

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

1. The Senior Planner, Policy to introduce Mr. Ian Graham of R.E. Millward and Associates and Mr. Carl Wong of HDR Inc. who will be providing a PowerPoint Presentation regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study. (Related to Item 3) (20 minutes)

Deputations

2. Ms. Sher St. Kitts to address the Committee regarding the Newmarket Jazz Festival.

Consent Items (Items # 3 to 15, 20, 21)

3. Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study. p. 1

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received and the following recommendations be adopted:

i) THAT the proposed amendment to comprehensive Zoning By-law 2010-40, the recommended approach for the Urban Centres, specifically including the draft parking rates as described in this report and presented by HDR Inc., be referred to a public meeting;

ii) AND THAT following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

4. WITHDRAWN - Joint Development and Infrastructure Services, Corporate Services and Community Services Report 2016-36 dated October 18, 2016 regarding San Michael Homes/Hollingsworth Properties. p. 15

The Commissioners of Development and Infrastructure Services, Corporate Services and Community Services recommend:

a) Joint Development and Infrastructure Services, Corporate Services and Community Services Report 2016-36 dated October 18, 2016 regarding San Michael Homes/Hollingsworth Properties be received and the following recommendations be adopted:

i) THAT a Public Information Centre be held regarding an additional ice pad at the Ray Twinney Complex as a replacement for the Hollingsworth Arena;

ii) AND THAT a Public Consultation Centre be held regarding the surplus and sale of the property that currently accommodates the Hollingsworth Arena.

5. Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review. p. 22

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-39 dated October 4, 2016 regarding Crossland Gate - Parking Review be received and the following recommendation be adopted:

i) THAT the existing parking restrictions remain as they are.

6. Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2. p. 25

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-40 dated September 29, 2016 regarding McCaffrey Road - Traffic Review # 2 be received and the following recommendations be adopted:

i) THAT a 3-way stop sign be installed at the intersection of McCaffrey and Rannie Road;

ii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by deleting: Rannie Road at McCaffrey Road 1 way northbound on Rannie Road;

iii) AND THAT Traffic By-law 2011-24 Schedule 3 - Stop Signs, as amended, be further amended by adding: Rannie Road at McCaffrey Road 3 way northbound on Rannie Road, McCaffrey Road at Rannie Road 3 way eastbound on McCaffrey Road, McCaffrey Road at Rannie Road 3 way westbound on McCaffrey Road;

iv) AND THAT the necessary By-law be prepared and submitted to Council for their approval.

7. Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the Mulock GO Station - Metrolinx Resolution. p. 31

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-37 dated October 18, 2016 regarding the future Mulock GO Station - Metrolinx Resolution be received and the following recommendations be adopted:

i) THAT Council approve the resolution included as Attachment 2 to this Report regarding the Mulock GO Station, as requested by Metrolinx in their correspondence dated August 4, 2016;

ii) AND THAT Council request the Ministry of Transportation and Metrolinx fully fund construction costs for the new GO station at Mulock as part of the Regional Express Rail 10-Year Program.

8. Development and Infrastructure Services - Planning and Building Services Report 2016-42 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 -757 Gorham Street. p. 40

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommends:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-41 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 751 - 757 Gorham Street be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 2439107 Ontario Inc. for lands being composed of Part of Lydia Street (Not Open) and Part of Lots 7, 8, and 9 (North side of Gorham Street) and Part of Lot 10, and all of Lots 11, 12, 13, and 14 (south side of Lydia Street) Registered Plan 23, Municipally known as 751 and 757 Gorham Street, Newmarket be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Mr. Howard Friedman, of HBR Planning Inc., 66 Prospect Street, Unit A, Newmarket, ON L3Y 3S9 be notified of this action.

9. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street) p. 53

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Ms. Kerrigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

10. Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding Appeal to the Ontario Municipal Board from a Decision of the Committee of Adjustment. p. 60

The Commissioner of Corporate Services and the Director of Legal Services recommend:

a) THAT Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding the appeal to the Ontario Municipal Board by the owner of 84 and 90 Howard Road ('the lands') from a decision of the Committee of Adjustment to deny an application for Minor Variance be received and the following recommendations be adopted:

i) THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the Committee of Adjustment's decision to deny an application for Consent and an application for Minor Variance in connection with the lands;

ii) AND THAT the Town will not be appearing as Party at the OMB hearing in this matter;

iii) AND THAT staff advise the Ontario Municipal Board and the appellant that in the event the OMB grants the appeal, it is requesting conditions as set out on pages 2 and 3 of this report as part of any Order approving the Minor Variance.

11. Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule. p. 64

The Chief Administrative Officer and the Commissioners of Development and Infrastructure Services and Community Services recommend:

a) THAT Joint Office of the CAO, Commissioners, Corporate Services Report - Financial Services 2016-43 dated October 6, 2016 regarding the 2017 Budget - Revised Schedule be received and the following recommendation be adopted:

i) THAT the revised budget schedule with a budget adoption date of February 13, 2017 be approved.

12. Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws' p. 70

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Commission Report - Legislative Services 2016-19 dated October 6, 2016 regarding 'Housekeeping Amendments: Refreshment and Catering Vehicles and Animal Control By-laws' be received and the following recommendations be adopted:

i) THAT Council adopt the recommended housekeeping amendments to the Refreshment Vehicle By-law (2009-55), identified in red text and attached as Appendix 'A' and Animal Control By-law (2008-61), identified in red text and attached as Appendix 'B';

ii) AND THAT consolidated by-laws to regulate refreshment vehicles and animals be brought forward to Council, as amended.

13. Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016. p. 115

The Main Street District Business Improvement Area Board of Management recommends:

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016 be received.

14. Correspondence dated September 13, 2016 from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society regarding participation in 'Go Purple Day' on October 19, 2016 for Child Abuse Awareness Month. p. 120

Recommendations:

a) THAT the correspondence from Ms. Colette Prévost, Chief Executive Officer, York Region Children's Aid Society be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim October, 2016 as Child Abuse Awareness Month;

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

15. List of Outstanding Matters.

p. 122

Recommendation:

a) THAT the list of Outstanding Matters be received.

Action Items

Reports by Regional Representatives

Notices of Motion

Motions

New Business

Closed Session (if required)

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod).

16. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board as per Section 239 (2) (e) of the Municipal Act, 2001, (if required).

Verbal Update by the Associate Solicitor (if required) regarding Item 10 of the agenda being Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding Appeal to the Ontario Municipal Board from a Decision of the Committee of Adjustment.

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

Canada 150 - FCM Community Leaders Recruitment/Selection Criteria. (Deferred from the September 26, 2016 Committee of the Whole (Closed Session) Meeting)

18. A proposed or pending acquisition or disposition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001.

Verbal Update by the Chief Administrative Officer and the Director of Legal Services regarding a property in Ward 7.

Public Hearing Matters

19. Development and Infrastructure Services Report - Planning and Building Services Report 2016-30 dated August 29, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan Amendment and Zoning By-law Amendment - 507 Mulock Drive. p. 128

Addendum (Additions and Corrections)

- 1a. PowerPoint Presentation regarding Urban Centres Zoning By-law Project and Parking Standard Background Study. (Related to Item 1) p. 140
- 4a. WITHDRAWN - Item 4 of the agenda being Joint Development and Infrastructure Services, Corporate Services and Community Services Report 2016-36 dated October 18, 2016 regarding San Michael Homes/Hollingsworth Properties withdrawn from the agenda.
20. Correspondence dated October 6, 2016 from Association of Municipalities Ontario requesting support of resolution - 'What's Next Ontario?' p. 156

WHEREAS recent polling, conducted on behalf of the Association of Municipalities of Ontario indicates 76% of Ontarians are concerned or somewhat concerned property taxes will not cover the cost of infrastructure while maintaining municipal services, and 90% agree maintaining safe infrastructure is an important priority for their communities;

AND WHEREAS infrastructure and transit are identified by Ontarians as the biggest problems facing their municipal government;

AND WHEREAS a ten-year projection (2016-2025) of municipal expenditures against inflationary property tax and user fee increases, shows there to be an unfunded average annual need of \$3.6 billion to fix local infrastructure and provide for municipal operating needs;

AND WHEREAS the \$3.6 billion average annual need would equate to annual increases of 4.6% (including inflation) to province-wide property tax revenue for the next ten years;

AND WHEREAS this gap calculation also presumes all existing and multi-year planned federal and provincial transfers to municipal governments are fulfilled;

AND WHEREAS if future federal and provincial transfers are unfulfilled beyond 2015 levels, it would require annual province-wide property tax revenue increases of up to 8.35% for ten years;

AND WHEREAS Ontarians already pay the highest property taxes in the country;

AND WHEREAS each municipal government in Ontario faces unique issues, the fiscal health and needs are a challenge which unites all municipal governments, regardless of size;

NOW THEREFORE BE IT RESOLVED that this Council supports the Association of Municipalities of Ontario in its work to close the fiscal gap; so that all municipalities can benefit from predictable and sustainable revenue, to finance the pressing infrastructure and municipal service needs faced by all municipal governments.

21. Correspondence dated October 13, 2016 from Mr. Denis Kelly, Regional Clerk p. 160 and attached report entitled 'Review of Regional Council Governance'.

Recommendation:

a) THAT the Town of Newmarket Council receives the correspondence and report entitled 'Review of Regional Council Governance' and provide comments.

Adjournment



PLANNING AND BUILDING SERVICES

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October 18, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-31

TO: Committee of the Whole

SUBJECT: Urban Centres Zoning By-law Project and Parking Standard Background Study
Marketing the Corridors
NP-16-31

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2016-31 dated October 18, 2016 regarding the Urban Centres Zoning By-law Project and Parking Standard Background Study be received and that the following recommendation(s) be adopted:

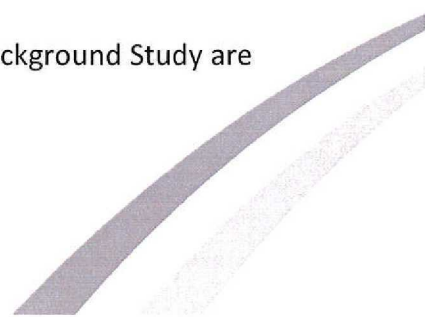
1. THAT the proposed amendment to comprehensive Zoning By-Law 2010-40, the recommended approach for the Urban Centres, specifically including the draft parking rates as described in this report and presented by HDR Inc., be referred to a public meeting;
2. AND THAT following the public meeting, any issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.

PURPOSE OF THIS REPORT

The purpose of this report is to provide an update regarding the overall status of the Urban Centres Zoning By-law project, provide details on the Parking Standard Background Study that is currently being prepared as an early deliverable of this project, and gain Council's direction to initiate the Zoning By-law Amendment process prescribed by the Planning Act, including the holding of a statutory Public Meeting.

BACKGROUND

The Urban Centres Zoning By-law Project and the associated Parking Standard Background Study are deliverables of the Marketing the Corridors initiative.



This project is being prepared in accordance with the direction and policies of the the Urban Centres Secondary Plan, and will implement its vision to redevelop the Town's urban centres and corridors to be an integrated, compact, complete and vibrant community with a diverse mix of residential, commercial, employment and institutional uses. This will be an area-specific zoning by-law applicable only to the Urban Centres, although elements of this by-law may be introduced in other intensification areas in the future as deemed appropriate.

In April, 2016 the consulting team was retained for this project. This team consists of R.E. Millward & Associates Ltd., Gladki Planning Associates, Robert Freedman Urban Solutions (with resources from DTAH), and HDR. The lead consultant is R.E. Millward & Associates Ltd.

The Urban Centres Zoning By-law project began in May, 2016. The project is planned to be complete in approximately 18 months (November, 2017).

COMMENTS

Project Overview

The Urban Centres Zoning By-law project consists of four Phases:

- Phase 1 - Project Start-up and Parking Standard Background Study
- Phase 2 - Background Review and Directions Report Preparation
- Phase 3 - Draft Urban Centres Zoning By-law Preparation
- Phase 4 - By-law Refinement and Enactment

Phase 1 is currently underway, and consists largely of the Parking Standard Background Study. The recommended approach and new parking rates summarized in this report is being recommended to be brought into Zoning By-law 2010-40 through an amendment. The Zoning By-law amendment process will be followed as per the requirements of the Planning Act, including holding a statutory Public Meeting which will provide an opportunity for feedback from the development industry and members of the public. The new parking rates that are brought into the existing zoning by-law will also be included in the Urban Centres Zoning By-law.

Phase 2 includes an assessment of the policy regime related to zoning by-laws and an examination of all variances and zoning by-law amendments approved within the corridors over the past 10 years. This Phase also includes an assessment of the various forms of zoning by-laws that currently exist, and which one would best achieve the goals of effectively implementing the Secondary Plan, reducing barriers to development, and providing a user-friendly document. In this assessment, conventional zoning by-laws, form-based zoning by-laws and by-laws that contain a Community Planning Permit System (formerly known as a Development Permit System) component will be examined. Once the preferred format is known, it will be taken to a stakeholder engagement session which will inform the preparation of a Directions Report which will then be taken to a Public Open House.

Phase 3 includes the preparation of the draft Zoning By-law document, as well as another stakeholder consultation and Public Open House.

Phase 4 includes finalizing the draft Zoning By-law document, presenting the draft By-law to Committee, holding the statutory Public Meeting, finalizing the By-law and obtaining Council approval.

Parking Standard Background Study Component

An early deliverable of Phase 1 of this project is the preparation of a Parking Standard Background Study. This Study has been prepared by the Town's consultants, in conjunction with Town staff, the Executive Summary of which is included as Attachment 1.

The basis for the Parking Standard Background Study is centred on the principal that the planning context of the urban centres has changed sufficiently enough from when the existing parking rates were approved (2010) to warrant the creation of new rates. Specifically, three main changes have taken place since the existing parking rates were created: (i) Davis Drive and Yonge Street either has, or will soon have, higher-order transit service in the form of the vivaNext Rapidway; (ii) the approval of the Urban Centres Secondary Plan (and future Zoning By-law) which provides a planning regime that encourages urban intensification; and (iii) the identification of more frequent train service to the Newmarket GO Train Station as part of the Metrolinx Regional Express Rail (RER) project. These three elements will transform the urban centres into a connected, highly walkable complete community.

At the same time, there is a greater understanding of the relationship between parking costs and development potential. Through the Marketing the Corridors initiative, N. Barry Lyon Consultants Limited provided a better understanding of the Town's market conditions, and suggested that the Town find ways to reduce soft costs in order to be more competitive with other jurisdictions. Further, it was identified that reducing parking requirements, and therefore costs, is one of the most effective means of reducing such soft costs (second only to developing an incentive-based parkland dedication by-law).

Finally, many new innovative parking concepts and best practices have emerged since the current parking rates were prepared. For example, concepts such as carpooling, car-sharing and cash-in-lieu, as well as the development of the Davis Drive Rapidway have resulted in the need to create more refined parking rates for the Urban Centres. Such concepts and best practices have been examined and informed the development of the recommended approach that is described in this report.

These concepts support many policies of the Secondary Plan regarding supporting transit use, transit-oriented development, and encouraging active transportation. As part of the Marketing the Corridors initiative, the new parking rates are intended reflect market demands, provide design flexibility for developers, and reduce parking requirements where appropriate, thereby reducing overall development costs.

Recommended Approach

After thoroughly researching and assessing the innovative concepts, the consulting team, with staff, determined the applicability of each to the Urban Centres. "Table 1" below summarizes each concept and provides direction on each, as well as proposes a new set of residential and non-residential parking rates.

Table 1 – Recommended Approach

No.	Concept	
1	Application of maximum parking rates	Maximum parking rates are to be applied.
2	Determining rates based on number of bedrooms per unit	A "per bedroom" approach is to be applied.
3	Shared Parking	Carry-over the current approach from the existing zoning by-law.
4	Density Bonusing	Allow density bonusing where a parking public benefit is provided, specifically: (i) a minimum of 20 public parking spaces are provided; and (ii) a minimum of 10% of the public parking that is provided is dedicated car-share spaces, to a maximum of 6 spaces.
5	Cash-in-Lieu of Parking Spaces	Carry-over the current approach from the existing zoning by-law but adjust to more accurately reflect true cost of parking spaces (\$40,000 / below grade parking stall and \$26,000 / above grade structured parking stall).
6	Carpooling Spaces	Modify the current zoning by-law's approach to require carpool spaces for all employment uses at a minimum rate of: (i) 5% of the total required parking supply for any employment uses, or (ii) 2 spaces. Set preferential locational requirements for such spaces.
7	Car-share Spaces	Offer parking reductions for residential developments to developers where car-share is provided as follows: For any apartment (freehold or condominium) development, the minimum parking requirement should be reduced by up to 4 parking spaces for each dedicated car-share stall. The limit on this parking reduction should be calculated as the greater of: (i) $4 * (\text{total number of units} / 60)$, rounded down to the nearest whole number; or (ii) 1 space.
8	Transportation Demand Management (TDM)	Town request that TDM plans be incorporated into transportation impact studies and parking studies for all new developments. Where adequate TDM strategies are provided, and the development is within 500m of either the GO Rail Station or Bus Terminal, a project would be eligible for parking reductions as per no. 36 below.

Residential Parking Rates			
	Multiple Dwelling Units	Min.	Max.
9	Bachelor	0.70/unit	0.85/unit
10	One bedroom	0.80/unit	1.00/unit
11	Two bedroom	0.90/unit	1.10/unit
12	Three bedroom +	1.10/unit	1.30/unit
Townhouse Dwellings			
13	All Townhouse dwellings (including stacked and back-to-back)	1.0/unit	1.2/unit
Visitor Parking			
14	Residential Visitor Parking for all unit types	0.15/unit	0.15/unit
Non-Residential Parking Rates			
15	School, Elementary	1 space per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking.	2x the minimum
16	School, Secondary		
17	School, Post Secondary	1 space per 200 m ² GFA used for instructional and/or academic purposes.	3x the minimum
18	Commercial School	1 space per 40 m ² of GFA	2x the minimum
19	Day Cares	1 space per classroom plus 1 space for every 6 children licensed capacity.	2x the minimum
20	Group Homes, Special Needs Housing	2 spaces	2x the minimum
21	Places of Worship	No change recommended. General rates will continue to apply.	2x the minimum
22	Libraries	1 space per 20 m ² of GFA	2x the minimum
23	Community/Recreation Centres		
24	Retail, Food/Grocery	1 space per 40 m ² of GFA	2x the minimum
25	Retail, Other		
26	Restaurants	1 space per 100 m ² of GFA, excluding any porch, veranda and/or patio dedicated as seasonal servicing areas.	5x the minimum
27	Office (Business)	1 space per 40 m ² of GFA	2x the minimum
28	Office (Medical), Medical Research		
29	Hotels	The aggregate of: <ul style="list-style-type: none"> • 1 space per guest room • 1 space per 10 m² of GFA dedicated to administrative, banquet and meeting facilities. 	3x the minimum
30	Long-Term Care Facilities	0.25 parking space per dwelling unit or	2x the minimum

		rooming unit plus 1 space per 200 m ² of GFA used for medical, health or personal services.	
31	Home Occupation	Based on residential land use requirement. Those visiting the practitioner within the Home Occupation can use visitor parking.	n/a
32	Cinemas, Arcades, Indoor Games	1 space per 20 m ² of GFA	2x the minimum
33	Adult Entertainment, Night Clubs		
34	Art Gallery, Museum	1 space per 100 m ² of GFA	2x the minimum
35	Reduction to residential rates where RGI (Rent-Geared-to-income) units are proposed (these units include affordable housing, cooperative housing, and subsidized housing.)	A 50% reduction to minimum and maximum rates is included.	
36	Parking reductions (residential and non-residential) based on proximity to transit.	A 50% reduction to minimum and maximum rates is included where the development is within 500m of either the GO Rail Station or Bus Terminal, and specific Transportation Demand Management (TDM) strategies are included in the development.	

Comparison with Parking Rates in Existing Zoning By-law

As was the goal of this exercise, the overall parking rates have been reduced from current requirements. However, these reductions are only possible due to the presence of higher order transit options that now exist, as well as the inclusion of industry best practices and concepts as per the recommended approach.

Specifically regarding residential parking rates, the recommended rate is reduced from 1.5 (apartment building) to 2.0 (townhouses) spaces per unit to a sliding scale ranging between 0.7 to 1.2 spaces per unit, based on the number of bedrooms of a unit. This is a more detailed approach that more accurately reflects the parking requirements on a per unit basis. In addition, the visitor parking requirement has been reduced from 0.25 spaces per unit to 0.15 spaces per unit. This approach responds to the growing trend seen in recent development applications seeking and obtaining reductions to the current parking requirements (e.g. 212 Davis Drive, 17645 Yonge Street, and 345 & 351 Davis Drive).

Regarding non-residential parking rates, various minimum rates have been created for each land use permitted in the Secondary Plan. The minimum rates are reduced from current requirements. To avoid an excess of parking being constructed and allow some design flexibility, the approach also includes a parking 'maximum' which is 2, 3 or 5 times the minimum requirement. This approach provides a range of acceptable parking requirements that will be determined through the approval process, without the need for a zoning by-law amendment.

In addition, the recommended approach provides for the opportunity to reduce the parking requirements for residential and non-residential development based on its proximity to higher order transit. A 50% reduction in parking requirements, applicable to both the minimum and maximum calculated parking supplies, is available where both of the following are met: (i) the proposed development main entrance is within 500m walking distance of either the GO Rail Station or Bus Terminal main entrances; and (ii) it is demonstrated that adequate Travel Demand Management (TDM) strategies will be in place.

The recommended approach responds to an evolving urban setting that now exists in our corridors, while also encouraging higher density development that will further increase active transportation and public transit usage.

Parking Management and Governance

The Parking Standard Background Study examined parking management and governance over the longer term in the Urban Centres. The Study recommends that the Town prepare a public parking strategy and outlines several criteria, implement a residential parking permit system for on-street parking, and manage public parking lots. While staff agree with many of these objectives, this is a longer-term objective and is therefore not recommended to be included in the zoning by-law amendment, therefore this is not included in the “recommended approach” chart.

Zoning By-law Amendment

It is proposed that the Town’s current Zoning By-law, 2010-40, be amended to include the above-described recommended approach. The same approach will be brought into the final Urban Centres Zoning By-law.

COMMUNITY CONSULTATION

The recommended approach, as described in the above table, is being recommended to go to a statutory Public Meeting. This would provide the opportunity to gain feedback from the development industry and members of the public.

Furthermore, the parking rates that the Parking Standard Background Study recommends are to be included in the Urban Centres Zoning By-law, which will be subject to its own statutory public consultation and approval process as per the requirements of the Planning Act.

HUMAN RESOURCE CONSIDERATIONS

There are no human resource considerations associated with this report.

BUDGET IMPACT

There are no budget impacts directly associated with this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

- Contributing to sustainable practices including innovative traffic and growth management strategies.

Well Balanced

- Encouraging a sense of community through an appropriate mix of land uses and amenities.

Well Planned and Connected


- Strategically planning for the future by promoting transportation linkages, transit options and active transportation.

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



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Senior Planner, Policy



Jason Unger, MCIP, RPP
Assistant Director of Planning



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



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

Attachment(s):

Attachment 1 - Executive Summary, Parking Standard Background Study.

Attachment 1

Executive Summary

Introduction

The Town of Newmarket Urban Centres Secondary Plan area is envisioned to be an integrated, compact, complete and vibrant community. It will be sensitively integrated with adjacent neighbourhoods and will focus on higher density development that facilitates increased active transportation and public transit usage.

To achieve these goals, a review of the parking standards and management practices within the Urban Centres and Growth Areas is required to support the development of an area specific Zoning By-law. This report includes a background review of standard practices amongst other municipalities in Southern Ontario, as well as select municipalities from the United States, to provide the Town with an understanding of a variety of innovative approaches to parking requirements.

Findings

Residential Parking Rates

There are two general residential land uses permitted within the Secondary Plan area and this includes **multiple dwelling unit buildings** and **townhouses**. Multiple dwelling unit buildings include freehold and condominium apartments. Townhouses include standard and stacked townhouses (including freehold and condominium), and they may be located on either public or private roads.

One set of parking rates is recommended for multiple dwelling unit buildings, and another set of rates is recommended for all forms of townhouses. The recommendation for multiple dwelling unit buildings is based on the number of bedrooms per unit. The recommended parking rates are provided in **Table ES-1** and these rates apply to the entire Secondary Plan area.

Table ES-1: Recommended Residential Parking Rates

Town of Newmarket Recommended Residential Parking Rates for the Urban Centres Secondary Plan Area			
Multiple Dwelling Unit Buildings (spaces per unit based on # bedrooms)	Minimum	Maximum	RGI Units ¹
Bachelor	0.70/unit	0.85/unit	50% reduction to minimum and maximum rates
One Bedroom	0.80/unit	1.00/unit	
Two Bedrooms	0.90/unit	1.10/unit	
Three Bedrooms (or more)	1.10/unit	1.30/unit	
Townhouse Dwellings (spaces per unit)	Minimum	Maximum	
Townhouses	1.0/unit	1.2/unit	
Residential Visitor Parking Requirements (Multiple Dwelling Unit Buildings or Townhouses)	Minimum	Maximum	
Visitor	0.15/unit	0.15/unit	Same as Non-RGI

1. RGI = Rent-Geared-to-Income and includes affordable housing, cooperative housing, and subsidized housing.

Non-Residential Parking Rates

The recommended parking rates in this section apply to all non-residential land uses permitted within the Secondary Plan area. Maximum parking supplies will be calculated by factoring the minimum parking requirements. The recommended non-residential parking rates are provided in **Table ES-2**.

Table ES-2: Recommended Non-Residential Parking Rates

Town of Newmarket Zoning By-law 2010-40		Recommended Secondary Plan Area Rates	
Land Use	General Rates	Minimum	Maximum
School, Elementary	2 spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking	1 space per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2x the minimum
School, Secondary	3 spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking		
School, Post Secondary	1 space per 100 m ² GFA used for instructional and/or academic purposes	1 space per 200 m ² GFA used for instructional and/or academic purposes	3x the minimum
Commercial School	1 space per 20 m ² of GFA	1 space per 40 m ² of GFA	2x the minimum
Day Cares	2 spaces per classroom plus 1 space for every 4 children licensed capacity	1 spaces per classroom plus 1 space for every 6 children licensed capacity	2x the minimum
Group Homes, Special Needs Housing	Greater of 2 spaces or 1 space per staff member on duty	2 spaces	2x the minimum
Places of Worship	1 parking space per 9 m ² of the aggregate GFA of the nave, public hall, banquet hall or other community/multi-use hall used as a place of assembly	No change recommended. General rates will continue to apply.	2x the minimum
Libraries	1 space per 10 m ² of GFA	1 space per 20 m ² of GFA	2x the minimum
Community / Recreation Centres	1 parking space per 14 m ² of GFA dedicated to indoor facilities for use by the public plus the aggregate of: • 30 spaces per ball field • 30 spaces per soccer field • 4 spaces per tennis court		
Retail, Food/Grocery	1 parking space per 9 m ² of GFA with a minimum of 5 spaces	1 space per 40 m ² of GFA	2x the minimum
Retail, Other	1 parking space per 18 m ² of NFA		
Restaurants	1 parking space per 9 m ² of GFA dedicated to public use, excluding any porch, veranda and/or patio dedicated as seasonal servicing areas.	1 space per 100 m ² of GFA, excluding any porch, veranda and/or patio dedicated as seasonal servicing areas.	5x the minimum
Office (Business)	1 parking space per 27 m ² of NFA	1 space per 40 m ² of GFA	2x the minimum
Office (Medical), Medical Research	1 parking space per 17 m ² of NFA		
Hotels	The aggregate of: • 1 space per guest room • 1 space per every 2 guest rooms over 20 • 1 space per 4.5 m ² of GFA dedicated to administrative, banquet and meeting facilities	The aggregate of: • 1 space per guest room • 1 space per 10 m ² of GFA dedicated to administrative, banquet and meeting facilities	3x the minimum
Long-Term Care Facilities	0.5 parking space per dwelling unit or rooming unit plus 1 space per 100 m ² of GFA used for medical, health or personal services	0.25 parking space per dwelling unit or rooming unit plus 1 space per 200 m ² of GFA used for medical, health or personal services	2x the minimum

Town of Newmarket Zoning By-law 2010-40		Recommended Secondary Plan Area Rates	
Land Use	General Rates	Minimum	Maximum
Home Occupation	Where the area occupied by the home occupation exceeds 24 m ² , 1 parking space shall be required for every 9 m ² above the 24 m ² of the dwelling unit used for the home occupation	Based on residential land use requirement. Those visiting the practitioner within the Home Occupation can use visitor parking.	n/a
Cinemas, Arcades, Indoor Games	1 parking space per 9 m ² of floor area dedicated to public use	1 space per 20 m ² of GFA	2x the minimum
Adult Entertainment, Night Clubs	1 parking space per 7.5 m ² of GFA		
Art Gallery, Museum	1 space per 50 m ² of GFA	1 space per 100 m ² of GFA	2x the minimum

GFA = Gross Floor Area

m² = square metres

Reduced Parking Based on Proximity to Transit

The recommended parking rates outlined above will be applicable to the entire Secondary Plan area. However, because the area is planned to be highly transit oriented, reductions reflecting the accessibility to transit are also recommended. These reductions will be applied to both the minimum and maximum parking supplies calculated using the above rates.

There are two GO Stations located within the Secondary Plan area: Newmarket GO Rail Station and Newmarket Bus Terminal. The proposed reductions apply to proximity to both of these stations.

We recommend that the reductions be applied as follows:

A 50% reduction in parking requirements, may be applied to both the minimum and maximum calculated parking supplies, for residential and non-residential land uses where it is demonstrated that:

- 1. The proposed development main entrance is within 500m walking distance of either the GO Rail Station or Bus Terminal main entrances; and,*
- 2. Adequate Travel Demand Management infrastructure and programs will be in place to the satisfaction of reviewing agencies, in accordance with Town's Urban Centres Secondary Plan policies and York Region Mobility Plan Guidelines for Development Applications.*

The door-to-door walking distances will be determined on a case-by-case basis since they are dependent on site location and site design. It is noted that the additional reduction opportunity (no. 2) applies to GO Rail or bus terminal proximity since these locations, combined with Viva service throughout the Secondary Plan area, provide residents with transit options for both longer and shorter trips, and thus the potential for residents to not own a car is much higher in these locations.

Recommended Approach to Shared Parking

It is recommended that the current approach to shared parking contained within the existing Town of Newmarket Zoning By-law 2010-40 be carried over to the Secondary Plan area Zoning By-law. This approach is an industry standard throughout Canada and the United States. It is based on first principle methodology but eliminates the need for proxy studies to determine time-of-day utilization

as well as peak parking demand. This methodology can be applied to shared parking supplies serving multiple (more than 2) land uses with different parking characteristics.

For non-standard land uses such as Park-'N'-Rides and transit stations that may share parking supplies with other land uses, the shared parking approach should be applied using first principle methods and informed through closely working with transit agencies since the parking demand characteristics of these land uses depend on many factors and vary considerably depending on the location.

The first principle shared parking approach and final recommendations for these land uses would be provided to the Town in the form of a Parking Study as requested based on the Town's discretion. It will be up to the Town to determine when a land use does not fit into the general land use definitions within the shared parking formulas.

Recommended Approach to Bonusing

Bonusing refers to leniency with respect to height and density requirements awarded to a developer in return for providing a public benefit. As per the Secondary Plan, an applicant within the Secondary Plan area may elect to request increases in the *Permitted Maximum Heights* and/or *Permitted Maximum FSIs* up to, but not exceeding the *Discretionary Maximum Heights* or *Discretionary Maximum FSIs With Bonusing* without an amendment to this Plan in exchange for providing structured parking for vehicles where a significant portion of the parking is to be transferred to a public authority for use as public parking.

We further recommend that the Town apply the following criteria to qualify for bonusing:

1. A minimum of 20 public parking spaces must be provided; and
2. At a minimum, 10% of the public parking that is provided shall be dedicated car-share spaces, to a maximum of 6 spaces.

This will encourage developers to engage car-share providers in introducing car-share into the Town of Newmarket. Furthermore, it will ensure that parking is in a reasonably accessible area, otherwise car-share providers may not be interested. Finally, it ensures that the parking supply will be large enough to provide at least 2 car-share spaces, which is further incentive to car-share providers.

Cash-in-Lieu of Parking Spaces

The Town's current Zoning By-law already permits cash-in-lieu of parking spaces, and cash-in-lieu should continue to be a provision within the Secondary Plan area. As a starting point, the fee structure can be based on the current fee structure used within the Town. The need and potential for cash-in-lieu will become clearer as the Secondary Plan develops and parking needs are balanced with transit accessibility in addition to the bonusing provisions.

Carpool Parking for Employment Uses

Carpool spaces are an important initiative towards transit oriented development as well as reducing the parking supplies for employment uses. The recommended approach involves dedicating a portion of the required parking supply for an employment use towards carpool spaces as opposed to providing reductions to the parking supply. The recommended approach is as follows:

Carpool spaces must be provided at a minimum rate of:

1. 5% of the total required parking supply for any employment uses, or
2. 2 spaces.

This will ensure that carpool is being provided for all employment uses and will encourage participation in SmartCommute, otherwise the spaces will go unused. Carpool spaces should be located closest to the building entrances, signed, and enforced. Only accessible spaces would be prioritized over carpool spaces in terms of location.

Car-Share Parking

Car-Share is an important consideration within a Transit Oriented Development area because it encourages those who do not own personal vehicles to live and work in those areas. Many who participate in car-share programs do not rely on vehicles to go to work, but may occasionally need a vehicle for personal use or employment purposes. We recommend that reductions to residential parking supplies be awarded to developers for providing car-share as follows:

For any apartment (freehold or condominium) development, the minimum parking requirement should be reduced by up to 4 parking spaces for each dedicated car-share stall. The limit on this parking reduction is calculated as the greater of:

- $4 * (\text{total number of units} / 60)$, rounded down to the nearest whole number; or
- 1 space.

The provision of car-share in a public parking structure through the bonusing provision could also leverage this policy towards reducing the resident parking supply for new developments. As with the bonusing provision, this will further encourage developers to engage car-share providers.

Car-share can be provided at employment uses and this should be investigated as part of the Transportation Demand Management Plan for new developments, if the anticipated tenants would benefit from this service as determined on a case-by-case basis. However, since car-share at employment uses has less of an impact on day-to-day mode choice, we do not recommend reductions to the overall parking supply for the provision of car-share at employment uses.

Parking Management and Governance within the Secondary Plan Area

Consistent with Section 9.3.6.1 of the Secondary Plan, the potential role for a municipal parking authority has been assessed. It is recommended that the Town maintain **internal municipal operation** of public parking within the Secondary Plan area.

Section 9.3.6.1 of the Secondary Plan also states that the Town may prepare a public parking strategy and outlines several criteria that encourage the **parking district** approach. Internal municipal operation is the ideal approach to meeting these goals and applying the parking district approach because it will allow the Town the greatest control over the size and location of public parking structures, to capitalize on shared parking opportunities. The parking districts approach also complements cash-in-lieu.

The Town would also be responsible for residential parking permits for on-street parking. The Town should maintain all control over the approach to parking so that the visions and goals are met, and any public feedback is dealt with and addressed directly rather than through a third party. Outsourcing management to a third party should only be considered when the parking infrastructure demand and needs within the Secondary Plan area have stabilized and economy of scale justifies the transition.

Additionally, it is recommended that all public parking be paid and that the fees be determined through further economic analysis. The fees will be determined based on target rates of 85% occupancy. It is further recommended that the Town have one single entity manage enforcement of

parking spaces including carpool spaces, car-share spaces, electric vehicle spaces, accessible spaces, and on-street permit parking.

Transportation Demand Management

As per the direction of the Secondary Plan, Transportation Demand Management (TDM) has been incorporated into the recommended parking requirements for the Secondary Plan area through inclusion of the following policies and initiatives:

- a) preferential parking for carpool vehicles in non-residential developments;
- b) provision for car share opportunities in major residential developments;
- c) reduced parking requirements reflecting proximity to transit;
- d) bonusing incentives for provision of public parking with car-share;
- e) cash-in-lieu of parking spaces for the provision of public parking;
- f) application of shared parking formulas for public parking structures and joint development;
- g) transit incentive programs, including subsidized transit fares;
- h) secure indoor bicycle parking and showers in conjunction with major office and commercial uses, institutional and civic uses;
- i) provision for bicycle parking in close proximity to building entrances and transit stations; and,
- j) incorporating paid parking requirements with non-residential development.

It is also recommended, as per direction provided by the Secondary Plan as well as York Region's Mobility Plan Guidelines for Development Applications, that the Town request TDM plans to be incorporated into transportation impact studies and parking studies for all new developments. Although some incentive can be given to the developer within the Zoning By-law, it is often the developer or employers responsibility to leverage these incentives and ensure they are being applied to new developments. Requiring TDM plans to be provided will ensure that potential TDM opportunities are being considered and implemented whenever possible. When it can be demonstrated that TDM initiatives are adequate, and when the development is within close proximity to transit, further reductions to the parking supplies will be permitted.

The Town may further encourage developers and employers to consider SmartCommute, green or electric vehicle parking, carpool parking, dedicated carpool pick-up areas, and bicycle parking in excess of the minimum requirements, be provided as part of TDM initiatives for new developments.



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October 18, 2016

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES, CORPORATE SERVICES &
 COMMUNITY SERVICES REPORT 2016-36**

TO: Committee of the Whole

SUBJECT: San Michael Homes/Hollingsworth Properties

ORIGIN: Development & Infrastructure Services/Corporate Services/Community Services

RECOMMENDATIONS

THAT Joint Development & Infrastructure Services, Corporate Services, and Community Services Report 2016-36 dated October 18, 2016 regarding the San Michael Homes/Hollingsworth Properties be received and the following recommendation(s) be adopted:

- 1. THAT a Public Information Centre be held regarding an additional ice pad at the Ray Twinney Complex as a replacement for the Hollingsworth Arena;**
- 2. AND THAT a Public Consultation Centre be held regarding the surplus and sale of the property that currently accommodates the Hollingsworth Arena.**

COMMENTS

Background

Over the past few years San Michael Homes has presented various development concepts to Council for the combined properties at 693 Davis Drive, 713 Davis Drive, and 35 Patterson Street (Hollingsworth arena). (Refer to Appendix "A").

These properties (herein after referred to as the "subject land") are designated Medium High Density (693 and 713 Davis) and Low Density (35 Patterson) in the Urban Centres Secondary Plan. A portion of 35 Patterson is also designated Parks and Open Space in the Plan. (Refer to Appendix "B").

In Council's most recent deliberations regarding the San Michael proposal, the potential sale of land, and options for the replacement of the Hollingsworth arena, the following recommendations were approved:

Council, October 26, 2015

"THAT staff initiate a public process addressing a replacement arena and proposed disposition of land at Hollingsworth Arena."

"THAT Staff continue negotiations with San Michael Developments according to conditions set out by Council and execute a conditional Letter of Intent with the proponent to the satisfaction of Legal Services,

with respect to the development of the Hollingsworth Arena site at 35 Patterson Street in conjunction with the properties at 693 Davis Drive and 713 Davis Drive on the basis of a sale of the Town property."

"THAT staff be directed to proceed with public consultation on a detailed concept plan provided by the developer and that finalization of the Letter of Intent be subject to this process."

"THAT the sale of the Hollingsworth Arena site be conditional on Council's declaration of the property as surplus to municipal needs and staff being directed to follow the Town's land disposition process."

Council, June 7, 2016

"THAT the Public Information Centre on the potential replacement of Hollingsworth Arena be scheduled after a Public Information Centre is held showing detailed concept plans of the San Michael proposal."

Discussion

Based on the above direction, there were four actions that were to occur:

1. Community consultation on the San Michael proposal (i.e. detailed concept plan)
2. Execute a conditional Letter of Intent with San Michael (Closed Session Legal Report 2016-12).
3. Hold a Public Information Centre on the replacement of the arena (after the Public Information Centre on the San Michael development concept)
4. Public consultation with respect to the disposition of the subject lands.

Each of these actions is discussed below:

1. Community Consultation on the San Michael Proposal

A developer-led community meeting was held on June 22, 2016. The meeting consisted of an introduction by Town staff, followed by a presentation by San Michael Homes outlining the nature of the proposed development including built form, height, density, and details related to the public square. Following the presentation members of the community were invited to ask questions and discuss specific issues with members of the development team at display boards arranged around the room. Comment sheets were also provided at the meeting and residents were invited to complete them and forward them to the Planning Department.

Staff has compiled the comments heard at the meeting and submitted on the comment sheets, which generally addressed the following matters:

- Development plans should include the surrounding area (not just the subject lands)
- Concern that parking on public streets will be exacerbated with the development
- Proceeds of the sale should be re-invested in new facilities in the area
- Compatibility of townhouses across from detached homes
- Concern about the height of the towers

- Question the need for apartments
- Lack of parks and other facilities in Ward 3
- Traffic impacts
- Construction management/mitigation
- Concern about the potential sale of the land over the summer months (i.e. lack of public input)
- Question about the Town's ability to sell the land as it may have been "gifted" to the Town
- Underground parking for residents and visitors should be better described to avoid confusion
- Would like to understand what other recreation facilities are being planned for the Ward
- Interest in replacing the arena as close to this site as possible
- Town should sell the site on the open market to the highest bidder
- Better notification is required for development applications
- Hollingsworth property should be parkland for the entire Town to use
- Town shouldn't sell what little land it has
- Development should include affordable housing

2. Letter of Intent

In October 2015, Council considered Report 2015-57 and directed that staff continue negotiations with San Michael according to conditions set out by Council and execute a conditional letter of intent with the proponent with respect to the development of the Subject Land on the basis of a sale of the Town's Hollingsworth Arena property. The subject of this letter of intent is addressed under Closed Session Legal Services Report 2016-12.

3. Hold a Public Information Centre on the Replacement of the Arena

Through the Recreation Playbook process, Council has affirmed a commitment to maintain an inventory of seven municipal ice services to meet current and future needs for the community. In the event that a deal is reached for the purchase of Hollingsworth Arena property, staff will proceed with public consultation around design and development of an additional ice pad at Ray Twinney Complex.

4. Public Consultation with Respect to the Disposition of the Subject Lands

The Town's Sale of Land Policy (the "Policy") requires that prior to the sale of Town lands the following four steps are followed:

- (1) Council declares the land surplus (i.e. the land is not needed for future or anticipated municipal needs);
- (2) The property's value is determined by an appraisal;
- (3) Council approves the terms of the sale; and
- (4) Notice of the proposed sale is given to the public.

The Policy does not require an opportunity for the public to provide input on the sale of Town lands. The Policy's final step of providing public notice of the proposed sale to the public occurs only after the sale

agreement has been executed and 14 days prior to the disposition of the lands (eg. the closing of the sale transaction.)

Notwithstanding that public consultation is not a requirement under the Policy, a public process will be initiated with the community respecting the disposition of the Hollingsworth property. This process will allow input and comment from community members, and this information will be used by staff in assessing and formulating its recommendations respecting the surplus declaration and sale of the subject lands.

CONSULTATION

In addition to the community consultation meeting held in June of this year, various additional opportunities exist for public consultation through the Planning process, the sale of land process as discussed above, and the arena replacement process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The redevelopment of the subject lands supports the following branches of the Town's Strategic Plan:

Well-equipped and managed

- fiscal responsibility;
- efficient management of capital assets and municipal services to meet existing and future operational demands
- ideal mix of residential, commercial, industrial and institutional land use
- varied housing types, affordability and densities

Well-planned and connected

- strategic growth by way of an Official Plan
- long-term strategy matched with a short-term action plan
- revitalization of neighbourhoods

HUMAN RESOURCE CONSIDERATIONS

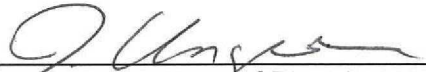

Not applicable to this Information Report.

BUDGET IMPACT

Addressed in Closed Session Report (Legal Services) 2016-12.

CONTACT

For more information on this report, contact R. Nethery, Director of Planning, 905-953-5321, ext. 2451, or by email at rnethery@newmarket.ca.


Assistant Director of Planning
Commissioner of Development & Infrastructure Services
Commissioner of Community Services
Director of Planning & Building Services
for Commissioner, Corporate Services

Attachments:

Appendix "A" Location Map

Appendix "B" Secondary Plan Schedule

Appendix "A"



Appendix "B"



- 4 – 12 storeys (15 with bonusing);



- 2 – 6 storeys



- Parks and Open Space



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October 4, 2016

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2016-39**

TO: Committee of the Whole
SUBJECT: Crossland Gate – Parking Review
File No.: T08 T.30 Crossland Gate
ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES2016-39 dated October 4, 2016 entitled “Crossland Gate – Parking Review”, be received and the following recommendation be adopted:

- 1. THAT the existing parking restrictions remain as they are.**

COMMENTS

The Town received a request to review the parking conditions on Crossland Gate, just south of Alex Doner Drive. In accordance with the Town's Corporate Parking Policy, staff reviewed the current parking situation and offered a proposal to the affected residents to provide additional parking on the south side (outer curve).

A survey was conducted in the community that would be affected. Results indicated a majority were not in support of the proposal for additional parking nor were they in favour of any changes to the existing parking restrictions. Therefore, it is recommended that the existing parking restrictions remain as they currently are.

PUBLIC CONSULTATION

On June 13, 2016, Engineering Services contacted the community on Crossland Gate south of Alex Doner Drive. Fifteen (15) households which directly front on, or flank, the proposed area of study were targeted by the mail-out. The Town received four (4) responses (27% return) within the study area, and one (1) response from outside the study area. Three households (75% of respondents) did not support any changes, and one household supported the proposal for change (25%). The single respondent residing outside the study area did not support any changes.

A copy of this report will be forwarded to the affected residents prior to the Committee of the Whole Meeting so that they may attend the meeting or present a deputation if they so wish.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

HUMAN RESOURCE CONSIDERATIONS

No impact on current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact to the Operating Budget.

Capital Budget

No impact to the Capital Budget.

CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508, or via e-mail at: mkryzanowski@newmarket.ca.

Prepared by:



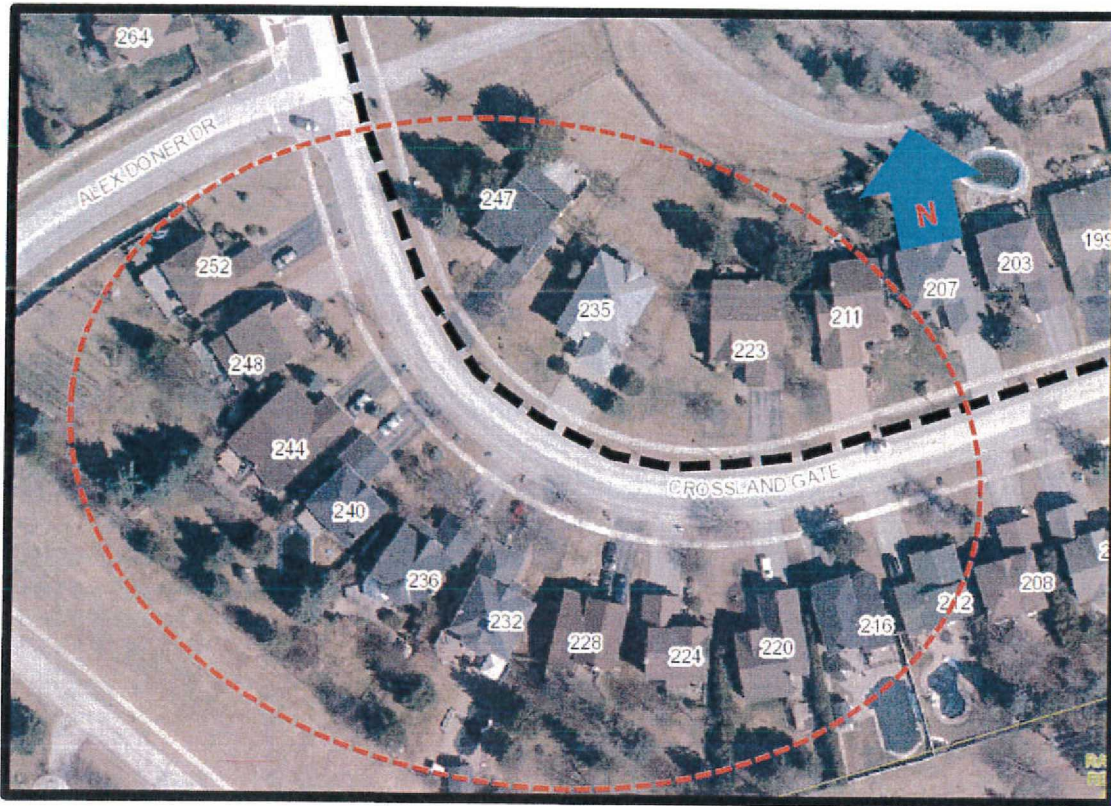
M. Kryzanowski, M.C.I.P., R.P.P.
Manager, Transportation Services



R. Prudhomme, M.Sc., P. Eng.
Director, Engineering Services



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--- Maintain Existing No Parking Zone

○ Proposed Study Area



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September 29, 2016

DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT ENGINEERING SERVICES 2016-40

TO: Committee of the Whole

SUBJECT: McCaffrey Road – Traffic Review #2
 File No.: T.08 T.30 McCaffrey

ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES 2015-34 dated September 29, 2016 entitled “McCaffrey Road – Traffic Review #2” be received and the following recommendations be adopted:

- 1. THAT a 3-way stop sign be installed at the intersection of McCaffrey and Rannie Road;**
- 2. AND THAT Traffic By-law 2011-24 Schedule 3 – Stop Signs, as amended, be further amended by deleting:**

Rannie Road at McCaffrey Road	1 way	northbound on Rannie Road;
-------------------------------	-------	----------------------------
- 3. AND THAT Traffic By-law 2011-24 Schedule 3 – Stop Signs, as amended, be further amended by adding:**

Rannie Road at McCaffrey Road	3 way	northbound on Rannie Road
McCaffrey Road at Rannie Road	3-way	eastbound on McCaffrey Road
McCaffrey Road at Rannie Road	3-way	westbound on McCaffrey Road;
- 4. AND THAT the necessary By-law be prepared and submitted to Council for their approval.**

BACKGROUND

At its regular meeting of June 22, 2015, Town Council adopted the following recommendations:

“i) THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town Staff that includes alternative traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrians islands, road watch program or crosswalk.”

“ii) AND THAT this report address traffic impacts related to the new developments on the Glenway lands, York Region Annex Building and the Yonge Street VivaNext project.”

COMMENTS

Town staff met with residents and the Ward Councillor on May 2, 2016 to observe traffic during the PM peak hour and to recommend options for mitigation, if needed. During the meeting, a number of traffic calming measures were discussed. Town staff implemented some additional signage as an immediate first step in accordance with the Town's Speed Management program.

Discussions revolved around speeds and traffic volumes on McCaffrey Road and Rannie Road. One of the areas discussed was that traffic has been increasing steadily on Rannie Road. Rannie Road is one of two connecting roads between two relatively new subdivisions (Carruthers Avenue is the other). Rannie Road is mostly unassumed. There is only one short section, south of McCaffrey Road, that has been assumed by the Town. McCaffrey Road is a residential collector road and is part of the Town's active transportation route. There are plans to resurface McCaffrey Road at some time in the near future. An aerial map of the area is shown on page 6 of this report.

While on site, two unique observations were made. One was the large number of taxi cabs that were using Rannie Road. The other was how the drivers maneuvered at the intersection. The issue regarding taxi cabs was referred to Licensing, and therefore, Legislative Services was consulted. Staff and the Ward Councillor were advised by Legislative Services that taxi drivers have a legal responsibility to select the route that will provide the lowest cab fare for their riders. Because of the various amenities in the area (Upper Canada Mall, Court House, etc.), Rannie Road proved to be a very popular route to permit the lowest fare charge. It is a public road and therefore, the Town cannot prevent taxis from using that route. When it came to maneuvering at the intersection, most drivers took higher speed westbound left turns onto Rannie Road, which cause their vehicles to either cross into the oncoming lanes on McCaffrey Road or to cut across the northbound lane on Rannie Road. This movement is hazardous and is associated with right-of-way control.

All-way Stop Control

The McCaffrey/Rannie intersection has been the subject of many reviews for all-way stop controls over the past years. The warrant review was undertaken again in 2016. The following table outlines the major and minor warrant percentages. Both warrants must be at 100% for an all-way stop control to be warranted as outlined in the policy.

TABLE 1: Warrant Calculation Using Measured Traffic Data

Rannie Road – Year	Warrant 3a Major Volumes	Warrant 3b Minor Volumes
2016	81%	53%
2015	69%	46%
2014	66%	39%
2011	71%	41%
2008	56%	15%

The results shown in Table 1, which are based on 2016 data, clearly indicate that an all-way stop control is not warranted at this time. However, Council had directed staff to consider new development that is occurring in the area when calculating the warrants.

Traffic data relating to current and future known developments is not available, but can be extrapolated based on the Town's knowledge of the developments. Although Council asked staff to consider 3 of the new developments in the area, staff took the liberty of adding a fourth (Landmark Estates) because it was felt that this new subdivision also would contribute to increased traffic. In summary, there are four traffic generators relating to new development that were considered:

1. Glenway Subdivision
2. York Region Annex
3. Landmark Estates Subdivision
4. vivaNext Rapidway on Yonge Street

The warrants that take new development into consideration (as shown in Table 2) were calculated using the following assumptions:

1. Glenway Subdivision: The traffic impact study done for the Glenway subdivision was reviewed to see if the consultant had identified any traffic issues on McCaffrey Road and Rannie Road. The site trip assignments did not show any trips on McCaffrey Road. It was found that the likelihood of some trips coming down Brimson Drive or going towards Mulock Drive was quite high, but the exact number of trips is unknown.
2. York Region Annex: The traffic study for the York Region Annex showed site trips assigned to McCaffrey Road, but the traffic split at Rannie Road was not determined. Some standard assumptions were used to forecast future traffic volumes at the McCaffrey/Rannie Road intersection. It should be noted that the Annex is only the first phase of development, and there will be additional development on the site in the future.
3. Landmark Estates Subdivision: The Landmark Estates Subdivision is just south of the McCaffrey/Rannie Road intersection. Additional homes are being constructed as part of a new phase of the subdivision. Furthermore, Landmark Estates subdivision has a sizeable undeveloped commercial component on Yonge Street that is not part of the traffic analysis. Although new traffic data is not yet available, standard traffic impact study assumptions were used to derive traffic volumes through the McCaffrey/Rannie Road intersection.
4. vivaNext Yonge Street: The volume of traffic that is infiltrating the McCaffrey and Rannie Road area from Yonge Street as a result of the vivaNext construction is difficult to determine in a consistent manner. It is assumed that the 2016 traffic counts capture a representative traffic volume for the review.

Based on the above, the York Annex traffic and the Landmark Estates traffic volumes were added into the warrant calculations to create a best estimate for the near future. Table 2 shows the results.

TABLE 2: Warrant Calculation Using Traffic Data Estimates Based on New Development

Rannie Road – Year	Warrant 3a Major Volumes	Warrant 3b Minor Volumes
Future	97%	75%
2016	81%	53%
2015	69%	46%
2014	66%	39%
2011	71%	41%
2008	56%	15%

The results in Table 2 represent a conservative estimate without including the Glenway subdivision site traffic. With the eventual development of the York Region lands (Annex lands) and the commercial component to the Landmark Estates subdivision, it is highly expected that all-way stop controls would be warranted.

It should be noted that the warrant process does not take into account whether the intersection is four-legged or three-legged. As noted in past reviews, it is very difficult for an all-way stop to be warranted at three-legged intersections because of the lack of traffic coming through the “missing leg”. Therefore, warrant 3B is very difficult to achieve in three-legged intersections. The 3B warrant percentage of 53% that was calculated in Table 1 is considered to be quite high, and the future projected warrant of 75% in Table 2 is even higher, causing staff to apply further engineering judgment to come to a more favourable conclusion.

As mentioned previously, staff witnessed vehicles that were maneuvering in a hazardous way through the intersection. This, combined with the projected increased traffic volume would increase risk at the intersection.

Therefore, given the above, information, it is recommended that an all-way stop control be implemented at the McCaffrey/Rannie intersection.

PUBLIC CONSULTATION

Town staff has discussed some of these issues with some local residents and with the Ward Councillor during a site visit and through further communications.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

HUMAN RESOURCE CONSIDERATIONS

No impact on current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact on the Operating Budget.

Capital Budget

There is a small impact to the Capital budget (less than \$1,500.00) for the signage and pavement markings.

CONTACT

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508, or via e-mail at mkryzanowski@newmarket.ca.

Prepared by:



M. Kryzanowski, M.C.I.P., R.P.P.
Manager, Transportation Services

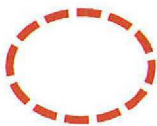
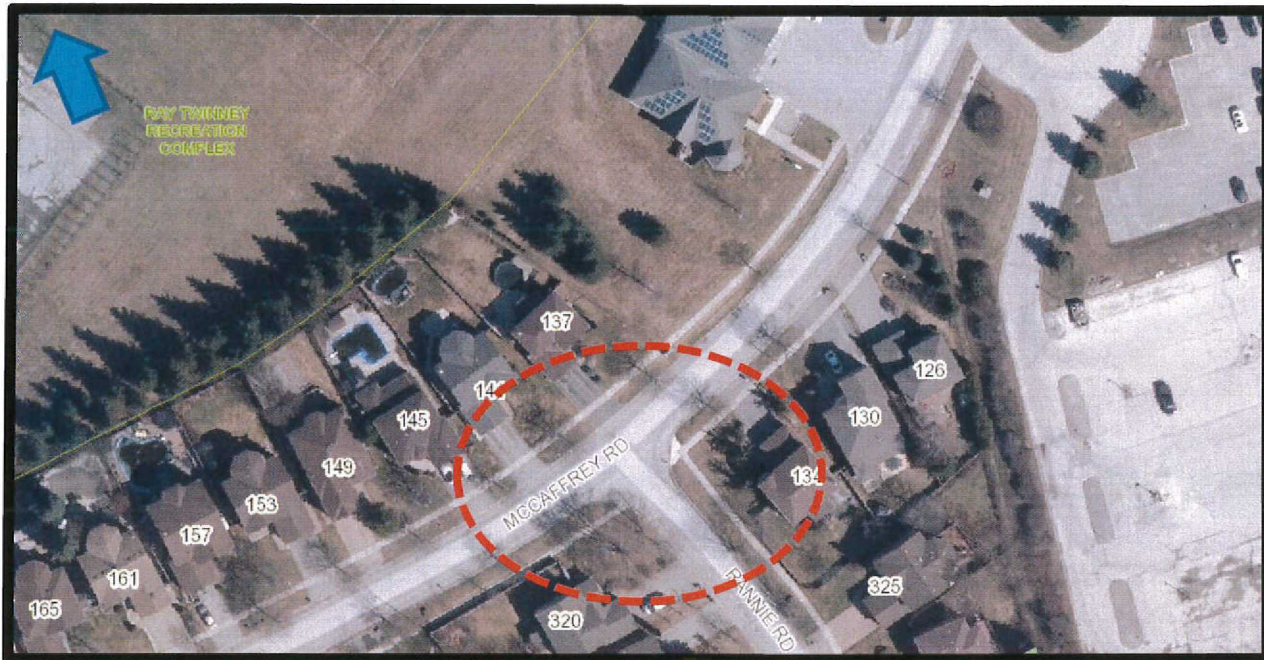


R. Prudhomme, M.Sc., P.Eng.
Director, Engineering Services



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

MAP 1: Aerial Photo of McCaffrey/Rannie Road Intersection



McCaffrey/Rannie Intersection


PLANNING AND BUILDING SERVICES
Town of Newmarket

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October 18, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-37

TO: Committee of the Whole

SUBJECT: Mulock GO Station – Metrolinx Resolution
NP-16-37

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2016-37 dated October 18, 2016 regarding the future Mulock GO Station – Metrolinx Resolution be received and that the following recommendation(s) be adopted:

1. **THAT Council approve the resolution included as Attachment 2 to this Report, regarding the Mulock GO Station, as requested by Metrolinx in their correspondence dated August 4, 2016.**
2. **THAT Council request the Ministry of Transportation and Metrolinx fully fund construction costs for the new GO station at Mulock as part of the Regional Express Rail 10-Year Program.**

PURPOSE OF THIS REPORT

On August 4, 2016 Metrolinx requested a Council resolution committing the Town of Newmarket to: agree in principle to the general station location; implement transit supportive planning regimes around the station; and implement sustainable, multi-modal station access solutions. The purpose of this Report is to provide adequate information regarding these three items and obtain authorization to provide the requested resolution to Metrolinx.

Correspondence from Metrolinx requesting this resolution is provided in Attachment 1, and the Draft Resolution is provided as Attachment 2.

BACKGROUND

Staff have been involved with the Metrolinx Regional Express Rail (RER) project for over a year. As part of this project, staff have been advocating for: (i) the extension of enhanced GO Train service from Aurora to Newmarket; (ii) the construction of a future GO Station at Mulock; (iii) the completion of a Mobility Hub

Study for the existing Newmarket GO Station; and (iv) the determination of appropriate measures to mitigate potential community impacts (i.e. train whistles).

Progress is being made regarding these issues. Specifically regarding the Mulock GO Station, on June 28, 2016 the Province announced that five new stations would be constructed along the Barrie rail corridor, one of which being in Newmarket in the vicinity of the rail corridor and Mulock Drive.

Following this announcement, on August 4, 2016 Metrolinx requested that the Town provide a Council resolution by November 30, 2016, that commits the Town to the following, in principle:

- “• *agreement with the station location;*
- *commitment to implementing transit supportive planning regimes around the station, if such does not already exist; and*
- *sustainable, multi-modal station access solutions.”*

Further, a report recommending York Regional Council endorse Metrolinx’s recommendations for new GO stations in York Region in support of the Regional Express Rail program, including a new station at Mulock GO, was presented to the Region’s Committee of the Whole on October 6, 2016.

COMMENTS

The above noted three bullet points, as per the requested Metrolinx resolution, are addressed as follows:

“Agreement with the station location”

- The station location, generally defined as the area around the intersection of Mulock Drive and the Metrolinx rail corridor, has been identified in previous and current Regional and Town planning documents such as the Region’s Official Plan, the Town’s Official Plan and Urban Centres Secondary Plan, among others. This general area contains a number of potential station sites along the rail line, both north and south of Mulock Drive, which would be able to accommodate a GO Station and be adequately accessible by multiple forms of transit.
- Metrolinx has stated in meetings that if a grade separation is required at this location, it will be included within the scope of the GO station project.
- York Region staff will be engaged to determine how impacts to existing or planned road and subsurface infrastructure and services will be addressed.
- Therefore, staff agree that this general area is supportable for a future GO Station use.

“Commitment to implementing transit supportive planning regimes around the station, if such does not already exist”

- Various options exist to establish a transit supportive planning regime around the station site. These include:
 - a) completing a Mobility Hub Study for the station area;
 - b) preparing a Secondary Plan for the Station area, to be implemented through a Zoning By-law Amendment;
 - c) developing a Secondary Plan for a wider geography (to be determined) including the station area, to be implemented through a Zoning By-law Amendment;
 - d) A combination of option a), with either option b) or c).
- Preliminary discussions have taken place with appropriate agencies including Metrolinx and it has been confirmed that completing a Mobility Hub Study for the station area would not likely be supported by Metrolinx because the area has not been identified as a designated Mobility Hub as part of the Big Move Regional Transportation Plan. Therefore, options b) and c) remain, both of which are supportable by staff.
- Metrolinx has confirmed that there is a constrained (approximately 1 year) timeline to sufficiently demonstrate the presence of a transit supportive planning regime around the station site, to satisfy this commitment. Driving this timeline is the goal to inform Metrolinx’s procurement process by fall 2017. In order to meet this timeline, if option b) or c) are authorized, it will likely be necessary to divide the Secondary Plan into phases:
 - Phase 1 of which would include the preparation of a Master Plan for the station site and the area immediately surrounding the station.
 - Phase 2 would consider any/all lands outside the station area (but are integral to meeting density requirements and/or facilitating other planning objectives of the Town).
- Metrolinx has further confirmed that having a Council adopted Master Plan would satisfy the constrained timeline for establishing a transit supportive planning regime. It is acknowledged that the preparation of such a Master Plan would require a host of background studies (i.e. planning, environmental impact, traffic impact, functional servicing, etc.) to be completed and community consultation to be undertaken; therefore it would still be challenging to meet this timeline. Metrolinx and the Town, via a Mulock Station Working Group, will define next steps and scope of work for Phase 1 as well as provide a forum for addressing technical issues related to planning and design within the station area.
- Regardless of the exact option selected, staff agree that the current land uses and densities in the station area would require a re-examination through the completion of a planning exercise in order to implement a transit supportive planning regime. For the station lands and surrounding area,

such a re-examination would focus on determining the highest and best forms of employment, meeting employment density requirements, addressing station access, and ensuring compatibility and integration with the surrounding lands. Over a larger area, such a re-examination could examine other appropriate land uses and densities.

“Sustainable, multi-modal station access solutions”

- Providing sustainable, multi-modal station access solutions will be a priority of the planning process undertaken to implement a transit supportive planning regime for the station area. Various forms of active transportation infrastructure exist in the station area, as defined in the Town’s Active Transportation Plan. It must be determined how to establish pedestrian and cyclist connections between the active transportation network and the station in a sustainable manner.
- York Region Transit will be engaged to determine how to optimize and expand transit access to the station and serve the surrounding neighbourhood.
- Therefore, staff agree that providing sustainable, multi-modal station access solutions will be an objective of the Phase 1 Master Plan.

RESOLUTION

The Draft Resolution is provided as Attachment 2. This resolution provides Metrolinx with what has been requested in their letter of August 4, 2016.

It should be noted that this resolution is the first step in the planning process for the future Mulock GO Station and provides support in principal; there will likely be additional discussions and agreements in the future dealing with financial details of the project and its planning.

NEXT STEPS

A future Staff Report will propose a specific planning process and timeline to be undertaken to implement a transit supportive planning regime for the station area. Once the planning process is authorized, a procurement process will be undertaken to select a consulting team.

Metrolinx is also convening a Working Group to address technical aspects of the station design. This group will include representatives from Metrolinx, York Region, the Town, and other agencies as required. The first meeting is proposed for the end of October, 2016.

COMMUNITY CONSULTATION

Metrolinx will be hosting a regional series of Open Houses in November, including one in Newmarket. This public opportunity follows more general consultations over the last year on station analysis work. This will

be the first specific introduction of the project to the public. Corporate Communications will work with Metrolinx to prepare a communications and engagement plan for this meeting as well as the project in general.

HUMAN RESOURCE CONSIDERATIONS

There are no immediate human resource considerations through this resolution. Once the planning process is authorized (through a future Staff Report), staff resources will be required to procure and manage a consulting team.

BUDGET IMPACT

There are no immediate budget impacts with this report.

Once a specific planning process is authorized (through a future Staff Report), there will be budget impacts associated with retaining a consulting team, although such costs may be shared with other agencies.

In their Report that went to Regional Committee of the Whole on October 6, 2016, Regional staff recommended that Regional Council request the Ministry of Transportation and Metrolinx fully fund construction costs for the Mulock GO Station as part of the Regional Express Rail 10-Year Program. Town staff have discussed this previously with Metrolinx and agree that it should be formally recognized. Therefore, such a recommendation (Recommendation 2) has been included in this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-planned & Connected:

- Implement key elements of the Official Plan and Urban Centres Secondary Plan.
- Varied transit options.
- Key transportation linkages.

Living well:

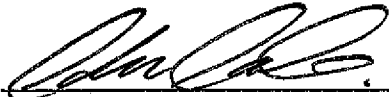
- Traffic and growth management strategies.

Well-respected:

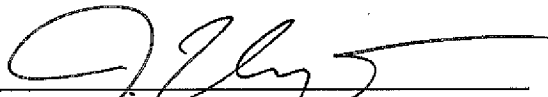
- Being an influential contributor to regional and provincial affairs.

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



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



Jason Unger, MCIP, RPP
Assistant Director of Planning



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



Peter Noehammer, P. Eng.
Commissioner Development and Infrastructure
Services

Attachment(s):

- Attachment 1 - Correspondence from Metrolinx requesting the resolution, dated August 2, 2016
- Attachment 2 - Draft Resolution



METROLINX

an agency of the Government of Ontario
une agence du gouvernement de l'Ontario

Office of the President and Chief Executive Officer

Bruce McCuaig

416-202-5908

bruce.mccuaig@metrolinx.com

August 4, 2016

Robert Shelton
Chief Administrative Officer
Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON
L3Y 4X7

CHIEF ADMINISTRATIVE OFFICER'S OFFICE		
INCOMING MAIL	REF'D TO	COPY TO
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report

Dear Mr. Shelton,

RE: GO Regional Express Rail Proposed New Station

On Tuesday June 28, 2016, the Metrolinx Board of Directors met to discuss several planning projects, including the GO Regional Express Rail 10-year Program: New Stations Analysis (Appendix 2).

At this meeting, the Board adopted a number of recommendations that specifically require action from those municipalities where recommended GO RER stations are proposed. This correspondence is to confirm the Board's adopted recommendations and the subsequent follow up required.

First, I want to thank you and your staff for your cooperation in providing input into the Business Case analysis that has led to a list of recommended New Stations that could be part of the GO RER Program. In total, the Board accepted staff recommendations to include 12 new stations.

I am now writing to confirm that a new station location at Mulock (near Bayview Avenue) has been recommended as part of the GO RER 10-year program. Please note that the new station is still subject to further detailed analysis and conditions to address contextual issues.

As listed in Recommendation 1.1 of the Board report, the Province and Metrolinx require the Town of Newmarket to provide to Metrolinx, by November 30, 2016, a Council-approved resolution that commits the Town of Newmarket to the following conditions:

- agreement with the station location;
- commitment to implementing transit supportive planning regimes around the station, if such does not already exist; and
- sustainable, multi-modal station access solutions.

.../2

Next Steps

In order to meet our timelines, commitments to the transit investments are necessary. We will work closely with you over the coming months to establish a work plan and working group to undertake the next level of due diligence. The next steps will include establishing a New Stations Working Group to:

- Define the station scope and site plan, including multi-modal access;
- Define the related incremental costs to the current GO RER program;
- Review the current land use policies in the Mulock station area, and update as necessary any local policies, guidelines or bylaws to ensure transit supportive uses.
- Confirm the process, roles and responsibilities to advance Mulock station to procurement including local community consultations, TPAPs, the preparation of Bid Documents, and potential partnerships with developers.

Should you need more information, please do not hesitate to contact Leslie Woo, Chief Planning Officer at Leslie.Woo@metrolinx.com or Lorna Day, Director of Project Planning and Development at Lorna.Day@metrolinx.com. Please also identify an internal point of contact on behalf of the Town of Newmarket.

Metrolinx is committed to working with the Town of Newmarket to achieve an integrated and seamless transportation network throughout the Greater Toronto and Hamilton Area. The Metrolinx Board expressed its pleasure on June 28th to see that the working relationship with the Town of Newmarket continues to be collaborative and delivering progress. I look forward to a continued positive and productive relationship as we progress to the next phase of this work with the Town.

Sincerely,



Bruce McCuaig
President and Chief Executive Officer

- c. Bruce Macgregor, Chief Administrative Officer, York Region
Leslie Woo, Chief Planning Officer, Metrolinx

OFFICE OF THE COMMISSIONER OF DEVELOPMENT & INFRASTRUCTURE SERVICES					
FILE NO:					
SEP - 7 2013					
	Refer	Initial		Refer	Initial

**Attachment 2
RESOLUTION**

WHEREAS the Metrolinx Board of Directors, at its meeting held on Tuesday June 28, 2016, adopted the recommendations of the GO Regional Express Rail 10-year Program: New Stations Analysis;

AND WHEREAS one of the recommendations of the GO Regional Express Rail 10-year Program: New Stations Analysis locates a new station at Mulock Drive (near Bayview Avenue);

AND WHEREAS the area generally at the intersection of Mulock Drive and the Metrolinx rail corridor has been identified in previous and current Regional and Town planning documents for a potential GO Station;

AND WHEREAS the Metrolinx Board of Directors requires a resolution from the Town of Newmarket Council committing the Town of Newmarket to: supporting the station location; implementing transit supportive planning regimes around the station; and implementing sustainable, multi-modal station access solutions;

AND WHEREAS the Town of Newmarket supports enhanced public transit infrastructure that contributes to the increased use of public transit, builds strengthened transportation linkages and improves connectivity with other parts of the Greater Toronto Area;

THE TOWN OF NEWMARKET hereby formally advises Metrolinx that it supports the future location of the station generally at the intersection of Mulock Drive and the Metrolinx rail corridor; commits to implementing transit supportive planning regimes around the station; and commits to implementing sustainable, multi-modal station access solutions in and around the station lands.



Planning and Building Services

TOWN OF NEWMARKET

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October 18, 2016

**Development and Infrastructure Services
Planning & Building Services Report 2016-42**

To: Committee of the Whole

Subject: **Application for Official Plan and Zoning By-law Amendment**
751-757 Gorham Street
Town of Newmarket
2439107 Ontario Inc.
File No.: D9 NP16 09 (OPA) D14 NP16 09 (ZBA)

Origin: Planning and Building Services

Recommendations

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-42 dated October 18, 2016 regarding Application for Official Plan Amendment, Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 2439107 Ontario Inc. for lands being composed of Part of Lydia Street (Not Open) and Part of Lots 7, 8, and 9 (North side of Gorham Street) and Part of Lot 10, and all of Lots 11, 12, 13, and 14 (south side of Lydia Street) Registered Plan 23, Municipally known as 751 and 757 Gorham Street, Newmarket be referred to a public meeting;
- b) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- c) AND THAT Howard Friedman, of HBR Planning Inc., 66 Prospect Street, Unit A, Newmarket, Ontario, L3Y 3S9 be notified of this action.

Comments

Location and Surrounding Land Uses

The Subject Lands are located on the north side of Gorham Street between Muriel Street and Alexander Road (See Location Map attached). The property has an area of approximately 6,500 square metres and has a frontage on Gorham Street of approximately 21 metres and a frontage on Muriel Street of approximately 15 metres. The properties are municipally known as 751 and 757 Gorham Street.

The subject property currently contains two residential structures. It is proposed that all existing structures on the property would be removed.

The property is recessed behind the surrounding houses that front onto Gorham Street and Muriel Street. The property is surrounded on all sides by residential land uses, save across Muriel Street to the northwest are the fairgrounds and curling rink.

Proposal

The applicant is proposing a 4 storey residential apartment building accommodating 82 dwelling units with rental tenure on the subject lands. The proposed building is to be comprised of 22 one-bedroom units and 62 two-bedroom units, with a small children's playground included outdoors. The proposed building has been positioned on the northeast corner of the lot, giving it the greatest possible separation from the homes fronting onto Gorham Street and Muriel Street. The proposed development includes 103 parking spaces, of which 21 are visitor parking spaces and 2 are barrier-free spaces. The proposed layout of the parking includes 30 spaces underground and 73 surface parking spaces. The proposal also includes 22 bicycle parking spaces, of which 17 are to be underground. One principal point of access is proposed at onto Muriel Street with an emergency-only vehicle access that will be typically blocked by bollards onto Gorham Street.

Preliminary Review

Official Plan Considerations: Land Use

The subject property is designated Stable Residential on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted built forms include single and semi-detached dwellings, but would preclude apartment uses. The applicant is applying to amend/replace the existing designation on the subject lands to Stable Residential with special provisions to permit the proposed four storey apartment.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. The Official Plan expects that redevelopment in stable residential areas respect the existing character of the area.

The "Residential Areas" policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings. However, the Stable Residential area only anticipates single detached and semi-detached dwellings as the form of new infill development.

Emerging Residential areas anticipate single detached and semi-detached dwellings, however townhomes are also permitted provided the use is appropriately justified. The policies of the Plan encourage new developments of higher density residential development in the Urban Centres in order to manage change and maintain existing neighbourhoods.

The focus of future intensification is directed by the Official Plan primarily to the Urban Centres. Limited intensification is anticipated in Stable and Emerging Residential Areas, and is intended to be in a form and location that will be compatible with those of the existing areas.

Official Plan Considerations: Compatibility

The existing neighbourhood is predominantly low density with a majority of dwellings being single detached. There are recreation uses to the northwest in the form of the fairgrounds and curling club, and Gorham Street further east includes institutional uses such as a Central York Fire Services facility as well as places of worship. The surrounding properties are predominantly single detached dwellings.

The proposal for a 4 storey 82 unit apartment building represents a Floor Space Index (FSI) of approximately 1 and would have a residential density of 126 dwelling units per hectare. This density is encouraged in the urban centres, although not specifically precluded outside of them.

While staff have a concern with elements of the building massing, site layout, and landscaping to minimize impact on adjacent existing low density residential neighbouring properties, in principle a low-rise apartment building is not incompatible with adjacent single-detached residential neighbours. The Town's practice has historically been that new development adjacent to existing development should be of a similar built form, notwithstanding that throughout Newmarket and in new development there are adjacent different residential built forms. The Official Plan and sound planning principles require the consideration of compatibility to ensure that any development minimizes any impacts on the surrounding area.

The Planning Justification Report (PJR) submitted with the proposal notes that efforts have been made to create a visual and spatial distance between the proposed building and the existing adjacent residential that front onto Gorham Street by siting the building as close as possible to the northeast corner of the lot.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being principally the Yonge Street and Davis Drive corridors. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

A shadow study has also been submitted in support of this proposal. The PJR asserts that this study demonstrates limited impact from shadows on neighbouring properties, with no more than an hour of shadow being cast on any adjacent house and no more than two hours of shadow being cast on any adjacent rear yards.

Official Plan Considerations: Physical Suitability

The subject lands slope down to the north. The proposal is sited on the subject lands with setbacks similar to those required for apartment buildings in Newmarket. There are 73 proposed surface parking and 30 below grade parking spaces which represent a parking ratio of 1.25 spaces per unit compared to the 1.75 spaces per unit required by the zoning by-law. The below

grade parking only encompasses the north section of the building. Staff are recommending that the full floorplate of the building be used for an underground parking structure to reduce surface parking and impact on adjacent properties.

The Town's Greenspace Development coordinator has noted insufficient landscape buffers to appropriately accommodate plantings on site.

Official Plan Considerations: Availability of services and road access

As noted below under the Engineering Services Department review, there remain outstanding issues related to stormwater management and the age and standard of the provided ESA, among other matters. These will be required to be addressed by the applicant either in advance of staff making a recommendation to Council or as a condition of approval if Council should decide to approve the application.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to a Residential Apartment Dwelling (R5) Zone to implement the plan. The application will require site-specific performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will use Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
 - a. the proposed change is in conformity with this Plan;
 - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
 - c. potential nuisance effects upon adjacent uses are mitigated;
 - d. adequate municipal services are available;
 - e. the size of the lot is appropriate for the proposed use;
 - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
 - g. the on-site parking, loading and circulation facilities are adequate; and,
 - h. public notice has been given in accordance with the *Planning Act*.

Site Plan Control

The proposal is subject to Site Plan Control. Following the statutory public meeting recommended by this report, and a final recommendation report that will follow, if Council determines to approve the Official Plan Amendment and Zoning By-law Amendment applications, a further application for Site Plan Control will be required.

Servicing Allocation

Servicing allocation has not been granted for this proposal. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Provincial Policy Statement

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

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

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The relevant sections of the PPS as they relate to this application are found in the "Building Strong Communities" policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs.

The "Settlement Areas" policies of the PPS direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use is to support active transportation and public transit, minimize impacts to climate change, and support intensification in appropriate areas.

The "Housing" policies of the PPS further direct municipalities to provide for a range and mix of housing types and densities, including implementing minimum targets for affordable housing and facilitating diverse forms of housing and residential intensification. Planning authorities are to promote densities for new housing which supports the use of active transportation and transit while minimizing the cost of housing and facilitating a compact built form.

Initial Concerns

Without prejudicing the final recommendation from Planning staff to Council, it is important to provide feedback on the proposal in order to ensure that the public and Council can consider the best possible version of the proposal. With this in mind, Planning staff have the following initial comments and concerns.

1. The number of barrier-free parking spaces is insufficient.
2. The pedestrian/cycling connection from the more major street (Gorham Street) is principally a parking lot, and can benefit from a more pedestrian-oriented streetscape design.
3. The entrance from Gorham Street is heavily shielded and opaque. It should rather be a visible entrance feature that contributes to the streetscape and pedestrians. Setting back the parking lot and including streetscape features on the southern property edge such as a seating area and trees should be considered.
4. Continuing the underground parking throughout the entire footprint of the building would allow for the reduction of additional surface parking and additional landscaping and buffering for adjacent properties.
5. Some dwelling units should be barrier-free and located on the ground floor.
6. The angular plane should not exceed 45 degrees, and building height reductions, relocations, or step-backs should be used to ensure that this is not exceeded.
7. Indoor ground-floor bike parking is preferable to bike parking in the underground parking garage.
8. If bike parking is to be located in the underground garage, a physically protected path for cyclists to ascend/descend the ramp should be provided.
9. Shelter for the outdoor bike parking area should be provided.
10. The southernmost windows of the ground floor units face directly onto the parking lot and entranceway, and the southwestern unit lacks amenity space.
11. The exterior path of travel for pedestrians narrows in some areas. It should maintain at least 1.5m at all points.
12. A dedicated pedestrian walkway connection is required from the building to the sidewalks. It appears that the pedestrian connection stops at the parking ramp. It should be carried in a safe and visually distinct way across the ramp such that pedestrians can reach the principal entrance from Gorham Street.
13. The pedestrian entrance from Muriel Street terminates in an accessible parking space. The pedestrian entrance should continue uninterrupted from the sidewalk to the door, with a distinct visual and material type where it must cross parking areas.

14. The design of amenity space for the ground-floor units should be clarified as to whether outdoor private space is intended beneath the balconies of the upper-level units. Private amenity space at grade should be appropriately screened to ensure privacy.
15. Where possible parking areas should be reduced and placed underground to provide greater buffers to adjacent properties.
16. The 'tot lot' landscaping appears to create a secluded 'lawn area' at the farthest northeast corner that lacks visibility and function.
17. The pedestrian access way from the Muriel Street building entrance to the 'tot lot' area includes steps. The design should afford universal access for people with disabilities.
18. The preservation of mature trees is possible and desirable with parking lot reconfigurations.
19. Section 3.10.1 of the Town's Official Plan requires 25% of new housing development outside of the Urban Centres Secondary Plan area to be affordable to low and moderate income households.
20. Section 12.2.7 of the Town's Official Plan requires public art contributions according to the Town's Public Art Policy.
21. If the property is to be considered as meeting the Town's objectives of promoting rental development, guarantees should be obtained that the property will remain rental for a determined period of time.

Departmental and Agency Comments

Engineering Services

Engineering Services has reviewed the provided studies and offered preliminary comments on the application. Further review will continue as the applicant provides additional information.

Roads and Traffic

Engineering Services is in the process of reviewing the application as it relates to traffic, parking, and transportation. Comments will be provided to as part of the review process and form part of the recommendation from Planning Staff to Council.

Stormwater Management

Stormwater from the proposed development will be controlled on site with quantity controls provided by way of a 210 m³ open bottom underground detention chamber, catchbasins, and infiltration trenches. Proposed quality control measures include strainers, infiltration trenches, an oil/grit separator, and clear stone base filtration from the underground storage to target 80% removal of total suspended solids. Engineering Services has reviewed the proposed stormwater management report and has noted that the overall stormwater management concept is

acceptable, but has provided comments requiring additional information and coordination with the applicant.

Water Distribution

Calculations have been provided in the Functional Servicing Report (FSR) which demonstrate that adequate water flow and pressure is available in the existing municipal watermains to service the proposed development. Engineering Services has reviewed the provided plans and reports and noted additional information related to water demand calculations and hydrant flow tests, among other matters, to be provided and confirmed.

Sanitary Sewage

While the applicant's FSR proposes that the development be connected to the 250mm diameter sanitary sewer on Muriel Street, a peer review provided through Engineering Services has confirmed that the existing sanitary sewage system under Gorham Street has sufficient capacity to accommodate flows from the proposed development.

Grading

The submitted Functional Servicing Report addresses grading, explaining the significant difference in ground elevation across the property and notes a fall of 3.4 metres and an approximate slope of 5.3%. The proposed development would retain the existing perimeter elevations while altering the on-site grading to provide for a consistent elevation for the development. Engineering Services has reviewed the provided plans and reports and noted additional information that is required during this review process and changes that would be required as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications.

Environmental

Engineering Services have reviewed the submitted Phase One Environmental Site Assessment (ESA). They note that the ESA is to be completed as per Ontario Regulation 153/04 and be completed no more than 18 months before this application was deemed complete. The applicant will be required to address this either in advance of staff making a recommendation to Council or as a condition of approval if Council should decide to approve the application.

Agency Comments

Lake Simcoe Region Conservation Authority:

The LSRCA is satisfied from a watershed management perspective that these applications are consistent with the intent of the Provincial Policy Statement (PPS), and conforms with the requirements of the Lake Simcoe Protection Plan (LSPP) the Greenbelt Plan. As the development is considered to be a "major development" as defined by the LSPSS, the LSRCA will also provide comments with respect to engineering and hydrogeology in the context of the policies of the LSPP

and the South Georgian Bay Lake Simcoe Source Protection Plan as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications.

The Regional Municipality of York

The Regional Municipality of York has reviewed the application and expressed no objection. Certain matters related to water and wastewater will be addressed through the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment applications. The Region notes that the proposed development would assist in the Region meeting its requirements of 40% of all residential development occurring in the built-up area; would help to enable development that is accessible to people of all ages, cultures, and abilities; and would that intensification assists in the efficient use of existing infrastructure and encourages walking, cycling, and transit usage. The Region will require a Transportation Demand Management (TDM) plan from the applicant as part of the Site Plan review process if Council should grant these Zoning By-law and Official Plan amendment.

The Region also notes that this development would assist in the Region's Official Plan objectives of promoting an appropriate mix and range of acceptable housing to meet the needs of residents and workers.

Planning Staff requested and obtained an exemption from the Regional Municipality of York for the need for Regional approval of this application. This request was made due to eligibility for exemption under criteria in Section 8.3.8 of the York Region Official Plan, recognizing the local rather than regional nature of the application. Exemption was granted by the Region, which leaves final approval of the application – notwithstanding appeal opportunities to the Ontario Municipal Board – to Council.

The Town has also received comments from various agencies that will be addressed throughout the planning process. These include letters expressing no objection to the proposal from Central York Fire Services, the York Region Catholic District School Board, Enbridge, and Canada Post.

Business plan and strategic plan linkages

This report has linkages to the Strategic Plan through the Community Engagement theme by providing the community with detailed information and review on planning proposals.

Community consultation policy

The recommendations of this report refer the applications to a statutory public meeting.

Budget impact

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and Zoning By-law amendment. The Town will also receive revenue from development charges as

required by the Town's development charges by-law. Increased property tax assessment revenue would be collected from the development of these lands in the event the applications are approved.

Capital Budget

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

Contact

For more information on this report, contact: Ted Horton, Planner, at 905-953-5321, ext 2458; thorton@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed site plan
- 3 – Proposed Elevations



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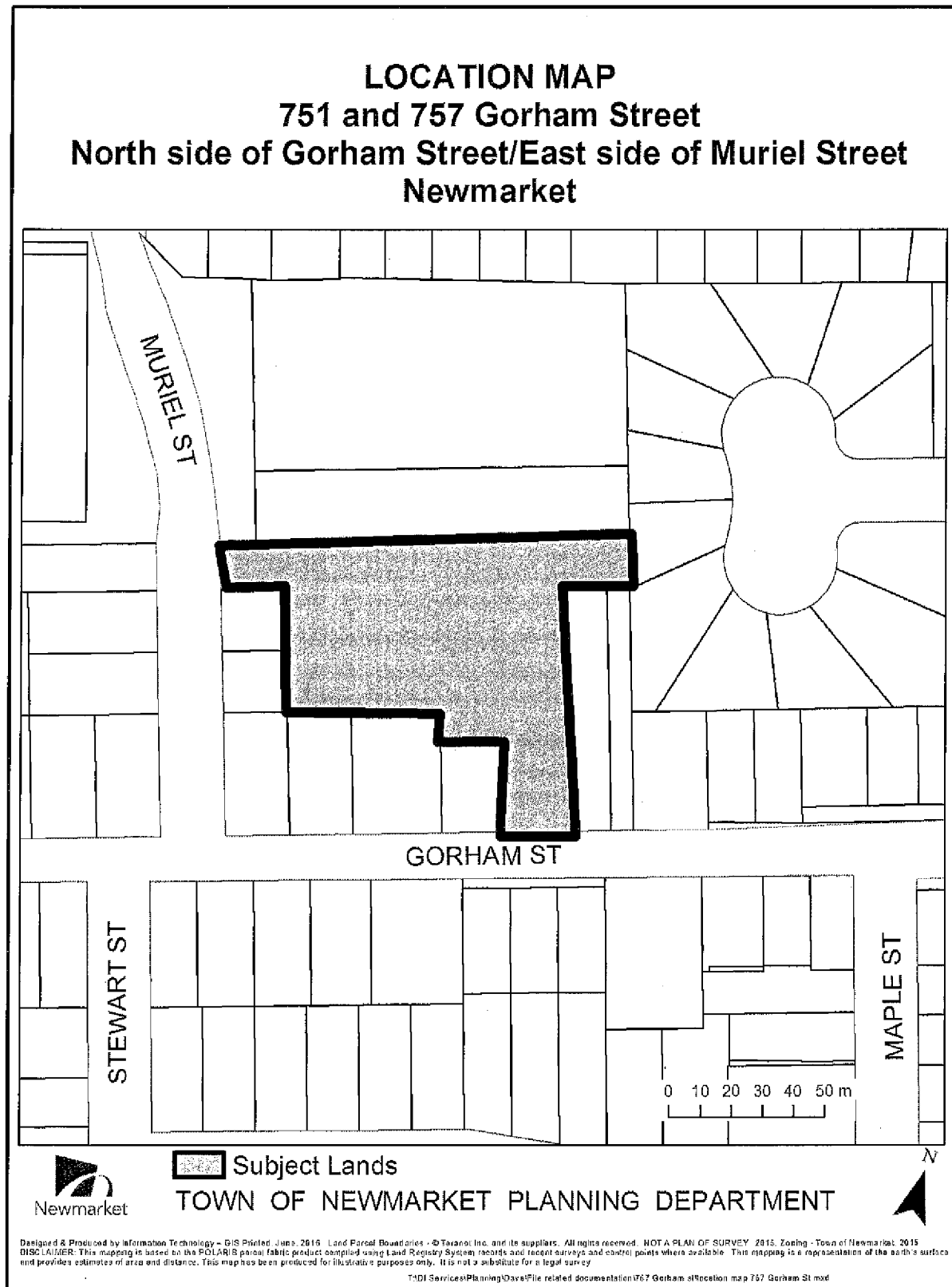


Director of Planning and Building Services

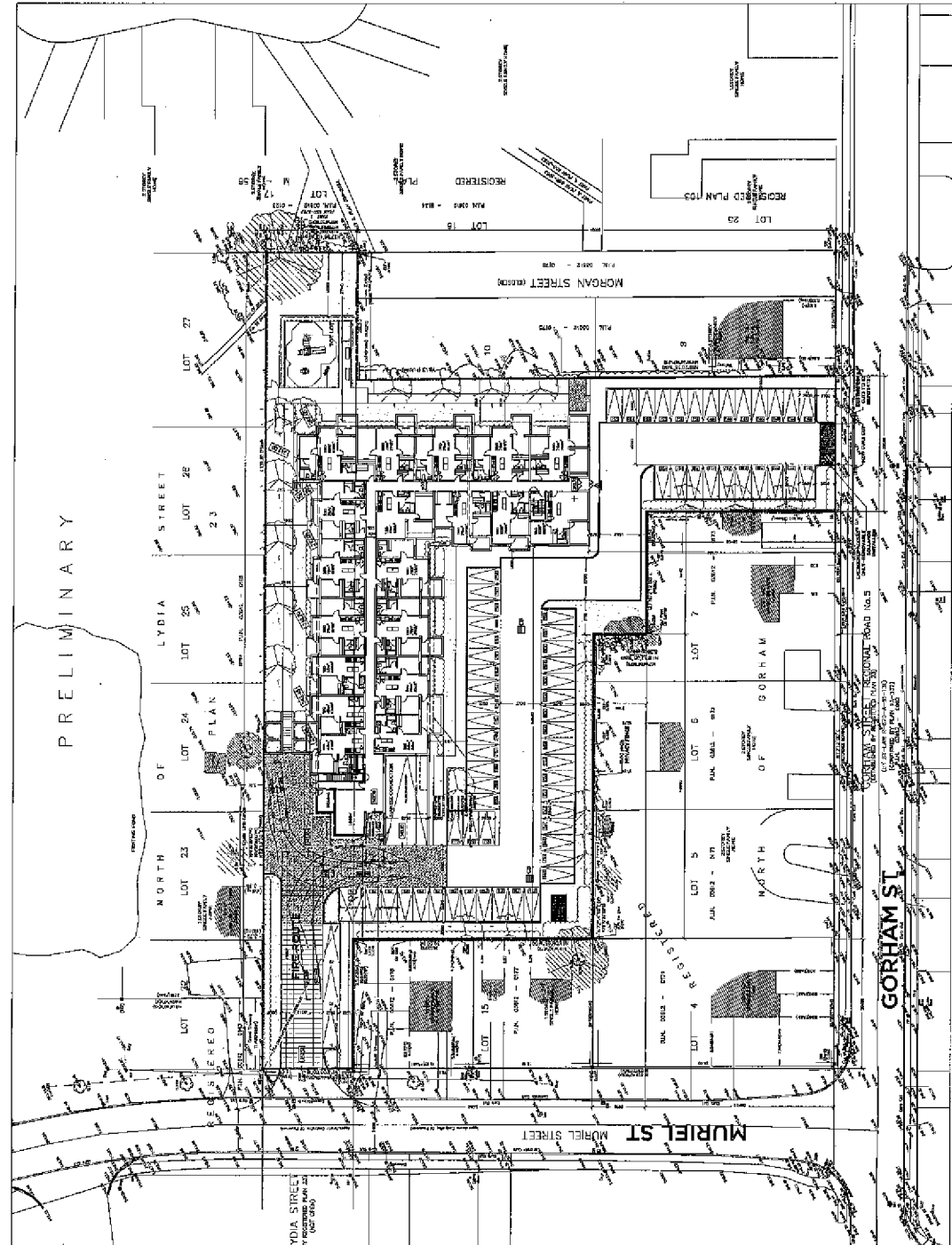


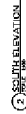
Planner

Attachment 1: Location Map



1 SITE STATS

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A402


PLANNING AND BUILDING SERVICES
Town of Newmarket

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October 18, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2016-43**
TO: Committee of the Whole

SUBJECT: Application for Official Plan and Zoning By-law Amendment
260 Eagle Street
Town of Newmarket
711371 Ontario Corp. (Oxford homes)
File No.:D09NP1515, D14NP1515

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and zoning by-law amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Official Plan Amendment and zoning by-law amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, Municipally known as 260 Eagle Street be referred to a public meeting.
- b) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- c) AND THAT Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

COMMENTS
Location and Surrounding Land Uses

The Subject Lands are located at the southeast corner of Eagle Street and Cawthra Boulevard (See Location Map attached). The property has an area of approximately 0.55 hectares and has a frontage on Eagle Street of approximately 115 metres and a frontage on Cawthra Boulevard of approximately 46 metres. The properties are municipally known as 260 Eagle Street.

The subject property is currently vacant. The following are the adjacent land uses:

North: Convenience and Service Commercial uses

South: Single Detached Dwellings

East: Retail Commercial (the Arts Music Store)

West: Convenience Commercial uses and Townhouse Dwellings

Background

A statutory public meeting was held in March 2016 for previous development proposal for a 6 storey residential apartment building. Since the Public Meeting, the owner has submitted a revised proposal for town homes on the subject lands. As the proposed land use has significantly changed, it is appropriate to hold a further public meeting to garner comments on the townhouse proposal.

Proposal

The applicant has amended their application from a 6 storey residential apartment building accommodating 124 dwelling units to a proposed townhouse development consisting of 27 condominium townhouse units. Two points of access are proposed, one on Eagle Street and on Cawthra Boulevard. A row of townhomes adjacent to Eagle Street would front Eagle Street however; garages for these units would be accessed by way of the internal road. The proposed site plan is attached to this report.

Preliminary Review

Official Plan Considerations

The subject property is dually designated. The westerly two thirds of the site is designated Stable Residential and the easterly one third is designated Commercial on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhouse uses. The Commercial designation contemplates a number of commercial uses but precludes residential uses. The applicant is applying to replace the existing designations on the subject lands with the Emerging Residential designation to permit the proposed 27 townhouse units on a private road.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. Any development or redevelopment in stable residential areas must respect the existing character of the area.

The "Residential Areas" policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings however, only permit single detached and semi detached dwellings through new infill development. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified.

The focus of future intensification is directed by this Plan primarily to the Urban Centres. Limited intensification is permitted in Stable and Emerging Residential Areas in a form and location that will maintain the residential character and amenities.

When assessing new development proposals against the policies of the Official Plan, the compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal and the availability of hard services and road access requirements are reviewed and considered.

Compatibility with the scale of the surrounding neighbourhood

The existing neighbourhood is predominantly low density with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the regionally owned and operated building to the west and the pioneer cemetery to the north.

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

To address compatibility issues, the owners have revised the proposal from a 6 storey apartment building to ground related 3 storey townhouses. Directly adjacent to the rear yards of the existing adjacent dwelling are the rear yards of the proposed townhouses. The existing vegetation along the south property line is intended to remain. While the submitted landscape plan does not indicate additional buffering in this area, there may be opportunity for augmented landscaping in the rear yards of the proposed townhouses.

Physical Suitability of the site to accommodate the proposal

The subject lands are relatively flat with no significant grades to take into account. The proposal is sited on the subject lands to have two blocks of three townhouses fronting onto Eagle Street with each unit having a two car driveway and a one car garage accessed by an internal lane. Two more blocks of townhouses are proposed internal to the site with the front yards facing the proposed private road and rear yards abutting the existing residential properties to the south. The road width is proposed to be 6.0 metres and intended to be used as a fire route so no visitor parking can be accommodated on the private road.

The site can appear to accommodate the proposed development while providing necessary parking, amenity space and buffers.

Availability of hard services and road access requirements

While the revised Functional Servicing Report is currently under review by Engineering Services, It is anticipated that water, storm and sanitary servicing along with road access can be accommodated appropriately.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Condominium Plan Dwelling (R4-CP) Zone to implement the plan. The applicant will also require site specific performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

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

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

Servicing Allocation

Servicing allocation has not been granted for this proposal. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Provincial Policy Statement

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

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

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The relevant sections of the PPS as they relate to Newmarket are found in the “Building Strong Communities” policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The “Settlement Areas” and “Housing” policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. Finally, planning authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

Departmental and Agency Comments

The revised plan and supporting material has been circulated to Town departments and external agencies for review and comment.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of these lands in the event the applications are approved.

Capital Budget

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

CONTACT

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

Attachments

- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure
Services

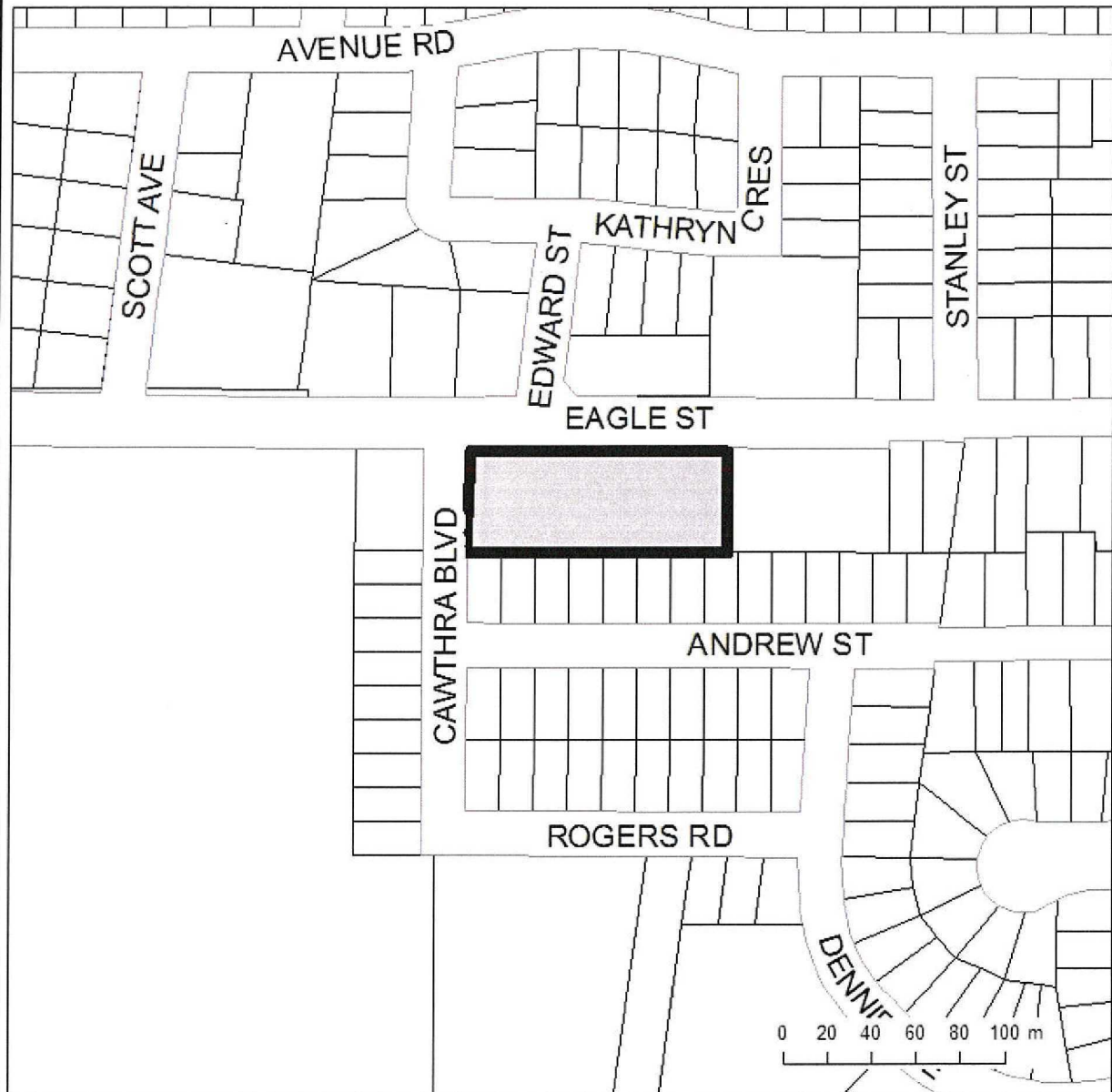



Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP
 260 Eagle Street
 Town of Newmarket
 Regional Municipality of York



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Unit, October 2016. Land Parcel Boundaries - © Terrestrial and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2016. Zoning - Town of Newmarket, 2016.
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

TIC Services Planning Development Policy-General/Official Plan Amendment 2015/Official location map.mxd





Paul Voorn, B.A. (Hons.), LL.B.

Associate Solicitor
Town of Newmarket
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Newmarket, ON L3Y 4X7

pvoorn@newmarket.ca
tel.: 905-953-5300, Ext. 2436

October 6, 2016

CORPORATE SERVICES (LEGAL SERVICES) REPORT 2016-10

TO: Committee of the Whole

SUBJECT: Appeal to the Ontario Municipal Board from a decision of the Committee of Adjustment denying an application for Minor Variance re: 84 & 90 Howard Road

ORIGIN: Associate Solicitor, Legal Services

THAT Corporate Services (Legal Services) Report 2016-10 dated October 6, 2016 regarding the appeal to the Ontario Municipal Board by the Owner of 84 & 90 Howard Road ("the lands") from a decision of the Committee of Adjustment to deny an application for Minor Variance be received, and the following recommendations be adopted:

- 1. THAT staff be directed to advise the Ontario Municipal Board that Council does not take a position either in support of or against the Committee of Adjustment's decision to deny an application for Consent and an application for Minor Variance in connection with the lands;**
- 2. AND THAT the Town will not be appearing as Party at the OMB hearing in this matter;**
- 3. AND THAT Staff advise the Ontario Municipal Board and the appellant that in the event the OMB grants the appeal, it is requesting conditions as set out on pages 2 and 3 of this report as part of any Order approving the Minor Variance.**

COMMENTS

In April 2016, the Owner of the lands filed an application for Consent and Minor Variance. The lands are located on the west side of Howard Road, north of Davis Drive and south of Wayne Drive as shown on the attached map at Schedule "A".

The purpose of the Consent Application was to convey a portion of the lands at 84 Howard Road to increase the size of the lands at 90 Howard Road. Both properties would be utilized for residential purposes. The property at 84 Howard Road has an existing house and detached garage. The existing home would be demolished and the detached garage would become part of the 90 Howard Road property.

The Minor Variance was required as the existing frontage of 84 Howard Road would reduce from 22.87 meters to 15.247 meters, which is not in conformity with zoning requirements. The minimum zoning requirement is 18 meters.

No building plans were submitted with the applications.

Planning staff reviewed the applications for Consent and Minor Variance and prepared a report dated June 10, 2016 in which staff recommended denial for the variance. On June 15, 2016, the Committee of Adjustment reviewed the applications and denied both the request for Consent and Minor Variance. It was the position of the Committee of Adjustment that the Minor Variance Application did not meet the four tests of the Planning Act and should be considered by means of a rezoning application rather than via the Committee of Adjustment. No other reasons were given by the Committee.

The Owner of the lands subsequently appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. A hearing date of **November 8, 2016** has been scheduled by the OMB.

The Owner of the lands has the burden of proving its case before the OMB through evidence that the following Planning Act criteria for the Consent and Minor Variance Application have been satisfied:

- (a) the Application conforms to the Official Plan;
- (b) the general intent of Zoning By-Law 2010-40 as amended is maintained;
- (c) the proposed development is desirable and permitted by the Official Plan and the Zoning By-Law; and
- (d) the requested variances are minor in nature.

On that basis, it is not necessary for the Town to participate as a party or participant. The Planning staff report submitted to the Committee of Adjustments provided detailed recommendations arguing against granting the requested variances. This report will be considered by the OMB together with any other evidence submitted by the Owner of the lands.

Should Council adopt the recommendations in this report, Town staff will advise the Owner (or its solicitor if it retains one) and the OMB that (a) the Town will not participate in the appeal and (b) in the event that the OMB decides to allow the appeal, the Town will request the following conditions as part of any Order approving the Consent and Minor Variances:

That Consent Application D10-B01-16 and Minor Variance Application D13-A06-16 be approved, subject to the following conditions:

- 1. That the variance pertains only to the requests as submitted with the application;**
- 2. That the owner enter into a Site Plan Agreement with the Town for the future development of the lands;**
- 3. That the applicant be advised that compliance will be required with the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy; and**
- 4. That the development be substantially in accordance with the Site Plan and Elevations submitted with the application.**

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The recommendations support the well-equipped and managed objectives of the strategic plan by providing for the efficient management of litigation involving the Town.

CONSULTATION

The Planning department was consulted.

HUMAN RESOURCE CONSIDERATIONS

There are no Human Resource requirements as a result of the recommendations in this report. Should Council adopt the recommendations in this report, the OMB hearing can be conducted by the Town's Legal and Planning staff without the need of hiring external consultants.

BUDGET IMPACT


There is no budget impact as a result of the recommendations in this report.

CONTACT

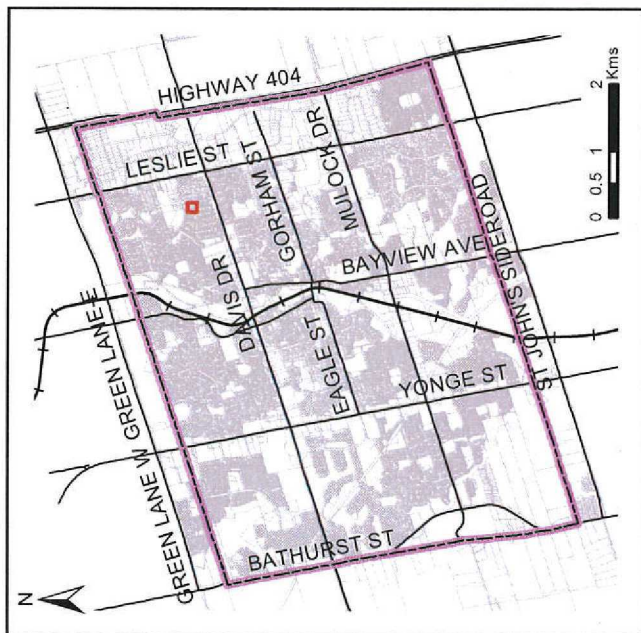
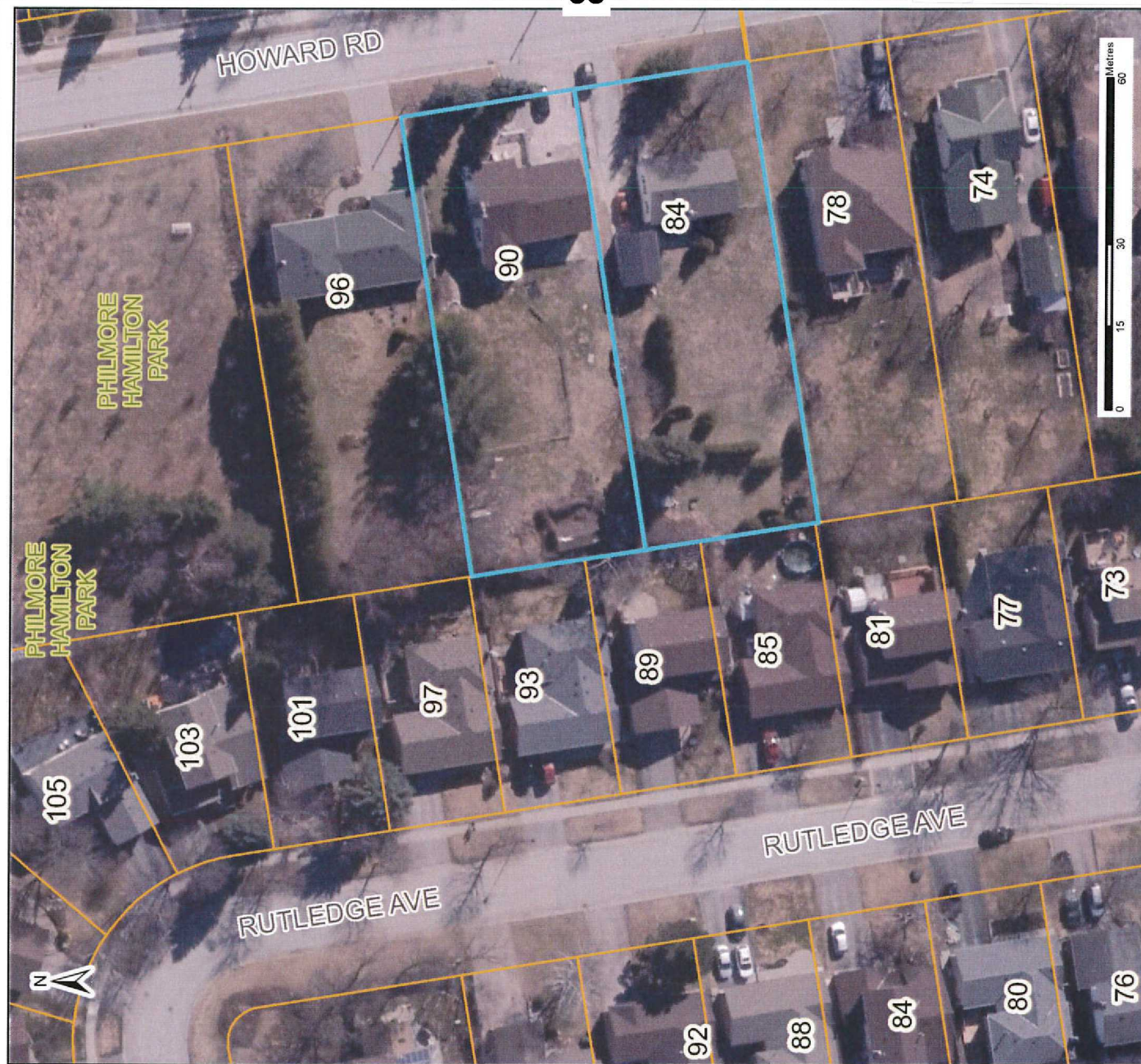
For more information on this report, please contact: Paul Voorn, Associate Solicitor, Legal Services at 905-953-5300, Ext. 2436.



Paul Voorn
Associate Solicitor, Legal Services

Karen Reynar
Director, Legal Services/Municipal Solicitor

Esther Armchuk
Commissioner, Corporate Services



Location Map 84 and 90 Howard Road



Designed & produced by Information Technology - GIS
User-generated by Staff Online GIS on: 04/10/2016

- Legend**
- Subject Lands
 - Railway
 - Land Parcel
 - Municipal Boundary

SOURCES: 2015 Colour Ortho Imagery - First Base Solutions Inc. 2015 Orthophotography; Land Parcel Boundaries - © Transet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2016; Roads, Railway, Water Features - Geomatics Division ©2016 The Regional Municipality of York. All other data - Town of Newmarket, 2016. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using the best available data and is not a substitute for a legal survey. While every effort has been made to accurately depict the information, data mapping errors may exist. This map has been produced for illustrative purposes only. IT IS NOT A SUBSTITUTE FOR A LEGAL SURVEY.



CORPORATE SERVICES COMMISSION
Financial Services

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October 6, 2016

**JOINT OFFICE OF THE CAO, COMMISSIONERS, CORPORATE SERVICES REPORT –
FINANCIAL SERVICES – 2016-43**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 Budget – Revised Schedule

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATION:

- a) **THAT Corporate Services Report-Financial Services – 2016-43 dated October 6, 2016 regarding 2017 Budget – Revised Schedule be received and the following recommendation be adopted:**
 - i. **That the revised budget schedule with a budget adoption date of February 13, 2017, be approved.**

COMMENTS:

Purpose

The purpose of this report is to have Council approve a revised timetable in order to provide more time for the preparation of the 2017 budget.

Summary

Balancing the cost drivers and Council's 5 priorities for the budget with the tax levy increase target is taking more time than was originally anticipated. To ensure that we arrive at an appropriate balance of cost cutting, possible service level adjustments and an acceptable amount of risk will require more research and analysis.

It is proposed to move the date for Council adoption of the Operating and Capital Budgets from December 12, 2016 to February 13, 2017.

The revised schedule would not affect the approval of fees and charges.

Background

Joint Office of the CAO, Corporate Communications, Corporate Services - Financial Services Report - 2016-17 set out a schedule for the 2017 budget which was adopted by Council on April 25, 2016. A further report, Joint Office of the CAO, Corporate Communications, Corporate Services - Financial Services Report 2016-31 addressed budget targets. It stated that providing a tax target gives clear direction on expectations and that the Town has been generally successful in meeting budget targets. In addition, it provided information on known budget drivers and suggested that the starting point for 2017 would be 3.11% (exclusive of an additional infrastructure levy).

The Council direction was:

THAT for the 2017 budget process Council set a tax levy increase target of no more than 2.2% (Town portion), plus not greater than a 0.6% for the infrastructure levy or an overall town increase of not greater than 2.8%.

This created the requirement for \$500,000 in refinements to the budget. In addition, new cost drivers have arisen, such as a significant increase in hydroelectric rates.

Balancing the cost drivers and Council's 5 priorities for the budget with the tax levy increase target is taking more time than was originally anticipated. To ensure that we arrive at an appropriate balance of cost cutting, possible service level adjustments and acceptable amount of risk will require more research and analysis.

On this basis, the following revisions/additions to the schedule are proposed:

Oct 31-9:00 am	Special Budget COW	cancelled
Nov 14-1:30 pm	Special Budget COW	keep, but topic change, could be a workshop
Nov 21-1:30 pm	Special Budget COW	keep, but topic change, could be a workshop
Nov 28-1:30 pm	COW	no budget - Fees and Charges will be presented
Dec 5-10:00 am	Special Budget COW	presentation of preliminary draft 2017 Budget
Dec 5-7:00 pm	Council meeting	approval of remaining Fees and Charges
Jan 16-10:00 am	Special Budget COW	Capital and ARF Budget
Jan 30-1:30 pm	Special Budget COW	Operating Budget
Feb 6-1:30 pm	COW	presentation of the Draft Budgets
Feb 13-7:00 pm	Council meeting	Final 2017 Budget approval

Please note that no changes are being made to the timeline for fees and charges.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

CONSULTATION

The request for the revised schedule was requested by the Operational Leadership Team (OLT) and is supported by the Senior Leadership Team (SLT). Dates were set in consultation with the Director, Legislative Services.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report

BUDGET IMPACT

Operating Budget (Current and Future)


The later adoption of the budget may affect the budgetary impact of some initiatives and other changes. This will be factored into the budget submission.

Capital Budget

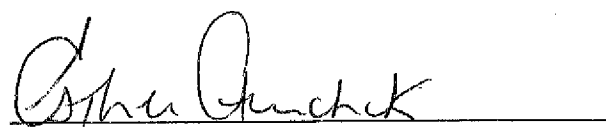
Some capital projects may be time sensitive and brought forward for early pre-budget approval.

CONTACT

For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



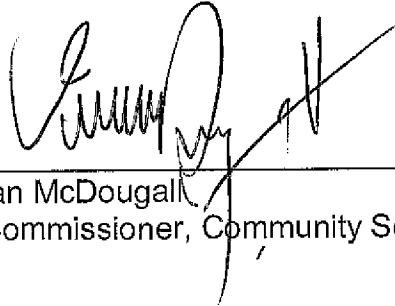
Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, B.A. (Hons.), LL.B., DPA
Commissioner, Corporate Services



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



Ian McDougall
Commissioner, Community Services

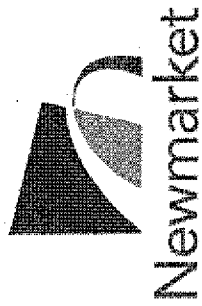


for: Robert N. Shelton
Chief Administrative Officer

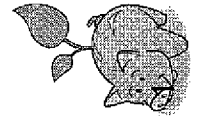
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Attachment

- a) Revised Budget Schedule presentation (2 pgs.)

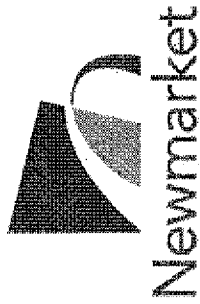
Revised Budget Schedule



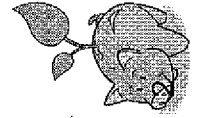
ACTIVITY	DATE	STATUS
Special Committee of the Whole (or workshop) – Budget	November 14 1:30 pm	
Special Committee of the Whole (or workshop) – Budget	November 21 1:30 pm	
Committee of the Whole - remaining Fees & Charges	November 28 1:30 pm	
Special Committee of the Whole – Preliminary draft budget	December 5 10:00 am	
Council approval of remaining Fees & Charges	December 5 7:00 pm	



Revised Budget Schedule



ACTIVITY	DATE	STATUS
Draft budget information available to public and on website	December 12	
2017		
Special Committee of the Whole – Capital Budget and Asset Replacement Fund	January 16 10:00 am	
Special Committee of the Whole – Operating Budget	January 30 1:30 pm	
Committee of the Whole - draft capital and operating budgets	February 6 1:30 pm	
Council approval of the Budget	February 13 7:00 pm	





Corporate Services Commission – Legislative Services
 TOWN OF NEWMARKET
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 P.O. Box 328
 Newmarket, ON L3Y 4X7

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 905.895.5193

October 6, 2016

CORPORATE SERVICES COMMISSION REPORT - LEGISLATIVE SERVICES 2016-19

TO: Mayor Van Bynen & Members of Council

SUBJECT: Housekeeping Amendments: Refreshment & Catering Vehicles & Animal Control By-laws

ORIGIN: Legislative Services

RECOMMENDATIONS

THAT Corporate Services Commission Report – Legislative Services 2016-19 dated October 6, 2016 regarding “Housekeeping Amendments: Refreshment Vehicle Licensing and Animal Control By-laws” be received and the following recommendations be adopted:

- 1. THAT Council adopt the recommended housekeeping amendments to the Refreshment Vehicle By-law (2009-55), identified in red text and attached as Appendix “A” and Animal Control By-law (2008-61), identified in red text and attached as Appendix “B”;**
- 2. AND THAT consolidated by-laws to regulate refreshment vehicles and animals be brought forward to Council, as amended.**

COMMENTS

The purpose of this report is to seek Council’s approval of housekeeping amendments related to the Refreshment Vehicle and Animal Control By-laws. These amendments are part of Legislative Services ongoing review of regulatory by-laws, which is detailed in Information Report 2016-06 and “Appendix C” of this report.

Refreshment Vehicle By-law

Refreshment vehicles include food trucks, catering trucks, ice cream trucks, and hot dog carts. Staff have reviewed the Refreshment Vehicle By-law and brought forward amendments with the purpose of reducing costs and restrictions for Refreshment Vehicle Owner/Operators operating at Special Events in the Town and increasing the efficiency of the licensing process.

Key amendments to the Refreshment Vehicle By-law include:

- Amended and new definitions;
- Amendments to regulations for Special Events (Section 10) place responsibility on the Event Organizer to collect and provide the Town with all required documentation for Refreshment Vehicles;

- Refreshment Vehicles owners/operators operating at a special event are no longer required to provide the Town with the same documentation that is required for an annual licence (e.g., vulnerable sector screening, vehicle ownership, certificate from a qualified medical doctor etc.);
- Refreshment Vehicles operating at a Special Event must:
 - o Submit to the event organizer the required insurance certificate (general liability and, if applicable, automobile insurance in the amount of \$2,000,000.00); and,
 - o Pass a regional health and safety inspection the day of the special event.
- A special event fee, as set out in Licensing Fees and Charges By-law, per Refreshment Vehicle, will be submitted by the Special Event Organizer to the Town when issuing a Special Event Licence.
- The fee only applies to Refreshment Vehicles that do not already hold a valid annual licence with the Town;
- A "Special Event Organizer Licence Application" has been created to reflect new requirements; and,
- A two-year licence option has been created to reduce the licensing fees for Refreshment Vehicle Owner/Operators in the Town.

The above amendments to the Refreshment Vehicle By-law reflect the Town's commitment to ensuring public safety at Special Events, while also addressing the needs of the Refreshment Vehicle/Food Truck industry by reducing regulations for vendors operating at Special Events.

Currently Refreshment Vehicle licensing fees are collected annually. The Refreshment Vehicle By-law has been amended to provide Refreshment Vehicles with an option of a two-year licence. This will reduce the licensing fees and other costs associated with obtaining required documents (e.g., vulnerable sector screening). Going forward, a survey will be sent to the Food Truck industry for feedback regarding the amendments to the Refreshment Vehicle By-law.

Animal Control By-law

The animal control by-law was amended to increase efficiencies for residents applying for a pet licence whereby a licence is now valid for 365 days from the time it is issued. Previously, the licence expired on December 31st of the year it was issued, regardless of when the licence was issued. This change will ensure that the cost of licensing accurately reflects an annual licence and residents are not subject to additional licensing fees.

Currently, the Town's Animal Control By-law allows for 3 dogs and 4 cats in any residential zone, including multi-residential buildings such as condominiums and rental apartment buildings and registered accessory dwelling units. A request was received from the property manager of 735 Stonhaven Avenue to limit the number of dogs at their property to 2 dogs per unit. As outlined in a letter to the property manager in "Appendix D," staff feel issues relate to responsible pet ownership and not the number of dogs in each unit. Staff also feel that amending the Animal Control By-law on a property-specific basis creates unfairness and is problematic from an enforcement perspective. Even if a property-specific restriction were to be enacted for 735 Stonehaven Avenue, residents who had 3 dogs would be grandfathered. No other complaints or requests to amend the Animal Control By-law to reduce the number of dogs or cats have been made to the Town for other multi-residential buildings.

Town staff have conducted education and outreach to residents about responsible pet ownership and regulations for pet owners and will continue to do so where resources allow.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

Not applicable to this report.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

There are no budget impacts.

CONTACT

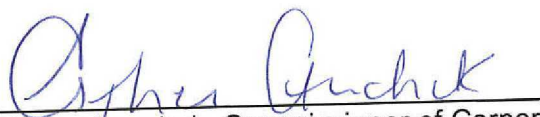
For more information on this report, contact Florence DiPassio, Licensing Officer at 905-953-5300, extension 2206 or via email at fdipassio@newmarket.ca.



Florence DiPassio, Licensing Officer



Andrew Brouwer, Director of Legislative Services/Town Clerk



Esther Armchuk, Commissioner of Corporate Services



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER ~~2009-55~~2016-

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF REFRESHMENT VEHICLES.
(Refreshment Vehicle Licensing By-law).

WHEREAS Section 151 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS the Council of the Town of Newmarket enacted By-law Number 2002-151, as amended, being a by-law to license, regulate and govern any business carried on within the Town of Newmarket;

AND WHEREAS it is deemed necessary to repeal Schedule 10 of By-law Number 2002-151 as amended;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

SECTION 1 – DEFINITIONS

1.1 In this By-law:

~~(1) "Appeal Committee" means a Committee of Council duly appointed by By-law to conduct hearings under this By-law;~~

"APPEALS COMMITTEE" means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding the revocation, suspension, cancellation or refusal to issue or renew a licence pursuant to this by-law;

~~(1) "Applicant" means a person who applies for a license or the renewal of a license pursuant to this By-law~~

~~(2) "APPLICANT" means a person applying for a license to carry on a business, activity or undertaking pursuant to this by-law;~~

~~(2)(3) _~~

~~(3) "Clerk" means the Town Clerk of the Corporation of the Town of Newmarket or his/her designate;~~

(4) "Council" means the Council of the Corporation of the Town of Newmarket;

"DIRECTOR" means the Director, Legislative Services of the Town or authorized designate;

(5) "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 Licensing Fees and Charges By-law, as amended for the Legislative Services Department;

(6) "He and his" shall be deemed to include "she and her";

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- (7) "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (8) "License" means authorization obtained or granted or issued pursuant to this by-law to carry on a business, activity or undertaking.
- (9) "Licensed" means to have in one's possession a valid and current license issued pursuant to the by-law;
- (10) "Licensee" means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a license as the context requires;
- (11) ~~"Licensing Officer" means the Licensing Officer of the Town of Newmarket;~~
- (12) "Medical Officer of Health" means the Medical Officer of Health for The Regional Municipality of York;
- (13) "Motor Vehicle" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (14) "Municipality" means the Corporation of the Town of Newmarket or the geographic area of the Town of Newmarket as the context requires;
- (15) "Owner" means the owner of a refreshment vehicle and/or a person who is licensed and who is the registered owner of a refreshment plate;
- (16) "Owner's Licence" means the license issued under this by-law to the owner of a Refreshment Vehicle;
- (17) "Owner's Plate" means a numbered metal plate issued to an Owner licensed under this By-law;
- (18) "Operate" means to manage, work, control, maintain, put or keep in a functional state any business;
- (19) "Operator" means:
 - (1) a person who is the owner of a refreshment vehicle and/or;
 - (2) a person who has the care and control of a refreshment vehicle, under a lease, hourly wage, salary or commission rate of remuneration, or other rental agreement.
- (20) "Park" means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Town that is or hereafter may be established, dedicated, set apart, or made available for use as public open space including a natural park area or an environmentally significant area;
- (21) "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
- (22) "Provincial Offences Officer" means a police officer or person designated under the *Provincial Offences Act*;
- (23) "Refreshment" means any food or beverage;
- (24) "Refreshment Vehicle" means, without a qualifier, a Refreshment Vehicle - Type 1, Type 2 and/or Type 3;
- (25) "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

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includes but is not limited to vehicles such as catering trucks and ice cream trucks;

- (26) "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;
- (27) "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 (Food Truck)" means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;

- (28) "Special Event" shall mean an event which is sponsored, authorized or conducted by the Town of Newmarket, or on behalf of the Town of Newmarket;

"Special Event Coordinator" means the organizer and/or coordinator of a Special Event;

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- (31) "Special Event Vendor" means a person that is licensed as an owner or operator of, Refreshment Cart, Refreshment Cycle or Refreshment Vehicle by the Town of Newmarket;

- (29) "Town" means the Town of Newmarket in the Regional Municipality of York;

- (30) "Trail" means that part of a park that has been improved with a hard surface either paved or not paved and intended for a variety of uses including pedestrians.

SECTION 2 – GENERAL LICENSING PROVISIONS

- 2.1 Administration of this by-law shall be the responsibility of the ~~Director Clerk or Licensing Officer~~, who are hereby authorized to issue licenses to owners and operators in accordance with the provisions of this by-law.
- 2.2 The ~~Director Clerk or Licensing Officer~~ may revoke, cancel, suspend or refuse to renew or issue a license pursuant to the provisions of this by-law.
- 2.3 The ~~Director Clerk or Licensing Officer~~ may issue a license on a temporary basis where it is deemed necessary or advisable to do so.
- 2.4 An application for a new license, renewal or a transfer of a Refreshment Vehicle shall be completed and submitted to the ~~Director Clerk or Licensing Officer~~ on the forms provided, along with the prescribed licensing fees as set out in the Fees and Charges By-Law licensing fee as may be set by Council from time to time.
- 2.5 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a license.
- 2.6 No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.
- 2.7 No person shall act as or be an owner unless he is licensed as an owner pursuant to this by-law.
- 2.8 No person shall act as or be an operator unless he is licensed as an operator pursuant to this by-law.
- 2.9 ~~The term of each license shall, unless otherwise expressed in this by-law, be valid for a period of one year from the 1st day of April in the year of issuance or~~

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~~renewal up to and including the 31st day of March of the following year, unless sooner revoked, amended, cancelled, suspended or voluntarily relinquished to the Town.~~

The term of each licence shall, unless otherwise authorized by this by-law, be valid for a period of (1) one year from the 1st day of April in the year of issuance or renewal up to and including the ~~31st day~~ 31st day of March of the following year, with the option of a (2) year licence with the expiry date of the 31st day of March in the second year unless sooner revoked, amended, cancelled, suspended, or voluntarily relinquished to the Town.

- 2.10 An applicant is entitled to be licensed and a licensee is entitled to have such license renewed, except where:
- (1) 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;
 - (2) the applicant or licensee is carrying on activities that are, or will be if the applicant was licensed, in contravention of this by-law;
 - (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the license is required, do not comply with the provisions of this by-law or other applicable law;
 - (4) there are reasonable grounds for belief that an applicant or licensee has provided a false statement or false information for the purpose of obtaining a license;
 - (5) the applicant or licensee is not in compliance with any Town land use by-laws, any other Town by-laws, any other requirement under the *Planning Act* or any other Act.

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2.11 An application for renewal of a license issued pursuant to this by-law shall be delivered along with the prescribed fee in person to the ~~Director Clerk or Licensing Officer~~, before the expiry date of such license. If the application is received after the expiry date of the license, a late fee will be applied as set by Council from time to time.

2.12 A license issued to an owner and/or operator under this by-law is not transferable.

2.13 In this by-law, the words "Refreshment Vehicle" refers to "Refreshment Vehicle – Type 1", "Refreshment Vehicle – Type 2" and "Refreshment Vehicle – Type 3".

SECTION 3 - OWNER REGULATIONS

3.1 Every applicant for a Refreshment Vehicle owner's license or for the renewal of such license, shall submit in person to the ~~Legislative Services Clerk's~~ Department with the completed application and provide the following original documentation to the ~~Director Clerk or Licensing Officer~~:

- (1) Canadian citizenship, or
- (2) landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and
- (4) ~~a Police Clearance letter issued by the York Regional Police, current within thirty (30) days of the application; and~~
- (4) ~~a new owner~~ shall provide a current and valid criminal records check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the *Director*.

~~(6) Notwithstanding section 3.1 (4), every owner seeking to renew their licence shall produce a current and valid Criminal Background Check, issued within thirty (30) days of the application for renewal and which is to the satisfaction of the Director.~~

- (5) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the ~~Director Clerk or Licensing Officer~~; and
- (6) driver's abstract current within thirty (30) days; and
- (7) a current valid Class "G" Ontario Driver's license; and
- (8) vehicle ownership; and
- (9) a Safety Standards Certificate for the vehicle that is to be licensed, dated not more than 30 days of application; and
- (10) 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);
- (11) submit 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
- (12) the appropriate license fee as set ~~out in the Fees and Charges By-Law by Council from time to time.~~

3.2 Subsections (6), (7), (8) and (9) of Section 3.1 do not apply to Refreshment Vehicle - Type 3.

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- 3.3 Every owner of a licensed Refreshment Vehicle shall employ only the services of an operator who is licensed under this By-law.
- 3.4 Every owner of a licensed Refreshment Vehicle shall attach the Owner's Plate to the Refreshment Vehicle for which it was issued in a manner and position approved by the Director Licensing Officer.

SECTION 4 - OWNER PROHIBITIONS

4.1 Every owner licensed under this By-law shall not:

- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
- (2) operate a Refreshment Vehicle unless it has the license and the Owner's Plate issued by the Licensing Officer affixed thereto;
- (3) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
- (4) operate a Refreshment Vehicle 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.
- (5) operate a Refreshment Vehicle 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;
- (6) operate a Refreshment Vehicle which does not comply with the requirements of Region of York Health Department;
- (7) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by property owner;
- (8) provide any seating or move any park benches or tables to his location for the purpose of his customers;
- (9) operate or stop to sell within thirty (30) metres of any intersection;
- (10) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
- (11) operate or stop to sell 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;
- (12) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
- (13) operate a Refreshment Vehicle, 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.
- (14) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
- (15) use any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time;
- (16) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while in charge;
- (17) permit a person not licensed under this By-law as an operator, to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle.

4.2 No owner of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's License was issued.

SECTION 5 - OPERATOR'S REGULATIONS

5.1 Every applicant for a Refreshment Vehicle operator's license or for the renewal of such license shall submit in person to the Legislative Services Clerk's Department with the completed application and provide the following original documentation to the Director Clerk or Licensing Officer:

- (1) Canadian citizenship, or
- (2) landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and

(5)(4) a valid current Class "G" Ontario Driver's Licence, and

a Police Clearance letter issued by York Regional Police current within thirty (30) days of application; and

(5) provide a current and valid criminal records check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the Director.

(6)

(7)(6) a driver's abstract current within thirty (30) days of application; and

(8)(7) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the Clerk or Licensing Officer; and

(9)(8) the appropriate license fee as set out in the Fees and Charges By-Law by Council from time to time.

5.2 Subsections (4) and (6) of Section 5.1 do not apply to Refreshment Vehicle - Type 3.

5.3 Every Refreshment Vehicle Operator shall at all times while operating a Refreshment Vehicle wear in a prominent place on the outside of clothing his Operator's license so that it is visible at all times when operating a Refreshment Vehicle.

SECTION 6 - OPERATOR'S PROHIBITIONS

6.1 Every operator licensed under this by-law shall not:

- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
- (2) operate a Refreshment Vehicle unless he is licensed with the Town;
- (3) operate a Refreshment Vehicle unless the license and the Owner's Plate issued by the Licensing Officer is affixed thereto;
- (4) operate a Refreshment Vehicle 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;
- (5) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
- (6) operate a Refreshment Vehicle on private property without written permission 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

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place to serve a number of private locations shall not be required to provide letters of permission from the property owner;

- (7) operate a Refreshment Vehicle which does not comply with the requirements of the Region of York Health Department;
 - (8) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by the property owner;
 - (9) provide any seating or move any park benches or tables to his/her location for the purpose of his customers;
 - (10) operate or stop to sell within thirty (30) metres of any intersection;
 - (11) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
 - (12) operate or stop to sell 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;
 - (13) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to a property or in any location which would obstruct the flow of vehicle traffic;
 - (14) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
 - (15) operate a Refreshment Vehicle 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;
 - (16) use any amplification of sounds that are contrary to the Town's Noise Control By-law as may be amended from time to time;
 - (17) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while the Refreshment Vehicle is under his care and control;
 - (18) permit a person not licensed under this By-law as an operator to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle;
- 6.2 No operator of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's License was issued.

SECTION 7 – GENERAL REGULATIONS

7.1 Every Owner and Operator licensed under this By-law shall:

- (1) be civil and behave courteously; and
- (2) keep the interior and exterior of the Refreshment Vehicle clean and in good repair; and
- (3) ensure that all equipment used for dispensing refreshments are kept in a clean and sanitary condition; and
- (4) ensure that condiments are only dispensed from containers approved by the Region of York Health Unit; and
- (5) only operate a Refreshment Vehicle for which a license has been issued; and

- (6) only use single service disposable cups, plates, forks, spoons, serviettes which are individually wrapped or provided in dispensers approved by the Region of York Health Unit; and
- (7) 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.

SECTION 8 - REFRESHMENT VEHICLE INSPECTION

- 8.1 The ~~Director Clerk or Licensing Officer~~ may require an Owner to submit his Refreshment Vehicle for inspection at any time and at an appointed place and time and the Owner/Operator shall submit each Refreshment Vehicle for inspection when required to do so by the Clerk or Licensing Officer or Provincial Offences Officer.
- 8.2 Where following an inspection the ~~Director Clerk or Licensing Officer~~ or Provincial Offences Officer does not approve a Refreshment Vehicle the Owner's Plate shall be removed and the Owner/Operator shall not operate the Refreshment Vehicle until the Owner obtains approval from the ~~Director Clerk or Licensing Officer~~ or Provincial Offences Officer.
- 8.3 Failure to submit a Refreshment Vehicle for inspection as required shall result in the Owner's Plate and/or Operator's license being suspended by the ~~Director Clerk or Licensing Officer~~ until such time as the vehicle has been inspected and approved.
- 8.4 No person shall obstruct a Provincial Offences Officer from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purpose of the inspection.

SECTION 9 - REFRESHMENT VEHICLE – TYPE 1; DUTIES OF OWNER AND OPERATOR

- 9.1 Every Refreshment Vehicle – Type 1 shall have:
- (1) 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
 - (2) a "Mirror System" which makes it possible for the driver to complete a 360° visual inspection of the area around the Refreshment Vehicle; and
 - (3) a back-up warning device that is engaged when the Refreshment Vehicle transmission is placed in reverse gear.

SECTION 10 - TOWN PROPERTY/SPECIAL EVENTS/COMMUNITY EVENTS

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- 10.1 Every owner or operator shall not
- (1) operate a Refreshment Vehicle 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;
 - (2) operate a Refreshment Vehicle 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;
 - (3) operate a Refreshment Vehicle 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;
 - (4) operate a Refreshment Vehicle at a Community Event which has been sponsored by a charitable or not for profit organization without first obtaining written permission of the said charitable or not for profit organization;
 - (5) operate a Refreshment Vehicle on any trail in the Town.
- 10.2 An Owner's and/or Operator's License for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the License.

10.3 A Special Event License is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.

10.4 Every Special Event Organizer shall provide:

(1) A completed "Application for Special Event Organizer License" and the licensing fee as set out in the Fees and Charges by law; and

(2) The Special Event Organizer must provide for each Special Event Vendor:

a) 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

b) 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).

(3) A list of all Refreshment Vehicles that will be operating at the Special Event; and

(4) Proof that the Special Event Organizers has informed the Health Department of the dates and times of the event.

10.5 A Special Event Organizer License for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the License.

10.210.6

SECTION 11 - FARMERS MARKET

- 11.1 A Farmers Market is exempt from obtaining an Owner's or Operator's Refreshment Vehicle license 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.

SECTION 12 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE

- 12.1 The ~~Clerk-Director~~ may revoke, suspend, cancel or refuse to renew or issue a license:

- (1) 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; and/or
- (2) where the applicant or licensee has been found by the ~~Director~~~~Clerk or Licensing Officer~~ to fail to comply with any provision of this by-law or any other by-law or statute; and/or
- (3) where the past conduct of the applicant affords reasonable grounds for belief that the issuance of a license would be adverse to the public interest; and/or
- (4) where the applicant is in default of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the Town, or arising from a conviction for a breach of a law or regulation.

- 12.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the ~~Director~~~~Clerk or Licensing Officer~~ shall be delivered to the applicant or licensee within seven (7) business days as provided for hereunder:

- (1) such notice shall set out and give reasonable particulars of the grounds for the decision; and
- (2) shall inform the applicant or licensee of his entitlement to a hearing before the *Appeals Committee*, if he delivers within seven (7) business days after the date of service or the date of mailing of the notice, whichever is later, a written request for a hearing; and
- (3) if a written request from the applicant or licensee is not received by the ~~Director~~~~Clerk or Licensing Officer~~ within the prescribed time, the decision of the ~~Director~~~~Clerk~~ shall be final and the licensee shall deliver within twenty-four (24) hours of the expiration of the appeal period, the license or Owner's Plate.

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- 12.3 Where a hearing held pursuant to this by-law has taken place and the license was revoked, suspended, cancelled or refused for renewal, the licensee shall return the license to the ~~Director~~~~Clerk or Licensing Officer~~ within seventy-two (72) hours of receiving the written notice of the decision of the *Appeals Committee* sent pursuant to the provisions of this by-law.

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- 12.4 When a person has had his license revoked, suspended or cancelled under this by-law the ~~Director~~~~Clerk or Licensing Officer~~ or Provincial Offences Officer may enter upon the business premise or into the vehicle of the licensee for the purpose of receiving, taking, or removing the said license or Owner's Plate.

- 12.5 When a person has had his license revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the ~~Director~~

~~Clerk or Licensing Officer~~ or Provincial Offences Officer from obtaining the said license or the Owner's Plate.

SECTION 13 - APPEALS COMMITTEE HEARING

- 13.1 Upon receipt of a written request for a hearing from an applicant or licensee, the ~~Director Clerk~~ shall advise the *Appeals Committee* and request the *Appeals Committee* to convene a meeting and shall give the applicant or licensee written notice of the date, time and location of such meeting which shall not be less than seven (7) business days after the date of notice.
- 13.2 The ~~Director Clerk~~ shall make a recommendation to the *Appeals Committee* with respect to revocation, suspension, cancellation or refusal to renew or issue a license or recommend that a license be issued subject to certain terms and conditions.
- 13.3 Before the *Appeals Committee* makes any decision, a written notice advising the applicant or licensee of the recommendations being made by the ~~Director Clerk~~ with respect to the license shall be given to the applicant or licensee by the ~~Director Clerk or Licensing Officer~~.
- 13.4 The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a license at such hearing and if the applicant or licensee who has been given written notice of the hearing does not attend such hearing, the *Appeals Committee* may proceed with the hearing in the applicant or licensee's absence and the applicant or licensee shall not be entitled to any further notice of the proceedings.
- 13.5 The decision of the *Appeals Committee* is final and is not subject to an appeal.

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SECTION 14 - SERVING OF NOTICE OR ORDER

- 14.1 Any notice or order required to be given pursuant to this by-law by the ~~Director Clerk or Licensing Officer~~ shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person to whom service is to be made at the address on the application or the last known address on file in the ~~Legislative Services Department~~~~Clerk's Office~~.
- 14.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

SECTION 15 - NOTIFICATION OF CHANGE OF INFORMATION

- 15.1 When a licensee who is a natural individual changes their name, address, or any information relating to the license, the licensee shall notify the ~~Director Clerk or Licensing Officer~~ within seven (7) business days after the change of information relating to the license and shall if required by the ~~Director Clerk or Licensing Officer~~ return the license immediately to the ~~Director Clerk or Licensing Officer~~ for amendment.
- 15.2 Where a licensee is a corporation and there is change in the information as set out in the application for license, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall notify the ~~Director Clerk or Licensing Officer~~ of the change within seven (7) business days thereof and shall, if required by the ~~Director Clerk or Licensing Officer~~, return the license immediately to the ~~Director Clerk or Licensing Officer~~ for amendment.

SECTION 16 - POWER OF ENTRY

- 16.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) the provisions of this by-law;
 - (2) an order issued under this by-law; or

(3) an order made under Section 431 of the *Municipal Act*.

16.2 Where an inspection is conducted by the Town, the person conducting the inspection may;

- (1) require the production for inspection of documents or things relevant to the inspection;
- (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
- (3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
- (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

16.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.

16.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

SECTION 17 – PENALTY

17.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.

17.2 If a person is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

17.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

17.4 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:

17.5 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;

17.6 Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;

- (1) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
- (2) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

17.7 For the purposes of this By-law, 'multiple offence' means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.

17.8 For the purposes of this By-law, an 'offence' is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence."

- 17.9 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under *the Provincial Offences Act*.

SECTION 18 - SEVERABILITY

- 18.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.
- 18.2 Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

SECTION 19 - SHORT TITLE

- 19.1 This By-law may be referred to as the "Refreshment Vehicle Licensing By-law".

SECTION 20 – REPEAL/EFFECTIVE DATE

- | 20.1 ~~Schedule 10 of~~ By-law Number ~~2009-55 02-151~~, as amended, is hereby repealed and this by-law shall come into force and effect upon its adoption.

| ENACTED THIS ~~15TH~~ DAY OF ~~JUNE~~ 2009

Tony Van Bynen, Mayor

| ~~Liz Gibson, Deputy Clerk~~ Andrew Brouwer, Clerk



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER

A BY-LAW OF THE TOWN OF NEWMARKET RESPECTING THE REGULATION, LICENSING AND CONTROL OF ANIMALS IN THE TOWN OF NEWMARKET (Animal Control By-law)

WHEREAS Section 11 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, confers the power to pass by-laws regulating or prohibiting animals to a lower tier municipality;

AND WHEREAS the *Municipal Act 2001* provides that a municipality may provide any service or thing considered necessary or desirable for the public and may pass by-laws respecting animals;

AND WHEREAS Section 105(1) of the *Municipal Act 2001* provides that if a municipality requires the muzzling of dogs under any circumstances that the Council of the municipality shall upon the request of the dog owner, hold a Hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

AND WHEREAS Section 23.1 of the *Municipal Act 2001* permits Council to delegate its powers to hold a hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

SECTION 1 – DEFINITIONS

In this by-law:

"Animal" means any member of the animal kingdom, other than a human;

"Animal Control Officer" means a person designated and authorized by by-law of the Town of Newmarket to enforce the Town of Newmarket Animal Control By-laws;

"Animal Shelter" means such premises and facilities designated as the Town's Animal Shelter which are used for the purpose of the temporary housing and care of dogs and cats that have been impounded or taken into protective care pursuant to this by-law;

"Appeal Committee" means a Committee that is appointed from time to time by Council for the purpose of hearing appeals regarding muzzle orders, pursuant to this by-law;

"Bite" means piercing or puncturing of the skin as a result of contact with a dog's or cat's tooth or teeth and "bitten" has the same meaning;

"Cat" means a male or female small domesticated feline kept as a pet which is over the age of 4 months;

"~~Clerk~~Director" means the ~~Clerk of~~ Director of Legislative Services for the Town of Newmarket or his/her designate;

"Dog" means a male or female domesticated canine kept as a pet which is over the age of 4 months;

"Dog Owners' Liability Act" means the *Dog Owner's Liability Act*, R.S.O. 1990, c. D. 16, as amended;

"Domestic animal" means a dog or cat kept by a person as a pet;

"Dwelling Unit" means a room or suite of rooms operated as a separate housekeeping unit that is used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities;

"Guide Dog" means a dog certified by the Canadian National Institute for the Blind, or Hearing Dogs of Canada, or a trained Special Skills dog for a physically challenged person;

"Issuer of Licenses" means the person or persons authorized by the Town of Newmarket to issue dog or cat licenses and to collect the required fees;

"Keep" means to have temporary or permanent control or possession of a dog or cat, and keeping has the same meaning;

"Killing traps" means devices designed to capture and kill animals for which they are set, including but not limited to Conibear traps;

"Law Enforcement Dog" means a dog trained to assist law enforcement officers and used by such officers in the execution of their duties;

"Leash" means a rope, chain or other material or restraining device used to restrain a dog or cat;

"Leg-hold traps" means devices, other than killer traps or snares, that are designed to capture an animal for which they are set by the leg or foot;

"License" means an identification tag issued by the Town or designate which is to be affixed to the collar of the dog or cat for which it was issued;

"Microchip implant" means an approved 'Canadian Standards Association' encoded identification device implanted into a dog or a cat, which contains a unique code that permits or facilitates access to an owner's name and address, which is stored in a central data base;

"Muzzle" means a humane fastening or covering device that cannot be removed by a dog and is of adequate strength and design and suitable to the breed, that is placed over the mouth of a dog to prevent it from biting, and the words "muzzled" and "muzzling" have a similar meaning;

"Officer" means a police officer or person designated under the *Provincial Offences Act*;

"Order" means a Muzzle Order issued by the Town;

"Owner" means any person who possesses or harbours a dog or cat and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the dog or cat and "owns" has the same meaning;

"Park" means a public area controlled by the Town and set aside for use by the public for rest, recreation, exercise, pleasure, amusement and enjoyment and includes playgrounds, sports fields, wading and swimming areas, public pathways and trails;

"Prohibited Animals" means an animal identified as a "prohibited animal" as identified in Schedule 'A' – Prohibited Animals;

"Restrained" means being kept securely confined either inside a building or house or in an outdoor enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog;

"Running at large" means any dog or cat found on any property other than that of the owner and not under the control of any person;

"Service Dog" means a dog that is regularly used as a therapy dog with a recognized organization for that purpose;

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

"Without provocation" means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

SECTION 2 – CARE OF DOMESTIC ANIMAL PROVISIONS

Responsibility to Care for Dogs

- 2.1 Every person who keeps a dog within the Town's boundary shall provide such dog, or cause it to be provided, with a clean and sanitary environment free from an accumulation of fecal matter, with adequate and appropriate care, food, water, shelter, warmth, opportunity for physical activity, attention, veterinary care as may be required, and an environment that is appropriate to meet the physical and behavioural needs of the species.
- 2.2 Where a dog is customarily kept outside, the owner shall at all times provide a structurally sound enclosure that:
 - a) offers shelter and appropriate protection from heat, cold and wet conditions having regard for the dog's weight and type of coat, and
 - b) such shelter shall be located in accordance with the Town's Zoning By-law, and
 - c) such shelter shall provide sufficient space to allow the dog the ability to turn about freely and to easily sit, stand and lay in a fully extended position.

Keeping Domestic Animals in Sanitary Conditions

- 2.3 No person shall keep a domestic animal within the Town in an unsanitary condition.
- 2.4 For the purposes of Section 2.3, a domestic animal is considered kept in an unsanitary condition where there is an accumulation of fecal matter, insect infestation or rodent attractions which disturbs or is likely to disturb the enjoyment, comfort, convenience of any person or that endangers or is likely to endanger the health of any person or domestic animal.

Humane Tethers

- 2.5 No person shall keep a domestic animal tethered on a rope, chain or similar restraining device, unless:
 - a) the tether is of appropriate length for the domestic animal tethered, but never less than 3 meters (9.84 ft.);
 - b) the domestic animal has unrestricted movement within the range of such tether; and
 - c) the domestic animal cannot suffer injury as a result of tethering.

Protective Care of Domestic Animals

- 2.6 The Town may receive domestic animals into protective care as a result of a domestic animal owner's eviction, incarceration, or as a result of a fire or medical emergency, or for any other situation that the ~~Clerk~~ Director or Licensing Officer deems appropriate.
- 2.7 Domestic animals which are received into protective care by the Town shall only be kept on a temporary basis for up to a maximum of five (5) days.
- 2.8 When the Town receives a domestic animal into protective care, the owner of the domestic animal shall pay all costs incurred on behalf of such domestic animal i.e. shelter fees and veterinary medical fees, prior to redeeming the domestic animal.
- 2.9 If a domestic animal is in protective care at the end of the five-day period and the domestic animal has not been redeemed by the owner, then the Town shall treat such domestic animal as a day-one impound pursuant to this by-law.

SECTION 3 – DOGS

Registration and Licensing

- 3.1 Every owner of a dog, which is four (4) months of age and older shall:

- a) License said dog with the Town and pay ~~a an annual~~ license fee in accordance with the Town's Licensing Fees By-law, as amended from time to time;
- b) Until ceasing to be the owner of the dog, obtain and renew such ~~annual~~ license no later than the ~~last business day of February each year~~ anniversary date of its initial issuance;
- c) Ensure that the tag issued by the Town or designate is securely affixed on the dog at all times, regardless whether the dog has a microchip identification implant;
- d) Obtain a replacement license and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such license is lost;
- e) Be exempt from paying the license fee if the owner can produce evidence to the Municipality showing that the dog is required as a Guide Dog, Service Dog, Trained Personal Service Dog or Law Enforcement Dog;
- f) Notify the Town in writing if the dog is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
- g) Remain liable for the actions of the dog until formal written notification of sale, gift or transfer to another person is provided as proof to the satisfaction of the Town.

~~3.2~~ ~~The license shall expire on the 31st day of December of the same year as issued. Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.~~

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~~3.33.2~~ Every applicant for dog registration and license shall complete an application for a license or for the renewal of a license on the form provided by the Town.

~~3.43.3~~ Every owner of a dog under the age of four (4) months which has been impounded pursuant to this by-law shall license the dog and pay the annual license fee prior to redeeming the dog.

~~3.53.4~~ A new resident of the Town shall not be required to pay a license fee for a dog if the license for said dog has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to an Issuer of Licenses and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.

~~3.63.5~~ A tag issued by the Town for a dog is not transferable to another dog.

~~3.73.6~~ No person shall remove a dog license from a dog without the consent of the owner thereof.

Responsibility of Owner

~~3.83.7~~ Every owner in control of or in apparent control of a dog shall, while the dog is outdoors on the owner's private property, restrain the dog by one of the following means:

- a) On a suitable leash; or
- b) Tied in a secure and humane manner so as to prevent the dog from leaving the dog owner's property; or
- c) Contained within an enclosed pen of sufficient dimensions and construction to provide humane shelter for the dog; or
- d) An enclosed fenced area to prevent the dog from escaping and to prevent entry therein by persons.

Dog Bites and Attacks

~~3.93.8~~ No owner of a dog shall permit or encourage his or her dog to attack, with or without provocation, any person or domestic animal, or to fight with another domestic animal.

~~3.103.9~~ Law Enforcement Dogs during the course of fulfilling their duties are exempt from the requirements of this section.

Stoop and Scoop

- 3.113.10 Every owner of a dog shall immediately remove and dispose of excrement left by such dog on any private or public property in the Town, other than on the owner's property. In any prosecution pursuant to a violation of this section of the by-law, proof that the defendant is a person with a physical or visual disability shall constitute a defence to such prosecution.
- 3.123.11 Every owner of a dog shall remove and dispose of any such excrement on the owner's property in a timely manner, and in a way that does not disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

Dogs Running at Large

- 3.133.12 No owner of a dog shall cause or permit the dog to run at large in the Town.
- 3.143.13 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town.
- 3.153.14 Law Enforcement Dogs or working dogs employed under contract to the Town of Newmarket are exempt from complying with the requirements of this section.

Number of Dogs Restricted

- 3.163.15 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than three dogs per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:
- a) An animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Medical Association;
 - b) A pet store;
 - c) An animal pound or shelter;
 - d) An animal day-care or night-care facility.

Muzzling of Dogs

- 3.173.16 An Officer shall issue a Muzzle Order upon receipt of a signed Declaration Regarding a Dog Bite form, as may be amended from time to time, and attested to by a witness who actually saw the alleged dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and the dog owner's address.
- 3.183.17 The Officer shall, within four (4) business days of the Town's receipt of the said Declaration deliver or send by registered mail a Muzzle Order form, as may be amended from time to time, to the owner of the biting dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.
- 3.193.18 The Officer shall, within four (4) business days of receiving notice that a dog which has been declared vicious in another municipality is being harboured within the Town, issue a Muzzle Order pursuant to this by-law. All other provisions of this by-law shall apply with respect to the said dog.
- 3.203.19 No person shall fail to comply with a Muzzle Order.

Methods of Restraining and Identification

- 3.213.20 When an owner is served with a Muzzle Order, the owner shall:
- a) Keep the dog inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.8 metres (6 ft.) in order to prevent a dog from coming into contact with persons (other than

the owner of the dog) or any other domestic animal. The enclosed pen or the fenced yard shall be equipped with a locking device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large;

- b) While the dog is off the property of the owner, ensure:
 - i. That the dog is securely on a leash with a maximum length of 1.8 metres (6 ft) and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
 - ii. That a muzzle is humanely fastened over the mouth of a dog to prevent the dog from biting or attacking a person or domestic animal;
 - iii. That the dog is under the control of a person sixteen (16) years of age or older.
- c) Within thirty (30) days, have the dog identified with a microchip implantation at the owner's expense and register the said microchip number with the Clerk;
- d) Notify the Clerk within forty-eight (48) hours after the ownership of the dog is transferred to another person or municipality;
- e) Notify the Clerk within forty-eight (48) hours of any changes to the residency of the dog;
- f) Notify the Clerk within forty-eight (48) hours should the dog be destroyed.

Muzzle Order Appeal Hearing

3.223.21 Where a Muzzle Order has been issued, the owner of the dog may apply for a Hearing to appeal the Order to the Appeal Committee:

- a) A request for a Hearing shall be made in writing and delivered to the Clerk within ten (10) business days after the Muzzle Order has been served;
- b) Upon receipt of the request for a Hearing from an owner of a vicious dog, the Clerk shall convene a meeting of the Appeal Committee, as soon as is practicable, notify the owner of the dog and any victim(s) of the attack of the time, date and location of the Hearing;
- c) Notwithstanding that an owner has applied for a Hearing to appeal the Muzzle Order, the Muzzle Order takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal;
- d) The owner and any other interested person may appear at the Hearing and present oral or written evidence relating to the dog;
- e) If an owner fails to appear at a Hearing, the Order shall be deemed to be in full force and effect as if no appeal had been filed.

3.233.22 The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) business days following the date of the Hearing.

3.243.23 The Appeal Committee has the power to:

- a) Confirm the requirements of the Muzzle Order;
- b) Exempt the owner in whole or part from any requirement set out in the Muzzle Order;
- c) Impose conditions on any exemption granted under subsection b) that the Appeal Committee considers appropriate.

3.253.24 The decision of the Appeal Committee is final and binding.

3.263.25 The Notice of the Hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this by-law shall be governed by the *Statutory Powers Procedures Act*.

SECTION 4 – CATS

Registration and Licensing

4.1 Every owner of a cat, which is four (4) months of age and older, shall:

- a) License said cat with the Town and pay a an annual license fee in accordance with Town's Licensing Fees By-law, as amended from time to time;
- b) Until ceasing to be the owner of the cat, obtain and renew such annual license no later than the last business day of February each year anniversary date of its initial issuance;
- c) Ensure that the tag issued by the Town or designate is securely affixed on the cat at all times, regardless whether the cat has received a microchip identification implant;
- d) Obtain a replacement tag and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such tag is lost;
- e) Notify the Town in writing if the cat is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
- f) Remain liable for the actions of the cat until formal written notification of sale, gift or transfer to another person is proven to the Town.

4.2 An owner who had registered his or her cat as of May 15, 2003, shall be grandfathered with respect to the licensing fee requirements of this by-law.

~~4.3 The license shall expire on the 31st day of December of the same year as issued. This subsection does not apply to subsection 4.2.~~

~~4.2.1 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.~~

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~~4.4.3~~ Every applicant for cat registration and license shall complete an application for a license or for the renewal of a license on the form provided by the Town.

~~4.54.4~~ Every owner of a cat under the age of four (4) months which has been impounded pursuant to this by-law shall register the cat and pay an annual license fee, if applicable.

~~4.64.5~~ A new resident of the Town shall not be required to pay a license fee for a cat if the license for said cat has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to an Issuer of Licenses and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.

~~4.74.6~~ The license tag shall expire and become void upon sale, death or other means of disposal of cat.

~~4.84.7~~ A tag issued by the Town for a cat is not transferable to another cat.

~~4.94.8~~ No person shall remove a cat license from a cat without the consent of the owner thereof.

Cats Running at Large

| ~~4-104.9~~ No owner of a cat within the area of the Town shall cause or permit his/her cat to run at large or allow such cat to cause damage or create a nuisance or disturbance either to another person, or another person's property, or to public property.

|

Number of Cats Restricted

- 4.114.10 No person shall keep more than the maximum number of cats permitted by this by-law.
- 4.124.11 Any person who owns more than the permitted number of cats on the date this by-law comes into force shall be permitted to keep those cats until they have died or are otherwise disposed of, provided that such cats are registered with the Town.
- 4.134.12 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than four (4) cats per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:
- a) An animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Medical Association;
 - b) A pet store;
 - c) An animal pound or shelter;
 - d) An animal day-care or night-care facility.

SECTION 5 - TRAPS

- 5.1 No person shall use, set or maintain a leg-hold trap, a killing trap or a snare within the Town to capture animals.
- 5.2 Notwithstanding subsection 5.1, a person may use a killer trap leg-hold trap or snare where specifically authorized by and under the supervision of the Ontario Ministry of Natural Resources and in accordance with the provisions of the *Fish and Wildlife Conservation Act, 1997*.

SECTION 6 - IMPOUNDMENT

- 6.1 The Animal Control Officer may seize and impound any dog or cat running at large and may cause such dog or cat to be delivered to the Animal Shelter.
- 6.2 A dog or cat which is seized pursuant to this by-law shall be considered impounded at the time and place when it comes under the control of the Animal Control Officer.
- 6.3 The Animal Shelter shall keep an impounded dog or cat, which shall be fed and watered, at the Animal Shelter for a minimum of five (5) business days, exclusive of the day of impoundment, statutory holidays, or days when the Animal Shelter is not open, during which time an owner shall be entitled to redeem the dog or cat.
- 6.4 No attempt may be made by any authority or person to claim or purchase from the Animal Shelter a dog or cat for the purpose of research, and no dogs or cats shall be offered for the purpose of research.
- 6.5 At the discretion of the Animal Shelter staff if a seized and impounded dog or cat is seriously injured or ill it will be euthanized without delay for humane reasons, or for safety of persons.
- 6.6 If a seized dog or cat is injured and the service of a veterinary surgeon is secured, the owner shall not be entitled to redeem the dog or cat unless the charges for such veterinary surgeon's services are paid.
- 6.7 In order to obtain the release of an impounded dog or cat during the redemption period as set out in this by-law the owner shall:
- a) Pay the required Animal Shelter fee;
 - b) Where the dog or cat is unlicensed, obtain and pay for a license in accordance with the Town's Licensing Fees By-law, as amended from time to time;
 - c) Pay the costs incurred for veterinary care provided while the dog or cat was impounded, if applicable.

- 6.8 Where a pit bull or restricted pit bull is impounded pursuant to the provision of this by-law or is delivered or transferred to the Animal Shelter pursuant to the provision of the *Dog Owners' Liability Act*, the Animal Shelter staff shall comply with the provision of the *Dog Owners' Liability Act* for the purposes of the redemption of the dog by the owner and for transferring or destroying the dog.
- 6.9 An Animal Control Officer and/or the Animal Shelter shall, within twenty-four (24) hours of the impounding of a dog or cat, make every reasonable effort to notify the owner, if known, that the dog or cat is impounded and the conditions whereby custody of the dog or cat may be regained.
- 6.10 Any person shall be entitled to take charge of any dog or cat found running at large and deliver same to an Animal Control Officer or Animal Shelter during normal operating hours.

SECTION 7 – RABIES SUSPECTS

- 7.1 Every owner of a dog or cat which is suspected of having been exposed to rabies, or which has bitten a person, shall, on demand, surrender such dog or cat to the Town to be held by the Town in quarantine without cost to the owner for a period of ten (10) days.
- 7.2 At the discretion of the Medical Officer of Health a dog or cat may be held in quarantine on the premises of the owner.

SECTION 8 – NOISE

- 8.1 No person shall keep, own, or harbour any animal in the Town which makes or causes noises, repetitive barking or howling that disturbs or is likely to disturb the quiet, rest, enjoyment, or comfort of:
- a) Any person in any dwelling, apartment, store or place of business;
 - b) Any person in the vicinity or neighbourhood.

SECTION 9 – KEEPING OF CERTAIN ANIMALS PROHIBITED

- 9.1 No person shall keep, either on a temporary or permanent basis, any "prohibited animal" as listed in Schedule 'A' – Prohibited Animals in the Town, unless permitted to do so by the Town's Zoning By-law.
- 9.2 This section does not apply to:
- a) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
 - b) premises of the York Regional Police Department;
 - c) schools or education facilities and programs;
 - d) any film or television productions;
 - e) any premises holding a license under any Statute of the Province of Ontario or Dominion of Canada which permits the keeping of animals under stated conditions, including the premises of any wildlife rehabilitation centre; and/or
 - f) premises registered as research facilities pursuant to the *Animals for Research Act*; *and/or*
 - g) *circuses or other events where animals are kept for performances, exhibits or shows for a temporary period.*

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SECTION 10 - OFFENCES

- 10.1 The provisions of this by-law may be enforced by the Animal Control Officer and/or Officer.

SECTION 11 – POWER OF ENTRY

- 11.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this by-law;

- b) an order issued under this by-law; or
- c) an order made under Section 431 of the *Municipal Act*.

11.2 Where an inspection is conducted by the Town, the person conducting the inspection may;

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

11.3 The Town may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act*.

11.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well as by any person under his or her direction.

SECTION 12 – PENALTY

12.1 If anyone is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

12.2 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.

12.3 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:

- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
- c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.

12.4 For the purpose of this by-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.

12.5 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

SECTION 13 – REPEAL/EFFECTIVE DATE

13.1 By-laws 1996-16, 1999-137, 2001-156, 2001-157, 2003-87, 2003-88, 2004-42 and 2004-181 are hereby repealed and this by-law shall come into force and effect upon its adoption.

SECTION 14 - SEVERABILITY

- 14.1 Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary;
- 14.2 Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

SECTION 15 - SHORT TITLE

- 15.1 This by-law may be referred to as the "Animal Control By-law".

| ENACTED THIS 15TH DAY OF OCTOBER, 2008.

| ~~John Taylor~~ Tony Van Bynen, Acting Mayor

| ~~Anita Moore~~ Andrew Brouwer, Town Clerk

Schedule 'A'
Prohibited Animals

CLASS	ORDER	COMMON NAMES
<i>Endangered or Protected animals</i>	All	All animals, native or exotic, whose possession or sale is prohibited pursuant to an international, federal, or provincial law, regulation, rule or agreement.
<i>Mammals</i>	Artiodactyla	Cattle, goats, sheep, pigs, deer, elk
	Carnivora	Panda, otter, wolves, bears, seals, walruses, coyotes, foxes, hybrid wolf dogs Tigers, leopards, cougars, lions, lynx Hyenas Minks, skunks, weasels, otters, badgers Mongoose, civets, genets Coatimundi, cacomistles, raccoons (except domestic dogs, cats and ferrets)
	Chiroptera	Bats, myotis, flying foxes
	Edentates	Anteaters, sloths, armadillos
	Lagomorpha	Hares, pikas (except domestic rabbits)
	Marsupialia	Koala, kangaroo, possum, wallabies (except sugar glider derived from self-sustaining captive populations)
	Primates	Chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Elephants, rhinoceros, hippopotamus
<i>Reptiles</i>	Crocodylia	Alligators, crocodiles, gavial, caymans
	Squamata	Lizards that are venomous Lizards that reach an adult length greater than 2 metres (6.56 ft) Snakes that are venomous Snakes that reach an adult length greater than 3 metres (9.84 ft)
<i>Birds</i>	Anseriformes	Ducks, geese, swans, screamers
	Galliformes	Pheasants grouse, guinea fowls, turkeys, chickens, pea fowls
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons, owls
<i>Other</i>	All	All other venomous or poisonous animals (except for "new world" tarantulas and "emperor scorpions") All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.

Appendix C – From Legislative Services Information Report 2016-06 – Enhancing Municipal Enforcement & Review of Regulations

Minor Amendments

By-laws	Key Considerations	Corporate Priority	Timing	Status
Sign By-law (2014-11)	<ul style="list-style-type: none"> - Substantive review of Sign By-law occurred in 2013 - Minor amendments required to reflect standards for new sign types & to strengthen election sign enforcement & cost recovery mechanisms 	<p>Ensuring effective & efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant & livable corridors along Davis Drive & Yonge Street</p>	<p>May 2, 2016</p> <p>Public Information Centre, Municipal Office</p> <p>Target staff report: May 30, 2016</p> <p>Committee of the Whole</p>	COMPLETED – June 7, 2016 Amended By-law approved by Council

By-laws	Key Considerations	Corporate Priority	Timing	Status
Outdoor Serving Areas (Patios), 2002-151, Schedule 16	<ul style="list-style-type: none"> - Minor amendments required to accommodate outdoor patios abutting a residential zone - Minor amendments do not affect patios along Main Street 	<p>Revitalizing our Community Centre Lands & addressing downtown parking needs</p>	<p>Target staff report: May 30, 2016</p> <p>Committee of the Whole</p>	COMPLETED – June 7, 2016 Amended By-law approved by Council

By-laws	Key Considerations	Corporate Priority	Timing	Status
Zoning By-law (2010-40, as amended)	<ul style="list-style-type: none"> - Number of technical amendments required to reflect new standards (e.g., setbacks for propane tanks used for residential heating, home occupations, parking on walkways & curbside definitions) 	<p>Ensuring effective & efficient services</p>	<p>Anticipate Q4, 2016, more specific timing to follow; part of other technical amendments required by Planning Department</p>	Scope of amendments and timing to be confirmed with Planning

By-laws	Key Considerations	Corporate Priority	Timing	Status
Taxi By-law (2013-28)	<ul style="list-style-type: none"> - Streamline renewal process, reducing costs for applicants & Town - New standards permitting accessible taxi cabs to be provided by 	Ensuring effective & efficient services	Target June 20, 2016 Committee of the Whole meeting	COMPLETED – June 27, 2016 Council approval

Housekeeping Amendments

By-laws	Key Considerations	Corporate Priority	Timing	Status
Animal Control By-law (2008-61, as amended)	<ul style="list-style-type: none"> - Potentially limit number of animals per multi-residential unit - Housekeeping amendments to reflect online pet licensing system 	Ensuring effective & efficient services	Housekeeping amendments to Animal Control, to be dealt with in one staff report Target staff report: October 18, 2016 Committee of the Whole	ON TARGET
Clothing Donation Bin By-law (2013-22)	<ul style="list-style-type: none"> - Currently, clothing donation bins permitted in industrial zones only. Expand to allow in institutional zones (e.g., hospital sites) 	Ensuring effective & efficient services	Target September 2, 2016.	COMPLETED – June 27, 2016 Council approval
Fences By-law (2000-63)	<ul style="list-style-type: none"> - Currently, there are no standards for privacy screens. Need to reflect standards for height & setback of privacy screens - Clarify standards related to fence colour, to ensure appropriate & objective enforcement 		Target Staff Report October 18, 2016 Committee of the Whole	REVISED – Target Staff Report February 6, 2017

Refreshment & Catering Vehicles By-law (2009-55)	<ul style="list-style-type: none"> - Streamline renewal process, reducing costs for applicants & Town - Currently, owners & operators are separately licensed. Include a combined owner/operator licence to better reflect prevalent business model - Ensure requirement for Special Occasions Permit referred to in By-law - Consultation with food truck industry to identify needs. 	Ensuring effective & efficient services	Target Staff Report October 18, 2016 Committee of the Whole	ON TARGET
Filming Policy Fees & Charges	<ul style="list-style-type: none"> - Fees relate to filming to be reviewed. Potential for an annual filming fee to reflect numerous filming projects by the same film company - Substantive review of Filming Policy to be considered at a later date to be determined 	Ensuring effective & efficient services	Target Information Report to be released Staff Report October 18, 2016. REVISED - Information Report to be released once webpage is ready to go live. Targeting September 9, 2016	COMPLETED

More Involved Amendments

By-law	Key Consideration	Corporate Priority	Timing	Status
Noise By-law (2004-94, as amended)	<ul style="list-style-type: none"> - Review by-law to include standards which respond to changing nature of community development (e.g., intensification) - Potential for “quiet zone” around hospital, long term care & seniors’ residences - Address levels of service for after-hours noise complaints 	<p>Ensuring effective & efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant & livable corridors along Davis Drive & Yonge Street</p>	<p>February 6, 2017 Council Workshop</p> <p>Target staff report: March 20, 2017 Committee of the Whole</p>	ON GOING

By-laws	Key Considerations	Corporate Priority	Timing	Status
Property Standards By-law (1999-34, as amended)	<ul style="list-style-type: none"> - Review by-law to include standards which respond to changing nature of community development (e.g., intensification) & broader scope/complexity of nuisance issues - Include specific standards for remediation of heritage properties 	<p>Ensuring effective & efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant & livable corridors along Davis Drive & Yonge Street</p>	<p>November 30, 2016 Public Information Centre, Municipal Office</p>	<p>REVISED- Public Information Centre, To be held in Q1 of 2017</p> <p>Target staff report: Q2, 2017</p>

By-law	Key Consideration	Corporate Priority	Timing	Status
Taxi By-law (2016-28)	<ul style="list-style-type: none"> - Address sharing economy impacts on taxi licensing - Pending legal/court actions, potential for provincial legislation - York Region-wide staff working group formed to ensure uniform approach - Information report to address timing for review of taxi by-law - Impacts of sharing economy not immediate concern of taxi industry 	Ensuring effective & efficient services	To be determined	Review recent ride share effectiveness and regulation with City of Toronto, Ottawa, Edmonton and London.

By-law	Key Consideration	Corporate Priority	Timing	Status
Hawker and Peddler By-law (Licensing By-law 2002-151, Schedule 12)	<ul style="list-style-type: none"> - Address door to door sales of electricity and natural gas - Scope of the by-law/ complexity of nuisance issues 	Ensuring effective & efficient services	<p>Working with communication to target a release once a month regarding door to door sales.</p> <p>Full review of by-law to take place in Q2 of 2017.</p>	<p>Information Report to advise of activity be released in September 2016</p>

Potential New Regulations

By-laws	Key Considerations	Corporate Priority	Timing	Status
Boulevard Maintenance & Highway Obstruction By-law	- Will assist Operations Department by clarifying parties responsible for maintaining boulevards	Ensuring effective & efficient services	To be determined	Research has to take place before proceeding with By-law.

By-laws	Key Considerations	Corporate Priority	Timing	Status
Driving Schools	-Review regulatory options for the potential regulation of driver school test vehicles - Staff to consult driving schools, MTO and Town of Aurora, conduct survey	Ensuring effective & efficient services	Target Staff Report: August 29, 2016 Committee of the Whole	COMPLETED Public Information Centre to be held in November 2016. Update Report to be completed in Q1 2017.

By-laws	Key Considerations	Corporate Priority	Timing	Status
Clean Yards By-law	-Review regulations around different enforcement options for quicker clean-up of yards	Ensuring effective & efficient services	Hold a Public Information Centre , in Q1 of 2017 Bring report and by-law to Committee of the Whole the last part of Q1 of 2017.	ON TARGET



Karen Reynar, B.A., LL.B.

Associate Solicitor
Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

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tel.: 905-953-5300, Ext. 2435
fax: 905-953-5136

COPY

July 23, 2014

German Canadian Housing of Newmarket Inc.
Attention: Tracy Blackburn
735 Stonehaven Avenue
Newmarket, Ontario L3X 2G3

Dear Ms. Blackburn,

Re: Site Specific Animal Control Bylaw

Background:

Thank you for taking the time to meet with myself and Florence Dipassio on May 16, 2014 to share your concerns regarding animal control within your building. We appreciate the amount of effort that you have put in to survey all of the residents in your complex and we are grateful that you shared the results of that survey with us. It is clear from what you told us, the pictures that you showed us, and the results of the survey that you have a legitimate concern regarding animal control in your building, in particular with respect to dog feces not being picked up outside, dog urine / feces being left in the common areas of the building, dog feces and urine on balconies, and smells related to cat urine and feces inside of apartments (not in litter box).

We understand from our discussion with you that being a non-profit housing complex, your buildings are governed by the *Residential Tenancies Act*, and that in accordance with Section 14 of the Act, you are unable to prohibit pets in your building either through a lease or through a policy. Instead, the number of pets allowed within each unit is set by the Town's bylaw which permits up to three dogs and four cats per household. You advised us that your research has shown that this requirement is different for co-op housing and for condominiums which are governed by different legislation.

Request:

You requested that the Town consider enacting a site specific bylaw which would set a different maximum number of pets permitted per household for the units within your complex than what is currently set in the Town-wide animal control bylaw.

Town Response Regarding a Site Specific Bylaw:

Unfortunately, as discussed, a site specific bylaw which limits the number of animals permitted per household will most likely not resolve the problems that you have been experiencing because the type of problems listed in the survey seem to be related to owners who are not taking proper care of their pets. This type of problem will continue to exist regardless of whether such owners have one pet or many. Many of the comments received on the

surveys indicate that quite a few of your residents agree with this conclusion (please see a sampling of these comments on Schedule "A" to this letter). In addition, based upon your March 18, 2014 list of households that have declared their pets, as well as some of the complaints related to them (attached to this letter as Schedule "B"), it appears that in the majority of the cases where there have been complaints, the resident has only one cat or dog. This indicates that the problem is not the number of pets, but the behavior of the owners.

We also discussed a number of other reasons that a site specific bylaw is not the right solution, being that:

1. The bylaw would only apply to new residents, and current residents with animals in excess of the new limit would be allowed to keep their animals until their death (at which point they couldn't be replaced). This means that the bylaw would not help address any of the current problems you are experiencing with existing residents.
2. The Province of Ontario is responsible for enacting the legislation which governs not for profit housing, condominiums and co-operatives. Any site specific bylaw that has the effect of circumventing provincial legislation would be subject to challenge.
3. Animal control is a Town-wide issue and the Town needs to ensure that all residents are treated fairly. There may be other apartment buildings or not for profit housing complexes that are experiencing similar issues and it would not be equitable to pass a site specific bylaw for your complex without doing research to see to whom else it should apply.

Town Suggestions of Alternative Solutions:

Rather than enacting a site specific bylaw, we discussed a number of other tools that can be used to better address the identified problems:

1. Individual residents may be brought to the landlord/tenant board pursuant to the provisions of the *Residential Tenancies Act*.
2. The Health Department can be called in to address residences where feces are being left within the home.
3. Agencies such as the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) can be contacted where owners are not taking proper care of their pets to the detriment of the animals.
4. The Town's animal control officer can go door to door in the building to educate regarding the requirement to have a pet tag for every pet, and to lay fines where owners refuse to comply. These fines can be up to \$300.00 and may create a deterrent to having a large number of pets. I understand that this process has already started and is ongoing.
5. Residents may call the Town and report noise complaints due to dog barking and failure to clean up feces in outdoor common areas. Every complaint is logged and the Town will investigate. Fines of up to \$400.00 can be issued to owners who fail to comply.
6. During the Town's regularly scheduled review of the existing Town's animal control bylaw, the Town will conduct research to determine if the bylaw should be amended to provide different maximum numbers of

pets depending on the type of dwelling unit (e.g. apartment / town house / detached home). This research will include a review of what is done in other municipalities, and any changes implemented will apply to all residences within the Town.

We hope that the foregoing suggestions will be of assistance to you in addressing your concerns.

Yours very truly,



Karen Reynar, B.A., LL.B.
Associate Solicitor

Encl.

cc.

Councillor Tom Vegh

Andrew Brouwer, Director of Legislative Services

Esther Armchuk, Director of Legal Services / Municipal Solicitor

Lesley Long, Supervisor of Bylaws

Florence Dipassio, Licensing Officer

SCHEDULE "B"



GERMAN CANADIAN HOUSING
OF NEWMARKET INC.

735 Stonehaven Ave. #119 Newmarket, ON L3X 2G3

905-715-7953 fax. 905-715-7057

March 18, 2014

This is a list of households per building or townhouses that have declared their pets to us as well as some of the complaints related to them. Not everyone has declared their pet; we have seen multiple cats in apartment 204 at 737 Stonehaven for example. Others that were declared may no longer be in the unit (passed away) but not reported to us.

Totals = 19 cats and 21 dogs

Townhouses on Stonehaven Ave.

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]		1	
[REDACTED]	1		
[REDACTED]		1	Doesn't pick up after dog
[REDACTED]		1	Doesn't always pick up after dog

735 Stonehaven Ave. (Senior's Building)

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]		1	Note: Superintendent Unit
[REDACTED]	1		
[REDACTED]		1	Dog not always on leash, or on a long extended leash startles people coming off of elevator, outside on a leash but owner not holding the leash; running free
[REDACTED]		1	Previously sometimes not on leash in hallways (has someone walk her dog now and on leash)
[REDACTED]		1	
[REDACTED]	1		
[REDACTED]	1		
[REDACTED]	2		
[REDACTED]		1	Barks constantly when owner not home, lets dog defecate and urinate on plastic on balcony and doesn't clean up
[REDACTED]	1		

737 Stonehaven Ave.

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]	1		Note: Superintendent Unit
[REDACTED]	1		Damage to carpet
[REDACTED]		1	
[REDACTED]	1		Used to live in townhouse, cat urine in basement not bad in apt.
[REDACTED]	1		
[REDACTED]	1		We have seen multiple cats; strong smell of urine in past & damages to unit(s)
[REDACTED]		1	
[REDACTED]	1		Slight cat litter smell problem at times
[REDACTED]	1		
[REDACTED]	1		Cat litter smell
[REDACTED]		1	Not friendly/aggressive, barking
[REDACTED]		1	Does not pick up after dog, tenants worry stating it's a pit bull. She declared him as lab boxer mix.
[REDACTED]	1		
[REDACTED]		1	Did not pick up after dog outside when they lived in a townhouse, not sure now
[REDACTED]	1		
[REDACTED]	1		
[REDACTED]		1	Aggressive toward other dogs
[REDACTED]	1		
[REDACTED]		1	We think it is only here when son stays with her for periods of time. Son's dog.
[REDACTED]		2	Do not clean up after the dogs, pees in apartment on pad and not cleaned up right away
[REDACTED]		1	
[REDACTED]		1	Doesn't always clean up after the dog
[REDACTED]		1	Runs loose in the hallways or outside with leash attached but she doesn't hold the leash, pees in the hallway, poop on the balcony
[REDACTED]		1	

SCHEDULE "A"

COLLECTION OF SURVEY COMMENTS

ADDRESS / OWNER	SURVEY COMMENT
[REDACTED] Stonehaven Avenue	"The animals are not the problem. The people that own them are the problem most of the time".
[REDACTED] Stonehaven Avenue	"I do not believe that residents who have more than one pet are prone to cause the above problems. It is a matter of attitude towards your pet, your home and your neighbours that determines if you take care of a pet or several pets properly. I know a lot of people with only one pet who do not take care of it properly."
[REDACTED] Stonehaven Avenue.	"I don't feel that 'punishing the masses' for the mistakes of a few is going to solve any of these issues. Whether a tenant has one dog or five, the fact still remains that feces around the park is unsanitary and the bylaws office should ticket those responsible, not enforce a pet limit beyond what already exists".
[REDACTED] Stonehaven Avenue	"The problem seems to be pet owners who fail to pick up after their pet. Not sure if it is an issue with the number of pets."
[REDACTED] Stonehaven Avenue, [REDACTED]	"It's not the number of animals a tenant has but how responsibly one looks after the animal(s)."
[REDACTED] Stonehaven Avenue, [REDACTED]	"It only takes one tenant to make a mess – why not go after that tenant, investigate the complaint, make them aware of the complaint so they can fix it."
[REDACTED] Stonehaven, [REDACTED]	"...I would suggest fining those who do not care properly for their animals pooping and peeing".
[REDACTED] Stonehaven, [REDACTED]	"The problem lies within irresponsible pet owners and tenants, not the amount of pets they have. There are a few tenants with pets who do not pick up after their pets, in turn setting a bad precedent for everyone else. Perhaps those caught or spotted could be penalized somehow? Fined?"
[REDACTED] Stonehaven Avenue, [REDACTED]	"I do not think having this policy in place will help to reduce these problems, lazy and bad pet owners are the problem and they will be the same way with just one pet. I do agree you should enforce the "poop and scoop" bylaw though!"
[REDACTED] Stonehaven Ave [REDACTED]	"If a bad pet owner, doesn't matter how many they have."

Tuesday, July 19, 2016 at 7:30 PM
Community Centre Hall # 2
200 Doug Duncan Drive

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, July 19, 2016 in the Community Centre, Hall # 2, 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair
Elizabeth Buslovich (8:32 to 8:40 p.m.)
P. Mertens
Olga Paiva
Carmina Pereira
Jackie Playter
Rory Rodrigo
Siegfried Wall (7:35 to 8:45 p.m.)

Absent: Anne Martin

Staff Present: L. Moor, Council/Committee Coordinator

Guest: J. Heckbert

The meeting was called to order at 7:30 p.m.

G. Wilson in the Chair.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Deputations

None.

Approval of Minutes

1. Main Street District Business Improvement Area Board of Management Minutes of June 21, 2016.

J. Playter requested an amendment be made to New Business Item b) of the Main Street District Business Improvement Area Board of Management Minutes of June 21, 2016 by deleting the entire paragraph due to change in circumstance.

Moved by: Jackie Playter

Seconded by: Carmina Pereira

THAT the Main Street District Business Improvement Area Board of Management Minutes of June 21, 2016, as amended, be approved.

Carried

2. Marketing Sub-committee Report.

The Chair distributed copies of Marketing Sub-committee Minutes of April 26 and July 13, 2016.

Moved by: Carmina Pereira

Seconded by: Rory Rodrigo

THAT the Marketing Sub-committee Minutes of April 26 and July 13, 2016, as distributed, be received.

Carried

Items

3. The Chair introduced Mr. P. Mertens and welcomed him as the newest member of the Main Street District Business Improvement Area Board of Management. Mr. Mertens provided a verbal overview of his previous experience and involvement on various Boards and Committees.

Siegfried Wall arrived at 7:35 p.m.

4. Financial Verbal Update/Account Balance.

The Chair distributed copies of the operating budget balance sheet as of June 30, 2016. He advised that in the absence of the Economic Development Officer, the financial status update and explanation of line items would be provided at the next scheduled meeting.

Moved by: Carmina Pereira

Seconded by: Rory Rodrigo

THAT the operating budget balance sheet as of June 30, 2016 be received for information.

Carried

A query was made about the purchase of tents for use during the Canada Day festivities and the obligation to bring forward expenditure requests to the Board of Management before procurement.

The Chair advised that, in his opinion, the purchase of the tents was of a nominal nature and time constraints associated with Board approval were subsidiary. A suggestion was made to have the Economic Development Officer provide detailed explanation of line items within the budget as well as delegation of authority expenditure approvals at a future meeting.

5. Newmarket Downtown Development Sub-committee Update.

J. Playter advised that the Economic Development Officer provided a thorough explanation of current Newmarket Downtown Development Sub-committee financial incentive applications discussed at the June 24, 2016 Newmarket Downtown Development Committee meeting and there is nothing new to report at this time.

6. Street Events Update.

O. Paiva provided a verbal status update regarding the Music on Main festival scheduled for July 30, 2016 as a spin-off of the Newmarket Jazz Festival. She advised that children's entertainers will be sponsored by members of the BIA.

C. Pereira provided a verbal status update regarding the Canada Day festivities and advised that despite the rainfall that occurred, the event had approximately 5000 people in attendance.

Moved by: Rory Rodrigo
 Seconded by: Siegfried Wall

THAT the verbal updates regarding the Music on Main festival and the Canada Day festivities be received.

Carried

Closed Session

The Chair advised there was no requirement for a Closed Session.

New Business

a) The Chair advised that the BIA website content is increasing with many business being added.

b) The Chair provided a verbal update regarding an invoice from Mr. Wighton with respect to photograph licensing fees associated with the website.

Discussion ensued regarding the feasibility of using other available photographs.

Moved by: Rory Rodrigo
 Seconded by: Siegfried Wall

THAT the matter of photograph licensing fees and feasibility of using other available photographs for the BIA website be deferred to the next scheduled meeting.

Carried

c) O. Paiva queried the feasibility of Town staff sending letters to landlords on and surrounding Main Street advising of curbside waste disposal times as some apartment dwellers are placing their refuse curbside two full days prior to scheduled pick-ups and vermin are frequently scattering the waste.

d) R. Rodrigo queried the responsibility of vomit clean-up on Town owned property. He requested more staff resources to assist in a concentrated effort to keep Main Street clean. He further queried the feasibility of the Town sending letters to restaurant establishments regarding their patrons' overindulgence which contribute to the dilemma.

e) O. Paiva queried the feasibility of rope lighting installation on the light standard poles in an effort to create more ambience.

E. Buslovich arrived at 8:32 p.m.

Adjournment

Moved by: Carmina Pereira
Seconded by: Rory Rodrigo

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:45 p.m.

Date

G. Wilson, Chair

CHILD ABUSE PREVENTION MONTH



**SPEAK UP
FOR KIDS**

Children's Aid Can Help

Mailing Address:

Kennedy Place
16915 Leslie Street
Newmarket, Ontario
L3Y 9A1

Fax: (905) 895-2113
Legal Fax: (905) 895-9047

120 East Beaver Creek Road
Suite #301
Richmond Hill, Ontario
L4B 4V1
Fax: (905) 882-6274

3901 Highway No. 7, West
Suite #202
Woodbridge, Ontario
L4L 8L5

Phone: (905) 895-2318
Toll Free: 1 (800) 718-3850

September 13, 2016

Mr. Tony Van Bynen
Mayor, Town of Newmarket
395 Muloch Dr, P.O. Box 328 Station Main
Newmarket, Ontario
L3Y 4X7

Re: Invitation to Participate in Child Abuse Prevention Month

Dear Mr. Van Bynen,

October is Child Abuse Prevention Month. Speak Up for Kids.
Children's Aid Can Help.

This October children's aid societies across the province are recognizing it as Child Abuse Prevention Month. We are reaching out to formally seek your support to participate in this important and potentially life changing initiative for children, youth and families.

We know that as elected officials you are a leader in the community and have an important role in keeping children and youth safe by sharing protection concerns with their local Children's Aid Society.

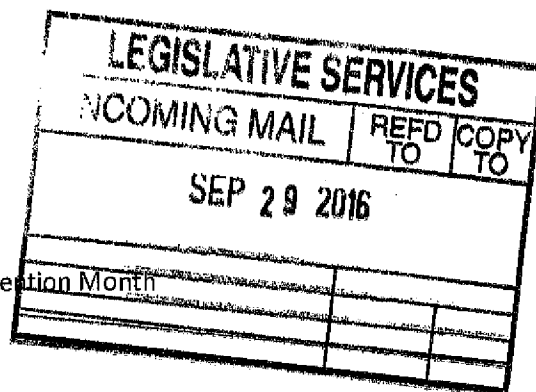
Please consider getting involved this October for Child Abuse Prevention Month by:

- Making available pamphlets on child abuse at your office;
- Sharing a poster at your reception about Child Abuse Prevention Month;
- Showing your support for Child Abuse Awareness Month by participating in GO PURPLE DAY by dressing in purple on Wednesday, October 19, 2016.
- Displaying your support this October re: Child Abuse Prevention Month on your website and other social media platforms.

Available Tools:

To raise awareness about Child Abuse Prevention Month and to help educate your staff, York Region Children's Aid Society is able to provide:

- A PowerPoint presentation on child abuse;
- Videos; and
- Information pamphlets on child abuse.



We would also welcome the opportunity to do a free presentation to you and your colleagues to inform you about:

- When it may be necessary to call York Region Children's Aid Society; and
- How our agency can be a source of support

To book a free presentation for you and your staff, please contact us at Speakers.Bureau@yorkcas.org.

We would be pleased to speak with you about our upcoming Child Abuse Prevention Month and any questions you may have about this important initiative. Ms. Kayla Scott (YR CAS, Strategy and Project Analyst – kayla.scott@yorkcas.org /905-898-2318 ext. 6403) will follow up with your office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colette Prévost', with a stylized flourish at the end.

Colette Prévost
Chief Executive Officer

TOWN OF NEWMARKET

Outstanding Matters

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
1.	<p>Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>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.</p> <p>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;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <p>➤ Planning and Building Services</p>	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p>

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting

Bold indicates that the item will be on the upcoming agenda

Last revisions made on October 6, 2016

(Updated and including the Committee of the Whole Minutes of September 26, 2016)

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
2.	Council – April 20, 2015 – Item 7 Committee of the Whole – May 9, 2016 – Item 15 – Motion – Regional Councillor Taylor	<p>THAT staff provide a report within six months related to internet voting.</p> <p>THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections.</p> <p>➤ Legislative Services</p>	<p>Q2, 2016 Q3, 2016</p> <p>November, 2016 January, 2017</p>	<p>Workshop held October 5, 2015</p> <p>Special CoW scheduled for January 30, 2017 (9:00 a.m.) and will address Internet Voting & Ranked Ballots</p>
3.	Council – June 22, 2015 – Item 31 D & I Services Report – ES 2015-34 – McCaffrey Road – Traffic Review	<p>THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk;</p> <p>AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project.</p> <p>➤ Engineering Services</p>	<p>Q2, 2016 Q3, 2016 October 18, 2016</p>	
4.	Committee of the Whole – November 9, 2015 – Item 12 Development & Infrastructure Services Report PWS 2015-58 regarding N6 Waste Collection Contract 2017-2017 Request for Proposal Preparation Update.	<p>THAT staff work with the N6 partners to develop service level criteria for customer service and response and opportunities to provide customer services outside the scope of the waste control contract and report back to Council;</p> <p>AND THAT staff explore the option of separate proposals for standard bag limits (2 bags and 3 bags) with the N6 partners and report back to Council.</p> <p>➤ Public Works Services</p>	<p>Q1, Q2, 2016</p> <p>Q2/Q3, 2016 Special CoW October 31, 2016</p>	
5.	Committee of the Whole – January 11, 2016 – Item 19 – Magna Centre Leases and Potential Fitness Centre	<p>THAT the Town of Newmarket convert the existing restaurant space into an equipment based, membership oriented fitness facility within the capital costs identified;</p> <p>AND THAT staff report back on options for the kitchen and kiosk spaces, including an expanded fitness centre in the kitchen area and/or maintaining a food kiosk;</p> <p>AND THAT the funding be added to the draft 2016 Capital Budget.</p> <p>➤ Recreation & Culture</p>	<p>Q3, 2016</p>	<p>To be addressed through an Information Report</p>

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
6.	Committee of the Whole – January 11, 2016 – Item 20 – Targeted Marketing Program to Advance Re-development of Davis Drive Properties	<p>AND THAT the development of Davis Drive be the subject of a future Economic Development Congress within 2016 where a cross section of stakeholders can come together to share ideas specific to advancing the implementation of the Secondary Plan and in keeping with the NEDAC Economic Development strategy re-fresh currently in development;</p> <p>AND THAT the staffing related to fulfilling economic development initiatives continue at their current levels as indicated in the report with longer term staffing to be monitored and reviewed against specific needs related to the realization of Council's Strategic Priorities, implementation associated with the re-development of Davis Drive and to support NEDAC'S economic development re-fresh; with a detailed staffing report to come to Committee of the Whole no later than Q3, 2016.</p> <p>➤ Community Services/Economic Development</p>	September 26, 2016	
7.	Committee of the Whole – February 22, 2016 – Item Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 regarding Appointment of Municipal Ombudsman.	<p>iv) AND THAT staff provide an information update report after a 6 month period once the agreement has been executed.</p> <p>➤ Legislative Services/Legal Services</p>	Q3, 2016 Q4, 2016	Joint Legislative Services/Legal Services Report
8.	Committee of the Whole – February 22, 2016 – Item 27 Motion – Councillor Hempen Welcome Entrance Sign	<p>THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;</p> <p>AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.</p> <p>➤ Development and Infrastructure Services</p>	Q2/Q3, 2016 Q4, 2016	

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
9.	Council – April 4, 2016 – Item 5 Joint Report Community Services - Recreation and Culture, Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use.	<p>THAT Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes;</p> <p>AND THAT Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back;</p> <p>AND THAT future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report;</p> <p>AND THAT as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan.</p> <p>➤ Recreation and Culture</p>	Q4, 2016	
10.	Committee of the Whole – May 9, 2016 – Item 5 – Corporate Services Report – Financial Services 2016-20 – Deferred Implementation of Tiered Water Rates	<p>THAT Corporate Services Report – Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates be received and the following recommendation be adopted:</p> <p>THAT staff be directed to report back to Council on the implementation of the phase-in of the tiered fixed rate structure in 2017.</p> <p>➤ Finance</p>	Q4, 2016	
11.	Committee of the Whole – May 30, 2016 Item 30 – Development and Infrastructure Services Report – ES 2016-25 dated May 15, 2016 regarding 'Old Fire Hall and Other Downtown Parking Opportunities'	<p>AND THAT staff prepare a report outlining the heritage, planning and economic aspects of the Old Fire Hall within the next 120 days;</p> <p>AND THAT staff prepare an analysis and a plan for parking at the Old Town Hall;</p> <p>AND THAT staff prepare an Information Report outlining an estimate of costs related to the construction of additional parking spaces in the Fairy Lake lot and behind Cachet Restaurant;</p> <p>➤ Development and Infrastructure Services/Legal Services</p>	September 26, 2016	
12.	Council – June 7, 2016 – Item 27 Development and Infrastructure Services Report – Planning and Building Services 2016-17 – 20166 Annual Servicing Allocation Review	<p>THAT staff report back as part of the six-month administrative review of servicing capacity with regard to the potential granting of allocation for 345-351 Davis Drive (40 stacked townhouse units/106 people) and 955/995 Mulock Drive (73 townhouse units/192 people)</p> <p>➤ Planning and Building Services</p>	Q4, 2016	

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
13.	Council – June 7, 2016 – Item 35 Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08 – Federal Infrastructure Funding	THAT staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' ➤ Strategic Initiatives		Awaiting next phase of funding announcements
14.	Council – June 7, 2016 – Item 38 Township of Wellington Resolution Door-to-Door Sales for Electricity and Natural Gas Contracts	THAT staff review the current by-law and report back regarding door-to-door sales. ➤ Legislative Services		Information Report to be distributed in Q4, 2016
15.	Committee of the Whole – June 20, 2016 – Motion – Councillor Bisanz	THAT staff be directed to explore various alternative methods of conducting Committee of the Whole and Council meetings in order to respond to community needs and ensure maximum public participation, by providing greater access to Council's deliberations, and that a report be provided to Council by the end of Q4. ➤ Legislative Services/Communications	Q1/Q2, 2017	
16.	Council – June 27, 2016 – Item 34 Development and Infrastructure Services Report – ES 2016-24 regarding Savage Road/Sandford Street Traffic Review	THAT Item 4 – Active Transportation Plan (bicycle lanes) on Sandford Street from Mulock Drive to Savage Road with a possible extension along Savage Road to Paul Semple Park entrance be deferred in order to provide an opportunity to work with residents to monitor and evaluate the traffic calming measures. ➤ Engineering Services	TBD	
17.	Committee of the Whole – August 29, 2016 – Item 20 – Corporate Services Report – Legislative Services 2016-17 regarding 'Potential Regulation of Driving School Instructors'	THAT staff host a PIC in November, 2016 to seek Council, public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket; AND THAT staff continue to work with the MTO and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents; AND THAT staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket. ➤ Legislative Services	Q1, 2017	
18.	Committee of the Whole – August 29, 2016 – Item 30 – Development and Infrastructure Services Report 2016-28 – Coordinated Provincial Plans Review.	THAT Development and Infrastructure Services Report – Planning and Building Services Report 2016-08 dated August 29, 2016 regarding Coordinated Provincial Plans Review be deferred to the September 26, 2016 Committee of the Whole meeting.	September 26, 2016	

	Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
19.	Development and Infrastructure Services Information Report – ES 2016-41 Solar Powered Pole Mounted Radar Speed Displays – Pilot Project	<p>THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays;</p> <p>AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards;</p> <p>AND THAT a further update report be brought back to a future meeting.</p>	Q2, 2017	



PLANNING & BUILDING SERVICES

Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

LEGISLATIVE SERVICES

INCOMING MAIL

REFD TO

COPY TO

SEP 27 2016

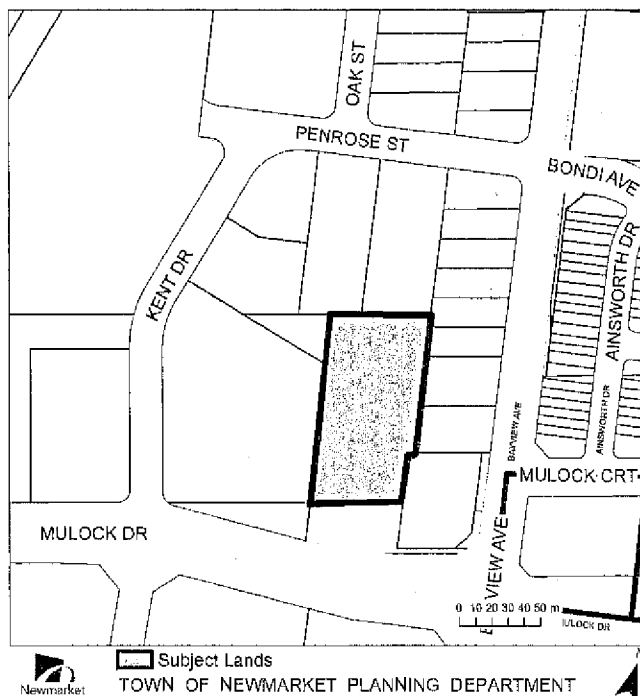
PUBLIC MEETING CONCERNING A ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

TUESDAY OCTOBER 18, 2016 AT 7:00 P.M.

in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider a proposed Zoning By-Law Amendment under Section 34 of the Planning Act, RSO 1990, c. P. 13 as amended..

An application has been submitted for a Zoning By-Law Amendment for lands located on the north side of Mulock Drive, west of Bayview Avenue, municipally known as 507 Mulock Drive. The net effect of this application is to permit a 2 storey mixed use medical office including medical offices, laboratories, medical clinic and retail uses. Specifically, the applicant proposes to amend the existing Mixed Employment zone to permit the medical clinic, laboratory and retail uses on the subject lands.



ANY PERSON may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Zoning By-Law 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 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-law is passed; the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

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-law is passed the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-Law Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated: September 27, 2016

Direct any inquiries to the
Planning Department 905-953-5321
planning@newmarket.ca
Please refer to File No. D14 NP1605



Town of Newmarket
COUNCIL EXTRACT

Extract from the Minutes of the Council
Meeting held on Monday, September
12, 2016

-
15. Development and Infrastructure Services - Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment - 507 Mulock Drive, Town of Newmarket, Gianni Kinno Developments Inc.
- a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:
- i) THAT the Application for Zoning By-law Amendment as submitted by Gianni Kinno Developments Inc. for lands municipally known as 507 Mulock Drive be referred to a public meeting;
- ii) AND THAT following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
- iii) AND THAT Mr. Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

**PLANNING AND BUILDING SERVICES**

Town of Newmarket www.newmarket.ca
 395 Mulock Drive planning@newmarket.ca
 P.O. Box 328, STN Main T: 905.953.5321
 Newmarket, ON L3Y 4X7 F: 905.953.5140

August 29, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-30

TO: Committee of the Whole

SUBJECT: Application for Zoning By-law Amendment
 507 Mulock Drive
 Town of Newmarket
 Gianni Kinno Developments Inc.
 File No.: D14NP1605

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-30 dated August 29, 2016 regarding Application for Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Zoning By-law Amendment as submitted Gianni Kinno Developments Inc. for lands Municipally known as 507 Mulock Drive be referred to a public meeting.
- b) AND THAT following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- c) AND THAT Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

COMMENTS**Location and Surrounding Land Uses**

The Subject Lands are municipally known as 507 Mulock Drive and are located on the north side of Mulock Drive, west of Bayview Avenue (See Location Map attached). The property has an area of approximately 0.7 hectares and a frontage on Mulock Drive of approximately 60 metres.

The subject property currently contains a two storey concrete block building with an approximate gross floor area of 400 sq.m. The following are the adjacent land uses:

North: Institutional uses (Inn From the Cold) and low density residential uses.

South: Commercial and Employment uses in a strip mall setting

East: Low density residential uses and service commercial uses at the northwest corner of Bayview Avenue and Mulock Drive.

West: Employment uses (bus depot and hydro yard) with the Municipal Offices west of the rail line.

Proposal

The applicant is proposing a two storey mixed use Medical Office on the subject lands including the following uses and associated floor areas.

Medical Office – 1,074.76 sq.m.

Medical Laboratory - 323.00 sq.m.

Pharmacy and other retail – 1126.82 sq.m.

It is proposed that the retail and pharmacy uses would be located at grade with the medical laboratory in the basement level and medical offices on the second floor. The building is sited towards Mulock Drive with the required parking being accommodated in the rear yard and a number of accessible spaces along the east side of the proposed building.

The building has a lot coverage of approximately 18% and a floor space index of 0.91. A landscaped buffer ranging between 3 and 5 metres wide is proposed around the periphery of the site. The proposed site plan, landscape plan and elevations are appended to this report.

Preliminary Review

Official Plan Considerations

The subject property is designated Business Park – Mixed Employment in the Town's Official Plan. Areas of Newmarket designated Business Park are intended to provide for the Employment needs of the community. The Mixed Employment designation permits business and professional offices, research and development facilities along with manufacturing uses. Service Commercial, motor vehicle uses, commercial schools and accommodation facilities are also among the permitted uses in this designation.

While retail uses are not specifically identified as permitted within this designation, it is accepted that ancillary retail uses are appropriate in Employment Areas subject to limiting the type of retail to ancillary, limiting the overall amount of ancillary retail on any one property and limiting the size of any one retail to ensure the retail uses are truly ancillary and secondary to the main use(s) on the site.

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

- a. the proposed change is in conformity with this Plan;

Comment: The proposed zoning bylaw amendment generally conforms to the Official Plan; specifications for the proposed retail permissions require further review.

b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

Comment: The uses contained within the Mixed Employment zone are consistent with and compatible to the existing uses around the subject lands. A landscaped buffer area is proposed around the periphery of the site.

c. potential nuisance effects upon adjacent uses are mitigated;

Comment: It is not anticipated that the proposed use would have any nuisance effects on adjacent properties. Medical office uses and ancillary retail would have less impact to the adjacent residential than a more traditional employment uses such as manufacturing which is also permitted on this property.

d. adequate municipal services are available;

Comment: Municipal services are currently under review by Engineering Services. While the preliminary comments identify additional review by the developer is needed, it has not suggested any major difficulties in servicing the site.

e. the size of the lot is appropriate for the proposed uses;

Comment: The lands are of sufficient size to accommodate uses under the Mixed Employment zone as parking is being provided in accordance with the zoning bylaw and appropriate buffers are being accommodated;

f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

Comment: Mulock Drive is an Arterial road intended to accommodate large volumes of traffic. The submitted traffic study for the proposed zoning by-law amendment is currently under review.

g. the on-site parking, loading and circulation facilities are adequate; and,

Comment: The site is of sufficient size to accommodate parking and loading for new development;

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

Comment: A public meeting will be held in accordance with the Planning Act if the recommendations of this report are approved.

Based on the above, amending the existing Mixed Employment zone to permit retail (including a pharmacy) and medical laboratory conforms to the general intent of the 2006 Official Plan. Further discussion on the type and amount of retail uses is warranted.

Zoning Bylaw Consideration

The Subject Property is currently zoned Mixed Employment under comprehensive by-law 2010-50. The Mixed Employment zone permits a broad range of Employment, Office and Service related uses. The proposed medical office is a permitted use under the existing zoning however the inclusion of retail and laboratory uses requires an amendment. The EM zone does permit accessory retail uses however they are intended to be for products that are created or processed within the primary use on the lot. As noted under the preliminary Official Plan discussion, it is important that areas intended for employment uses be limited in the amount of retail permitted to ensure their continuation as an employment area is not compromised.

The applicant has also requested some minor relief from the zoning by-law site standards in relation to setbacks and buffers which will continue to be reviewed through the process; however, they do appear to have little impact.

Region of York Official Plan

The York Region Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and was appealed to the Ontario Municipal Board (OMB). Since then, the York Region Official Plan has been partially approved by the OMB. The policies within the Region of York Official Plan that apply to the subject property are in full force and in effect.

Section 4 of the YROP discusses the Region's commitment to maintain and enhance the long term viability of employment lands, recognizing that these lands are major drivers of economic activity. Specifically, section 4.3.8 indicates that the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:

- a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
- b. uses not permitted on employment lands include residential, major retail and other retail and commercial non ancillary uses.

As the subject lands are within an area designated for employment uses in the Town's Official Plan, any retail permission must be ancillary to employment uses.

This section of the YROP continues to indicate that a limited amount of ancillary uses are permitted on employment lands, provided that the proposed uses are intended to primarily service businesses in the employment lands and that ancillary uses collectively do not exceed 15 per cent of an employment area as defined in the local official plan. It is up to the local municipality to determine the location, amount and size of ancillary uses on employment lands that is in proportion with the planned function, size and scale of the overall employment land area.

Staff are continuing to review the appropriateness of the requested permissions for retail uses on the subject land.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.3.1 indicates that Planning Authorities shall provide for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.

Section 1.3.1 indicates that Planning Authorities shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Section 1.3.1 indicates that Planning Authorities shall plan for, protect and preserve *employment areas* for current and future uses

The proposed zoning amendment for the subject lands would continue to allow an appropriate mix of employment and ancillary uses that support a wide range of economic activities to meet the Town's long term needs.

The rezoning of the subject lands to provide further development opportunities appears to be consistent with the relevant provisions the Provincial Policy Statement.

Provincial Growth Plan (Places to Grow)

The Provincial Growth Plan, which requires that municipalities promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. Employment areas, by definition in the Growth Plan, are "areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

Section 2.2.6 of the Growth Plan discusses Employment Lands and promoting economic development and competitiveness by

- a. *providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs*
- b. *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses*
- c. *planning for, protecting and preserving employment areas for current and future uses*
- d. *ensuring the necessary infrastructure is provided to support current and forecasted employment needs.*

The proposal on the subject lands support the policies of the growth plan as they relate to establishing an employment use (Office) and ancillary uses on the site. The site can be appropriately serviced and does not appear to limit the suitability of the surrounding employment lands to continue functioning in their current state or the potential redevelopment of the area.

The policies in the Growth Plan are designed to encourage the use of lands in areas that are well served by public transit for higher density employment uses. Mulock Drive is served by York Region Transit and Metrolinx has recently announced plans a new Mulock Station in the vicinity of the subject lands.

Departmental and Agency Comments

The Town has received and will continue to receive comments from department and agencies that will be addressed throughout the planning process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The redevelopment of this parcel of land in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.
 Well-Planned & Connected: implementing the policies of the Official Plan

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment.

Capital Budget

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

CONTACT

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

Attachments

- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure
 Services

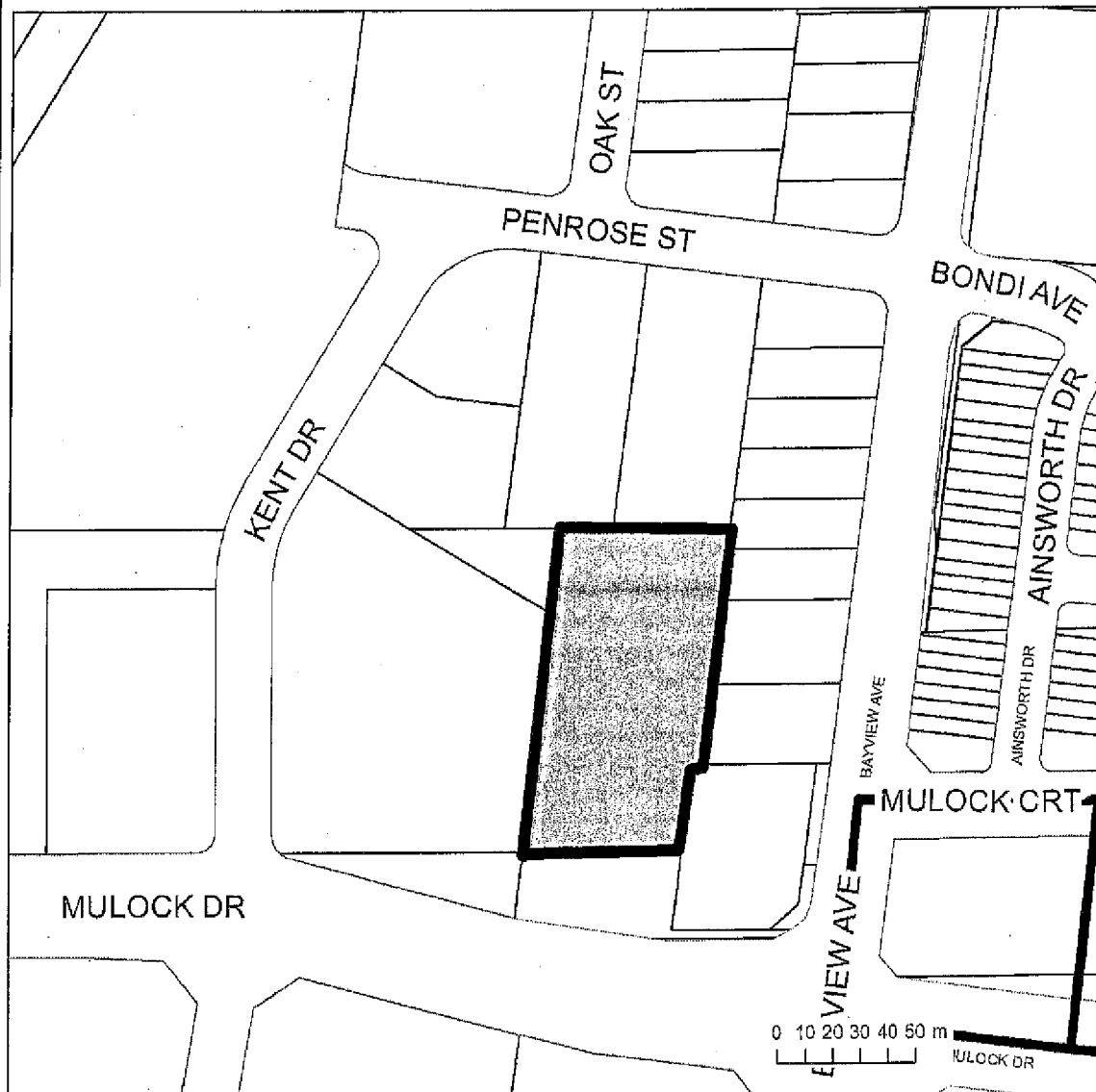


Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP
507 Mulock Drive
North Side of Mulock Drive,
West of Bayview Avenue

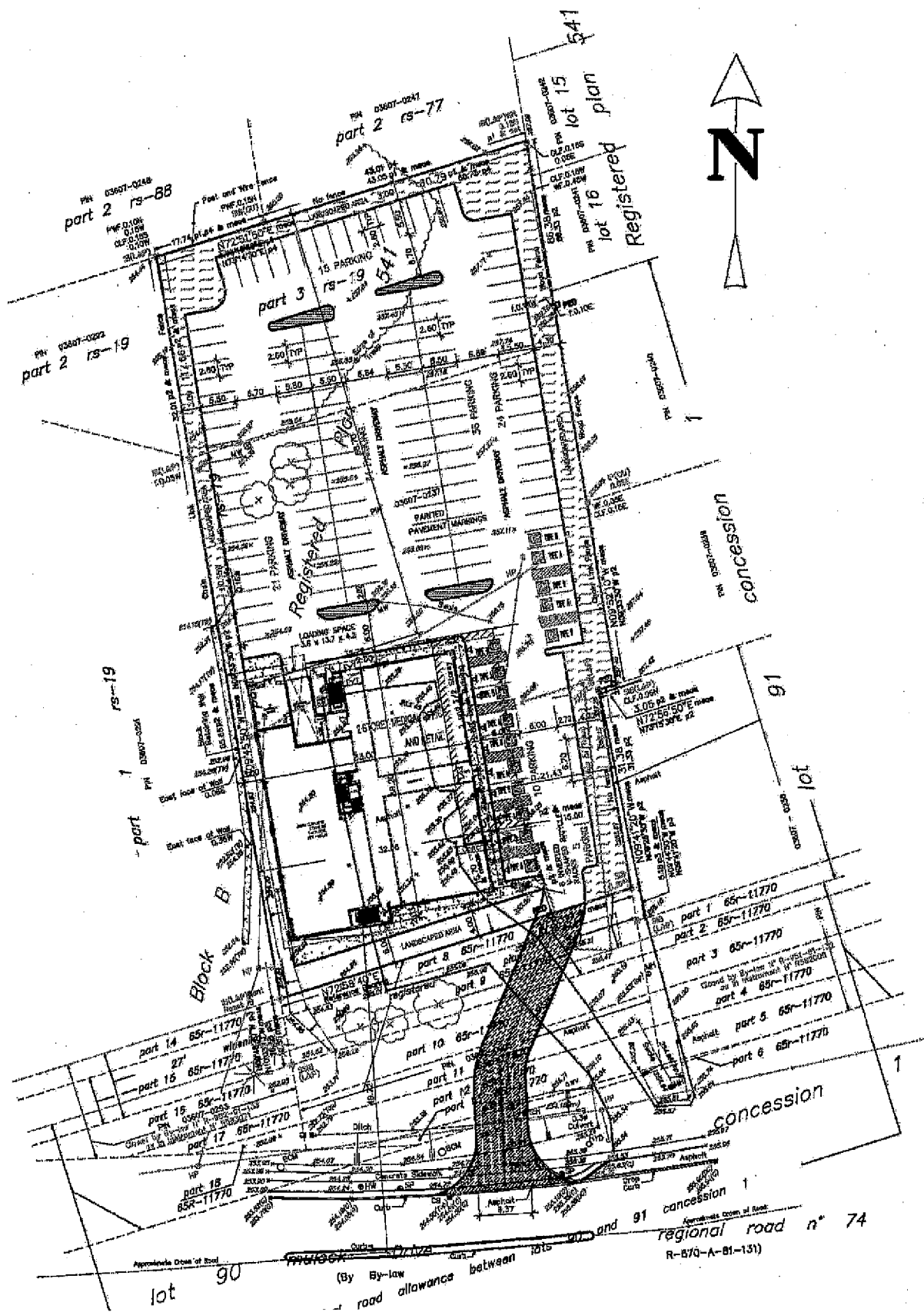


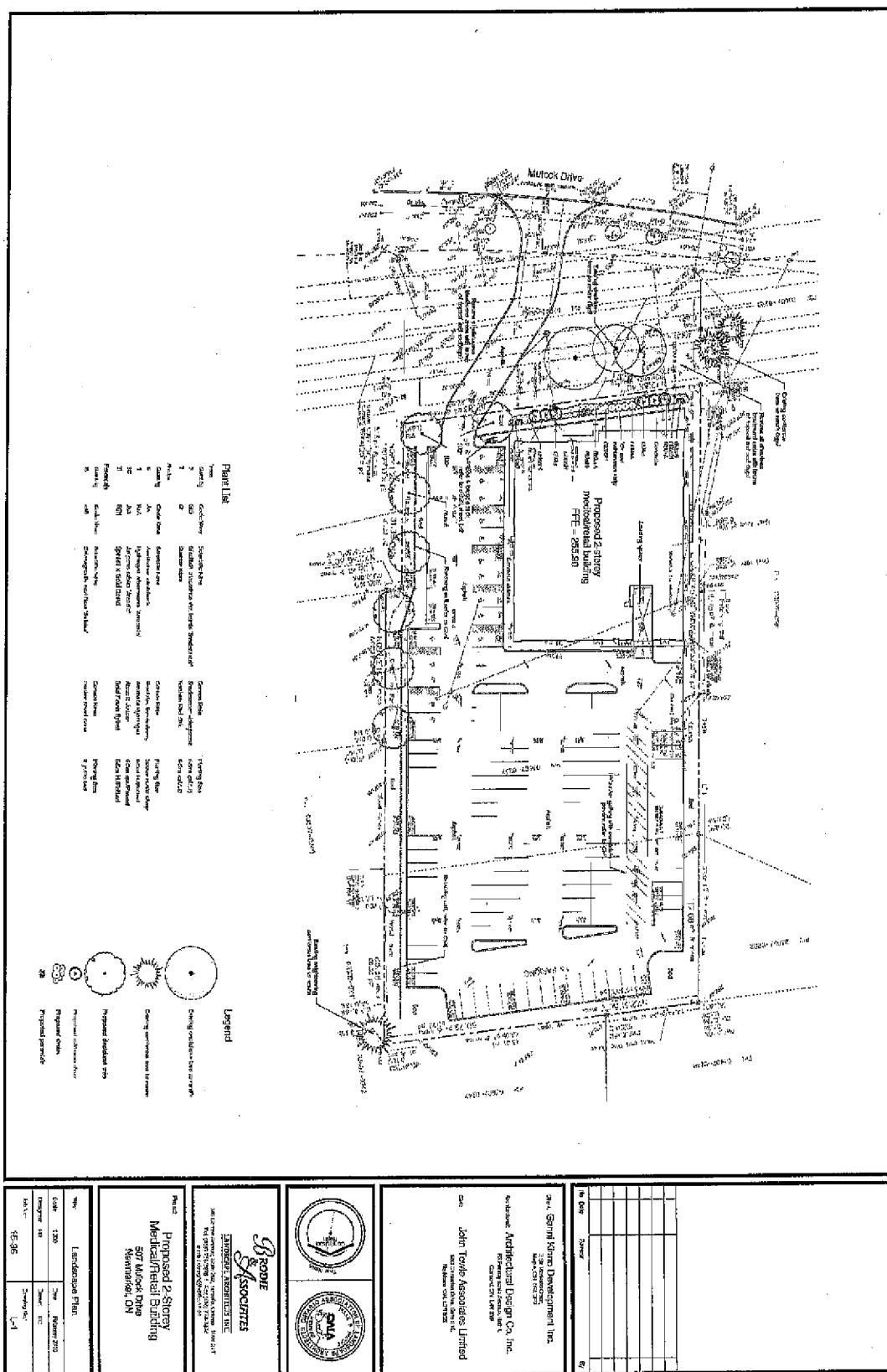
Subject Lands

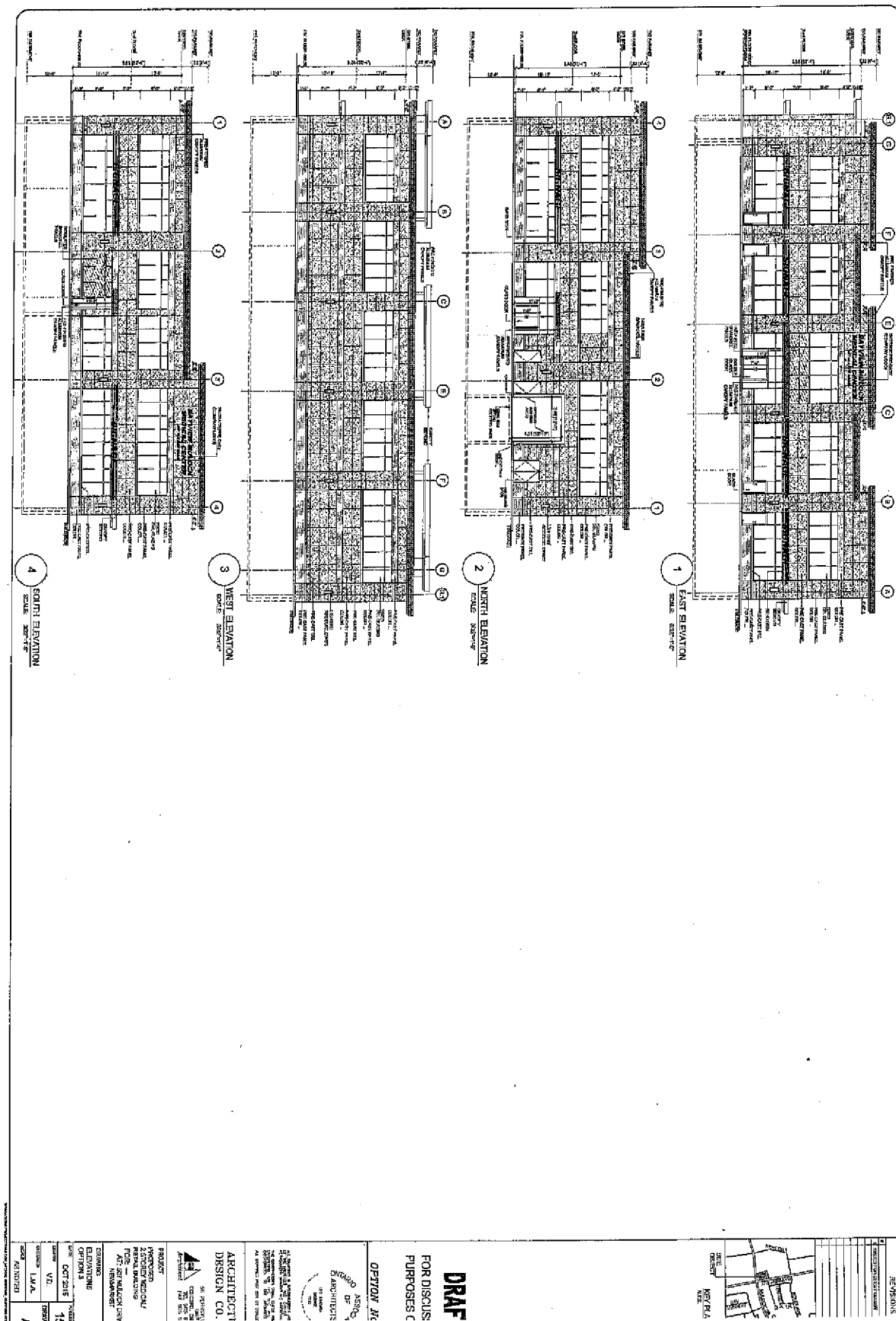
TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology - GIS Printer, August, 2016. Land Parcel Boundaries - © Terrestrial Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2016. Zoning - Town of Newmarket, 2016.
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

T:\DI Services\Planning\GIS\Files related documentation\507 mulock\location map for complete application.mxd



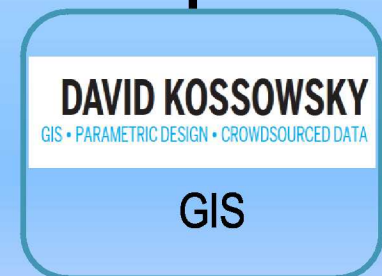




Area-Specific Zoning By-law, Urban Centres Secondary Plan Area, Town of Newmarket



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Area-Specific Zoning By-law, Urban Centres Secondary Plan Area, Town of Newmarket

Project Phases



PHASE 1 : Parking Standard Background Study (May 2016 to December 2016)

- Parking Standards Background Study Draft Report completed
- Public comment and Review
- Council adoption of a Parking Standard zoning by-law amendment for the Urban Centres

PHASE 2 : Background Review and Directions Report Preparation (August 2016 to March 2017)

- Review all relevant planning legislation, documents and reports related to the Urban Centres
- Stakeholder Consultations regarding approaches to zoning
- Develop a Directions Report on the form of the future Urban Centres Zoning By-law/CPPS:
 - Conventional Zoning By-law vs form-based, or a hybrid of the two
 - The inclusion of a Community Planning Permit System (CPPS) area
- Public Open House on Directions Report

PHASE 3 : Draft Zoning By-law / Draft Development Permit By-law Preparation (Est. April 2017 to August 2017)

PHASE 4 : By-law Refinement and Enactment (Est. September 2017 to November 2017)

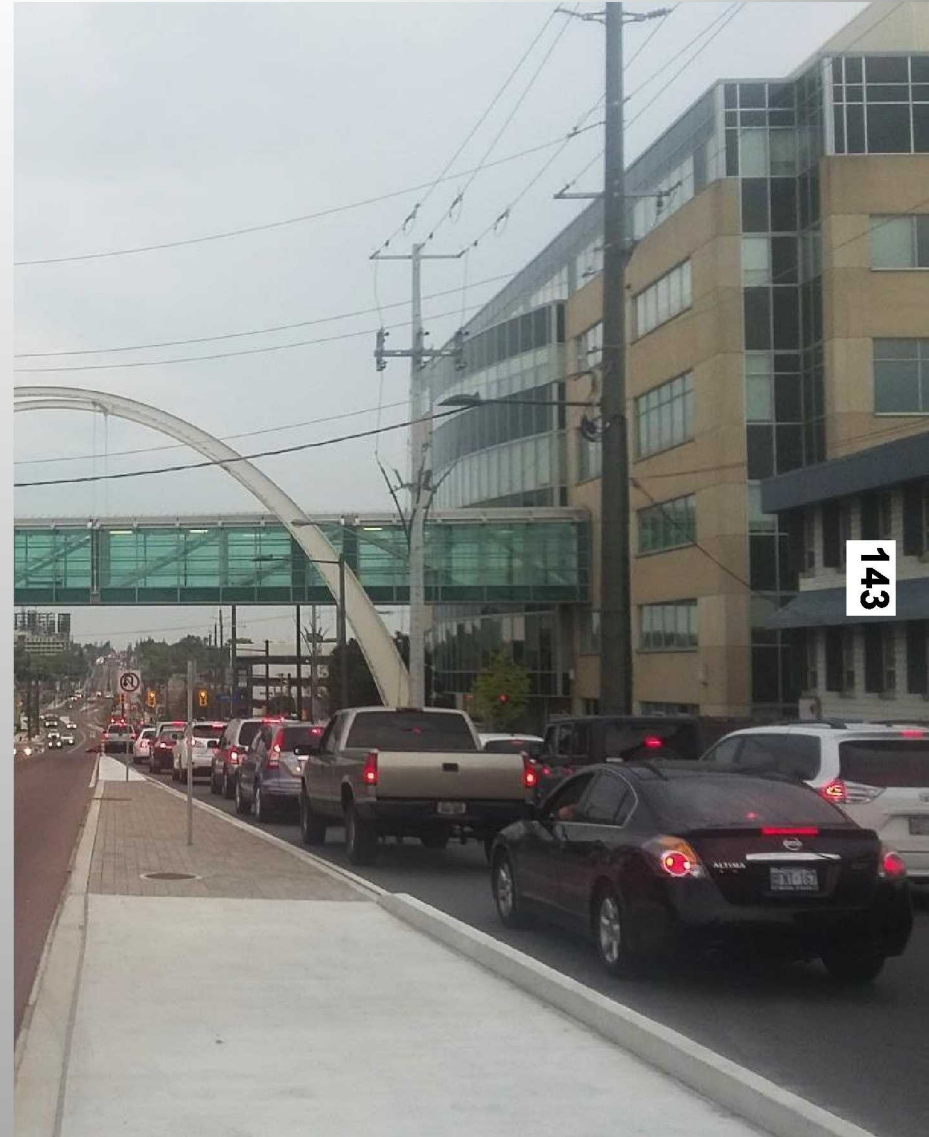
Parking Standards Background Study

Area-Specific Zoning By-law for the
Urban Centres Secondary Plan Area



Topics

- Background Review of other Jurisdictions
- Residential & Non-Residential Parking Rates
- Transit Proximity Reductions
- Shared Parking
- Joint Development & Bonusing
- Cash-in-Lieu
- Carpooling & Car-Sharing Spaces
- Parking Management and Governance Models
- Transportation Demand Management



Background Review

- Canada

- Newmarket
- Markham
- Toronto
- Mississauga
- Brampton
- Oakville
- Richmond Hill
- Hamilton
- Vaughan
- Ottawa

- United States

- Stockton, California
- Salem, Oregon
- Eugene, Oregon
- Pasadena, California
- Huntington Beach, California
- Chicago, Illinois

- Various Industry Research Papers

Recommended Approach: Residential Parking Rates

Multiple Dwelling Unit Buildings	Current Urban Centre Rates			Recommended Rates		
	Non-RGI		RGI	Non-RGI		RGI
	Minimum	Maximum		Minimum	Maximum	
Bachelor	1.00/unit		n/a	0.70/unit	0.85/unit	50% reduction to minimum and maximum rates (except visitor parking)
One Bedroom				0.80/unit	1.00/unit	
Two Bedrooms				0.90/unit	1.10/unit	
Three Bedrooms+				1.10/unit	1.30/unit	
Visitor	No reductions permitted when compared to general areas			0.15/unit	0.15/unit	
Townhouse Dwellings	Minimum	Maximum		Minimum	Maximum	
Tenant	No reductions permitted when compared to general areas			1.00/unit	1.20/unit	
Visitor				0.15/unit	0.15/unit	

Recommended Approach: Non-Residential Parking Rates

- Established minimums and maximums
- Blending of land uses
- All rates based on GFA, eliminate Net Floor Area and staff-based rates
- Eliminate minimum requirements for uses < 200 m²

	Town of Newmarket Zoning By-law 2010-40	Recommended Secondary Plan Area Rates	
Land Use	General Rates	Minimum	Maximum
School, Elementary	2 spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking	1 space per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2x the minimum
School, Secondary	3 spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking		
School, Post Secondary	1 space per 100 m2 GFA used for instructional and/or academic purposes	1 space per 200 m2 GFA used for instructional and/or academic purposes	3x the minimum
Libraries	1 space per 10 m2 of GFA	1 space per 20 m2 of GFA	2x the minimum
Community / Recreation Centres	1 parking space per 14 m2 of GFA dedicated to indoor facilities for use by the public plus the aggregate of: <ul style="list-style-type: none"> • 30 spaces per ball field • 30 spaces per soccer field • 4 spaces per tennis court 		
Retail, Food/Grocery	1 parking space per 9 m2 of GFA with a minimum of 5 spaces	1 space per 40 m2 of GFA	2x the minimum
Retail, Other	1 parking space per 18 m2 of NFA		
Restaurants	1 parking space per 9 m2 of GFA dedicated to public use, excluding any porch, veranda and/or patio dedicated as seasonal servicing areas.	1 space per 100 m2 of GFA, excluding any porch, veranda and/or patio dedicated as seasonal servicing areas.	5x the minimum

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Recommended Approach: Non-Residential Parking Rates

- Retail (Grocery and Other)
- Office (Business and Medical)

	Town of Newmarket Zoning By-law 2010-40	Recommended Secondary Plan Area Rates	
Land Use	General Rates	Minimum	Maximum
Retail, Food/Grocery	1 parking space per 9 m ² of GFA with a minimum of 5 spaces	1 space per 40 m ² of GFA	2x the minimum
Retail, Other	1 parking space per 18 m ² of NFA		
Office (Business)	1 parking space per 27 m ² of NFA	1 space per 40 m ² of GFA	2x the minimum
Office (Medical), Medical Research	1 parking space per 17 m ² of NFA		

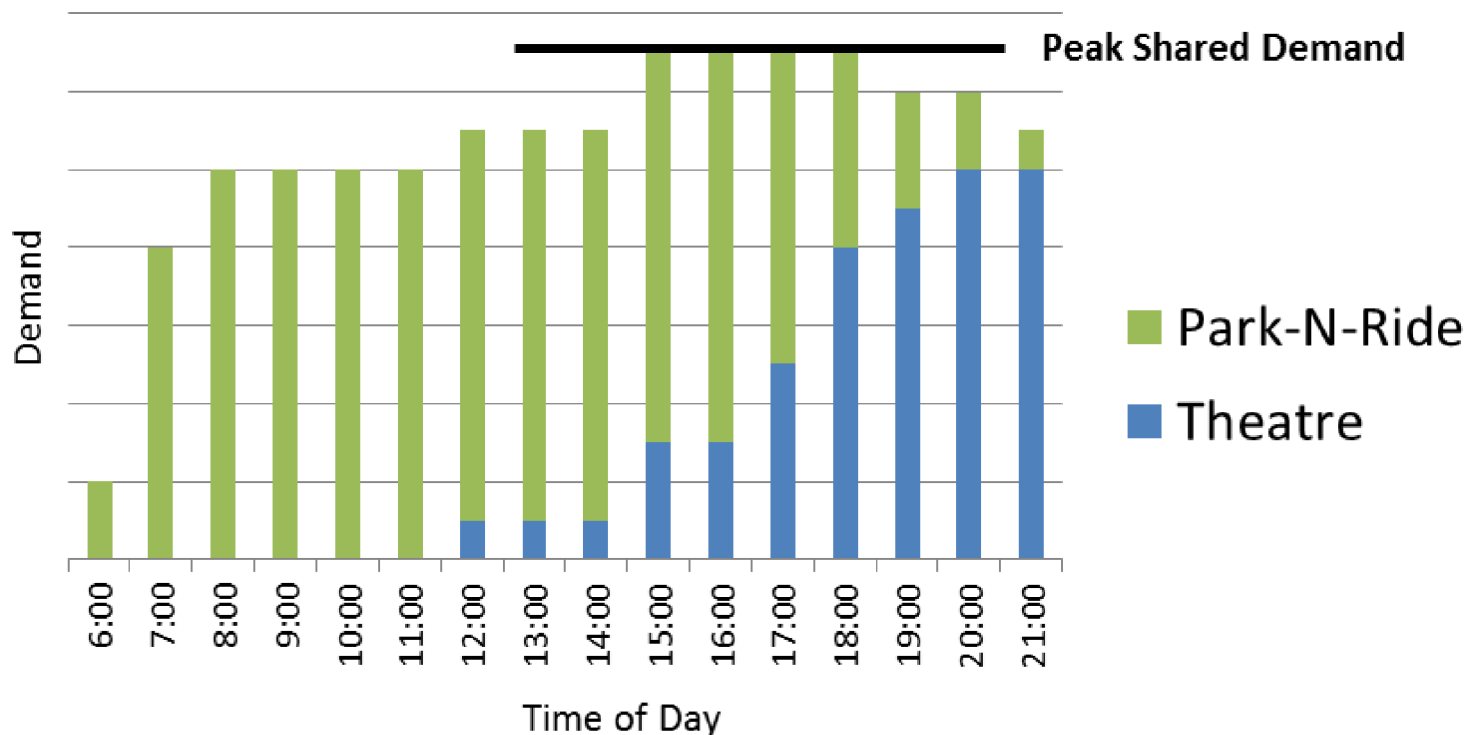
Recommended Approach: Transit Proximity Reductions

- Currently no reductions permitted based on transit proximity.
- Recommendation: parking rates may be reduced by 30% if within 500m walking distance.
- Applies to residential *and* non-residential uses (except RGI)



Recommended Approach: Shared Parking

- No change from current Zoning By-law
- Apply first principles to non-standard land uses (transit stations & joint development)
- Can be applied to any number of shared uses



Recommended Approach: Bonusing

- Bonusing refers to leniency with respect to height and density requirements awarded to a proposed development in return for providing a public benefit
- New provision permitted within the Urban Centre
- Amount of bonusing determined through the **Bonusing Justification Report**
- Recommended Qualification and Integration with car-share:
 - A minimum of 20 public parking spaces must be provided
 - 10% of the public parking that is provided shall be dedicated car-share spaces, to a maximum of 6 spaces
- Can be used towards a reduction in the required tenant parking (*next slide...*)

Recommended Approach: Car-Share

- For any residential development, the minimum parking requirement should be reduced by up to 3 parking spaces for each dedicated car share stall.

The limit on this parking reduction is calculated as the greater of:

- » $4 * (\text{total number of units} / 60)$, rounded down to the nearest whole number; or
- » 1 space
- » exclude RGI units in the calculation

- Encourage developers to engage car-share providers, and introduce car-share to the Town.



Recommended Approach: Car-Pool

Required for all employment uses



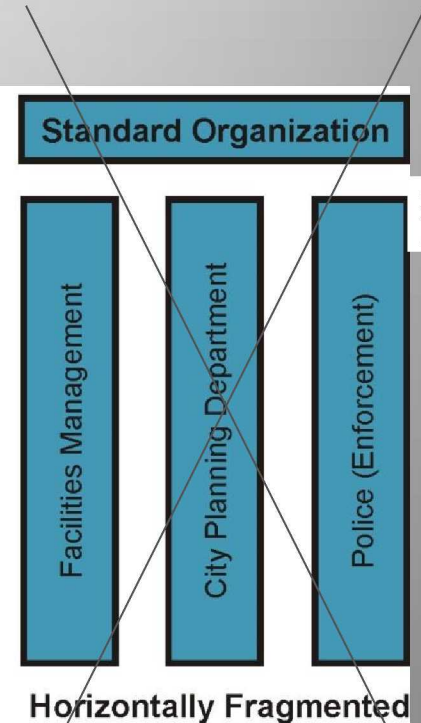
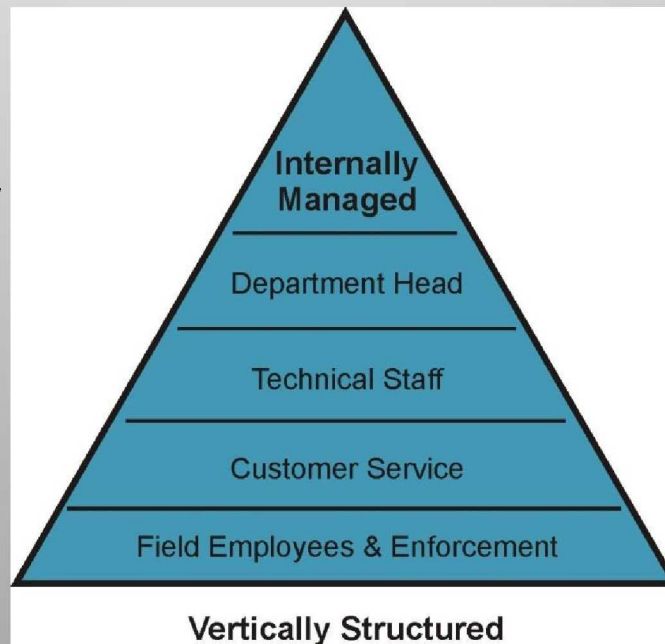
- To be provided at a minimum rate of:
 - 5% of the total required parking supply for any employment uses, or
 - 2 spaces
- Located near the entrance to the building, second priority only to accessible spaces
- Enforced by the same body that would enforce accessible parking spaces
- No reduction in overall parking requirement

Recommended Approach: Cash-in-Lieu

- Carry over current policy and fee structure to Urban Centre
 - \$40,000 per below grade space
 - \$26,000 per above ground structured space
- Fees can be adjusted based on needs
- Fees used to finance public parking structures in the Urban Centre

Recommended Approach: Governance Model

- Internally managed municipal operation
- Higher degree of influence on all components of management
- Directly address public feedback
- Vertically structured for efficiency
- Full control



Recommended Approach: TDM

- **Transportation Demand Management** plans to be required for all new developments, included in the Transportation Impact Studies and Parking Studies.
- Encourage developers to go beyond the Zoning By-law requirements.
- Explore options such as:
 - Electric vehicle charging stations
 - Shower and change facilities
 - Well lit bicycle locker facilities
 - Transit pass incentives
 - Participation in SmartCommute



From: Brouwer, Andrew
Sent: October-07-16 1:11 PM
To: Mayor Van Bynen
Cc: Moor, Linda
Subject: RE: Municipal Fiscal Gap - AMO Needs Your Support

Sure, no problem. Linda, FYI & inclusion on addendum.

From: Noble, Pat **On Behalf Of** Mayor Van Bynen
Sent: October-07-16 1:11 PM
To: Brouwer, Andrew
Cc: Mayor Van Bynen
Subject: FW: Municipal Fiscal Gap - AMO Needs Your Support

Hi Andrew

Mayor Van Bynen asks that you please place the council resolution in support of closing the municipal fiscal gap on an upcoming agenda – please and thank you.

Pat Noble

From: AMO Communications [<mailto:communicate@amo.on.ca>]
Sent: October-06-16 5:10 PM
To: Mayor Van Bynen
Subject: Municipal Fiscal Gap - AMO Needs Your Support

On behalf of the AMO Board, please find attached a letter from AMO President Lynn Dollin seeking your council's participation in two important ways:

- 1) by passing a council resolution in support of closing the municipal fiscal gap; and
- 2) by attending a *What's Next Ontario?* briefing near you.

PLEASE NOTE: AMO Breaking News will be broadcast to the member municipality's council, administrator, and clerk. Recipients of the AMO broadcasts are free to redistribute the AMO broadcasts to other municipal staff as required. We have decided to not add other staff to these broadcast lists in order to ensure accuracy and efficiency in the management of our various broadcast lists.

DISCLAIMER: Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

OPT-OUT: If you wish to opt-out of these email communications from AMO please click [here](#).



October 6, 2016

Dear Members:

AMO Seeks Council Resolution of Support and Offers More What's Next Ontario? Briefings

On behalf of the AMO Board, I am seeking your council's participation in two important ways:

- 1) by passing a council resolution in support of closing the municipal fiscal gap; and
- 2) by attending a *What's Next Ontario?* briefing near you.

AMO wants every council to be involved in the *What's Next Ontario?* project. There is a looming fiscal gap facing Ontario's municipalities. *What's Next Ontario?* is about recognizing the gap and seeking sector support for closing it. The response has been impressive, but there's more to be done!

Additional Briefings

We want to thank the hundreds of municipal elected officials who have already attended the 25 in-person meetings and webinars AMO hosted across the province in the spring and fall. Be assured that your input is being heard and will be considered by the AMO Board. If you have participated already, thank you.

Haven't participated yet? We are offering additional in-person briefings in October and November that are open to all municipal elected officials and senior municipal staff:

- **Timmins, Ontario** – Tuesday, October 11, 2016 from 1-3 pm
- **Dryden, Ontario** – Wednesday, October 19, 2016 1-3 pm
- **Markham, Ontario** – Friday, October 28, 2016 from 9-11 am
- **Hamilton, Ontario** – Friday, October 28, 2016 from 2-4 pm
- **Cornwall, Ontario** – Thursday, November 3, 2016 from 9-11 am
- **Tweed, Ontario** – Thursday, November 3, 2016 from 3-5 pm

Sign up is easy, and can be done [here](#) or contact Evelyn Armogan at 416-971-9856 ext. 326 or earmogan@amo.on.ca. Can't participate in person? Sign up for our remaining webinar on Wednesday, October 12th.

Resolution

We've boiled down the essence of the challenge we face in the next ten years to a one-page resolution. We urge every council in Ontario to consider, adopt the resolution, and reply to AMO by December 1, 2016.

What does it say? We know Ontarians see infrastructure as the number one challenge facing their community. We know that even if we raise property taxes and user fees by inflation (1.8%), we will still be \$3.6 billion short to fix the infrastructure gap, every year for ten years. This is what we need to address. As elected officials, how do we deal with this challenge? What is the best approach? Ontarians already pay the highest property taxes in the country. How high is too high?

We could finance this gap by increasing property taxes. It would require property tax revenue increases of 4.6% annually for 10 years, sector-wide. And, what happens if the federal or provincial governments pull back on future commitments? We know that could mean property tax revenue increases of up to 8.35% annually for 10 years, sector-wide. How might these numbers translate locally as an annual rate increase?

We've made good strides on infrastructure in the last few years, but there is no long-term plan to finance the future needs of municipal governments as well as the local infrastructure Ontarians care about. Let's start doing that, together. The attached resolution below is a starting point.

There are issues which unite all municipal governments, and this is one of them. Where do we want to go together? This is an opportunity for you and councils to own what's next. We urge you to add your council's voice to the conversation.

I have also written directly to your clerk and provided a copy of the resolution. Please give this resolution council's consideration. If you have questions, please contact Matthew Wilson, Senior Advisor, mwilson@amo.on.ca, 416-971-9856 ext. 323.

Yours sincerely,



Lynn Dollin
AMO President

P.S. Check out the What's Next Ontario? section of the AMO website for links to AMO conference videos including Nik Nanos and Bill Hughes, our two papers, and other material.

WHAT'S NEXT ONTARIO? RESOLUTION

WHEREAS recent polling, conducted on behalf of the Association of Municipalities of Ontario indicates 76% of Ontarians are concerned or somewhat concerned property taxes will not cover the cost of infrastructure while maintaining municipal services, and 90% agree maintaining safe infrastructure is an important priority for their communities;

AND WHEREAS infrastructure and transit are identified by Ontarians as the biggest problems facing their municipal government;

AND WHEREAS a ten-year projection (2016-2025) of municipal expenditures against inflationary property tax and user fee increases, shows there to be an unfunded average annual need of \$3.6 billion to fix local infrastructure and provide for municipal operating needs;

AND WHEREAS the \$3.6 billion average annual need would equate to annual increases of 4.6% (including inflation) to province-wide property tax revenue for the next ten years;

AND WHEREAS this gap calculation also presumes all existing and multi-year planned federal and provincial transfers to municipal governments are fulfilled;

AND WHEREAS if future federal and provincial transfers are unfulfilled beyond 2015 levels, it would require annual province-wide property tax revenue increases of up to 8.35% for ten years;

AND WHEREAS Ontarians already pay the highest property taxes in the country;

AND WHEREAS each municipal government in Ontario faces unique issues, the fiscal health and needs are a challenge which unites all municipal governments, regardless of size;

NOW THEREFORE BE IT RESOLVED that this Council supports the Association of Municipalities of Ontario in its work to close the fiscal gap; so that all municipalities can benefit from predictable and sustainable revenue, to finance the pressing infrastructure and municipal service needs faced by all municipal governments.

Please forward your resolution by December 1, 2016 to:
AMO President Lynn Dollin amopresident@amo.on.ca.



Regional Clerk's Office
Corporate Services Department

October 13, 2016

Mr. Andrew Brouwer
Director of Legislative Services and Town Clerk
Town of Newmarket
395 Mulock Drive, P.O. Box 328
Newmarket, ON L3Y 4X7

Dear Mr. Brouwer:

Re: Review of Regional Council Governance

At today's meeting of the Region's Committee of the Whole, Committee recommended that the attached report regarding "Review of Regional Council Governance" be deferred for consideration at its meeting of November 10, 2016.

Committee also recommended that the report be circulated for consideration and comments from the local municipal councils. Please submit comments to me by November 3 if possible, or in any event, before the November 10 meeting of the Region's Committee of the Whole.

Please contact me at 1-877-464-9675 ext. 71300 if you have any questions with respect to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Denis Kelly", written over a horizontal line.

Denis Kelly
Regional Clerk

/C. Martin
Attachment

The Regional Municipality of York

Committee of the Whole
Finance and Administration
October 13, 2016

Report of the
Regional Chair

Review of Regional Council Governance**1. Recommendations**

It is recommended that Council receive this report for information.

2. Purpose

This report responds to Council's direction on February 18, 2016 that staff undertake a review of Regional governance, including (a) the method of electing the Regional Chair, (b) direct vs double direct election of Members, (c) weighted voting, and (d) Council composition.

3. Background and Previous Council Direction**Regional Council now has 21 members**

In 1970, Council comprised 17 Members. Since then two Members were added to each of Markham and Vaughan to bring Council's size to 21 including the Regional Chair. Nine of these members are the Mayors from the local municipalities. There are four additional members from Markham, three from Vaughan, two from Richmond Hill and one from each of Georgina and Newmarket. This leaves four municipalities – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – with only one member. In each case the member is the Mayor of the municipality.

Review of Regional Council Governance

Regional Council representation and governance have been considered several times in recent years

The matter of representation on Regional Council was considered during the previous term of Council. This resulted in a motion in 2013 to increase the size of Council to add an extra member from Vaughan and then further motions to add an additional member from each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville. The motion relating to Vaughan's additional member carried while the motions relating to the other four municipalities lost.

Regulation 279/13, to permit an additional member for Vaughan, did not meet "triple majority" requirements

At Council's request, the Minister of Municipal Affairs enacted a Regulation 279/13 permitting York Region to add an additional member from Vaughan. However, the associated draft bylaw failed to achieve support from the majority of local Councils as required by the "triple majority" provisions of the *Municipal Act, 2001* ("the Act"). This meant that the size of Council remained at 21, including the Regional Chair. The Regulation is still in effect.

Council implemented the Committee of the Whole system in 2013

In 2013, Council implemented the Committee of the Whole system on a pilot basis, in part to address the concern that the sole members of Council from Aurora, East Gwillimbury, King and Whitchurch-Stouffville, were challenged to prepare for and attend all of the various Standing Committee meetings. The new structure was fully adopted in 2014.

Council has also recently considered the method of electing the Regional Chair

On February 18, 2016 Council considered a motion in support of Private Member's Bill 42, *Municipal Amendment Act (Election of Chair of York Region), 2014*. The Bill sought to amend the *Municipal Act* by requiring the York Region Chair to be directly elected. This motion lost on a 14-5 recorded vote.

Any further consideration of Council's decision within twelve months would require a two-thirds majority vote as per the Region's Procedure Bylaw. Such a motion would also need to be brought forward by a member who voted with the majority on the previous decision.

Bill 42 received Second Reading and was referred to the Province's Standing Committee on the Legislative Assembly on December 4, 2014. The Committee held public hearings on February 24 and March 2, 2016. The Bill was not carried

Review of Regional Council Governance

forward when the last session of the Legislature was prorogued on September 12, 2016.

4. Analysis and Implications

Election of the Regional Chair

Three regional municipalities elect their Regional Chairs at their inaugural meetings

The Regions of Niagara, Peel and York elect their Regional Chairs at their inaugural meetings and each has recently voted to continue in this manner. On June 23, 2016, Peel Regional Council voted to continue to elect its Regional Chair at its inaugural meeting. Peel's decision follows a similar decision by Niagara Regional Council in October 2015 to continue electing its Regional Chair at its inaugural meeting.

Table 1 shows a summary of how the Chairs are elected in each regional municipality.

Table 1
Summary of how Regional Chairs are elected

Chair elected by Council	Chair elected at-large
Niagara	Durham
Peel	Halton
York	Waterloo

Direct versus double-direct elections

There are alternative methods for electing Regional Council members

York Region has always had a "double direct" electoral system which allows elected Regional Councillors to serve simultaneously at both the regional and local levels of government. Durham, Halton and Peel Regions also use the "double direct" system.

Review of Regional Council Governance

A “direct” electoral system would have Regional Councillors serving only at the regional level and not the local level. Currently Niagara and Waterloo use this approach.

The *Municipal Act* provides the option of having Regional Councillors shared between two or more municipalities. “Shared representatives” would be directly elected and only sit at the regional level.

Within York Region, the current Federal/Provincial electoral boundaries, that lend themselves to shared and direct election, do not align with municipal boundaries. Attachment 1 outlines the electoral systems used in York and other Regions.

There is no compelling reason to change the “double-direct” manner of electing Regional Council members at this time.

Council composition

The Province uses representation by population as a general principle for regional councils

In 1970, as the Province was creating York Region, the Minister of Municipal Affairs indicated that, as a general principle, representation on regional councils should be based on the relative size of the population of each local municipality. The Province has consistently cited this principle in subsequent decisions relating to York Region and other Regions. This principle is well-rooted in democratic systems and is often referred to as ‘representation by population’.

There is no formula for calculating the optimal size of Councils

York Region’s Council has 20 elected members plus the Regional Chair. This is less than three other Regions – Peel (24), Durham (28) and Niagara (30) and tied with Halton. It is also far less than the neighbouring municipalities of Simcoe County (32) and Toronto (44, excluding the Mayor).

Table 2 shows a comparison of the number of elected members (not including the Regional Chair), population and population per elected member for the six Regions, Simcoe County and the City of Toronto, based on projected growth figures to 2018, the date of the next municipal election.

Review of Regional Council Governance

Table 2
Population and Representation for Regional Municipalities, Simcoe and Toronto 2018

Region/County	# of elected members	Population	Population per elected member
Simcoe	32	328,237*	10,257
Niagara	30	456,991	15,233
Durham	28	687,562	24,556
Halton	20	593,824	29,691
Waterloo	15	597,835	39,856
York	20	1,223,741	61,187
Peel	24	1,522,107	63,421
Toronto	44	2,954,942	67,158

* Estimated – does not include Barrie and Orillia which are governed separately

York Region's 2018 population per elected member, at 61,187, ranks as the second highest of the regional municipalities. It would become the highest by a significant margin if Peel Regional Council's decision of June 23, 2016 to increase its size to 32 members comes into effect in 2018. York Region's population per elected member is also significantly higher than Simcoe County's, whose population per elected member is around 10,000, but lower than Toronto's which is over 67,000.

The local municipal population represented by each Council member varies in York Region and in other regional municipalities

Table 3 shows York Region's existing Council structure with the projected 2018 populations of each local municipality, the population per elected member, the percentage of the Region's population and the percentage of representation on Regional Council.

Review of Regional Council Governance

Table 3
Council representation by population - 2018

Municipality	# of elected members	Population	Population per elected member	Percentage population	Percentage representation
Aurora	1	61,110	61,110	5%	5%
East Gwillimbury	1	31,147	31,147	3%	5%
Georgina	2	49,251	24,626	4%	10%
King	1	27,214	27,214	2%	5%
Markham	5	366,319	73,264	30%	25%
Newmarket	2	88,781	44,390	7%	10%
Richmond Hill	3	215,919	71,973	18%	15%
Vaughan	4	335,788	83,947	27%	20%
Whitchurch- Stouffville	1	48,212	48,212	4%	5%
Totals	20	1,223,741	61,187*	100%	100%

*Total population of the Region divided by the number of elected members

The Region's population is expected to be about 1,223,741 by the next municipal election in 2018. This means that each member would represent, on average, a population of 61,187. The population represented by each member would range from a low of 24,626 in Georgina to a high of 83,947 in Vaughan.

The other Regions have similar variances in the population represented by each member. Table 4 shows the approximate ranges of local municipal population per member in each of the Regions in 2015.

Review of Regional Council Governance

Table 4
Range of local municipal representation per Council member in regional municipalities - 2015

Municipality	Range of local municipal representation
Durham	6,000 to 40,000 (6,000 to 30,000 if proposed changes are enacted in 2018)
Halton	19,000 to 30,000
Niagara	7,000 to 21,000
Peel	13,000 to 87,000 (13,000 to 56,000 if proposed changes are enacted in 2018)
Waterloo	10,000 to 48,000
York	25,000 to 84,000

Generally, the rural local municipalities in the regions have a lower population per elected representative ratio and the urban municipalities have a higher ratio. It is clear that none of the Regions has achieved statistical equality in representation by population.

Retaining Council's current composition is an option

Each of the regional municipalities has a different number of members and a different range of local municipal representation per member. There is no standard for applying the representation by population principle. Hence, retaining the status quo in York Region is a viable option.

Optional Council Representation - Alternates

Local councils may appoint one member as an alternate to an upper-tier council when a member is unable to act for an extended period

Section 267(1) of the *Act* provides that a local municipality may appoint one of its members as an alternate member of regional council if a regional council member from the local municipality is unable to act as a member of the regional council for more than one month. This section provides some relief to all nine local municipalities, including the local municipalities with just one member, but can only be invoked if the absence is for more than one month. It does not allow for representation when a member is unable, particularly on short notice, to

Review of Regional Council Governance

attend a particular meeting. Consequently it does not adequately address the concerns of the Mayors of Aurora, East Gwillimbury, King and Whitchurch-Stouffville about their inability to represent their municipalities if they are unavailable to attend on a meeting-by-meeting basis.

The ability to appoint an alternate who can represent a municipality on an ad hoc basis requires an amendment to the *Municipal Act*

The *Municipal Act* does not permit the appointment of alternate members who could sit as a member of regional council except in the circumstances detailed above. There would need to be an amendment to the *Act* or specific legislation pertaining to York Region to allow local municipalities to appoint alternates who could represent the elected member on Regional Council whenever the member is unable to attend. Section 200 of The *Local Government Act* in British Columbia is one example where alternate members are permitted to be appointed in advance and serve in the absence of any member of the regional district.

Weighted voting

Weighted voting can address inequities in representation by population without changing Council's composition

A weighted voting approach is based on the concept that members from local municipalities would collectively have a vote that matches their municipality's proportion of the total Regional population. That municipality's collective vote is then allocated to its members.

Simcoe County currently uses weighted voting based on each local municipal population's share of the county as a whole. Each municipality's weighted share is determined on the basis of its population at the beginning of each Council term. Simcoe County uses weighted voting for recorded votes only.

In Peel Region, a 2004 provincial facilitator's report on governance (the Adams Report) recommended a weighted voting approach to address representation by population inequities. Peel Council did not adopt this recommendation.

Weighted voting is not currently used in the Regions of Durham, Halton, Niagara, Peel or Waterloo to address statistical inequities in representation by population.

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Weighted voting can provide Council members with the number of votes that most closely reflects their local municipal share of the population

Attachment 2 shows one example of how weighted voting could be used to achieve a more balanced percentage of vote by local municipality in York Region. It sets out a weighted voting scenario with the adjusted number of regional votes for each local municipality at regional council using its current composition, with no additional members, based on 2018 population projections.

In this example the total weighted votes per municipality would correspond to each municipality's share of overall regional population. Numbers have been rounded, where applicable, to provide for an equal number of "weighted" votes per member from each local municipality. In this scenario it is possible for a minority of Council to achieve a majority of the weighted vote .

Regardless of the number of members per municipality, each municipality would always receive the number of votes that closely represents its share of the population. The actual number of weighted votes per local municipality can be set shortly after the 2018 election and subsequent elections based on the most current population numbers.

Council has many options to consider if choosing to establish a weighted voting approach

The *Municipal Act, 2001* allows for a municipality to establish a weighted voting approach, although it does not prescribe its application. A weighted voting approach requires consideration of a number of options and factors, including:

- The number of weighted votes given to Mayors and Regional Councillors
- Whether weighted voting applies solely to recorded votes or also to key votes such as the budget and major planning issues
- Whether a motion must receive the votes of a majority of the members of Council as well as the majority of weighted votes to carry
- The weighted vote to be assigned to the Regional Chair if this position is a) elected by the members at the Inaugural Meeting or b) elected by the electors by general vote

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Council composition – impact of additional members

Four local municipalities have only one representative on Regional Council

As detailed in Table 3, four of York Region's municipalities – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – only have one representative on Regional Council. The representative is the Mayor in each case. It has been submitted that:

- this places an additional burden on each of these Mayors to prepare and attend to the heavy workload at Regional Council and Committees as well as the formal and ceremonial duties of being the Mayor and Chief Executive Officer of a local municipality
- these local municipalities are unrepresented in case of a Mayor's absence from Regional Council or Committee of the Whole

Attachment 1 shows that the Regions of Niagara and Waterloo also have local municipalities with only one member.

Council has previously considered increasing its size

Regional Council has previously considered adding one member from Vaughan, as well as one member from each of Aurora, East Gwillimbury, King and Whitchurch-Stouffville.

An additional member for Vaughan increases Council's size to 21 excluding the Regional Chair

Vaughan currently has the largest disparity (7%) between its percentage of population and percentage of representation. Attachment 3 shows how adding an additional member from Vaughan would affect each municipality's share of population and representation in 2018. It brings Vaughan four percentage points closer to achieving an equal percentage of representation and population while taking Markham and Richmond Hill one percentage point further away. This scenario would increase Regional Council from 20 to 21 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville increases Council's size to 25 excluding the Regional Chair

Providing for an extra member from Aurora, East Gwillimbury, King and Whitchurch-Stouffville would address those municipalities' concerns about having

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only one member. Attachment 4 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville would affect each municipality's share of population and representation in 2018. It shows that Aurora, East Gwillimbury, King and Whitchurch-Stouffville gain a higher percentage of representation than population. Georgina will receive slightly less representation than it has now, although still greater than its percentage of population. Newmarket would just about have an equal percentage of representation and population. Compared to the previous scenario, Vaughan would move four percentage points further away from achieving an equal percentage of representation and population and Markham and Richmond Hill would also move five and three percentage points further away than under the current membership. This scenario would increase Regional Council from 20 to 25 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham increases Council's size to 26 excluding the Regional Chair

Attachment 5 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham would affect each municipality's share of population and representation in 2018. It has the same impact on Aurora, East Gwillimbury, Georgina, King, Newmarket and Whitchurch-Stouffville as in the previous scenario. However, although Markham moves three percentage points closer to achieving an equal percentage of representation and population, Vaughan moves an additional percentage point further away. Richmond Hill is unchanged from the previous scenario. This scenario would increase Regional Council from 20 to 26 members, not including the Regional Chair.

An additional member for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill increases Council's size to 27 excluding the Regional Chair

Attachment 6 sets out how adding an additional member from each of Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill would affect each municipality's share of population and representation in 2018. Aurora, East Gwillimbury, Georgina, King and Whitchurch-Stouffville move one percentage point closer to achieving an equal percentage of representation and population than the previous scenario while Newmarket has about the same share of representation and population. Markham moves one percentage point further away from achieving an equal percentage of representation and population and Vaughan remains unchanged. Richmond Hill's share of representation increases by three percentage points compared to the previous scenario, which takes it to the same as its share of representation. This scenario

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would increase Regional Council from 20 to 27 members, not including the Regional Chair.

Summary Table

Attachment 7 summarizes these scenarios and the impact of additional Council members on representation by population.

Process and timing for any potential governance changes

The *Municipal Act, 2001* sets out basic rules for the composition of Regional Council

The *Act* contains provisions about changing the composition of Council. Regional Council is considered an upper-tier council for the purposes of the *Act*. Under section 218(1), any change to the composition of an upper-tier council is subject to the following rules:

- the upper-tier council must have a minimum of five members including the head of council
- each lower-tier municipality must be represented on the upper-tier council
- Council members are elected to the upper-tier or lower-tier council in accordance with the *Municipal Elections Act*
- Council members elected to the upper-tier or lower-tier council may be elected by general vote, wards or combination of both

The *Act* gives Council the authority to change its composition or introduce weighted voting subject to certain rules

Under section 218(2) of the *Act*, Council's power to change its composition includes:

- changing the size of Council
- changing the methods by which members are selected
- allowing a Council member to represent more than one lower-tier municipality

Section 218(3) of the *Act* authorizes Council to change the number of votes given to any member, provided that each member has at least one vote. A weighted voting approach is consistent with this section.

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To make any such changes, Council must request and receive a Minister's regulation and achieve the "triple majority" set out in section 219(2) of the *Act* and as described below.

Council must pass a resolution requesting the Minister of Municipal Affairs to make a regulation authorizing Council to change its composition and/or introduce weighted voting

Section 218(5) of the *Act* provides that a regional municipality must not pass a bylaw authorizing a change in the composition of Council or introduce weighted voting until the Minister of Municipal Affairs has made a regulation authorizing it to do so. Section 218(7) of the *Act* provides that the Minister shall not make a regulation until the Minister has received a resolution from the regional municipality requesting the regulation.

Thus Council must first pass a resolution requesting the Minister to make a regulation authorizing Council to change its composition and/or exercise weighted voting, submit the resolution to the Minister and await the Minister's response.

If the Minister makes the regulation, then a bylaw would be developed to authorize the proposed change.

Council must also achieve a "triple majority" before it can enact a bylaw to change its composition or introduce weighted voting

After receiving the Minister's regulation, Council must give public notice of its intention to pass a bylaw changing the composition of Council and/or to introduce weighted voting. Then it must hold at least one public meeting to consider the matter.

Section 219(2) of the *Act* provides that before a bylaw changing the composition of Council and/or introducing weighted voting comes into force, a "triple majority" must be attained as follows:

- a majority of all votes on Regional Council must be cast in its favour
- a majority of Councils from the nine local municipalities must pass resolutions consenting to the bylaw
- the total number of electors, (i.e. eligible voters from the last municipal election), in the local municipalities that have passed resolutions consenting to the bylaw must form a majority of all electors in York Region

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A change in Council's composition, or the introduction of weighted voting, must be implemented before December 31, 2017 to be in place for the 2018 election

Any bylaw changing the composition of Council or introducing weighted voting would come into effect on the day a new council is organized. The *Act* requires the requisite steps to be completed by December 31, 2017 to be in effect for the next newly-elected council of December 1, 2018.

It would be prudent for Council to decide on changes by December 2016 in order to allow sufficient time to obtain a Ministerial Regulation, engage in the process relating to the "triple majority" and allow time for any related changes to the membership of local councils prior to December 31, 2017.

Table 5 shows a summary of the key dates for the 2018 municipal elections.

Table 5
Key 2018 municipal election dates

Event	Date
Candidate nomination period begins	May 1, 2018
Candidate nomination period ends	July 27, 2018
Voting day	October 22, 2018

5. Financial Implications

Each additional member of Council would be entitled to the same salary and benefit package as exists for the other member of Council. This is currently \$54,337 per member of Regional Council plus an average benefit cost of 18.5% of base salary. The package totals \$64,389 per member. Members of Regional Council are also entitled to mileage and other expenses related to the exercise of their duties. This averaged \$1,922 per member in 2015.

If the size of Council was to increase, the Council Chambers will need modification to accommodate the additional members. Two additional members could be accommodated at no cost while reconfiguring the Chambers to accommodate up to four additional members will cost in the region of \$200,000 for the required millwork, cabling and equipment costs. Increasing the size of Council by more than four members will likely require reconstruction of the existing horseshoe configuration. Preliminary estimates suggest a cost in the order of \$500,000 for this change.

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6. Local Municipal Impact

Any attempt to change Council's composition or the number of votes for each member will require a level of support from local municipal councils as set out in the *Municipal Act*.

Additionally, increasing the size of Regional Council could mean corresponding adjustments to the numerical and geographical representation on one or more local councils.

7. Conclusion

Council has previously considered Regional governance and the composition of Council on several occasions in the past.

It has previously voted not to support Bill 42 which sought to require the Regional Chair to be directly elected. That Bill is no longer on the table following the proroguing of the Legislature's last session.

Regional Council Members have always been elected through the double-direct method of election which results in the sitting on both Regional and local Councils. While there are alternative ways to elect members the double-direct method currently works well for the Region. Consequently there is no need to investigate re-drawing electoral boundaries to facilitate shared or directly elected members.

The *Municipal Act* provides that a local municipality may appoint one of its members as an alternate member of regional council if a regional council member from the local municipality is unable to act as a member of the regional council for more than one month. There needs to be a legislative change in order for local councils to appoint alternates on a more ad hoc basis.

Weighted voting is another option for potentially aligning municipalities' percentage of representation with their percentage of population but also requires further clarification.

Adding another member for Vaughan would address the fact it has the largest disparity between its percentage of population and percentage of representation.

The four municipalities with only one member – Aurora, East Gwillimbury, King and Whitchurch-Stouffville – could benefit from having an extra member each because they would have greater certainty of always having a representative at every Regional meeting.

Review of Regional Council Governance

However, adding an extra Member for each of those municipalities will negatively impact other municipalities' share of representation as it compares to their population. This is most true for Vaughan, as stated above, Markham and Richmond Hill. The surest way to keep those municipalities' percentage of representation as close as possible to their current state is to add an additional Member for each of them. This would result in a Council of 27 Members, plus the Regional Chair.

Any change to Council's composition or voting method requires a Ministerial Regulation and successful completion of the triple majority process. For any such change to be in place for the next term of Council the process must be completed by December 31, 2017. There is already a Ministerial Regulation in effect permitting Council to add an extra member for Vaughan.

Approved for Submission:

Wayne Emmerson
Regional Chair

October 5, 2016

Attachments (7)

#6769110

Accessible formats or communication supports are available upon request

Regional Council Electoral Systems, 2016

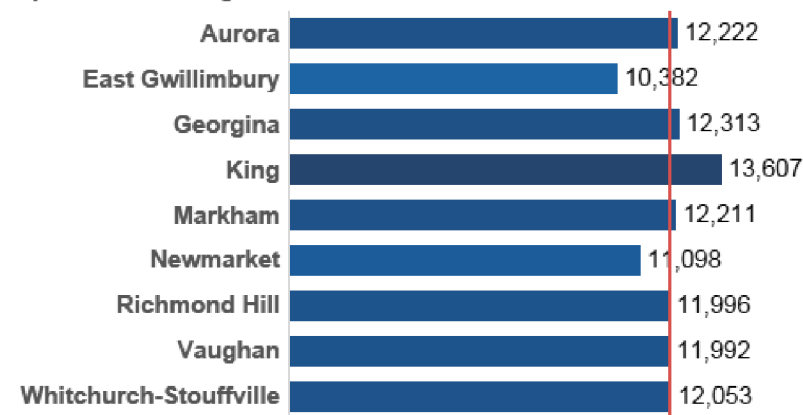
Regional Government	Directly-Elected Members	Double-Directly Elected Members	Number of Representatives for the Least Populous Municipality	Regional Wards within Constituent Municipalities
Durham	No	20 (+8 Mayors + Chair)	2	<u>Ajax, Whitby & Pickering</u> : Yes, Regional Councillors represent groups of local wards. No for other municipalities, including Oshawa, where Local Councillors are elected at large
Halton	No	16 (+4 Mayors + Chair)	3	Yes <u>Burlington</u> : All 6 City Councillors also sit on Regional Council <u>Oakville</u> : Each of 6 wards elects both a Regional Councillor and a Town Councillor <u>Milton & Halton Hills</u> : Groups of local wards
Niagara	18 (+12 Mayors + Chair)	No	1	No
Peel	No	21 (+3 Mayors + Chair)	5	<u>Mississauga</u> : All 10 City Councillors sit on Regional Council <u>Brampton</u> : 2 Local Wards= 1 Regional Ward <u>Caledon</u> : 4 Regional Councillors from 5 wards (wards 3 & 4 jointly elect 1 Regional Councillor)
Waterloo	8 (+7 Mayors + Chair)	No	1	No
York	No	11 (+9 Mayors + Chair)	1	No

A Potential Weighted Voting Scenario

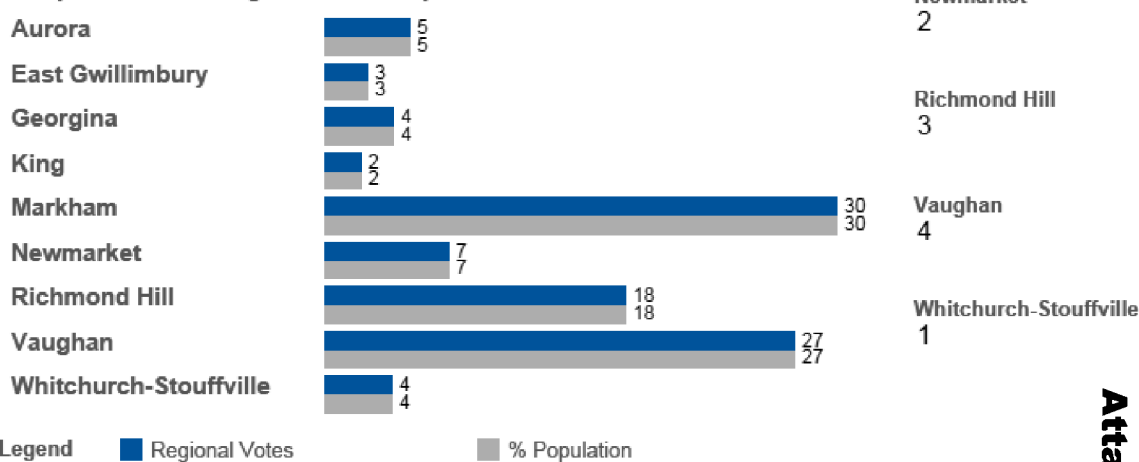
Structure of Regional Council - Weighted Voting Scenario - Population Year 2018

Municipality	# of Elected Members	Population	% Population	Estimated # of Regional Votes	# of Votes per Elected Member	Adjusted # of Regional Votes	Population Per Regional Vote	Year 2018
Aurora	1	61,110	5%	5	5	5	12,222	Aurora 1
East Gwillimbury	1	31,147	3%	3	3	3	10,382	East Gwillimbury 1
Georgina	2	49,251	4%	4	2	4	12,313	Georgina 2
King	1	27,214	2%	2	2	2	13,607	King 1
Markham	5	366,319	30%	30	6	30	12,211	Markham 5
Newmarket	2	88,781	7%	7	4	8	11,098	Newmarket 2
Richmond Hill	3	215,919	18%	18	6	18	11,996	Richmond Hill 3
Vaughan	4	335,788	27%	27	7	28	11,992	Vaughan 4
Whitchurch-Stouffville	1	48,212	4%	4	4	4	12,053	Whitchurch-Stouffville 1
Total	20	1,223,741	100%	100				

Population Per Regional Vote



% Population and Regional Vote Representation

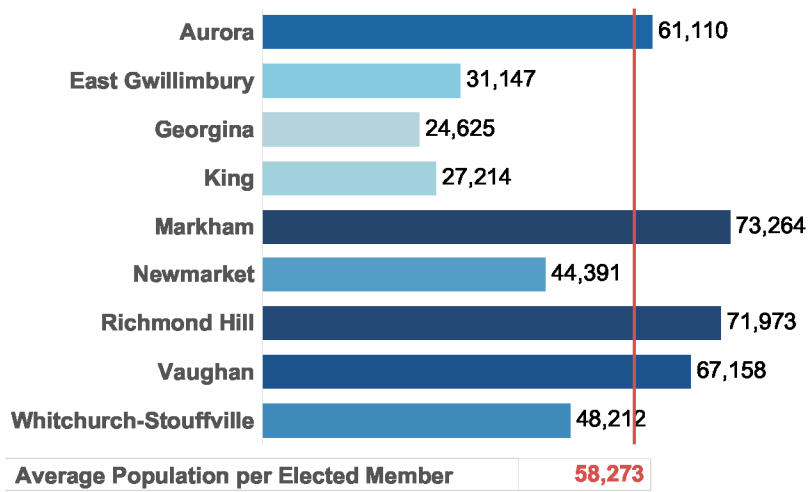


Structure of Regional Council with an additional member for Vaughan in 2018

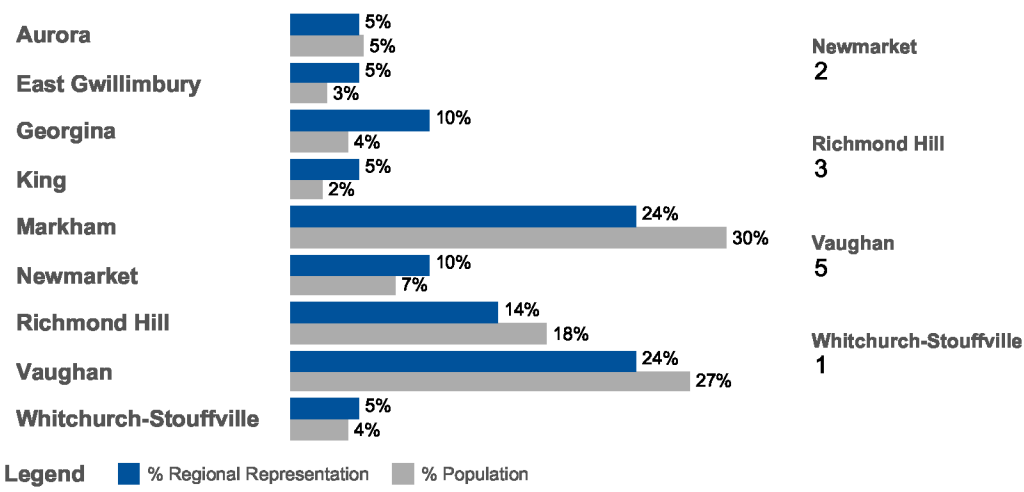
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	1	61,110	61,110	5%	5%	Aurora 1
East Gwillimbury	1	31,147	31,147	3%	5%	East Gwillimbury 1
Georgina	2	49,251	24,625	4%	10%	
King	1	27,214	27,214	2%	5%	Georgina 2
Markham	5	366,319	73,264	30%	24%	
Newmarket	2	88,781	44,391	7%	10%	King 1
Richmond Hill	3	215,919	71,973	18%	14%	
Vaughan	5	335,788	67,158	27%	24%	Markham 5
Whitchurch-Stouffville	1	48,212	48,212	4%	5%	
Total	21	1,223,741	58,273	100%	100%	

Population Per Elected Member



% Population and % Regional Representation

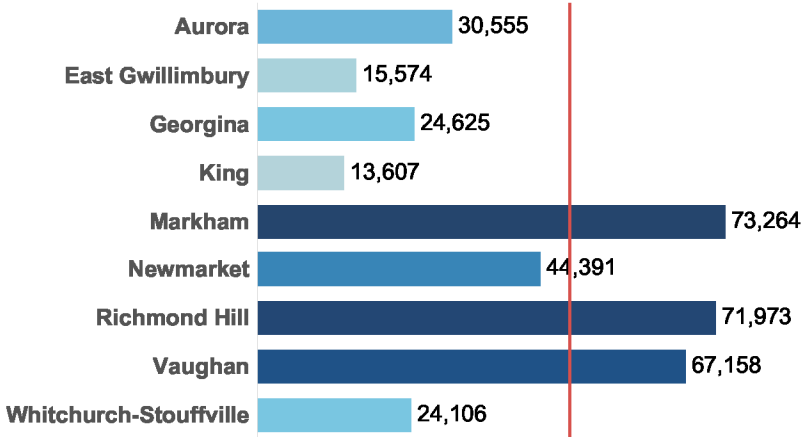


Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King and Whitchurch-Stouffville in 2018

Structure of Regional Council - Representation by Population - Population Year 2018

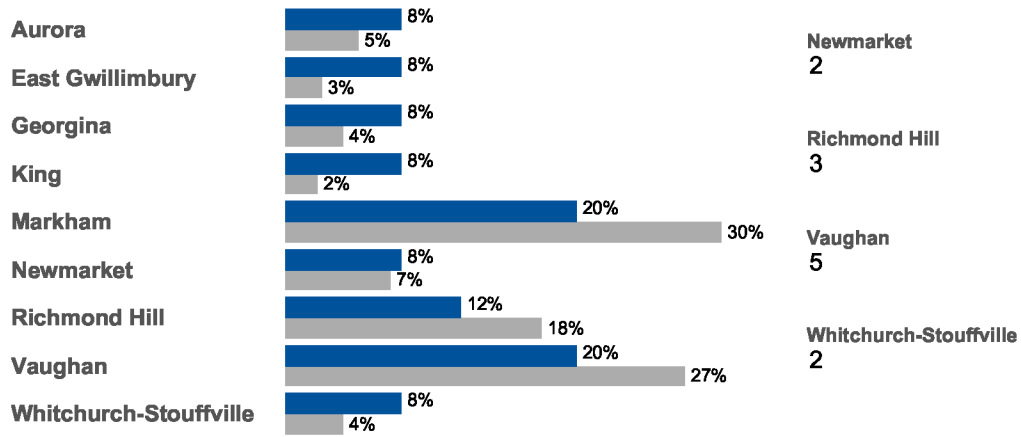
Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	8%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	8%	
Georgina	2	49,251	24,625	4%	8%	East Gwillimbury 2
King	2	27,214	13,607	2%	8%	
Markham	5	366,319	73,264	30%	20%	Georgina 2
Newmarket	2	88,781	44,391	7%	8%	
Richmond Hill	3	215,919	71,973	18%	12%	
Vaughan	5	335,788	67,158	27%	20%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	8%	
Total	25	1,223,741	48,950	100%	100%	Markham 5

Population Per Elected Member



Average Population per Elected Member 48,950

% Population and % Regional Representation



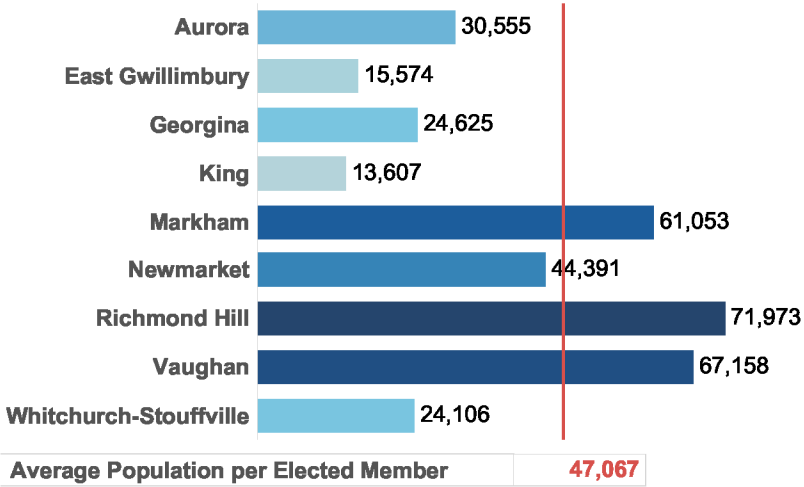
Legend % Regional Representation % Population

Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville and Markham in 2018

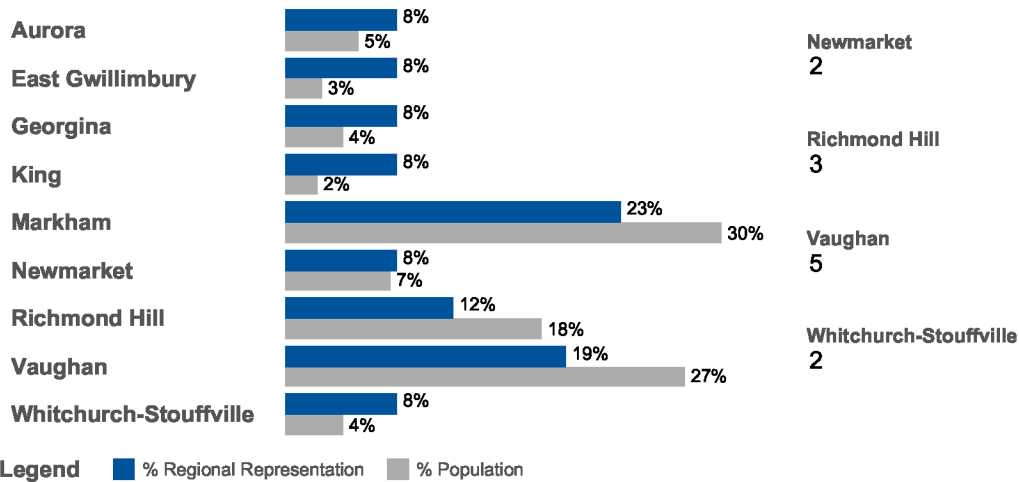
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	8%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	8%	
Georgina	2	49,251	24,625	4%	8%	East Gwillimbury 2
King	2	27,214	13,607	2%	8%	
Markham	6	366,319	61,053	30%	23%	Georgina 2
Newmarket	2	88,781	44,391	7%	8%	
Richmond Hill	3	215,919	71,973	18%	12%	
Vaughan	5	335,788	67,158	27%	19%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	8%	
Total	26	1,223,741	47,067	100%	100%	Markham 6

Population Per Elected Member



% Population and % Regional Representation

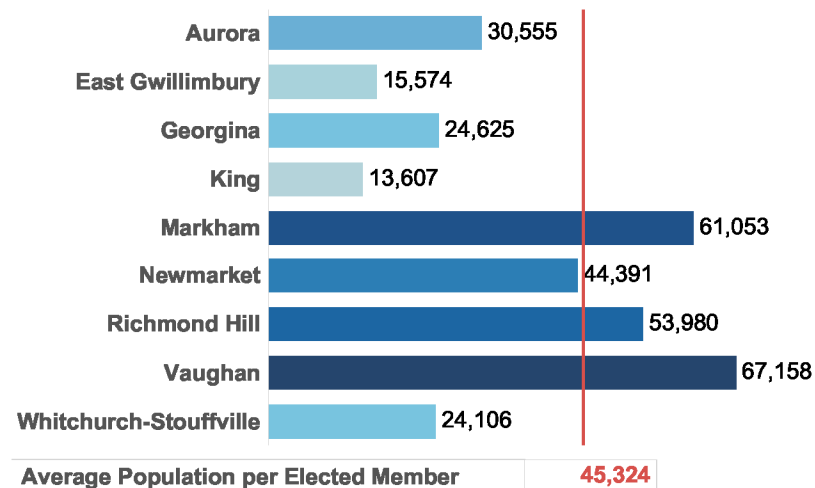


Structure of Regional Council with additional members for Vaughan, Aurora, East Gwillimbury, King, Whitchurch-Stouffville, Markham and Richmond Hill in 2018

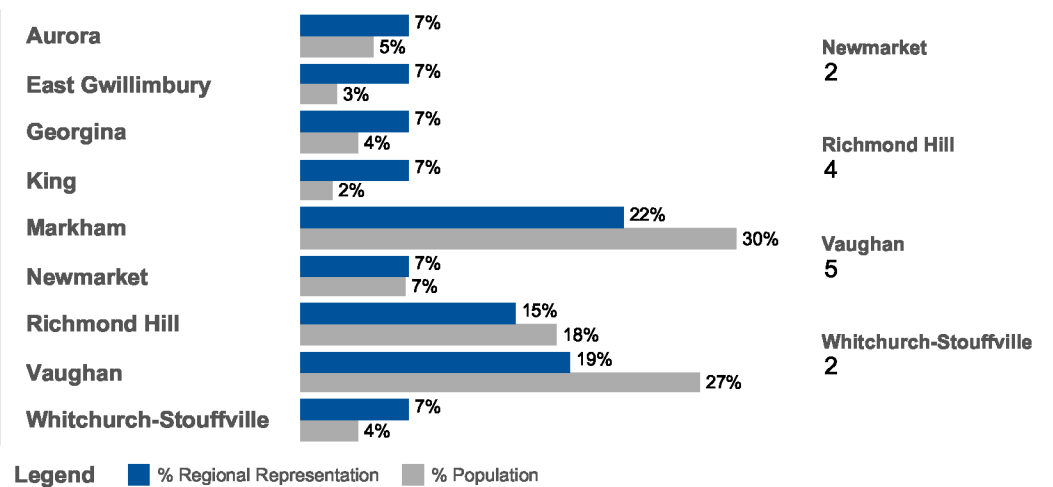
Structure of Regional Council - Representation by Population - Population Year 2018

Municipality	# of Elected Members	Population	Population per Elected Member	% Population	% Representation	Year 2018
Aurora	2	61,110	30,555	5%	7%	Aurora 2
East Gwillimbury	2	31,147	15,574	3%	7%	
Georgina	2	49,251	24,625	4%	7%	East Gwillimbury 2
King	2	27,214	13,607	2%	7%	
Markham	6	366,319	61,053	30%	22%	Georgina 2
Newmarket	2	88,781	44,391	7%	7%	
Richmond Hill	4	215,919	53,980	18%	15%	
Vaughan	5	335,788	67,158	27%	19%	King 2
Whitchurch-Stouffville	2	48,212	24,106	4%	7%	
Total	27	1,223,741	45,324	100%	100%	

Population Per Elected Member



% Population and % Regional Representation



Population and Representation Scenarios

Municipality	# of elected members (20)	Population 2018	Population per elected member	Percentage population	Representation by Population				
					Status Quo (20) Table 3	1 extra member for Vaughan (21) Attachment 3	1 extra member for: Vaughan, Aurora, East Gwillumbury, King & Whitchurch-Stouffville (25) Attachment 4	1 extra member for: Vaughan, Aurora, East Gwillumbury, King, Whitchurch-Stouffville & Markham (26) Attachment 5	1 extra member for: Vaughan, Aurora, East Gwillumbury, King, Whitchurch-Stouffville, Markham & Richmond Hill (27) Attachment 6
Aurora	1	61,110	61,110	5%	5%	5%	8%	8%	7%
East Gwillumbury	1	31,147	31,147	3%	5%	5%	8%	8%	7%
Georgina	2	49,251	24,626	4%	10%	10%	8%	8%	7%
King	1	27,214	27,214	2%	5%	5%	8%	8%	7%
Markham	5	366,319	73,264	30%	25%	24%	20%	23%	22%
Newmarket	2	88,781	44,390	7%	10%	10%	8%	8%	7%
Richmond Hill	3	215,919	71,973	18%	15%	14%	12%	12%	15%
Vaughan	4	355,788	83,947	27%	20%	24%	20%	19%	19%
Whitchurch-Stouffville	1	48,212	48,212	4%	5%	5%	8%	8%	7%
Totals	20	1,223,741	61,187	100%	100%	102%	100%	102%	98%

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Attachment 7