



# Town of Newmarket

## Agenda

### Committee of the Whole

Date: Monday, January 14, 2019  
Time: 1:30 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### Pages

#### 1. Additions & Corrections to the Agenda

#### 2. Declarations of Pecuniary Interest

#### 3. Presentations & Recognitions

##### 3.1 2019 Preliminary Draft Budget

**Note:** Mike Mayes, Town Treasurer will be in attendance to present on this matter.

#### 4. Deputations

##### 4.1 Residents of Knapton Drive - Woodland Hills

1

**Note:** Matthew Reilly will be in attendance to provide a deputation on this matter.

##### 4.2 Update - Inn from the Cold

3

**Note:** Ann Watson will be in attendance to provide a deputation on this matter.

#### 5. Consent Items

##### 5.1 Potential Redevelopment – 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)

5

1. That Report 2019-1 dated January 14, 2019 entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)” be received;

2. That staff be directed to arrange a non-statutory, developer-led Public Information Centre to share the details of the two redevelopment concepts prepared by Briarwood Homes, dated December 7, 2018, with the community; and,
3. That staff be directed to report back to a subsequent Committee of the Whole meeting detailing the redevelopment options and feedback received at the developer-led Public Information Centre.

## 5.2 Interim Control Bylaw – Established Residential Neighbourhoods 9

1. That the report entitled Interim Control Bylaw – Established Residential Neighbourhoods be received; and,
2. That staff be directed to prepare an Interim Control By-law substantially in accordance with Option One identified in this report and the attached draft Option One By-law.

## 5.3 292/294 Court Street - Request to remove a structure from the Municipal Register of Non-Designated Heritage Properties 25

1. That Development and Infrastructure Services/Planning and Building Services Report dated January 14, 2019 regarding 292 and 294 Court Street and the owners request to demolish the structure listed on the Municipal Register of Non-Designated Heritage Properties be received and the following recommendation(s) be adopted:
2. That Council permit the removal of 292 and 294 Court Street from the Municipal Register of Non-Designated Heritage Properties of Interest; and,
3. That Deborah Alexander, 72 Herefordshire Crescent, East Gwillimbury, L9N 0B6 be notified of this action.

## 5.4 Community Flag Raising 31

1. That the report entitled Community Flag Raising dated January 14, 2019 be received; and,
2. That Council adopt the amended Proclamation, Lighting and Community Flag Raising Request Policy, attached as Attachment A; and,
3. That Council adopt the amended Municipal Flag Policy, attached as Attachment B; and,
4. That the Town Clerk be delegated the authority to amend

the Proclamation, Lighting and Community Flag Request Policy from time to time, as required; and,

5. That Staff be directed to further review option 3 for the location of community flag raisings and report to Council in Q2 2019; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### 5.5 Preliminary Budget Report

**Note:** Report to be distributed when available.

#### 5.6 Correspondence - Canadian Cancer Society re: Tobacco Retail Licence Fees

47

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Correspondence from the Canadian Cancer Society re: Tobacco Retail Licence Fees be referred to the Regulatory Review Workshop.

#### 5.7 Correspondence - Rescue Lake Simcoe Coalition re: Bill 66

51

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Correspondence from the Rescue Lake Simcoe Coalition re: Bill 66 be received for information.

### 6. Action Items

### 7. Reports by Regional Representatives

### 8. Notices of Motions

### 9. Motions

### 10. New Business

### 11. Closed Session

### 12. Public Hearing Matter

None.

## 13. Adjournment

## Deputation and Further Notice Request Form

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

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

Name: <b>Matthew Reilly</b>	
Organization / Group/ Business represented: <b>Residents of Knapton Drive - Woodland Hills</b>	
Address: [REDACTED]	Postal Code: <b>L3X3B3</b>
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: <b>January 14th 2019</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Id like to formally present to the Committee of the Whole at the January 14th 2019 meeting. Following several presentations and requests to Transportation & Engineering Services, I would like to discuss the relocation of a stop sign to the corners of William Booth Avenue and Knapton Drive. I have previously presented documentation and a proposals to them, however in their opinion, the placement of the stop sign is not warranted. Due to the serious nature of the safety at this intereresction, it is the desire of the residents to bring forward this proposal to council.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

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

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


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



### Deputation and Further Notice Request Form

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

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

Name: <u>Ann Watson</u>	
Organization / Group/ Business represented: <u>Inn From the Cold.</u>	
Address: <u>510 Penrose St.</u>	Postal Code: <u>L3Y 1A2</u>
Daytime Phone No: <u>905-895-8889 x222</u>	Home Phone: 
Email: <u>annwatson@innfromthecold.ca</u>	Date of Meeting:
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>I would like to update Council on the work of Inn From the Cold and the Coldest Night of the Year Walk for the Homeless to be held Feb. 23, 2018 in Newmarket. We will be requesting sponsorship from the Town of Newmarket to assist with our fundraising efforts.</u>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

#### Deputation Guidelines:

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

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

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







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

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

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

Report Number: 2019-1

Department(s): Planning & Building Services

Author(s): Adrian Cammaert

Meeting Date: January 14, 2019

### **Recommendations**

1. That Report 2019-1 dated January 14, 2019 entitled “Potential Redevelopment - 693 & 713 Davis Drive and 35 Patterson Street (Hollingsworth Arena Site)” be received;
2. That staff be directed to arrange a non-statutory, developer-led Public Information Centre to share the details of the two redevelopment concepts prepared by Briarwood Homes, dated December 7, 2018, with the community; and,
3. That staff be directed to report back to a subsequent Committee of the Whole meeting detailing the redevelopment options and feedback received at the developer-led Public Information Centre.

### **Purpose**

The purpose of this Report is to provide Council with information regarding two redevelopment concepts received for the three subject properties (693 and 713 Davis Drive, and 35 Patterson Street) and gain Council direction for staff to arrange a developer-led, non-statutory Public Information Centre (PIC).

### **Background**

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

the properties known as 693 Davis Drive, 713 Davis Drive, as well as the Town-owned 35 Patterson Street (Hollingsworth Arena property).

At Council's direction, the developer has submitted two revised concept plans dated December 7, 2018 for presentation to the public at a developer-led Public Information Centre (PIC) to be held in early February 2019.

## **Discussion**

### **Urban Centres Secondary Plan Sets the Vision for the Properties**

The Urban Centres Secondary Plan sets out the vision for the three subject properties. This vision consists of redeveloping these properties in a more intensive, efficient urban form than what currently exists. In terms of land use, the Secondary Plan envisions a mix of uses (residential, commercial, employment, community uses, etc.) on the subject properties, an at-grade commercial frontage along Davis Drive, and a green space located along the Irwin Crescent frontage.

In terms of building height and density, the Secondary Plan envisions greater heights and densities concentrated along the Davis Drive frontage, then decreasing towards the northern parts of the site. More specifically, the Secondary Plan requires building heights that range from 2-12 storeys, and floor space indexes (FSI) that range from 1.5 to 2.5 across the three properties.

The Secondary Plan also provides for discretionary maximum height and density bonusing, applicable only to the two properties that front on Davis Drive (693 Davis Drive, 713 Davis Drive) and the southerly 21m of the Hollingsworth Arena property (35 Patterson Street). In these areas, maximum building heights can be increased to 15 storeys and maximum density can be increased to 3.0 Floor Space Index (FSI) in exchange for specified community benefit(s) that are determined as per the Town's Height and Density Bonusing Implementation Guidelines.

### **Scenario 1**

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

### **Scenario 2**

This concept is a revised version of the concept presented to Council in June, 2018 (the "Initial Concept"). It is applicable to the entirety of all three properties (693 Davis Drive, 713 Davis Drive and 35 Patterson Street).

### **The Re-Development Scenarios & the Urban Centres Secondary Plan**

Generally speaking, the 'Scenario 1' and Scenario 2' concepts both satisfy the Urban Centres Secondary Plan's vision.

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

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

## **Future Concept Revisions**

It is noted that, should a formal planning application be submitted, the concepts would be subject to a full policy and zoning review. As is the typical process, this detailed planning review will likely result in further modifications to the concept.

## **Conclusion**

As noted, both concepts generally satisfy the Urban Centres Secondary Plan's vision for the three properties. As such, it is appropriate to proceed to a non-statutory, developer-led PIC where the concepts would be introduced to the public; this Report is recommending that staff arrange this PIC. The timing of this PIC would be in early February, 2019.

## **Business Plan and Strategic Plan Linkages**

Well-Equipped and Managed:

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

Well-Planned and Connected:

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

## **Consultation**

This report is recommending that a developer-led PIC be held to introduce the redevelopment concepts to the public. Should any formal redevelopment application be subsequently submitted, the statutory public consultation process as per the Planning Act would be followed (if applicable).

## **Human Resource Considerations**

None.

## **Budget Impact**

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

## **Attachments**

None.

## **Approval**

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

Jason Unger, MCIP, RPP  
Assistant Director of Planning

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

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

## **Contact**

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)



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

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **INTERIM CONTROL BYLAW – ESTABLISHED RESIDENTIAL NEIGHBOURHOODS Staff Report**

Report Number: 2019-3

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

Author(s): D. Ruggle

Meeting Date: January 14, 2019

### **Recommendations**

1. That the report entitled INTERIM CONTROL BYLAW – ESTABLISHED RESIDENTIAL NEIGHBOURHOODS be received; and,
2. That staff be directed to prepare an Interim Control By-law substantially in accordance with Option One identified in this report and the attached draft Option One By-law

### **Purpose**

The purpose of this report is to provide details on the recommended Interim Control By-law and to recommend Council direct staff to bring forward the Interim Control By-law to the next available Council meeting.

### **Background**

Council adopted the recommendations of Planning Report 2018-37 directing staff to hire a consultant to prepare Official Plan and Zoning By-law Amendments that will identify Newmarket neighbourhoods based on existing characteristics and recommend policies that are reflective of the built form to guide new infill residential dwellings and significant additions, addressing community character and compatibility. Council also directed staff to prepare an Interim Control By-law for established residential areas that would prevent the construction of non-compatible new infill dwellings and significant additions while the issue is studied.

### **INTERIM CONTROL BY-LAW - ESTABLISHED RESIDENTIAL NEIGHBOURHOODS**

## Discussion

Section 38 of the Planning Act allows municipalities to pass an Interim Control By-law which puts a temporary freeze on some land uses while a municipality is studying or reviewing its policies. The Interim Control by-law 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 (other than the Minister of Municipal Affairs and Housing), 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 by-law 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 identified 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 along with Planning Report 2018-37 is 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.

Once an Interim Control By-law 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.

Under the Ontario Planning Act, an interim control bylaw is directly related to the use of the land and not the specific development standards associated with the use. To ensure the proposed ICB is sound and reflects the intent of the Planning Act, the recommended By-law includes a new land use called “Intensified Use” as described further below in this report.

### Municipal Examples of Interim Control Bylaws

Other Ontario Municipalities have implemented an ICB in the last few years in an effort to address similar issues in their community.

#### **St. Catharines**

The City of St. Catharine’s 2016 Interim Control By-law prohibits all new development in its Low Density Suburban Neighbourhood zone, with the exception of new dwellings and additions that meet the current zoning bylaw standards (including any approved Minor Variances), development of an ADU, new accessory structures in accordance with current zoning (including any approved Minor Variances) and prohibits the creation of a new vacant lot.

The Planning Report indicates: “The purpose of the interim control by-law is to prohibit any new multi-unit development (semi-detached, townhouses, quadruplexs, and private road developments), and any new vacant lot creation in the Low Density Residential-Suburban Neighbourhood (R1) zone, until such time as the staff review, as directed by Council, is complete. It would not preclude development of new detached dwellings on existing lots of record, building additions, interior accessory apartments, or accessory structures providing these are in accordance with the zoning by-law, or the zoning by-law as amended by minor variance approvals by the Committee of Adjustment.”

### **Aurora**

Similar to St. Catharines, the Town of Aurora’s 2018 Interim Control By-law requires any new development to be in accordance with the in force zoning by-law and restricts applications for Minor Variance.

### **Kingston**

The City of Kingston’s 2017 Interim Control By-law prohibits what Kingston defines as an “Intensified Use”. The bylaw prohibits new dwellings where the land or building was not used as such on the date the bylaw was passed, no additions of floor area beyond that which existed as of the date of the bylaw, and no conversions of existing floor area into additional dwellings or bedrooms.

Kingston’s Interim Control By-law is partially in response to post secondary institution student housing demands. The Kingston Planning Report indicates: “Enrollment of first year students at Queen’s University and St. Lawrence College is intended to increase, and with the majority of students living off-campus after their first year, there will continue to be pressures on the private market to provide this supply of housing. Council further identified that the existing zoning by-laws do not currently provide adequate protection of stable neighbourhoods and permit the conversion of one-family dwellings into dwellings that are able to accommodate a large numbers of bedrooms which are therefore unlikely to be used again to house a family, and which makes it difficult to maintain neighbourhood balance and its planned function. Over time, the cumulative effect of change in built residential form in these areas has impacted the neighbourhood desirability for many residents.”

### **Halton Hills**

The Town of Halton Hills enacted an Interim Control By-law in 2016. The By-law applies only to single detached dwellings. The By-law allows a new dwelling to be constructed provided it does not exceed by 25% or more the GFA of any single detached dwelling that existed on the lot on the date the by-law was passed.

The By-law also allows for residential additions up to 25% of the existing GFA of the dwelling as it existed on the day the ICB is passed.

### **Options and Recommended Approach**

## **INTERIM CONTROL BY-LAW - ESTABLISHED RESIDENTIAL NEIGHBOURHOODS**

Staff are putting forward two options for council to consider. The first would continue to allow homeowners within the study area to draw building permits for new construction with provisions to limit the size and the second would put a freeze on any new development in the study area. Both options would allow for the recommended exemptions. As noted earlier in this report, under either option, the creation of the new land use category “Intensified Use” along with a definition is required as the Planning Act only allows the regulation of “use” under an interim control bylaw and not development standards.

Depending on the level of restriction Council desires, an intensified use will be defined in the by-law either as:

*any increase in floor area beyond 25% of the floor area of a residential dwelling that existed on a lot on the day the ICB is passed and any increase in height beyond the height which existed on the day the ICB is passed.*

or

*any increase to the floor area of a dwelling beyond that which is existing on a lot on the day the ICB is passed.*

While the bylaw would not prevent applications to Committee of Adjustment for consent to sever land, any new lot created would be subject to the terms of the interim control bylaw.

### **Option One**

The first option for Council’s consideration is to pass a bylaw that would allow for the construction a new dwelling or additions to existing dwellings provided the total floor area does not increase the GFA of any dwelling that existed on the lot on the date the by-law was passed by more than 25%.

As the roof pitch significantly impacts the height of a dwelling, to ensure the height of any new replacement dwelling or addition remain sympathetic any new construction or addition that increases the height beyond that of the existing height would be considered an “Intensified Use” and not be permitted.

Staff are recommending this approach as it would continue to allow for some development activity to occur with provisions in place to ensure additions and replacement buildings can only moderately increase floor area from the dwelling existing on a lot when the bylaw is passed. This option would not allow a new dwelling to be constructed on a vacant lot (provided it does not meet one of the noted exclusions).

### **Option Two**

Alternatively, Council may desire to significantly freeze any development in the study area similar to the City of Kingston. The second draft Bylaw attached to this report restricts both new residential buildings and additions in the study area. It would allow for

## **INTERIM CONTROL BY-LAW - ESTABLISHED RESIDENTIAL NEIGHBOURHOODS**



the demolition and rebuilding of a dwelling provided the new dwelling does not increase the floor area or height beyond what existed at the time the interim control bylaw is passed by Council.

Either option represents good planning and is wholly based on the level of restriction Council deems appropriate.

### **Study Area and Use Consideration**

Regardless of the approach Council takes in terms of permissions, staff recommends the following general parameters for the proposed interim control bylaw.

<b>ICB Will apply</b>	<b>ICB Will not apply</b>
New residential infill replacement buildings in the Stable and Emerging Residential Designations	Where a building permit has been issued for a new dwelling on the day the bylaw is passed
Additions to existing residential buildings in the Stable and Emerging Residential Designations	Where a building permit has been issued for an addition on the day the bylaw is passed
Vacant lots	Complete applications for severance submitted prior to the Bylaw being passed
	Areas currently under an ICB (Main Street North)
	Subdivisions/site plans that are under construction or have a specific Council approval
	Subdivision or site plan applications that are currently in process that require a Council Approval
	Residential accessory structures
	Constructing an accessory dwelling unit that does not increase the floor area or height of an existing dwelling on a lot

Staff propose the Interim Control Bylaw be in effect for the area defined in Schedule A which includes all land in Newmarket that has the Stable and Emerging Residential designations under the Official Plan with the exception of the above noted exclusions.

Once the neighbourhood study has commenced and neighbourhoods begin to be defined, if desirable, Council can amend the boundaries of the Interim Control By-law to remove areas that have been assessed to not require additional policy protection.

## **INTERIM CONTROL BY-LAW - ESTABLISHED RESIDENTIAL NEIGHBOURHOODS**

## **Provincial Policy Statement and Places to Grow Legislation**

The implementation of an interim control bylaw as described in this report is consistent with current Provincial Policy Statement and Places to Grow legislation. Both these Provincial documents discuss the Planning regime in Ontario and provide planning policy direction to municipalities on matters of Provincial interest related to land use planning and development. These documents provide a framework for building strong prosperous communities by managing growth.

## **Newmarket Official Plan considerations**

Section 16.2.3 of the Town's Official Plan reads that Council may enact Interim Control By-laws in accordance with the Planning Act, in order to limit or prohibit the use of certain lands until a review or study of the land use planning policies affecting those lands has been undertaken.

Compatibility is a recurring theme in the 2006 Official Plan, reinforcing the principle of managing growth and change in a sustainable manner. The study to review the Official Plan and implement associated zoning standards is consistent with the intent of the Official Plan.

## **Conclusion**

Staff are recommending the Interim Control By-law be implemented for the lands identified in appendix 1 and contain the exemptions as described in this report.

## **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 on the broader Planning Study will require a significant amount of public consultation and at least one statutory public meeting. At the time of writing this report, the RFP for the consultants to lead the process has been issued.

## **Human Resource Considerations**

Not applicable

## **Budget Impact**

Council have granted 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 through Development and Infrastructure Services/Planning and Building Services Report 2018-37.

## **Attachments**

Draft Interim Control By-law (option 1)

Draft Interim Control By-law (option 2)

## **Approval**

Commissioner Development and Infrastructure

Director of Planning and Building Services  
Services

Senior Planner – Community Planning

## **Contact**

Dave Ruggle, Senior Planner – Community Planning [druggle@newmarket.ca](mailto:druggle@newmarket.ca)





# Corporation of the Town of Newmarket

## By-law 2018-XX

The intent of this Interim Control By-law is to control the development of single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Newmarket for a period of one year.

**WHEREAS** Section 38 of the Planning Act permits the Council of a Municipality to pass an Interim Control By-law, that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within the defined area thereof for such purposes as set out in the By-Law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area.

**AND WHEREAS** Council for the Town of Newmarket has directed that an Established Residential Area study be undertaken to review zoning by-law regulations and associated land use policies pertaining to large home rebuilds in established residential neighbourhoods of Newmarket.

**AND WHEREAS** the Council for the Town of Newmarket seeks to control the erection of, or additions resulting in, any large scale single-detached dwelling within defined areas of the municipality, while the Established Residential Area study is being completed.

**NOW, THEREFOR, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:**

1. This Interim Control By-law applies to all lands, buildings and structures located within the area outlined on Schedule A attached to this by-law.
2. No land, building or structure subject to this by-law shall be used for a "Intensified Residential use".
3. For the purposes of this By-law, the following definition shall apply:  
For the purpose of this by-law, the following definitions shall apply:  
a) "Intensified Residential Use" means:
  - i. a new single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings that exceeds by 25% or more that Gross Floor Area of any dwelling that existed on the same lot on the date of passage of this by-law; or
  - ii. an addition to an existing single detached, semi detached, duplex, triplex, quadraplex and townhouse dwelling such that the new Gross Floor Area of such dwelling exceeds by 25% or more the Gross Floor Area of such a dwelling as it existed on the date of passage of this by-law; or
  - iii. a new single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings or addition to a single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings that increase the height of the dwelling beyond that which existed on the same lot on the date of passage of this by-law
4. This By-law shall come into force and take effect immediately upon the passage thereof, and shall be in effect for one year from the passage of this

By-law unless otherwise extended in accordance with Section 38 of the Planning Act, or repealed by Council at an earlier date.

5. For greater certainty, if a building permit application filed in accordance with the Ontario Building Code Act was complete on or before (Date of passing), then this by-law does not preclude the issuance of said building permit.
6. If Council of the Town of Newmarket has provided specific approval of a site plan approval or draft plan of subdivision application than this by-law does not preclude the issuance of building permits for such development in accordance with the Town's normal and usual processes.

Enacted this xxx day of xxx, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk









# Corporation of the Town of Newmarket

## By-law 2019-XX

The intent of this Interim Control By-law is to control the development of single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Newmarket for a period of one year.

**WHEREAS** Section 38 of the Planning Act permits the Council of a Municipality to pass an Interim Control By-law, that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within the defined area thereof for such purposes as set out in the By-Law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area.

**AND WHEREAS** Council for the Town of Newmarket has directed that an Established Residential Area study be undertaken to review zoning by-law regulations and associated land use policies pertaining to large home rebuilds in established residential neighbourhoods of Newmarket.

**AND WHEREAS** the Council for the Town of Newmarket seeks to control the erection of, or additions resulting in, any large scale single-detached dwelling within defined areas of the municipality, while the Established Residential Area study is being completed.

### **NOW, THEREFOR, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:**

1. This Interim Control By-law applies to all lands, buildings and structures located within the area outlined on Schedule A attached to this by-law.
2. No land, building or structure subject to this by-law shall be used for a "Intensified Residential use".
3. For the purposes of this By-law, the following definition shall apply:  
For the purpose of this by-law, the following definitions shall apply:
  - a) "Intensified Residential Use" means:
    - i. the use of land, building or structure for a one-family dwelling, two family dwelling, multiple family dwelling, row dwelling, group dwelling or semi-detached dwelling where the land, building or structure was not used for such a purpose on the date of passing of this by-law; or
    - ii. the addition of additional gross floor area or height to a one-family dwelling, two-family dwelling, multiple family dwelling, row dwelling, group dwelling or semi-detached dwelling beyond that which existed as of the date of passing of this by-law.
4. This By-law shall come into force and take effect immediately upon the passage thereof, and shall be in effect for one year from the passage of this By-law unless otherwise extended in accordance with Section 38 of the Planning Act, or repealed by Council at an earlier date.
5. For greater certainty, if a building permit application filed in accordance with the Ontario Building Code Act was complete on or before (Date of passing), then this by-law does not preclude the issuance of said building permit.

6. If Council of the Town of Newmarket has provided specific approval of a site plan approval or draft plan of subdivision application than this by-law does not preclude the issuance of building permits for such development in accordance with the Town's normal and usual processes.

Enacted this xxx day of xxx, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk







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

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **292/294 Court Street - Request to remove a structure from the Municipal Register of Non-Designated Heritage Properties Staff Report**

Report Number: 2019-4

Department(s): Planning and Building Services

Author(s): D. Ruggle, Senior Planner, Community Planning

Meeting Date: January 14, 2019

### **Recommendations**

1. THAT Development and Infrastructure Services/Planning and Building Services Report dated January 14, 2019 regarding 292 and 294 Court Street and the owners request to demolish the structure listed on the Municipal Register of Non-Designated Heritage Properties be received and the following recommendation(s) be adopted:
2. THAT Council permit the removal of 292 and 294 Court Street from the Municipal Register of Non-Designated Heritage Properties of Interest; and
3. THAT Deborah Alexander, 72 Herefordshire Crescent, East Gwillimbury, L9N 0B6 be notified of this action.

### **Purpose**

The purpose of this report is to provide Council with information and a recommendation regarding the property owners request to have the property at 292/294 Court Street removed from the Register of non-designated Municipal Properties.

## Background

The owner of 292/294 Court Street, legally described as Lot 5 West Side of Court Street Plan 25, have requested Council remove the property from the Town's Municipal Register of Non-Designated Properties to allow for the demolition of the semi-detached residential building on the lands. The owner intends to demolish the semi detached dwellings and apply to rezone the property to allow for two single detached dwellings. A lot severance would also be required.

The demolition of a building that is listed on the Register requires Council's approval. Owners of listed properties must give the Council at least 60 days notice of their intention to demolish or remove a building or structure on the property. This allows time for council to decide whether to begin the designation process or consent to the permit request. If Council does not proceed to initiate the process to designate the property, the property will be removed from the Register and the demolition will be permitted.

292/294 Court Street contains a 2 storey semi detached wood framed structure with a siding exterior, built circa 1872. It has a gable roof with a symmetrical front façade.

## Discussion

### Heritage Newmarket

At the July 3, 2018 Heritage Committee meeting, the Committee received a presentation regarding the property at 292-294 Court Street. In regards to this presentation, the following motion was passed:

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

No objections on the removal from the registry were raised; rather discussion around the size and look if the proposed replacement single detached dwellings occurred resulting in the above noted recommendation. The Committee were circulated the below images on November 22, 2018 and requested to provide any comments member might have. While no responses from the Committee were received, the proposed designs appear to be appropriate replacement dwellings that will have a positive contribution to the community.



① SOUTH-EAST VIEW



② SOUTH WEST VIEW

Proposed 2 Single Detached Homes  
NEWMARKET, ONTARIO



Tel: (416) 550-2086  
dckv75@gmail.com

Alexander Planning Inc.

1400 Bayview Ave.  
Toronto, Ontario M2M 1C8  
Tel: (416) 491-1111  
alex@alexanderplanning.ca

#### PERSPECTIVE VIEWS

Town of Newmarket  
Preliminary Design  
Project number 1805  
Date OCT 2018

SK3

Scale

### Property Evaluation

Jane Hackett et al. House, is a 2 storey semi detached dwelling built in a generic style with gable ends and enclosed porch, noted as being constructed circa 1872.





When reviewing the property against the evaluation criteria, the Jane Hackett house does not appear to have significant design value as it is a generic semi-detached structure with a side gable roof. There also does not appear to be much contextual value as the dwelling does not define the character of the area and does not appear to be linked historically or physically to its surroundings.

There does not appear to be significant historical or associative value connected to this dwelling. The property at 292/294 Court Street, does not appear to have significant heritage value to warrant full designation under the Ontario Heritage Act.

### **Options/Implications**

Council have two options to deal with this request of the property owner to have the property be removed from the Register.

**Option one:** Council can remove the property from Registry as requested by the property owner. Council have the ability to add and remove properties from the register after consulting Heritage Newmarket. It would be understood that the owner of the property would be entitled to apply for and be issued a demolition permit under the normal and usual process through Building Services. If Council are of the opinion that the property does not have sufficient heritage value or interest or that designation would cause undue hardship to the owner they may remove it from the Register. Council should also consider the cost associated with designation as well as the cost associated with potentially defending the designation at the Ontario Municipal Board.

There are no financial costs associated with this option.



**Option two:** Council can direct staff to initiate the heritage designation process under the Ontario Heritage Act for the property. There are no requirements under the *Ontario Heritage Act* to seek or receive consent of a property owner to designate property for its cultural heritage value.

To ensure owner rights, Council's designation of a property is appealable to the Conservation Review Board.

If Council pursue this option, there are costs associated with this decision. The formal property research completed by a Heritage Professional would cost approximately \$2,500-\$3,000. There are minimal costs associated with notices in the newspaper and other incidental processing costs. There may also be costs associated with defending the designation at the Ontario Municipal Board if an Owner files an appeal.

## **Conclusion**

Staff recommends that Council permit the removal of 292 and 294 Court Street from the Municipal Register of Non-Designated Heritage Properties of Interest.

## **Business Plan and Strategic Plan Linkages**

The recommendations of this report assist the Town in meeting its vision of being:

Well Balanced and Well Managed by ensuring Newmarket's rich built history is acknowledged and properly reviewed, safeguarding fairness for residents and respect for the Town's built history.

## **Consultation**

Heritage Newmarket have provided their comments as required by the Ontario Heritage Act.

## **Human Resource Considerations**

None

## **Budget Impact**

There are no budget considerations as a result of the recommendations of this report.

## **Attachments**

None

## **Approval**

Commissioner Development and Infrastructure

Director of Planning and Building Services  
Services

Senior Planner – Community Planning

## **Contact**

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



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

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## Community Flag Raising Staff Report

Report Number: 2019-6

Department(s): Legislative Services

Author(s): Kiran Saini, Acting Director of Legislative Services/Town Clerk

Meeting Date: January 14, 2019

### Recommendations

1. That the report entitled Community Flag Raising dated January 14, 2019 be received; and,
2. That Council adopt the amended Proclamation, Lighting and Community Flag Raising Request Policy, attached as **Attachment A**; and,
3. That Council adopt the amended Municipal Flag Policy, attached as **Attachment B**; and,
4. That the Town Clerk be delegated the authority to amend the Proclamation, Lighting and Community Flag Request Policy from time to time, as required; and,
5. That Staff be directed to further review option 3 for the location of community flag raisings and report to Council in Q2 2019; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Purpose

The purpose of this report is to seek Council approval in making significant amendments to the existing Proclamation and Lighting Policy and the Municipal Flag Policy as they relate to flag raising requests made by the community.

## Background

At the December 17, 2018 Council Meeting, staff were directed to review the existing Municipal Flag Policy as it relates to flag raisings made by the community and report back to Council at its next meeting. A policy provides a standard to govern flag raising requests received and issued by the Town of Newmarket in recognition of events, organizations or community groups of significance in Newmarket. Accordingly, staff have undertaken a preliminary review of the existing policies as they relate to flag raisings and have outlined options as follows.

## Discussion

### Current Policies

The Town has two policies which are applicable to flag raisings, they are: 1) Municipal Flag Policy; and, 2) Proclamation and Lighting Request Policy.

The Municipal Flag Policy was first adopted by Council in 2012, and at that time it included flag raisings requests from the community. The Policy was subsequently amended in 2015 to remove community flag raisings. Since that time, Legislative Services has received requests from the community to raise their flags; however, since adopting the Proclamation and Lighting Request Policy in 2018, requestors have been provided with a unique opportunity to request a lighting request from the Town in lieu of a flag raising.

Should Council wish to return to providing this service to the community by raising various community flags, it is recommended that the Proclamation and Lighting Request Policy be amended to meet this requirement. This Policy currently has well-defined and researched standards, which means that requests for flag raisings, proclamations and lighting requests would all be reviewed by the Clerk using the same consistent criteria.

The Proclamation and Lighting Request Policy states that:

Approved proclamation and lighting requests will demonstrate an interest in or have a relationship with the Town, including but not limited to the following:

- a. arts celebrations
- b. charitable fundraising campaigns
- c. public awareness campaigns
- d. to honor individuals, institutions or organizations for special achievements

Proclamation and lighting requests will not be issued for the following:

- a. political parties or political organizations
- b. promotion of business or commercial enterprise
- c. matters inciting hatred, or those that are discriminatory
- d. intent contrary to corporate policies or by-laws

- e. intent is to defame the integrity of the Town, Ontario or Canada
- f. matters which are untruthful

Further, should Council amend the Proclamation and Lighting Request Policy to include community flag raisings, this would be an approach similar to municipalities such as the City of Markham, Town of Aurora, and Regional Municipality of Durham.

### **Amendments to Current Policies & Application Process**

Should Council wish to amend the Municipal Flag Policy and Proclamation and Lighting Request Policy, the suggested amendments are attached as **Attachments A and B** to this report, and have been highlighted in yellow.

The Town currently has an online request process for all proclamation and lighting requests. This process has been working well, and any flag raising requests would similarly be included as part of the online application form. This would assist staff with streamlining the process regarding all three types of requests.

### **Location for Community Flag Raisings**

Given the limited timeframe staff had to review viable options for the location of the flag raising, staff have outlined 3 options for Council's consideration, with their associated benefits and drawbacks.

#### **Option 1 - Peace Park Flagpole on Cane Parkway**

##### **Benefits**

- The flagpole at Peace Park currently exists.
- The Park is located close to the Municipal Offices, which provides easy access for Council Members and/or staff to attend, if required.

##### **Drawback**

- Peace Park could be considered to be in a less high-traffic, visible area.

#### **Option 2 - Use the flagpoles used to fly the Town of Newmarket Flag at the entrance to the Municipal Offices**

##### **Benefits**

- The flagpole is located in a high-traffic, visible area.
- The Municipal Offices provide the easiest access for Council Members and/or staff to attend, if required.

##### **Drawback**

- The Town would be removing its own municipal flag to temporarily fly another community organization's flag alongside the Canadian and Ontario flags.

### **Option 3 - Install a new flagpole at Riverwalk Commons**

#### **Benefit**

- The flagpole would be located in a high-traffic, visible area.

#### **Drawbacks**

- Based on staff's preliminary review of this option, there would be budget implications of approximately \$2,000. However, this budgetary consideration is still to be validated through a formal quotation request.
- Lighting requests that are approved may be different from the flag raising requests approved; having both occur at the Riverwalk Commons may create confusion for the public, especially if there are special organized events with these requests.

### **Staff Recommended Location**

**Option 1** is recommended as there is a dedicated flagpole for community flag raisings.

### **Further Research and Consultation**

**Option 3** will need to be further reviewed and consulted with the appropriate staff. Should Council wish to further consider this Option, staff can be directed to do so.

### **Conclusion**

The designated flagpole at the Peace Park on Cane Parkway is currently the appropriate location for community flag raisings. Additional locations will require further research and consultation.

### **Business Plan and Strategic Plan Linkages**

The policy aligns with the Strategic Plan's key areas of focus. Flag raisings reinforce the strategic focus area of community engagement and the organization's core value of respect.

### **Consultation**

Staff from Public Works, Corporate Communications and Facilities were consulted as part of this report. Given the limited timeframe, the Executive Offices still need to be further consulted as part of this service being provided by the Town.

### **Human Resource Considerations**

There may be an increase in a request for Council Members and/or staff to attend special events surrounding flag raising, which is a resource consideration.

## **Budget Impact**

None.

## **Attachments**

**Attachment A** - Proclamation, Lighting and Community Flag Raising Request Policy  
CORP. 1-12

**Attachment B** - Municipal Flag Policy CORP. 1-05

## **Approval**

Kiran Saini  
Acting Director of Legislative Services/Town Clerk

Lisa Lyons  
Acting Commissioner of Corporate Services

## **Contact**

For more information, please contact Kiran Saini at 905-953-5300 extension 2203 or by email at [ksaini@newmarket.ca](mailto:ksaini@newmarket.ca).







# Corporate Policy

## Proclamation, Lighting and Community Flag Raising Request Policy

Policy Number: CORP. 1-12

Topic: Municipal Governance

Applies to: Residents, Organizations and Community groups associated with the Town of Newmarket

### Policy Statement and Strategic Plan Linkages

This Policy relates to Council's Strategic Priorities of being "Well-Equipped and Managed", and "Well-Balanced". The **Proclamation, Lighting and Community Flag Raising Request** Policy allows for the recognition of significant organizations or community groups within the Town.

### Purpose

The purpose of this Policy is to provide a standard to govern **proclamation, lighting and community flag raising requests** received and issued by the Town of Newmarket in recognition of events, organizations or community groups of significance in Newmarket. The Policy outlines the general principles, criteria, application process, communications regarding **proclamation requests, lighting requests and community flag raising requests**.

### Definitions

Note: Defined terms are in bold font for convenience purposes only.

**Community Flag** a flag of a recognized charity or community group.

**Community Flag Raising** means the raising of a flag on a dedicated flagstaff for the purpose of raising awareness.

**Peace Park Flagpole** means the flagpole located at the Peace Park on Cane Parkway designated for community flag raising.

**Proclamation(s)** means a formal public statement by the Town designating a period (day, week, month) in recognition of a significant individual, event, or organization.

**Lighting request(s)** means a request to illuminate Newmarket's Riverwalk Commons in a specific colour to commemorate an event, organization or proclamation request.

**Clerk** means the Director of Legislative Services/Town Clerk and includes his/her designate.

**Newmarket's Riverwalk Commons** means the lights located above the Tim Hortons skating and water feature, and the lights under the Fred A. Lundy Bridge, located on Water Street.

**Town** means the Corporation of the Town of Newmarket.

## Provisions

### 1. Application

- 1.1 This Policy applies to all requests for **proclamation, light and community flag raising requests** sent to the **Clerk**.
- 1.2 The Policy does not preclude Council from proclaiming a particular event, day, week or month, or approving a lighting or community flag raising request at a meeting of Council, pursuant to the **Town's** Procedure By-law, as amended from time to time.

### 2. General Principles

- 2.1 **Proclamations, lighting and community flag raising requests** are issued to acknowledge efforts, commitment and achievements of organizations, and community groups and to recognize public awareness campaigns, charitable fundraising campaigns and arts celebrations of significance to the **Town**.
- 2.2 A **proclamation, lighting and community flag raising request** may recognize a particular event, day, week or month.
- 2.3 An organization does not have exclusive rights to the day, week or month of their **proclamation** request.
- 2.4 Where the Town issues a **proclamation** in accordance with this Policy, such **proclamation** does not constitute a personal or civic endorsement by the Town.
- 2.5 The Town will not incur any expenses relating to the advertising and promotion of a **proclamation**.
- 2.6 **Lighting requests** for a particular day will be approved on a first come first serve basis. If there is a **Town** event, that requires the lighting of a particular colour, that **Town** event will take precedence over any applications for a **lighting request** received.
- 2.7 **Lighting requests** associated with a week or month long **proclamations** will be recognized on the first date of the proclaimed time period, week or month, unless otherwise specified

- 2.8 The lights located above the Tim Hortons skating and water feature cannot be changed between November 1 and April 1.
- 2.9 **Lighting** will take place from 5:00 PM to 11:00 PM on the day of the request.
- 2.10 Should technical issues arise on the day of the lighting request, an alternate day will be offered.
- 2.11 **Community flag raising** requests for a particular day will be approved on a first come first serve basis. If there is a Town event, that requires the **Town** flag to be flown, that Town event will take precedence over any applications for a Community flag raising request received.
- 2.12 **Community flag raising** requests will be approved for a maximum of 7 days.

### 3. Criteria for Evaluation for Requests

- 3.1 **Proclamations, lighting and community flag raising** requests are issued in accordance with the criteria as outlined in this section of this Policy.
- 3.2 Approved **proclamations, lighting and community flag raising** requests will demonstrate an interest in or have a relationship with the Town, including but not limited to the following:
- a. arts celebrations
  - b. charitable fundraising campaigns
  - c. public awareness campaigns
  - d. to honor individuals, institutions or organizations for special achievements
- 3.3 **Proclamation, lighting and community flag raising** requests will not be issued for the following:
- a. political parties or political organizations
  - b. promotion of business or commercial enterprise
  - c. matters inciting hatred, or those that are discriminatory
  - d. intent contrary to corporate policies or by-laws
  - e. intent is to defame the integrity of the Town, Ontario or Canada
  - f. matters which are untruthful
- 3.4 Where a proclamation does not fit into a category as defined in subsections 3.2 and 3.3 of this Policy, the **Clerk** may use proclamations previously recognized by the Ontario or Canadian government as a

method of reviewing any such requests. In these situations, the **Clerk** has the authority to exercise discretion when approving or denying such requests, and if deemed required by the **Clerk**, he/she may seek Council's direction on the specific request by placing it on a Committee of the Whole or Council agenda.

3.5 The **Clerk's** decision is final.

#### 4. **Application Process**

- 4.1 **Proclamation, Lighting and Community Flag raising** requests must be submitted using the prescribed method as determined by the **Clerk**.
- 4.2 An applicant will have the ability to request a **proclamation** request, a **lighting request**, a **community flag raising** request or a combination of the three.
- 4.3 Applications must be submitted a minimum of three weeks in advance of the first date of recognition and shall not be submitted more than three months in advance.
- 4.4 **Proclamation, lighting and community flag raising** requests will not be issued if the first day to be recognized has passed.
- 4.5 The **Town** cannot accept requests made by third parties on behalf of other organizations or individuals. All requests must be made by the organization or individual to ensure that:
  - a. They are aware and approve of the **proclamation** request and that **Newmarket's Riverwalk Commons** will be lit for their event, occasion, or cause; and,
  - b. The lighting colour is consistent with the request.
- 4.6 The **Clerk** will review all applications to determine if the **proclamation, lighting or community flag raising** request meets the criteria in accordance with this Policy.
- 4.7 The **Clerk** will notify the applicant if their **proclamation, lighting or community flag raising** request has been approved or denied.

#### 5. **Communication of Proclamations, Lightings and Community Flag Raisings Requests**

- 5.1 All approved and denied **proclamation, lighting or community flag raising** requests will be provided to Members of Council through the next Council Information Package, for information purposes.

- 5.2 The Clerk will issue a letter advising if the **Proclamation** has been approved or denied, in accordance with the policy. If the **Proclamation** is approved, the applicant will also receive a signed letter from the Mayor on behalf of Council, if requested.
- 5.3 **Proclamations** will be listed on the **Town** page and on the **Town's** website.
- 5.4 The applicant is responsible for notifying the media or advertising the **proclamation** beyond the **Town's** standard advertisement, in accordance with this Policy.
- 5.5 Arrangements for the Mayor and/or Member(s) of Council to attend a specific function or event related to the **proclamation, lighting or community flag raising** request are to be coordinated through the Mayor or Member of Council's offices.

## 6. Record of Requests

- 6.1 The **Clerk** will maintain a record of all **proclamation, lighting and community flag raising requests** received that will include: when the request was received, if the request was approved or denied, the **proclamation** period (day, week, month), the day of the **lighting request** and colour, the day of the **community flag raising**, the date approval was granted and if a letter from the Mayor's Office was requested.

## 7. Administration and Contact

- 7.1 This Policy shall be administered by the Legislative Services Department. Procedures may be defined, and amended from time to time, by the **Clerk** to address specific implementation of this Policy.
- 7.2 The **Clerk** has the authority to make amendments to this Policy, as may be required from time to time.
- 7.3 All questions, or concerns with respect to this Policy should be directed to the **Clerk**.

## Cross-References

Procedure By-law 2015-50

## Contact

Lisa Lyons, Director of Legislative Services/Town Clerk  
 905-953-5300 ext. 2211  
 llyons@newmarket.ca

**Details**

Approved by: Council

Adoption Date: April 16, 2018

Policy Effective Date: April 16, 2018

Last Revision Date: January 3, 2019

Revision No: 001



# Corporate Policy

## Municipal Flag Policy

Policy Number: CORP. 1-05

Sub-Topic: Municipal Flag Policy

Topic: Community Engagement

Applies to: All Employees

### Policy Statement and Strategic Plan Linkages

The Corporation of the Town of Newmarket recognizes the symbolism of displaying flags as a visual statement that speaks to the solidarity that is shared by all citizens. This policy upholds the Well-Respected component of the Strategic Plan as it allows the Town to honour individuals and recognize significant efforts of groups and organizations within the community.

### Purpose

The policy will provide a framework to ensure that flags at the Municipal Offices and properties owned by the Town are flown and displayed in an appropriate and consistent manner. The policy outlines the circumstances under which the Town will fly its flags at half-mast, sets out the procedure for flag raisings to recognize a visit by a foreign dignitary and addresses the flying of courtesy flags, in recognition of a special event, cause or effort within the Town of Newmarket.

### Definitions

Community Flag: a flag of a recognized charity or community group.

### Provisions

#### Display of Flags:

Flags will be displayed in accordance with the guidelines set out in the “Flag Etiquette in Canada” guide provided by the Department of Canadian Heritage. The raising of flags on municipal properties shall be limited to Canadian, Provincial, Municipal and other governmental flags to recognize a visit by a foreign dignitary, as set out by this policy.

The Town Clerk is responsible for administering the half-masting procedures set out in the Flag Policy. Flags will be raised and lowered during regular business hours, when staff resources are available.

#### Half-Staffing:

Flags at all Town facilities will be lowered to half-staff to recognize a period of official mourning or to commemorate significant dates. The half-staffing of flags applies to all municipal properties that have flagpoles. The Town will fly its flags at half-staff upon receiving notification of the death of any of the following individuals:

- The Sovereign or Member of the Canadian Royal Family
- The Governor General of Canada, or a former Governor General
- The Prime Minister of Canada, or a former Prime Minister
- The Lieutenant Governor of Ontario, or a former Lieutenant Governor of Ontario
- The Premier of Ontario, or a former Premier of Ontario
- The Local Member of the House of Commons, or a Local Member of the Provincial Legislature
- The Regional Chair, or a former Regional Chair
- The Mayor, a former Mayor, a Member of Council, a former Member of Council
- Any actively employed Staff Member of the Municipality
- Any York Regional Police Officer killed in the line of duty
- A resident of Newmarket, who is a member of the Canadian Armed Forces, killed while deployed on operations
- Any other individual determined by the Mayor in consultation with the CAO or Town Clerk

Flags will be flown at half-staff upon receiving notification of the death, up to and including the day of the funeral service, unless circumstances prohibit the lowering of the flag for that time period, as determined by the Town Clerk in consultation with the Mayor and/or CAO.

Flags will be flown at half-mast on an annual basis on November 11, in accordance with Remembrance Day ceremonies.

In addition to the circumstances above, flags at Central York Fire Services facilities in the Town of Newmarket will be flown at half-staff in accordance with the practices of the CYFS and Town of Aurora, upon being notified of the death of a firefighter in the line of duty in another municipality across Canada or when notified of the death of a police officer in the line of duty across Ontario.

#### Visit by a Foreign Dignitary:

In the event of a visit by a foreign dignitary to Town facilities, the Town may fly the flag of the appropriate governmental entity in recognition of their presence. The flag will be flown at the flagpole in front of the Municipal Offices for the duration of the dignitary's visit to Town facilities.

#### Community Flag Raising:

Refer to the Proclamation, Lighting and Community Flag Raising Request Policy.

#### Flag Procedures:

The procedures for the flying of flags at all municipal facilities are incorporated as an appendix to this policy. Appendix A includes the procedures for circumstances where the Town will fly its flags at half-mast. Flag Procedures are subject to the approval of the Town Clerk.



## Cross-References

Heritage Canada Guidelines

Proclamation, Lighting and Community Flag Raising Request Policy

## Contact

Legislative Services Department or at [clerks@newmarket.ca](mailto:clerks@newmarket.ca)

## Details

Approved by: Council

Adoption Date: September 24, 2012

Policy Effective Date: September 24, 2012

Last Revision Date: January 3, 2019

Revision No: 002

Appendix 'A' - Flag Procedures to Municipal Flag Policy CORP.1-05

**Appendix 'A' -  
Flag Procedures**  
to  
Town of Newmarket  
Municipal Flag Policy CORP.1-05

**Notification**

The Legislative Services Department will notify the Public Works Services Department, Corporate Communications Department and Central York Fire Services by e-mail when flags are to be flown at half-mast. E-mail will also be used to notify the Public Works Services Department of Peace Park flag raising ceremonies. All notification e-mails will include the scheduled time of the flag raising and lowering and the applicable municipal locations.

**Half-Masting**

All employees and Members of Council are requested to notify the Town Clerk by e-mail or written notification upon the death of any of the individuals identified in the policy. In the event of a death of an active employee or active Member of Council, the respective Department Head shall be responsible for the notification.

Upon receiving notification of the death of any of the individuals listed in the policy:

1. The Legislative Services Department will notify the Public Works Services Department, the Planning and Building Services Department, Central York Fire Services and the Corporate Communications Department when the flags at municipal properties are to be lowered, and when they will be raised after the funeral.
2. Public Works Services staff will be responsible for lowering flags at all municipal properties, with the exception of the municipal offices (handled by the Planning and Building Services Department). Central York Fire Services staff will be responsible for lowering the flags at Central York Fire Services facilities.
3. In the case of the death of a police officer or emergency medical services personnel in the line of duty in the surrounding regions of Durham, Halton, Peel and Simcoe or the City of Toronto or when notified of the death of a firefighter killed in the line of duty across Canada, the Fire Chief will be responsible for implementing the flag policy at Central York Fire Services facilities.

The Legislative Services Department is responsible for maintaining an adequate inventory of flags for use in all facilities, and shall replace flags as required.

**From:** Sarah Cruickshank [<mailto:sarah.cruickshank@cancer.ca>]  
**Sent:** November 29, 2018 2:31 PM  
**To:** Lyons, Lisa  
**Subject:** Municipal Tobacco Retail Licences

Dear Mayor and Council,

On behalf of the Canadian Cancer Society, I am writing to urge that the City of Newmarket require that all tobacco retailers in the municipality be licensed and pay an annual licence fee, as other municipalities in Ontario have done. Attached please find a summary list of municipal tobacco licence fees in Canada, as well as an accompanying rationale.

We also recommend that electronic vendors be required to have a licence and to pay a licence fee, as has been required in Hamilton and London.

Please do not hesitate to contact me if I can provide further information.

Best regards,  
Sarah Cruickshank



**Sarah Cruickshank**  
Senior Coordinator, Public Issues

**Email** [sarah.cruickshank@cancer.ca](mailto:sarah.cruickshank@cancer.ca)  
**Tel** 416-323-7112 **Fax** 416-488-2872  
55 St Clair Avenue West, Suite 500  
Toronto, Ontario M4V 2Y7

Connect with us online

[Cancer.ca](http://Cancer.ca) | [Facebook](https://www.facebook.com/canccan) | [Twitter](https://twitter.com/canccan) | [YouTube](https://www.youtube.com/c/canccan)



## Ontario Municipal Tobacco Retail Licence Fees Should be Increased

November 2018

---

### Issue Overview

Municipalities in Ontario have the ability to require municipal licences for tobacco retailers and to determine licence fees. The Canadian Cancer Society believes that all Ontario municipalities should require tobacco retail licences and that municipalities should substantially increase tobacco retail licence fees.

### Why Implement a Retail Licence Fee?

#### 1. Increase revenue

Licensing is an opportunity to generate revenue for municipalities. For example, for every 100 retailers, a \$500 annual licence fee would raise \$50,000 per year.

#### 2. Assist with enforcement

Without licences, there is no record of who is selling tobacco products in the community. Knowing the location of all retailers assists inspectors efficiently enforcing laws regarding tobacco sales to minors, tobacco displays/promotion, flavoured tobacco products and contraband. Furthermore, if there is a violation of the law, the possibility of suspending a licence provides enforcement officers with an effective tool.

#### 3. Ensure responsibility

Given the addictive nature of the product, it is perfectly reasonable to require that a licence be necessary to sell tobacco products and that a licence fee be required.

#### 4. Cost recovery

Revenue from tobacco licences can offset municipal costs, such as those related to enforcement and to litter.

Municipalities have the opportunity to increase revenue and to assist with tobacco control enforcement activities. Many municipalities have already adopted licensing systems, as summarized on the next page.

Retailers selling electronic cigarettes (vaping products) should also be required to have an annual licence and to pay an annual fee, as Hamilton and London have required. The rationale for such a requirement is similar to the licence requirement for tobacco retailers.



## List of Municipal Tobacco Retail Licence Fees (Annual Fees)

### Ontario

Ottawa	\$893
Hamilton	\$637
Markham	\$383
Richmond Hill	\$297
London	\$277
Kingston	\$275
Brampton	\$228
Mississauga	\$220
Vaughan	\$222
Windsor	\$191
Greater Sudbury	\$150
Chatham-Kent	\$150
Burlington	\$145
North Bay	\$50
Cornwall	\$40

### Alberta

Lloydminster, AB/SK (if flavoured tobacco sold)	\$1100
Lloydminster, AB/SK (if flavoured tobacco not sold)	\$750
St. Albert	\$714
Edmonton	\$479
Hinton	\$160
Calgary	\$146

## Municipal Licence Fees for E-Cigarette Retailers (Annual Fees)

Hamilton	\$559 (or \$68 additional fee if also have tobacco retailer licence)
London	\$277

Municipal tobacco retailer licensing fees are not known to have been required in premises outside Ontario and Alberta.

### For more information, please contact:

Sarah Cruickshank  
 Senior Coordinator, Public Issues  
 Email: [sarah.cruickshank@cancer.ca](mailto:sarah.cruickshank@cancer.ca)  
 Tel: 416-323-7112



December 19, 2018

Dear Mayor Taylor and Newmarket Council,

**RE: Bill 66, Restoring Ontario's Competitiveness Act**

The [Rescue Lake Simcoe Coalition](#) represents 17 local groups of citizens who are concerned about the health of Lake Simcoe. The [Simcoe County Greenbelt Coalition](#) represents 35 groups from across Simcoe County and the province including ratepayers, naturalists, indigenous communities and climate advocates who want to create a more prosperous Simcoe County through protection of our water, green spaces and sustainable development.

Recently, the provincial government tabled Bill 66, Restoring Ontario's Competitiveness Act. This bill would enable municipalities to pass an Open for Business Bylaw which would remove key protective policies for our water, farmland and green spaces in favour of expediently processing development applications which may create employment opportunities. These policies which are under attack are not small, insignificant pieces of legislation. Rather they are keystone policies that keep our water clean and safe to drink, including the Clean Water Act, the Lake Simcoe Protection Plan and the Great Lakes Protection Act.

Our coalitions stand behind these protective policies and their implementation because we know that local economies and the public's health rely on them. For example, Lake Simcoe contributes \$200 M per year to its regional economy. The Clean Water Act, which was a direct to the tragedies in Walkerton, ensures that drinking water sources for Ontarians are free from contamination. We appreciate the need for economic opportunities, but we strongly believe that economic opportunities do not have to come at the expense of our drinking water, lakes or green spaces.

And some of your fellow mayors agree with us on that point. On Thursday December 13<sup>th</sup>, the Mayor of Barrie, [Jeff Lehman, added his name](#) to the growing list of Mayors who have criticized Bill 66. The Mayors of [Hamilton, Burlington](#), Halton Hills, Milton, Aurora, Oakville and [Guelph](#) have also come out against [Bill 66](#). These mayors appreciate the need to protect public health and understand their economies depend on a healthy environment.

Many citizens are very concerned about Bill 66. They want to hear that their councils believe community development and protection of our environment can coexist and be mutually supportive. To learn more about Bill 66 see the Canadian Environmental Law Association's briefing document at : <http://www.cela.ca/sites/cela.ca/files/CELABriefingNote-Bill66andCWA.pdf>

Today, we are calling on all municipal councils in the Lake Simcoe watershed, and in Simcoe County, to reassure those citizens that their water and green spaces won't be sacrificed. We respectfully ask that your council put safety and good regulation first and publicly commit not to use Bill 66. To that end, we enclose an example motion which could be considered by your council.

We would appreciate notification of any actions taken by Council regarding Bill 66.

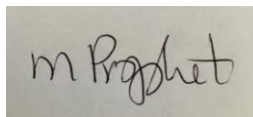
Sincerely,



Claire Malcolmson

Executive Director, Rescue Lake Simcoe Coalition

[rescuelakesimcoecoalition@gmail.com](mailto:rescuelakesimcoecoalition@gmail.com)



Margaret Prophet

Executive Director, Simcoe County Greenbelt Coalition

[margaret@simcoecountygreenbelt.ca](mailto:margaret@simcoecountygreenbelt.ca)



Keeping XX open for business without jeopardizing safe drinking water and other environmental protections.

WHEREAS, the Government of Ontario has introduced Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts; and

WHEREAS, Schedule 10 of Bill 66 would amend the *Planning Act* to allow municipalities to pass "open-for-business planning by-laws"; and

WHEREAS Bill 66 would allow open-for-business planning by-laws to override important planning, drinking water, agricultural and other environmental protections contained in the *Clean Water Act, 2006*, the Provincial Policy Statement, and other provincial policies, plans, and legislation; and

WHEREAS, the content Bill 66 was never discussed with XX residents in either the recent provincial or municipal elections; and

WHEREAS no notice or public hearing is required prior to the passing of an open-for-business planning by-law nor any appeals rights thereafter; and

WHEREAS, protections included in the *Clean Water Act, 2006* and in the corresponding approved XX Source Protection Plan are critical to the health of XX residents;

THEREFORE BE IT RESOLVED,

THAT the Town/City of XX opposes Schedule 10 of Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts and calls for its removal from the Bill; and

THAT notwithstanding the future adoption of Bill 66, the Town/City of xx will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws for the duration of this term of office;

THAT this resolution be distributed to: the leaders of all parties represented in the Legislature; the Minister of Municipal Affairs and Housing; the Minister of the Environment, Conservation and Parks; and the Association of Municipalities of Ontario.

THAT Bill 66 does not represent how the people of XX want to do business.