Town of Newmarket
Agenda
Committee of the Whole - Electronic

Date:	Monday, October 26, 2020
Time:	1:00 PM
Location:	Streamed live from the Municipal Offices 395 Mulock Drive Newmarket, ON L3Y 4X7

1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at newmarket.ca/meetings.

Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to clerks@newmarket.ca by end of day on Wednesday, October 21, 2020. Written correspondence received by this date will form part of the public record; or,
2. Make a live remote deputation by joining the virtual meeting using the Town's videoconferencing software and verbally provide your comments over video or telephone. To select this option, you are strongly encouraged to pre-register by emailing your request and contact information to clerks@newmarket.ca.

2. Additions & Corrections to the Agenda

Note: Additional items are marked by an asterisk*.

3. Conflict of Interest Declarations

4. Presentations & Recognitions

4.1. Established Neighbourhood Compatibility Study

Note: Phoebe Chow, Senior Planner - Policy, will be in attendance to provide a presentation on this matter. This item is related to item 6.1.

1. That the presentation provided by the Senior Planner - Policy regarding Established Neighbourhood Compatibility Study be received.

5. Deputations

*5.1. Remote Deputation - Established Neighbourhood Compatibility Study and Policy Recommendations

Note: Nick Pileggi, Macaulay Shiomi Howson Ltd. will be in attendance to provide a deputation on this matter. This item is related to Item 6.1.

1. That the remote deputation provided by Nick Pileggi regarding the Established Neighbourhood Compatibility Study and Policy Recommendations be received.

*5.2. Remote Deputation - Established Neighbourhood Compatibility Study and Policy Recommendations

Note: Nancy Fish will be in attendance to provide a deputation on this matter. This item is related to Item 6.1.

1. That the remote deputation provided by Nancy Fish regarding the Established Neighbourhood Compatibility Study and Policy Recommendations be received.

*5.3. Remote Deputation - Community Support

Note: Ross Carson, Concerned Citizens for the Homeless in Newmarket will be in attendance to provide a deputation on this matter. This item is related to Item 6.5.

1. That the remote deputation provided by Ross Carson regarding Community Support be received.

*5.4. Remote Deputation - Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations

Note: Kayly Robbins, Jones Consulting Group Ltd. will be in attendance to provide a deputation on this matter. This item is related to Item 6.2.

1. That the remote deputation provided by Kayly Robbins, Jones Consulting Group Ltd. regarding Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations be received.

6. Consent Items

6.1. Established Neighbourhood Compatibility Study and Policy Recommendations

1. That the report entitled Established Neighbourhood Compatibility Study and

Policy Recommendations dated October 26, 2020 be received; and,

2. That the Policy Recommendations Report prepared by SvN dated September 2020 attached as Attachment 1 be received; and,
3. That the attached draft Official Plan Amendment No. 28 be adopted; and,
4. That the attached draft Zoning By-law be enacted; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

*6.1.1. Correspondence - Humphries Planning Group Inc.

1. That the correspondence provided by Humphries Planning Group Inc. regarding Established Neighborhood Compatibility Study and Policy Recommendations be received.

6.2. Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations

1. That the report entitled Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations dated October 26, 2020 be received; and,
2. That the attached Official Plan Amendment No. 25 be adopted; and,
3. That Staff be directed to forward the attached Official Plan Amendment No. 25 to the Regional Municipality of York for approval; and,
4. That upon Regional approval of Official Plan Amendment No. 25, Staff be directed to bring the attached Zoning By-law Amendment to a future Council meeting for approval; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.3. Construction Vibration

1. That the report entitled Construction Vibration dated October 26, 2020 be received;
2. That Council directs staff to prepare an amended version of Noise By-law 2017-76 to include provisions relating to vibration (Option #3) for non-Planning Act development, for Council's consideration at a later date;
3. That direction be provided to staff to revise the Town's current Vibration Policy's sections specifically dealing with maximum vibration limits, zones of influence, and applicability only to Planning Act developments; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution

*6.3.1. Correspondence - Stuart Hoffman

1. That the correspondence provided by Stuart Hoffman regarding Construction Vibration be received.

6.4. Zoning By-law Amendment - 1250 Gorham Street

1. That the report entitled Zoning By-law Amendment - 1250 Gorham Street dated October 26, 2020 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by 2011378 Ontario Limited (Cummins Hydraulics Ltd.), for lands known municipally as 1250 Gorham Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Attachment 1; and,
3. That Howard Freidman, of HBR Planning Centre, 30 Waymount Avenue, Richmond Hill, ON, L4S 2G5, be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.5. Third Quarterly Update to the Outstanding Matters List for 2020

1. That the report entitled Third Quarterly Update to the Outstanding Matters List for 2020 dated October 26, 2020 be received; and,
2. That Council adopt the updated Outstanding Matters List; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.6. Parking Petition - Clematis Drive

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the petition regarding Parking Restrictions on Clematis Drive be referred to Staff.

6.7. Appointment Committee Meeting Minutes of January 15, 2020

1. That the Appointment Committee Meeting Minutes of January 15, 2020 be received.

6.8. Accessibility Advisory Committee Meeting Minutes of January 16, 2020

1. That the Accessibility Advisory Committee Meeting Minutes of January 16, 2020 be received.

6.9. Newmarket Economic Development Advisory Committee Meeting Minutes of February 6, 2020 and June 30, 2020

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of February 6, 2020 and June 30, 2020 be received.

7. Action Items

8. Notices of Motion

9. Motions Where Notice has Already been Provided

10. New Business

11. Closed Session (if required)

12. Adjournment

Newmarket

Established Neighbourhood Compatibility Study Official Plan and Zoning By-law Amendments

Prepared by: Phoebe Chow

Planning Services

Date: October 26, 2020

Purpose

- Highlight changes to the draft Official Plan Amendment and Zoning By-law Amendment since the September 22, 2020 Special Committee of the Whole meeting

Newmarket

Revisions in draft OPA

- General characteristics of each Character Area are now descriptions of the Character Area instead of Official Plan policies
- Clarified compatibility policies relating to angular plane are only applicable to mid and high-rise developments (=>5 storeys) that are adjacent to Residential Areas

Newmarket

Revisions to draft OPA

- Added a Transition policy that recognizes any OPA, ZBLA, draft Plan of Subdivision, draft Plan of Condo, and Site Plan applications that have been deemed complete and under review are not subject to the proposed OPA

Newmarket

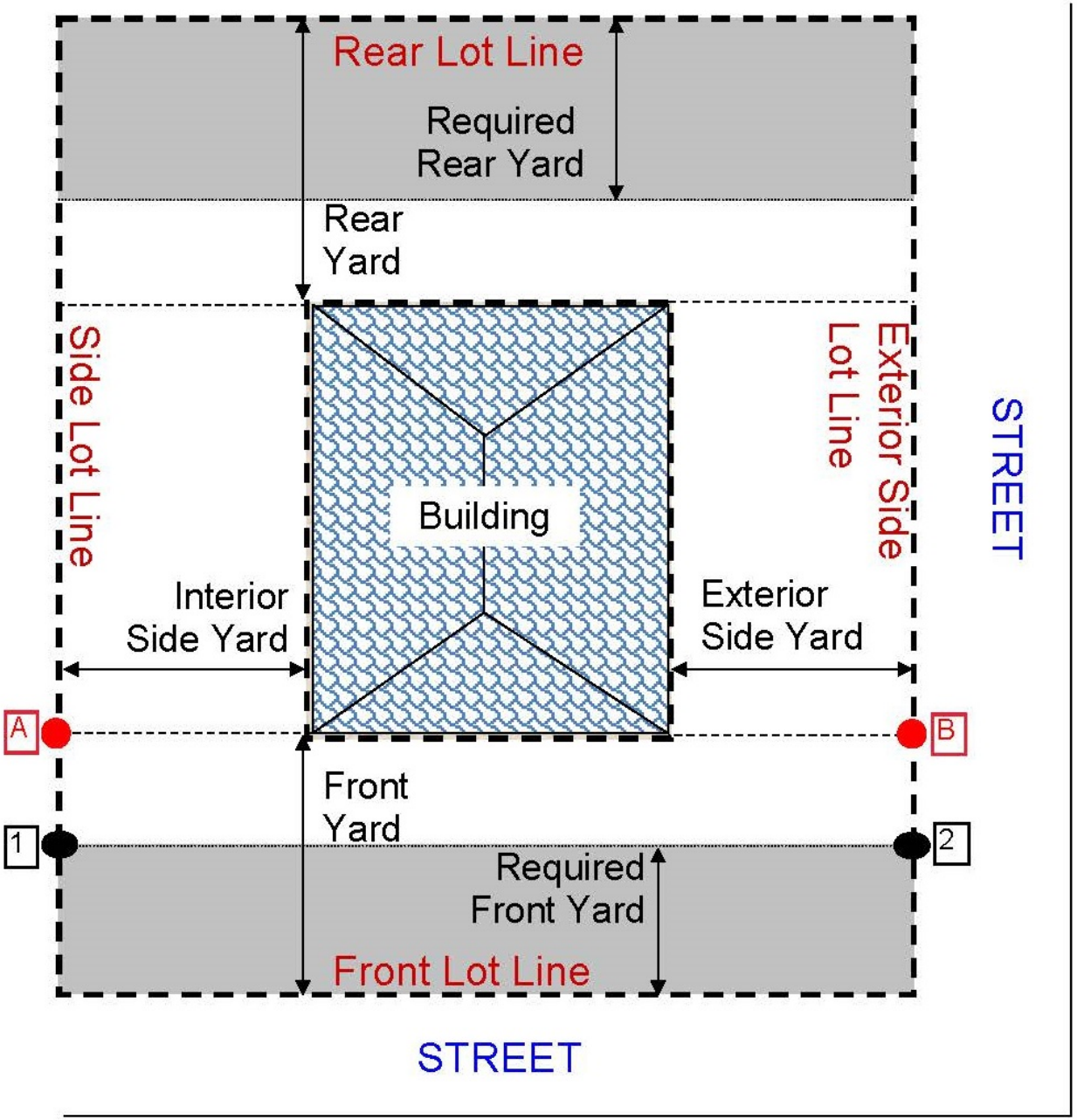
Revisions in draft ZBLA

- Added a provision to recognize buildings or structures with non-complying max. finished first floor height can be enlarged, renovated, or repaired
- Updated definition of “Grade, Established or Finished”

Newmarket

Previous definition of "Grade, Established or Finished" = (1+2)/2

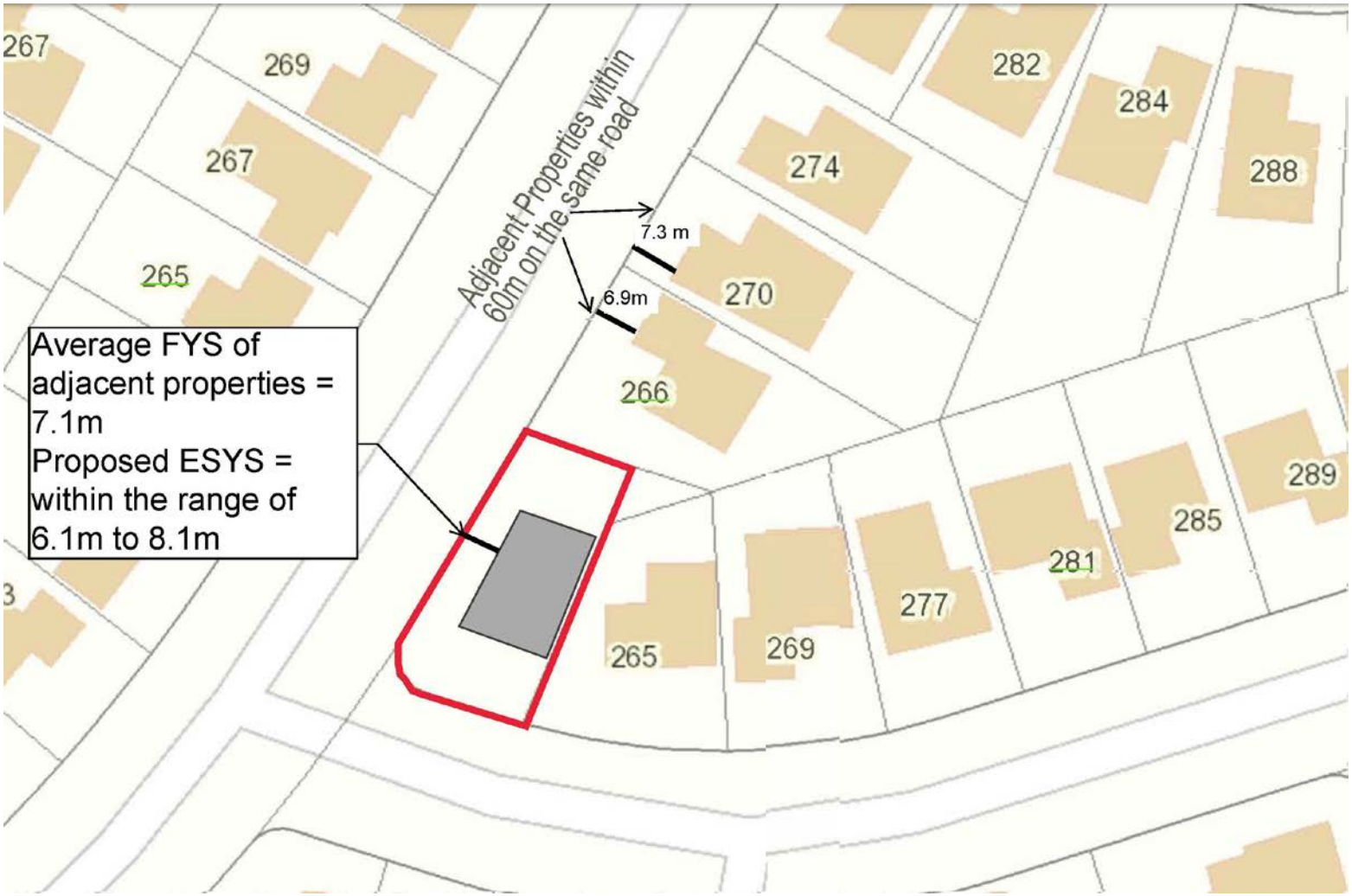
Revised definition of "Grade, Established or Finished" = (A+B)/2



Revisions in draft ZBLA

- Exterior Side Yard Setbacks may also be within a range of +/- 1m of the average of adjacent dwellings (same as Front Yard Setback)
- Specified “adjacent” in the above provision means “dwellings within 60 metres on the same street”

Newmarket

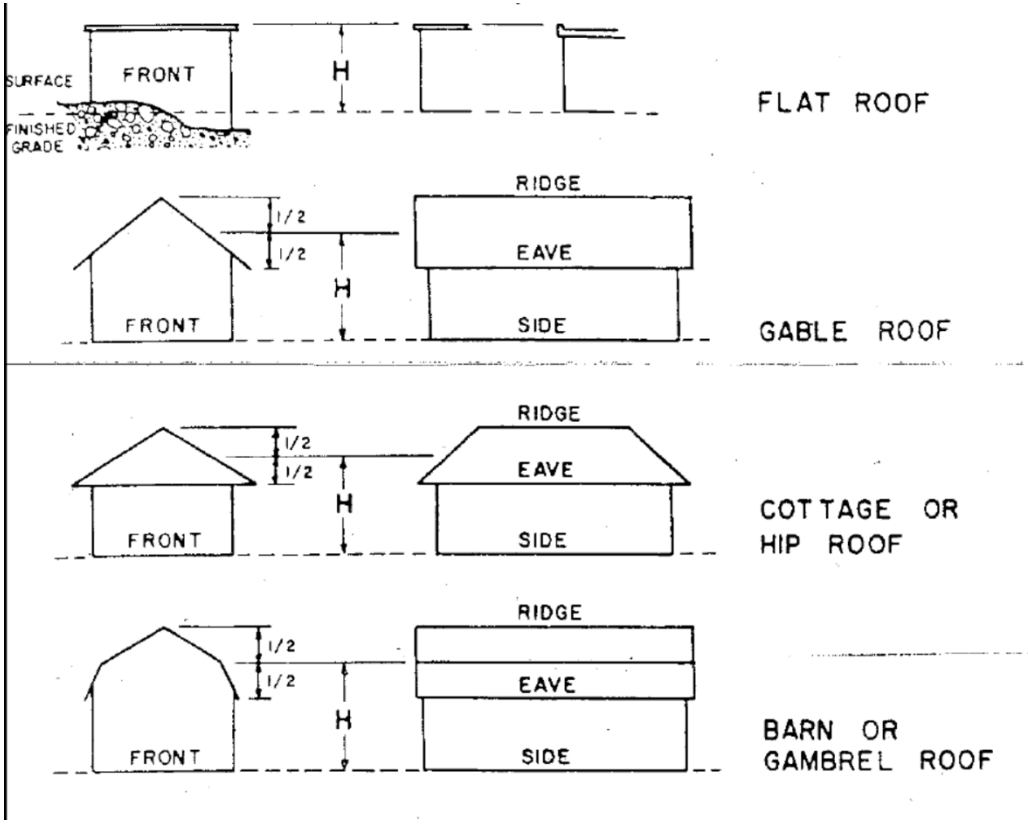


FYS = Front Yard Setback; ESYS = Exterior Side Yard Setback

The above image and measurements are for illustration purposes only and do not represent actual dimensions.

Revisions in draft ZBLA

- Use “building height” instead of “exterior wall height” in determining interior side yard setback



Newmarket

Thank you

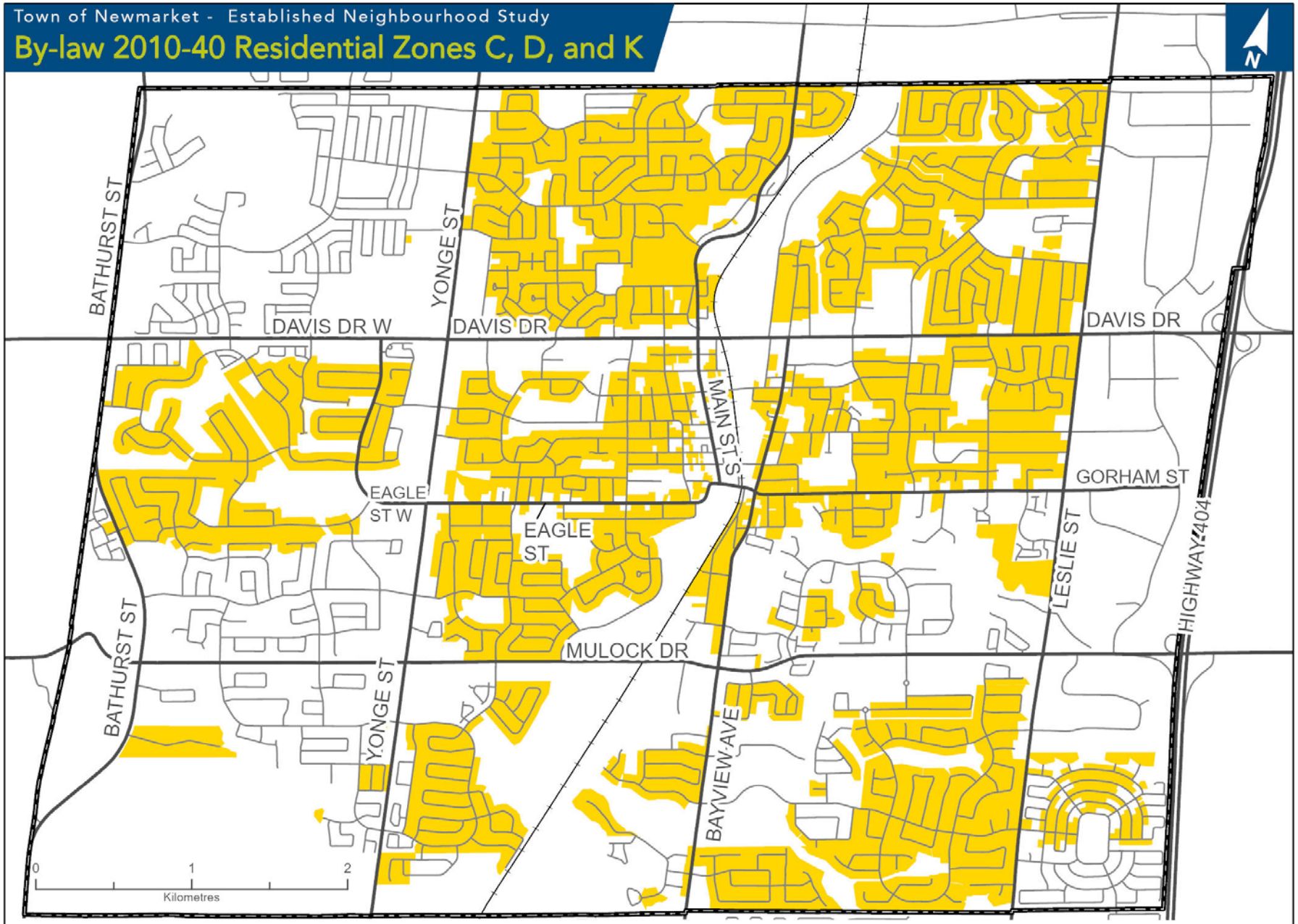
Phoebe Chow, Senior Planner – Policy

pchow@newmarket.ca

Newmarket

Town of Newmarket - Established Neighbourhood Study

By-law 2010-40 Residential Zones C, D, and K



Designed and produced by Information Technology – GIS. Printed: October, 2020. Sources: Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services © The Regional Municipality of York, 2020; All other data - © Town of Newmarket, 2020. DISCLAIMER: The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

Document Path: G:\Projects_PRO\Development_InfrastructureServices\Planning\MapProjects\ResidentialLotCoverageAnalysis\ResidentialLotCoverageAnalysis.aprx\ResidentialZones_CDK

MSH
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520 Industrial Parkway S
Unit 202
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T 905.503.3440
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October 13, 2020

Attn: Jason Unger, Acting Director of Planning
Adrian Cammaert, Acting Manager of Planning
Town of Newmarket

RE: Newmarket Established Neighbourhoods Community Study and Mulock Station Area Secondary Plan
16756 and 16764 Bayview Avenue
North of Mulock Drive

Macaulay Shiomi Howson Ltd. are the planning consultants for the Owners of 16756 and 16764 Bayview Avenue, located on the west side of Bayview Avenue, just north of Mulock Drive, in the Town of Newmarket. The subject lands are currently home to a single detached dwelling (one on each property).

Figure 1 – Aerial Photo

The property is within the boundaries of the Newmarket Established Neighbourhoods Study Area and just outside of the Mulock Station Secondary Plan Area. The Owners of these properties have an interest in both of these planning processes that are underway.

The properties are currently designated Stable Residential, in the Town of Newmarket Official Plan, which would permit single and semi-detached dwelling along with townhouses (subject to certain criteria).

The draft Official Plan policies outlined as part of the Established Neighbourhoods Study include additional policies related to uses, including:

> *Rowhouses and townhouses are also permitted provided that a review and analysis of such densities be undertaken as part of an application process including the submission of a planning justification report to the satisfaction of the Town.*
>
> *Townhouse units on a Private Road shall be a permitted use in the Residential Area for the lands subject to Official Plan Amendment No.12. (OPA #12) (955 & 995 Mulock Drive)*

While these draft policies seek to enhance the permitted uses on the subject lands, in our view, they do not adequately address the unique characteristics of the subject lands:

- The lands are 'double-wide' lots, meaning, compared to the property lot pattern to the north, they are approximately twice as wide;
- They back onto a former commercial/industrial site and side onto a commercial site to the south;
- They are located on a major street and in proximity to an arterial road;
- The building form across Bayview Ave. to the east are townhouses that back onto Bayview, along with a relatively new, three storey commercial/medical building further south;
- The lands are located immediately adjacent to the Mulock Station Secondary Plan, which proposes building heights on neighbouring properties, of up to six (6) storeys, with a minimum of three (3) storeys and includes a medium density designation that calls for a maximum FSI of 1.75, with a minimum of 1.25.

In addition, the Established Neighbourhoods Study seeks to incorporate the lands into the 'Historic Core Character Area', however, the lands are far removed from the historic core and share no real connection to it. The single detached homes to the north, fronting on Bayview Avenue (south of Penrose Street) are examples of circa 1960's bungalow dwellings. It is our view that the subject lands should not be considered part of this 'character' area.

As noted, the Town is also undertaking a Secondary Plan for the Mulock Station transit area and has drafted Secondary Plan policies for that area. It is our view that the subject lands relate more to this Secondary Plan Area, than they do to the historic core or the Stable Residential area.

Therefore, we would request the following:

1) As part of the Established Neighbourhoods Study and the removal of the related Interim Control By-law, incorporate a site-specific policy or recommendation to remove the lands from the 'Established Neighbourhoods' Official Plan Amendment;
2) Incorporate the lands into the Mulock Station Secondary Plan Area and include a land use designation similar to the property to the south (medium density) which would allow for similar height and density.

We would be more than happy to review and discuss the above points and recommendations directly with staff. In addition, I would ask that I be added to the notification/contact list for both of these planning processes.

Should you have any questions regarding the information contained herein, please contact me directly, thank you.

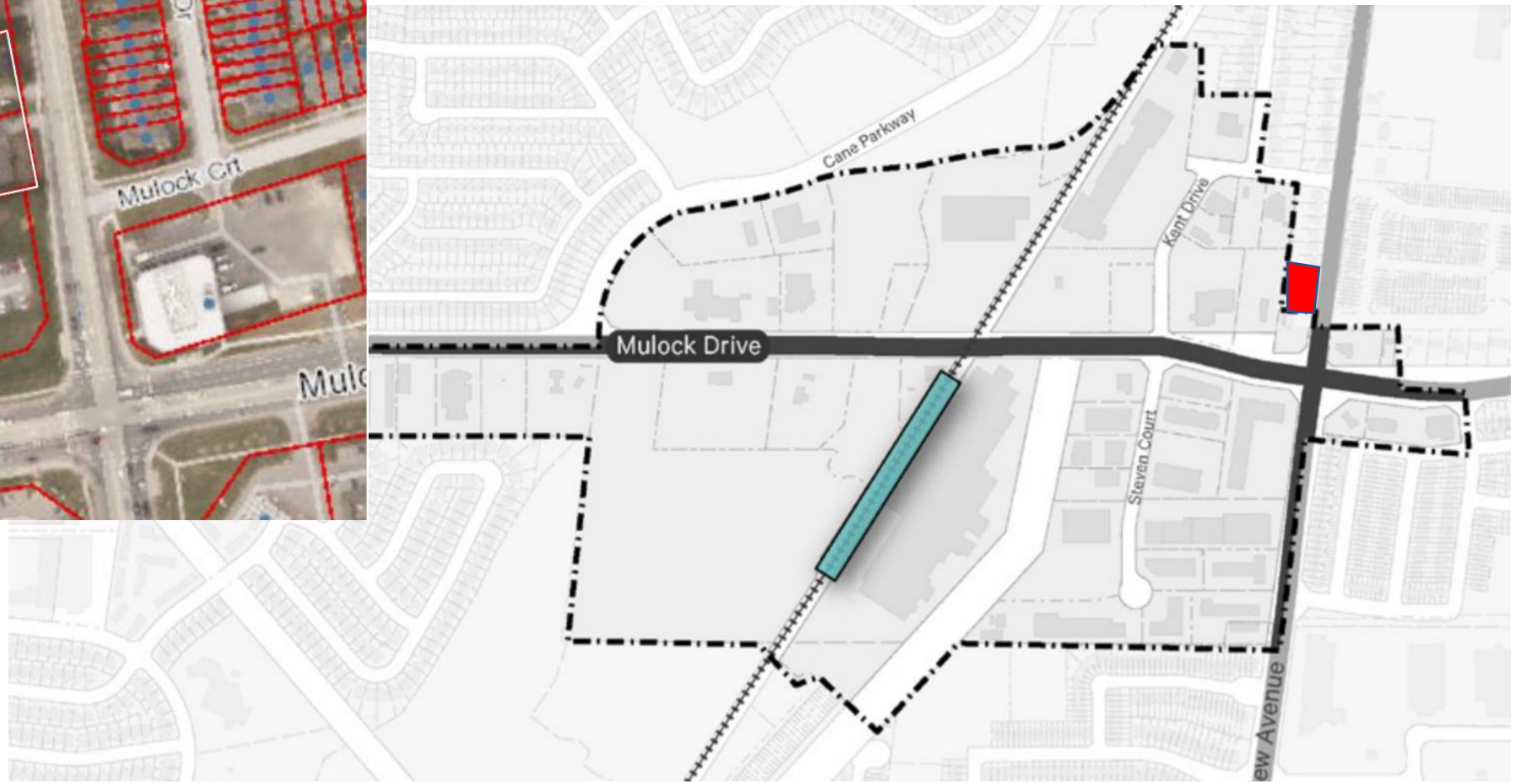
Sincerely,
MACAULAY SHIOMI HOWSON LTD.

Nick Pileggi

Nick Pileggi, MCIP, RPP.
Principal

16756 and 16764 Bayview Avenue

Mulock Station Secondary Plan Area



October 21, 2020

Dear Mayor, Council and Planning Department:

RE: Established Neighbourhoods Compatibility Study

I would like to respond and provide feedback to the Mayor's request for more information regarding (1) side yard setbacks, and (2) the reference to lot-splitting on my section of Millard Avenue (west of Forest Glen Road) and Srigley Street as raised at the Established Neighbourhoods Compatibility Study on September 22, 2020.

Please excuse any ignorance or misinterpretation of policy recommendations on my part as I am not a professional in this area. I am very pleased and proud that the Town initiated this important study and it is my hope to assist the Town in creating its plan to preserve our historical established neighbourhoods, especially as it relates to my section of Millard Avenue.

Please note, as an active and engaged resident, I have attended all public consultations on this study. In fact, during the first meeting I drew and submitted a drawing of what I love about my neighbourhood which included vast green space, large lots and mature trees. This is what I cherish about my "unique" and historic neighbourhood. I am proud to live in what I call 'old Newmarket'. Preservation of green space and mature trees is very important to me and my quality of life. My family has resided in our home on Millard Avenue for 64 years and most of my neighbours average 50+ years. We are a community and for the most part homeownership is passed-down through generations.

1) Side lot measurements (Planning Department input please): As I understand it, side yard setbacks will be dependent upon house height as defined in an existing Zoning By-Law and include a 1.8m maximum width. I propose an exemption for wider setbacks for front yards exceeding 30m frontage regardless of house height.

My reasons are twofold: 1) the Key Findings of the Study (p. 28) only acknowledges front yard widths up to 30m (90'). Lots in this section of Millard Avenue are 33.3m x 43.3m (100' x 130'); and 2) the proposed 1.8m setback in Section 6.2.2. is only 5'9". Currently existing setbacks on my section of the street vary from 4m (12') and 7.62 (25').

> Section 6.2.2. of the Study proposes: "Interior Side Lot Lines Measurements have been given (ranging from 1.2-1.8m) for interior side lot line setbacks, which are dependent on height This rule retains the relationship that the side-yard setbacks for houses increase with height (of existing Zoning By-law), but uses measurement as a clearer measure, rather than storeys."

I imagine lot coverage maximums will prevent new-builds/additions from encompassing the entire yard's width, but I believe the setbacks for properties exceeding 30m should be increased to accommodate exceptional properties/lots in historical Newmarket. A setback of 1.8m is simply too narrow and would damage the cherished green space aesthetics of our neighbourhood.

2) **Lot-Splitting:** In my opinion, permitting lot-splitting of our properties must not be allowed under any circumstance. In simple terms, it goes against the very essence of the Study's intent "to preserve the character of our established neighbourhoods". It would severely and irrevocably change the character, aesthetics and quality of life in our neighbourhood. It would ruin our street's unique and historical charm.

To paraphrase the Mayor at the September meeting, "one might argue against this because of the historic characteristic of the street; that it's a really important character area in our town and we must preserve the historical context from which it was developed." - My thoughts exactly.

If the purpose of creating neighbourhood compatibility guidelines is to protect established neighbourhoods and their distinctive characteristics, one must address and preserve the very factors that contribute to the successful and harmonious nature of specific areas. Factors include: land use, heritage, lot size (including frontage and side yard set-backs), and trees. To do this Newmarket must maintain the traditional range of building-to-lot relationships by ensuring houses are in proportion to their lot size and maintaining the openness of yards surrounding the dwelling. It must preserve the lush and mature vegetation which is a key component of our character.

While one might argue that we need to minimize the impacts of restrictive guidelines for increased size and scale of rebuilds or extensions on properties to meet owners changing needs, it remains the same: lot-splitting would irrevocably change the character of the neighbourhood.

In conclusion, the potential of lot-splitting has caused much distress among my neighbours. Most of us have lived here 50+ years. We bought our homes because of the street's unique aesthetics. We have paid taxes and been for the most part, exemplary citizens through our actions and volunteering opportunities. We are a community. There is a sense of identity, comfort and safety in our neighbourhood that is cherished and is very much worth protecting.

Sincerely,
Nancy Fish
188 Millard Avenue
Newmarket, On L3Y 1Z2

From:	ROSS CARSON
To:	Clerks
Subject:	public input Town Council meeting on Monday, October 26
Date:	October 22, 2020 9:56:07 AM

From: Ross Carson, chairperson, Concerned Citizens for the Homeless in Newmarket

To: The Town Clerk, Town of Newmarket, York Region

Re: Speaking to the topic of Community Support on the Outstanding Matters List

Dear Sir or Madam,

I write to request the opportunity to speak at the Committee of the Whole Meeting on Monday, October 26 at 1:00 p.m.

I wish to address the topic of Community Support when the review of the list of Outstanding Matters occurs in the agenda.

My role will be to speak as the chairperson of the unincorporated association, Concerned Citizens for the Homeless in Newmarket.

Our fifteen member group meets on-line every second Tuesday morning. Our meetings began in mid-April 2020.

Your assistance in arranging my opportunity to speak on Monday during the afternoon meeting is very much appreciated.

sincerely,

Ross Carson

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

Established Neighbourhood Compatibility Study and Policy Recommendations
Staff Report to Council

Report Number: 2020-72

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner - Policy

Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Established Neighbourhood Compatibility Study and Policy Recommendations dated October 26, 2020 be received; and,
2. That the Policy Recommendations Report prepared by SvN dated September 2020 attached as Attachment 1 be received; and,
3. That the attached draft Official Plan Amendment No. 28 be adopted; and,
4. That the attached draft Zoning By-law be enacted; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Established Neighbourhood Compatibility Study (Study), which is intended to address development compatibility within existing neighbourhoods, has been completed. This report summarizes the findings of the Study and provide recommendations to the Council on the proposed amendments to the Official Plan and Zoning By-law 2010-40, as amended.

Staff and the Town's consultant, SvN Planners + Architects, have consulted Council and members of the public on this matter on numerous occasions over the past two years. Comments received have been considered and addressed in the proposed amendments, where appropriate. Staff is now seeking Council's approval of the

proposed Official Plan Amendment No. 28 and Zoning By-law Amendment, which have been attached to this report.

Purpose

The purpose of this report is twofold:

- To present the findings of the Established Neighbourhood Study to Council;
- To seek Council approval of the proposed Official Plan Amendment and Zoning By-law Amendment to implement the findings of the Established Neighbourhood Study.

Background

The matter of development/redevelopment compatibility within existing neighbourhoods is not new and it is becoming an increasingly prevalent planning issue as municipalities respond to increasing development pressures.

In 2013, Council approved Zoning By-law 2013-30 and amended standards from Zoning By-law 2010-40 that affect siting of a dwelling on a lot to start addressing the issue of compatibility within existing residential neighbourhoods. Specifically, By-law 2013-30 reduced the maximum permitted height, reduced the maximum permitted coverage, and modified the way in which front yard setback is determined. Subsequently, staff also conducted research on best practices in addressing issue of perceived overbuilding in established residential areas. It then became clear that the amended zoning standards were not sufficient to address the development pressures the Town were experiencing.

After presenting best practices from other municipalities at a Council workshop in 2018, Council reiterated their clear goal of having policies in place for existing stable residential areas that will ensure any development (including additions to existing homes) must contribute to the neighbourhood's character and that the Town's Official Plan policies need to be updated to mandate compatibility. The Established Neighbourhood Study (the Study) is intended to address this goal focusing in redevelopment or additions to existing dwelling of a single lot.

The initiation of the Study began in mid 2018, when Council directed staff to engage services of a consultant to assist in reviewing Official Plan policies and Zoning By-law regulations to address changes in established residential neighbourhoods. Figure 1 below shows some of the milestones of the Study since 2019.

Figure 1 Project Milestones

January 2019	•Council passed Interim Control By-law 2019-04, which prohibited development in the majority of the Town's residential area
March 2019	•Engaged the services of SvN Architects + Planners and began the Established Neighbourhood Study
November 2019	•Council received staff report 2019-118, which provided an overview of the Established Neighourhoood Study
December 2019	•Council held a Special Committee of the Whole meeting and staff presented draft Policy Options
January 2020	•Council held a Special Committee of the Whole meeting and passed By-law 2020-05, which extended the expiry of By-law 2019-04 to July 2020
June 2020	• Council passed By-law 2020-35, which further exteneded the expirary of By-law 2019-04 to January 2021
July 2020	•Council received staff report 2020-56 regarding the expirary of the Interim Control By-law Exemption process as of August 24, 2020
August 2020	•Statutory Public Meeting held for the proposed Official Plan Amendment and Zoning By-law Amendment
September 2020	•Special Committee of the Whole Meeting - Consultant provided examples of proposed changes

Discussion

The following subsections provide an overview of some of the key findings of the Study and proposed changes to the Town's Official Plan and Zoning By-law 2010-40, as amended.

Key Findings

- Lands currently designated "Emerging Residential" in the Town's Official Plan are nearly built-out; therefore, the designation and policies are proposed to be updated;
- The Town's existing residential areas can be classified into four Residential Character Areas: Historic Core; Traditional Suburban; Contemporary Suburban, and Estate;
- Each Character Area can generally be defined by a set of characteristics that any new construction or additions to existing dwellings should respect;
- The Estate Character Area and Contemporary Suburban Character Area are fully built out and are not anticipated to undergo significant changes. The Study has focused more on the Historic Core Area and Traditional Suburban Character Area and therefore only regulations affecting the Historic Core and Traditional Suburban Character Areas have been created;
- Existing Zoning By-law regulations generally permit dwellings that would be larger than the existing building stock, which may result in compatibility issues. The

Study recommends various amendments to protect for compatibility between new construction/additions and existing dwellings in an area.

Proposed Official Plan Amendment

The draft Official Plan Amendment is attached to this report as Attachment 1. The main themes of the proposed amendment are:

- Combining existing “Stable Residential” designation and “Emerging Residential designation” as a single “Residential” designation and updating relevant policies
- Establishing Character Areas and policies for each Character Area
- Adding more details to the Compatibility policies of the Official Plan to strengthen the section

Proposed Zoning By-law Amendment

The draft Zoning By-law Amendment is attached to this report as Attachment 2. Below is a summary of some of the proposed zoning changes. Illustrations of the proposed changes can be found in the September 22, 2020 Special Committee of the Whole presentation. It should be noted that the proposed changes are intended to regulate developments such that they will respect and be compatible with their surrounding areas. It is not the intent of this study or amendment to have regulations that ensure consistent development standards across the Town. The existing zoning by-law is structured such that it recognizes different zones within the Town have different requirements. Variations within each zone can be desirable to a neighbourhood if they are done in a respectful and compatible manner.

- Updating development regulations for residential zones – new lot coverage schedule; reduced maximum building height for zones that permit single detached and semi-detached; relating interior side yard setback to building height in metres instead of number of storeys for Zones C, D and K; and changing how front yard setback and exterior side yard setback are determined;
- Adding transition clauses to recognize applications in process, while acknowledging those that are recently approved are not subject to the proposed provisions;
- Changing definitions to tighten up some of the controls used to ensure compatibility - basement; dormer; building height; established or finished grade; finished first floor height; storey; flat/pitched roof, and residential garage, and
- Adding general provisions to permit driveway encroachments in any yard and to clarify 0.3m (1 foot) reserves are considered part of the lot when determining setbacks and coverage, but are not considered as a lot line.

Conclusion

As directed by Council, Planning staff and the Town’s planning consultant have completed the Study to address neigbhourhood compatibility issues. Findings of the

Study inform the draft Official Plan Amendment and draft Zoning By-law Amendment, which have been attached for Council's consideration and approval.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces

Consultation

Planning staff and the Town's Planning consultant have hosted numerous engagement sessions with Council and members of the public throughout the course of the Established Neighbourhood Study. Examples of engagement sessions include: special committee of the whole meetings; public information centres; a farmers market engagement session, and online/social media including HeyNewmarket. All comments received have been considered, and where appropriate, incorporated in the attached draft Official Plan Amendment and Zoning By-law Amendment.

Comments Received from Council and Members of the Public

Comments received from Council and members of the public and staff's recommendations are summarize in the Table 1. Other detailed technical comments have been considered and addressed in the attached amendments, where appropriate.

Table 1 Comment Matrix

Comments Received	**Staff's Recommendation**
Clarify what "adjacent" mean	The term generally means more than immediately abutting. For the purpose of determining Front Yard Setback, which the proposed zoning provision states: "One metre less than the average of the front yard setback of **adjacent** dwellings…", the term "adjacent" has been quantified to mean "within 60 metres on the same road". This is based on the existing Established Building Line provision in the zoning by-law, which uses 60 metres to qualify adjacencies.
Explore options in determining minimum side yard setbacks on properties that abut existing generous side yard setbacks	Zones that currently require large side yard setbacks such as Zones A and B are not subject to the proposed side yard setbacks zoning regulations. The proposed changes are only applicable to Zones C, D and K where the existing requirement is determined by the number

	of storeys of the dwelling rather than actual height of the dwelling. Some properties within Zones C, D and K may have side yard setbacks that exceed the minimum requirement, but where these situations exist, the proposed minimum side yard setback requirements are still considered to be compatible with those existing situations. Staff and the Town's consultant have further reviewed some lots in Zones C and D against the proposed side yard setback requirements and note that in many cases, maximizing the dwelling width by providing minimum side yard setbacks would not support a desirable layout of the house. This is especially true on smaller lots with a two-storey dwelling (see Attachment 4). Having varying minimum side yard setback requirements within a zone would be overly burdensome from an implementation /administrative standpoint. Staff is of the opinion that the proposed minimum setback requirements combined with the maximum height and lot coverage provisions is a balanced approach to address compatibility.
Apply the same approach that is proposed for Front Yard Setback to Exterior Side Yard Setback	Staff has no objection to provide some flexibility to the minimum Exterior Side Yard Setback requirement. The proposed zoning by-law has been revised.
Tree Protection should be addressed as part of the study	Tree protection is being reviewed under the Private Tree By-law project. Staff will report to Council on this matter separately in the future.
Missing middle should be addressed	Housing types such as townhouse and rowhouse are currently permitted in certain residential area of the Town, subject to policies of the Official Plan. This permission will be carried forward through the proposed Official Plan

	Amendment by strengthening the policy to require the applicant to submit a Compatibility Analysis Study that demonstrates how the proposed development will be compatible with the surrounding area. Development of other forms of housing such as duplex, triplex, and quadruplex, which are currently permitted in the zoning by-law, will also be permitted in the Residential Areas subject to the Compatibility Analysis Study.

Regional Comments

Background reports and draft policy options were also circulated to York Region for review and comment. Regional staff has advised that the proposed Official Plan Amendment is exempt from Regional approval; therefore, the proposed Official Plan Amendment will come into effect following Council's adoption and the expiration of the 20-day appeal period.

Human Resource Considerations

None

Budget Impact

None

Attachments

Attachment 1 – Final Recommendation Report, prepared by SvN Architects + Planners

Attachment 2 – Draft Official Plan Amendment No. 28

Attachment 3 – Draft Zoning By-law Amendment

Attachment 4 – Side Yard Demonstration, prepared by SvN Architects + Planners

Submitted by

Phoebe Chow, Senior Planner - Policy

Approved for Submission

Adrian Cammaert, Acting Manager, Planning Services

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Contact

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TOWN OF NEWMARKET

ESTABLISHED NEIGHBOURHOODS COMPATIBILITY STUDY

POLICY RECOMMENDATIONS REPORT

SEPTEMBER 2020

Newmarket

SvN

TABLE OF CONTENTS

EXECUTIVE SUMMARY

1.0 PROJECT PURPOSE AND PROCESS 1

1.1 Study Purpose 1

1.2 Study Area 2

1.3 Study Process 3

1.4 Document Structure 4

2.0 NEIGHBOURHOOD CLASSIFICATION SYSTEM 5

2.1 Overview 5

2.2 Public Engagement Feedback 5

2.3 Existing Conditions Analysis and Classification Process 5

2.4 Neighbourhood Classifications 13

2.5 Emerging Policy Directions 19

3.0 CONDITIONS ANALYSIS AND TESTING 23

3.1 Purpose 23

3.2 Approach and Methodology 23

3.3 Identification and Delineation of Variations in Character Areas 23

3.4 Sampling of Prototypical Site & Adjacency Conditions 26

3.5 Demonstrating Existing & Potential Built-Out Conditions 32

3.6 Evaluating Optimized Development Against Contemporary Design & Construction Standards 39

4.0 POLICY RECOMMENDATIONS 40

4.1 Existing Policy Structure 40

4.2 Recommended Changes to the Official Plan 40

4.3 Recommended Changes to the Zoning By-law 44

4.4 Visualizations of Neighbourhood Infill 61

APPENDICES

A - Draft Official Plan Amendment

B - Draft Zoning By-law Amendment

EXECUTIVE SUMMARY

Study Purpose and Process

The Established Neighbourhood Compatibility Study aims to develop recommendations for an Official Plan Amendment and implementing Zoning By-law Amendment to ensure compatibility of new development within established residential areas in the Town of Newmarket. These recommendations will guide and encourage new infill development which respects and responds to existing built form and community character.

The study focuses on residential neighbourhoods across the Town of Newmarket and was undertaken over a 22-month period, from January 2019 to October 2020. It comprises the following three phases:

- Phase 1: Background Review and Analysis;
- Phase 2: Policy Options; and
- Phase 3: Policy Recommendations & Amendments.

The study has incorporated robust and comprehensive community engagement into all three phases of work. These include public information meetings, interactive kiosks at community events, online surveys and social media engagement.

This report summarizes the results from Phase 3, which included an iterative process of conditions testing and analysis, which informed the preparation of final policy recommendations for the draft Official Plan and Zoning By-law Amendments.

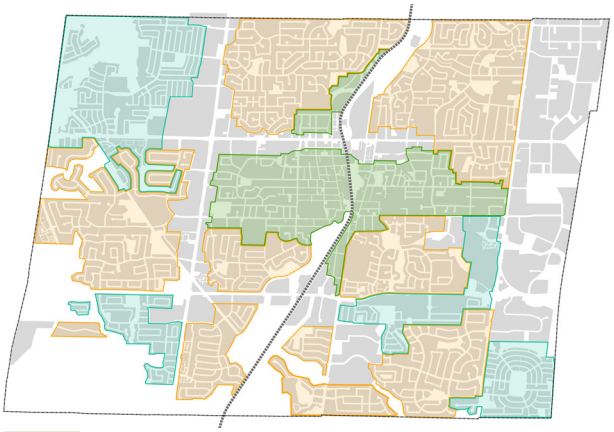
Neighbourhood Classifications and Emerging Directions

During Phase 2, a Neighbourhood Classification System, categorizing all residential neighbourhoods across Newmarket, was developed. These classifications were informed by visual analysis of existing conditions in residential neighbourhoods to understand indicative conditions and common trends. Images from 65 individual sites, spatially distributed across the Town and representing each era of Newmarket's development, were selected and for the purpose of analyzing a range of building design, site design and streetscape design conditions. The results, which were tabulated, highlighted shared characteristics amongst emerging neighbourhood typologies.

These typologies were further refined through consideration of additional criteria such as land use patterns, property boundaries, applicable designations and by-law regulations, and servicing capacity. As a result, five Preliminary Neighbourhood Classifications were identified. After the removal of outliers, three Preferred Neighbourhood Classifications were confirmed as the primary focus of the study. These included:

1. Organic Neighbourhoods (later renamed to Historic Core in draft OPA);
2. Traditional Suburban Neighbourhoods; and
3. Contemporary Suburban Neighbourhoods.

The study identified the delineated boundaries for each Neighbourhood Classification, as well as the pre-dominant built form and public realm characteristics of each.



Organic Neighbourhoods

Traditional Suburban Neighbourhoods

Contemporary Suburban Neighbourhoods

Conditions Analysis and Testing

Following the removal of the Contemporary Suburban Neighbourhood Character Area from the Interim Control By-law in December of 2019, the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas were subject to a four-step process of additional research and analysis in Phase 3. This was undertaken to help inform the recommendations for the draft Official Plan Amendment and implementing draft Zoning By-law Amendment. This process included:

1. The identification and delineation of variations to predominant built form and public realm conditions;

2. The sampling of prototypical site and adjacency conditions within each variation and generally;

3. The preparation of virtual three-dimensional modelling to demonstrate the differences between existing and potential build-out conditions within the sampled prototypical site and adjacency conditions to illustrate the impacts of maximized as-of-right development vs. optimized development to reflect predominant built form and public realm conditions within the variation; and

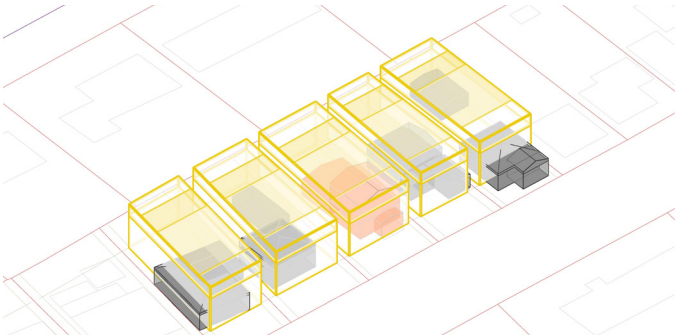
4. The evaluation of optimized development against contemporary architectural and constructions standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering to establish an updated Zoning envelope.

The analysis found five unique and definable variations, existing at the street and block-scale in the case of the Organic Neighbouhood Character Area, and at the subdivision scale for the Traditional Suburban Neighbourhood Character Area.

A total sample of 84 sites and adjacent properties were selected for detailed examination. For each of the samples, a set of data regarding site and adjacency conditions was collected. This included the variation type, building height, finished first floor height number of storeys, front yard setback, location of established building face relative to adjacent properties, lot coverage, and roof type. This information was then analyzed to determine how existing conditions compared against the as-of-right zoning envelope.

The analysis found that in both Organic Neighbourhoods and Traditional Suburban Neighbourhoods, existing heights and lot coverages were found to be significantly less than the permitted standards in current Zoning By-laws. Generally, it found a positive correlation between the length of the setback and the lot size, but no relationship between the height of the house and the length of the setback. Additionally, it found that dwellings in the Traditional Suburban Neighbourhoods had more uniform conditions in comparison to the Organic Neighbourhood, which was more varied.

Following this, 3D modelling for prototypical sites were developed in order to illustrate three varying conditions: existing conditions; maximized build-out conditions based on Zoning By-law regulations; and optimized build out conditions based on potential ability to address neighbourhood compatibility.



Sample Optimized Build-Out for Variation 2 Typology in Organic Neighbourhoods

These models indicated that the maximized build-out conditions based on existing as-of-right Zoning By-law regulations generally allow for built forms which are not in keeping with adjacent properties, and the character of surrounding neighbourhoods. It indicated that greater consideration of lot coverage, height and setback requirements of adjacent and/or surrounding properties could be used to help support more contextually-appropriate infill development. Additionally, the analysis demonstrated that the way in whcih parameters such as building height are defined could be improved to better regulate built form.

Finally, the optimized building conditions were evaluated against architectural and construction standards, including the applicable Ontario Building Code regulations, in order to help inform potential changes to the Zoning By-law.

At the conclusion of the conditions testing and analysis process, the terminology of the Neighbourhood Classifications was revised for improved clarity and specification. Organic Neighbourhoods, Traditional Suburban Neighbourhoods and Contemporary Suburban Neighbourhoods were revised to Historic Core Character Area, Traditional Suburban Character Area and Contemporary Suburban Character Area.

Policy Recommendations

The current Official Plan includes an outdated land use designation structure delineating Stable Residential Areas and Emerging Residential Areas, as both are at full build-out. Furthermore, permissions for higher-density forms such as triplexes, fourplexes, townhouses and row-houses are limited to Emerging Residential Areas only. The current Zoning By-law is not reflective of current conditions and includes standards which permit built forms that are incompatible with existing properties in residential neighbourhoods.

Based on the findings of the research and analysis, this report makes a series of recommendations intended to support an Official Plan Amendment and implementing Zoning By-law Amendment.

Recommendations for the Official Plan include:

- Removing references to Stable and Emerging Residential Areas land use designations and consolidate these into a combined Residential Areas designation;
- Introducing new policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implementing a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and
- Identifying a defined list of pre-dominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm conditions.

Recommendations for the Zoning By-law include:

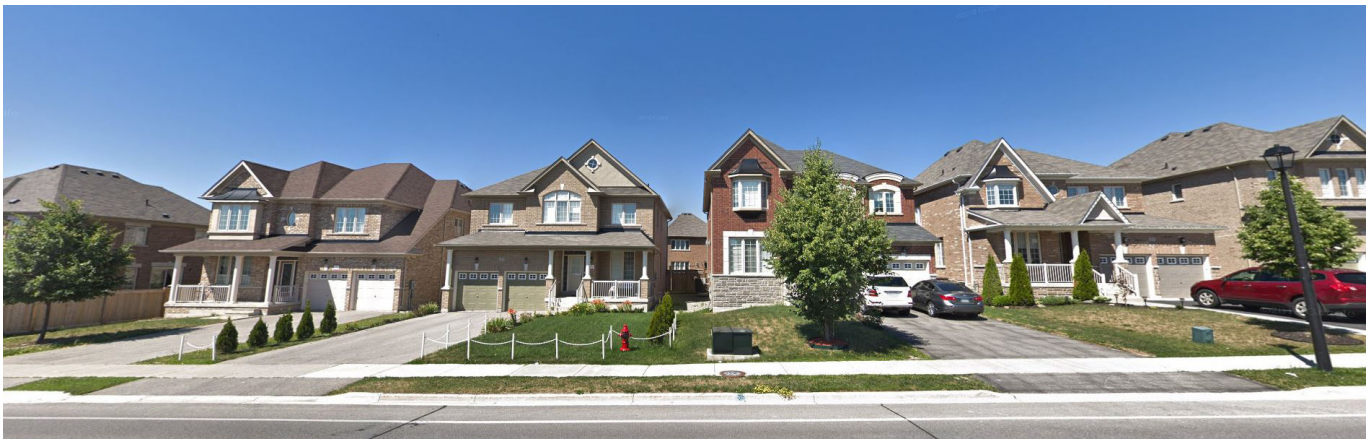
- Introducing a series of new and/or revised definitions in order to more effectively and accurately regulate built form, including but not limited to the definition of basement, grade (established or finished), roof (flat, pitched), height and storey; and
- Presenting changes to front yard setbacks, interior side yard setbacks, maximum lot coverage, and maximum height requirements.

These proposed amendments will support new development which respects the prevailing physical character of existing established neighbourhoods while allowing for gradual, context-sensitive growth and change within the Town of Newmarket.

CANADA

1.0 INTRODUCTION

1.1 Study Purpose



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

Within Newmarket, infill development is occurring across a number of residential neighbourhoods. The sensitive redevelopment of these areas can add significant value to the community by boosting the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching local communities. However, recent development has also triggered concerns from residents regarding the compatibility of new homes or additions in established neighbourhoods.

In 2013, municipal staff introduced Zoning By-law 2013-30, which modified the maximum permitted height, maximum permitted coverage, and front yard setback requirements for older established areas of Newmarket in order to combat incompatible development. Concerns of perceived incompatible development persisted and, as a result, the Town of Newmarket enforced an Interim Control By-law (2019-04), to allow for a more extensive study. The purpose of this Established Neighbourhoods Compatibility Study is to advance the Town's efforts by developing an Official Plan Amendment and implementing Zoning By-law Amendment for established residential neighbourhoods.

This study identifies residential neighbourhoods based on pre-dominant characteristics and introduces a suite of policy recommendations that enable context-sensitive development in line with the existing built form. It recognizes where the existing policy framework can be improved and adapted to reflect current on-the-ground conditions and broader planning goals. The objective is to introduce policy recommendations that acknowledge, respect and are compatible with the existing physical neighbourhood character, while retaining flexibility for residential infill where appropriate to accommodate future growth.

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

1.2 Study Area

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

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

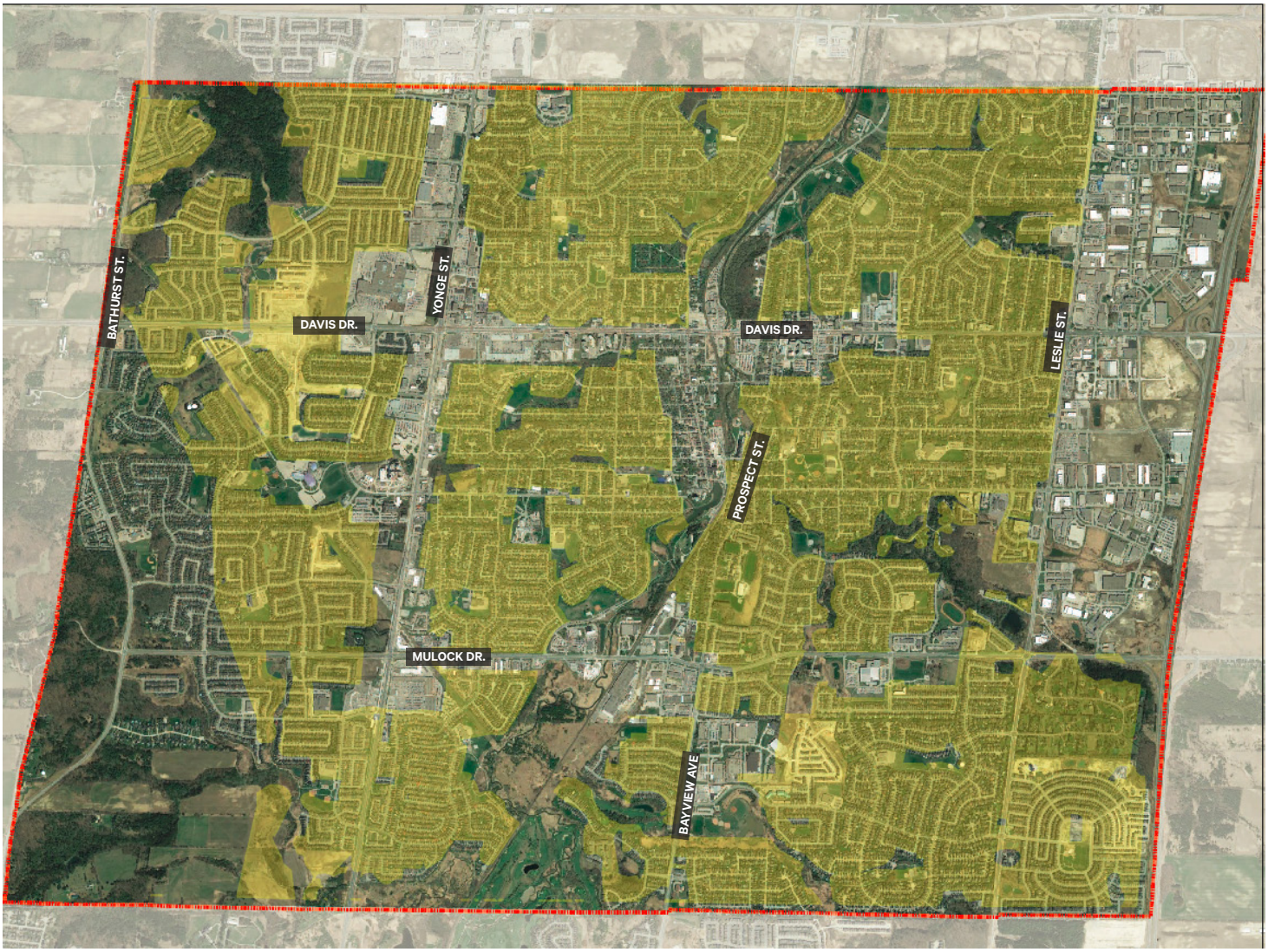


Figure 1. Aerial Map - Study Area

0 250 500 1000m

1.3 Study Process

The study was undertaken over a 22-month period from January 2019 to October 2020. It was structured in the three following phases (Figure 2):

Phase 1: Background Review and Analysis

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

Findings from this phase of work can be found in the Background Report, which was presented to Town Council / Committee of the Whole in the late summer of 2019.

Phase 2: Policy Options

Phase 2 involved the development of a draft Neighbourhood Classification System through a set of key evaluation criteria and determination of draft policy options. Public consultation was undertaken to collect feedback on the draft Neighbourhood Classification System, and specifically on how accurately they reflected residents' perceptions and experiences of their neighbourhoods.

Findings from this phase of work were captured in the Draft Policy Options Report, which was presented to Town Council/Committee of the Whole in the fall of 2020.

Phase 3: Policy Recommendations & Amendments

Phase 3 involved the refinement and finalization of the Neighbourhood Classification System. This included a four-step process of additional research and analysis, which involved detailed conditions testing, modelling and evaluation. Based on the findings of the research and analysis, a set of recommendations was identified to inform the preparation of an Official Plan Amendment and implementing Zoning By-law Amendment.

Draft Final Policy Recommendations were presented at a Statutory Public Meeting on August 31, 2020. Subsequently, a Special Committee of the Whole meeting was held on September 22, 2020.

Figure 2. Study Process

1.4 Document Structure

This report is organized into the following sections:

Section 1: Introduction provides an overview of the study purpose, study process and study area to serve as general information and context-setting for the report.

Section 2: Neighbourhood Classifications and Emerging Directions outlines the Neighbourhood Classification System as developed through the end of Phase 2 of the study. This includes a summary of public engagement feedback received during consultation activities to date, as well as the rationale behind the methodology and criteria used to shape the classification system. Finally, Section 2 provides an overview of the identified character statements and pre-dominant characteristics for each of the Organic Neighbourhoods, Traditional Suburban Neighbourhoods, and Contemporary Suburban Neighbourhoods classifications, as well as the Emerging Policy Directions that began to form the basis of the Policy Recommendations presented in Section 4 of this report.

Section 3: Conditions Analysis and Testing contains the approach, methodology and research findings of the four-step process used to further inform the Neighbourhood Classification Systems and final policy recommendations. This analysis included identifying and delineating variations in identified Character Areas, sampling prototypical site and adjacency conditions, demonstrating existing and potential built-out conditions, and evaluating optimized development against contemporary design and construction standards. This analysis provided more detailed insight into the minor variations that exist within and between properties in each Neighbourhood Classification, specifically as they relate to building height, lot width and depth, setbacks, and lot coverage.

Section 4: Policy Recommendations covers the existing policy structure and final policy recommendations. This includes proposed changes to the Official Plan, including revisions to land use designations and policy language, and the Zoning By-law, including new and updated definitions, regulations and standards. It concludes by presenting a series of demonstration plans which visualize the proposed regulations as applied to real-world examples of neighbourhood infill in other GTA municipalities.

2.0 NEIGHBOURHOOD CLASSIFICATION SYSTEM & EMERGING DIRECTIONS

2.1 Overview

Throughout Phases 1 and 2, a detailed existing conditions analysis was undertaken to begin to identify patterns in the existing built form and public realm conditions within residential neighbourhoods across Newmarket. An image-based analysis of building design, site design and streetscape design characteristics, coupled with additional inputs including land use designations, streets and property boundaries, municipal servicing data and applicable by-laws, informed the development of five preliminary neighbourhood classifications. Through further analysis and identification of outliers, this was refined to consist of three preferred Neighbourhood Classifications: Organic Neighbourhoods; Traditional Suburban Neighbourhoods; and Contemporary Suburban Neighbourhoods.

Additionally, a detailed planning policy review helped identify gaps in the current framework. This contributed to a set of emerging policy directions centred around retaining neighbourhood character and physical stability while allowing for sensitive infill where appropriate.

2.2 Public Engagement Feedback

A robust process of public consultation and engagement was conducted over the course of the study. These engagement activities included: two Public Information Centre events where study findings were shared with residents through presentations and visual storyboards; a pop-up booth at the Saturday Farmer's Market where residents were engaged in a more informal setting; and online engagement including an interactive project website, online survey and social media handles providing project updates. Engagement activities were designed with the intent to reach a broad spectrum of residents, including participants from a wide range of demographic groups and residential neighbourhoods across Newmarket.

Public feedback generated insights into residents' neighbourhood perceptions, including the elements and characteristics that they value most. The study found that residents' perception of their local "neighbourhood" typically does not exceed a 5-hectare area. Residents highly value the trees, parks and open spaces in their neighbourhoods, often more than the built form. Generally, residents in older areas had more positive perceptions of their neighbourhood. The majority of residents feel a strong sense of community and appreciate their overall quality of life.

Conversely, concerns were raised over the height, massing, scale and density of specific infill developments (including 'monster houses'), and the negative implications such developments have had on the physical character of the neighbourhood. Concerns were also raised regarding management of new development. Participants generally supported introducing new policies and regulations to enable future development that fits harmoniously within the context of existing residential neighbourhoods.

2.3 Existing Conditions Analysis and Classification Process

The existing conditions review included an iterative process of identifying, analyzing and documenting the current character of Newmarket's neighbourhoods. Images of 65 sites across Newmarket's residential neighbourhoods were collected and analyzed (Figure 3). A spatially-distributed sampling of streetscapes and adjacent properties from all major eras of the Town's development was used to capture a representative range of building types, street types, and subdivision types. Each site was assessed on the basis of 22 building, site and streetscape design characteristics, which were logged in a comprehensive spreadsheet.

Analysis of the tabulated data revealed that Newmarket's neighbourhoods contain a range of building types, as well as built form and public realm characteristics. It identified clear similarities and differences between neighbourhoods, broadly based on their era of development. The following key elements were identified as informing neighbourhood character in Newmarket:

Built Form

- Lot dimensions;
- Front, side and rear yard setbacks;
- Siting and orientation;
- Lot coverage;
- Parking and vehicular access;
- Pedestrian access;
- Building entrance location;
- Private landscaping;
- Architectural style and expression;
- Materiality;
- Building height;
- Massing;
- Building depth;
- Ground floor height.

Public Realm

- Street and block pattern;
- Street width;
- Sidewalk continuity;
- Sidewalk width;
- Landscaped boulevards;
- Street tree canopy;
- Utility placement.

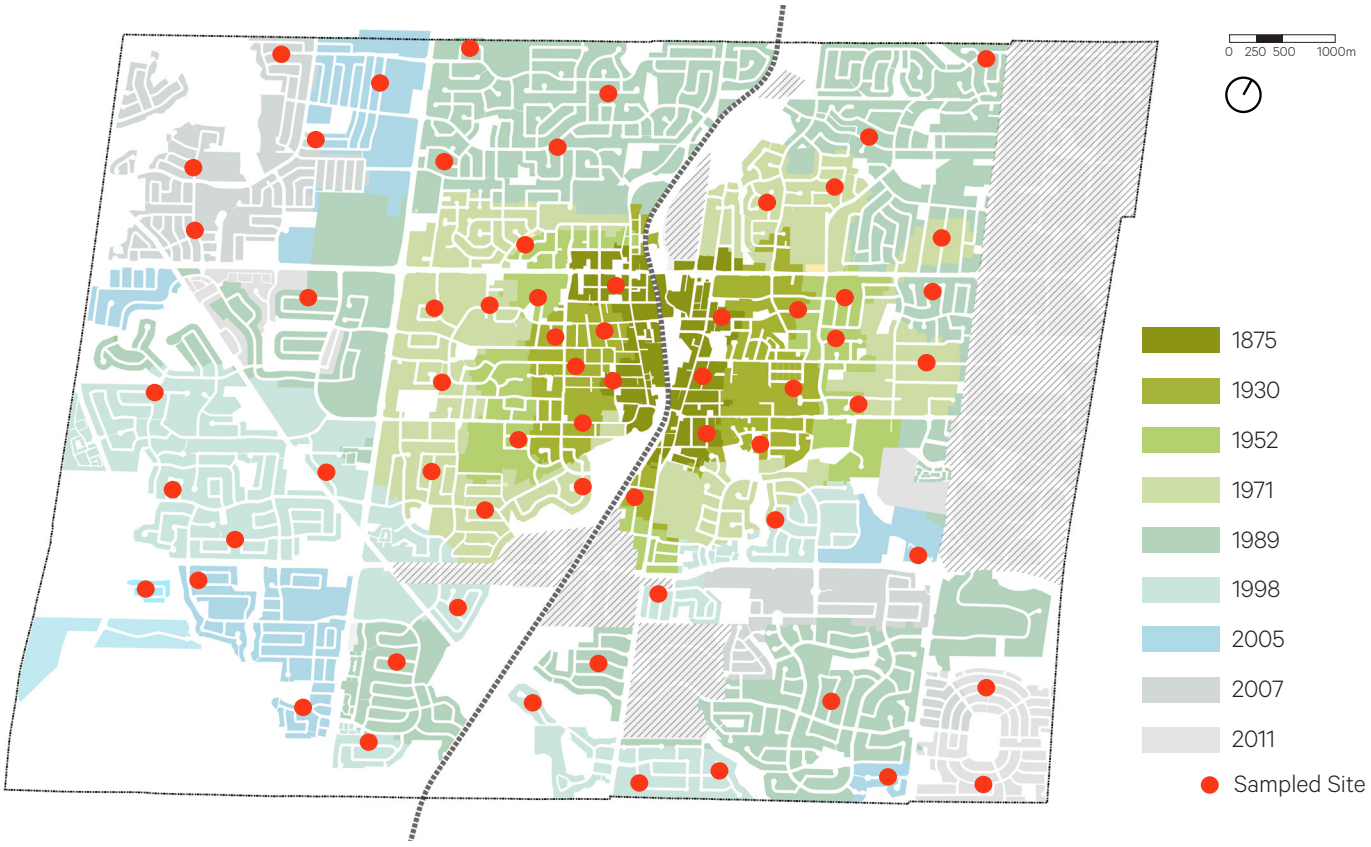
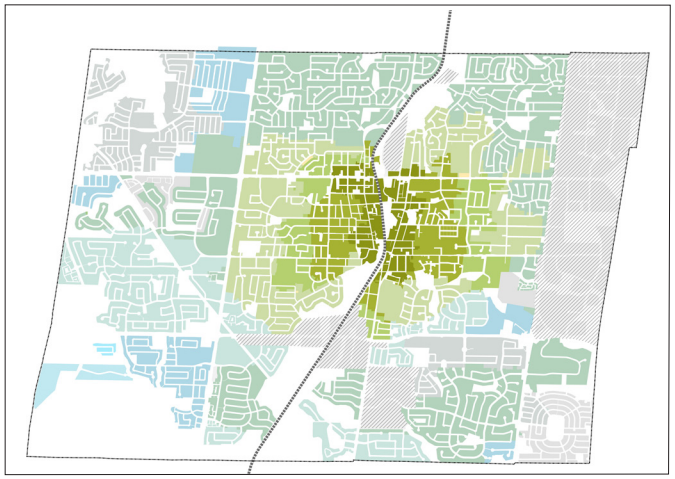


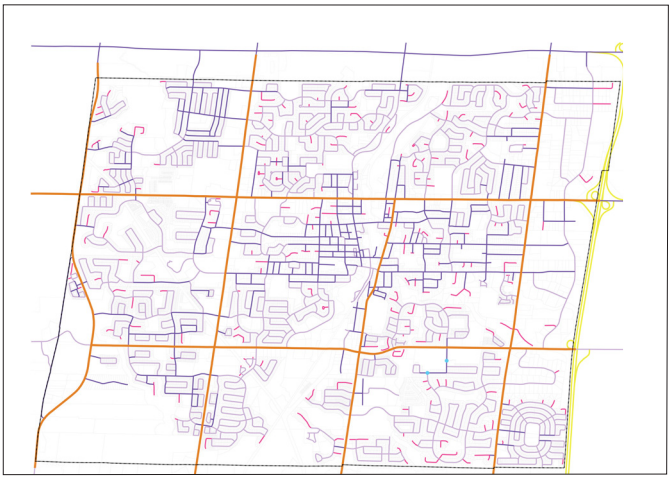
Figure 3. Sampled Sites for Existing Conditions Analysis

1 Age of development



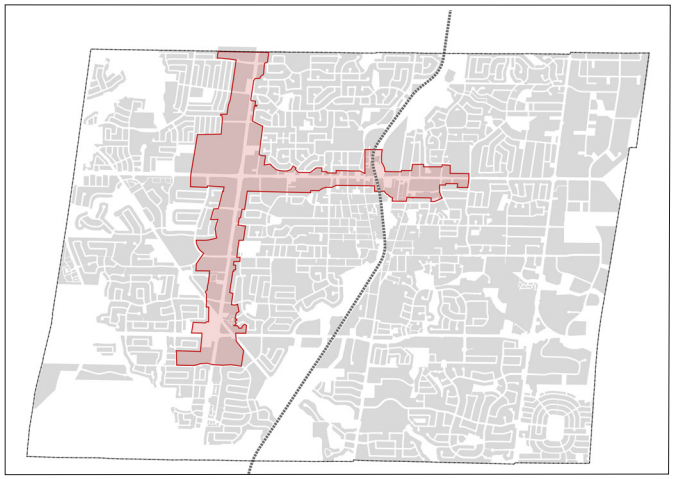
Map depicting the historical progression of development in Newmarket - see Background Report for more information.

2 Existing major streets and property boundaries



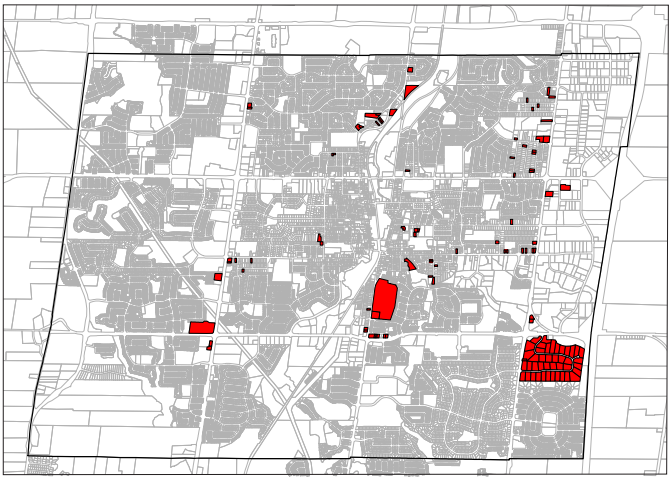
Map depicting the street form of Newmarket - see Background Report for more information.

3 Existing Urban Centres boundary



Map depicting the Urban Centres boundary.

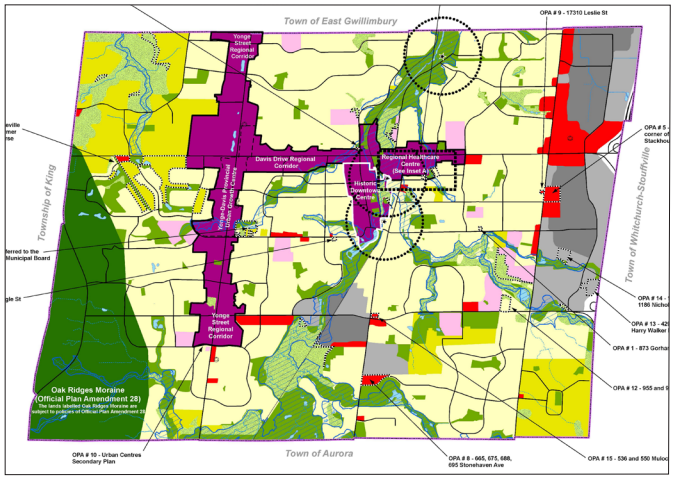
4 Well and septic data



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

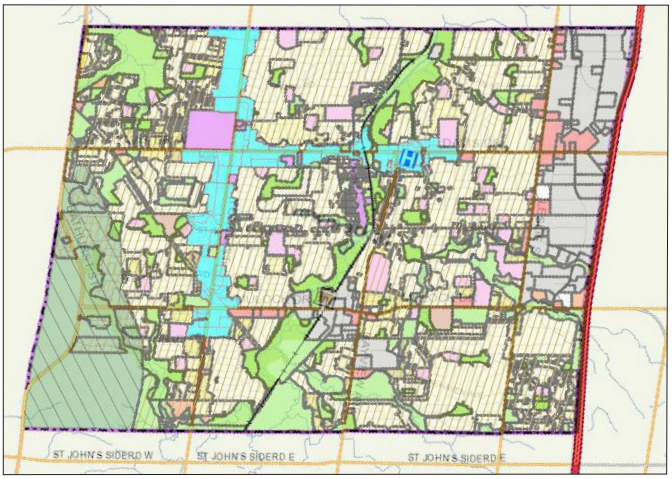
Figure 4. Four of the key evaluation criteria in the boundary delineation process

5 Land use designations



Schedule A Land Use map from the Town of Newmarket Official Plan.

6 Applicable zoning by-law regulations



Zoning map from 'Navigate Newmarket Interactive Map'

7 Interpretation of the built form

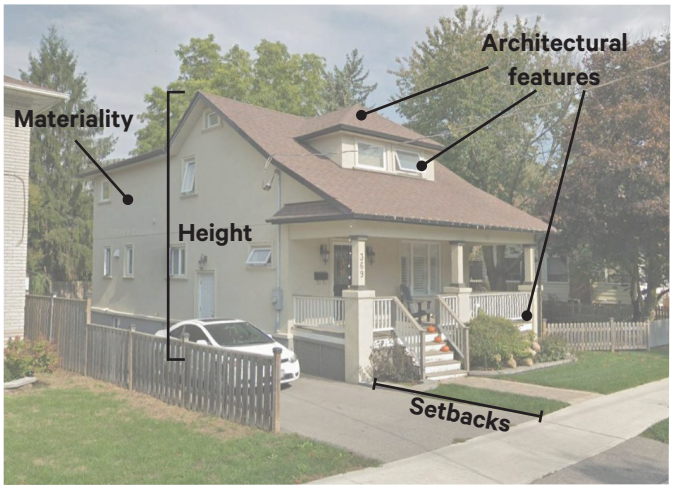


Image only shows some of the elements interpreted, see Section 2.3 for a full list.

8 Interpretation of the public realm

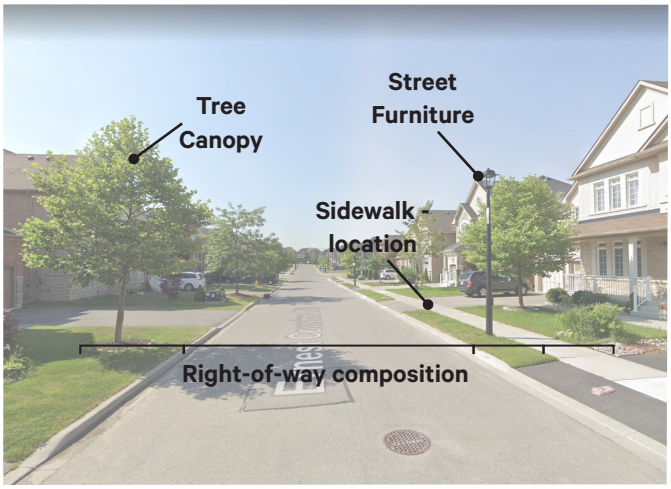


Image only shows some of the elements interpreted, see Section 2.3 for a full list.

Figure 5. Four of the key evaluation criteria in the boundary delineation process

Taking into account these built form and public realm characteristics, Phase 2 involved the preparation of a Neighbourhood Classification System to delineate neighbourhood areas recognized as characteristically distinct from one another. This delineation was informed by a set of key evaluation criteria (Figures 4 and 5). These criteria emerged out of Phase 1 findings and were informed by discussions with the public and key stakeholders. These are:

Age of Development

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

Existing Major Streets and Property Boundaries

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

Existing Urban Centres Boundary

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

Well and Septic Data

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

Applicable Land Use Designations

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

Applicable Zoning By-Law Regulations

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

Interpretation of the Built Form

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

Interpretation of the Public Realm

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

Building upon the analysis of existing conditions and taking into account the evaluation criteria, five Preliminary Neighbourhood Classifications were identified (Figure 6), which included:

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

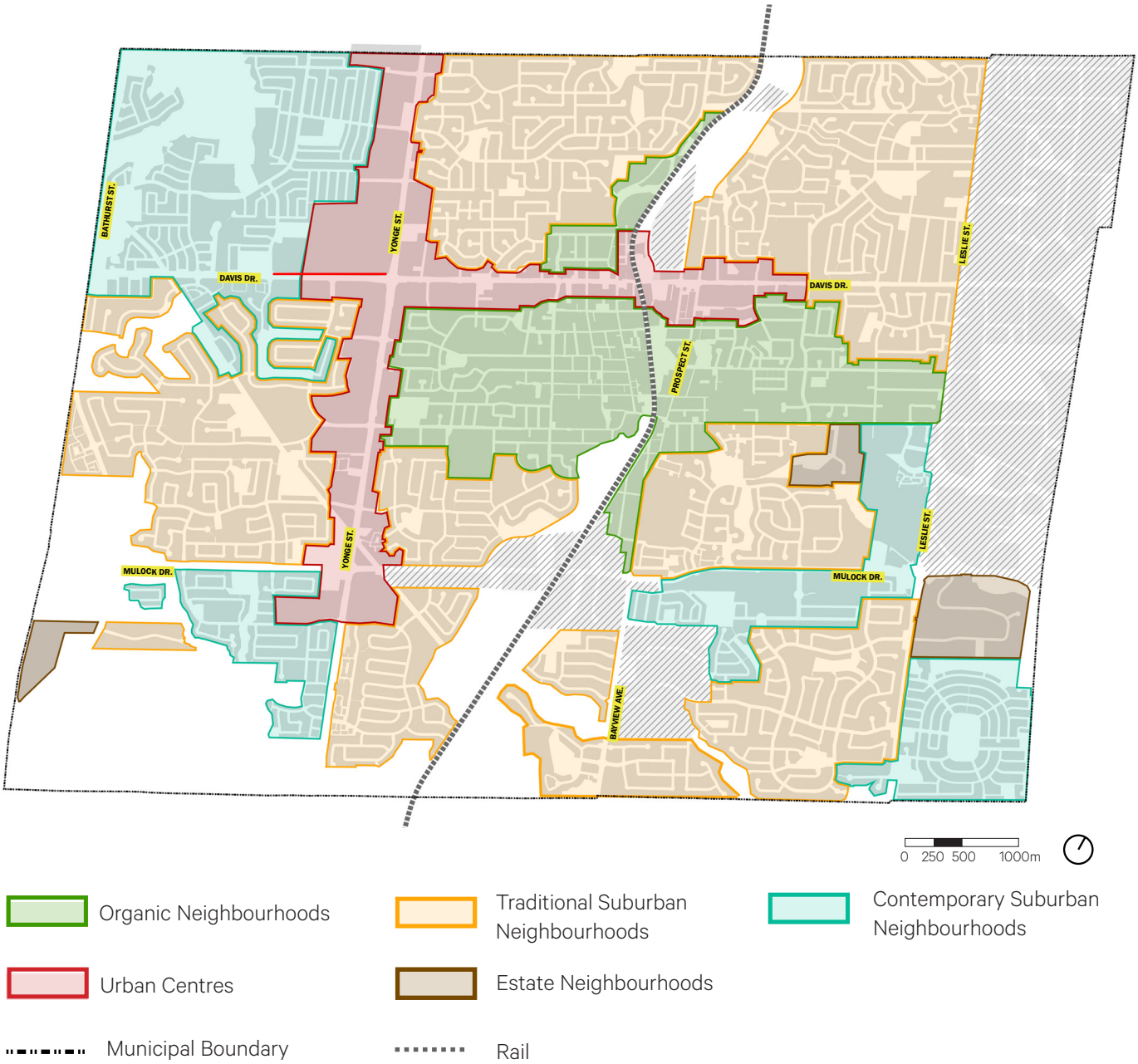


Figure 6. Preliminary Neighbourhood Classifications

The Urban Centres is a mixed-use area permitting a wide range of residential, office, commercial and community uses, focused on the major corridors of Yonge Street and Davis Drive (Figure 7). The area is expected to accommodate a significant amount of future growth. The Urban Centres is already subject to an area-specific Urban Centres Secondary Plan and Urban Centres Zoning By-law. As such, it will not be subject to further study.

The Estate Neighbourhoods are lands generally situated at the periphery of Newmarket, Developed between the 1940's and 1960's, these areas are characterized by curvilinear street patterns, long and often undefined discontinuous blocks, deep setbacks, and large lots, and are distributed among large sections of naturalized or wooded areas (Figure 8). They are not anticipated to accommodate future growth, due to constrained capacity of existing servicing infrastructure. Therefore, they will not be subject to further study.

Figure 7. Aerial of Intersection of Yonge Street and Davis Drive - Urban Centres

Figure 8. Aerial View Southeast towards Kingdale Road - Estate Neighbourhoods

As a result of these exclusions, three Preferred Neighbourhood Classifications were brought forward and identified as areas of focus for this study (Figure 9).

These include:

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

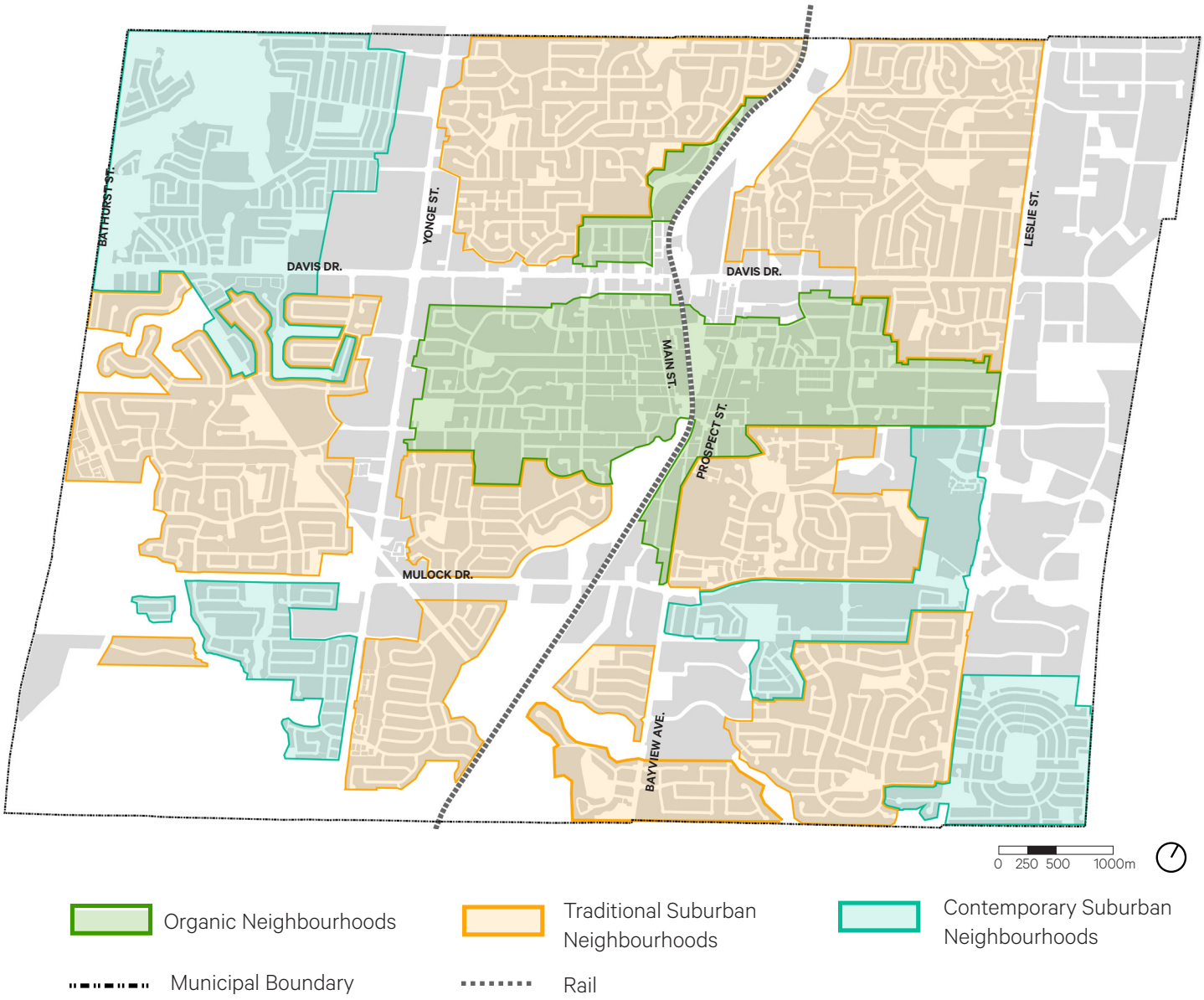


Figure 9. Preferred Neighbourhood Classifications

2.4 Neighbourhood Classifications

2.4.1 Organic Neighbourhoods

Organic Neighbourhoods are situated within and surrounding the historic core of the Town of Newmarket (Figure 10). They were generally developed prior to the 1940's and the advent of subdivision-based planning. They are characterized by smaller blocks with an interconnected grid of narrow streets, continuous sidewalks, varied landscaping, mature tree canopies, varied lot patterns, front and side-yard driveways with a variety of parking configurations, varied setbacks, and 1-2 storey building heights. Figure 11 illustrates the typical form of these neighbourhoods.

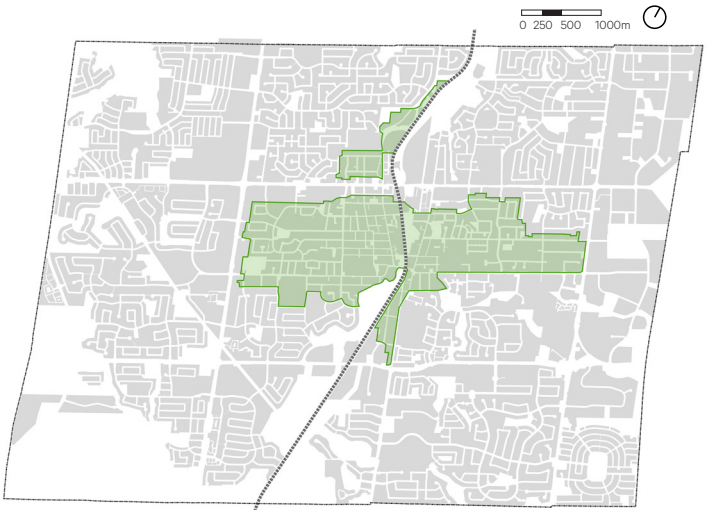


Figure 10. Locational Map for Organic Neighbourhoods

Figure 11. Organic Neighbourhoods Illustrative Typology

Predominant Public Realm Characteristics

Predominant public realm characteristics of the Organic Neighbourhoods include:

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

Predominant Built Form Characteristics

Predominant built form characteristics of the Organic Neighbourhoods include:

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

Streetscape featuring continuous sidewalks, narrow street widths and extensive tree canopy

Built form featuring 2-storey building height, front porch, and shallow front yard setback

Figure 12. Select Characteristics in Organic Neighbourhoods

2.4.2 Traditional Suburban Neighbourhoods

Traditional Suburban Neighbourhoods are generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Neighbourhoods, which traverse the periphery of the Town (see Figure 13). They were generally developed between the 1940's and 1990's, following the advent of subdivision-based planning. They are characterized by longer and often disconnected blocks of curvilinear streets, discontinuous sidewalks, varied landscaping, evolving and maturing tree canopies, varied lot patterns, front and side-yard driveways with attached garages, varied setbacks, and 1-2 storey building heights. Figure 14 illustrates the typical form of these neighbourhoods.

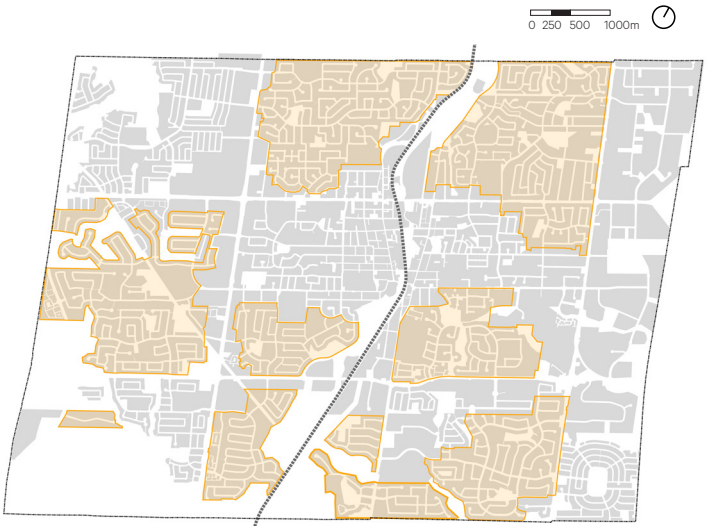


Figure 13. Locational Map for Traditional Suburban Neighbourhoods

Figure 14. Organic Neighbourhoods Illustrative Typology

Predominant Public Realm Characteristics

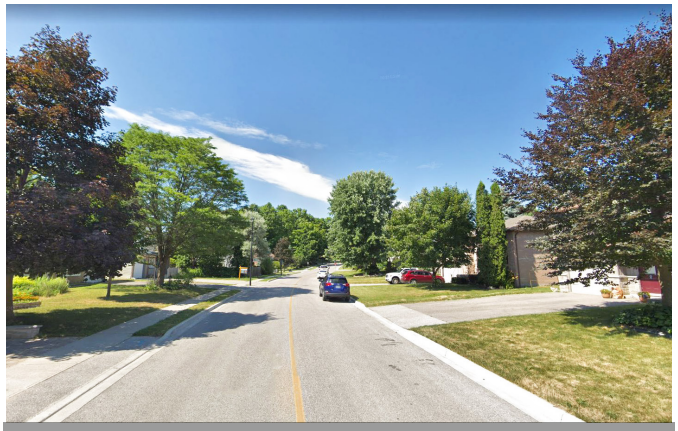
Predominant public realm characteristics of the Traditional Suburban Neighbourhoods include:

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

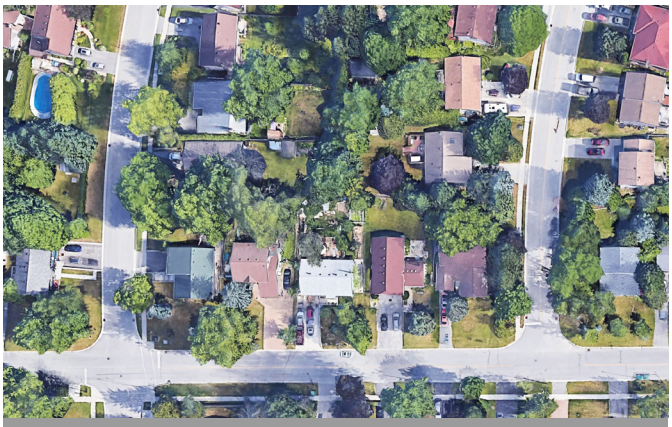
Predominant Built Form Characteristics

Predominant built form characteristics of the Traditional Suburban Neighbourhoods include:

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



Streetscape with significant street widths and discontinuous sidewalk network



Built form with consistent front yard setbacks and uniform front yard driveways

Figure 15. Select Characteristics in Traditional Suburban Neighbourhoods

2.4.3 Contemporary Suburban Neighbourhoods

Newmarket's Contemporary Suburban Neighbourhoods are generally situated at the periphery of the Town, beyond the Traditional Suburban Neighbourhoods, and adjacent to the Estate Neighbourhoods (see Figure 16). They were generally developed following the 1990's. They are characterized by moderately sized blocks with an interconnected modified grid of moderately sized streets, continuous sidewalks and landscaping, recently planted and emerging tree canopies, consistent lot patterns, front yard driveways with attached garages, consistent setbacks, and 2-storey building heights. Figure 17 illustrates the typical form of these neighbourhoods.

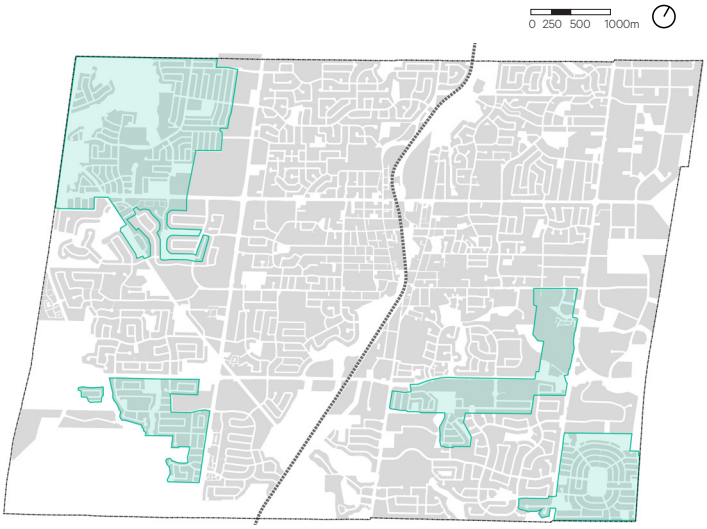


Figure 16. Locational Map for Contemporary Suburban Neighbourhoods

Figure 17. Contemporary Suburban Neighbourhoods Ilustrative Typology

Predominant Public Realm Characteristics

Predominant public realm characteristics of the Contemporary Suburban Neighbourhoods include:

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

Predominant Built Form Characteristics

Predominant built form characteristics of the Contemporary Suburban Neighbourhoods include:

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

Streetscape featuring short blocks, frequent intersections and minimal tree canopy

Built form featuring 2-storey building heights and consistent front yard driveways

Figure 18. Select Characteristics in Contemporary Suburban Neighbourhoods

2.5 Emerging Policy Directions

Overview

Informed by a review of the existing municipal planning policy and insights from the process of categorizing and delineating the various Neighbourhood Classifications, a number of emerging policy directions were identified at the end of Phase 2. These emerging policies, summarized below, were eventually brought forward for more detailed exploration in Phase 3 and formed the basis of final recommendations for both the proposed Official Plan Amendment and Zoning By-law Amendment.

Existing Municipal Planning Policy Framework

Development throughout Newmarket's established neighbourhoods is guided by a hierarchy of provincial, regional and municipal land use policies. In terms of regulating built form, the municipal Official Plan and Zoning By-law are the most relevant documents guiding and controlling residential character.

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

In Stable Residential Areas, permitted residential forms are restricted to single-detached and semi-detached dwellings, with the intent of the policy to sustain and enhance the character and identity of existing neighbourhoods. Intensification is limited to accessory dwelling units and infill units through the creation of new lots consistent with the size and form of housing as a whole. Increased variety is encouraged In Emerging Residential Areas. Through the pre-dominant use of land is still identified as single-detached and semi-detached dwellings, rowhouses and townhouses are also permitted.

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

The Comprehensive Zoning By-law is subject to variations through Zoning By-law Amendments. One such example is By-Law 2013-30, which reduces maximum permitted height and coverage in areas generally within Newmarket's older organic core.

Key Issues and Challenges

As the study progressed, there were a number of key issues and challenges that emerged out of the existing conditions analysis, planning policy review, public consultation and discussions with Town staff. The project identified gaps in the current framework, as well as potential opportunities that could inform a more comprehensive, forward-thinking and inclusive treatment of growth and development within Newmarket's residential neighbourhoods.

Some of these key issues included:

- Outdated binary land use designations of Stable Residential Areas and Established Residential Areas, which no longer reflect on-the-ground conditions as almost all of the lands designated as Emerging Residential Areas have been developed;
- A lack of recognition within the current Official Plan for the variation in built form and public realm character between residential neighbourhoods and the treatment of all residential areas as one homogenous whole;
- Inconsistency between zoning permissions contained within the Comprehensive Zoning By-law and existing built form conditions, particularly in older neighbourhoods where homes built in the 1940's and 50's pre-date the modern zoning by-law, meaning that new infill developments being constructed as-of-right are not physically compatible with their older counterparts;
- A significant number of disparate and complex in-force Zoning By-laws across the Town of Newmarket, which have been developed, enacted and/or partially repealed over time. These include Zoning By-law 2010-40, Zoning By-law 2013-30, Zoning By-law 1981-61 and Zoning By-law 1979-50; and,
- Recognition that current site-specific by-laws, which aim to regulate for neighbourhood compatibility, are stop-gap measures, and that a comprehensive town-wide approach is needed.

Some key opportunities identified include:

- Maintaining the stability of Residential Areas, while allowing for redevelopment and contextually-sensitive infill which demonstrates compatibility with the established character of a neighbourhood;
- Adding physical and intrinsic value through new development; including but not limited to: an expanded customer base for local shops, more participation in local community and residents groups, increased property values, and greater provision of community facilities and infrastructure;
- Defining neighbourhood character through updates to the Official Plan, to identify specific qualities which contribute to neighbourhood character and open up opportunities to protect and enhance these features;
- Providing additional policy direction on the elements of neighbourhood character that should be protected and enhanced, leaving less ambiguity in the interpretation of what constitutes 'compatible' development;
- Simplifying the existing collection of in-force Zoning By-laws to allow Zoning By-law 2010-40 to cover all areas of the Town, streamlining planning processes for both Town staff and applicants by reducing the need to consult and cross-reference several by-laws; and,
- Introducing zoning regulations which more accurately reflect the existing built form in neighbourhoods across the Town of Newmarket, such as adopting more context-specific permissions.

Emerging Policy Directions

A number of policy options emerged as a result of findings from Phases 1 and 2 of the study. This was informed by the analysis of existing conditions, development of the Preferred Neighbourhood Classification System, and public and stakeholder feedback (Figure 19).

The emerging directions from Phases 1 and 2 indicated that any policy changes should retain neighbourhood character and physical stability while allowing for sensitive infill and supporting broader housing goals. Changes should recognize the distinct built form and public realm conditions across residential neighbourhoods. Analysis indicated that introducing a series of Residential Character Areas was be a potential solution to ensuring that defining characteristics are acknowledged and maintained.

At the Official Plan level, preliminary findings indicated that consideration should be given to replacing the Stable Residential Areas and Emerging Residential Areas land use designations with a singular Residential Areas land use designation. In addition, findings indicated that consideration should be given to introducing a new layer of Official Plan policy to provide specific direction for new development within individual Residential Character Areas. This new section would define the boundaries of the Residential Character Areas, provide a neighbourhood character statement and list of predominant considerations for each, and acknowledge that within each Character Area development shall demonstrate compatibility with the existing neighbourhood.

At the Zoning By-law level, preliminary findings indicated that consideration should be given to pursuing one of three potential policy options to regulate building and lot standards within each of the three Residential Character Areas. This included:

- Option 1: three area-specific Zoning By-law Amendments, one for each of the Residential Character Areas, with rigid zone standards specific to the distinct conditions which present themselves within the three areas.
- Option 2: a town-wide Zoning By-law Amendment for all residential zones, with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of town-wide minimum and maximum standards and a specified tolerance for variation. This option was identified as the preferred approach following Phase 2.
- Option 3: a hybrid solution combining Options 1 and 2, consisting of three area-specific Zoning By-law Amendments with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of Character Area-specific minimum and maximum standards and a specified tolerance for variation.

These emerging policy directions helped inform the conditions testing that was undertaken in Phase 3 of the study. In combination with results from the conditions testing, they also formed the basis of the final policy recommendations, detailed in Section 4 of this report.

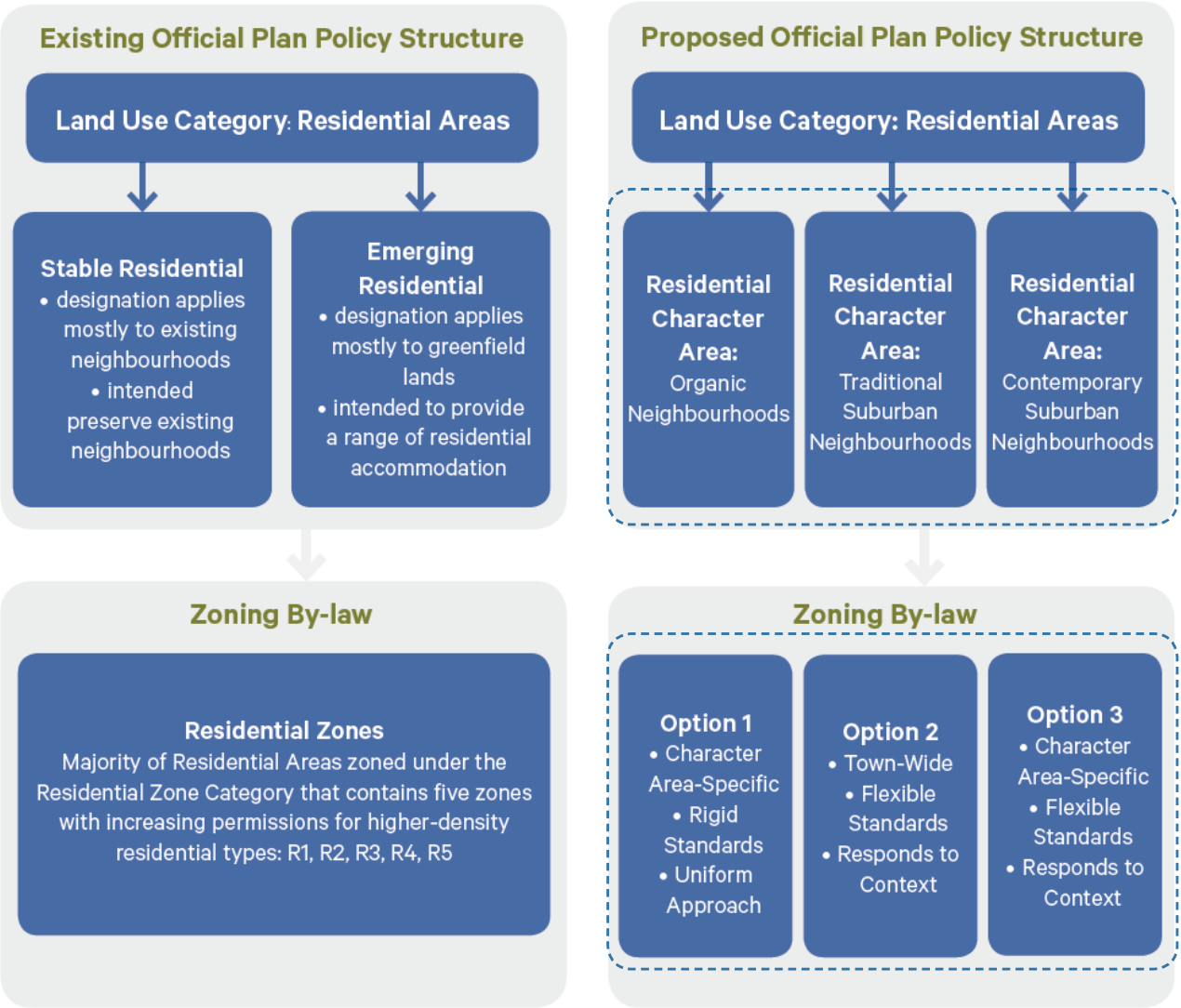


Figure 19. Summary of Existing Policy Framework and Emerging Policy Directions - Phase 2

3.0 CONDITIONS ANALYSIS AND TESTING

3.1 Purpose

Following the results of Phases 1 and 2, additional analysis was undertaken to inform the preparation of the draft Official Plan Amendment and implementing draft Zoning By-law Amendment.

The purpose of this additional analysis was to move beyond general Neighbourhood Classifications and towards identifying the variations within them. This included an additional degree of specificity, including numerical standards and/or averages of existing built realm characteristics as compared against the as-of-right zoning envelope.

3.2 Approach and Methodology

The Town of Newmarket's Contemporary Suburban Neighbourhoods are fully built-out, and are not anticipated to undergo significant change over planning horizon associated with this study. Because of this, the Contemporary Suburban Neighbourhoods were removed from the boundaries of the Interim Control By-law in December of 2019, and were not subject to additional study.

With respect to the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas, a four-step process of additional research and analysis was undertaken to help inform the preparation of the draft Official Plan Amendment and implementing draft Zoning By-law Amendment. This process included:

1. The identification and delineation of variations to predominant built form and public realm conditions;
2. The sampling of prototypical site and adjacency conditions within each variation and generally throughout the Character Areas;
3. The preparation of virtual three-dimensional modelling to demonstrate the differences between existing and potential build-out conditions within the sampled prototypical site and adjacency conditions to illustrate the impacts of maximized as-of-right development vs. optimized development to reflect predominant built form and public realm conditions within the variation; and,
4. The evaluation of optimized development against contemporary architectural and constructions standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering to establish an updated Zoning envelope.

3.3 Identification and Delineation of Variations in Character Areas

While the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas are classified according to predominant built-form and public realm characteristics, minor variations in these conditions exist throughout each neighbourhood classification. For the purpose of defining these variations, the following built-form and public realm elements were examined:

- Lot width and depth;
- Type of dwelling;
- Landscaping conditions;
- Setback conditions;
- Existing vs. permitted building height;
- Existing finished first floor height; and,
- Existing vs. permitted lot coverage.

Through this analysis, the following five variations were identified (Figure 20). These variations and a summary of their consistent and varying conditions are summarized in the table below.

Variation 1	Variation 2	Variation 3	Variation 4	Variation 5
Consistent Conditions: • Low lot coverage (under 20% with many around 15%) • Rectilinear lot and block shape • Front lot widths range from 20-25m • Depth of lots around 3x the width or more (long skinny lots) • Single-detached dwellings • Typically has R1-C/R1-D zoning	**Consistent Conditions:** • Low to medium lot coverage (many around 20-25%) • Rectilinear and curvilinear lot and block shape • Front lot widths range from 20-25m • Depth of lots around 2x the width • Single-detached dwellings • Typically has R1-C/R1-D zoning, some R1-E/R1-F	**Consistent Conditions:** • Low to medium lot coverage (under 25%) • Rectilinear lot and block shape • Front setbacks relatively consistent • Front lot widths range from 30-25m • Depth of lots around 1.3-1.5x the width (squarish lots) • Single-detached dwellings • Typically has R1-B/R1-C/R1-D zoning	**Consistent Conditions:** • High lot coverage (40%+) • Rectilinear and curvilinear lot and block shape • Height Typically 2-storeys • Front setbacks relatively consistent • Front lot widths range from 6-8m • Depth of lots around 5-6x the width (long skinny lots) • Single-detached/Semi-detached/Duplex Dwellings • Typically has R2-K/R1-F zoning	**Consistent Conditions:** • High lot coverage (30%-40%) • Rectilinear and curvilinear lot and block shape • Front setbacks relatively consistent • Front lot widths range from 10-15m • Depth of lots around 4-5x the width (long skinny lots) • Single-detached/Semi-detached/Duplex Dwellings • Typically has R2-K/R2-G/R2-J/R1-E/R1-F zoning
Varying Conditions: • Height • Number of floors • Front setbacks	**Varying Conditions:** • Height • Number of floors • Front setbacks	**Varying Conditions:** • Height • Number of floors	**Varying Conditions:** • Height	**Varying Conditions:** • Height • Number of floors

Key Findings

Through this analysis, it was determined that definable variations exist at the street and block-scale in the case of the Organic Neighbouhood Character Area, and at the subdivision scale in the case of the Traditional Suburban Neighbourhood Character Area.

It was also determined that the geographic boundaries associated with variations situated within the Traditional Suburban Neighbourhoods more closely align with that of existing Zone Categories.

Finally, it was determined that Organic Neighbourhoods generally contain a larger gap between existing vs. as-of-right lot coverage and building height, and possess a greater potential for infill.

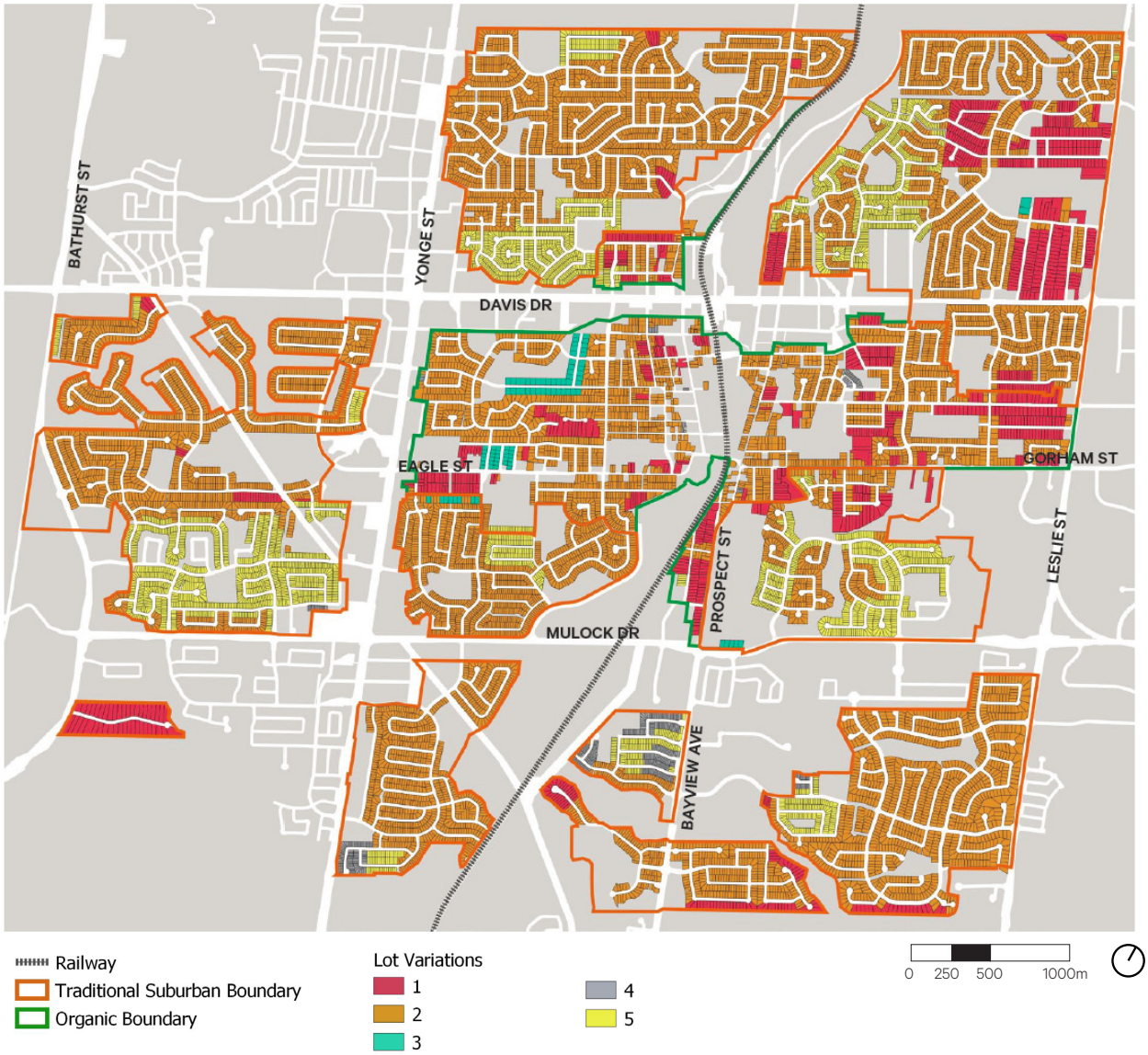


Figure 20. Variations in Organic and Traditional Suburban Neighbourhoods

3.4 Sampling of Prototypical Site & Adjacency Conditions

3.4.1 Sampled Sites and Conditions

Throughout the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas, a total sample of 84 sites and adjacent properties were selected for detailed examination, including 39 samples within the Organic Neighbourhoods (Figure 21) and 45 samples within the Traditional Suburban Neighbourhoods (Figure 22). In order to ensure that the analysis was reflective of overall conditions, consideration was given to selecting sites which represent:

- A relatively fair geographical distribution across each of the neighbourhoods which comprise the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas; and,
- A representative allocation of sites within each identified variation.

For each of the samples, the following data was collected:

- Municipal address;
- Variation type;
- Building height from established grade to the ultimate height of the roof;
- Building height from established grade to median height of pitched roof / ultimate height of flat roof;
- Finished first floor height above established grade;
- Number of storeys;
- Setback from the front lot line;
- Relative location of established front building face relative to adjacent properties;
- Lot coverage; and
- Roof type.

The data was compiled into a spreadsheet, and the information was analyzed to determine how existing conditions compared against the as-of-right Zoning envelope. In order to synthesize existing conditions, the mean (average), median and mode of all data were calculated relative to the overall sample, by building height, and by variation number.

3.4.2 Key Findings

Organic Neighbourhoods

Height Analysis

When examining the heights of the sample, it is clear that they are significantly under the permitted height of 10.7m and 10.0m in current zoning by-laws (valid for zones R1, regulatory sets A-D and exception 119). The average height for two-storey dwellings in the sample was 7.2m as measured from grade to the highest point of the roof. This is higher than the median at 7.0m, but lower than the most common height of 8.0m (mode). However, when the average height was measured according to the definition of height in current zoning by-laws (the distance between the average finished grade to mean roof distance), it was lower at 5.9m, though the most common height was 6.5m (mode) and the median height was 6.0m. With an average current height that is at 55-59% of the permitted height, this data suggests that current zoning permissions promote a taller form than current conditions.

The average height for 1-storey dwellings in the sample was 5.0m when measured from grade to the highest point of the roof, and 4.0m when measured using the definition of height in current zoning by-laws. The median and mode heights were the same with the exception that the median height was lower at 4.0m. While height for 1-storey dwellings was only dictated in Exception 119, which states the maximum height as 7.5m, this was significantly taller than many of the 1-storey dwellings found in Organic Neighbourhoods. The average current height of 5.0m is 67% of the 7.5m height permitted in the exception, which also suggests that current zoning permissions promote a form that is taller than current conditions.

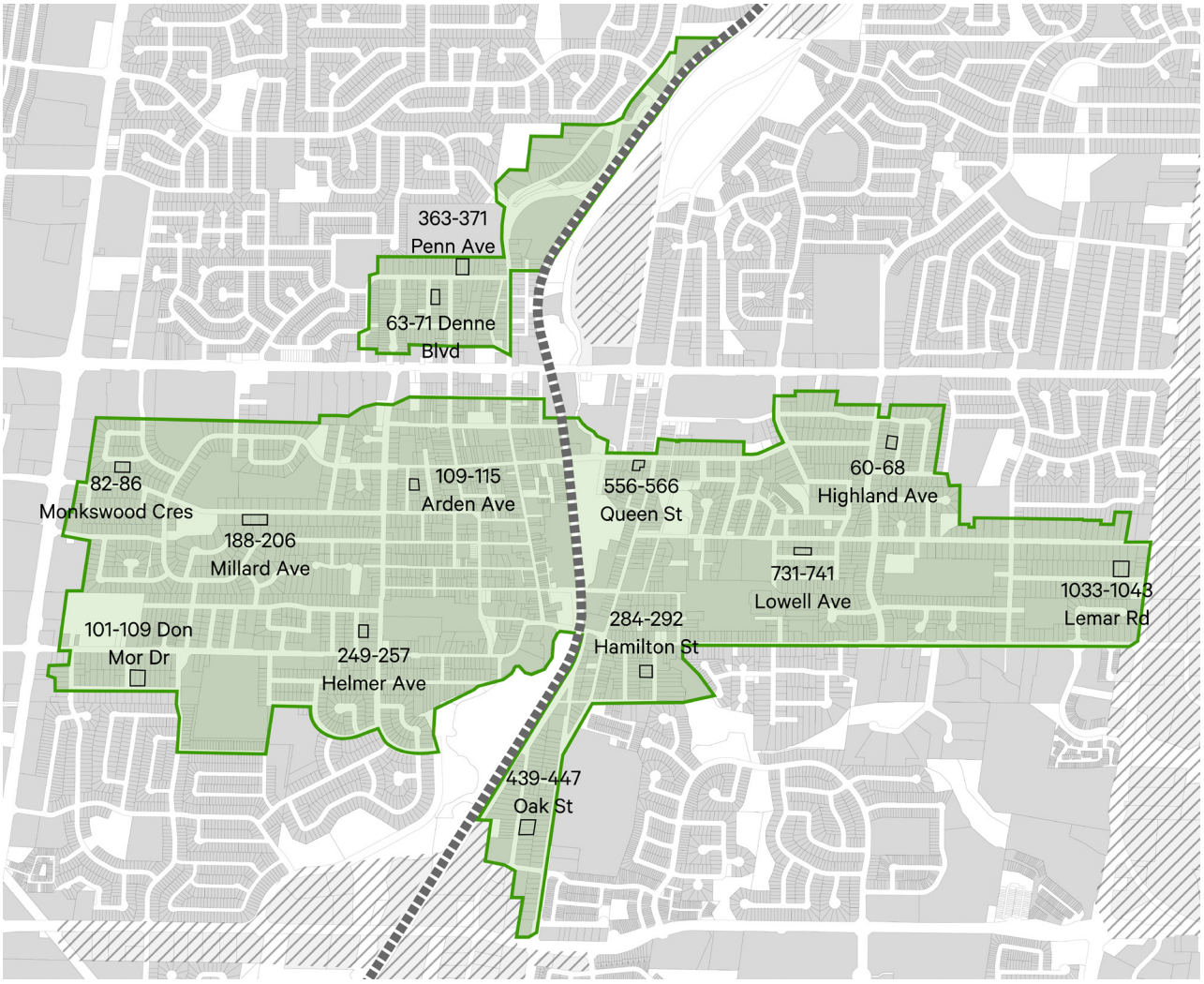


Figure 21. Sampled Sites in Organic Neighbourhoods

ADDRESSES OF SAMPLED SITES:

1. 363 PENN AVE
2. 367 PENN AVE
3. 371 PENN AVE
4. 188 MILLARD AVE
5. 198 MILLARD AVE
6. 206 MILLARD AVE
7. 249 HELMER AVE
8. 253 HELMER AVE
9. 257 HELMER AVE
10. 731 LOWELL AVE
11. 737 LOWELL AVE
12. 741 LOWELL AVE
13. 1043 LEMAR RD
14. 1039 LEMAR RD
15. 1033 LEMAR RD
16. 60 HIGHLAND AVE
17. 64 HIGHLAND AVE
18. 68 HIGHLAND AVE
19. 439 OAK ST
20. 443 OAK ST
21. 447 OAK ST
22. 284 HAMILTON ST
23. 288 HAMILTON ST
24. 292 HAMILTON ST
25. 109 ARDEN AVE
26. 111 ARDEN AVE
27. 115 ARDEN AVE
28. 82 MONKSWOOD CRES
29. 84 MONKSWOOD CRES
30. 86 MONKSWOOD CRES
31. 101 DON MOR DR
32. 105 DON MOR DR
33. 109 DON MOR DR
34. 71 DENNE BLVD
35. 67 DENNE BLVD
36. 63 DENNE BLVD
37. 556 QUEEN ST
38. 560 QUEEN ST
39. 566 QUEEN ST

2-storey Dwelling Height (m) - Organic				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	5.98	6.50	6.00	10.7 / 10.0
Height as measured from ground (at front of house) to rooftop	7.23	6.00	5.00	

1-storey Dwelling Height (m) - Organic				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	3.99	4.00	4.00	7.5 (ex.119)
Height as measured from ground (at front of house) to rooftop	5.00	4.00	5.00	

2-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
21	16	18	15	20	35/25 (ex. 119)

1.5-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
13	-	13	15	20	35/25 (ex. 119)

1-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
19	8	18	15	20	35

Lot Coverage Analysis

Lot coverage permissions in the existing zoning by-law were also significantly above the current lot coverage average of the sample. Overall, the average lot coverage of the entire sample was 19% with both the median and mode slightly lower at 18%. While this was over the lot coverage permitted for R1-A (at 15%) and almost at the lot coverage allowed for R1-B zones (20%), it was significantly under the 35% allowed for R1-C and R1-D zones. As most dwellings in the Organic Neighbourhoods fall under R1-C and R1-D zones, it can be assumed that most existing dwellings are significantly underneath lot coverage permissions, whether it is the 35% allowed for R1-C and R1-D zones.

When observing the lot coverage allowed under Exception 119 against the sampled dwellings, 2-storey dwellings were the only group that are close to the permitted 25% lot coverage, where the most common lot coverage was at 23% and the average lot coverage was 21%. While 35% is permitted for 1-storey buildings under this exception, 1-storey dwellings generally had smaller lot coverages rather than larger, with an average of 19% and a mode of 8%.

Setback Analysis

The average front lot line setback for the sampled dwellings was 7.2m though the most common setback was 4.6m (mode). While there did not appear to be a relationship between the height of the house and the length of the setback, the length of the setback had a positive correlation with the lot size. Generally, Variation 1 and Variation 3 lots were larger than Variation 2 lots, with a width of 20-24m and 25-30m respectively. These two Variations contained larger average front lot line setbacks in comparison with Variation 2.

The front lot line setbacks were relatively consistent between neighbours in the sample, with 24 of the 39 (62%) dwellings having a setback that was between a 1.0m range of their neighbours' front lot line setbacks.

Other Considerations

- The greater the pitch of the roof, the taller the dwelling could be since the height is measured from finished average grade to the mean roof distance.
- Larger lots actually have smaller lot coverages, suggesting that dwelling sizes remained somewhat consistent regardless of lot size (i.e. Variation 1 sites are generally larger than Variation 2 sites, but the sample averages show that they have lower lot coverages)

- Some dwellings varied greatly compared to their neighbours, for example, 109 Arden Ave, 111 Arden Ave, and 115 Arden Ave are adjacent dwellings ranging from 1-3 storeys, and contain different setbacks. However, most adjacent dwellings had similar conditions.

Traditional Suburban Neighbourhoods

Height Analysis

When examining the heights of the sample, it is clear that they are also significantly under the permitted height of 10.7m and 10.0m in current zoning by-laws (valid for zones R1, regulatory sets A-D and exception 119). The average height for two-storey dwellings in the sample was 7.8m when measured from grade to the highest point of the roof. The median height was slightly higher at 8.0m, and the most common height was 7.0m (mode). However, when the average height was measured according to the definition of height in current zoning by-laws (the distance between the average finished grade to mean roof distance), it was lower at 6.6m. Likewise, the median and mode height was lower at 6.00m. With an average current height that is at 62-67% of the permitted height, this data suggests that current zoning permissions promote a taller form than current conditions.

The average height for 1-storey dwellings in the sample was 4.9m when measured from grade to the highest point of the roof, and 3.9m when measured using the definition of height in current zoning by-laws. The median and mode measurements were generally only slightly higher than the average.

While height for 1-storey dwellings was only dictated in Exception 119, which states the maximum height as 7.5m, this was still significantly taller than many of the 1-storey dwellings found in Traditional Suburban Neighbourhoods. The average current height of 3.9m and the most common height of 3.5m were between 47-52% of the 7.5m height permitted in the exception, which suggests that current zoning permissions promote a form that is taller than current conditions.

Though existing zoning by-laws do not permit for 2.5-storey buildings, the sample included several 2.5-storey dwellings. These were naturally all taller than the 2-storey dwellings, with an average height of 9.6m, and median and mode height of 10.0m. These heights were lower by approximately 2.0m when measured using the definition of height in the by-law. The permitted maximum height is 10.0-10.7m for the R1 zones and are envisioned for only 2-storey dwellings. Furthermore, the 10.0-10.7m height does not include the ultimate height of the roof, meaning that heights of over 11m are currently permitted. The permitted height under current zoning by-laws promote a form that is beyond the typical 2-storey and 2.5-storey dwelling.

Lot Coverage Analysis

Similar to Organic Neighbourhoods, lot coverage permissions in the existing zoning by-law are also above the current lot coverage average of the sample. Overall, the average and median lot coverage of the entire sample was 25%, while the most common lot coverage was 27%. While this is over the lot coverage

2-storey Dwelling Height (m) - Traditional Suburban				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	7.80	8.00	7.00	10.7 / 10.0
Height as measured from ground (at front of house) to rooftop	6.66	6.50	6.50	

1-storey Dwelling Height (m) - Traditional Suburban				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	4.89	5.00	5.00	7.5 (ex.119)
Height as measured from ground (at front of house) to rooftop	3.93	3.50	4.00	

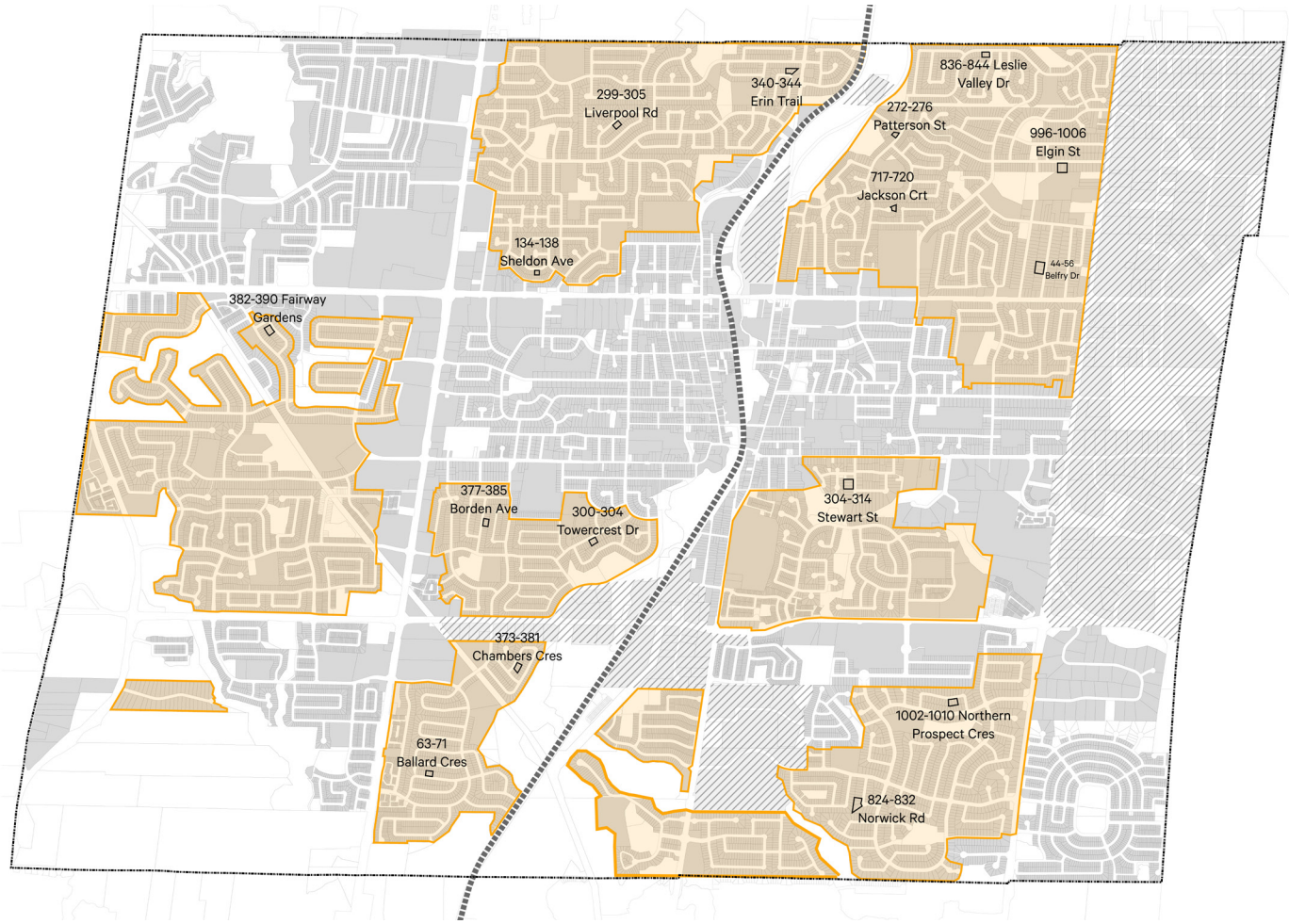


Figure 22. Sampled Sites in Traditional Suburban Neighbourhoods

ADDRESSES OF SAMPLED SITES:

1. 996 ELGIN ST
2. 1000 ELGIN ST
3. 1006 ELGIN ST
4. 44 BELFRY DR
5. 50 BELFRY DR
6. 56 BELFRY DR
7. 304 STEWART ST
8. 310 STEWART ST
9. 314 STEWART ST
10. 270/272 PATTERSON ST
11. 274/276 PATTERSON ST
12. 717/719 JACKSON CRT
13. 720/718 JACKSON CRT
14. 132/134 SHELDON AVE
15. 136/138 SHELDON AVE
16. 836 LESLIE VALLEY DR
17. 840 LESLIE VALLEY DR
18. 844 LESLIE VALLEY DR
19. 377 BORDEN AVE
20. 381 BORDEN AVE
21. 385 BORDEN AVE
22. 340 ERIN TRAIL
23. 342 ERIN TRAIL
24. 344 ERIN TRAIL
25. 299 LIVERPOOL RD
26. 301 LIVERPOOL RD
27. 305 LIVERPOOL RD
28. 300 TOWERCREST DR
29. 302 TOWERCREST DR
30. 304 TOWERCREST DR
31. 1002 NORTHERN PROSPECT CRES
32. 1006 NORTHERN PROSPECT CRES
33. 1010 NORTHERN PROSPECT CRES
34. 824 NORWICK RD
35. 828 NORWICK RD
36. 832 NORWICK RD
37. 382 FAIRWAY GARDENS
38. 386 FAIRWAY GARDENS
39. 390 FAIRWAY GARDENS
40. 373 CHAMBERS CRES
41. 377 CHAMBERS CRES
42. 381 CHAMBERS CRES
43. 63 BALLARD CRES
44. 67 BALLARD CRES
45. 71 BALLARD CRES

permitted for R1-A (at 15%) and R1-B zones (20%) and was around the percentage allowed for 2-storey dwellings under Exception 119, it was significantly under the 35% allowed for R1-C, R1-D, and R1-K zones. As most dwellings in the Traditional Suburban Neighbourhoods sample fall under R1-C, R1-D, and R1-K zones (since Variations 4 and 5 were excluded), it can be assumed that most existing dwellings are significantly underneath lot coverage permissions.

The dwellings also generally had higher lot coverages as the height increased. 2.5-storey dwellings had an average and median lot coverage of 29%, while 2-storey dwellings generally had lower coverages, with an average of 24%, a median of 25% and a mode of 28%. 1-storey dwellings were contained the lowest lot coverages, with an average of 19% and median of 14%.

Setback Analysis

The average front lot line setback for the sampled dwellings was 7.58m though the most common setback was 6.10m (mode). Similar to dwellings in Organic Neighbourhoods, there does not appear to be a relationship between the height of the house and the length of the setback. Also similar to the Organic Neighbourhood sample, the length of the setback had a positive correlation with the lot size. Variation 2 of the Traditional Suburban Neighbourhoods had the smallest lots with the narrowest widths; they contained the shortest front lot line setbacks at an average of 5.7m and median and mode of 6.3m. In contrast, Variation 1 had the largest lots and contained the largest front lot line setbacks, at an average of 9.58m and median and mode of 10.30m. Variation 3, which was the predominant variation, contained setbacks that were in between the ranges of the other two Variations, at an average of 7.35m and median and mode of 7.15m.

When comparing the front lot line setbacks to neighbouring houses in Traditional Suburban Neighbourhoods, they were more consistent than those in the Organic Neighbourhoods. In fact, 39 of the 45 (87%) dwellings were relatively consistent (within a 1m range of neighbouring dwellings' setbacks).

Other Considerations

- Similar to Organic Neighbourhoods, larger lots actually have smaller lot coverages, suggesting that dwelling sizes remained somewhat consistent regardless of lot size (i.e. Variation 1 sites are generally the largest sites).
- The setbacks in the Traditional Suburban Neighbourhoods were much more consistent with their neighbours Comparison between Organic and Traditional Suburban Neighbourhoods.

When comparing the data between Organic and Traditional Suburban Neighbourhoods, the height and lot coverage found in the Traditional Suburban Neighbourhoods are generally greater than those in Organic Neighbourhoods. This can be seen in the fact that the Traditional Suburban Neighbourhoods contain

2.5-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
29	-	29	15	20	35/25 (ex. 119)

2-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
24	28	25	15	20	35/25 (ex. 119)

1.5-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
33	-	34	15	20	35

1-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
19	-	14	15	20	35

a significantly larger number of dwellings at 2-storeys or taller (71% of sample) compared to Organic Neighbourhoods , where 33% of the sample are 2-storeys. Additionally, the average height (from grade to top of roof) of 2 and 2.5-storey dwellings in the Traditional Suburban Neighbourhoods sample (7.80m and 9.57m) are taller than 2-storey dwellings found in the Organic Neighbourhoods sample (7.23m). While a number of dwellings in the Traditional Suburban Neighbourhood sample were at the permitted lot coverage (25% in Exception 119), almost none of the sampled dwellings in Organic Neighbourhoods were at permitted levels of lot coverage.

The dwellings in the Traditional Suburban Neighbourhoods sample also had more uniform conditions in comparison to the Organic Neighbourhood sample. The setbacks were definitely much more consistent, where 87% of dwellings in the Traditional Suburban Neighbourhoods were in-line with their neighbours, in comparison to only 62% of dwellings in the Organic Neighbourhoods. Additionally, many of average, median, and mode measurements were the same.

Lastly, commonalities shared included the finding that larger lots did not always correlate to larger dwellings. However, front lot line setbacks had a positive correlation to the width of the lot, where larger lots (typically with wider lots) usually contained larger setbacks.

3.5 Demonstrating Existing & Potential Built-Out Conditions

Once the analysis and synthesis of data was complete, one prototypical site and adjacent conditions were selected from each of the five variations for further testing. Each sample was virtually modelled in three-dimensions to illustrate:

- Existing conditions;
- Maximized build-out conditions, based on existing as-of-right Zoning By-law regulations; and,
- Optimized build-out conditions, based on potential amendments to Zoning By-law regulations to address neighbourhood compatibility.

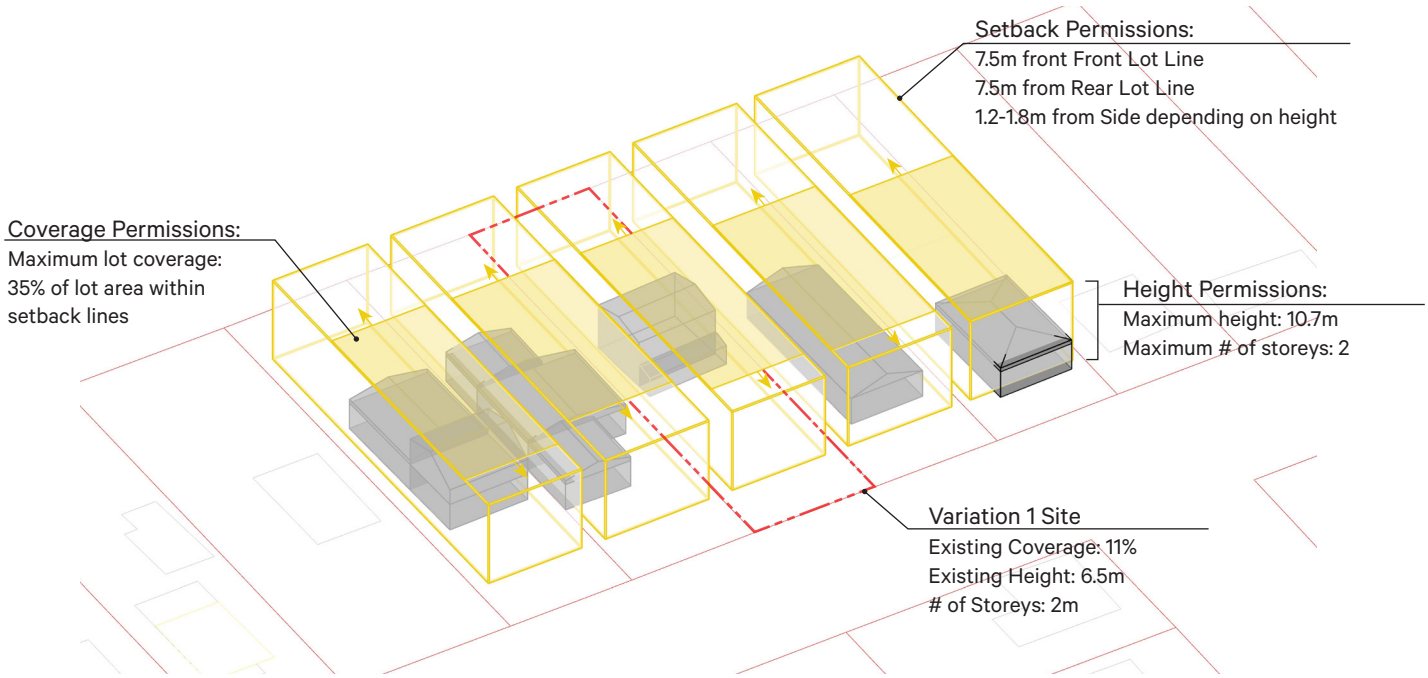
Three example iterations (Variation 1, Variation 2, Variation 3) of this conditions testing are illustrated and described in this section of the report.

Variation 1 - Conditions Testing

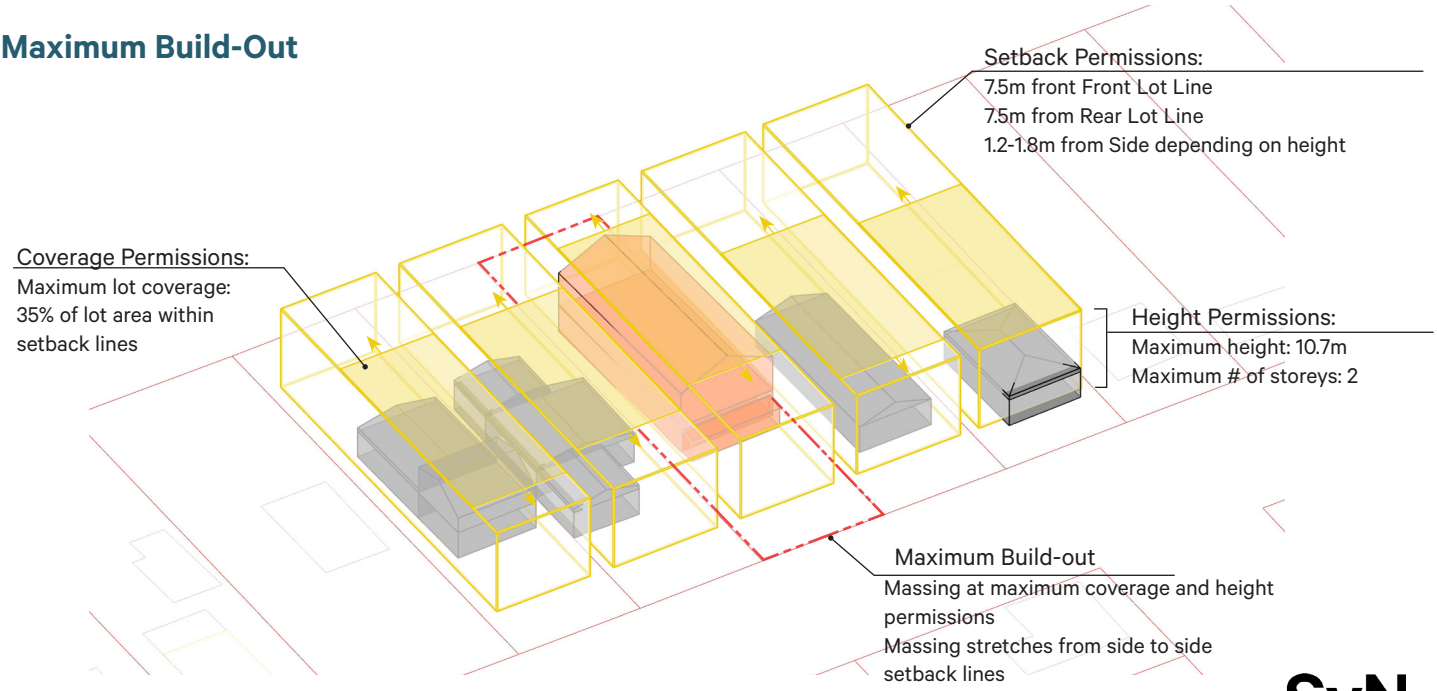
The following is a testing of a Variation 1 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-D (Residential Detached Dwelling 15m Zone).

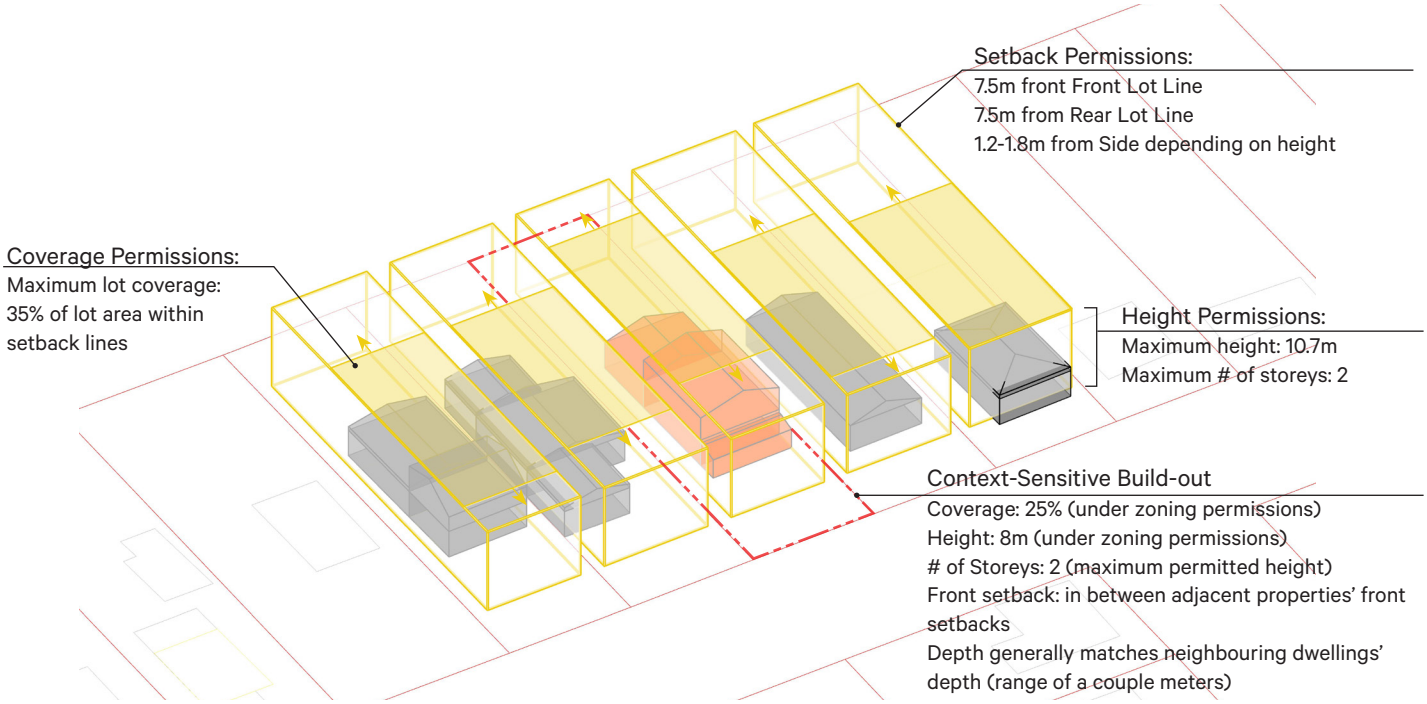
Existing Condition



Maximum Build-Out



Optimized Build-Out



Key Observations

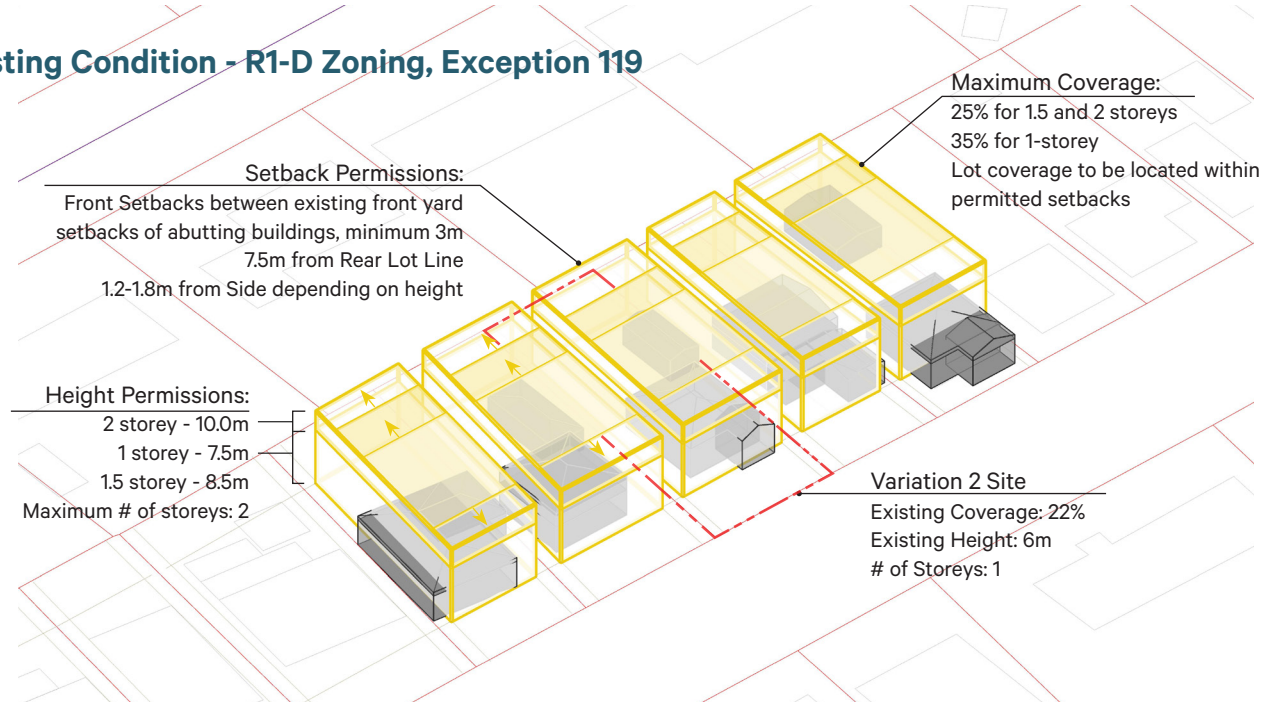
- Typical Variation 1 conditions are under lot coverage and height permissions in existing zoning by-laws;
- The maximum built-out form is significantly larger in height and coverage in comparison to the prevailing built-form conditions;
- The more context-sensitive approach considered the adjacent properties' lot coverages, front setbacks, height, and general building width and depth; and,
- While the context-sensitive build-out is underneath the permitted height, lot coverage, and setback minimums, it exceeds these permissions in comparison to neighbouring dwellings without compromising the overall character.

Variation 2 - Conditions Testing

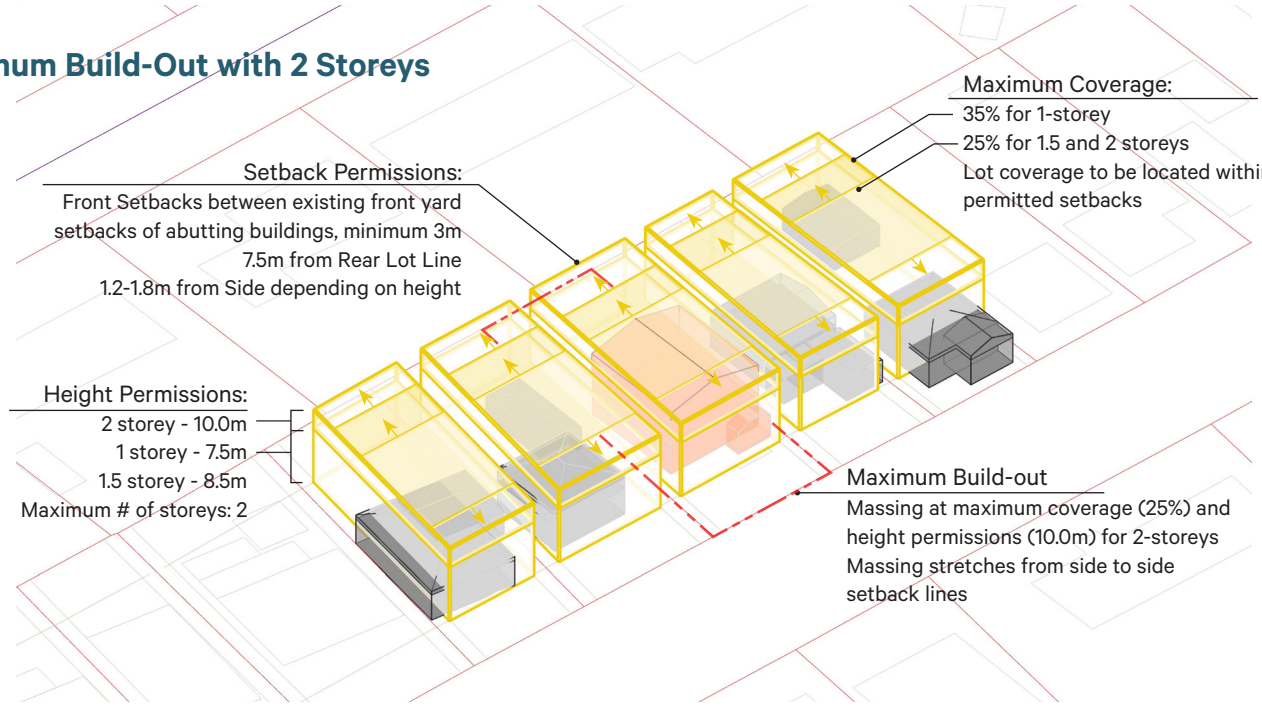
The following is a testing of a Variation 2 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-D (Residential Detached Dwelling 15m Zone). Additionally, they are all subject to exception 119, where coverage and height allowances are dictated by the number of storeys proposed and front setbacks are influenced by adjacent properties.

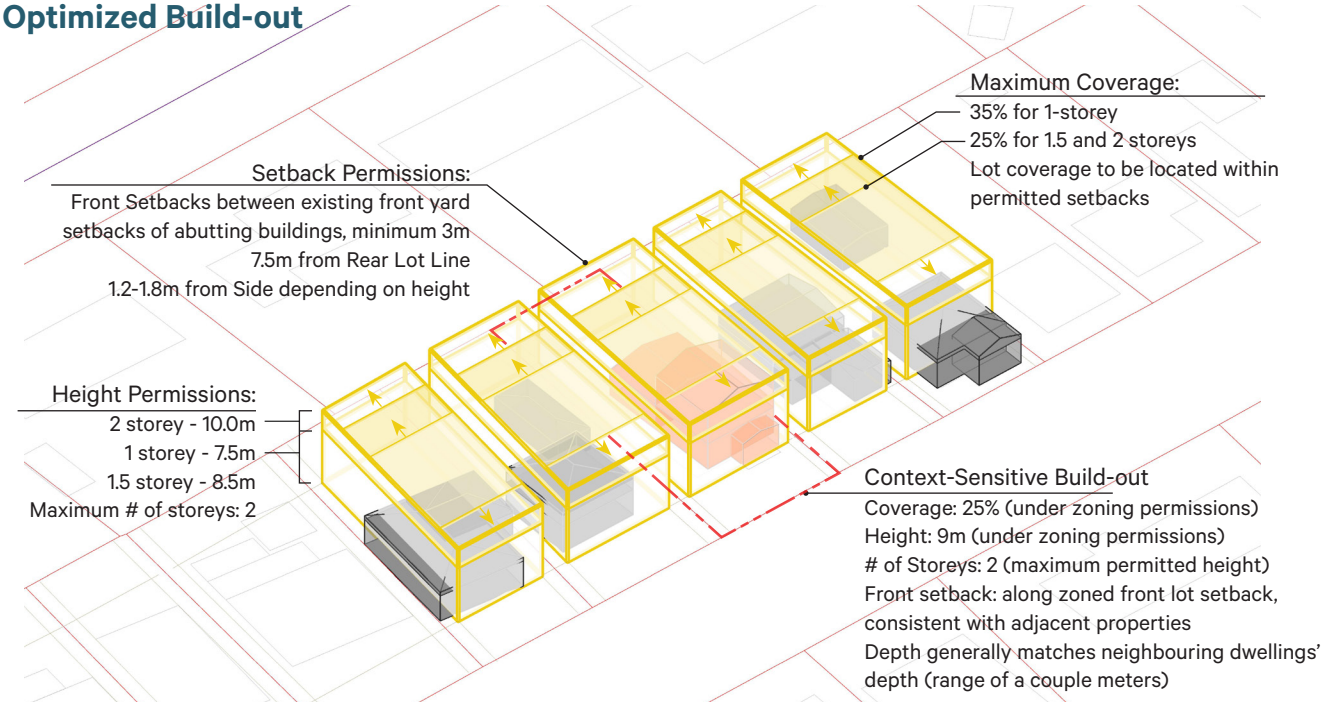
Existing Condition - R1-D Zoning, Exception 119



Maximum Build-Out with 2 Storeys



Optimized Build-out



Key Observations

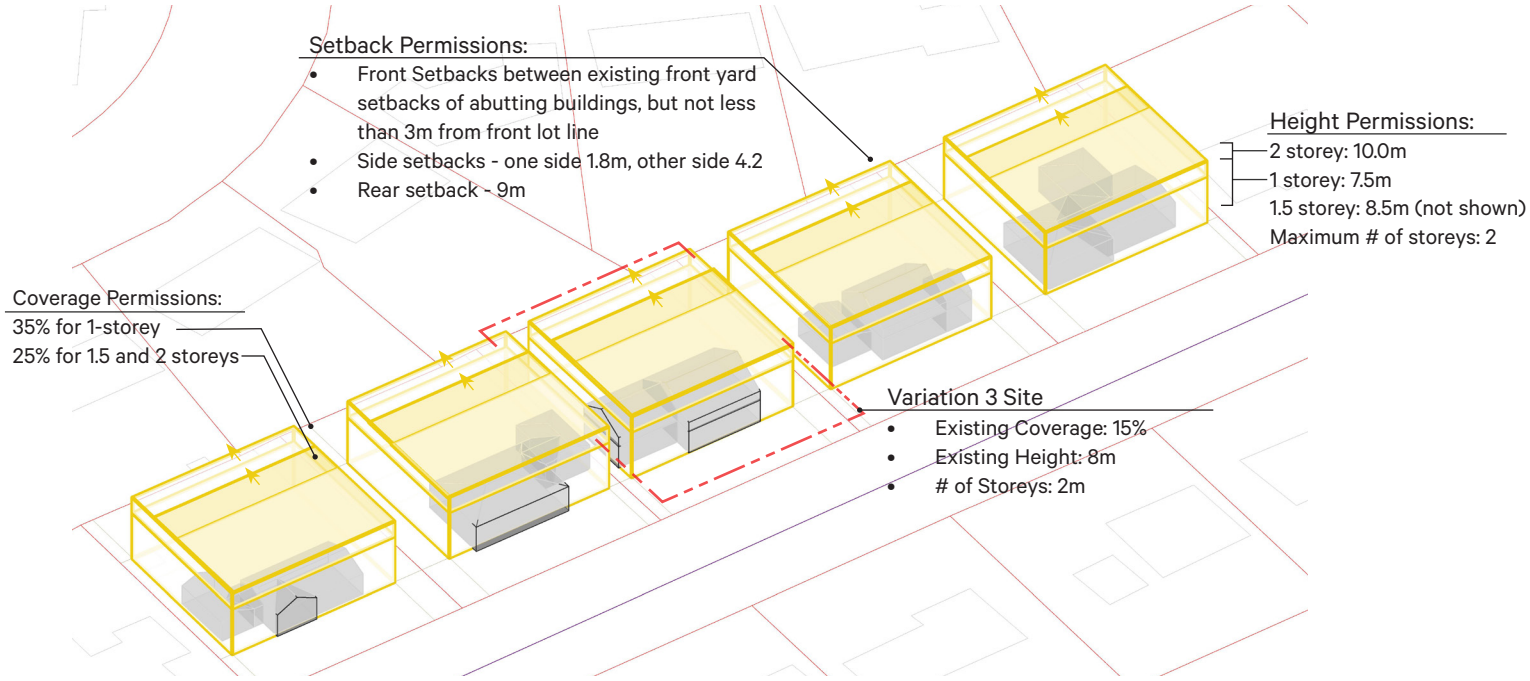
- Typical Variation 2 conditions are generally under lot coverage permissions, though they contain higher lot coverages than Variation 1. Height permissions were not exceeded;
- The maximum built-form for 2-storeys, which permits 25% lot coverage and 10.7m in height, appears to be more compatible to the prevailing conditions than the maximum built-form allowed for 1-storey, which allows a 35% lot coverage and 7.5m height;
- The existing zoning already requires the front lot setback of any proposed development to consider adjacent front setbacks; and,
- The oprimized massing takes into account lot coverage and height of adjacent properties in addition to the front lot setbacks.

Variation 3 - Conditions Testing

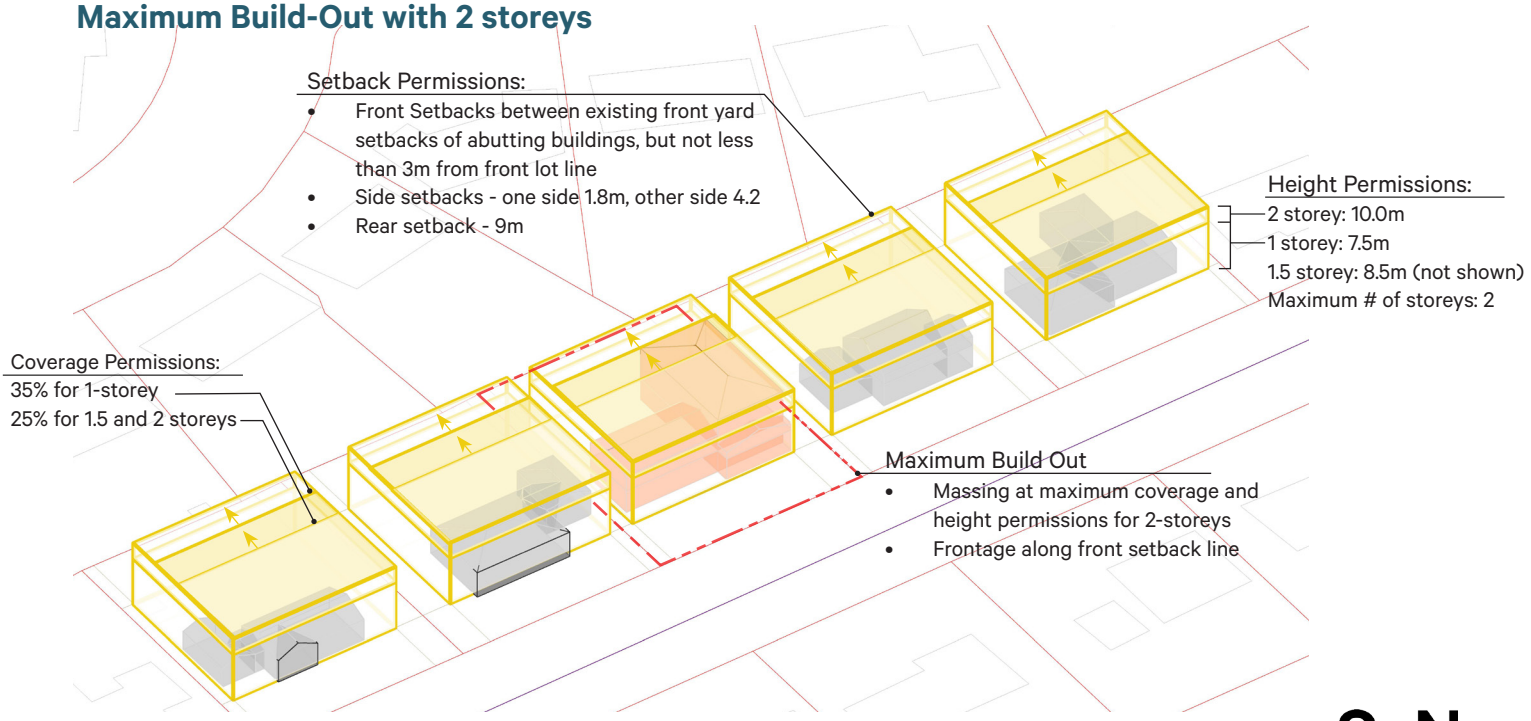
The following is a testing of a Variation 3 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-B (Residential Detached Dwelling 30m Zone). Additionally, they are all subject to exception 119, where coverage and height allowances are dictated by the number of storeys proposed and front setbacks are influenced by adjacent properties.

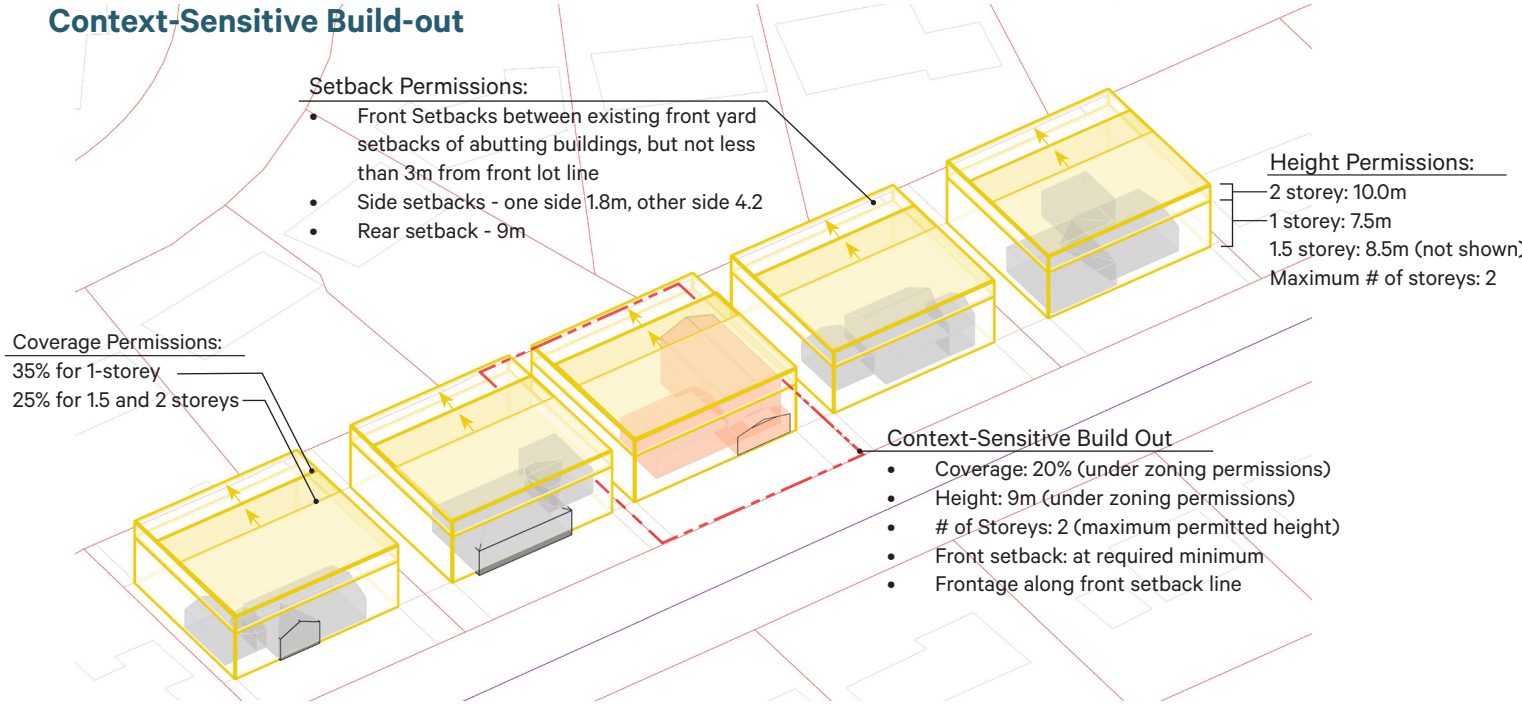
Existing Condition (R1-B Zoning, Exception 119)



Maximum Build-Out with 2 storeys



Context-Sensitive Build-out



Key Observations

- Typical Variation 3 conditions are under lot coverage and height permissions of existing zoning by-laws;
- The maximum built-out form is significantly larger in height and coverage in comparison to the prevailing built-form conditions;
- A more context-sensitive approach includes consideration of nearby properties' lot coverages, front setbacks, height, and general building width and depth; and,
- While the context-sensitive build-out is underneath the permitted height, lot coverage, and setback minimums, it exceeds these permissions in comparison to neighbouring dwellings without compromising the overall character.

Key Findings

The findings of this analysis indicate:

- Generally, it appears that existing dwellings are below the maximum lot coverage and height permissions contained in the R1-B, R1-C and R1-D Zones;
- The maximum built form of multiple variations demonstrates that the permitted lot coverage and density allow for a form that is generally not in keeping with adjacent properties, and the character of surrounding neighbourhoods;
- While some Zoning exceptions consider adjacent properties (e.g. exception 119 references front lot setbacks relative to adjacent properties), there is potential to also consider lot coverage and heights within the context of adjacent and/or surrounding properties, and/or the broader neighbourhood;
- Because of the way building height is defined in the Zoning By-law, buildings with pitched roofs may project beyond maximum permitted heights (commonly 10.7m); and,
- The optimization of building envelopes generally incorporated lot coverages between 20% - 25%, maximum building heights between 8.0m – 9.0m, and maximum finished floor heights of 1.0m – 1.2m.

3.6 Evaluating Optimized Development Against Contemporary Design & Construction Standards

Finally, the optimized build-out conditions for each prototypical site were evaluated against contemporary architectural and construction standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering in order to establish a desirable and appropriate envelope to inform the draft Zoning By-law Amendment. This analysis incorporated a review of applicable Ontario Building Code regulations.

4.0 POLICY RECOMMENDATIONS

4.1 Existing Policy Structure

In consideration of the cumulative findings of the study through Phases 1 to 3, this report puts forth a number of policy recommendations for the Town of Newmarket's Official Plan and Zoning By-law.

As previously described in Section 2.2, the existing policy structure includes a number of gaps relating to the definition and regulation of neighbourhood character. The Official Plan currently contains two designations for Residential Areas, Stable Residential and Emerging Residential; however all Emerging Residential lands have since been developed and fully built-out. Furthermore, the Official Plan does not currently define neighbourhood character and compatibility, including any recognition of the differing character of residential areas across the Town. It does not sufficiently address modern housing needs and the diverse range of housing types which are necessary to accommodate them. Similarly, the Zoning By-law does not address neighbourhood character or compatibility. Zoning parameters are not reflective of the unique existing built form context of different residential areas.

4.2 Recommended Changes to the Official Plan

Changes in Terminology

Following the conditions testing and analysis and for the purpose of the policy recommendations, the names of the Neighbourhood Classifications were revised for improved clarity and specification. These revisions are as summarized in the table below:

Previous Name	Revised Name
Organic Neighbourhoods	Historic Core Character Area
Traditional Suburban Neighbourhoods	Traditional Suburban Character Area
Contemporary Suburban Neighbourhoods	Contemporary Suburban Character Area

Intent of Recommended Changes

This report recommends that the Official Plan be amended to accomplish the following key objectives:

- Reflect changes in residential development that have occurred since the Official Plan was adopted;
- Remove references to Stable and Emerging Residential Areas and instead include policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implement a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and,
- Propose a defined list of pre-dominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

Changes to Land Use Designations

It is recommended that the existing Stable Residential Areas and Emerging Residential Areas designations be deleted and replaced by a combined Residential Areas designation (Figure 23). This designation would cover all residential neighbourhoods across the Town of Newmarket.

A consolidated designation for all residential areas would more accurately reflect on-the-ground conditions. Almost all of the lands previously designated as Emerging Residential Areas have been built-out, and it is no longer appropriate to refer to them as greenfield lands and direct new residential development solely to these areas. The new combined

designation allows for a uniform approach and shared criteria regarding future development within all residential neighbourhoods across Newmarket.

Changes to Policies for Residential Areas

It is recommended that new policies be introduced in the Official Plan to articulate updated objectives, permitted uses, and development criteria for Residential Areas.

Objectives:

- Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the prevailing physical character of the surrounding neighbourhood;
- Provide for a range of residential accommodation by housing type, tenure, size, location and price range;
- Allow contextually-sensitive infill development and limited intensification to permit development which contributes towards the establishment of a desirable urban structure, diversified housing stock, and optimized use of existing municipal services and infrastructure; and,
- Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs.

Permitted Uses:

- Retain single-detached and semi-detached dwellings as the predominant use of lands, while also permitting rowhouses, townhouses, duplexes, triplexes and quadruplexes in Residential Areas so long as they demonstrate compatibility with the existing character of the neighbourhood through a Compatibility Analysis Study;

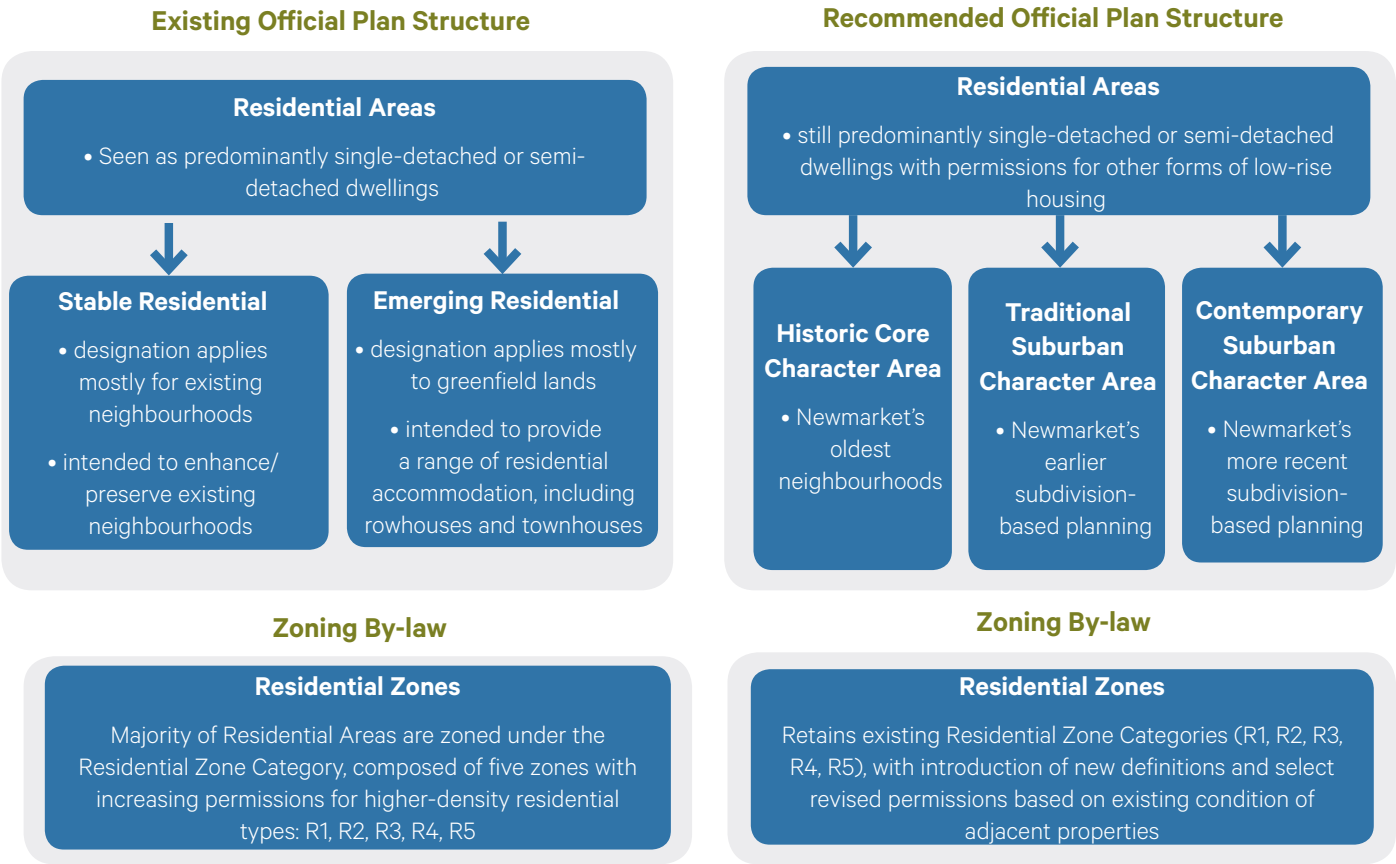


Figure 23. Summary of Existing Policy Structure and Proposed Changes

Development Criteria:

- Ensure that development is compatible with the various elements which contribute to the physical character of the wider neighbourhood, including:
    - lot dimensions;
    - front, side and rear yard setbacks;
    - siting and orientation;
    - lot coverage;
    - building entrance location;
    - private landscaping;
    - building height, massing and depth; and,
    - ground floor height.

- Acknowledge and respect the prevailing physical character of surrounding neighbourhood properties, particularly those properties with frontage along the same street segment;

- Require that consideration of development proposals in Residential Areas involves an assessment of the proposed development and it's ability to enhance and build upon desirable established patterns of built form and open spaces, and consider its contribution to the maintenance and achievement of a balance of housing types and tenures.

These proposed policies aim to balance the need for an expanded range of innovative and affordable housing types,. including more multi-unit dwelling forms, to meet growing housing needs in residential areas while also ensuring that new development respects the prevailing physical character of the surrounding neighbourhood. The following policy changes are intended advance both objectives by taking a contextually-sensitive approach while recognizing that gradual and ongoing change within established residential neighbourhoods is not only inevitable, but also beneficial. The policies will ensure that future development respects existing neighbourhood character while explicitly encouraging flexibility and innovation in responding to unique site and contextual conditions.

Introduction of Residential Character Areas

It is recommended that a new layer of policy be introduced to implement a neighbourhood-level framework that recognizes the varied built form and public realm conditions within different Residential Character Areas across Newmarket.

These policies would establish the following four Residential Character Areas; their delineations are informed by the analysis completed in Phases 1 and 2 of this study.

1. **Historic Core Character Area**: developed prior to the 1940's, and the advent of subdivision-based planning, lands within the Historic Core Character Area are located within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.
2. **Traditional Suburban Character Area**: developed between the 1940's and 1990's, following the advent of subdivision-based planning, lands within the Traditional Suburban Character Area are generally found between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.
3. **Contemporary Suburban Character Area**: developed following the 1990's, lands within the Contemporary Suburban Character Area are generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

4. **Estate Character Area**: developed between the 1940's and 1990's, these lands are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

It is recommended that the Official Plan identify a detailed list describing the unique physical characteristics found in each of these Character Areas. These changes will support an formal acknowledgement within the municipal planning framework of the distinct elements which define neighbourhood character across different residential areas in Newmarket.

Changes to Policy Language Regarding Development and Compatibility

Changes to Official Plan policy language should be implemented to broaden direction on the ways through which development will be permitted, including allowances for:

- A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings on an as-of-right basis and townhouses and rowhouses on a site-specific basis;
- Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings; and,
- The consent of lands resulting in the introduction of additional residential dwellings, where appropriate.

Furthermore, the Official Plan should introduce greater specificity and clarity to the term 'compatibility', including a list of requirements that development applications will be evaluated against.

It is recommended that development be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:

- setbacks, heights and transition;
- façade and roofline articulation;
- colours and materials;
- architectural elements, including windows, doors and projections;
- pre- and post-construction grades on site; and,
- incorporating elements and details of common characteristics of the area.

Furthermore, all applications for development should take into account the impact of proposed development and/or additions to surrounding land use patterns and streetscape conditions. This should consider factors such as land use adjacencies and transitions, orientation towards public and private streets, accentuations of building entrances, continuity of street frontages, and relationship to the public realm.

By establishing these new urban design and compatibility practices for new developments, the Official Plan will support the explicit identification of specific physical elements which will be considered in the municipality's evaluation of development applications, providing more certainty and clarity for developers and homeowners alike.

New and Revised Schedules

In parallel with the above mentioned changes to policy text, it is recommended that two updates to the Official Plan schedules be implemented. This includes:

- An updated land use schedule (Schedule A) which removes 'Stable Residential' and 'Emerging Residential' and replaces them with a single 'Residential' land use designation; and
- A new schedule showing the boundaries of the new Residential Character Areas as identified above.

4.3 Recommended Changes to the Zoning By-law

The Town of Newmarket's Zoning By-law should be amended to change the way that houses are regulated, so as to allow for optimize the development of properties, without jeopardizing the character of the surrounding neighbourhood. These exterior built form and/or massing changes can be achieved while still allowing for greater flexibility in the interior layout.

Recommended changes to the Zoning By-law fall under two categories: Creating and Updating Definitions and Creating and Updating Regulations and Standards. The proposed new and/or updated definitions, regulations and standards are summarized below (Figure 24).

Creating and Updating Definitions

- Basement
- Grade, Established or Finished
- Roof, Flat
- Roof, Pitched
- Height, Building
- Height, Finished First Floor
- Storey
- Garage, Residential
- Dormers

Updating and Creating Regulations & Standards

- Max. Finished First Floor Height
- Interior Side Lot Lines - C & D Zone Standards
- Required Front Yard Setback – C, D, E, F, G, H, J, K, L and M Standards
- Repeal Exception 119 enacted by By-law 2013-30
- Max. Lot Coverage
- Max. Building Height
- Interior Side Yard Setbacks
- Reserve
- Non-Complying Building or Structure
- Transition

Figure 24. Summary of Recommended Changes to Zoning By-law

Creating and Updating Definitions

Key Change and/or Proposed Definition	Rationale
Amend the definition of Basement **Basement:** Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed: 1. 1.2 metres for lots Zoned R1, R2 and R3; or, 2. 1.8 metres for lots containing all other Zone designations.	The zoning by-law currently limits the maximum height of a basement to be 1.8m above grade, and exempts basements that meet this rule from being considered a storey. This allows a basement to have a height above grade greater than the height of an average adult. By lowering the maximum height of basements above grade, we can still have ample window size while ensuring that basements are not visually a storey. This change is part of a broader comprehensive change in the way that the height of houses is regulated that will slightly lower the overall maximum permitted building height while allowing for greater flexibility of interior layout.
Amend the definition of Grade, Established or Finished **Grade, Established or Finished:** Means: 1. For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the minimum front yard setback meets adjacent side lot lines; and 2. For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure.	The current way of measuring grade takes the average of all areas around a house. This can be challenging to accurately measure, and leaves grade open to manipulation by adding or removing soil. By changing the way grade is measured for most residential dwellings and instead measuring at the front setback along the side property lines, we can reduce the ability to manipulate grade. This change will also make for an easier way to measure grade, and will focus the regulation of grade and height on the way that a building appears from the street.

Basement

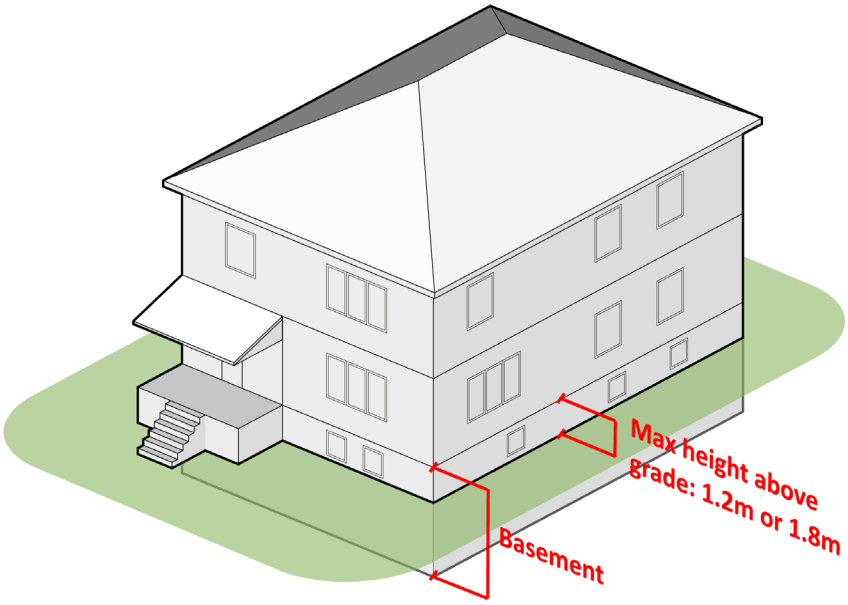


Figure 25. Illustrative Diagram for Basement

Grade, Established or Finished

= Average of Elevation at Point A & B

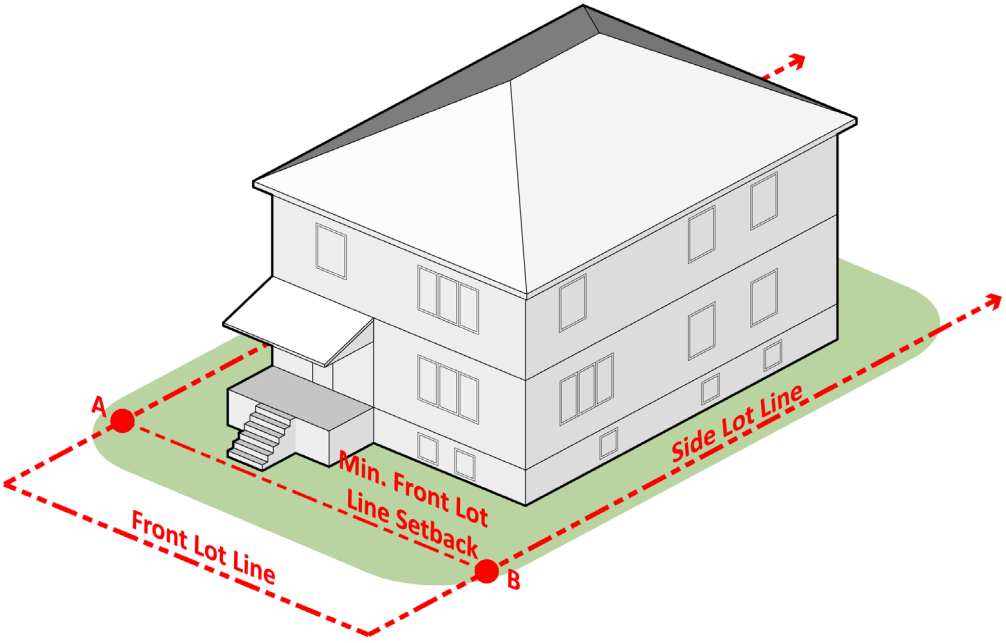


Figure 26. Illustrative Diagram for Grade, Established or Finished

Key Change and/or Proposed Definition	Rationale
Add definitions of types of roof **Roof, Flat:** Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area. **Roof, Pitched:** Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.	The zoning by-law has long included rules that measured height differently depending on whether the roof was flat or pitched. However, the by-law did not include definitions of how to determine what a flat, pitched, or mansard roof was. This allowed for greater height for new houses that were built with roofs that appeared like flat roofs but included cosmetic sloping elements.
Amend the definition of Height Height: Retitle definition – **Height, Building** Means the vertical distance measured between the established or finished grade and any of the following: 1. On a flat roof, the highest point of the roof surface or the parapet, whichever is greater; 2. On a mansard roof, the highest point of the roof surface or the parapet, whichever is greater; 3. On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or, 4. The highest point of a structure without a roof.	See above rationale regarding roof defnitions.
Add the definition of Height, Finished First Floor **Height, Finished First Floor:** Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade.	The first floor of a house is a visually distinctive element. The common pattern of houses across Newmarket's neighbourhoods has a first floor that is close to the ground, which provides opportunities for porches and a close relationship between the house and the street. New developments are more commonly seeking to place the first storey higher, occasionally above a garage. This leads to a large number of steps leading to the house, and a very different front appearance.

Pitched Roof

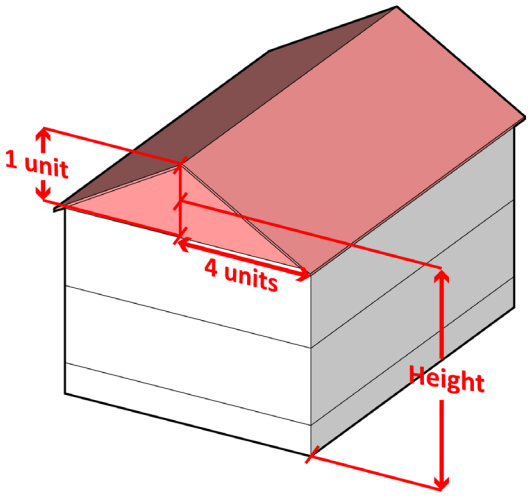


Figure 27. Illustrative Diagram for Pitched Roof

Flat Roof

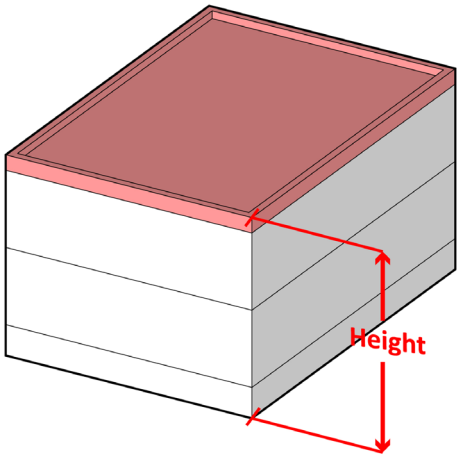


Figure 28. Illustrative Diagram for Flat Roof

Height, Finished First Floor

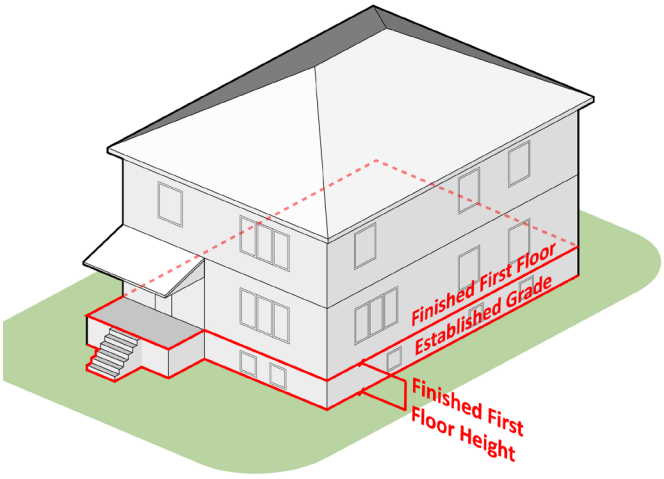


Figure 29. Illustrative Diagram for Height, Finished First Floor

Storey

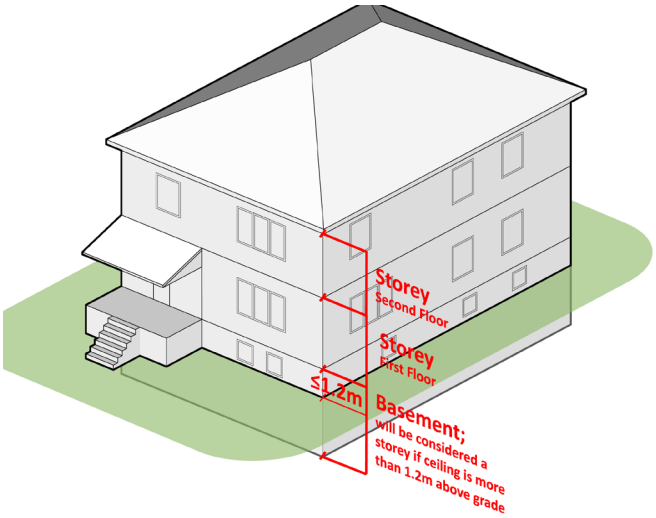


Figure 30. Illustrative Diagram for Storey

Key Change and/or Proposed Definition	Rationale
Amend definition of Storey **Storey:** Means: For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.2m above established grade. For all other structures, a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.8m above established grade. Any portion of a storey exceeding 3.6 metres in height shall be deemed to be an additional storey.	A storey is a fundamental way of thinking about how a house is laid out. The zoning by-law has long limited houses in most parts of Newmarket to two storeys, and limited the maximum height of a storey to 3.6m. However, this regulation has had unintended consequences of limiting the way that residents can use and design their homes. Namely, the two-storey limit means that the space in the pitched roof of a two-storey house cannot become a half-storey, even if that space in the roof already exists. Similarly, if one wanted to remove a hanging ceiling to have a cathedral ceiling, the 3.6m storey limit would prevent this. This proposed rule change would remove the maximum 3.6m storey height limit for most low-rise residential buildings. This would allow for houses to be more flexibly designed, and would focus the rules on the exterior appearance of the house instead of controlling how the inside is laid out. This change is part of a broader comprehensive change in the way that the height of houses is regulated that will slightly lower the overall maximum permitted height while allowing for greater flexibility of interior layout.
Amend the definition of Garage, Residential **Garage, Residential:** Means an enclosed building or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private motor vehicles, recreational vehicles and trailers.	The zoning by-law contains a number of rules about where a garage or a driveway can be. These rules seek to make sure that garages are in places where they are compatible and commonly found, to avoid the impact on private yards of vehicular access. This change to the definition of a garage clarifies that a garage is accessed via a driveway to reinforce this principle.
Add the definition of Dormer: Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area.	The zoning by-law does not currently have any standards related to dormers that project through a roof. In order that a roof maintain its appearance and not have an entire additional storey within it, this rule would limit how much of the length of a roof could be projecting dormers.

Creating and Updating Regulations and Standards

New/Updated Regulation or Standard	Key Change	Rationale
Section 6.2.2. Max. Finished First Floor Height	**Revise max. finished first floor height to 1.2 metres (Applied to Zone Standards for A, B, C, D, E, F, G, H, and J**	This rule would require that the first floor for most residential buildings like single and semi-detached dwellings be no higher than 1.2m above grade. The intent is to ensure that the front appearance of a house is compatible and consistent with the neighbourhood and to prevent basements from visually appearing as a storey.
Section 6.2.2. Interior Side Lot Lines	**Revise interior side lot line (Applied to Zone Standards for C and D):** • Up to 4.2m Building Height = 1.2m • Up to 5.7m Building Height = 1.5m • Beyond 5.7m Building Height = 1.8m	The zoning by-law has long required increased width of side-yard setbacks for houses as they increase in height. However, this has always been achieved based on the number of storeys of the house. This rule change would retain the same relationship, but instead tie the increase in side yard setback to an increase in absolute building height. This makes for a clearer measure, and works with the overall proposed changes to the way that the height of houses is controlled.
Section 6.2.2. Interior Side Lot Lines	**Add (*17) to interior side-yard setbacks** (*17) For a semi-detached dwelling the interior side yard setback shall not be required where a side lot line extends from a common wall dividing attached dwelling units	Many semi-detached dwellings in Newmarket were built on one lot, which was then divided. The zoning standards for semi-detached lots reflect this, and so they don't indicate that there is a zero metre setback from the shared wall property line. This rule change will clarify that semi-detached dwellings do not need a setback from the wall they share with their neighbour.

New/Updated Regulation or Standard	Key Change	Rationale
Section 6.2.2 Maximum Lot Coverage	**Retain existing maximum lot coverage regulations, and add new Schedule D illustrating maximum lot coverage (Applied to Zone Standards for A, B, C, D, E, F, G, H and J)** Notwithstanding the above, where a lot is subject to a site or area-specific lot coverage regulation, indicated as a numerical percentage with corresponding colour overlay, as illustrated in Schedule D – Lot Coverage, that site or area-specific lot coverage regulation shall apply.	Most single detached lots in Newmarket can cover up to 35% of their lot with the main building, regardless of size. A review of the existing amount of coverage of lots has revealed a wide range of existing coverages. In some areas, the houses are very close to or at their maximum coverage. In other areas, most houses have less than 10% coverage. This means that in some areas that are characterized by houses of a consistent size, a house three or more times the size could be built. While it's important to allow houses to be changed and upgraded, it is also worth ensuring that change is within a reasonable level of similarity to the surrounding area. This rule proposes to use a series of maps to create new maximum coverage rules for many neighbourhoods. The proposed maximum coverage will still generally allow for growth and change, but will seek to ensure that change is more compatible with the existing neighbourhood.
Section 6.2.2. Required Front Yard Setback	**Amend regulation of required front yard setback (Applied to Zone Standards for C, D, E, F, G, H, J, K, L, M)** Within a range of one metre of the average of the front yard setback of adjacent dwellings abutting the same road, provided that the setback not exceed the greater of the adjacent setbacks nor be closer to the street line than 3m.	In the older parts of Newmarket, the zoning by-law has required since 2013 that houses be built within the range of the front yard setback of the houses on either side. This helps to keep the front walls roughly in line, which makes for a consistent streetscape. However, this rule hasn't worked well for lots where the abutting houses have very similar setbacks, as it leaves very little room for change. It also has not worked well for lots with very large differences in the setbacks of abutting houses, as it gives a lot of flexibility. This recommendation would maintain the principle of ensuring the front walls are generally consistent by tying the required setback to the average of the neighbours, then giving an additional metre of range. It would also be applied to almost all low-rise residential lots, most of which do not currently have this rule but were built with the same rules as their neighbours so are very similar in setback. For where there is some variety in setbacks, Section 4.13 of the by-law also provides flexibility to consider the average of a wider set of lots on the street.

New/Updated Regulation or Standard	Key Change	Rationale
Section 6.2.2. Max. Height	**Retitle regulation from 'Max Height to 'Max. Building Height'** **Revise Regulation –8.5m (Applied to Zone Standards for A, B, C, D, E, F, G, H, and J)**	The zoning by-law has long limited the maximum height of most dwellings to 10.7m. However, other rules have limited the number of storeys to two, and the maximum height of a storey to 3.6m. The effect of this is that the 10.7m maximum height limit is of little effect, and the limit on the number of storeys has unintended consequences that are discussed elsewhere in this table. If the limit on the maximum height of a storey was the only change, it would then be possible to build houses that are 10.7m tall, which is significantly taller than most houses in Newmarket. A review of existing building heights and modern construction standards has indicated that a maximum height of 8.5 is compatible with most low-rise residential areas. Combined with a removal of the control on how storeys are arranged within the house, this will allow for more flexibility in design along with heights that are in keeping with Newmarket neighbourhoods.
Exception 119	**Repeal Exception 119 enacted by By-law 2013-30**	Other amendments within this overall set of recommendations accomplish the objectives of this exception, which was adopted in 2013 to try to manage the pace of change in older neighbourhoods. The current set of recommendations uses similar tools, and goes into finer neighbourhood-by-neighbourhod sets of rules.
6.2.3 Additional Requirements for Residential Zones	The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application.	This is a technical clarification to how the regulations in 6.2.3 are laid out. It indicates that where a regulation includes a numerical asterisk (*), that rule applies to where that asterisk appears, and that where a regulation has a standard roman numeral (i, ii, iii, iv), its application is found in the text of the rule itself.

New/Updated Regulation or Standard	Key Change	Rationale
	Add 6.2.3 (ii) For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any existing permitted encroachments and required driveway. Explanatory text that does not form part of the by-law For example, in an R1 lot, the front yard extends across the full width of the lot between the front lot line and the closest wall of the principal building. This front yard can be partially occupied by the features listed in Section 4.2 (Encroachments into Required Yards), where they are identified in the table as being permitted in the front yard. A front yard could be partially occupied by a porch, steps, a landing from the steps, a driveway, and a residential walkway. The remaining portion of the front yard cannot be occupied by any structure or feature.	This is a clarification that does not change any permissions. The zoning by-law currently controls how much of a yard can be covered by paving or brick or structures, but it can be difficult to determine what that requirement is. This proposed change is meant to be a concise statement of how to arrive at how much soft landscaping is required, paired with an explanatory text. This clause does not change any permissions about yards or driveways, only explains the existing rules.

New/Updated Regulation or Standard	Key Change	Rationale
Section 4.24 Reserve	Introduce a new reserve to determine lot lines and setbacks. For the purposes of this By-law, a 0.3 m reserve shall: 1. be considered to be part of the abutting road for the purposes of determining lot lines; 2. be considered part of the adjacent lot for the purposes of determining setbacks and coverage. This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.	During development, the Town will sometimes temporarily take 0.3m of land from a development as a way to control when it is ready to be built and connected to municipal roads. However, this can lead to an odd situation of determining other elements of zoning, as usually zoning begins from first principles of figuring out which lot line is the front based on which lot line touches a street – but if that line doesn't touch a street and instead touches a 0.3m strip of land, the application of the zoning by-law rules becomes challenging. This clarification is a common rule in other municipalities that seeks to avoid this confusion.
Section 4.9.1 Non-Complying Building or Structure	**Amend Section 4.9.1** to read A non-complying building or structure which existed legally prior to the passing of this By-Law may be repaired, renovated or reconstructed provided that the repair, renovation or reconstruction: 1. does not further encroach into a required yard; 2. does not further increase the extent of a non-compliance with a maximum yard setback requirement; and, 3. complies with all other applicable provisions of this By-Law.	

New/Updated Regulation or Standard	Key Change	Rationale
Section 4.24 Reserve	**Introduce a reserve to determine lot lines and setbacks.** For the purposes of this By-law, a 0.3 m reserve shall: 1. be considered to be part of the abutting road for the purposes of determining lot lines; 2. be considered part of the adjacent lot for the purposes of determining setbacks and coverage. This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.	During development, the Town will sometimes temporarily take 0.3m of land from a development as a way to control when it is ready to be built and connected to municipal roads. However, this can lead to an odd situation of determining other elements of zoning, as usually zoning begins from first principles of figuring out which lot line is the front based on which lot line touches a street – but if that line doesn't touch a street and instead touches a 0.3m strip of land, the application of the zoning by-law rules becomes challenging. This clarification is a common rule in other municipalities that seeks to avoid this confusion.
4.2 Encroachments into Required Yards	**Revise permissions for encroachments into yards by driveways.** Revise permitted encroachment table to include: **Driveway** Permitted feature in any yard of a residential zone Subject to: i. Limits of Section 6.2 ii. Limits of Section 5.5	This is a technical amendment to the by-law. Driveways are permitted, and required, for all residential dwellings. However, they do not appear as a feature that is permitted to be in a required yard. This rule change would clarify that driveways are permitted in yards, subject to the existing limits on size and location.

New/Updated Regulation or Standard	Key Change	Rationale
Section 4.9.1 Non-Complying Building or Structure	**Permit the repair, renovation or reconstruction of a non-complying building so long as they do not increase the extent of non-compliance.** A non-complying building or structure which existed legally prior to the passing of this By-Law may be repaired, renovated or reconstructed provided that the repair, renovation or reconstruction: 1. does not further encroach into a required yard; 2. does not further increase the extent of a non-compliance with a maximum yard setback requirement; and, 3. complies with all other applicable provisions of this By-Law.	The Planning Act protects the right to use land and buildings in a way that people often refer to as being "grandfathered". This principle, known as "legally nonconforming", happens when a property is used in a way legally, and then the rules change to prevent that use. An example might include building a three-storey house, and then the rules changing to limit height to two storeys. The right to keep, and rebuild, the "grandfathered" building is protected by law. The Town's zoning by-laws have been even more permissive in this regard, allowing such a building to be made bigger and to extend the same grandfathered rule across the property. In most other municipalities you can rebuild the 'grandfathered' structure, but any new extension or addition to the building must comply with the new rules. The effect of the Town's current rules is that there is little reason for a property to ever come into conformity with the new rules, as the very permissive rules that currently exist in the by-law go well beyond what is normally permitted by law.

New/Updated Regulation or Standard	Key Change	Rationale
Section 1.10 Transition	**Add Section 1.10 – Transition** i**. Minor Variances** All minor variances applied for prior to the enactment of By-law 2020-XX and approved pursuant to Section 45 of the Planning Act continue to apply and remain in force as if they are variances to this By-law for lawfully existing lots, buildings or structures. Nothing in this By-law will prevent the erection or use of a building or structure, for which: (A) a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-XX; or (B) a complete application for a minor variance under Section 45 of the Planning Act was filed after to the date of passing By-law 2020-XX based on a building permit application filed on or prior to the date of passing By-law 2020-XX. For the purposes of this section, a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.	This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.

New/Updated Regulation or Standard	Key Change	Rationale
	ii. Site Plan Approval Applications Nothing in this By-law will prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the Planning Act. Where a project qualifies under this Section: a) site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX and all requirements of the Planning Act. b) after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX, the site plan approval, and all finally approved minor variances. For the purposes of this section, a "complete application for site plan approval" means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.	This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.

New/Updated Regulation or Standard	Key Change	Rationale
	iii. Building Permit Applications Nothing in this By-law will prevent the erection or use of a building or structure for which an application for a building permit was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-XX. An "application for a Building permit" means an application for a Building permit that satisfies the requirements set out in Building By-law 2015- 58 or its successor by-law.	This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.
	iv. Transition Clause Duration Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.	This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.

4.4 Visualizations of Neighbourhood Infill

This section of the report presents a series of visualizations of the proposed regulations, and the range of built form conditions that they would and/or would not permit. In doing so, they draw on real world examples outside of the Town of Newmarket. The demonstration diagrams are focused on three regulations - height, setbacks and lot coverage, which have been determined to be the three most significant elements contributing to built form compatibility.

For the Historic Core and Traditional Suburban Character Areas, one example which fully complies with these three criteria is included, in addition to additional examples which partially comply, or largely do not comply.

Selected examples which reflect the range of conditions one might see in these character areas. The examples include a combination of pitched and flat roof styles, small, moderate and large lots, a variety of vehicle access and parking conditions, and a range of architectural styles.

Demonstration Diagram 1

This demonstration (Figure 31) shows a contemporary infill development, situated within an Historic Core Character Area. It is located on a moderately sized lot and has a combination flat / pitched roof with side yard driveway and detached garage.

The demonstration fully complies with all three criteria. The building height complies with the maximum 8.5m requirement and is consistent with adjacent buildings. The finished floor height complies with the maximum 1.2m requirement. It also has compatible finished ground floor height, floor to floor heights, datums and rooflines when compared with the associated adjacent properties. Similarly, the front yard setback is consistent with adjacent properties and the side yard setback compiles with the minimum 1.5m setback, required for building walls up to 5.7m. Finally, the lot coverage complies with maximum permissions typical in this area (determined through aerial comparison of the surrounding block).

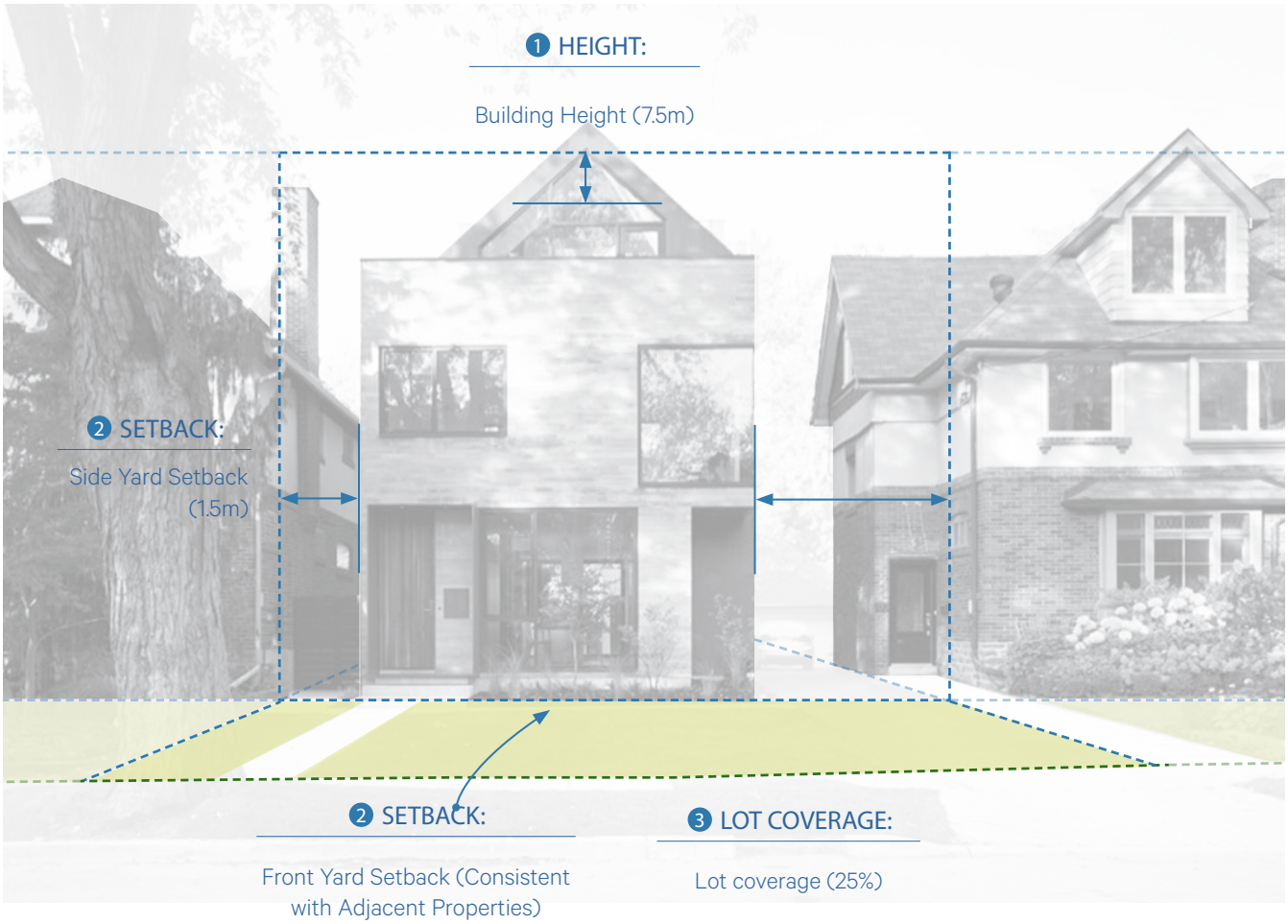


Figure 31. Demonstration Diagram 1 - Historic Core Character Area

Demonstration Diagram 2

This demonstration (Figure 32) features a contemporary renovation and addition to historic home, situated in an Historic Core Character Area. Sitting on a small lot, the property has a pitched roof, side yard driveway and pad parking.

The demonstration largely complies with the three criteria. The building height complies of 7.5m complies with the maximum 8.5m requirement and is consistent with adjacent buildings. The finished floor height complies with maximum 1.2m requirement. The finished ground floor height, floor to floor heights, datums and roof lines are also generally consistent with adjacent properties. The front yard setback complies with the 1.5 metre requirement and is consistent with adjacent properties. One side yard setback complies with the minimum 1.5m setback required for building walls up to 5.7m, while the other side yard does not. The lot coverage complies with maximum permissions typical in this area.

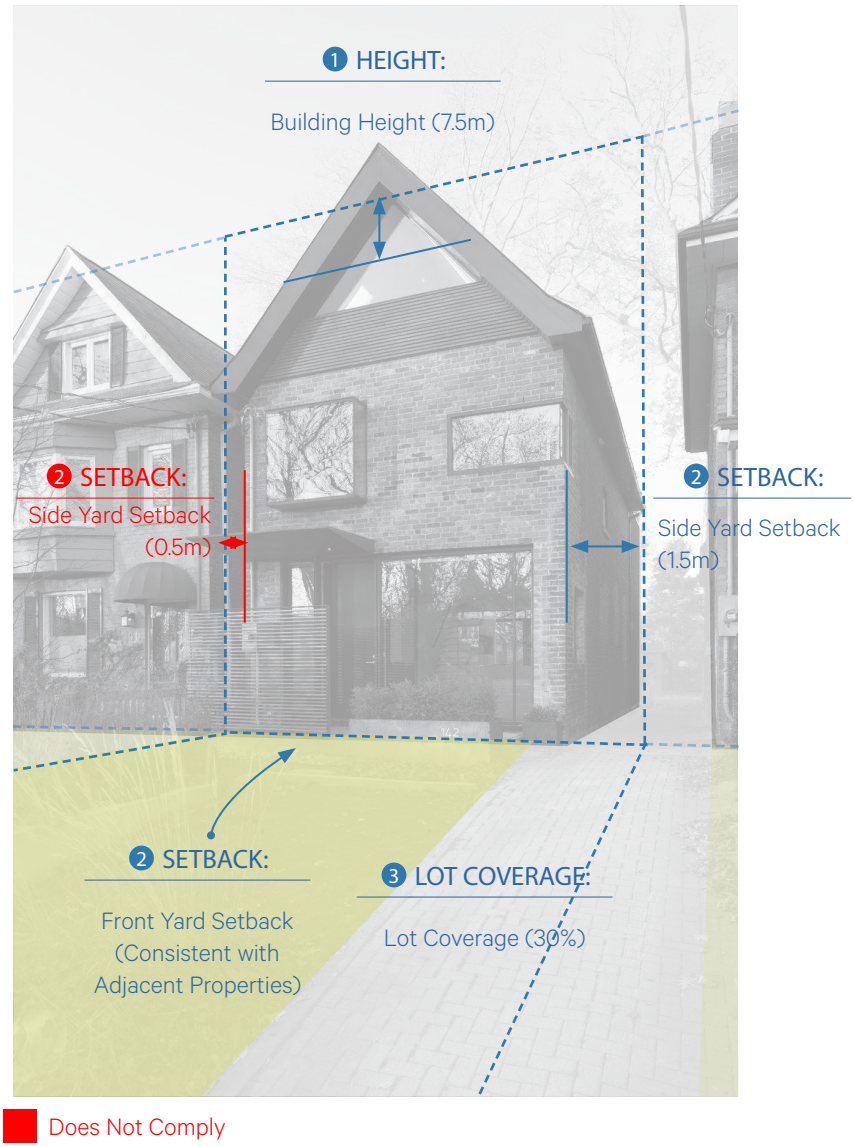


Figure 32. Demonstration Diagram 2 - Historic Core Character Area

Demonstration Diagram 3

This demonstration (Figure 33) shows a contemporary infill development, situated in an Historic Core Character Area, resulting from lot severance. It has a flat roof, integral garage and raised ground floor. It is located on a small lot.

The demonstration complies with the three criteria. The building height complies with the maximum 8.5m requirement, representing a modest increase over the adjacent building to the right. The datum does not align to adjacent properties. The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.5m. The entry and foyer are lower, with internal stairs.

The front yard setback complies and is consistent with those of the of adjacent properties. Side yards do not meet the minimum 1.8m setback required for building walls higher than 5.7m. The lot coverage does not comply with maximum permissions which would be typical in this area.

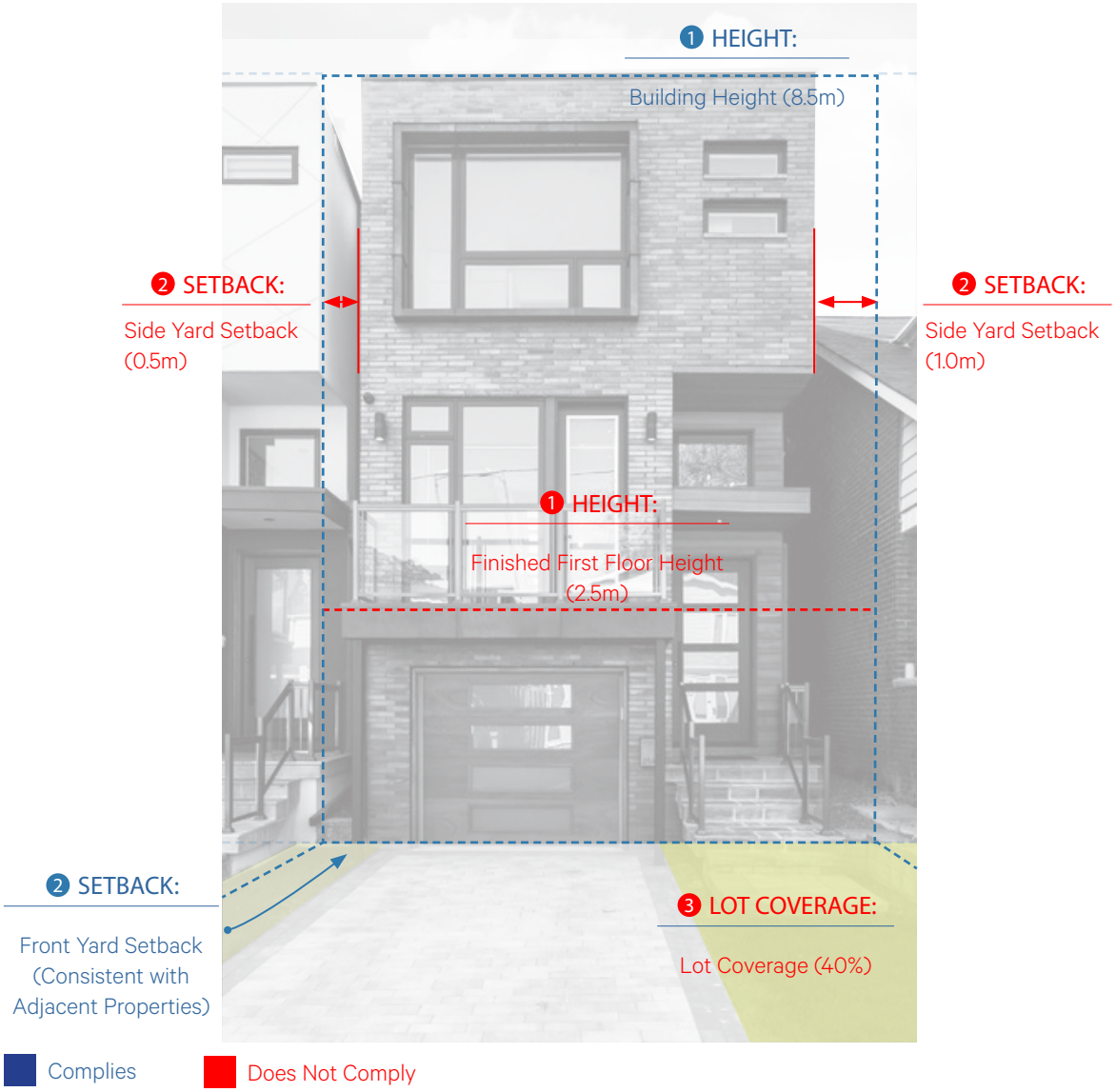


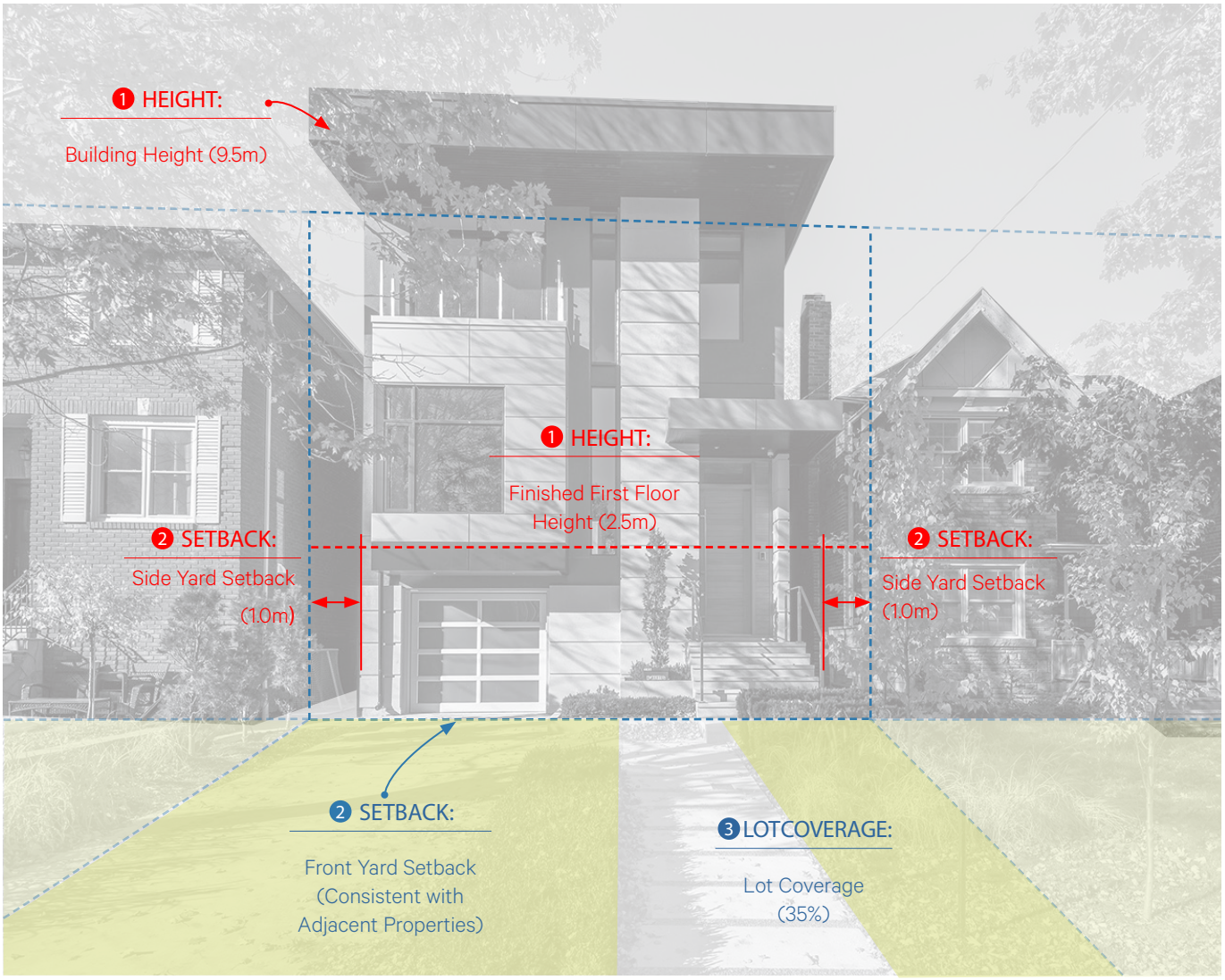
Figure 33. Demonstration Diagram 3 - Historic Core Character Area

Demonstration Diagram 4

This demonstration (Figure 34) shows a contemporary infill development on a moderately-sized lot, situated in an Historic Core Character Area, with a flat roof and integral garage.

The demonstration largely does not comply with the three criteria. The building height exceeds maximum permissions of 8.5m. The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.5m. The entry and foyer are lower, with internal stairs.

-While the front yard setback complies with the standards set by the adjacent properties, neither side yard meets the minimum 1.8m setback required for building walls higher than 5.7m. The lot coverage complies with maximum permissions which would be typical in this area.



Complies Does Not Comply

Figure 34. Demonstration Diagram 4 - Historic Core Character Area

Demonstration Diagram 5

This demonstration (Figure 35) illustrates a contemporary infill development, situated within a Traditional Suburban Character Area. The property features a flat roof, internal garage and raised ground floor with side-to-side split, on a fairly large lot.

The demonstration fully complies with all three criteria. The building height complies with max. 8.5m requirement and is consistent with adjacent buildings. The finished floor height complies with maximum 1.2m requirement, as more than 50% of ground floor area falls under this height. It is also compatible with the finished floor height, floor to floor heights and datums of adjacent buildings. The front yard setback complies, with a minor change relative to adjacent building but within the required 1.0m range. Finally, the side yard setbacks comply with the minimum 1.8m requirement and lot coverage complies with maximum permissions which would be typical in this area.

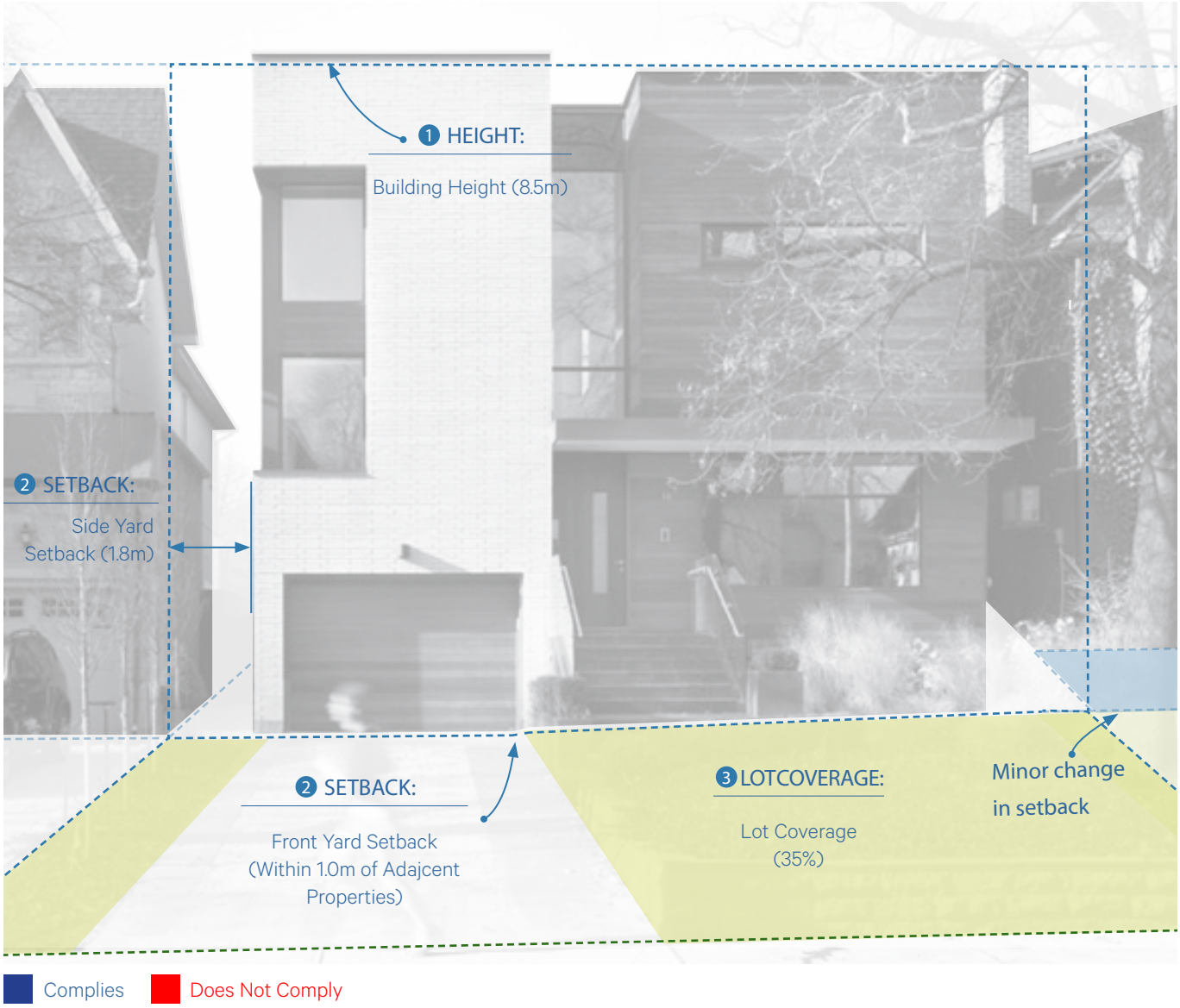


Figure 35. Demonstration Diagram 5 - Traditional Suburban Character Area

Demonstration Diagram 6

This demonstration (Figure 36) shows a contemporary infill development on a large lot, situated in a Traditional Suburban Character Area, with a flat roof, integral garage and raised ground floor. This particular condition is increasingly being seen in infill developments throughout municipalities across the Greater Toronto Area.

The demonstration largely complies with the three criteria. The building complies with the maximum 8.5m requirement. It is generally consistent, and slightly shorter, with the adjacent two-storey building to the left. To a degree, it establishes a height transition to the adjacent bungalow to the right. The finished floor height does not comply with the maximum 1.2m requirement, as over 50% of the floor area is at 2.25m.

The front yard setback is in compliance. It features a minor change relative to adjacent building to the right, but is within required 1.0m range. The side yards comply with the minimum 1.8m setback required for building walls beyond 5.7m. The lot coverage also complies with maximum permission which would be typical in this area.

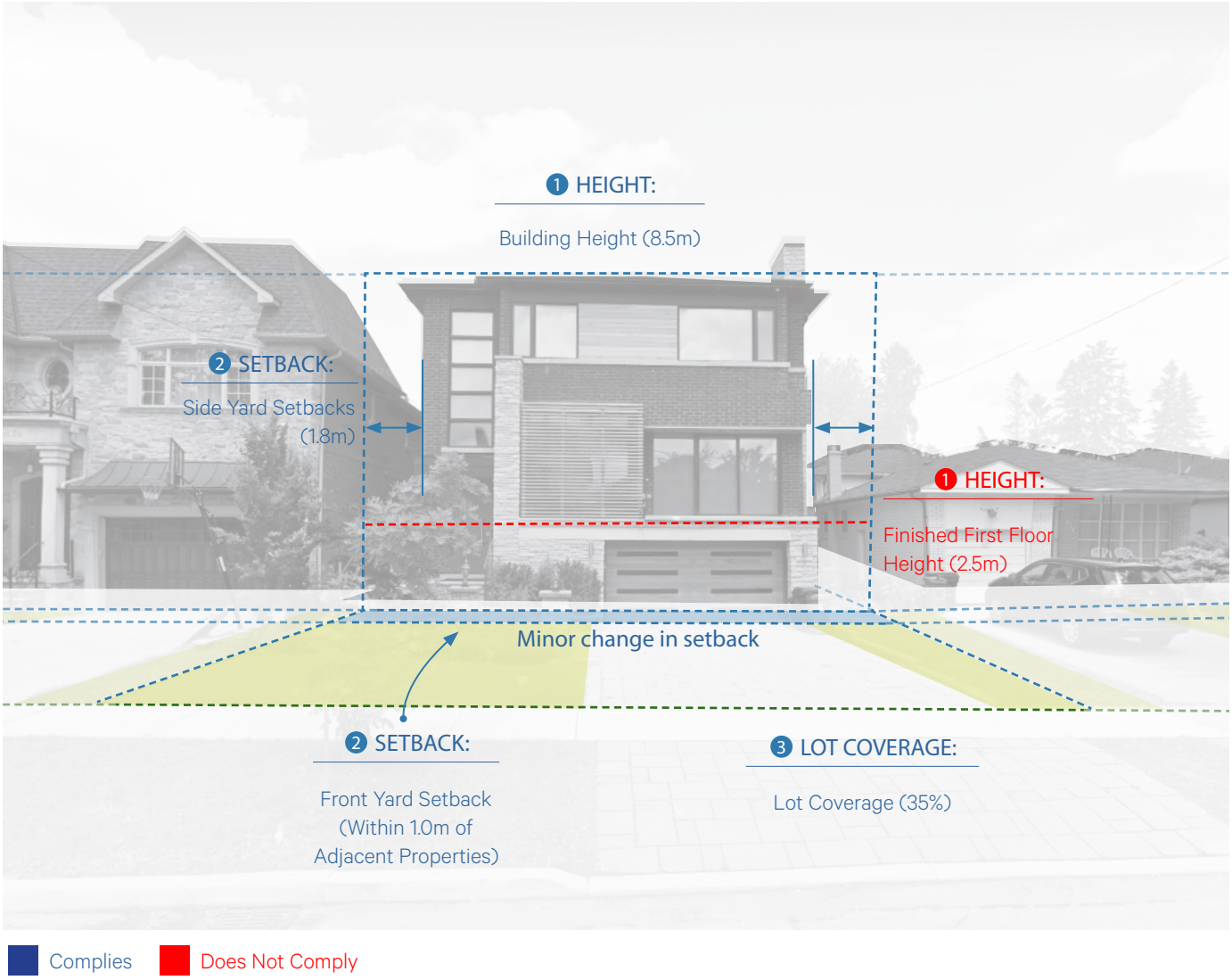


Figure 36. Demonstration Diagram 6 - Traditional Suburban Character Area

Demonstration Diagram 7

This demonstration (Figure 37) illustrates a contemporary infill development on a small lot, resulting from severance, situated in a Traditional Suburban Character Area. Features include a flat roof, integral garage and raised ground floor.

The demonstration largely does not comply with the three criteria. The building height marginally exceeds the maximum permission of 8.5m. The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.75m. The entry and foyer are lower, with internal stairs.

While the front yard setback complies and is consistent with adjacent properties, the side yard setbacks do not meet the minimum 1.8m requirement for building walls higher than 5.7m. The lot coverage complies with maximum permission which would be typical in this

Figure 37. Demonstration Diagram 7 - Traditional Suburban Character Area

Demonstration Diagram 8

This demonstration (Figure 38) illustrates a neo-traditional infill development, situated in a Traditional Suburban Character Area. Situated on a large lot, it features a mansard roof, integral garage and raised ground floor.

The demonstration largely does not comply with the three criteria. The building height exceeds the maximum permission of 8.5m. The assessment of building height is impacted due to the fact that this development features a mansard roof, as this increases the perception of height and massing. It is treated as a flat roof rather than a pitched roof.

The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.75m. The entry and foyer are lower, with internal stairs.

The front yard setback Is consistent with adjacent properties. The side yards meet the minimum 1.8m setback, required for building walls higher than 5.7m. The lot coverage exceeds and does not comply with maximum permissions which would be typical in this area.

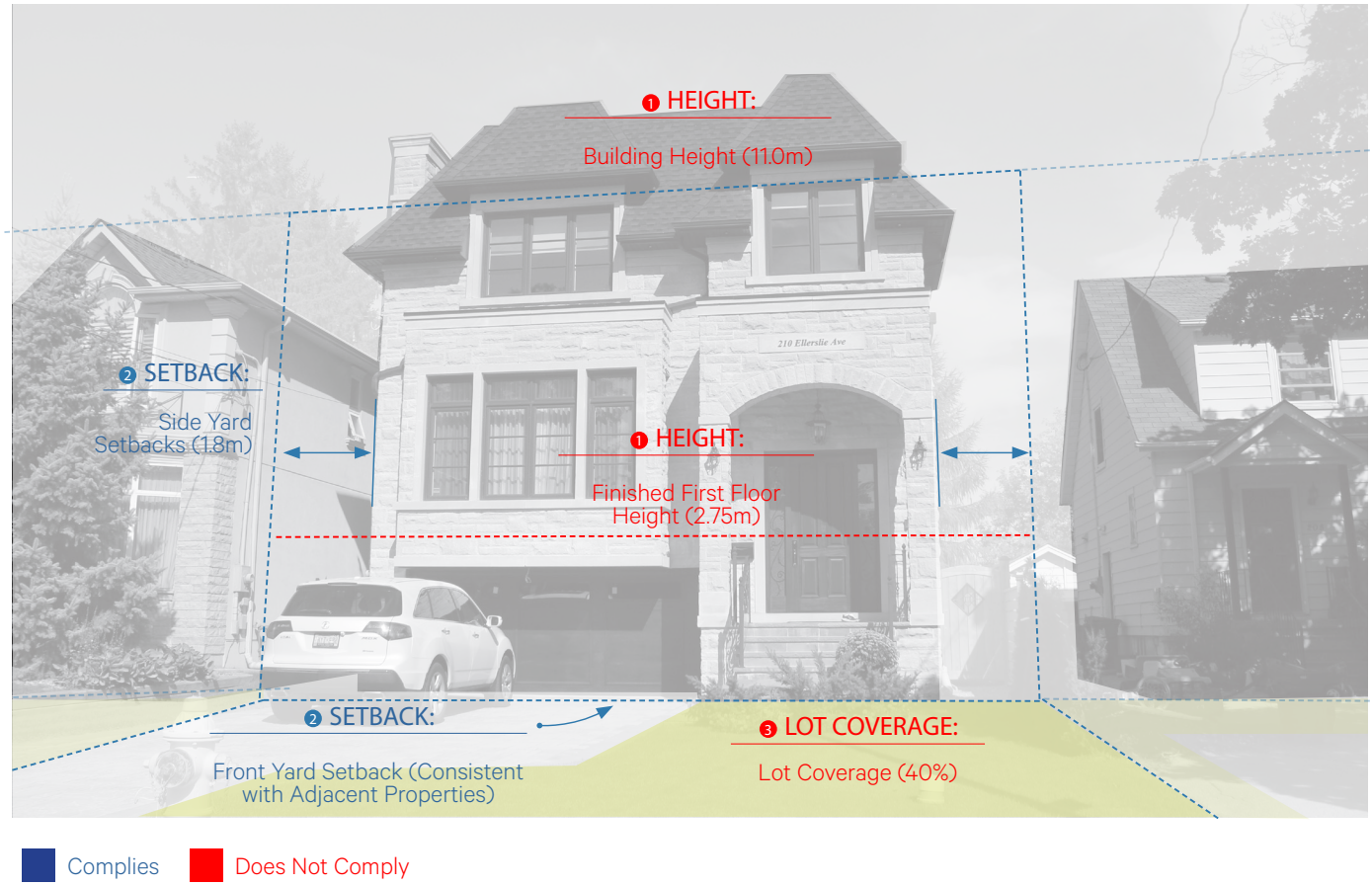


Figure 38. Demonstration Diagram 8 - Traditional Suburban Character Area

APPENDIX A

Amendment No. 28
to the
Town of Newmarket Official Plan

CONTENTS

PART A The Preamble 2
1. Purpose of the Amendment 2
2. Location 2
3. Basis 2
Part B The amendment 3
1. Format of the Amendment 3
2. Details of the Amendment 3
Item 1 Section 2.0 Urban Structure 3
Item 2 Section 2.1 Managing Growth 3
Item 3 Section 3.0: Residential Areas 3
Item 4 Section 3.1: General Residential Areas Policies 4
Item 5 Section 3.2: Residential Character Areas 7
Item 6 Section 3.9 Intensification 10
Item 7 Section 12.4: Compatibility 11
Item 8 Section 16.0 Implementation 12
Item 9 Schedule A: Land Use 13
Item 10 Schedule I: Residential Character Areas 13
3. Schedules 13

DRAFT

PART A THE PREAMBLE

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

1. Purpose of the Amendment

The purpose of this amendment is to amend policies and schedules of the Town of Newmarket Official Plan to:

- Reflect changes in residential development that have occurred since the Official Plan was adopted;
- Remove references to Stable and Emerging Residential Areas and instead include policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implement a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and,
- Propose a defined list of predominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

2. Location

The proposed amendments are made to the text and schedules of the Official Plan and are applied to the residential area of the Official Plan as described in the text and indicated on the Schedules.

3. Basis

In January 2019, the Council of the Town of Newmarket directed staff to undertake a study on development and change in established residential areas, while adopting an Interim Control By-law pursuant to Section 38 of the *Planning Act*. Since then, staff have researched best practices in regulating growth and change in established areas, reviewed applicable Regional and Provincial planning policy documents, and consulted with the public.

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PART B THE AMENDMENT

1. Format of the Amendment

PART B – THE AMENDMENT describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment Number 28.

Official Plan Amendment Number 28 consists of the following proposed modifications to the text and Schedules to the Newmarket Official Plan. Sections and Schedules of the Newmarket Official Plan proposed for modifications are identified as **"Items**".

2. Details of the Amendment

Item 1 Section 2.0 Urban Structure

Delete the description of Residential Areas under the second paragraph and replace with the following:

"Encompassing the majority of lands throughout the Town of Newmarket, Residential Areas are low-rise residential neighbourhoods which accommodate a range of housing and tenure types, interspersed with ancillary convenience commercial and institutional uses."

Item 2 Section 2.1 Managing Growth

Delete the first paragraph of Section 2.1 Managing Growth and replace it with the following:

A key principle reinforced throughout this Plan is the commitment to protect and strengthen existing neighbourhoods. Residential Areas are intended to remain stable. However, they may accommodate contextually-sensitive infill development and intensification, provided it contributes towards the establishment of a desirable urban structure, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

Item 3 Section 3.0: Residential Areas

Delete Section 3.0: Residential Areas and replace with the following:

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3.0 Residential Areas

As the supply of greenfield lands becomes exhausted, residential development trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment of existing built-up areas to accommodate current and projected population growth.

While the majority of this growth is directed to the Urban Centres, a limited amount of development that is compatible with the residential character of existing neighbourhoods is anticipated to occur throughout Residential Areas.

While Residential Areas are primarily comprised of single-detached and semi-detached dwellings, they also contain a mix of duplexes, triplexes, fourplexes, townhouses, rowhouses, and low-rise apartment buildings up to 4 storeys.

Sensitive development of Residential Areas can add value to the community by boosting and diversifying the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching the local community. However, such development must be undertaken in a manner which acknowledges, respects, and is compatible with the existing predominant physical neighbourhood character.

Residential Areas may also contain limited convenience commercial and institutional uses which are compatible with residential uses.

Item 4 Section 3.1: General Residential Areas Policies

a. Delete Policies 1 and 2 under Section 3.1 General Residential Area Policies.

b. Rename the title “Section 3.1: General Residential Area Policies” to “Section 3.1: Residential Areas Policies”.

c. Add the following sections and policies after Section 3.1 Residential Areas Policies:

3.1.1 Objectives

a. Provide for a range of residential accommodation by housing type, tenure, size, location and price range to help satisfy the Town of Newmarket’s housing needs.

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b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the prevailing physical character of the surrounding neighbourhood.

c. Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes towards the establishment of a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs.

3.1.2 Permitted Uses

Policies

1 The predominant use of land in Residential Areas shall be residential in the form of single-detached and semi-detached dwellings.

2 Rowhouses, townhouses, duplex, triplex, and quadruplex are also permitted provided that the applicant can demonstrate to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study.

2.1 For the purpose of Policy 3.1.2.2, a Compatibility Analysis Study, which may form part of a Planning Justification Report, shall at a minimum, address policies of Section 12.4 Compatibility.

3 Secondary and/or complementary permitted uses include those local institutional uses serving the immediate area such as Town of Newmarket Official Plan 27 elementary schools, group homes and special needs housing. In addition, home occupations, accessory dwelling units in single-detached and semi-detached dwellings, and convenience commercial uses are permitted. Conservation uses, parks and open space areas are also permitted in the Residential Areas (OPA #4).

4 Townhouse units on a Private Road shall be a permitted use in the Residential Area for the lands subject to Official Plan Amendment No. 12. (OPA #12) (955 & 995 Mulock Drive).

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5 Within Residential Areas located on Davis Drive, immediately west of the Bus Terminal, permitted uses shall also include 4 to 6 storey apartment buildings and mixed use “live-work” units *(OPA #16)*.

3.1.3 Development Criteria

Policies

1. Throughout Residential Areas, development shall be compatible with the prevailing physical character of the surrounding neighbourhood, with consideration for the following:
    - lot dimensions;
    - lot frontage;
    - front, side and rear yard setbacks;
    - siting and orientation;
    - lot coverage;
    - building entrance location;
    - private landscaping;
    - building height, massing, and depth; and,
    - ground floor height.

2. Development in Residential Areas shall acknowledge and respect the prevailing physical character of the surrounding properties, particularly those properties with frontage along the same street segment, subject to the Urban Design and Compatibility policies of Section 12.

3. When considering development proposals in Residential Areas, the Town will:

    a. Assess the compatibility of the proposed development as it relates to the existing built form so that it enhances and builds upon desirable established patterns of built form and open spaces, and

    b. Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles.

4. All Residential Areas shall be developed or maintained on full municipal sanitary sewer, water supply and storm sewer services, with the exception of the existing Kingdale Road, Old Bathurst Estates and Premier Place Estate Neighbourhoods.

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Item 5 Section 3.2: Residential Character Areas

a. Delete Section 3.2: Stable Residential Areas and Section 3.3: Emerging Residential Areas.

b. Add the follow sections and policies under the new Section 3.2: Residential Character Areas and renumber subsequent sections accordingly.

Section 3.2 Residential Character Areas

3.2.1 Objective

The Residential Character Area boundaries are illustrated in Schedule I: Residential Character Areas. It is the objective of the Residential Area policies to maintain the stability and unique quality of Residential Character Areas, while allowing for contextually-sensitive development, which demonstrates compatibility with the prevailing built form and public realm features of the surrounding neighbourhood.

3.2.2 Historic Core Character Area

Newmarket's Historic Core Character Area were developed prior to the 1940's, and the advent of subdivision-based planning. The Historic Core Character Area is situated within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.

Newmarket's Historic Core Character Area is generally characterized by:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Varied lot shapes and configurations;
- Varied front yard and side yard setbacks, of a shallow to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, including front and side yard driveways;

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- Varied parking configurations, including parking pads, detached garages, and attached garages;
- Range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- Significant concentration of Listed and Designated Heritage Properties.

Policy

1. Development within the Historic Core Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.2, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

3.2.3 Traditional Suburban Character Area

Newmarket's Traditional Suburban Character Area was developed between the 1940's and 1990's, following the advent of subdivision-based planning. The Traditional Suburban Character Area is generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.

Newmarket's Traditional Suburban Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long blocks with few intersections;
- Landscaped boulevards and a moderate and evolving canopy of maturing street trees;
- Discontinuous sidewalks on one side of the street, with the exception of cul-de-sacs, many of which are absent of sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front and side yard setbacks;
- Varied building heights, ranging between 1 and 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

Policy

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1. Development within Traditional Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.3, while responding to unique site and contextual conditions, and demonstrating compatibility with existing neighbourhood.

3.2.4 Contemporary Suburban Character Area

Newmarket's Contemporary Suburban Character Area was developed following the 1990's, and is generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

Newmarket's Contemporary Suburban Character Area is generally characterized by:

- Modified street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and a minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front and side yard setbacks, of a shallow to moderate depth;
- Consistent building heights of 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

Policy

1. Development within Contemporary Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.4, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

3.2.5 Estate Character Area

Newmarket's Estate Character Area was developed between the 1940's and 1990's, and are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional

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Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

Estate Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long and often undefined discontinuous blocks;
- Landscaped boulevards with paved or gravel shoulders, swales and moderate and evolving canopy of maturing street trees;
- No sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, or a significant size;
- Consistent front yard setbacks, of a significant depth;
- Consistent side yard setbacks, of a moderate to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, characterized by front yard driveways with one or more curb-cuts, and occasionally turn-around facilities of moderate to significant width;
- Varied parking configurations, characterized by parking pads, attached front and side garages, detached garages, and outdoor parking enclosures; and
- Significant range of architectural expressions and styles.

Policies

1. Development within the Estate Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.5, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

2. Within Estate Character Area, no new residential lot shall be created through consent until such time as municipal services are provided throughout the neighbourhood.

3. Nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services, if deemed appropriate and/or necessary, by the Region of York or the Town of Newmarket.

Item 6 Section 3.9 Intensification

a. Renumber Section 3.9: Intensification to Section 3.8: Intensification.

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b. Replace Policy 1 with the following:

1. Throughout Residential Areas, intensification is permitted through the introduction of the following:
   - A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings.
   - A range of building and units types including townhouses and rowhouses on a site-specific basis.
   - Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings.
   - The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan.

c. Add the following policies after Policy 1:

2. Standards for accessory dwelling units, will be established in the Zoning By-law and shall be consistent with Section 3.6, Accessory Dwelling Units.

3. Limited intensification through consents will be permitted subject to the zoning by-law and compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill or intensification, availability of services and road access requirements.

Item 7 Section 12.4: Compatibility

a. Number the first paragraph as Policy 1 and delete the list following the second sentence in paragraph 1 and replace the list with the following:

   - Existing built form of the area;
   - Policies of the Residential Character Area, if applicable;
   - Nature of fenestration and sun reflection impacts;
   - Nature of shadow impacts; and,
   - Existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings.

b. Add the following policies to Section 12.4 Compatibility after Policy 1:

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2. Development will be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:

   - Setbacks, heights and transition;
   - Façade and roofline articulation;
   - Colours and materials;
   - Architectural elements, including windows, doors and projections;
   - Pre- and post-construction grades on site; and
   - Incorporating elements and details of common characteristics of the area.

c. Delete the second paragraph and replace it with the following as Policy 3:

   3. Building heights of mid-rise and high-rise buildings immediately adjacent to a Residential Area should provide an appropriate transition and achieve suitable visual angular planes. Where a building height greater than the existing adjacent context or adjacent public open space is proposed, the development shall demonstrate that an effective transition in height and massing, such as a stepping down or variation in building form has been incorporated into the design.

d. Number the third paragraph as Policy 4.

Item 8 Section 16.0 Implementation

Add the following section and policy as **Section 16.6 Transition**

Section 16.6 Transition

Policy

1. Notwithstanding the policies of OPA No. 28, applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium approval or Site Plan approval which were deemed complete and still in process prior to approval of OPA No. 28, or which were approved by the Town or the Local Planning Appeal Tribunal, are required to conform only with the policies in force at the time of the complete application or approval until the date OPA No. 28 is approved.

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Item 9 Schedule A: Land Use

Schedule A: Land Use is revised by removing “Stable Residential” and “Emerging Residential” Land Use Designations, combining those lands previously designated as “Stable Residential” and “Emerging Residential” and replacing them with a single “Residential” Land Use Designation as shown on Schedule 1 attached.

Item 10 Schedule I: Residential Character Areas

Add the attached Schedule 2 as Schedule I: Residential Character Areas to the Newmarket Official Plan.

3. Schedules

Schedule 1 – Schedule A: Land Use

Schedule 2 – Schedule I: Residential Character Areas

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APPENDIX B

Newmarket

Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law Number 2010-40, as amended, being the Town of Newmarket Zoning By-law.

Whereas it is deemed advisable to amend By-law Number 2010-40;

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

1. That Exception 119 enacted by By-law 2013-30 is hereby repealed.
2. That By-law Number 2010-40, as amended, is hereby amended as follows:

   i. **Section 1: Interpretation and Administration** is amended by adding **Section 1.10 Transition** and the following:

      This section applies to:

      i. <u>Site-Specific Zoning By-law Amendments</u>
         All site-specific zoning by-law amendments approved and came into full force and effect pursuant to Section 34 of the *Planning Act* prior to the passing of By 2020-xx shall remain in force.

      ii. <u>Minor Variances</u>
         All minor variances applied for prior to the passing of By-law 2020-XX and approved pursuant to Section 45 of the *Planning Act* continue to apply and remain in force as if they are variances to this By-law for lawfully **existing lots**, **buildings** or **structures**.

         Nothing in this By-law shall prevent the erection or use of a **building** or **structure**, for which:

         a. a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-XX and approved prior to or after the passing of By-law 2020-XX; or

         b. a complete application for a minor variance under Section 45 of the Planning Act was filed and approved after to the date of passing By-law 2020-XX based on a building permit application filed on or prior to the date of passing By-law 2020-XX .

         For the purposes of this section, a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the *Planning Act*.

iii. Building Permit Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for which an application for a building permit was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-XX.

An “application for a Building permit” means an application for a Building permit that satisfies the requirements set out in Building By-law 2015-58 or its successor by-law.

iv. Site Plan Approval Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the *Planning Act*.

Where a project qualifies under this Section:

a. site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX and all requirements of the *Planning Act*.

b. after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX, the site plan approval, and all finally approved minor variances.

For the purposes of this section, a "complete application for site plan approval" means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.

v. Transition Clause Duration

Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.

ii. **Section 3: Definitions** is amended as follows:

a. Delete the definition of **Basement** and replace it with the following:

Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed:

- 1.2 metres for lots Zoned R1, R2 or R3; or,
- 1.8 metres for lots in all other Zones.

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b. Add the term **Dormer** and the following definition:

Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area on each side of the roof.

c. Delete the definition of **Grade, Established or Finished** and replace it with the following:

"Means
For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the front yard meets adjacent side lot lines;

For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure."

d. Revise the term **Height** to **Height, Building** and replace the definition with the following:

"Means the vertical distance measured between the established or finished grade and any of the following:

- On a flat roof or mansard roof, the highest point of the roof surface or the parapet, whichever is greater;
- On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or,
- The highest point of a structure without a roof."

e. Add the term **Height, Finished First Floor** and the following definition:

"Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade."

f. Add the term **Roof, Flat** and the following definition:

"Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area."

g. Add the term **Roof, Pitched** and the following definition:

"Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area."

h. Revise the term **Garage, Residential** by adding "accessed via a driveway" after "Means an enclosed building or part thereof", as follows:

"Means an enclosed building or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private motor vehicles, recreational vehicles and trailers."

i. Delete the definition of **Storey** and replace it with the following:

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"Means

For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.2m above established grade.

For all other structures, a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.8m above established grade. Any portion of a storey exceeding 3.6 metres in height shall be deemed to be an additional storey."

iii. **Section 4: General Provisions** is amended as follows:

a. Add the following to the table in **Section 4.2 Encroachments into Required Yards**:

Permitted Structure or Feature	**Applicable Required Yard(s)**	**Required Setback or Permitted Encroachment**
STRUCTURAL AND ORNAMENTAL FEATURES:		
Driveway	Permitted in any yard of a residential zone	Subject to: i. Limits of Section 6.2 ii. Limits of Section 5.5

b. Add the following provision as **Section 4.9.2 Exception** and renumber Valid Building Permit in Effect as Section 4.9.3:

Section 4.9.2 Exception

Notwithstanding Section 4.9.1 (iii), a building or structure having a non-complying maximum finished first floor height may be enlarged, repaired or renovated, but the reconstruction of such building or structure shall comply with the maximum finished first floor height in accordance with Section 6.2.2.

c. Delete **Section 4.13 Conformity with an Established Building Line**.

d. Add **Section 4.24 0.3m Reserve** and the following provisions:

Section 4.24 0.3m Reserve

For the purposes of this By-law, a 0.3 m reserve shall:

i. be considered to be part of the abutting road for the purposes of determining lot lines, and
ii. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.

This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.

iv. **Section 6.2.2 Zone Standards** is amended as follows:

a. Delete column **Ex. 119** from the table.

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b. In the row **Maximum Lot Coverage**, add “Refer to Schedule D” in the columns for Zones A, B, C, D, E, F, G, H, J and K.

c. Replace the term **Max. Height** with **Max. Building Height**.

d. Delete the **Max. Building Height** provisions for Zones A, B, C, D, E, F, G, H, J and K and replace them with “8.5m”.

e. Add a row to the table for **Max. Finished First Floor Height** and insert “1.2m” in the columns for Zones A, B, C, D, E, F, G, H and J.

f. Delete “Each Side 1 Storey”; “Each Side 1.5 Storeys”, and “Each Side 2 Storeys” in the table under **From Interior *Side Lot Line*** and replace them with “Up to 4.2m Building Height”; “Up to 5.7 Building Height” and “Beyond 5.7m Building Height” respectively.

g. Delete the **Min. Yard Setback from Front Lot Line** provisions for Zones C, D, E, F, G, H, J, K, L and M and replace them with (*16).

h. In the row **Exterior Side Lot Line,** add (*18) for Zones C, D, E, F, G, H, J and K.

v. **Section 6.2.3 Additional Requirements for Residential Zones** is amended as follows:

a. Delete the first paragraph and replace it with the following:

i. The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application.

b. Add the following provision after the first paragraph:

ii. For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any permitted encroachments.

c. Add the following additional requirements after (*15):

(*16) The minimum front yard setback shall be one metre less than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road, but shall not be closer to the street line than 3m.

In addition to the above, the proposed front yard setback shall not be further from the street line than one metre greater than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road.

(*17) For a semi-detached dwelling the setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.

(*18) The minimum exterior side yard setback requirement shall be one metre less than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line, but it shall not be less than the minimum prescribed in Section 6.2.2.

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In addition to the above, the proposed exterior side yard setback shall not be further from the exterior side lot line than one metre greater than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line.

vi. **Schedule A (Maps)**

a. Add the attached Schedule 1 as Schedule D: Lot Coverage to By-law 2010-40, as amended.

b. Delete Schedule A Maps 10 and 13 and replacing them with Schedules 2 and 3 attached as new Schedule A Maps 10 and 13.

3. That Schedules 1, 2 and 3 attached to this by-law are declared to form part of this by-law.

Enacted this xxx day of xxx, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

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Amendment No. 28
to the
Town of Newmarket Official Plan

CONTENTS

PART A The Preamble 2
1. Purpose of the Amendment 2
2. Location 2
3. Basis 2
Part B The amendment 3
1. Format of the Amendment 3
2. Details of the Amendment 3
Item 1 Section 2.0 Urban Structure 3
Item 2 Section 2.1 Managing Growth 3
Item 3 Section 3.0: Residential Areas 3
Item 4 Section 3.1: General Residential Areas Policies 4
Item 5 Section 3.2: Residential Character Areas 7
Item 6 Section 3.9 Intensification 10
Item 7 Section 12.4: Compatibility 11
Item 8 Section 16.0 Implementation 12
Item 9 Schedule A: Land Use 13
Item 10 Schedule I: Residential Character Areas 13
3. Schedules 13

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PART A THE PREAMBLE

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

1. Purpose of the Amendment

The purpose of this amendment is to amend policies and schedules of the Town of Newmarket Official Plan to:

- Reflect changes in residential development that have occurred since the Official Plan was adopted;
- Remove references to Stable and Emerging Residential Areas and instead include policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implement a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and,
- Propose a defined list of predominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

2. Location

The proposed amendments are made to the text and schedules of the Official Plan and are applied to the residential area of the Official Plan as described in the text and indicated on the Schedules.

3. Basis

In January 2019, the Council of the Town of Newmarket directed staff to undertake a study on development and change in established residential areas, while adopting an Interim Control By-law pursuant to Section 38 of the *Planning Act*. Since then, staff have researched best practices in regulating growth and change in established areas, reviewed applicable Regional and Provincial planning policy documents, and consulted with the public.

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PART B THE AMENDMENT

1. Format of the Amendment

PART B – THE AMENDMENT describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment Number 28.

Official Plan Amendment Number 28 consists of the following proposed modifications to the text and Schedules to the Newmarket Official Plan. Sections and Schedules of the Newmarket Official Plan proposed for modifications are identified as **"Items**".

2. Details of the Amendment

Item 1 Section 2.0 Urban Structure

Delete the description of Residential Areas under the second paragraph and replace with the following:

"Encompassing the majority of lands throughout the Town of Newmarket, Residential Areas are low-rise residential neighbourhoods which accommodate a range of housing and tenure types, interspersed with ancillary convenience commercial and institutional uses."

Item 2 Section 2.1 Managing Growth

Delete the first paragraph of Section 2.1 Managing Growth and replace it with the following:

A key principle reinforced throughout this Plan is the commitment to protect and strengthen existing neighbourhoods. Residential Areas are intended to remain stable. However, they may accommodate contextually-sensitive infill development and intensification, provided it contributes towards the establishment of a desirable urban structure, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

Item 3 Section 3.0: Residential Areas

Delete Section 3.0: Residential Areas and replace with the following:

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3.0 Residential Areas

As the supply of greenfield lands becomes exhausted, residential development trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment of existing built-up areas to accommodate current and projected population growth.

While the majority of this growth is directed to the Urban Centres, a limited amount of development that is compatible with the residential character of existing neighbourhoods is anticipated to occur throughout Residential Areas.

While Residential Areas are primarily comprised of single-detached and semi-detached dwellings, they also contain a mix of duplexes, triplexes, fourplexes, townhouses, rowhouses, and low-rise apartment buildings up to 4 storeys.

Sensitive development of Residential Areas can add value to the community by boosting and diversifying the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching the local community. However, such development must be undertaken in a manner which acknowledges, respects, and is compatible with the existing predominant physical neighbourhood character.

Residential Areas may also contain limited convenience commercial and institutional uses which are compatible with residential uses.

Item 4 Section 3.1: General Residential Areas Policies

a. Delete Policies 1 and 2 under Section 3.1 General Residential Area Policies.

b. Rename the title “Section 3.1: General Residential Area Policies” to “Section 3.1: Residential Areas Policies”.

c. Add the following sections and policies after Section 3.1 Residential Areas Policies:

3.1.1 Objectives

a. Provide for a range of residential accommodation by housing type, tenure, size, location and price range to help satisfy the Town of Newmarket’s housing needs.

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b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the prevailing physical character of the surrounding neighbourhood.

c. Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes towards the establishment of a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs.

3.1.2 Permitted Uses

Policies

1 The predominant use of land in Residential Areas shall be residential in the form of single-detached and semi-detached dwellings.

2 Rowhouses, townhouses, duplex, triplex, and quadruplex are also permitted provided that the applicant can demonstrate to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study.

2.1 For the purpose of Policy 3.1.2.2, a Compatibility Analysis Study, which may form part of a Planning Justification Report, shall at a minimum, address policies of Section 12.4 Compatibility.

3 Secondary and/or complementary permitted uses include those local institutional uses serving the immediate area such as Town of Newmarket Official Plan 27 elementary schools, group homes and special needs housing. In addition, home occupations, accessory dwelling units in single-detached and semi-detached dwellings, and convenience commercial uses are permitted. Conservation uses, parks and open space areas are also permitted in the Residential Areas (OPA #4).

4 Townhouse units on a Private Road shall be a permitted use in the Residential Area for the lands subject to Official Plan Amendment No. 12. (OPA #12) (955 & 995 Mulock Drive).

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5 Within Residential Areas located on Davis Drive, immediately west of the Bus Terminal, permitted uses shall also include 4 to 6 storey apartment buildings and mixed use “live-work” units *(OPA #16)*.

3.1.3 Development Criteria

Policies

1. Throughout Residential Areas, development shall be compatible with the prevailing physical character of the surrounding neighbourhood, with consideration for the following:
    - lot dimensions;
    - lot frontage;
    - front, side and rear yard setbacks;
    - siting and orientation;
    - lot coverage;
    - building entrance location;
    - private landscaping;
    - building height, massing, and depth; and,
    - ground floor height.

2. Development in Residential Areas shall acknowledge and respect the prevailing physical character of the surrounding properties, particularly those properties with frontage along the same street segment, subject to the Urban Design and Compatibility policies of Section 12.

3. When considering development proposals in Residential Areas, the Town will:

    a. Assess the compatibility of the proposed development as it relates to the existing built form so that it enhances and builds upon desirable established patterns of built form and open spaces, and

    b. Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles.

4. All Residential Areas shall be developed or maintained on full municipal sanitary sewer, water supply and storm sewer services, with the exception of the existing Kingdale Road, Old Bathurst Estates and Premier Place Estate Neighbourhoods.

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Item 5 Section 3.2: Residential Character Areas

a. Delete Section 3.2: Stable Residential Areas and Section 3.3: Emerging Residential Areas.

b. Add the follow sections and policies under the new Section 3.2: Residential Character Areas and renumber subsequent sections accordingly.

Section 3.2 Residential Character Areas

3.2.1 Objective

The Residential Character Area boundaries are illustrated in Schedule I: Residential Character Areas. It is the objective of the Residential Area policies to maintain the stability and unique quality of Residential Character Areas, while allowing for contextually-sensitive development, which demonstrates compatibility with the prevailing built form and public realm features of the surrounding neighbourhood.

3.2.2 Historic Core Character Area

Newmarket's Historic Core Character Area were developed prior to the 1940's, and the advent of subdivision-based planning. The Historic Core Character Area is situated within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.

Newmarket's Historic Core Character Area is generally characterized by:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Varied lot shapes and configurations;
- Varied front yard and side yard setbacks, of a shallow to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, including front and side yard driveways;

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- Varied parking configurations, including parking pads, detached garages, and attached garages;
- Range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- Significant concentration of Listed and Designated Heritage Properties.

Policy

1. Development within the Historic Core Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.2, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

3.2.3 Traditional Suburban Character Area

Newmarket's Traditional Suburban Character Area was developed between the 1940's and 1990's, following the advent of subdivision-based planning. The Traditional Suburban Character Area is generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.

Newmarket's Traditional Suburban Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long blocks with few intersections;
- Landscaped boulevards and a moderate and evolving canopy of maturing street trees;
- Discontinuous sidewalks on one side of the street, with the exception of cul-de-sacs, many of which are absent of sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front and side yard setbacks;
- Varied building heights, ranging between 1 and 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

Policy

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1. Development within Traditional Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.3, while responding to unique site and contextual conditions, and demonstrating compatibility with existing neighbourhood.

3.2.4 Contemporary Suburban Character Area

Newmarket's Contemporary Suburban Character Area was developed following the 1990's, and is generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

Newmarket's Contemporary Suburban Character Area is generally characterized by:

- Modified street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and a minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front and side yard setbacks, of a shallow to moderate depth;
- Consistent building heights of 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

Policy

1. Development within Contemporary Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.4, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

3.2.5 Estate Character Area

Newmarket's Estate Character Area was developed between the 1940's and 1990's, and are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional

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Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

Estate Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long and often undefined discontinuous blocks;
- Landscaped boulevards with paved or gravel shoulders, swales and moderate and evolving canopy of maturing street trees;
- No sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, or a significant size;
- Consistent front yard setbacks, of a significant depth;
- Consistent side yard setbacks, of a moderate to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, characterized by front yard driveways with one or more curb-cuts, and occasionally turn-around facilities of moderate to significant width;
- Varied parking configurations, characterized by parking pads, attached front and side garages, detached garages, and outdoor parking enclosures; and
- Significant range of architectural expressions and styles.

Policies

1. Development within the Estate Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.5, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

2. Within Estate Character Area, no new residential lot shall be created through consent until such time as municipal services are provided throughout the neighbourhood.

3. Nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services, if deemed appropriate and/or necessary, by the Region of York or the Town of Newmarket.

Item 6 Section 3.9 Intensification

a. Renumber Section 3.9: Intensification to Section 3.8: Intensification.

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b. Replace Policy 1 with the following:

1. Throughout Residential Areas, intensification is permitted through the introduction of the following:
   - A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings.
   - A range of building and units types including townhouses and rowhouses on a site-specific basis.
   - Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings.
   - The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan.

c. Add the following policies after Policy 1:

2. Standards for accessory dwelling units, will be established in the Zoning By-law and shall be consistent with Section 3.6, Accessory Dwelling Units.

3. Limited intensification through consents will be permitted subject to the zoning by-law and compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill or intensification, availability of services and road access requirements.

Item 7 Section 12.4: Compatibility

a. Number the first paragraph as Policy 1 and delete the list following the second sentence in paragraph 1 and replace the list with the following:

   - Existing built form of the area;
   - Policies of the Residential Character Area, if applicable;
   - Nature of fenestration and sun reflection impacts;
   - Nature of shadow impacts; and,
   - Existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings.

b. Add the following policies to Section 12.4 Compatibility after Policy 1:

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2. Development will be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:

   - Setbacks, heights and transition;
   - Façade and roofline articulation;
   - Colours and materials;
   - Architectural elements, including windows, doors and projections;
   - Pre- and post-construction grades on site; and
   - Incorporating elements and details of common characteristics of the area.

c. Delete the second paragraph and replace it with the following as Policy 3:

   3. Building heights of mid-rise and high-rise buildings immediately adjacent to a Residential Area should provide an appropriate transition and achieve suitable visual angular planes. Where a building height greater than the existing adjacent context or adjacent public open space is proposed, the development shall demonstrate that an effective transition in height and massing, such as a stepping down or variation in building form has been incorporated into the design.

d. Number the third paragraph as Policy 4.

Item 8 Section 16.0 Implementation

Add the following section and policy as **Section 16.6 Transition**

Section 16.6 Transition

Policy

1. Notwithstanding the policies of OPA No. 28, applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium approval or Site Plan approval which were deemed complete and still in process prior to approval of OPA No. 28, or which were approved by the Town or the Local Planning Appeal Tribunal, are required to conform only with the policies in force at the time of the complete application or approval until the date OPA No. 28 is approved.

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Item 9 Schedule A: Land Use

Schedule A: Land Use is revised by removing “Stable Residential” and “Emerging Residential” Land Use Designations, combining those lands previously designated as “Stable Residential” and “Emerging Residential” and replacing them with a single “Residential” Land Use Designation as shown on Schedule 1 attached.

Item 10 Schedule I: Residential Character Areas

Add the attached Schedule 2 as Schedule I: Residential Character Areas to the Newmarket Official Plan.

3. Schedules

Schedule 1 – Schedule A: Land Use

Schedule 2 – Schedule I: Residential Character Areas

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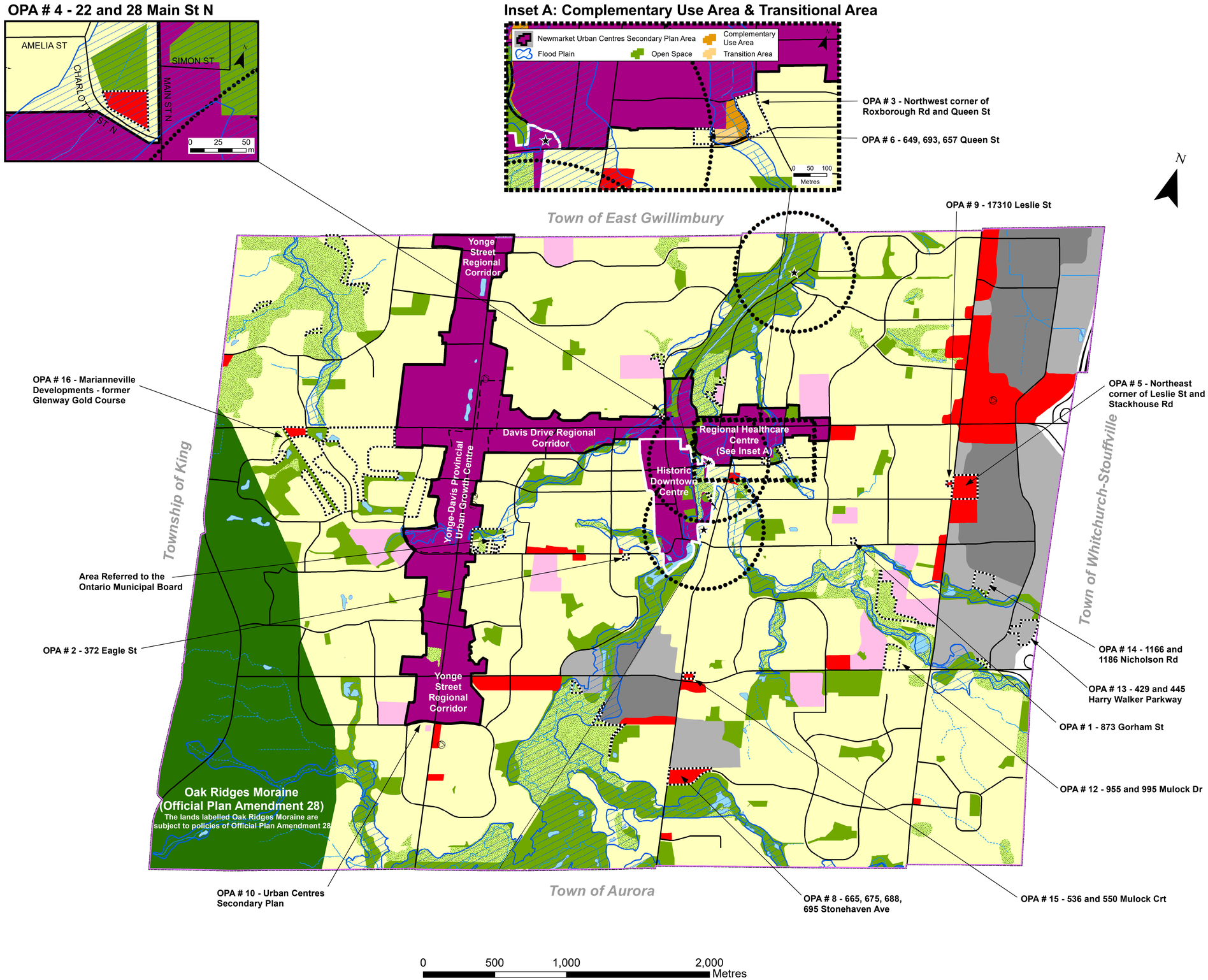
Schedule 1 to OPA No. 28
Draft Schedule A
Land Use
Town of Newmarket



- Residential Area
- Major Institutional
- Business Park - General Employment
- Business Park - Mixed Employment
- Commercial
- Urban Centres & Corridors
- Historic Downtown Centre
- Newmarket Urban Centres Secondary Plan Area
- Parks & Open Space
- Natural Heritage System
- Oak Ridges Moraine Area
  The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28
- Flood Plain
  Floodplain limits are shown for screening purposes only and may not reflect the most up-to-date data. The LSRCA should be contacted to confirm the actual floodplain limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specefic site.
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Waste Disposal Assessment Area
- 500m Waste Disposal Area of Influence
- Inset A: Complementary Use & Transitional Areas
- Site Specific Amendments/OMB Referrals
- Yonge-Davis Provincial Urban Growth Centre Boundary
- Regional Water Wells
- Municipal Boundary
- Railway
- Roads

Newmarket

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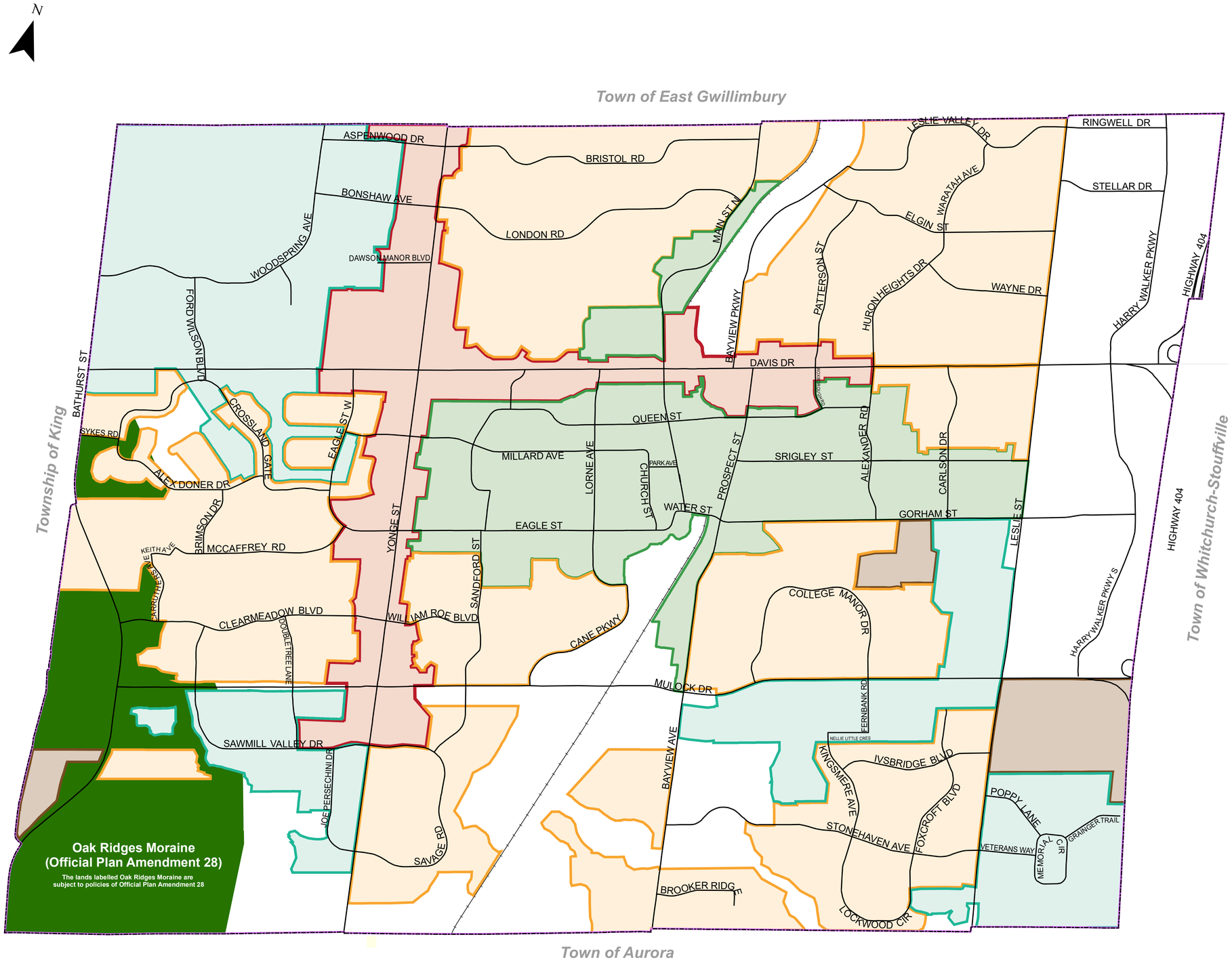
Schedule 2 to OPA No. 28

Draft Schedule I
Residential Character Areas
Town of Newmarket



- Historic Core Character Area
- Traditional Suburban Character Area
- Contemporary Suburban Character Area
- Urban Centres
- Estate Character Area
- Oak Ridges Moraine Area
  The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
- Roads
- Railway
- Municipal Boundary

Newmarket

Scale 1:15,000

0 625 1,250 2,500 Metres

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Newmarket

Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law Number 2010-40, as amended, being the Town of Newmarket Zoning By-law.

Whereas it is deemed advisable to amend By-law Number 2010-40;

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

1. That Exception 119 enacted by By-law 2013-30 is hereby repealed.
2. That By-law Number 2010-40, as amended, is hereby amended as follows:

   i. **Section 1: Interpretation and Administration** is amended by adding **Section 1.10 Transition** and the following:

      This section applies to:

      i. <u>Site-Specific Zoning By-law Amendments</u>
         All site-specific zoning by-law amendments approved and came into full force and effect pursuant to Section 34 of the *Planning Act* prior to the passing of By 2020-xx shall remain in force.

      ii. <u>Minor Variances</u>
         All minor variances applied for prior to the passing of By-law 2020-XX and approved pursuant to Section 45 of the *Planning Act* continue to apply and remain in force as if they are variances to this By-law for lawfully **existing lots**, **buildings** or **structures**.

         Nothing in this By-law shall prevent the erection or use of a **building** or **structure**, for which:

         a. a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-XX and approved prior to or after the passing of By-law 2020-XX; or

         b. a complete application for a minor variance under Section 45 of the Planning Act was filed and approved after to the date of passing By-law 2020-XX based on a building permit application filed on or prior to the date of passing By-law 2020-XX .

         For the purposes of this section, a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the *Planning Act*.

iii. Building Permit Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for which an application for a building permit was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-XX.

An “application for a Building permit” means an application for a Building permit that satisfies the requirements set out in Building By-law 2015-58 or its successor by-law.

iv. Site Plan Approval Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the *Planning Act*.

Where a project qualifies under this Section:

a. site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX and all requirements of the *Planning Act*.

b. after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX, the site plan approval, and all finally approved minor variances.

For the purposes of this section, a "complete application for site plan approval" means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.

v. Transition Clause Duration

Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.

ii. **Section 3: Definitions** is amended as follows:

a. Delete the definition of **Basement** and replace it with the following:

Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed:

- 1.2 metres for lots Zoned R1, R2 or R3; or,
- 1.8 metres for lots in all other Zones.

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b. Add the term **Dormer** and the following definition:

Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area on each side of the roof.

c. Delete the definition of **Grade, Established or Finished** and replace it with the following:

"Means
For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the front yard meets adjacent side lot lines;

For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure."

d. Revise the term **Height** to **Height, Building** and replace the definition with the following:

"Means the vertical distance measured between the established or finished grade and any of the following:

- On a flat roof or mansard roof, the highest point of the roof surface or the parapet, whichever is greater;
- On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or,
- The highest point of a structure without a roof."

e. Add the term **Height, Finished First Floor** and the following definition:

"Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade."

f. Add the term **Roof, Flat** and the following definition:

"Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area."

g. Add the term **Roof, Pitched** and the following definition:

"Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area."

h. Revise the term **Garage, Residential** by adding "accessed via a driveway" after "Means an enclosed building or part thereof", as follows:

"Means an enclosed building or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private motor vehicles, recreational vehicles and trailers."

i. Delete the definition of **Storey** and replace it with the following:

DRAFT

"Means

For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.2m above established grade.

For all other structures, a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.8m above established grade. Any portion of a storey exceeding 3.6 metres in height shall be deemed to be an additional storey."

iii. **Section 4: General Provisions** is amended as follows:

a. Add the following to the table in **Section 4.2 Encroachments into Required Yards**:

Permitted Structure or Feature	**Applicable Required Yard(s)**	**Required Setback or Permitted Encroachment**
STRUCTURAL AND ORNAMENTAL FEATURES:		
Driveway	Permitted in any yard of a residential zone	Subject to: i. Limits of Section 6.2 ii. Limits of Section 5.5

b. Add the following provision as **Section 4.9.2 Exception** and renumber Valid Building Permit in Effect as Section 4.9.3:

Section 4.9.2 Exception

Notwithstanding Section 4.9.1 (iii), a building or structure having a non-complying maximum finished first floor height may be enlarged, repaired or renovated, but the reconstruction of such building or structure shall comply with the maximum finished first floor height in accordance with Section 6.2.2.

c. Delete **Section 4.13 Conformity with an Established Building Line**.

d. Add **Section 4.24 0.3m Reserve** and the following provisions:

Section 4.24 0.3m Reserve

For the purposes of this By-law, a 0.3 m reserve shall:

i. be considered to be part of the abutting road for the purposes of determining lot lines, and
ii. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.

This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.

iv. **Section 6.2.2 Zone Standards** is amended as follows:

a. Delete column **Ex. 119** from the table.

DRAFT

b. In the row **Maximum Lot Coverage**, add “Refer to Schedule D” in the columns for Zones A, B, C, D, E, F, G, H, J and K.

c. Replace the term **Max. Height** with **Max. Building Height**.

d. Delete the **Max. Building Height** provisions for Zones A, B, C, D, E, F, G, H, J and K and replace them with “8.5m”.

e. Add a row to the table for **Max. Finished First Floor Height** and insert “1.2m” in the columns for Zones A, B, C, D, E, F, G, H and J.

f. Delete “Each Side 1 Storey”; “Each Side 1.5 Storeys”, and “Each Side 2 Storeys” in the table under **From Interior *Side Lot Line*** and replace them with “Up to 4.2m Building Height”; “Up to 5.7 Building Height” and “Beyond 5.7m Building Height” respectively.

g. Delete the **Min. Yard Setback from Front Lot Line** provisions for Zones C, D, E, F, G, H, J, K, L and M and replace them with (*16).

h. In the row **Exterior Side Lot Line,** add (*18) for Zones C, D, E, F, G, H, J and K.

v. **Section 6.2.3 Additional Requirements for Residential Zones** is amended as follows:

a. Delete the first paragraph and replace it with the following:

i. The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application.

b. Add the following provision after the first paragraph:

ii. For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any permitted encroachments.

c. Add the following additional requirements after (*15):

(*16) The minimum front yard setback shall be one metre less than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road, but shall not be closer to the street line than 3m.

In addition to the above, the proposed front yard setback shall not be further from the street line than one metre greater than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road.

(*17) For a semi-detached dwelling the setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.

(*18) The minimum exterior side yard setback requirement shall be one metre less than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line, but it shall not be less than the minimum prescribed in Section 6.2.2.

DRAFT

In addition to the above, the proposed exterior side yard setback shall not be further from the exterior side lot line than one metre greater than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line.

vi. **Schedule A (Maps)**

a. Add the attached Schedule 1 as Schedule D: Lot Coverage to By-law 2010-40, as amended.

b. Delete Schedule A Maps 10 and 13 and replacing them with Schedules 2 and 3 attached as new Schedule A Maps 10 and 13.

3. That Schedules 1, 2 and 3 attached to this by-law are declared to form part of this by-law.

Enacted this xxx day of xxx, 2020.

John Taylor, Mayor

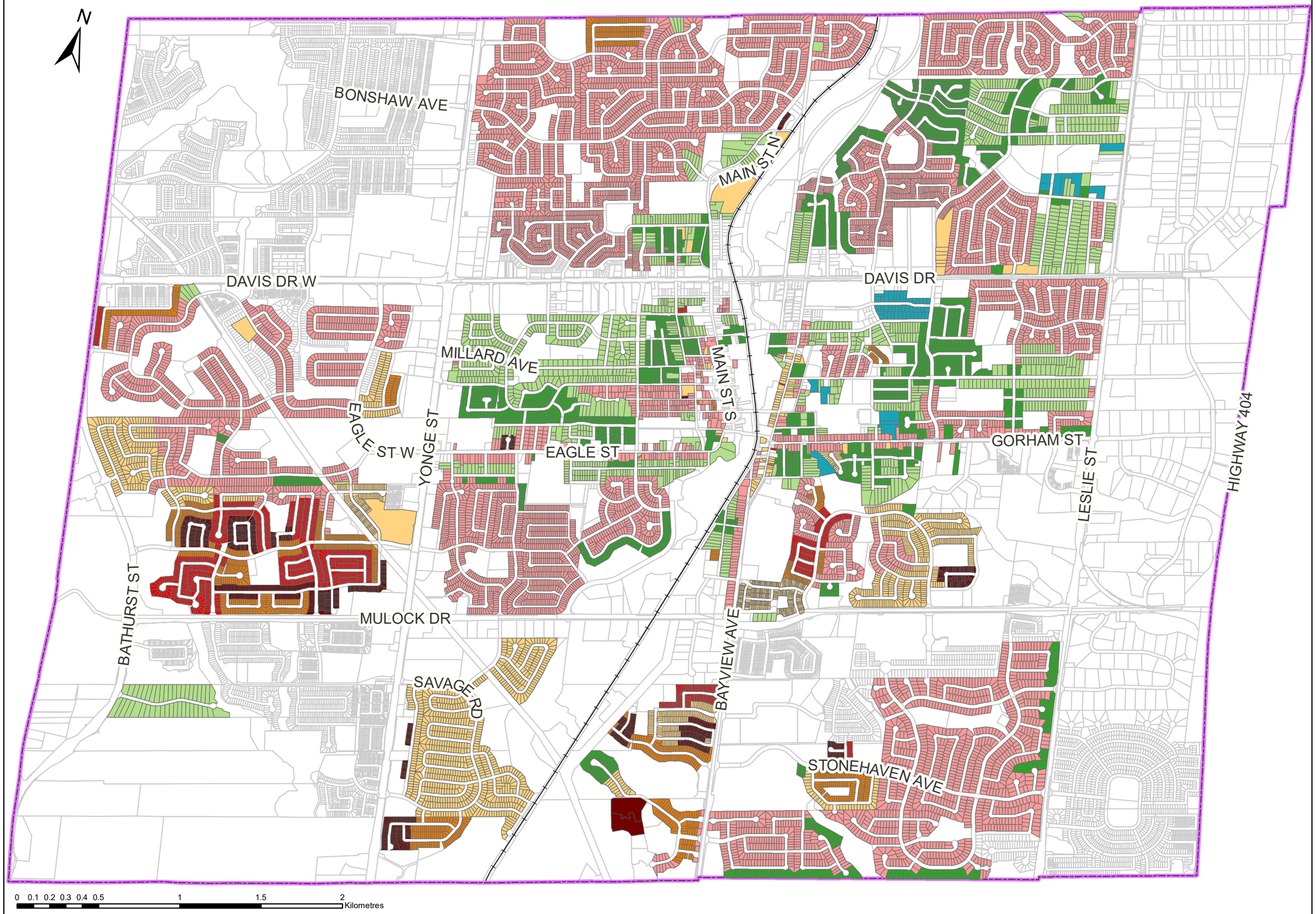
Lisa Lyons, Town Clerk

DRAFT

Schedule 1 to By-law 2020-XX

Draft Schedule "D" to By-Law No.2010-40

Town of Newmarket



Maximum Lot Coverage

- 20%
- 25%
- 30%
- 35%
- 40%
- 45%
- 47%
- 50%

Railway

Municipal Boundary

Newmarket

August, 2020

Designed & Produced by Information Technology – GIS

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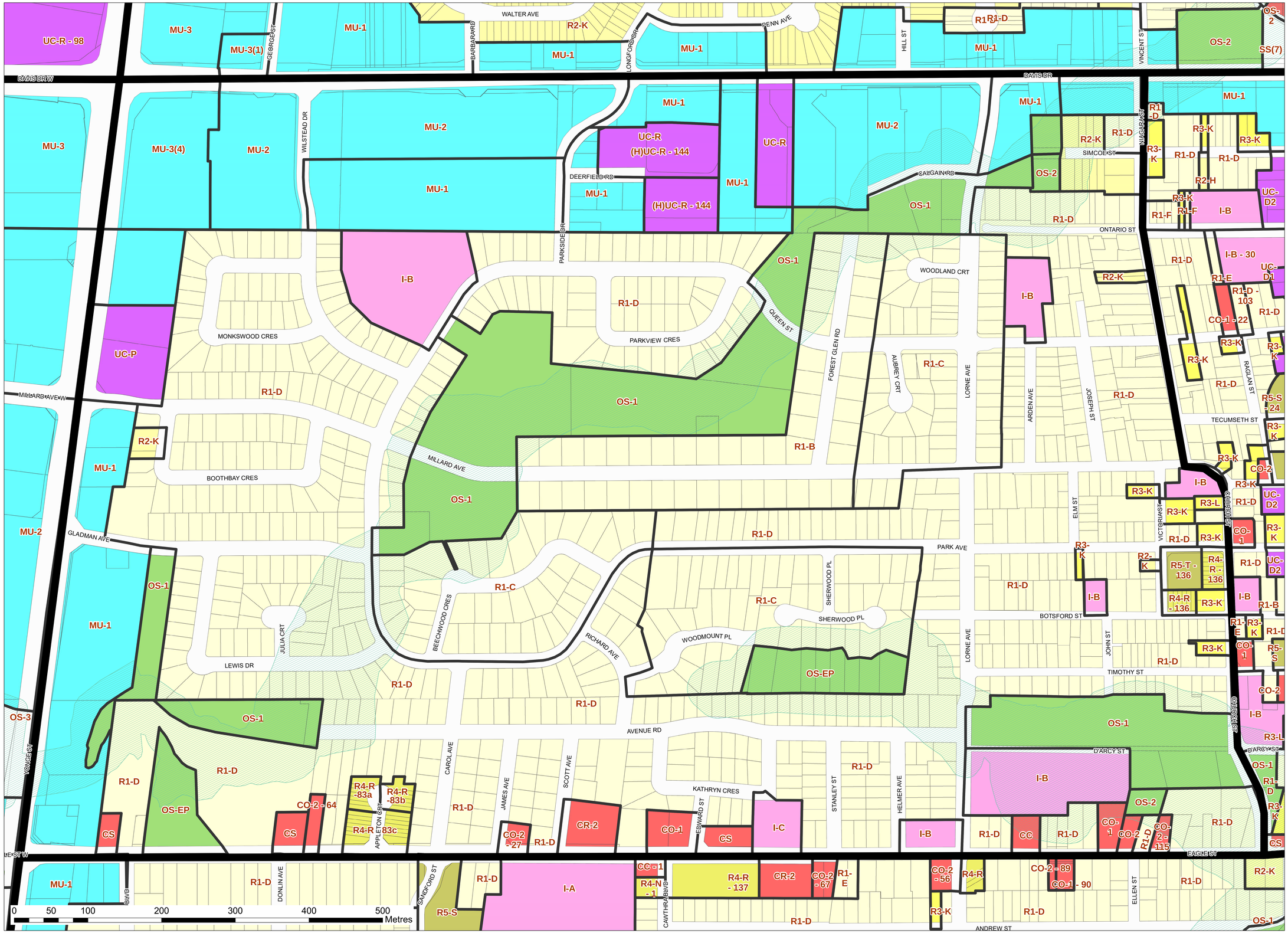
Document Path: G:\Projects 10\Development and Infrastructure Services\Planning\Map Documents\Zoning\ScheduleD_Maximum Lot Coverage_DRAFT_Aug2020.mxd

Schedule "A" to By-Law No.2010-40

Town of Newmarket

Map 10



Zone Codes & Descriptions

Residential Detached Dwellings

R1-A – Residential Detached Dwelling 60m Zone
R1-B – Residential Detached Dwelling 30m Zone
R1-C – Residential Detached Dwelling 18m Zone
R1-CX – Residential Detached Dwelling 18m Exception Zone
R1-D/D1– Residential Detached Dwelling 15m Zone
R1-DX – Residential Detached Dwelling 15m Exception Zone
R1-E – Residential Detached Dwelling 12m Zone
R1-E1 – Residential Detached Dwelling 13.7m Zone
R1-E2 – Residential Detached Dwelling 12.5m Zone
R1-EX – Residential Detached Dwelling 13.7m Exception Zone
R1-F – Residential Detached Dwelling 9.7m Zone
R1-F1 – Residential Detached Dwelling 10.7m Zone
R1-F2 – Residential Detached Dwelling 9.1m Zone
R1-FX – Residential Detached Dwelling 9.7m Exception Zone

Residential Semi-Detached Dwellings

R2-CP – Residential Semi-Detached Condominium Plan Dwelling Zone
R2-G – Residential Link Dwelling Zone
R2-H – Residential Semi-Detached Dwelling 13.6m Zone
R2-H1 – Residential Semi-Detached Dwelling 13.0m Zone
R2-J – Residential Semi-Detached Dwelling 17.4m Zone
R2-K – Residential Semi-Detached Dwelling 21.3m Zone

Residential Multiple Detached Dwellings (Duplex)

R3-K – Residential Duplex Dwelling Zone
R3-L – Residential Multiple Unit Dwelling 1 Zone

Residential Multiple Dwellings (Townhome)

R4-CP – Residential Townhouse Condominium Plan Dwelling Zone
R4-M – Residential Multiple Unit Dwelling 2 Zone
R4-N – Residential Townhouse Dwelling 1 Zone
R4-P – Residential Townhouse Dwelling 2 Zone
R4-R – Residential Townhouse Dwelling 3 Zone
R4-R1 – Residential Back to Back Townhouse Dwelling Zone
R4-S – Residential Stacked Townhouse Dwelling Zone

Residential Multiple Dwellings (Apartment)

R5-S – Residential Apartment Dwelling 1 Zone
R5-T – Residential Apartment Dwelling 2 Zone

Commercial Zones

CA – Automotive Commercial Zone
CC – Convenience Commercial Zone
CO-1 – Office Commercial 1 Zone
CO-2 – Office Commercial 2 Zone
CR-1 – Retail Commercial 1 Zone
CR-2 – Retail Commercial 2 Zone
CS – Service Commercial Zone

Urban Centre Zones

UC-P – Provincial Urban Centre Zone
UC-R – Regional Urban Centre Zone
UC-RX – Regional Urban Centre Exception Zone
UC-H1 – Healthcare Urban Centre Core Hospital South Zone
UC-H2 – Healthcare Urban Centre Core Hospital North Zone
UC-HC1– Healthcare Urban Centre Complementary 1 Zone
UC-HC2– Healthcare Urban Centre Complementary 2 Zone
UC-HC3– Healthcare Urban Centre Complementary 3 Zone
UC-D1 – Historic Downtown Urban Centre Zone
UC-D2 – Downtown Urban Centre Zone

Employment Zones

EM – Mixed Employment Zone
EG – General Employment Zone
EH – Heavy Employment Zone

Institutional Zones

I-A – Major Institutional Zone
I-B – Minor Institutional Zone
I-C – Cemetery Zone

Open Space Zones

OS-1 – Open Space Zone
OS-2 – Private Space Zone
OS-EP – Environmental Protection Open Space Zone

TR - Transitional Zone

FP - Flood Plain

NH - Regulatory Area and Other Natural Hazards Zone

Please direct any questions relating to this information to the Lake Simcoe Region Conservation Authority.

Oak Ridges Moraine

Lands within the Oak Ridges Moraine are excluded from this Bylaw.

Urban Centres Bylaw 2019-06

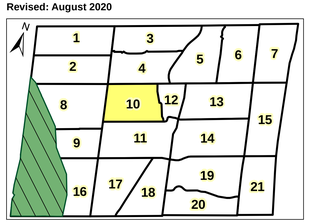
Lands within Bylaw 2019-06 are excluded from this Bylaw.

Lands Excluded from this Bylaw

Map Boundary

Property Parcel/Road Allowance

Revised: August 2020



Newmarket

Designed & Produced by Information Technology – GIS

Sources: Zoning Bylaw Boundaries – Town of Newmarket, 2017; Roads, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services © The Regional Municipality of York, 2017; Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2017; Regulation Area – Lake Simcoe Region Conservation Authority, 2017.

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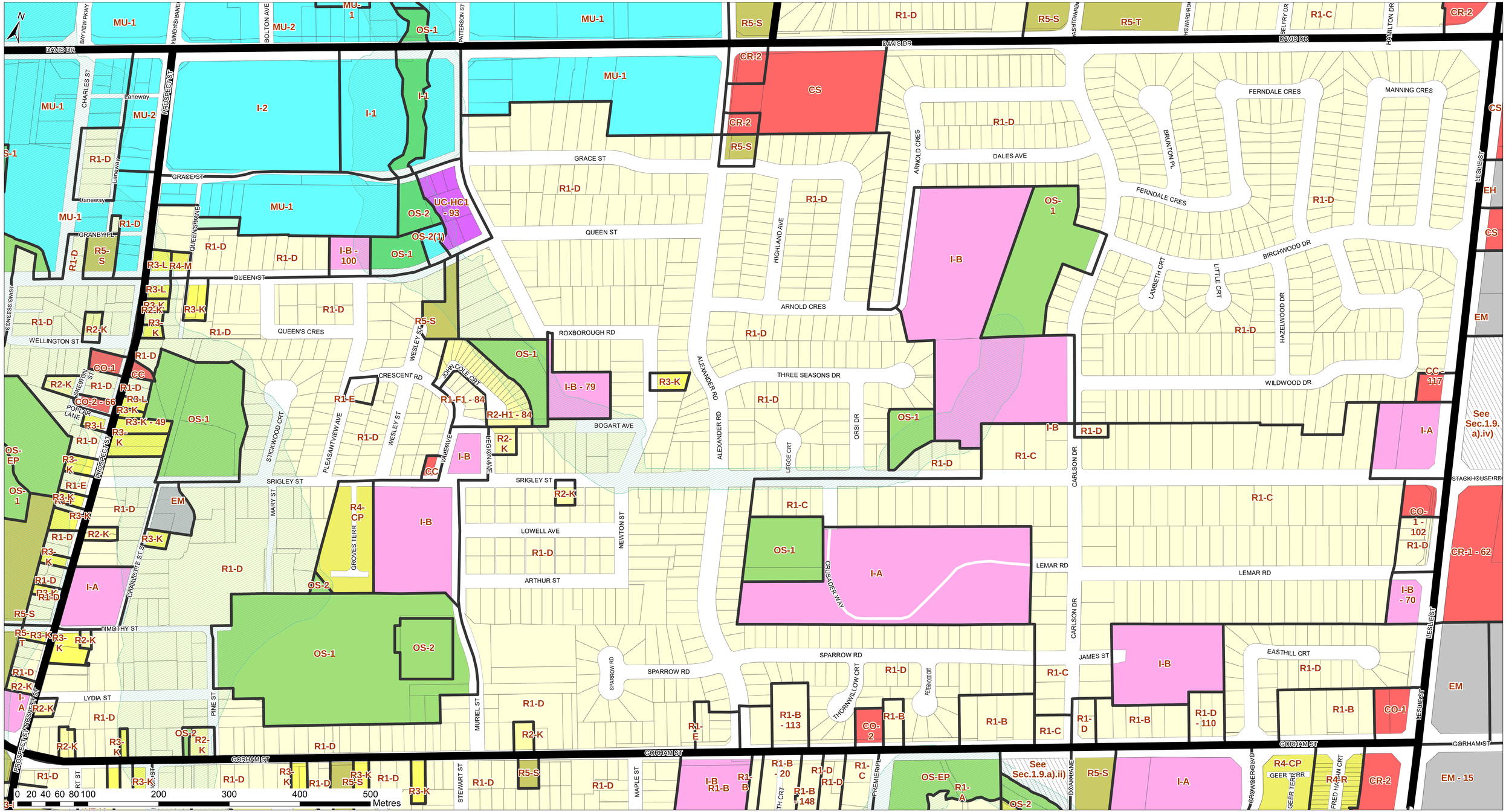

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Residential Semi-Detached Dwellings con'd

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NH - Regulatory Area and Other Natural Hazards Zone

Please direct any questions relating to this information to the Lake Simcoe Region Conservation Authority.

Oak Ridges Moraine

Lands within the Oak Ridges Moraine are excluded from this Bylaw.

Sec.1.9 Lands Excluded from this Bylaw

Map Boundary

Property Parcel/ Road Allowance

Urban Centres Bylaw 2019-06

Lands within Bylaw 2019-06 are excluded from this Bylaw.

Schedule 3 to By-law 2020-XX

Schedule "A" to By-Law No.2010-40

Town of Newmarket

Map 13

Newmarket

Designed & Produced by Information Technology – GIS

Sources: Zoning Bylaw Boundaries – Town of Newmarket 2017; Roads, Municipal Boundary, Data Analytics and Visualization Ontario Basic Dataset, Corporation Services © The Regional Municipality of York, 2017; Land Parcel Boundaries – Teranet Inc. Copyright and Licence Agreement. All Rights Reserved. NOT A PLAN OF SURVEY. 2017; Regulation Area – Lake Simcoe Region Conservation Authority, 2019.

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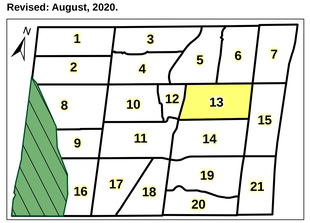
Revised: August, 2020.



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TOWN OF NEWMARKET

ESTABLISHED NEIGHBOURHOODS COMPATIBILITY STUDY

SIDE YARD DEMONSTRATION

WITHIN NEWMARKET

Newmarket

SvN

OPTIMIZED BUILT OUT

OPTION 1

- **Coverage:** 30%
- **Height:** 1 storey < 4.2m
- **Front Setback:** Within the 1m range of the average of adjacent dwellings.
- **Side Setback:** Within 1.8m and 4.2m minimum as per Regulatory Set B requirements.
- **Depth of Dwelling:** Within the 7.5m minimum and aligns with adjacent dwellings.

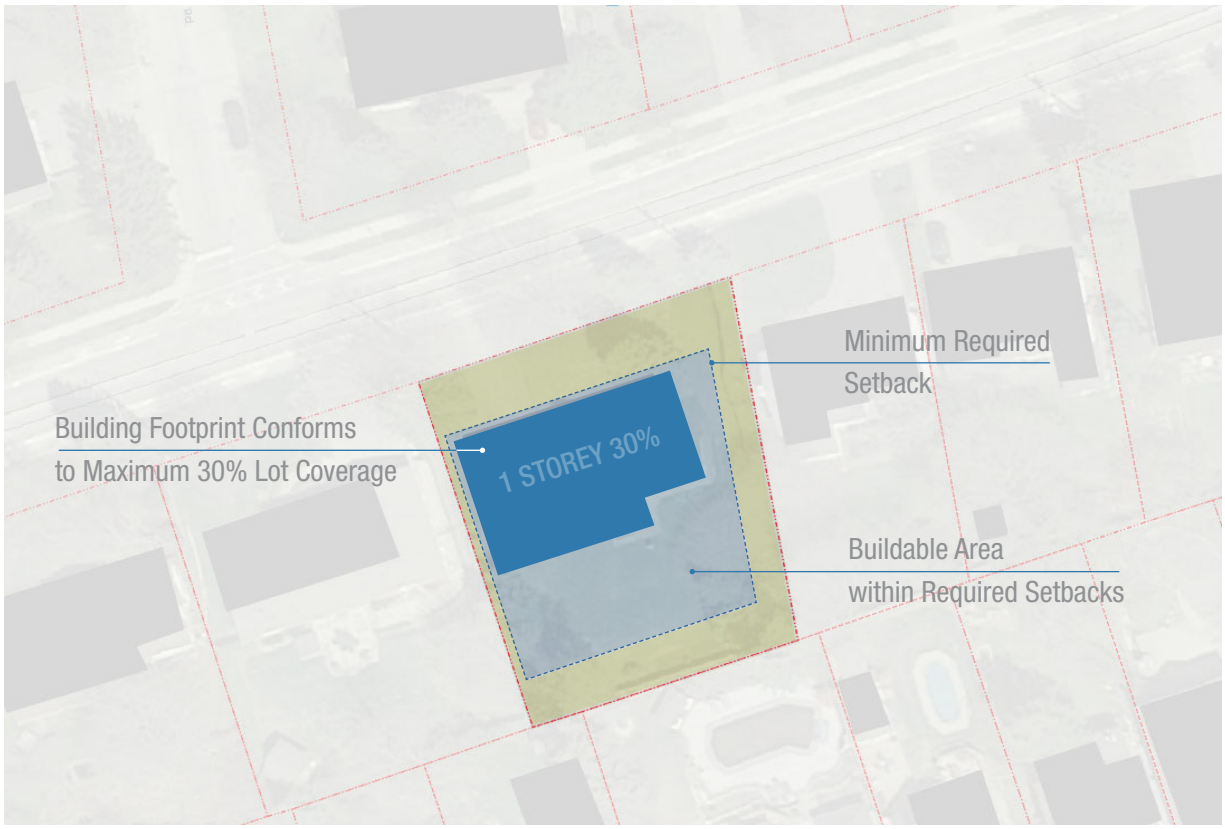

Figure 1. Example - Zoning By-law Regulatory Set B

The above example illustrates the maximum build-out potential of a 1 storey dwelling, with a maximum 30% lot coverage permission, in a Zoning By-law Regulatory Set B condition. The development generally respects, and is compatible with, the prevailing rhythm of existing frontages, side yard setbacks, building depths, and building heights.

OPTIMIZED BUILT OUT

OPTION 2

- **Coverage:** 25%
- **Height:** 1 storey < 4.2m
- **Front Setback:** Within the 1m range of the average of adjacent dwellings.
- **Side Setback:** Within the 1.2m minimum for 1 storey dwelling < 4.2m.
- **Depth of Dwelling:** Within the 7.5m minimum and aligns with adjacent dwellings.

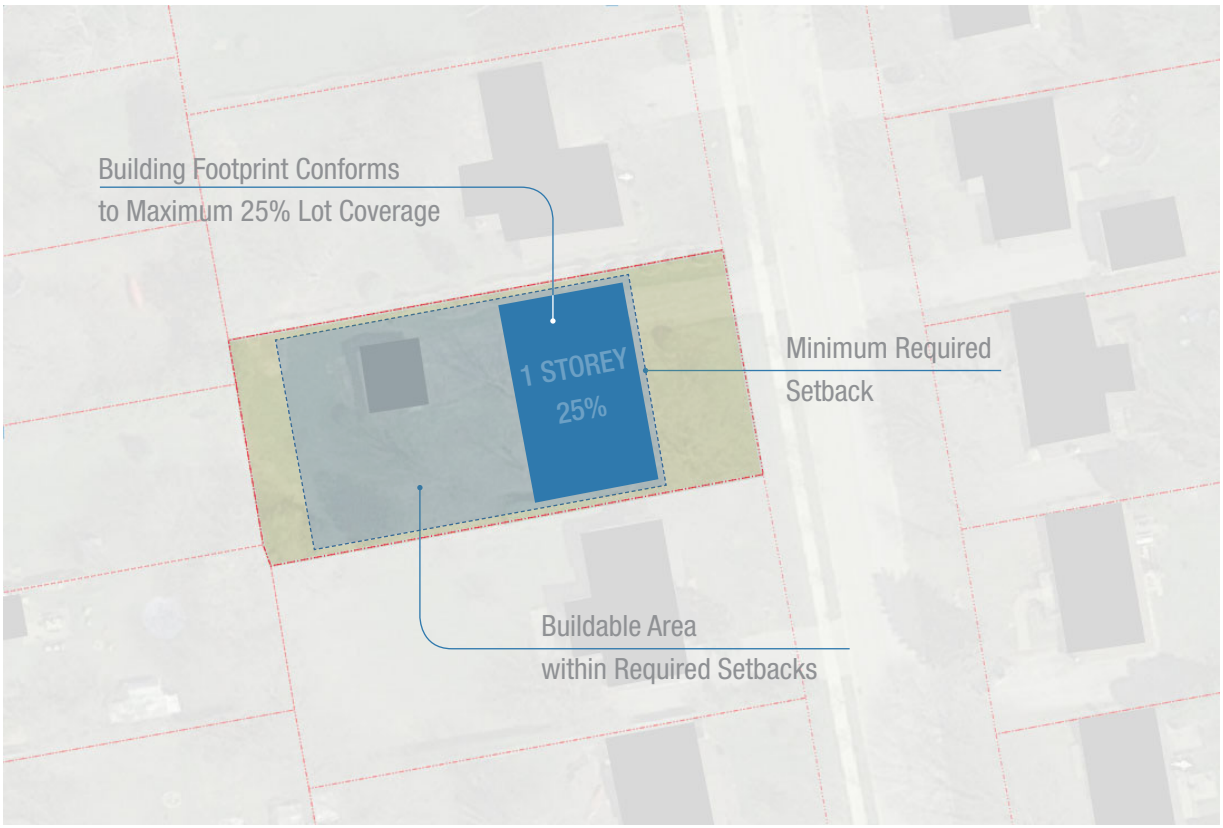

Figure 2. Example - Zoning By-law Regulatory Set C

The above example illustrates the maximum build-out potential of a 1 storey dwelling, with a maximum 25% lot coverage permission, in a Zoning By-law Regulatory Set C condition. The development generally respects, and is compatible with, the prevailing rhythm of existing frontages, side yard setbacks, building depths, and building heights. While it results in a reduction in side yard setbacks, relative to existing adjacent development, these impacts are minor in nature, and do not compromise the character of the surrounding neighbourhood.

OPTIMIZED BUILT OUT

OPTION 3

- **Coverage:** 35%
- **Height:** 1 storey < 4.2m
- **Front Setback:** Within the 1m range of the average of adjacent dwellings.
- **Side Setback:** Within the 1.2m minimum for 1 storey dwelling < 4.2m.
- **Depth of Dwelling:** Within the 7.5m minimum and aligns with adjacent dwellings.

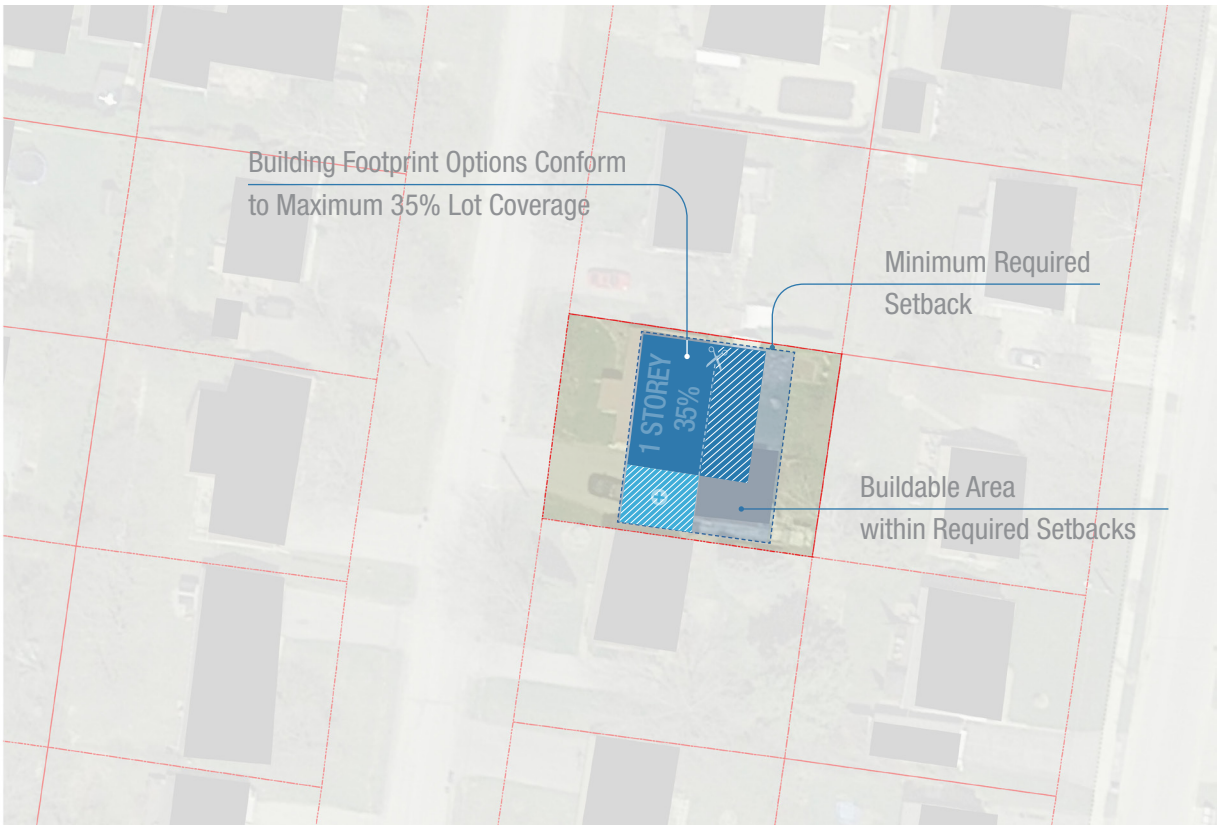

Figure 3. Example - Zoning By-law Regulatory Set D

The above example illustrates the maximum build-out potential of a 1 storey dwelling, with a maximum 35% lot coverage permission, in a Zoning By-law Regulatory Set D condition. Option 1, which is illustrated in dark blue, generally respects, and is compatible with, the prevailing rhythm of existing frontages, side yard setbacks, building depths, and building heights. Option 2, which is illustrated in light blue, also generally reflects prevailing site and building design conditions, but is less in keeping with developments which are immediately adjacent in terms of side yard setback conditions. However, its shallow depth does not generally reflect modern design standards, and does not allow for the optimization of interior layouts. Therefore, it is unlikely to be utilized as the basis of designing a new residential dwelling.

HUMPHRIES PLANNING GROUP INC.

FOUNDED IN 2003

October 21, 2020
HPGI File: 18572

Planning and Building Services
Town of Newmarket
395 Mulock Drive
Newmarket, Ontario
L3Y 4X7

Attn: Lisa Lyons, Director of Legislative Services
Town Clerk

Re: Comment Letter re: Established Neighbourhood Compatibility Study
Item 6.1 – Committee of the Whole Meeting – Oct. 26, 2020
NSD2M Corporation

Humphries Planning Group Inc. ('HPGI') is the planning consultant for NSD2M Corporation the legally registered owner of the land described as Lot 11, Plan 344, and municipally known as 66 Roxborough Road, in the Town of Newmarket (the "Subject Site"). Further to our previous comment letter, we provide herein a further request to the Town in relation to the Established Neighbourhood Compatibility Study (ENCS) in which an update will brought forward to the Committee of the Whole on October 26, 2020.

In the latest Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) documents issued by the Town, we note that the Town has provided Transition policies that recognize that any OPA, ZBLA, Draft Plan of Subdivision, Draft Plan of Condominium and Site Plan applications that have been deemed to be 'complete' and are currently under review would not be subject to the proposed OPA. We appreciate that the Town has taken consideration in recognizing ongoing planning applications, with status, that were deemed complete prior to the implementation of the OPA 28 and we support the change to the transition policies.

The purpose of this letter is to request that Town staff to provide further clarification on the proposed revisions to the draft OPA with regard to the transition policies. Particularly, it is unclear how the proposed Transitional policies might be applied to future planning applications to implement the proposed Official Plan Amendment and Zoning By-law Amendment applications after approval. We respectfully request staff please clarify such.

190 Pippin Road
Suite A
Vaughan ON
L4K 4X9

T: 905-264-7678
F: 905-264-8073

to include specific wording to recognize subsequent implementing planning applications which may include; Site Plan Approval, Draft Plan of Subdivision, Draft Plan of Condominium, and Part Lot Control, for the OPA and ZBLA applications currently in place.

Further to our comments above, the Town should also consider the following wording added, as section 16.6.2, in order to appropriately implement the Transitional policies for ongoing and future planning applications. The following wording is based on utilizing the Greenbelt Plan (2017) transition policies as an example and reads as follows:

16.6.2

> "Where an Official Plan Amendment or Zoning By-law Amendment under Section 16.6.1 was submitted and deemed complete or amended prior to approval of OPA 28, any further applications required under the *Planning Act* or the *Condominium Act, 1998* to implement the Official Plan Amendment or Zoning By-law Amendment approval are not subject to the OPA 28."

To conclude, we request that the Town undertake further review of the Transitional policies in order to recognize future implementing planning applications. We ask that this request be considered by Town planning staff as part of the Established Neighbourhood Compatibility Study.

Yours truly,
HUMPHRIES PLANNING GROUP INC.

Rosemarie L. Humphries BA, MCIP, RPP
President

cc. NSD2M Corporation
Jason Unger, MCIP, RPP
Phoebe Chow, Senior Planner
Alannah Slattery, BES, MCC
Adrian Cammaert, MCIP, RPP, CNU-A

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

Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations Staff Report to Council

Report Number: 2020-75

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner - Policy

Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Urban Centres Secondary Plan and Zoning By-law Technical Amendments - Final Recommendations dated October 26, 2020 be received; and,
2. That the attached Official Plan Amendment No. 25 be adopted; and,
3. That Staff be directed to forward the attached Official Plan Amendment No. 25 to the Regional Municipality of York for approval; and,
4. That upon Regional approval of Official Plan Amendment No. 25, Staff be directed to bring the attached Zoning By-law Amendment to a future Council meeting for approval; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Urban Centres Secondary Plan and Zoning By-law came into effect in 2015 and 2019, respectively. The proposed technical amendments are necessary to provide clarity and to correct inconsistencies between and within these documents.

The proposed changes were circulated to internal departments and external agencies for review. The draft amendments were also presented at a Statutory Public Meeting on

July 27, 2020. All comments received have been addressed in this report and/or in the attached Official Plan Amendment and Zoning By-law Amendment.

Purpose

The purpose of this report is to recommend adoption of the attached Official Plan Amendment (OPA No. 25) and to seek Council's direction to forward the same to York Region for approval. In addition, this report also seeks direction from Council that upon the approval of OPA No. 25, staff be directed to bring the attached Zoning By-law Amendment to a future Council meeting for approval.

Background

The Urban Centres Secondary Plan (Secondary Plan) came into effect on April 30, 2015. Subsequently, the Town prepared a zoning by-law for the secondary plan area and Zoning By-law 2019-06 came into effect on June 10, 2019. When applying these policies and zoning provisions to development proposals in the Urban Centres, staff have identified a number of technical amendments that are necessary to implement the vision and intent of the Secondary Plan and Zoning By-law 2019-06. The majority of the proposed changes were outlined in staff report 2019-85. A statutory public meeting was held on July 27, 2020.

Discussion

The proposed Official Plan Amendment and Zoning By-law Amendment are attached to this report as Attachments 1 and 2. The following subsections summarizes the proposed amendments.

Proposed Official Plan Amendment

The proposed changes to the Official Plan (Urban Centres Secondary Plan) are described in Part A - Preamble of OPA No. 25 in Attachment 1. Generally, the proposed changes can be summarized as follows:

- Revise language to align with Provincial and Regional planning documents or to clarify intent of policies;
- Revise designations of certain properties to clarify intended development permissions in supporting the goal of the Secondary Plan;
- Add new policy to permit temporary stand-alone surface parking lots within the Regional Healthcare Centre, subject to the following:
    - Obtaining Council's approval for a temporary zoning by-law;
    - Providing a Built Out Demonstration Plan to show how the development will not preclude full built-out in accordance with the Secondary Plan in the future; and,

    - Provide adequate screening from the public street;
- Update schedules to reflect current Lake Simcoe Region Conservation Authority's Floodplain mapping; and,
- Refine land use designations and density permissions for a limited number of identified properties.

Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment (see Attachment 2) can be summarized in Table 1 below:

Table 1 Summary of Proposed Zoning Changes

Clerical
• Correct the effective date and by-law number of other by-laws referenced in Section 1.9 Transition Clause and Section 1.10 Repeal of Former By-law sections.
Update definitions and diagrams to clarify terms in the by-law
• Update the definition of Floor Space Index to align with the proposed definition of "Land Area" in OPA No. 25, and • Update the diagram that describes the definition of Daylighting Triangle to provide clarity.
Clarify permitted uses, minimum setbacks and parking requirements
<u>Permitted Uses</u> • Add "Place of Assembly" and "Medical Office" as permitted uses in Mixed Use Zone, and • Remove "Convenience Store" as permitted use in Institutional Zone. <u>Parking</u> • Clarify the number of required carpooling parking spaces for non-residential uses; • Add parking requirements for Retirement Residence, and • Clarify that parking spaces can only be permitted in side yard or rear yard for lots front onto Davis Drive or Yonge Street. <u>Podium Height</u> • Clarify podium height requirements based on the overall height of the particular building. <u>Setbacks</u> • Clarify setback requirements from Yonge Street or Davis Drive and in corner lot situation, setback from the other public street, and • Replace and add diagrams to clarify setback requirements.

Revise zoning to conform with the Secondary Plan
<u>22 and 23 Bolton Avenue and 27 Lundy's Lane</u> • Rezone all three properties from "Mixed Use 1 (MU-1) Zone" to "Mixed Use 2 (MU-2) Zone" to be in conformity with the density permission in OPA No. 25. <u>460 Davis Drive</u> • Rezone the northern half of the property from "Mixed Use 1 (MU-1)" to "Open Space 2 (OS-2). The southern half of the property will remain as MU-1 Zone. The proposed zoning will be in conformity with OPA No. 25. <u>200 Lancaster Avenue</u> • Rezone the entire property from "Site-Specific (1) (SS(1)) Zone" to "Mixed Use 1 (MU-1) Zone" to be in conformity with the Mixed Use designation in the Secondary Plan.
Holding Zones
• Remove Holding (H) Zone from lands that have been identified in the Secondary Plan in the locations of future private road/laneways.
Update Schedules/Maps
• Reflect current Lake Simcoe Region Conservation Floodplain mapping; • Align zoning and height permissions with Secondary Plan Land Use and Density permissions, and • Remove holding provisions on lands that have identified to provide future private street/laneways.

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Conclusion

The proposed amendments to the Urban Centres Secondary Plan and Zoning By-law 2019-06 address a number of technical issues that have been identified since these documents came into effect. The amendments are intended to provide greater clarity and consistency to guide development in the Urban Centres.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Space
- Vibrancy on Yonge, Davis and Mulock

Consultation

- The proposed draft amendments were circulated to commenting agencies for review.

- The statutory public meeting was held on July 27, 2020.
- Staff met with various landowners and interested parties and gathered their input on the proposed amendments. All comments received to date and staff's recommendations have been summarized in the following subsections.
- As per Council's direction, supplementary information packages were sent to local councillors where the proposed amendments may be of increased interest.

Public Comments

Comments received from members of the public and how they have been addressed are summarized in Table 2 below.

Table 2 Comment Matrix - Public Comments

Comment received	**Staff's Recommendation**
Do not refine the Natural Heritage Systems (NHS) designation on the Criterion north site (north of Mulock Estate)	The proposed refinement to the NHS designation is to align the designation with the existing zoning. The existing Open Space (OS-3) Zone boundary on the property was based on a Natural Heritage Assessment that determined the limits of the woodland, which was reviewed by the Lake Simcoe Region Conservation Authority. The Natural Heritage Assessment also recommended an additional 3m buffer to be protected. The proposed NHS designation boundary will include the woodland and the 3m buffer.
Revise OPA No. 25 to require new development to <u>address</u> recommendations from the Community Energy Plan in a Sustainability Development Report, instead of requiring new development to <u>implement</u> recommendation from the Community Energy Plan	Staff have no objection to this comment and revision has been made to OPA No. 25.
Provide additional language to clarify uses permitted by the zoning-by are permitted prior to the removal of Holding (H) zone	Staff have no objection to this comment and revision has been made to the draft Zoning By-law Amendment.

Comment received	Staff's Recommendation
Private Street/Laneway policy is overly prescriptive in that it requires new private access to provide connectivity within the Urban Centres	Staff acknowledge that not all private laneways/streets will provide connectivity to adjacent properties. The intent of this policy applies to the private streets/laneways as shown on Schedule 5. Revision has been made to OPA No. 25 to clarify the intent.
Carpooling parking space requirement is overly prescriptive for uses that are smaller in nature. Staff should consider a threshold under which carpooling parking space requirement would not be applicable	Uses that are required to provide carpooling spaces include: financial institution, hospital, library, medical clinic, medical office building, medical/dental laboratory, office, elementary school, secondary school, or post-secondary school. Given the size of these facilities and the parking that would be required, staff is of the opinion that the existing carpooling requirement (minimum of 2 carpooling spaces) can be achieved.

Regional Comments

Regional staff are generally supportive of the proposed OPA. Table 3 below outlines the Region's comments and how they have been addressed.

Table 3 Comment Matrix - Regional Comments

Region's Comment	Staff's Recommendation
Incorporate parking management policies and standards	Parking management policies already existing in the Secondary Plan. No further amendments are required.
Make reference to the Region's Financial Incentives for Complete Communities to promote rental housing	Section 6.4.4 Rental Housing has been amended by adding reference to the Region's incentive program.
Clarify the proposed designations for 432 and 439 Davis Drive	Staff have clarified the proposed designations and Regional staff have no further comments.
Language should be added with respect to Major Transit Station Areas (MTSA)	While staff agrees that MTSAs are important parts of the Urban Centres, it would be more appropriate to include MTSA boundaries and policies after the

Region's Comment	Staff's Recommendation
	Regional Official Plan identifies the MTSA boundaries and policies.

Human Resource Considerations

None

Budget Impact

None

Attachments

Attachment 1 – Proposed Official Plan Amendment No. 25

Attachment 2 – Proposed Zoning By-law Amendment

Submitted by

Phoebe Chow, Senior Planner – Policy

Approved for Submission

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

Phoebe Chow, Senior Planner – Policy, pchow@newmarket.ca

Newmarket

Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (Technical Amendment).

Whereas it is deemed advisable to amend By-law Number 2019-06;

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

1. That By-law Number 2019-06 is hereby amended by:

   a. Deleting the year "2017" in Provision 1.9.2 iii)a) Minor Variance Applications replacing it with "2018".

   b. Revising the date "September 4th, 2018" in Provision 1.9.3 iii)b) to "September 24th, 2018".

   c. Revising the by-law number "1989-96" in Provision 1.10 i)b) to "1981-96".

   d. Deleting Diagram 3-6 under definition of Daylighting Triangle in Section 3 Definitions and replacing it with the diagram shown in Schedule 1 to this by-law.

   e. Adding the following text to the definition of Floor Space Index in Section 3 Definitions:

      "For the purpose of calculating Floor Space Index, the following lands shall be excluded from *lot area*:

      - Natural Heritage System and identified significant natural heritage areas;
      - Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority, and
      - Public infrastructure such as hydro facilities and pumping stations.

      For greater certainty, lands used for the following purposes shall be included as part of *lot area* when calculating Floor Space Index:

      - off-street parking and servicing areas;
      - private streets and driveways;
      - public streets conveyed to the Town or the Regional Municipality of York;
      - parks and open space dedicated to the Town or a public authority;
      - lands conveyed to the Town for underground hydro
      - private landscaped areas, including private squares that are designed to be used by the public."

   f. Deleting the definition of "Width of Driveway" in Section 3.

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g. Deleting the words “which is designated on Schedule “F” to this By-law” in Section 4.12 Planned Width of Street Allowance and replacing them with the word “that”.

h. Adding *Retirement Residence* to Section 5.3.1.2 Parking Standards – Non-Residential Uses and adding the following Minimum Off-Street Parking Requirement and Maximum Off-Street Parking Requirement for *Retirement Residence*:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Retirement Residence	0.5 *parking space* per unit plus 0.25 *parking spaces* per unit for visitor	1.0 parking space per unit plus 0.25 parking spaces per unit for visitor

i. Deleting the text in Section 5.3.1.4 Carpooling Parking Space for certain Non-residential Uses and replacing with the following:

“Notwithstanding Section 5.3.1.2 of this By-law, the required parking for developments involving *financial institution*, *hospital*, *library*, *medical clinic*, *medical office building*, *medical/dental laboratory*, *office*, *elementary school*, *secondary school*, or *post-secondary school* uses must provide carpooling *parking spaces* at a rate of 5% of the total required parking supply for any of these non-residential uses, but shall not be less than 2.0 spaces.”

j. Adding “*Place of Assembly*” and “*Medical Office*” as permitted uses under Non-Residential Uses in Table 6.2.2.1 Mixed Use Zone Permitted Uses.

k. Deleting the text of footnote 4 under Section 6.2.2.1 and replacing it with the following:

“Stand-alone surface *parking lot* shall not be located on *lots* that front onto Yonge Street or Davis Drive. Where a stand-alone surface *parking lot* is permitted, it shall be subject to Section 5.4.1 of this By-law.”

l. Deleting the words “38.0 metres” after “at least 66% of the *Building* frontage above the” in Provision 6.2.4.2(ii)(a) Height – Podiums and replacing it with “podium height”.

m. Deleting the text in Provision 6.2.4.2(ii)(b) Height – Podiums and replacing it with the following:

ii)b) “If a *building* with a height greater than 26.0 metres but less than 38.0 metres contains a podium, the podium shall not exceed 17.0 metres in height and the *building* above the podium shall be set back a minimum of 1.5 metres from the edge of the podium for a length of at least 66% of the *building* frontage above the podium height adjacent to the *public street*.”

n. Deleting the text in Provision 6.2.4.5(i) Setback and replacing it with the following:

i) “Any *building* with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the *lot line* that abuts Yonge Street or Davis Drive.”

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o. Adding the following text as Provision 6.2.4.5(ii) Setback and renumbering subsequent provisions:

ii) "Any *building* with a frontage on Yonge Street or Davis Drive, located on a *corner lot,* shall be setback a minimum of 3.0 metres from the *lot line* that abuts a *public street* other than Yonge Street or Davis Drive."

p. Deleting the text in the renumbered Provision 6.2.4.5 iv) and replacing it with the following:

iv) "The wall of any tall *building* located above the podium height in accordance with Provision 6.2.4.2 ii) shall be set back a minimum 12.5 metres from any *lot line* that does not abut a *public street*."

q. Deleting Diagram 6-3 in Section 6.2.4.5 Setback and replacing it with the diagram shown in Schedule 2 to this by-law as Diagram 6-3a.

r. Adding the diagram shown in Schedule 3 to this by-law as Diagram 6-3b to Section 6.2.4.5 Setback.

s. Deleting the text in Provision 6.2.4.9 ii) Parking and Access to Lot and replacing it with the following:

ii) "Parking may be provided within a *building* or *structure* or on the surface, but shall only be located in a *side yard* or *rear yard* on *lots* that front onto Davis Drive or Yonge Street."

t. Deleting the text in Provision 6.2.4.9 iii) Parking and Access to Lot and replacing it with the following:

iii) "Parking for motorized vehicles shall not be permitted in the *yard* that abuts Davis Drive or Yonge Street."

u. Deleting the text in Provision 6.2.4.9 iv) and replacing it with the following:

iv) "Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the *yard* that abuts Davis Drive or Yonge Street if access to the *lot* is only from Davis Drive or Yonge Street."

v. Deleting "Convenience Store" as a permitted use from Table 6.3.2.1 Institutional Zone Permitted Uses.

w. Deleting SS(1) in Section 8.1 Site Specific Exceptions.

x. Deleting the text in Section 8.2.1 Holding Zones and Exceptions to Permit Development and replacing it with the following:

"For any *lot* that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-law (for example (H)-1), *uses* permitted by this By-law shall be permitted prior to the removal of the Holding Zone (H) and the provisions under Section 6.2.1.2, Section 6.2.5, Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5 and Section 8.1 shall prevail."

y. Deleting the first paragraph in Section 8.2.2 Requirement to Remove the (H) Symbol and replacing it with the following:

"Notwithstanding Section 8.2.1, for any lot that is subject to a Holding Zone (H), no development as defined by the Planning Act and/or Site Plan Application Process Manual may occur without an application to remove the (H) symbol from the lot."

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z. Deleting Schedule A; Schedule A Maps 1 to 6; Schedule B; Schedule B Maps 7 to 12; Schedule C; Schedule C Maps 13 to 18; Schedule D, and Schedule E, and replacing them with Schedules 4 to 26 attached to this by-law.

2. That Schedules 1 to 26 inclusive attached to this by-law are declared to form part of this by-law.

Enacted this xxx day of xxx, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

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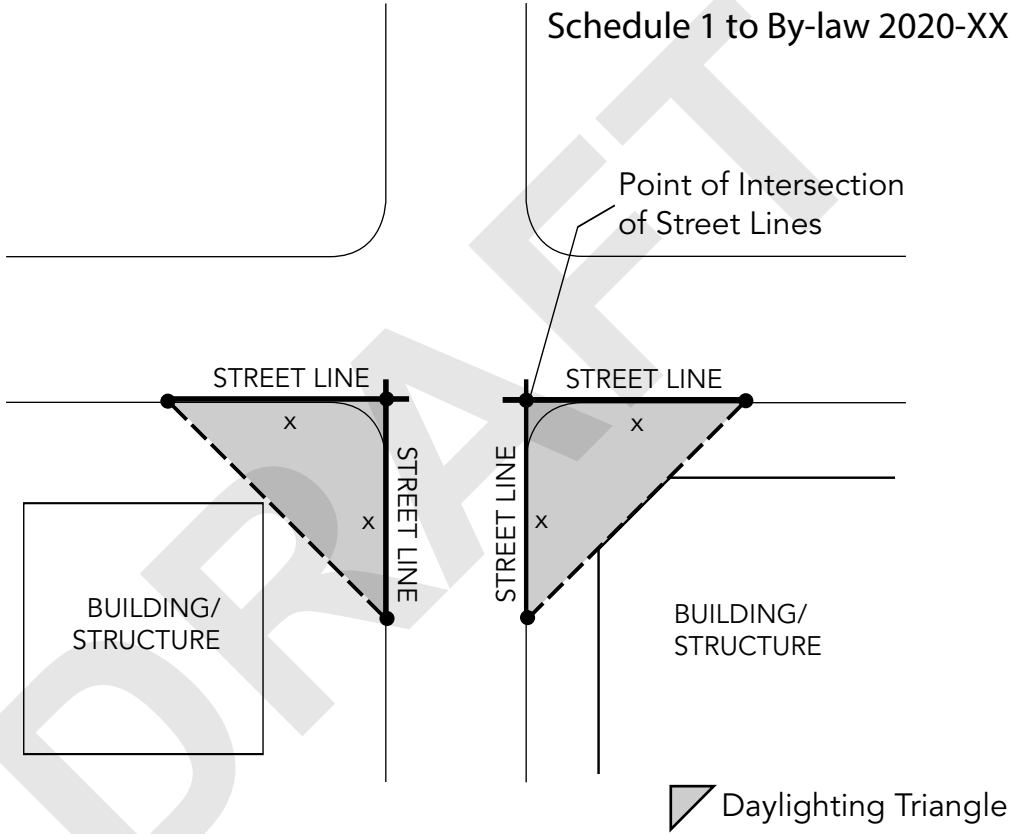

Diagram 3-6 *Daylighting Triangle*

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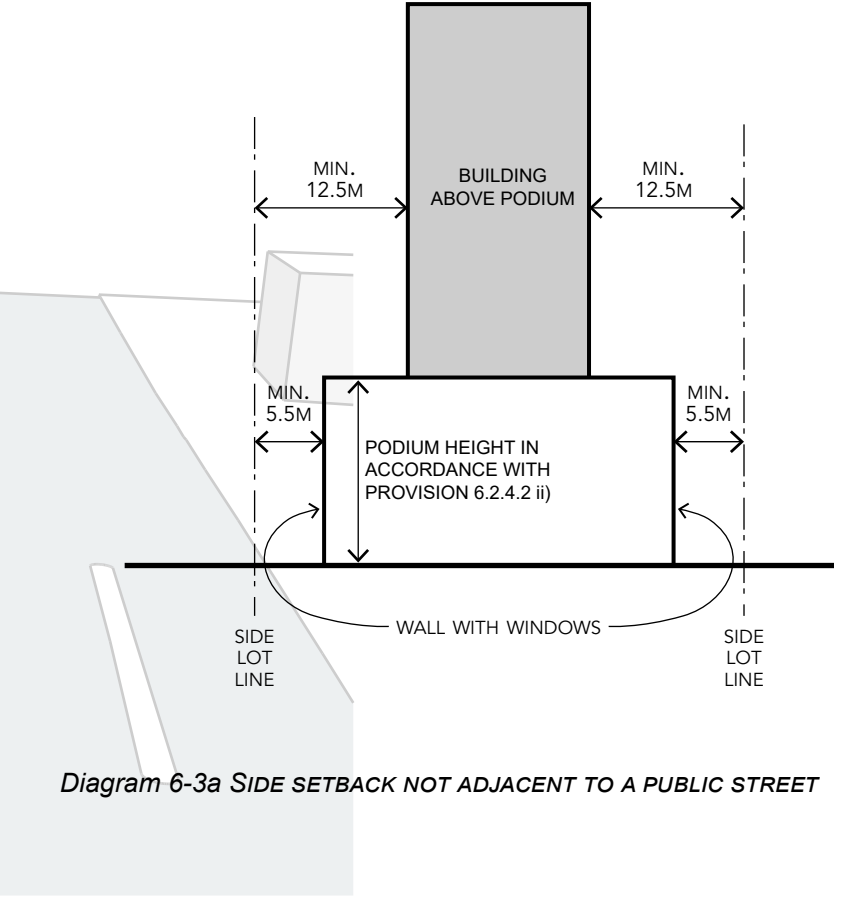


Diagram 6-3a ***SIDE SETBACK NOT ADJACENT TO A PUBLIC STREET***

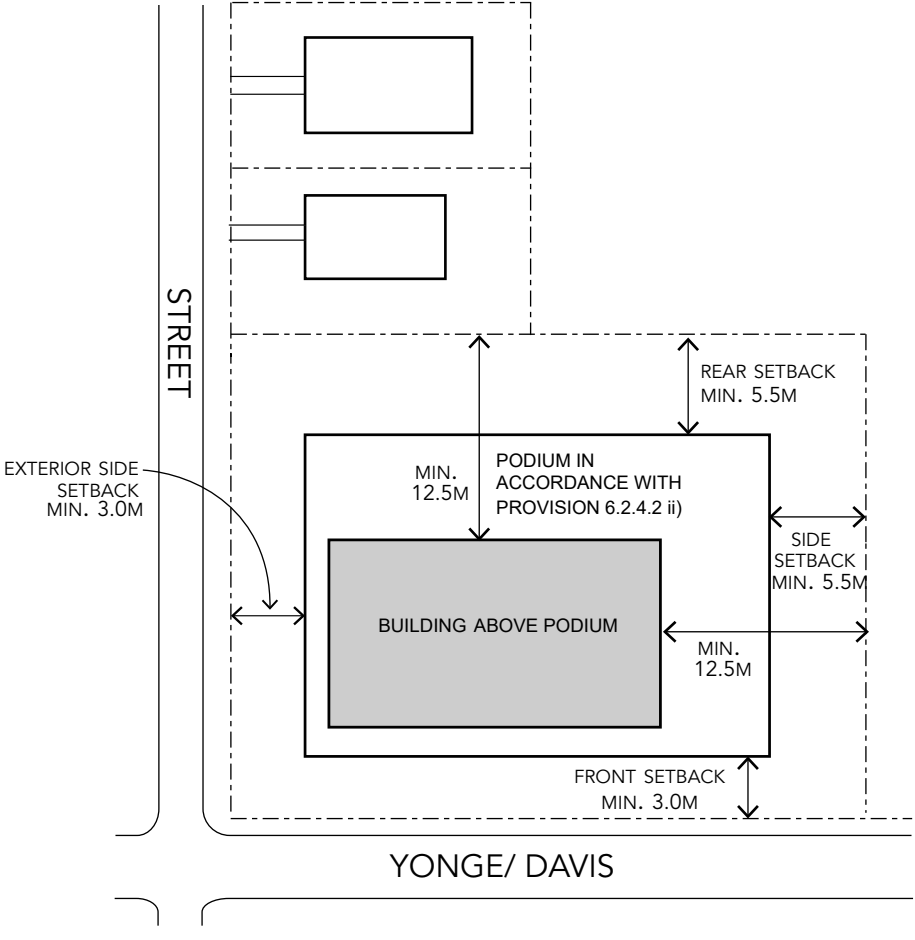
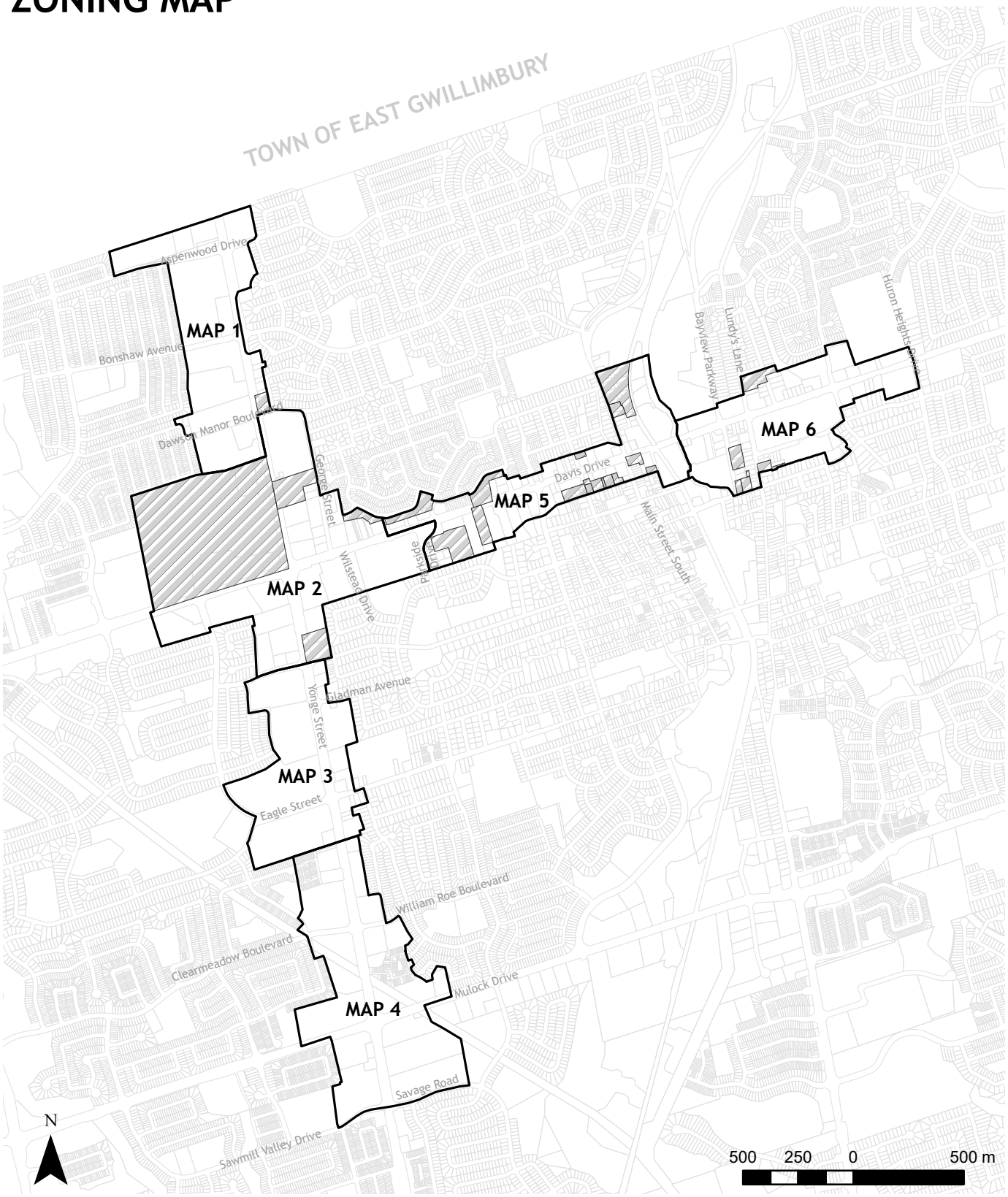


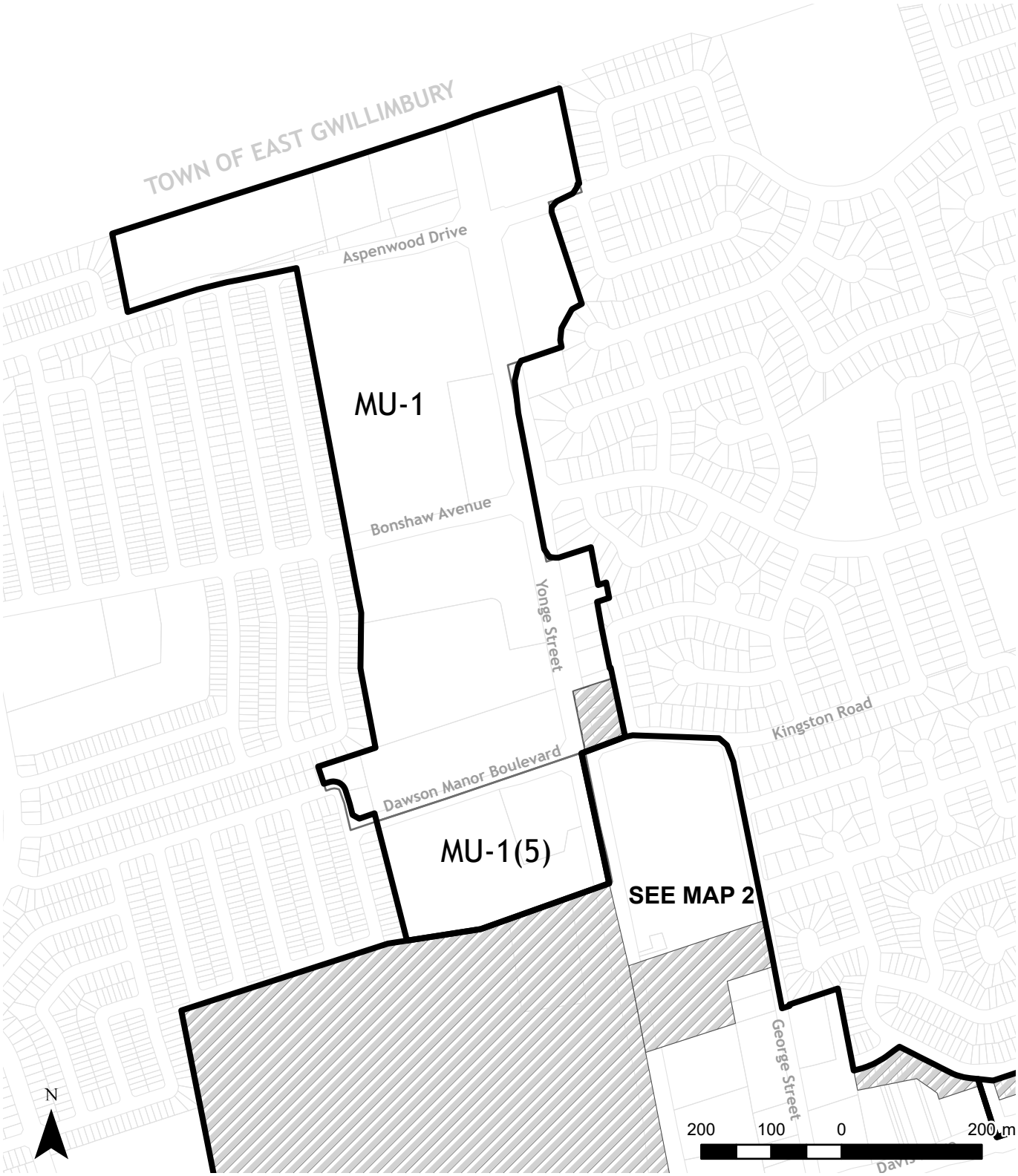
Diagram 6-3b. SETBACKS on A CORNER LOT

ZONING MAP



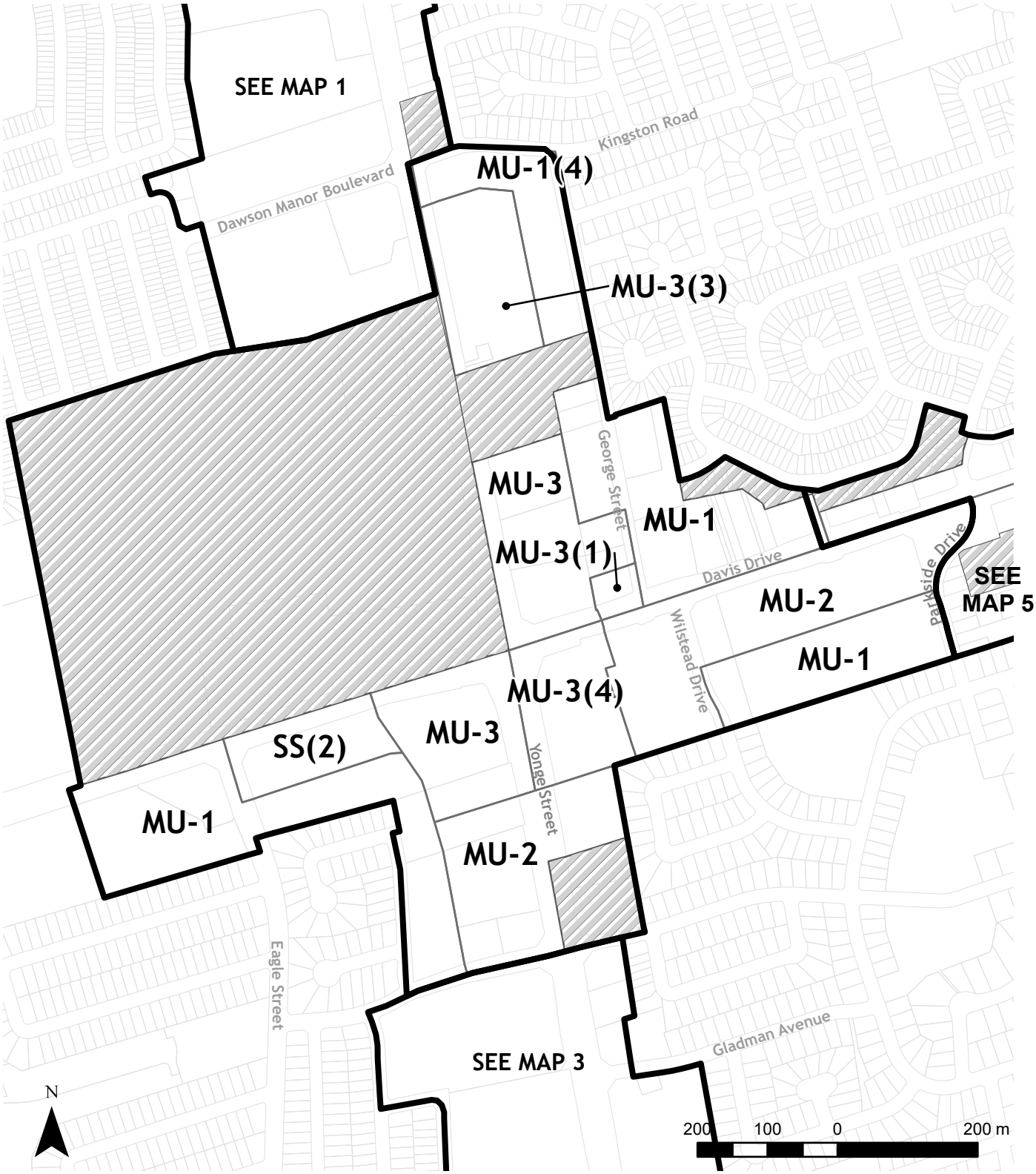
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH ZONING MAP



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

YONGE AND DAVIS ZONING MAP



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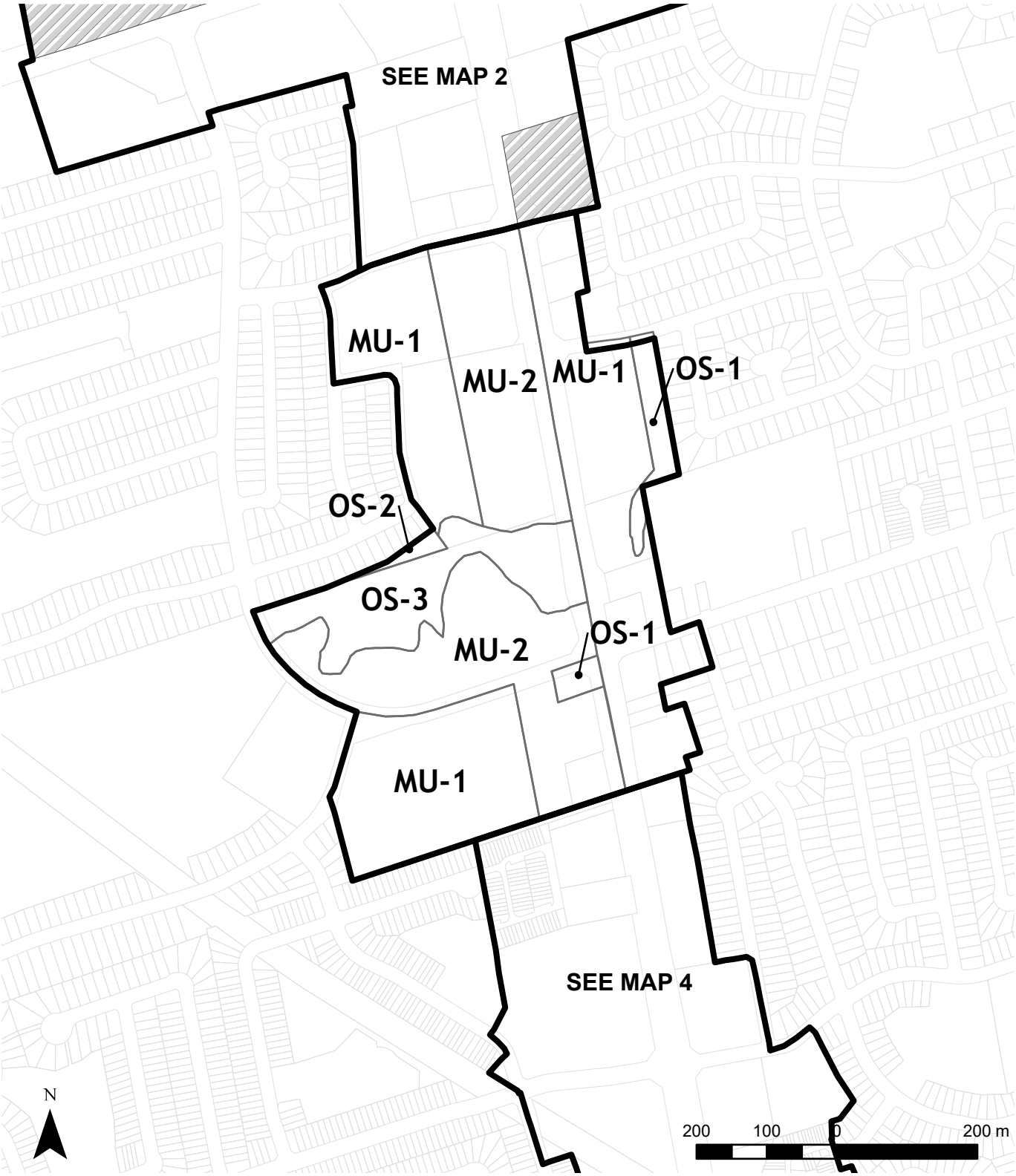
YONGE CIVIC ZONING MAP



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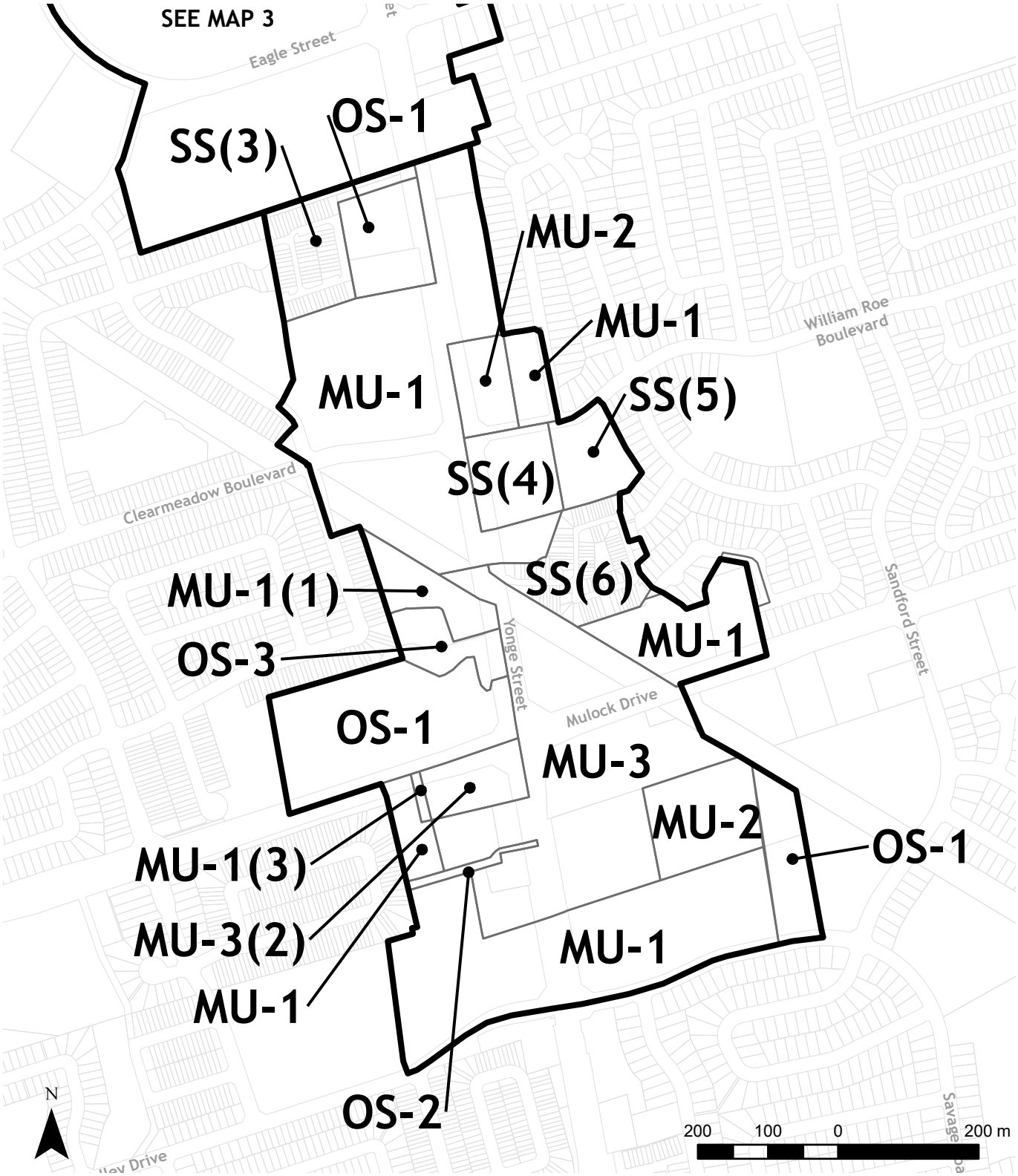
YONGE SOUTH ZONING MAP



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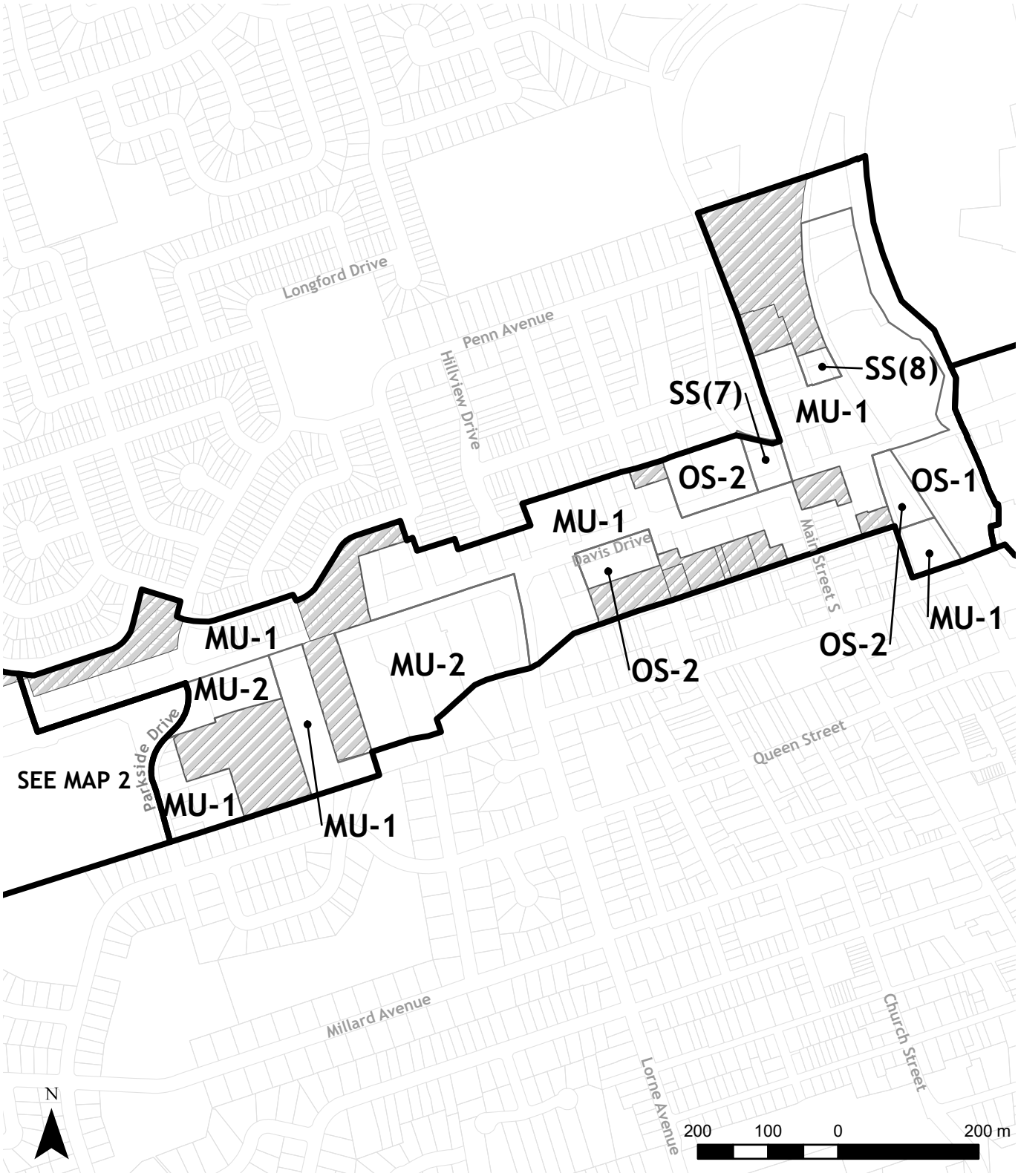
DAVIS DRIVE ZONING MAP



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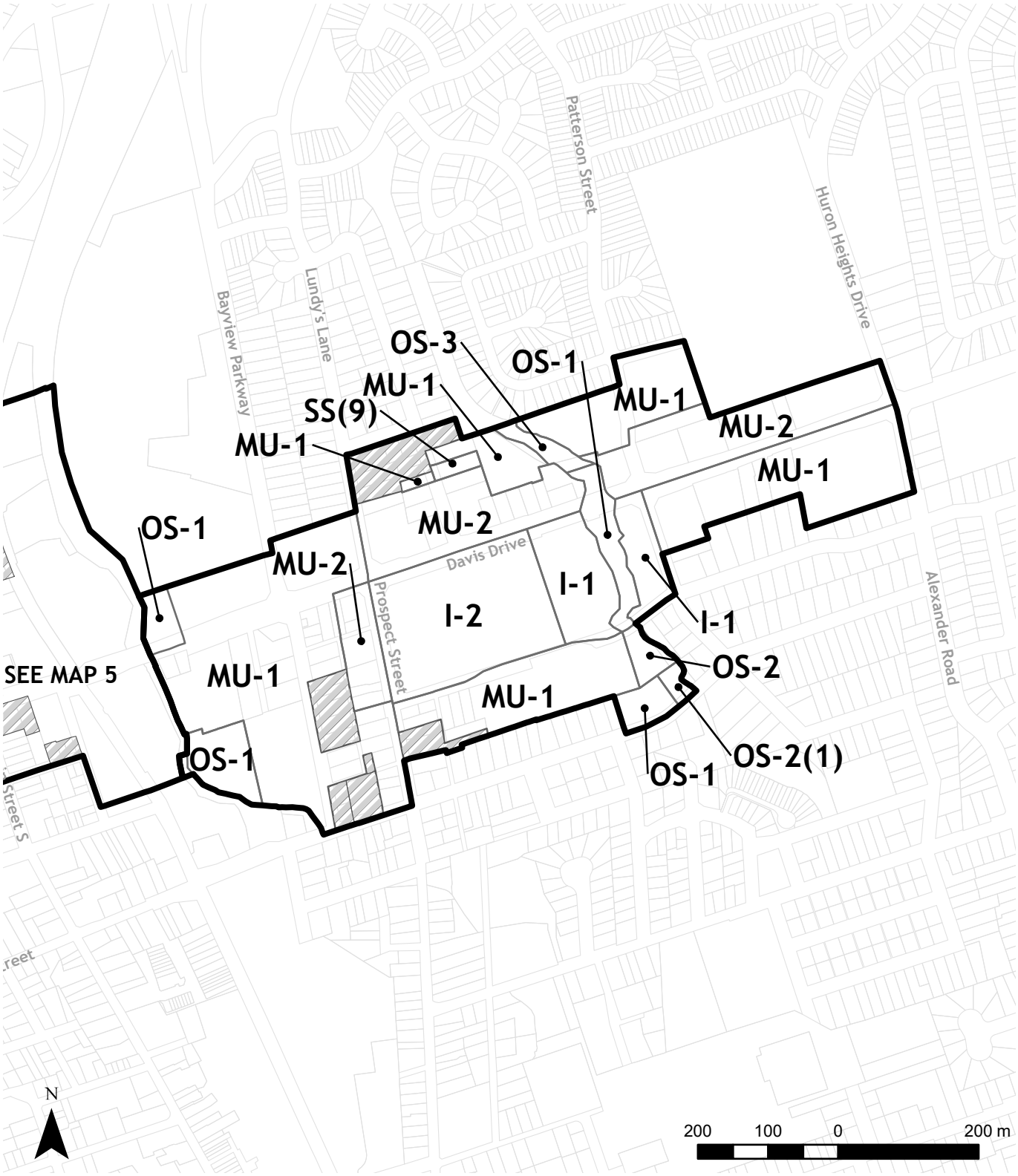
REGIONAL HEALTHCARE CENTRE ZONING MAP



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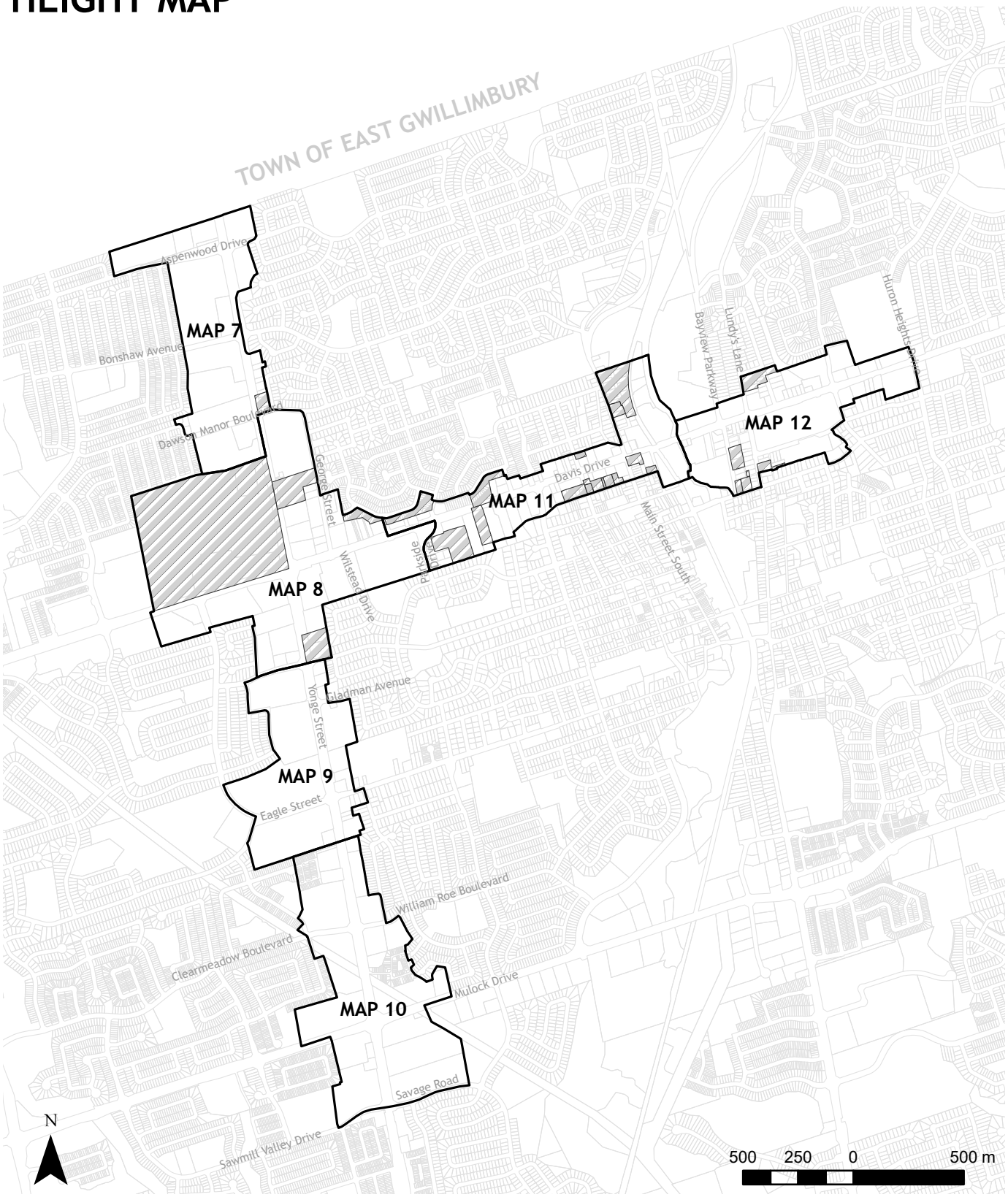
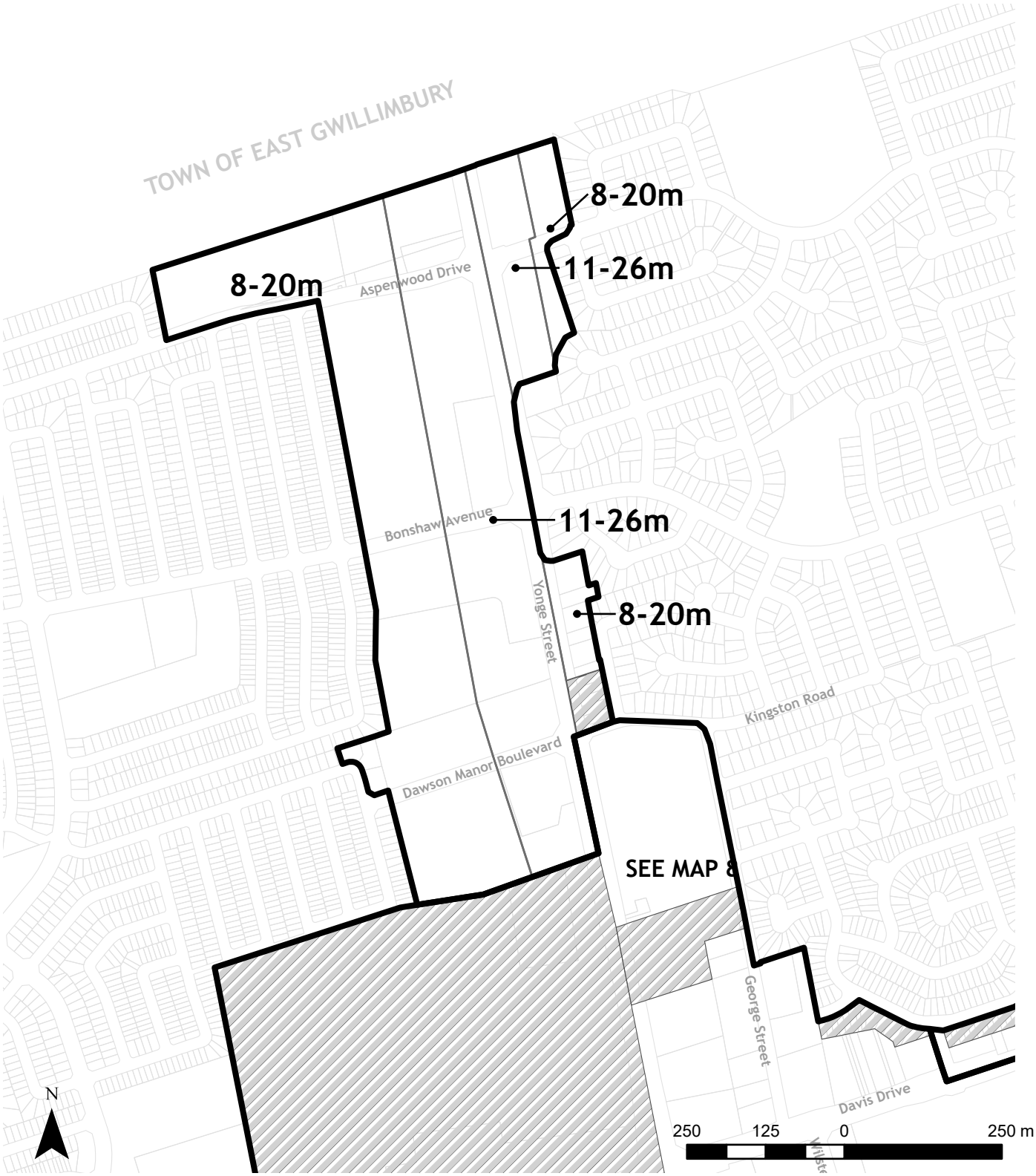
HEIGHT MAP



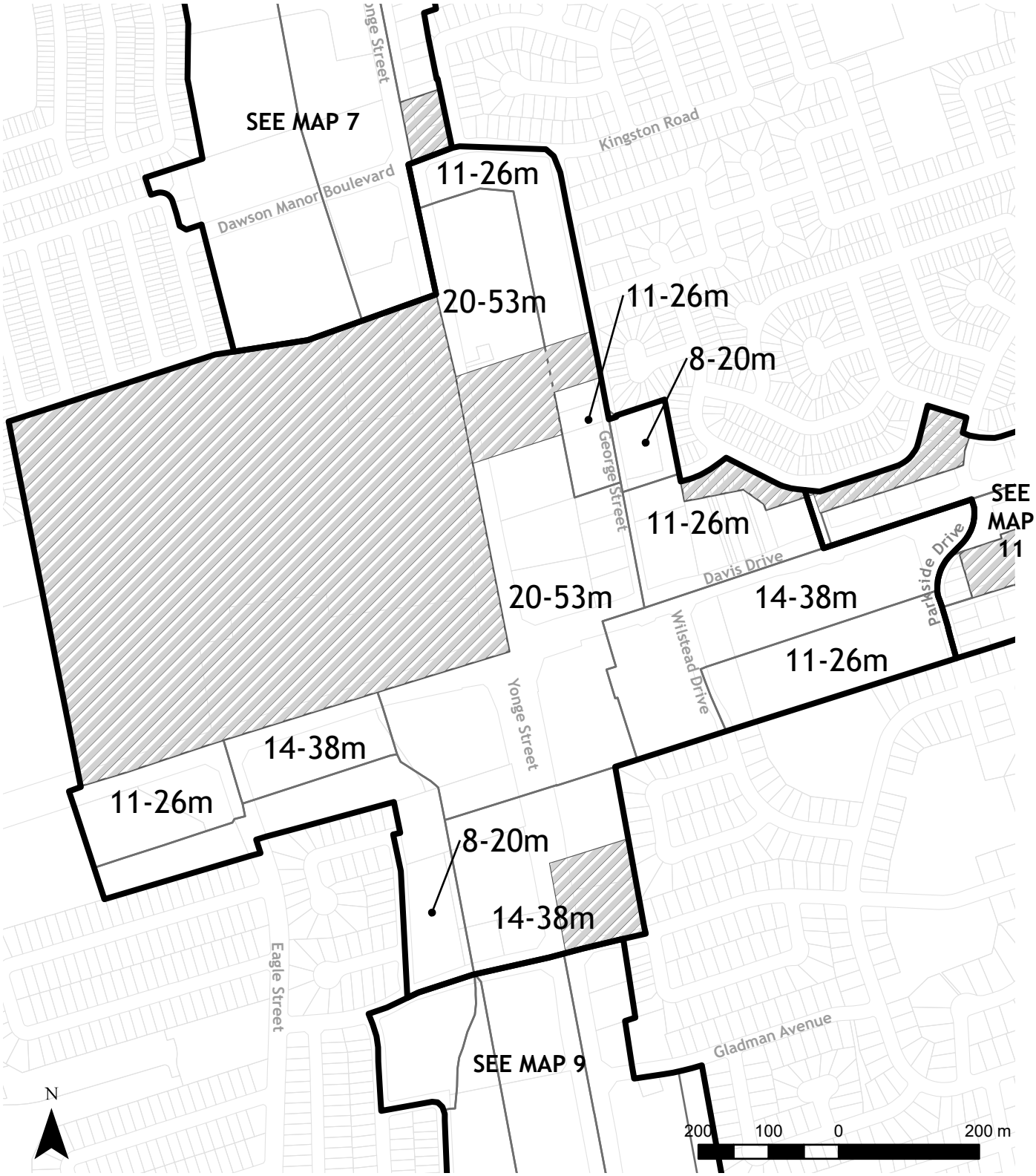
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH HEIGHT MAP



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

YONGE AND DAVIS HEIGHT MAP



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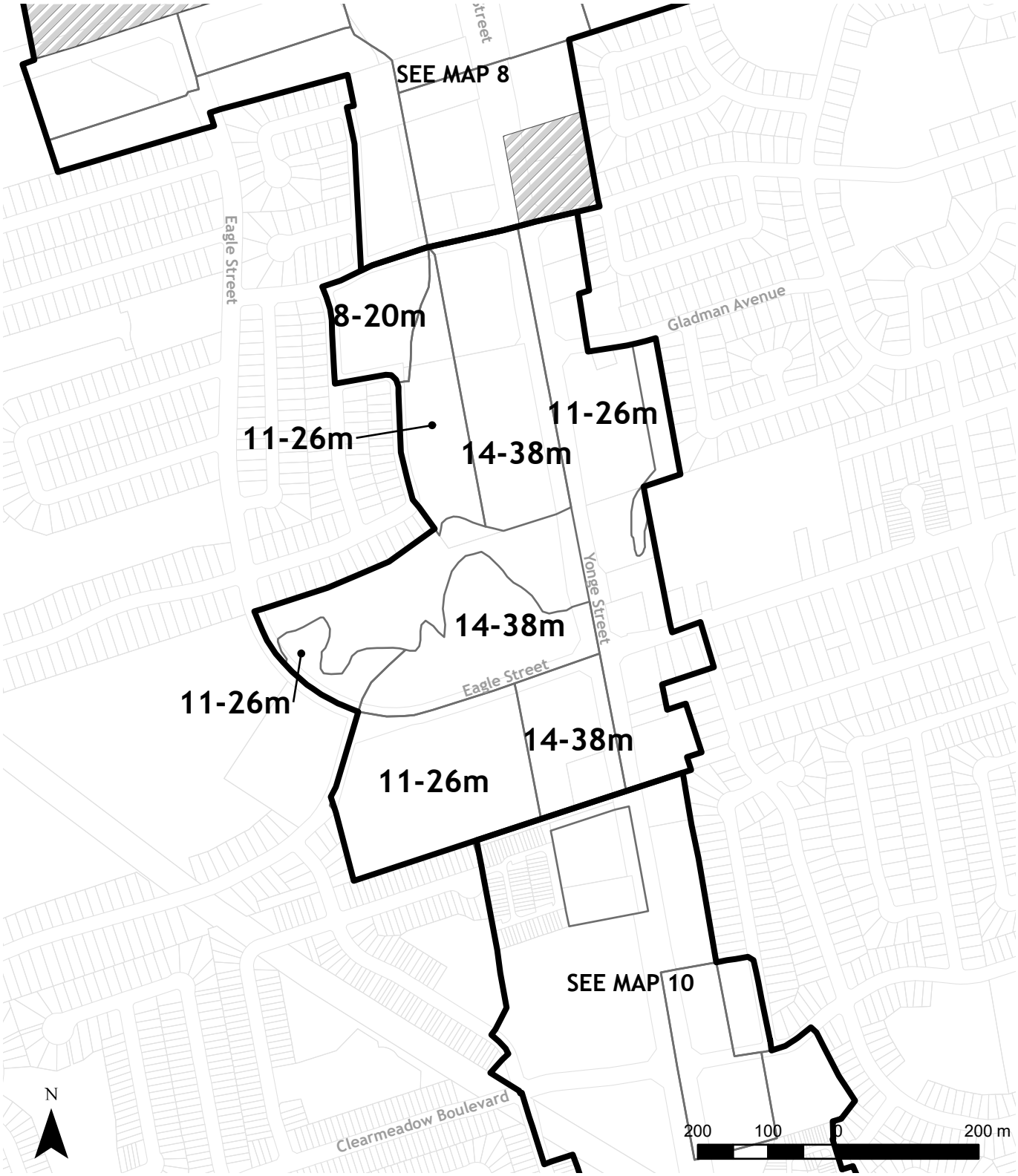
YONGE CIVIC HEIGHT MAP



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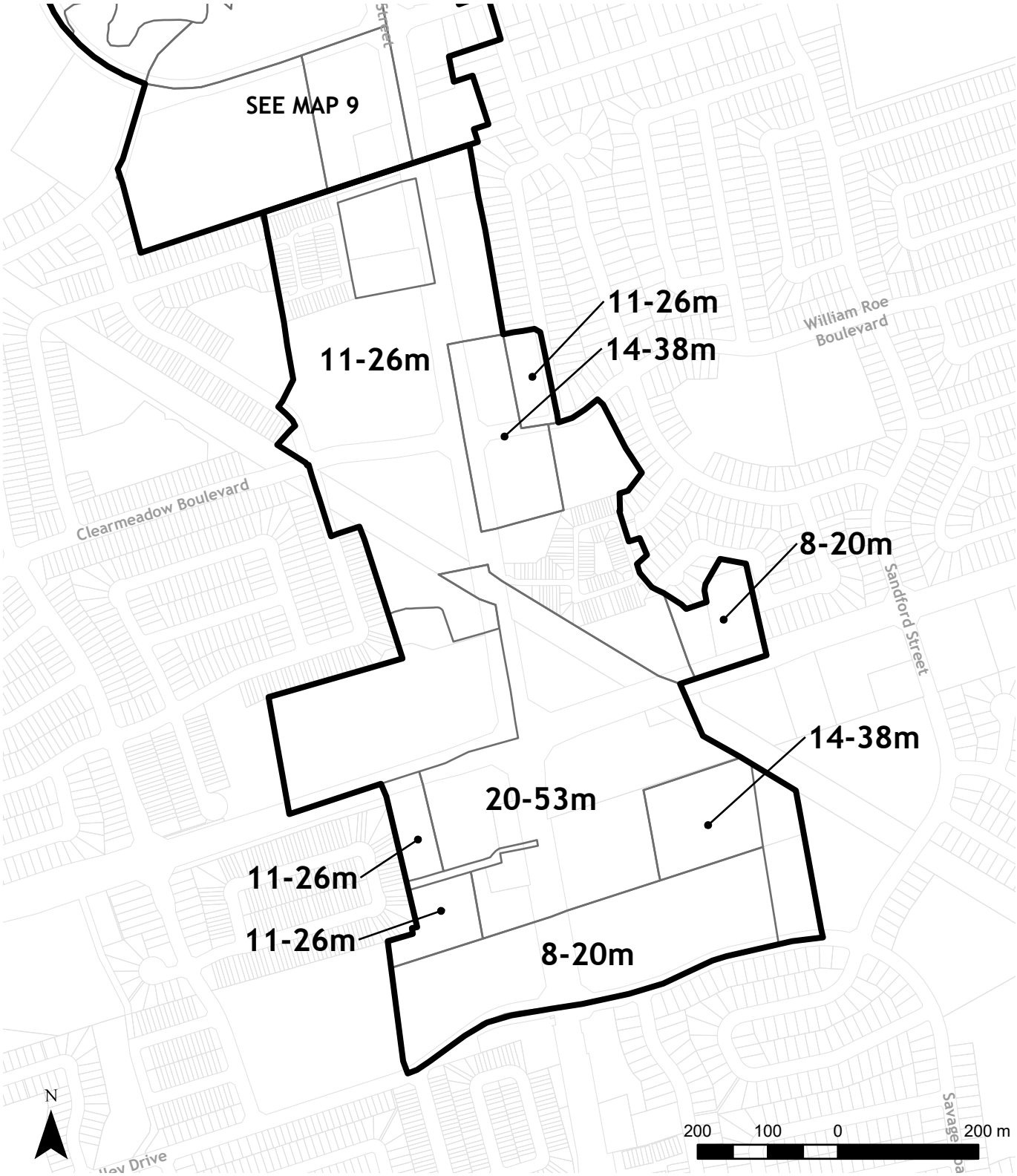
YONGE SOUTH HEIGHT MAP



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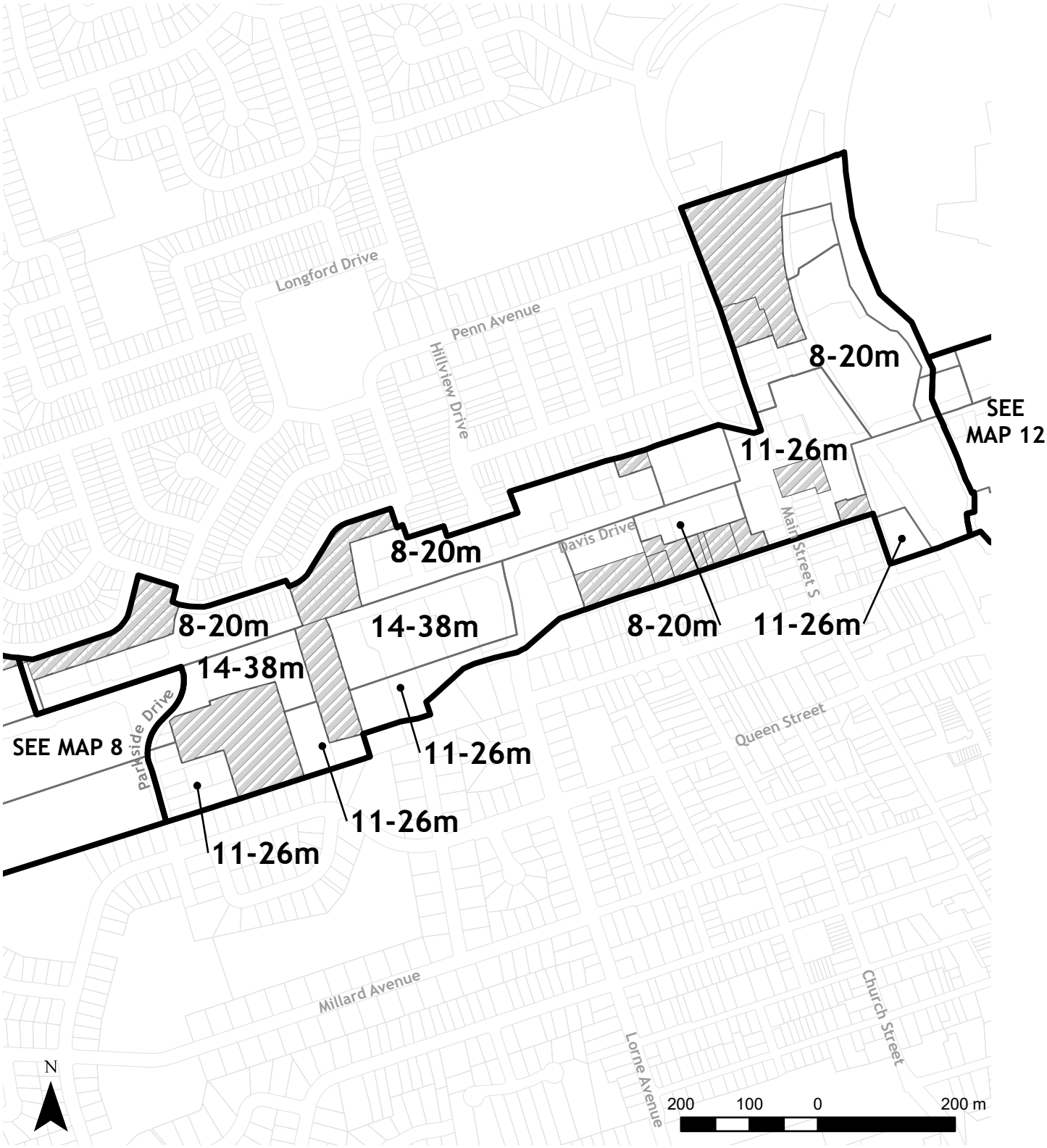
DAVIS DRIVE HEIGHT MAP



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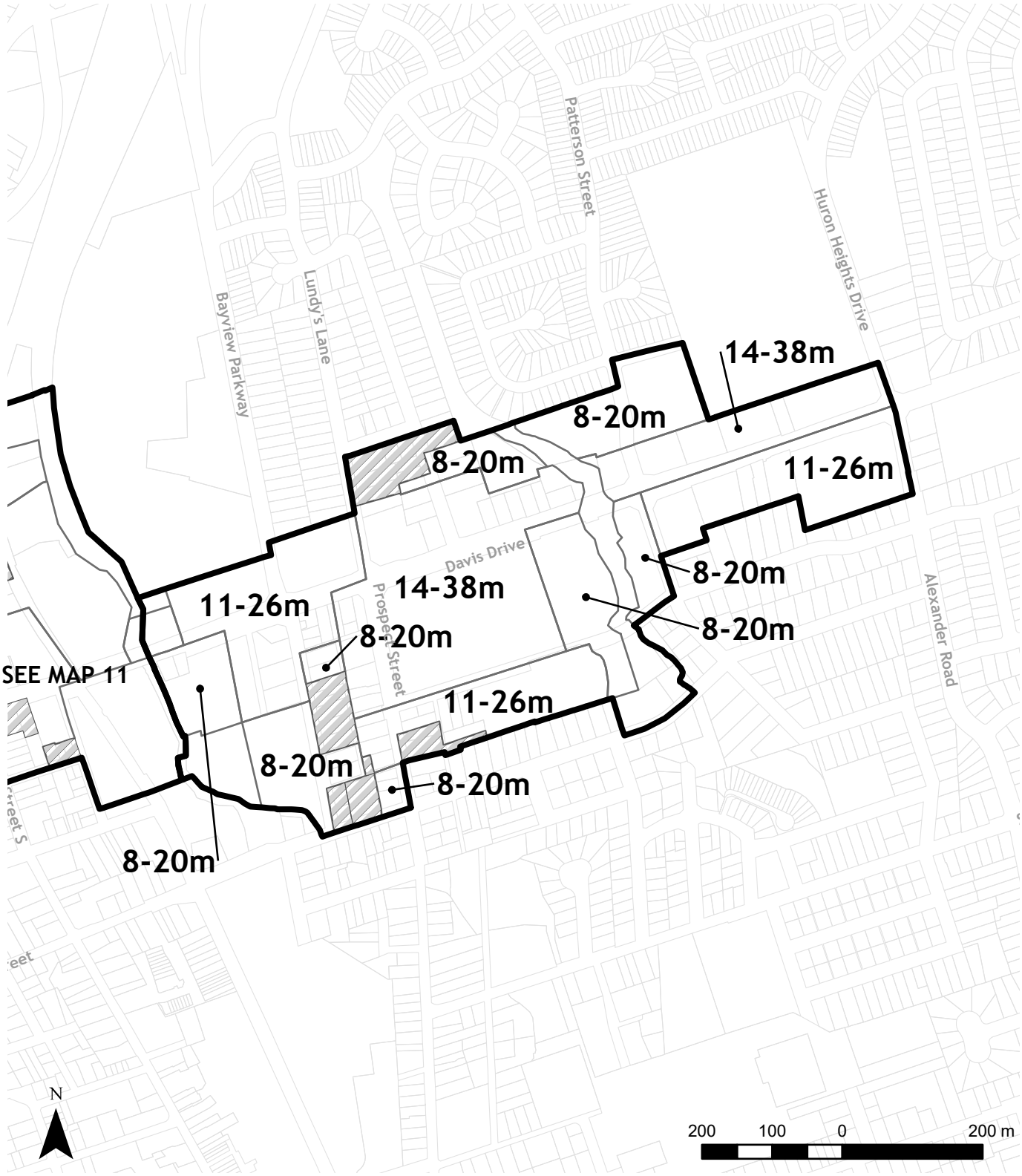
REGIONAL HEALTHCARE CENTRE HEIGHT MAP



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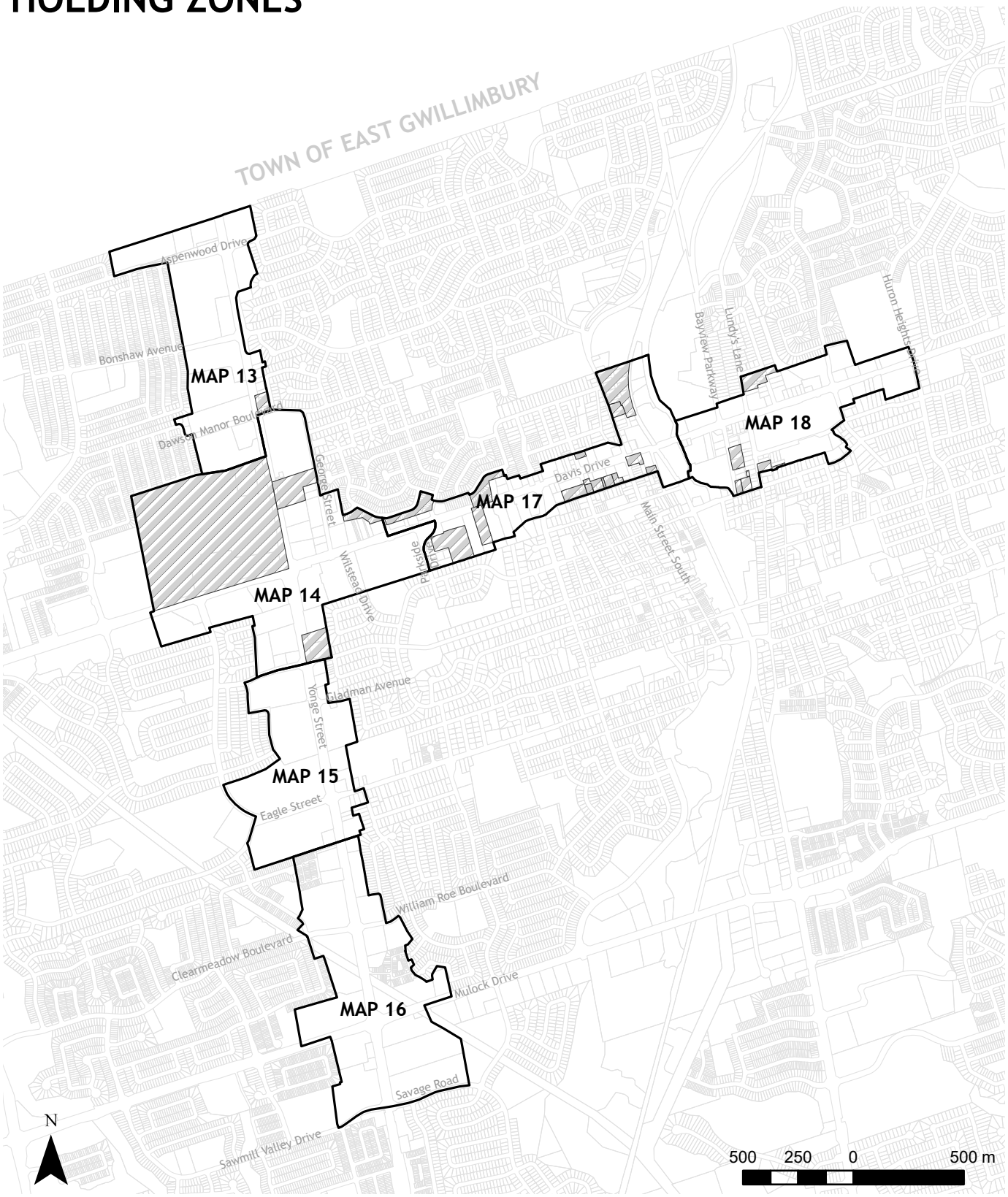
HOLDING ZONES



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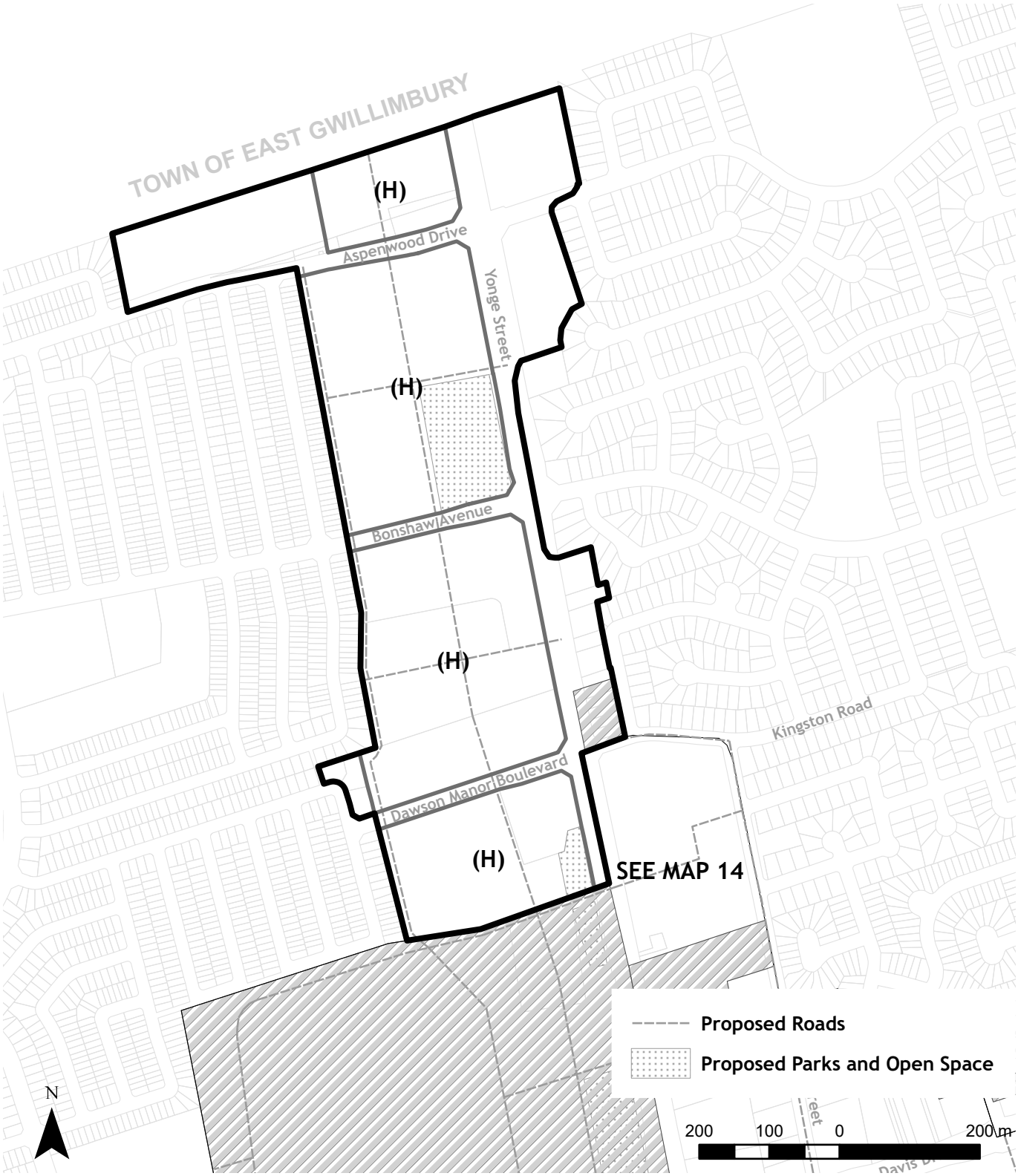
YONGE NORTH HOLDING ZONES



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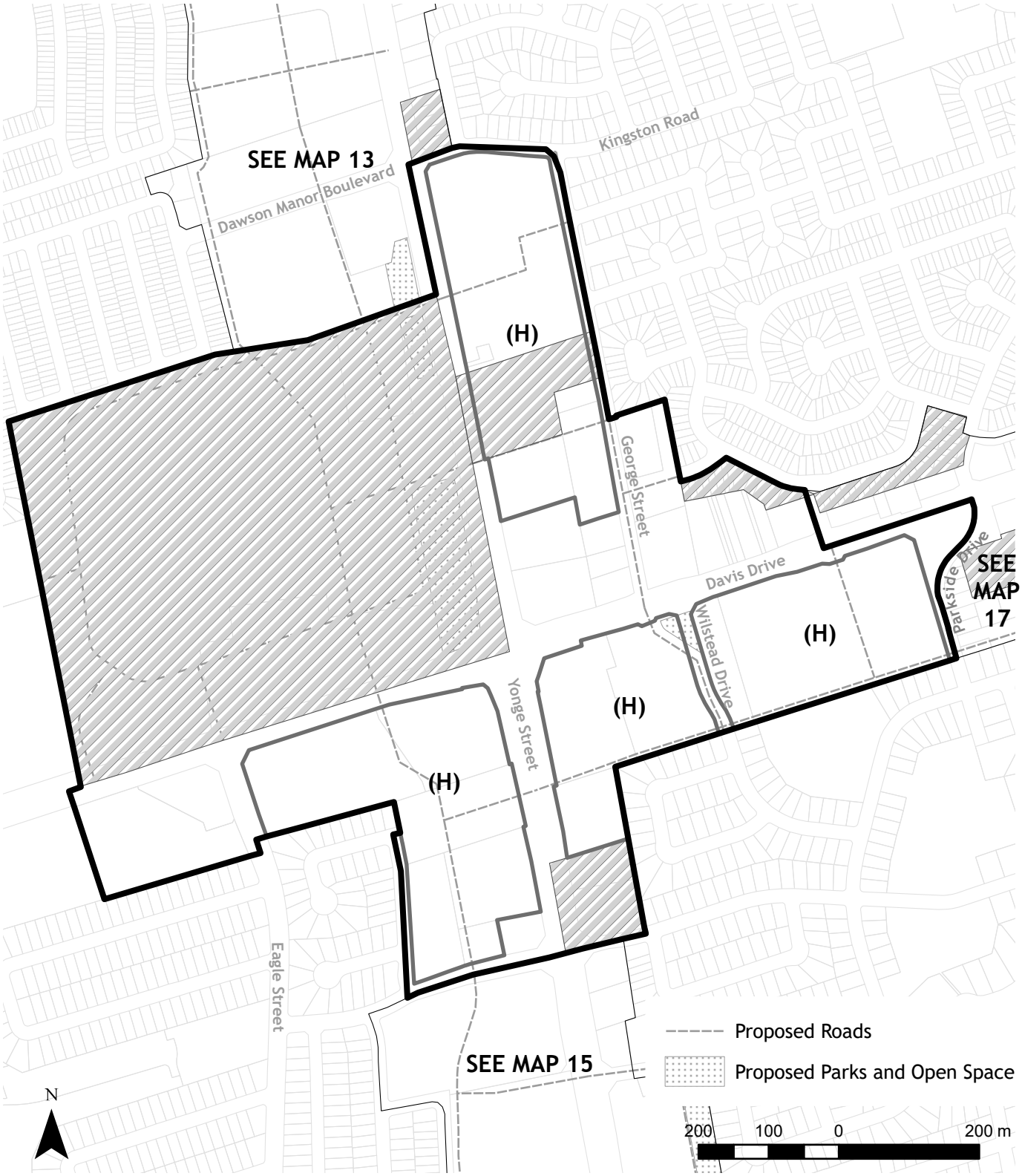
YONGE AND DAVIS HOLDING ZONES



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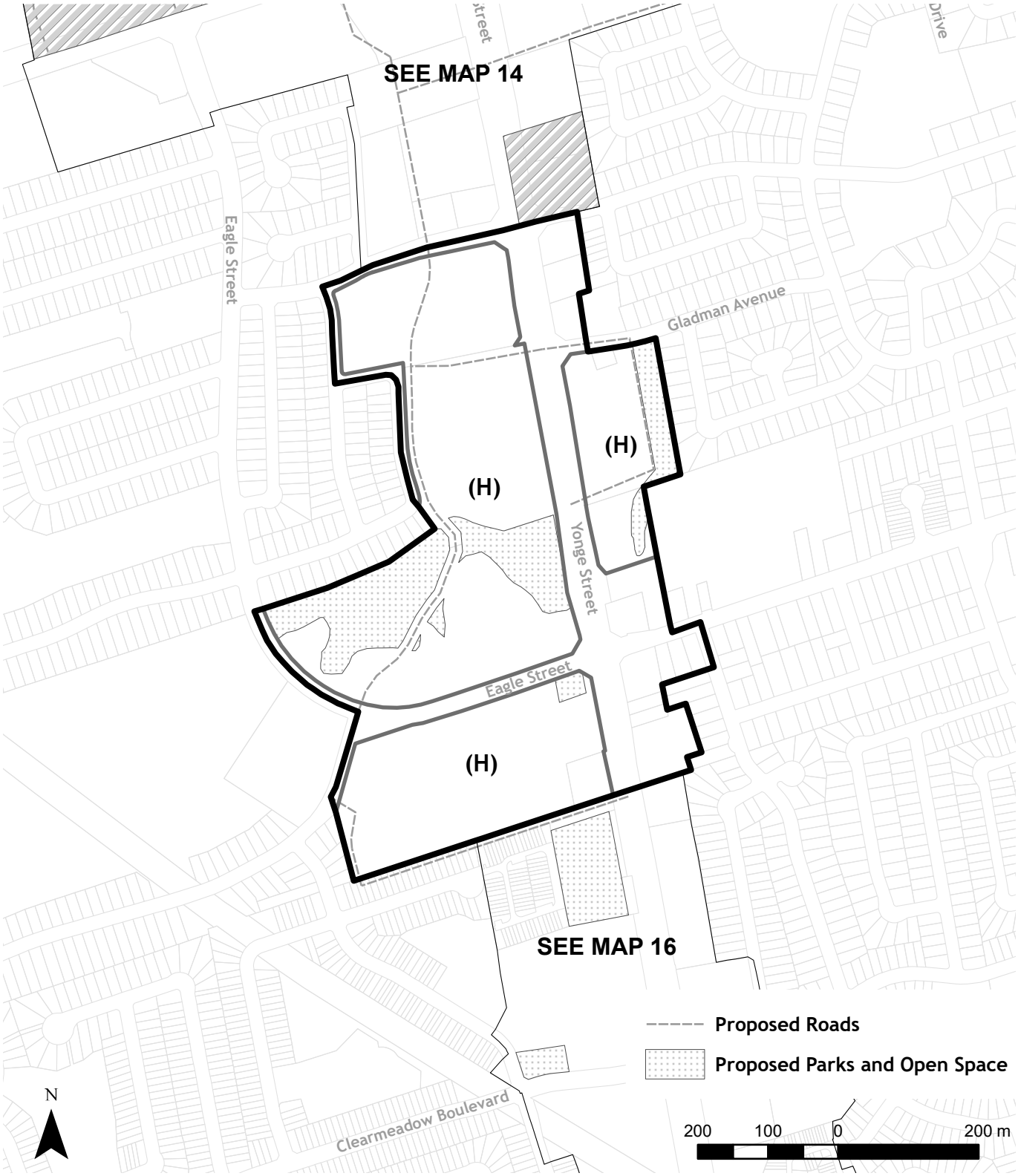
YONGE CIVIC HOLDING ZONES



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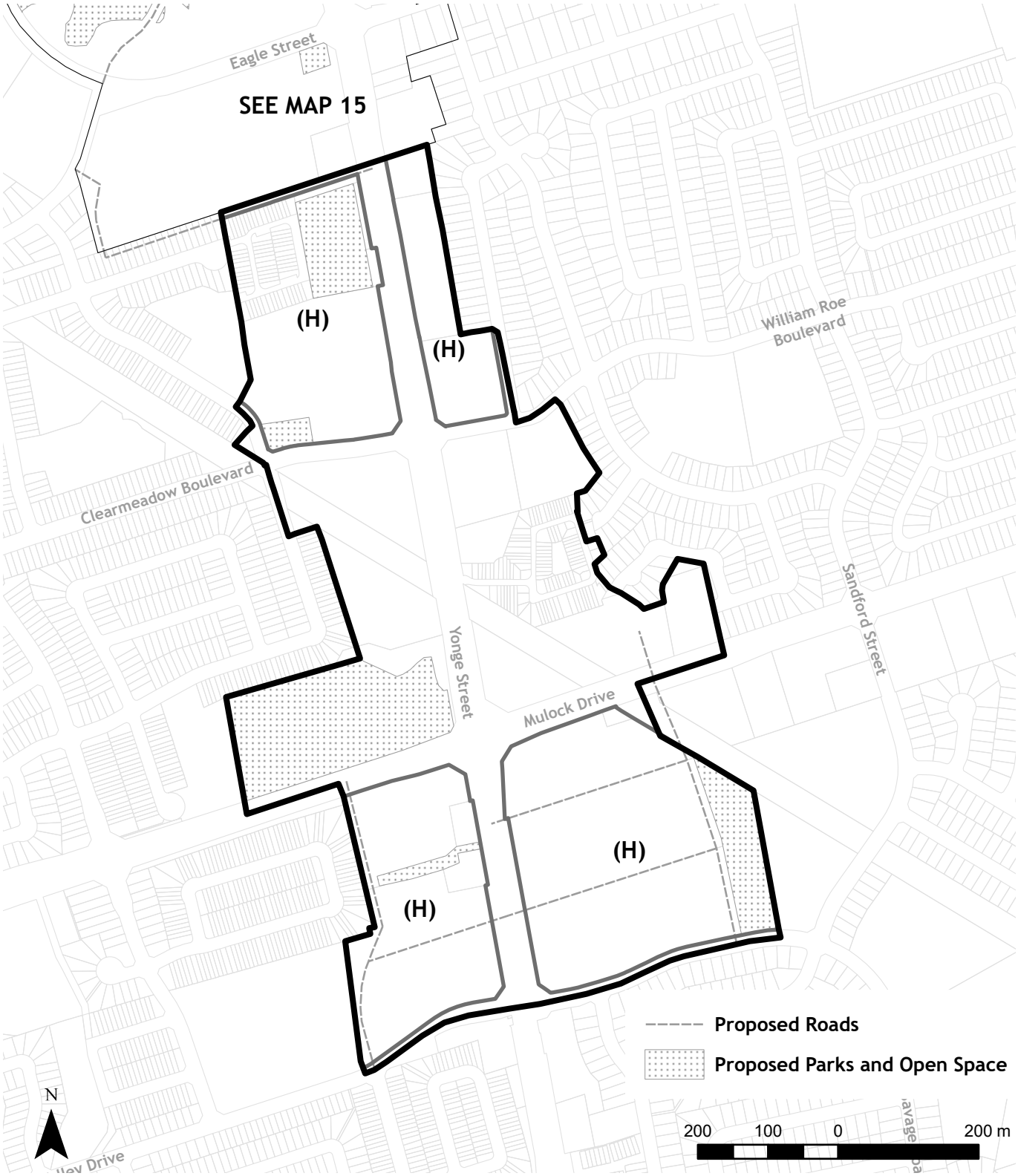
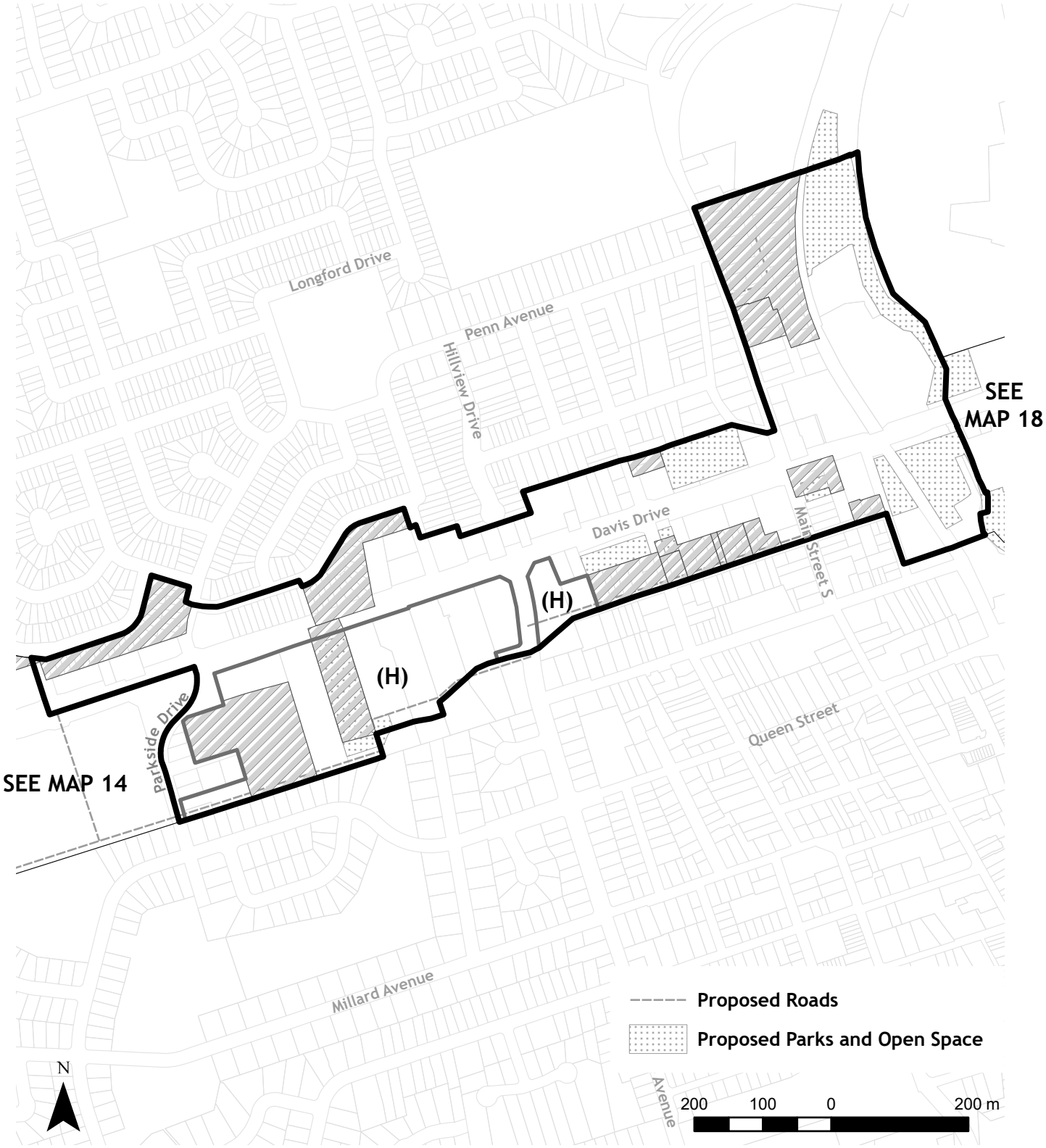
YONGE SOUTH HOLDING MAP



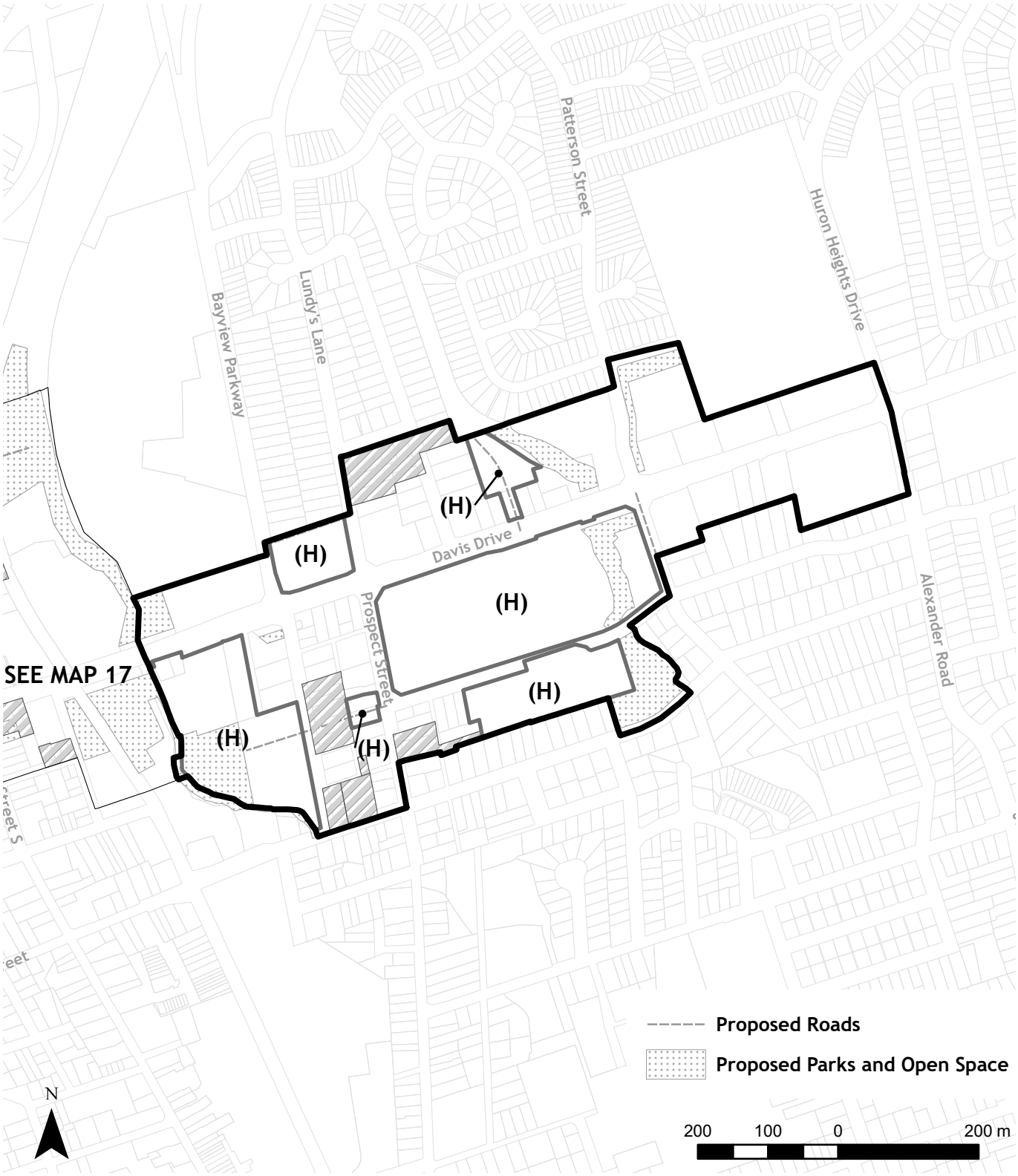
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE HOLDING ZONES



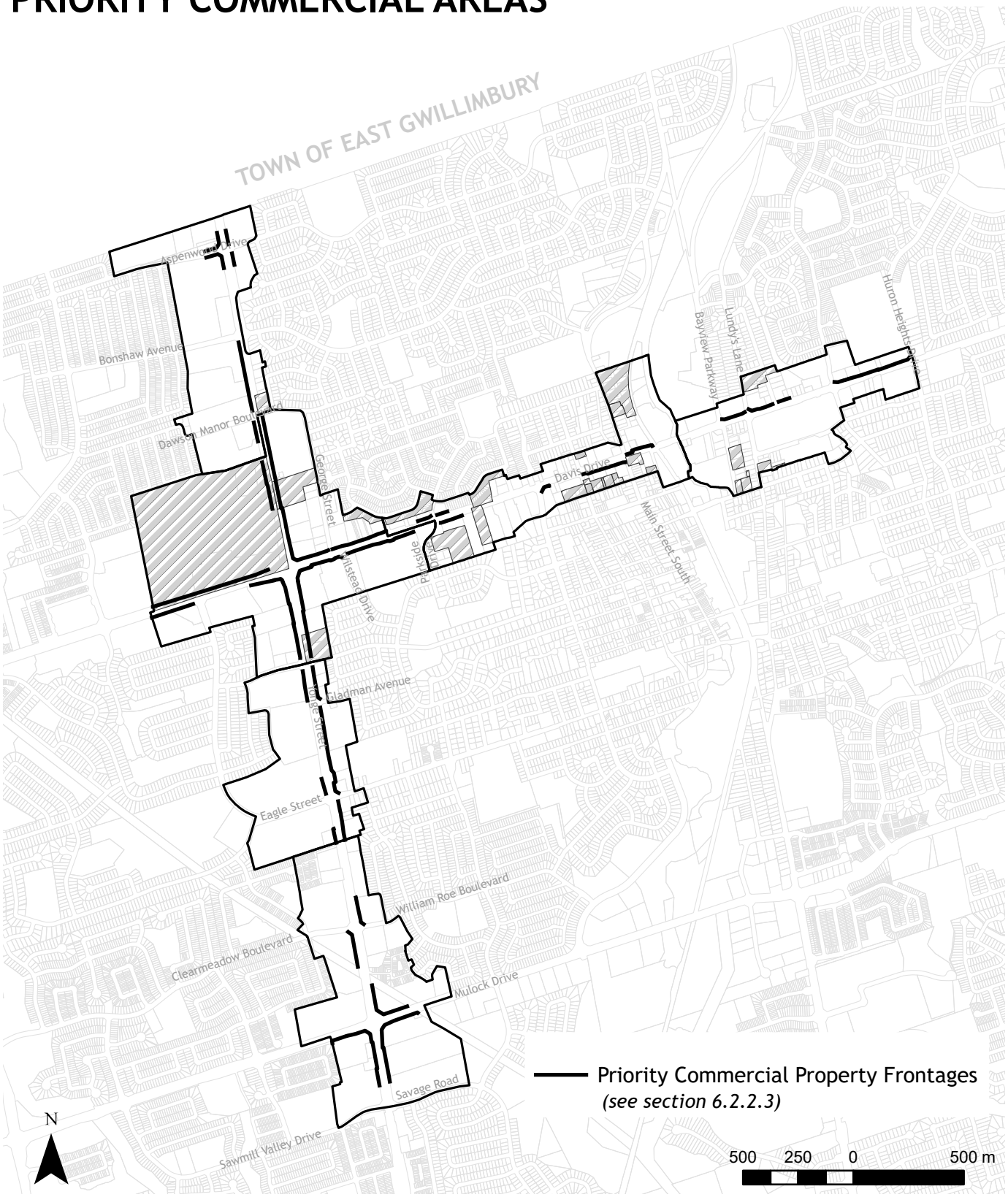
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE HOLDING ZONES



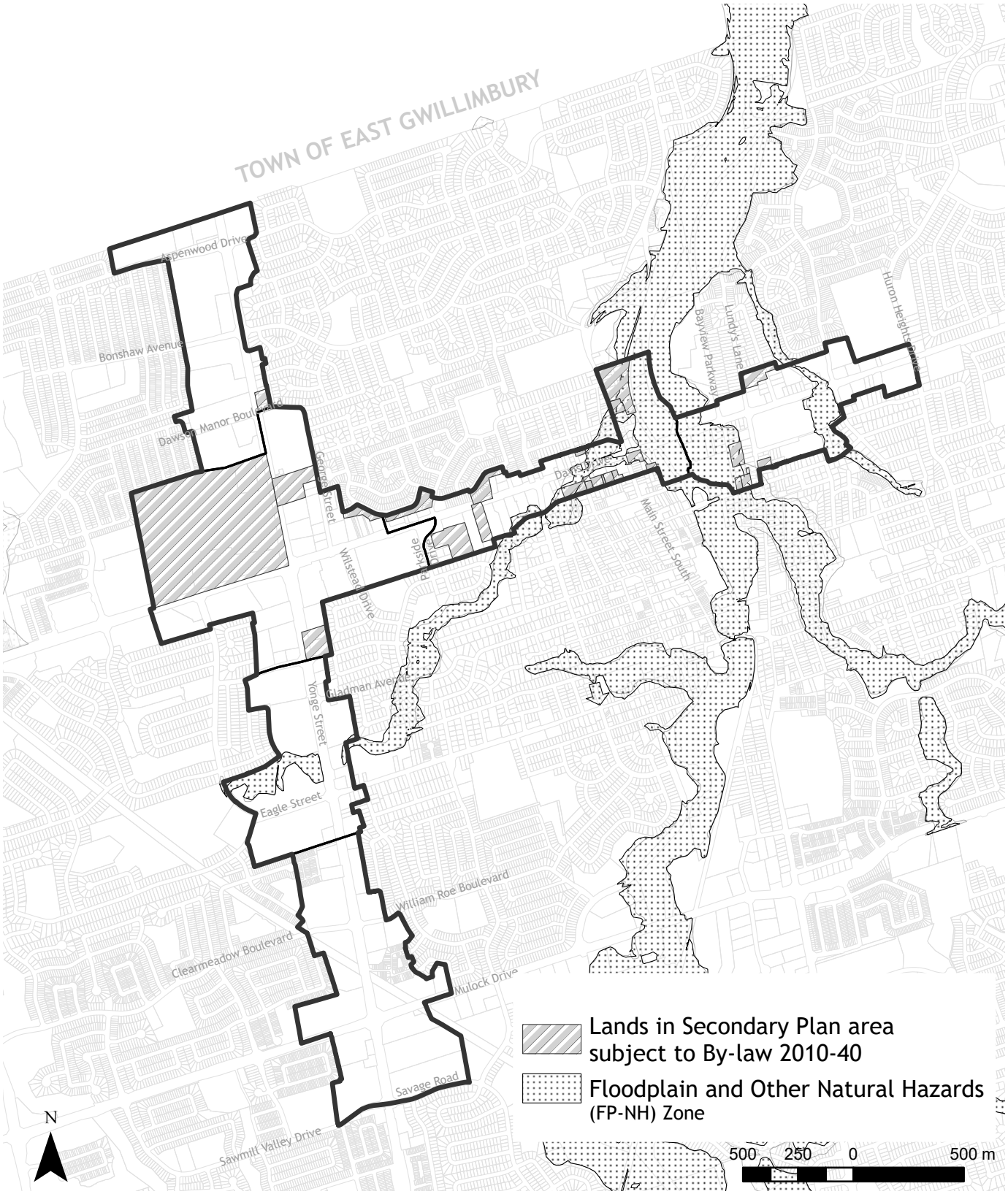
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

PRIORITY COMMERCIAL AREAS



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

FLOODPLAIN AND OTHER NATURAL HAZARDS



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

Amendment No. 25
to the
Town of Newmarket Official Plan

CONTENTS

PART A THE PREAMBLE

		PAGE
1.	Purpose of the Amendment	i
2.	Location	i
3.	Basis	i

PART B THE AMENDMENT

1.	Format of the Amendment	1
2.	Details of the Amendment	
Item 1	Section 5.0 Land Use	1
Item 2	Section 6.4 Development Policies	2
Item 3	Section 7.3 Urban Design Polices	2
Item 4	Section 8.3 Block Structure and Street Network Policies	3
Item 5	Section 8.3.7 North/South and East/West Network Study	5
Item 6	Section 9.3.3 Newmarket GO Rail Mobility Hub Study	5
Item 7	Area Section 10.0 Parks, Open Space and Natural Heritage	5
Item 8	Section 13.3.4 Energy and Underground Utilities Policies	6
Item 9	Section 17.0 Glossary	6
Item 10	Schedule 3: Land Use	7
Item 11	Schedule 4: Height and Density	7
Item 12	Schedule 5: Street Network	7

Item 13 Schedule 6: Parks, Open Space & Natural Heritage 8

3. Schedules

Schedule A – Schedule 3: Land Use

Schedule B – Schedule 4: Height and Density

Schedule C – Schedule 5: Street Network

Schedule D – Schedule 6: Parks, Open Space & Natural Heritage

APPENDIX

Map 1 – Location Map

PART A THE PREAMBLE

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

1. Purpose of the Amendment

The purpose of this amendment is to amendment policies and schedules of Section II of the Town of Newmarket Official Plan (OPA No. 10), also known as the Newmarket Urban Centres Secondary Plan (Secondary Plan) to:

- Clarify the original intent of the policies;
- Implement recommendations of recently approved planning documents;
- Update land use permissions or requirements to address inconsistency between polices; and
- Resolve mapping inconsistencies.

2. Location

The proposed amendments are made to the text and schedules of the Secondary Plan and are applied to the Secondary Plan area as shown on Map 1 to this amendment.

3. Basis

The majority of the Secondary Plan came into effect on April 30, 2015 save and except sections that were appealed to the Local Planning Appeal Tribunal (LPAT) (formerly Ontario Municipal Board). All appeals were subsequently dealt with by the LPAT and the Secondary Plan came into full force and effect on October 18, 2018. Since then, staff have identified a number of technical anomalies that should be addressed to guide development in the Secondary Plan area. More specifically, the proposed amendments aim to clarify intent of policies and schedules of the Secondary Plan and to achieve greater alignment between various sections of the Secondary Plan. In addition, Council has adopted other planning documents since 2015 which also necessitate changes to the Secondary Plan.

Item 1 Section 5.0 Land Use

- Revise the designation “Neighbourhood Parks and Open Space” to “Parks and Open Space” to be consistent with the term used in all schedules;

- Replace the term “natural heritage areas” with “Lands within the Natural Heritage System and identified significant natural heritage areas” to align with Provincial and Regional planning documents; and

- Revise Policy 5.3.4(ii)(e) Regional Shopping Centre Study Area to recognize the Mobility Hub Study has been completed and integration of transit to the GO bus terminal is no longer applicable.

Item 2 Section 6.4 Development Policies

- Amend Policy 6.4.4(i) Rental Housing to reference York Region's Financial Incentives for Complete Communities, and

- Remove Policy 6.4.5(vi) General Building Height and Density (which speaks to where there is discrepancy between number of storeys and height in metres, height in metres identified on Schedule 4 shall prevail) because it is no longer needed. Numerical height values (metres) is proposed to be removed from Schedule 4 as part of this amendment.

Item 3 Section 7.3 Urban Design Polices

- Amend Policy 7.3.4(iv) Low-rise Residential Buildings to clarify which lot line setback shall be taken from;

- Revise Policy 7.3.5(i) High and Mid-rise Buildings to clarify that new public space or publicly accessible private space will be required as part of high and mid-rise development in accordance with the Town's Parkland Dedication By-law;

- Delete Policy 7.3.5.1(vi) from the Podium section as the policy does not relate to podiums;

- Incorporate the term "district energy ready" and "electric vehicle ready" in Policies 7.3.7(xi) and (xii) to align with the adopted Community Energy Plan; and

- Add a policy and associated criteria to Section 7.3.12 to permit temporary surface parking area on lands fronting onto Davis Drive within the Regional Healthcare Centre.

Item 4 Section 8.3 Block Structure and Street Network Policies

- Amend Section 8.3.3 and Table 2 to reflect appropriate right-of-way width requirements, and

- Amend Section 8.3.4 to clarify that reduction of private laneway width may be permitted and the main purpose of private laneway is to provide access to properties that front onto Yonge Street or Davis Drive.

Item 5 Section 8.3.7 North/South and East/West Network Study

- Amend Policy 8.3.7(i) to state that a north/south and east/west study road network study may be conducted in the future, separate from the Mobility Hub Study, while acknowledging that the study may draw from the Mobility Hub Study's findings.

Item 6 Section 9.3.3 Newmarket GO Rail Mobility Hub Study Area

- Revise Policy 9.3.3(ii) to recognize the completion of the Mobility Hub Station Area Plan and delete Policy 9.3.3(iii) as it is no longer required.

Item 7 Section 10.0 Parks, Open Space and Natural Heritage

- Update designation of "Neighbourhood Parks and Open Space" to "Parks and Open Space" to be consistent with all schedules;

- Replace the term "natural heritage areas" with "lands within the Natural Heritage System and identified significant natural heritage areas" to align with Provincial and Regional planning documents;

- Specify in Policy 10.3.1(i) that parks and open space required for development in the Urban Centres shall be provided in accordance with the Town's Parkland Dedication by-law;

- Replace the term "urban squares" in Policy 10.3.1(v) with "open space"; and

- Remove reference to "pioneer village" in Policy 10.3.2(ii)(c).

Item 8 Section 13.3.4 Energy and Underground Utilities Policies

- Amend Policy 13.3.4(i) to acknowledge the completion of Community Energy Plan and that development applications must address applicable recommendations from the Community Energy Plan in Sustainable Development Reports

Item 9 Section 17.0 Glossary

- Add a definition for the term "District Energy Ready"

- Add a definition for the term "Electric Vehicle Ready", and

- Revise the definition of "Land Area" to exclude public streets conveyed to the Town or the Regional Municipality of York and parkland dedicated to the Town or a public authority as part of the Floor Space Index (FSI) calculation to incentivize these benefits.

Item 10 Schedule 3: Land Use

The following changes are proposed to Schedule 3: Land Use to provide updated mapping information, align with approved planning documents, provide clarity and recognize physical site conditions:

- Incorporate the updated 2019 floodplain mapping from the Lake Simcoe Region Conservation Authority (LSRCA);
- Remove the driveway at the Tannery Mall which was shown as local road;
- Remove the eastward extension of Penn Avenue from Main Street North to the driveway at Tannery Mall;
- Replace “Future Local Road” connection at Hillview Drive and Davis Drive with a Pedestrian Mews Connection symbol. The Future Local Road connection has been deemed unsuitable due to steep grades in the area;
- Rename “Planned Viva Rapidway Station” with “Existing and planned vivastation/curbside vivastation” to recognize that some stations have been constructed;
- Correct land use designation at 11 Main Street South from Parks and Open Space to Mixed Use;
- Refine limits of Parks and Open Space designation and Mixed Use designation for property at southeast corner of Main Street and Davis Drive;
- Update Natural Heritage System limits;
- Replace conceptual mobility hub station study area with the Newmarket GO Station Mobility Hub Study boundary, and
- Refine the extent of the Parks and Open Space designation at 460 Davis Drive to the northern half of the property and redesignate the southern half of the property to Mixed Use.

Item 11 Schedule 4: Height and Density

In addition to changes listed in Item 10, which are also applicable to Schedule 4: Height and Density, the following changes are proposed to Schedule 4: Height and Density to provide clarity and allow appropriate flexibility in setting height permissions:

- Remove numeric height values (metres) as shown in Schedule 4 as exact value in metres are appropriate to be governed in zoning by-laws;
- Remove the portion of Franklin Street that does not exist;
- Extend Medium-High Density Designation to include full extents of 22 Bolton Avenue and 27 Lundy's Lane;
- Refine limits of Medium Density permission on property at the southeast corner of Main Street and Davis Drive; and
- Correct mapping at 11 Main Street South from Parks and Open Space to Medium Density.

Item 12 Schedule 5: Street Network

In addition to changes listed in Item 10, which are also applicable to Schedule 5: Street Network, the following changes are proposed to Schedule 5: Street Network:

- Remove the portion of Franklin Street that does not exist;
- Add "Existing Signal" symbol at existing entrance to the Upper Canada Mall on Yonge Street, north of the red "potential" light;
- Add "Potential Future Assessment for Signal" symbol at the intersection of Penn Avenue and Main Street North;
- Revise limits of green space for property at southeast corner of Main Street and Davis Drive to reflect revised designation as noted in Items 10 and 11, and
- Remove green space at 11 Main Street South to reflect revised designation as noted in Items 10 and 11.

Item 13 Schedule 6: Parks, Open Space and Natural Heritage

In addition to changes listed in Item 10, which are also applicable to Schedule 6: Parks, Open Space and Natural Heritage, the following change are proposed to Schedule 6: Parks, Open Space and Natural Heritage for consistency purposes:

- Correct the "NP/OS" symbol to the corresponding label in the legend;

- Revise limits of green space for property at southeast corner of Main Street and Davis Drive to reflect revised designation as noted in Items 10 and 11, and

- Remove green space at 11 Main Street South to reflect revised designation as noted in Items 10 and 11.

PART B THE AMENDMENT

The Amendment describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment No. 25.

1. Format of the Amendment

Official Plan Amendment No. 25 consists of the following proposed modifications to the text and Schedules to Section II of the Newmarket Official Plan, also known as Newmarket Urban Centres Secondary Plan (Secondary Plan). Sections and Schedules of the Secondary Plan proposed for modifications are identified as **"Items**".

Where additions to the existing text are proposed, they are identified in "**bold**". Where the text is proposed to be deleted, it is shown in "~~strikethrough~~". Where appropriate, unchanged text has been included for context and does not constitute part of Official Plan Amendment No. 25.

2. Details of the Amendment

Item 1 Section 5.0 Land Use

a) Revise land use designation "Neighbourhood Parks and Open Space" in Section 5.1 Introduction to "Parks and Open Space".

b) Revise the second last sentence in the last paragraph of Section 5.1 Land Use – Introduction as follows:

"Land uses within the Urban Centres also include potential school sites, a parks and open space system, and ~~natural heritage lands~~ **lands within the Natural Heritage System and identified significant natural heritage areas**."

c) Revise Policy 5.3.4(ii)(e) Regional Shopping Centre Study Area as follows:

"~~mobility hub study considerations including, but not limited to,~~ findings and recommendations in the *mobility hub study* including, but not limited to, integration of transit into the site and/or between this site and the Yonge-Davis **Drive** Rapidway, the~~ GO~~ **B**us **T**erminal and GO-train Station in accordance with the Metrolinx Mobility Hub Guidelines;"

d) Revise heading of Policy 5.3.6 to ~~Neighbourhood~~ Parks and Open Space.

Item 2 Section 6.4 Development Policies

a) Revise Policy 6.4.4 Rental Housing as follows:

"Development of new rental accommodation will be promoted **through programs such as the Region's Financial Incentives for Complete Communities to incentivize purpose-built rental housing**, and the retention of existing medium and high density rental housing stock will be encouraged in accordance with Policy 3.10.2 of the Official Plan."

b) Delete Policy 6.4.5(vi) General Building Height and Density and renumber subsequent policies.

Item 3 Section 7.3 Urban Design - Policies

a) Revise Policy 7.3.4(iv) Low-rise Residential Buildings as follows:

"Where at-grade residential ~~buildings~~ **units** front on a public or private street, setbacks of a minimum of 3 metres and a maximum of 5 metres from the property line will be required ~~to provide for a front yard transition between the front doors of private residences and the public sidewalk~~. The setback area should be designed to contain low decorative fencing and/or landscaping to distinguish the private space. Where lands are dedicated to the Town for the future burying of hydro, the setback is subject to Policy 13.3.4."

b) Revise Policy 7.3.5(i) High and Mid-rise Buildings as follows:

"Where *high* or *mid-rise* buildings are permitted, new public or publicly accessible private spaces such as parks, urban squares and plazas or forecourts will be required to be provided as part of the development **in accordance with the Town's Parkland Dedication By-law**."

c) Delete Policy 7.3.5.1(vi) Podiums.

d) Revise Policy 7.3.7(xi) Sustainability as follow:

"All commercial, institutional, mixed use and multi-unit residential buildings are encouraged to ~~consider options for district energy, and design features that would enable the future implementation of district energy~~ **be *district energy ready* and *electric vehicle ready***."

e) Revise Policy 7.3.7(xii) Sustainability as follows:

"Applications for development in the Urban Centres will be required to include a Sustainable Development Report that describes how the applicant has endeavoured to incorporate any or all of the following, as deemed appropriate and applicable through the pre-application consultation process:

a) energy efficiency measures;
b) water conservation measures;
c) *alternative energy* use and *Solar design strategy;*
d) heat Island mitigation;
e) indoor air quality enhancement;
f) *Low Impact Development* (LID) stormwater management; ~~and~~
g) solid and construction waste reduction and management~~.~~**;**
h) **the level to which a proposed development is *district energy ready or electric vehicle ready* (if applicable).**"

f) Add the following as Policy 7.3.12(ii) after Policy 7.3.12(i) Parking Facility Design and renumber subsequent policies:

"**Notwithstanding Policy 7.3.12(i), surface parking may be permitted on lots fronting onto Davis Drive in the Regional Healthcare Centre character area as delineated in Schedule 2, provided that:**

a) the surface parking area is temporary in nature and subject to a temporary use by-law;

b) the applicant shall submit a *Built Out Demonstration Plan* as part of a temporary use by-law application; and

c) the surface parking area is adequately screened from public street to the satisfaction of York Region and the Town."

Item 4 Section 8.3 Block Structure and Street Network

a) Revise Policy 8.3.3(i) Minor Collectors and Local Roads as follows:

"New or upgraded streets identified as Minor Collectors on Schedule 5 will be designed with a mid-block right-of-way of a minimum of 20-~~28~~ **26** metres, with potential for increased ROW at intersections."

b) Revise Policy 8.3.3(ii) Minor Collectors and Local Roads as follows:

"New streets identified as Local Roads in Schedule 5 will be designed with a mid-block right-of-way of a minimum of 18-~~23~~ **21** metres, with potential for increased ROW at intersections."

c) Revise Policy 8.3.4(i) Private Roads/Lanes as follows:

"Private roads/lanes shown on Schedule 5 will generally be designed with minimum mid-block rights-of-way of approximately 16 metres. Any reductions in the planned width **may be permitted provided it is** ~~would require demonstration~~ **demonstrated**~~,~~ to the satisfaction of the Town~~,~~ that the planned function of the private street for vehicular and pedestrian access will be achieved."

d) Revise Policy 8.3.4(ii) Private Roads/Lanes as follows:

"In addition to the street network shown on Schedule 5, new private streets, laneways and pedestrian linkages may be required to support development and facilitate traffic and pedestrian circulation in the Urban Centres. Private streets, laneways and pedestrian linkages associated with new development **as shown on Schedule 5** will be designed to provide additional connectivity within the Urban Centres, **where appropriate**, and to ~~reduce vehicular movements~~ **provide access to properties that front** on**to** Yonge Street ~~and~~ **or** Davis Drive. This may require coordination across adjacent parcels as well as public easements to ensure continued access."

e) Revise Table 2: Right-of-way Requirements for Streets in the Urban Centres as follows:

Road Classification	**Minimum ROW (mid-block section)**
Minor Collector – Double Loaded with no on-street parking and with bike facility on the boulevard	22 ~~– 25~~ metres
Minor Collector – Double Loaded with on-street parking on one side and with bike facility on the boulevard	~~24.6 – 28~~ **23** metres
Minor Collector – Double Loaded with on-street parking on both sides and with bike facility on the boulevard	**26 metres**
Minor Collector – Single Loaded with no on-street parking and bike facility on the boulevard	20 ~~– 24~~ metres

Local Street with no on-street parking and bike sharrow	18 ~~– 20~~ metres
Local Street with on-street parking on one side and bike sharrow	~~20.6 – 23~~ **21** metres
Private Street or Laneway	Approx. 16 metres

Item 5 Section 8.3.7 North/South and East/West Network Study

Revise the last sentence in Policy 8.3.7(i) as follows:

"The study will include a detailed analysis to identify a preferred option for a direct connection between Prospect Street and Bayview Parkway and any necessary modifications to signalized intersections. ~~The study may be conducted in parallel with the Mobility Hub Station Area Plan referred to in Policy 9.3.3,~~ **Findings from the Mobility Hub Station Area Plan referred to in Section 9.3.3 may be used to inform the study**."

Item 6 Section 9.3.3 Newmarket GO Rail Mobility Hub Station Area

a) Revise the first paragraph of Policy 9.3.3(ii) as follows:

"The Town of Newmarket ~~will encourage~~ **with** Metrolinx ~~to partner with the Town, the Region~~ and other relevant partners ~~to~~ **have** prepare**d** a Mobility Hub Station Area Plan for the area around the Newmarket GO Rail Station, as **delineated** in Schedules 3, 4, 5 and 6. The Mobility Hub Station Area Plan ~~should~~ has address**ed** ~~as a minimum,~~ the following:"

b) Revise item d) under Policy 9.3.3(ii) as follows:

"integration between the GO Rail Station, the Rapidway, the future GO bus services and the ~~GO~~ **B**us **T**erminal;"

c) Delete Policy 9.3.3(iii).

Item 7 Section 10.0 Parks, Open Space and Natural Heritage

a) Revise the second bullet in the second last paragraph of Section 10.1 Parks, Open Space and Natural Heritage – Introduction as follows:

"7.2 hectares of new Neighbourhood Parks (excluding ~~Natural Heritage Areas~~ **lands within Natural Heritage System and identified significant natural heritage areas**, flooplain and stormwater management ponds); and"

b) Revise Policy 10.3.1(i) as follows:

"Development in the Urban Centres will provide for a parks and open space system that contributes to, enhances and connects to the broader parks and open space system **in accordance with the Town's Parkland Dedication By-law.**"

c) Remove reference to "pioneer village" in the fourth sentence in Policy 10.3.2(ii)(c) Neighbourhood Parks as follows:

"Consideration may be given to cultural heritage and civic uses i~~ncluding, but not limited, to a pioneer village~~."

d) Revise Policy 10.3.1(v) as follows:

"In addition to the Parks and ~~Urban Squares~~ **Open Space** identified on Schedule 6, additional Neighborhood Parks and ~~Urban Squares~~ **Open Space** or enlargements to those identified on Schedule 6 will be achieved through parkland dedication in conjunction with development applications, in accordance with the Town's Parkland Dedication By-law."

Item 8 Section 13.3.4 Energy and Underground Utilities

Revise Policy 13.3.4(i) under Energy as follows:

"The Town ~~will~~ **has** develop**ed** a Community Energy Plan ~~that will include the Urban Centres~~. **Applications for development within the Urban Centres shall address applicable recommendations of the Community Energy Plan in a Sustainable Development Report.**"

Item 9 Section 17.0 Glossary

a) Add the following definition of "District Energy Ready":

"**District Energy Ready – The physical structuring of buildings and internal areas as to enable future connection to a district energy system with minimal additional cost to the building owner**."

b) Add the following definition of "Electric Vehicle Ready":

"**Electric Vehicle Ready – The inclusion of electric vehicle supply equipment rough in that conforms to section 86 of the electrical safety code to enable future installation of electric vehicle charging stations with minimal additional cost to the building owner**."

c) Revise the definition of "Land Area" as follows:

"The land area to be used for calculating FSI shall include all land used for:

- buildings;
- off-street parking and servicing areas;
- **public streets conveyed to the Town or the Regional Municipality of York;**
- **parks and open space dedicated to the Town;**
- private streets and driveways;
- lands conveyed to the Town for underground hydro in accordance with Policy 13.3.4; and
- private landscaped areas, including private squares that are designed to be used by the public

but shall exclude all land used for:

- ~~public streets~~;
- ~~parks and open space that is dedicated to the Town~~;
- ~~natural heritage areas~~ **lands within the Natural Heritage System and identified significant natural heritage areas**;
- Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority,
- schools; and
- public infrastructure such as hydro facilities and pumping stations."

Item 10 Schedule 3: Land Use

Delete Schedule 3: Land Use and replace with the attached Schedule A to this amendment as Schedule 3 to the Secondary Plan.

Item 11 Schedule 4: Height and Density

Delete Schedule 4: Height and Density and replace with the attached Schedule B to this amendment as Schedule 4 to the Secondary Plan.

Item 12 Schedule 5: Street Network

Delete Schedule 5: Street Network and replace with the attached Schedule C to this amendment as Schedule 5 to the Secondary Plan.

Item 13 Schedule 6: Parks, Open Space & Natural Heritage

Delete Schedule 6: Parks, Open Space & Natural Heritage and replace with the attached Schedule D to this amendment as Schedule 6 to the Secondary Plan.

3. Schedules

Schedule A – Schedule 3: Land Use

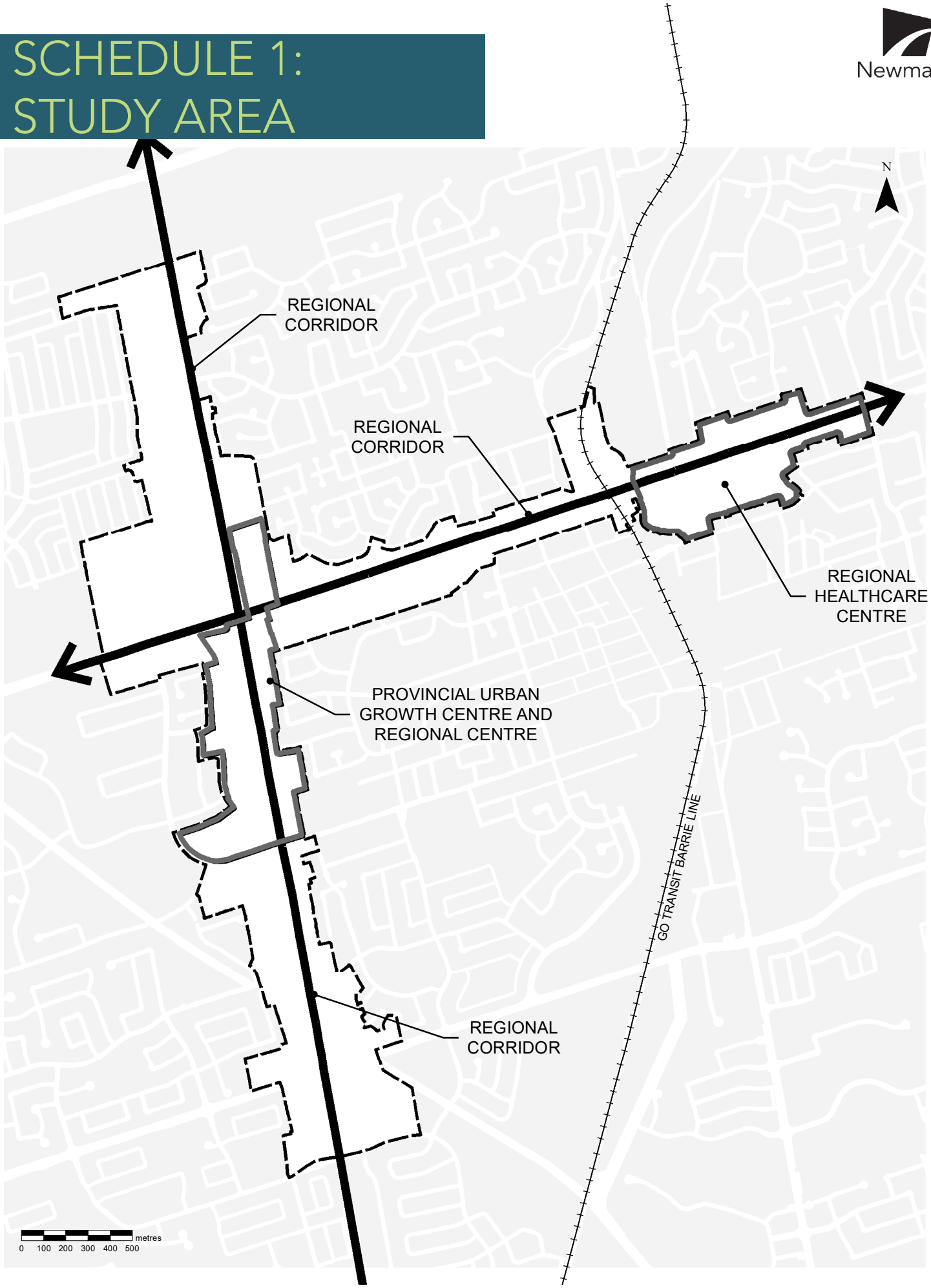
Schedule B – Schedule 4: Height and Density

Schedule C – Schedule 5: Street Network

Schedule D – Schedule 6: Parks, Open Space & Natural Heritage

SCHEDULE 1: STUDY AREA

Newmarket



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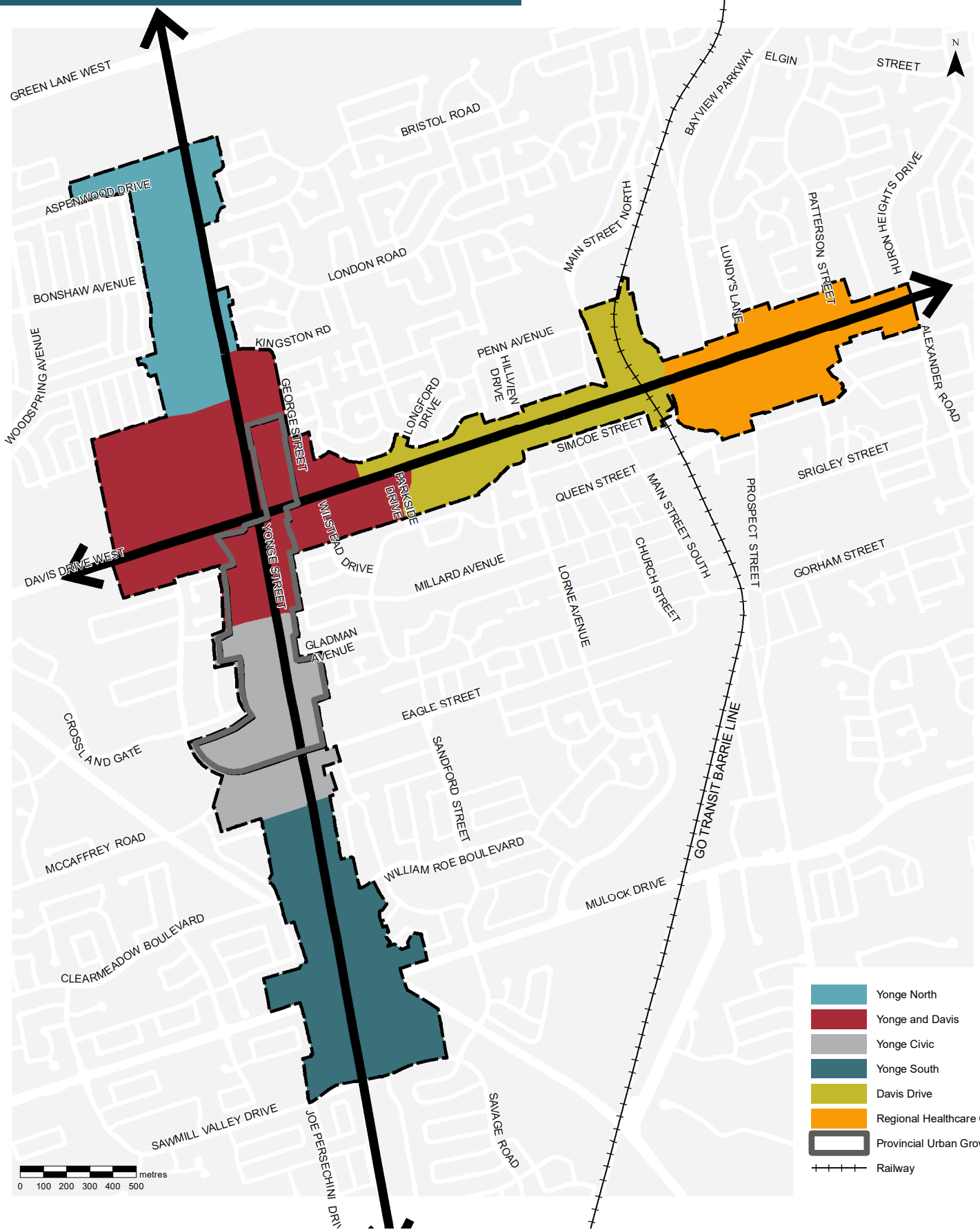
SCHEDULE 2: CHARACTER AREAS

Newmarket



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SCHEDULE 3: LAND USE

Newmarket

GREEN LANE WEST
BRISTOL ROAD
ASPENWOOD DRIVE
S1
S2
BONSHAW AVENUE
LONDON ROAD
WOODSPRING AVENUE
KINGSTON RD
GEORGE STREET
LONGFORD DRIVE
PENN AVENUE
HILLVIEW DRIVE
MAIN STREET NORTH
BAYVIEW PARKWAY
ELGIN STREET
LUNDY'S LANE
PATTERSON STREET
HURON HEIGHTS DRIVE
ALEXANDER ROAD
SIMCOE STREET
SRIGLEY STREET
QUEEN STREET
PARKSIDE DRIVE
WILSTEAD DRIVE
YONGE STREET
DAVIS DRIVE WEST
MILLARD AVENUE
MAIN STREET SOUTH
PROSPECT STREET
GORHAM STREET
CHURCH STREET
ORNE AVENUE
Subject to Section16.0 Deferrals
GLADMAN AVENUE
EAGLE STREET
CROSSLAND GATE
SANDFORD STREET
GO TRANSIT BARRIE LINE
MCCAFFREY ROAD
WILLIAM ROE BOULEVARD
MULOCK DRIVE
CLEARMEADOW BOULEVARD
S3
SAWMILL VALLEY DRIVE
JOE PERSECHINI
SAVAGE ROAD
N
metres
0 100 200 300 400 500

Major Institutional
Mixed Use
Parks and Open Space
Natural Heritage System
S1 Potential School Site
Floodplain and Hazard Lands

The underlying land use in areas within the Floodplain and Hazard Lands overlay designation is subject to Policy 6.4.6 ii.

Floodplain limits are shown for screening purposes only and may not reflect the most up-to-date data. The LSRCA should be contacted to confirm the actual floodplain limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specific site. March 2019.

Provincial Urban Growth Centre
Priority Commercial Area
Regional Shopping Centre Study Area (Policy 5.3.4)
Newmarket GO Station Mobility Hub Area
Existing and Planned Vivastation/ Curbside Vivastation
Bus Terminal
Mobility Hub
Future GO Transit Station
Future Gateway
Railway

Note: The proposed streets network is shown conceptually on this Schedule and will be determined in accordance with Policy 8.3.2

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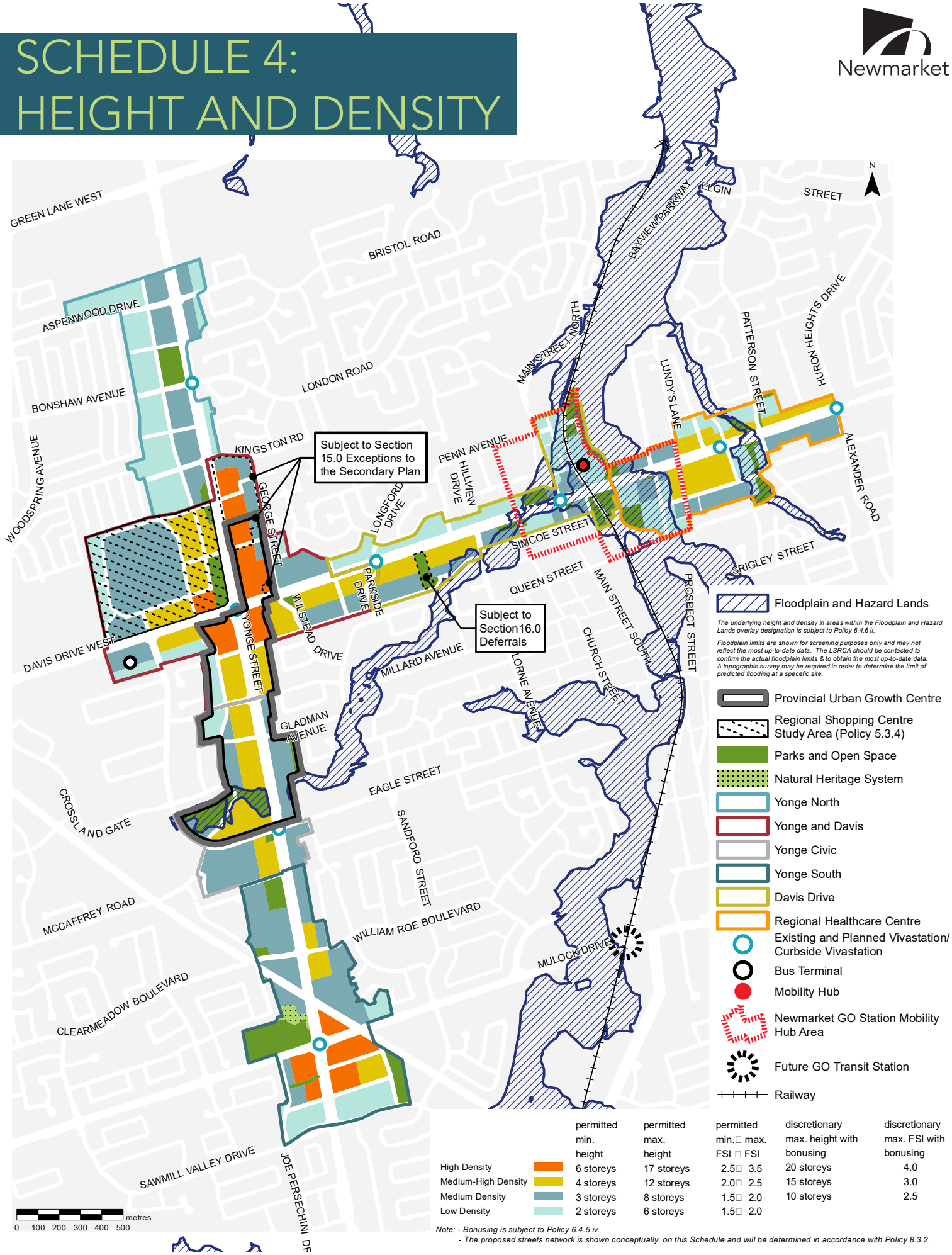
SCHEDULE 4: HEIGHT AND DENSITY

Newmarket



		permitted min. height	permitted max. height	permitted min.□ max. FSI □ FSI	discretionary max. height with bonusing	discretionary max. FSI with bonusing
High Density		6 storeys	17 storeys	2.5□ 3.5	20 storeys	4.0
Medium-High Density		4 storeys	12 storeys	2.0□ 2.5	15 storeys	3.0
Medium Density		3 storeys	8 storeys	1.5□ 2.0	10 storeys	2.5
Low Density		2 storeys	6 storeys	1.5□ 2.0		

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

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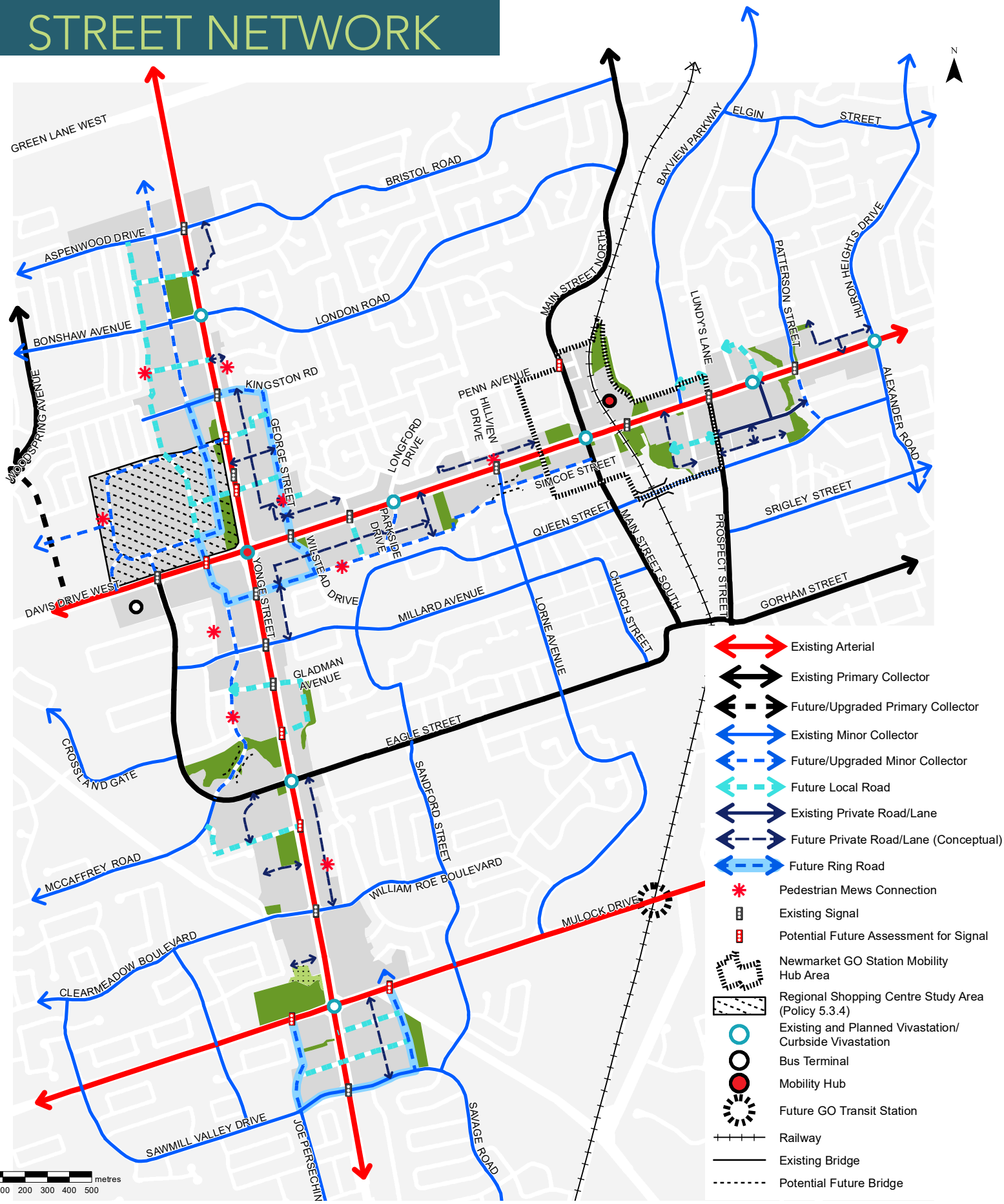
SCHEDULE 5: STREET NETWORK

Newmarket



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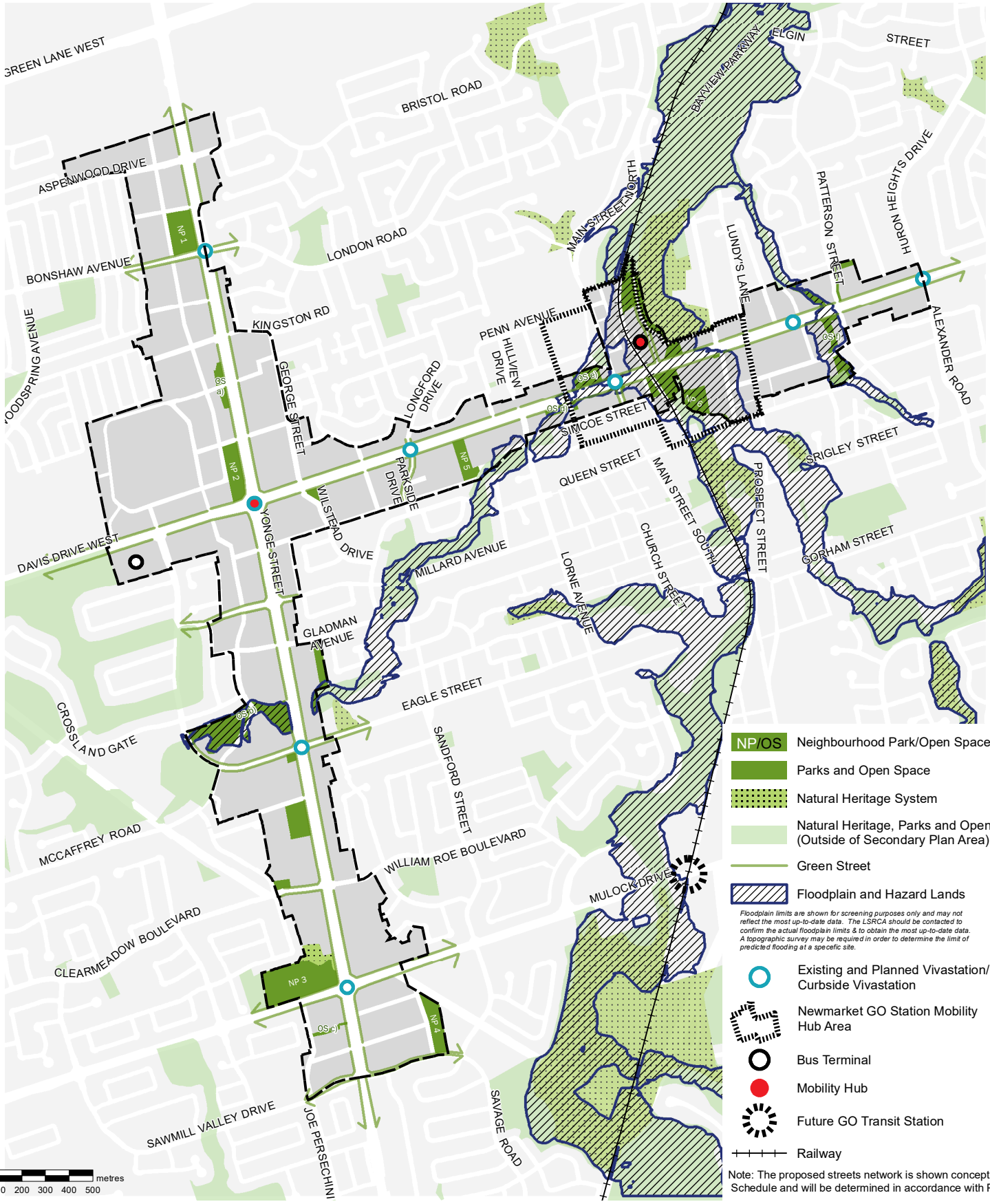
SCHEDULE 6: PARKS, OPEN SPACE & NATURAL HERITAGE

Newmarket



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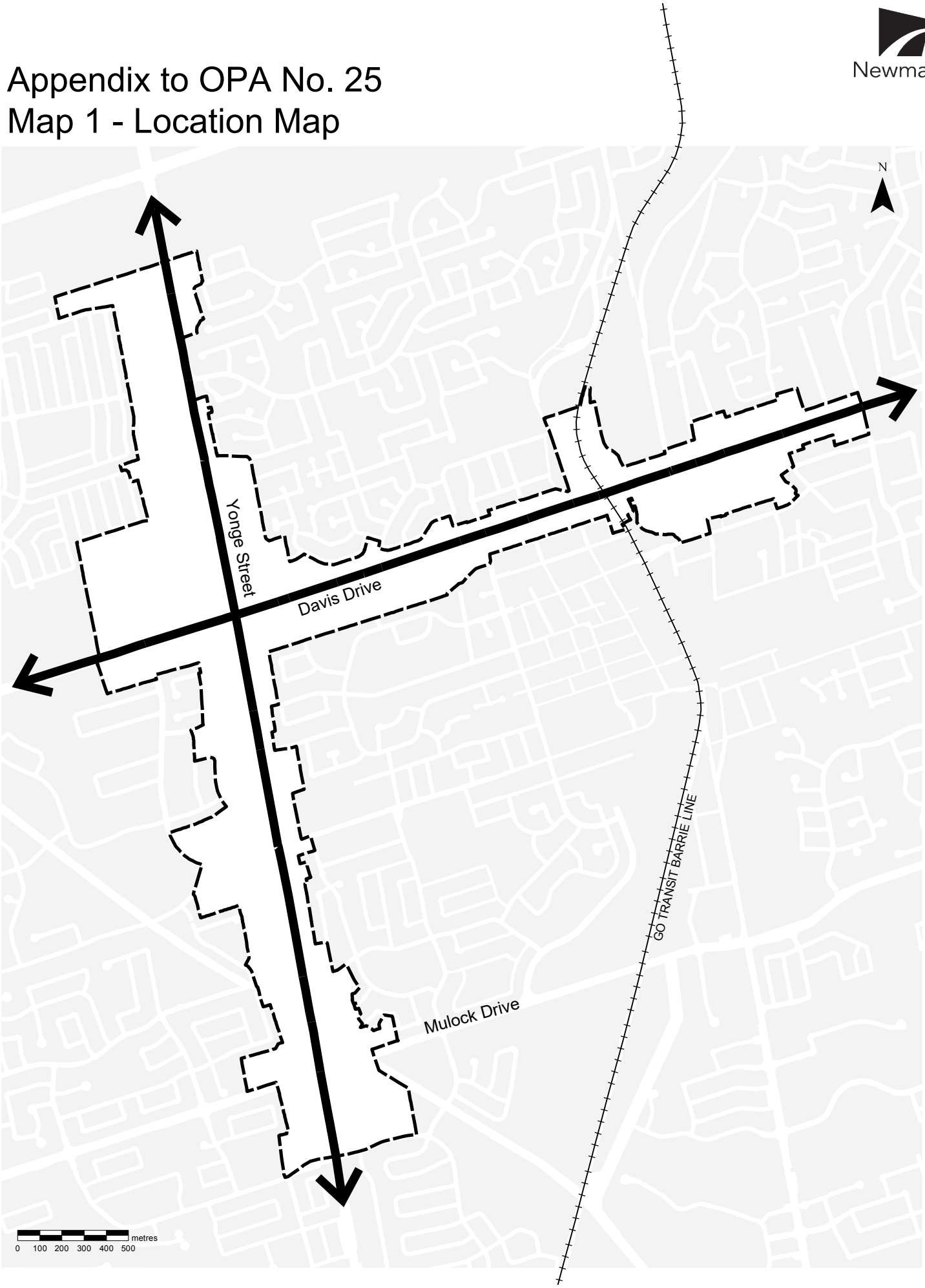
Appendix to OPA No. 25
Map 1 - Location Map

Newmarket



Town of Newmarket
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Construction Vibration
Staff Report to Council

Report Number: 2020-74

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

Author(s): Flynn Scott, Manager of Regulatory Services and Patricia Cho, Planner

Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Construction Vibration dated October 26, 2020 be received;
2. That Council directs staff to prepare an amended version of Noise By-law 2017-76 to include provisions relating to vibration (Option #3) for non-Planning Act development, for Council's consideration at a later date;
3. That direction be provided to staff to revise the Town's current Vibration Policy's sections specifically dealing with maximum vibration limits, zones of influence, and applicability only to Planning Act developments; and,

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

Executive Summary

Impact of vibrations emanating from construction sites in or adjacent to residential areas has been identified by Council as a concern. Report 2019-29 proposed an approach to address vibration impacts during Planning Act development applications. Council directed staff to further investigate options to address vibration impacts for non-Planning Act development (e.g. driveway or parking lot paving).

This report recommends that Council amend the Town's current Noise By-law to include provisions relating to vibration. In addition, staff intend to make technical revisions to the Town's existing Vibration Policy for greater clarity.

Purpose

The purpose of this report is to provide options for Council's consideration in regard to how best to address issues relating to vibration impacts from non-Planning Act developments (e.g. repaving of driveways or parking lots).

Background

On March 18, 2019, Report 2019-19 was presented to Committee of the Whole related to Construction Vibration Issues. The report laid out a proposed approach to assessing the potential impact of vibration during construction by requiring vibration assessments as part of complete Planning Act applications for development proposals. This report will refer to this approach as the "Vibration Policy".

Following adoption, staff began to implement the Vibration Policy. However, alongside this implementation, staff pursued Council's direction to further investigate the regulation of construction vibrations for non-Planning Act developments. After extensive research and review, there are several options available to Council to further mitigate concerns relating to vibration from these specific developments.

Discussion

Vibrations emanate from two general types of development: i) development that is permitted under the Planning Act (e.g., residential subdivisions and any other large developments), and ii) non-Planning Act development (e.g., driveway repaving, parking lot repaving).

The Town currently has a Vibration Policy to address vibration issues from Planning Act developments. However, the Town does not currently have means to address vibration from non-Planning Act developments.

The following outlines three options for consideration to address vibration from non-Planning Act developments.

Options for Council's consideration relating to non-Planning Act Development:

Options 1: Take no action and continue to monitor vibration complaints

Customer Service Vibration Complaint Data

The Town's Customer Services department compiled data on the number and description of complaints received related to vibrations from 2016 to 2020. There had been roughly 52 complaints received since January 1, 2016, equating to roughly 15 formal complaints per year. Of these, the vast majority were for private developments under the Planning Act, with numerous complaints lodged against one specific

development. However, we now have the Vibration Policy to address these types of complaints. The remaining, a minority number of complaints, were for public works projects commenced by either the Town or the Region, such as road repaving on Yonge Street and Eagle Street and sewer replacement. Most of the complaints on vibrations are tied with noise as being the offending element.

Due to the low number of vibration complaints received for non-Planning Act developments, no further action may be necessary from the Town at this time. Town staff would continue to monitor complaints received in relation to vibration for non-Planning Act developments and assess the need to report back with proposed changes. Staff would continue to take an educational approach to vibration complaints to achieve voluntary compliance with contractors or property owners directly. In the event that damage is sustained to an adjacent property due to vibration, property owners would have an opportunity to pursue civil litigation for remediation or financial recovery.

Option 2: Increase enforcement through monitoring devices and training for Property Standard Officers (not recommended)

For Planning Act developments, vibration assessments are conducted by the developer's consulting engineer, who has noise and vibration monitoring devices available and has the expertise to read these meters correctly.

Non-Planning Act developments could require a similar level of monitoring to ensure vibration levels are in order to accurately monitor the levels of vibration. In order to properly enforce vibration levels, vibration monitoring devices would be required to be obtained. Vibration monitoring devices cost approximately $1,000 - $2,000 per device. Along with equipment to be purchased, there will be training requirements for officers to be certified to read these meters correctly. Training for each officer will be approximately $750 - $1,000, with a requirement to renew certifications on an annual basis.

It is relevant to note that there will also be a significant service level change, as Property Standards Officers do not currently monitor or enforce vibration complaints to this extent. Under this option, Property Standard Officers would be required to be on-site more frequently and for a longer duration, which will ultimately have service level interruptions to other residents' complaints received.

Considering the complaint data received from Customer Service, with the low number of vibration complaints related to non-Planning Act developments, Town staff do not believe this would be the best use of resources available to the Town.

Option 3: Amend Noise By-law 2017-76 (Recommended)

Jurisdictional Scan of York Region Municipalities

Over the course of the review, staff researched numerous municipalities to determine how they deal with vibration issues from construction activities on non-Planning Act developments within their communities. The following municipalities regulate sound,

vibration, or nuisance that cause disturbance to residents directly through their Noise By-laws:

Municipal Comparison of Vibration in Non-Planning Act Developments		
Municipality	**Noise By-law**	**Other**
City of Vaughan	•	
Township of King	•	
Town of Aurora		N/A
City of Richmond Hill	•	
City of Markham	•	
Town of Whitchurch-Stouffville	•	
Town of East Gwillimbury	•	

Additionally, the City of Toronto has established a Vibration Control Bylaw 514-2008, Chapter 363 – Building Construction and Demolition, enacted under the Toronto Municipal Code, which requires a Vibration Control Form as part of the building permit application package. However, speaking with the Deputy Chief Building Official and Director at Toronto Building – Scarborough District, the Vibration Control Form is primarily for building and structures from construction and demolition and does not address vibration impacts from non-Planning Act development (e.g. driveway or parking lot paving). For residential driveway/parking lot repaving, a paving permit is required to be obtained from Transportation Services, to ensure that the driveway width complies with zoning regulations but does not deal with construction vibrations.

Other municipalities, such as Toronto, Markham, and Vaughan directly licence driveway paving contractors through their business licensing divisions. Any driveway paving work is required to be completed by a licensed contractor, where they have regulations to properly control the work they complete in terms of insurance, noise monitoring, etc. This is an additional tool used to further mitigate or prevent the potential for vibration or noise complaints that relate to paving or repaving directly.

Overall, By-law Enforcement Officers at the Township of King and City of Vaughan were able to provide insight on how they regulate vibrations. Vibration complaints they received were generally correlated to noise and the permitted construction time which was resolved through the Noise By-law. Concerns about the impact of vibration, such as structural damage to the foundation of adjacent properties, are considered a civil matter

and recourse for damage is pursued by private landowner against the other property owner. If the complaint is part of a Planning Act development or building permit process, the matter gets referred to the Engineering Department.

Amending the Town's Noise By-law

In accordance with the Municipal Act, Council adopted Noise By-law 2017-76. This by-law is designed to regulate noises and sounds that disturb residents of the Town. The definition of "sound" within the by-law is, "the sensation produced by stimulation of the organs of hearing by vibrations transmitted through the air or other medium." In order to properly enforce vibration under the Noise By-law, an amendment to the definition of "sound" will be required. In addition to this amendment, new regulations will need to be proposed to meet the compliance objectives of the by-law.

If Council elects this option, the Noise By-law will be amended to mirror the existing practices that Property Standards Officers follow in relation to noise. This process includes the following:

- A formal complaint is received in relation to vibration;
- Complainants will be provided a Noise/Vibration Log to monitor these occurrences;
- A Property Standards Officer will review the complainant's log to determine if the reported vibrations are in contravention of the Noise By-law (e.g. time of day, length of time, and location of where the vibration is occurring);
- If a violation is confirmed, Property Standards Officers will take an education-first approach to resolve any complaints; and
- If voluntary compliance cannot be reached, an AMPS ticket will be issued and further action may be taken.

Under this option, Council would also have an opportunity to increase regulations specifically pertaining to vibration. This could include by-law provisions which requires vibration to be monitored on large sites that employ construction methods which can result in vibrations being transmitted to neighbouring properties. Other vibration-producing activities (e.g. pile driving) on smaller residential sites could also be clearly established within the regulations of the by-law.

It is relevant to note that the process for measuring noise within Newmarket is currently subjective, as the Property Standards Officer enforces the Noise By-law by considering the logs that are provided by the resident. However, the noise level is not being measured (i.e. decibel readings) as the appropriate tools are not available and the by-law does not specifically identify measurable restrictions. Should Council wish to establish more objective standards for measuring noise or vibration, then Option #2 would be the proposed solution for doing so.

Should Option #3 be pursued as per the recommendations of this report, an updated Noise By-law would be prepared and presented to Council at a future date.

Planning Act Applications: The Vibration Policy (already in place)

The Town's Vibration Policy applies only to Planning Act development. It discusses the activities that can cause vibrations, the impacts that vibrations can have, the challenges of regulating vibrations, and the range of sensitivity to vibration that people can experience. The Policy sets vibration limits depending on the types of structures that may be impacted by the anticipated vibrations.

Under this Policy, proponents of development applications are required to provide a "Vibration Impact Assessment", prepared by a professional engineer. Based on the construction methods that would be employed, this assessment estimates the vibrations that would be caused. The assessment would demonstrate what vibrations might be expected within a "zone of influence".

According to the Vibration Policy, when complaints regarding vibration are received, development applicants are required to cease construction, measure vibrations, meet with complainants, and reduce the vibration-causing activities to below the thresholds of the Vibration Policy.

The Policy sets limits on vibration as set out in Table 1, which varied depending on whether the vibrations caused were expected to impact buildings which are considered more sensitive to vibration impacts.

Type of Structure	Vibration limit at the foundation
1. Dwelling with concrete foundations, wood framed, drywall finish or equivalent	5 mm/sec
2. Structures that are particularly sensitive to vibrations due to their age or construction technique	3 mm/sec

Proposed Revisions to the Vibration Policy

At this time, staff are taking the opportunity to update specific parts of our current Vibration Policy in order to strengthen policies associated with maximum vibration limits and zones of influence, as well as further clarify the Policy's applicability only to Planning Act developments. These changes are technical in nature and are intended to result in greater clarity and ease of implementation.

Conclusion

To address the issue of the impact of vibrations on properties arising from non-Planning Act developments, Town staff has provided three (3) options within this report for Council's consideration. In addition, staff intend to make technical revisions to the Town's existing Vibration Policy for greater clarity.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces

Consultation

- Building Services
- Legal Services

Human Resource Considerations

If Council elects to introduce vibration monitoring equipment (Option #2), there will be significant impacts to service levels pertaining to Regulatory Services and the availability of staff to respond to other complaints received. Again, this is largely due to the necessity for staff to remain onsite and monitor vibration levels during construction projects.

If regulatory amendments are made to the Noise By-law (Option #3), Regulatory Services will have greater responsibility for investigating and enforcing complaints relating to vibration.

Budget Impact

If Council directs staff to move forward with Option #2, there will be budget implications for purchasing vibration monitoring devices and training costs associated for proper certifications to be obtained.

Attachments

None.

Submitted by

Patricia Cho, Planner, Planning Services

Flynn Scott, Manager of Regulatory Services

Approved for Submission

Adrian Cammaert, Acting Manager, Planning Services

Jason Unger, Acting Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Esther Armchuk, Commissioner, Corporate Services

Contact

For more information, please contact Patricia Cho, Planner, Planning Services, at pcho@newmarket.ca

Thanks you for sending this notice and Vibration report. I would like to state that although it is discussed in the report that any damage resulting from vibrations within a zone of influence are dealt with in civil remedies, the fact is that without a prior "home inspection report" detailing the before shape of a property it is almost impossible to ever prove causation due to vibration. The cost of such a before and after for a homeowner wanting to protect their homes is approximately $3,000-$3,500. In a report provided and done by the builder on the glenway lands in my deposition of this matter confirmed that it is impossible to tell causation without such a report. It is extremely unfair and inequitable for the town to expect each homeowner within a zone of influence to incur this cost which would not be incurred but for the town's approval and the builders actions. Without this report a homeowner really has no provable remedy to prevent possible damage.

regards

Stuart Hoffman

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Zoning By-Law Amendment – 1250 Gorham Street
Staff Report to Council

Report Number: 2020-73

Department(s): Planning and Building Services

Author(s): Patricia Cho

Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Zoning By-law Amendment - 1250 Gorham Street dated October 26, 2020 be received; and,

2.That the application for Zoning By-law Amendment, as submitted by 2011378 Ontario Limited (Cummins Hydraulics Ltd.), for lands known municipally as 1250 Gorham Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Attachment 1; and,

3. That Howard Freidman, of HBR Planning Centre, 30 Waymount Avenue, Richmond Hill, ON, L4S 2G5, be notified of this action; and,

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

Executive Summary

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit the development of a rear addition to the existing one-storey industrial building and an outdoor storage area on the subject lands known municipally as 1250 Gorham Street.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy frameworks.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, and (4) an outline of feedback received.

Purpose

This report serves to provide information and recommendations on the application for Zoning By-law Amendment for subject property 1250 Gorham Street.

This report discusses the application as it has been received and reviewed by staff from the Town and its development review partners, along with members of Council and the public. The recommendations of the report, if adopted, would result in amendments to Zoning By-law 2010-40 to permit the proposed development.

Background

Subject Lands

The subject lands are located along Gorham Street, east of Leslie Street and west of Harry Walker Parkway South. The subject lands currently contain a one-storey industrial building. The lands have an area of approximately 6,184 square metres and a lot frontage of approximately 90.57 square metres along Gorham Street. The surrounding land uses are as follows:

North: General Employment

East: General Employment – currently York Region District School Board (YRDSB) – Facilities Management Centre/Plant Services

South: General Employment – currently YRDSB – Centre for Leadership and Learning

West: General Employment

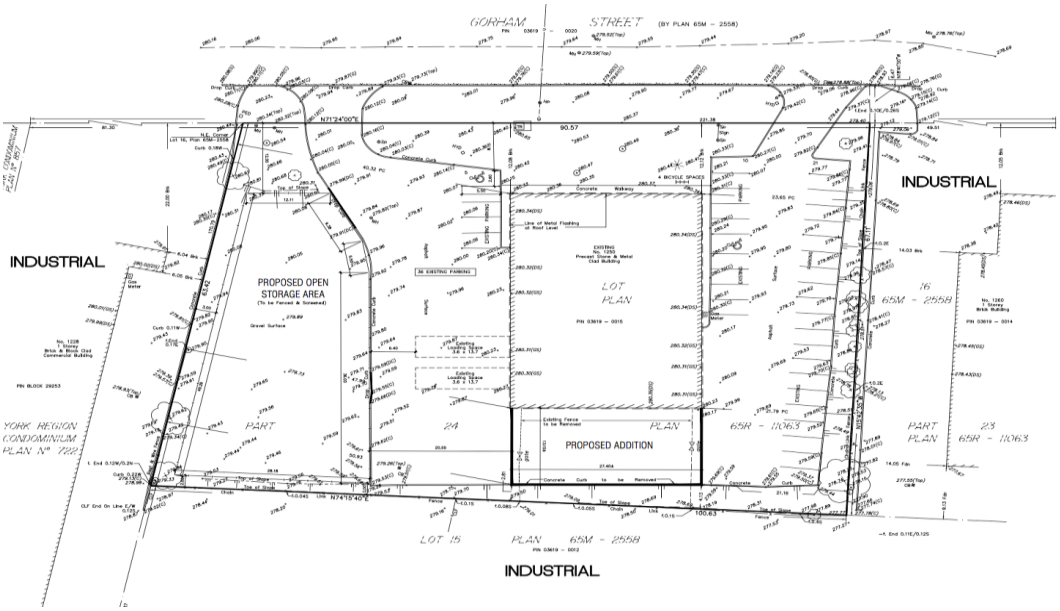
The subject lands are currently zoned General Employment Exception 12 (EG-12) Zone under Zoning By-law 2010-40, and are designated Business Park – General Employment under the Town's Official Plan.

Proposal

The applicant is proposing to amend the zoning from the General Employment Exception 12 (EG-12) Zone to facilitate the expansion of the existing industrial building and an outdoor storage area. The proposed rear addition is approximately 359 square metres and will have a rear yard setback of 2.0 metres, whereas the By-law requires a rear yard setback of 12.0 metres. Additionally, the existing EG-12 Zone does not allow outdoor storage and the applicant is proposing to add Open Storage as a permitted use.

The proposed open storage area would be approximately 1,094 square metres (approximately 17.7% of the site area), and would be fenced and screened.

A future application for site plan approval will be required, should the application for rezoning be approved.



Discussion

The following section will review the development proposal against applicable planning policy.

Provincial Policy Statement

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

The PPS promotes efficient development and the accommodation of an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The Town of Newmarket is considered a “Settlement Area” within the PPS, which is a focus area for growth and development. The PPS indicates that land use patterns within settlement areas shall be based on densities and a mix of land uses which include efficiently use of land and resources.

The proposed development is consistent with the PPS as it supports the efficient use of land and resources through the use of existing infrastructure and services, and supports the mix of land use by strengthening employment base and helping to achieve a complete community.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by managing growth throughout the Greater Golden Horseshoe. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Within the Growth Plan, one of the guiding principles is to provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries. Also, the Growth Plan indicates that applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities.

The proposed development is consistent with the Growth Plan as it supports the growth of the existing business and retaining the business within the local community.

York Region Official Plan

The York Region Official Plan (YROP) designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth and diverse mix of land uses. The mix of land uses includes providing for employment lands. The proposed

development is consistent with the YROP by supporting the growth of the existing local business.

Newmarket Official Plan

The subject property is designated Business Park – General Employment on Schedule A – Land Use Plan of the Town's Official Plan. The main objectives of the Business Park designation is to encourage the provision of an adequate and appropriate supply of employment lands to accommodate opportunities for economic development, contribute to the Town's population to employment ratio target of 2:1, and support and encourage a wide range of industrial operations.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the Zoning By-law:

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

The General Employment designation permits manufacturing, processing, assembling, storage, warehousing, fabricating and wholesaling (except to the general public) of goods and materials. Also, outdoor storage of goods, materials and equipment may be permitted in accordance with the following policies:

i. all storage areas shall be located away from adjacent designated residential areas, or have adequate buffering;
ii. all buffering, fencing and screening shall visually enhance the site and be of a permanent nature; and,
iii. where natural landscaping is utilized as part of the buffering, it shall be adequate in size and nature to screen the outdoor storage.

The proposed use of the subject lands conforms to the Official Plan. The outdoor storage area is not located near any residential areas and will be fenced around its perimeter with visual screening. Due to the height of the fence, landscaping is not proposed as a screen for the open storage area and instead, a fence screen will be constructed. The proposal of a rear addition to the existing industrial building and the outdoor storage area is in-keeping within the General Employment designation.

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

The existing industrial use is similar to the surrounding land uses. The proposed outdoor storage area will be fenced with visual screening to ensure compatibility between uses.

c. potential nuisance effects upon adjacent uses are mitigated;

The adjacent uses (general employment/industrial) are similar to those currently on the subject lands and thus nuisance effects are expected to be minimal.

d. adequate municipal services are available;

The applicant has provided a functional servicing report that has been reviewed by Engineering Services, and this report concluded that there are no issues from a servicing standpoint.

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

The subject lot is approximately 6,184 square metres and will be sufficient to accommodate the proposed rear addition to the existing building and outdoor storage area without affecting the functionality of the existing business or surrounding land uses. The maximum lot coverage of 50% will not be exceeded.

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

The site has two existing driveway access points onto Gorham Street that have adequately served the use to date, no additional access onto the street is required.

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

The existing on-site parking will sufficiently meet the zoning requirements, no additional parking spaces are required for the proposed addition. In addition, there are two (2) existing loading space and four (4) proposed bicycle parking spaces to service the site, which meets the requirements of the zoning by-law. The proposed addition will have an entrance from the east side which vehicles will be able to flow through to the west side of the proposed addition to exit.

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

Notice has been provided in accordance with the Planning Act.

The proposed development would meet the relevant provisions of the official Plan, including Section 16.1.1 as analyzed above.

Zoning By-law Considerations

The subject property is currently zoned General Employment Exception 12 (EG-12) Zone. The General Employment zone permits the Manufacturing and Light Manufacturing uses, and the Exception 12 permits a maximum building height of fifteen (15) metres. The applicant is proposing a 9.5 metres high rear addition to the existing building and an outdoor storage area. Site-specific zoning is required for 1) the reduced rear yard setback, and b) the outdoor storage component.

Below is a summary of the required and proposed zoning standards applicable to the site:

Zone Standard	General Employment Zone (EG)	Proposed	Complies?
Min. Lot Area	2787 m^2	6,184.23 m^2	Yes
Min. Lot Frontage	45.0 m	90.57m	Yes
Min. Front Yard	12.0 m	12.08 m	Yes
Min. Rear Yard	**12.0 m**	**2.81 m (addition) 2.0 m (outdoor storage area)**	**No**
Min. Side Yard			
One Side	3.0 m	21.16 m	Yes
Other Side	6.0 m	34.12 m	Yes
Max. Lot Coverage	50%	22.2%	Yes
Max. Building Height	15m By-law 1986-117 and By-law 1986-118	9.50 m	Yes

Agency and Public Comments

The development proposal has been circulated to the public and the Town's internal and external review partners.

York Region

Staff from the Regional Municipality of York note that they have no objections on the proposed Zoning By-law Amendment.

Central York Fire Services

Central York Fire Services have reviewed the application and stated they have no objection to the proposed application.

Engineering Services

The Town's Greenspace Coordinator has reviewed the application and stated that they have no comments to the proposed application.

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act, and have provided the following comments:

- The subject property is currently outside of an area that is regulated by the LSRCA under Ontario Regulation 179/06. Accordingly, a permit from the LSRCA under Ontario Regulation 179/06 will not be required prior to any development taking place.
- The proposal is generally consistent and in conformity with the applicable Provincial Plans. As such, they have no further requirements related to the approval of the application.

Other Review Partners

- Canada Post has advised that no changes are required for mail delivery for this application.
- Rogers Communications has advised that they do not have any comments or concerns on this application.
- The Southlake Regional Health Centre has advised that they do not have any comments on this application.

Effect of Public Input

A virtual/electronic statutory public meeting was held in September of 2020. Comments were received at the statutory public meeting and the comments centered on the following themes:

- Reduced Rear Yard Setback
    - A review has been completed by staff relative to reduced rear yard setbacks for other industrial buildings in the general area of the subject site. There are numerous examples of properties in the employment lands that have reduced rear yard setbacks in order to maximize efficiency of such development and serve specific business needs. In addition, many existing properties do not have drive aisles all the way around the building, similar to what is being proposed. On the proposed addition, there will be an entrance on the east side which vehicles will be able to flow through to the west side of the addition to exit.
    - The proposed reduced rear yard setback does not appear to have any significant impacts on the property to the south, as it is currently a parking lot and the adjacent building is located approximately sixty (60) metres away from the property line. Any future use of the south adjacent lands, would need to meet the zone standard for the interior side yard of the zone, which is currently 3.0 metres. These collective setbacks would

provide sufficient building separation distance and allow access for maintenance, and airflow.

- Landscaping
    - The applicant has provided a Tree Preservation, Protection, Replacement Plan and Landscape Plan that has been reviewed by the Engineering Department. The report identified a total of eighteen (18) existing trees on and within six (6) metres of the subject property. The removal of trees will not be required to accommodate the proposed development and tree protection measures will be implemented prior to construction.
    - The outdoor storage area is not located near any residential areas and will be fenced around its perimeter with visual screening. New coniferous and deciduous trees will be planted along the front of the subject property to screen the outdoor storage area from the street.

- Outdoor Storage Area – Size and Environmental Concerns
    - A review of the general area of the subject site has been completed by staff relative to the size of the outdoor storage area. The size is relatively smaller than those that already exist in the surrounding area.
    - The applicant has provided a Phase 1 Environmental Site Assessment (ESA) that has been reviewed by the Engineering Department. This report concluded that actual or potential contamination is not present on the subject property and that a Phase 2 ESA is not required.
    - Given appropriate screening and limits on the nature of outdoor storage to limit it to materials related to the principal use on the lot, outdoor storage is compatible with the area, and is currently a permitted use on many properties in the nearby area.
    - Screening, fencing, landscaping and material permitted to be stored within the outdoor storage area will be addressed through the Site Plan Approval Process.

Conclusion

The zoning by-law amendment application meets the intent of, and is consistent with, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, York Region Official Plan and Town's Official Plan.

Staff recommend approval of the application. Further refinement of the application will take place as part of the site plan approval application.

Business Plan and Strategic Plan Linkages

- Economic Leadership and Job Creation

Consultation

As detailed in this report, public and agency notice was completed as per the requirements of the Planning Act.

Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in September of 2020.

Human Resource Considerations

N/A

Budget Impact

The appropriate planning application fees have been received for the Zoning By-law Amendment. The Town will also receive increased assessment revenue with the development of this proposal in the event the application is approved.

Attachments

- Zoning By-law Amendment
- Location Map
- Proposed Site Plan

Submitted by

Patricia Cho, BHA, MSc (Pln.)
Planner, Planning Services

Approved for Submission

Adrian Cammaert, MCIP, RPP, CNU-A
Acting Manager, Planning Services

Jason Unger, MCIP, RPP
Acting Director, Planning & Building Services

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

Contact

For more information, please contact Patricia Cho, Planner, Planning Services, at pcho@newmarket.ca.

Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 1250 Gorham Street, Newmarket.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34, of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas the Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas it is deemed advisable to amend By-law Number 2010-40;

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

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.

2. Amending Section 8.1.1 List of Exceptions as it relates to lands located at 1250 Gorham Street by adding the following regulations relating to the EG-12 Zone:

Exception	**Zoning**	**Map**	**By-Law Reference**	**File Reference**
12	EG-12	15	1986-117; 1986-118; 2020-XX	D14-NP-2010
i) Location: 1250 Gorham Street ii) Legal Description: Part Lot 16, Plan 65M-2558, Town of Newmarket iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands located at 1250 Gorham Street shown on Schedule 1 attached hereto. Uses permitted in addition to uses otherwise permitted by the EG Zone:				

- Outdoor open storage.

iv) Development Standards:

(a) Building Height (maximum): 15 m

(b) Rear yard building setback (south lot line): 2.0 m (minimum)

Enacted this ____ day of _____ 2020.

_____
John Taylor, Mayor

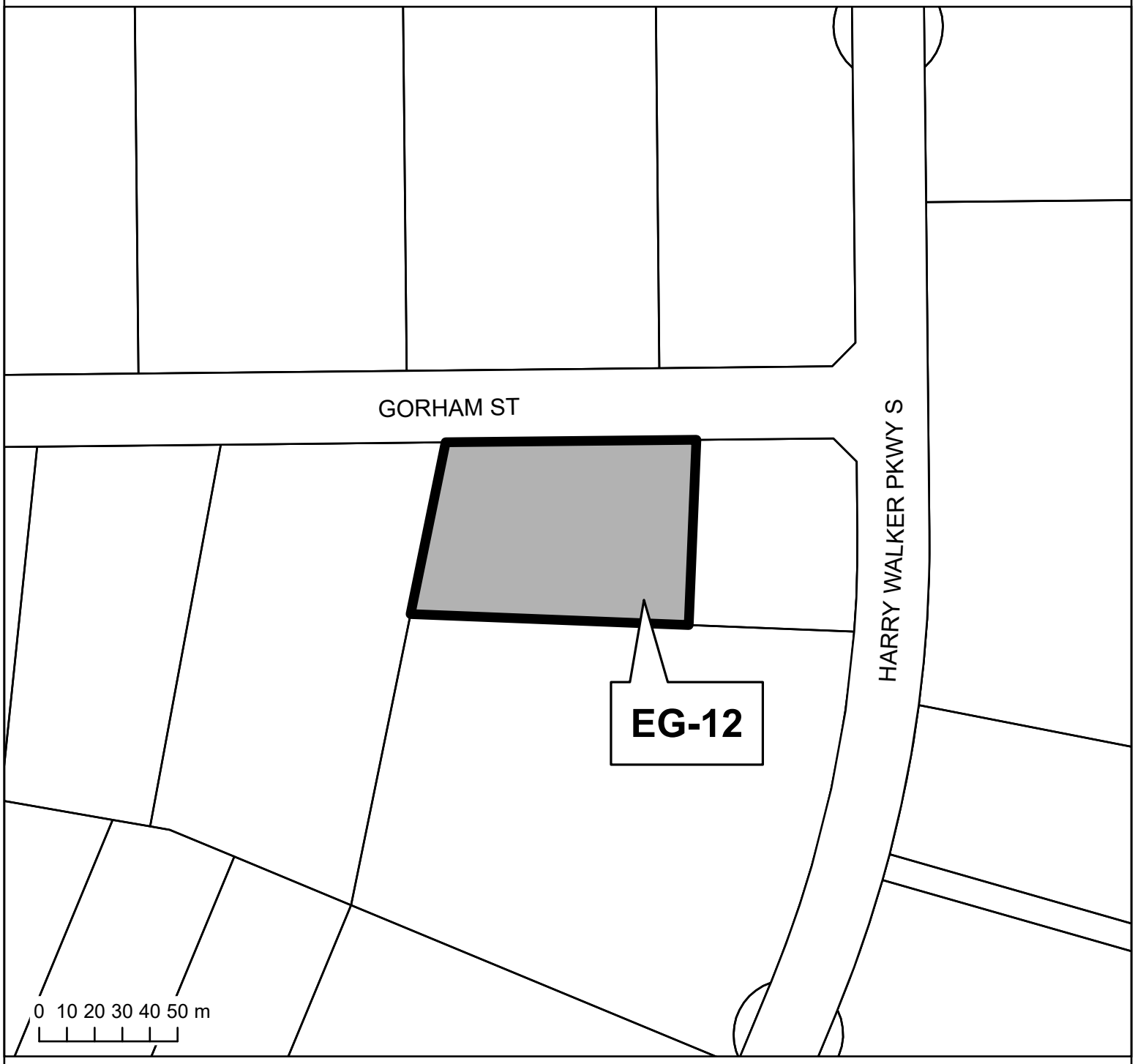
_____
Lisa Lyons, Town Clerk

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
1250 GORHAM ST
PLAN 65M2558 PT LOT 16
RS65R11063 PT 24

This is Schedule '1'
To Bylaw 2020-
Passed this_____Day
of_____, 2020.

_____
MAYOR

_____
CLERK



Newmarket

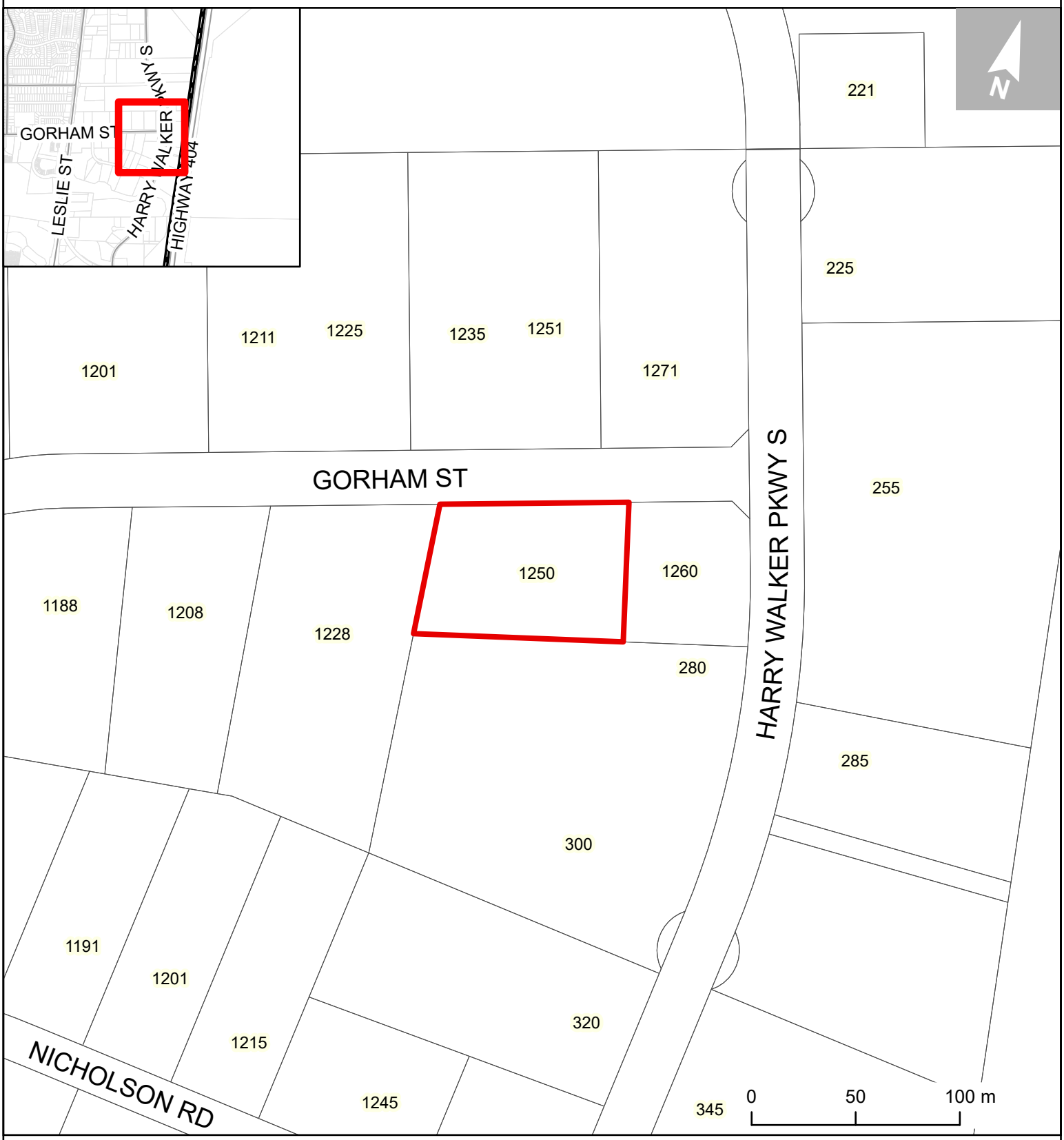
SCHEDULE "1" TO BY-LAW 2020-
TOWN OF NEWMARKET PLANNING DEPARTMENT

N

Designed & Produced by Information Technology – GIS Printed: October, 2020. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2020. Zoning - Town of Newmarket, 2020.
DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

G:\Projects_PRO\Development_InfrastructureServices\Planning\MapProjects\Zoning\ZBL_Schedule\ZBL_Schedule.aprx\ZBA2020_Block164_Block165_Glenway

Location Map
1250 Gorham Street



Newmarket

Subject Lands

Designed & Produced by
Information Technology - GIS
Printed: 2020-07-20.

Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services, The Regional Municipality of York, 2020.All other data - © Town of Newmarket, 2020. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2020. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.

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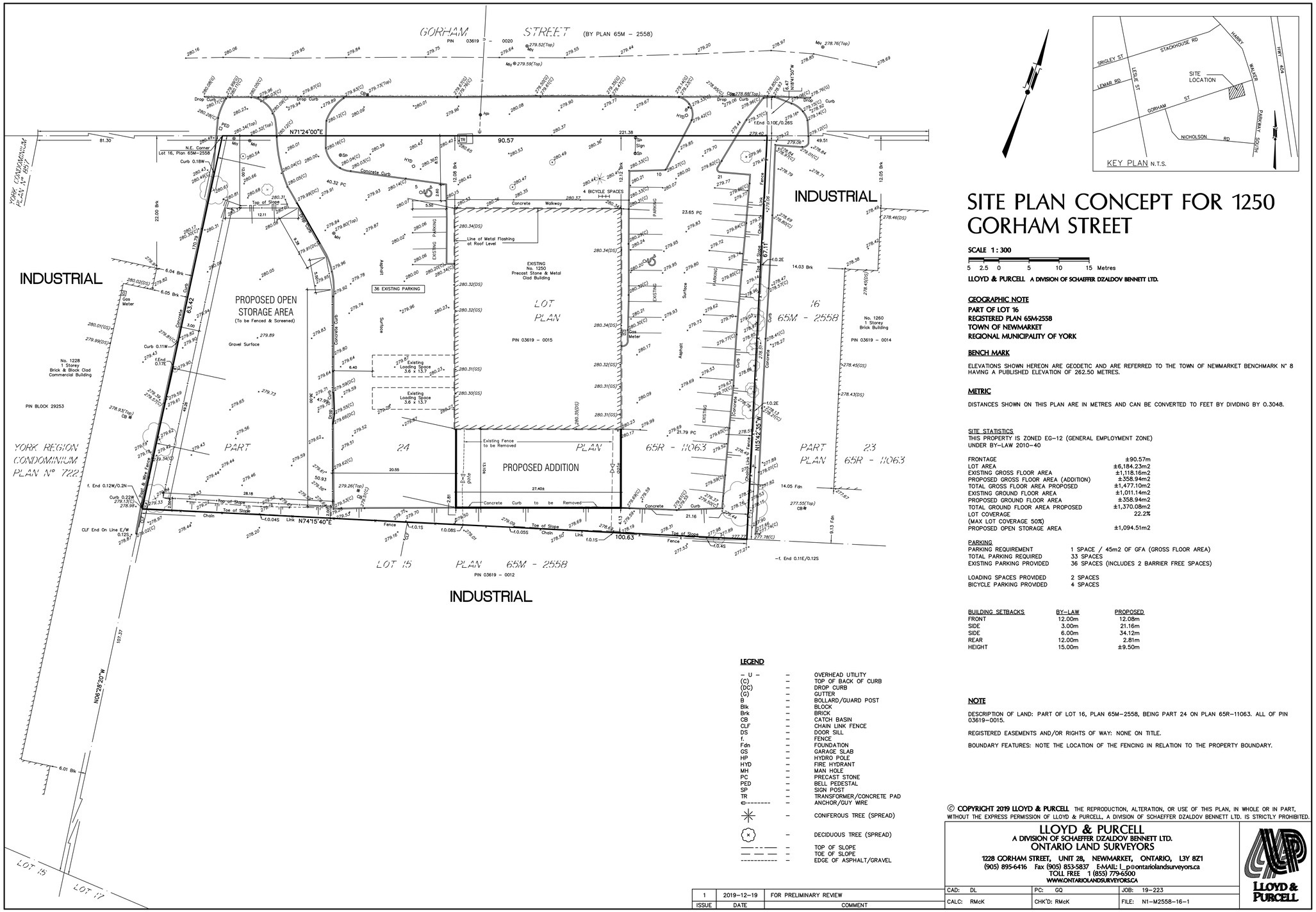

SITE PLAN CONCEPT FOR 1250 GORHAM STREET

SCALE 1 : 300

5 2.5 0 5 10 15 Metres

LLOYD & PURCELL A DIVISION OF SCHAEFFER DZALDOV BENNETT LTD.

GEOGRAPHIC NOTE

PART OF LOT 16
REGISTERED PLAN 65M-2558
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

BENCH MARK

ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE REFERRED TO THE TOWN OF NEWMARKET BENCHMARK N° 8 HAVING A PUBLISHED ELEVATION OF 262.50 METRES.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SITE STATISTICS
THIS PROPERTY IS ZONED EG-12 (GENERAL EMPLOYMENT ZONE)
UNDER BY-LAW 2010-40

FRONTAGE	±90.57m
LOT AREA	±6,184.23m2
EXISTING GROSS FLOOR AREA	±1,118.16m2
PROPOSED GROSS FLOOR AREA (ADDITION)	±358.94m2
TOTAL GROSS FLOOR AREA PROPOSED	±1,477.10m2
EXISTING GROUND FLOOR AREA	±1,011.14m2
PROPOSED GROUND FLOOR AREA	±358.94m2
TOTAL GROUND FLOOR AREA PROPOSED	±1,370.08m2
LOT COVERAGE	22.2%
(MAX LOT COVERAGE 50%)	
PROPOSED OPEN STORAGE AREA	±1,094.51m2

PARKING

PARKING REQUIREMENT	1 SPACE / 45m2 OF GFA (GROSS FLOOR AREA)
TOTAL PARKING REQUIRED	33 SPACES
EXISTING PARKING PROVIDED	36 SPACES (INCLUDES 2 BARRIER FREE SPACES)
LOADING SPACES PROVIDED	2 SPACES
BICYCLE PARKING PROVIDED	4 SPACES

BUILDING SETBACKS	BY-LAW	PROPOSED
FRONT	12.00m	12.08m
SIDE	3.00m	21.16m
SIDE	6.00m	34.12m
REAR	12.00m	2.81m
HEIGHT	15.00m	±9.50m

LEGEND

– U –	–	OVERHEAD UTILITY
(C)	–	TOP OF BACK OF CURB
(DC)	–	DROP CURB
(G)	–	GUTTER
B	–	BOLLARD/GUARD POST
Blk	–	BLOCK
Brk	–	BRICK
CB	–	CATCH BASIN
CLF	–	CHAIN LINK FENCE
DS	–	DOOR SILL
f.	–	FENCE
Fdn	–	FOUNDATION
GS	–	GARAGE SLAB
HP	–	HYDRO POLE
HYD	–	FIRE HYDRANT
MH	–	MAN HOLE
PC	–	PRECAST STONE
PED	–	BELL PEDESTAL
SP	–	SIGN POST
TR	–	TRANSFORMER/CONCRETE PAD
←--------	–	ANCHOR/GUY WIRE
✳	–	CONIFEROUS TREE (SPREAD)
⊗	–	DECIDUOUS TREE (SPREAD)
—·—·—	–	TOP OF SLOPE
—·—·—	–	TOE OF SLOPE
----------	–	EDGE OF ASPHALT/GRAVEL

NOTE

DESCRIPTION OF LAND: PART OF LOT 16, PLAN 65M-2558, BEING PART 24 ON PLAN 65R-11063. ALL OF PIN 03619-0015.

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY: NONE ON TITLE.

BOUNDARY FEATURES: NOTE THE LOCATION OF THE FENCING IN RELATION TO THE PROPERTY BOUNDARY.

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TOLL FREE 1 (855) 779-6500
WWW.ONTARIOLANDSURVEYORS.CA

ISSUE	DATE	COMMENT
1	2019-12-19	FOR PRELIMINARY REVIEW

CAD: DL	PC: GQ	JOB: 19-223
CALC: RMcK	CHK'D: RMcK	FILE: N1-M2558-16-1

LLOYD & PURCELL

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

Third Quarterly Update to the Outstanding Matters List for 2020
Staff Report to Council

Report Number: 2020-77

Department(s): Legislative Services

Author(s): Jaclyn Grossi, Legislative Coordinator

Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Third Quarterly Update to the Outstanding Matters List for 2020 dated October 26, 2020 be received; and,
2. That Council adopt the updated Outstanding Matters List, included as **Attachment 1** to this report; 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 present Council with the third quarterly update to the Outstanding Matters List in 2020.

Background

Council adopted the first quarterly update at their May 19, 2020 Special Council – Electronic meeting, and the second quarterly update at their August 31, 2020 Council – Electronic meeting. This report serves to present the third quarterly report.

Discussion

An updated Outstanding Matters List (**Attachment 1**) has been provided and is presented to Council for adoption. As a reminder, the items included in Attachment 1 are only items from the Outstanding Matters List, which require Council decision or

consideration. The chart does not depict other projects or work that staff continue to dedicate resources towards. It also does not include the Council-approved action items contained in the REV it Up Campaign or within Council's Strategic Priorities.

Corresponding item numbers have been enumerated to ensure that Council has ease of reference for specific matters should there be questions about associated timeframes or the subject matter itself.

Items Removed from the Outstanding Matters List

The following items have been removed from the List:

(1) Downtown Parking Report - 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)

Recommendation:

> 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.

This item was removed as Council endorsed Downtown Parking options at its meeting Council Meeting - Electronic on August 31, 2020, and further directed Staff to report back in Q1 2021 regarding the 30 Minute Parking on Main Street, and in Q2 2021 regarding Parking Wayfinding.

(2) Financial Update

Recommendations:

> That staff be directed to further investigate mitigating measures to lessen the financial impact of the pandemic on the Town, and to report back on the results.

This item was removed as Council received a Financial Update at their August 31, 2020 Council Meeting - Electronic.

(3) Derelict Properties

Recommendations:

> That Staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply.

This item was removed as an Information Report was distributed to Council on September 11, 2020, and Mayor Taylor requested that this item be placed on the October 5, 2020 Committee of the Whole Meeting - Electronic. At their Council Meeting -

Electronic on October 13, 2020, Council directed Staff to report back with options for a Vacant Building Registry Program by Q1 2021.

(**4) Community Support**

Recommendations:

> That Council direct Staff to provide further information related to other gaps in meeting community needs and the potential role of the Town in addressing those.

This item was removed as a detailed summary and update was provided to Council via email on June 23, 2020 (**Attachment 2**).

Conclusion

Staff will continue to provide Council with an updated List quarterly to reflect the current status of items which Staff have been directed to report back to Council on.

Business Plan and Strategic Plan Linkages

As this report highlights an updated Outstanding Matters List for the Corporation, this report aligns with all six pillars of Council's Strategic Priorities.

Consultation

Members of the Strategic Leadership Team and Operational Leadership Team were consulted in this report.

Human Resource Considerations

There are no human resource considerations specific to this report. However, individual projects within the List may have associated human resources impacts, and any such considerations will be noted in the individual reports on those matters.

Budget Impact

There are no budget impacts specific to this report. However, individual projects within the List may have associated budget impacts, and any such considerations will be noted in the individual reports on those matters.

Attachments

Attachment 1 – Third Quarterly Update to the Outstanding Matters List for 2020

Attachment 2 - Email to Council dated June 23, 2020 regarding the Item Removed from the Outstanding Matters List entitled (4) Community Support

Approval

Kiran Saini, Deputy Clerk

Esther Armchuk, Commissioner, Corporate Services

Ian McDougall, Commissioner, Community Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Jag Sharma, Chief Administrative Officer

Contact

For more information about individual projects contained in Attachment 1, please contact the responsible Department Director or respective Commissioner.

Third Quarterly Update to the Outstanding Matters List for 2020

Attachment 1

Newmarket

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2020					
1.	Construction Vibration Issues	**Meeting Date:** Committee of the Whole – March 18, 2019 **Recommendations:** 5. That staff investigate options for existing sites where construction activity will cause significant vibrations. **Responsible Departments:** • Planning and Building Services • Engineering Services	October 5th CoW September 14th CoW Q3 2020 Q2 2020	October 26th CoW	Additional time needed to liaise with Legal Services and Legislative Services to ensure there is a legal means to require/enforce the recommended measures.
2.	Established Neighbourhoods Compatibility Study	**Meeting Date:** Committee of the Whole - September 23, 2019 Recommendations: Established Neighbourhoods Compatibility Study **Responsible Department:** • Planning and Building Services	Q4 2020 Q1 2020	October 26 CoW	Special Committee of the Whole held January 20, 2020. Public Meeting was scheduled for April 14, 2020 but was cancelled due to Pandemic. Public Meeting has been rescheduled to August 31, 2020 Council Workshop scheduled for September 22, 2020. Final recommendations to follow in Q4 2020, targeted for October.
3.	Asset Replacement Fund Strategy	**Meeting Date:** Committee of the Whole - April 30, 2018 **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	Q2 2020 June 2020	November 9th SpCoW	An Asset Replacement Fund (ARF) will be presented with the Tax-Supported Operating Budget at a Special Committee of the Whole meeting.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2020					
4.	Motion - Commerical Rooptop Patios	**Meeting Date:** Committee of the Whole - September 14, 2020 Recommendation: 1. That staff be directed to schedule a Statutory Public Meeting for the purpose of outlining specific use permissions related to 'Commercial Rooftop Patios', addressing matters such as: • maximum size (percentage of rooftop or gross floor area) • associated uses for which a 'Commercial Rooftop Patio' may be permitted • design (i.e. site plan) requirements • compliance with licensing and noise by-laws • **Responsible Department:** • Planning & Building Services		November 2020	Staff are preparing for a Public Meeting regarding Commerical Rooftop Patios in November 2020.
5.	Multi Use Pathways	**Meeting Date:** Committee of the Whole – November 4, 2019 **Recommendation:** 1. That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system. **Responsible Departments:** • Public Works Services	Q4 2020	December 7 CoW	Staff are currently undertaking research and establishing a field inventory. An information report will be issued in Q4 of 2020.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2020					
6.	Proposed Trail from Yonge Street to Rita's Avenue	**Meting Date:** Council – January 18, 2016 – Item 35 **Recommendation:** 1. That staff provide alternate trail options for this area at a lower cost. 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. **Responsible Department:** • Planning and Building Services • Engineering Services	September 14th CoW August 24th CoW Q3 2020 2021	November 16th CoW	With the Yonge Street Viva Bus Rapid Transit complete, staff can now proceed.
7.	Hollingsworth Arena and Future Ice Allocation Considerations	**Meeting Date:** Committee of the Whole – April 8, 2019 **Recommendations:** 3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and 6. That within six months staff bring back a report on any plans for public amenity use at this location; **Responsible Department:** • Recreation and Culture Services	Q1 & Q3 2020	Q4 2020	Staff will provide two information reports on this item 1) regarding the public amenity use of this facility; and 2) regarding the status of ice allocations after the needs of the organizations for the 2020-2021 season have been identified. The information reports were delayed due to operational disruptions caused by the Pandemic.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2020					
8.	Residential Parking	**Meeting Date:** (1) Committee of the Whole - November 6, 2017 (2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report) **Recommendations:** (1) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted: c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report. (2) 5. That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019 **Responsible Department:** • Planning and Building Services • Legislative Services	Q3 2020	Q4 2020	Additional time needed to scope issues and confirm enforcement matters with By-laws.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2020					
9.	Recognition of the Widdifield Family	**Meeting Date:** Committee of the Whole – February 25, 2019 **Recommendations:** 1. That staff be directed to investigate options that will recognize the area east of the river and west of Doug Duncan Drive, that lies between Timothy and Water St to be recognized in some format by a commemorative plaque or other option that acknowledges and demonstrates the background and history of an area known to be Widdifield Park; and, 2. That Mike Widdifield of Newmarket be notified of any proposals. **Responsible Department:** • Recreation and Culture Services • Public Works Services	Q1 2020	Q4 2020	Plaque wording under final review and sign off with anticipated sign installation anticipated by end of Q4, 2020.
10.	Protection of Trees on Private Property	**Meeting Date:** Committee of the Whole - June 17, 2019 **Recommendations:** 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law; and, **Responsible Department:** • Planning and Building Services	Q1 2020	Q4 2020/ Q1 2021	PIC at the iWonder Event completed in Fall 2019. Re-prioritized due to staff resource constraints and Pandemic.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
11.	Single Use Plastics	**Meeting Date:** Committee of the Whole – June 17, 2019 **Recommendation:** 1. That Council direct staff to bring back a report which outlines the roles and responsibilities of the Province, the Region and the Town in relation to recycling and diversion and provides the following: a. information on what work is currently being done to address the reduction and eventual elimination of single use plastics; and, b. clear options for Council to consider to ensure the town is taking steps within its jurisdiction to reduce and eventually eliminate single use plastics. **Responsible Departments:** • Public Works Services	Q3 2020 Q2 2020	Q1 2021	Staff distributed an information report on September 10, 2020 which provided an explanation as to amending the proposed reporting timeframe.
12.	Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	**Meeting Date:** Committee of the Whole - September 23, 2019 **Recommendations:** 1. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report. **Responsible Departments:** • Engineering Services	Q4 2020	Q1 2021	As schools are returning in the Fall, Staff will conduct appropriate studies in Q3 & Q4 of 2020, as the weather allows. A Staff Report will be issued in Q1 2021.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
13.	City of Markham Resolution - Single Use Plastic Reduction Strategy - Phase 1	**Meeting Date:** Committee of the Whole - Electronic - June 22, 2020 **Recommendation:** 1. That the Resolution from the City of Markham regarding the Single Use Plastic Reduction Strategy - Phase 1 be received for information and referred to Staff. **Responsible Department:** • Public Works Services	September 14th CoW	Q1 2021	This item will be included/referenced in the Single Use Plastics Staff Report (item 13). Staff distributed an information report on September 10, 2020 which provided an explanation as to amending the proposed reporting timeframe.
14.	Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard	**Meeting Date:** Committee of the Whole – November 4, 2019 **Recommendation:** 1. That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff. **Responsible Departments:** • Engineering Services	Q3 2020	Q1 2021	As schools are returning in the Fall, Staff will conduct appropriate studies in Q3 & Q4 of 2020, as the weather allows. A Staff Report will be issued in Q1 2021.
15.	Extending the 30 Minute Downtown Parking Restrictions on Main Street	**Meeting Date:** Committee of the Whole - September 14, 2020 **Recommendations:** 4. That staff report back on the findings of the public consultation, and any recommendations to further amend Main Street parking restrictions by Q1 2021; and, **Responsible Departments:** • Engineerings Services • Legislative Services		Q1 2021	

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
16.	Atkins Drive and Quick Street All-way Stop Request	**Meeting Date:** Committee of the Whole – February 24, 2020 **Recommendation:** 6. That the Town continue to apply Category 1 traffic calming measures to educate motorists to comply with the speed limits and that Staff explore options for Category 2 traffic calming measures; and, 7. That Staff provide Council with data regarding All-Way Stop warrants related to Bob Gapp Drive and Atkins Drive, including modelling the anticipated near-term growth; and, Responsible Departments: • Engineering Services	Q4 2020	Q1 2021	Staff require time to complete the fieldwork and measurements for this study. The timing of this report will depend on when traffic patterns resume back to normal after the Pandemic (i.e., if school returns to normal in September 2020). Traffic measurements will need to be a true representation of the traffic patterns to correct the field situation. As schools are returning in the Fall, Staff will conduct appropriate studies in Q3 & Q4 of 2020, as the weather allows. A Staff Report will be issued in Q1 2021.
17.	Traffic & Parking Petitions	**Meeting Date:** Committee of the Whole - August 26, 2019 **Recommendations:** 1. That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and, 2. That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff. **Responsible Departments:** • Engineering Services	Q1 2020	Q1 2021	As schools are returning in the Fall, Staff will conduct appropriate studies in Q3 & Q4 of 2020, as the weather allows. A Staff Report will be issued in Q1 2021.
18.	Traffic & Parking Petitions	**Recommendation:** 1. That the Helmer Avenue Parking Review be referred back to Staff. **Responsible Departments:** • Engineering Services		Q1 2021	As schools are returning in the Fall, Staff will conduct appropriate studies in Q3 & Q4 of 2020, as the weather allows. A Staff Report will be issued in Q1 2021.

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
19.	Ranked Ballots	**Meeting Date:** Special Committee of the Whole – May 14, 2019 **Recommendation:** 3. That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and, **Responsible Department:** • Legislative Services	Q3 2020	Q1 2021	Staff are part of a Greater Toronto Hamilton Area working group that is organizing an election vendor fair to learn about changes/updates in the election technology industry. The fair was postponed from May 2020, and is now tentatively scheduled for December 2020. A report back on an election model for the 2022 municipal election is anticipated in Q1 2021.
20.	Alex Doner Drive Traffic Mitigation Request	**Meeting Date:** Committee of the Whole - Electronic - July 22, 2020 **Recommendation:** 1. That the request for a review of traffic control and traffic calming measures on Alex Doner Drive between Sykes Road and Kirby Crescent be referred to Staff. **Responsible Department:** • Engineering Services		Q1 2021	
21.	INFO-2020-32: Vacant/Derelict Buildings	**Meeting Date:** Council - October 13, 2020 **Recommendations:** 1. That Council direct staff to report back to Council with options for a Vacant Building Registry Program by Q1 2021. **Responsible Department:** • Legislative Services • Planning & Building Services		Q1 2021	

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
22.	Heritage Designations - York Region Administrative Building and Newmarket Canal System	**Meeting Date:** Committee of the Whole - April 30, 2018 **Recommendations:** 2. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. **Responsible Department:** • Planning and Building Services	Q3 2020 Q1 2020	Q1 2021	Additional time was needed to retain Cultural Heritage Consultant via Procurement process. Consultant retained and Designation Reports are now being prepared. This item must first go to Heritage Newmarket, so it is tied to timing of that Committee resuming their meeting schedule. Staff are prepared to bring a report to a Heritage Newmarket Committee Meeting in September 2020. Staff distributed an information report on September 10, 2020 which provided an explanation as to amending the proposed reporting timeframe.
23.	Downtown Parking Review	**Meeting Date:** Council Meeting - August 31, 2020 **Recommendation:** 6. That staff be directed to consult with the BIA and report to Council by Q1 2021 on potential permanent 30 minute parking restrictions on Main Street including a review of other options; and, 8. That Council direct staff to present a report on parking wayfinding in the downtown area for Council consideration in Q2 2021; and, **Responsible Departments:** • Innovation & Strategic Initiatives		Q1 & Q2 2021	

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
24.	Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	**Meeting Date:** Committee of the Whole – June 17, 2019 **Recommendation:** 3. That staff be directed to plan a ~~Climate Change Open House for Fall 2019~~ (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program; **Responsible Departments:** • Engineering Services • Public Works Services	Q1 2020	Q2 2021	The fall e-Waste Collection event has been postponed due to the pandemic. Staff will plan to complete a Spring 2021 e-Waste Collection with the consideration for the current state of the Pandemic at that time.
25.	Electronic Participation in Meetings and 2021 Council/Committee of the Whole Schedule	**Meeting Date:** Council Meeting - October 13, 2020 **Recommendations:** 4. That electronic participation by Council members be permitted until the end of 2021 and that staff be directed to report to Council with a revised electronic participation policy prior to this date; and, 8. That staff be directed to report to Council in April/May 2021 on a Policy for Electronic Participation in hybrid meetings, establishing start times for Council and Committee of the Whole meetings for July to December 2021 and resumption of hybrid meetings for Advisory Committees; **Responsible Department:** • Legislative Services		Q2 & Q4 2021	

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2021					
26.	Parking Enforcement Initiative - Pay It Forward Program	**Meeting Date:** Committee of the Whole - November 4, 2019 **Recommendation:** 3. That Staff report back to Council within 18 months **Responsible Department:** • Legislative Services	Q2 2020	Q3 2021	Council previously request that staff require donations to the Newmarket CARE program, however online donations cannot be accepted. Given that resources will be committed to recovery from the Pandemic this initiative is not deemed a priority item in 2020 and will be presented to Council as an Information Report in 2021.
27.	Short Term Rentals & Municipal Accommodation Tax	**Meeting Date:** Committee of the Whole – February 3, 2020 **Recommendations:** ~~3. That Council direct Staff to proceed with Option 3 as described in the report.~~ ~~Option 3 would require the adoption of a Licensing By-law, presented to Council in April or May 2020~~ and amendments to the Zoning By-law, presented to Council by August 2020. **Meeting Date:** Special Committee of the Whole – Electronic – June 15, 2020 **Recommendations:** 4. That Council direct staff to bring forward a report regarding a Municipal Accommodation Tax (MAT) on all short term rental properties in Q3/Q4 2021. **Responsible Departments:** • Legislative Services • Planning and Building Services • Financial Services	Q3/Q4 2020	~~Q2 and~~ Q3 2021 – see additional comments Q3/Q4 2021	~~Licensing framework could be ready for a Workshop with Council in June 2020~~, with a program with zoning framework in Q3/Q4. Current considerations being given to the Pandemic and restrictions on short term rentals. Staff distributed an information report on September 10, 2020 which provided an explanation as to amending the proposed reporting timeframe. The Municipal Accommodation Tax will need to be included with this matter, and staff will need to outline a plan to approach this item, starting with stakeholder consultations

Item	Subject Matter	Council Direction from Outstanding Items List Or Description from Individual Department Work Plans	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items with a date to be determined					
28.	Council Remuneration	**Meeting Date:** Committee of the Whole – April 9, 2018 **Recommendations:** 1. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary. **Responsible Department:** • Office of the CAO/Human Resources	Q1 2020	To be determined – see additional comments	Staff will present a report on Council remuneration once the Pandemic is declared over.
29.	Newmarket Public Library Study Implementation	**Meeting Date:** Committee of the Whole - February 26, 2018 **Recommendations:** 2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process. **Responsible Department:** • Community Services/Newmarket Public Library	Q3 2020	To be determined – see additional comments	Procurement & process planning delayed as a result of Pandemic.

From: Service, Colin
Sent: June 23, 2020 8:29 AM
Subject: Lunch and Food Distribution Program Update

Hello Mayor Taylor and Members of Council:

Council provided staff with an initial sum of $25,000 and an additional sum of up to $25,000 to ensure that we could provide support to those most vulnerable in our community. As we transition into reopening, the various agencies who normally perform these important functions are able to get volunteers and are able to start to provide some of these services again. So, I wanted to take this opportunity to update you on what has transpired and how those funds were used.

An operating grant of $5,000 was provided to the Newmarket Food Pantry to help with purchase of food. The Food Pantry switched to a hamper program where hampers of food and essential items were assembled and delivered to families in need. Three to four times a week, a staff member from the Recreation & Culture Department utilized our Community Cruiser to deliver these hampers – over 400 hampers have been delivered by Town staff.

The Newmarket Co-Op Housing was in dire need of baby supplies and essential items. Recreation & Culture staff went and purchased the necessary supplies (totalling $1,000) and delivered them to their doors (again using the Community Cruiser).

Since late March we have been serving a daily lunch program at the front of the Town Office. Over 4,250 meals were served to those most vulnerable within our community. The lunches were provided daily by The Pickle Barrel at a significantly reduced cost. Just over $25,000 was spent on providing these lunches. We will be wrapping up the lunch distribution program on Friday, June 26th. A meal is now available daily in Newmarket. Staff have been distributing information about where food is available all week.

A grant of $2,000 will be provided to the Rose of Sharon to help them provide essential items to young mothers.

At this point, approximately $33,000 has been spent or committed. More importantly, hundreds of members of our community who are most vulnerable have had access to food and essential items during very difficult times.

Staff will continue to monitor the situation and will continue dialogue with the various agencies to ensure that services continue to be available within the community.

If you have any further questions, please don't hesitate to give me an email or phone call.

Take care,

Colin Service
Director, Recreation and Culture
905-953-5300, ext. 2601
905-953-5113 (fax)
cservice@newmarket.ca
www.newmarket.ca
Follow us on Twitter @townofnewmarket
Newmarket: A Community *Well* Beyond the Ordinary

Petition for No Parking Signs

Clematis Road

Ward 3

September 2020

We the undersigned residents of Clematis Road are hereby petitioning the Ward 3 Councillor of the Town of Newmarket to install "**No Parking 8 a.m. to 4 p.m.**" signs. Monday - Friday

Due to the change in the schooling format at St. Elizabeth Seton Catholic Elementary School to a French emersion school, there has been an increase in students traveling to the school outside of the community. As a result, parents are parking on Clematis Road and accessing the school via the walkway at the end of the street. The increase of parking has caused access problems to driveways, including the complete blockage by parked cars. Parking Enforcement has not eradicated the problem.

PLEASE PRINT

NAME	ADDRESS	SIGNATURE

Note: Personal information redacted. Original contains 6 signatures.

Town of Newmarket

Minutes

Appointment Committee

Date:	Wednesday, January 15, 2020
Time:	1:00 PM
Location:	Mulock Room Municipal Offices 395 Mulock Drive Newmarket, ON L3Y 4X7

Members Present:	Councillor Twinney, Chair Deputy Mayor & Regional Councillor Vegh, Vice Chair Mayor Taylor
Staff Present:	K. Saini, Deputy Town Clerk

The meeting was called to order at 1:02 PM.
Councillor Twinney in the Chair.

1. Additions and Corrections

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations and Deputations

None.

4. Approval of Minutes

4.1 Appointment Committee Meeting Minutes of October 9, 2019

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional Councillor Vegh

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

Carried

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

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Mayor Taylor

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

Carried

5. Items for Discussion

None.

6. Closed Session

6.1 Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001 - Applications to the Newmarket Accessibility Advisory Committee (AAC)

Moved by: Deputy Mayor & Regional Councillor Vegh

Seconded by: Mayor Taylor

1. That the Appointment Committee resolve into a Closed Session for the purpose of discussing personal matters about identifiable individuals as per Section 239 (2) (b) of the Municipal Act.

Carried

The Appointment Committee resolved into Closed Session at 1:03 PM.
The Appointment Committee (Closed Session) Minutes are recorded under separate cover.
The Appointment Committee resumed into Open Session at 1:12 PM.

7. New Business

None.

8. Adjournment

Moved by: Mayor Taylor

Seconded by: Deputy Mayor & Regional Councillor Vegh

1. That the meeting be adjourned at 1:13 PM.

Carried

_____

Councillor Twinney, Chair

_____

Date

Town of Newmarket

Minutes

Accessibility Advisory Committee

Date:	Thursday, January 16, 2020
Time:	10:30 AM
Location:	Council Chambers Municipal Offices 395 Mulock Drive Newmarket, ON L3Y 4X7
Members Present:	Steve Foglia, Chair Linda Jones Patricia Monteath Lawrence Raifman Councillor Simon
Members Absent:	Jeffrey Fabian
Staff Present:	P. McIntosh, Recreation Programmer - Seniors & Special Needs S. Marcoux, Project Consultant Facility Maintenance Elizabeth Hawkins J. Grossi, Legislative Coordinator

The meeting was called to order at 10:37 AM.
Steve Foglia in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Deputations

None.

4. Approval of Minutes

4.1 Accessibility Advisory Committee Meeting Minutes of November 21, 2019

Moved by: Lawrence Raifman

Seconded by: Linda Jones

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

Carried

5. Items

5.1 Financial Incentive Program Staff Working Group - Accessibility Inclusion

The Business Development Specialist provided an update regarding the Financial Incentive Program Staff Working Group focused on the inclusion of accessibility projects in the application process. She advised that Staff is currently working to allow funding for accessibility projects and conducting research regarding the AODA & Building Code requirements.

5.2 Stickwood Walker Farmhouse Site Plan Update

The Business Development Specialist provided an update regarding the Stickwood Walker Farmhouse and advised that another site plan would be circulated to the Accessibility Advisory Committee when the proponent provided it to Staff. She answered questions regarding the accessible washroom, entrances to the building, and the parking lot.

5.3 Main Street Accessibility Discussion

5.3.1 Stickers and Award Program for Accessible Stores Discussion

Steve Foglia discussed initiatives run by the Rick Hansen Foundation in Vancouver such as the Rick Hansen Foundation Accessibility Certification (RHFAC), and discussed the possibility of a similar initiative for Main Street businesses.

5.3.2 Deputation/Presentation to the Main Street District Business Improvement Area Board of Directors

The Members discussed various improvements that businesses on Main Street could implement to increase the accessibility of their stores. They discussed ways in which the Accessibility Advisory Committee could educate the Main Street District Business Improvement Area Board of Management through a deputation at a future meeting, providing handouts, and potential solutions to identified issues.

5.4 2020 National Access Awareness Week

The Recreation Programmer - Seniors & Special Needs provided an update on the 2020 National Access Awareness Week (NAAW) occurring from June 1, 2020 to June 8, 2020. The Members discussed ideas for the 2020 event including a Farmer's Market booth, Sports for Everyone events, guide dogs, social media presence, and closed captioning availability.

The NAAW sub-committee agreed to meet with the Recreation Programmer - Seniors & Special Needs regarding the 2020 event prior to the March Accessibility Advisory Committee Meeting.

Moved by: Patricia Monteath

Seconded by: Lawrence Raifman

1. That the Accessibility Advisory Committee form a National Access Awareness Week (NAAW) sub-committee composed of Steve Foglia and Pat McIntosh.

Carried

5.5 Chair Updates

- Steve Foglia shared a story regarding his experience voting for the Federal election and the issues with the accessible voting location provided by Elections Canada.
- Steve Folgia discussed the need for an accessible washroom at Fairy Lake and asked Staff continue to look for improvements of the current structure and available grants.

5.6 Accessibility Advisory Committee Member Recruitment Update

The Legislative Coordinator advised that the two vacancies on the Accessibility Advisory Committee had been advertised and numerous applications were received and reviewed. She advised that the two new Members would be appointment prior to the March 19, 2020 Accessibility Advisory Committee meeting.

6. New Business

6.1 Patterson Sidewalk Update

Steve Foglia provided an update on a capital project on Patterson that he attended to assist with an accessibility audit of the sidewalk. He asked Staff to provide an update on the project at the next meeting.

6.2 Accessibility Advisory Committee Membership

The Members discussed amending their terms of reference to increase their membership by two due to the interest during the last recruitment and the current issues with achieving quorum.

Moved by: Patricia Monteath

Seconded by: Lawrence Raifman

1. That the Accessibility Advisory Committee recommend to Council that the Terms of Reference be amended to increase the membership to 10 members.

Carried

6.3 Wheelchair Basketball

The Recreation Programmer, Inclusion & Leisure Services asked the Members to share with the residents that the Wheelchair Basketball program was currently running on Saturdays from 11:30 AM to 1:00 PM at the Recreation Youth Centre and Sk8Park (56 Charles Street).

7. Adjournment

Moved by: Patricia Monteath

Seconded by: Lawrence Raifman

1. That the meeting be adjourned at 11:38 AM.

Carried

_____

Steven Foglia, Chair

_____

Date

Town of Newmarket

Minutes

Newmarket Economic Development Advisory Committee

Date:	Thursday, February 6, 2020
Time:	5:00 PM
Location:	Cane Room Municipal Offices 395 Mulock Drive Newmarket, ON L3Y 4X7
Members Present:	Donna Fevreau, Chair Carin Binder Steven Bruno Robert Bull (5:04 PM - 6:41 PM) Marek Dabrowski Beric Farmer Patrick Horgan Brian Johns Jessica Rawlley Darryl Sills Mayor Taylor (5:56 PM - 7:02 PM) Deputy Mayor & Regional Councillor Vegh Edmund Yeung
Members Absent:	Rod Scotland Beth Stevenson Bri-Ann Stuart Peter McKinnon
Staff Present:	I. McDougall, Commissioner, Community Services C. Kallio, Economic Development Officer E. Hawkins (Bryan), Business Development Specialist J. Grossi, Legislative Coordinator

The meeting was called to order at 5:04 PM.
Donna Fevreau in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

Jessica Rawlley declared a conflict regarding Item 5.1: 2020-2024 Economic Development Strategy, specifically related to the identified strategy 3 entitled Community Development.

3. Presentations & Deputations

None.

4. Approval of Minutes

4.1 Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019

Moved by: Edmund Yeung

Seconded by: Carin Binder

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of December 3, 2019 be approved.

Carried

5. Items

5.1 2020-2024 Economic Development Strategy

The Commissioner of Community Services, Economic Development Officer, and Business Development Specialist introduced the presentation and outlined the brand development that the Town of Newmarket has undertaken thus far.

The Business Development Specialist provided an analysis of the three identified strategies entitled Attraction & Marketing, Building an Entrepreneurial Ecosystem, and Community Development. For each strategy she reviewed the feedback that was received from the

Newmarket Economic Development Advisory Committee through previous meetings that led to the development of the specific strategies. The Business Development Specialist provided an analysis with an evaluation matrix, and identified key performance indicators to recognize what success for each strategy would look like by 2024.

The Members of the Newmarket Economic Development Advisory Committee provided the Economic Development Staff with feedback on all three strategies regarding the identification of specific actionable targets, design related to distinct sectors, relationship to the 2018-2022 Council Strategic Priorities, and the wording of the third strategy.

Jessica Rawlley took no part in the discussion related to the identified strategy 3 entitled Community Development due to a declared conflict.

5.2 Results of Marketing the Corridor Media Relations

The Business Development Specialist reviewed the results of the Marketing the Corridor Media Relations campaign over the last 18 months. She provided an overview of the marketing programs used, the total impressions received, and highlighted some featured articles and segments that covered the Town of Newmarket. The Business Development Specialist further explained that this marketing will continue as relationships are built with the media and stories continue to be picked up.

6. Closed Session

Donna Fevreau advised that there was no requirement for a Closed Session.

7. New Business

None.

8. Next Meeting

9. Adjournment

Moved by: Edmund Yeung

Seconded by: Robert Bull

1. That the meeting be adjourned at 7:05 PM.

Carried

_____

Donna Fevreau, Chair

_____

Date

Town of Newmarket

Minutes (Special Meeting)

Newmarket Economic Development Advisory Committee

Date:	Tuesday, June 30, 2020
Time:	11:30 AM
Location:	Electronic VIA ZOOM See How to Login Guide
Members Present:	Donna Fevreau, Chair Carin Binder Steven Bruno (11:30 AM - 1:14 PM) Robert Bull (12:21 PM - 1:32 PM) Marek Dabrowski Beric Farmer Patrick Horgan Brian Johns Jessica Rawlley Darryl Sills Beth Stevenson Bri-Ann Stuart (11:30 AM - 11:59 AM) Mayor Taylor Deputy Mayor & Regional Councillor Vegh Edmund Yeung
Members Absent:	Peter McKinnon Rod Scotland
Staff Present:	C. Kallio, Economic Development Officer E. Bryan, Business Development Specialist J. Grossi, Legislative Coordinator A. Walkom, Legislative Coordinator

The meeting was called to order at 11:30 AM.
Donna Fevreau in the Chair.

1. Notice

Donna Fevreau advised that all Town facilities were closed to the public, and that members of the public were encouraged to attend an electronic Advisory Committee or Board Meeting by joining through the ZOOM information provided with the agenda or by emailing clerks@newmarket.ca.

2. Additions & Corrections to the Agenda

None.

3. Conflict of Interest Declarations

None.

4. Items

4.1 York Region 2019 Employment Survey: Newmarket Results

The Economic Development Officer provided an overview of the York Region 2019 Employment Survey results related to the Town of Newmarket. He outlined the job growth trends, the growth of labour force major sectors from 2006 to 2019, and compared the retail job growth with the healthcare and social assistance job growth numbers.

4.2 Economic Resiliency Action Plan Update and Next Steps

The Business Development Specialist provided a presentation regarding the Economic Resiliency Action Plan Update and the COVID-19 response to Supporting Newmarket Businesses. She provided an overview of the Economic Development Resiliency Action Plan which included the redeployment of Staff to assist the Economic Development department, the Business Assistance Concierge (BAC) partnership with the Newmarket Chamber of Commerce, and the Mentorship Access Program.

The Business Development Specialist analyzed data collected related to businesses who accessed the BAC program and provided next steps. She outlined the collaboration opportunities with the Northern 6 (N6) Municipalities, York Region, Newmarket Chamber of Commerce, and York University for sector specific round tables.

The Economic Development Officer provided an overview of the Temporary Patio Access Program which was launched by Town Staff to

allow business to open outdoor patios as of June 19, 2020, when Newmarket entered stage 2 of the Provincial reopening plan.

The Members of the Newmarket Economic Development Advisory Committee queried Staff on the availability of additional statistics related to the BAC program, tax reduction opportunities for vacant properties, and future marketing and advertising opportunities in relation to businesses reopening.

4.3 2020-2024 Economic Development Strategy Status Update

The Business Development Specialist provided a brief update on the 2020-2024 Economic Development Strategy and advised that the final strategy was expected to be presented to Council by the end of 2020.

Donna Fevreau asked the Members of the Newmarket Economic Development Advisory Committee to provide any ideas or comments to the Economic Development Staff related to how the Town of Newmarket can further support local businesses.

Moved by: Carin Binder

Seconded by: Edmund Yeung

1. That the presentation regarding the York Region 2019 Employment Survey, Economic Resiliency Action Plan Update, and 2020-2024 Economic Development Strategy Status Update provided by the Economic Development Officer and Business Development Specialist, be received.

Carried

5. Adjournment

Moved by: Patrick Horgan

Seconded by: Beric Farmer

1. That the meeting be adjourned at 1:32 PM.

Carried

_____

Donna Fevreau, Chair

_____

Date