



Town of Newmarket

Agenda

Committee of the Whole

Date: Monday, June 11, 2018
Time: 11:00 AM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Agenda published on June 7, 2018

| | Pages |
|---|-------|
| 1. Additions & Corrections to the Agenda | |
| Note: Additional items are marked by an asterisk*. | |
| 2. Declarations of Pecuniary Interest | |
| 3. Presentations & Recognitions | |
| 3.1 Exterior Building Enhancements - Fairy Lake Gardens | 1 |
| Note: Tony Di Donato, Project Manager, York Region Housing Services will be in attendance to provide a presentation on this matter. | |
| *3.2 Upper York Sewage Solutions – York Durham Sewage System Forcemain Twining and Total Phosphorus Offsets Program Status Update | 23 |
| Note: Mike Rabeau, Director of Capital Planning and Delivery, Environmental Services, York Region and Shu He, Manager, Engineering, Capital Planning and Delivery, Environmental Services, York Region will be in attendance to provide a presentation on this matter. | |
| 4. Deputations | |
| 5. Consent Items | |
| 5.1 Mulock Station Area Secondary Plan – Update and Density | 45 |

1. That the Report entitled Mulock Station Area Secondary Plan – Update and Density be received; and,
2. That Council authorize the submission of this Report, as well as the Density Technical Memorandum regarding Transit-Supportive Density Testing, dated May 30, 2018, included as Attachment 1 to this Report, to Metrolinx; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.2 Intensification in Stable Residential Neighbourhoods

61

1. That the report entitled Development And Infrastructure Services/Planning & Building Services Report 2018-37 dated June 11, 2018 be received; and,
2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and,
3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report.

5.3 Urban Centres Zoning By-law: Status Update and Request for Release of Draft Framework

69

1. That the report entitled Urban Centres Zoning By-law: Status Update and Request for Release of Draft Framework, dated June 11, 2018, be received; and,
2. That the Urban Centres Zoning By-law Draft Framework, dated May 25, 2018, be released for public review over the summer months; and,
3. That following the public review period and subsequent to the Open House and Public Meeting, issues identified in this report, together with comments from the public and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.4 Zoning By-law Review

79

1. That the report entitled Zoning By-law Review dated June

11, 2018 be received; and,

2. That staff provide public notice in accordance with the Planning Act of the Town's intent to amend the Zoning By-law; and,
3. That the proposed amendments to Zoning By-Law 2010-40 be referred to a public meeting; and,
4. That following the public meeting, 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.

***5.5 Reserve Fund and Reserve Funds Budget Report 135**

1. That the report entitled 2018 Reserves and Reserve Funds Budget dated June 11, 2018 be received; and,
2. That the projected revenues for the 2018 Reserves and Reserve Funds Budget as set out in the attachment be approved.

5.6 Administrative Monetary Penalty System for Parking Offences 143

1. That the report entitled "Administrative Monetary Penalty System for Parking Offences" dated June 11, 2018 be received; and,
2. That staff be directed to implement an Administrative Monetary Penalty System in Q1/Q2 2020; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.7 Licensing of Driving School Instructors 153

1. That the report entitled Licensing of Driving School Instructors dated June 11, 2018 be received; and,
2. That Council repeal the Restricted Area By-law 2017-32 and adopt the Licensing of Driving Instructors By-law (Appendix A); and,
3. That the Fees and Charges By-law be amended to include the Driving School Instructor Licensing Fees; and,
4. That Staff be authorized and directed to do all things

necessary to give effect to this resolution.

| | | |
|-------|--|-----|
| 5.8 | York Durham Sewage System Modifications – Region Easements on Town Land | 167 |
| | <ol style="list-style-type: none"> 1. That the report entitled York Durham Sewage Systems Modifications (YDSS) - Region Easements on Town Land dated June 11, 2018 be received; and, 2. That the Town transfer the temporary and permanent easements set out in this report to the Region to facilitate the YDSS; and, 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution. | |
| 5.9 | Petition for Traffic Calming - Patti McCulloch Way | 177 |
| | <ol style="list-style-type: none"> 1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy. | |
| 5.10 | Accessibility Advisory Committee Meeting Minutes of March 15, 2018 | 179 |
| | <ol style="list-style-type: none"> 1. That the Accessibility Advisory Committee Meeting Minutes of March 15, 2018 be received. | |
| 5.11 | Newmarket Public Library Board Meeting Minutes of April 18, 2018 | 183 |
| | <ol style="list-style-type: none"> 1. That the Newmarket Public Library Board Meeting Minutes of April 18, 2018 be received. | |
| 5.12 | Main Street District Business Improvement Area Board of Management Meeting Minutes of April 23, 2018 | 187 |
| | <ol style="list-style-type: none"> 1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of April 23, 2018 be received. | |
| 5.13 | Outstanding Matters List | 195 |
| | <ol style="list-style-type: none"> 1. That the list of outstanding matters be received. | |
| *5.14 | York Region Municipal Streetscape Partnership Program – Streetscape Improvements at Bathurst Street/Davis Drive | 213 |
| | <ol style="list-style-type: none"> 1. That the report entitled York Region Municipal Streetscape | |

Partnership Program – Streetscape Improvements at Bathurst Street/Davis Drive Intersection dated June 11, 2018 be received; and,

2. That the Engineering Services Department be authorized to submit an application under the Municipal Streetscape Partnership Program offered by York Region for the construction of streetscape improvements on roadways at the intersection of Davis Drive and Bathurst Street;
3. That if successful the Town will fund 50% of the design and construction costs associated with the improvements; and,
4. That once the streetscape and intersection improvements are complete, they be maintained by the Town at its sole cost; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

***5.15 Fire Station 4-5 Update**

217

1. That the report entitled Fire Station 4-5 Update dated June 11, 2018 be received for information purposes; and,
2. That Council confirm its authorization for the final amount of \$4,812,239 which will be included in the 2019 Capital Budget.

***5.16 Petition for Traffic Calming - Lorne Avenue between Millard Avenue and Eagle Street**

231

1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy.

6. Action Items

7. Reports by Regional Representatives

8. Notices of Motions

9. Motions

10. New Business

11. Closed Session

Note: Closed Session is scheduled to begin at 11:00 AM.

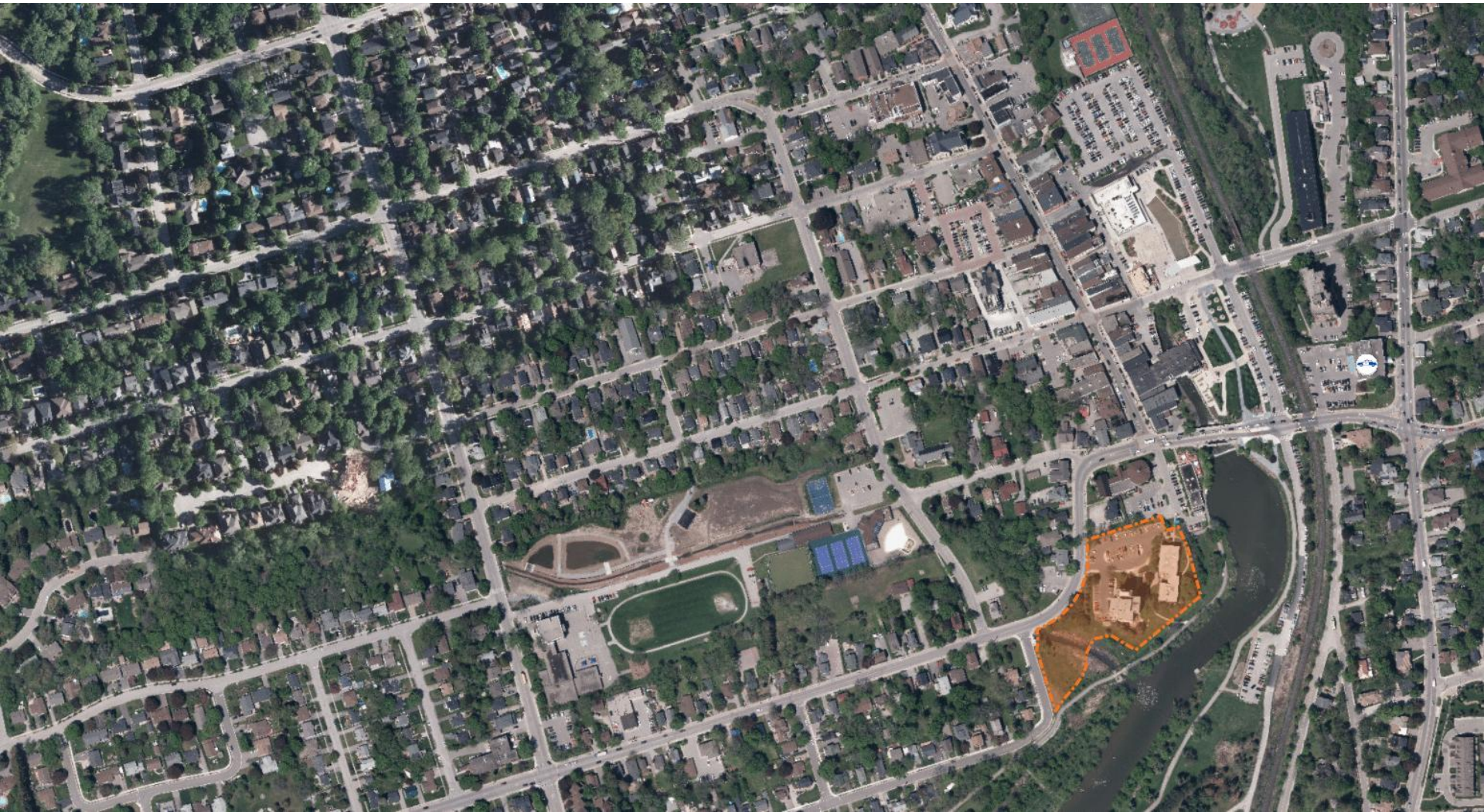
- *11.1 Hollingsworth Arena - A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2) (c) of the Municipal Act, 2001.
 - 11.1.1 Presentations
 - 11.1.2 Staff Report 2018-07 - Office of the CAO, Commissioners and Legal Services
 - 11.1.3 Staff Report 2018-38 - Planning Services
 - *11.2 A property in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.
 - *11.3 York Durham Sewage System Modifications – A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2) (c) of the Municipal Act, 2001
- 12. Public Hearing Matter**
- 13. Adjournment**

Fairy Lake Gardens – Exterior Building Enhancements

Presentation to
Town of Newmarket – Committee of the Whole

Tony Di Donato
June 11, 2018

Housing York Inc.² Property



Yonge & Eagle Street³



Main Street



Water Street

5



Fairy Lake Gardens

A 13 storey building located at 468 Eagle Street in the heart of Newmarket, overlooking Fairy Lake. The original building was completed in 1971 and consists of 97 seniors' apartments.



Exterior Building Enhancements

- Balcony Railing Replacements
- Windows & Doors
- Cladding Enhancement (Colour Change)
- New Landscaping



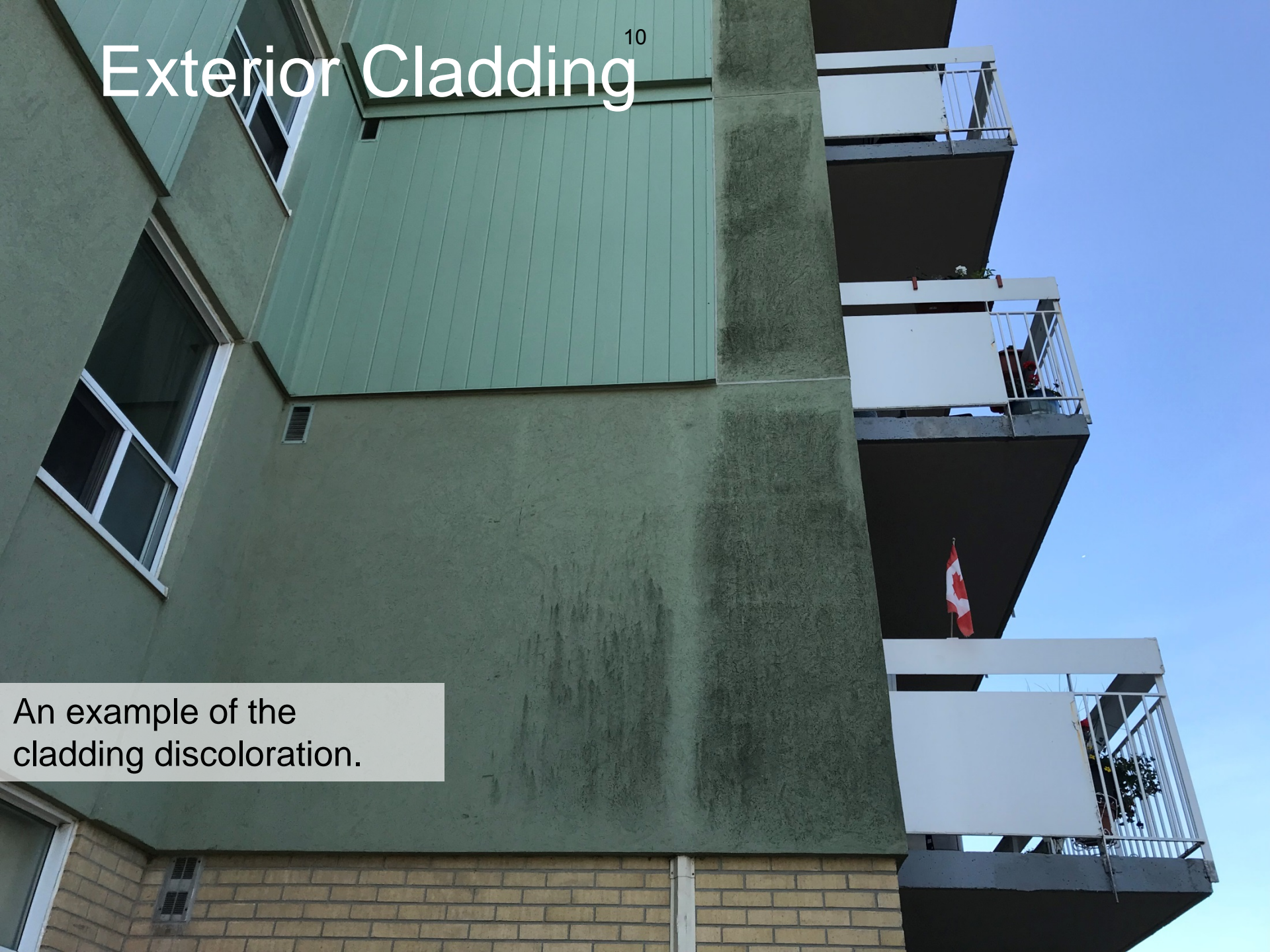


An investigation of the building was completed in 2017 to determine the condition of exterior building components and finishes.



Exterior Cladding¹⁰

An example of the
cladding discoloration.



Proposed Landscaping Areas



Preliminary Balcony Railing



Concept A

13



Concept A

14



Concept B

15



Concept B

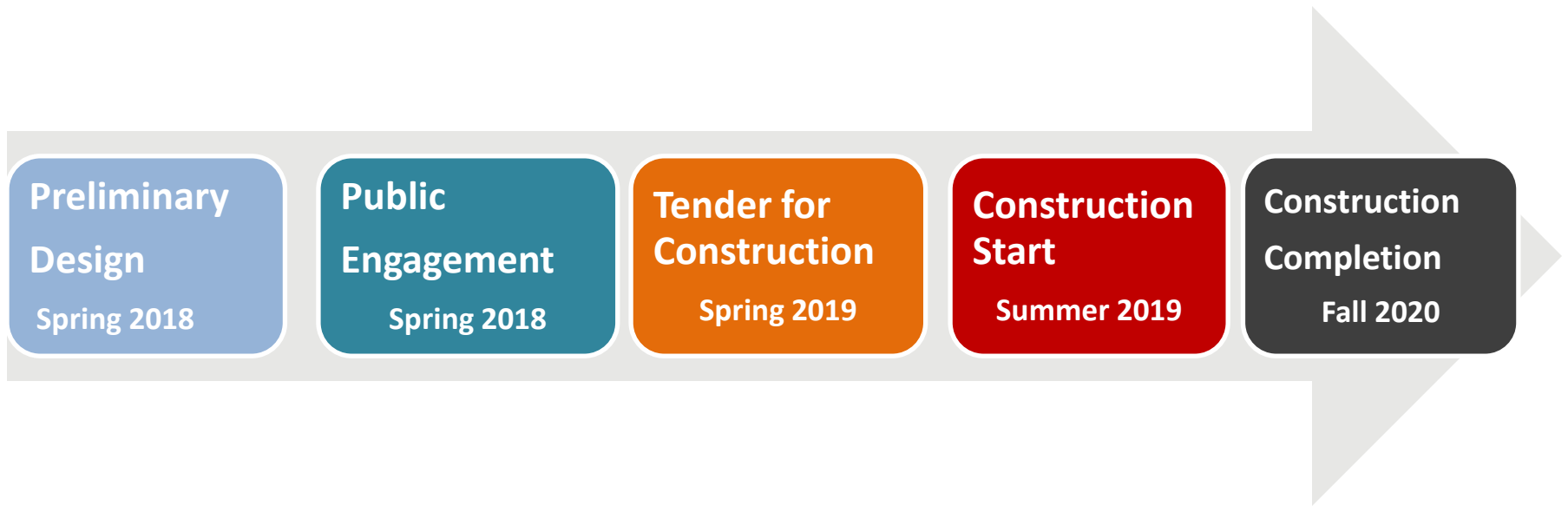
16



Cladding Enhancement



Project Timeline



Housing York Inc. Tenant Engagement

Tenant Information Center:

Exterior Building Enhancements at Fairy Lake Gardens

Housing York Inc. will be holding a Tenant Information Centre to display the exterior building enhancement plan with concept images. A project overview will be provided and tenants will have the opportunity to ask questions and provide feedback.

When: Wednesday, June 13, drop-in anytime from 10:00 to 11:30a.m.

Where: Fairy Lake Gardens, Common Room, 468 Eagle Street

Public Engagement

Public Information Centre:

Housing York Inc. is enhancing Fairy Lake Gardens' exterior

In spring 2019, Housing York Inc. (HYI) will begin making several enhancements to the exterior of Fairy Lake Gardens – a 13-storey seniors building located at 468 Eagle Street in the Town of Newmarket.

Stop by and find out more

On June 19, 2018, HYI will share its exterior building enhancement plan and concept images at a Public Information Centre.

Residents are encouraged to attend.

Where: Newmarket Community Centre and Lions Hall – Lions Hall #1
200 Doug Duncan Drive

When: Tuesday, June 19, 2018, Drop in anytime between 7 p.m. and 9 p.m.

Thank you



UPPER YORK SEWAGE SOLUTIONS

YORK DURHAM SEWAGE SYSTEM
FORCEMAIN TWINNING AND
TOTAL PHOSPHORUS OFF-SETS
PROGRAM STATUS UPDATE

Mike Rabeau

Director, Capital Planning and Delivery
Environmental Services

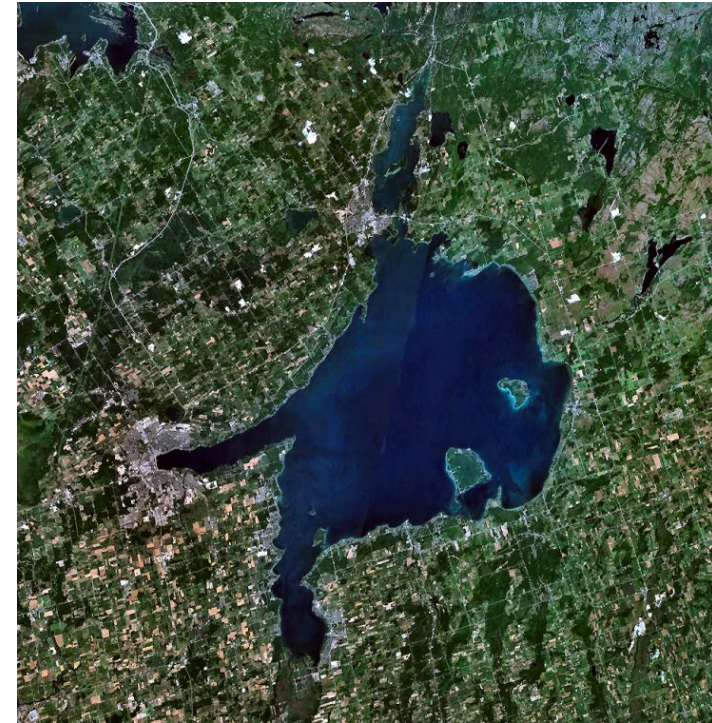
Shu He

Manager, Engineering
Environmental Services

June 11, 2018

AGENDA

1. Upper York Sewage Solutions
 - Purpose
 - Key Elements
 - Project Update
2. York Durham Sewage System Forcemain Twinning
 - Forcemain Twinning Alignment
 - Key Design Features
 - Construction Methodologies
 - Potential Impacts and Mitigation Measures
 - Communications and Community Engagement
 - Future communication with the Town Council
3. Upper York Sewage Solutions: Total Phosphorus Off-Sets Program
 - Program Overview
4. Next Steps



UPPER YORK SEWAGE SOLUTIONS: STATUS UPDATE

UPPER YORK SEWAGE SOLUTIONS PURPOSE

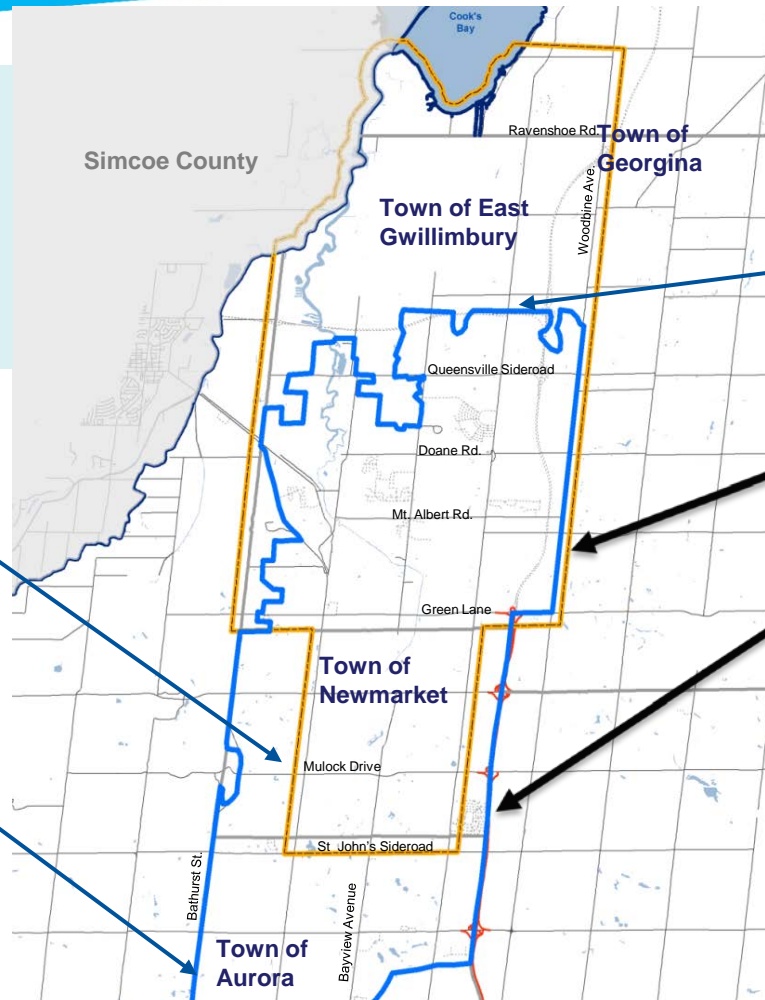
To develop a sustainable sewage servicing solution to accommodate forecasted growth in UYSS area

NEWMARKET

Popⁿ & Emp 27,000
Sewage Flow 8 MLD

AURORA

Popⁿ & Emp 34,500
Sewage Flow 11 MLD



EAST GWILLIMBURY

Popⁿ & Emp 91,500
Sewage Flow 28 MLD

Study Area

Service Area

47 million litres per day (MLD) additional capacity required to 2031

UPPER YORK SEWAGE SOLUTIONS KEY ELEMENTS

**Water Reclamation
Centre with Reclaimed
Water & Discharge to
the East Holland River**

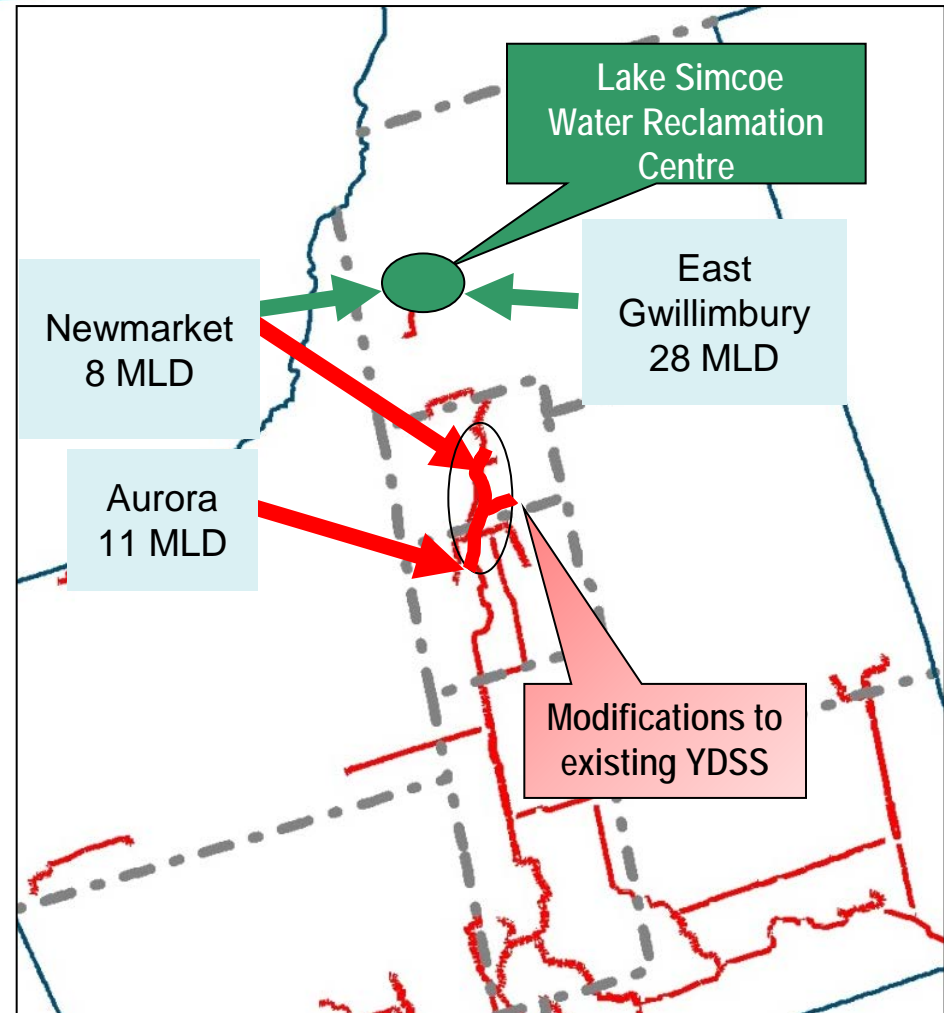
Clean treated effluent
for discharge into the
East Holland River
and reclaimed water
applications

**Modifications to
the Existing York
Durham Sewage
System**

System reliability &
security and
protection against
severe peak flows

**Project Specific
Phosphorus
Off-Setting
Program**

A net reduction of
phosphorus into the
Lake Simcoe
watershed



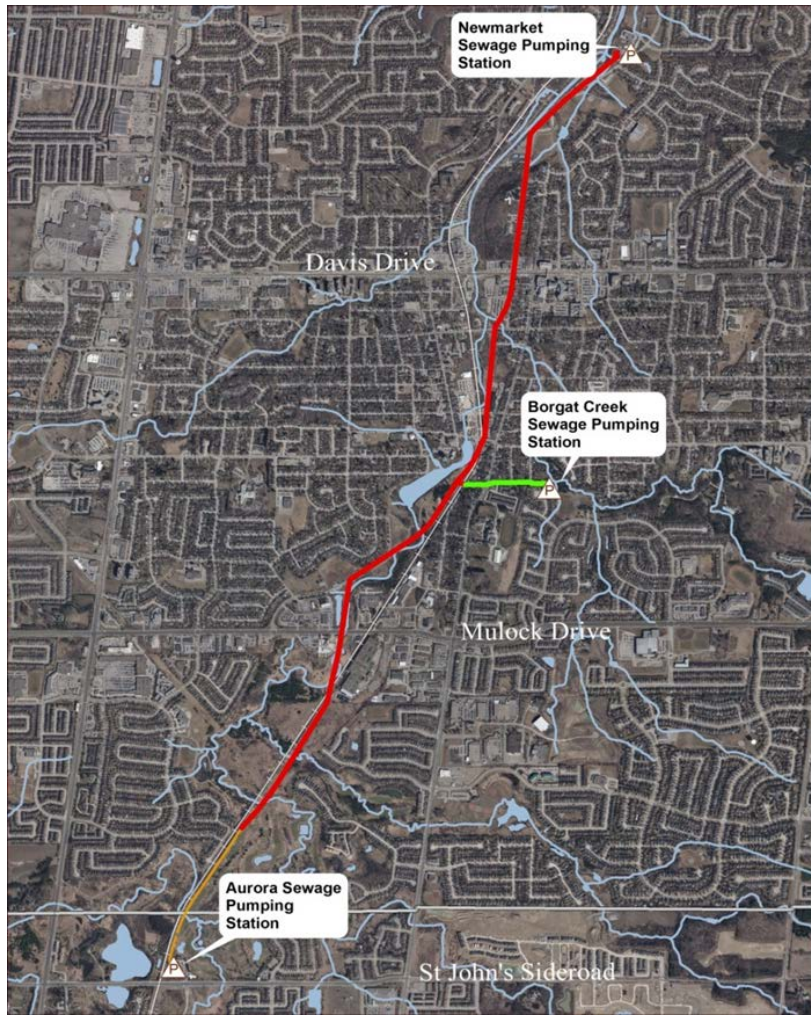
UPPER YORK SEWAGE SOLUTIONS PROJECT UPDATE

- Regional Council received a status update on the Upper York Sewage Solutions (UYSS) project in January 2018
- The Region received a Declaration Order for the York Durham Sewage System (YDSS) Forcemain Twinning from the province on March 7, 2018
 - Construction of the YDSS Forcemain Twinning project is scheduled to begin in the Town of Newmarket in 2019

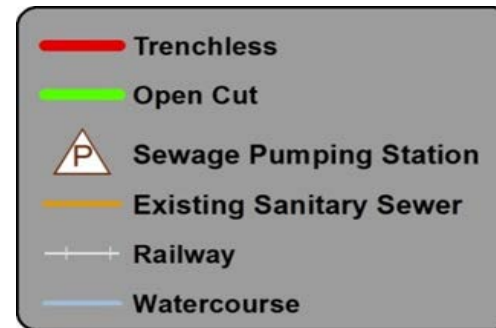


YORK DURHAM SEWAGE SYSTEM FORCEMAIN TWINNING: STATUS UPDATE

YORK DURHAM SEWAGE SYSTEM FORCEMAIN TWINNING ALIGNMENT



- Installation of two new sanitary sewer forcemains
- Modifications to Newmarket and Borgat Creek Sewage Pumping Stations
- Project benefits include:
 - System redundancy and reliability during high flow conditions/ extreme wet weather events
 - Sewage service security for current and future residents



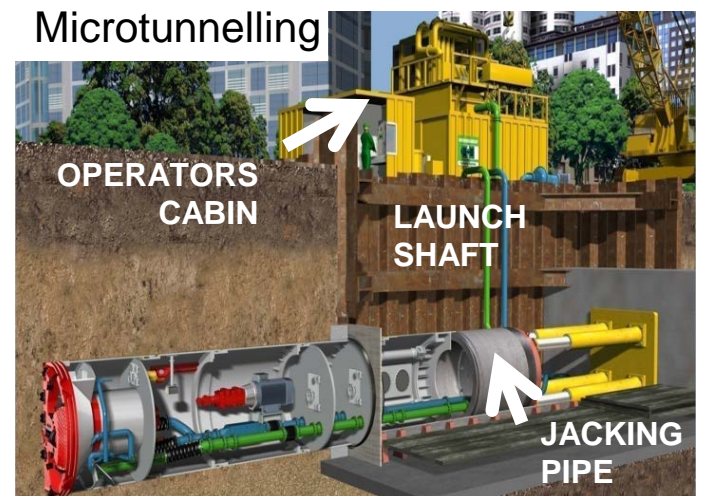
KEY DESIGN FEATURES

- Over 5000 metres of trenchless construction from Newmarket Pumping Station to Aurora Pumping Station
- Approximately 530 metres of open-cut construction from Bogart Creek Pumping Station to the Newmarket sanitary sewer forcemain connection point at Fairy Lake Park
- 10 Microtunnelling compounds
- 3 Railway Crossings
- 16 Water Crossings

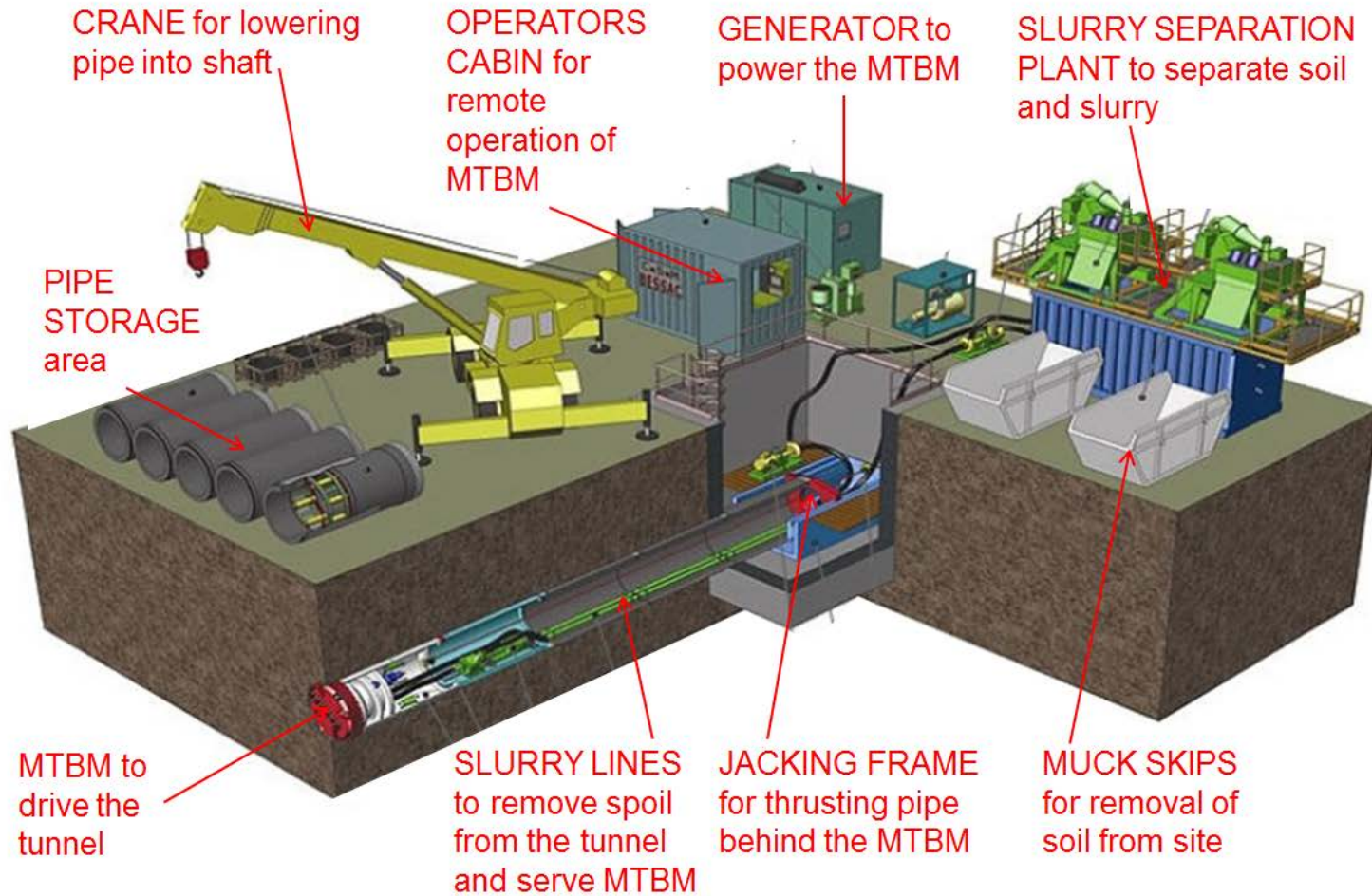


CONSTRUCTION METHODOLOGIES

- **Open Cut** – Trench excavation providing adequate space to install infrastructure
 - Requires road closures in order to excavate
 - More surface area required compared to trenchless methods
- **Microtunnelling** – Trenchless method to install pipes using a remote controlled tunnelling machine
 - Requires sending and receiving shafts and compounds (work areas)
 - Low impact to environment and surrounding community
 - Minimal surface impacts



TYPICAL MICROTUNNELLING COMPOUND LAYOUT



POTENTIAL IMPACTS AND MITIGATION MEASURES

| Potential Impacts | Recommended Mitigation Strategies |
|---------------------------------------|--|
| Construction Access and Egress | <ul style="list-style-type: none"> • Ensure flag persons are present to coordinate traffic where necessary • Plan compound areas with a safe truck turning radius |
| Traffic | <ul style="list-style-type: none"> • Traffic management plan with designated truck routes to mainly use Regional roads • Require flag persons or paid-duty officer to coordinate/direct traffic as required • Restrict truck traffic during special Town events • Schedule material deliveries during off-peak hours |
| Noise and Vibration | <ul style="list-style-type: none"> • Implement noise attenuation system at construction compounds • Tighten specification requirements for equipment • Implement noise and vibration monitoring program |
| Pedestrians and Trails | <ul style="list-style-type: none"> • Avoid trail systems wherever possible • Provide signed detours where necessary • Ensure safety provisions include temporary lighting and closures as required |
| Parking | <ul style="list-style-type: none"> • Minimize impact on parking lots wherever possible |
| Community Events | <ul style="list-style-type: none"> • Coordinate with Town staff to mitigate construction impacts during major events • Proactive communication to residents |

COMMUNICATION AND COMMUNITY ENGAGEMENT

- Working Together Committee meetings with the Region's project team, Town staff and Lake Simcoe Region Conservation Authority (LSRCA)
- Dedicated Communication and Community Engagement Plan
- Project workshop with Town and LSRCA staff on June 27, 2018
- Town Council update in early 2019 on forcemain twining construction details



PROJECT SPECIFIC TOTAL PHOSPHORUS (TP) OFF-SETS PROGRAM

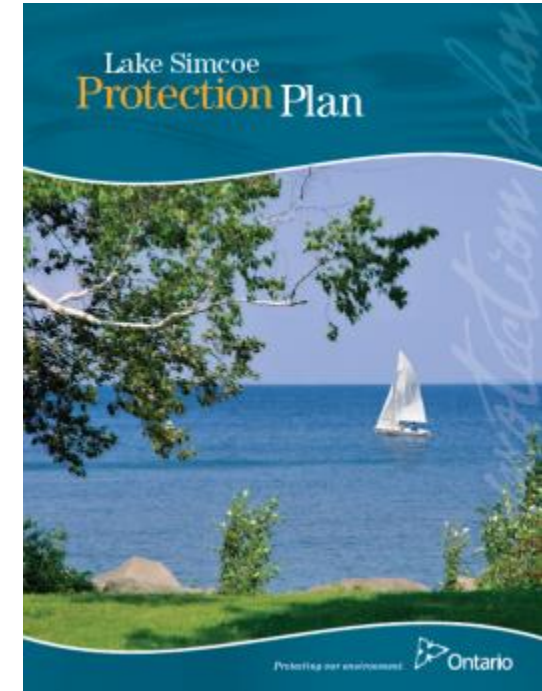
TP OFF-SETS PROGRAM DEVELOPMENT

- The Lake Simcoe Protection Act (LSPA) and associated Plan do not allow new wastewater treatment facilities in the Lake Simcoe watershed
- The Water Reclamation Centre was proposed to replace the existing Holland Landing Sewage Lagoons
- A project specific Total Phosphorus (TP) Off-sets Program is needed to meet the LSPA requirements

York Region has:

- Partnered with local municipalities to include concurrence of Principles of Agreement for the program
- Consulted with review agencies (MOECC, LSRCA)
- Notified adjacent property owners

The Total Phosphorus Off-setting Program is an integral component of UYSS



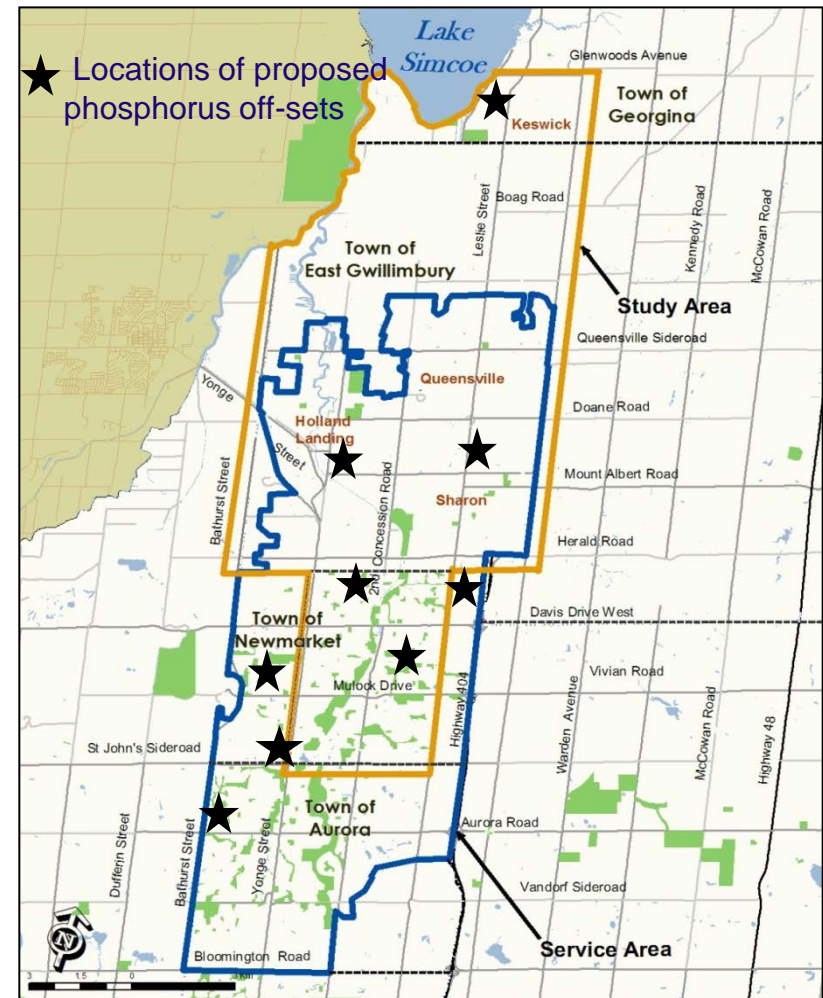
| | |
|------------------|-----------------|
| Require (40 MLD) | 292 kg/yr |
| Have | 124 kg/yr |
| Difference | 168 kg/yr |
| | x 3 |
| Need @ 3:1 ratio | 504kg/yr |

PROPOSED TP OFF-SETS PROGRAM

The proposed TP Off-sets Program includes:

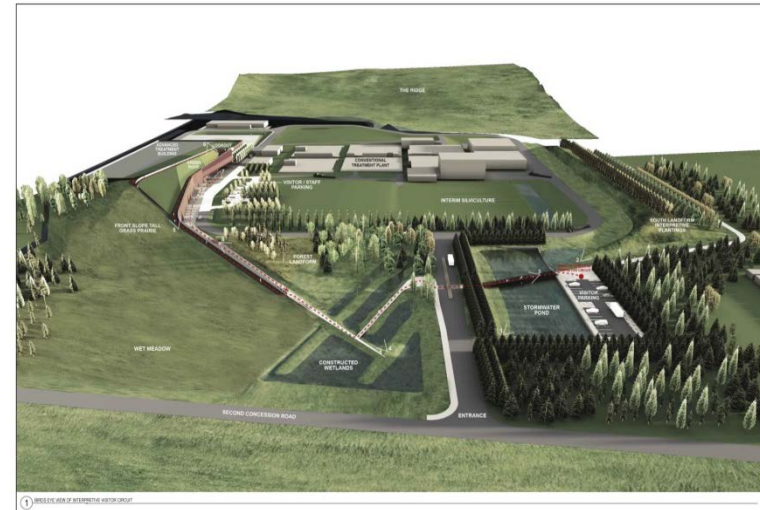
- Retrofitting seven existing stormwater management ponds in Aurora, East Gwillimbury and Newmarket
- Installing low-impact development technology within a stormwater catchment area in Newmarket
- Building a new stormwater management pond in Georgina

This program will improve water quality and quantity of downstream watercourses that ultimately flow into Lake Simcoe



POTENTIAL ENVIRONMENTAL ASSESSMENT APPROVAL CONDITIONS

- TP Off-Sets Program performance monitoring:
 - Two stormwater management facilities
 - One year pre-construction and one year post-construction monitoring
- Contingency Planning:
 - Contingency measures in case the proposed ponds do not achieve the required phosphorus off-set amount
- A long-term maintenance program required for all facilities
- **Commissioning the Water Reclamation Centre would be contingent on delivering the Total Phosphorus Off-sets Program**

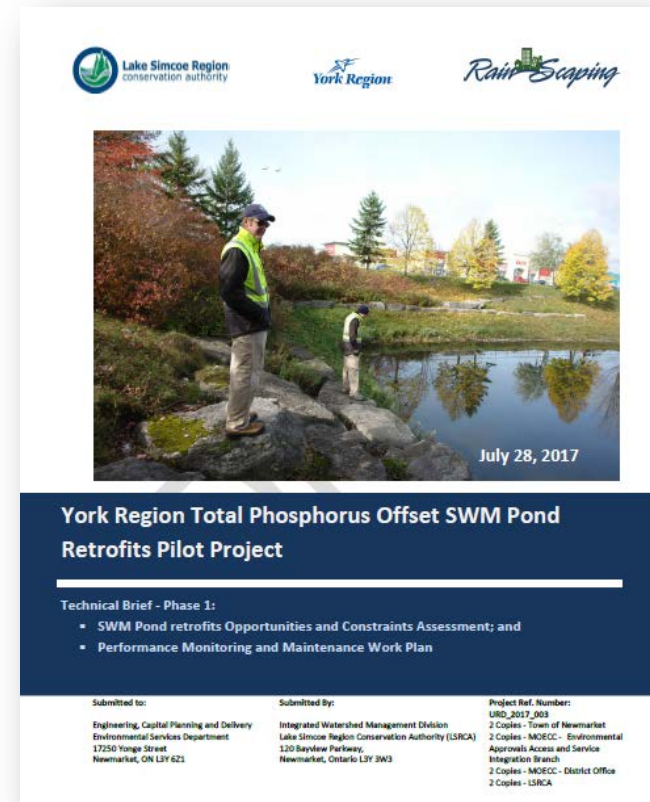


TP OFF-SETS PROGRAM DELIVERY STRATEGY

- A Total Phosphorus Removal Demonstration project will better prepare the Region to deliver the Total Phosphorus Off-Sets Program upon Upper York Sewage Solutions Environmental Assessment approval
- Collaboration with local municipalities and LSRCA is the key to delivering the Total Phosphorus Off-sets Program in a timely manner

Benefits include:

- Leveraging LSRCA expertise in TP removal through stormwater management pond retrofits
- Executing a TP transfer agreement between the Region and local municipalities
- Providing upfront investment for municipalities to maintain ponds in the program



FRAMEWORK OF TP OFF-SET PROGRAM

| Region's Responsibilities | Municipalities' Responsibilities |
|--|--|
| <ul style="list-style-type: none"> Plan, design and construct stormwater management pond retrofits Fund the capital costs of the retrofit works Engage municipalities during planning and design of retrofit project - including long-term maintenance programs Responsible for any shortfall in TP reduction target of a retrofitted facility | <ul style="list-style-type: none"> Transfer to the Region TP off-sets credit from the retrofit works in perpetuity Operate and maintain the retrofitted stormwater management ponds in perpetuity and in accordance with minimum standards to ensure TP off-sets are enduring Will not sell or transfer the stormwater management ponds Maintain the ponds in accordance with the Environmental Compliance Approval (ECA) for the facility |
| <ul style="list-style-type: none"> The Region and the municipalities will jointly select design concepts to keep any increase in future maintenance burden to a reasonable level If regulatory changes require amendments to the facilities ECA , the Region and municipalities may revisit the TP transfer agreement | |

The Region has been working closely with local municipal staff to develop the program framework.



EVOLUTION OF STORMWATER MANAGEMENT POND MAINTENANCE WITHIN THE WATERSHED

- Unmaintained stormwater management ponds across the watershed
 - Increased Ministry scrutiny to ensure provisions of approval (ECA) are met
 - Can no longer ignore stormwater pond maintenance
 - Municipalities recognize the requirements to maintain stormwater ponds
- Watershed municipalities are adopting utility fees as the funding mechanism for stormwater pond maintenance
- TP Off-Sets Program will provide significant opportunities for municipalities to partner with the Region to establish a regular stormwater pond maintenance programs



NEXT STEPS

- **Upper York Sewage Solutions Environmental Assessment**
 - Continue working with the Ministry in anticipation of Environmental Assessment approval
 - Advance all aspects of the project to be ready to implement upon approval
 - Review interim service capacity options
- **York Durham Sewage System Forcemain Twinning Project**
 - Secure all permits and approvals
 - Secure all properties
 - Work closely with the Town to deliver the project
 - Proactively communicate and engage stakeholders and the community
 - Update the Town Council in early 2019 on forcemain construction details
- **TP Off-Sets Program**
 - Consult with the Ministry
 - Environmental Compliance Approval application for selected ponds
 - Municipal partners to provide a funding mechanism to support long-term maintenance requirements
 - Execute the TP Transfer Agreement for the program

THANK YOU

UPPER YORK SEWAGE SOLUTIONS
YORK DURHAM SEWAGE SYSTEM FORCEMAIN TWINNING AND
TOTAL PHOSPHORUS OFF-SETS PROGRAM STATUS UPDATE





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

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

Mulock Station Area Secondary Plan - Update and Density Staff Report

Report Number: 2018-35

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: June 11, 2018

Recommendations

1. That the Report entitled Mulock Station Area Secondary Plan – Update and Density be received; and,
2. THAT Council authorize the submission of this Report, as well as the Density Technical Memorandum regarding Transit-Supportive Density Testing, dated May 30, 2018, included as Attachment 1 to this Report, to Metrolinx; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this Report is to twofold: (i) to provide a general update on the status of this project, and (ii) provide information regarding the density levels that will be analyzed through the Secondary Plan process, to assist Metrolinx in their business case review of the Mulock GO Station.

Background

As Council is aware, the Mulock GO Station was announced by the province in June, 2017. Council subsequently committed to implementing a transit supportive planning regime around the station. The completion of this Secondary Plan will fulfill this commitment as it will, among other objectives, determine the highest and best long-term land uses and densities around the station.

Mulock Station has been progressing through Metrolinx's business case review process. Both this Report and the Density Technical Memorandum (Attachment 1) will be beneficial for Metrolinx in their continued assessment of the feasibility of the Mulock GO Station as it progresses through the business case review process.

Mulock Station Area Secondary Plan – Update and Density

Discussion

General Update

As a reminder, the Mulock Station Area Secondary Plan will present a long-term redevelopment vision of the lands surrounding the future Mulock GO Station site as shown on Attachment 2. The Secondary Plan will facilitate transit-oriented design, including land uses, densities and a future road network to facilitate this vision.

The consulting team for this project was selected, being comprised of SvN Architects + Planners Inc., Dillon Consulting Limited, and N. Barry Lyon Consultants Limited; with SvN acting as lead consultant. SvN has notable experience relative to GO Stations and transit-focused planning studies, including Kipling Mobility Hub and Station Redevelopment, Smart Track / GO RER Planning, Eglinton Connects in Toronto, and Dundas Connects in Mississauga. In addition, SvN is familiar with the general planning context of Newmarket through their work preparing the Urban Centres Secondary Plan.

The project is progressing through Phase 1, as shown on the Project Schedule included as Attachment 3. The project was formally commenced on May 16 through the project start-up meeting. Since that time, the project team has completed a site visit, reviewed available background information, has begun preparation of the consultation program, has begun the Issues & Opportunities Analysis and associated mapping.

As an early deliverable of the project the attached Density Technical Memorandum has also been prepared, which is the focus of this Report, as discussed below.

Density Technical Memorandum – Density Analysis

The attached Technical Memorandum explores the issue of density for the Study area. The concept of “base density” is discussed, being a minimum level of density that will provide a starting point from which additional density can be tested through the Secondary Plan process. This additional density, regardless of degree, will benefit the station by providing the framework to enable transit-oriented development to occur.

The Technical Memorandum identifies 150 people and jobs per hectare to be the base density, and provides technical rationale for this opinion.

As discussed in the Technical Memorandum, the Growth Plan defines “Major Transit Station Areas” (MTSAs) and where they are located on a “Priority Transit Corridor”, they are required to be planned for a minimum density of 150 people and jobs per hectare. Being a station for higher-order transit located within a settlement area, the Mulock GO Station will meet the Growth Plan’s definition of a MTSA once it’s constructed, however, it would not be located on a Priority Transit Corridor because on the Barrie rail line, the Priority Transit Corridor currently only extends as far north as the Aurora GO Station.

Notwithstanding the above, there is rationale for the Mulock GO Station MTSA to be planned as though it was on a Priority Transit Corridor. The Mulock GO Station area is

book-ended by MTSAs on Priority Transit Corridors to the north (Davis Dr. vivaNext Rapidway station at Davis & Main St) and to the south (Aurora GO Station). In addition, the Priority Transit Corridor may be extended farther north in the future, as Metrolinx rolls-out enhanced service levels across the Barrie line.

It should be noted that Town Planning staff are working with Regional staff to define the areas and densities for all of the Town's MTSAs, including vivaStations, and through this process are proposing the 150 people and jobs per hectare minimum density for the Mulock GO Station.

Given the above, it is logical to build-in the 150 people and jobs per hectare minimum density at this time through the Secondary Plan process. However it is important to note that this is a preliminary opinion, and all formal planning opinions will be provided following completion of the Secondary Plan process.

While the results of the Secondary Plan cannot be presumed, this Density Technical Memorandum provides a significant level of support for additional density throughout the Secondary Plan Study Area, at a level of at least 150 people and jobs per hectare, which is the minimum for a GO rail station MTSA on a Priority Transit Corridor.

Support for the Mulock GO Station

In April, 2018, Metrolinx released the Concept Plan for the Mulock Station. Since that time, the concept has been introduced at numerous public engagement sessions including: an Open House hosted by Metrolinx (April 5), the Newmarket Home & Lifestyle Show (April 8) and a Community Open House (April 19). Each of these events were very well attended.

The Mulock Station was featured at each of these events where informal discussions were had with numerous residents. Overall, there was a high degree of community support expressed for the station. Residents cited increased connections to other parts of the GTA, additional commuting options and the mitigating effects it would likely have on neighbouring Aurora GO Station as the main points of support.



Business Plan and Strategic Plan Linkages

Living Well:

- Focusing on traffic and growth management strategies and plans.

Well-Planned & Connected:

- Planning and managing growth through long-term plans and strategies, supported by short-term action plans.
- Working with all levels of government to create transportation and transit linkages that support and enhance Newmarket as an Urban Growth Centre.

Consultation

No consultation has been undertaken specifically for this Report, however a consultation program for the Mulock Station Area Secondary Plan is being prepared and will be initiated in subsequent phases of the project.

As noted above, an Open House regarding the station design was held by Metrolinx on April 5 at Town Hall attended by approximately 125 people.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – Density Technical Memorandum, dated May 30, 2018

Attachment 2 – Study limits of the Mulock Station Area Secondary Plan

Attachment 3 – Project Schedule for the Mulock Station Area Secondary Plan

Approval



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



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Assistant Director of Planning



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Commissioner of Development &
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Contact

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



Memo

To: Adrian Cammaert, Senior Planner, Policy, Planning and Building Services, Town of Newmarket

From: Shonda Wang, MCIP RPP, Lead, Urban Design, SvN Architects + Planners
Alex Heath, Associate/Senior Planner, SvN Architects + Planners

Date: May 30, 2018

Re: Mulock Station Area Secondary Plan Transit-Supportive Density Testing

This memo provides an overview of the Mulock Station Area Secondary Plan Study (“the Study”) context, goals and process, SvN’s experience planning for transit-supportive station areas, and the anticipated approach to density testing that will be employed in the Study.

It is our opinion that assuming a density of 150 people and jobs combined per hectare within the study area as a base condition for testing through the Study is reasonable and appropriate. Furthermore, it is our opinion that this base density can be utilized as a minimum target and density threshold and densities exceeding this baseline will be explored through the Study. This opinion is based on four factors:

- (1) Our prior experience planning for transit-supportive intensification in station areas with similar contexts where it was demonstrated that minimum density targets / transit-supportive densities and uses could be attained;
- (2) Our understanding of the overarching growth and intensification policy context within the Greater Golden Horseshoe, York Region and the Town of Newmarket;
- (3) Key differences between the study area and land use permissions considered in Metrolinx’s Initial Business Case and which will be considered through the Study; and,
- (4) A capacity-based approach to testing redevelopment and density that is informed by policies, best practices and market considerations related to transit-supportive land use, built form and density.

Secondary Plan Context, Goals, and Process

The proposed Mulock GO station (“the proposed station”) is one of seventeen new GO stations (including six SmartTrack stations) being contemplated by Metrolinx as part of its Regional Express Rail (RER) program. We understand that an Initial Business Case (IBC) and Preliminary Design Business Case (PDBC) have been completed for the proposed station, along with a feasibility and options analysis and preliminary station design concept. Furthermore, Metrolinx

is currently moving towards the decision gate between the preliminary design and design and procurement preparation stages within its overall stage-gate process.

The IBC found that there is limited opportunity for further growth and intensification and limited demand for industrial or major office uses within 800 metres of the station site, impacting the overall strategic case for the proposed station. Furthermore, while the results of the PDBC showed a decrease in costs in comparison with the IBC, it also showed a decrease in benefits and that in whole, the benefits would be negative due to network impacts.

We understand that Metrolinx is continuing its assessment of the costs and benefits of the proposed station, including consideration of the benefits that could be attained from a revised planning regime that would encourage growth, intensification, and transit trip-generating land uses. Towards this end, Metrolinx requested that the Town of Newmarket commit to implementing a transit supportive planning regime around the station. To fulfill this commitment the Town has commenced the Mulock Station Area Secondary Plan Study through which the highest and best long-term land uses for the area will be determined and to ensure that all future densities are consistent with provincial density requirements. The Study will result in a proposed amendment to the Town's Official Plan to formally implement a transit-supportive planning regime around the station site.

The boundaries of the Study have also been set to include parcels outside of 500 metres of the station site but that have a direct connection to the station site and/or other identified growth areas within the Town that likely have the potential for infill and intensification over time. Following on Council direction, the Study will contemplate potential changes to land use to permit residential uses within mixed use developments on lands where only employment uses are permitted today. Lastly, the Study will assume a minimum density target of 150 people and jobs combined per hectare within its boundaries, consistent with the Growth Plan for the Greater Golden Horseshoe, 2017 ("the Growth Plan") target for Major Transit Station Areas ("MTSAs") on Priority Transit Corridors served by the GO Transit rail network.

The Study will be completed within seventeen months with a number of key milestones occurring within the first eight months. A preliminary development concept will be completed by the end of August 2018, with testing and evaluation of this concept completed by September 2018. Through these two milestones, opportunities for transit-supportive growth and intensification within the station area will be evaluated and confirmed. Technical reports in support of this preliminary development concept will be completed by November 2018. A draft Secondary Plan Concept and Policy Summary Document detailing potential Official Plan policy and schedule changes will be completed by December 2018. The framework for a transit-supportive planning regime will be identified and detailed through this Study milestone. Each of these milestones will also serve as staff-to-staff touchpoints with emerging Study results being shared between the Town of Newmarket and Metrolinx.

Planning for Transit-Supportive Station Areas

SvN Architects + Planners has worked in almost all the major transit corridors within the Greater Toronto Area. Our mobility practice supports transit-oriented intensification by helping unlock opportunities for growth such as housing, community amenities, complete streets and a rich public realm. We have demonstrated experience successfully developing corridor plans and station area plans of similar magnitude and scope to the Mulock Station Area Secondary Plan study. Through our work with both the public and private sectors, we understand how to develop station area plans that are visionary, defensible and balance public sector objectives with market requirements.

Our recent transit station area planning work includes advisement for: SmartTrack/GO Station Area Planning, Kipling Mobility Hub, Eglinton West Station Area, Danforth GO/Main Street TTC Station Area, Grimsby GO Station Area, and the Niagara GO Station Area. Furthermore, we have undertaken station area planning as part of corridor-wide studies, including the EglintonConnects Planning Study and Dundas Connects Transportation Master Plan. Amongst these projects, two are of particular relevance to the Mulock Station Area Secondary Plan study in terms of context and intensification potential.

Guidance for SmartTrack/GO Station Area Planning, City of Toronto

SvN has recently completed a project for the City of Toronto that provide a preliminary assessment of the station areas associated with six proposed SmartTrack/GO stations. This preliminary assessment included a review of existing conditions, an analysis of issues and opportunities, and an analysis of redevelopment capacity within the station area assuming land use designations remained fixed.

Two of the six proposed stations feature station areas with very similar contexts in terms of the overall street and block network, local surface transit networks, existing uses and land use designations. Similar to the Mulock station area, both the Finch-Kennedy and Lawrence-Kennedy station areas were developed in the 1970s and 1980s in a vehicle-oriented manner and largely consist of low density, ground-oriented commercial, industrial and light-industrial land uses with adjacent low density, low-rise, stable residential neighbourhoods. The land use designations within the Finch-Kennedy and Lawrence-Kennedy station areas are largely reflective of these existing uses, with very few sites designated for a mix of uses at a transit-supportive level of density.

Scans of the local real estate markets revealed that while opportunities for transit-supportive intensification in the near term were relatively low (particularly with regard to higher-density employment uses), there was an opportunity for the station areas to become more attractive over time with the introduction of a new SmartTrack/GO station and through the initiation of

comprehensive planning studies that would explore improvements to the transportation network, active transportation, public realm and intensification opportunities within all land use designations.

A soft site analysis was undertaken to identify parcels within the station area that had redevelopment potential based on existing land use permissions. Potential redevelopment yields were then assigned to these soft sites based on existing land use permissions and development activity within the broader station area context. In both cases, it was demonstrated that from a redevelopment capacity perspective, both station areas could achieve the minimum MTSA density target of 150 people and jobs combined per hectare for stations served by the GO Transit rail network.

Dundas Connects Transportation Master Plan, City of Mississauga

SvN is in the process of completing a land use and transportation master plan for the 17 kilometre long Dundas Street corridor in Mississauga. This corridor-wide master plan assessed opportunities for transit-supportive intensification along the entirety of the corridor and at a greater level of intensity within seven focus areas. These seven focus areas were identified by the intersection of one or more existing or planned higher order transit corridors and/or collections of large parcels within the context of a discontinuous street and block pattern. The land use and transportation master plan recommends the implementation of a Bus Rapid Transit route along the Dundas Street corridor and changes to land use designations to permit higher density mixed use development.

Two of the seven focus areas feature a similar context to the Mulock station area. As with the two SmartTrack/GO station areas cited previously, the Dixie Focus Area and Etobicoke Creek Focus Area are primarily vehicle-oriented in their pattern of streets, blocks and streetscapes, are predominated by commercial and light industrial uses, and do not permit non-employment uses under current land use designations.

Framework plans were developed for these focus areas proposing new streets and blocks and identifying potential redevelopment sites and proposed land uses. A set of built form criteria were developed and used to generate 3D massing models demonstrating the potential future build out of the focus areas over three planning horizons (2031, 2041, 2051 and beyond). These 3D massing models were used to generate overall development yields which in turn were used to calculate the redevelopment capacity of these focus areas. Through this modelling, it was demonstrated that transit-supportive densities could be achieved by permitting a mix of uses including residential uses and permitting higher density development in a more compact, urban form.

Anticipated Approach to Testing Density

The Growth Plan defines an MTSA as the area including and around any existing or planned higher order transit station or stop within a settlement area, generally being the area within an approximate 500 metre radius of the station or stop representing a 10-minute walk. Once built, the area around the proposed station would meet the definition of an MTSA. The Growth Plan further states that all MTSAs will be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators. Furthermore, within all MTSAs, development will be supported by planning for a diverse mix of uses to support existing and planned transit service levels and by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

The Growth Plan also contains minimum density targets for MTSAs that are located on Priority Transit Corridors. The minimum density target for MTSAs on Priority Transit Corridors that are served by the GO Transit rail network is 150 people and jobs combined per hectare. While the portion of the Barrie GO corridor that the proposed station is on is not currently identified as a Priority Transit Corridor, this designation does extend to the GO station immediately south of the proposed station (Aurora GO station) and may be extended northward in the future. Second, the Newmarket GO station immediately north of the proposed station is an MTSA located on the Davis Drive vivaNEXt BRT Priority Transit Corridor. Third, the under-construction vivaNext BRT route on Yonge Street is identified as a Priority Transit Corridor and this corridor is both connected to the proposed station by Mulock Drive and by the parcels on the south side of Mulock Drive, which are within the Secondary Plan study area. We understand that the Town of Newmarket is working with York Region to define MTSAs and set minimum density targets throughout the municipality and will be proposing that the Mulock station area be designated as such. These factors suggest that the Mulock station area be planned to achieve the minimum density target of 150 people and jobs combined per hectare such that the ultimate planning regime that is established through the Study is flexible and can respond to future growth and expansion of higher order rapid transit within the region.

The testing of growth and intensification potential within the station area will differ in three main respects from that undertaken in Metrolinx's IBC. First, whereas the IBC examined an area within 800 metres of the station site, the Study will also examine an area that includes all parcels on the south side of Mulock Drive between the hydro corridor to the east of Yonge Street and Cane Parkway. This will expand the station area to encompass parcels that have a direct frequent transit connection to the station site and the number of soft sites within the broader station area. Second, whereas the IBC assumed the persistence of existing land use designations, the Study will examine the potential for a mix of uses including residential uses on lands currently designated for employment uses only. This will expand both the number of soft sites within the station area and the potential uses that could be contained within

redevelopment over the long term. Third, whereas the IBC calculated future station area density based on the application of projections from the Ministry of Transportation Greater Golden Horseshoe Model, the Study will calculate future station area density based on the redevelopment capacity of the study area.

The redevelopment capacity of the study area will be determined through a three part process. First, the potential for land use designation changes to permit a mix of uses including residential uses will be contemplated based on an analysis of opportunities and constraints. Second, all parcels within the study area will be examined for their potential as soft sites over the short, medium and long term based on physical, policy and market factors (including taking into account recent development activity which includes approved and under review applications for human service agencies and medical services / offices – see attached pictures). Third, potential uses and development yields for all soft sites will be determined based on policy and market factors. Fourth, assumptions on area per unit, people per unit and area per employee (consistent with local and regional growth management studies and varying by residential and employment type) will be applied to these potential uses and yields, generating a redevelopment capacity by soft site. Fifth, the redevelopment capacity of each soft site will be totalled and used to determine the potential people and jobs combined per hectare within the entirety of the study area.

Density Summary Statement

Based on the above methodology and parameters, it is our opinion that assuming a base density of 150 people and jobs combined per hectare within the study area is reasonable and appropriate. Furthermore, this base density will be utilized as a minimum target and density thresholds above this base will be explored through the Study.

Should you have any questions or comments on the information and analysis provided in this memo, please do not hesitate to contact the undersigned.

With Regards,



Shonda Wang, MCIP RPP
Lead, Urban Design
SvN Architects + Planners

Cc Alex Heath, Associate/Senior Planner
SvN Architects + Planners



New medical services/offices use under construction at 536 Mulock Drive
(north east corner of Mulock Drive and Bayview Avenue)

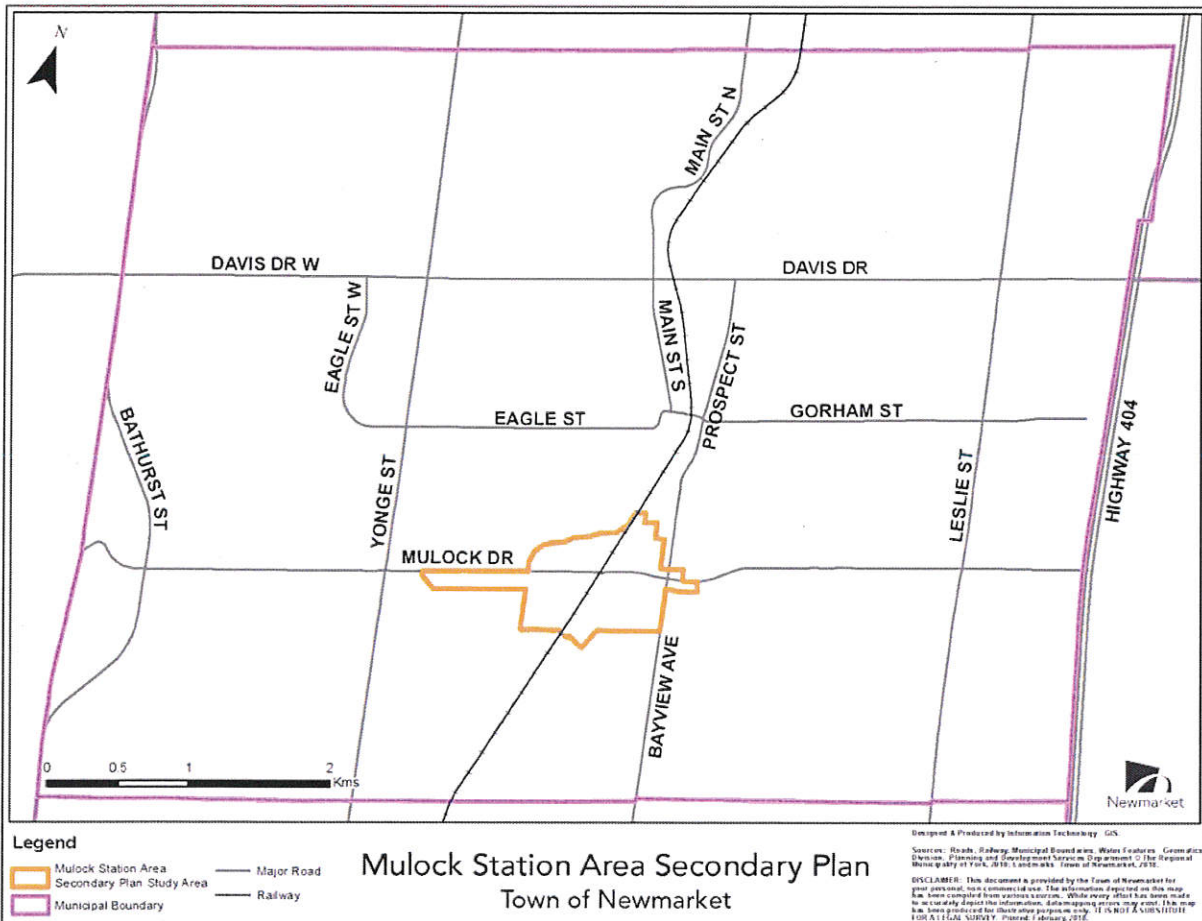


New human services agency use (Community Living Central York) under renovation at 575 Penrose Street (north west of Mulock Drive and Bayview Avenue)



Proposed medical services/office/retail use at 507 Mulock Drive (northwest of Mulock Drive and Bayview Avenue)

Mulock Station Secondary Plan Study Area:



[illegible]



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INTENSIFICATION IN STABLE RESIDENTIAL NEIGHBOURHOODS

Staff Report

Report Number: 2018-37

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): D. Ruggle

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2018-37 dated June 11, 2018 be received; and,
2. That staff be authorized to issue a Request for Proposals for the Official Plan and zoning by-law amendments as described in this report. And,
3. That budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report

Purpose

The purpose of this report is to recommend to Council a course of action to address compatibility of new construction in established residential neighbourhoods.

Background

A Council Workshop was held on March 26, 2018 describing industry best practices as it relates to intensification in established residential neighbourhoods. The following options were presented to Council with discussion focusing on the processes involved, timing, budgetary requirements, strengths and weaknesses.

1. Keep existing zone standards
2. Implement changes to the existing zoning standards within an identified study area similar to the modifications approved for established residential areas in 2013.
3. Amend the Official Plan to establish policies that direct that character areas be established through zoning tools. Adopt an implementing Zoning By-law to modify the zoning on certain streets to better reflect existing character.

INTENSIFICATION IN STABLE RESIDENTIAL NEIGHBOURHOODS

4. Create Urban Design Manual/Guidelines for infill projects.
5. Expand site plan control approval to apply to single detached, semi-detached and duplex dwellings in identified areas.
6. Develop a streetscape character analysis process similar to the City of Ottawa
7. Implement Cultural Heritage Landscape in identified areas under the Ontario Heritage Act.

Discussion

At the workshop, Council reiterated their clear goal of having policies in place for existing stable residential areas that will ensure new development (including additions to existing homes) contribute to the neighbourhood's character and that these policies have the strength to mandate building compatibility and appropriately guide decisions of the Committee of Adjustment.

Of the options discussed above, it was clear that the option to keep the existing zone standards and the option to implement Cultural Heritage Landscapes would not meet the objectives of this process. The neighbourhoods that have been developed over the past 20 to 25 years have been developed through very site specific by-laws that implement the existing housing form, meaning that in these areas, the homes are generally built to the maximum coverage, height and setback standards. These areas also benefited from architectural and urban design guidelines which had to be in place prior to permits being issued.

Defining Cultural Landscapes is a specifically focused tool to conserve areas that have heritage significance and would only be available for a limited number of streets or neighborhoods. Arguments could be made for defining areas around, for example, Park Avenue and Prospect Street Cultural Heritage Landscapes as many properties on these streets have heritage significance and are included in the Town's registry of non-designated heritage properties. However, this tool would not be appropriate for other areas where preserving the general residential character is of concern as they would not have the necessary heritage value. Furthermore, designating cultural heritage landscapes does nothing to conserve on its own, rather would be the basis for implementing further tools such as heritage conservation districts, inclusion in the heritage registry to prevent demolitions and/or create heritage development guidelines.

The remaining tools all appear to have the ability to address compatibility with varying levels of municipal controls. As noted in the workshop, these processes may be implemented independently or work together to achieve greater compatibility for new builds within an established residential neighbourhood. The option of developing specific urban design/infill guidelines appears to not have the necessary strength to enforce the changes that would be required to achieve compatibility between existing dwellings and new residential construction. Staff are of the opinion that there is value in considering Urban Design Guidelines however, they should be an augmentation to an existing process and not considered on their own. The options of augmenting the site plan approval process or implementing a streetscape character analysis, while providing for detailed analysis of new construction,

adds significant customer and staff time to processing applications. Staff are not recommending these options be implemented at this time, but rather be considered in the future if further controls are deemed necessary.

It is staff's position that to achieve greater compatibility for new builds within an established residential neighbourhood in a manner that will allow for the necessary controls while continuing to allow compatible redevelopment is to amend the Official Plan by defining Newmarket's existing neighbourhoods and develop specific policies based on the community characteristics followed by an implementing zoning bylaw.

This option will provide for the high level of community review necessary to develop a meaningful and enforceable policy framework to guide new residential construction in established neighbourhoods. Due to staffing constraints and the significant work involved in the recommended process, it is appropriate to contract a Planning Consultant to lead the process and develop the necessary policies. We anticipate that a few methods would be utilized to define existing community characteristics. Using existing GIS data on housing coverage, lot area and frontages among other available information, will provide for quick neighbourhood statistics that can act as a benchmark for zone standards for that particular area.

Once neighbourhoods are identified, much of the character will be defined through community visits and neighbourhood walkabouts as well as surveys aimed at gaining an understanding of what the residents within existing community's hold as important to the defining character of where they live. With this information, the consultants will be in a position to develop Official Plan policies to protect these identified characteristics for each neighbourhood category.

Once the Official Plan policies have been developed, an implementing zoning bylaw is required. The modifications to the zone standards implemented in 2013 for the core area of Town will be reviewed for appropriateness for each neighbourhood. These included lot coverage, building height and front yard setback. In addition, other zone standards will be reviewed as they relate to lot sizes (e.g. minimum lot areas and frontages) to ensure the creation of new lots are consistent with the size of lots in the neighbourhood. Dwelling size provisions (e.g. maximum building depth, maximum height to eaves) will be reviewed to ensure the built form is compatible with the adjacent dwellings and the neighbourhood as a whole. Provisions related to the location of a dwelling on a lot (e.g. proportional frontages and setbacks) will also be looked at ensuring a consistency in the streetscape.

The anticipated timeframe for implementation is approximately 12 months however, once staff have an opportunity to review the process with the successful consultant, an information report can be provided to Council detailing refined processing and timing information.

It is also important to build into the process a review of the policies to see how well the objectives are being met through the monitoring of infill development. Depending on the results of the review, staff may recommend further tools such as guidelines and/or more strict controls such as expanding the site plan process or implementing a streetscape character analysis.

As an interim protection, a submission was made to consider the implementation of an Interim Control By-law for established neighbourhoods that would restrict new construction and significant additions of ground related dwellings while the issue is being studied. Section 38 of the Planning Act allows municipalities to pass an Interim control bylaw which puts a temporary freeze on some land uses while a municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. There is no ability to appeal an Interim Control By-law when it is first passed, however, an extension to a By-law may be appealed. The Planning Act provides that an Interim Control By-law remains in effect past the two-year period if the new zoning bylaw which replaces the Interim Control By-law is appealed to the Local Planning Appeals Tribunal.

The Interim Control By-law is a planning tool by which the town may respond quickly to identify planning issues. Prior to enactment, Council must authorize the land use planning study to be undertaken and substantiate the planning rationale behind the Interim Control By-law. This report would be sufficient to achieve the above requirements. The scope of the planning study and the area to be subject to the By-law must be clearly identified in the Council resolution. Once the By-law is enacted, the expectation is that the planning study will be completed expeditiously and will result in formal amendments that implement the future planning policies for the study area.

To assess the potential impact of an Interim Control By-law, building permits for infill houses have been reviewed. The Building Department, using the City View system, tracks new ground related residential builds and separates them between new subdivision lots and infill lots. In 2017, eight newly built infill residential permits were issued, eleven in 2016, five in 2015, five in 2014 and nine in 2013.

The implementation of an Interim Control By-law is to be used when the Town believes the situation to be significantly urgent enough to require the immediate suspension of specific development rights. Due to the low number of expected building permits for new infill housing, staff are satisfied that the compatibility process can proceed with or without an interim control by-law. Due to the significant implications and the relatively low risk, staff are not recommending the passing of an Interim Control By-law at this time. However, if such a By-law is desirable by Council, consideration should be given to limiting the bylaw to the construction of new infill residential buildings and residential building additions within the study area. Consideration should also be given to permitting exceptions to the By-law as it relates to additions to dwellings that are capped at a specified floor area and the construction of accessory dwelling units that do not increase floor area. If directed by Council, Staff will prepare a By-law for their consideration.

Once an Interim Control Bylaw is in place, the area to which the By-law applies may be reduced as information becomes available throughout the study process provided the proper justification exists. An amendment to the Interim control By-law to reduce the study area would be subject to appeal.

While staff are recommending a process that would see the contracting of a consultant to lead an Official Plan review of communities and neighbourhoods, along with an implementing zoning bylaw, the options under consideration are listed on a spreadsheet in appendix A. This spreadsheet includes all the

presented options, detailing information related to budget considerations, process, and impacts on applicants along with other pertinent information.

Conclusion

Based on municipal best practices, Council's discussion at the recent workshop and staff's continued review, it would appear that the best option to address the issues of compatibility of new residential dwellings in established neighbourhoods would be to amend the Official Plan by defining Newmarket's existing residential neighbourhoods and develop specific policies based on the community characteristics followed by the enactment of an implementing zoning bylaw.

Business Plan and Strategic Plan Linkages

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

Consultation

Staff anticipates that the process going forward will require a significant amount of public consultation and at least one statutory public meeting.

Human Resource Considerations

Not applicable

Budget Impact

Staff are recommending that Council grant budget approval in the amount of \$150,000 to be transferred from reserves to allow staff to contract a consultant in the fall of 2018.

Attachments

Best Practice Spreadsheet

Approval



Peter Noehammer, Commissioner of Development and Infrastructure Services



Rick Nethery, Director of Planning and Building Services



Dave Ruggle, Senior Planner Community Planning

Contact

Dave Ruggle, Senior Planner – Community Planning druggle@newmarket.ca

| PROCESS | Approximate Time involved for implementation | Is Council Approval Required | Are OP changes Required | Are there appeal rights to establish the option | Impact of staff resources after implementation | Additional approvals required | Impacts on applicants | Public Consultation Required | Budget considerations |
|--|--|------------------------------|-------------------------|---|--|-----------------------------------|--|--|--------------------------|
| Keep existing zone standards | n/a | No | No | No | None | None | none | n/a | n/a |
| Moderate changes to zoning bylaw | 6 months | Yes | No | Yes – ZBA can be appealed | Minimal | No – process remains the same | Design impacts only | Yes- Public Meeting required for ZBA | In house |
| Establish residential character areas in OP with implementing zoning bylaw | 12 months | Yes | Yes | Yes – OPA and ZBA can be appealed | Minimal | No - process remains the same | Design impacts only | Yes – Public Meeting required for OPA and ZBA – will require significant public consultation | Consultant \$150,000 |
| Urban Design manual/guidelines for infill | 6 months | No | No | No | Moderate – additional consultation ideal | No – process remains the same | Review for consistency | Yes – will require significant public consultation | Consultant \$25000-35000 |
| Expand Site plan approval | 6 months | Yes | No | No | High – additional reviews required | Yes – additional process | New application process for residents - Additional time staff for processing | No | In house |
| Develop a streetscape character analysis | 9 months | Yes | No | No | High – additional reviews required | Yes – streetscape analysis review | More front end work for the applicant – Additional time for staff processing | No | Consultant \$45000 |
| Implement a cultural Heritage Landscape | 9 months | Yes | No | Yes designation of a cultural landscape can be appealed | High – Additional reviews required | Yes – addition of Heritage Permit | Applicants may require a Heritage impact Assessment - Additional time for staff processing | Yes - Public Meeting required as part of implementation | Consultant \$45000-55000 |



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Urban Centres Zoning By-law: Status Update and Request for Release of Draft Framework Staff Report

Report Number: 2018-36

Department(s): Planning and Building Services

Author(s): Adrian Cammaert

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled Urban Centres Zoning By-law: Status Update and Request for Release of Draft Framework, dated June 11, 2018, be received;
2. That the Urban Centres Zoning By-law Draft Framework, dated May 25, 2018, be released for public review over the summer months;
3. That following the public review period and subsequent to the Open House and Public Meeting, issues identified in this report, together with comments from the public and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

This Report will provide a general status update on the Urban Centres Zoning By-law Project and request authorization to release the Urban Centres Zoning By-law Draft Framework to the public for review.

Background

Staff Report 2018-04 (February 5, 2018) provided Council with the last update on the Urban Centres Zoning By-law Project. Since that time, the project has substantially evolved. At this time, a Draft Framework has been prepared to directly implement the policies and land use designations of the Urban Centres Secondary Plan.

Urban Centres Zoning By-law: Status Update/Request for Release of Draft Framework

It is important to note that this Draft Framework is not a draft version of the Urban Centres Zoning By-law. Rather, it is a draft 'framework', without the final formatting, graphics or layout of the final product. These details will be finalized following another round of internal review and comment, as well as the public consultation period. Once all technical revisions have been completed, the document will be finalized in terms of formatting, graphics (drawings and illustrations) and the finalized mapping will be inserted. This process will result in the final zoning by-law, which will be presented to Committee of the Whole in September, 2018.

Discussion

Project Status Update

The project is currently in Task 30, in Phase 4 of the project schedule as shown below:

| Phase 4 - By-law Refinement and Enactment |
|---|
| Task 28: Preparation of Draft Zoning By-law |
| Task 29: Town review/comment/revise Draft Zoning By-law |
| Task 30: Update Report and Committee of the Whole Authorizing Release of Draft ZBL Framework |
| Task 31: Public Review Period |
| Task 32: Meet with stakeholders / refine standards & drawings |
| Task 33: Public Open House |
| Task 34: Preliminary Staff Report and Statutory Public Meeting |
| Task 35: Finalize Zoning By-law |
| Task 36: Final Staff Report and Committee Approval |
| Task 37: Council Approval |

Following the release of the Draft Framework, the 2 month (approximate) public review period will occur (Task 31). During this time, staff and the consulting team have allotted time to meet with key stakeholders (i.e. owners of significant land holdings and/or landowners contemplating future developments) to explore opportunities to refine the proposed zoning standards to reflect anticipated redevelopments (Task 32). Following these meetings, the draft zoning by-law will be presented to the public through the Open House and statutory Public Meeting on August 27 (Tasks 33 and 34). The draft Zoning By-law will then be revised to reflect the feedback received in Tasks 31, 32, 33 and 34

Urban Centres Zoning By-law: Status Update/Request for Release of Draft Framework

(Task 35). The final zoning by-law will then be ready for presentation to Committee of the Whole (Task 36) and ultimate approval by Council (Task 37) in September, 2018.

Draft Framework

The Draft Framework of the Urban Centres Zoning By-law is 132 pages in length and therefore not attached to this Report, however it is available in its entirety from Planning and Building Services for review. As an example, attached to this Report (Attachment 1) are the draft Zoning Map and the permitted use and performance standards for the Open Space zones.

The objective of this Draft Framework is to propose zoning on properties within the Urban Centres that directly implements the policies of the Urban Centres Secondary Plan. Revisions to the Draft Framework will occur in the coming months as a result of internal and public review and comment.

The Draft Framework is arranged in a conventional manner, with the Administration, Definitions and General Provisions sections in the beginning of the document. Parking and Loading, and specific Zone Provisions are found in the middle portion of the document, followed by Overlay Zones, Site Specific Provisions and Mapping towards the end of the document. This arrangement provides a familiar, intuitive format that users will find easily to navigate, as was an explicit goal of the project.

Regarding mapping, the Draft includes “Schedule A: Draft Zoning Map” which provides draft zoning per property. As a goal of this project was to directly implement the policies of the Urban Centres Secondary Plan, the provided zone categories mimic the land use designations of the Secondary Plan:

| Secondary Plan Designation | Zone Category |
|----------------------------|-----------------------------------|
| Major Institutional | Institutional (I) |
| Mixed Use | Mixed Use 1 to 11 (MU 1 to MU 11) |
| Parks and Open Space | Open Space 1 to 3 (OS 1 to OS 3) |

The Mixed Use areas are categorized into 11 zones. Individual density (floor space index) values have been created for each of these 11 zone categories that correspond with the density minimums and maximums provided in the Secondary Plan.

The Draft also imports the existing zoning of low density residential zones (R1 to R5) where low-density, residential land uses are present. These lands would need to be consolidated and rezoned to facilitate any form of large-scale redevelopment that is consistent with the corresponding Secondary Plan designation(s).

The Draft also includes “Schedule B: Height Maps”. Building height is a key focus in the Urban Centres, and it is felt that having building heights on a dedicated map will increase the ease of use of this document. Schedule B lists three height categories (low-rise, mid-rise and high-rise) and assigns metreages for each that correspond with the height minimums and maximums provided in the Secondary Plan.

Alignment with 2010-40 Amendments

In parallel to this project, work has been undertaken on the Town’s main zoning by-law (2010-40) to identify a series of amendments required to ensure consistency between the two by-laws. Over 60 amendments have been identified, to address technical errors, improve clarity and enforceability, respond to changing legislative and judicial decisions, address new circumstances, and consolidate existing by-laws. This work has now been completed (see Staff Report 2018-21 dated June 11, 2018) and it is proposed that the two projects be presented to the public at a single information session on August 27, consisting of an Open House and Public Meeting.

Referral to an Open House and Statutory Public Meeting

Through Staff Report 2018-04 (February 5, 2018), direction was received from Council to hold an Open House and statutory Public meeting in May, 2018. However, as noted above additional time was needed to identify amendments required to Zoning By-law 2010-40 to ensure that the two by-laws will be aligned with each other.

The required amendments to Zoning By-law 2010-40 have now been identified (see Staff Report 2018-21 dated June 11, 2018) to ensure consistency between the two documents, and it is proposed that a single Public Meeting be held for both amendments. Staff are targeting August 27 for this Open House and Public Meeting.

Non-Applicable Properties

Certain properties have been omitted from this version of the draft framework of the Urban Centres Zoning By-law, as explained below. Therefore, these properties remain under the zoning provided in Zoning By-law 2010-40.

17600 Yonge Street (Upper Canada Mall):

This property is subject to a site-specific policy in the Secondary Plan which applies the zoning provided in Zoning By-law 2010-40 to be applicable until a Master Plan is prepared. Once this Master Plan is prepared, it will be adopted into the Secondary Plan through amendment, and specific zoning will then be introduced.

432 Davis Drive (southeast corner of Main Street and Davis Drive)

This property is currently designed Parks and Open Space in the Urban Centres Secondary Plan. Following discussion with York Region Rapid Transit, there is some interest in re-designating this property to contemplate various forms of development.

Urban Centres Zoning By-law: Status Update/Request for Release of Draft Framework

The Urban Centres Zoning By-law therefore excludes this property, pending conclusion of the re-examination of the Parks & Open Space designation.

35 Patterson Street, 693 Davis Drive & 713 Davis Drive (Hollingsworth arena and two abutting properties)

Background work on the potential redevelopment of these properties is currently being completed by the Town, and there is a desire to craft the ultimate zoning on these properties in a way that facilitates their redevelopment. However, the site-specific details for a redevelopment have not been prepared at this time and therefore the Urban Centres Zoning By-law excludes this property.

230 Davis Drive (property east of 212 Davis Drive)

This property was proposed to be designated Parks and Open Space under the Urban Centres Secondary Plan, however this designation was deferred. Given this deferral, the designation of the Town Official Plan applies (Urban Centres and Corridors) and the site's zoning under Zoning By-law 2010-40 continue to apply. Therefore, the Urban Centres Zoning By-law excludes this property, pending conclusion of this deferral and the confirmation of the site's Secondary Plan designation through a site specific amendment.

16780 Yonge Street (Mulock Estate)

Similar to 230 Davis Drive, this property was proposed to be designated Parks and Open Space under the Urban Centres Secondary Plan, however this designation was deferred and the deferral was then appealed. Therefore, the designation of the Town Official Plan applies (Urban Centres and Corridors) and the site's zoning under Zoning By-law 2010-40 continue to apply. The Urban Centres Zoning By-law therefore excludes this property, pending conclusion of this appeal.

(It should be noted that the Town's recent purchase of this property addresses the appeal, however the deferral is still technically in place as the formal dismissal of the OMB appeal has not yet been received from the Local Planning Appeal Tribunal).

Conclusion

The Urban Centres Zoning By-law project is progressing well and a draft framework has been prepared. This draft framework is being recommended to be released for public review and comment. Following this public consultation period, the Open House and Public Meeting will be held, providing additional opportunities for input.

Parallel to this project, work has been undertaken on the Town's main zoning by-law (2010-40) to identify a series of amendments required to ensure consistency between the two by-laws. This work has now been completed (see Staff Report 2018-21 dated June 11, 2018) and it is proposed that the two projects be presented to the public at a

single information session on August 27, consisting of an Open House and Public Meeting.

Business Plan and Strategic Plan Linkages

Well-Equipped & Managed:

- Balancing an ideal mix of residential, commercial, industrial and institutional land uses.
- Ensuring an appropriate mix of jobs to population and people to industry.
- Providing varied housing types, affordability and densities.

Well-Planned & Connected:

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

Consultation

To date, public consultation has taken the form of:

- Individual Meetings with Key landowners (March 2, 2017)
- Stakeholder Engagement Session (April 4, 2017)
- Public Charrette (March 1, 2018)
- Staff also maintain a project website which provides project information and details on any upcoming public input opportunities: <https://bit.ly/2kNQ5QX>

As outlined in this Report, additional consultation is proposed through the release of the Draft Framework for public review over the summer months (June, July and August), followed by an Open House and the Statutory Public Meeting.

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. This project has already been budgeted for and is tracking to be completed within budget.

Attachments


1. Example draft mapping and the permitted uses / performance standards tables for the Open Space zones, from the Framework of the Urban Centres Zoning By-law, May 25, 2018

Approval


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


 Jason Unger, MCIP, RPP
 Assistant Director of Planning


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


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

Contact

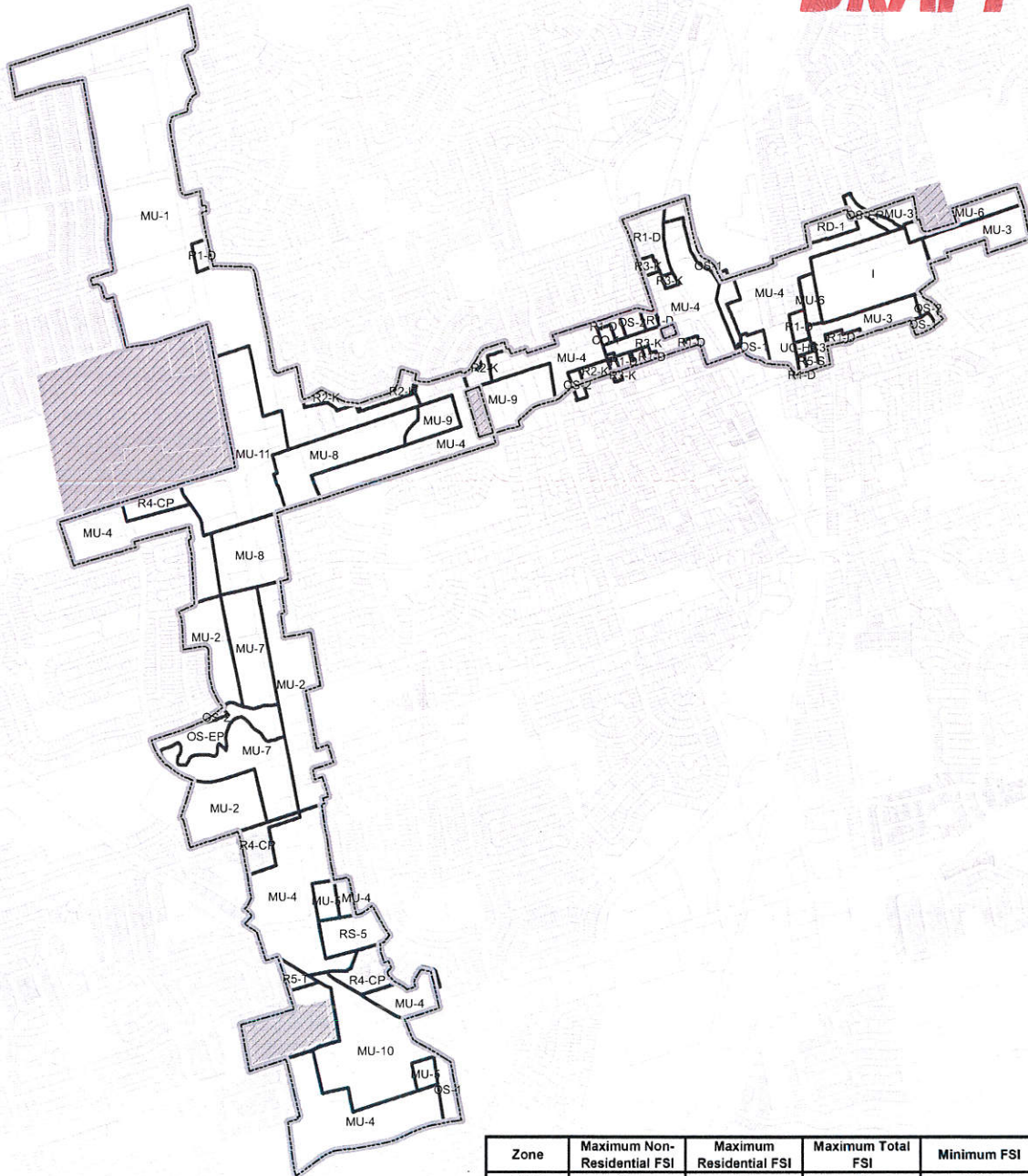
For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca

WORKING DRAFT

NEWMARKET URBAN CENTRES

Schedule A: Draft Zoning Map

Last Updated: May 25, 2018

DRAFT

| Zone | Maximum Non-Residential FSI | Maximum Residential FSI | Maximum Total FSI | Minimum FSI |
|-------|-----------------------------|-------------------------|-------------------|-------------|
| MU 1 | 0.5 | 2 | 2 | 1.5 |
| MU 2 | 1 | 1 | 2 | 1.5 |
| MU 3 | 1.5 | 0.5 | 2 | 1.5 |
| MU 4 | 0.5 | 1.5 | 2 | 1.5 |
| MU 5 | 0.5 | 2 | 2.5 | 2 |
| MU 6 | 2.5 | 0.5 | 2.5 | 2 |
| MU 7 | 1.5 | 1 | 2.5 | 2 |
| MU 8 | 1 | 1.5 | 2.5 | 2 |
| MU 9 | 1 | 2 | 2.5 | 2 |
| MU 10 | 1 | 2.5 | 3.5 | 2.5 |
| MU 11 | 1.5 | 2 | 3.5 | 2.5 |



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

500 250 0 500 Meters

SECTION 6 – ZONE PROVISIONS

6.5. Open Space Zones

No person shall use any land or erect, alter or use any *building* or *structure* in any Open Space Zone except in accordance with Sections 6.5.1 and 6.5.2 of this By-law.

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6.5.1. Permitted Uses

The following table establishes the uses permitted in the Open Space Zones:

| Table 6.5.1: Open Space Zone Permitted Uses | | | |
|---|-------------------|-------------------|-------------------|
| | OS-1 | OS-2 | OS-3 |
| Park & Recreation Related Uses | | | |
| <i>Conservation Use</i> | P | P | P |
| <i>Cemetery</i> | | | |
| <i>Park</i> | P | P | |
| <i>Private Park</i> | | P | |
| <i>Outdoor Recreation Facility</i> | P | P | |
| <i>Recreational Trails</i> | P | P | P |
| <i>Existing Golf Course</i> | | | |
| <i>Sports Arena</i> | | | |
| <i>Accessory Refreshment Pavilion</i> | P | | |
| <i>Accessory Buildings & Structures</i> | PC ⁽¹⁾ | PC ⁽¹⁾ | PC ⁽¹⁾ |
| Community Services / Cultural Facilities | | | |
| <i>Art Gallery</i> | | | |
| <i>Banquet Facility</i> | | | |
| <i>Community Centre</i> | P | | |
| <i>Museum</i> | | | |
| <i>Private Club</i> | | | |
| <i>Place of Worship</i> | | | |

P = Permitted

PC = Permitted, subject to certain conditions noted:

- (1) *Accessory Buildings and Structures* are permitted in accordance with Sections 4.1.2 (*Accessory Buildings and Structures*)

Open Space Zoning Exception Properties:

OS-2-93 – 56, 58, 60 Roxborough Road; 674, 678, 682, 684, 685, 691 Queen Street – Allows a particular driveway and establishes parking requirements for hospital and non-hospital associated units and other development standards. Also includes specific setbacks from watercourses.

SECTION 6 – ZONE PROVISIONS

Established by site specific By-law 2009-90.

6.5.2. Performance Standards

The following table and notations provided in Section 6.2.3 establish the zone standards applicable to the Open Space Zones:

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| Table 6.5.2: Open Space Zone Development Standards | | | |
|--|------|------|------|
| | OS-1 | OS-2 | OS-3 |
| Lot Standards | | | |
| Minimum Lot Area (sq.m.) | | | |
| Minimum Lot Area/Dwelling Unit (sq.m.) | | | |
| Minimum Lot Frontage (m.) | | | |
| Setbacks | | | |
| Minimum Front Yard Setback (m.) | 9.0 | 9.0 | |
| Maximum Front Yard Setback (m.) | | | |
| Minimum Rear Yard Setback (m.) | 9.0 | 9.0 | |
| Minimum Exterior Side Yard Setback (m.) | | | |
| Maximum Exterior Side Yard Setback (m.) | | | |
| Minimum Interior Side Yard Setback - 1 side (m.) | 9.0 | 9.0 | |
| Minimum Interior Side Yard Setback- each side 1 storey (m.) | | | |
| Minimum Interior Side Yard Setback- each side 1.5 storeys (m.) | | | |
| Minimum Interior Side Yard Setback- each side 2 storeys (m.) | | | |
| Minimum Interior Side Yard Setback - Other side (m.) | 9.0 | 9.0 | |
| Minimum Building Separation (m.) | | | |
| Floor Area Coverage and FSI | | | |
| Maximum Lot Coverage (% of lot area) | 20 | 20 | |
| Minimum Floor Area (sq.m.) | | | |
| Maximum Leasible Floor Area (sq.m.) | | | |
| Minimum Floor Space Index (x lot area) | | | |
| Maximum Floor Space Index (x lot area) | | | |
| Height | | | |
| Minimum Height (m.) | | | |
| Minimum Height (storeys) | | | |
| Maximum Height (m.) | | | |
| Maximum Height (storeys) | 2 | 2 | 1 |



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Zoning By-law Review Staff Report

Report Number: 2018-21

File Number: N/A

Department(s): Planning Services

Author(s): Ted Horton, Planner

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled Zoning By-law Review dated June 11, 2018 be received;
2. That staff provide public notice in accordance with the Planning Act of the Town's intent to amend the zoning by-law;
3. That the proposed amendments to Zoning By-Law 2010-40 be referred to a public meeting;
4. And that following the public meeting, 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.

Executive Summary

Planning Services has undertaken a review of the Town's zoning by-laws in order to address technical errors, improve clarity and enforceability, respond to changing legislative and judicial decisions, address new circumstances, and consolidate existing by-laws. Committee of the Whole was presented with this effort under Planning and Building Services Report 2017-25.

This report provides more specific detail of the proposed amendments and recommends that they be provided for public and agency consultation before being brought to a statutory public meeting.

Purpose

This report serves to inform Committee of the Whole of the specific recommended amendments for Phase One of the Zoning By-law Review. The recommendations of the report, if adopted, would direct staff to notify the public and agencies of the proposed amendment and organize a statutory public meeting as required by the Planning Act. For clarity and consistency, it is intended that this public meeting occur alongside the statutory public meeting for the Urban Centres Secondary Plan Zoning By-law.

Background

Context

As was presented in Planning and Building Services Report 2017-25, on October 1st, 1979, Council adopted Comprehensive Zoning By-law 1979-50. In the three decades that followed, the by-law was the subject of more than 200 zoning by-law amendments. In 2006, the Town adopted its new Official Plan and in June of 2010 repealed Zoning By-law 1979-50 and enacted the new Zoning By-law 2010-40, save for lands covered by By-law 2003-128 (Oak Ridges Moraine) and a short list of properties spread throughout the town. Since its adoption, Zoning By-law 2010-40 has been the subject of some 38 zoning by-law amendment applications and more than 160 minor variances.

The application of the zoning by-laws to site plan applications, building permits, and inquiries over the past eight years has revealed improvements that can be made. Staff have identified approximately 140 matters to be addressed through the review. Staff propose to undertake a review of existing zoning by-laws in order to address (1) technical errors, (2) improve clarity and enforceability, (3) respond to changing legislative and judicial decisions, (4) address new circumstances, and (5) consolidate zoning by-laws.

Proposal

Staff are prioritizing and dividing the proposed amendments as necessary to address them in manageable and understandable groups. Phase One of the Zoning By-law Review, as presented in this report, will address principally less complex matters. These include amendments from a range of source areas:

- Technical amendments, addressing clarifications and definitions
- Accessibility improvements, improving design standards for accessibility
- Simplifying matters, reducing overlapping requirements and conflicting standards
- Addressing oversights, adding missing definitions and rectifying errors
- Modernising requirements, ensuring emerging and innovative uses are permitted
- Improving design, addressing challenging layout elements

Subsequent phases will address more complex matters as discussed in Planning and Building Services Report 2017-25 including changes in provincial legislation related to Accessory Dwelling Units, judicial/tribunal decisions related to group homes, discrepancies in parking requirements, and policies related to source water protection.

The specific proposed amendments for Phase One are presented in Attachment 1 of this report. Additional non-statutory elements may be included in the final amendment such as illustrations that provide convenient visual tools to understand definitions and regulations of the by-law related to matters such as decks, rooflines, driveways, and others.

If adopted, the recommendations of this report will formally initiate the zoning by-law amendment process to consult the public, refine the proposed changes, and return to Council with recommendations on the amendment of the by-law.

Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017.

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 (PPS). The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the PPS support improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term and

accommodating an appropriate range and mix of residential, employment, recreation, parks and open space and other uses to meet long term goals.

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

The proposed amendments for this phase are generally minor changes or modifications to existing requirements. A broader evaluation of the degree to which the zoning by-law conforms to the PPS will be undertaken as part of a future update to the Town's Official Plan and the subsequent implementing comprehensive zoning by-law. Staff have reviewed the proposed changes outlined in this report against the policies of the PPS.

Growth Plan

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed-use and transit-supportive development; provide for high quality public spaces; support transit, walking, and cycling; implement minimum affordable housing targets in accordance with the PPS; and achieve an appropriate transition of built form to adjacent uses.

The proposed amendments to this by-law do not fundamentally change the land-use permissions in Newmarket. Some amendments are modifications to definitions or ways that performance standards are measured, others improve ease of understanding and administration of the by-law, and still others correct outstanding errors. Some land-use permissions are modified by addressing uses such as microbreweries that were not contemplated by the original zoning by-law, and in these cases they have largely been retained to the zones where similar uses are permitted. Some amendments are updates to standards that flow from governing provincial legislation such as the Accessibility for Ontarians with Disabilities Act (AODA). Amendments to be proposed in Phase 2 of this review are more substantial and will require greater analysis of compatibility with provincial policies and legislation.

Decisions with respect to planning matters are required to conform to the provisions of the Growth Plan.

York Region Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The policy requirements of the YROP have been integrated into the Town's Official Plan. As outlined above, a broader evaluation of the degree to which the zoning by-law conforms to superior legislative requirements will follow through the Official Plan review process and subsequent implementing zoning by-law. The proposed amendments are intended to update the by-law and address deficiencies without an overhaul of its fundamental elements.

Town of Newmarket Official Plan

Amendments to the Town's zoning by-laws are required to conform to the Town's Official Plan. The amendments proposed as Phase One of the Zoning By-law review are less complex or broad in scope and conform to the Official Plan. Future amendments in subsequent phases may require amendment(s) to the Official Plan to address matters discussed in Planning and Building Services Report 2017-25.

Conclusion

These proposed amendments should be referred to a public meeting as required under the Planning Act. Following this meeting, staff will continue to work with the Town's review partners to revise the proposals and address provided comments. Staff will return to Council with a recommendation report or a by-law, as required, for Council's decision.

Business Plan and Strategic Plan Linkages

Well-equipped & managed

- Service excellence through continuous improvement

Well planned & connected

- Zoning by-laws that are up to date and understandable

Consultation

This report and its appendices were provided to Building Services, Legal Services, Engineering Services, Public Works Services, and Legislative Services for review and comment.

The proposed zoning by-law amendments will be provided to the Town's review partners per standard practice. Notice will be provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

The recommendations of this report refer the proposed amendments to a statutory public meeting as required by the Planning Act.

Budget Impact

No budgetary impacts are anticipated as a result of this report.

Attachments

- List of proposed amendments

Approval



Ted Horton
Planner



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



Peter Noehammer, P. Eng.
Commissioner Development and
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Attachment 1: Proposed Amendments

| Point to Address | Cause of concern | Proposed amendments | Explanation |
|----------------------|---|--|-------------------------|
| Exception 119 | The by-law presented two different figures (25% and 20%) for the same requirement in different parts of the text. | <p>Amend Exception 119 * where it reads:</p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.</p> <p>To instead read:</p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys in height are permitted to have the lesser of</p> <ul style="list-style-type: none"> • 10% of the total lot area or • 75% of the ground floor area of the main building, <p>for roofed accessory buildings or structures in addition to the 25% lot coverage for main dwellings.</p> | Addresses a text error. |

| | | | | | | |
|--|---|---|--|--|---|--|
| Parking requirement for car dealerships | Different uses take place on the lot (sales, office, repair) and it has proven difficult to calculate a single parking requirement for the lot. | Amend Section 5.3.2 to add: <table><tr><td>Motor Vehicle Sales Establishment</td><td>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</td></tr></table> | | Motor Vehicle Sales Establishment | 1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces | Establishes a clear requirement for new dealerships. Avoids confusion of changing uses in floor area. |
| Motor Vehicle Sales Establishment | 1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces | | | | | |
| Recreational vehicles | A recent amendment related to recreational vehicle parking did not limit parking in all ways that were intended. The by-law requires greater clarity to indicate that human habitation in vehicles is not | Amend Section 5.8.2 ii to read: No recreational vehicle or utility trailer is permitted to park in the front yard, or between the principal structure and the front lot line, unless it is on a driveway, subject to the provisions listed below. Add to Section 4.19: x. Human Habitation Not Within Main Buildings No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations. | | Closes a loophole that may allow recreational vehicles in 'staggered' front yards. Clarifies that human habitation in vehicles is prohibited. | | |

| | | | |
|--|--|---|--|
| | permitted. | | |
| Open Outdoor Storage | Some lots with permission to have outdoor accessory storage have stored goods up to the lot line, while any structure would require a setback. | <p>Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:</p> <p>(*1) Subject to 4.19.X Accessory Outdoor Storage</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>4.19.X Accessory Outdoor Storage</p> <p>Where permitted, Accessory Outdoor Storage shall:</p> <ul style="list-style-type: none"> • not exceed 30% of the lot area; • not be visible from a street; • be screened by an opaque fence; • only be located in a side and/or rear yard; • be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres; • not be located in any landscaped area or required parking area; and • not exceed 4.5m in height. | Clarifies permitted location and visibility of outdoor storage. |
| Micro-breweries and similar emerging uses | Currently difficult to establish a micro-brewery based on how restaurant and manufacturing uses are laid out in the by-law. | <p>Amend the definitions to include:</p> <p>Micro-Industrial use</p> <p>means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.</p> <p>Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the</p> | Allows micro-industrial uses in all zones where restaurants are allowed. |

| | | | |
|--|--|---|--|
| | | <p>following zones:</p> <ul style="list-style-type: none"> • CS • CR-1 • CR-2 • UC-D1 • UC-D2 • EM • EG • EH <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Micro-Industrial uses</p> <p>Where a <i>Micro-Industrial</i> use is permitted, the following requirements shall apply:</p> <ul style="list-style-type: none"> i) A <i>Micro-Industrial</i> use is only permitted when accompanied by a <i>retail</i> and/or <i>restaurant use</i> retailing products produced on-site. ii) All production, retailing, and distribution associated with a <i>Micro-Industrial use</i> must take place within a <i>building</i> and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law. iii) Where permitted in an EG zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 40% of the GFA of the <i>premises</i> in which it is located. Where permitted in an EH zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 20% of the GFA of the <i>premises</i> in which it is located. | |
|--|--|---|--|

| | | | | | | | | | | | | | | | | |
|---|---|---|--------------------|----------------|--------------------------------|----------------|---|--------|-----|------------------|----------------|----|-------|----|--------------------|--|
| Exception 4 | Error in compiling 2010-40 led to certain site-specific zoning rights not being properly carried forward. | Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following. | | | | | Properly applies the exceptions for two properties that were mis-applied. Re-implements site-specific permissions for that were not carried forward. | | | | | | | | | |
| | | Exception | Zoning | Map | By-Law Reference | File Reference | | | | | | | | | | |
| | | XX | CO-XX | XX | 1983-71 1988-138 2017-XX | | | | | | | | | | | |
| <div>i) Location: 482 Queen Street</div> <div>ii) Development standards:<div>a. The permitted commercial floor area shall not be less than forty-five square metres.</div></div> <div>iii) Permitted uses:<div>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i>.</div></div> | | | | | | | | | | | | | | | | |
| Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following. | | | | | | | | | | | | | | | | |
| <table><tr><td>Exception</td><td>Zoning</td><td>Map</td><td>By-Law Reference</td><td>File Reference</td></tr><tr><td>XX</td><td>CO1-4</td><td>XX</td><td>1983-70 2017-XX</td><td></td></tr></table> | | | | | | | Exception | Zoning | Map | By-Law Reference | File Reference | XX | CO1-4 | XX | 1983-70 2017-XX | |
| Exception | Zoning | Map | By-Law Reference | File Reference | | | | | | | | | | | | |
| XX | CO1-4 | XX | 1983-70 2017-XX | | | | | | | | | | | | | |
| <div>i) Location: 64-66 Prospect Street</div> <div>ii) Development standards:<div>a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m².</div></div> <div>iii) Permitted uses:<div>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i>; and</div><div>b. Not more than two <i>dwelling units</i>.</div></div> | | | | | | | | | | | | | | | | |

| | | | |
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| Consistent terminology | Access points from parking areas to the street are inconsistently referred to as “ramps”, “accesses”, “entrances”, or “driveways”. | <p>Amend the following sections to replace the word ramp with driveway or the word ramps with driveways:</p> <ul style="list-style-type: none"> • 5.5 • Exception 57 • Exception 62 • Exception 65 • Exception 92 • Exception 108 • Exception 111 • Exception 116 <p>Amend the following sections to replace the word ramp with underground parking driveway ramp:</p> <ul style="list-style-type: none"> • Exception 51 • Exception 119 | Makes consistent the use of terminology related to driveway access points. |
| Food Trucks | Food trucks and mobile restaurants on private property are not addressed by the zoning by-law. | <p>Add definition:</p> <p>Food Vehicle</p> <p>Food Vehicle means the <i>accessory use</i> that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).</p> <p>Add to section 4.19: Specific Use Provisions</p> | <p>Aligns zoning with existing practice.</p> <p>Permits food vehicles on private property.</p> |

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| | | <p>Add Section 4.19.X: Food Vehicles</p> <ul style="list-style-type: none"> i) Notwithstanding Section 4.1.1, a <i>Food Vehicle</i> as an <i>accessory use</i> is not permitted in a <i>Residential zone</i>, save and except the <i>R5 zone</i>. ii) Notwithstanding Section 5, no parking is required for a <i>Food Vehicle</i>. | |
| Motor Vehicle Uses | There are a number of similar motor-vehicle-related uses, with little clarity between the types of activities that are allowed at each of them. | <p>Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to:</p> <ul style="list-style-type: none"> • delete Motor Vehicle Repair Facility <p>Amend the definitions to:</p> <ul style="list-style-type: none"> • delete the definition of Motor Vehicle Repair Facility <p>Amend the definitions of Motor Vehicle Service Shop to read:</p> <p>Means a <i>premises</i> used to conduct repairs of <i>motor vehicles</i> of a mechanical or structural nature and may include an associated towing service, and <i>motor vehicle</i> rentals but does not include a <i>motor vehicle body shop</i> or impound yard. May also include a <i>premises</i> used to conduct diagnostic services, minor repairs, equipping of <i>motor vehicles</i> or in which the replacement of incidental parts and services to <i>motor vehicles</i> are completed while the customer waits.</p> <p>Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:</p> <ul style="list-style-type: none"> • delete the word “including” and replace it with the word | <p>Simplifies rules of motor-vehicle related uses.</p> <p>Allows for motor vehicle repair of all types except for body shops in all areas where it was permitted before.</p> <p>Modifies parking requirements for motor vehicle uses to exclude repair areas from GFA calculations.</p> |

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| | | “excluding” | |
| Places of Entertainment Commercial Athletic Centre | <p>Very similar recreational uses with little clarity why there should be a distinction.</p> | <p>Amend section 5.3.2 to:</p> <ul style="list-style-type: none"> delete the row for Place of Entertainment <p>Amend the definitions to:</p> <ul style="list-style-type: none"> delete the definition of <i>Place of Entertainment</i> <p>Amend the definitions of <i>Commercial Athletic Centre</i> to read:</p> <p><i>Commercial Recreation Centre</i></p> <p>Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, <i>office</i> space, yoga studio, retail shop and related lounge facilities but shall not include a <i>private club</i>. May also include a <i>premises</i> where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an <i>adult entertainment parlour</i> or a <i>nightclub</i>.</p> <p>Amend the by-law to:</p> <ul style="list-style-type: none"> delete all reference to <i>Place of Entertainment</i> replace all references to Commercial Athletic Centre with Commercial Recreation Centre add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones | <p>Simplifies use and complexity by reducing overlapping categories.</p> |

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| | | <ul style="list-style-type: none"> implement a parking requirement of 1 <i>parking space</i> per 20m² of gross floor area for use by the public. <p>Amend Exception 102 to:</p> <ul style="list-style-type: none"> replace Place of Entertainment with Commercial Recreation Centre | |
| Exception 61 | The lands designated as Open Space in by-law 2004-212 had specific language in the amending by-law that was not carried through in full in 2010. | <p>Amend Exception 61 to read:</p> <p>iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.</p> | <p>Clarifies the purpose of the buffer.</p> <p>Ensures that no structures, pools, or other changes are permitted.</p> |
| 6.2.3 (*3) and (*4) | Unclear wording has led to confusion. | <p>Amend Section 6.2.3 (*3) and (*4) to read:</p> <p>(*3) 6 metres between blocks of row or townhouses or 3 metres from <i>lot line</i>.</p> <p>(*4) 3.6 metres between pairs of link dwellings or 1.8 metres from <i>lot line</i>.</p> | <p>Reduces confusion in the reading of the by-law.</p> |

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| Decks | Common design questions related to decks are not clearly addressed by the by-law. | Add to Section 4.2: Where an encroachment is permitted, it is subject to the following conditions: i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that: a. Any deck is constructed of a slatted and not a solid floor b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same. ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure. | Allows for two-level decks, provided they are not solid. This ensures they allow rainwater passage. Allows pergolas, subject to existing rules. Allows awnings. Allows decks to match permitted width of the main structure. | | |
| Long term care facility parking rate | Difficult to apply rate for this type of facility as the number of beds and patients can vary from the number of “dwelling units”. | Amend Section 5.3.2 as follows: <table><tr><td><i>Long Term Care Facility</i></td><td>0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m² of <i>gross floor area</i> used for all other purposes</td></tr></table> | <i>Long Term Care Facility</i> | 0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m ² of <i>gross floor area</i> used for all other purposes | More clearly reflects that patient load is tied to beds and not to rooms. |
| <i>Long Term Care Facility</i> | 0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m ² of <i>gross floor area</i> used for all other purposes | | | | |

| Parking area design | Lack of clarity in various sections related to parking space size and parking area design. | Amend Section 5.2.2 to read: 5.2.2 Parking Space Design i) The minimum required size of a <i>parking space</i> shall be as follows: <table><tr><th>Number of required spaces</th><th>Parking space configuration</th><th>Minimum size</th></tr><tr><td rowspan="2">Fewer than 5</td><td>Parallel</td><td>2.6m by 6.7m</td></tr><tr><td>Perpendicular</td><td>2.6m by 5.0m</td></tr><tr><td rowspan="2">5 or More</td><td>Parallel</td><td>2.6m by 6.7m</td></tr><tr><td>Perpendicular</td><td>2.6m by 5.5m</td></tr></table> ii) The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards: <table><tr><th>Angle of Parking Space</th><th>Minimum Aisle Width</th><th>Direction</th></tr><tr><td>45 degrees</td><td>4.5 metres</td><td>One Way</td></tr><tr><td>90 degrees</td><td>6.7 metres</td><td>Two Way</td></tr></table> iii) Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6: i) Type A (“Van”): Minimum size of 3.4m by 5.5 m ii) Type B: Minimum size of 2.6m by 5.5m Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by | Number of required spaces | Parking space configuration | Minimum size | Fewer than 5 | Parallel | 2.6m by 6.7m | Perpendicular | 2.6m by 5.0m | 5 or More | Parallel | 2.6m by 6.7m | Perpendicular | 2.6m by 5.5m | Angle of Parking Space | Minimum Aisle Width | Direction | 45 degrees | 4.5 metres | One Way | 90 degrees | 6.7 metres | Two Way | Requires the size of parking space for ground-related (singles, semis, towns, etc) driveways as has been the Town’s practice. < |
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| Number of required spaces | Parking space configuration | Minimum size | | | | | | | | | | | | | | | | | | | | | | | |
| Fewer than 5 | Parallel | 2.6m by 6.7m | | | | | | | | | | | | | | | | | | | | | | | |
| | Perpendicular | 2.6m by 5.0m | | | | | | | | | | | | | | | | | | | | | | | |
| 5 or More | Parallel | 2.6m by 6.7m | | | | | | | | | | | | | | | | | | | | | | | |
| | Perpendicular | 2.6m by 5.5m | | | | | | | | | | | | | | | | | | | | | | | |
| Angle of Parking Space | Minimum Aisle Width | Direction | | | | | | | | | | | | | | | | | | | | | | | |
| 45 degrees | 4.5 metres | One Way | | | | | | | | | | | | | | | | | | | | | | | |
| 90 degrees | 6.7 metres | Two Way | | | | | | | | | | | | | | | | | | | | | | | |

| | | two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m. i) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them. | | | | | | | | | | | | | |
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| Pedestrian access | Site design standards require vehicular access but have no specific standards to require pedestrian connections. | Amend Section 5.5 under Required Parking Spaces: 5 or more to add: xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the <i>parking lot</i> surface shall be provided from a <i>sidewalk</i> to the principal entrance of each <i>building</i> . If no sidewalk abuts the property, the connection will be provided from the abutting <i>street</i> . Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width. | Improves pedestrian accessibility. | | | | | | | | | | | | |
| Urban Centres | Downtown area should no longer be titled an “Urban Centre”, as this term is used for Secondary Plan area. | Amend the following sections to replace the terms as follows: <table><tr><th>Section</th><th>To remove</th><th>To replace with</th></tr><tr><td>4.1.2, 4.2,</td><td>Urban Centre</td><td>Downtown</td></tr><tr><td>4.14.1</td><td>Urban Centre</td><td>- Delete section</td></tr><tr><td>4.21</td><td>Urban Centre</td><td>Downtown Zone</td></tr></table> | Section | To remove | To replace with | 4.1.2, 4.2, | Urban Centre | Downtown | 4.14.1 | Urban Centre | - Delete section | 4.21 | Urban Centre | Downtown Zone | Renames downtown zones to clarify that they are not part of UCSP. |
| Section | To remove | To replace with | | | | | | | | | | | | | |
| 4.1.2, 4.2, | Urban Centre | Downtown | | | | | | | | | | | | | |
| 4.14.1 | Urban Centre | - Delete section | | | | | | | | | | | | | |
| 4.21 | Urban Centre | Downtown Zone | | | | | | | | | | | | | |

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| | | | | or Urban Centres Secondary Plan zone | | |
| | | 5.3.3 | Urban Centre | Delete section outside of UCSP | | |
| | | 5.3.4 | Historic Downtown Urban Centre Zone | Downtown Zones | | |
| | | 5.4.1 | Urban Centre and Commercial Zones | Downtown and Commercial Zones | | |
| | | 5.4.1 | Urban Centre Zones | - Delete section | | |
| | | 5.4.3 | Urban Centre Zone | Downtown | | |
| | | 5.6.1 | Urban Centre Zones | Downtown Zones | | |
| | | 5.6.3, 5.6.4 | Urban Centre | Downtown | | |
| | | 5.7.5 | Urban Centre Zones | Downtown Zones | | |
| | | 6.1 | Urban Centre Zones | Downtown Zones | | |
| | | 6.4 | Urban Centre | Downtown | | |

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| | | | Zones | Zones | | |
| | | 6.4.1 | Historic Downtown Urban Centre Zone (UC-D1) | Historic Downtown Zone (UC-D1) | | |
| | | 6.4.1, 6.4.2 | Downtown Urban Centre Zone (UC-D2) | Downtown Zone (UC-D2) | | |
| Commercial motor vehicle | Not present in the zoning by-law | <p>Amend section 5.81 to read:</p> <p>i) On any <i>lot</i> within a Residential Zone, the parking or storage of any <i>commercial motor vehicle</i> is not permitted unless wholly located within an enclosed garage. Only one such <i>vehicle</i> may be stored or parked within a garage on a lot in a Residential Zone.</p> <p>Add definition:</p> <p><i>Commercial motor vehicle</i></p> <p>A motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a <i>food vehicle</i>, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.</p> | | | | <p>Creates new definition for commercial motor vehicle</p> <p>Treats commercial vehicle parking the same as a utility trailer or RV.</p> <p>Clarifies that cars, pickup trucks, and other standard vehicles, even if used for commercial purposes, are</p> |


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| | | | permitted. |
| Commercial Rooftop Patios | Rooftop Commercial Patios are defined in the By-law but not specifically permitted or prohibited. | <p>Amend definition of Patio, Commercial Rooftop:</p> <p>Patio, Commercial Rooftop Means any portion of a rooftop dedicated as an outdoor serving area that is an <i>accessory use</i> to a <i>restaurant</i> or to a commercial use.</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Commercial Rooftop Patios</p> <p>Restaurants, banquet halls, and other commercial uses shall be permitted to include a <i>commercial rooftop patio</i> as an accessory use, provided that the commercial rooftop patio complies with the following regulations:</p> <ul style="list-style-type: none"> i) A <i>commercial rooftop patio</i> is prohibited in association with an adult entertainment parlour; ii) The maximum size of a <i>commercial rooftop patio</i> is 50 % of the floor area used for the principal use; iii) The design shall be established in accordance with an approved site plan; iv) A <i>commercial rooftop patio</i> must comply with any applicable requirements of the Town's licensing and noise by-laws. | <p>Clarifies that rooftop patios are permitted</p> <p>Ensures that they are scaled in size to the principal use</p> <p>Confirms other applicable design and operational standards.</p> |
| Porticoes | Not defined in the by-law, and the intent of allowing for certain roofed encroachments is generally captured by other sections (e.g. | <p>Delete permitted encroachment for Canopies/Porticoes.</p> <p>Amend permitted encroachment for Porches to include Porticoes, reading:</p> <p><i>Porches, Porticoes</i> Open, Uncovered or Covered (2.75 metres in height or less</p> | <p>Removes ambiguity.</p> <p>Continues to permit covered porches and gives porticoes the same</p> |

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| | porches). | above <i>finished grade</i>) | permission. |
| Exception 119 and Building Heights | The current definition does not specify that average front grade is to be used, which is the existing practice. | Amend Exception 119 Section ii) a) to read: Maximum Height: 10.0 metres For the purposes of this exception, height shall be measured from the average front grade of the dwelling to the highest portion of the roof. | Maintains control over the exterior built form and retains the existing height limit. |
| Landscaping in the front yard | The by-law currently limits the amount of 'hard landscaping' that can be present in the driveway through specific limits on each type of feature, but does not clearly state that it is required that where such features are not permitted that 'soft landscaping' must be retained. | Add definitions: <i>Landscaped Area</i> Means the part of a lot located outdoors that is used for the placement of any or a combination of the following elements: <i>Soft landscaping:</i> An open, unobstructed area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits infiltration into the ground. Soft landscaping must allow for the planting of, and sustaining of plant material. <i>Hard landscaping</i> Means an area of non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, including such features as a walkway, patio, deck or in-ground pool. Add section 4.24: Residential front yards General Requirements: | Creates new definitions for soft and hard landscaping Clarifies that a certain portion of front yards must remain as soft landscaping |

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| | | <i>Front yards of residential lots</i> are required to maintain all areas of the <i>yard</i> that are not occupied by a legal <i>driveway</i> , <i>walkway</i> , <i>structure</i> , or permitted encroachment as <i>soft landscaping</i> . | |
| Legal Non-conforming Structures | The text related to legal nonconforming structures and structures requiring restoration to a safe condition is unclear. The intent is to retain acquired rights and not grant any additional permissions. | <p>Amend Section 4.8 to read:</p> <p>4.8 LEGAL NON-CONFORMING USES This By-Law shall not prevent the <i>use</i> of any land, <i>building</i> or <i>structure</i> for any purpose prohibited by this By-Law if such land, <i>building</i> or <i>structure</i> was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, <i>building</i> or <i>structure</i> continues to be used for that purpose.</p> <p>4.8.1 Restoration to a Safe Condition Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any <i>building</i> or <i>structure</i> or part of any such <i>building</i> or <i>structure</i> that is used for a legally <i>non-conforming use</i> as provided for in Section 4.8, provided such alteration or repair does not increase the <i>height</i>, size or volume or change the <i>use</i> of such <i>building</i> or <i>structure</i>.</p> | <p>Retains acquired rights as required by law.</p> <p>Clarifies that illegally non-conforming structures may not be reconstruct-ed.</p> |
| GFA definition | Unclear definition. | <p>Amend the following definitions to read:</p> <p><i>Floor Area, Gross</i></p> <p>Means the aggregate of all floor areas of a <i>building</i> or <i>structure</i>, which floor areas are measured between the exterior faces of the exterior walls of the <i>building</i> at each floor level but excluding any <i>porch</i>, veranda, <i>cellar</i>, mechanical room or penthouse, or areas dedicated to parking within the <i>building</i>. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.</p> | Clarifies which floor areas are included in GFA and NFA calculations |

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| | | <p><i>Floor Area, Net</i></p> <p>Means the aggregate of the floor areas of a <i>building</i>, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the <i>building</i>, and any space with a floor to ceiling height of less than 1.8 metres.</p> | |
| Porches | The encroachment provisions for porches are unclear in how they intend to limit porch height. | <p>Amend the section of the encroachment table in Section 4.2 related to Porches to read:</p> <p>Porches - Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade</p> | Maintains ability of porches to encroach into required yards to the same degree, clarifies the limits on porch height. |
| Pools | <p>Uncertainty as to whether they are permitted in the floodplain.</p> <p>Lack of clarity related to pool patios and decks has led to installation of them up to property lines.</p> | <p>Add section 4.4 vii:</p> <p>In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA.</p> <p>Amend Section 4.4 iii):</p> <p>Any <i>patio, deck, residential structure, accessory</i>, or other structure associated with a <i>pool</i> shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.</p> | <p>Requires the appropriate permit from the LSRCA for pools in the flood plain</p> <p>Clarifies that all elements of a pool are subject to the same requirements as other hard landscaping (patios, decks,</p> |

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| | | | etc). |
| Repeal of Former By-laws | Mis-cited by-law number for Oak Ridges Moraine | Amend Section 1.9 a) i) Subject to 2003-121 (Oak Ridges Moraine) | Corrects a mis-citation of the by-law number referring to the Oak Ridges Moraine zoning by-law |
| Single detached dwellings | Providing greater clarity that a typical single detached dwelling lot permits one home. | Add to section 4.19: Specific Use Provisions Add section 4.19.X: Single Detached Dwellings For greater clarity, unless otherwise specified in this by-law, where a <i>dwelling, detached</i> is permitted as a use only one <i>dwelling, detached</i> is permitted on the <i>lot</i> . | Maintains existing practice with clearer language. |
| Nightclubs | The Town does not license nightclubs, but the zoning by-law sets out that they are subject to municipal licensing requirements. | Delete Section 6.5.1 (*6). | Corrects the statement regarding municipal licensing. Continues to require appropriate licensing by the AGCO |
| Floodplain | The incorrect section of the | Amend Section 7.1.1 to read: | Clarifies the appropriate |

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| and the PPS | Provincial Policy Statement is cited with regard to uses prohibited. | <p>Prohibited Uses</p> <p>The following <i>uses</i> are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Group Home;</i> <input type="checkbox"/> <i>Special Needs Facility;</i> <input type="checkbox"/> <i>Accessory Dwelling Unit;</i> and, <input type="checkbox"/> All other <i>uses</i> in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto. | section of the PPS for prohibited uses. |
| Exceptions 11 and 12 | Incorrect addresses were used to carry forward this site-specific building height permission. | <p>Amend the zoning by-law maps to show:</p>  | Corrects the properties captured by the exception. |
| 852 Gorham | Is incorrectly zoned as an R1-B property, notwithstanding its long use as a | <p>Amend the zoning for the property to add an exception to permit:</p> <ul style="list-style-type: none"> a <i>Veterinary Clinic</i> a <i>Veterinary Hospital</i> | <p>Recognizes the existing use.</p> <p>Maintains existing built form</p> |

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| | veterinary clinic. | | permissions. |
| 820 Gorham | Has R1-B zoning despite being a church, is a holdover from past by-law allowing churches in R zones. | Amend the zoning for the property to I-B. | Recognizes the existing use. Establishes standard built form permissions. |
| Long-term care facility definition | The zoning by-law is unclear on the definitions and standards applicable to retirement residences. | <p>Add definition of Retirement Residence:</p> <p><i>Retirement Residence</i> means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.</p> <p>Amend Section 6 to permit a Retirement Residence in the following zones:</p> <p>UC-R, UC-D1, UC-D2, I-A, I-B</p> <p>Amend Section 5 to add the following parking requirement:</p> <p>Retirement Residence:</p> <p><i>0.5 parking space per unit plus 0.25 parking spaces per unit for visitors</i></p> | <p>Clarifies that retirement residences are a permitted use, and not only as assisted-living long term care facilities</p> <p>Ensures that both public and private facilities are permitted</p> <p>Establishes zones where they are permitted similar to long term care facilities, save for the hospital zones</p> <p>Establishes a parking requirement</p> |

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| | | | similar to long-term care facilities | | | | | | |
| Eaves | The encroachment provision is unclear as to exactly what portions of a roof edge are included. The permitted encroachments do not reflect common building practice. | Amend Section 4.2 provision for Eaves to read: <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr><tr><td>Eaves, eavestroughs, gutters, or similar features</td><td>Any <i>Yard</i></td><td>May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres.</td></tr></table> | Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment | Eaves, eavestroughs, gutters, or similar features | Any <i>Yard</i> | May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres. | Clarifies eaves may encroach into interior side yards only, and that the troughs have no greater permissions than the eaves. |
| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment | | | | | | | |
| Eaves, eavestroughs, gutters, or similar features | Any <i>Yard</i> | May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres. | | | | | | | |
| Outdoor parking | The by-law requires all parking to be outdoor. This would exclude any underground or structured parking. | Amend the introduction to Section 5.3.1 to read: The minimum, off-street parking requirements for <i>residential uses</i> shall be as follows: Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse. (*x) Required <i>parking spaces</i> shall be provided exterior of any <i>garage</i> unless otherwise permitted by this by-law. | Continues to require 2 exterior spaces for ground-related dwelling units. Recognizes structured parking for other uses. | | | | | | |
| Garbage | No zoning standards for | Add Section 4.X : Garbage and Waste Management Garbage containment shall be located within either a | Establishes standards for | | | | | | |

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| enclosures | locations of garbage enclosures. | <p><i>building</i>, or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following <i>zones</i> or where the following <i>uses</i> are being undertaken:</p> <ul style="list-style-type: none"> • Any Commercial <i>zone</i>; • Any Employment <i>zone</i>; • Any Institutional <i>zone</i>; • Any Open Space <i>zone</i>; or • Any lot containing an <i>Apartment Building</i>. <p>A <i>structure</i> primarily used for garbage containment or a garbage enclosure shall not be located:</p> <ul style="list-style-type: none"> • In a front yard; • In an exterior side yard; • In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or • Within any required landscaped areas. <p>A <i>building</i> used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.</p> | <p>zones where waste can be handled outside or inside.</p> <p>Establishes standards for where outdoor garbage enclosures can be located.</p> <p>Requires garbage to be kept within the enclosure.</p> |
| Private home daycares | Private home daycares are permitted in some types of residential units and not others. Provincial regulations related to daycares have | <p>Amend Section 6.2.1 to:</p> <p>Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.</p> <p>Amend Section 6.2.1 to:</p> <p>Amend (5) to read:</p> <p>(*) A Private Home Daycare must adhere to the</p> | <p>Allows private home daycares in all residential zones.</p> <p>Defers to the Provincial regulations for</p> |

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| | changed. | <p>requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.</p> <p>Amend the definition of Private Home Daycare to read:</p> <p>Private Home Daycare</p> <p>Means the <i>use</i> of a <i>dwelling unit</i> for temporary care of children in exchange for compensation for a continuous period not exceeding 24 hours.</p> | limits on numbers of children. |
| R-X (G, K, L, M, N) zones | Several types of lots were left without exterior side yard setbacks. | <p>Amend Section 6.2.2 to:</p> <p>Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L & M lots.</p> | <p>Ensures appropriate setbacks for exterior side yards.</p> <p>Provides clarity of expectations for built form.</p> |
| R-X (P & R) zones | Several types of lots were left without maximum lot coverages. | <p>Amend Section 6.2.2 to:</p> <p>Include 50% as maximum lot coverage for P & R lots.</p> | Provides certainty of a reasonable maximum in cases of additions. |
| R-X (CP) zones | Zoning provides for no maximum driveway width for condominium | <p>Amend Section 6.2.2 to add an exception * to Minimum and Maximum Driveway Width for CP lots to read:</p> <ul style="list-style-type: none"> • Not to exceed the lesser of two-thirds of the frontage of a <i>lot</i> or the façade of the <i>dwelling unit</i> or <i>building</i> | Provides a scalable maximum depending on |

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| | residential zones. | with which the parking space is associated, and not to be less than 3.0m in width. | building frontage. |
| Domestic animal care facilities | Lack of clarity that domestic animal care facilities are meant to be 'doggy day-cares' and not kennels. | <p>Amend definition of Domestic Animal Care Facility to read:</p> <p>Domestic Animal Care Facility</p> <p>Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a <i>kennel</i>.</p> <p>Add definition</p> <p>Kennel:</p> <p>Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a <i>Domestic Animal Care Facility</i>.</p> | Clarifies that domestic animal care facilities are doggie daycares and not breeding kennels. |
| Antennas and Satellite Dishes | Zoning regulates the number of satellite dishes but does not address antennas. | <p>Amend section 4.1.5 to read:</p> <p>4.1.5 Satellite Dishes and Antennas</p> <p>Satellite dishes with a maximum width of 1.0 metre each are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of</p> | <p>Recognizes an ongoing need for antennae.</p> <p>Permits antennae in much the same fashion as satellite dishes.</p> <p>Allows either type of fixture on</p> |

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| | | <p>a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>In a Residential <i>Zone</i>, not more than 2 cumulative satellite dishes and antennae shall be permitted per <i>dwelling unit</i> on the <i>lot</i>.</p> <p>Amend Section 4.2 to add:</p> <p>Accessory Structures:</p> <table><tr><td>Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law)</td><td>Permitted in any <i>yard</i>.</td><td>Not closer than 0.2m from any <i>lot line</i>.</td></tr></table> | Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) | Permitted in any <i>yard</i> . | Not closer than 0.2m from any <i>lot line</i> . | <p>any building on the lot.</p> <p>Limits height of antennae.</p> |
| Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) | Permitted in any <i>yard</i> . | Not closer than 0.2m from any <i>lot line</i> . | | | | |
| Definition of attached | The by-law lacks clarity for when a structure should be treated as being “attached”. | <p>Add definition for Structure, Attached:</p> <p>Any structure that is attached to another structure by a common wall or by a common roof structure.</p> | <p>Clarifies what constitutes a connected structure</p> <p>Limits the permissions accorded to an attached structure to those that are truly part of the same building.</p> | | | |
| Cross-references | Lack of cross-reference can make determining all applicable | <p>Amend 5.3.3 to include:</p> <p>iv) Shall be located in accordance with Section 5.4.1.</p> | Reduces oversight of related sections. | | | |

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| | sections difficult for applicants. | | |
| Carpool spaces | Carpool spaces are required, but they are not defined in their use, location, or enforcement. | <p>Add definition:</p> <p><i>Carpool space or High Occupancy Vehicle Space</i></p> <p>A designated parking space for vehicles to be used only by vehicles carrying more than one occupant.</p> <p>Amend section 5.3.7 to read:</p> <p><i>Carpool parking spaces</i> shall be provided in conjunction with developments involving <i>financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school</i> uses and shall be included as part of the overall parking requirement as the lesser of:</p> <ul style="list-style-type: none"> i) 5% of the total required parking supply for any of these non-residential uses, or ii) 2.0 parking spaces <p>For each required <i>carpool parking space</i> provided the total parking requirement may be reduced by 2 spaces. <i>Carpool parking spaces</i> shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free <i>parking spaces</i>.</p> <p>iii) Carpool spaces are to be reserved for the exclusive use of vehicles carrying more than one occupant. Carpool spaces are to be indicated with Town-approved signage.</p> | <p>Requires parking spaces designated as carpool to be reserved for carpool users.</p> <p>Requires carpool space location to be prioritized.</p> |

| Bicycle parking | <p>Lack of standards leads to bike parking being provided in less than optimal locations.</p> <p>Distinction between “internal” and “external” bicycle parking spaces does not adequately capture the range of bicycle parking options that would fit within the policies of the Official Plan.</p> | <p>Add the definitions:</p> <p>Bicycle Parking Space, Long-term</p> <p>Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access.</p> <p>Bicycle Parking Space, Short-term</p> <p>Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.</p> <p>Amend Section 5.3.8 to read:</p> <p>i) <i>Bicycle parking spaces</i> shall be provided as follows:</p> <table><tr><th>Use</th><th>Required Bicycle</th></tr><tr><td>Retail, Service Commercial, Office, Institutional</td><td>2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m² of gross floor area</td></tr></table> | Use | Required Bicycle | Retail, Service Commercial, Office, Institutional | 2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area | <p>Defines types of bicycle parking spaces.</p> <p>Provides standards for their number, size and location.</p> |
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| Use | Required Bicycle | | | | | | |
| Retail, Service Commercial, Office, Institutional | 2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area | | | | | | |

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| | | | <table><tr><td><i>Manufacturing/Industrial</i></td><td>2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m² of <i>gross floor area</i></td></tr><tr><td><i>School</i></td><td>0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i></td></tr><tr><td><i>Apartment Building</i></td><td>0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit</td></tr></table> | <i>Manufacturing/Industrial</i> | 2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m ² of <i>gross floor area</i> | <i>School</i> | 0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i> | <i>Apartment Building</i> | 0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit | |
| <i>Manufacturing/Industrial</i> | 2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m ² of <i>gross floor area</i> | | | | | | | | | |
| <i>School</i> | 0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i> | | | | | | | | | |
| <i>Apartment Building</i> | 0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit | | | | | | | | | |
| <p>Where <i>bicycle parking spaces</i> are located internal to a <i>building</i>, they shall be located:</p> <ul style="list-style-type: none">a. on the ground floor; orb. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or an entrance at grade. <p><i>Bicycle parking spaces</i> as required by this by-law shall not be located:</p> <ul style="list-style-type: none">a. in a dwelling unit; orb. on a balcony. | | | | | | | | | | |

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| | | <div><div>ii)</div><div>The minimum dimension of a bicycle parking space is:<div><div>a.</div><div>minimum length of 1.8 metres;</div></div><div><div>b.</div><div>minimum width of 0.6 metres; and</div></div><div><div>c.</div><div>minimum vertical clearance from the ground of 1.9 metres; and</div></div></div></div> <div><div>iii)</div><div>the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:<div><div>a.</div><div>minimum length or vertical clearance of 1.9 metres;</div></div><div><div>b.</div><div>minimum width of 0.6 metres; and</div></div><div><div>c.</div><div>minimum horizontal clearance from the wall of 1.2 metres; and</div></div></div></div> <div><div>iv)</div><div>A bicycle parking space must be on the same <i>lot</i> as the <i>use</i> for which it is required.</div></div> | | | | | | | |
| <div>Landscape buffers</div> | <div>This section conflicts with other sections that allow visitor parking closer to property lines. It would be clearer and more predictable to have a standard buffer with no parking permitted in it.</div> | <div><div>Amend Section 4.14.2 to read:</div><div>In addition to the requirements of Section 4.14.1, in all Employment Zones, <i>landscape buffers</i> shall be provided adjacent to <i>street lines</i> except for land used to accommodate pedestrian and vehicular access to the <i>lot</i>. Such buffers shall be established as follows:</div><table><tr><td>Location of Landscape Buffer</td><td>Minimum Width of Landscape Buffer</td></tr><tr><td><i>Front Yard</i></td><td>6.0 metres</td></tr><tr><td>Exterior Side and <i>Rear</i></td><td>3.0 metres</td></tr></table></div> | Location of Landscape Buffer | Minimum Width of Landscape Buffer | <i>Front Yard</i> | 6.0 metres | Exterior Side and <i>Rear</i> | 3.0 metres | <div>Reduces the required front yard landscape buffer to reflect what is more common in the area.</div> <div>Clarifies that the landscape buffer is not meant to be a parking lot.</div> |
| Location of Landscape Buffer | Minimum Width of Landscape Buffer | | | | | | | | |
| <i>Front Yard</i> | 6.0 metres | | | | | | | | |
| Exterior Side and <i>Rear</i> | 3.0 metres | | | | | | | | |

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| | | <div>Yard</div> | |
| | | <div>Amend Section 4.14.3 (iv) to re-number it to:<ul style="list-style-type: none">4.14.X.</div> | |
| Landscape Buffer Plantings | Wrong type of size measure for each type of plant. | <div>Amend section 4.14.1 (iii) to read:<p>Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a <i>daylighting triangle</i>.</p></div> | Establishes a minimum size for coniferous trees, deciduous trees, and shrubs. |
| Accessibility lifts | Accessibility ramps enjoy a generous encroachment provision that is not extended to lifts. | <div><div>Add definitions:</div><div>Accessibility Ramp<p>An inclined plane installed in addition to or instead of stairs that permits users to access a ground <i>floor</i> from <i>grade</i>.</p></div><div>Accessibility Lift<p>A vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground <i>floor</i> from <i>grade</i>.</p></div><div>Amend Section 4.2:</div><div><div>Permitted Structure or</div><div>Applicable Required</div><div>Required Setback or</div></div></div> | Ensures that encroachment permissions for accessibility features are not used to misrepresent other design elements. |

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| | | Feature | Yard(s) | Permitted Encroachment | |
| | | Accessibility Ramps or Wheelchair Lifts (*2) | Permitted in any <i>yard</i> | No required setback | |
| | | <p>Add (*2)</p> <p>An <i>Accessibility Ramp</i> shall have a maximum gradient of 1 in 12. A <i>Wheelchair Lift</i> is permitted to elevate no higher than the first <i>storey</i> of the <i>building</i>, and have a maximum area no greater than 3.0 square metres.</p> <p>Amend all references to wheelchair ramps :</p> <p>To refer to them as accessibility ramps.</p> | | | |
| Shipping containers | By-law does not specifically address shipping containers for storage or as a structure. | <p>Add definition:</p> <p>Shipping Container</p> <p>Means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.</p> <p>Amend Section 4.1.2 to add:</p> <p>When an accessory building is made up in whole or in part of <i>shipping container(s)</i>, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.</p> | | | <p>Allows the use of shipping containers.</p> <p>Requires their external appearance to match the main building.</p> <p>Subjects them to the same setback and</p> |

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| | | | building requirements as any other type of structure. |
| Parking and walkways | <p>Driveway definition doesn't work well with non-rectilinear lots.</p> <p>Reverse-slope driveways are not addressed, and can lead to basement flooding.</p> <p>Multiple driveway provisions have led to increased loss of yard and sidewalk conflicts.</p> | <p>Amend the definition of Walkway, Residential to read:</p> <p>Walkway, Residential A hard surface path leading from the front or exterior wall of a <i>dwelling unit</i> to a curb, street, sidewalk, or rear <i>yard</i>, no wider than 1.2 metres and, if adjacent to a <i>driveway</i> shall be of a different material from the <i>driveway</i>. A <i>walkway</i> may not be used for vehicular parking.</p> <p>Amend Section 6.2.3 to add:</p> <p>(*#) A single <i>Walkway, Residential</i> is permitted for zones R1, R2, R3, and R4 except as provided for in an approved site plan agreement. A <i>Walkway, Residential</i> shall not exceed 1.2m in width, save that where a <i>Walkway, Residential</i> approaches the door of a structure, its width may exceed 1.2m insofar as it then becomes and fulfills the definition and encroachment provisions of a <i>Landing</i>. For clarity, lots are also required to comply with all other provisions of the by-law related to yard landscaping including Section 4.24.</p> <p>(*#) Parking of motor vehicles is only permitted in a driveway in zones R1, R2, R3, and R4 except as otherwise provided for in this by-law or in an approved site plan agreement.</p> | <p>Limits single residential lots to one walkway to prevent the over-paving of lots and creation of improper parking surfaces.</p> <p>Clarifies that parking is only permitted in a driveway.</p> <p>Clarifies how to measure driveway width.</p> <p>Prohibits reverse-slope driveways except as provided for in site plan agreements.</p> |

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| | | <p>Nothing in this by-law should be construed so as to permit a walkway or driveway to interfere with a drainage swale as approved through a Plan of Subdivision, Site Alteration Permit, Site Plan Agreement, or other plan approved by the Town of Newmarket. No person shall park a vehicle on a <i>walkway, residential</i>.</p> <p>Amend Section 4.2 to add:</p> | | | <p>Allows for side-yard walkways to be treated the same as patio areas in rear and side yards as close as 0.6m.</p> <p>Removes multiple driveway access point provisions for low-density residential lots.</p> |
| | | Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment | |
| | | Walkway, residential | <i>Front, interior side, and exterior side yard</i> | <p>No required front or exterior side yard setback.</p> <p>Must maintain 0.6m setback from interior side lot line.</p> | |
| | | Patios, Uncovered | <p>Urban Centre and Commercial Zones: front and <i>exterior side yards</i>.</p> <p>All other Zones: rear and <i>side</i></p> | <p>No required setback.</p> <p>No closer than 0.6 metres from the <i>lot line</i>.</p> | |

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| | | | yards. | | |
| | | <p>Add definition:</p> <p>Landing</p> <p>Means a surfaced, open space of land at <i>grade</i>, adjacent to a residential <i>use</i>, which is adjacent to stairs, steps, or a door providing access to the <i>building</i> or <i>structure</i> with which it is associated and connected to a <i>driveway</i>, pathway or <i>walkway</i>.</p> <p>Amend the definition of Driveway, Width of to read:</p> <p>Means the widest horizontal surface of any <i>driveway</i>, and includes any portion of hard landscaping or pavement contiguous to a <i>driveway</i> or <i>parking space</i> where parking or storage of a <i>motor vehicle</i> could be accommodated.</p> <p>Amend Section 6.2.3 to add:</p> <p>(*#) for a Dwelling Unit, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:</p> <p>(A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or</p> <p>(B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space;</p> | | | |

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| | | <p>except as provided for in an approved site plan agreement.</p> <p>Amend the definition of <i>Patio</i>:</p> <p>To strike the clause “but shall not include pathways or walkways”.</p> <p>Delete Section 5.5 iii).</p> | | | | |
| Residential Accessory Structures | Confusion over setback provisions related to accessory structures, detached garages, residential accessory structures, and corner lots. | <p>Amend definition of Residential Structure, Accessory to read:</p> <p>Residential Structure, Accessory</p> <p>Means <i>accessory structures</i> that are not used for human habitation, but the <i>use</i> of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal <i>residential use</i> or dwelling and located on the same <i>lot</i> therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; <i>private play structure</i>; gazebo; dog house or dog run; private greenhouse; shed; <i>patio</i> shelter; portable tent structures; standalone antennae or satellite dishes; and, standalone <i>solar panels</i>; but shall not include a detached garage or any mechanical equipment as defined under <i>air conditioner</i> or privacy screens erected on the ground.</p> <p>Amend Section 4.2 encroachment provision to read:</p> <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr></table> | Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment | <p>Allows basketball nets in all yards.</p> <p>Clarifies the existing requirement for accessory structures, but provides a standalone section for detached garages for ease of use.</p> <p>Clarifies that accessory structures are a single permitted encroachment that cannot benefit from</p> |
| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment | | | | |

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| | | <div><div>Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i></div><div>Permitted in any <i>yard</i></div><div>No required setback</div></div> | | additional encroachment such as balconies. |
| | | <p>Amend definition of Carport to read:</p> <p>Carport</p> <p>Means a <i>building</i> or <i>structure</i> attached to the principal or <i>main building</i>, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more <i>motor vehicles</i>.</p> <p>Amend Section 4.1.2 to read:</p> <p>4.1.2 Accessory Buildings and Structures</p> <p><i>Accessory buildings, structures</i> and <i>uses</i> are permitted in all <i>zones</i> subject to the following provisions:</p> <div><div>i. The principle <i>use, building</i> or <i>structure</i> must already be established on the same <i>lot</i>.</div><div>ii. No detached <i>accessory building</i> or <i>structure</i> may be used for human habitation or an occupation for gain, unless specifically permitted</div></div> | | |

| | | <p>by this By-Law.</p> <p>iii. Unless otherwise specified, <i>accessory buildings</i> and <i>structures</i> shall comply with the following requirements.</p> <p>iv. <i>Accessory buildings</i> and <i>structures</i> are not permitted additional encroachments under Section 4.2 for structural or ornamental features.</p> <table><tr><th>Permitted feature or structure</th><th>Measure</th><th>Requirement</th></tr><tr><td rowspan="2">Detached garage in a residential zone</td><td>Location</td><td>Comply with all applicable yard requirements of the zone in which they are located</td></tr><tr><td>Height</td><td>Lesser of 4.6m or the height of the main building on the lot</td></tr><tr><td>Residential accessory structures (RAS)</td><td>Location and height</td><td>In accordance with Section 4.2</td></tr><tr><td>Accessory buildings or structures</td><td>Total lot coverage</td><td>Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot</td></tr></table> | Permitted feature or structure | Measure | Requirement | Detached garage in a residential zone | Location | Comply with all applicable yard requirements of the zone in which they are located | Height | Lesser of 4.6m or the height of the main building on the lot | Residential accessory structures (RAS) | Location and height | In accordance with Section 4.2 | Accessory buildings or structures | Total lot coverage | Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot | |
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| Permitted feature or structure | Measure | Requirement | | | | | | | | | | | | | | | |
| Detached garage in a residential zone | Location | Comply with all applicable yard requirements of the zone in which they are located | | | | | | | | | | | | | | | |
| | Height | Lesser of 4.6m or the height of the main building on the lot | | | | | | | | | | | | | | | |
| Residential accessory structures (RAS) | Location and height | In accordance with Section 4.2 | | | | | | | | | | | | | | | |
| Accessory buildings or structures | Total lot coverage | Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot | | | | | | | | | | | | | | | |

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| | | | | All other zones: 15% of the lot area | |
| | | | Height | Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot | |
| | | | | All other zones: The maximum permitted height of the zone in which the accessory structure is located | |
| | | | Corner lot location | Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone | |
| <div>iv) Notwithstanding Section 4.1.2 (iii) above, <i>accessory structures</i> in a residential zone shall be setback from the <i>lot line</i> in accordance with the requirements of Section 4.2 of this By-Law.</div> <div>v) The total <i>lot coverage</i> of all <i>Accessory Buildings and Structures</i> on a <i>lot</i> shall be as follows:</div> | | | | | |

| | | <table><tr><th>Zone</th><th>Maximum Total Lot Coverage</th></tr><tr><td>Residential Zones</td><td>the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i></td></tr><tr><td>All Other Zones</td><td>15% of the <i>lot area</i></td></tr></table> | Zone | Maximum Total Lot Coverage | Residential Zones | the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i> | All Other Zones | 15% of the <i>lot area</i> | |
|--|---|---|--|--|---|---|---|----------------------------|--|
| Zone | Maximum Total Lot Coverage | | | | | | | | |
| Residential Zones | the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i> | | | | | | | | |
| All Other Zones | 15% of the <i>lot area</i> | | | | | | | | |
| | <p>vi) <i>The maximum height of an accessory building or structure shall be as follows:</i></p> <table><tr><th>Zone</th><th>Maximum Height of Accessory Structures</th></tr><tr><td>Residential, Urban Centre and Commercial Zones</td><td>the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i></td></tr><tr><td>All Other Zones</td><td>the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located</td></tr></table> | Zone | Maximum Height of Accessory Structures | Residential, Urban Centre and Commercial Zones | the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i> | All Other Zones | the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located | | |
| Zone | Maximum Height of Accessory Structures | | | | | | | | |
| Residential, Urban Centre and Commercial Zones | the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i> | | | | | | | | |
| All Other Zones | the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located | | | | | | | | |
| | <p>vii) Notwithstanding any other provision of this By-Law, the setback for <i>accessory buildings or structures</i> on a <i>corner lot</i> shall be as follows:</p> | | | | | | | | |

| | | <table><tr><th>Zones</th><th>Applicable Yards</th><th>Minimum Required Setback</th></tr><tr><td>Residential Zones</td><td>Rear Yard or Exterior Side Yard</td><td>4.5 metres from flanking street</td></tr><tr><td>Commercial or Employment Zone Abutting any Residential Zone</td><td>Exterior Side Yard</td><td>Distance equal to the depth of the minimum required front yard of the abutting Residential Zone</td></tr></table> | Zones | Applicable Yards | Minimum Required Setback | Residential Zones | Rear Yard or Exterior Side Yard | 4.5 metres from flanking street | Commercial or Employment Zone Abutting any Residential Zone | Exterior Side Yard | Distance equal to the depth of the minimum required front yard of the abutting Residential Zone | |
|---|--|---|---|------------------|--------------------------|-------------------|---------------------------------|---------------------------------|---|--------------------|---|--|
| Zones | Applicable Yards | Minimum Required Setback | | | | | | | | | | |
| Residential Zones | Rear Yard or Exterior Side Yard | 4.5 metres from flanking street | | | | | | | | | | |
| Commercial or Employment Zone Abutting any Residential Zone | Exterior Side Yard | Distance equal to the depth of the minimum required front yard of the abutting Residential Zone | | | | | | | | | | |
| Fuel tanks | No existing regulations related to propane and fuel storage. | <p>Add the definition of Residential Structure, Accessory to add the following words to the list of examples included:</p> <p>fuel tank with a capacity of less than 1500L</p> <p>Add to section 4.19: Specific Use Provisions</p> | Permits a fuel tank in the same manner as a shed, requiring a setback from lot lines and limiting yards where they can be placed. | | | | | | | | | |

| | | <p>4.19.x Fuel Tanks</p> <p>Where fuel tanks are permitted, the following standards shall apply to their location:</p> <ul style="list-style-type: none">i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory.ii) In any other zone, be located in accordance with an approved site plan.iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable. | <p>Defers to CSA and TSSA on safety and volume limits.</p> <p>Prohibits encroachment of fuel tanks larger than 1499L.</p> | | | | | | |
|---|--|---|---|---------------------|-------------------------------|---|---|---|--|
| Fireplaces | No specific standards for where an outdoor fireplace can be located. | <p>Amend Section 4.2 to add:</p> <table><tr><th>Permitted Structure</th><th>Applicable Required</th><th>Required Setback or Permitted</th></tr><tr><td>Barbeque, chiminea, fireplace, fire pit, or similar structure</td><td>Permitted in any <i>yard</i> of a residential <i>zone</i></td><td>No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.</td></tr></table> | Permitted Structure | Applicable Required | Required Setback or Permitted | Barbeque, chiminea, fireplace, fire pit, or similar structure | Permitted in any <i>yard</i> of a residential <i>zone</i> | No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable. | <p>Applies the existing requirements of the outdoor fire by-law through the zoning by-law.</p> <p>Allows for limited outdoor fires, subject to certain setbacks.</p> |
| Permitted Structure | Applicable Required | Required Setback or Permitted | | | | | | | |
| Barbeque, chiminea, fireplace, fire pit, or similar structure | Permitted in any <i>yard</i> of a residential <i>zone</i> | No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable. | | | | | | | |

| AODA standards and barrier-free parking | Accessibility for Ontarians with Disabilities Act requires different standards for parking than 2010-40, and the AODA supersedes. | Amend Section 5.3.6 to read: 5.3.6 Barrier Free Parking Spaces Off-street barrier free <i>parking spaces</i> shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces. i) The minimum barrier free parking requirement shall be as follows: <table><tr><th>Total number of parking spaces provided</th><th>Required Type A Spaces (Van)</th><th>Required Type B Spaces</th></tr><tr><td>1 to 12</td><td>1</td><td>0</td></tr><tr><td>13 to 25</td><td>0</td><td>1</td></tr><tr><td>26 to 50</td><td>1</td><td>1</td></tr><tr><td>51 to 75</td><td>1</td><td>2</td></tr></table> | Total number of parking spaces provided | Required Type A Spaces (Van) | Required Type B Spaces | 1 to 12 | 1 | 0 | 13 to 25 | 0 | 1 | 26 to 50 | 1 | 1 | 51 to 75 | 1 | 2 | Applies the requirement of the AODA to the number and design of barrier-free parking spaces. Provides for a higher rate of barrier-free parking spaces for medical uses. |
|--|---|---|---|------------------------------|------------------------|---------|---|---|----------|---|---|----------|---|---|----------|---|---|---|
| Total number of parking spaces provided | Required Type A Spaces (Van) | Required Type B Spaces | | | | | | | | | | | | | | | | |
| 1 to 12 | 1 | 0 | | | | | | | | | | | | | | | | |
| 13 to 25 | 0 | 1 | | | | | | | | | | | | | | | | |
| 26 to 50 | 1 | 1 | | | | | | | | | | | | | | | | |
| 51 to 75 | 1 | 2 | | | | | | | | | | | | | | | | |

| | | | | | |
|--|--|------------|---|---|--|
| | | 76 to 100 | 2 | 2 | |
| | | 101 to 133 | 2 | 3 | |
| | | 134 to 166 | 3 | 3 | |
| | | 167 to 250 | 3 | 4 | |
| | | 251 to 300 | 4 | 4 | |
| | | 301 to 350 | 4 | 5 | |
| | | 351 to 400 | 5 | 5 | |
| | | 401 to 450 | 5 | 6 | |
| | | 451 to 500 | 6 | 6 | |
| | | 501 to 550 | 6 | 7 | |
| | | 551 to 600 | 7 | 7 | |
| | | 601 to 650 | 7 | 8 | |
| | | 651 to 700 | 8 | 8 | |

| | | | | | |
|--|--|--|--|----|--|
| | | 701 to 750 | 8 | 9 | |
| | | 751 to 800 | 9 | 9 | |
| | | 801 to 850 | 9 | 10 | |
| | | 851 to 900 | 10 | 10 | |
| | | 901 to 950 | 10 | 11 | |
| | | 951 to 1000 | 11 | 11 | |
| | | 1001 and over | 11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B. | | |
| | | Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space. | | | |
| Notwithstanding subsection i) above, the minimum barrier free parking requirement for <i>medical offices</i> , clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the <i>use</i> , providing at least 40% of the required barrier | | | | | |

| | | free spaces of each type of Type A and Type B. | | | | | | | | | | | | | | | | |
|-----------------------|---|--|--|-------------------------------------|--|--|------|-----|------|----------------------|------|------|-----|--------------|-----|-----|------|--|
| Coverage | Definition of Lot Coverage is unclear. It is intended to encompass all areas of a lot covered by a roofed structure. | <p>Amend definition of Lot Coverage to read:</p> <p>Means the percentage of the <i>lot</i> area covered by all <i>buildings, structures</i> or parts thereof, at or above <i>average grade</i> or <i>established grade</i>, exclusive of uncovered <i>decks</i>, uncovered <i>porches</i>, and outdoor swimming <i>pools</i>.</p> | Clarifies that all structures contribute to lot coverage, regardless of if they have ground-floor footprint. | | | | | | | | | | | | | | | |
| Shared parking | Many multi-tenant/multi-business properties have uses whose parking demands do not typically peak at the same time, but they are not able to benefit from the current shared parking provisions | <p>Amend Section 5.3.5 i) to read:</p> <p>A shared parking formula may be used for the calculation of required parking for a mixed <i>use</i> development. A mixed <i>use</i> development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement.</p> <p>Amend the tables in Section 5.3.5 i) to include:</p> <table border="1"> <tr> <th rowspan="2">Type of Use</th><th colspan="3">Percentage of Peak Period (Weekday)</th></tr> <tr> <th>Morn</th><th>Aft</th><th>Even</th></tr> <tr> <td>Industrial or office</td><td>100%</td><td>100%</td><td>10%</td></tr> <tr> <td>Recreational</td><td>25%</td><td>80%</td><td>100%</td></tr> </table> | Type of Use | Percentage of Peak Period (Weekday) | | | Morn | Aft | Even | Industrial or office | 100% | 100% | 10% | Recreational | 25% | 80% | 100% | <p>Recognizes that evolving uses are not captured by the existing zoning by-law but have parking demands that are complementary to others.</p> <p>Supports small businesses by making more flexible standards for their location in multi-unit developments.</p> |
| Type of Use | Percentage of Peak Period (Weekday) | | | | | | | | | | | | | | | | | |
| | Morn | Aft | Even | | | | | | | | | | | | | | | |
| Industrial or office | 100% | 100% | 10% | | | | | | | | | | | | | | | |
| Recreational | 25% | 80% | 100% | | | | | | | | | | | | | | | |

| | | | | | | |
|--|--|----------------------|-------------------------------------|------|------|--|
| | | Hotel | 80% | 80% | 100% | Reduces burden on multi-unit building owners to occupy units by establishing a standard parking rate for small industrial plazas that matches the rate they were commonly developed under. |
| | | Assembly | 10% | 25% | 100% | |
| | | | | | | |
| | | Type of Use | Percentage of Peak Period (Weekend) | | | |
| | | | Morn | Aft | Even | |
| | | Industrial or office | 10% | 10% | 10% | |
| | | Recreational | 90% | 100% | 100% | |
| | | Hotel | 80% | 80% | 100% | |
| | | Assembly | 90% | 90% | 100% | |
| | | | | | | |
| For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses. | | | | | | |
| Amend Section 5.3.5 i) c) to read: | | | | | | |
| a building or group of <i>buildings</i> on the same <i>lot</i> containing a mix of <i>office or medical office, commercial uses and dwelling units</i> ; or, | | | | | | |

| | | Amend Section 5.3.2 to add: <table><tr><th>Type or Nature of Use</th><th>Minimum Off-Street Parking Requirements</th></tr><tr><td>Multiple-Unit Buildings within Employment Zones</td><td>The aggregate of:<ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m2 of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m2 of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m2 of <i>gross floor area</i> greater than 3720 m² GFA</td></tr></table> | Type or Nature of Use | Minimum Off-Street Parking Requirements | Multiple-Unit Buildings within Employment Zones | The aggregate of: <ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m2 of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m2 of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m2 of <i>gross floor area</i> greater than 3720 m² GFA | |
|---|---|---|---|---|---|---|--|
| Type or Nature of Use | Minimum Off-Street Parking Requirements | | | | | | |
| Multiple-Unit Buildings within Employment Zones | The aggregate of: <ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m2 of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m2 of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m2 of <i>gross floor area</i> greater than 3720 m² GFA | | | | | | |
| Driveways that straddle property lines | Driveways that are across the property line for two properties are common in town, but the by-law is silent on them. A shared driveway permits a more efficient design. | Add within Section 5.5: Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access. | Recognizes and permits shared driveways. | | | | |
| Offices | Permitted uses in the EM, EG, and EH zones related to offices suggest that offices are only allowed on major roads, and accessory offices | Amend Section 6.5.1 to: Delete <i>Accessory Office</i> as a listed use Amend Section 6.5.1 (*8) to read: Permitted as a principal use in the EM and EG zones. | Allows offices on all streets in EM and EG zones. Allows accessory offices in EH zones to a quarter of the | | | | |

| | | | |
|----------------------|---|---|--------------------------------|
| | are only allowed in EH zones. This would prohibit accessory offices in many of the areas of the employment lands. | Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises. | floor area. |
| Day Nurseries | The governing provincial legislation related to day nurseries has changed and the zoning by-law references out-of-date legislation. | Amend the definition of Day Nursery to read: Day Nursery Means a <i>premises</i> where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation. | Updates legislation reference. |



Town of Newmarket
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2018 Reserves and Reserve Funds Budget Staff Report

Report Number: 2018-24

Department(s): Financial Services

Author(s): Mike Mayes, Director of Financial Services/Treasurer

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled 2018 Reserves and Reserve Funds Budget dated June 11, 2018 be received; and,
2. That the projected revenues for the 2018 Reserves and Reserve Funds Budget as set out in the attachment be approved.

Executive Summary

Following the final approvals of the Operating and Capital budgets for a year, there is a requirement for Council to approve the contributions to the Reserves and Reserve Funds.

The 2018 budgeted revenues for reserves and reserve funds including obligatory reserve funds are \$33.3 million. They include \$20.0 million in transfers from the operating budget, \$2.5 million from the gas tax grant, and \$9.1 million in contributions from developers, mainly from Development Charges.

Reserves and reserve funds, including obligatory reserve funds (for development charges and parkland contributions, gas tax grant, etc.) had a combined balance of \$92.3 million at the beginning of 2018 and are budgeted to have a balance of \$41.1 million at the end of 2018, a decrease of \$51.2 million. This does not include the impact of \$50 million blanket unallocated deferral applied to the 2018 capital budget.

Purpose

The purpose of this report is to seek Council approval of the 2018 Reserves and Reserve Funds Budget.

Background

The majority of the Reserves and Reserve Funds budget has already been established through the previous adoption of the 2018 Operating and Capital Budgets including the Supplementary Budget for the Mulock Farm property. The projected revenues, i.e. interest earned, contributions from developers, items paid directly to the reserve and reserve funds, etc., are based upon the trends of the last three years.

Discussion

Reserves and reserve funds, including obligatory reserve funds (for development charges and parkland contributions, gas tax grant, etc.) had a combined balance of \$92.3 million at the beginning of 2018 and are budgeted to have a balance of \$41.1 million at the end of 2018, a decrease of \$51.2 million.

However, Financial Services Report 2018-14 2017 Capital Carryovers indicated a \$50 million blanket unallocated deferral applied to the 2018 Capital Budget. This deferral will decrease the funding request from reserves and reserve funds in 2018. Due to the difficulty and complexity to determine the individual capital projects to be deferred, the financing associated with the deferral cannot be allocated, and hence the \$50 million deferral is not reflected in the 2018 reserves and reserve funds budget.

The details of the 2018 reserves and reserve funds budget are attached. They are summarized below:

1. Reserves and reserve funds for capital purposes

These reserves and reserve funds were set up for funding future capital projects.

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|-------------------------|------------------------|-------------------|-------------------|---------------------|---------------------|
| General Capital | 4,051,634 | 390,904 | 3,920,168 | 522,370 | (3,529,264) |
| Loan to Capital | (11,369,792) | 856,084 | 10,004,142 | (20,517,850) | (9,148,058) |
| Designated Capital | 9,168,945 | 1,148,310 | 3,667,822 | 6,649,433 | (2,519,512) |
| Asset Replacement Funds | 27,953,992 | 17,171,394 | 32,216,544 | 12,908,842 | (15,045,150) |
| TOTAL | 29,804,780 | 19,566,692 | 49,808,676 | (437,204) | (30,241,984) |

Revenues in the General Capital and Designated Capital reserve funds are mainly transfers from the operating fund for things like capital financing, environmental land purchases, the official plan and other items that may on occasion be included in the operating budget.

The budgeted balance of the Asset Replacement Funds is projected to decrease by \$15.0 million during 2018. This is mainly due to budgeted financing from the Asset Replacement Funds exceeding the budgeted annual ARF contributions from the operating fund. \$14.5 million of this is for funding capital carryovers (as amounts are only transferred from the reserve fund as required).

Loan to capital, internal loans from the reserve fund to fund capital projects, is budgeted to increase by \$9.1 million mainly for the water meter replacement project.

Total reserves and reserve funds for capital purposes is budgeted to decrease by \$30.2 million. This does not include the impact of \$50 million capital budget deferrals.

2. Reserves and reserve funds for operating purposes

These reserves were set up for rate stabilization and operational contingencies. The total 2018 ending balance of these reserves and reserve funds is 9.7% of 2018 budgeted taxation revenue. The target level is 5-10%.

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|---------------------------|------------------------|----------------|----------------|---------------------|------------------|
| Operational Contingencies | 2,109,202 | - | 360,000 | 1,749,202 | (360,000) |
| Cyclical Expenses | 743,339 | 102,845 | - | 846,184 | 102,845 |
| Discretionary Operating | 2,165,469 | 11,007 | 119,127 | 2,057,349 | (108,120) |
| Operational Carry-overs | 1,293,414 | - | 67,500 | 1,225,912 | (67,502) |
| TOTAL | 6,311,423 | 113,852 | 546,627 | 5,878,649 | (432,774) |

3. Obligatory reserves and reserve funds

These are legislated reserves and include Cash-in-Lieu Contributions for Parkland from developers, Development Charges, Gas Tax Grant, Building Permit Fees and Engineering Administration fees for development. There are statutory restrictions on these reserve funds and their accounting treatment has been confirmed with our auditors.

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|---|------------------------|-------------------|-------------------|---------------------|---------------------|
| Cash-in-Lieu Contributions for Parkland | 373,415 | 215,307 | 527,129 | 61,593 | (311,822) |
| Development Charges | 27,116,775 | 7,759,502 | 22,148,405 | 12,727,873 | (14,388,902) |
| Gas Tax Grant | 3,433,983 | 2,584,009 | 5,752,064 | 265,928 | (3,168,055) |
| Building Permit Fees | 7,003,684 | 121,456 | 1,861,773 | 5,263,367 | (1,740,317) |
| Engineering Administration | 1,344,040 | 847,731 | 835,971 | 1,355,801 | 11,761 |
| TOTAL | 39,271,898 | 11,528,005 | 31,125,342 | 19,674,559 | (19,597,336) |

Revenue estimates for Development Charges and Cash-in-Lieu Contributions for Parkland are extrapolated from the trends of the preceding three years.

The budgeted ending balance will decrease \$19.6 million. This does not include the impact of \$50 million capital budget deferrals.

4. Other reserves and reserve funds

These are reserves and reserve funds not included in the above groups.

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|------------------------------|------------------------|------------------|------------------|---------------------|------------------|
| Development Related Revenues | 2,851,267 | 167,698 | 763,751 | 2,255,214 | (596,053) |
| Restricted Operating | 11,196,933 | 1,188,957 | 1,333,524 | 11,052,366 | (144,567) |
| Growth Funds | 2,894,467 | 693,631 | 945,704 | 2,642,394 | (252,073) |
| TOTAL | 16,942,666 | 2,050,286 | 3,042,979 | 15,949,974 | (992,693) |

Restricted operating reserves are set aside for very specific purposes. Most of them are at a healthy level: the long-term disability reserve fund is 150% of our accrued obligation, water and wastewater rate stabilization reserves are over 10% of their annual revenues, and the general Library reserve has an additional \$140,000.

Revenues in the Growth Funds include a projection of \$281,000 in voluntary trail contributions and \$360,000 in Recommending-A-Strategy (RAS) surcharges¹. A detailed list of all the reserves and reserve funds is attached to this report.

Conclusion

The majority of the Reserves and Reserve Funds budget has already been established through the previous adoption of the 2018 Operating and Capital Budgets. Projected revenues for reserves and reserve funds excluding transfers are based upon the trends of the last three years. The 2018 ending balance of reserves and reserve funds including obligatory reserves and reserve funds will only decrease slightly after considering the impact of \$50 million of blanket unallocated capital deferrals.

Business Plan and Strategic Plan Linkages

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

Consultation

The 2018 Reserves and Reserve Funds Budget has been created from the 2018 Capital and Operating Budgets which were developed by staff and have undergone extensive review by the public and Council.

Human Resource Considerations

Not applicable to this report.

Budget Impact

This report has no direct impact on the Operating Budget. All transfers to or from the Operating Budget were previously approved by Council.

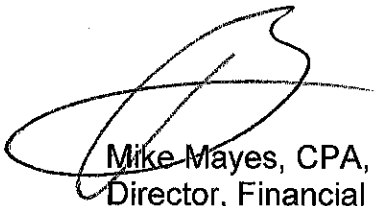
There is no direct impact on the Capital Budget. All transfers to the Capital Budget were previously approved by Council.

Attachments

2018 Reserves and Reserve Funds Budget

¹ Some recreational programs and activities have a capital surcharge referred to as Recommending a Strategy or RAS for short. This was created as part of a Recreation master plan to obtain additional funding for facilities required to meet the demands of a growing community.

Approval

A stylized, handwritten signature in black ink, appearing to read 'Mike Mayes'.

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

A stylized, handwritten signature in black ink, appearing to read 'Esther Armchuk'.

Esther Armchuk, LL.B
Commissioner, Corporate Services

Contact

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

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|-------------------------|------------------------|-------------------|-------------------|---------------------|---------------------|
| General Capital | 4,051,634 | 390,904 | 3,920,168 | 522,370 | (3,529,264) |
| Loan to Capital | (11,369,792) | 856,084 | 10,004,142 | (20,517,850) | (9,148,058) |
| Designated Capital | 9,168,945 | 1,148,310 | 3,667,822 | 6,649,433 | (2,519,512) |
| Asset Replacement Funds | 27,953,992 | 17,171,394 | 32,216,544 | 12,908,842 | (15,045,150) |
| TOTAL | 29,804,780 | 19,566,692 | 49,808,676 | (437,204) | (30,241,984) |

| | | | | |
|---------------------------------|-------------|-------|--------------------|-------|
| Accumulated Amortization | 278,716,241 | 10.7% | 293,216,241 | -0.1% |
|---------------------------------|-------------|-------|--------------------|-------|

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|---------------------------|------------------------|----------------|----------------|---------------------|------------------|
| Operational Contingencies | 2,109,202 | - | 360,000 | 1,749,202 | (360,000) |
| Cyclical Expenses | 743,339 | 102,845 | - | 846,184 | 102,845 |
| Discretionary Operating | 2,165,469 | 11,007 | 119,127 | 2,057,349 | (108,120) |
| Operational Carry-overs | 1,293,414 | - | 67,500 | 1,225,912 | (67,502) |
| TOTAL | 6,311,423 | 113,852 | 546,627 | 5,878,649 | (432,774) |

| | | | | |
|--------------------|------------|-------|------------|------|
| Tax Revenue | 55,362,949 | 11.4% | 60,794,530 | 9.7% |
|--------------------|------------|-------|------------|------|

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|----------------------------|------------------------|-------------------|-------------------|---------------------|---------------------|
| Parkland | 373,415 | 215,307 | 527,129 | 61,593 | (311,822) |
| Development Charges | 27,116,775 | 7,759,502 | 22,148,405 | 12,727,873 | (14,388,902) |
| Gas Tax Grant | 3,433,983 | 2,584,009 | 5,752,064 | 265,928 | (3,168,055) |
| Building Permit Fees | 7,003,684 | 121,456 | 1,861,773 | 5,263,367 | (1,740,317) |
| Engineering Administration | 1,344,040 | 847,731 | 835,971 | 1,355,801 | 11,761 |
| TOTAL | 39,271,898 | 11,528,005 | 31,125,342 | 19,674,559 | (19,597,336) |

| Category | Beginning Balance 2018 | Revenues | Expenses | Ending Balance 2018 | Change over 2017 |
|------------------------------|------------------------|------------------|------------------|---------------------|------------------|
| Development Related Revenues | 2,851,267 | 167,698 | 763,751 | 2,255,214 | (596,053) |
| Restricted Operating | 11,196,933 | 1,188,957 | 1,333,524 | 11,052,366 | (144,567) |
| Growth Funds | 2,894,467 | 693,631 | 945,704 | 2,642,394 | (252,073) |
| TOTAL | 16,942,666 | 2,050,286 | 3,042,979 | 15,949,974 | (992,693) |

| | | | | |
|---------------------------|----------------|-------|----------------|-------|
| Operating Expenses | \$ 121,234,960 | 43.8% | \$ 129,487,654 | 16.5% |
|---------------------------|----------------|-------|----------------|-------|

| | | | | | |
|-------|-----|---|---|-----|---|
| Proof | (1) | - | - | (1) | 2 |
|-------|-----|---|---|-----|---|



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

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

Administrative Monetary Penalty System for Parking Offences Staff Report

Report Number: 2018-13

Department(s): Legislative Services

Author(s): Kiran Saini, Deputy Town Clerk

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled "Administrative Monetary Penalty System for Parking Offences" dated June 11, 2018 be received; and,
2. That staff be directed to implement an Administrative Monetary Penalty System in Q1/Q2 2020; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

Administrative Monetary Penalties are an increasingly common type of fine levied against an offender. These types of fines are adjudicated and disputed outside of the court system, which means that the courts' time is freed to deal with more serious matters.

Since 2007, municipalities have had the authority to implement an Administrative Monetary Penalty System (AMPS) for parking related matters, and municipalities such as Brampton, Markham, Mississauga, Oshawa, Richmond Hill, and Vaughan have all established AMPS. The courts are trending away from hearing parking matters, as these are viewed as less serious, and because municipalities now have the tools to develop in-house adjudication and dispute mechanisms (i.e., AMPS programs).

Accordingly, this report reviews the benefits and drawbacks of establishing AMPS for parking offences for the Town of Newmarket.

Purpose

The purpose of this report is to seek Council approval to initiate an Administrative Monetary Penalty System program for parking offences to be implement in Q1/Q2 2020.

Background

In March 2017, Council passed a resolution to advocate for legislative amendments to allow for technology-based enforcement of offences [such as Automated Speed Enforcement Systems (ASES)] to be administered through an administrative monetary penalty system (**Attachment A**).

Following the adoption of the Safer School Zones Act, staff issued an information report in July 2017 that provided a high-level overview over the potential for use of an Administrative Monetary Penalty Systems (AMPS) for Automated Speed Enforcement Systems (ASES) in York Region. It was also noted at this time that while the legislation does not currently permit the use AMPS for ASES, Town staff were part of a York Region Working Group tasked to explore options for developing an AMPS framework that could be adapted should AMPS be permitted for administration of ASES.

Staff continue to develop options for potential future collaboration, and anticipate reporting to the Regional Chief Administrative Officers group by the end of Q3 2018.

Staff in the York Region Working Group are also working closely with other Ontario municipalities to advocate for the use of AMPS for ASEs, and staff will continue to advise Council of any changes to this matter.

Discussion

At its meeting in August 2017, Council expressed a desire to move forward with an AMPS program in the Town. The Town currently has the authority to implement AMPS for any By-laws passed under the Municipal Act. This means that by-laws such as the parking control by-law, animal control by-law, and taxi licensing by-laws could all be administered using AMPS. Given Council's preliminary direction to move forward with an AMPS program, this report seeks approval from Council to initiate an AMPS program in Q1/Q2 2020 to administer the Town's parking control program.

What is an AMPS program?

As stated in Corporate Services Information Report – Legislative Services Information Report Number 2017-11:

“AMPS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer focused adjudication process for by-law offences. One of the main objectives of an AMPS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations.

AMPS was introduced as a means to reduce the current Court backlog. The Town of Newmarket receives limited Court time, which is caused by backlog and the Court's requirement to provide time to all nine York Region municipalities. The Region prosecutes all Provincial Offences Act (POA) matters on behalf of the Town, and once Court proceedings are initiated, the Town is subject to the Court's scheduling pressures.

In general, more serious offences take precedence over minor offences (for example, parking violations) and consequently non-serious matters may not be scheduled within a reasonable timeframe. This means that parking violations often being voided or withdrawn due to the time between the ticket issued and the Court date scheduled, which ultimately results in lost revenue for the municipality. Under an AMPS program, there are increased opportunities for early dispute resolution and the ability to recover costs associated with the administration of the system."

Since AMPS allows the municipality to recover costs associated with administering the program, the Town has reviewed the below municipalities and proposed a fee structure that is in line with the average fees being administered. **Table 1** below shows the potential administrative fees that could be imposed on an individual if they failed to follow the appropriate dispute mechanisms, or ignored their ticket.

Table 1 - Municipal Comparators of Administrative Fees for Parking Offences

| Administrative Fee | Proposed fees for Newmarket | Brampton | Markham | Mississauga | Oshawa | Vaughan |
|---|-----------------------------|----------|---------|-------------|--------|---------|
| MTO* Registered Owner Search Fee Incurred when the municipality conducts a Registered Vehicle Owner Search with the Ministry of Transportation. | \$10 | \$10 | \$10 | \$10 | \$10 | \$10 |
| Late Payment Fee Incurred if a ticket is not paid by the established date. | \$25 | \$15 | \$25 | \$25 | \$15 | \$50 |
| Screening Review Non-Appearance Fee Incurred if scheduled appointment is missed. | \$50 | \$50 | \$50 | \$50 | \$50 | \$106 |
| Hearing Review Non-Appearance Fee Incurred if scheduled appointment is missed. | \$100 | \$100 | \$100 | \$100 | \$100 | \$106 |

* Ontario Ministry of Transportation

Which By-laws would be administered under the AMPS program?

By-laws that are passed under the authority of the Municipal Act may be administered under AMPS; however, at present it is recommended that only the parking control by-law be implemented using AMPS in Q1/Q2 2020. Further expansion of licensing by-laws and other regulatory by-law may also be considered in the future. Additionally,

staff is undertaking a review of its licensing regime, and will require the necessary software to support and manage any tickets issued for licensing violations.

What is required for an AMPS program?

In order to effectively initiate an AMPS program in the Town, the following are a few of the processes would need to be completed:

- 1) Develop the required framework, which would include, but is not limited to: drafting new by-laws, policies and procedures, and determining administrative penalties.
- 2) Review and update the Town's Parking By-law.
- 2) Conduct a thorough budget analysis, and if required, request additional funding for capital costs. Anticipated capital costs would include software and technology upgrades.
- 3) Recruitment for a Screening & Hearing Officer; and budget for any associated costs.
- 4) Complete an education and communication program for the public on the new method of resolving parking tickets.

New Process to Resolve Parking Tickets

Screening Officer

Should a person wish to dispute their parking ticket, they may schedule an appointment with the Screening Officer. The Screening Officer will meet with residents to cancel, reduce or affirm the parking ticket amount. This is a process that is currently completed by Legislative Services staff at the counter.

Hearing Officer

Should a person wish to appeal the Screening Officer's Decision (equivalent to a person requesting a court date), he/she may schedule an appointment with the Hearing Officer. Many mid-sized municipalities using the AMPS program typically maintain a roster of Hearing Officers who rotate on a scheduled shift. Hearing Officers are recruited to work for a municipality based on their legal background and/or expertise, such as a retired Justice of the Peace or Paralegal. A Hearing Officer will need to be retained on a contract basis to be paid on a per diem rate to administer the hearings.

Benefits and drawbacks of an AMPS program

Benefits of the AMPS program

- 1) It is an abuser-pay system
AMPS is an abuser-pay system that reduces the burden on Newmarket taxpayers because the Court dispute process is eliminated. Additionally, the abuse of dispute process used by individuals trying to "cheat the

system” by using delay tactics by requesting a trial for minor parking offences are significantly reduced through the implementation of AMPS.

- 2) The Courts are freed for more serious matters
There is the potential to have fewer voided parking tickets because the Town will not be restricted by the limited Court time available for parking offences. AMPS is more flexible than the current system because staff can schedule additional Screening and Hearing reviews as required, resulting in minor matters being resolved in a more efficient manner.

Additionally, the Courts are trending away from hearing parking and minor licensing/by-law matters. Proactive implementation allows staff the time to plan implementation and manage the project more effectively.

- 3) Enhances customer service in Newmarket
To some individuals, going to a Court, may be considered intimidating. Having a municipally-run program allows the Town to continue to provide exceptional customer service in a more resident-friendly environment that is less intimidating than a Court setting.
- 4) Improved fine collection process for the Town
Municipalities that have implemented AMPS have realized a positive impact on their revenue because: a) there is improved fine collection process; b) administrative fees associated with the administration of the program can be recovered; and, c) fewer parking tickets are voided or withdrawn due to the Town having limited access to Court time.
- 5) Potential future expansion with other By-laws & with York Region
At this time, it is recommended that AMPS be implemented for parking matters in Q1/Q2 2020, and phase in other regulatory by-laws at a later time. Once the program has been established in the Town, it will also allow for the potential expansion of a collaborative program between York Region municipalities. Should ASEs be permitted to be administered under AMPS, then the Town would be in a good position to readily implement the required changes because the AMPS framework would already be established.

Drawbacks of the AMPS program

- 1) Decision is final
The Town cannot revert to the current system for administering parking offences under the courts once an AMPS Program is implemented.

- 2) Court processes continue to exist for matters already appealed
Currently the Town has allotted court docket time every other month. This means that approximately 15 matters are heard every month. The Town has 50 parking and 25 by-law matters that are still pending and need to be tried through the court system.
- 3) Potential for perception of bias
Under an AMPS program, the Town is required to have Screening and Hearing Officers. There is the potential for a perception of bias because both "appeal" mechanisms would be located within the Town. However, this perception can be overcome through the conflict of interest policies and procedures.

Conclusion

Should Council approve staff initiating an AMPS program in the Town, staff will begin drafting the necessary by-laws and budget requests for Council's approval.

Upon receiving direction from the York Region Working Group and staff working with the OTC, staff will report back to Council on the next steps for the use of ASEs in York Region, and the feasibility of administering ASEs through AMPS once the necessary legislative amendments are made.

Business Plan and Strategic Plan Linkages

This report relates to the well-equipped and managed link of the Town's Community vision.

Consultation

The cities of Brampton, Markham, Mississauga, Oshawa, and Vaughan's By-laws were all reviewed as part of this report. Staff from Finance and Engineering Services were also consulted in this report.

Human Resource Considerations

Should Council approve AMPS in the Town, there would be human resource considerations for the positions of Screening and Hearing Officers.

Staff would consider converting the responsibilities of the First Attendance Officer into the role of a Screening Officer. Based on staff's research, Hearing Officers are paid on a per diem basis, and their rate usually ranges between \$400 and \$500. In the Financial Impact, staff are assuming that the Hearing Officer would hold hearings once a month, which would result in an expense of \$6,000, if the Hearing Officer was paid \$500 per diem.

Should Council direct staff to move ahead with AMPS for parking offences, staff would also consider purchasing a laptop for the Hearing Officer's use. Hearings could be accommodated, or held within one of the current meeting spaces, and therefore additional office furniture is not expected to be required.

Budget Impact

Should Council direct staff to move forward with implementing an AMPS program in the Town of Newmarket, Table 2 outlines the anticipated financial impact.

Table 2 - Financial Impact of Current and Proposed Systems for Parking Offences

| Current System (Provincial Offences Act) | | Proposed System (Administrative Monetary Penalty System) | |
|---|-----------|---|-----------|
| Total Current Revenue | \$337,231 | Total Proposed Revenue | \$475,939 |
| Total Current Expenses | \$85,634 | Total Proposed Expenses | \$139,106 |
| Revenues - Expenses | \$251,597 | Revenues - Expenses | \$336,333 |

Based on the above information, the net financial impact of the proposed Administrative Monetary Penalty System would result in a favourable impact of \$85,236.

In both the Current and Proposed Systems, the revenue breakdown includes items such as tickets paid at full value (i.e., the ticket was not disputed), tickets paid when they are disputed (i.e., the ticket value has been reduced), and tickets paid when individuals renew their Ontario Vehicle Permit with the Ministry of Transportation (i.e., the ticket remained unpaid, and the Town sent the ticket to the Ministry for collection of payment). Under the Proposed System (Administrative Monetary Penalty System), the revenue breakdown includes administrative fees that may be imposed at certain points in the process, for example, a late fee that may apply if someone fails to pay their ticket on time.

In both the Current and Proposed System, the expenses that have been accounted for in the total include position salaries, the cost of ordering new tickets, printing and mailing of notices, the parking software costs, and the costs for searching for a vehicle's registered owner information.

Table 2 uses data and information from 2017, and makes certain assumptions as to at what point during the process individuals will pay or dispute their parking tickets, and as to what point any administrative fees may be applicable to such individuals. Detailed breakdowns of the revenue and expense lines have not been provided because the Town's previous parking software was used to extract the 2017 data, and this software has limitations with regards to being able to produce detailed data (i.e., the Town is not able to follow the "life" of a particular ticket from the date it was issued to the time that same ticket was paid). The software cannot differentiate between an individual paying their ticket right after they received it and an individual paying their ticket after having disputed it.

Staff implemented new parking software in November 2017, and is currently investigating whether more detailed reporting can be produced using the new software.

In addition to software reporting limitation, the Town does not necessarily receive all parking revenue in the same year tickets were issued because many parking tickets can take years to collect payment from. Since the Town has more control over the process because the Town is not relying on Court time to adjudicate parking tickets, it is anticipated that revenue may be received faster by the municipality under the Proposed System.

Attachments

Attachment A - Safer School Zones Act Council Resolution

Approval



Lisa Lyons, Director of Legislative Services/Town Clerk
Legislative Services



Esther Armchuk, Commissioner of Corporate Services
Corporate Services

Contact

For additional information please contact Kiran Saini, Deputy Town Clerk at 905-953-5300 extension 2203 or ksaini@newmarket.ca

**Lisa Lyons**

Director of Legislative Services/ Town Clerk
Town of Newmarket

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March 31, 2017

The Honourable Steven Del Duca
Minister of Transportation
Queen's Park
77 Wellesley Street West
Ferguson Block, 3rd floor
Toronto, ON M7A 1Z8

The Honourable Yasir Naqvi
Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

Dear Sirs:

RE: Bill 65, Safer School Zones Act, 2016

I am writing to advise that the above referenced resolution sent from the Regional Clerk was considered at the Committee of the Whole meeting held on March 20, 2017.

Council, at the regular meeting held on March 27, 2017 adopted the following recommendations:

That the correspondence from Mr. Christopher Raynor, Regional Clerk regarding Bill 65, Safer School Zones Act, 2016 be received and endorsed;

And that the Town of Newmarket Council supports the passing of Bill 65, Safer School Zones Act, 2016.

I have enclosed a copy for your information.

Yours sincerely,

Kiran Saini
Deputy Clerk

KS:lm





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Licensing of Driving School Instructors Staff Report

Report Number: 2018-11

Department(s): Legislative Services

Author(s): Florence DiPassio, Licensing Officer

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled Licensing of Driving School Instructors dated June 11, 2018 be received; and,
2. That Council repeal the Restricted Area By-law 2017- 32 and adopt the Licensing of Driving Instructors By-law (Appendix A); and,
3. That the Fees and Charges By-law be amended to include the Driving School Instructor Licencing fees; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to obtain Council approval to repeal the Restricted Area By-law 2017-32, and replace it with a new Driving School Instructor Licensing By-law. In addition to maintaining the current "Restricted Area," the Driving School Instructor Licensing By-law also outlines a licensing system for driving instructors.

Background

At the March 5, 2018 Council meeting, staff were directed to obtain feedback from industry stakeholders and residents related to the proposed licensing framework and regulations for driving school instructors, and subsequently report back to Council.

A Public Information Centre (PIC) was held on March 27, 2018 and attendees included representatives from the driving school industry, residents, staff and Members of Council. At the PIC staff provided a presentation on the issue to date and outlined the proposed licensing system.

Feedback provided from the driving schools instructors

At the PIC, representatives from the driving school industry, specifically driving instructors, provided the following comments and feedback:

- A Vulnerable Sector Screening (VSS) is already a requirement of the Provincial Driving Instructor Licence and requiring instructors to get another VSS to obtain a municipal licence is burdensome
- If the Town implements a driving instructor licence, it should be required for all driving instructors operating in Newmarket, not just those whose businesses are located in Newmarket
 - Implementing a licensing requirement for Newmarket businesses/instructors only is punitive
 - Driving instructors from other municipalities that are operating in the Town of Newmarket should also be required to obtain a municipal driving instructor licence
- The proposed fee of \$250 is higher than expected and should be lowered
 - As many municipalities require driving instructor licences, Driving School Instructors that operate in a number of municipalities are required to obtain multiple licences which can be costly
- Can driving instructors take students into the Restricted Area as long as they are not practicing maneuvers like 3 point turns or emergency stops (e.g. driving through the area)?
- The Restricted Area is too large and encompasses many streets that are not used as DriveTest test route streets

Feedback provided from residents

- Are there ways to identify a driving school vehicle other than a licence plate?
- Are there ways to identify a vehicle that is being used for a DriveTest driving exam?
 - A decal or form of identification should be provided by the DriveTest Centre to indicate that a vehicle is on a test
 - This decal would help enforce the by-law as there is currently no way to identify a vehicle and determine if it is being used for a DriveTest driving exam, or if it is in the Restricted Area contrary to the by law (e.g. practice testing)
- Restricted Area signs are small and difficult to see when driving by
- Can cameras be used to identify instructors or vehicles, similar to red light cameras?
- Overall, residents noticed a reduction of the number of cars in the Restricted Area since it was established in 2017

Discussion

Staff has considered the comments provided at the PIC and has made amendments to the proposed licensing framework to incorporate the feedback received. Based on concerns raised regarding the licensing costs and requirements, staff have adjusted the licence fee and will only require instructors to provide proof of a valid Ministry of Transportation driving instructor licence and a valid G class divers licence.

In addition staff has removed the requirement of two types of licences; originally a driving instructor licence and driving school vehicle licence were both proposed. The revised licensing system consists of a Driving School Instructor licence only.

Many comments raised by residents and driving instructors related to Ministry of Transportation or DriveTest regulations, such as identifying vehicles that are on a test, or the boundaries of the test route areas. Staff continue to work in collaboration with the Ministry of Transportation and DriveTest management staff for further solutions. However, at this time, the Restricted Area will not be modified, as it provides a clear boundary that encompasses all test route streets. DriveTest Management has repeatedly expressed that identifying vehicles that are on a test with a decal or sticker is a potential danger to the individual taking the test as it draws attention from other drivers.

Staff routinely monitored the Restricted Area but experienced challenges enforcing the current Restricted Area by-law. Municipal enforcement officers cannot pull vehicles over, and without a Newmarket licence plate, it is difficult to identify which vehicles operating in the Restricted Area are driving school vehicles, private vehicles, or are vehicles being used by individuals to take a DriveTest driving exam. Staff propose that the Town of Newmarket Driving Instructor licence plate will allow for municipal enforcement officers to easily identify driving instructor vehicles operating within the Town. In addition, The DriveTest Centre can act as a "check point" whereby municipal enforcement officers can check driving instructor licences when the driving instructors park at the DriveTest centre. This will help to improve enforcement of the Restricted Area, conviction of those operating in contravention of the By-law and strive to achieve a balance between residents' concerns and industry requirements associated with the DriveTest Centre in Newmarket.

New Licensing Framework

In summary, the revised licensing framework will consist of:

- A Driving School Instructor Licence only
- A one year licence that will cost \$125.00
- Requirement to hold and provide proof of a valid Ontario Class G driver's licence

- Requirement to hold and provide proof of valid Ministry of Transportation Driving Instructors Licence
- Upon approval, the instructor will receive a Town of Newmarket Licence plate to affix to their vehicle.

Next Steps

Should Council approve the Driving School Instructor Licensing By-law attached as Appendix A to this report, staff will begin enforcement of the by-law three months from the date of approval. This will allow staff to effectively complete project deliverables, which include:

- Educating driving schools, instructors, and members of the public of the Town's new licensing system;
- Establishing the administrative processes for driving school and instructor licensing (for example: acquiring licence plates, creating applications, etc.);
- Allocating information technology resources to support licensing and enforcement; and,
- Training licensing, enforcement and staff on new standards.

Staff will enforce the By-law by conducting routine licence checks at the Newmarket Drive Test Centre.

Conclusion

Staff have consulted with residents and the driving school industry to gather feedback regarding licensing of Driving School Instructors in the Town of Newmarket. Staff brought forward a revised licensing system for Council consideration based on the comments received by residents and the industry at the Public Information Centre held on March 27, 2018. Should Council approve the licensing system, staff will move forward with the aforementioned next steps.

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, accountable governance.

Consultation

Staff has consulted with municipalities such as Guelph, Markham, and Brampton regarding their respective framework for Licensing Driving Instructors and enforcement

of their Licensing By-law. Staff continues to consult with residents and the driving school industry through consistent email communication and a Public Information Centre held on March 27, 2018.

Human Resource Considerations

A Municipal Licensing Officer position was approved in 2018 budget to support enforcement requirements.

Budget Impact

The costs, including education and enforcement will be accommodated with the 2018 budget.

Attachments

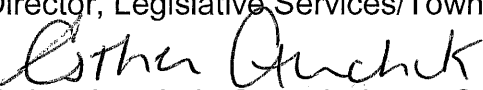
Appendix A

Approval

Insert approval authority names and roles that are accountable for the information contained in this report.



Lisa Lyons
Director, Legislative Services/Town Clerk



Esther Armchuk, Commissioner, Corporate Services

Contact

Florence DiPassio



Appendix A

Corporation of the Town of Newmarket

By-law 2018-XX

A By-law to Regulate and License Driving Instructors to operate in the Town of Newmarket.

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

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

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

Section 1 – Definitions

1.1 In 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;

“Applicant” means a Person applying for a new licence or licence renewal under this By-law;

“Application” means a prescribed form for a licence provided by the Director, and shall include an application for a license renewal, accompanied by appropriate documentation and fee;

“Council” means the Council of the Corporation of the Town of Newmarket;

“Director” means the Director of Legislative Services of the Town and includes his/her designate;

“Driving Instructor” means an individual who accepts remuneration to provide instruction in the operation of motor vehicles but does not include an individual who provides in-class instruction only;

“Driving School” means a driving school which holds a driving school licence issued by the Ontario Ministry of Transportation;

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

“Fees and Charges By-law” means the Town’s Fees and Charges By-law, as amended from time to time;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, 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;

“Licence” means the authorization obtained, granted or issued to a Driving Instructor pursuant to this By-law to carry on a business, activity or undertaking issued by the Director;

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

“Licensee” means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a licence as the context requires;

“Ministry of Transportation Driving Instructor’s Licence” means a licence issued to a Driving Instructor by the Ontario Ministry of Transportation;

“Officer” means a Police Officer as defined under the Police Services Act, R.S.O. 1990, c, P15, as amended, an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the Police Services Act, as amended, or any other individual designated by the Town to enforce this By-law;

“Operate” when used in reference to a Driving School Vehicle includes driving the said vehicle and to make or have it available to the public in service as a Driving School Vehicle, and operated, operating and operation have corresponding meanings;

“Person” includes an individual, business, firm, corporation, organization, partnership, trust, trustee, agent or legal representative of an individual;

“Plate” means a number plate issued by the Town to a person licensed pursuant to this By-law;

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

“Town” means the Corporation of the Town of Newmarket;

Section 2.0 - Prohibitions

- 2.1 No Person shall engage in or carry on the business of a **Driving Instructor** within the Town without a valid and unexpired **Licence**.
- 2.2 No Person except an individual may hold a **Driving Instructor Licence**.
- 2.3 No Person's **Driving Instructor Licence** is valid unless the individual holds a valid **Ministry of Transportation Instructor's Licence**.
- 2.4 A Person's **Driving Instructor Licence** ceases to be valid at any time that the Person's **Ministry of Transportation Driving Instructor's Licence** ceases to be valid.

Section 3.0 - General Provisions

- 3.1 Every **Licence** shall be valid for a period of (1) one year from the 1st day of September in the year of issuance or renewal up to and including the 31st day of August of the following year unless:
 - (1) the **Licence** has been suspended or revoked;
 - (2) the **Licence** has been cancelled at the request of the licensee;
 - (3) payment of the said **Licence** has not been made.
- 3.2 An **Application** for the renewal of a **Licence** shall be delivered to the office of the **Director** on or before the expiry date.

Section 4.0 – Driving Instructor Licence Requirements

- 4.1 Every Person applying for a **Licence** or renewal shall:
 - (1) submit an **Application** signed by the individual;
 - (2) submit an **Application** by appearing in person at the office of the Director;
 - (3) submit a copy of the insurance policy or a certificate of automobile insurance to the **Director** that is issued by an insurer of duly authorized to issue insurance within the Province of Ontario and for each **Driving School Vehicle**, coverage shall be in the amount of \$2 million (\$2,000,000.00) dollars for personal injury and property damage arising out of any one accident or

occurrence, and such policy shall be endorsed to the effect that the **Director** will be given fifteen (15) business days' notice in writing of any cancellation;

- (4) submit one (1) valid piece of Government issued identification when the individual appears at the office of the **Director**;
- (5) provide a valid current Class "G" Ontario Driver's Licence
- (6) provide proof of a valid **Ministry of Transportation Driving Instructor's Licence**; and
- (7) submit the fee as set out in the **Fees and Charges By-law**.

4.2 Every **Driving Instructor** shall:

- (1) carry a valid and unexpired **Ministry of Transportation Driving Instructor's Licence**;
- (2) carry a valid and unexpired **Licence**;
- (3) produce a valid and unexpired **Ministry of Transportation Driving Instructor's Licence** upon request of an Officer;
- (4) produce a valid and unexpired **Licence** upon request of the Officer;
- (5) affix a Plate to the **Driving School Vehicle**;
- (6) affix a roof sign on the vehicle showing the business name of the **Driving School** as shown on the **Licence** while providing driving instruction to students;
- (7) affix the **Licence** validation tag to the plate.

Section 5.0 - Restricted Area

- 5.1 No **Driving Instructor** shall **Operate** or permit to **Operate** a **Driving School Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.
- 5.2 No **Operator** of **Driving School Vehicle** shall **Operate** or permit to **Operate** a **Driving School Vehicle** on any **Highway** within the area marked "**Restricted Area**" in Schedule "A" to this By-law.
- 5.3 Notwithstanding 5.1 and 5.2 a **Driving School Vehicle** may be **Operated** within the area marked "**Restricted Area**" in Schedule "A" provided that:

- (1) The **Driving Instructor** is picking up and dropping off a student residing in the "**Restricted Area**" for the purpose of giving driving instruction; or
- (2) When a **Driving Instructor** is picking up or dropping off a student from a Secondary School located in the "**Restricted Area**"; or
- (3) When a **Driving School Vehicle** is used for the purpose of a driving test required by the Ontario Ministry of Transportation.

Section 6.0 - Revoke, Suspend, Cancel, Refuse to Issue or Renew a Licence

6.1 The **Director** may revoke, suspend, cancel, refuse to issue or renew, a **Licence**:

- (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** 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 **Licence** 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.

6.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the **Director** 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** within the prescribed time, the decision of the **Director** shall be

final and the **Licensee** shall deliver within twenty-four (24) hours of the expiration of the appeal period, the **Licence** or the **Driving School Vehicle Plate**.

- 6.3 Where a hearing held pursuant to this by-law has taken place and the **Licence** was revoked, suspended, cancelled or refused for renewal, the **Licensee** shall return the **Licence** to the **Director** 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.
- 6.4 When a **Person** has had his **Licence** revoked, suspended or cancelled under this by-law the **Director** may enter upon the business premise or into the vehicle of the **Licensee** for the purpose of receiving, taking, or removing the said **Licence** or Owner's Plate.
- 6.5 When a **Person** has had his **Licence** revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the **Director** from obtaining the said **Licence** or the Owner's Plate.

Section 7.0 - Appeals Committee Hearing

- 7.1 Upon receipt of a written request for a hearing from an **Applicant** or **Licensee**, the **Director** 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.
- 7.2 The **Director** shall make a recommendation to the **Appeals Committee** with respect to revocation, suspension, cancellation or refusal to renew or issue a **Licence** or recommend that a **Licence** be issued subject to certain terms and conditions.
- 7.3 Before the **Appeals Committee** makes any decision, a written notice advising the **Applicant** or **Licensee** of the recommendations being made by the **Director** with respect to the **Licence** shall be given to the **Applicant** or **Licensee** by the **Director**.
- 7.4 The **Applicant** or **Licensee** shall have the right to make a submission in support of an **Application** or renewal or retention of a **Licence** 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.
- 7.5 The decision of the **Appeals Committee** is final and binding and is not subject to an appeal.

Section 8.0 - Notification of Change of Information

- 8.1 When a **Licensee** who is a natural individual changes their name, address, or any information relating to the **Licence**, the **Licensee** shall notify the **Director** within seven (7) business days after the change of information relating to the **Licence** and shall if required by the **Director** return the **Licence** immediately to the **Director** for amendment.
- 8.2 Where a **Licensee** is a corporation and there is change in the information as set out in the **Application** for **Licence**, 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** of the change within seven (7) business days thereof and shall, if required by the **Director**, return the **Licence** immediately to the **Director** for amendment.

Section 9.0 – Power of Entry

- 9.1 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*.
- 9.2 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.
- 9.3 The **Town** may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.

- 9.4 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 10.0 - Obstruct Officer

- 10.1 No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, the **Officer**, or other **Person** so authorized who is performing a duty or exercising a power under this By-law pursuant to Section 426 of the Municipal Act, 2001.

Section 11.0 – Penalty

- 11.1 Every **Person** who contravenes a provision of this by-law is guilty of an offence.
- 11.2 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 a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 11.3 Every **Person** who is guilty of an offence under this By-law shall be subject to the following penalties:
- 11.4 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- 11.5 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.
- 11.6 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.
- 11.7 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."
- 11.8 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 12.0 – Severability

- 12.1 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.
- 12.2 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 13.0 – Short Title

- 13.1 Licensing of **Driving Instructors**

Section 14.0 – Repeal

- 14.1 By-law Number 2017-32, is hereby repealed and this by-law shall come into force and effect upon its adoption.

Enacted this xxx day of xxx, 201x.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



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

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

York Durham Sewage System Modifications – Region Easements on Town Land Staff Report

Report Number: 2018-05

Department(s): Legal Services

Author(s): Senior Solicitor

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled York Durham Sewage Systems Modifications - Region Easements on Town Land dated June 11, 2018 be received;
2. That the Town transfer the temporary and permanent easements set out in this report to the Region to facilitate the YDSS; and
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to obtain Council's approval for the Town's conveyance of various temporary and permanent easements to the Region over, under and through Town properties to facilitate modifications to the Region's sewage servicing under the York Durham Sewage System project. The report relates to a proposed Region presentation to Council at this meeting on the current status of the Upper York Sewage Solutions project, a component of which is the York Durham Sewage System project.

Background

The Region is undertaking modifications to its sewage servicing in the Upper York Sewage Solutions project. The purpose of the project is to develop a sustainable sewage servicing solution to accommodate planned growth for employment and communities in the Towns of Newmarket, Aurora and East Gwillimbury. The York Durham Sewage System modifications (the "YDSS") is a major component of the Upper York Sewage Solutions project. The YDSS

York Durham Sewage System Modifications -
Region Easements on Town Land

involves the twinning of approximately 5 km of sanitary forcemain between the Newmarket Pumping Station to just upstream of the Aurora Pumping Station (in the area of the St. Andrews golf course) using microtunnelling technology. To facilitate the objective of the YDSS project, the Region will require temporary and permanent easements (the “**Easements**”) on 14 Town properties. The Region has advised that the construction of the YDSS is scheduled to start in 2019. Information regarding the Easements are attached to this report as follows: **Attachment 1** identifies the overall Town lands which will be subject to the Easements; **Attachments 2 to 5** identify the general location of each of the Easements in the hatched areas; and **Attachment 6** is a chart summarizing the Easements and their locations & sizes.

Discussion

Staff was consulted for comments in regards to the Region’s proposed easement takings of Town land and generally expressed no concerns with the Region’s request, as the project would benefit the Town and ultimately provide additional interim servicing allocation. Prior to finalizing the easement terms, staff will work with the Region and include easement terms to ensure that the impact of the Easements, and related construction, on the use of the Town lands by the Town and the public is minimized, and that any coinciding works by the Town and any development during easement related construction are coordinated. In addition, staff will be reviewing mitigating measures to minimize community impact arising from activities such as excavation shafts, archaeological test pits, construction access, etc.

Conclusion

Once the Easement terms are finalized between the Town and the Region, the Easements will be formalized upon registration of the various easement documents.

Business Plan and Strategic Plan Linkages

The transfer of easement rights for the YDSS supports the Town’s continued partnership with the Region, as well as the *well managed* objectives of the Town’s Strategic Plan in terms of fiscal responsibility and the sound management of municipal assets.

Consultation

The following stakeholders and departments were consulted in the preparation of this report: Engineering Services, Public Work Services, Financial Services, Planning and Building Services, Recreation and Culture, Fire Services, Legal Services, the Region of York.

Human Resource Considerations

There are no human resource impacts arising out of the information in this report.

Budget Impact

The Region will be providing compensation for the Easements based on market value as discussed in Closed Session Staff Report 2018-06. The compensation will be deposited in the Town's Easement Reserve. This reserve is used to fund costs that the Town may incur to obtain easements.

Attachments

Attachment 1 – map of overall Town lands which will be subject to the Easements

Attachment 2 – map of Properties 1 to 5

Attachment 3 – map of Properties 6 to 8

Attachment 4 – map of Properties 9 to 10

Attachment 5 – map of Properties 12 to 14

Attachment 6 – summary chart of easement locations and sizes

Approval



Antonietta Mollicone, Senior Solicitor
Legal Services



Karen Reynar,
Director of Legal Services/Municipal
Solicitor



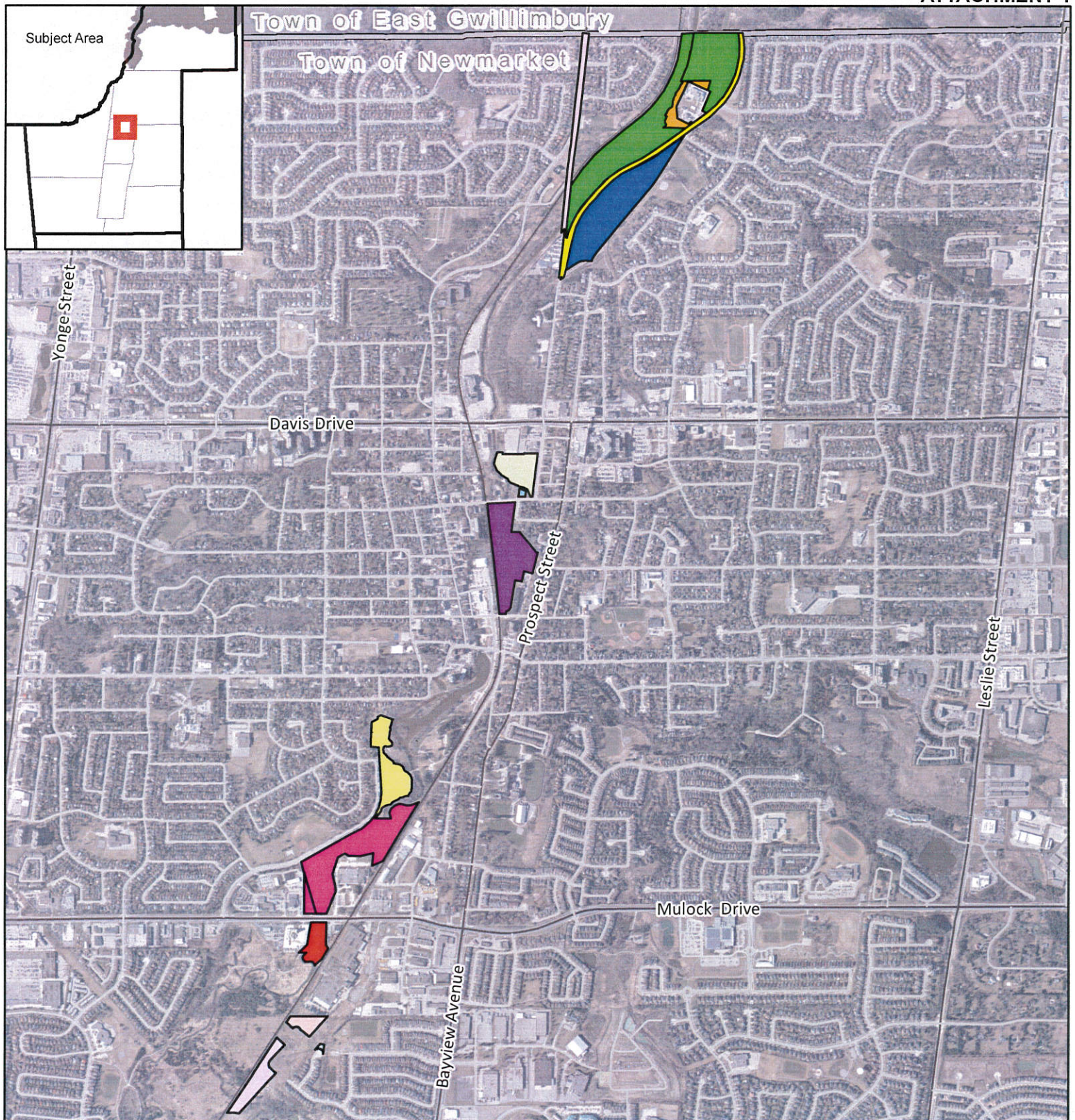
Esther Armchuk, Commissioner of Corporate Services

Contact

For more information on this report, please contact:

Antonietta Mollicone, Senior Solicitor

(905) 953-5300 ext. 2435, amollicone@newmarket.ca



yorkmaps York Region

Produced by:
The Regional Municipality of York
Property Services, Corporate Services
April 2018

Data: © Queen's Printer for Ontario 2003-2018

Imagery:
See York.ca for disclaimer information.

Location Plan

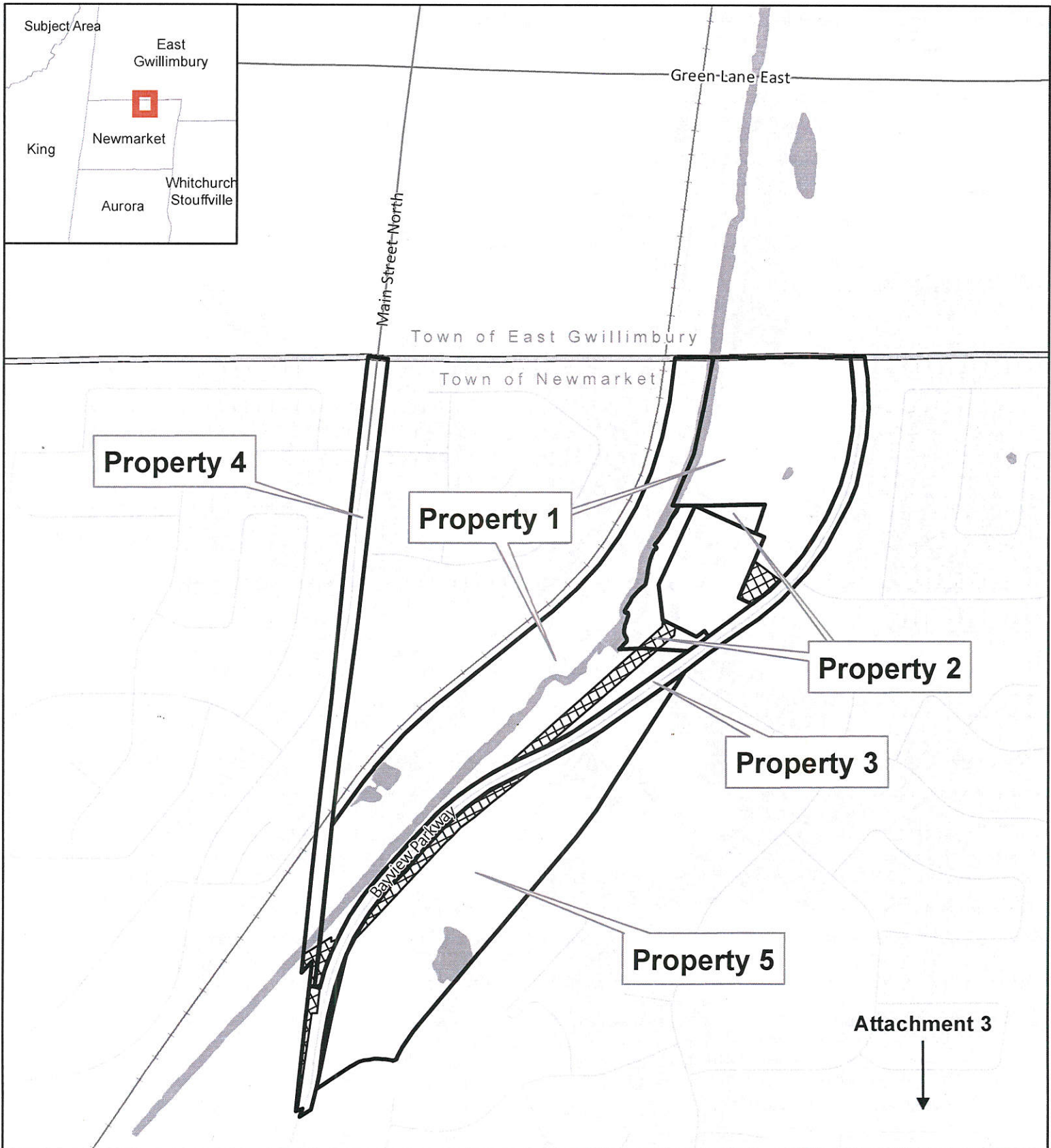
Upper York Sewage Servicing
Town of Newmarket



0 125 250 500 750
Metres

Legend

 Subject Property







Location Plan
Acquisition of Land
York Durham
Sewage System Modifications
Town of Newmarket
June 21, 2018



0 25 50 100 150 200
 Metres

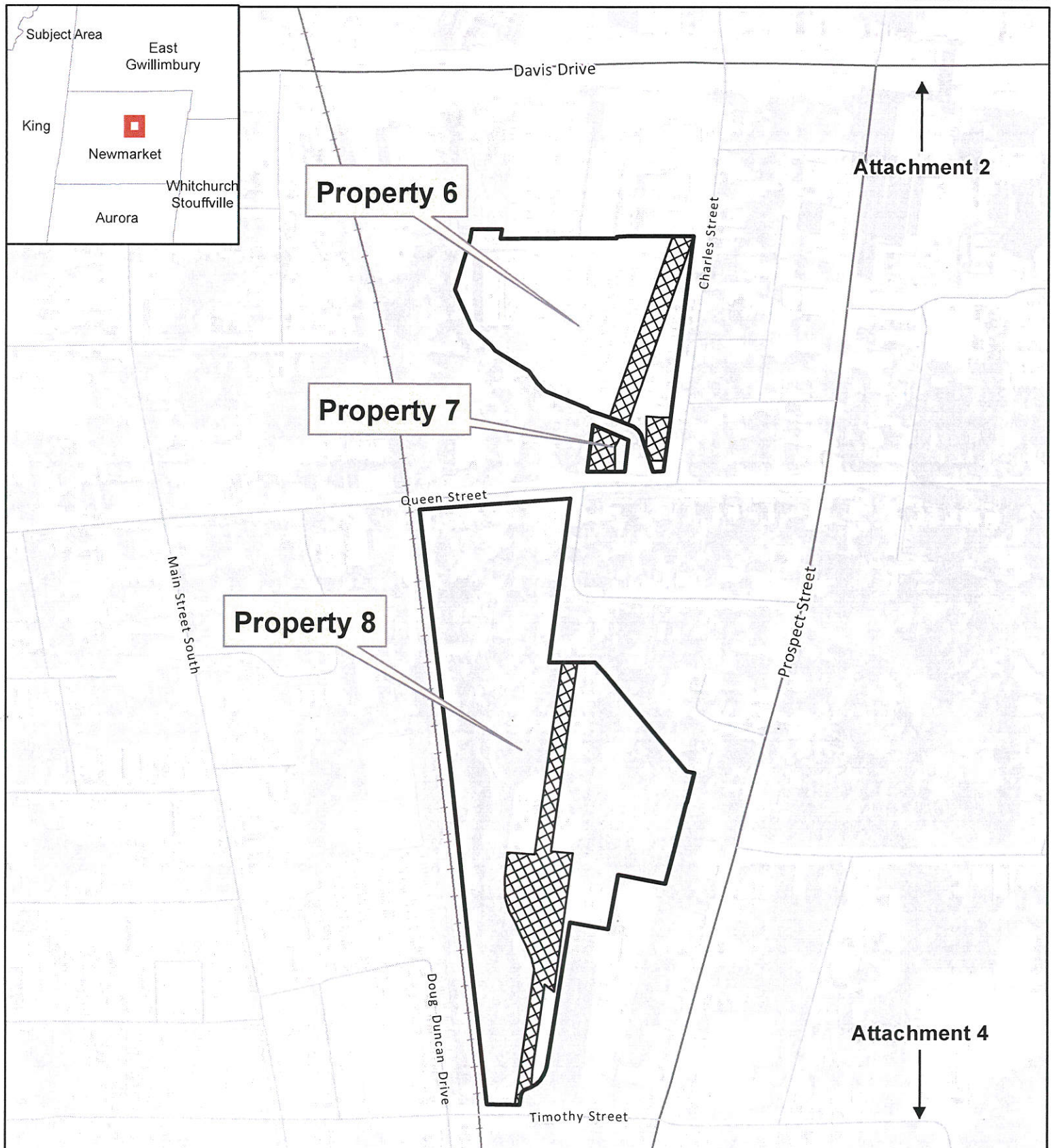
Legend

-  Subject Property
-  Interest Required
-  Parcel
-  Road

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Location Plan
Acquisition of Land
York Durham
Sewage System Modifications
Town of Newmarket
June 21, 2018



0 25 50 100 150
 Metres

Legend

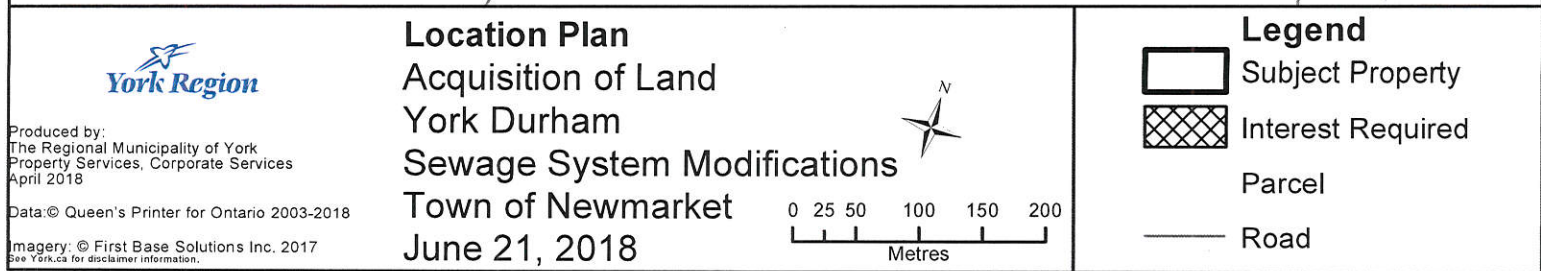
- Subject Property
- Interest Required
- Parcel
- Road

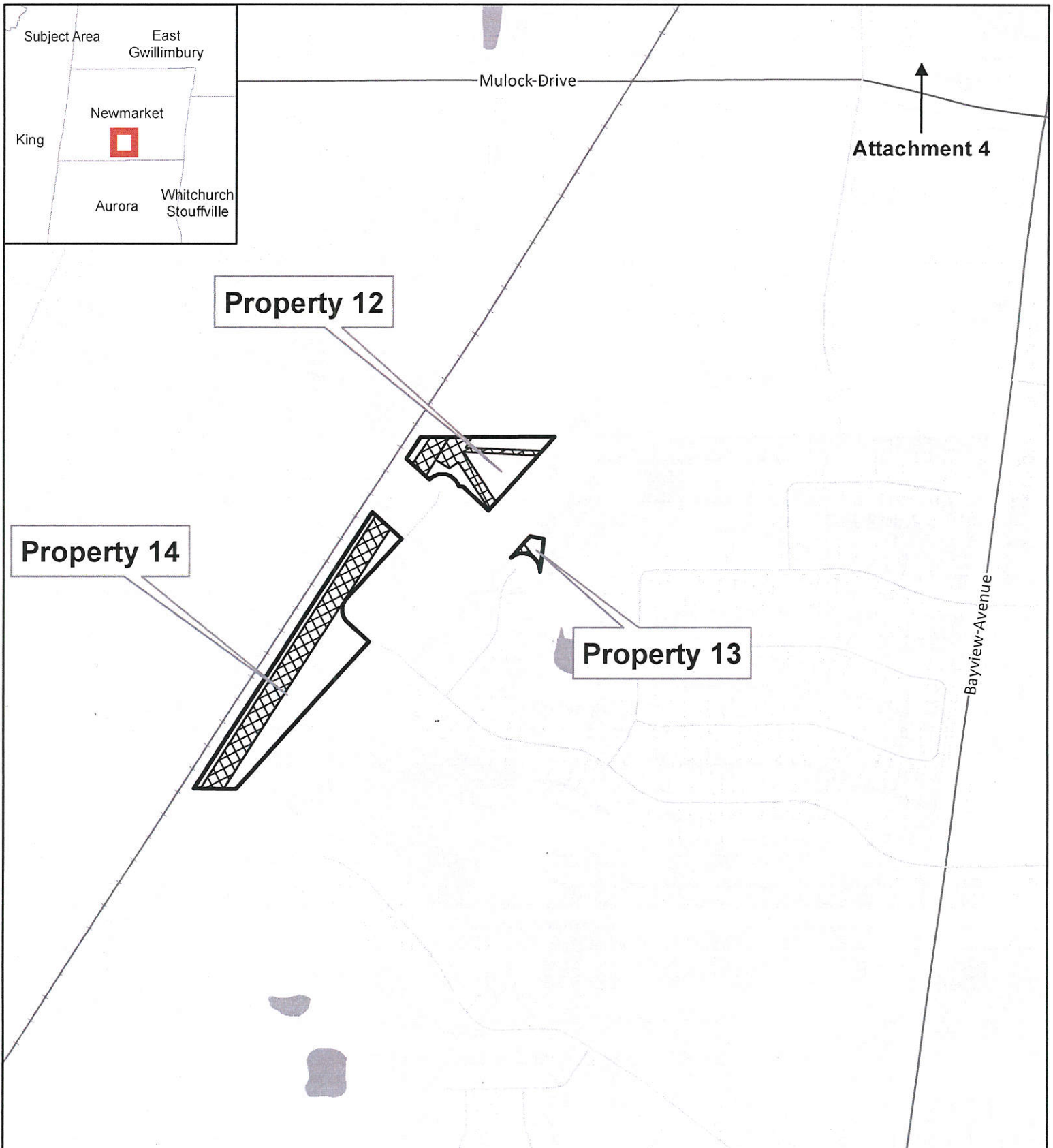
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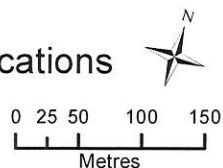
Imagery: © First Base Solutions Inc. 2017
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Location Plan
 Acquisition of Land
 York Durham
 Sewage System Modifications
 Town of Newmarket
 June 21, 2018



Legend

- Subject Properties
- Interest Required
- Parcel
- Road

Produced by:
 The Regional Municipality of York
 Property Services, Corporate Services
 April 2018

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Legal Case - precedent3 plan a with urban form for town of newmarket_2018.docx

ATTACHMENT 6

Upper York Sewage Solutions - Property Requirements
Project No. 74270

| Property ID | Property Owner | Location | Roll Number | Requirement | Part | Plan | PIN | Req. (m) ² | Req. (ft) ² | Acres |
|-------------|-------------------|---|-----------------|---------------------|---|------------|------------|-----------------------|------------------------|--------|
| 14 | Town of Newmarket | Terminus of Silken Laumen Dr (S of Mulock and W of Bayview) | 194804018570406 | Permanent Easement | 1 & 2 | 65R-36347 | 03624-1855 | 3,570.8 | 38,435.77 | 0.8824 |
| | | | | Temporary Easement | 3 | | | 5,241.6 | 56,420.11 | 1.2952 |
| 12 | Town of Newmarket | Terminus of Silken Laumen Dr (S of Mulock and W of Bayview) | 194804018570408 | Permanent Easement | 7, 8 | 65R-36346 | 03624-1857 | 626.9 | 6,747.90 | 0.1549 |
| | | | | Temporary Easement | 4 minus 2 on 65R-37313, 5, 6, 9 minus 5 on 65R-37313, 10 minus 3 on 65R-37313 | | | 374.2 | 4,027.86 | 0.0925 |
| | | | | Permanaent Easement | 2, 3, 5 | 65R-37313 | | 80.7 | 868.65 | 0.0199 |
| | | | | Temporary Easement | 6, 7, 8, 9 | | | 1,959.4 | 21,090.81 | 0.4842 |
| 13 | Town of Newmarket | Terminus of Silken Laumen Dr (S of Mulock and W of Bayview) | | Temporary Easement | 14 | 65R-37313 | 03624-1772 | 22.4 | 241.11 | 0.0055 |
| 11 | Town of Newmarket | Terminus of Silken Laumen Dr (S of Mulock and W of Bayview) | 194802011257902 | Permanent Easement | 12, 13 | 65R-36345 | 03624-1845 | 1795.6 | 19,327.68 | 0.4437 |
| 10 | Town of Newmarket | Tom Taylor Trail (N of Mulock W of Bayview) | 194802011186400 | Permanent Easement | 1, 2 | 65R-37533 | 03607-0226 | 2654.1 | 28,568.49 | 0.6558 |
| | | | 194802011232500 | | 9 | | 03607-0587 | 55.9 | 601.70 | 0.0138 |
| 9 | Town of Newmarket | Tom Taylor Trail 580 Cane Parkway (N of Mulock and E of Cane Pkwy) | 194802010111900 | Permanent Easement | 3,4,5,6,7,8 | 65R-37532 | 03607-0088 | 1406 | 15,134.06 | 0.3474 |
| 8 | Town of Newmarket | Tom Taylor Trail 535 Timothy St (S of Davis and W of Prospect) | 194801003012900 | Permanent Easement | 1,2,3,4,5,6,7, 8,9,10,11,15, 16,17,18 | 65R-37530 | 03608-0305 | 3324.8 | 35,787.85 | 0.8216 |
| | | | | Temporary Easement | 12, 13, 14 | | | 1837 | 19,773.30 | 0.4539 |
| 7 | Town of Newmarket | 535 Queen St (S of Davis andW of Prospect) | 194801001022100 | Permanent Easement | 2 | 65R-37528 | 03609-0056 | 362.3 | 3,899.76 | 0.0895 |
| | | | | Temporary Easement | 1,3 | | | 265.4 | 2,856.74 | 0.0656 |
| 6 | Town of Newmarket | 56 Charles St (S of Davis and W of Prospect) | 194801001007400 | Permanent Easement | 4 | 65R-37528 | 03609-0179 | 1356.3 | 14,599.09 | 0.3351 |
| | | | | Temporary Easement | 5 | | | 318.5 | 3,428.31 | 0.0787 |
| 5 | Town of Newmarket | George Richardson Park 195 Bayview Pkwy (S of Green Lane and E fo Baview) | 194804015232260 | Permanent Easement | 15,16,17 | 65R-37534 | 03556-0484 | 1256 | 13,519.47 | 0.3104 |
| 1 | Town of Newmarket | Tom Taylor Trail 220 Bayview Ave & 500 Bayview Ave (S of Green Lane and W of Bayview) | 194804015232250 | Permanent Easement | 1,2,3 | 65R-37535 | 03556-0478 | 2202.3 | 23,705.36 | 0.5442 |
| | | | | | 9,11,12,13 | 65R-37534 | | 565.5 | 6,086.99 | 0.1397 |
| | | | | Temporary Easement | 7,8,10,14 | 03556-0730 | 363.2 | 3,909.45 | 0.0897 | |
| | | | | Temporary Easement | 1,2,3,4,5,6 | | 65R-37529 | 539.7 | 5,809.28 | 0.1334 |
| 2 | Town of Newmarket | W/S of Bayview Parkway (S of Green Land and W of Bayview) | 194804015232210 | Permanent Easement | 4 | 65R-37535 | 03556-0732 | 486.5 | 5,236.64 | 0.1202 |
| | | | | Temporary Easement | 5 | | | 93.2 | 1,003.20 | 0.0230 |
| 3 | Town of Newmarket | | | Permanent Easement | 3,4 | 65R-37534 | 03556-0485 | 222.7 | 2,397.12 | 0.0550 |
| | | | | Temporary Easement | 5,6 | | | 50.67 | 545.41 | 0.0125 |
| 4 | Town of Newmarket | | | Permanent Easement | 2 | 65R-37534 | 03556-0518 | 333.4 | 3,588.69 | 0.0824 |
| | | | | Temporary Easement | 1 | | | 136.6 | 1,470.35 | 0.0338 |

Received

MAY 23 2018

Date: _____

City of Newmarket – Engineering Department

Transportation Planning Section

PETITION FOR TRAFFIC CALMING**Lane of concern:**Patti McCulloch Way, Newmarket**Description of Concerns:**

We, the citizens residing on Patti McCulloch Way in Newmarket, are concerned of the health and safety of our children during their passage to school. It has become clear that the driving speeds of drivers utilizing our street exceed the speed limits and have shown no respect of the speed limits posted.

Because of the school, located on the next street, the cars have been speeding along our street from the early morning.

We would like to have three - four speeding bumps spread along our street.

19 total res. on st.

Signed: 19 Residents

The meeting of the Accessibility Advisory Committee was held on Thursday, March 15, 2018 in the Council Chambers, 395 Mulock Drive, Newmarket.

Members Present: Steve Foglia Chair
 Kelsy McIntosh
 Linda Jones
 Councillor Bisanz
 Richard Wilson
 Jeremy Slessor

Regrets: Aaron Firth

Staff Present: K Saini, Deputy Town Clerk
 H. Leznoff, Council/Committee Coordinator
 G. MacMillan Manager, Capital Projects
 S. Scrofano, Capital Works Project Manager
 M. Ashworth, Parks Development Coordinator
 L. Traviss, Senior Planner
 T. Horton, Planner
 F. Dipassio, Licensing Officer
 N. Evans, Supervisor, Parks
 A. Fox, Operator, General Parks and Special Events

Guest: Danielle Liddy, ASL Services

The meeting was called to order at 10:30 AM, with Steve Foglia in the Chair.

Additions & Corrections to the Agenda

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Presentation & Deputations

There were no presentations or deputations.

Approval of Minutes

1. Newmarket Accessibility Advisory Committee Meeting Minutes of January 15, 2018.

Moved by: Linda Jones
Seconded by: Kelsy McIntosh

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

Carried

Items for Discussion

2. Site Plan Process Review Presentation/Discussion

The Senior Planner and Planner addressed the Committee with a presentation regarding the new Site Plan Process review, and specifically addressing the role of the Accessibility Advisory Committee. He advised that the Committee can determine what type of applications they wish to review (e.g. commercial properties, public properties etc.), what plans they wish to comment on (e.g. Site Plans, Landscaping plans etc.) and how they would like the comments to be delivered to planning staff. The Planner further advised that with the proposed new process, the Accessibility Advisory Committee will be included as part of the technical review of Site Plan applications, in the same manner as other stakeholders such as the Engineering Department, Region of York and Lake Simcoe Region Conservation Authority.

The Planner advised that comments from the Accessibility Advisory Committee would be required within four to five weeks of the application being distributed and that the comments made by the Committee would be sent to the applicant for response. He further advised that planning staff wish to consult with the Committee regarding updating the accessibility checklist that is provided to applicants who submit site plan applications. The Accessibility Advisory Committee agreed that the new process would suit the Committee's needs and advised that for the time being, they wish to be notified of all applications and provided access to plans related to each site plan application. It was determined that the Chair and Richard Wilson would be the points of contact for incoming applications, and would distribute the plans to Committee members for comment, where applicable.

3. Upcoming Capital Projects Presentation

The Manager, Capital Projects addressed the Committee to provide an update on ongoing capital projects as well as provide an overview of projects scheduled for 2018. The Capital Works Manager advised that staff are currently with the consultant to determine if it is possible for a sidewalk to be placed on the north side of Park Avenue; the sidewalk being a minimum of 1.5 metres in width. The Parks Development Coordinator provided an update regarding the Franck Stronach Park Splash Pad. The Accessibility Advisory Committee had reviewed the plans in 2017 and provided comments. The Capital Projects Parks Development Coordinator discussed how the Committee's feedback was incorporated into the final design. Discussion ensued regarding accessible outdoor patio tables, having a feature to adjust the table for various heights. The Manager of Capital Projects provided an overview of upcoming projects including water main projects on Gorham Street and George Street, soccer field improvements at George Richardson Park North, landscaping updates at the Magna Centre, a new trail near National Homes and updated streetscape at Bathurst Street and Davis Drive. He further advised that there will be updates to Armstrong Park and that a PIC will be held on April 19, 2018 to gather input on this project. He advised that his team will return to gather feedback from the Committee once concepts and designs have been established.

4. Playground Improvements Presentation

The Supervisor, Parks and Operator, General Parks and Special Events addressed the Accessibility Advisory Committee to discuss 2018 Park Improvements and to gather feedback from the committee on the proposed designs. The Parks undergoing renovations and improvements include: Beswick Park, Environmental Park, George Richardson Park, Whipper Watson Park, Fairgrounds Park Batting Cage. They advised that the proposed designs are available to view on the Town of Newmarket website. Discussion ensued regarding the use of wood chips and if the material is wheelchair accessible. Due to time constraints, only a few park designs were reviewed but the Supervisor and Operator, Parks advised that the Committee could review the designs posted on the Town's website and provide further comments through email.

5. Upper Canada Mall and Oxford Properties – Accessible Washroom Discussion

The Chair provided an update regarding the accessible washrooms at Upper Canada Mall. He advised that the owners, Oxford Properties confirmed they will be renovating an upstairs washroom into a fully accessible washroom equipped with an adult change table. He further advised that a temporary adjustable change table will be provided until this renovation is complete in 2019.

6. Accessible Taxis Discussion

The Chair provided an update regarding ADAPT's transportation service and expressed concern regarding the accessible taxi services. The Town of Newmarket amended its by-law to allow for accessible taxis from the City of Vaughan to operate in Newmarket without a licence plate. However, when members of the Accessibility Advisory Committee attempted to book transportation with the three companies offering accessible taxi services, they faced challenges such as the company cancelling the ride at the last minute or advising that they cannot provide the service in Newmarket. The Licensing Officer advised that she would raise this concern at the next York Region licensing meeting.

7. National Access Awareness Week – Update from Sub-committee meeting

The Chair advised that the next Sub-Committee meeting will be held on April 26, 2018 at 10:30 AM at the Community Centre.

New Business

There were no items of new business.

Adjournment

There being no further business, the Accessibility Advisory Committee meeting adjourned at 12:39 PM.

Date

Steve Foglia, Chair



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Newmarket Public Library Board

Regular Board Meeting Minutes

Wednesday, April 18, 2018
Newmarket Public Library Board Room

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Venkatesh Rajaraman
Jane Twinney
Tom Vegh

Regrets: Kelly Broome
Darcy McNeill

Staff Present: Todd Kyle, CEO
Lianne Bond, Administrative Coordinator

The Chair called the meeting to order at 5:30 pm

Adoption of Agenda Items

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

The Chair asked if there were any additions to the agenda. One item was added under Closed Session.

Motion 18.04.275

Moved by Jane Twinney

Seconded by Venkatesh Rajaraman

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

Carried

Declarations

None were declared.

Consent Agenda Items:

4. Adoption of the Regular Board Meeting Minutes for Wednesday, March 21, 2018
5. Strategic Operations Report for March, 2018
6. First Quarter Library Statistical Data
7. Monthly Bank Transfer
8. Funding for Libraries in Ontario Provincial Government 2018 Budget

Motion 18.04.276

Moved by Tara Brown

Seconded by Tom Vegh

That Consent Agenda items 4) to 8) be received and approved as presented.

Carried

Policies

9. Use of Corporate Resources and Election Campaign Activities Policy

The CEO recommended that the Library Board adopt the Town of Newmarket Use of Corporate Resources and Election Campaign Activities Policy that would establish the rules and procedures for the Library during an election campaign period.

Motion 18.04.277

Moved by Venkatesh Rajaraman

Seconded by Tara Brown

That the Library Board approve the adoption of the Town of Newmarket Use of Corporate Resources and Election Campaign Activities Policy.

Carried

Reports

10. First Quarter Financial Statement

The Library is on target for the first quarter of 2018 in both expenditures and revenue.

Motion 18.04.278

Moved by Tom Vegh

Seconded by Jane Twinney

That the Library Board receive the First Quarter Financial Statements as presented.

Carried

Business Arising

11. Library Board Action List

The Library Board reviewed the Action list.

Motion 18.04.279

Moved by Venkatesh Rajaraman

Seconded by Tara Brown

That the Library Board receive the Action List as presented.

Carried

New Business

There was no New Business.

Closed Session

Motion 18.04.280

Moved by Tara Brown

Seconded by Jane Twinney

That the Library Board move in to a Closed Session at 5:55 pm to discuss matters pertaining to Labour relations.

Carried

Motion 18.04.281

Moved by Tara Brown

Seconded by Venkatesh Rajaraman

That the Library Board move out of Closed Session at 6:20 pm.

Carried

Motions Arising from Closed Session

Motion 18.04.282

Moved by Jane Twinney

Seconded by Tom Vegh

That the Library Board receive the report on matters pertaining to Labour relations.

Carried

Dates of Future Meetings

Due to a conflict of the next regularly, scheduled Library Board meeting on Wednesday, May 16, 2018 the next Regular Library Board meeting will be Tuesday, May 15, 2018 at 5:30 pm in the Library Board room

Adjournment**Motion 18.04.283**

Moved by Tara Brown

Seconded by Tom Vegh

That there being no further business the meeting adjourn at 6:25 pm.

Carried

Joan Stonehocker, Chair

Todd Kyle, Secretary/Treasurer



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Monday, April 23, 2018 at 7:30 PM
Hall #3

The meeting of the Main Street District Business Improvement Area Board of Management was held on Monday, April 23, 2018 in the Community Centre, Hall #3.

Members Present: Glenn Wilson, Chair
Councillor Kwapis
Carmina Pereira
Rory Rodrigo
Peter Mertens
Elizabeth Buslovich
Siegfried Wall
Anne Martin (7:57- 8:54 PM)

Regrets: Jackie Playter
Olga Paiva

Staff Present: E. Bryan, Business Development Specialist
H. Leznoff, Council/Committee Coordinator

Guests: Neil Tushingham, Event & Media Coordinator, York Pride Fest
Dave Williams, Festival Coordinator, York Pride Fest

The meeting was called to order at 7:30 PM.

Glenn Wilson in the Chair.

Additions & Corrections to the Agenda

The Chair advised of the following addition to the agenda:

(1) Deputation by Neil Tushingham and Dave Williams, York Pride Fest

Moved by: Rory Rodrigo
Seconded by: Carmina Pereira

1. That the addition to the agenda be approved.

Carried

Declarations of Pecuniary Interest

None

Presentation & Recognitions

None

Deputations

1. Deputation by Neil Tushingham and Dave Williams, York Pride Fest

Neil Tushingham and Dave Williams addressed the Board to provide an update regarding York Pride Fest 2018, being held on Saturday, June 16, 2018. They advised that the theme for this year's festival is "All Together Now" and further advised that the parade will begin at 3:00 PM. In addition to the parade, programming will be taking place at Riverwalk Commons which will include two stages of various entertainments, a beer garden and a fireworks finale. In addition, they advised that a request was made to the Town for banner to be placed on Main Street in the weeks leading up to the parade until the end of Pride Week on Sunday, June 17, 2018. Further, they advised that York Regional Police are hosting a breakfast fundraiser on Friday, June 1st, starting at 7:30 AM. The Board Members expressed their support for the event and requested that they be involved in planning as early as possible. Further discussion ensued regarding mitigating disruption to businesses on the street and minimizing interference with traffic in downtown area. Lastly, Neil Tushingham and Dave Williams advised that in 2019, the festival will likely take place on the same weekend in June and that meetings could be held in advance between the festival organizers and the Board of Management.

Moved by: Peter Mertens
Seconded by: Siegfried Wall

1. That the deputation by Neil Tushingham and Dave Williams, York Pride Fest be received.

Carried

Approval of Minutes

2. Main Street District Business Improvement Area Board of Management Minutes of March 20, 2018

Main Street BIA Board of Management Minutes
April 23, 2018
Page 2 of 7

Moved by: Rory Rodrigo
 Seconded by: Elizabeth Buslovich

1. That the Main Street District Business Improvement Area Board of Management Minutes of March 20, 2018 be approved.

Carried

3. Marketing Sub-committee Report/Minutes

There were no minutes to distribute.

Items

4. Street Events Update

(1) Mother's Day

Carmina outlined the advertising plans for Mother's Day, including a contest with a prize of 100 Main Street Bucks.

Moved by: Rory Rodrigo
 Seconded by: Siegfried Wall

1. That \$523.00 be allotted for the Mother's Day event to cover advertising costs and the contest prize of 100 Main Street Bucks.

Carried

(2) Canada Day

Carmina advised that in previous years businesses have not always followed through on commitments to participate in the street wide Canada Day event. For this reason, she proposed implementing a refundable deposit for members as part of the vendor application for the Canada day event. She advised that the deposit would be returned to those who participated for the full day but would be retained in situations where those who registered did not end up participating or shut down early. She advised that this would help to ensure the street is full during the event and to minimize revenue loss. It was stated that rules regarding participation in the event, including the refundable deposit fee and the start and end time of the event would be clearly stated on the vendor application form and outlined in an email to members.

Moved by: Carmina Pereira
Seconded by: Elizabeth Buslovich

1. That a refundable deposit be of \$100.00 be collected from each member as part of the vendor application form for the Canada Day event.

Carried

Moved: Carmina Pereira
Seconded by: Peter Mertens

1. That \$9000.00 be allotted for the Canada Day event, including event and advertising costs.

Carried

Moved by: Councillor Kwapis
Seconded by: Siegfried Wall

1. That the Street Events update be received.

Carried

4. Financial Update

The Business Development Specialist provided a financial update outlining approved 2018 budget figures, total revenue, net income, funding commitments and remaining B.I.A funds.

Moved by: Councillor Kwapis
Seconded by: Carmina Pereira

1. That \$600.00 be allotted for payment of the Historic Downtown Main Street sign.

Carried

Moved by: Elizabeth Buslovich
 Seconded by: Siegfried Wall

1. That the verbal financial update by the Business Development Specialist regarding the Main Street District Business Improvement Area Board of Management revenue and expenses to date be received.

Carried

5. NDDC Update

The Business Development Specialist provided an update from the most recent Newmarket Downtown Development Committee meeting outlining the approved applications and items of discussion.

Moved by: Carmina Pereira
 Seconded by: Elizabeth Buslovich

1. That the NDDC update be received.

Carried

6. Staff Update

(1) Downtown Revitalization Grant

The Business Development Specialist advised that Newmarket has received a grant from AMO and OMAFRA in the amount of \$104,000.00. She further advised that there are specific requirements associated with how the grant can be used, specifically related to infrastructure development. She further advised that senior staff have met to discuss various options for projects that fit within the grant requirements. She advised that one proposed project is to re-develop the parking lot behind the Bike Shop (located on Cedar Street) and a downtown waste removal study.

(2) Soofa Benches

The Business Development Specialist advised that the Soofa Benches continue to collect data. It was determined that staff would attend the June BIA meeting to provide an update on the data collected and the various reports available through the Soofa Benches.

(3) BIA Election

Councillor Kwapis advised that preparations for the BIA election have begun, and that staff are working on updating the eligibility list and the voters list. He advised that a communication plan would need to be developed, and that the Board should encourage members to vote.

Moved by: Rory Rodrigo
Seconded by: Siegfried Wall

1. That the staff update be approved.

Carried

New Business

(a) Mulock Farm Property and Tennis Courts

Questions were raised regarding the Mulock Farm property, potential re-location of tennis courts and potential relocation of the library. Councillor Kwapis advised that many ideas and options are being presented as part of the public consultation phase of the project, but that no decisions have been made at this point.

(b) Bike Shop

A question was raised regarding the timeframe for when the Bike Shop will open. Staff advised that the owners are currently undergoing interior renovations and it should be opening soon.

(c) Overnight Parking in the north lot of Old Town Hall

A question was raised regarding parking restrictions in the north parking lot of the Old Town Hall. It was mentioned that the parking spots were originally marked for 24 hour parking but that signs now indicate that overnight parking is not permitted. Councillor Kwapis advised that staff has been directed to review parking options in the downtown area as a whole. The Business Development Specialist advised that if the BIA wanted to suggest a change to the Parking By-law, the Board Members would be required to make a motion recommending the change to Council and that recommendation would be brought to a Committee of the Whole process. Council Kwapis further advised that Council recently adopted a temporary parking permit program which allows residents to apply online for an overnight parking permit, for a maximum of 15 days per licence plate.

(d) Speed Mitigation on Main Street

There was a request for an update regarding speed mitigating measures on Main Street. Councillor Kwapis advised that data analysis was conducted and it was determined that the speeds on Main Street did not justify speed mitigation measures at this time, and that there were very few infractions noted.

(e) Tragedy on Yonge Street in Toronto

The Board Members took a moment to acknowledge the victims of the tragedy that took place earlier in the day at the Yonge Street and Finch Avenue area in Toronto.

(f) Waste disposal in the downtown area

A question was raised regarding a waste disposal plan for the downtown area. It was noted that the Board would like to be consulted if a new plan is brought forward by staff. The Business Development Specialist advised that there is a plan for a potential garbage study or project as part of the Downtown Revitalization Grant and that staff will bring information to the Board Members when it becomes available.

(g) Website

The Chair advised that the BIA website is active again. He further advised that the website has been updated to include upcoming events and the Canada Day vendor application. He encouraged Board Members to promote and use the website.

Closed Session (if required)

The Chair advised there was no requirement for a closed session.

Adjournment

Moved by: Rory Rodrigo
Seconded by: Carmina Pereira

1. That the meeting adjourn at 8:54 PM.

Carried

Date

G. Wilson, Chair



Town of Newmarket
Outstanding Matters List
Schedule A: Items for the 2014-2018 Term of Council

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|----|--|---|--|---|
| 1. | Meeting Date: Council – December 5, 2016 Subject: Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s | <p>That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</p> <p>➤ Planning and Building Services</p> | Q1, 2019 OMB Hearing Scheduled for August 2018. Deferred until resolution of OMB hearing | This direction has been deferred as it will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South |
| 2. | Meeting Date: Committee of the Whole – February 27, 2017 Subject: Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations | <p>Recommendation:</p> <p>1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy.</p> <p>2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,</p> <p>3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.</p> <p>Responsible Department:</p> <p>➤ Planning and Building Services</p> | Q3/Q4, 2017/November 27 Committee of the Whole Q1, 2018 Q3, 2018 November 13, 2017 – Council | |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|----|---|---|--|--|
| 3. | Meeting Date: Council – March 27, 2017 Subject: Zoning By-law Review | Recommendation: 1. That staff review Zoning By-law 2010-40 and 2013-40 to address best practices related to infill development standards across the Town as a whole. Responsible Department: ➤ Planning & Building Services | Q3/Q4, 2017 Q1, Q2, 2018 | Workshop was held on March 26, 2018. Report to be brought back in 60 days. |
| 4. | Meeting Date: Committee of the Whole – May 8, 2017 Subject: Information Document for Residents Related to Construction Sites | Recommendation: 1. That Council approve the following motion in principle: 2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and, 3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and, 4. That the aforementioned motions be referred to staff for a report back including options and resource requirements. Responsible Department: ➤ Planning & Building Services | Q4, 2017 Q1 Q2, 2018 | |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|----|---|---|---|---|
| 5. | <p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report/ East West Bike Lanes on Park Avenue</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and, 2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year. <p>1. That staff review proposed modifications to the east-west bike lane and report back in the Spring of 2018.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services | <p>Q2, 2018</p> <p>Q2, 2018</p> | <p>Information Report to be provided.</p> |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|----|---|---|--|------------------------------------|
| 6. | <p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Corporate Services Report – Legislative Services 2017-07 – “Restricted Area for Driving Schools and Instructors”</p> <p>Meeting Date: Committee of the Whole February 26, 2018</p> <p>Subject: Licensing of Driving Schools and Driving Instructors</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Option 1 of the Report be implemented; and, 2. That staff provide a status report on the “Restricted Area” within 12 months of implementing Option 1 of the Report. <ol style="list-style-type: none"> 1. That the report entitled Licensing Driving Schools and Driving Instructors dated February 26, 2018 be received; and, 2. That Council direct staff to establish a licensing program to regulate Driving Schools and Driving Instructors; and, 3. That Staff be directed to hold a Public Information Centre for the Driving School Industry to provide their comments; and, 4. That Staff be directed to bring back a report with information from the Public Information Centre and a proposed Licensing By-law. <p>Responsible Department: ➤ Legislative Services</p> | <p>February 26, 2018 Committee of the Whole meeting</p> <p>Q2, 2018, May 22, 2018 Committee of the Whole June 11, 2018 Committee of the Whole</p> | <p>PIC held on March 27, 2018.</p> |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|----|--|---|---|------------------------------------|
| 7. | <p>Meeting Date: Committee of the Whole - June 19, 2017</p> <p>Committee of the Whole – February 5, 2018</p> <p>Subject: Textile Diversion Program</p> | <p>Recommendation:</p> <p>1. That the PowerPoint presentation entitled “Diabetes Canada – Textile Diversion Program for the Town of Newmarket” by Mr. Ryan Michaels and Mr. Blaine Hobson be received and referred to staff.</p> <p>1. That staff be directed to prepare an RFP for a textile recycling program.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Public Works Services | <p>February 5, 2018 Committee of the Whole meeting</p> <p>Q3, 2018</p> | Information Report to be provided. |
| 8. | <p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area</p> | <p>Recommendation: That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:</p> <p>1. That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.</p> <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services | Q1-Q2, Q3 2018 | |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|--|--|---|----------------|
| 9. | <p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – April 9, 2018</p> <p>Subject: Petition regarding Speed and Traffic Mitigation near Queen Street</p> | <p>Recommendation:</p> <p>1. That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy.</p> <p>Lorne Avenue and Queen Street Traffic Review Report</p> <p>1. That the report entitled Lorne Avenue and Queen Street Traffic Review dated April 9, 2018 be received; and,</p> <p>2. That York Regional Police be sent a copy of this report; and,</p> <p>3. That the Town request that York Regional Police include more Town-Specific enforcement measures and programs in their next Municipal Overview; and,</p> <p>4. That enhanced vulnerable road user safety measures be included in the design for the future reconstruction of Lorne Avenue; and,</p> <p>5. That Staff be directed to review temporary speed mitigation measures for Lorne Ave. and Queen St., leading to and from this intersection and report back with recommendations.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services | <p>Q2, 2018 April 9, 2018 Committee of the Whole</p> <p>Q4, 2018</p> | |
| 10. | <p>Meeting Date: Committee of the Whole - September, 25, 2017</p> <p>Subject: Corporate Services – Legislative Services Report 2017-16 Vacant Building Report – Window Wrap Program</p> | <p>Recommendation:</p> <p>1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,</p> <p>2. That staff be directed to report back on Option 2, a Window Wrap program.</p> <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services/Economic Development | <p>Q4 Q2, Q3 2018</p> | |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|---|---|---|---|
| 11. | <p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Council – May 7, 2018</p> <p>Subject Welcome Sign on Longford Drive</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to schedule a meeting for the Mayor, Deputy Mayor & Regional Councillor, Councillor Hempen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and, 2. That staff provide an alternative signage and seating area option that would be as cost effective as possible. <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council authorize the expenditure of \$10,000 towards a Newmarket Heights entrance sign in recognition of the neighbourhood's 60th anniversary, on the condition: <ol style="list-style-type: none"> a. That Community fundraising exceeds \$10,000; and, b. That Community fundraising funds are in place prior to the Town's expenditure. <p>Responsible Department ➤ Engineering Services</p> | <p>Q1 Q2, 2018</p> <p>TBD</p> | <p>Two meetings held — Signage is subject to funding. Seating area to be removed after feedback from meeting.</p> <p>Schedule dependant on funding</p> |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|--|---|--|----------------------------------|
| 12. | <p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p>Subject Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> a. That the final report be brought back to Council by early Quarter 3 2018; and, b. That staff continue to expedite the process to provide the report sooner, if possible; and, c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy. <p>Responsible Department ➤ Engineering Services</p> | Q3, 2018 | |
| 13. | <p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Low Impact Development</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to report to Council in 2018 with best practices and opportunities to implement Low Impact Development (LID) in relation to flooding, flood mitigation, and storm water management in residential neighbourhoods. <p>Responsible Department ➤ Engineering Services</p> | December 2018/January 2019 | Council Workshop to be scheduled |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|--|---|--|------------------------------------|
| 14. | Meeting Date: Council – December 4, 2017 Subject: Property at intersection of Davis Drive and Patterson Street | Recommendation: 1. That staff be directed to work with the property owner at Davis Drive and Patterson Street to maintain the property in accordance with the Town's applicable By-laws. Responsible Department: ➤ Legislative Services | Q1, Q2 2018 | Information Report to be provided. |
| 15. | Meeting Date: Committee of the Whole – March 19, 2018 Subject: Vibration Control and construction activity (deputation) | Recommendation: 1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and, 2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and, 3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals. Responsible Departments: ➤ Planning and Building Services & Engineering Services | Q3, 2018 | |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|---|--|--|--|
| 16. | Meeting Date: Council – March 26, 2018 Subject: Bogart House | Recommendation: 1. That Council direct staff to continue to work through the Developer to ensure the rapid restoration of the Bogart House and the permanent preservation of the Bogart House; and, 2. That Council also direct staff to arrange another site visit with the Developers, the Mayor, Deputy Mayor, Councillor Kerwin (as the Ward Councillor) and Councillor Hempen (as the Heritage Committee representative) and staff and the Chair of the Newmarket Heritage Committee to examine avenues for rapid restoration and further protection of the Bogart House; and, 3. That Council reaffirm its position that the Bogart House is a designated heritage house and one of the most important heritage buildings in the community; and, 4. That Council not entertain the demolition or removal of the Bogart House but will seek only full restoration and protection on the current site. Responsible Department: ➤ Planning and Building Services/Legislative Services | Meeting scheduled May 9, 2018 at site with all partners | Information Report to be provided. |
| 17. | Meeting Date: Council – March 26, 2018 Subject: Aurora Bridge Club (deputation) | Recommendation: 1. That the deputation by Anna Kennedy regarding the Aurora Bridge Club be received and referred to staff. Responsible Department ➤ Recreation and Culture | Q3, 2018 | Memorandum to be circulated. |
| 18. | Meeting Date: Committee of the Whole – April 9, 2018 Subject: Parking on Lundy's Lane (deputation) | Recommendation: 1. That the deputation by Maria Luczka be received and referred to staff. Responsible Department: ➤ Legislative Services | Q2, 2018 | Letter to be sent to Medical Arts Building regarding signage |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|---|--|---|------------------------------------|
| 19. | Meeting Date: April 30, 2018 Committee of the Whole Subject: Heritage Designations – York Region Administrative Building and Newmarket Canal System | Recommendation: 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. Responsible Department: ➤ Planning and Building Services | Q3, 2018 | |
| 20. | Meeting Date: May 22, 2018 Committee of the Whole Subject: Delegated Authority for Fees/Charges | Recommendation: 1. That the report entitled Delegated Authority for Fees/Charges dated May 22, 2018 be received; and, 2. That Council delegate limited authority to execute increases to the Fees and Charges By-law; and, 3. That the delegated authority be limited to Recreation & Culture and Licensing Fees and Charges and that any increase not exceed the rate of inflation and be in compliance with the Service Pricing Policy; and, 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution; and, 5. That Council direct staff to prepare an information report on the 2019 major fees and charges, at which point Council may direct the report to be “bumped up” to the next scheduled Committee of the Whole meeting; and, 6. That if the information report is not “bumped up”, staff are deemed to have delegated authority to execute the increases to the fees and charges. Responsible Department: ➤ Finance Services | August 2018 | Information Report to be provided. |

| | Meeting Date and Subject | Recommendation and Responsible Department | Date for reporting back to Committee of the Whole | Staff Comments |
|-----|--|---|--|-----------------------|
| 21. | Meeting Date: May 22, 2018 Committee of the Whole Subject: Zoning By-law Amendment Application – 285 Harry Walker Parkway South | Recommendation: 1. That the report entitled Zoning By-law Amendment Application – 285 Harry Walker Parkway South, dated May 7, 2018 be deferred to an upcoming Committee of the Whole or Council meeting. Responsible Department: ➤ Planning and Building Services | Q3, 2018 | |



TOWN OF NEWMARKET

Outstanding Matters Schedule B: Items for the 2018-2022 Term of Council

| Item | Subject | Recommendations & Responsibility | Date to come back to Committee | Comments |
|------|--|--|----------------------------------|--|
| 1. | <p>Meeting Date: Council – December 14, 2015</p> <p>Subject: 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>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide alternate trail options for this area at a lower cost; and, 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. <p>Responsible Department: ➤ Planning and Building Services</p> | <p>Timeline to be determined</p> | <p>Deferred subsequent to VivaNext construction</p> <p>October 24, 2017 P. Noehammer advised this item should be moved to Schedule B</p> |
| 2. | <p>Meeting Date: Special Committee of the Whole- January 30, 2017</p> <p>Subject: Internet Voting and Ranked Ballots</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. <p>Responsible Departments: ➤ Legislative Services</p> | <p>Q1, 2019</p> | |

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| 3. | <p>Meeting Date: Council – June 7, 2016 – Item 35</p> <p>Subject: Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Strategic Initiatives | 2018 | Awaiting next phase of funding announcements |
| 4. | <p>Meeting Date: Council – June 26, 2017- Item 10</p> <p>Subject: Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That traffic impacts be monitored post construction. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services | Development is estimated to not be completed before 2020 | |
| 5. | <p>Meeting Date: Committee of the Whole – November 27</p> <p>Subject: Procedure By-law Amendment and Electronic Participation in Meetings Policy</p> | <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the Corporate Services – Legislative Services Report - 2017-26 entitled "Procedure By-Law Update and Draft Electronic Participation in Meetings Policy" be received; and, 2. That Council adopt the amendments to the Procedure By-law attached as Appendix A with an effective date of January 1, 2018; and, 3. That Council approve the Electronic Participation in Meetings Policy attached as Appendix B, with an effective date of January 1, 2018; and, 4. That the Town Clerk be authorized to administer the Electronic Participation in Meetings Policy and develop the necessary Procedures to implement the Policy, as required; and, 5. That Council permit the Accessibility Advisory Committee to participate using the Electronic Participation in Meetings Policy effective January 1, 2018 for a trial period of one year; and, 6. That staff be directed to report back in 2019 with a review of the Electronic Participation in Meetings Policy. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Legislative Services | 2019 | |

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| 6. | <p>Meeting Date: Committee of the Whole – February 27, 2017</p> <p>Committee of the Whole - November 6, 2017</p> <p>Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p>Subject: Residential Parking</p> | <p>Recommendation: 1. That staff prepare a report on options and opportunities to address residential on-street and off-street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</p> <p>1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> b. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and, c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report. d. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal. <p>Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p>Responsible Department: ➤ Planning and Building Services / Legislative Services</p> | <p>Q3/Q4, 2017 November 6, 2017 Committee of the Whole</p> <p>Q1/Q2, 2019</p> | |
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| 7. | Meeting Date: Committee of the Whole - February 26, 2018 Subject: Newmarket Public Library Study Implementation | Recommendations: 1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and, 2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process. Responsible Department: ➤ Community Services/Newmarket Public Library | Q1/Q2, 2019 | |
| 8. | Meeting date: Committee of the Whole – March 19, 2018 Subject: 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot) | 1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and, 2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and, 3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019. Responsible Department: ➤ Engineering Services/ Community Centre Lands Task Force | Q1/Q2, 2019 | |
| 9 | Meeting Date: Committee of the Whole – March 19, 2018 Subject: Cats at large (deputation) | Recommendation: 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff Responsible Department: ➤ Legislative Services | Q1, 2019 | Information Report to be provided |

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| 10. | Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration | Recommendations: 1. That CAO/Human Resources Report 2018-05 be received; and, 2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and, 3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and, 4. That staff be authorized and directed to do all things necessary to give effect to this resolution. Responsible Department: ➤ Office of the CAO/Human Resources | 2019 | |
| 11. | Meeting Date: Committee of the Whole September 25, 2017 Subject: Diversity and Inclusivity Strategy | Recommendation: 1. That the report entitled “Diversity and Inclusivity Programs” be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter. Responsible Department: ➤ Human Resources Department | Q4 2017 Q3, 2018, Q1, 2019 | York Region conducting further public consultation |
| 22. | Meeting Date: April 30, 2018 Committee of the Whole Subject: Asset Replacement Fund Strategy | Recommendation: 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date. Responsible Departments: ➤ Financial Services | Q3, 2019 | |
| | | | | |



Town of Newmarket
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York Region Municipal Streetscape Partnership Program – Streetscape Improvements at Bathurst Street/Davis Drive Intersection Staff Report

Report Number: ES2018-25

Department(s): Engineering Services

Author(s): Mike Ashworth

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled York Region Municipal Streetscape Partnership Program – Streetscape Improvements at Bathurst Street/Davis Drive Intersection dated June 11, 2018 be received; and,
2. That the Engineering Services Department be authorized to submit an application under the Municipal Streetscape Partnership Program offered by York Region for the construction of streetscape improvements on roadways at the intersection of Davis Drive and Bathurst Street;
3. That if successful the Town will fund 50% of the design and construction costs associated with the improvements; and,
4. That once the streetscape and intersection improvements are complete, they be maintained by the Town at its sole cost; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this staff report is to receive authorization for staff to submit a grant application to York Region's Municipal Streetscape Partnership Program and for the Town to attest to cost sharing and sole cost maintenance of the improvements following project completion.

Background

The York Region “Municipal Streetscape Partnership Program” grant is currently accepting calls for funding from municipalities. The Town of Newmarket has taken advantage of this grant opportunity in the past with funding going toward the streetscape improvements in front of the gateway entrance sign on the south-east corner of Bathurst Street/Davis Drive. These Bathurst and Davis streetscape improvements have been identified in the “Yonge Street & Davis Drive Streetscape Masterplan and are eligible for funding under the “Municipal Streetscape Partnership Program”.

The proposed Streetscape Improvements at Bathurst Street/Davis Drive will enhance the gateway signage and streetscape improvements currently at the intersection by upgrading the medians to interlock, upgrading the crosswalks at the intersection to XD print, and painting the traffic and light poles black to better reflect the design guidelines in the Streetscape Master Plan. These improvements will enhance active transportation options and the overall streetscape of the intersection.

The purpose of York Region’s Municipal Streetscape Partnership Program is to provide funding to local municipalities to support streetscape design. The program assists in cost sharing on locally-initiated streetscape projects to improve the public realm in York Region.

Discussion

Sub Cost-sharing and Maintenance

York Region requires a Council Resolution to cost share and commit to maintaining all constructed streetscape elements for the project; hence this report. The Town requires the funding from the Region in order to move ahead with this project in 2018/19. The estimated cost of the streetscape improvements at Bathurst Street/Davis Drive is \$133,266. The Municipal Streetscape Partnership Program grant will fund up to 50% of all design and construction costs. The total estimated cost not eligible for cost sharing is \$66,633. These non-eligible costs have been included in the Town’s Share and the eligible funding from the program could be up to \$66,633.

Conclusion

The proposed project will act to enhance the Bathurst Street and Davis Drive streetscape and further implement elements contained in the Yonge Street and Davis Drive Streetscape Master Plan.

Business Plan and Strategic Plan Linkages

This report supports the Town's Strategic Plan's vision of "Well-planned and connected" by strategically planning for the future to improve information access and enhance travel to, from, and within Newmarket. The improvements recommended in this report are highlighted in the "Yonge Street and Davis Drive Streetscape Master Plan".

Consultation

No consultation was undertaken in the preparation of this report but consultation was undertaken in the development of the "Yonge Street and Davis Drive Streetscape Master Plan".

Human Resource Considerations

The recommendations contained in this report have no impact on staffing levels.

Budget Impact

Operating and Capital Budgets (Current and Future)

The recommendations contained in this report will have the Town of Newmarket maintain the streetscape improvements at its sole cost. Staff will report back to Council in 2019 with an updated estimate on the operating costs associated with this project.


Capital Budget


The recommendations contained in this report have a capital cost component of \$66,633

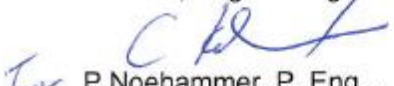
Attachments

None.

Approval


G. MacMillan, P. Eng.,
Manager of Capital Projects, Engineering Services


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


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

Contact

For more information on this report, please contact Mike Ashworth at 905-895-5193 (x2510); mashworth@newmarket.ca



CENTRAL YORK FIRE SERVICES

June 11, 2018

Fire Services Report 2018-26

To: Committee of the Whole
Origin: Chief Ian Laing
Subject: Fire Station 4-5 Update

Recommendation

1. That the report entitled Fire Station 4-5 Update dated June 11, 2018 be received for information purposes; and,
2. That Council confirm its authorization for the final amount of \$4,812,239 which will be included in the 2019 Capital Budget.

Purpose

The purpose of this report is to update Council on the progress of the Fire Station 4-5.

Background

The construction of a fifth fire station in the general area of St. John's Sideroad and Earl Stewart Drive in Aurora was one of the recommendations in the 2014 Fire Department Master Plan Update (FDMPU). A four acre site was purchased in February 2016 and, as the property is located in Aurora, the Town of Aurora has been and will continue to lead the project.

Up to this point, a block design, project budget and final design have been developed by Thomas Brown Architects, in consultation with Central York Fire Services (CYFS) staff and a Facility Task Force established to oversee the project.

The project budget of \$11 million and funding were outlined in JCC Report 2016-02. The minutes were adopted on consent at Committee of the Whole on February 6, 2017. Newmarket's share of the \$11 million project was outlined in Corporate Services - Financial Services Report 2017-02.

The project will be substantially funded from Development Charges, with some replacement funding required for the training facility which is deemed to be an existing service level.

Discussion

There have been challenges getting quorum for Joint Council Committee. The May 28, 2018 meeting had to be cancelled and the final design will now be presented to Joint Council Committee on June 12, 2018, after Committee of the Whole.

Aurora staff is leading this project and reported to their General Committee on June 5, 2018. Approval was obtained for the final design, Aurora's portion of the additional funding, and to move forward with the final phases of architectural services, including tendering the project. This will permit them to award the tender and, subject to the appropriate tender results and budget adherence, award the project.

A project budget of \$11 million has been established for the design and construction of the new fire hall. As we do not yet have multi-year capital budgets, we have been phasing the costs of the project into our capital budgets beginning in 2016. The remaining amount of \$4.8 million is intended to be included in the 2019 capital budget.

Conclusion

The facility design has been refined and the project remains on budget. There will be further updates in the next term of Council.

Business Plan and Strategic Plan Linkages

This report links to the CYFS Fire Master Plan.

Consultation

There has been consultation between staff of the Town of Aurora and the Town of Newmarket, as well as with Central York Fire Services and the Facility Task Force.

Human Resource Considerations

None.

Budget Impact

The 2019 capital budget will include a request for the remaining amount of \$4,812,239. \$2,072,800 will be funded from CYFS Asset Replacement Fund Reserve and \$2,739,439 will be funded from Newmarket's DC's (59.6% - \$1,632,706) and Aurora's DC's (40.4% - \$1,106,733).

Attachments

1. Central York Fire Services Report 2016-02
2. Corporate Services Information Report – Financial Services 2017-02

Contact

For more information on this report, contact: Ian Laing at 905-953-5300 ext. 3001 or ilaing@cyfs.ca

Approval



Ian Laing, Fire Chief
Central York Fire Services



CENTRAL YORK FIRE SERVICES

November 8, 2016

CENTRAL YORK FIRE SERVICES REPORT 2016-02

To: Joint Council Committee
Origin: Central York Fire Services - Fire Chief
Subject: Fire Station 4-5 Project Plan

RECOMMENDATIONS

THAT Central York Fire Services Report 2016-02 dated November 1, 2016, Fire Station 4-5 Project Plan be received for information purposes;

AND THAT Joint Council Committee (JCC) approve and recommend to the Councils of Aurora and Newmarket that staff proceed with the design of a fire hall in Aurora which includes administration, fire suppression and training services (Option A);

AND THAT a budget of \$495,000 be approved to complete the detailed design phase, including project support;

AND THAT staff be authorized to negotiate a single source procurement with Thomas Brown Architects to complete the detailed design;

AND THAT staff report back to JCC prior to issuing the tender to provide a project update and seek approval for the final construction budget.

BACKGROUND

At its meeting of April 7, 2015, the JCC considered staff report 2015-04 dated March 18, 2015 and approved the following motion:

THAT JCC make a recommendation to the Councils of the two municipalities to proceed with a land securement, subject to a report for final approval in 2015 for the construction of a new fire facility to include Administration, Training and Suppression Crew and provide for possible inclusion of Fire Prevention Division.

AND THAT Development Charge funds to an upset limit of \$25,000 be approved to hire, by RFP, an architect consultant to assist in the land securement and upon approval of land purchase and approval of further funding, to undertake the facility design.

Subsequently, staff retained the services of Thomas Brown Architects to assist in block planning of a facility to assist in identifying suitable sites. A site was selected in Aurora and the municipalities purchased the land in early 2016. The site selection process included all anticipated future needs, as identified in staff report 2015-04.

The staff report 2015-08 dated October 7, 2015 requesting direction on fire station 4-5 considerations was presented at the October 13, 2015 JCC meeting and the following motion was approved:

THAT Central York Fire Services Report 2015-08 Dated October 7, 2015 be deferred to a future meeting.

Staff report 2016-01 dated February 17, 2016 was considered at the March 1, 2016 JCC meeting and the following motion was approved:

THAT JCC authorize the retention of a consultant to assist with the design and preparation of options regarding site development and configuration of the new fire station;

AND THAT the Fire Chief and consultant report back to JCC with an analysis of the options regarding the development of the site and request that authorization to proceed with construction upon Council approval.

AND THAT staff prepare a report outlining a full analysis on or off site related to each of the following: administration, training, and fire suppression.

This report in conjunction with the deferred report 2015-08 provides the information required to proceed to detailed design and construction.

COMMENTS

Summary of Station Options

Options for the new fire services facility have been provided in previous reports and in various configurations. The purpose of this report is to present the options JCC requested in the motion approved at the March 1st meeting which include:

Option A- fire suppression, administration, and training in one facility

Option B- fire suppression and administration in one facility; training off site

Option C- fire suppression, and training in one facility; administration off site

Option D- fire suppression only; training and administration off site

Option A is the most cost effective from both a capital and operating perspective when considering the long terms needs of having to provide both administrative and training facilities. There are inherent operational efficiencies that will result in reduced operating costs from having all functions in the same facility. There is also increased efficiency with land use, by maximizing efficiency with setback requirements. This scenario keeps all "on duty" CYFS resources immediately available to respond to emergency situations in our first response area (Aurora/Newmarket). The need to call additional staff in on overtime is reduced which lessens the pressure on the operating budget. It is estimated that any scenario which includes Training offsite will result in additional operating expenses, including overtime, of approximately \$600,000.

In Dillon Consulting's Fire Consolidation Feasibility Study, Preliminary Key Finds Report prepared for Richmond Hill's Fire Consolidation Study they concluded that preliminary findings support that the proposed CYFS training facility would still be required within a consolidation model. "Two training facilities would provide greater flexibility and enhanced training opportunities for firefighters and provide greater flexibility for scheduling training activities."

This option only differs slightly from the guidelines in the Fire Department Master Plan which recommended Fire Prevention also be included at the new station. As this is not a recommended option, costing has not been obtained. The recommended option will allow for additional space to accommodate future Fire Prevention services at Station 4-1 which are constrained at this time.

When considering only capital costs, there is a benefit in consolidating all services on one site and all other alternatives will require a second site. While some costs may be recoverable if Training is off-site, another centralized or

decentralized location will need to be procured for Training. The current training site at Timothy Street is only available on a short-term basis. Once a decision is made to repurpose that site, there will be an immediate need to find alternate training facilities. If Administration is not included in the new fire station other suitable accommodation will need to be acquired.

When considering the operating costs from a life cycle perspective, there is a strong argument to consolidate services as much as possible. By accommodating all services identified in option A in the new facility there will be expected efficiencies in the following areas:

- Staff cost savings through reduced need to travel to various facilities for training;
- Increase in available space at Station 4-1 to accommodate growth of the fire prevention program and allow for these services to stay within one building;
- Opportunity for making the new training facility available as a revenue generator;
- Having administration located within the operating building that includes all these services will result in better management and increased efficiencies;
- There will be significant savings in overtime costs by consolidating functions in one facility;
- Building operating cost efficiencies as the cost of operating a consolidated new building would be lower on a per square foot basis than renovation or expansion into an existing building where energy efficiency will be lower;
- The new site is able to replace the existing outdoor training space of 1.5 acres currently used at the Timothy site resulting in no loss to training services once Timothy site is repurposed.

Current Site Fulfills Needs for Option A

The current property site is 4 acres in size. This site is sufficient to provide for the new building to accommodate the suppression, administration and training facilities in a new building that will have a footprint of approximately 17,000 sq.ft. The total building area will be approximately 24,800 sq.ft., as parts of the building will be two stories in height. This facility along with required parking, access considerations, vehicle maneuverability and set back requirements can be accommodated in about 2 to 2.5 acres.

The existing outdoor Timothy training facility currently provides about 1.5 acres but is not fully usable due to building locations and the overall condition of the site. Combining these functions will require a site of 3.5 to 4 acres as identified during the land procurement process.

Any remaining available space will be beneficial to reserve for site screening or other security and community enhancements to mitigate any visual or operational issues that could occur in the operation of a fire hall site.

It is therefore recommended that the full 4 acres be retained to allow for the planned services whether constructed at this time or at a future date.

Building quality will be set to blend into existing community

The cost estimate for the building is set to create a building that will provide for long term reliable and durable service to the community while making efforts to incorporate architectural features that harmonize with the community and Fire Services standards. Typical features planned for the building are:

- Masonry and block construction for exterior and interior high use areas
- Steel roofing and metal framing for durability
- Drywall construction in low impact areas such as training and administration
- Durable low maintenance finishes
- Environmental and air quality features to create a high quality environment while achieving high levels of energy efficiency.

Financial Analysis

| Per Architect | Suppression | Headquarters | Training | Total |
|-----------------------|--------------|--------------|--------------|---------------|
| Square feet of space | 12,920 | 2,800 | 4,100 | 19,820 |
| Circulation and walls | 4,955 | | | 4,955 |
| Total square footage | 17,875 | 2,800 | 4,100 | 24,775 |
| Cost per square foot | \$ 315 | \$ 315 | \$ 315 | |
| Construction | \$ 5,630,625 | \$ 882,000 | \$ 1,291,500 | \$ 7,804,125 |
| Training area | | | 750,000 | 750,000 |
| Escalation at 3% | 168,919 | 26,460 | 45,536 | 240,915 |
| Project management | 300,000 | | | 300,000 |
| Consultant | 432,896 | 67,810 | 93,294 | 600,000 |
| Permits | 50,000 | | | 50,000 |
| Adverse soils | 200,000 | | | 200,000 |
| | \$ 6,782,440 | \$ 976,270 | \$ 2,186,330 | \$ 9,945,040 |
| Contingency | 678,244 | 97,627 | 218,633 | 994,504 |
| Total | \$ 7,460,684 | \$ 1,073,897 | \$ 2,404,963 | \$ 10,939,544 |

The numbers used in this report were provided by Thomas Brown Architects. Calculations and preparatory work for the last DC background study were done in 2013. Costs have increased by approximately \$1 Million since that time. Also, rough estimates were used back then versus detailed analysis by professionals that were obtained now. As neither the consultant who prepared the FDMPU nor the consultant for the DC background study used by Aurora (Watson & Associates) nor the consultant used by Newmarket (Hemson Consulting) questioned the estimates, we assumed they were sufficient to use for DC's and budget purposes.

The project is still within the funding envelope of both municipalities. As this facility is required to accommodate the growing communities of Aurora and Newmarket, it is prudent planning to maximize this funding source for as much future growth as practical.

Funding

Funding for the construction of the new fire hall, administration and training centre is available as follows:

| | Requested Funding * | Proportional Funding |
|-----------|---------------------|----------------------|
| Aurora | 4,402,073 | 40.24% |
| Newmarket | 6,537,471 | 59.76% |
| Total | 10,939,544 | |

*The two municipalities should be able to fund substantially all of the project from Development Charges, but it is their individual responsibility to determine what is and is not eligible.

Project Schedule

The following is a preliminary schedule for project delivery:

| Milestone | Target |
|--|---------------|
| JCC approval | Nov, 2016 |
| Aurora and Newmarket Council Budget March Approval | Feb 1, 2017 |
| Secure Architect | March 1, 2017 |

| | |
|------------------------------|---------------|
| Design Activity Complete | Sept 1, 2017 |
| JCC/ Council Design Approval | Nov 1, 2017 |
| Tender Period | Feb 1, 2018 |
| JCC/ Council Tender Approval | March 1, 2018 |
| Construction Complete | May 1, 2019 |

Thomas Brown Architects have been retained to assist in the site selection process, preliminary space needs assessment, site layout and block planning for the new facility and are nearing the end of their current assignment. They have performed this activity well and have provided valuable guidance in the development of this project based on their long standing experience and involvement in over 150 fire hall related projects in Ontario.

Due to their expertise in this area and the fact that Thomas Brown was involved in the delivery of Fire Hall 4-4 (Wellington), there is value in considering a single source assignment for the following reasons:

- This firm specializes in the delivery of fire halls and has a good reputation for cost effective delivery of these types of buildings in southern Ontario.
- This firm has worked in Aurora and was successful in delivery of Fire Hall 4-4.
- This firm has the resources necessary to deliver the components required for this project.

The Aurora Procurement by-law has provision for single source selection when skills are specialized sufficiently to result in an advantage to the municipality by using the single source provisions. Pursuing this award method will result in a quick award process and advance the project by several months. Fees for the design service will be negotiated with the firm and verified for competitive fairness based on industry standards for architectural services which are well defined.

CONCLUSION

A site has been secured to accommodate the future needs of the fire service. Staff, with support from a consultant, have verified that the most cost effective option is to proceed with construction of a facility which includes suppression, administration and training in one facility (Option A). The capital costs required to accommodate these services will be substantially funded from Development Charges for the purpose of accommodating future growth needs in the community.

For a number of operational reasons and applying a prudent investment approach, it is recommended that full accommodation of the desired services be approved to leverage growth related funding. This will result in the best use of capital growth funds combined with the most cost effective service delivery model which will minimize future long term operating costs.

IMPACT ON THE MASTER FIRE PLAN

The FDMPU outlines the future direction of CYFS and has been discussed and approved by JCC and both Municipal Councils. Building the new fire station to deliver services to the public in a more effective manner is a key component of the FDMPU.

CONSULTATION

The Director, Infrastructure and Environmental Services in Aurora, Thomas Brown Architects, and the Finance departments of both municipalities were consulted.

CONTACT

For further information or questions regarding this report, please contact;



Ian Laing, Fire Chief
Central York Fire Services

**INFORMATION REPORT**

Corporate Services Commission, Financial Services

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January 13, 2017

CORPORATE SERVICES INFORMATION REPORT – FINANCIAL SERVICES 2017-02

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: CYFS Headquarters Project Funding – Newmarket Share

ORIGIN: Director, Financial Services/Treasurer

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

COMMENTS

The 2014 Fire Department Master Plan Update (FDMPU), jointly approved by the Councils of Newmarket and Aurora, made numerous recommendations, including the construction of a fifth fire station in the general area of St. John's Sideroad and Industrial Parkway in Aurora.

A 4 acre site was secured in February 2016, funded in accordance with the 2016 allocation formula – Newmarket 59.8%; Aurora 40.2%. As the site is located in Aurora, at the northwest corner of Earl Stewart Drive and Isaacson Crescent, Aurora will be the lead party responsible for the design and construction of the facility.

An architect was previously secured for the block design of the site and the development of a preliminary project budget estimate. The project estimate is \$11,000,000 for a new fire services facility including administration, fire suppression, and training services, as outlined in CYFS report 2016-02 at JCC's meeting on November 29, 2016.

The project budget is summarized as follows:

| | |
|--|---------------------|
| Design Phase: Previously approved concept plan and budget estimate development | \$ 25,000 |
| Design Phase: Detailed Design Contract – to be tendered | 495,000 |
| Construction and Project Management Phase | 10,480,000 |
| Total Budget | \$11,000,000 |

Funding

The design and construction of the fire hall is to be funded from two sources.

Construction of the new fire hall will be substantially funded from Development Charges as the majority of the project is in response to growth and has been included in the DC Background Studies of both municipalities. Both municipalities will contribute based on the allocation formula percentage established for the year in which it is budgeted. When blended, results in a rate of 59.6% Newmarket; 40.4% Aurora.

Due to timing, not all DC's for this fire project have been collected yet. Fire DC's have been collected in the past towards this project and were substantially used to purchase the lands. Newmarket's Fire component DC's will temporarily go into a deficit, but DC's in total will not. Internal debt will be required until future collections of Fire DC's are realized. Debt repayments, including interest costs, will be fully funded from future development charge collections. There is no impact on the tax rate budget from this financing approach.

An element of replacement funding is required for the training facility which is deemed to be an existing service level. It will be funded from the CYFS asset replacement (reserve) fund. Should this result in an ARF deficit, Aurora will be responsible for its appropriate share of any interest costs.

Funding sources for the project are as follows:

| Funding Source | Amount | Percentage of Total |
|---|---------------------|---------------------|
| Newmarket's Share funded by Fire DC's (59.6%) | \$ 5,320,600 | 48.37% |
| Aurora Share (funding to be determined by Aurora; 40.4%) | 3,606,600 | 32.79% |
| Replacement component funded by CYFS replacement reserve fund (ARF) | 2,072,800 | 18.84% |
| Total Budget | \$11,000,000 | 100.00% |

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

There has been consultation between the Finance staff of both Aurora and Newmarket to ensure a consistent approach.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT


Newmarket will have sufficient Development Charges to fund their share of the project. In 2018 the budget savings from the acquisition of the lands (\$810,000) should be transferred to the capital project for the building and a further \$4,690,000 (from both municipalities) will need to be added to the capital budget for its completion.

Consideration should be given to increasing future contributions to the CYFS asset replacement fund, to replenish funding used for the new fire facility.

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, LL.B.
Commissioner, Corporate Services

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Petition to Council of the Town of Newmarket

We, the undersigned residents of Newmarket, respectfully petition the Town of Newmarket to consider undertaking a speed mitigation study on Lorne Avenue between Millard Avenue and Eagle Street with the view to implementing, if warranted, appropriate traffic calming measures to reduce traffic speeds on that section of Lorne Avenue. There are several key reasons for our request:

1. **Stuart Scott School** is near the south end of this section of road and at the bottom of the hill. While there is a crossing guard at the cross walk, there are many occasions when children and parents are crossing the road outside of the guard's hours. Many parents drive their children to school, especially in poor weather or on dark winter mornings, and cars are often parked well up street with children and parents getting in and out of their vehicles and crossing the road. The current crossing guard reports that several times she has been quite close to being hit by cars travelling too fast down the road.
2. The **Lions' Club Park** is in essentially the same location. Pedestrians and vehicles access the park with its various social and recreational activities (playground, pool, skating rink, lawn bowling, walking paths) via the roadway from Lorne beside the school.
3. There is a **neighbourhood mailbox** on the east side of Lorne at Timothy. Some residents on the west side of Lorne must cross the road to get their mail. This can be a dangerous undertaking, notably for seniors, people with child strollers, or those walking dogs, as cars accelerate down the hill toward Eagle.
4. South of Timothy Street, **Lorne crosses the creek** that flows through the Lions Park. For several meters the sidewalks on both sides of Lorne are immediately adjacent to the roadway and on the other side there are the necessary railings. With nowhere to go to get out of the way, pedestrians can feel nervous on this section as cars go past at high speed.
5. As a secondary arterial road, we understand that Lorne Avenue experiences higher traffic volumes. However, because some vehicles travel above the speed limit, **entering Lorne Avenue from driveways or side streets** can be difficult and sometimes dangerous. It is important to note that because Timothy is a one way street, many Timothy residents must use Lorne to go anywhere by car.

| NAME (print) | ADDRESS | PHONE | EMAIL | SIGNATURE |
|--------------|---------|-------|-------|-----------|
|--------------|---------|-------|-------|-----------|

Signed: 19 Residents