trails and use of existing stormwater management ponds.

She further advised that the Committee of the Whole would not make a decision regarding the proposed application at the public meeting, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

The Deputy Clerk advised that if anyone present wished to be notified of any subsequent meetings regarding this matter, they may complete the further request form.

The Deputy Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

The Deputy Clerk thanked residents for their participation and interest in the meeting.

12.1 Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision

Joanne Barnett of Marianneville Developments Limited provided an introduction to the presentation and the Glenway West development.

Richard Zelinka of Zelinka Priamo Ltd provided a presentation which outlined the development plans for the site, the types of units that would be included and the proposed open space and trail system. The presentation included an overview of the consultation with local residents and the measures which had been taken to respond to their concerns with the development.

12.1.1 Deputations and Correspondence

- Allen Matrosov provided a deputation in which he asked for a decrease in density in the proposed development, preservation of existing green space, and a walking trail connection throughout the development.
- Gabriel D'aoust provided a deputation which raised his concerns with the location of the stormwater pond in the proposed development and advised that the location of the service road decreased the privacy of his property.
- Gord Bell provided a deputation which raised his concerns with potential parking issues caused by the proposed development, the design of the new properties and compatibility with existing houses.
- Jon Brock provided a deputation which outlined his concerns that the new development and removal of trees will decrease the property values of the existing houses in the area.
- Jeff Healey provided a deputation in which he expressed his concerns that some of the proposed buildings would not be compatible with existing houses and that a buffer zone was needed in the area to separate the development from existing properties.
- Kevin Huguenin provided a deputation which outlined his belief that development in the area should be limited due to some of the land being designated as part of the Oak Ridges Moraine.

- Craig Sisson provided a deputation which raised his concerns with the changes in the Glenway neighbourhood over the years and the further changes which would occur to the proposed development.
- Tracy and Peter Olesovsky provided a deputation which outlined their concerns that the development would negatively affect local wildlife, cause parking issues due to an increase in parks and trails in the area and that the construction could cause issues in neighbouring properties due to vibration.
- Roland Garfit provided a deputation which raised his concerns regarding vibration and noise issues for properties neighbouring the site.
- Wanda McClure provided a deputation which raised her concerns that the proposed development would cause parking issues in the neighbourhood and traffic issues on Bathurst Street.
- Edward Anderson provided a deputation which outlined the debates held by previous Councils on other developments in the Glenway area.
- Leaf Sun provided a deputation in which she expressed her concerns that traffic issues including high traffic speed would increase as a result of the proposed development.
- Sean Heavener provided a deputation which raised his concerns with traffic volume and parking issues which could be increased due to the proposed development.
- Jim Kyriacou provided a deputation which raised his concerns that traffic issues would increase in the area due to the proposed development and that trees would be removed from the neighbourhood.
- Jude Zhao provided a deputation through translation by Nancy Zhao which outlined his concerns that the proposed development would change the neighbourhood and would increase traffic issues in the area.
- Luisa Lloyd provided a deputation which raised her concerns of the effect the new development would have on local schools

with new residents in the area and the traffic issues which could increase due to additional students attending local schools.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the presentation provided by Joanne Barnett and Richard Zelinka regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
2. That the deputations by Allen Matrosov, Gabriel D'aoust, Gord Bell, Jon Brock, Jeff Healey, Kevin Huguenin, Craig Sisson, Tracy and Peter Olesovsky, Roland Garfit, Wanda McClure, Edward Anderson, Leaf Sun, Sean Heavener, Jim Kyriacou, Jude and Nancy Zhao, and Luisa Lloyd regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received; and,
3. That the correspondence by Brian Greiner, Dominic Murphy, Adam Rogers, Erin Rogers and Gary Rogers, and Richard Smith regarding Marianneville Developments – Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision be received.

Carried

13. Adjournment

Moved by: Councillor Kwapis

Seconded by: Councillor Woodhouse

1. That the meeting be adjourned at 8:55 PM.

Carried

John Taylor, Mayor

Lisa Lyons, Town Clerk

Short-Term Rentals

Flynn Scott, Manager, Regulatory Services
Ted Horton, Senior Planner



Overview



- Background
- Survey results
- What is a short-term rental?
- STR benefits and concerns
- Municipal tools
- Other legislative regimes
- Options
- Questions

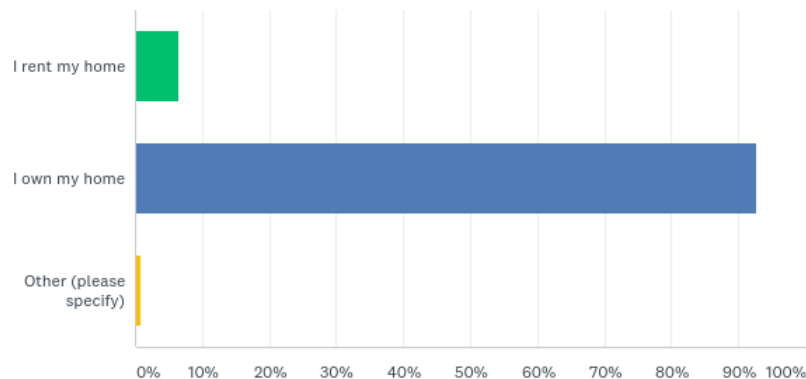
Background



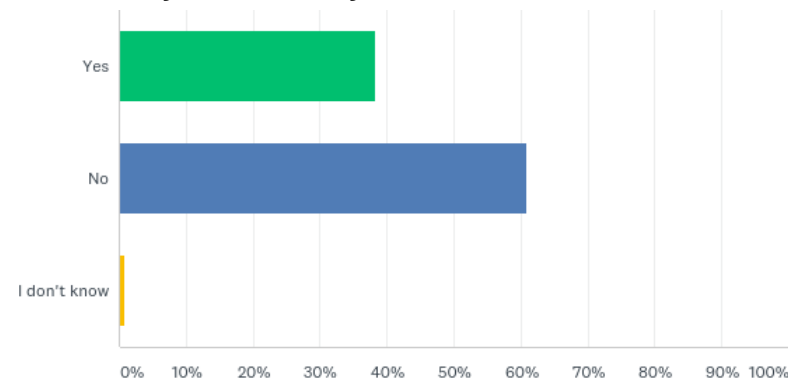
- Regulatory Review
- December STR PIC
- Short-Term Rentals survey
 - 123 online respondents

Survey Results

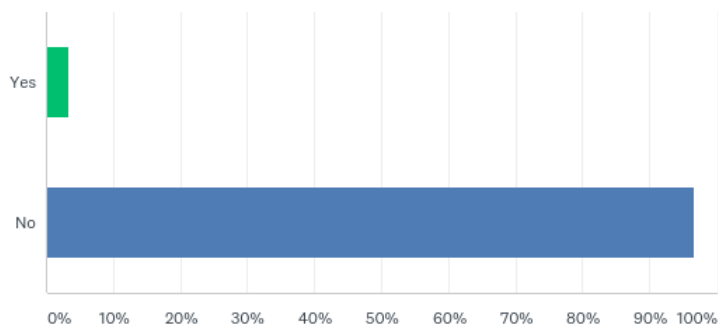
Do you rent or own your home?



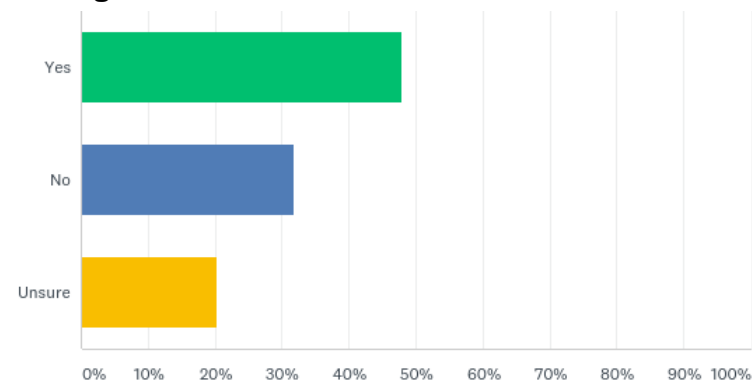
Have you ever stayed in an STR?



Do you own or operate an STR?



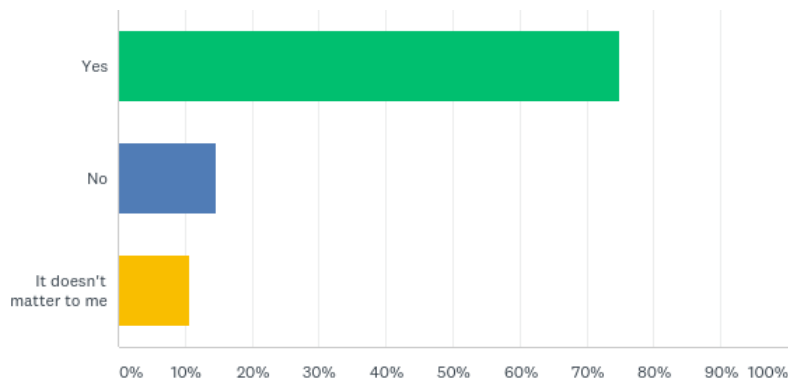
Are you aware of STRs operating in your neighbourhood?



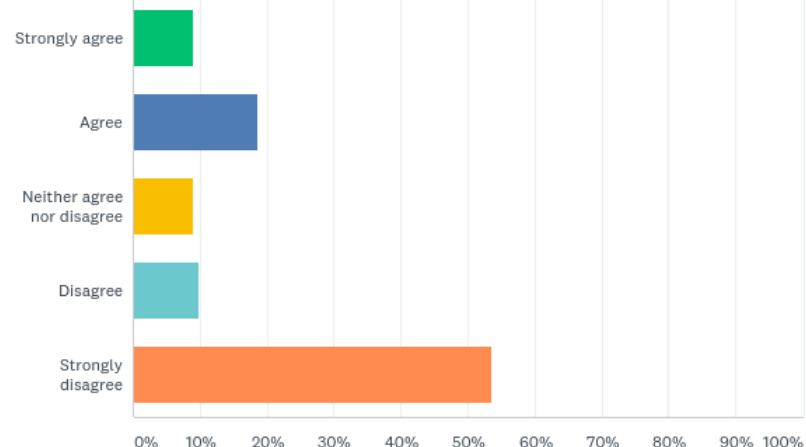
Survey Results



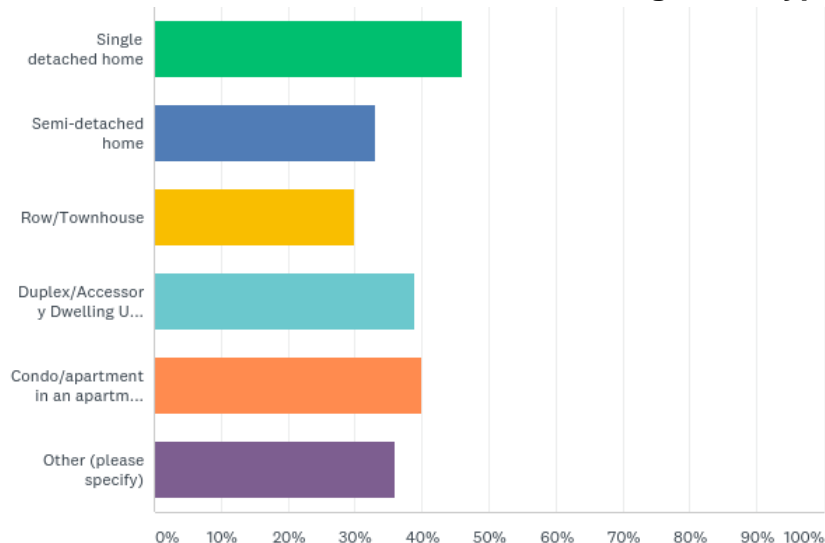
Should STR operators be present in the home while the short-term rental is being used?



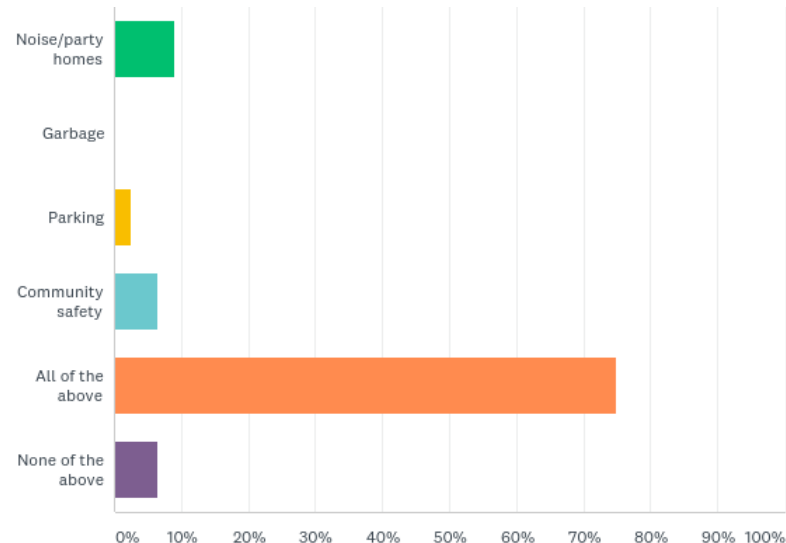
The Town of Newmarket should allow short-term rentals.



Should Newmarket allow STRS in the following home types?



What concerns you about short-term rentals?



What is STR?



- All or part of a dwelling unit used to provide sleeping accommodations
- Rental period is typically less than 30 days
- It is the exchange of accommodation for payment
- Typically includes bed and breakfasts
- Typically does not include hotels or motels



What is STR?



- Permitted in properties that meet the following regulations:
 - Single Detached (R1) Zone under Zoning By-law 2010-40
 - Maximum of three bedrooms rented for guests
 - Dwelling is occupied by the owner
 - Must provide one parking space per room rented in addition to those required by the main dwelling unit

STR benefits

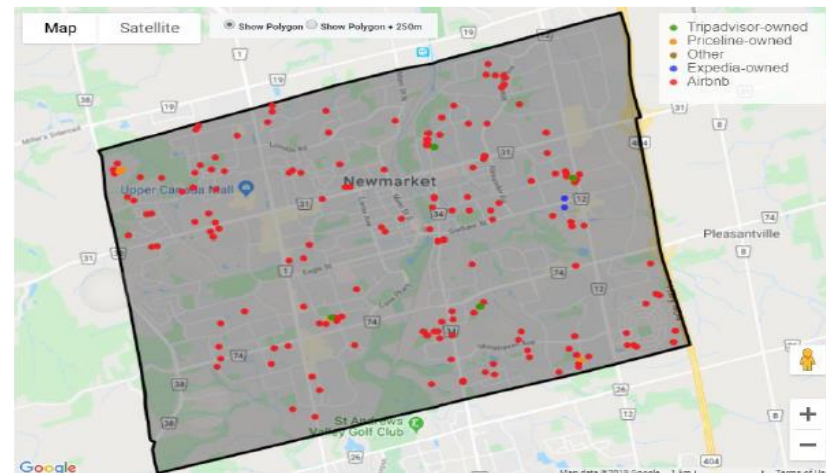


- Local impacts:
 - Supplemental income for property owner
 - Additional tourist accommodation options
 - Potential Municipal Accommodation Tax revenues to municipality

STR concerns



- Local impacts:
 - Noise
 - Parking
 - Garbage
 - Property standards



STR concerns

- Community impacts:
 - Housing affordability
 - Rental availability
 - Housing fairness



CANADA

Airbnb likely removed 31,000 homes from Canada's rental market, study finds

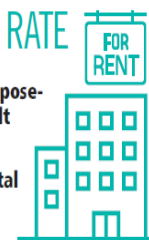
Short-term rental sites are 'having rather large impacts on our housing markets,' McGill researchers say in groundbreaking paper

RENTAL SUPPLY

VACANCY RATE

1.7% Purpose-built
0.8% Rental condo

CMHC 2018 Fall Rental Market Survey



MARKET HOUSING AFFORDABILITY

Average price
new single-detached home **\$1.24 million**

Average resale price
for all housing types **\$916,449**

Average rent
for purpose-built rental **\$1,267**

Average rent
for condo rental **\$2,001**

Estimated monthly housing costs
for owners (townhouse) **\$5,075**

Housing Matters 2019 (data sources: CMHC Housing Now, TREB Market Watch, Bank of Canada)

CMHC 2018 Fall Rental Market Survey



TREB data

11% Percent of new ownership housing that is affordable to households in the top 40% of earners.
In 2018, this was \$122,290 and above.

Affordable Housing Measuring and Monitoring Report (June 2019)

Municipal tools



- Zoning By-law
 - Limit the areas where are permitted STRs;
 - Control what types of buildings can be used for STRs ;
 - Require whether the dwelling must be principally used as a residence;
 - Limit the number of nights that a dwelling can be a STR;
 - Require an amount of parking required for a STR; and
 - Limit the number of bedrooms that can be used as a STR.
- Cannot:
 - Limit legal nonconforming uses.



Municipal tools



- Licensing By-law imposes conditions on a business, such as:
 - require the permanent resident have a licence for an STR;
 - require the operator to be available to respond to complaints within 1hr of being notified of a complaint;
 - limit the number of guests;
 - limit the number of bedrooms;
 - require the operator to provide a 'good neighbours' guidebook;
 - require a sign permit to identify the premises as a STR;
 - ensure building code and fire code compliance;
 - ensure compliance with the zoning by-law; and
 - implement a demerit point system, with a threshold at which a licence is revoked.

Other legislative tools

- Ontario Building Code
 - Sets standards of construction depending on type of use
- Residential Tenancies Act
 - Regulates relationship between landlords and tenants
- Condominium Act
 - Allows condominiums to pass by-laws further regulating behaviours within their buildings
- Fire Protection and Prevention Act
 - Sets life safety requirements based on type of use

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Process:**
 - Licensing by-law can impose conditions
- **Timeline:**
 - Licensing by-law could be proposed by May 2020
- **Implications:**
 - STRs will continue to be permitted in most single detached dwellings
 - STRs will only be permitted in 'owner occupied' single detached dwellings, which are less than half of existing STRs
 - No ability for Council to control STR locations

Options



- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Process:**
 - Zoning amendments will allow decisions on where to permit STRs, and to consider the role of STRs within overall housing supply
 - Licensing by-law can impose conditions
- **Timeline:**
 - Due to Planning Act process requirements, earliest possible dates for recommendations would be August 2020
- **Implications**
 - Provides greater ability for Council to control and regulate

Options



- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Process:**
 - Implement a licensing by-law
 - Begin zoning by-law amendment process
- **Timeline:**
 - Licensing by May 2020, zoning target August 2020
- **Implications:**
 - Risks of legal nonconforming properties
 - Risk of setting expectations through licensing that may then be reversed through zoning
 - Licensing by-law will not benefit from the input of the review undertaken during zoning amendment process

Options



- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.
- **Process & Timeline:**
 - **None**
- **Implications:**
 - STRs will continue to be permitted in most single detached dwellings
 - STRs will only be permitted in 'owner occupied' single detached dwellings, which are less than half of existing STRs
 - No registry of STRs or ability to control location or conditions

Options



- **Option #1:** Adopt a licensing by-law for STRs and do not amend the zoning by-law.
- **Option #2:** Adopt a licensing by-law for STRs and amend the zoning bylaw.
- **Option #3:** Direct staff to license STRs first and then amend the zoning by-law
- **Option #4:** Do not enact a licensing by-law, nor change zoning regulations on STRs.

Questions?

Flynn Scott, Manager, Regulatory Services
Ted Horton, Senior Planner





Mobile Business Licence By-law

Committee of the Whole

February 3, 2020

Presented by:

Flynn Scott, Manager of Regulatory Services

Presentation Outline

- Background
- Regulations for Mobile Businesses
 - Licensing Fee Structure
 - Resource Needs
- Stakeholder Consultation & Survey Results
- Conclusion & Next Steps

Background

- Under the Municipal Act, regulations should relate to:
 - consumer protection
 - the economic & social well-being of the municipality
 - the health, safety, & well-being of persons in the municipality
- March 25, 2019 – Regulatory Review Workshop
 - identified Transportation Network Companies (TNCs), Taxicabs, & Tow Trucks for review with regulations in place by Q2 2020

Linkages to Strategic Priorities

- Licensing program:
 - Aligns with Council's Safe Transportation (Streets) priority to incorporate data-driven tools & tactics (AMPS) into enforcement measures related to the safety of vehicles, pedestrians;
 - Identified as an Alternative Revenue Source initiative in Rev it Up Campaign

Modernizing Regulations

- Draft By-law intends to:
 - better reflect the current and evolving business environment;
 - ensure safe and responsible business practices;
 - provide tools that promote compliance;
 - develop efficiencies; and
 - reduce regulatory burden

Mobile Businesses

What is a Mobile Business?

- A business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes:
 - Transportation Network Companies (TNCs)
 - Taxicab Companies
 - Limousine Companies
 - Tow Trucks
 - Driving School Instructors
 - Refreshment Vehicles

Mobile Businesses

A mobile business does **not** include:

- (a) a stall at a farmer's market;
- (b) a business which uses a motor vehicle only as a means to physically transport its goods and/or services to a customer or to obtain goods from a supplier; and
- (c) any other form of business that is restricted from regulation by a municipality under the Municipal Act

Mobile Businesses

- Proposed regulations shift away from prescriptive regulations to an approach based on accountability & monitored compliance through audit & enforcement

Transportation Network Companies (TNCs)

- In-depth review of other municipalities
- Consultation with 2 major TNCs (Uber & Lyft)
- Key regulations:
 - licensing & per trip fees
 - company, driver, & vehicle provisions
 - safety & consumer protection features

Taxicab Companies

- Extensive consultation with industry over the last several years
- Review of other municipalities
- Key regulation changes:
 - only licence companies, not drivers or vehicles
 - company, driver, & vehicle provisions
 - safety & consumer protection features
 - remove set meters & allow dynamic pricing

Tow Trucks

- Industry has not been licensed in Newmarket before
- Industry supports fair regulations
- Proposed regulations are consistent with neighbouring communities in York Region

Other Mobile Businesses

- **Limousine Services**
 - Proposed regulations mirror those of TNCs & taxicab companies
- **Driving School Instructors**
 - Will now require sign on vehicle at all times while operating in Newmarket
 - Addresses enforcement challenges with current regulations
- **Refreshment Vehicles**
 - Owner requires a licence, not operators
 - Regulations still pertain to owners & operators

Proposed Licensing Fees & Projected Revenues for TNCs

- TNCs Licence

\$20,000 Annual Fee + \$0.30/trip

- Projected **New Revenue \$155,200**

32,000 trips/month @ \$0.30/trip fee

= \$9,600/month or \$115,200/year

\$20,000 x 2 business licences = \$40,000

Proposed Licensing Fees & Projected Revenues for Taxicabs

- Taxicab Licensing Model uses scaled approach:
 - 1-9 taxicabs: \$1,000 annual fee
 - 10-19 taxicabs: \$2,000 annual fee
 - 20+ taxicabs: \$3,000 annual fee
- Request from taxi industry to waive fees for 3-5 years
 - Staff support request for waiving annual fees for 3 years. Council approval required.

Proposed Licensing Fees & Projected Revenues for Tow Trucks

- Tow Truck Licence
 - One-time licensing fee of \$2,000 for tow truck companies, with an annual \$750 renewal fee
 - Used municipal comparators to establish licensing fees
- Projected **New** Revenue
 - **\$20,000** for 2020
 - **\$7,500** for 2021 & going forward
 - Based on 10 companies operating in Newmarket

Proposed Licensing Fees & Projected Revenues for Limousines

- Limousine Company Licence
 - One-time licensing fee of \$1,000, with an annual \$500 renewal fee
 - Used municipal comparators to establish licensing fees
- Projected **New** Revenue
 - **\$3,000** for 2020
 - **\$1,500** for 2021 & going forward
 - Based on 3 companies operating in Newmarket

Proposed Licensing Fees & Projected Revenues for Other Businesses

- Driving School Instructors
 - \$40,000 based on 2019 revenues collected
- Refreshment Vehicles
 - \$2,000 based on 2019 revenues collected
- Additional revenue is anticipated by enforcement through AMPS By-law

Resource Needs for Licensing Enforcement Program

- Amendment to AMPS By-law to bring enforcement & adjudication in-house
- 12 month pilot project with:
 - 1 contract Municipal Law Enforcement Officer
 - Additional hours to convert current permanent part-time role into full-time
- Staffing costs will be offset by projected revenue

Community Consultation

- Extensive consultation with TNCs and taxicabs throughout 2019
- Public Information Centre (PIC) held in November 2019
- Accessibility Advisory Committee invited to attend
- Online survey was posted after PIC

Conclusion & Next Steps

- Staff seeking Council approval of new Mobile Business Licence By-law & amendment to AMPS By-law
- Pilot additional staff resources for 1 year
- Communicate licensing requirements online & educate businesses of new/amended regulations

Questions?

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

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

Name: Morva Rohani	
Organization / Group/ Business represented: Uber Canada	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb 3, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 5.1
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Discussion re: Transportation Network Companies regulations specifically fee structure.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



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

Short-Term Rentals Staff Report to Council

Report Number: 2020-07

Department(s): Legislative Services, Planning and Building Services

Author(s): Flynn Scott, Manager, Regulatory Services and Ted Horton, Senior Planner

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Short-Term Rentals dated February 3, 2020 be received; and,
2. That Council provide direction to staff regarding the four options described in this report and identify a preferred option; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Short term rentals (STRs) are a growing industry that allow for the renting of a room or dwelling unit for up to one month, often through online platforms. The growth of this industry has raised general concerns of neighbourhood impact related to noise, garbage, property standards, and the conduct of visitors. More broadly, STRs have raised significant concerns over exacerbating challenges with lack of rental housing and decreasing housing affordability.

This report provides an overview of STRs, their status in Newmarket, their role and impact on housing, and options for how the Town may choose to regulate them. It provides options for Council on how to advance potential amendments to the zoning by-law and/or the adoption of a licensing by-law.

Purpose

The purpose of this report is to provide an overview of STRs in the Ontario legislative context and identify the powers that Council can exercise to regulate STRs. The report is intended to begin a process of public consultation and review that will occasion

subsequent reports to Council. This process may result, if warranted, in amendments to the zoning by-law and lead to the creation of a STR licensing by-law.

Background

There has been a significant rise in market for renting residential properties or rooms for short periods, driven in large part by online companies that host listings and facilitate bookings and payments.

Staff were requested to begin a review of STRs and how the Town may regulate them. A Public Information Centre was held on December 10, 2019 to provide information and to consult with the public. This report serves to seek Council's consideration on a proposed direction of a regulatory framework pertaining to STRs.

The Town's authority under the *Municipal Act* to enact licensing by-laws provides greater flexibility. By requiring a licence for certain activities (i.e. operating a STR) the Town can ensure that the requirements of other legislative regimes, such as the Ontario Building Code and Fire Code, are met to confirm the safety of residents and visitors.

A business licence by-law regulates the way certain businesses must operate. Through this by-law, a municipality can coordinate business activities by requiring a business licence, conducting inspections of business operations, assessing risk, and facilitating compliance with applicable by-laws and provincial statutes. Business licensing also encourages responsible business practices to ensure consumer protection and mitigate impacts to adjacent properties. A business licence is only issued after specific requirements and conditions have been met and the renewal of a licence occurs on an annual basis to confirm conditions are being adhered to. Following the issuance of a business licence, a municipality may use its business licence by-law as a useful and powerful tool for providing regulatory oversight for businesses.

Discussion

Short-term rentals (STRs) are not a new form of accommodation. STRs are rising in prominence due to the increased ease by which they can be provided and accessed via online services.

Concerns with STRs have grown due to their increased prevalence, and perceptions that they are responsible for negative community effects such as increased waste, vacancy, violence, noise, and the loss of limited rental housing stock.

What is a short-term rental?

STRs are generally considered to be rentals of residential accommodation for periods of less than one month. STRs can take a range of formats: operators may rent out an entire dwelling unit (i.e. a house for short-term rent) or individual rooms, it may be the operator's principal residence or a second home owned by the operator, and the

operator may reside on-site or they may not. These conditions and requirements are determined through the by-law regulations that a municipality chooses to enact.

Short-term rentals in Newmarket

Using data-scraping technology in October 2019, staff identified approximately 179 STR listings located in Newmarket which were spread throughout all seven wards.

The STRs identified are principally located in single detached dwellings (83%), and slightly over half of the identified listings were for an entire dwelling (e.g. an entire apartment unit, an entire ADU, or an entire house dwelling) rather than a room within a dwelling unit (e.g. a house with multiple bedrooms having an STR in one or more of the bedrooms).

Community Feedback

On November 5, 2019, a special meeting for Ward 6 was conducted between the Mayor, Ward Councillor, Town staff, and residents of Ward 6 to discuss STRs in response to growing community concerns for safety surrounding STRs. Staff had an opportunity to receive public feedback and engage with residents on whether or not to permit STRs and, if permitted, options for what a regulatory framework may look like. Throughout the meeting, residents voiced concerns for allowing STRs near school zones and within certain residential areas of Town. A licensing regime was also discussed, where staff engaged with residents to discuss potential rules and regulations pertaining to responsible business practices, including the requirement for a STR operator to remain on the premises while a booking exists in order to respond to complaints or concerns that may result from guests on the property. While the consensus of the group was to prohibit STRs in their entirety, some responded with support in establishing a licensing framework to ensure compliance with regulations imposed to mitigate noise, nuisance, and parking-related concerns.

On December 10, 2019, a Public Information Centre (PIC) for STRs was held to engage Town of Newmarket residents. The PIC included a formal, interactive presentation that allowed attendees an opportunity to provide input throughout the presentation. A total of 23 residents participated in the interactive presentation and results were documented as follows:

- 61% of participants were concerned that STRs generate noise/party homes, garbage issues, parking issues, and impact community safety;
- 62% believe that only home owners should be permitted to obtain a STR business licence;
- 62% believe that the operator should remain onsite while the home is being rented as a STR;
- 74% support only permitting 4-6 guests at one time; and
- 78% believe that a STR should be permitted in an entire dwelling where two dwellings exist.

A survey was also promoted online to receive public input on STRs. A total of 123 participants completed the survey and the results were documented as follows:

- 77% support only one booking per property at one time;
- 74% support the STR owner being onsite while a booking occurs;
- participants were undecided for allowing in all types of homes (e.g. apartments, single detached dwellings, semi-detached dwellings, etc.)
- 75% expressed concerns for noise/party homes, garbage, parking, and community safety in relation to STRs; and
- 54% of participants did not support allowing STRs.

Rental Housing in Newmarket

Newmarket has an insufficient supply of rental housing. Rental vacancy rates in the past two decades have hovered between 0.7% in 2001 to 1.6% in 2012 and 1.3% in 2017, well below the 3% that is generally regarded as an indicator of a healthy market. Research has indicated that STRs have a negative impact on rental housing availability.

As the Town considers rules for STRs, it is important to consider how this will affect the supply of rental housing and the affordability of housing for owners.

Town regulatory authority

The Town can control and regulate STRs through its tools under the *Planning Act* and *Municipal Act*.

Zoning

Section 34 of the *Planning Act* provides the authority for municipalities to enact zoning bylaws to regulate the use of land and structures.

The Town's zoning by-laws define that residential zones are permitted to be occupied by a dwelling unit. Depending on the type of zone, more than one dwelling unit may be permitted (e.g. a duplex, a four-plex, an apartment). Each by-law defines a dwelling unit as being a set of living quarters occupied by a family, being a group of persons in an independent housekeeping unit who are not necessarily related by blood or marriage. The zoning by-laws do not permit a dwelling unit to be used as an accommodation for the travelling public, which prohibits the use of a dwelling unit as a STR without being principally occupied by a family.

Zoning By-law 2010-40 does permit a Bed and Breakfast in most single detached homes. A Bed and Breakfast is a dwelling or part of a dwelling in which up to three bedrooms are used for the accommodation of the travelling public, and which is occupied by the owner. This allows for a single detached home to be a STR, provided that the dwelling is occupied by its owner and no more than three bedrooms are used for STRs.

Among other powers, the Town has the ability to amend its zoning by-laws to:

- Limit the areas where are permitted STRs;
- Control what types of buildings can be used for STRs ;
- Require whether the dwelling must be principally used as a residence;
- Limit the number of nights that a dwelling can be a STR;
- Require an amount of parking required for a STR; and
- Limit the number of bedrooms that can be used as a STR.

The authority of municipalities to regulate STRs through zoning has been upheld in successive cases at the Ontario Municipal Board and its continuance as the Local Planning Appeal Tribunal.

Collingwood implemented regulations on STRs through zoning and licensing due to their rapid growth and the municipality's high demand for tourist accommodations. In 2011 the Ontario Municipal Board upheld Collingwood's regulation of STRs. Collingwood's approach to STRs set geographic limits on where they were permitted, required separation distances between STRs, implemented maximum numbers of guests at one time, and imposed requirements on parking and waste management.

The City of Toronto implemented zoning by-law amendments in 2017 to regulate STRs, which were challenged to the LPAT and were upheld in 2019. The hearing discussed the role of dedicated STRs as a commercial use, stating that:

Although the context and facts differ, various authorities have found that temporary forms of accommodation for tourists and others do not constitute a residential use. The Tribunal's finding here that dedicated STRs exhibit commercial characteristics beyond what is intended or expected in residential areas is supported by *Mailloux v. Tofino (District)*, 2018 BCSC 2298

The Toronto hearing decision also favorably cites the objectives of ensuring that residential dwelling units are maintained as housing for residents and the role of this control in increasing housing availability and affordability, stating that:

The ZBAs are found to implement the policies, first by protecting the housing supply as permanent domiciles for residents, and second, by responding to the availability and affordability issues, if not by returning units to the rental market, at least by preventing further conversions of dwelling units into dedicated STRs.

The appellants of the decision of the LPAT in the Toronto hearing have stated that they intend to appeal the decision to the Divisional Court due to their belief that the Tribunal made errors in law in its decision. Until the decision of the Divisional Court on the appeal, the established decisions continue to uphold the authority of municipalities to regulate STRS.

Short-term rental licensing regime

By establishing regulations for STRs under a licensing regime, the Town would have the authority to impose conditions on STR operators in order to address increased community concerns, such as noise, nuisance behavior, garbage, health and safety, and other by-law-related issues. The purpose for imposing conditions on STRs would be to:

- require stronger accountability of owners/operators;
- improve health and safety by requiring fire/building safety requirements are met;
- a reduce neighbourhood complaints through proactive enforcement; and
- establish a process for public concerns to be resolved.

In order to achieve compliance from STR operators, it is imperative to design a regulatory, licensing, and enforcement system that is easy to understand, inspires high levels of voluntary compliance, and has effective means of preventing unlawful behavior. Council's direction is required on options pertaining to zoning amendment considerations. However, based on the public input received and a review of best practices across Canada, staff are proposing the following licensing requirements be imposed through a business licence process:

- require the permanent resident to be the operator and licence holder;
- require the operator to remain onsite while a booking exists;
- require the operator to be available to respond to complaints within 1hr of being notified of a complaint;
- limit the number of guests per bedroom;
- limit the number of bedrooms per STR;
- require the operator to provide a 'good neighbours' guidebook, which provides the Town's by-laws regarding noise, garbage, and emergency contact information;
- require a sign permit to be obtained and placed on the property to identify the premises as a STR;
- ensure the property building and safety permits have been obtained;
- ensure compliance with the zoning by-law and all related enactments; and
- implement a demerit point system, where complaints and violations against the STR apply demerit points, with a process for suspending or revoking the business licence for reaching the demerit point threshold established.

The licensing regime proposed to Council will include enforcement under the Administrative Monetary Penalty System (AMPS) to ensure compliance with regulations imposed.

Options for Council's Consideration

Option #1: Adopt a licensing by-law for STRs and do not amend the zoning by-law.

The Town of Newmarket Zoning By-law currently permits bed and breakfasts to operate in all R1 (single detached dwelling) zones. Based on the definition that currently exists

for a bed and breakfast, a STR would also meet this definition and be permitted to operate as a room-rental of up to 3 bedrooms where the owner-occupant resides within one of the bedrooms in the dwelling.

Implications: By not amending the zoning by-law at this time,

Council would not have an opportunity to specify whether or not STRs may operate in one or two dwelling homes. Within this option, room-rentals would be the only way to operate a STR, as opposed to entire home rentals where two dwellings exist on the property. This option would conflict with the trend indicated by data obtained by Town staff in October 2019, which indicated that 55% of STRs in Newmarket were entire home rentals.

It is also important to highlight that any properties currently operating a bed and breakfast within the Town of Newmarket would be eligible for lawful nonconforming status. This means that, regardless of Council choosing to amend the zoning by-law or not at a future date, any properties that operate a room-rental bed and breakfast business where the owner-occupant resides in the dwelling within a R1 zone would be permitted to continue operations, despite any zoning amendments being made.

Timeline: A licensing regime could be brought forward as early as **April or May 2020**. The licensing by-law would regulate the conduct, behavior, and conditions for being licensed as a STR operator. Proposed regulations would be presented to Council and would include the provisions specified above.

Option #2: Adopt a licensing by-law for STRs and amend the zoning bylaw.

The current zoning by-law restricts bed and breakfasts and STR room-rentals to one dwelling properties. If Council chooses to consider allowing entire home rentals where two dwellings exist, an amendment to the zoning by-law will be required. Council would also need to amend the zoning by-law if they wish to consider:

- allowing STRs in lawful accessory dwelling units (ADUs);
- allowing or prohibiting STRs in certain types of buildings (e.g., apartments or townhouses);
- allowing or prohibiting STRs in certain geographic areas; and
- revising off-street parking requirements for STRs.

Implications: By amending the zoning by-law, Council would have an opportunity to review and consider regulations pertaining to the information provided above. As identified in Option #1, despite Council's direction, lawful nonconformity would exist for STRs that operate in R1 zones as a room-rental with the owner-occupant residing in the dwelling.

Timeline: This option would require amendments to the zoning by-law with the associated processes of the *Planning Act*. Zoning by-law amendment recommendations could be presented to Council by **August 2020**.

Option #3: Direct staff to take a hybrid approach which incorporates Option #1 and Option #2 above.

Council may also consider establishing regulations pertaining to STRs through a multi-phase approach. By selecting Option #3, Council can direct staff to introduce a licensing regime on current zoning regulations pertaining to owner-occupied room-rentals in all R1 (single detached dwelling) zones. This would be the first phase in developing a regulatory framework. Simultaneously, Council can direct staff to initiate a regulatory review of the zoning by-law to explore further options for amending the zoning by-law to consider the options presented in Option #2. Once amended, the licensing regime established would already be in place to incorporate and support the changes reflected in the zoning by-law.

Implications: As previously identified in both Option #1 and Option #2, lawful nonconformity would exist for any room rental within the R1 zones. Should Council choose to make changes to the zoning by-law regarding geographical location or types of buildings permitted, single detached dwellings that meet the current zoning by-law provisions would be exempt through lawful nonconforming status until discontinued use is demonstrated.

Timeline: Phase 1 of Option #3 would only require the adoption of a licensing by-law, which could be presented to Council in April or May 2020.

Phase 2 of Option #3 would require amendments to the zoning by-law, which could be presented to Council by August 2020.

Option #4: Do not enact a licensing by-law, nor change zoning regulations on STRs (status quo).

By selecting Option #4, Council may choose to not regulate STRs through a licensing or zoning by-law at this time. This would maintain that entire home rentals are prohibited in the Town of Newmarket. However, bed and breakfasts are currently a permitted use in R1 (single detached dwelling) zones, which permits an owner-occupant to conduct room rentals on a nightly basis.

Implications: Data collected by staff indicates that 45% of STR operators within Newmarket fall under the definition of a bed & breakfast and could continue to operate their business without any additional regulatory requirements imposed.

Conclusion

STRs are a growing industry in the Greater Toronto and Hamilton Area. Their growth in residential areas raises questions of impact on noise, garbage, property standards, and availability of rental housing. Newmarket has tools under the *Planning Act* and *Municipal Act* to regulate STRs.

This report seeks Council direction as to which option (as provided above) staff should be directed to take in reviewing regulations for the Town of Newmarket. Following this direction, a process of public consultation and review will be conducted and staff will report back with proposed regulations for Council's consideration.

Business Plan and Strategic Plan Linkages

This report aligns with the strategic priority of:

- Vibrancy
 - Supporting access to a diverse range of housing options

This report also aligns with the Rev-it-up recommendations for improving administration and service levels within the Town of Newmarket through the Municipal Accommodation Tax (MAT) revenue opportunities.

Consultation

Considerable consultation has been conducted with municipalities across Ontario to review regulations pertaining to STRs. Town staff has also attended conferences and presentations conducted by Blue Mountain to review their regulatory framework.

Ongoing consultation includes Town staff participating in a STR Regional Working Group to review best practices throughout various communities.

A special Ward 6 meeting was held on November 5, 2019 to receive public input from residents that identified safety concerns surrounding STRs.

A Public Information Centre was held on December 10th 2019 to provide information and receive public input. Staff has also consulted with stakeholders in the community to receive feedback and recommendations for what a regulatory regime may look like.

A survey was posted online to receive further input from the community regarding STR regulations.

The Town of Newmarket Legal Department was also consulted to review the implications for lawful nonconforming status of room rentals within R1 zones.

Following the direction provided by Council, a process of public consultation and review as required by the *Planning Act* may be required before such regulations can be enacted. Further consultation with proposed regulations would be presented through a

Public Information Centre and staff will report back with a regulatory framework for Council's consideration.

Human Resource Considerations

A request is being made through the Mobile Business Licence By-law Report to support the administrative and enforcement processes associated with the implementation of a licensing regime. This request would expand the licensing program by one additional licensing officer and changing the part-time administrative associate into a full-time position for the duration of twelve months via contract. Should Council direct staff to move forward with a licensing regime for STRs, administration and enforcement strategies would be accommodated through the request made under the Mobile Business Licence Report, as well as the existing licensing program. These positions would be responsible for all licensing-related demands of the department.

Budget Impact

Should Council direct staff to impose a licensing regime through Options #1, #2, or #3, staff are requesting Council's approval to purchase Host Compliance Software technology to ensure compliance with STR regulations.

Host Compliance is a data-scraping technology that can locate and identify STRs within the Town of Newmarket. This technology was utilized to gather data and statistics during the December 10, 2019 Public Information Centre. Host Compliance offers several different modules, which include:

- Address identification of all STR properties in Newmarket. This module will automatically document active listings to identify noncompliant properties or properties operating without a valid licence for enforcement purposes;
- 24/7 Hotline with real-time operators. This module allows the public to make a formal complaint directly through the software system. Complainants will speak to an operator in real time, receive a link via text or e-mail to upload photos, videos, or audio relevant to their complaint, and trigger a complaint call being generated. If Council chooses to adopt the recommendation to require the STR owner respond to complaints received within 1hr, the real-time operator will phone the registered owner of the STR, advise a complaint has been received, and give them 1hr to respond. Should no one answer, respond, or resolve the complaint, the infraction will be documented in the software system and a Licensing Officer will issue a ticket the following day, as well as impose the appropriate number of demerit points for the contravention documented. This will significantly empower enforcement and compliance due to the implications of a STR owner's licence being revoked for noncompliance.
- Municipal Accommodation Tax (MAT) collection. If Council chooses to enact MAT collection, Host Compliance can collect the 4% room tax applied to all STRs licensed under the Town's by-laws. Host Compliance enables STR owners to use an app to submit taxation through their platform on a quarterly basis, which will be

directly transferred to the Town. This module will also conduct an audit of the tax submissions claimed by the STR owner by comparing the data collected through data-scraping technology re: number of bookings per month and the amount the STR owner has claimed. If a discrepancy exists, Host Compliance will generate a letter to advise the STR owner that they have made a false claim on taxation and provide the correct amount due.

Total cost for all modules through Host Compliance is approximately \$32,000. Council may also choose to move forward with only one module at a time, with each module varying in price, but costing no more than approximately \$11,000 per module.

Once a licensing regime has been adopted, Town staff will be able to implement the collection of MAT on STRs, with hotels also being captured under MAT. Revenues by way of 4% per room booked on a nightly basis will be collected.

Attachments

None.

Approval

Ted Horton, Senior Planner

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

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Mobile Business Licence By-law Staff Report to Council

Report Number: 2020-06

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Mobile Business Licence By-law dated February 3, 2020 be received; and,
2. That Council direct staff to waive Taxicab Company fees for a duration of 3 years (2020 – 2023 fees inclusive); and,
3. That Council approve a 12-month contract position for a new Municipal Law Enforcement Officer position; and,
4. That Council approve a 12-month contract for conversion of part-time hours into full-time hours for the existing permanent Legislative Services Associate position; and,
5. That Council approve the draft Mobile Business Licence By-law 2020-07; and,
6. That Council repeal Taxi By-law 2016-44, Refreshment Vehicles By-law 2016-52, and Driving School Instructors By-law 2017-32, as amended; and,
7. That Council amend the AMPS By-law 2019-62 and Fees and Charges By-law 2019-52; and,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

A regulatory review was initiated in 2016 to ensure that the Town's by-laws continue to reflect the desired standards of both the community and Council. An information report was provided to Council on September 12, 2018 to identify the progress made in amending and introducing new by-laws to align with community and Council objectives. On March 25, 2019, a Regulatory Review Workshop was completed to receive Council direction on the project plan for the introduction of, and amendments to, regulations pertaining to a business licensing regime.

The purpose of this report is to introduce, for Council's consideration, Mobile Business Licence By-law. This by-law seeks to introduce new classifications of businesses requiring a licence within the Town, including Transportation Network Companies, Tow Trucks, and Limousine Companies. Amendments to current Taxicab regulations are also being proposed, as well as a recommendation to amalgamate the Driving School Instructors and Refreshment Vehicles by-laws into the Mobile Business Licence By-law due to meeting the definition of a mobile business.

Purpose

The purpose of this report is to present Council with next steps regarding the licensing of mobile businesses through the adoption of a Mobile Business Licence By-law.

Background

Legislative Authority

Under the Municipal Act, the Town may provide for a system of licences with respect to certain classifications of business by adopting a licensing by-law. As specified in the Municipal Act, a licensing by-law should relate to consumer protection, the economic and social well-being of the municipality, and the health, safety, and well-being of persons in the municipality. Conditions may be imposed on a licence to ensure a business is compliant with the regulations established to reflect community objectives.

Section 151.7 of the Municipal Act specifies that a municipality does not have the power to provide for a system of licences with respect to a courier business in which parcels, documents, or property are conveyed. For this rationale, mobile businesses that meet this definition have not been included for consideration.

Historical Reference

On March 25, 2019, a Regulatory Review Workshop with Council identified Transportation Network Companies (vehicles-for-hire) and Tow Trucks to move forward with new regulations by Q2 2020.

On November 28, 2019, a Public Information Centre (PIC) was held to present new classifications of businesses that were under consideration for proposed regulations within the Town of Newmarket. The event focused on regulations for businesses defined as a mobile business, which includes Transportation Network Companies (TNCs), Taxicabs, Limousine Services, Tow Trucks, Refreshment Vehicles, and Driving School Instructors.

In December 2019, a third party consultant (StrategyCorp) conducted an administrative and service delivery review for the Town of Newmarket. Their report to Council highlighted the Mobile Business Licence By-law as an alternative revenue initiative. Part

of this review also identified the Administrative Monetary Penalty System (AMPS) as a relevant tool for enforcement of newly proposed by-laws moving forward.

Discussion

The Town of Newmarket Legislative Services Department has undertaken a review of current and proposed business classifications to modernize business licensing with intent to:

- better reflect the current and evolving business environment;
- ensure safe and responsible business practices;
- provide tools that promote compliance;
- develop efficiencies; and
- reduce regulatory burden.

Due to the considerable number of known business classifications, this review of business licensing is being conducted in two stages: separating stationary businesses (e.g. storefronts) from mobile business classifications.

The regulatory review project plan pertaining to licensing intends to streamline, simplify, and modernize operational processes to reduce red tape and regulatory burden, while ensuring consumer protection and public health and safety objectives are met.

The by-law proposed defines a “mobile business” and presents general regulations and administrative processes to be adhered to by all businesses that meet this definition. Specific business classifications have also been identified where the industry and consumer base present unique regulatory needs. Such examples include Transportation Network Companies, Taxicab Brokers, Limousine Services, Tow Trucks, Driving School Instructors, and Refreshment Vehicles.

The Mobile Business Licence By-law proposes to shift away from prescriptive regulations to an approach based on accountability and monitored compliance through audit and enforcement. It also seeks to enable operational flexibility, including new licensing and enforcement processes, all with a focus on public safety and consumer protection.

Community Feedback

On November 28, 2019, a Public Information Centre (PIC) was held to engage Town of Newmarket residents and stakeholders. The PIC included a formal, interactive presentation that allowed attendees an opportunity to provide input throughout the presentation. A total of 28 residents and stakeholders participated in the interactive presentation and the results are summarized as follows:

- 44% of participants were from the tow truck industry, 21% were members of the public, and the remaining were part of the various mobile classifications presented;
- 83% support the Town regulating TNCs for driver safety certifications, vehicle and insurance requirements;
- 53% believe the Town should only regulate taxicab companies and not individual drivers;
- 67% believe the Town should remove set rates and tariffs for taxicabs to allow for competitive pricing models;
- 81% feel the Town should place a capped price on tow truck rates; and
- 93% support regulations on tow trucks to provide estimates within 10% to customers, require vehicle safety certifications, and obtain consent to tow an owner's vehicle.

A survey was also promoted online to receive public input. A total of 18 participants completed the survey and the results are summarized as follows:

- 100% of participants were members of the public and not a stakeholder for any classification of a mobile business;
- 89% stated to use TNCs (Uber/Lyft) a minimum of several times per year;
- 72% expressed very high satisfaction with TNC (Uber/Lyft) services;
- 40% expressed dissatisfaction with taxicab services, with another 40% expressing satisfaction (20% did not select either way);
- 55% find TNCs enjoyable due to easy booking, convenience, method of payment, and low cost;
- 67% do not have an opinion on whether or not the Town licences individual drivers vs companies;
- 72% believe the Town should remove set rates and tariffs for taxicabs to allow for competitive pricing models;
- 89% would like to see driver security checks and vehicle safety inspections maintained on TNCs and taxicabs;
- 56% believe the Town should regulate tow trucks;
- 83% would like to see a price cap on tow truck rates; and
- 94% feel the Town should regulate tow truck pricing, insurance/vehicle requirements, and drivers being required to obtain consent prior to towing any vehicle.

Transportation Network Companies (TNCs)

Town staff has reviewed TNC regulations implemented by communities such as Vaughan, Hamilton, Toronto, Mississauga, London, Brampton, Oshawa, Oakville, Niagara Region, and Waterloo Region to understand best practices throughout Ontario. Town staff also had an opportunity to consult directly with Hamilton, London, and Mississauga's City staff to discuss program improvements and amendments made (or

being proposed in the near future) after piloting the regulations imposed. For example, the City of Mississauga piloted TNC regulations in 2017 and City staff performed an 80-page line-by-line review of the regulations imposed for suggested amendments to improve their processes – a document that Town staff has extensively reviewed and referenced when proposing regulations for the Town of Newmarket.

Town staff also consulted with known TNC operators within Newmarket for the purpose of gathering information and statistics, as well as receiving feedback on best practices that reflect and capture their business models.

Taxicab Companies

An extensive review of current regulations pertaining to licensing taxi drivers, brokers, and vehicle plates within Newmarket has been completed to improve current processes and streamline regulatory consistencies between the taxi industry and TNC operators. While both taxicabs and TNCs share similarities pertaining to the type of services offered and the consumers that are utilizing their services, it is important to understand distinct differences between each respective business model. For this rationale, it is equally important to recognize the need for both consistencies and discrepancies between specific regulations imposed.

Town staff met with Newmarket taxi drivers and brokers to review current regulations and to discuss what impact proposed regulations may have on their respective industry. Two meetings were held in Q3 2019 and feedback received is as follows:

- stronger regulations are being requested for TNCs to “level the playing field”;
- support for lowering or removing taxi driver licensing standards;
- support for transferring inspection requirements to a third party practice;
- general openness to consider removing set meters;
- a recommendation from taxi brokers to wave licensing fees for a duration of 3-5 years; and
- a recommendation from taxi brokers and drivers for the Town to reimburse plate values.

Similar to the TNC review process, Town staff conducted a thorough review of Taxicab regulations throughout various municipalities in Ontario to better understand best practices and improvement processes that have been undertaken since initial implementation. Various communities have shifted regulatory requirements onto businesses directly, while monitoring and enforcing through an auditing system. This is primarily the result of staff resource limitations and the heavy administrative burden in regulating specific classifications of business. A growing support to regulate through an auditing process is noted throughout Ontario.

Town staff has identified variations in regulatory requirements pertaining to whom is required to be licensed. For example, some municipalities have removed individual licensing of taxi drivers, while others have maintained this requirement. It is relevant to

note that all municipalities researched (with the exception of Toronto) do not require TNC drivers to be individually licensed. In an effort to “level the playing field” for the taxi industry, Town staff is recommending the removal individual taxi driver licensing requirements.

It is also critically important that regulations maintain consumer protection and ensure safe business practices. For this rationale, it is relevant to note that while Town staff propose to deregulate the licensing fees and application process of taxicab drivers and vehicle plates, regulations surrounding the standards of safety and consumer protection are not being removed nor compromised. The regulations being proposed impose the robust conditions of individual taxicab drivers onto taxicab companies as a condition of the company’s licence.

Under the new licensing provisions for taxicab companies, any business operating within Newmarket’s borders will be required to obtain a Town business licence. This will include any taxicab companies located in a different municipality but offering pick-up services within Newmarket.

Tow Trucks

New regulations are being proposed pertaining to Tow Trucks in an effort to ensure consumer protection and establish a fair pricing model for services performed across the industry within Newmarket. Town staff had an opportunity to receive input from tow truck operators during the PIC held on November 28, 2019. Town staff also consulted with neighbouring municipalities such as Richmond Hill, Markham, Oshawa, Toronto, and Brampton to review current regulations for each respective community. The by-law provisions proposed for tow trucks are consistent with practices currently implemented or under consideration with municipalities throughout York Region.

Limousine Services

Identified as a classification of a mobile business, Limousine Companies will also require a business licence to operate within the Town of Newmarket. The regulations proposed mirror those of TNC or taxicab companies to align with the requirements proposed in this by-law.

Driving School Instructors and Refreshment Vehicles

The Town of Newmarket currently regulates both Driving School Instructors and Refreshment Vehicles. After a review of current regulations, Town staff are proposing only one significant change to Driving School Instructors by imposing a requirement to affix the vehicle roof sign at all times while the vehicle is within the Town of Newmarket. Current regulations only require the roof sign to be affixed while providing instruction to a student. The rationale for this change is due to significant challenges in regulations and enforcement. For example, Town staff has documented that instructors will remove their sign while conducting lessons within Newmarket. This is a challenge when also enforcing the restricted area. Despite laying charges for these types of violations, staff

have not been successful in obtaining a conviction due to the requirement to prove they were instructing students at that time. By requiring the roof sign remain affixed at all times while within Newmarket, a licensing officer will be able to ensure compliance with the by-law as it was intended to be regulated. This change will also require any instructors from other municipalities to be marked and appropriately licensed if using the Town's infrastructure for the purpose of conducting business.

With the exception of the above, Town staff have only minor housekeeping and clerical changes throughout both by-laws. Staff recommends the repeal of both by-laws for the purpose of introducing these classifications under the Mobile Business Licence By-law.

AMPS By-law 2019-62

With the introduction of Mobile Business Licence By-law 20-07, staff are also recommending an amendment to AMPS By-law 2019-62 to include regulations for the purpose of enforcement. This change will allow staff to enforce through AMPS under the administrative penalties set by Council.

Conclusion

Town staff are recommending the adoption of Mobile Business Licence By-law 2020-07 with an amendment to AMPS By-law 2019-62 for enforcement purposes.

Business Plan and Strategic Plan Linkages

This report aligns with the Strategic Priority of Safe Transportation (Streets). This report also aligns with the Rev-it-up recommendations for improving administration and service levels within the Town of Newmarket.

Consultation

Consultation with the public, applicable stakeholders and neighbouring municipalities has been undertaken in the development of the proposed regulations put forth for Council's consideration. Town staff also conducted a Public Information Centre on November 28, 2019 and offered further opportunities for input via an online survey.

Town staff notified and invited the Accessibility Advisory Committee to attend the PIC and further provide input through the online survey. As a second phase for transportation services, Town staff will engage with stakeholders to determine best practices for ensuring accessible transportation is provided within the Town of Newmarket.

The Town of Newmarket Legal Department has also reviewed the proposed by-law prior to this report coming forward.

Human Resource Considerations

With the introduction of three new mobile business classifications and licensing regulations being enforced under AMPS By-law 2019-62, staff are requesting Council approval of additional staff resources for the purpose of ensuring compliance with new regulations. Upon review of the current licensing classifications and upcoming changes proposed, staff are requesting one full-time licensing officer be piloted as a twelve month contract. The cost of the proposed position would be offset through revenues received from the licensing regime imposed on the new classifications of businesses being regulated.

Staff are also requesting Council approval to change the current part-time Legislative Services Associate position into a full-time position for the duration of twelve months via contract. The rationale for this change would include the anticipated influx of administration for issuing business licences to new classifications, as well as processing enforcement tickets, which, under the new AMPS model, will be an in-house process rather than through the court system. The Legislative Services Associate would also be responsible for the scheduling and administration of the AMPS Hearing Review process for ticket disputes within the Town of Newmarket. The cost to change this position from part-time to full-time for a twelve month duration would also be offset by the projected surplus of revenue in licensing fees, as well as anticipated revenue for parking and licensing infractions issued under the new AMPS model.

Budget Impact

Projected Revenues: Transportation Network Companies

During the consultation period throughout July 2019, Town staff were able to confirm a total average of 32,000 trips originate from, and are conducted within, Newmarket by Transportation Network Companies not currently licensed. Should Council adopt this by-law as presented, this classification of business will provide a surplus of \$155,200.00 in revenue over a twelve (12) month period. This projection has been calculated as follows:

- 32,000 trips per month at a 0.30 cents per trip fee = \$9,600.00 revenue per month;
- \$9,600.00 per month x 12 months = \$115,200.00 revenue per year; and
- \$20,000.00 annual business licence fee for TNCs x2 confirmed to obtain a licence = \$40,000.00.

Projected Revenues: Taxicab Companies

By shifting regulatory requirements onto taxicab companies directly, staff anticipate an increased revenue stream through licensing taxicab companies that may be operating within Newmarket but located outside of Town borders. In 2018, the Town received \$1,225 in revenue from taxicab broker licensing fees. Additional revenue through

licensing fees will be acquired from any company outside of Newmarket that will now require a licence to operate with our borders.

Staff propose to impose a scaled licensing fee for taxicab companies as follows:

1-9 taxicabs: \$1,000 annual fee;

10-19 taxicabs: \$2,000 annual fee; and

20+ taxicabs: \$3,000 annual fee.

Staff also require Council direction to support or deny the industry's request to exempt taxicab companies from paying an annual licence fee for a duration of 3-5 years to serve as compensation for losses the industry feels they have incurred due to a lack of regulation on transportation network companies.

Projected Losses: Taxicab Plates

By removing the requirement to licence taxi drivers and vehicle plates, a revenue loss of approximately \$33,000 is anticipated. However, it is relevant to note that the Town currently holds a supply of available vehicle plates that have not been required and a priority list no longer exists, demonstrating a decline in demand. Regardless of removing these licensing requirements, staff anticipate a gradual loss of revenue in subsequent years to follow.

Projected Revenues: Tow Trucks

Town staff propose to license Tow Truck Companies with a requirement to identify all associated drivers and vehicles in use for services. A review surrounding municipalities identified variations in tow truck licensing fees, ranging from \$250 to \$2,200 as an initial fee, and an annual renewal fee ranging from \$200 to \$1,500. These numbers are dependent on the number of drivers a tow truck company identifies. Staff are proposing to introduce a one-time licensing fee of \$2,000 for tow truck companies, with an annual renewal fee of \$750.00 thereafter. The fees proposed are higher than the average researched to incorporate and recognize there is only one fee in Newmarket, in contrast to several fees within other municipalities.

Based on the above information, an extremely conservative projection for licensing 10 tow truck companies is anticipated within Newmarket, resulting in an initial increase in revenue of \$20,000 for 2020, with \$7,500 expected in subsequent years for renewal applications.

Projected Revenues: Limousine Services

A review of limousine companies in Newmarket has determined three or four known companies in operation. Establishing licensing fees varies from municipality to municipality throughout York Region and Ontario, alike. Staff has reviewed the average fees charged within our surrounding area and propose to impose a \$1,000 initial application fee, with an annual renewal fee of \$500 thereafter. Again, this amount takes

into consideration the total fee amounts charged by other municipalities, with Newmarket proposing one set fee for the companies, themselves.

Based on the above information, a conservative projection for licensing three limousine companies is \$3,000 for 2020, with \$1,500 expected in subsequent years for renewal applications. Staff also anticipate an increase in this revenue to incorporate limousine services that are not located within Newmarket but that provide services within our borders that will require a licence.

Projected Revenues: Driving School Instructors

In 2019, the Town of Newmarket introduced a by-law to regulate Driving School Instructors. Total revenue collected for licensing fees and administrative costs equaled \$39,971.00. This revenue was not accounted for in previous budget years due to being a recent licensing requirement. A formal review was necessary to determine revenue accuracy.

Total New Revenue Projections for 2020 (including calculated losses):

Total projected revenues through a formal licensing regime of the above classifications total approximately **\$187,000 for 2020**. This amount will be generated from licensing fees recovered by the Town for administration and enforcement purposes.

It is relevant to note that this projection does not include revenue expected for violation tickets issued under the new AMPS model. Town staff anticipate that, with the application of AMPS for business licensing related offences, ticket revenue targets will reach (or exceed) the Town's 2020 budget projections of **\$160,375**.

Human Resource Considerations

Town staff are requesting Council approval of additional staff resources for the purpose of ensuring compliance with new regulations and to assist with the administration of the licensing process. Should Council approve a twelve month contract for a licensing officer, costs associated to this position would be \$101,925. Costs for changing the current Legislative Services Associate from permanent part-time into a twelve month contract full-time position would be an additional \$31,000.

It is relevant to note that the approval of these two positions would also expand across all licensing program requirements and any licensing by-laws presented to Council at a later date.

Attachments

Attachment 1 – Draft Mobile Business Licence By-law

Attachment 2 – Amended AMPS By-law

Attachment 3 – Amended Fees and Charges By-law

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

For more information contact Flynn Scott, Manager of Regulatory Services at
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Corporation of the Town of Newmarket

By-law 2020-07

A By-law to Regulate and License Mobile Businesses to Operate in the Town of Newmarket.

Whereas Section 151 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

And whereas the Council of the Town of Newmarket deems it advisable to pass such by-law;

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

1. Title

This By-law may be known and cited for all purposes as the "Mobile Business Licence By-law 2020-07".

2. Definitions

In this By-law:

"Accessible Vehicle" means a motor vehicle that is used or designed to be used to transport Persons who have a disability;

"Affiliation Date" means the date an Applicant applies for a new or the renewal of a Business Licence;

"Appeal Committee" means the Appeal Committee established by the Town.

"Applicant" means a person applying for a Business Licence to carry on a Business, activity, or undertaking pursuant to this By-law;

"Business" means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

"Business Licence" means a licence to operate a Business under this By-law;

"Clean" means free of dirt, garbage, debris, and in good repair;

"Collision" means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

"Collision Scene" means the general location or place where a Collision has occurred;

"Council" means Council for the Corporation of the Town of Newmarket;

"CVOR Certificate" means a Commercial Vehicle Operator's Registration Certificate issued under the Highway Traffic Act;

"Criminal Record Check" means a criminal record check issued by an Ontario police service as approved by the Manager;

“Director” means the Director of Legislative Services of the Town of Newmarket or designate;

“Director of Recreation and Culture” means the Director of Recreation of the Town of Newmarket or designate;

“Drivers Abstract” means a Driver Record Search issued by the Ontario Ministry of Transportation;

“Driving School Instructor” means a Person who provides instruction in the operation of motor vehicles but does not include a Person who provides in-class instruction only;

“Driving School Instructor Vehicle” means a motor vehicle that is being used by a Driving School Instructor for the purpose of teaching a Person to operate a motor vehicle or conduct a driving test;

“Drop Fee” means any fee or commission paid to a Tow Truck Company or Tow Truck Driver in return for the towing or otherwise conveying of a vehicle to a particular place, other than or in addition to the amount to which the Tow Truck Company or Tow Truck Driver is authorized to charge the customer in accordance with this By-law;

“Fare” means the amount communicated and agreed upon by any potential customer or passenger prior to the start of a Trip;

“Farmers Market” means a central location at which a group of Persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods, and preserved foods, and at which the majority of the Persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“Fees and Charges By-law” means the Town of Newmarket Fees and Charges By-law, as amended;

“Licence Fee” means a fee payable for a Business Licence pursuant to the Fees and Charges By-law;

“Licensed” means to have in one’s possession a valid and current Business Licence issued pursuant to this By-law;

“Licensing Officer” means an individual appointed by the Town as a Municipal Law Enforcement Officer or any other individual designated by the Town to enforce this By-law;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport Persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousine;

“Limousine Company” means a Business engaged in providing an array of specialty or luxury passenger transportation services via Limousines or luxury sedans generally on a reserved basis, and who offers such vehicle for hire;

“Manager” means the Town of Newmarket Manager of Regulatory Services or their designate;

“Mobile Business” means a Business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes:

- (a) Driving School Instructor Instructors;
- (b) Limousine Companies;
- (c) Refreshment Vehicles;
- (d) Taxicabs;
- (e) Tow Trucks; and
- (f) Transportation Network Companies;

“Non-Profit Organization” means any incorporated or unincorporated organization formed for charitable purposes and not organized for profit or personal gain;

“Operator” means the driver or Person that operates a Business pursuant to this By-law;

“Owner” means a Person who, alone or with others, fits into any one or more of the following categories:

- (a) Is the owner of a vehicle or business;
- (b) Has control over the vehicle or business; or
- (c) Directs the operation of the vehicle or business;

“Person” includes a natural person, corporation, partnership or party, and the personal or other legal representatives or a person to whom the context can apply according to law;

“Police Officer” means a Police Officer defined under the Police Services Act, R.S.O. 1990, c. P15, as amended;

“Refreshment Vehicle Owner” means the owner of a Refreshment Vehicle;

“Refreshment Vehicle Operator” means any Person that is the driver or Operator of a Refreshment Vehicle;

“Refreshment Vehicle” means any vehicle from which refreshments are sold for public consumption, including carts, wagons, trailers and trucks, irrespective of the type of motor power employed to move the Refreshment Vehicle;

“Refreshment Vehicle – Type 1” means a motor vehicle that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to vehicles such as catering trucks and ice cream trucks;

“Refreshment Vehicle – Type 2” means a trailer/cart that is stationary and licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;

“Refreshment Vehicle Type 3” – means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;

“Refreshment Vehicle Type 4” – means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;

“Registered Owner” means a Person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the plate owner of the vehicle;

“Restricted Area” means the area on a highway used by Drive Test employees for conducting driving tests as contained in Schedule “A” of this By-law;

“Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer, or any other lighted, heated tobacco, cannabis, or other substance or product;

“Special Event” means any event which is being held as a community, social, sporting, cultural group celebration, or other similar event on a commercial property or public property;

“Special Event Organizer” means the organizer and/or coordinator of a Special Event;

“Special Event Organizer Licence” means a licence applied for and obtained pursuant to this By-law;

“Special Event Vendor” means a Person that is licensed as a Refreshment Vehicle Owner by the Town;

“Sticker Plate” means a sticker numbered plate issued by the Town to a person licensed pursuant to this by-law;

“Taxicab” means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods;

“Taxicab Company” means any Person who carries on the business of accepting, advertising, brokering, or dispatching orders for Taxicabs by way of a listed telephone line, and through other means not limited to an App or other electronic method;

“Taxicab Driver” means the driver of a Taxicab that provides transportation to passengers by way of Persons requesting services through a Taxicab Company, or in response to a Street Hail or pick-up;

“Taxicab Meter” means a device or instrument affixed to a Taxicab which measures, mechanically or electronically, the distance driven and the time waiting upon which a Fare is based, and which computes the amount of the fare chargeable for a Taxicab Trip for which a Fare is chargeable;

“Tow/Towing” means the removal, or a conveyance of a motor vehicle by a Tow Truck and are in accordance with the tow rates set out in this By-law;

“Tow Truck” means a motor vehicle that is designed, modified, configured, or equipped so that it is capable of towing other motor vehicles;

“Tow Truck Company” means a Person who in pursuance of a trade, calling business, or occupation arranges for the provision for hire to a customer of the services of a Tow Truck;

“Tow Truck Driver” means any Person that is the driver or operator of a Tow Truck;

“Town” means the Corporation of the Town of Newmarket in the Regional Municipality of York;

“Trail” means that part of a park that has been improved with a hard surface or not paved and intended for a variety of uses;

“Transportation Network Company (TNC)” means any Person that offers, facilitates, or operates prearranged transportation services exclusively through a TNC App that matches passengers requesting service to TNC Drivers who provide service using a TNC Vehicle;

Transportation Network Company (TNC) App” means a mobile application that can be downloaded onto or accessed on a mobile phone, tablet, or other digital electronic device used to connect passengers with TNC Drivers;

“Transportation Network Company (TNC) Driver” means the driver of a TNC Vehicle who is affiliated with a TNC and who has access to a TNC App to transport passengers for compensation;

“Transportation Network Company (TNC) Vehicle” means a private motor vehicle that provides transportation services for compensation but does not include a Taxicab as defined in this By-law;

“Trip” means each journey commencing when a passenger enters a vehicle-for-hire having made a request for transportation in exchange for a monetary amount and ending when that same passenger exits the vehicle-for-hire;

“Zoning By-law” means the Town of Newmarket Zoning By-law, as amended.

3. General Regulations

(1) No Person shall:

- (a) carry on or operate any Mobile Business within the Town unless that Person holds a valid and subsisting business licence issued to that Person for that Business;
- (b) represent to the public that the Person is licensed under this By-law if the Person is not so licensed; or
- (c) contravene or fail to comply with a term or condition of the Licence imposed under this By-law.

(2) Every Person shall comply with all federal, provincial, and municipal laws and regulations applicable to the Mobile Business.

(3) Every holder of a valid business licence shall display the business licence in a location visible to customers utilizing the business.

(4) Every licence issued shall be deemed to be a personal licence to the licensee therein named and is not transferable.

(5) No Person operating a Mobile Business within the Town shall market that Business or its products and services through any means of promotion unless:

- (a) the Person operating that Business is the holder of a valid business licence issued pursuant to this By-law;
- (b) the Business name being promoted or marketed matches the named endorsed on the Business Licence; and
- (c) the marketing offers products and services that comply with Town by-laws and related enactments.

(6) No Person shall carry on a Mobile Business of any kind, in any way or manner on Town-owned property, parks, boulevards, highways, or other public property unless specifically authorized to do so under the conditions of that Person's business licence.

- (7) Every Mobile Business must apply for, obtain, and be in possession of a valid business licence authorizing them to carry on their Business in the Town.
- (8) No Person shall Smoke or permit Smoking within any vehicle affiliated to any Business licensed under this By-law.

4. Administration and Enforcement

- (1) Through delegated authority, the **Manager** may:
 - (a) grant, issue, or amend a business licence if the Licensing Officer is satisfied that the applicant has complied with all of the by-laws of the Town and related enactments that apply to the applicant's Business;
 - (b) suspend, cancel, or refuse to issue a business licence in accordance with Section 7 of this By-law;
 - (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the Business;
 - (d) conduct inspections and investigations to ensure that all regulations and provisions prescribed in this By-law are carried out; and
 - (e) prepare, from time to time, forms to be used for the purpose of making applications under this By-law.
- (2) No person shall Obstruct or attempt to Obstruct a Licensing Officer or other Person who is exercising a power or performing a duty under this By-law.
- (3) Any vehicle found to be in contravention of any provision of this By-law shall be the liability of the Registered Owner and responsible for any and all fees and fines imposed.

5. Licence Fees

- (1) Business licence fees shall be in accordance with those specified in the Town of Newmarket Fees and Charges By-law.
- (2) An administrative penalty of 25% of the renewal fee shall be added to each unpaid business licence after 31 days from the renewal date. If unpaid by this time, the licence shall be revoked and a new business licence application shall be required.
- (3) If an application for a licence is withdrawn, in writing, prior to the issuance of the licence, the Licence Fee shall be refunded to the applicant if a licence was pre-paid.
- (4) No Licence Fee shall be refunded after the issuance of a licence.

6. Application and Renewal

- (1) The terms of a business licence issued under this By-law are for a period commencing January 1st and ending December 31st of the year for while the licence is issued.
- (2) All new business licence applications shall be accompanied by a non-refundable \$50.00 application processing fee. If a business licence application is approved, the application processing fee shall be applied to the Business Licence fee identified under the Fees and Charges By-law.

- (3) Every applicant for a new Business Licence or for the renewal of a Business Licence issued under this By-law shall:
- (a) submit a completed application on the forms provided;
 - (b) file proof satisfactory to the Licensing Officer that they are eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of the Licence type that they are applying for;
 - (c) provide a copy of the:
 - (i) incorporating document and a copy of the last annual information return which has been filed with the appropriate government department, if the applicant is a corporation; or
 - (ii) registered declaration of partnership, if the applicant is a registered partnership;
 - (d) provide any other document relating to the operation of the Business requested by the Licensing Officer, including but not limited to:
 - (i) a provincial driver's licence;
 - (ii) Vulnerable Sector Screening Search or Criminal Conviction Background Search issued by the Police Service in which the applicant resides;
 - (iii) Harmonized Sales Tax (HST) number;
 - (iv) Ontario Ministry of Transportation Vehicle Ownership Permit;
 - (v) York Regional Health Department Inspection Certificate;
 - (vi) Insurance Certificates;
 - (vii) Letters of employment;
 - (viii) Ministry of Transportation Driver's Abstract; or
 - (ix) Vehicle lease agreements;
 - (e) pay any required fees pursuant to the Town's Fees and Charges By-law; and
 - (f) pay any outstanding fine(s) owed to the Town prior to the issuance of a business licence.
- (4) If a Person submits a Business Licence application for which additional information or documentation is required by the Licensing Officer, the Person shall supply all required information and documentation within 30 days of the request made by the Licensing Officer, after which time the application may be refused and a new application for a Business Licence is required.

7. Suspension, Cancellation, and Refusal

- (1) The Manager may revoke, suspend, cancel or refuse to renew or issue a licence:

- (a) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
 - (b) where the applicant or licensee has been found by the Manager or Licensing Officer to fail to comply with any provision of this By-law; or
 - (c) where the applicant has been found by the Manager to provide false information in order to obtain a business licence.
- (2) Upon such revocation, suspension, cancellation, or refusal to issue or renew a Business Licence, the Manager shall provide a formal letter outlining the reason(s) for the refusal and shall be delivered to the applicant or licensee within seven (7) business days. Such notice shall set out and give reasonable particulars of the ground(s) for the decision and options for an Appeal Hearing.
 - (3) An applicant or licensee of a Business Licence may request a hearing before the Appeals Committee for reconsideration of the Manager's decisions to revoke, suspend, cancel, or refuse to issue or renew a Business Licence by delivering a written request to the Manager within fourteen (14) days of the Manager's decision being sent.
 - (4) The applicant or licensee of a Business Licence must pay a non refundable Appeal Fee in accordance with the Fees and Charges By-law;
 - (5) Before the **Appeals Committee** makes any decision, a written notice to advise the applicant or licensee of the recommendations being made by the Manager with respect to the licence shall be provided to the applicant or licensee.
 - (6) The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a licence before the Appeals Committee.
 - (7) Failure for the applicant or licensee to attend the scheduled hearing before the Appeals Committee shall result in the proceeding of the hearing.
 - (8) The decision of the Appeals Committee is final and is not subject to an appeal.
 - (9) No Person shall conduct any Business pursuant to their Business Licence during a period of suspension of that Business Licence.
 - (10) No Person shall market a Business during a period of suspension of that Business' Licence.
 - (11) If the Manager suspends, cancels or refuses to issue, amend or renew the business licence for a business, the Town may post a notice of suspension, cancellation, or refusal on the vehicle used for and affiliated to the Business.
 - (12) A posted notice of suspension, cancellation, or refusal of a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.
 - (13) If a business is operating without a licence required under this By-law, the Town may post a notice describing the failure to hold a valid

business licence on the premises of the business or on the vehicle used and affiliated with the business.

- (14) A posted notice of operating without a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.

8. Specific Regulations

8.1 Taxicab Companies

- (1) A Person wishing to carry on the Business of a Taxicab Company in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
- (a) a list of all Taxicab Drivers affiliated with the Taxicab Company
 - (b) a list of all Taxicabs affiliated with the Taxicab Company, where the list shall include the year, make, model and Ontario Licence plate number of the Taxicab Vehicle
 - (c) a sworn declaration from the Taxicab Company that all Taxicab Drivers affiliated with the Taxicab Company have provided the following to the Taxicab Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation date
 - ii. a Driver's Abstract issued within one year of the Affiliation date
 - iii. proof of a valid driver's license
 - (d) a sworn declaration from the Taxicab Company that every Taxicab affiliated with the Taxicab Company has the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Taxicab owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
 - (e) An insurance certificate demonstrating commercial general liability business insurance for the operations of the Taxicab Company against claims filed against the Taxicab Company with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the Taxi;

Taxicab Driver Requirements

- (2) A Taxicab Company shall not permit a Taxicab Driver to operate in the Town if the Taxicab Driver:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:

- i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Taxicab that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Taxicab Company shall ensure that every Taxicab Driver shall, at all times while operating a Taxicab, have on display his or her name and photograph to be plainly visible and readable by customers.

Taxicab Company Requirements

- (4) A Taxicab Company shall:
- (a) ensure that prior to the collection of any personal information, a Taxicab Company shall obtain consent from any affiliated Taxicab Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
 - (b) set Fares to be charged to passengers transported by affiliated Taxicab Drivers subject to the following conditions:
 - i. the fare for a Trip shall be communicated and agreed upon by any potential passenger clearly and transparently prior to the start of the Trip;
 - ii. the Taxicab Driver shall not commence the Trip until the passenger has been provided a flat rate of the fare communicated in accordance with subsection (i) above; or
 - iii. the customer has been provided the price per kilometre prior to commencement of the Trip.
 - iv. the Taxicab Driver shall charge the passenger the communicated and accepted Fare in accordance with subsection (i) and (ii) and (iii) above;
 - (c) when employing a Taxicab Driver, notify the Town, in writing, that they have employed that Taxicab Driver before he/she operates in the Town and provide the Town with the full name of the Taxicab Driver;
 - (d) when adding a Taxicab to their affiliation, notify the Town in writing that they have added that Taxicab before it is put into operation in the Town and provide the Town with the year, make, model and Ontario Licence plate number of the Taxicab.

Taxicab Company Record Keeping

- (5) A Taxicab Company shall maintain a list of every affiliated Taxicab Driver and Taxicab in a readily accessible format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the Taxicab Driver; and
 - (b) the year, make, model and Ontario licence plate number of the Taxicab affiliated with the Taxicab Company.

- (6) A Taxicab Company shall maintain information for all Trips completed by affiliated Taxicab Drivers which shall include:
 - (a) the name of the Taxicab Driver;
 - (b) the Taxicab used for the Trip
 - (c) the pick up location and the destination;
 - (d) date and time the Trip started and terminated; and
 - (e) the fare paid for the Trip.
- (7) A Taxicab Company shall maintain information for all Trips that cannot be completed by an affiliated Taxicab Driver including Trips where an Accessible Vehicle is required.
- (8) The records of a Taxicab Company are required to be maintain for a minimum of one (1) year.
- (9) The Taxicab Company shall provide the Manager with any information maintained by the Taxicab Company according to this By-law and shall provide said following information:
 - (a) within thirty (30) days upon request; and
 - (b) notwithstanding section 8.1(9)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of Taxicab Driver from Taxicab Company

- (10) A Taxicab Company shall ensure that a Taxicab Driver is removed and/or denied access as a Taxicab Driver in the event that:
 - (a) the Taxicab Company has reasonable belief that an affiliated Taxicab Driver does not meet the Taxicab Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a Taxicab Driver be removed from the Taxicab company based on an investigation completed whereby the Manager has determined that the Taxicab Driver is not compliant with this By- law.
- (11) No Taxicab Driver that has been removed and/or denied access to a Taxi Company according to section 8.1(10) of this By-law shall be re-granted access until the Manager is satisfied that the Taxicab Driver is in compliance with this By-law.

Taxicab Vehicle Requirements

- (12) A Taxicab Company shall not permit a Taxicab Driver to operate a Taxicab unless the Taxicab:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the Taxicab Driver;
 - (c) has the name of the Taxicab Company with whom the vehicle is associated with, in letters of 15cm in height, on both sides of the vehicle;

- (d) has an assigned number associated with the Taxicab affixed on both sides of the vehicle in a colour that is in contrast with the colour of the vehicle;
 - (e) has a Taxicab Meter;
 - (f) has an electrically illuminated roof sign which is securely attached to the top of the taxicab; and such roof sign shall not be illuminated when a Trip is commenced and shall be illuminated when the Taxicab is in vacant status;
 - (g) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (h) is clean and in good repair as to its exterior and interior; and
 - (i) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts in good working order and plainly visible and accessible to passengers.
- (13) No Taxicab Company or Taxicab Driver shall permit passengers while in the course of their duties unless that passenger is a paying customer that has requested transportation services.

8.2 Transportation Network Companies

TNC Application Requirements

- (1) A Person wishing to carry on the Business of a TNC in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
 - (a) a list of all TNC Drivers affiliated with the TNC, where the list shall include the following:
 - i. the full name of the TNC Driver; and
 - ii. the year, make, model, and Ontario licence plate number of the TNC vehicle operated by the TNC Driver.
 - (b) a sworn declaration from the TNC confirming that all TNC Drivers affiliated with the TNC have provided the following to the TNC, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date for the TNC Vehicles operated by the TNC Driver;
 - iii. a Driver's Abstract issued within one year of the Affiliation Date;
 - iv. proof of valid ride sharing automobile liability insurance which shall include at least 2,000,000 for third party liability coverage per incident, at least 2,000,000 of uninsured

automobile coverages, and statutory Ontario accident benefits; and

- v. proof of a valid driver's licence.
 - (c) An insurance certificate demonstrating commercial general liability business insurance for the operations of the TNC against claims filed against the TNC with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the TNC;
 - (d) An indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Licensing Officer;
 - (e) A sworn declaration from the TNC confirming to the satisfaction of the Licensing Officer that:
 - i. the TNC will have the ability to maintain and deliver data in the form, manner, and frequency required by this By-law;
 - ii. the TNC has data security measures in place to protect the personal data collected by the TNC relating to passengers and drivers; and
 - iii. the TNC will ensure that every affiliated TNC Driver maintains the requirements set forth in this By-law;
- and
- (f) a report from an independent third party auditor confirming that the TNC is accurately collecting the information as required by this By-law.

TNC Driver Requirements

- (2) A TNC shall not permit a TNC Driver to have access to the TNC App to pick up passengers in the Town if the TNC Driver:
 - (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:
 - i. more than eight (8) demerit points according to the Highway Traffic Act, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario.
 - (c) is operating a TNC Vehicle that has not obtained a Safety Standard Certificate in compliance with this By-law; or
 - (d) operates a TNC Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) TNC Drivers shall:

- (a) only accept a request for transportation services using the TNC App;
- (b) not be permitted to accept any hail requests for transportation services; and
- (c) maintain in the TNC Vehicle at all times, a Safety Standard Certificate that meets the requirements of this By-law.

TNC General Requirements

(4) A TNC shall:

- (a) ensure that driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- (b) ensure that prior to the collection of any personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
- (c) confirm by way of an independent third party auditor on a quarterly basis that the information provided in accordance with this By-law is accurate and true;
- (d) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service or any other issues arising from the TNC operations; and
- (e) where service requested is a type which would require an Accessible Vehicle and the TNC is not able to provide such service, direct the person requesting such service to a Person who can provide such service.

(5) A TNC shall not:

- (a) obstruct the Manager or Licensing Officer in the use of either passenger or driver accounts associated with the TNC App for use by the Manager or Licensing Officer to ensure compliance with this By-law; and/or
- (b) permit, encourage or condone the acceptance of hails or the solicitation of passengers by TNC Drivers.

TNC App Requirements

(6) A TNC shall set Fares to be charged to passengers transported by affiliated TNC Drivers via the TNC App subject to the following conditions:

- (a) the fare for a Trip shall be communicated to a potential passenger clearly and transparently prior to the start of the Trip;
- (b) the TNC Driver shall not commence the Trip until the passenger has provided electronic acceptance of the fare communicated in accordance with section 8.2(6)(a) above;
- (c) the TNC Driver shall charge the passenger the communicated and accepted fare in accordance with section 8.2(6)(a) and (b) above; and
- (d) a TNC shall ensure that a record is maintained of the passenger's acceptance of the fare provided.

- (7) A TNC shall ensure that its TNC App is based on functioning GPS technology as used by its affiliated TNC Drivers.
- (8) A TNC shall provide passengers with the following information via the TNC App prior to the start of a Trip:
 - (a) the TNC Vehicle make and model;
 - (b) TNC Driver's first name;
 - (c) Ontario licence plate number of the TNC Vehicle; and
 - (d) photograph of the TNC Driver.
- (9) A TNC shall at the conclusion of every Trip via the TNC App provide the passenger with an electronic receipt containing the following information:
 - (a) the fare charged;
 - (b) the date and end time of the Trip;
 - (c) the start and end locations of the Trip; and
 - (d) the TNC Driver's first name and provincial licence plate number of the TNC Vehicle.

TNC Record Keeping

- (10) A TNC shall maintain a list of every affiliated TNC Driver in a readily accessible electronic format approved by the Manager which shall include:
 - (a) the full name, date of birth, address and phone number of the TNC Driver; and
 - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the Driver as a TNC Vehicle.
- (11) A TNC shall maintain information for all Trips completed by affiliated TNC Drivers which shall include:
 - (a) the name of the TNC Driver;
 - (b) pick up location and the destination;
 - (c) date and time the Trip started and terminated;
 - (d) length of time elapsed between the passenger's service request and the start of the Trip; and
 - (e) the fare paid for the Trip.
- (12) A TNC shall maintain information for all Trips that cannot be completed by an affiliated TNC Driver including for Trips where an accessible vehicle is required.
- (13) The records a TNC is required to maintain under the provisions of this By-law shall be maintained for a minimum of one year.
- (14) The TNC shall provide the Manager with any information maintained by the TNC according to this By-law and shall provide said information:

- (a) within thirty (30) days upon request; and
- (b) notwithstanding section 8.2(14)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of TNC Driver from TNC App

- (15) A TNC shall ensure that a TNC Driver is removed from and/or denied access to a TNC App in the event that:
 - (a) the TNC has reasonable belief that an affiliated TNC Driver does not meet the TNC Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a TNC Driver be removed from the TNC App based on an investigation completed whereby the Manager has determined that the TNC Driver is not compliant with this By-law.
- (16) No TNC Driver that has been removed and/or denied access to a TNC App according to section 8.2(15) of this By-law shall be re-granted access until the Manager is satisfied that the TNC Driver is in compliance with this By-law.

TNC Vehicle Requirements

- (17) A TNC shall not permit a TNC Driver to operate using a TNC Vehicle unless the TNC Vehicle:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the TNC Driver;
 - (c) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (d) is clean and in good repair as to its exterior and interior; and
 - (e) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts plainly visible and accessible to passengers.

8.3 Refreshment Vehicles

- (1) Every applicant for a **Refreshment Vehicle Owner's** Licence or for the renewal of such licence, shall submit to the Town:
 - (a) a list of all **Refreshment Vehicle Operators** affiliated with the **Refreshment Vehicles Owner's** Licence, where the list shall include the following:
 - i. the full name of the **Refreshment Vehicle Operator**;
 - ii. a Criminal Record Check issued within 30 days of the application; and
 - (b) a list of all **Refreshment Vehicles** affiliated with the Refreshment Vehicle Owner's Licence where the list shall include the following:

- i. vehicle ownership;
 - ii. a Safety Standards Certificate issued within 30 days of the application;
 - iii. a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
 - iv. a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
 - v. sections 8.4(1)(b)(i), (ii), (iii) do not apply to Refreshment Vehicle – Type 3.
- (2) A Refreshment Vehicle Owner shall not permit a Refreshment Vehicle Operator to operate in the Town if the Refreshment Vehicle Operator:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Refreshment Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Refreshment Vehicle Owner shall ensure that every Refreshment Vehicle Operator shall, at all times while operating a Refreshment Vehicle, have on display his or her name and photograph to be plainly visible and readable by customers.

Refreshment Vehicle Owner Prohibitions

- (4) A Refreshment Vehicle Owner shall not operate or permit the operation of a Refreshment Vehicle:
- (a) from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
 - (b) on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner;
 - (c) on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
 - (d) unless it meets the requirements of the Region of York Health Department;

- (e) which depends upon outside sources of power, electricity or water unless approved by property owner;
 - (f) within thirty (30) metres of any intersection;
 - (g) within one hundred (100) metres of an entrance to any public park;
 - (h) within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
 - (i) within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
 - (j) at an approved site for more than twelve hours in any twenty-four hour period;
 - (k) with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
- (5) Every Refreshment Vehicle Owner or Operator shall not:
- (a) use or permit the use of any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time; or
 - (b) provide any seating or move any park benches or tables to his location for the purpose of his customers.
- (6) Every Refreshment Vehicle Owner shall:
- (a) ensure the interior and exterior of the Refreshment Vehicle is kept clean and in good repair;
 - (b) clean up any debris, refuse and garbage resulting from the operation of the **Refreshment Vehicle** in the immediate vicinity of the serving location of the **Refreshment Vehicle**;
 - (c) when employing a Refreshment Vehicle Operator, notify the Town in writing that they have employed that person before he or she operates in the Town and provide the Town with:
 - i. the full name of the Refreshment Vehicle Operator; and
 - ii. a Criminal Record Check within 30 days of the start date of employment.

Refreshment Vehicle – Type 1; Duties of Owner

- (7) Every Refreshment Vehicle – Type 1 shall have:
- (a) conspicuously displayed on the rear, in black letters on a yellow background, the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres; and
 - (b) a "Mirror System" which makes it possible for the driver to complete a 360° visual inspection of the area around the Refreshment Vehicle; and
 - (c) a back-up warning device that is engaged when the Refreshment Vehicle transmission is placed in reverse gear.

Special Events

- (8) No Person shall hold or carry on, or permit to be held or carried on, a Special Event without a Special Event Organizer Licence.
- (9) Every **Refreshment Vehicle Owner** shall not operate or permit the operation of a **Refreshment Vehicle**:
- (a) from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
 - (b) at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
 - (c) at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the **Director of Recreation and Culture** or his designate;
 - (d) at any Community Event which has been sponsored by a charitable or non for profit organization without first obtaining written permission of the said charitable or not for profit organization; and
 - (e) on any Trail in the Town.
- (10) An Owner's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.
- (11) A **Special Event Organizer Licence** is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.
- (12) Every **Special Event Organizer** shall provide:
- (a) A completed "Application for **Special Event Organizer Licence**" and the licensing fee as set out in the Fees and Charges by law; and
 - (b) A **Special Event Organizer** must provide for each **Special Event Vendor**:
 - i. For "Refreshment Vehicle Type1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
 - ii. For Refreshment Vehicle Types 1, 2, 3 and 4, Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
 - (c) A list of all **Refreshment Vehicles** that will be operating at the **Special Event**; and
 - (d) Proof that the **Special Event Organizer** has informed the **Health Department** of the dates and times of the event.
- (13) A **Special Event Organizer Licence** for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

- (14) A **Farmers Market** is exempt from obtaining an Owner's Refreshment Vehicle licence where products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

8.4 Limousine Companies

- (1) Every applicant for a Limousine Company Licence or for the renewal of such licence, shall submit to the Town:
- (a) a list of all Limousine Drivers affiliated with the Limousine Company, where the list shall include the following:
 - i. the full name of the Limousine Driver;
 - ii. proof of a valid driver's licence;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the application; and
 - v. a Driver's Abstract issued within 30 days of the application.
 - (b) a list of all **Limousines** affiliated with the Limousine Company to be licensed with the Town, where the list shall include the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within 30 days of the application; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
- (2) Every **Limousine Company** shall obtain and maintain an Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine(s) owned by them covering public liability and property damage in the minimum amount of \$5,000,000.00 and shall produce annually to the Town a Certificate of Insurance issued by the insurer, or its agent, certifying that an insurance policy providing coverage in accordance herewith is in effect.

Limousine Driver Requirements

- (3) Every Limousine Company shall ensure the **Limousine Driver** maintains and keeps the following documents in the **Limousine** at all times:
- (a) a current provincial motor vehicle permit for the Limousine; and
 - (b) a current Certificate of Liability Insurance for the Limousine.
- (4) A Limousine Company shall not permit a Limousine Driver to operate in the Town if the Limousine Driver:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:

- i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
- (c) is operating a Limousine that does not meet the automobile insurance standards as set out in this By-law.
- (5) A Limousine Company shall ensure that every Limousine Driver shall, at all times while operating a Limousine, have on display his or her name and photograph to be plainly visible and readable by customers.
- (6) Every **Limousine Company** shall:
 - (a) when employing a Limousine Driver, notify the Town, in writing, that they have employed that Limousine Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the limousine driver;
 - ii. proof of a valid driver's license;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the **Affiliation Date**; and
 - v. a Driver's Abstract issued within 30 days of the **Affiliation Date**.
- (7) A **Limousine Company** shall not permit:
 - (a) a greater number of passengers in a Limousine than the manufacturers rating of seating capacity of such Limousine, exclusive of the driver; and
 - (b) the operation of a limousine with luggage or other material piled or placed in or on the limousine in a manner that obstructs their view.

Limousine Vehicle Requirements

- (8) A Limousine Company shall not permit a Limousine to be used unless that Limousine:
 - (a) is 10 years old or less;
 - (b) is operating without any mechanical defects and interior or exterior damage;
 - (c) is clean and in good repair; and
 - (d) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30; and
 - ii. a fully functioning air-conditioning and heating system.

8.5 Driving School Instructors

- (1) No **Person** except an individual may hold a **Driving School Instructor Licence**.
- (2) No **Person's Driving School Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.

(3) Every Person applying for a **Driving School Instructor Licence** or renewal shall:

- (a) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Instructor Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;
- (b) provide a valid and current Class "G" Ontario Driver's Licence; and
- (c) provide proof of a valid Ministry of Transportation Driving Instructor's Licence.

(4) Every Driving Instructor shall:

- (a) carry at all times and produce, upon request, a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;
- (b) carry a valid and unexpired driver's licence;
- (c) produce upon request documentation showing dates and times that driving instructions and/or testing are being provided;
- (d) affix a **Sticker Plate** that is visible to the rear of the Driving Instructor Vehicle; and
- (e) affix a roof sign on the Driving Instructor Vehicle showing the business name of the Driving School Instructor as shown on the Driving Instructor Licence at all times while the **Driving Instructor Vehicle** is within the Town of Newmarket.

Restricted Area for Driving School Instructors

- (5) No **Driving School Instructor** shall **Operate** or permit to **Operate a Driving Instructor Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.
- (6) Notwithstanding section 8.5(5), a **Driving Instructor Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:
 - (a) the **Driving School Instructor** is picking up or dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction;
 - (b) when a **Driving School Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or
 - (c) when a **Driving School Instructor Vehicle** is used for the purpose of a driving test required by the **Ontario Ministry of Transportation**.

8.6 Tow Truck Companies

Tow Truck Company General Requirements

- (1) A **Person** wishing to carry on the Business of a **Tow Truck Company** in the Town shall apply for a new Licence or a renewal Licence by providing the **Licensing Officer** with the following:

- (a) insurance coverage for the following kinds of liability in the following amount in respect of any one claim:
 - i. coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs;
 - ii. coverage against liability for damage to a vehicle of the consumer while in the provider's care, custody or control, in the amount of at least \$100,000; and
 - iii. cargo liability insurance in the amount of at least \$50,000.
- (b) a list of all Tow Truck Drivers affiliated with the Tow Truck Company, where the list shall include the following:
 - i. the full name of the **Tow Truck Driver**;
 - ii. the year, make, model, and Ontario licence plate number of the Tow Truck operated by the Tow Truck Driver.
- (c) a sworn declaration from the **Tow Truck Company** confirming that all Tow Truck Drivers affiliated with the Tow Truck Company have provided the following to the Tow Truck Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within 30 days of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within 30 days of the Affiliation Date for the Tow Truck operated by the Tow Truck Driver;
 - iii. proof of a valid Ontario driver's licence of a class authorizing him or her to drive a Tow Truck; and
 - iv. a Driver's Abstract issued within 30 days of the Affiliation Date.

Tow Truck Driver Requirements

- (2) Every Tow Truck Company shall ensure the Tow Truck Driver:
 - (a) maintains and keeps the following documents in the Tow Truck at all times:
 - i. a current provincial motor vehicle permit for the Tow Truck; and
 - ii. a current Certificate of Liability Insurance for the Tow Truck.
 - (b) cleans up and removes any and all debris, fragments of glass, vehicle parts, or other materials from any highway or roadway during a collision, prior to the towing or conveying of any vehicle from the scene;
 - (c) notwithstanding section 8.6(1)(b), where the accident scene is an ongoing police investigation, a Tow Truck Company shall ensure the clean up and removal of all debris is carried out within 8 hours immediately following the completion of the investigation.
- (3) A Tow Truck Company shall not permit a Tow Truck Driver to operate in the Town if the Tow Truck Driver:

- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Tow Truck that does not meet the automobile insurance and safety standards as set out in this By-law.
- (4) A Tow Truck Company shall ensure that every Tow Truck Driver shall, at all times while operating a Tow Truck, have on display his or her name and photograph to be plainly visible and readable by customers.
- (5) Every Tow Truck Company shall:
- (a) when employing a Tow Truck Driver, notify the Town, in writing, that they have employed that Tow Truck Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the Tow Truck Driver;
 - ii. proof of a valid driver's licence;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the affiliation; and
 - v. a Driver's Abstract issued within 30 days of the affiliation.

Tow Truck Company Prohibitions

- (6) No Tow Truck Company shall permit an affiliated Tow Truck Driver to:
- (a) operate any affiliated Tow Truck unless it is clean, free from mechanical defects, and in good repair;
 - (b) interfere with any contract of another Tow Truck Company where a Person has hired or has indicated an intention to hire that Tow Truck Company, except under the direction of a Police Officer who is directing the removal of a vehicle in order to assist in an investigation;
 - (c) suggest or recommend any location to tow a customer's vehicle to unless the Tow Truck Company or Tow Truck Driver has been requested to do so by the customer;
 - (d) accept any gift or payment from any facility in exchange for business from the Tow Truck Company, either directly or indirectly; and
 - (e) demand, request or permit the acceptance or receive a **Drop Fee**.
 - (f) connect any vehicle to a Tow Truck, or perform any other services, unless first requested to do so by a customer, a Police Officer, any member of a municipal fire department, or any person authorized by law to direct the removal of a vehicle from public or private property;

- (g) stop, stand, or park within (200) two hundred meters of a collision scene unless the Tow Truck Driver has been summoned to the collision by a customer, Police Officer, or member of a municipal fire department;
- (h) remove any vehicle from a Collision Scene or immediate vicinity of an accident in respect of which a report is required by law to be made by a Police Officer, until a report has been made and the investigating Police Officer has stated that the vehicle is no longer required to remain at the scene; and
- (i) permit to be driven or operated a Tow Truck with any passenger, other than the customer, while the Tow Truck is actively engaged in providing towing services.

Tow Truck Equipment

- (7) Every Tow Truck Company shall require all Tow Trucks to provide and maintain the following equipment:
 - (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed;
 - (b) a tow cradle, tow bar, or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle, except where a flatbed-type Tow Truck is being used;
 - (c) one device for securing the steering wheel of a vehicle;
 - (d) one 1.25kg dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;
 - (e) a minimum of two safety chains having a minimum length of 2.74 meters, each comprised of links of at least 7.94 millimetres steel;
 - (f) one broom;
 - (g) one shovel;
 - (h) one general purpose first aid kit;
 - (i) at least two wheel blocks;
 - (j) dollies, with the exception of a flatbed-type Tow Truck;
 - (k) an intermittent warning light system consisting of at least one light which, when activated, is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
 - (l) absorbent material capable of absorbing or removing any vehicle fluid product from a roadway surface;
 - (m) a garbage container of a minimum capacity of 10 litres;
 - (n) a pry bar at least 1.5 meters in length;
 - (o) wheel straps;
 - (p) a safety vest; and
 - (q) any other equipment or provisions that may be required under the Highway Traffic Act, as amended.

Tow Truck Company Rates

(8) Every Tow Truck Company shall:

- (a) provide a quote, in writing, within 10% of the cost for towing services to a customer prior to services accepted and rendered;
- (b) provide an itemized invoice of the cost for towing services to the customer;
- (c) charge a maximum flat rate towing fee of \$250.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a Collision Scene;
- (d) charge a maximum flat rate towing fee of \$125.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a non-collision scene; and
- (e) Notwithstanding sections 8.6(8)(c) and (d), a Tow Truck Company shall be permitted to charge the following:
 - i. an additional rate of \$1.55 per kilometer after the first 30 kilometers of towing services;
 - ii. if required, a flat rate winch fee of \$103.00; and/or
 - iii. a wait-time (collision reporting centre) fee of \$17 per 15 minutes.

(9) If a customer's requested drop-off location is closed, the Tow Truck Company shall require the Tow Truck Driver to take the customer's vehicle to a second location of the customer's choice and may only charge an additional mileage rate for a re-tow as follows:

- (a) \$3.10 per kilometer for the first 30 kilometers; and
- (b) \$1.55 per kilometer after the first 30 kilometers.

Tow Truck Company Record Keeping

(10) A Tow Truck Company shall maintain a list of every affiliated Tow Truck Driver in a readily accessible electronic format approved by the Manager which shall include:

- (a) the full name, date of birth, address and phone number of the Tow Truck Driver; and
- (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the Tow Truck Company.

(11) A Tow Truck Company shall maintain information for all Trips completed by affiliated Tow Truck Drivers which shall include:

- (a) the name of the Tow Truck Driver;
- (b) the name of the customer;
- (c) the pick up location and the destination for towing services;
- (d) the date and time the towing services started and terminated; and
- (e) the towing fees paid for the Trip.

(12) Every Tow Truck Company shall keep the original copies of all run sheets and documentation required to be maintained under this By-law for a minimum of one year from the date of services provided.

Tow Truck Companies Affiliated with Public Garages

- (13) Any Tow Truck Company affiliated or operated out of a Public Garage that is located within or outside of the Town of Newmarket shall provide:
- (a) the name, address, and telephone number of the Public Garage; and
 - (b) a copy of any agreements between the Tow Truck Company and Public Garage.

9. Offences

- (1) Every Person who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every Person who is in contravention of the provisions of this By-law is responsible for any fines and administrative fees imposed in relation to their Licence under the Administrative Monetary Penalty System By-law 2019-62.
- (3) Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.

10. Any Person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

11. Severability

(1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

12. Repeal

- (1) By-law Number 2018-39, 2016-52 and 2016-34, is hereby repealed and this by-law shall come into force an effect upon adoption.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Restricted Area

Schedule A to
By-law 2020-07

MTO
DRIVE TEST
CENTRE

Legend

Restricted Area

Road

Railway

Municipal
Boundary



Newmarket

Designed & produced by
Information Technology - GIS
Printed: May, 2017.

0 100 200 300 400 500
Metres

SOURCES: Railway, Roads, Municipal Boundary - Geomatics Division, The Regional Municipality of York, © 2017. All other Data Layers - The Town of Newmarket, 2017. **DISCLAIMER:** This mapping is a representation of the earth's surface and provides estimates of area and distance. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. IT IS NOT A SUBSTITUTE FOR A LEGAL SURVEY.



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

1. That Schedule A to the By-law 2019-62 be repealed and replaced by the attached Schedule A.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule “A”

Administrative Monetary Penalty System By-law
Designated By-law Provisions

- 1. For the purposes of Section 3 of this By-law, Column A3 in the following table lists the provisions in the **Designated By-law** identified in the Schedule, as amended.
- 2. Column A4 in the following table sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column A3.
- 3. Column A6 in the following table set out the **Administrative Penalty** for the **Set Penalty Amount** in accordance with Section 5(5)(b) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 4. The penalties shown in Column A5 below include a twenty five percent (25%) discount for **Early Payment** in accordance with Section 5(5)(a) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 5. The penalties shown in column A7 below include a twenty five percent (25%) surcharge for **Late Payment** in accordance with Section 5(5)(c) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Parking By-law 2019-XX	1	5(2)	Interfere with Authorized Sign	30.00	40.00	50.00
	2	5(3)	Obstruct Authorized Sign	30.00	40.00	50.00
	3	6(1)(a)	Park facing wrong direction	30.00	40.00	50.00
	4	6(1)(b)	Park more than 30cm from curb	30.00	40.00	50.00
	5	6(1)(c)	Fail to park parallel to curb	30.00	40.00	50.00
	6	7(1)(a)	Park within 9m of non-signalized intersection	37.50	50.00	62.50
	7	7(1)(b)	Park within 15m of signalized intersection	37.50	50.00	62.50
	8	7(1)(c)	Exceed posted time	30.00	40.00	50.00
	9	7(1)(d)	Park contrary to traffic control device	30.00	40.00	50.00
	10	7(1)(e)	Park causing obstruction	30.00	40.00	50.00
	11	7(1)(f)	Park between 0200 and 0600 hrs	75.00	100.00	125.00
	12	7(1)(g)	Park on boulevard	37.50	50.00	62.50
	13	7(1)(h)	Park within 3m of hydrant	75.00	100.00	125.00
	14	7(1)(i)	Park within 152m of firefighting apparatus	56.25	75.00	93.75
	15	7(1)(j)	Park within 7m of fire hall entrance – same side	37.50	50.00	62.50
	16	7(1)(k)	Park within 30m of fire hall entrance – opposite side	37.50	50.00	62.50
	17	7(1)(l)	Park on a bridge	37.50	50.00	62.50
	18	7(1)(m)	Park within 6m of bus stop	30.00	40.00	50.00
	19	7(1)(n)	Park in a public laneway	30.00	40.00	50.00
	20	7(1)(o)	Park on a median	37.50	40.00	50.00
	21	7(1)(p)	Double park	37.50	50.00	62.50
	22	7(1)(q)	Park within turning circle	30.00	40.00	50.00
	23	7(1)(r)	Park displaying vehicle for sale	30.00	40.00	50.00
	24	7(1)(s)	Park without valid insurance	30.00	40.00	50.00
	25	7(1)(t)	Parked while washing or repairing vehicle	30.00	40.00	50.00
	26	7(1)(u)	Exceed 3 consecutive hours	30.00	40.00	50.00
	27	7(1)(v)	Park within 0.6m of driveway	37.50	50.00	62.50
	28	7(1)(w)	Park obstructing previously parked vehicle	30.00	40.00	50.00
	29	7(1)(x)	Park on narrow roadway	30.00	40.00	50.00
	30	7(1)(y)	Park alongside railway tracks	30.00	40.00	50.00
	31	7(1)(z)	Park causing obstruction to building	30.00	40.00	50.00
	32	7(1)(aa)	Park within 15m of Authorized Sign intersection	30.00	40.00	50.00
	33	7(1)(bb)	Park within 30m of traffic signal intersection	37.50	50.00	62.50
	34	7(1)(cc)	Park within a turning basin	30.00	40.00	50.00
	35	7(1)(dd)	Interfere with funeral procession	30.00	40.00	50.00
	36	7(1)(ee)	Park within 15m of dead-end roadway	30.00	40.00	50.00
	37	7(1)(ff)	Park within 3m of walkway	30.00	40.00	50.00
	38	7(1)(gg)	Park within Unauthorized Area	75.00	100.00	125.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Parking By-law 2019-62	39	7(2)	Park commercial vehicle on street	41.25	55.00	68.75
	40	7(3)	Park trailer on street	41.25	55.00	68.75
	41	7(4)(a)	Park within 15m of crosswalk – same side	37.50	50.00	62.50
	42	7(4)(b)	Park within 30m of crosswalk – opposite side	37.50	50.00	62.50
	43	7(5)(a)	Unauthorized parking on private property	30.00	40.00	50.00
	44	7(5)(b)	Unauthorized parking on Town property	30.00	40.00	50.00
	45	7(5)(c)	Park during restricted time	30.00	40.00	50.00
	46	8(1)(a)	Stop within intersection	37.50	50.00	62.50
	47	8(1)(b)	Stop within 9m of pedestrian crossover	37.50	50.00	62.50
	48	8(1)(c)	Stop within 9m of School Crossing Guard	37.50	50.00	62.50
	49	8(1)(d)	Stop causing obstruction	37.50	50.00	62.50
	50	8(1)(e)	Stop contrary to traffic control device	30.00	40.00	50.00
	51	8(1)(f)	Stop parallel to vehicle	30.00	40.00	50.00
	52	8(1)(g)	Stop on a bridge	37.50	50.00	62.50
	53	8(1)(h)	Stop within tunnel	37.50	50.00	62.50
	54	8(1)(i)	Stop obstructing traffic	56.25	75.00	93.75
	55	8(1)(j)	Stop within turning circle	37.50	50.00	62.50
	56	8(1)(k)	Stop within Unauthorized Area	75.00	100.00	125.00
	57	9(3)	Park within fire route	112.50	150.00	187.50
	58	10(1)	Park contrary to No Parking sign	37.50	50.00	62.50
	59	11(1)	Stop contrary to No Stopping sign	37.50	50.00	62.50
	60	13(1)(a)	Park contrary to municipal parking area	30.00	40.00	50.00
	61	13(1)(b)	Park in more than one space	30.00	40.00	50.00
	62	13(1)(c)	Unauthorized parking in municipal parking area	30.00	40.00	50.00
	63	14(1)(a)	Failure to display accessible permit	300.00	300.00	300.00
	64	14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	300.00
	65	17(2)	Obstruct a Municipal Enforcement Officer	75.00	100.00	125.00
Mobile Business Licence By-law 2020-07	66	3(1)(a)	Operate a Mobile Business without a licence	450.00	600.00	750.00
	67	3(1)(c)	Failure to comply with conditions of licence	225.00	300.00	375.00
	68	3(2)	Failure to comply with legislation	225.00	300.00	375.00
	69	3(3)	Failure to display business licence	225.00	300.00	375.00
	70	3(5)(a)	Advertising without a business licence	225.00	300.00	375.00
	71	3(5)(b)	Improper business name advertised	225.00	300.00	375.00
	72	3(6)	Carry on business on Town property without authorization	225.00	300.00	375.00
	73	3(7)	Failure to possess business licence	225.00	300.00	375.00
	74	3(8)	Smoke or permit smoking in business vehicle	225.00	300.00	375.00
	75	4(2)	Obstruct a Licensing Officer	450.00	600.00	750.00
	76	7(8)	Operate business while licence is suspended	450.00	600.00	750.00
	77	7(9)	Advertise business while licence is suspended	225.00	300.00	375.00
	78	7(11)	Remove posted notice of suspension	225.00	300.00	375.00
	79	7(13)	Remove posted notice of no business licence	225.00	300.00	375.00
	80	8.1(2)	Failure to comply with terms of Taxicab Driver requirements	225.00	300.00	375.00
	81	8.1(3)	Failure to post Taxicab Driver information	225.00	300.00	375.00
	82	8.1(4)(b)	Failure to disclose Fare for Taxicab Trip	225.00	300.00	375.00
	83	8.1(4)(c)	Failure to notify Town of new Taxicab Driver	225.00	300.00	375.00
	84	8.1(4)(d)	Failure to notify Town of new Taxicab	225.00	300.00	375.00
	85	8.1(5)(a)	Failure to provide required Taxicab Driver information	225.00	300.00	375.00
	86	8.1(5)(b)	Failure to provide required Taxicab information	225.00	300.00	375.00
	87	8.1(6)	Failure to maintain Taxicab Trip information	225.00	300.00	375.00
	88	8.1(10)	Failure to remove Taxicab Driver	225.00	300.00	375.00
	89	8.1(12)	Failure to comply with Taxicab requirements	450.00	600.00	750.00
	90	8.1(13)	Permit unauthorized passenger(s) in Taxicab	225.00	300.00	375.00
	91	8.2(2)	Failure to comply with terms of TNC Driver requirements	225.00	300.00	375.00
	92	8.2(3)(b)	Permit hail ride for TNC	225.00	300.00	375.00
	93	8.2(3)(c)	Failure to maintain Safety Standard Certificate in TNC Vehicle	225.00	300.00	375.00
	94	8.2(4)(c)	Failure to provide third party audit records	225.00	300.00	375.00
	95	8.2(6)(a)	Failure to disclose Fare for TNC Trip	225.00	300.00	375.00
	96	8.2(6)(c)	Failure to charge proper Fare for TNC Trip	225.00	300.00	375.00
	97	8.2(6)(d)	Failure to maintain TNC Trip information	225.00	300.00	375.00
	98	8.2(7)	Failure to use GPS on TNC App	225.00	300.00	375.00
	99	8.2(8)	Failure to provide TNC Driver information via TNC App	225.00	300.00	375.00
	100	8.2(9)	Failure to provide electronic receipt via TNC App	225.00	300.00	375.00
	101	8.2(10)(a)	Failure to provide required TNC Driver information	225.00	300.00	375.00
	102	8.2(10)(b)	Failure to provide required TNC Vehicle information	225.00	300.00	375.00
	103	8.2(11)	Failure to maintain TNC Trip records	225.00	300.00	375.00
	104	8.2(15)	Failure to remove TNC Driver from TNC App	225.00	300.00	375.00
	105	8.2(17)	Failure to comply with TNC Vehicle requirements	450.00	600.00	750.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Mobile Business Licence By-law 2020-07	106	8.3(2)	Failure to comply with terms of Refreshment Vehicle Operator requirements	225.00	300.00	375.00
	107	8.3(3)	Failure to post Refreshment Vehicle Operator information	225.00	300.00	375.00
	108	8.3(4)	Failure to comply with Refreshment Vehicle conditions	225.00	300.00	375.00
	109	8.3(5)(a)	Permit amplified sounds	225.00	300.00	375.00
	110	8.3(5)(b)	Unlawful seating for Refreshment Vehicle customers	225.00	300.00	375.00
	111	8.3(6)	Failure to comply with Refreshment Vehicle requirements	225.00	300.00	375.00
	112	8.3(7)	Failure to comply with Refreshment Vehicle – Type 1 conditions	225.00	300.00	375.00
	113	8.3(8)	Failure to obtain Special Event Organizer Licence	225.00	300.00	375.00
	114	8.3(9)	Failure to comply with conditions of Special Event	450.00	600.00	750.00
	115	8.4(3)	Failure to maintain Limousine documents	225.00	300.00	375.00
	116	8.4(4)	Failure to comply with Limousine Driver requirements	225.00	300.00	375.00
	117	8.4(5)	Failure to post Limousine Driver information	225.00	300.00	375.00
	118	8.4(6)(a)	Failure to notify Town of new Limousine Driver	225.00	300.00	375.00
	119	8.4(7)(a)	Permit too many passengers in Limousine	225.00	300.00	375.00
	120	8.4(7)(b)	Permit a Limousine to operate with obstructed view	450.00	600.00	750.00
	121	8.4(8)	Failure to comply with Limousine requirements	450.00	600.00	750.00
	122	8.5(4)(a)	Failure to produce MTO Driving Instructor's Licence	225.00	300.00	375.00
	123	8.5(4)(b)	Failure to carry a valid driver's licence	225.00	300.00	375.00
	124	8.5(4)(c)	Failure to produce driving instruction/test documentation	225.00	300.00	375.00
	125	8.5(4)(d)	Failure to affix Sticker Plate on Driving School Instructor Vehicle	225.00	300.00	375.00
	126	8.5(4)(e)	Failure to affix roof sign on Driving School Instructor Vehicle	225.00	300.00	375.00
	127	8.5(5)	Operate in Restricted Area	450.00	600.00	750.00
	128	8.6(2)(a)	Failure to maintain Tow Truck documents	225.00	300.00	375.00
	129	8.6(2)(b)	Failure to remove debris prior to towing a vehicle	225.00	300.00	375.00
	130	8.6(2)(c)	Failure to remove debris within 8hrs following investigation	450.00	600.00	750.00
Mobile Business Licence By-law 2020-07	131	8.6(3)	Failure to comply with Tow Truck Driver requirements	450.00	600.00	750.00
	132	8.6(4)	Failure to post Tow Truck Driver information	225.00	300.00	375.00
	133	8.6(5)	Failure to notify Town of new Tow Truck Driver	225.00	300.00	375.00
	134	8.6(6)(a)	Operate or permit unclean Tow Truck;	225.00	300.00	375.00
	135	8.6(6)(b)	Interfere with Tow Truck Company's contract	225.00	300.00	375.00
	136	8.6(6)(c)	Recommend tow location to customer	225.00	300.00	375.00
	137	8.6(6)(d)	Accept gift or payment from facility in exchange for business	225.00	300.00	375.00
	138	8.6(6)(e)	Accept Drop Fee	225.00	300.00	375.00
	139	8.6(6)(f)	Failure to obtain consent to connect or tow	225.00	300.00	375.00
	140	8.6(6)(g)	Stop, stand, or park within 200m of Collision Scene	225.00	300.00	375.00
	141	8.6(6)(h)	Remove vehicle from Collision Scene without permission	225.00	300.00	375.00
	142	8.6(6)(i)	Permit unauthorized passenger(s) in Tow Truck	225.00	300.00	375.00
	143	8.6(7)	Failure to provide or maintain Tow Truck Equipment	225.00	300.00	375.00
	144	8.6(8)	Failure to comply with towing rates	450.00	600.00	750.00
	145	8.6(9)	Failure to comply with Re-Tow towing rates	450.00	600.00	750.00
	146	8.6(10)(a)	Failure to maintain Tow Truck Driver information	225.00	300.00	375.00
	147	8.6(10)(b)	Failure to maintain Tow Truck information	450.00	600.00	750.00
	148	8.6(11)	Failure to maintain Tow Truck Trip information	225.00	300.00	375.00
	149	8.6(12)	Failure to maintain run sheets	225.00	300.00	375.00
	150	8.6(13)	Failure to provide affiliated Public Garage information	225.00	300.00	375.00



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend fees and charges by-law 2019-52 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2019-52.

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

1. That the Schedule to the By-law 2019-52 be amended to remove the following fees:

Service Provided	Unit of Measure	2020 Fee
Catering/Refreshment Vehicles		
Cart/Vehicle/Bicycle operator*	each	\$137.00
Lost Refreshment Vehicle Plate	each	\$85.00
Lost Refreshment Vehicle Operator ID	each	\$25.00
Refreshment Cart Location - change to or additional location	each	\$59.00
Refreshment Vehicle Transfer	each	\$187.00
Taxicab Companies		
Taxi Owner License (Plate)*	each	\$3,850.00
Taxi Owner License Renewal (Plate)*	each	\$564.00
Taxi Broker*	each	\$627.00
Taxi Plate Owner Transfer (Sale)	each	\$481.00
Taxi Driver New or after renewal date	each	\$186.00
Taxi Driver Renewal before May 1st	each	\$110.00
Taxi Driver Priority List	each	\$86.00
Reinspection of Taxi Vehicle	each	\$60.00
Vehicle transfer	each	\$182.00
Replacement Taxi Plate	each	\$85.00
Replacement Taxi Driver ID	each	\$25.00
Replacement Tariff Sheet	each	\$15.00
Taxi test fee (per test)	each	\$28.00

2. That the Schedule to the By-law 2019-52 be amended to add the following fees:

Service Provided	Unit of Measure	2020 Fee
Taxicab Companies		
Taxicab Company Annual Licence Fee (1-9 vehicles)	each	\$1,000.00
Taxicab Company Annual Licence Fee (10-19 vehicles)	each	\$2,000.00
Taxicab Company Annual Fee (20 + vehicles)	each	\$3,000.00
Transportation Network Companies (TNCs)		
TNC Annual Licence Fee	each	\$20,000.00
Per Trip Fee	each	\$0.30
Tow Truck Companies		
Initial Licence Fee (one-time)	each	\$2,000.00
Annual Renewal Licence Fee	each	\$750.00
Limousine Companies		
Initial Licence Fee (one-time)	each	\$1,000.00
Annual Renewal Licence Fee	each	\$500.00

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
395 Mulock Drive P.O. Box 328,
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Large Water Meter Rates Staff Report to Council

Report Number: 2020-08

Department(s): Financial Services

Author(s): Mike Mayes, Director of Financial Services/Treasurer

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Large Water Meter Rates Staff Report dated February 3, 2020 be received; and,
2. That the 2020 monthly fees for Large Water Meters as referenced in the report come into effect immediately;
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

See below.

Purpose

The purpose of this report is to provide information regarding the proposed addition of inclusion of 6", 8" and 10" water meters into the Water and Wastewater Fees and Charges schedule.

Background

Based on the Service Pricing Policy, water and wastewater rates are categorized as Consumer Goods. The categorization establishes a cost recovery target level of 100% to recover the full cost of providing the service to the municipality; also, Ontario's Water Opportunities Act, 2010 requires a municipal water sustainability plan.

Discussion

Schedule A of Report 2019-125 dated November 25, 2019 provides details of the volumetric rates associated with water and wastewater up to and including 4-inch diameter meters. Historically, larger diameter meters have been utilized for high volume commercial and industrial customers. The American Water Works Association (AWWA) has established the methodology to use for larger meters. This report extends that methodology to larger meters that are now being installed.

As the Town increases its multi-residential footprint, the use of large diameter meters is growing. As such, the costs to utilize these meters should be applied accordingly.

Conclusion

The 2020 Water and Wastewater Rates to include the following:

6" Meter Monthly Charge (Water) = \$859.00

6" Meter Monthly Charge (Wastewater) = \$912.00

8" Meter Monthly Charge (Water) = \$1,375.00

8" Meter Monthly Charge (Wastewater) = \$1,460.00

10" Meter Monthly Charge (Water) = \$1,976.00

10" Meter Monthly Charge (Wastewater) = \$2,099.00

Business Plan and Strategic Plan Linkages

This report links to Council's Strategic Priority of Long-term Financial Sustainability by ensuring ongoing continuous improvement and a service level analysis for consideration.

Consultation

Public Works Services; Water/Wastewater Management staff have been consulted; the Town of Newmarket is committed to the consistent delivery of safe drinking water through compliance with applicable legislative and regulatory requirements.

Human Resource Considerations

Not applicable to this report.

Budget Impact

The projected additional revenues are estimated to be in the range of \$130,000 annually.

Attachments

None.

Approval

Mike Mayes, CPA, CGA, DPA
Director of Financial Services/Treasurer

Esther Armchuk
Commissioner of Corporate Services

Contact

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



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Main Street Clock Inc. Properties - Update Staff Report to Council

Report Number: 2020-09

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: February 3, 2020

Recommendations

1. That the report entitled Main Street Clock Inc. Properties - Update dated February 3, 2020 be received.

Purpose

This report will provide Council with a chronology of the Town's actions regarding the unauthorized demolition of the building that previously occupied 184/186 Main Street South. This report will also provide Council with an update on the status of the restoration and redevelopment relative to Main Street Clock Inc.'s adjacent landholdings, being:

1. 188/190 Main Street South;
2. 192 Main Street South; and
3. 194 Main Street South.

Background

Main Street Clock Inc. owns a total of five properties along the west side of Main Street South, south of Park Avenue. As per 2018 Ontario Municipal Board Minutes of Settlement, Main Street Clock Inc. was in the process of restoring and redeveloping these properties. The Minutes of Settlement required Main Street Clock Inc. to complete renovations within the existing buildings and complete façade restoration using appropriate heritage conservation techniques. As described in this report, various Building Permits and Heritage Permits have been issued since April 3, 2019 by the Town in support of these works, with the objective being to restore these properties and

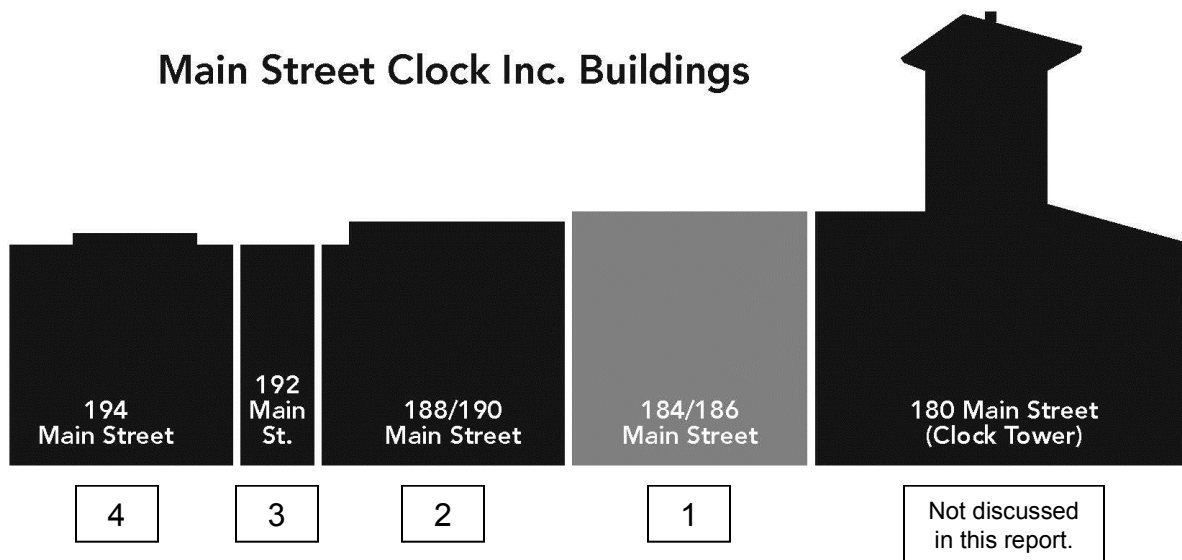
having them occupied so that they contribute to the vitality, function and character of Historic Main Street.

All of the properties owned by Main Street Clock Inc. are located within the Lower Main Street Heritage Conservation District, which is designated under Part V of the Ontario Heritage Act. The Heritage Conservation District Plan for Lower Main Street South establishes a framework through which physical changes to the district can be assessed and guided so that such changes contribute to, rather than detract from, the district's integrity and character. Development proposals by private property owners are reviewed against the heritage conservation district plan. Where they are required, Heritage Permits are issued by the Town to allow physical works to be completed on buildings located within the district, in order to ensure that such works are completed in keeping with the Heritage Conservation District Plan's goal and objectives. These Heritage Permits are required in addition to Building Permits required under the Ontario Building Code.

Discussion

Main Street Clock Inc. owns the following five properties along Main Street:

1. 184/186 Main Street South;
2. 188/190 Main Street South;
3. 192 Main Street South;
4. 194 Main Street South; and
5. 180 Main Street South (not discussed in this report).



This report will discuss each of the properties noted above, with the exception of 180 Main Street (clock tower building):

184/186 Main Street (the “Simpson Building”)

A Building Permit was issued on April 3, 2019 for interior alterations of this building. A Heritage Permit was issued on July 23, 2019 for building façade modifications.

Work then commenced on the property as per these Permits and subsequently on October 10, 2019 the Town became aware that the building had been removed. No demolition permit had been issued by the Town, and the building removal was inconsistent with previously agreed upon Minutes of Settlement between Main Street Clock Inc. and the Town. The Town then issued a Stop Work Order and Order to Comply and undertook investigative steps to determine the details and circumstances regarding the removal of the building. As part of this demolition, Main Street Clock Inc. removed a large portion of the front façade, including windows, and is currently storing it on the property. The Town concluded that an unauthorized demolition occurred, which was acknowledged by Main Street Clock Inc.

Town staff gathered evidence and information, including speaking with others included in the project, regarding the demolition and undertook a fulsome review and assessment of its recourse options. Ontario’s *Building Code Act* and the *Ontario Heritage Act* (the “Acts”) provide penalties for persons and corporations that contravene the Acts. The maximum penalty under the *Building Code Act* for the unauthorized demolition of a building is \$500,000. The maximum penalty under the *Ontario Heritage Act* for the unauthorized demolition of a building located within a designated Heritage Conservation District is \$1,000,000 or a term of imprisonment for not more than one year.

After careful consideration of past penalties imposed by the Courts under the Acts in similar situations that may provide precedent, and the Town’s objective to protect its heritage and continue to move forward with the development and revitalization of Main Street, the Town determined that it was more effective, efficient and would render the best possible achievable outcome to pursue recourse and consequences against Main Street Clock Inc. outside of legal action. Accordingly, rather than pursue prosecution under the Act, the Town sought and achieved a prosecutorial result through an agreement with Main Street Clock Inc. securing both a penalty payment and a full rebuild of the Simpson Building. The rebuild requirements will be registered on title.

Through the agreement, the Town secured a total financial penalty of \$200,000 against Main Street Clock Inc. through:

- a penalty payment of \$100,000; and
- the withdrawal by the Town of Community Improvement Plan (CIP) funding of \$100,000

In addition to the above financial penalties, the agreement includes:

- the obligation of Main Street Clock Inc. to fully reconstruct the Simpson Building in a manner acceptable to the Town of Newmarket;
- the obligation of Main Street Clock Inc. to post a letter of credit in the amount of \$300,000 to secure the complete reconstruction of the Simpson Building and completion of work on other associated properties (188/190 Main Street, 192 Main Street and 194 Main Street, see below sections) to the satisfaction of the Town's Chief Building Official and Town's heritage consultant; and
- the acknowledgment by Main Street Clock Inc. of its unauthorized demolition of the Simpson Building.

As noted, a large portion of the front façade, including windows, is currently being stored on the property. As part of the reconstruction of the building, the negotiated agreement requires Main Street Clock Inc. to incorporate this historic façade and windows into the reconstructed Simpson Building. In addition, Main Street Clock Inc. is required to recreate the building as close as reasonably possible to the configuration which existed immediately prior to the demolition; there shall be no increase in height, density or floor space or change in permitted use from what previously existed.



Photo 1: Historic front facade and windows.

The Town's negotiated agreement also eliminates the risks associated with pursuing legal action such as a non-conviction, a less substantial financial penalty and a lengthy legal process. Instead, it achieves a timely and controlled prosecutorial outcome by securing a significant penalty payment, provides an acknowledgement of responsibility for the unauthorized demolition, and obligates Main Street Clock Inc. to fully reconstruct the Simpson Building. Moreover, the negotiated agreement achieves the larger planning goal of bringing vitality and function back to this section of Main Street in a timely manner. Legal action may have resulted in a financial penalty to Main Street Clock Inc., but it would not have necessarily resulted in achieving these other planning goals, including the full reconstruction of the Simpson Building. Given this, staff believe that the consequences flowing from the agreement serve the interest of the Town and the Newmarket community to a greater extent than would pursuing formal proceedings through legal action.

188/190 Main Street

A Building Permit was issued on April 3, 2019 for interior alterations. A Heritage Permit was issued on April 25, 2019 for building façade modifications, which included the

restoration of the front façade as well as the brick cladding on the south elevation, which was thought to be original.

On the front façade, the restoration work included the following elements (among others):

- Cleaning of brick including removal of paint from brick face.
- Dismantling and replacement of damaged bricks or wall assemblies with bricks.
- Repair and re-pointing of areas of mortar deterioration.
- Remove miscellaneous items from masonry (electrical, wiring, metal anchors, etc.) and repair damaged bricks.
- Replacement of wood window lug sills.

Regarding the brick cladding on the south elevation, following issuance of the permits it was found that the existing brick was not original to the building; it was in fact a later cladding material that was placed over an older layer of stucco cladding. Moreover, it was found that the brick cladding was in poor condition.

In November 2019 Main Street Clock Inc. requested a revision to these previously issued Permits in order to allow the removal of the existing brick and stucco cladding south elevation and replacing it with reclaimed wood siding that had been exposed on the north elevation (shown in Photo 1). Town staff and the Town's heritage consultant completed a site visit on December 2, 2019 to review the context of the proposed changes. It was determined that the change represented a supportable approach; the Town's heritage consultant stated that:

"The proposed re-clad of the return (south) facade with a sympathetic material conforms with the HCD Plan, as it will improve the historic building in a manner that respects the historic materials, distinctive features and physical function of the building."

In addition to the proposed change to the south elevation, it was noted by staff that the west (rear) elevation is more visible from the public realm (from Market Square) than the south elevation, which is largely blocked from public view by the adjacent building to the south. Therefore it was requested that the same historic horizontal wood cladding as proposed on the south elevation be continued around to the west elevation, in order to present a more historic appearance from the more prominent location. In addition, staff suggested allowing a combination of reclaimed and new wood cladding materials on both elevations to ensure that both the south and west elevations achieve a consistent treatment. Main Street Clock Inc. agreed to this request, and to allow this cladding change a new Heritage Permit was signed on January 20, 2020 and the previously placed Order to Comply and Stop Work Order applied to this building were lifted.



Photo 2: North elevation of 188 Main Street

192 Main Street

Approval was granted on April 3, 2019 for the reconstruction of infill elements on this property as part of the 188/190 Main Street Building Permit. Historically no building occupied this space as it was a formerly a pedestrian alleyway.

The building that most recently occupied this property was a modern infill. This building was joined with, and shared an internal wall with, the abutting properties to the north and south (being 188/190 Main Street and 194 Main Street respectively). Being that these properties are joined, the heritage aspects for 192 Main Street were reviewed with those of the abutting buildings.

The proposed work on this property consists of rebuilding the single storey commercial building between the two larger abutting properties, with a new supporting wall abutting 194 Main Street to the south. Although a single storey in height, a false second storey façade (with window) is approved to be constructed in order to create the consistent 2-storey appearance from the street. The false window is to be placed at the same height as the windows in the abutting buildings, and the overall architecture of the building is to be in a heritage manner in order to create a cohesive, historic character along the storefronts.

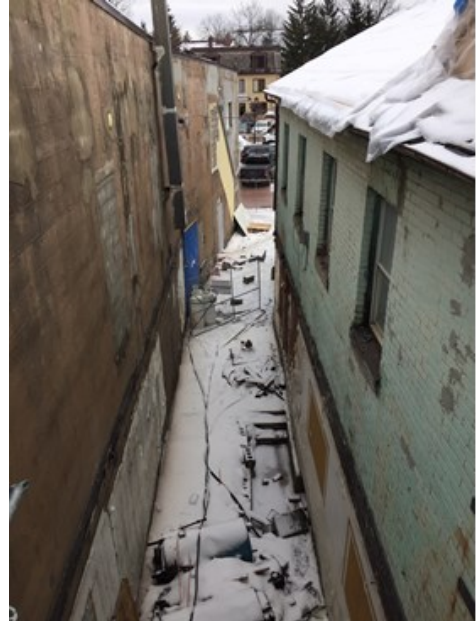


Photo 3: 192 Main Street, between 194 Main Street (left) & 190 Main Street (right)

194 Main Street

A Building Permit was issued on April 3, 2019 for interior alterations. A Heritage Permit was issued on April 25, 2019 for building façade modifications, specifically for the restoration of the front façade. Similar to the restoration work being completed on 188/190 Main Street, this work included the following elements (among others):

- Rebuilt parapet with new bricks.
- Installation of storefront, including glazing and recessed wood panelling
- Installation of a replica heritage cornice above storefront.
- Installation of masonry window sills.
- Addition of the new heritage replica windows.
- Cleaning of brick.
- Remove miscellaneous items from masonry (electrical, wiring, metal anchors, etc.).
- Dismantling and replacement of damaged bricks or wall assemblies with bricks.
- Repair and re-pointing of areas of mortar deterioration.
- Filling of large holes with restoration repair mortar.

- Removal of inactive brick anchors.

Staff and the Town's heritage consultant inspected the restoration work on January 15, 2020. The purpose of the inspection was to determine if the work completed to date had been done as per the previously issued Heritage Permit.



Photo 4: Restored parapet at 194 Main Street



Photo 5: Restored front facade at 194 Main Street

The restoration work completed at 194 Main Street was found to be in compliance with the Heritage Permit that was issued for the works.

Scaffolding at 194 Main Street

Scaffolding was erected by Main Street Clock Inc. to facilitate the completion of the restoration and redevelopment of these properties as well as heritage and building inspections. Following the confirmation that the restoration works were completed in accordance to the Heritage Permit, staff authorized Main Street Clock Inc. to remove the section of scaffolding in front of 194 Main Street. Scaffolding is to remain in place in front of 184/186 Main Street, 188/190 Main Street and 192 Main Street to facilitate the required future works to those buildings.

Future Work and Permits

As noted in this report, the following work is required to be completed by Main Street Clock Inc.:

1. 184/186 Main Street (the "Simpson Building"): Reconstruction of the building. A new Building Permit will be required with requisite plans and technical reports for

the rebuild. A new Heritage Permit will also be required and the plans for which will be reviewed by staff, the Town's heritage consultant and the Lower Main Street South Heritage Conservation District Advisory Group, as per the established process.

2. 188/190 Main Street: Restoration of the front façade and changes to the other three elevations.
3. 192 Main Street: Construction of the new infill building.

Conclusion

Through a legal agreement with Main Street Clock Inc., the Town was able to achieve prosecutorial consequences regarding the unauthorized demolition of 184/186 Main Street. The negotiated agreement confirms responsibility for the unauthorized demolition to Main Street Clock Inc., and includes a significant financial penalty. Further, the agreement commits Main Street Clock Inc. to fully reconstruct the Simpson Building and it achieves the larger planning goal of bringing vitality and function back to this section of Main Street in a timely manner.

The balance of the properties owned by Main Street Clock (188/190 Main Street, 192 Main Street, and 194 Main Street) continue to be restored and redeveloped. Staff look forward to the full restoration of these properties so that they can once again contribute to the vitality, function and character of Historic Main Street.

Business Plan and Strategic Plan Linkages

- Long-term Financial Sustainability
- Extraordinary Places and Spaces (priority focus on the Mulock park)

Consultation

Legal Services and the Chief Building Official were consulted during the preparation of this report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

Adrian Cammaert, MCIP, RPP, CNU-A, Acting Manager of Planning Services

Jason Unger, MCIP, RPP, Acting Director of Planning & Building Services

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

Contact

For more information, please contact Adrian Cammaert, Acting Manager of Planning Services, at acammaert@newmarket.ca



Town of Newmarket

Minutes

Accessibility Advisory Committee

Date: Thursday, November 21, 2019

Time: 10:30 AM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Steve Foglia, Chair
Jeffrey Fabian
Linda Jones (11:00 AM - 11:53 AM)
Patricia Monteath
Lawrence Raifman
Councillor Simon

Staff Present: S. Marcoux, Project Consultant Facility Maintenance
N. Evans, Supervisor, Parks
T. Minichiello, Lead Hand, General Parks & Special Events
J. Grossi, Legislative Coordinator

The meeting was called to order at 10:34 PM.
Steve Foglia in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Deputations

None.

4. Approval of Minutes

4.1 Accessibility Advisory Committee Meeting Minutes of September 19, 2019

Moved by: Lawrence Raifman

Seconded by: Patricia Monteath

1. That the Accessibility Advisory Committee Meeting Minutes of September 19, 2019 be approved.

Carried

5. Items

5.1 Winter Maintenance Public Information Centre

Lead Hand, General Parks & Special Events and the Supervisor, Parks invited the Accessibility Advisory Committee to the Winter Maintenance Public Information Centre (PIC) on Tuesday November 26, 2019 from 6:00 PM to 8:00 PM. Staff from Customer Services, Parks, and Legislative Services will be in attendance to answer any questions and provide additional information.

5.2 Main Street Accessibility Walk Through

Steve Foglia advised that the Chair of the Main Street District Business Improvement Area Board of Directors met with himself, Jeff Fabian, Councillor Simon and Staff to perform a Main Street accessibility walk through. He outlined concerns with business entrances, automatic doors and accessible pathways through stores.

5.3 Promotion of Upper Canada Mall Accessible Washrooms

The Members discussed various initiatives to promote the new accessible washroom at Upper Canada Mall including sending letters to community organizations, and posting on the Town's website.

5.4 Accessible Parking Downtown (Fairy Lake & Riverwalk Commons)

The Members discussed the accessible parking downtown and the possibility of accessible van friendly signs being added to specific spots.

5.5 Proposed 2020 Meeting Schedule

Moved by: Patricia Monteath

Seconded by: Jeffrey Fabian

1. That the proposed 2020 meeting dates be approved.

Carried

6. New Business

6.1 Stickwood Walker Farmhouse

Councillor Simon advised that a public information centre (PIC) was held on Tuesday, November 19, 2019 regarding Stickwood Walker Farmhouse and accessible concerns were raised by members of the public. Steve Foglia advised that the Accessibility Advisory Committee (AAC) provided comments to Staff and additional plans will be provided to the AAC for comment throughout the process.

6.2 Mobi Mats

The Supervisor, Parks advised that the Town of Newmarket has purchased two mobi mats that will be available for use at various Town events throughout the year. These mats will allow more events to be accessible for the residents.

7. Adjournment

Moved by: Councillor Simon

Seconded by: Patricia Monteath

1. That the meeting be adjourned at 11:53 AM.

Carried

Steven Foglia, Chair

Date



Town of Newmarket

Minutes

Appointment Committee

Date: Wednesday, October 9, 2019

Time: 12:00 PM

Location: Davis Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Councillor Twinney, Chair
Deputy Mayor & Regional Councillor Vegh, Vice Chair
Mayor Taylor

Staff Present: J. Grossi, Legislative Coordinator

The meeting was called to order at 12:00 PM.
Councillor Twinney in the Chair.

1. Additions and Corrections

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations and Deputations

None.

4. Approval of Minutes

4.1 Appointment Committee Meeting Minutes of September 3, 2019

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Appointment Committee Meeting Minutes of September 3, 2019 be approved.

Carried

4.2 Appointment Committee Meeting (Closed) Minutes of September 3, 2019

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Mayor Taylor

1. That the Appointment Committee Meeting (Closed) Minutes of September 3, 2019 be approved.

Carried

5. Items for Discussion

5.1 Item from the draft minutes of the September 30, 2019 Council Meeting

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Newmarket Economic Development Advisory Committee (NEDAC) Terms of Reference be amended to increase their membership by one (1) to attract a candidate with experience in the new media and millennial marketing sector.

Carried

6. Closed Session

6.1 Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001 - Applications to the Newmarket Economic Development Advisory Committee (NEDAC)

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Appointment Committee resolve into a Closed Session for the purpose of discussing personal matters about identifiable individuals as per Section 239 (2) (b) of the Municipal Act.

Carried

The Appointment Committee resolved into Closed Session at 12:01 PM.

The Appointment Committee (Closed Session) Minutes are recorded under separate cover.

The Appointment Committee resumed into Open Session at 12:02 PM.

7. New Business

None.

8. Adjournment

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Mayor Taylor

1. That the meeting be adjourned at 12:02 PM.

Carried

Councillor Twinney, Chair

Date



Central York Fire Services

Minutes

Joint Council Committee

Date: Tuesday, November 5, 2019

Time: 9:30 AM

Location: Holland Room - Town of Aurora
Aurora Town Hall
100 John West Way
Aurora ON

Members Present: Mayor Mrakas, Town of Aurora
Councillor Gallo, Town of Aurora
Deputy Mayor & Regional Councillor Vegh, Town of Newmarket
Councillor Broome, Town of Newmarket
Councillor Gilliland, Town of Aurora
Councillor Bisanz, Town of Newmarket

Staff Present: J. Sharma, Chief Administrative Officer, Town of Newmarket
D. Nadorozny, Chief Administrative Officer, Town of Aurora
I. Laing, Fire Chief, Central York Fire Services
R. Wainwright van Kessel, Director of Finance – Treasurer, Town of Aurora
R. Comeau, Deputy Chief, Central York Fire Services
M. Mayes, Director of Financial Services/Treasurer, Town of Newmarket
D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket
L. Georgeff, Director of Human Resources, Town of Newmarket
K. Saini, Deputy Town Clerk, Town of Newmarket

Guests: Chris Kubbinga, Thomas Brown Architects

The meeting was called to order at 9:30 AM.
Mayor Mrakas in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations

None.

4. Deputations

None.

5. Approval of Minutes

**5.1 Central York Fire Services – Joint Council Committee Meeting
Minutes of September 3, 2019**

Moved by: Councillor Gilliland

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of September 3, 2019, Special Meeting Minutes of September 11, 2019, Special Meeting (Closed Session) Minutes of September 11, 2019 and Special Meeting Minutes of October 22, 2019 be approved.

Carried

**5.2 Central York Fire Services – Joint Council Committee Special
Meeting Minutes of September 11, 2019**

**5.3 Central York Fire Services – Joint Council Committee Special
Meeting (Closed Session) Minutes of September 11, 2019**

**5.4 Central York Fire Services – Joint Council Committee Special
Meeting Minutes of October 22, 2019**

6. Items

6.1 CYFS Budget Report - Third Quarter 2019

D. Schellenberg provided an update on the operating budget for CYFS.

Moved by: Councillor Gallo

Seconded by: Councillor Gilliland

1. That the report entitled CYFS Budget Report - Third Quarter 2019 dated October 22, 2019 be received for information purposes.

Carried

6.2 Station 4-5 - Update

Chris Kubbinga of Thomas Brown Architects provided an update on the revised designs to reduce the building footprint and size to reduce costs. He advised that the project appeared to be on track to meet the revised timelines.

Members of the Joint Council Committee queried staff on the effect these changes will have on the use of the facility and the next steps for the project.

Moved by: Councillor Broome

Seconded by: Councillor Gilliland

1. That the Station 4-5 Update be received.

Carried

6.3 Fire Master Plan

Chief Laing advised that Central York Fire Services had received funding in 2019 for a new 10 year fire master plan, but the plan review was put on hold pending the outcome of the Ontario Government's Regional Governance Review. He advised that the Town of Newmarket's Procurement department is leading the RFP process for a consultant to lead the development of a new Fire Master Plan to begin in 2020.

Moved by: Councillor Bisanz

Seconded by: Deputy Mayor & Regional
Councillor Vegh

1. That the Fire Master Plan update be received for information purposes.

Carried

6.4 2020 Schedule of Meetings

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the Joint Council Committee approve the following meeting schedule for 2020:
 - January 7, 2020
 - March 3, 2020
 - May 5, 2020
 - July 7, 2020
 - September 1, 2020
 - November 3, 2020

Carried

7. New Business

None.

8. Closed Session

8.1 Labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001.

Moved by: Councillor Bisanz

Seconded by: Councillor Gallo

1. That the Joint Council Committee resolve into Closed Session to discuss labour relations or employee negotiations as per Section 239 (2) (d) of the Municipal Act, 2001.

Carried

The Joint Council Committee resolved into Closed Session at 10:10 AM.

The Joint Council Committee (Closed Session) Minutes are recorded under separate cover.

The Joint Council Committee resumed into Open Session at 10:39 AM.

9. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Gallo

1. That the meeting be adjourned at 10:40 AM.

Carried

Mayor Mrakas, Chair

Date



Central York Fire Services

Minutes

Joint Council Committee

Date: Tuesday, November 26, 2019

Time: 9:00 AM

Location: Cane Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Mrakas, Town of Aurora
Councillor Gallo, Town of Aurora
Councillor Gilliland, Town of Aurora
Deputy Mayor & Regional Councillor Vegh, Town of Newmarket
Councillor Bisanz, Town of Newmarket
Councillor Broome, Town of Newmarket

Staff Present: I. McDougall, Acting Chief Administrative Officer/Commissioner of Community Services, Town of Newmarket
D. Nadorozny, Chief Administrative Officer, Town of Aurora
I. Laing, Fire Chief, Central York Fire Services
A. Downey, Director of Operations, Town of Aurora
R. Wainwright van Kessel, Director of Finance – Treasurer, Town of Aurora
R. Volpe, Deputy Chief, Central York Fire Services
D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket
L. Georgeff, Director of Human Resources, Town of Newmarket
A. Walkom, Legislative Coordinator, Town of Newmarket

Guests: Mayor Taylor, Town of Newmarket

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Deputations

None.

4. Items

4.1 Central York Fire Services Headquarters Station 4-5

Chief Laing and the Director of Operations provided an overview of the modifications of designs for Fire Station 4-5 to fit the budget. They advised that the footprint had been decreased by 15% to reduce costs, removed one bay, decreased the size of the bays and removed one classroom. Members of the Joint Council Committee asked clarifying questions regarding the effect of these changes on the use of the building. Chief Laing advised that suppression would not be affected and that the changes would not be detrimental on training activities.

Members of the Committee discussed alternative methods for funding the additional costs associated with the project, including delaying hirings to produce operational savings.

Moved by: Councillor Bisanz

Seconded by: Councillor Gilliland

1. That Report No. OPS19-025 be received; and,
2. That the revised design of Station 4-5 be approved.

Carried

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

3. That the revised budget of \$13,567,727 be approved with funding as follows:

- a. **\$11,000,000 from original funding sources; and,**
- b. **\$1,650,000 from reserves, as a 15% variance for a Class "C" estimate; and,**
- c. **\$917,727 from operational savings including but not limited to delayed hirings through 2020 and 2021.**

Carried

Moved by: Deputy Mayor & Regional
Councillor Vegh

Seconded by: Councillor Gallo

- 4. That the Joint Council Committee (JCC) recommend that the tender be awarded to REMO General Contracting Ltd. in the amount of \$10,836,817.

Carried

5. Closed Session

Mayor Mrakas advised that there was no requirement for a closed session.

6. Adjournment

Moved by: Councillor Broome

Seconded by: Councillor Gallo

- 1. That the Central York Fire Services Joint Council Committee adjourn at 9:44 AM.

Carried

Mayor Mrakas, Chair

Date



Town of Newmarket

Minutes

Elman W. Campbell Museum Board of Management

Date: Thursday, November 21, 2019

Time: 7:30 PM

Location: Elman W. Campbell Museum
134 Main Street South
Newmarket, ON

Members Present: Billie Locke, Vice-Chair
Councillor Morrison
Ron Atkins
Ross Caister
Michelle Clayton-Wood
Norman Friend
Kathleen Jackson

Members Absent: Jackie Playter, Chair

Staff Present: D. Smith, Recreation Programmer
A. Walkom, Legislative Coordinator

1. Call to order

The meeting was called to order at 7:30 PM. Billie Locke in the Chair.

2. Regrets

3. Additions & Corrections to the Agenda

The following items were added to the agenda:

- Status of Museum front lawn sign
- Project in memory of Jim Nuttall
- Nut Free Food at the Museum

- Recognition of long-serving Museum volunteers

4. Declarations of Pecuniary Interest

None.

5. Approval of Minutes

5.1 Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019

Moved by: Councillor Morrison

Seconded by: Michelle Clayton-Wood

1. That the Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019 be approved.

Carried

6. Business arising from the Minutes

Billie Locke requested a follow-up from a previous meeting regarding liability insurance and how it affects volunteers at the Museum.

7. Correspondence and Communications

The Recreation Programmer circulated the periodicals which had been received by the Museum.

Moved by: Ross Caister

Seconded by: Kathleen Jackson

1. That the correspondence be received.

Carried

8. Financial Report

Billie Locke provided a brief financial report.

The Recreation Programmer advised that the funds from the grant to the Museum have not yet been received.

Moved by: Norman Friend

Seconded by: Kathleen Jackson

1. That the financial report be received.

Carried

9. Museum Report

The Recreation Programmer provided a report on recent Museum events and programs including the Halloween event, retirement residence outreach program and Wee Fun Wednesdays. She also provided an overview of recent Museum maintenance issues, including a glass cabinet which was broken in one of the displays.

The Recreation Programmer provided an overview of the upcoming Holiday events at the Museum. She also advised of the closure of the Museum for painting and replacement of floor tiles which will begin December 22, 2019 and will reopen February 4, 2020.

Moved by: Norman Friend

Seconded by: Ross Caister

1. That the Museum Report be received.

Carried

10. Friends of the Museum Report

Billie Locke provided an update on the recent work of the Friends of the Museum to prepare the new exhibits. She advised that the gift shop sale had raised over \$400 to date.

Moved by: Ross Caister

Seconded by: Ron Atkins

1. That the Friends of the Museum Report be received.

Carried

11. New Business

11.1 Museum Front Lawn Sign

Board Members requested an update on the status of the front lawn sign to be installed at the Museum. The Recreation Programmer advised that the project would be included in the next year's budget.

11.2 Museum Multipurpose Room - Plaque

Board Members discussed the plan to rename the Museum's multi-purpose room in honour of Jim Nuttall and install a plaque in his memory. Members discussed the source for the production of this plaque. Billie Locke advised that the Heritage Committee is currently searching for a source for plaques and could provide this information once a new source is found.

11.3 Nut Free Food at the Museum

Board Members discussed the issue of nut allergies and the potential need to make the Museum a nut-free or nut-aware facility to reduce the risk of allergic reactions. Members discussed the actions including education and signage which would be need to be taken to make Museum patrons, staff and volunteers aware of the policy, as well as ensuring the Museum was aligned with similar Town policies.

Moved by: Michelle Clayton-Wood

Seconded by: Kathleen Jackson

1. That the Elman W. Campbell Museum Board make staff and volunteers aware of the issue of nut allergies.

Carried

11.4 Recognition of Museum Volunteers

Moved by: Michelle Clayton-Wood

Seconded by: Ross Caister

1. That the Elman W. Campbell Museum Board recognize Phyllis Brady and Lynn Robitaille for their years of volunteer service and outstanding contributions to the Museum.

Carried

12. Next Meeting

The next meeting of the Elman W. Campbell Museum Board is January 16, 2020.

13. Adjournment

The meeting adjourned at 8:44 PM.

Billie Locke, Vice-Chair

Date



Town of Newmarket

Minutes

Heritage Newmarket Advisory Committee

Date: Tuesday, November 5, 2019
Time: 7:00 PM
Location: Mulock Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Billie Locke, Chair
Gord McCallum, Vice-Chair
Councillor Bisanz
Norman Friend
David McLennan
Mitch Sauder
Joan Seddon

Staff Present: A. Cammaert, Acting Manager, Planning Services
A. Walkom, Legislative Coordinator

The meeting was called to order at 7:06 PM. Billie Locke in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations/Deputations

None.

4. Approval of Minutes

4.1 Heritage Newmarket Advisory Committee Meeting Minutes of October 1, 2019

Moved by: David McLennan

Seconded by: Gord McCallum

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 1, 2019 be approved.

Carried

4.2 Heritage Newmarket Advisory Committee Meeting Minutes of October 16, 2019

Moved by: Joan Seddon

Seconded by: Mitch Sauder

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of October 16, 2019 be approved.

Carried

5. Correspondence

None.

6. Items

6.1 Denison Child Care / Stickwood Walker Development (900 Mulock Dr)

The Acting Manager, Planning Services provided an overview of the site plan for the Denison Child Care adaptive reuse project at the Stickwood Walker site. Committee members discussed how the new buildings on the site will affect the original farmhouse. The Committee had no major concerns with the site plan.

6.2 Little Brew Hops Minor Variance (209 Main Street South)

The Acting Manager, Planning Services provided an overview of the project at 209 Main Street South which includes a change to the facade of the building and an additional floor at the back of the building. Committee Members discussed aspects of the project including the design of the facade and the relation to other buildings on the street.

6.3 184 to 194 Main Street South

The Acting Manager, Planning Services advised that there had been no update since the Town's media release on the buildings at 184 to 194 Main Street South. He provided a brief overview of the work to secure the foundations, as well as the status of the facade work at 194 Main Street.

6.4 Update on Protection of Private Trees By-law

The Acting Manager, Planning Services provided an update on the status of the protection of private trees by-law which will likely come before Council in 2020. The Committee discussed the Liberty Tree in relation to the proposed tree protection by-law.

6.5 Doors Open

The Committee continued the discussion from the previous meeting on a Doors Open event for the Town of Newmarket. Members discussed how an event could be organized and whether it would potentially conflict with other Town events.

6.6 2020 Schedule of Meetings

Moved by: Joan Seddon

Seconded by: Mitch Sauder

1. That the 2020 Schedule of Meetings be approved.

Carried

7. Reports of Committee Members

7.1 Designated Property Maintenance and Concerns

The Committee discussed finding a new source for the Heritage plaques, as the previous supplier was no longer available. Members will continue to research a new supplier for the plaques going forward.

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

Norman Friend provided an update on the attendance at the Elman W. Campbell Museum so far in 2019 and reported that it stood at 7000 attendees.

8.2 Lower Main Street South Heritage Conservation District Advisory Group

There was no update on this item.

9. New Business

(1) Councillor Bisanz advised that the Heritage Committee's recommendation to Council to designate the property located at 1075 Gorham Street had been approved at the Committee of the Whole meeting on November 4, 2019 and would proceed to Council on November 11, 2019.

(2) The Acting Manager, Planning Services advised that a new Planning staff member would be introduced at the January 7, 2020 Heritage Committee meeting.

10. Adjournment

Moved by: Gord McCallum

Seconded by: Norman Friend

1. That the meeting be adjourned at 8:24 PM.

Carried

Chair

Date



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Date: Wednesday, October 16, 2019
Time: 7:00 AM
Location: Serpa Studio
Old Town Hall
460 Botsford Street
Newmarket, ON L3Y 1T1

Members Present: Tom Hempen, Chair
Allan Cockburn, Vice Chair
Councillor Kwapis
Debbie Hill
Mark Iacovetta
Omar Saer
Ken Sparks

Members Absent: Councillor Twinney
Rob Clark
Jennifer McLachlan

Staff Present: E. Bryan, Business Development Specialist
J. Grossi, Legislative Coordinator

The meeting was called to order at 7:10 AM.
Tom Hempen in the Chair.

1. Additions and Corrections to the Agenda

The Chair advised that there were no additions or corrections to the agenda.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

None.

4. Deputations

4.1 The York Region One Act Play Festival

John Dowson provided a deputation regarding the York Region One Act Play Festival from Thursday November 7, 2019 to Saturday November 9, 2019. He outlined the 2019 festival playbill and requested \$2500 in sponsorship from the Main Street District Business Improvement Area Board of Management.

Moved by: Councillor Kwapis

Seconded by: Ken Sparks

1. That the deputation provided by John Dowson regarding the York Region One Act Play Festival be received.

Carried

4.2 Newmarket 150 Historical Scavenger Hunt

David Robinson provided a deputation regarding the Newmarket 150 Historical Scavenger Hunt. He outlined the web app used, the prizes, and requested sponsorship from the Main Street District Business Improvement Area Board of Management in the amount of \$1000/month for a minimum of three months.

Moved by: Councillor Kwapis

Seconded by: Allan Cockburn

1. That the deputation provided by David Robinson regarding the Newmarket 150 Historical Scavenger Hunt be received.

Carried

4.3 Hugs 4 Hope

Nancy Bodi provided a deputation regarding the Hugs 4 Hope event on October 27, 2019 at 2:00 PM. She requested sponsorship from the Main Street District Business Improvement Area Board of Management.

Moved by: Mark Iacovetta

Seconded by: Omar Saer

1. That the deputation provided by Nancy Bodi regarding Hugs 4 Hope be received.

Carried

5. Approval of Minutes

5.1 Main Street District Business Improvement Area Board of Management Minutes of September 18, 2019

Moved by: Debbie Hill

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management Minutes of September 18, 2019 be approved.

Carried

6. Items

6.1 Sub-Committee Reports

6.1.1 Street Events Update

6.1.1.1 Candlelight Parade & Tree Lighting

The Members discussed the Candlelight Parade & Tree Lighting on Friday November 15, 2019 and outlined the entertainment, candlelight, and promotion for the first 250 attendees.

Moved by: Mark Iacovetta

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management allocate up to \$2800 to the Candlelight Parade & Tree Lighting.

Carried

6.1.1.2 Holiday Party

The Members discussed the 2019 holiday party regarding ticket prices, catering, and entertainment.

6.1.2 Strategic Priority Update

The Members reviewed the draft Request for Quote (RFQ) and agreed to accept submissions until October 30, 2019.

6.1.3 Advertising Update

The Members advised that the Advertising sub-committee had not met since the last Main Street District Business Improvement Area Board of Management Meeting.

6.1.4 Holiday Party Update

6.2 Garbage Update

The Business Development Specialist provided an update on the in-ground garbage solution pilot project and the RFP for the town-wide garbage strategy. She advised that the next taskforce meeting is October 29, 2019 and an update will be provided at the November Main Street District Business Improvement Area Board of Management Meeting.

6.3 Parking Update

Councillor Kwapis provided an update on the parking signs located on Cedar Street and advised that long-term parking solutions would be discussed at the task force meeting on October 29, 2019.

Tom Hempen advised that parking enforcement are visiting Main Street at least once per day and asked Members to forward any concerns to him to address with Town Staff.

6.4 Staff Update

6.4.1 Financial Update

The Business Development Specialist provided an update regarding Main Street District Business Improvement Area 2019 remaining budget and outstanding items.

6.4.2 Financial Incentive Program Staff Working Group Update

The Business Development Specialist provided an update on the Financial Incentive Staff Working Group, and advised that updates will continue to be brought to Main Street District Business Improvement Area Board of Management.

6.5 Annual General Membership Meeting

The Members discussed potential items for the Annual General Meeting (AGM) agenda the Business Development Specialist advised that a draft 2020 budget was to be presented at the AGM.

Moved by: Mark Iacovetta

Seconded by: Allan Cockburn

1. That the draft 2020 Business Improvement Area budget, composed of the following categories, be presented at the Annual General Meeting:
 - Stationary/Office \$500
 - Miscellaneous \$500
 - Promotion \$8,000
 - Advertising \$21,000

Carried

6.6 Next Meeting - November 20, 2019

7. New Business

7.1 Deputation Sponsorship Requests

The Members discussed the sponsorship requests from various deputants and scheduled a walk through with the Newmarket 150 Historical Scavenger Hunt prior to discussing sponsorship.

Moved by: Omar Saer

Seconded by: Debbie Hill

1. That the Main Street District Business Improvement Area Board of Management sponsor the York Region One Act Play Festival in the amount of \$500.

Carried

Moved by: Councillor Kwapis

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management sponsor the Hugs 4 Hope event in the amount of \$500.

Carried

8. Closed Session

Tom Hempen advised that there was no requirement for a closed session.

9. Adjournment

Moved by: Councillor Kwapis

Seconded by: Allan Cockburn

1. That the meeting be adjourned at 8:50 AM.

Carried

Tom Hempen, Chair

Date



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Date: Wednesday, November 20, 2019
Time: 7:00 AM
Location: Serpa Studio
Old Town Hall
460 Botsford Street
Newmarket, ON L3Y 1T1

Members Present: Tom Hempen, Chair
Allan Cockburn, Vice Chair
Councillor Twinney
Debbie Hill
Mark Iacovetta
Jennifer McLachlan
Omar Saer
Ken Sparks

Members Absent: Councillor Kwapis
Rob Clark

Staff Present: E. Bryan, Business Development Specialist
J. Grossi, Legislative Coordinator

The meeting was called to order at 7:00 AM.
Tom Hempen in the Chair.

1. Additions and Corrections to the Agenda

The Chair advised that there were no additions or corrections to the agenda.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

None.

4. Deputations

4.1 Newmarket 150 Historical Scavenger Hunt

David Robinson provided a deputation regarding the Newmarket 150 Historical Scavenger Hunt. He outlined a sponsorship offer to the Main Street District Business Improvement Area Board of Management in the amount of \$1000/month for three months and receiving a fourth month for free.

The Members queried the deputant regarding other sponsorship opportunities and the popularity of Main Street throughout the year.

Moved by: Omar Saer

Seconded by: Allan Cockburn

1. That the deputation provided by David Robinson regarding the Newmarket 150 Historical Scavenger Hunt be received.

Carried

4.2 Chabad Newmarket

Rabbi Mendy Grossbaum provided a deputation regarding the Chanukah celebration on Sunday December 22, 2019 at Riverwalk Commons. He requested \$1000 in sponsorship to cover a portion of the event costs and entertainment.

The Members queried the deputant regarding the event duration, marketing, and potential sources of revenue.

Moved by: Councillor Twinney

Seconded by: Jennifer McLachlan

1. That the deputation provided by Rabbi Mendy Grossbaum regarding Chabad Newmarket be received.

Carried

5. Approval of Minutes

5.1 Main Street District Business Improvement Area Board of Management Minutes of October 16, 2019

Moved by: Ken Sparks

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management Minutes of October 16, 2019 be approved.

Carried

6. Items

6.1 2020 Deputation Funding Discussion

The Main Street District Business Improvement Area Board of Management discussed ways to fund community organizations and events in 2020. They discussed special meetings for these proposals, meeting frequency and budget allocation. The Members advised that following the strategic plan development, this item can be revisited for future years.

Moved by: Councillor Twinney

Seconded by: Allan Cockburn

1. That the Main Street District Business Improvement Area Board of Management schedule two special meetings in 2020 to receive proposals regarding community organizations and events requesting sponsorship from the Board; and,
2. That the special meetings be held in January/February and June/July 2020.

Carried

6.2 Sub-Committee Reports

6.2.1 Holiday Party Update

Tom Hempen provided an update on the planning of the 2019 Holiday Party, and Councillor Twinney advised that she will coordinate centerpieces.

6.2.2 Streets Event Update

Ken Sparks provided an update on the Candlelight Parade and advised that it was well attended. He noted some confusion regarding the road closure, and advised that feedback was provided regarding the event location and sound quality.

Jennifer McLachlan requested that the Streets Events sub-committee meet on the second Tuesday of every month at 8:30 AM, and provide an update the following week at the Main Street District Business Improvement Area Board of Management meetings.

6.2.3 Strategic Priority Update

Tom Hempen advised that three proposals were received and that all Members were forwarded the documents to ensure that a decision would be made at this meeting. One proposal came in at more than double the allocated budget, so it was removed from the process.

The Members participated in an evaluation matrix process based on adherence to requirements, relevant experience, and the approach to the project. Rhaposdy Strategies was the successful submission.

6.2.4 Advertising Update

Ken Sparks advised that Jewel Radio had offered the Main Street District Business Improvement Area Board of Management a special rate for 100 thirty-second radio ads for \$2600. The Members asked for additional information to be provided.

Omar Saer advised that targeted ads on social media would be beneficial to the Members for the 2019 holiday season.

Moved by: Omar Saer

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Directors allocate \$1000 towards sponsored ads on social media in 2019.

Carried

6.3 Garbage Update

Tom Hempen advised that the in ground garbage containers have been installed and additional updates will be provided throughout the pilot project process.

6.4 Parking Update

Tom Hempen advised that the next taskforce meeting was scheduled for December 11, 2019 and asked all Members to send any questions or comments to himself prior to this meeting to ensure that they are addressed.

6.5 Staff Updates

6.5.1 Financial Update

The Business Development Specialist provided an update regarding Main Street District Business Improvement Area 2019 remaining budget and outstanding items. She advised that the revenue from the Holiday Party has not been captured, and the expenses from the Candlelight Parade have not been allocated yet.

6.5.2 Financial Incentive Program Staff Working Group Update

The Business Development Specialist advised that no applications had been received and no meetings had occurred.

6.6 Draft 2020 Meeting Schedule

Moved by: Debbie Hill

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management approve the 2020 meeting schedule; and,
2. That the meetings begin at 8:00 AM in 2020.

Carried

6.7 Next Meeting - December 18, 2019

7. New Business

7.1 Newmarket 150 Historical Scavenger Hunt

The Members discussed the sponsorship opportunity and the new 2020 sponsorship process.

Moved by: Allan Cockburn

Seconded by: Councillor Twinney

1. That the Main Street District Business Improvement Area Board of Management defer the decision to sponsor the Newmarket 150 Historical Scavenger Hunt.

Carried

7.2 Chabad Newmarket

Moved by: Councillor Twinney

Seconded by: Omar Saer

1. That the Main Street District Business Improvement Area Board of Management sponsor Chabad Newmarket in the amount of \$500.

Carried

8. Closed Session

Tom Hempen advised that there was no requirement for a closed session.

9. Adjournment

Moved by: Allan Cockburn

Seconded by: Debbie Hill

1. That the meeting be adjourned at 8:55 AM.

Carried

Tom Hempen, Chair

Date



Newmarket Public Library Board

Minutes

Date: Wednesday, November 20, 2019
Time: 5:45 PM
Location: Newmarket Public Library Boardroom
Newmarket Public Library
438 Park Avenue
Newmarket ON L3Y 1W1

Members Present: Jane Twinney, Vice Chair
Kelly Broome
Darryl Gray
Leslee Mason
Art Weis
Victor Woodhouse (left at 6:41 pm)

Members Absent: Darcy McNeill, Chair

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

The meeting was called to order at 5:45 pm. In the absence of the Chair, the Vice Chair conducted the meeting.

1. Adoption of Agenda Items

- 1.1 Adoption of the Regular Agenda
- 1.2 Adoption of the Closed Session Agenda
- 1.3 Adoption of the Consent Agenda Items

Motion 19-11-69

Moved by Art Weis

Seconded by Leslee Mason

That agenda items 1.1 to 1.3 be adopted as presented.

Carried

2. Declarations

None were declared.

3. Consent Agenda Items

3.1 Adoption of the Regular Board meeting minutes for Wednesday, October 16, 2019

3.2 Strategic Operations Report for October, 2019

3.3 Third Quarter Library Statistical Data

3.4 Monthly Bank Transfer

Motion 19-11-70

Moved by Victor Woodhouse

Seconded by Darryl Gray

That Consent Agenda items 3.1 to 3.3 be approved and adopted as presented.

Carried

4. Reports

There were no reports.

5. Business Arising

5.1 Response to Deputation of October 16, 2019

The Library Board reviewed the responses and recommendations to the October 16, 2019 deputation.

The deputant from the October 16, 2019 deputation was given the opportunity to provide a response the C.E.O.'s report. The Board directed the C.E.O. to follow-up on the deputant's responses.

Motion 19-11-71

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on Response to Deputation of October 16, 2019;

And That the Library Board authorize the C.E.O. to work with the Town of Newmarket to take action on staff training and on policy as outlined in the report;

And That the Library Board add the matter of recommended attributes of Board appointees to its action list with a target completion date of June, 2022;

And That the Library Board approve ceasing to record library cardholders' gender;

And That the Library Board consider diverse Board member recruitment in future strategic planning.

Carried

Motion 19-11-72

Moved by Kelly Broome

Seconded by Leslee Mason

That the Library Board receive the deputant's response to the Library Board report.

Carried

5.2 Library Version of York Region Inclusion Charter

A Library version of the York Region Inclusion Charter was presented to the Board.

Motion 19-11-73

Moved by Victor Woodhouse

Seconded by Art Weis

That the Library Board receive the report on the Library Version of the York Region Inclusion Charter.

Carried

5.3 Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update

A Joint Information report to update Council on the ongoing implementation of the Newmarket Public Library's Effectiveness and Efficiency review has been prepared. The C.E.O. will look into whether the Board would be able to participate in the Request for Proposal process for a consultant to look at future facility needs analysis.

Motion 19-11-74

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board receive the Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update.

Carried

5.4 Leadership by Design Board Orientation Part 3

This item was deferred.

Motion 19-11-75

Moved by Leslee Mason

Seconded by Art Weis

That the Leadership by Design Board Orientation Part three be deferred.

Carried

5.5 Library Board Action List

The Library Board reviewed the Action List.

Motion 19-11-76

Moved by Kelly Broome

Seconded by Victor Woodhouse

That the Library Board receive the Action List as presented.

Carried

5.6 Reducing barriers to borrowing update

The C.E.O. advised the Library Board that previously reported elimination of fines on Children's material would exclude fines on Children's DVDs, video games, and devices. After further review this will no longer be the case and fines on all Children's material will be removed, effective January 1, 2020.

6. New Business

6.1 Proposed Dissolution of York Info Partnership

The C.E.O. provided an overview of recent developments that factored in to the decision to propose the dissolution of the York Info partnership.

Motion 19-11-77

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on the proposed dissolution of the York Info partnership;

And That the Library Board authorize the C.E.O. to take all necessary steps to give effect to the actions outlined in the report.

Carried

7. Closed Session

Motion 19-11-78

Moved by Leslee Mason

Seconded by Darryl Gray

That the Library Board move in to Closed Session at 6:35 pm for Labour relations and personal matters about an identifiable individual.

Carried

Motion 19-11-79

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board move out of Closed Session at 6:43 pm.

Carried

Motion 19-11-80

Moved by Art Weis

Seconded by Leslee Mason

Motion arising from Closed Session:

That the Library Board receive the report on 2020 economic adjustment for non-union employees and update on Marketing and IT realignment agreement.

Carried

8. Dates of Future Meetings

8.1 The next Regular Board meeting is scheduled for Wednesday, December 18, 2019 at 5:45 pm in the Library Board room

9. Adjournment

Motion 19-11-81

Moved by Kelly Broome

Seconded by Art Weis

That there being no further business the meeting adjourn at 6:44 pm.

Carried

Jane Twinney, Vice-Chair

Todd Kyle, Secretary/Treasurer

Town of Newmarket

Outstanding Matters List (2018 – 2022 term of Council)

As of January 23, 2020

Q1, 2020				
1.	Meeting Date: Committee of the Whole – April 29, 2019 Subject: 2018-2022 Council Strategic Priorities	Recommendations: 2. That Staff report back to Council with respect to a fulsome, ongoing communications plan (completed) and an overall performance measurement approach intended to track and present progress. Responsible Department: ➤ Strategic Priority Staff Working Group	Q1, 2020	
2.	Meeting Date: Committee of the Whole – April 8, 2019 Subject: Hollingsworth Arena and Future Ice Allocation Considerations	Recommendations: 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 6. That within six months staff bring back a report on any plans for public amenity use at this location; and, Responsible Department: ➤ Recreation & Culture Services	Q1, 2020	
3.	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	Q1, 2020	Information Report to be provided
4.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration	Recommendations: 1. 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, Responsible Department: ➤ Office of the CAO/Human Resources	Q1, 2020	

5.	Meeting Date: Special Committee of the Whole – May 14, 2019 Subject: Ranked Ballots	Recommendation: 3. That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and, Responsible Departments: ➤ Legislative Services	Q1, 2020	
6.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Established Neighbourhoods Compatibility Study	Recommendation: Established Neighbourhoods Compatibility Study Responsible Department: ➤ Planning and Building Services	Q1, 2020	Special Committee of the Whole held January 20, 2020
7.	Meeting Date: Committee of the Whole - August 26, 2019 Subject: Traffic & Parking Petitions	Recommendations: 1. That the petition regarding Parking Restrictions on Helmer Avenue be referred to Staff; and, 2. That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and, 3. That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff. Responsible Departments: ➤ Engineering	Q1, 2020	
8.	Meeting Date: Committee of the Whole - April 30, 2018 Subject: Heritage Designations - York Region Administrative Building and Newmarket Canal System	Recommendations: 1. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. Responsible Department: ➤ Planning and Building Services	Q1, 2020	
9.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the traffic issue related to an all-way stop at Dover Crescent and Burford Street be referred to Staff. Responsible Departments: ➤ Engineering Services	Q1, 2020	

10.	Meeting Date: Council - September 9, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the deputation by Joseph Coupal regarding a Request for an All-way Stop at the Intersection of London Road and Harewood Boulevard be received and referred to staff Responsible Departments: ➤ Engineering Services	Q1, 2020	
11.	Meeting Date: Committee of the Whole - June 17, 2019 Subject: Protection of Trees on Private Property	Recommendations: 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law; and, Responsible Department: ➤ Planning Services	Q1, 2020	PIC at the iWonder Event completed.
12.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	Recommendation: 3. That staff be directed to plan a Climate Change Open House for Fall 2019 (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program; Responsible Departments: ➤ Engineering Services, Public Works Services	Q1, 2020	
Q2, 2020				
13.	Meeting Date: Committee of the Whole – March 18, 2019 Subject: Construction Vibration Issues	Recommendations: 5. That staff investigate options for existing sites where construction activity will cause significant vibrations. Responsible Departments: ➤ Planning and Building Services & Engineering Services	Q2, 2020	
14.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Ward 1 Traffic Petitions	Recommendation: 1. That the petitions regarding traffic issues in Ward 1 be received and referred to staff. <ul style="list-style-type: none"> • Atkins Drive – Speed Mitigation • Helena Court – Parking • Kingsmere Avenue – Stop sign Responsible Departments: ➤ Engineering Services	Q2, 2020	

15.	<p>Meeting Date: Committee of the Whole - September 23, 2019</p> <p>Subject: Derelict Properties</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That Staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services ➤ Planning & Building 	Q2, 2020	
16.	<p>Meeting Date: Committee of the Whole - April 30, 2018</p> <p>Subject: Asset Replacement Fund Strategy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Financial Services 	Q2, 2020	
17.	<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> <ol 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 	Q2, 2020	
18.	<p>Meeting date: Committee of the Whole – March 19, 2018</p> <p>Subject: 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services/ Community Centre Lands Task Force 	Q2, 2020	

Q3, 2020				
19.	Meeting Date: (1) Committee of the Whole - November 6, 2017 (2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report) Subject: Residential Parking	Recommendations: (1) 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: c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report. (2) 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 Responsible Department: ➤ Planning and Building Services / Legislative Services	Q3, 2020	CW held on June 10, 2019
20.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard	Recommendation: 1. That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff. Responsible Departments: ➤ Engineering Services	Q3, 2020	
21.	Meeting Date: Committee of the Whole - February 26, 2018 Subject: Newmarket Public Library Study Implementation	Recommendations: 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	Q3, 2020	

Q4, 2020				
22.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	Recommendations: 2. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report. Responsible Departments: ➤ Engineering	Q4, 2020	
23.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Multi Use Pathways	Recommendation: 1. That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system. Responsible Departments: ➤ Public Works/Parks	Q4, 2020	
2021				
24.	Meting Date: Council – January 18, 2016 – Item 35 Subject: 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	Recommendation: 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: ➤ Planning and Building Services ➤ Engineering Services	2021	Deferred subsequent to VivaNext construction

25.	Meeting Date: Committee of the Whole - November 4, 2019 Subject: Parking Enforcement Initiative - Pay It Forward Program	Recommendation: 3. That Staff report back to Council within 18 months Responsible Department: ➤ Legislative Services	2021	
26.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Single Use Plastics	Recommendation: 1. That Council direct staff to bring back a report which outlines the roles and responsibilities of the Province, the Region and the Town in relation to recycling and diversion and provides the following: a. information on what work is currently being done to address the reduction and eventual elimination of single use plastics; and, b. clear options for Council to consider to ensure the town is taking steps within its jurisdiction to reduce and eventually eliminate single use plastics. Responsible Departments: ➤ Public Works/Operations	TBD	
2022-2026 Term of Council				
27.	Meeting Date: Committee of the Whole – January 13, 2020 Subject: Ward Boundary Review	Recommendation: 3. That a Ward Boundary Review be deferred for consideration by the 2022-2026 term of Council Responsible Departments: ➤ Legislative Services		



PLANNING & BUILDING SERVICES

Town of Newmarket

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Notice of Statutory Public Meeting

Zoning By-law Amendment, Official Plan Amendment, Draft Plan of Subdivision

Property Description:	Former Glenway Golf Course (west of the Hydro Corridor)
Applicant:	Marianneville Developments Limited
File Number:	D9NP1902 (OPA), D14NP1902 (ZBA), D12NP1902 (DPS)

A statutory public meeting required by the Planning Act, will be held on **Monday, February 3, 2020 at 7:00 P.M.** in the Council Chambers at 395 Mulock Drive. Immediately before the meeting, an informational open house will be held at 6:00 PM in the foyer in front of the Council Chambers.

Purpose and Effect: Applications have been submitted for Official Plan amendment, Zoning By-law amendment, and Draft Plan of Subdivision to allow for the redevelopment of the former golf course lands into a residential subdivision. More specifically the proposal is laid out below with the numbers corresponding to the image on reverse of this page.

- Residential Lots 1-10: Ten (10) single detached dwellings
- Block 12: Eighty-seven (87) single detached dwellings on vacant land condominium units on private roads
- Block 13: Ninety-six (96) Residential townhouse units
- Block 14, 15, 16: Parkland and trail lands
- Blocks 17 and 18: Existing stormwater management ponds with passive recreation uses and trail connections

Location: A map of the location of the subject lands is provided on the reverse of this page.

Any person may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed amendments. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

If you wish to be notified of the adoption of the proposed Official Plan or Zoning By-Law Amendment, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-laws are passed, the person or public body may not be entitled to appeal the decision of the Town of Newmarket to the Local Planning Appeal Tribunal.

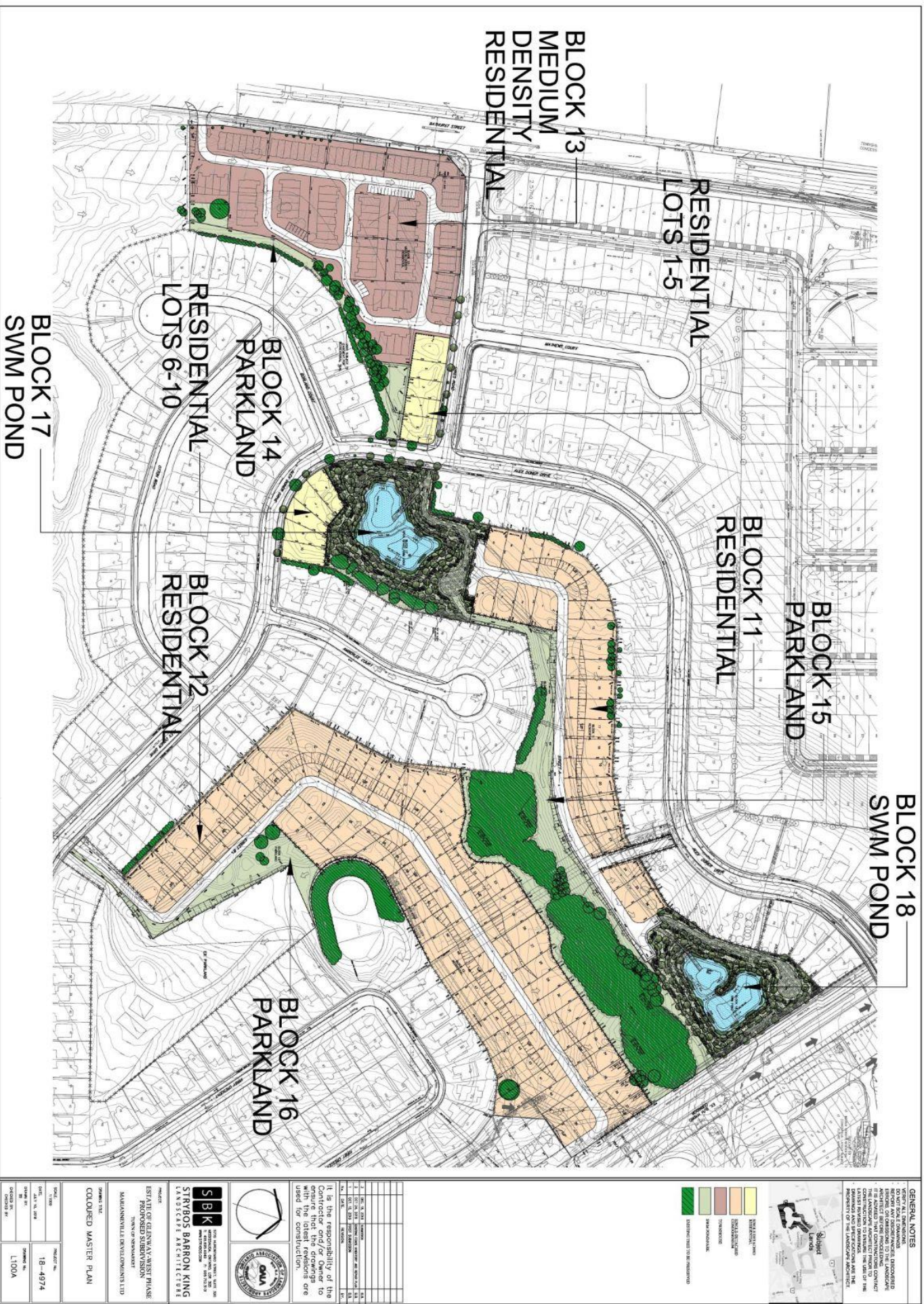
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you are the owner or manager of any land that contains seven or more residential units, you are requested to post this notice in a location that is visible to all of the residents.

Additional information relating to the applications is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket and online at www.newmarket.ca/applications

For more information about this matter, including information about appeal rights, contact:
Ted Horton – Senior Planner
Town of Newmarket
395 Mulock Drive PO Box 328 STN Main
Newmarket, ON L3Y 4X7
thorton@newmarket.ca

Dated at the Town of Newmarket this 10th day of January, 2020





Glenway West

Marianneville Developments Limited

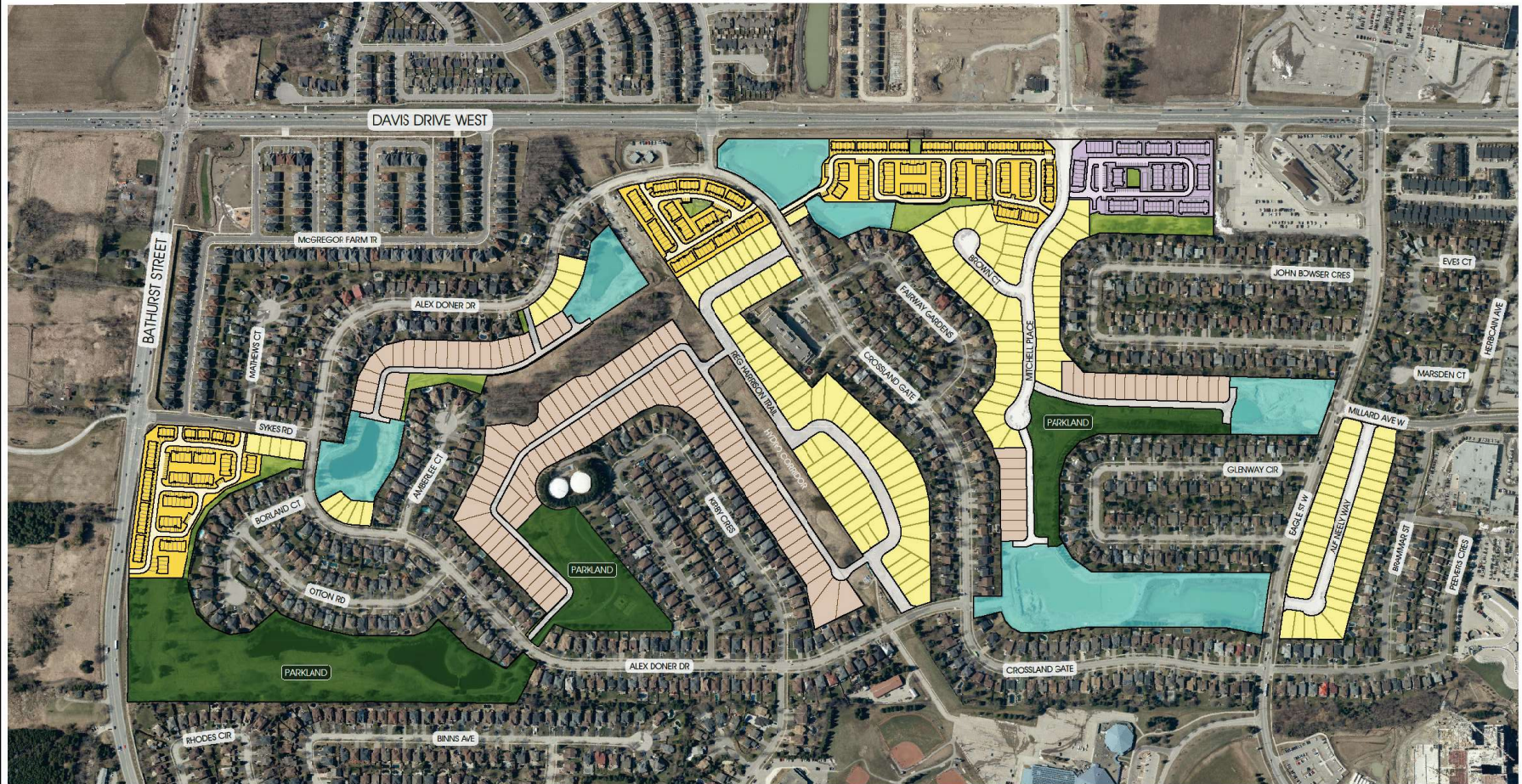


Subject Lands





GLENWAY COMMUNITY


TOWN OF NEWMARKET

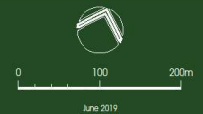


 SINGLE DETACHED RESIDENTIAL
 SINGLE DETACHED RESIDENTIAL - CONDO

 MEDIUM DENSITY RESIDENTIAL
 HIGH DENSITY RESIDENTIAL

 PARKLAND
 AMENITY AREAS / OPEN SPACE

 STORMWATER MANAGEMENT



Concept Plan



Sample Elevations

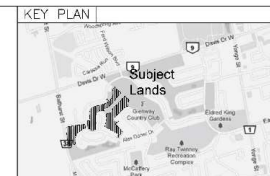
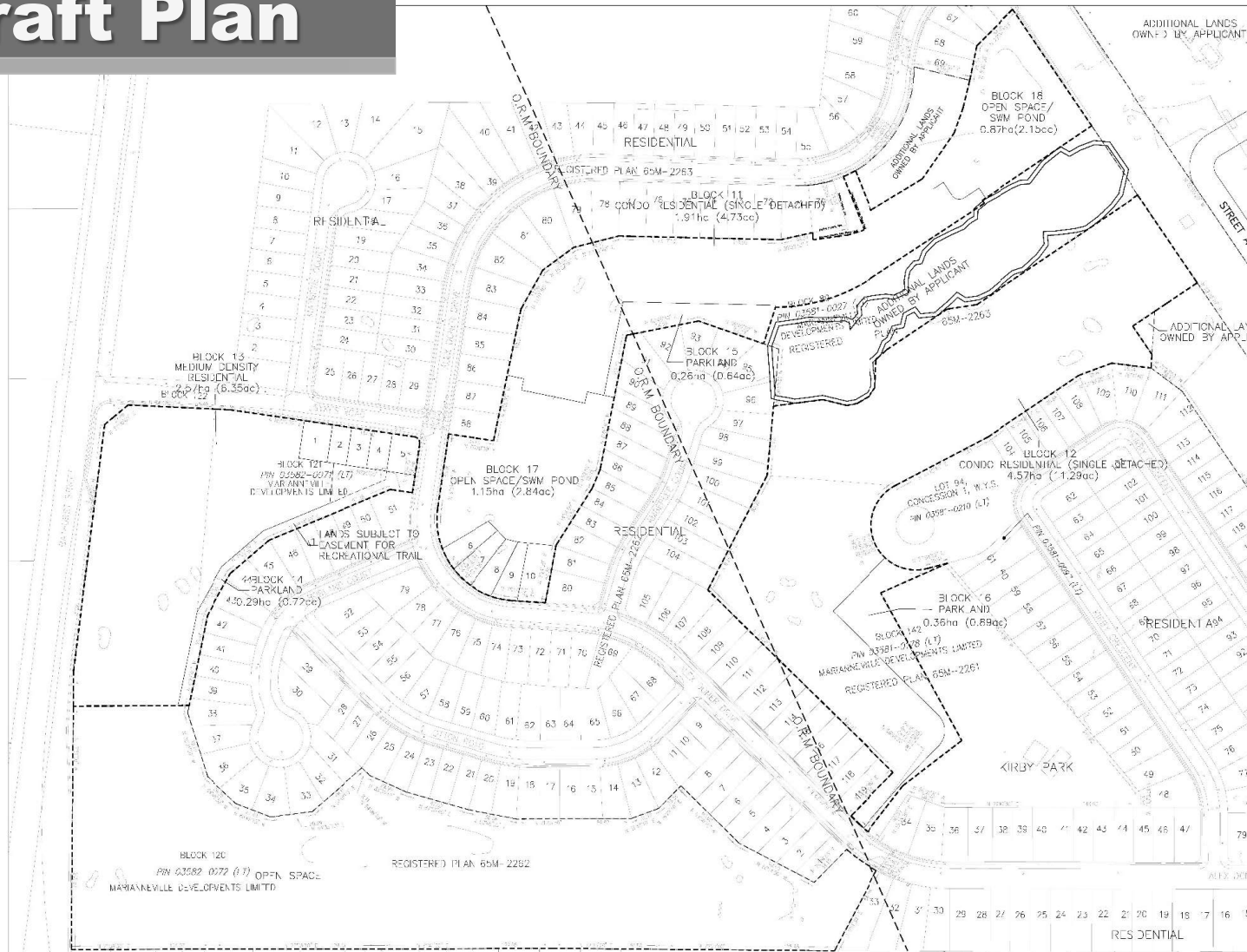


MARIANNEVILLE DEVELOPMENTS LTD.
GLENWAY WEST, NEWMARKET

Open Space and Trail System



Draft Plan



DRAFT PLAN OF SUBDIVISION

OF PART OF
**LOTS 60, 61, 64, 65, 66, 67
 BLOCK 92, RP 65M-2212**
 AND OF
**BLOCK 91, RP 65M-2212
 BLOCK 145, RP 65M-2205
 BLOCKS 144 RP 65M-2261
 BLOCK 89, RP 65M-2263
 BLOCK 73, RP 65M-2284**
 TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK

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

- | | |
|-------------|---|
| A) As shown | G) As shown |
| B) As shown | H) Municipal water supply available |
| C) As shown | I) Mix of Silty Sand & Silty Clay |
| D) As shown | J) As shown |
| E) As shown | K) All municipal services to be available |
| F) As shown | L) As shown |

PROPOSED LAND USES AND AREAS

AREAS SUBJECT TO THE PLAN	3,880.14
RESIDENTIAL, CONDO BLOCKS 11, 12	87.48
RESIDENTIAL, MIXED USE BLOCK 11	2,365.14
PARKING BLOCKS 11, 12	2,817.14
OPEN SPACE/SWM POND BLOCKS 11, 12	2,222.14

OWNER'S CERTIFICATE

MARIANNEVILLE DEVELOPMENTS LIMITED
 HEREBY CONSENTS TO THE FILING OF THIS PLAN IN DRAFT
 FORM

SURVEYOR'S CERTIFICATE

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

Drawn by: [Signature] Date: [Date]

NO. REVISION DATE INITIAL



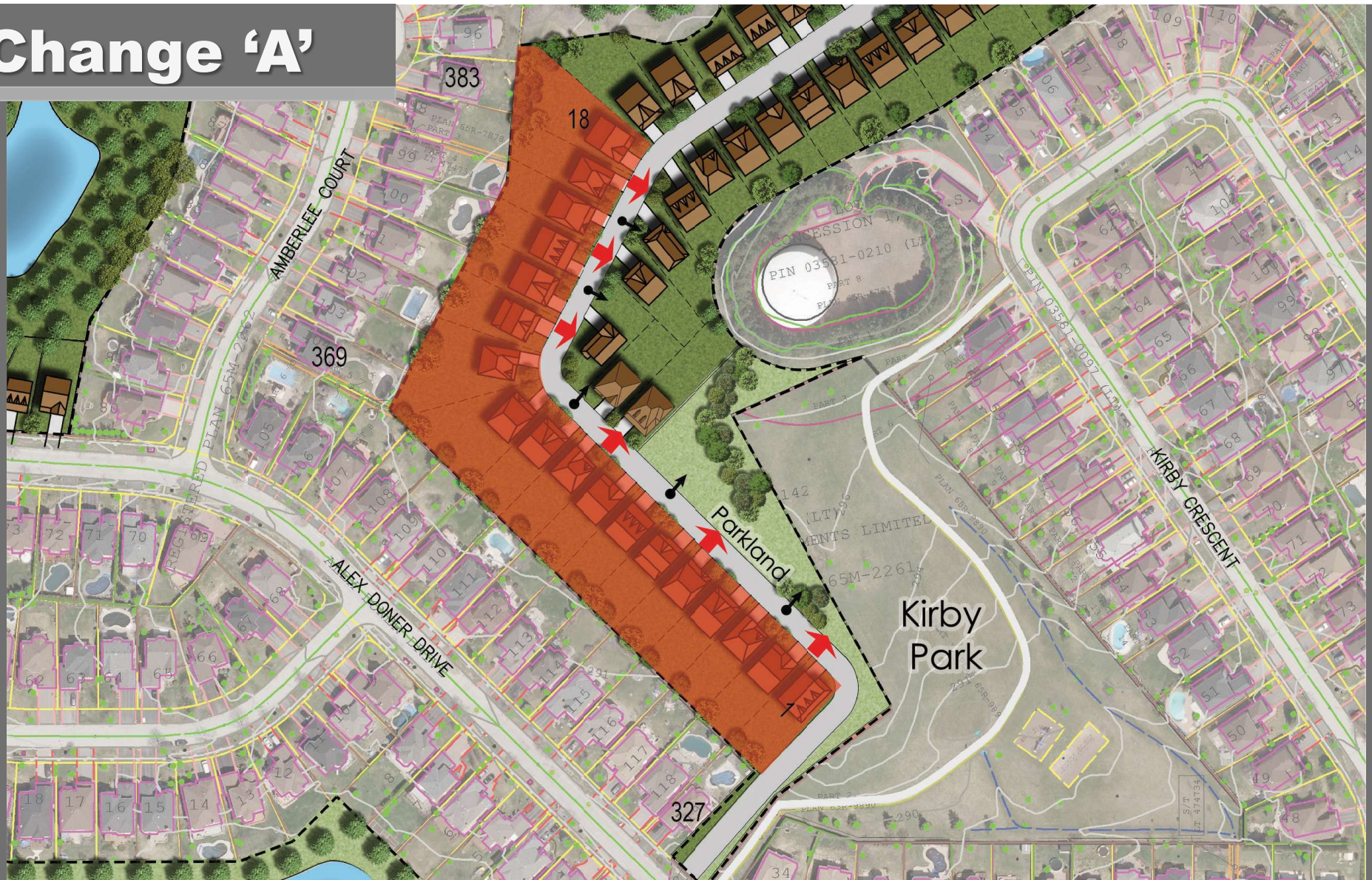
ZELINKA PRIMO LTD
A Professional Planning Practice
 318 Wellington Road, London, Ontario, N6C 4H4
 Tel: (519) 474-7107 Fax: (519) 474-2284 e-mail: zp@zelinka.com

DATE: 17 MARCH 2017
 SCALE: 1:1,250

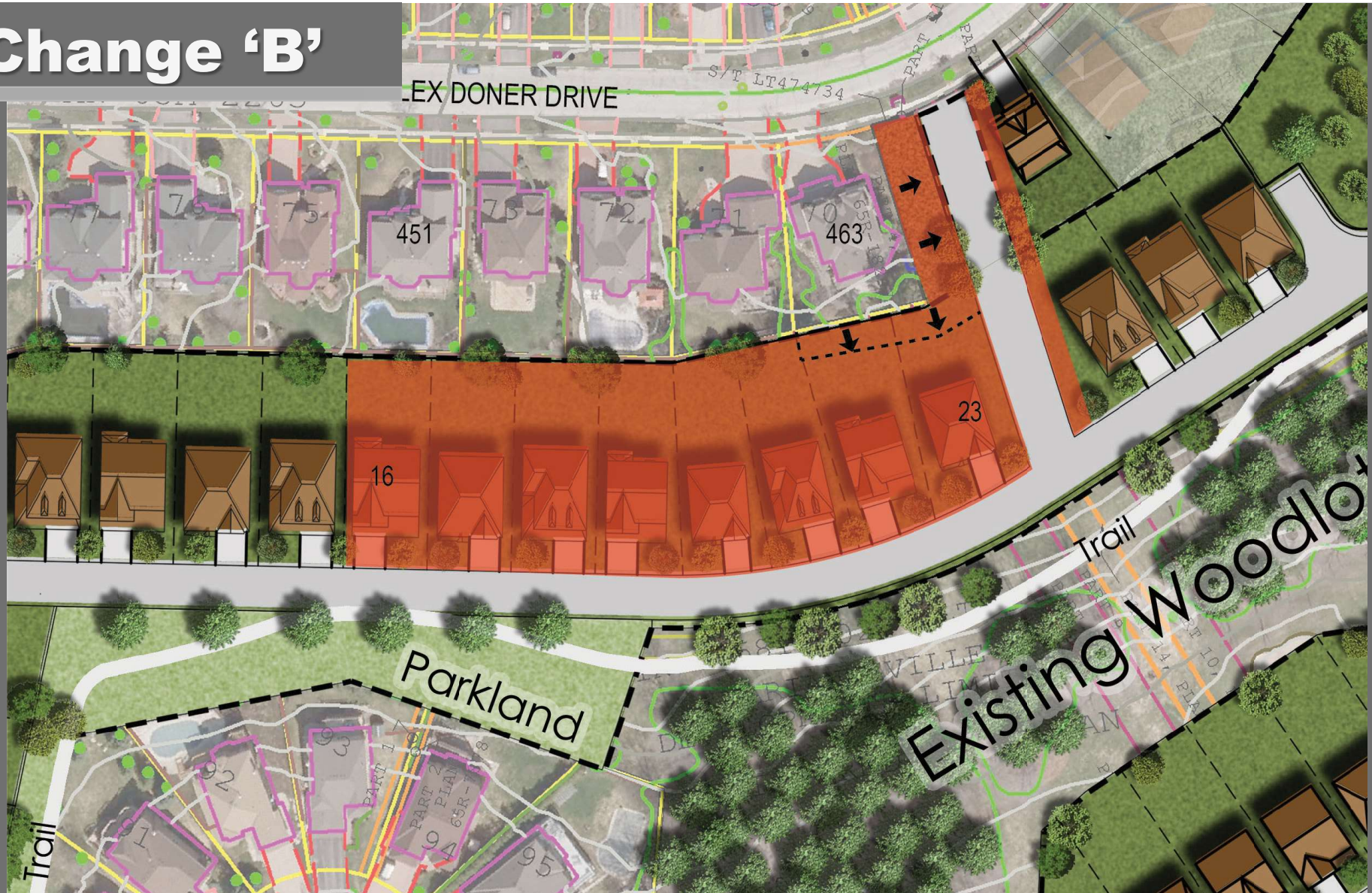
Changes Overview



Change 'A'



Change 'B'



Change 'C'



Change 'D'



SWM POND — BLOCK 18

1: 500

Concept Plan
Glenway Subdivision, Newmarket, Ont.

 **ZELINKA PRIAMO LTD**
A Professional Planning Practice

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

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

Name: Allen Matrosov	
Organization / Group/ Business represented: Privet Newmarket resident (a member of the community affected)	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: N/A
Email: [REDACTED]	Date of Meeting: Monday, February 3, 2020
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: Glen-way West development
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Offer my comments, concerns and suggestions regarding what is being proposed 'Glenway West' application	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

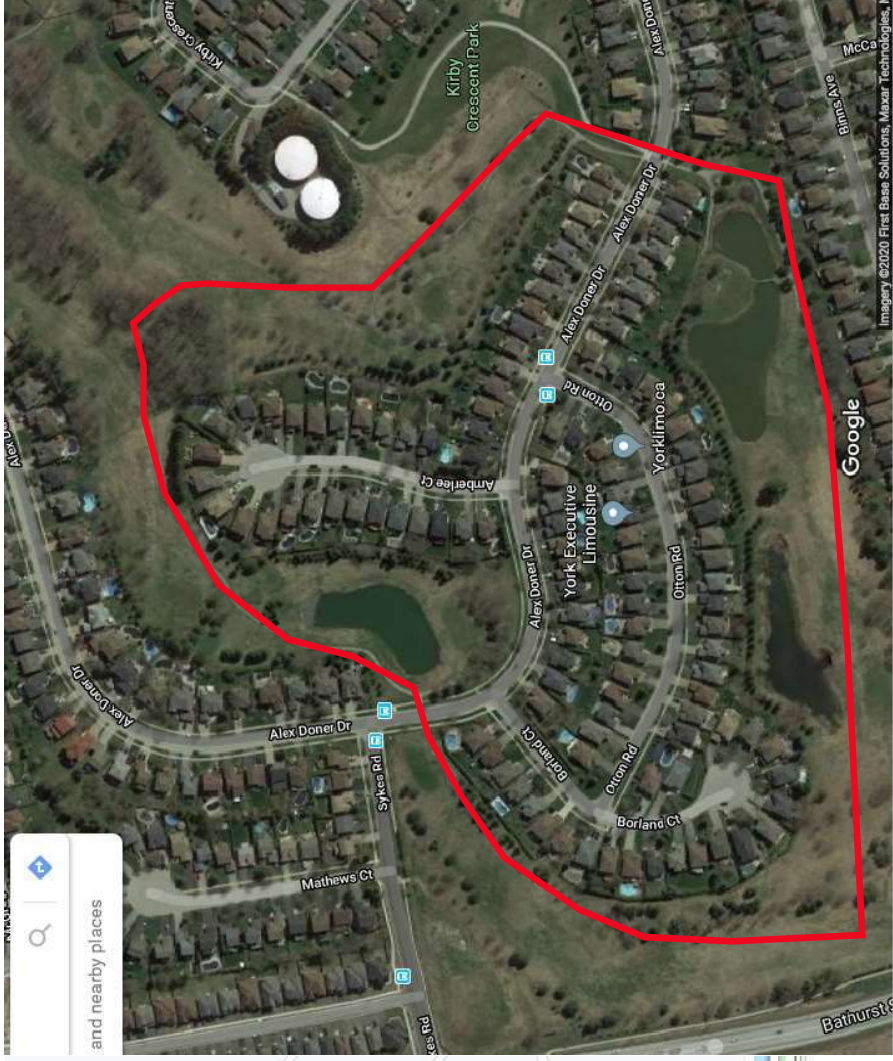
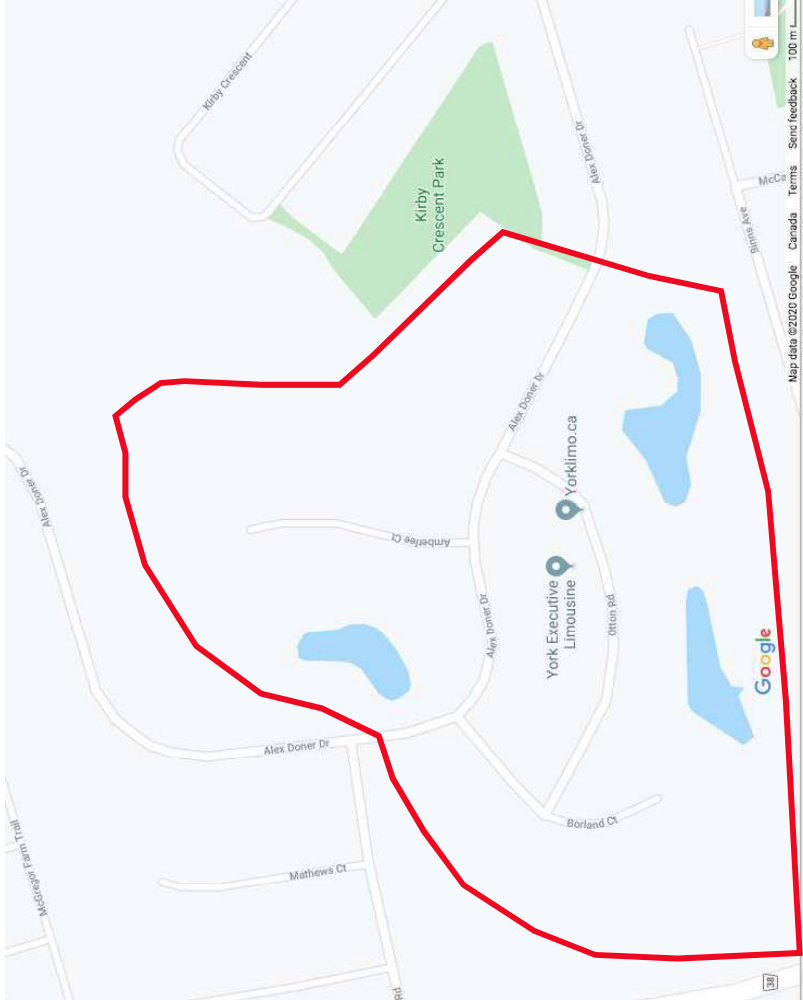
- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



WALKABILITY



Comments concerning the proposed Glenway West development

February 03, 2020

Brian Greiner



ISSUE : Trees

The Arborist Report states that of the 641 identified trees and tree groupings, 510 (78%) will require removal. That is a lot, even taking into account that some of them are diseased or elderly. Is there no way to save more of these established trees? Would not a backyard with a tree or two be more desirable than a barren one?

The report states that transplanting efforts in Glenway East were largely unsuccessful, but fails to give a reason. Was the effort poorly implemented or is there some inherent reason in the environment that would account for all these failures?

ISSUE : Water Pressure

The Functional Servicing Report talks about meeting current standards for water usage and pressure, but what does this actually mean for existing homeowners? Will the water pressure to our homes be adversely affected by this proposed development?

ISSUE : Water and Sewage allocation

There has always been an ongoing concern about water and sewage capacities in Newmarket. Will this proposed development cause problems in this regard?

ISSUE : Adverse effect of the construction process on existing homeowners

Experiences in the Glenway East development, and others, has shown that existing residents can expect months or years of degraded quality of life and enjoyment of their homes. This includes, but is not limited to : noise pollution (both within and outside of allowed times), construction vehicles using residential streets for parking and transport runs, minimal or absent traffic control procedures, dust pollution that coats exterior structures and furnishings, mounds of soil that remain bare rather than being seeded, grassy areas that remain unmowed and unsightly for lengthy periods of time (this also contributes to the growth and distribution of weeds throughout the neighbourhood), and using unused plots as a long-term dump for construction materials which not only looks unsightly but encourages residents to view those areas as dumping grounds for trash.

ISSUE : Accountability

The problem for residents is how to report issues that occur outside of Town office hours. Further, how can residents know that the Builder has been held to account for reported issues? Builders and their subcontractors have been far too casual in modifying their practices when building in already-existing neighbourhoods.

Solution 1 : Automatic fines levied against the builder, who could then take appropriate action against the individuals or subcontractors involved. Fines would increase (perhaps so much as doubled) for every day (or week or whatever is appropriate) that the issue remains unresolved. See also Solution-3.

Solution 2 : Create a Town-managed database of incidents, tracking date, time, location, and type of infraction. This database must be publically available (eg. similar to the coyote tracking app) and updated at least daily. Every builder must be required to pay towards the creation and maintenance of the database, which would be run by the Town. This would allow residents to track issues, but would also be of benefit to the builders who could use it to better hold individual people or subcontractors to account.

Solution 3 : When a problem has been reported by an resident (eg. excessive noise outside of the allowed working hours), the Builder would be required to post a supervisor at that specific location during the times that the issue was seen for however long it takes for the problem to be solved. It is not enough for the builder to promise to “talk to” the subcontractors, or for a manager to be on site managing the job as a whole. What is required is for the Town to automatically require an extra supervisor at a specific location where problems have been reported, at whatever time is required, for however long is required is fix the problem. Further, this supervisor must have the authority to resolve the issue, whether that involve extra personnel or equipment, or talking with residents. The hope is that the extra cost and inconvenience of posting an extra supervisor will provide incentive for the Builder to minimize problems, and to solve them as quickly as possible when they do occur. It would also increase the chances for the Builder to see the issues for themselves. This solution ties in with Solution-1’s proposed fines.

ISSUE : Habitat destruction and the effect on wildlife

The Glenway East development destroyed the habitat for both birds and ground-based animals. Mice, for example, moved towards the existing bordering homes and have become more of an issue. Birds now have far fewer feeding and nesting opportunities.

Given the extensive tree removal that is proposed, have any studies been done to determine the effect this proposed development will have on wildlife?

Are there any species of special concern that will be impacted?

How will changes to the ponds affect the wildlife that depend on them?

ISSUE : Other services

Have service providers such as Rogers and Bell been notified and consulted about this proposed development?

Will the services provided by them be interrupted or degraded for existing residents?

I am a Glenway resident and have several concerns with the proposed development. The fabric of the neighborhood and town has already gone through a drastic transformation due to the extensive amount of recent construction and infill of the golf course lands and surrounding areas. Further development will only create further negative outcomes for all citizens of Newmarket.

For example, the new developments are highly condensed and have created a significant increase in traffic and safety for all residents of the town. Further additions of medium and high density developments will add to this issue and also put further strain on the towns resources. Additionally, these medium and high density designs do not fit into the existing architecture of the neighborhood homes and will more than likely further affect the property values as more green space is removed from the area. This is a key factor which draws people to the town and area. The further erosion of a significant portion of the remaining towns green space will only generate further environmental issues such as climate change. Hundreds of mature trees and shrubs will also be removed and replaced and im sure you are well aware of the benefits this type of environment provides for everyone.

Given that the town has recently classified climate change as an 'emergency", I don't understand how further intensification and development of existing green space will help address this issue today and for the future generations of town residents. More than likely they will look back and wonder why the town permitted further developments of this nature?

I'm sure many residents would like the Council to specifically comment on these issues and demonstrate how this proposal benefits the towns residents.

Please let me know if you wish to further discuss.

Thanks,

Dominic

A solid black rectangular box used to redact the signature of Dominic.

Dominic Murphy

Town of Newmarket
395 Mulock Dr.
PO Box 328, Stn Main
Newmarket, ON L3Y 4X7

Please consider this letter as our written request to be notified of the adoption of the proposed
Official Plan or Zoning By-Law Amendment.

Sincerely,

Three handwritten signatures in black ink. The first signature is 'A Rogers', the second is 'Erin Rogers', and the third is 'Gary Rogers'.

Adam Rogers, Erin Rogers, and Gary Rogers



Planning and Building Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328 STN Main
Newmarket, ON L3Y 4X7

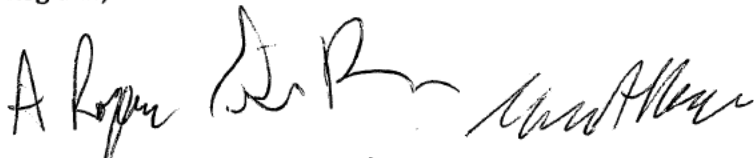
February 3, 2020

Dear Members of Council,

This letter states our opposition to the proposed Marianneville Developments Limited Proposal on the property known as the Former Glenway Golf Course (west of the Hydro Corridor). As residents in the area we feel that this proposal compromises the integrity of the current development and diminishes both the value of the existing subdivisions and the greater Town of Newmarket. Our first concern is for the existing greenspace and trees that were beautiful private property for 30 years, which will be greatly altered by the proposal. Globally there is great value placed on our quickly diminishing treed greenspace for its qualitative value on a community as well as its ability to combat climate change and contribute to a healthier planet. The proposal does retain some greenspace; however, it also will be clearing a large amount of greenspace and re-grading land for nearly all of the proposed buildings which we feel will likely damage many of trees which the proposal claims to maintain. Our particular residence has 2 large older trees behind our property which the proposal shows will be retained and protected, however our confidence and trust has been shaken to the point that we question if this will be a commitment of those executing the development plan and if these trees will actually be protected or damaged during the frenzy to erect houses.

Our other great concern involves the integrity of the area in question as well as the greater Town of Newmarket. The Glenway area was a prestigious area of Newmarket and has been since its inception. The proposal plans to cut roads through very limited amounts of current greenspace to provide roadways for the new housing, this destroys parkland, greenspace and will affect, if not kill wildlife. Economic considerations understood, this is large price to pay for our community. We feel the greatest integrity piece comes into question with the design of the proposed communities. These communities involve inserting houses at a density which does not fit the atmosphere of the current community in Glenway with either density or design. We can see from some of our neighboring communities to the north that the whole community is degraded when the current atmosphere of the area is not considered and housing styles and densities. It cannot be overstated that this proposal shakes public confidence in the Ontario Land Development Board as it seems that they will sell off whatever piece of land they can in order to make profits from developers and increased property tax revenues. We are opposed to the proposal noted above. We understand that this opposition will likely be accepted but we implore you to reconsidering retaining as much greenspace as possible and consulting residents of the area further as far as the style of houses to be built. Our greatest concern is that the developer is acting strictly in the name of profit with no regard for the current residents or the environment and this will lead to a less than optimal community for all of us.

Regards,



Adam Rogers, Erin Rogers, and Gary Rogers
Glenway Residents



To
Christina Bisanz Councillor Ward 7 and the Town of Newmarket

Hello

I wish to thank Christina for your commitment to the updates for ward 7 residents and look forward to the future updates on the development for the Glenway area.

As a longtime resident of Glenway my wife and I, now both retired, thought we were investing our time & money into an area that would give us a happy retirement with all necessary amenities close by. Due to the ongoing construction the last seven years in this area and the ensuing chaos & frustration dealing with the builders contact people in an attempt to mitigate problems, we are thinking twice about our decision to stay. We weigh the pros and cons of moving on a weekly, if not daily, basis it seems. This is our family home filled with years of love and memories, our grown children & their families return HOME often, adding to our ties to this area, so for people to say "just move", it's not that simple. We are invested in Newmarket and all that it offers. With the upcoming reveal for the west lands of Glenway our focus will be on that and the long term affect for us.

Because our home is beside the old clubhouse site next to the hydro corridor we did believe that there would always be some form of buffer between us and the construction, big mistake !

We were willing to live through the noise, the dirt and dust, and the general day to day process of construction, always believing that the end result would be quite nice. Now we look out our kitchen window and use our rear deck and yard with a constant day to day reminder of the process of building new homes only just beyond our fence. With the 6 new homes to be built just to the west of us any time the effect will seem to double, throw in the announcement of the west lands it is sometimes overwhelming.

I have attached a list of concerns for you and know that some appear as nit picking but on a day to day basis these issues become extremely annoying!

I do believe that these concerns will not go away any time soon but just move from site to site until all is completed in this area .

I have tried to get information about the future plans for the hydro corridor but answers at this time from all parties seems to be unsure . Will this area become a staging area once again for builders with absolutely no respect for existing home owners! You say we have a voice but those words ring very hollow for all home owners living through this entire process!

I appreciate your understanding on these matters

Richard F Smith


CONSTRUCTION CONCERNS GLENWAY

dirt on roadways

only seem to clean roads when prompted

no set time sometimes in the morning and or evening not during the day when roads are being used by residents, sometimes late at night

airborne dust control almost non existent must complain before any attempts are made

constant back and forth from site to overflow parking lot to move materials and waste more dirt more dust

overflow parking lot turned into construction holding area / employee parking which brings

- constant garbage, coffee cups, waste paper, work gloves, lunches, which attracts coyotes
- parking of machinery to move and install materials c/w back up beepers
- storage of bricks, ducts, trailers, stone, stairs, electrical cables and storage containers
- large dumpsters for garbage with loud banging when small site containers are emptied many times a day
-

only designated construction parking lot only had one construction trailer on it which was empty most of the time and seldom used for parking by workers even when parking was limited

construction access points where left open so anyone could dump any debris or garbage that they wish and still is a problem

sidewalk and roadways at access points seldom cleaned

construction debris along the streets has been picked up on occasions since construction started generally when grass cutting

roadways have been closed to one lane without the use of cones, signs, flagpersons, workers parking on street causing traffic confusion and trucks unloading on street more confusion

walkways have been dug out for services and replaced most of which have sunk lower than existing

sidewalks closed and blocked to pedestrian traffic

holes have been dug and not backfilled properly

sod replaced and then destroyed by home construction

roadways and sidewalks damaged

material being delivered at peak traffic times generally in the morning and trucks using the subdivision roads rather than the access roads no signs to indicate not to

money spent trying to save / transplant trees

then trees cut down no reason given

overflow parking area and streets taken over by customers up to 72 hours prior to sales office being open

use public boulevards for storage of signs scrap wood etc

the black construction fencing round the reconstructed pond at Crossland Gate and Hwy 9 is in tatters and the garbage is now getting into the pond
the weeds at this location where higher than the plant material this year /2019

the intersection at Crossland Gate and Alex Doner Dr the roadways need repair due to heavy truck use

With the completed homes being occupied there has been a definite change to traffic patterns in the area and a change in water pressure, With the announcement of Glenway West proposed development and the balance of buildings to be completed in Glenway East should all the studies done before not be reviewed to make sure they will be meet all future demands.

The construction management practices to date have not been great for an infill project of this type and require a major overhaul to be satisfactory to all residents going forward .
Contact numbers names emails and web sites should be posted at all sites to assist with concerns .



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

Memorandum

Mobile Business Licence By-law 2020-07

February 10, 2020

Attached is a new draft Mobile Business Licence By-law for Council's consideration.

The attached draft by-law incorporates feedback and changes, as discussed at the February 3, 2020 Committee of the Whole meeting. Feedback from the Tow Truck industry was also received and minor clarifications have been added. In addition to minor clerical changes, the following amendments are being proposed as follows:

- 8.2(4)(c) – TNC audits will be conducted annually during the application process and upon request (previously annually and on a quarterly basis);
- 8.2(4)(e) – Accessible transportation requirements have been removed and will be reviewed as a phase II approach to mobile licensing; and;
- 8.6(8)(e) – New provision clarifying that tow truck rates set by provincial contracts are not required to comply with a lower tier municipality's rates.

For more information, call the Town of Newmarket at 905-895-5193 or email info@newmarket.ca.



Corporation of the Town of Newmarket

By-law 2020-07

A By-law to Regulate and License Mobile Businesses to Operate in the Town of Newmarket.

Whereas Section 151 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

And whereas the Council of the Town of Newmarket deems it advisable to pass such by-law;

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

1. Title

This By-law may be known and cited for all purposes as the “Mobile Business Licence By-law 2020-07”.

2. Definitions

In this By-law:

“Accessible Vehicle” means a motor vehicle that is used or designed to be used to transport Persons who have a disability;

“Affiliation Date” means the date an Applicant applies for a new or the renewal of a Business Licence;

“Appeal Committee” means the Appeal Committee established by the Town.

“Applicant” means a person applying for a Business Licence to carry on a Business, activity, or undertaking pursuant to this By-law;

“Business” means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality;

“Business Licence” means a licence to operate a Business under this By-law;

“Clean” means free of dirt, garbage, debris, and in good repair;

“Collision” means the unintended contact resulting from the motion of a Motor Vehicle and/or its load;

“Collision Scene” means the general location or place where a Collision has occurred;

“Council” means Council for the Corporation of the Town of Newmarket;

“CVOR Certificate” means a Commercial Vehicle Operator’s Registration Certificate issued under the Highway Traffic Act;

“Criminal Record Check” means a criminal record check issued by an Ontario police service as approved by the Manager;

“Director” means the Director of Legislative Services of the Town of Newmarket or designate;

“Director of Recreation and Culture” means the Director of Recreation of the Town of Newmarket or designate;

“Drivers Abstract” means a Driver Record Search issued by the Ontario Ministry of Transportation;

“Driving School Instructor” means a Person who provides instruction in the operation of motor vehicles but does not include a Person who provides in-class instruction only;

“Driving School Instructor Vehicle” means a motor vehicle that is being used by a Driving School Instructor for the purpose of teaching a Person to operate a motor vehicle or conduct a driving test;

“Drop Fee” means any fee or commission paid to a Tow Truck Company or Tow Truck Driver in return for the towing or otherwise conveying of a vehicle to a particular place, other than or in addition to the amount to which the Tow Truck Company or Tow Truck Driver is authorized to charge the customer in accordance with this By-law;

“Fare” means the amount communicated and agreed upon by any potential customer or passenger prior to the start of a Trip;

“Farmers Market” means a central location at which a group of Persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods, and preserved foods, and at which the majority of the Persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“Fees and Charges By-law” means the Town of Newmarket Fees and Charges By-law, as amended;

“Licence Fee” means a fee payable for a Business Licence pursuant to the Fees and Charges By-law;

“Licensed” means to have in one’s possession a valid and current Business Licence issued pursuant to this By-law;

“Licensing Officer” means an individual appointed by the Town as a Municipal Law Enforcement Officer or any other individual designated by the Town to enforce this By-law;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport Persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousine;

“Limousine Company” means a Business engaged in providing an array of specialty or luxury passenger transportation services via Limousines or luxury sedans generally on a reserved basis, and who offers such vehicle for hire;

“Manager” means the Town of Newmarket Manager of Regulatory Services or their designate;

“Mobile Business” means a Business that provides goods and/or services to the public from a vehicle or apparatus that is designed to be mobile and includes, but is not limited to:

- (a) Driving School Instructor Instructors;
- (b) Limousine Companies;
- (c) Refreshment Vehicles;
- (d) Taxicabs;
- (e) Tow Trucks; and
- (f) Transportation Network Companies;

“Non-Profit Organization” means any incorporated or unincorporated organization formed for charitable purposes and not organized for profit or personal gain;

“Operator” means the driver or Person that operates a Business pursuant to this By-law;

“Owner” means a Person who, alone or with others, fits into any one or more of the following categories:

- (a) Is the owner of a vehicle or business;
- (b) Has control over the vehicle or business; or
- (c) Directs the operation of the vehicle or business;

“Person” includes a natural person, corporation, partnership or party, and the personal or other legal representatives or a person to whom the context can apply according to law;

“Police Officer” means a Police Officer defined under the Police Services Act, R.S.O. 1990, c. P15, as amended;

“Refreshment Vehicle Owner” means the owner of a Refreshment Vehicle;

“Refreshment Vehicle Operator” means any Person that is the driver or Operator of a Refreshment Vehicle;

“Refreshment Vehicle” means any vehicle from which refreshments are sold for public consumption, including carts, wagons, trailers and trucks, irrespective of the type of motor power employed to move the Refreshment Vehicle;

“Refreshment Vehicle – Type 1” means a motor vehicle that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to vehicles such as catering trucks and ice cream trucks;

“Refreshment Vehicle – Type 2” means a trailer/cart that is stationary and licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;

“Refreshment Vehicle Type 3” – means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;

“Refreshment Vehicle Type 4” – means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;

“Registered Owner” means a Person who is registered with the Registrar of Motor Vehicles for the Province of Ontario as the plate owner of the vehicle;

“Restricted Area” means the area on a highway used by Drive Test employees for conducting driving tests as contained in Schedule “A” of this By-law;

“Smoke or Smoking” includes the holding or carrying of a lighted cigar, cigarette, pipe, e-cigarette, electronic vaporizer, or any other lighted, heated tobacco, cannabis, or other substance or product;

“Special Event” means any event which is being held as a community, social, sporting, cultural group celebration, or other similar event on a commercial property or public property;

“Special Event Organizer” means the organizer and/or coordinator of a Special Event;

“Special Event Organizer Licence” means a licence applied for and obtained pursuant to this By-law;

“Special Event Vendor” means a Person that is licensed as a Refreshment Vehicle Owner by the Town;

“Sticker Plate” means a sticker numbered plate issued by the Town to a person licensed pursuant to this by-law;

“Taxicab” means a motor vehicle that is designed or customarily used for the transportation of passengers, where such motor vehicle is offered or made available for hire together with a driver for the conveyance of passengers or goods;

“Taxicab Company” means any Person who carries on the business of accepting, advertising, brokering, or dispatching orders for Taxicabs by way of a listed telephone line, and through other means not limited to an App or other electronic method;

“Taxicab Driver” means the driver of a Taxicab that provides transportation to passengers by way of Persons requesting services through a Taxicab Company, or in response to a Street Hail or pick-up;

“Taxicab Meter” means a device or instrument affixed to a Taxicab which measures, mechanically or electronically, the distance driven and the time waiting upon which a Fare is based, and which computes the amount of the fare chargeable for a Taxicab Trip for which a Fare is chargeable;

“Tow/Towing” means the removal, or a conveyance of a motor vehicle by a Tow Truck and are in accordance with the tow rates set out in this By-law;

“Tow Truck” means a motor vehicle that is designed, modified, configured, or equipped so that it is capable of towing other motor vehicles;

“Tow Truck Company” means a Person who in pursuance of a trade, calling business, or occupation arranges for the provision for hire to a customer of the services of a Tow Truck;

“Tow Truck Driver” means any Person that is the driver or operator of a Tow Truck;

“Town” means the Corporation of the Town of Newmarket in the Regional Municipality of York;

“Trail” means that part of a park that has been improved with a hard surface or not paved and intended for a variety of uses;

“Transportation Network Company (TNC)” means any Person that offers, facilitates, or operates prearranged transportation services exclusively through a TNC App that matches passengers requesting service to TNC Drivers who provide service using a TNC Vehicle;

Transportation Network Company (TNC) App” means a mobile application that can be downloaded onto or accessed on a mobile phone, tablet, or other digital electronic device used to connect passengers with TNC Drivers;

“Transportation Network Company (TNC) Driver” means the driver of a TNC Vehicle who is affiliated with a TNC and who has access to a TNC App to transport passengers for compensation;

“Transportation Network Company (TNC) Vehicle” means a private motor vehicle that provides transportation services for compensation but does not include a Taxicab as defined in this By-law;

“Trip” means each journey commencing when a passenger enters a vehicle-for-hire having made a request for transportation in exchange for a monetary amount and ending when that same passenger exits the vehicle-for-hire;

“Zoning By-law” means the Town of Newmarket Zoning By-law, as amended.

3. General Regulations

(1) No Person shall:

- (a) carry on or operate any Mobile Business within the Town unless that Person holds a valid and subsisting business licence issued to that Person for that Business;
- (b) represent to the public that the Person is licensed under this By-law if the Person is not so licensed; or
- (c) contravene or fail to comply with a term or condition of the Licence imposed under this By-law.

(2) Every Person shall comply with all federal, provincial, and municipal laws and regulations applicable to the Mobile Business.

(3) Every holder of a valid business licence shall display the business licence in a location visible to customers utilizing the business.

(4) Every licence issued shall be deemed to be a personal licence to the licensee therein named and is not transferable.

(5) No Person operating a Mobile Business within the Town shall market that Business or its products and services through any means of promotion unless:

- (a) the Person operating that Business is the holder of a valid business licence issued pursuant to this By-law;
- (b) the Business name being promoted or marketed matches the named endorsed on the Business Licence; and
- (c) the marketing offers products and services that comply with Town by-laws and related enactments.

(6) No Person shall carry on a Mobile Business of any kind, in any way or manner on Town-owned property, parks, boulevards, highways, or other public property unless specifically authorized to do so under the conditions of that Person’s business licence.

- (7) Every Mobile Business must apply for, obtain, and be in possession of a valid business licence authorizing them to carry on their Business in the Town.
- (8) No Person shall Smoke or permit Smoking within any vehicle affiliated to any Business licensed under this By-law.

4. Administration and Enforcement

- (1) Through delegated authority, the **Manager** may:
 - (a) grant, issue, or amend a business licence if the Licensing Officer is satisfied that the applicant has complied with all of the by-laws of the Town and related enactments that apply to the applicant's Business;
 - (b) suspend, cancel, or refuse to issue a business licence in accordance with Section 7 of this By-law;
 - (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the Business;
 - (d) conduct inspections and investigations to ensure that all regulations and provisions prescribed in this By-law are carried out; and
 - (e) prepare, from time to time, forms to be used for the purpose of making applications under this By-law.
- (2) No person shall Obstruct or attempt to Obstruct a Licensing Officer or other Person who is exercising a power or performing a duty under this By-law.
- (3) Any vehicle found to be in contravention of any provision of this By-law shall be the liability of the Registered Owner and responsible for any and all fees and fines imposed.

5. Licence Fees

- (1) Business licence fees shall be in accordance with those specified in the Town of Newmarket Fees and Charges By-law.
- (2) An administrative penalty of 25% of the renewal fee shall be added to each unpaid business licence after 31 days from the renewal date. If unpaid by this time, the licence shall be revoked and a new business licence application shall be required.
- (3) If an application for a licence is withdrawn, in writing, prior to the issuance of the licence, the Licence Fee shall be refunded to the applicant if a licence was pre-paid.
- (4) No Licence Fee shall be refunded after the issuance of a licence.

6. Application and Renewal

- (1) The terms of a business licence issued under this By-law are for a period commencing January 1st and ending December 31st of the year for while the licence is issued.
- (2) All new business licence applications shall be accompanied by a non-refundable \$50.00 application processing fee. If a business licence application is approved, the application processing fee shall be applied to the Business Licence fee identified under the Fees and Charges By-law.

- (3) Every applicant for a new Business Licence or for the renewal of a Business Licence issued under this By-law shall:
- (a) submit a completed application on the forms provided;
 - (b) file proof satisfactory to the Licensing Officer that they are eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of the Licence type that they are applying for;
 - (c) provide a copy of the:
 - (i) incorporating document and a copy of the last annual information return which has been filed with the appropriate government department, if the applicant is a corporation; or
 - (ii) registered declaration of partnership, if the applicant is a registered partnership;
 - (d) provide any other document relating to the operation of the Business requested by the Licensing Officer, including but not limited to:
 - (i) a provincial diver's licence;
 - (ii) Vulnerable Sector Screening Search or Criminal Conviction Background Search issued by the Police Service in which the applicant resides;
 - (iii) Harmonized Sales Tax (HST) number;
 - (iv) Ontario Ministry of Transportation Vehicle Ownership Permit;
 - (v) York Regional Health Department Inspection Certificate;
 - (vi) Insurance Certificates;
 - (vii) Letters of employment;
 - (viii) Ministry of Transportation Driver's Abstract; or
 - (ix) Vehicle lease agreements;
 - (e) pay any required fees pursuant to the Town's Fees and Charges By-law; and
 - (f) pay any outstanding fine(s) owed to the Town prior to the issuance of a business licence.
- (4) If a Person submits a Business Licence application for which additional information or documentation is required by the Licensing Officer, the Person shall supply all required information and documentation within 30 days of the request made by the Licensing Officer, after which time the application may be refused and a new application for a Business Licence is required.

7. Suspension, Cancellation, and Refusal

- (1) The Manager may revoke, suspend, cancel or refuse to renew or issue a licence:

- (a) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
 - (b) where the applicant or licensee has been found by the Manager or Licensing Officer to fail to comply with any provision of this By-law; or
 - (c) where the applicant has been found by the Manager to provide false information in order to obtain a business licence.
- (2) Upon such revocation, suspension, cancellation, or refusal to issue or renew a Business Licence, the Manager shall provide a formal letter outlining the reason(s) for the refusal and shall be delivered to the applicant or licensee within seven (7) business days. Such notice shall set out and give reasonable particulars of the ground(s) for the decision and options for an Appeal Hearing.
 - (3) An applicant or licensee of a Business Licence may request a hearing before the Appeals Committee for reconsideration of the Manager's decisions to revoke, suspend, cancel, or refuse to issue or renew a Business Licence by delivering a written request to the Manager within fourteen (14) days of the Manager's decision being sent.
 - (4) The applicant or licensee of a Business Licence must pay a non refundable Appeal Fee in accordance with the Fees and Charges By-law;
 - (5) Before the **Appeals Committee** makes any decision, a written notice to advise the applicant or licensee of the recommendations being made by the Manager with respect to the licence shall be provided to the applicant or licensee.
 - (6) The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a licence before the Appeals Committee.
 - (7) Failure for the applicant or licensee to attend the scheduled hearing before the Appeals Committee shall result in the proceeding of the hearing.
 - (8) The decision of the Appeals Committee is final and is not subject to an appeal.
 - (9) No Person shall conduct any Business pursuant to their Business Licence during a period of suspension of that Business Licence.
 - (10) No Person shall market a Business during a period of suspension of that Business' Licence.
 - (11) If the Manager suspends, cancels or refuses to issue, amend or renew the business licence for a business, the Town may post a notice of suspension, cancellation, or refusal on the vehicle used for and affiliated to the Business.
 - (12) A posted notice of suspension, cancellation, or refusal of a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.
 - (13) If a business is operating without a licence required under this By-law, the Town may post a notice describing the failure to hold a valid

business licence on the premises of the business or on the vehicle used and affiliated with the business.

- (14) A posted notice of operating without a business licence shall not be removed until the Manager has approved the issuance of a valid business licence.

8. Specific Regulations

8.1 Taxicab Companies

- (1) A Person wishing to carry on the Business of a Taxicab Company in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
- (a) a list of all Taxicab Drivers affiliated with the Taxicab Company
 - (b) a list of all Taxicabs affiliated with the Taxicab Company, where the list shall include the year, make, model and Ontario Licence plate number of the Taxicab Vehicle
 - (c) a sworn declaration from the Taxicab Company that all Taxicab Drivers affiliated with the Taxicab Company have provided the following to the Taxicab Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation date
 - ii. a Driver's Abstract issued within one year of the Affiliation date
 - iii. proof of a valid driver's license
 - (d) a sworn declaration from the Taxicab Company that every Taxicab affiliated with the Taxicab Company has the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Taxicab owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
 - (e) An insurance certificate demonstrating commercial general liability business insurance for the operations of the Taxicab Company against claims filed against the Taxicab Company with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the Taxi;

Taxicab Driver Requirements

- (2) A Taxicab Company shall not permit a Taxicab Driver to operate in the Town if the Taxicab Driver:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:

- i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Taxicab that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Taxicab Company shall ensure that every Taxicab Driver shall, at all times while operating a Taxicab, have on display his or her name and photograph to be plainly visible and readable by customers.

Taxicab Company Requirements

- (4) A Taxicab Company shall:
- (a) ensure that prior to the collection of any personal information, a Taxicab Company shall obtain consent from any affiliated Taxicab Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
 - (b) set Fares to be charged to passengers transported by affiliated Taxicab Drivers subject to the following conditions:
 - i. the fare for a Trip shall be communicated and agreed upon by any potential passenger clearly and transparently prior to the start of the Trip;
 - ii. the Taxicab Driver shall not commence the Trip until the passenger has been provided a flat rate of the fare communicated in accordance with subsection (i) above; or
 - iii. the customer has been provided the price per kilometre prior to commencement of the Trip.
 - iv. the Taxicab Driver shall charge the passenger the communicated and accepted Fare in accordance with subsection (i) and (ii) and (iii) above;
 - (c) when employing a Taxicab Driver, notify the Town, in writing, that they have employed that Taxicab Driver before he/she operates in the Town and provide the Town with the full name of the Taxicab Driver;
 - (d) when adding a Taxicab to their affiliation, notify the Town in writing that they have added that Taxicab before it is put into operation in the Town and provide the Town with the year, make, model and Ontario Licence plate number of the Taxicab.

Taxicab Company Record Keeping

- (5) A Taxicab Company shall maintain a list of every affiliated Taxicab Driver and Taxicab in a readily accessible format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the Taxicab Driver; and
 - (b) the year, make, model and Ontario licence plate number of the Taxicab affiliated with the Taxicab Company.

- (6) A Taxicab Company shall maintain information for all Trips completed by affiliated Taxicab Drivers which shall include:
 - (a) the name of the Taxicab Driver;
 - (b) the Taxicab used for the Trip
 - (c) the pick up location and the destination;
 - (d) date and time the Trip started and terminated; and
 - (e) the fare paid for the Trip.
- (7) A Taxicab Company shall maintain information for all Trips that cannot be completed by an affiliated Taxicab Driver including Trips where an Accessible Vehicle is required.
- (8) The records of a Taxicab Company are required to be maintain for a minimum of one (1) year.
- (9) The Taxicab Company shall provide the Manager with any information maintained by the Taxicab Company according to this By-law and shall provide said following information:
 - (a) within thirty (30) days upon request; and
 - (b) notwithstanding section 8.1(9)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of Taxicab Driver from Taxicab Company

- (10) A Taxicab Company shall ensure that a Taxicab Driver is removed and/or denied access as a Taxicab Driver in the event that:
 - (a) the Taxicab Company has reasonable belief that an affiliated Taxicab Driver does not meet the Taxicab Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a Taxicab Driver be removed from the Taxicab company based on an investigation completed whereby the Manager has determined that the Taxicab Driver is not compliant with this By- law.
- (11) No Taxicab Driver that has been removed and/or denied access to a Taxi Company according to section 8.1(10) of this By-law shall be re-granted access until the Manager is satisfied that the Taxicab Driver is in compliance with this By-law.

Taxicab Vehicle Requirements

- (12) A Taxicab Company shall not permit a Taxicab Driver to operate a Taxicab unless the Taxicab:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the Taxicab Driver;
 - (c) has the name of the Taxicab Company with whom the vehicle is associated with, in letters of 15cm in height, on both sides of the vehicle;

- (d) has an assigned number associated with the Taxicab affixed on both sides of the vehicle in a colour that is in contrast with the colour of the vehicle;
 - (e) has a Taxicab Meter;
 - (f) has an electrically illuminated roof sign which is securely attached to the top of the taxicab; and such roof sign shall not be illuminated when a Trip is commenced and shall be illuminated when the Taxicab is in vacant status;
 - (g) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (h) is clean and in good repair as to its exterior and interior; and
 - (i) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts in good working order and plainly visible and accessible to passengers.
- (13) No Taxicab Company or Taxicab Driver shall permit passengers while in the course of their duties unless that passenger is a paying customer that has requested transportation services.

8.2 Transportation Network Companies

TNC Application Requirements

- (1) A Person wishing to carry on the Business of a TNC in the Town shall apply for a new Licence or a renewal Licence by providing the Licensing Officer with the following:
 - (a) a list of all TNC Drivers affiliated with the TNC, where the list shall include the following:
 - i. the full name of the TNC Driver; and
 - ii. the year, make, model, and Ontario licence plate number of the TNC vehicle operated by the TNC Driver.
 - (b) a sworn declaration from the TNC confirming that all TNC Drivers affiliated with the TNC have provided the following to the TNC, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within one year of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within one year of the Affiliation Date for the TNC Vehicles operated by the TNC Driver;
 - iii. a Driver's Abstract issued within one year of the Affiliation Date;
 - iv. proof of valid ride sharing automobile liability insurance which shall include at least 2,000,000 for third party liability coverage per incident, at least 2,000,000 of uninsured

automobile coverages, and statutory Ontario accident benefits; and

- v. proof of a valid driver's licence.
- (c) An insurance certificate demonstrating commercial general liability business insurance for the operations of the TNC against claims filed against the TNC with respect to bodily injury, including personal injury and death, and property damage with a per occurrence limit of at least \$5,000,000. The Town must be included as an additional insured under this policy but only with respect to the operations of the TNC;
- (d) An indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of, or are attributable to, the TNC's business and services, which shall be in a form satisfactory to the Licensing Officer;
- (e) A sworn declaration from the TNC confirming to the satisfaction of the Licensing Officer that:
 - i. the TNC will have the ability to maintain and deliver data in the form, manner, and frequency required by this By-law;
 - ii. the TNC has data security measures in place to protect the personal data collected by the TNC relating to passengers and drivers; and
 - iii. the TNC will ensure that every affiliated TNC Driver maintains the requirements set forth in section 8.2(2) of this By-law;

and

- (f) a report from an independent third party auditor confirming that the TNC is accurately collecting the information as required by this By-law.

TNC Driver Requirements

- (2) A TNC shall not permit a TNC Driver to have access to the TNC App to pick up passengers in the Town if the TNC Driver:
 - (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a Driver's Abstract which contains:
 - i. more than eight (8) demerit points according to the Highway Traffic Act, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario.
 - (c) is operating a TNC Vehicle that has not obtained a Safety Standard Certificate in compliance with this By-law; or
 - (d) operates a TNC Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) TNC Drivers shall:

- (a) only accept a request for transportation services using the TNC App;
- (b) not be permitted to accept any hail requests for transportation services; and
- (c) maintain in the TNC Vehicle at all times, a Safety Standard Certificate that meets the requirements of this By-law.

TNC General Requirements

(4) A TNC shall:

- (a) ensure that driver training is available for all affiliated TNC Drivers on the use of the TNC App;
- (b) ensure that prior to the collection of any personal information, a TNC shall obtain consent from any affiliated TNC Driver for such collection and future disclosure to the Manager for the purposes of investigating complaints, investigation potential breaches of this By-law;
- (c) upon request confirm by way of an independent third party auditor that the information provided in accordance with this By-law is accurate and true;
- (d) ensure there is a dispute resolution process for dealing with any complaints regarding fees, customer service or any other issues arising from the TNC operations.

(5) A TNC shall not:

- (a) obstruct the Manager or Licensing Officer in the use of either passenger or driver accounts associated with the TNC App for use by the Manager or Licensing Officer to ensure compliance with this By-law; and/or
- (b) permit, encourage or condone the acceptance of hails or the solicitation of passengers by TNC Drivers.

TNC App Requirements

(6) A TNC shall set Fares to be charged to passengers transported by affiliated TNC Drivers via the TNC App subject to the following conditions:

- (a) the fare for a Trip shall be communicated to a potential passenger clearly and transparently prior to the start of the Trip;
- (b) the TNC Driver shall not commence the Trip until the passenger has provided electronic acceptance of the fare communicated in accordance with section 8.2(6)(a) above;
- (c) the TNC Driver shall charge the passenger the communicated and accepted fare in accordance with section 8.2(6)(a) and (b) above; and
- (d) a TNC shall ensure that a record is maintained of the passenger's acceptance of the fare provided.

(7) A TNC shall ensure that its TNC App is based on functioning GPS technology as used by its affiliated TNC Drivers.

- (8) A TNC shall provide passengers with the following information via the TNC App prior to the start of a Trip:
- (a) the TNC Vehicle make and model;
 - (b) TNC Driver's first name;
 - (c) Ontario licence plate number of the TNC Vehicle; and
 - (d) photograph of the TNC Driver.
- (9) A TNC shall at the conclusion of every Trip via the TNC App provide the passenger with an electronic receipt containing the following information:
- (a) the fare charged;
 - (b) the date and end time of the Trip;
 - (c) the start and end locations of the Trip; and
 - (d) the TNC Driver's first name and provincial licence plate number of the TNC Vehicle.

TNC Record Keeping

- (10) A TNC shall maintain a list of every affiliated TNC Driver in a readily accessible electronic format approved by the Manager which shall include:
- (a) the full name, date of birth, address and phone number of the TNC Driver; and
 - (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the TNC to be operated by the Driver as a TNC Vehicle.
- (11) A TNC shall maintain information for all Trips completed by affiliated TNC Drivers which shall include:
- (a) the name of the TNC Driver;
 - (b) pick up location and the destination;
 - (c) date and time the Trip started and terminated;
 - (d) length of time elapsed between the passenger's service request and the start of the Trip; and
 - (e) the fare paid for the Trip.
- (12) A TNC shall maintain information for all Trips that cannot be completed by an affiliated TNC Driver.
- (13) The records a TNC is required to maintain under the provisions of this By-law shall be maintained for a minimum of one year.
- (14) The TNC shall provide the Manager with any information maintained by the TNC according to this By-law and shall provide said information:
- (a) within thirty (30) days upon request; and

- (b) notwithstanding section 8.2(14)(a) of this By-law, within seven (7) days where the information is required by the Manager for enforcement purposes.

Removal of TNC Driver from TNC App

- (15) A TNC shall ensure that a TNC Driver is removed from and/or denied access to a TNC App in the event that:
 - (a) the TNC has reasonable belief that an affiliated TNC Driver does not meet the TNC Driver requirements as set out in this By-law; or
 - (b) the Manager has requested that a TNC Driver be removed from the TNC App based on an investigation completed whereby the Manager has determined that the TNC Driver is not compliant with this By-law.
- (16) No TNC Driver that has been removed and/or denied access to a TNC App according to section 8.2(15)(b) of this By-law shall be re-granted access until the Manager is satisfied that the TNC Driver is in compliance with this By-law.

TNC Vehicle Requirements

- (17) A TNC shall not permit a TNC Driver to operate using a TNC Vehicle unless the TNC Vehicle:
 - (a) is ten (10) years old or less;
 - (b) has four doors and a maximum seating capacity of seven (7) passengers excluding the TNC Driver;
 - (c) has received a Safety Standard Certificate in accordance with this By-law, is inspected at a facility satisfactory to the Manager, and receives an inspection on an annual basis;
 - (d) is clean and in good repair as to its exterior and interior; and
 - (e) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30;
 - ii. fully functioning air-conditioning and heating system; and
 - iii. seat belts plainly visible and accessible to passengers.

8.3 Refreshment Vehicles

- (1) Every applicant for a **Refreshment Vehicle Owner's** Licence or for the renewal of such licence, shall submit to the Town:
 - (a) a list of all **Refreshment Vehicle Operators** affiliated with the **Refreshment Vehicles Owner's** Licence, where the list shall include the following:
 - i. the full name of the **Refreshment Vehicle Operator**;
 - ii. a Criminal Record Check issued within 30 days of the application; and
 - (b) a list of all **Refreshment Vehicles** affiliated with the Refreshment Vehicle Owner's Licence where the list shall include the following:
 - i. vehicle ownership;

- ii. a Safety Standards Certificate issued within 30 days of the application;
 - iii. a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
 - iv. a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
 - v. sections 8.3(1)(b)(i), (ii), (iii) do not apply to Refreshment Vehicle – Type 3.
- (2) A Refreshment Vehicle Owner shall not permit a Refreshment Vehicle Operator to operate in the Town if the Refreshment Vehicle Operator:
- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Refreshment Vehicle that does not meet the automobile insurance standards as set out in this By-law.
- (3) A Refreshment Vehicle Owner shall ensure that every Refreshment Vehicle Operator shall, at all times while operating a Refreshment Vehicle, have on display his or her name and photograph to be plainly visible and readable by customers.

Refreshment Vehicle Owner Prohibitions

- (4) A Refreshment Vehicle Owner shall not operate or permit the operation of a Refreshment Vehicle:
- (a) from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
 - (b) on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner;
 - (c) on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
 - (d) unless it meets the requirements of the Region of York Health Department;
 - (e) which depends upon outside sources of power, electricity or water unless approved by property owner;

- (f) within thirty (30) metres of any intersection;
 - (g) within one hundred (100) metres of an entrance to any public park;
 - (h) within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
 - (i) within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
 - (j) at an approved site for more than twelve hours in any twenty-four hour period;
 - (k) with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
- (5) Every Refreshment Vehicle Owner or Operator shall not:
- (a) use or permit the use of any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time; or
 - (b) provide any seating or move any park benches or tables to his location for the purpose of his customers.
- (6) Every Refreshment Vehicle Owner shall:
- (a) ensure the interior and exterior of the Refreshment Vehicle is kept clean and in good repair;
 - (b) clean up any debris, refuse and garbage resulting from the operation of the **Refreshment Vehicle** in the immediate vicinity of the serving location of the **Refreshment Vehicle**;
 - (c) when employing a Refreshment Vehicle Operator, notify the Town in writing that they have employed that person before he or she operates in the Town and provide the Town with:
 - i. the full name of the Refreshment Vehicle Operator; and
 - ii. a Criminal Record Check within 30 days of the start date of employment.

Refreshment Vehicle – Type 1; Duties of Owner

- (7) Every Refreshment Vehicle – Type 1 shall have:
- (a) conspicuously displayed on the rear, in black letters on a yellow background, the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres; and
 - (b) a "Mirror System" which makes it possible for the driver to complete a 360° visual inspection of the area around the Refreshment Vehicle; and
 - (c) a back-up warning device that is engaged when the Refreshment Vehicle transmission is placed in reverse gear.

Special Events

- (8) No Person shall hold or carry on, or permit to be held or carried on, a Special Event without a Special Event Organizer Licence.

- (9) Every **Refreshment Vehicle Owner** shall not operate or permit the operation of a **Refreshment Vehicle**:
- (a) from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate; and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
 - (b) at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
 - (c) at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the **Director of Recreation and Culture** or his designate;
 - (d) at any Community Event which has been sponsored by a charitable or non for profit organization without first obtaining written permission of the said charitable or not for profit organization; and
 - (e) on any Trail in the Town.
- (10) An Owner's Licence for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.
- (11) A **Special Event Organizer Licence** is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.
- (12) Every **Special Event Organizer** shall provide:
- (a) A completed "Application for **Special Event Organizer Licence**" and the licensing fee as set out in the Fees and Charges by law; and
 - (b) A **Special Event Organizer** must provide for each **Special Event Vendor**:
 - i. For "Refreshment Vehicle Type1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and
 - ii. For Refreshment Vehicle Types 1, 2, 3 and 4, Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).
 - (c) A list of all **Refreshment Vehicles** that will be operating at the **Special Event**; and
 - (d) Proof that the **Special Event Organizer** has informed the **Health Department** of the dates and times of the event.
- (13) A **Special Event Organizer Licence** for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

Farmers Market

- (14) A **Farmers Market** is exempt from obtaining an Owner's Refreshment Vehicle licence where products that are grown, raised or produced on a

farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

8.4 Limousine Companies

- (1) Every applicant for a Limousine Company Licence or for the renewal of such licence, shall submit to the Town:
 - (a) a list of all Limousine Drivers affiliated with the Limousine Company, where the list shall include the following:
 - i. the full name of the Limousine Driver;
 - ii. proof of a valid driver's licence;
 - iii. a Criminal Record Check issued within 30 days of the application; and
 - iv. a Driver's Abstract issued within 30 days of the application.
 - (b) a list of all **Limousines** affiliated with the Limousine Company to be licensed with the Town, where the list shall include the following:
 - i. vehicle ownership;
 - ii. a Safety Standard Certificate issued within 30 days of the application; and
 - iii. proof of valid Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine owned by them covering public liability and property damage in the minimum amount of \$2,000,000.00.
- (2) Every **Limousine Company** shall obtain and maintain an Ontario Standard Automobile Insurance Policy insuring themselves in respect of the Limousine(s) owned by them covering public liability and property damage in the minimum amount of \$5,000,000.00 and shall produce annually to the Town a Certificate of Insurance issued by the insurer, or its agent, certifying that an insurance policy providing coverage in accordance herewith is in effect.

Limousine Driver Requirements

- (3) Every Limousine Company shall ensure the **Limousine Driver** maintains and keeps the following documents in the **Limousine** at all times:
 - (a) a current provincial motor vehicle permit for the Limousine; and
 - (b) a current Certificate of Liability Insurance for the Limousine.
- (4) A Limousine Company shall not permit a Limousine Driver to operate in the Town if the Limousine Driver:
 - (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or

- ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
- (c) is operating a Limousine that does not meet the automobile insurance standards as set out in this By-law.
- (5) A Limousine Company shall ensure that every Limousine Driver shall, at all times while operating a Limousine, have on display his or her name and photograph to be plainly visible and readable by customers.
- (6) Every **Limousine Company** shall:
 - (a) when employing a Limousine Driver, notify the Town, in writing, that they have employed that Limousine Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the limousine driver;
 - ii. proof of a valid driver's license;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the **Affiliation Date**; and
 - v. a Driver's Abstract issued within 30 days of the Affiliation Date.
- (7) A **Limousine Company** shall not permit:
 - (a) a greater number of passengers in a Limousine than the manufacturers rating of seating capacity of such Limousine, exclusive of the driver; and
 - (b) the operation of a limousine with luggage or other material piled or placed in or on the limousine in a manner that obstructs their view.

Limousine Vehicle Requirements

- (8) A Limousine Company shall not permit a Limousine to be used unless that Limousine:
 - (a) is 10 years old or less;
 - (b) is operating without any mechanical defects and interior or exterior damage;
 - (c) is clean and in good repair; and
 - (d) is equipped with:
 - i. snow tires or all weather tires from December 1 to April 30; and
 - ii. a fully functioning air-conditioning and heating system.

8.5 Driving School Instructors

- (1) No **Person** except an individual may hold a **Driving School Instructor Licence**.
- (2) No **Person's Driving School Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.
- (3) Every Person applying for a **Driving School Instructor Licence** or renewal shall:

- (a) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Instructor Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;
 - (b) provide a valid and current Class "G" Ontario Driver's Licence; and
 - (c) provide proof of a valid Ministry of Transportation Driving Instructor's Licence.
- (4) Every Driving Instructor shall:
- (a) carry at all times and produce, upon request, a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;
 - (b) carry a valid and unexpired driver's licence;
 - (c) produce upon request documentation showing dates and times that driving instructions and/or testing are being provided;
 - (d) affix a **Sticker Plate** that is visible to the rear of the Driving Instructor Vehicle; and
 - (e) affix a roof sign on the Driving Instructor Vehicle showing the business name of the Driving School Instructor as shown on the Driving Instructor Licence at all times while the **Driving Instructor Vehicle** is within the Town of Newmarket.

Restricted Area for Driving School Instructors

- (5) No **Driving School Instructor** shall **Operate** or permit to **Operate a Driving Instructor Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.
- (6) Notwithstanding section 8.5(5), a **Driving Instructor Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:
 - (a) the **Driving School Instructor** is picking up or dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction;
 - (b) when a **Driving School Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or
 - (c) when a **Driving School Instructor Vehicle** is used for the purpose of a driving test required by the **Ontario Ministry of Transportation**.

8.6 Tow Truck Companies

Tow Truck Company General Requirements

- (1) A **Person** wishing to carry on the Business of a **Tow Truck Company** in the Town shall apply for a new Licence or a renewal Licence by providing the **Licensing Officer** with the following:
 - (a) insurance coverage for the following kinds of liability in the following amount in respect of any one claim:

- i. coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs;
 - ii. coverage against liability for damage to a vehicle of the consumer while in the provider's care, custody or control, in the amount of at least \$100,000; and
 - iii. cargo liability insurance in the amount of at least \$50,000.
- (b) a list of all Tow Truck Drivers affiliated with the Tow Truck Company, where the list shall include the following:
 - i. the full name of the **Tow Truck Driver**;
 - ii. the year, make, model, and Ontario licence plate number of the Tow Truck operated by the Tow Truck Driver.
- (c) a sworn declaration from the **Tow Truck Company** confirming that all Tow Truck Drivers affiliated with the Tow Truck Company have provided the following to the Tow Truck Company, which comply with the standards set out in this By-law:
 - i. a Criminal Record Check issued within 30 days of the Affiliation Date;
 - ii. a Safety Standard Certificate issued within 30 days of the Affiliation Date for the Tow Truck operated by the Tow Truck Driver;
 - iii. proof of a valid Ontario driver's licence of a class authorizing him or her to drive a Tow Truck; and
 - iv. a Driver's Abstract issued within 30 days of the Affiliation Date.

Tow Truck Driver Requirements

- (2) Every Tow Truck Company shall ensure the Tow Truck Driver:
 - (a) maintains and keeps the following documents in the Tow Truck at all times:
 - i. a current provincial motor vehicle permit for the Tow Truck; and
 - ii. a current Certificate of Liability Insurance for the Tow Truck.
 - (b) cleans up and removes any and all debris, fragments of glass, vehicle parts, or other materials from any highway or roadway during a collision, prior to the towing or conveying of any vehicle from the scene;
 - (c) notwithstanding section 8.6(2)(b), where the accident scene is an ongoing police investigation, a Tow Truck Company shall ensure the clean up and removal of all debris is carried out within 8 hours immediately following the completion of the investigation.
- (3) A Tow Truck Company shall not permit a Tow Truck Driver to operate in the Town if the Tow Truck Driver:

- (a) has received a criminal conviction within five (5) years of the Affiliation Date or at any point subsequent to his/her Affiliation Date;
 - (b) has a **Driver's Abstract** which contains:
 - i. more than eight (8) demerit points according to the *Highway Traffic Act*, or its equivalent from outside the Province of Ontario; or
 - ii. an individual Highway Traffic Act conviction which resulted in at least four (4) demerit points, or its equivalent from outside the Province of Ontario;
 - (c) is operating a Tow Truck that does not meet the automobile insurance and safety standards as set out in this By-law.
- (4) A Tow Truck Company shall ensure that every Tow Truck Driver shall, at all times while operating a Tow Truck, have on display his or her name and photograph to be plainly visible and readable by customers.
- (5) Every Tow Truck Company shall:
- (a) when employing a Tow Truck Driver, notify the Town, in writing, that they have employed that Tow Truck Driver before he or she operates in the Town and provide the Town with:
 - i. the full name of the Tow Truck Driver;
 - ii. proof of a valid driver's licence;
 - iii. a current photo of the driver;
 - iv. a Criminal Record Check issued within 30 days of the affiliation; and
 - v. a Driver's Abstract issued within 30 days of the affiliation.

Tow Truck Company Prohibitions

- (6) No Tow Truck Company shall permit an affiliated Tow Truck Driver to:
- (a) operate any affiliated Tow Truck unless it is clean, free from mechanical defects, and in good repair;
 - (b) interfere with any contract of another Tow Truck Company where a Person has hired or has indicated an intention to hire that Tow Truck Company, except under the direction of a Police Officer who is directing the removal of a vehicle in order to assist in an investigation;
 - (c) suggest or recommend any location to tow a customer's vehicle to unless the Tow Truck Company or Tow Truck Driver has been requested to do so by the customer;
 - (d) accept any gift or payment, other than payment for lawful services rendered, from any facility in exchange for business from the Tow Truck Company, either directly or indirectly; and
 - (e) demand, request or permit the acceptance or receive a **Drop Fee**.
 - (f) connect any vehicle to a Tow Truck, or perform any other services, unless first requested to do so by a customer, a Police Officer, any member of a municipal fire department, or any person authorized by law to direct the removal of a vehicle from public or private property;

- (g) stop, stand, or park within (200) two hundred meters of a collision scene unless the Tow Truck Driver has been summoned to the collision by a customer, Police Officer, or member of a municipal fire department;
- (h) remove any vehicle from a Collision Scene or immediate vicinity of an accident in respect of which a report is required by law to be made by a Police Officer, until a report has been made and the investigating Police Officer has stated that the vehicle is no longer required to remain at the scene; and
- (i) permit to be driven or operated a Tow Truck with any passenger, other than the customer, while the Tow Truck is actively engaged in providing towing services.

Tow Truck Equipment

- (7) Every Tow Truck Company shall require all Tow Trucks to provide and maintain the following equipment:
 - (a) a hoisting device of sufficient capacity to safely lift the vehicle to be towed;
 - (b) a tow cradle, tow bar, or tow sling equipped and maintained in a manner to ensure the safe lifting and conveying of a towed vehicle, except where a flatbed-type Tow Truck is being used;
 - (c) one device for securing the steering wheel of a vehicle;
 - (d) one 1.25kg dry chemical fire extinguisher of a type capable of functioning at -40 degrees Celsius;
 - (e) a minimum of two safety chains having a minimum length of 2.74 meters, each comprised of links of at least 7.94 millimetres steel;
 - (f) one broom;
 - (g) one shovel;
 - (h) one general purpose first aid kit;
 - (i) at least two wheel blocks;
 - (j) dollies, with the exception of a flatbed-type Tow Truck;
 - (k) an intermittent warning light system consisting of at least one light which, when activated, is clearly visible from three hundred sixty (360) degrees for a distance of at least one hundred (100) meters;
 - (l) absorbent material capable of absorbing or removing any vehicle fluid product from a roadway surface;
 - (m) a garbage container of a minimum capacity of 10 litres;
 - (n) a pry bar at least 1.5 meters in length;
 - (o) wheel straps;
 - (p) a safety vest; and
 - (q) any other equipment or provisions that may be required under the Highway Traffic Act, as amended.

Tow Truck Company Rates

(8) Every Tow Truck Company shall:

- (a) provide a quote, in writing, within 10% of the cost for towing services to a customer prior to services accepted and rendered;
- (b) provide an itemized invoice of the cost for towing services to the customer;
- (c) charge a maximum flat rate towing fee of \$250.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a Collision Scene;
- (d) charge a maximum flat rate towing fee of \$125.00 for any passenger vehicle, light duty van or truck not exceeding 6000lbs in towing weight from a non-collision scene;
- (e) Notwithstanding sections 8.6(8)(c) and (d), rates established in this By-law shall not supersede the rates established by York Regional Police and Central York Fire Services; and
- (f) Notwithstanding sections 8.6(8)(c) and (d), a Tow Truck Company shall be permitted to charge the following:
 - i. an additional rate of \$1.55 per kilometer after the first 30 kilometers of towing services;
 - ii. if required, a flat rate winch fee of \$103.00; and/or
 - iii. a wait-time (collision reporting centre) fee of \$17 per 15 minutes.

(9) If a customer's requested drop-off location is closed, the Tow Truck Company shall require the Tow Truck Driver to take the customer's vehicle to a second location of the customer's choice and may only charge an additional mileage rate for a re-tow as follows:

- (a) \$3.10 per kilometer for the first 30 kilometers; and
- (b) \$1.55 per kilometer after the first 30 kilometers.

Tow Truck Company Record Keeping

(10) A Tow Truck Company shall maintain a list of every affiliated Tow Truck Driver in a readily accessible electronic format approved by the Manager which shall include:

- (a) the full name, date of birth, address and phone number of the Tow Truck Driver; and
- (b) the year, make, model and Ontario licence plate number of the vehicle affiliated with the Tow Truck Company.

(11) A Tow Truck Company shall maintain information for all Trips completed by affiliated Tow Truck Drivers which shall include:

- (a) the name of the Tow Truck Driver;
- (b) the name of the customer;
- (c) the pick up location and the destination for towing services;
- (d) the date and time the towing services started and terminated; and
- (e) the towing fees paid for the Trip.

- (12) Every Tow Truck Company shall keep the original copies of all run sheets and documentation required to be maintained under this By-law for a minimum of one year from the date of services provided.

Tow Truck Companies Affiliated with Public Garages

- (13) Any Tow Truck Company affiliated or operated out of a Public Garage that is located within or outside of the Town of Newmarket shall provide:
- (a) the name, address, and telephone number of the Public Garage; and
 - (b) a copy of any agreements between the Tow Truck Company and Public Garage.

9. Offences

- (1) Every Person who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every Person who is in contravention of the provisions of this By-law is responsible for any fines and administrative fees imposed in relation to their Licence under the Administrative Monetary Penalty System By-law 2019-62.
- (3) Every Person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.

10. Any **Person** who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended

11. Severability

(1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

12. Repeal

- (1) By-law Number 2018-39, 2016-52 and 2016-34, is hereby repealed and this by-law shall come into force an effect upon adoption.

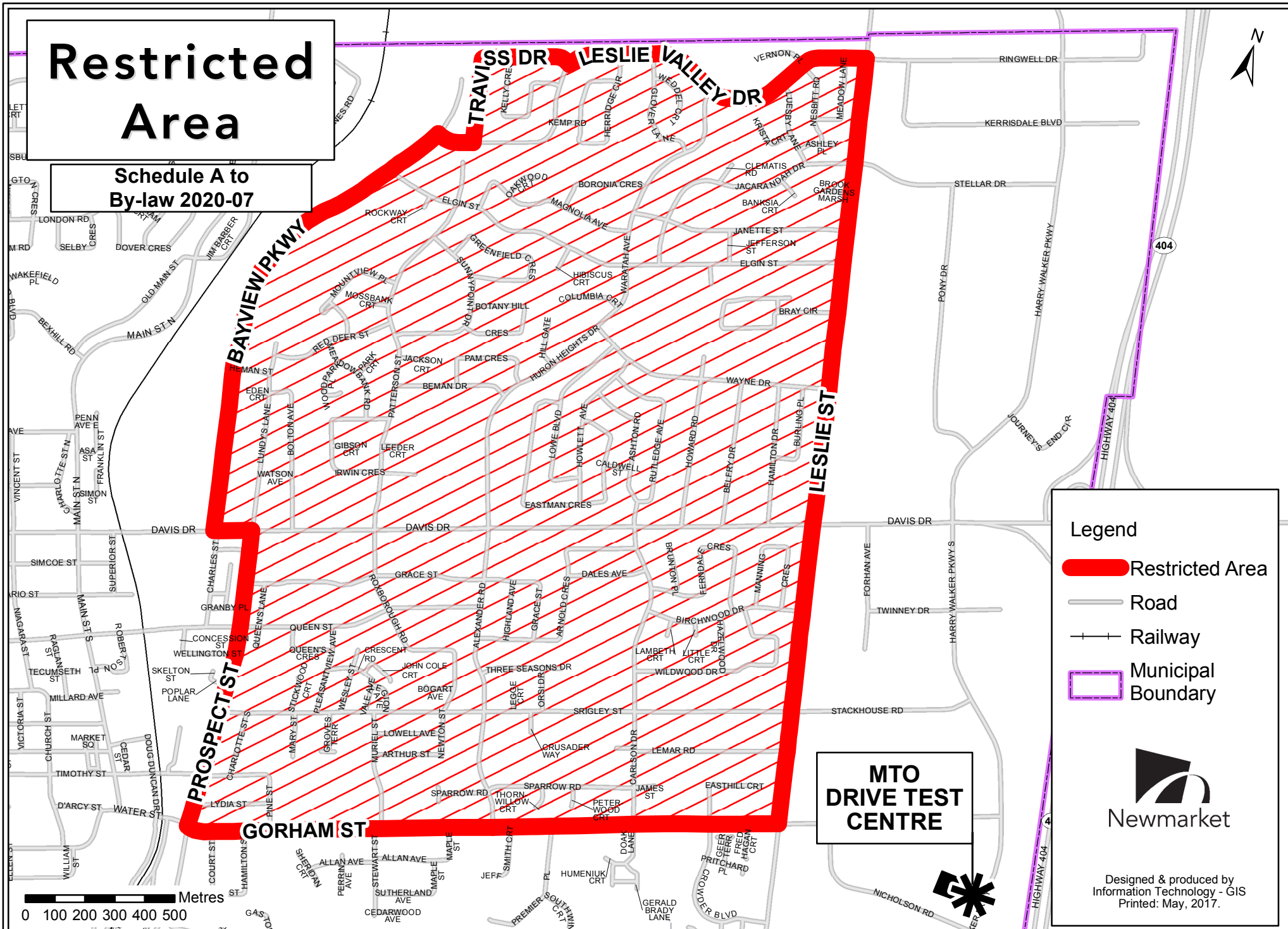
Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Restricted Area

Schedule A to
By-law 2020-07



Legend

- Restricted Area
- Road
- Railway
- Municipal Boundary



Designed & produced by
Information Technology - GIS
Printed: May, 2017.

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Corporation of the Town of Newmarket

By-law 2020-08

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

1. That Schedule A to the By-law 2019-62 be repealed and replaced by the attached Schedule A.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule “A”

Administrative Monetary Penalty System By-law
Designated By-law Provisions

- 1. For the purposes of Section 3 of this By-law, Column A3 in the following table lists the provisions in the **Designated By-law** identified in the Schedule, as amended.
- 2. Column A4 in the following table sets out the short form wording to be used in a **Penalty Notice** for the contravention of the designated provisions listed in Column A3.
- 3. Column A6 in the following table set out the **Administrative Penalty** for the **Set Penalty Amount** in accordance with Section 5(5)(b) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 4. The penalties shown in Column A5 below include a twenty five percent (25%) discount for **Early Payment** in accordance with Section 5(5)(a) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.
- 5. The penalties shown in column A7 below include a twenty five percent (25%) surcharge for **Late Payment** in accordance with Section 5(5)(c) of this By-law that is payable for contraventions of the designated provisions listed in Column A3.

A1 By-law	A2 Item #	A3 Section	A4 Description	A5 Early Payment	A6 Set Penalty	A7 Late Payment
Parking By-law 2019-XX	1	5(2)	Interfere with Authorized Sign	30.00	40.00	50.00
	2	5(3)	Obstruct Authorized Sign	30.00	40.00	50.00
	3	6(1)(a)	Park facing wrong direction	30.00	40.00	50.00
	4	6(1)(b)	Park more than 30cm from curb	30.00	40.00	50.00
	5	6(1)(c)	Fail to park parallel to curb	30.00	40.00	50.00
	6	7(1)(a)	Park within 9m of non-signalized intersection	37.50	50.00	62.50
	7	7(1)(b)	Park within 15m of signalized intersection	37.50	50.00	62.50
	8	7(1)(c)	Exceed posted time	30.00	40.00	50.00
	9	7(1)(d)	Park contrary to traffic control device	30.00	40.00	50.00
	10	7(1)(e)	Park causing obstruction	30.00	40.00	50.00
	11	7(1)(f)	Park between 0200 and 0600 hrs	75.00	100.00	125.00
	12	7(1)(g)	Park on boulevard	37.50	50.00	62.50
	13	7(1)(h)	Park within 3m of hydrant	75.00	100.00	125.00
	14	7(1)(i)	Park within 152m of firefighting apparatus	56.25	75.00	93.75
	15	7(1)(j)	Park within 7m of fire hall entrance – same side	37.50	50.00	62.50
	16	7(1)(k)	Park within 30m of fire hall entrance – opposite side	37.50	50.00	62.50
	17	7(1)(l)	Park on a bridge	37.50	50.00	62.50
	18	7(1)(m)	Park within 6m of bus stop	30.00	40.00	50.00
	19	7(1)(n)	Park in a public laneway	30.00	40.00	50.00
	20	7(1)(o)	Park on a median	37.50	40.00	50.00
	21	7(1)(p)	Double park	37.50	50.00	62.50
	22	7(1)(q)	Park within turning circle	30.00	40.00	50.00
	23	7(1)(r)	Park displaying vehicle for sale	30.00	40.00	50.00
	24	7(1)(s)	Park without valid insurance	30.00	40.00	50.00
	25	7(1)(t)	Parked while washing or repairing vehicle	30.00	40.00	50.00
	26	7(1)(u)	Exceed 3 consecutive hours	30.00	40.00	50.00
	27	7(1)(v)	Park within 0.6m of driveway	37.50	50.00	62.50
	28	7(1)(w)	Park obstructing previously parked vehicle	30.00	40.00	50.00
	29	7(1)(x)	Park on narrow roadway	30.00	40.00	50.00
	30	7(1)(y)	Park alongside railway tracks	30.00	40.00	50.00
	31	7(1)(z)	Park causing obstruction to building	30.00	40.00	50.00
	32	7(1)(aa)	Park within 15m of Authorized Sign intersection	30.00	40.00	50.00
	33	7(1)(bb)	Park within 30m of traffic signal intersection	37.50	50.00	62.50
	34	7(1)(cc)	Park within a turning basin	30.00	40.00	50.00
	35	7(1)(dd)	Interfere with funeral procession	30.00	40.00	50.00
	36	7(1)(ee)	Park within 15m of dead-end roadway	30.00	40.00	50.00
	37	7(1)(ff)	Park within 3m of walkway	30.00	40.00	50.00
	38	7(1)(gg)	Park within Unauthorized Area	75.00	100.00	125.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Parking By-law 2019-62	39	7(2)	Park commercial vehicle on street	41.25	55.00	68.75
	40	7(3)	Park trailer on street	41.25	55.00	68.75
	41	7(4)(a)	Park within 15m of crosswalk – same side	37.50	50.00	62.50
	42	7(4)(b)	Park within 30m of crosswalk – opposite side	37.50	50.00	62.50
	43	7(5)(a)	Unauthorized parking on private property	30.00	40.00	50.00
	44	7(5)(b)	Unauthorized parking on Town property	30.00	40.00	50.00
	45	7(5)(c)	Park during restricted time	30.00	40.00	50.00
	46	8(1)(a)	Stop within intersection	37.50	50.00	62.50
	47	8(1)(b)	Stop within 9m of pedestrian crossover	37.50	50.00	62.50
	48	8(1)(c)	Stop within 9m of School Crossing Guard	37.50	50.00	62.50
	49	8(1)(d)	Stop causing obstruction	37.50	50.00	62.50
	50	8(1)(e)	Stop contrary to traffic control device	30.00	40.00	50.00
	51	8(1)(f)	Stop parallel to vehicle	30.00	40.00	50.00
	52	8(1)(g)	Stop on a bridge	37.50	50.00	62.50
	53	8(1)(h)	Stop within tunnel	37.50	50.00	62.50
	54	8(1)(i)	Stop obstructing traffic	56.25	75.00	93.75
	55	8(1)(j)	Stop within turning circle	37.50	50.00	62.50
	56	8(1)(k)	Stop within Unauthorized Area	75.00	100.00	125.00
	57	9(3)	Park within fire route	112.50	150.00	187.50
	58	10(1)	Park contrary to No Parking sign	37.50	50.00	62.50
	59	11(1)	Stop contrary to No Stopping sign	37.50	50.00	62.50
	60	13(1)(a)	Park contrary to municipal parking area	30.00	40.00	50.00
	61	13(1)(b)	Park in more than one space	30.00	40.00	50.00
	62	13(1)(c)	Unauthorized parking in municipal parking area	30.00	40.00	50.00
	63	14(1)(a)	Failure to display accessible permit	300.00	300.00	300.00
	64	14(1)(b)	Unauthorized use of accessible permit	300.00	300.00	300.00
	65	17(2)	Obstruct a Municipal Enforcement Officer	75.00	100.00	125.00
Mobile Business Licence By-law 2020-07	66	3(1)(a)	Operate without a business licence	450.00	600.00	750.00
	67	3(1)(c)	Failure to comply with condition of licence	225.00	300.00	375.00
	68	3(2)	Failure to comply with legislation	225.00	300.00	375.00
	69	3(3)	Failure to display business licence	225.00	300.00	375.00
	70	3(5)(a)	Advertising without a business licence	225.00	300.00	375.00
	71	3(5)(b)	Improper business name advertised	225.00	300.00	375.00
	72	3(6)	Carry on business on Town property without authorization	225.00	300.00	375.00
	73	3(7)	Failure to possess business licence	225.00	300.00	375.00
	74	3(8)	Smoke or permit smoking in business vehicle	225.00	300.00	375.00
	75	4(2)	Obstruct a Licensing Officer	450.00	600.00	750.00
	76	7(9)	Operate business while licence is suspended	450.00	600.00	750.00
	77	7(10)	Advertise business while licence is suspended	225.00	300.00	375.00
	78	7(12)	Remove posted notice of suspension	225.00	300.00	375.00
	79	7(14)	Remove posted notice of no business licence	225.00	300.00	375.00
	80	8.1(2)	Failure to comply with Taxicab Driver requirements	225.00	300.00	375.00
	81	8.1(3)	Failure to display Taxicab Driver information	225.00	300.00	375.00
	82	8.1(4)(b)	Failure to disclose Fare for Taxicab Trip	225.00	300.00	375.00
	83	8.1(4)(c)	Failure to notify Town of new Taxicab Driver	225.00	300.00	375.00
	84	8.1(4)(d)	Failure to notify Town of new Taxicab	225.00	300.00	375.00
	85	8.1(5)(a)	Failure to provide required Taxicab Driver information	225.00	300.00	375.00
	86	8.1(5)(b)	Failure to provide required Taxicab information	225.00	300.00	375.00
	87	8.1(6)	Failure to maintain Taxicab Trip information	225.00	300.00	375.00
	88	8.1(10)	Failure to remove Taxicab Driver	225.00	300.00	375.00
	89	8.1(12)	Failure to comply with Taxicab requirements	450.00	600.00	750.00
	90	8.1(13)	Permit unauthorized passenger(s) in Taxicab	225.00	300.00	375.00
	91	8.2(2)	Failure to comply with TNC Driver requirements	225.00	300.00	375.00
	92	8.2(3)(b)	Permit hail ride for TNC	225.00	300.00	375.00
	93	8.2(3)(c)	Failure to maintain Safety Standard Certificate in TNC Vehicle	225.00	300.00	375.00
Mobile Business Licence By-law 2020-07	94	8.2(4)(c)	Failure to provide third party audit records	225.00	300.00	375.00
	95	8.2(6)(a)	Failure to disclose Fare for TNC Trip	225.00	300.00	375.00
	96	8.2(6)(c)	Failure to charge proper Fare for TNC Trip	225.00	300.00	375.00
	97	8.2(6)(d)	Failure to maintain TNC Trip information	225.00	300.00	375.00
	98	8.2(7)	Failure to use GPS on TNC App	225.00	300.00	375.00
	99	8.2(8)	Failure to provide TNC Driver information via TNC App	225.00	300.00	375.00
	100	8.2(9)	Failure to provide electronic receipt via TNC App	225.00	300.00	375.00
	101	8.2(10)(a)	Failure to provide required TNC Driver information	225.00	300.00	375.00
	102	8.2(10)(b)	Failure to provide required TNC Vehicle information	225.00	300.00	375.00
	103	8.2(11)	Failure to maintain TNC Trip records	225.00	300.00	375.00
	104	8.2(15)	Failure to remove TNC Driver from TNC App	225.00	300.00	375.00
	105	8.2(17)	Failure to comply with TNC Vehicle requirements	450.00	600.00	750.00
	106	8.3(2)	Failure to comply with Refreshment Vehicle Operator requirements	225.00	300.00	375.00

A1	A2	A3	A4	A5	A6	A7
By-law	Item #	Section	Description	Early Payment	Set Penalty	Late Payment
Mobile Business Licence By-law 2020-07	107	8.3(3)	Failure to display Refreshment Vehicle Operator information	225.00	300.00	375.00
	108	8.3(4)	Failure to comply with Refreshment Vehicle conditions	225.00	300.00	375.00
	109	8.3(5)(a)	Permit amplified sounds	225.00	300.00	375.00
	110	8.3(5)(b)	Unlawful seating for Refreshment Vehicle customers	225.00	300.00	375.00
	111	8.3(6)(a)	Failure to maintain Refreshment Vehicle	225.00	300.00	375.00
	112	8.3(6)(b)	Failure to clean up refuse from Refreshment Vehicle	225.00	300.00	375.00
	113	8.3(6)(c)	Failure to notify the Town of Refreshment Vehicle Operator	225.00	300.00	375.00
	114	8.3(7)	Failure to comply with Refreshment Vehicle – Type 1 conditions	225.00	300.00	375.00
	115	8.3(8)	Failure to obtain Special Event Organizer Licence	225.00	300.00	375.00
	116	8.3(9)	Operate Refreshment Vehicle contrary to conditions	450.00	600.00	750.00
	117	8.4(3)	Failure to maintain Limousine documents	225.00	300.00	375.00
	118	8.4(4)	Failure to comply with Limousine Driver requirements	225.00	300.00	375.00
	119	8.4(5)	Failure to display Limousine Driver information	225.00	300.00	375.00
	120	8.4(6)(a)	Failure to notify Town of new Limousine Driver	225.00	300.00	375.00
	121	8.4(7)(a)	Permit too many passengers in Limousine	225.00	300.00	375.00
	122	8.4(7)(b)	Permit a Limousine to operate with obstructed view	450.00	600.00	750.00
	123	8.4(8)	Failure to comply with Limousine requirements	450.00	600.00	750.00
	124	8.5(4)(a)	Failure to provide MTO Driving Instructor's Licence	225.00	300.00	375.00
	125	8.5(4)(b)	Failure to carry a valid driver's licence	225.00	300.00	375.00
	126	8.5(4)(c)	Failure to provide driving instruction/test documentation	225.00	300.00	375.00
	127	8.5(4)(d)	Failure to affix Sticker Plate on Driving School Instructor Vehicle	225.00	300.00	375.00
	128	8.5(4)(e)	Failure to affix roof sign on Driving School Instructor Vehicle	225.00	300.00	375.00
	129	8.5(5)	Operate in Restricted Area	450.00	600.00	750.00
	130	8.6(2)(a)	Failure to maintain Tow Truck documents	225.00	300.00	375.00
	131	8.6(2)(b)	Failure to remove debris prior to towing a vehicle	225.00	300.00	375.00
	132	8.6(2)(c)	Failure to remove debris within 8hrs following investigation	450.00	600.00	750.00
Mobile Business Licence By-law 2020-07	133	8.6(3)	Failure to comply with Tow Truck Driver requirements	450.00	600.00	750.00
	134	8.6(4)	Failure to display Tow Truck Driver information	225.00	300.00	375.00
	135	8.6(5)	Failure to notify Town of Tow Truck Driver	225.00	300.00	375.00
	136	8.6(6)(a)	Failure to maintain Tow Truck;	225.00	300.00	375.00
	137	8.6(6)(b)	Interfere with Tow Truck Company's contract	225.00	300.00	375.00
	138	8.6(6)(c)	Recommend tow location to customer	225.00	300.00	375.00
	139	8.6(6)(d)	Accept gift or payment from facility in exchange for business	225.00	300.00	375.00
	140	8.6(6)(e)	Accept Drop Fee	225.00	300.00	375.00
	141	8.6(6)(f)	Failure to obtain consent to connect or tow	225.00	300.00	375.00
	142	8.6(6)(g)	Stop, stand, or park within 200m of Collision Scene	225.00	300.00	375.00
	143	8.6(6)(h)	Remove vehicle from Collision Scene without permission	225.00	300.00	375.00
	144	8.6(6)(i)	Permit unauthorized passenger(s) in Tow Truck	225.00	300.00	375.00
	145	8.6(7)	Failure to provide or maintain Tow Truck Equipment	225.00	300.00	375.00
	146	8.6(8)	Failure to comply with towing rates	450.00	600.00	750.00
	147	8.6(9)	Failure to comply with Re-Tow towing rates	450.00	600.00	750.00
	148	8.6(10)(a)	Failure to maintain Tow Truck Driver information	225.00	300.00	375.00
	149	8.6(10)(b)	Failure to maintain Tow Truck information	450.00	600.00	750.00
	150	8.6(11)	Failure to maintain Tow Truck Trip information	225.00	300.00	375.00
	151	8.6(12)	Failure to maintain run sheets	225.00	300.00	375.00
	152	8.6(13)	Failure to provide affiliated Public Garage information	225.00	300.00	375.00



Corporation of the Town of Newmarket

By-law 2020-09

A By-law to amend fees and charges by-law 2019-52 being a By-law to adopt Fees And Charges For Services Or Activities Provided By The Town Of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2019-52.

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

1. That the Schedule to the By-law 2019-52 be amended to remove the following fees:

Service Provided	Unit of Measure	2020 Fee
Catering/Refreshment Vehicles		
Cart/Vehicle/Bicycle operator*	each	\$137.00
Lost Refreshment Vehicle Plate	each	\$85.00
Lost Refreshment Vehicle Operator ID	each	\$25.00
Refreshment Cart Location - change to or additional location	each	\$59.00
Refreshment Vehicle Transfer	each	\$187.00
Taxicab Companies		
Taxi Owner License (Plate)*	each	\$3,850.00
Taxi Owner License Renewal (Plate)*	each	\$564.00
Taxi Broker*	each	\$627.00
Taxi Plate Owner Transfer (Sale)	each	\$481.00
Taxi Driver New or after renewal date	each	\$186.00
Taxi Driver Renewal before May 1st	each	\$110.00
Taxi Driver Priority List	each	\$86.00
Reinspection of Taxi Vehicle	each	\$60.00
Vehicle transfer	each	\$182.00
Replacement Taxi Plate	each	\$85.00
Replacement Taxi Driver ID	each	\$25.00
Replacement Tariff Sheet	each	\$15.00
Taxi test fee (per test)	each	\$28.00

2. That the Schedule to the By-law 2019-52 be amended to add the following fees:

Service Provided	Unit of Measure	2020 Fee
Taxicab Companies		
Taxicab Company Annual Licence Fee (1-9 vehicles)	each	\$1,000.00
Taxicab Company Annual Licence Fee (10-19 vehicles)	each	\$2,000.00
Taxicab Company Annual Fee (20 + vehicles)	each	\$3,000.00
Transportation Network Companies (TNCs)		
TNC Annual Licence Fee	each	\$20,000.00
Per Trip Fee	each	\$0.30
Tow Truck Companies		
Initial Licence Fee (one-time)	each	\$2,000.00
Annual Renewal Licence Fee	each	\$750.00
Limousine Companies		
Initial Licence Fee (one-time)	each	\$1,000.00
Annual Renewal Licence Fee	each	\$500.00

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law 2020-10

A By-law to amend By-law 2019-76 being a By-law to establish a Combined Utility Rate Structure in the Town of Newmarket for 2020.

Whereas Council enacted By-law 2019-76 to establish a Combined Utility Rate for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend Schedule A - Water and Wastewater Rates, of By-law 2019-76.

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

- 1. That Schedule A to the By-law 2019-76 be amended to add the following fees:

Water	
6" Meter Monthly Charge	\$859.00
8" Meter Monthly Charge	\$1,375.00
10" Meter Monthly Charge	\$1,976.00
Wastewater	
6" Meter Monthly Charge	\$912.00
8" Meter Monthly Charge	\$1,460.00
10" Meter Monthly Charge	\$2,099.00

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Corporation of the Town of Newmarket

By-law 2020-11

A By-law to confirm the proceedings of a meeting of Council – February 10, 2020

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 10th day of February, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk