



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

March 17, 2014

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES – PLANNING REPORT 2014-11**

**TO:** Committee of the Whole

**SUBJECT:** Official Plan Amendment # 10 – Town of Newmarket Urban Centres Secondary Plan  
and Associated Amendments to the Official Plan  
File No: NP-13-37

**ORIGIN:** Planning and Building Services

---

#### **RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-11 dated March 17, 2014 regarding Official Plan Amendment # 10 – the Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan be received and that the following recommendations be adopted:**

- 1. THAT Development and Infrastructure Services/Planning & Building Services Report 2014-09 dated February 24, 2014 be received.**
- 2. THAT the following recommended changes as reflected in the Revised Draft Secondary Plan dated March 17, 2014 and as specifically addressed in this staff report be included for further public consultation and consideration:**
  - a) the Transitional Policies adjacent to residential neighbourhoods as recommended in this report**
  - b) the height, density, and bonusing policies as recommended in this report**
  - c) the Interim Development and Angular Plane policies as recommended in this report.**
- 3. THAT Committee of the Whole provide staff with any direction it considers appropriate regarding the Revised Draft Secondary Plan and Associated Amendments to the Official Plan.**
- 4. THAT staff be directed to provide public notice for the review and comment on the Revised Draft of the Town of Newmarket Official Plan Amendment # 10 - the Town of**

**Newmarket Urban Centres Secondary Plan and Associated Amendments - and that Amendment # 10 be referred to a public meeting.**

- 5. AND THAT following the public meeting, any additional comments from the public, and those received through agency and departmental circulation be addressed by staff in a comprehensive report to the Committee of the Whole for consideration in May 2014.**

#### **PURPOSE OF THE REPORT**

The purpose of this report is to:

- A. Address the information requested at the Special Committee of the Whole meeting of February 18, 2014, namely:
1. examine areas where the Urban Centres boundary directly abuts a residential neighbourhood separated by a residential street including but not limited to Queen Street from Prospect Street to Roxborough Road, the area adjacent to Watson Drive and any other applicable areas, and report on alternative options that may include: exclusion of such areas from the Secondary Plan or reduce heights and densities in order to provide a more compatible interface with the neighbouring uses;
  2. an analysis of the three options identified for Committee's consideration related to the recommended heights, density, and bonusing policies;
  3. appropriate interim development policies to apply to existing commercial properties, including Upper Canada Mall, that would allow interim development to be permitted in advance of future redevelopment;
  4. the appropriateness of the 1:1 persons to jobs ratio;
  5. projected population relative to past growth and implications, if any, on Development Charges; and
  6. a cost estimate for external legal counsel to review the policies.

Legal Services will report separately on the estimated cost to have external legal counsel review the Draft Secondary Plan.

- B. Recommend to Committee that the Revised Draft Secondary Plan resulting from the above recommendations be circulated for public comment and be the subject of a special public meeting, before staff recommend the Final Secondary Plan for Council adoption.

## **COMMENTS**

The following addresses the above cited issues and related recommendations.

### **1. Transitional Policies to Existing Residential Streets**

*Does the Secondary Plan adequately address situations where new development within the Urban Centre fronts onto a residential neighbourhood separated by a street such that the residential character of the neighbourhood and the streetscape can be maintained?*

Examples where this situation exists includes, Queen Street, from Prospect Street to Roxborough Road, the area adjacent to Watson Drive east of Lundy's Lane, Simcoe Street, Penn Avenue, Walter Avenue, Herbcairn Avenue, Terry Drive, Peevers Crescent, Brammar Street and Savage Road.

This report addresses alternative options that include:

- exclusion of such areas from the Secondary Plan;
- special policy areas within the North and South Transitional designations within the Regional Healthcare Centre;
- reduced heights and densities in order to provide a more compatible interface with the neighbouring uses; and
- recommended refined Transitional and Angular Plane policies.

## **Analysis**

### **1.1 Exclusion of Areas from the Secondary Plan**

Staff is not recommending that the study area be reduced to avoid situations where the Urban Centres front on a street that is shared by an existing stable residential area. Instead it is recommended that appropriate transitional policies be applied to ensure that the streetscape and built form is compatible with the facing residential uses.

There are three areas that were recently **added** through the development of the Secondary Plan Area that fall into the situation where the Urban Centres front onto a street shared by an existing stable residential area, namely:

- Simcoe Street between Superior Street and Niagara Street;
- Irwin Crescent between Patterson Street and Huron Heights High School; and
- Walter Avenue, between Newbury Drive and Barbara Road.

These three areas were added to ensure that there is sufficient depth to facilitate redevelopment along the Davis Drive rapid transit way. The other areas have been part of the Secondary Plan Area since the development of the Secondary Plan Boundary in 2010, and there is no apparent rationale for their exclusion at this time.



## **1.2 Special Policy Area(s) e.g., Regional Healthcare Centre**

Consideration was given to whether a special policy area should be identified to address specific areas, e.g., the South and North Transitional Areas within the Regional Healthcare Centre.

Staff is not recommending a Special Policy Area approach and instead recommends the generic policy approach as summarized below, and detailed in **Attachment 1**, apply to all areas that front on a stable residential area.

In the parent Official Plan, both of the Regional Healthcare Centre transitional areas were recognized as areas where "change is anticipated to occur" and established that they be planned to provide "a suitable interface" with the adjacent residential uses to the north (for the North Transition Area) and to the south (for the South Transition Area). The Official Plan provides for the conversion of the existing residences to non-residential uses, including medical related facilities and offices, and convalescent homes, provided the conversion is compatible with the surrounding land uses. The Official Plan policy aims to retain as much as possible the residential built form appearance while permitting future development.<sup>1</sup>

The Zoning By-law zoned the majority of the North and South Transitional Areas in a Residential Zone (R1D-119 and R1-D) pending the completion of the Secondary Plan.

The Secondary Plan is intended review and update the existing Official Plan policies to provide the policy direction to ensure appropriate transitions are achieved, while providing for a range of mixed uses. The Recommended Transitional and Angular Plane Policies outlined below and in **Attachment 1**, aim to provide appropriate policies for these areas as well as a transition to the adjacent residential neighbourhoods outside the Urban Centres.

Furthermore, the inclusion of the North and South Transitional Areas in a mixed use designation provides additional land area for not only the mix of medically related uses but also much needed residential opportunities in close proximity to a key employment area and the Go-train Station.

## **1.3 Reduce Height and Densities**

A review of the density designations has been undertaken to determine if there are areas fronting on existing residential streets where the height and density should be reduced.

With the exception of a small portion of Terry Drive, these areas fall within the Low designation which has a maximum height of 6 storeys.

---

<sup>1</sup> The Official Plan policy indicates that new medical offices in the North Transition Area may be permitted provided that the built form is designed with characteristics that reflect the exterior materials, fenestration, height and size of single detached dwelling stock in the area.



Reductions in height to 4 or 5 storeys would be less than the 6 and 8 storeys permitted by the current Zoning By-law in the following areas: Penn Ave, Peevers Cres., Brammar St. Herbain Ave., and a short portion of Terry Dr. and may pose grounds for an OMB challenge.

Therefore, staff is not recommending reduced heights and density and is confident that the recommended Transitional and Angular Plane policies outlined below, along with the other applicable provisions of the Secondary Plan, e.g., shadow studies, is a more objective, context oriented and defensible approach to address compatibility with adjacent residential uses.

#### **1.4 Recommended Proposed Transitional and Angular Plane Policies**

The following is a summary of the recommended policy approach to address a suitable transition adjacent to stable residential neighbourhoods separated by a street. The additional policies from what was presented on February 18 are highlighted below. The full policy is contained in **Attachment 1** and includes the following provisions:

- the front yard setback be required to match that of the existing residential development outside the Urban Centre and fronting on the same street;
- new development directly fronting on the shared street shall have a maximum height of 2 storeys, or permitted to have a maximum height not to exceed the existing development fronting on the same street and outside the Urban Centres, where the existing development is higher than 2 storeys;
- in addition to the above height restriction, development would be required to be below a 22 degree angular plane, measured from the property line of the adjacent residential property at a height of 1.7 m;
- require the buildings fronting on the street to be designed to maintain or create a built form that is compatible in scale and fenestration, with the residential character outside the Urban Centres.

A 45 degree angular plane continues to be recommended for development that backs onto the rear yards of existing adjacent residential neighbourhoods.

## **2. Height, Density and Bonusing Options**

*Are the heights, density and bonusing provisions of the Draft Secondary Plan appropriate for the longer term vision for Newmarket?*

At the Special Committee of the Whole meeting on February 18, 2014, the Committee directed staff to undertake an analysis of the three options identified in the power point presentation and report back.

The main issues identified by Committee members included:

- the role of bonusing and if the “permitted” height cap should be within what may be permitted through bonusing;
- a concern that the height and density in the Draft Secondary Plan, which allowed for a maximum height of 30 storeys through bonusing in the High designation and up to 25 storeys through bonusing in the Medium-High designation was too high, not in keeping with the long term vision for Newmarket and may not reflect market realities;
- the height gap between the permitted height and the bonusing height was too large and has been inconsistently applied (varying between a 33 % increase in height to an 80 % increase in height);
- clarification if an argument could be made before the OMB that the bonusing height represented the “permitted” height;
- the role of bonusing and if it would represent an incentive in Newmarket.

## Analysis

### 2.1 Role and Implementation of Bonusing

Bonusing is a tool that may be implemented at Council’s discretion pursuant to Section 37 of the *Planning Act* and may allow buildings to exceed the height and/or density otherwise not permitted by the zoning by-law in exchange for community benefits.

Bonusing cannot be implemented unless there is appropriate policy related to bonusing in an approved Official Plan (or Secondary Plan). The policies in the Official Plan must set out the matters that may be eligible for bonusing and may establish the threshold above which bonusing would apply, (e, g., above a specified permitted height or density established in the Official Plan).

Bonusing requires a site specific zoning amendment application pursuant to Section 34 of the *Planning Act*. If the proposed increase in height or density is within the policy thresholds set out in the Official Plan an official plan amendment would not be required.

Council has full discretion, through the bonusing by-law to grant, refuse or modify the increase in height and/or density. It is important to have clear policy wording that specifies:

- when bonusing is a consideration;
- the maximum height and/or density that may be achieved through bonusing; and
- the public benefits that may be eligible for bonusing.

Such language reduces ambiguity and potential challenges at the OMB.

Since bonusing is the exception rather than the rule, it is difficult to prescribe the actual permitted level of bonusing in advance. Each application must be considered on its merits, within the planning context and weighed against the public benefit(s) under consideration.



For this reason, bonusing should not be assumed to be applicable to all applications. The permitted heights and densities are the most relevant planning considerations. To avoid confusion regarding whether bonusing is part of the “permitted height cap” as opposed to above the “permitted” heights and density identified on Schedule 4, it is recommended that the maximum height and density that may be permitted through bonusing be removed from Schedule 4.

A new bonusing section is proposed in Policy 6.4.7 to clarify any increase in height and density above that identified on Schedule 4. This would be required to be considered through a bonusing by-law. The maximum increase in height and density that may be considered through zoning is recommended to be up to 20 % above the permitted height and density identified on Schedule 4 and is addressed in detail below.

Regarding the question whether bonusing would represent an incentive to development in Newmarket, it is difficult to provide advice on this issue until there has been more development interests to test the concept.

## **2.2 What are the Appropriate Permitted Heights and Densities within the Secondary Plan?**

**Attachment 2** identifies the three Height, Density and Bonusing Options presented to Committee on February 18, 2014, namely:

- |           |   |
|-----------|---|
| Option 1  | The Draft Secondary Plan Permitted Height and Density with Lower Bonusing |
| Option 2  | Lower Permitted Height and Density with Lower Bonusing                    |
| Option 2A | An Alternative Lower Permitted Height and Density with Lower Bonusing     |

In order to address the Committee’s concern that the height and densities were too high, and that the gap between the permitted height and the bonusing height was inconsistent and in some cases too large, a percentage increase of up to 20 % was considered and compared to the three Options.

In addition, **Attachment 3** contains a chart that compares the three options (without bonusing) with the following parameters:

1. How do the options for permitted height and density compare to existing site specific permissions and active applications within the Urban Centres?
2. How do the options compare to existing higher density development within the Centres?
3. How do the options compare to the existing zoning by-law provisions? It should be noted that the current Zoning By-law for the Urban Centres was meant to be interim until the Secondary Plan was developed, after which it would be updated or replaced in whole or part by a new zoning by-law or Development Permitting By-law.

Although not determinative, it is informative to compare the three options with these parameters to appreciate how they may or may not reflect current and past permissions and the interim vision of the Zoning By-law.

The densities (FSI) are not addressed as part of this analysis and may be revisited once direction is received with respect to the height.

**Option 1 with provision for bonusing above the permitted maximum height to a maximum of 20 % is recommended based on the following analysis.**

### **2.2.1 Comparison to Current Permissions and Active Applications**

The following is a summary of the Options.

Within **High** designation Option 1's permitted heights are in keeping with current permission at 39 Davis Drive (20 storeys).

The **Medium-High designation is slightly lower than** what was permitted on the Slessor site and within the range for the current Kerbel application.

In comparison, Options 2 and 2A would represent heights significantly lower than current permissions for applications in **High and Medium High** designations (e.g., Max. 12 vs 21 on the Slessor site and 39 Davis) and is within the range for the Kerbel application (12 vs. 11 and 12).

### **2.2.2 Comparison to Existing Higher Density Development**

It would generally be inappropriate to compare planned intensification with existing development. However, some historical intensification in the form of apartment buildings has occurred within the Urban Centre, namely, the existing apartments on William Roe Boulevard and on Davis Drive west of Lorne Ave. These apartments range in height from 9 to 11 storeys and fall within the recommended **Medium** designation.

The maximum permitted heights of both Options 2 and 2A within the **Medium** designation would be less than these existing apartments (e.g., 7 and 8 storeys) and comparable heights would require bonusing.

Option 1 (3-10 storeys) would be comparable to these existing higher density developments. To propose development heights lower than the existing historical development would appear contrary to intensification, unless these existing buildings were considered to represent poor planning or pose land use conflicts.

### **2.2.3 How do the Options Compare to Existing Zoning?**

Once the Secondary Plan is approved, it is anticipated that the existing Zoning By-law will be refined or be replaced by a Development Permitting By-law.

As anticipated, in all three options, the **High and Medium High** designations exceed the permitted heights in the current Zoning By-law (Provincial Urban Centre – 8 storeys and Regional Urban Centre – 6 storeys).



Option 1 in the **Low** designation proposes heights less than the 8 storeys permitted in the Provincial Urban Centre and is comparable to the existing 6 storeys that apply within the Regional Urban Centres.

Option 2 and 2A proposes heights in both the **Medium and Low** designation that are lower than what is permitted by the current Zoning By-law. Down zoning in these areas may represent a potential challenge before the OMB.

#### **2.2.4 Recommendation Height and Bonusing**

It is recommended that Option 1 is the most defensible approach with respect to height and provides for a range of intensification that would be appropriate for Newmarket. These densities are recommended in conjunction with the potential to increase the height by 20 percent through bonusing.

In order to address the concerns raised by Committee, the wording of the Secondary Plan is proposed to be modified as follows:

- Schedule 4 will only include the **permitted** minimum and maximum heights and densities and will **not** include any reference to bonusing;
- Policy 6.4.7, General Building Height and Density, will clearly specify that an increase of up to 20 % above the permitted height and density identified on Schedule 4 will be subject to the bonusing provisions of Section 14.2.9, i.e., a site specific bonusing by-law; and
- Policy 6.4.7 will also indicate that an amendment to the Secondary Plan is required for height and density increases above the 20 %.

It is important to note that the Transitional, Angular Plane, shadow and other relevant provisions of the Secondary Plan will also be applied to the consideration of development applications and impact the ultimate permitted height and density.

The recommended revised policy is contained in **Attachment 4**.

### **3. Interim Development Policies**

#### **3.1 Refined Interim Development Policies**

As indicated in the Development and Infrastructure Services/Planning & Building Services Report 2014-09 dated February 24, 2014, numerous comments have been received from commercial land owners, including Upper Canada Mall that provisions should be added to allow for limited development in advance of redevelopment.

#### **Analysis**

In response to these comments a 5% and 10 % increase in the gross ground floor area has been considered.

In order to provide some limited flexibility, the policies have been refined to permit up to a 10 % increase in the gross ground floor area.

The increase in floor area would be permitted as:

- an addition to the existing commercial building;
- an additional floor to the existing building; or
- a stand-alone building(s).

### **3.2 Recommended Interim Development Policy**

The recommended revised policy is contained in **Attachment 5**. Criteria have been included to ensure that the interim development does not compromise the re-development of the site or the implementation of the planned transportation network.

## **4. Appropriateness of the 1:1 Persons to Jobs Ratio Urban Centre Wide**

### **4.1 York Region Official Plan**

Policy 4.5.20 g. of the York Region Official Plan establishes a “long term resident to employment target ratio of 1:1 within the Regional Center”, which is the same as the Provincial Urban Growth Centre as identified on Schedule 1 and 2 of the Draft Secondary Plan.

### **4.2 Town of Newmarket Official Plan (2006)**

The Urban Centres Objective 4.1 e, of The Town of Newmarket Official Plan includes the following objective:

“achieve a balance between persons and jobs of 1:1 in the Yonge-Davis Provincial Urban Growth Centre and the Yonge Street Regional Centre and 2:1 on a Town-wide basis.”

Policy 4.3.2.1 Yonge Street Regional Centre Secondary Plan also requires that:

“The Secondary Plan shall strive for employment targets that contribute to an overall, long term target resident-to-employee ratio of 1:1.”

The Town’s plan embraced the Regional concept of providing for a balance of residents and jobs within not only the Provincial Urban Growth Centre but also the Regional Urban Centres.

The rationale of the policy direction in the Secondary Plan is to achieve conformity with the provisions of the Regional Plan and implement the policy direction established in the Town’s Official Plan.



## 5. Projected Population

At the February 18, 2014 Special Committee of the Whole meeting, staff was asked provide an analysis of how the projected population compared to historic growth and any implications with respect to Development Charges.

### Analysis

#### 5.1 Methodology

The projected growth has considered the following:

- The projected population within the Urban Centres based on the Draft Secondary Plan (31,000 to build out);
- The development applications that have been approved and not occupied as of October 2013 both within and outside the Urban Centres;
- The development applications that are pending a decision (exclusive of Glenway due to OMB appeal);
- Future population growth outside the Urban Centres beyond the development pending applications was estimated at 3000 people and includes future intensification throughout the Town, e.g., with the Historic Downtown Centre, Leslie Street, and other redevelopment opportunities that may arise Town wide.

Historical growth from 1971 was used to compare with the projected growth.

As with any forecast, it may not accurately represent the actual development and is subject to external factors including but not limited to the economy, landowner/development interest and confidence.

#### 5.2 Summary of Forecast Findings

**Table 1** illustrates the forecasted growth by population, e.g., 1971 at approximately 20,000 and 2051 at approximately 130,000. This Table illustrates a gradual but consistent increase in population.

**Table 2** illustrates the annual percentage growth between 1972 and 2051 and illustrates that historical growth, from an annual percentage of existing growth, has been significantly greater in the past. The slight increase in projected growth from 2013-2016 reflects the occupation of the current ground related applications, which are predominantly outside the Urban Centres (Mosaic, Lowton, Goldstein, National Homes etc.). By 2017 ground related development will still be a factor but less significant. The forecast assumes that the Urban Centre development will begin by 2017 but will probably be more significant after 2026-2027.

**Table 3** illustrates the percentage population growth attributed to within and outside the Urban Centres commencing in 2013 through 2051. In 2013 there were approximately 2,600 people living within the Urban Centres. The population within the Urban Centres is forecast to grow gradually to approximately 33,500 by build out and represent approximately 25 % of the Town's total population by that time (130,000).

**Table 4 and 5** illustrate the new population growth and the percentage of new growth within and outside the Urban Centres.

Over the next few years, annual development is expected to exceed 2% per annum as the ground related development outside the Urban Centres is built out and occupied. Thereafter the growth is forecast to be slower i.e., less than 2 % per annum, and there will be a shift to development within the Urban Centres.

The implications of the forecasted slower development on Development Charges have been discussed with Finance Services. Lower population growth is not anticipated to have the same proportional degree of impact on capital project requirements. Therefore, lower growth would generally result in a higher per capita cost and therefore, a higher Development Charge. Development Charges are also subject to the capital projects identified by the Town.

## **RECOMMENDATION**

Subject to the recommendations of this report, and following the Committee of Whole meeting, the Revised Draft Secondary Plan will be refined accordingly and circulated for public comment and will be the subject of a special public meeting, before staff recommends the Final Secondary Plan for Council adoption.

### **6. Additional Issues Requiring Clarification**

#### **7.1. Affordable Housing**

The Region of York has indicated that York Region Official Plan Policy 3.5.7 requires that a minimum of 35 % of new housing units in Regional Centres and key development areas be affordable. The Regional staff has recommended that the 35 % affordable housing target, as a minimum, apply to the Provincial Urban Growth Centre and the Regional Healthcare Character Area.

Staff recommends this approach as it:

- meets the intent of the Regional Plan;
- would provide more opportunities for affordable housing in proximity to the two transit hubs (Yonge and Davis and the Go-train station); and
- includes the two key areas where employment is intended to be focused - the Provincial Urban Growth Centre and the Regional Healthcare Character Area.



## **7. Additional Comments Received**

### **7.1 Davies Howe Partners on behalf of the Estate of Thomas Mulock, Joyce Mulock Trust**

Davies Howe has provided clarification to the summary of comments received as contained in the February 24, 2014 Staff Report that the Estate of Thomas Mulock, Joyce Mulock Trust "is not in general concurrence with the Proposed Parks and Open Space designation."

### **7.2 Upper Canada Mall**

Upper Canada Mall, in comments provided on February 26, 2014, has objected to what it describes as "the long term redevelopment of the property" as opposed to the "continued existence and improvement of the Regional Mall". Upper Canada Mall has considered two alternatives:

1. Remove the Upper Canada Mall from the Secondary Plan Area;
2. Revise, as a minimum, Policies 5.3.4 and 5.3.4.1 to recognize Upper Canada Mall as a key economic driver and to provide for "incremental high quality improvements and additions."

The circulation of the Revised Draft Secondary Plan and the modified Interim Development Policies provide an opportunity for further dialogue with Upper Canada Mall toward a mutually agreeable resolution.

### **7.3 Zelinka Priamo Ltd. on behalf of Marrianneville (Glenway)**

Zelinka Priamo Ltd. has reiterated its comment provided in response to the Directions Report and dated June 21, 2013, that it requests that its lands adjacent to the Go-bus station on Davis Drive be included in the area of the Secondary Plan.

## **NEXT STEPS**

The Staff Recommended policies outlined in this report as directed by Committee will be incorporated into a Revised Draft Secondary Plan.

The Revised Draft Secondary Plan will be circulated for formal public review and comment, posted on the Town's website, and will be subject to a public meeting, tentatively scheduled for April 28, 2014.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The development of the Secondary Plan and associated public engagement process meets the following strategic directions:

### *Well-planned and Connected*

- ensuring long term strategy matched with short-term action plan
- furthering the provisions of the Official Plan
- improved inter-connectivity and interaction amongst neighbours and neighbourhoods

### *Well-respected*

- being a champion for co-operation and collaboration
- promoting engagement in civic affairs

### *Well-equipped & Managed*

- clear vision of the future and aligned corporate/business plans
- ideal mix of residential, commercial, industrial and institutional land use
- appropriate mix of jobs to population and people to industry
- varied housing types, affordability and densities

### *Living well by:*

- implementing traffic and growth management strategies

## **CONSULTATION**

In addition to the public, internal and external consultation generally described in the Development and Infrastructure Services/Planning & Building Services Report 2014-09 dated February 24, 2014, consultation was carried out with Legal Services and Financial Services.

## **HUMAN RESOURCE CONSIDERATIONS**

None applicable to this report.

## **BUDGET IMPACT**

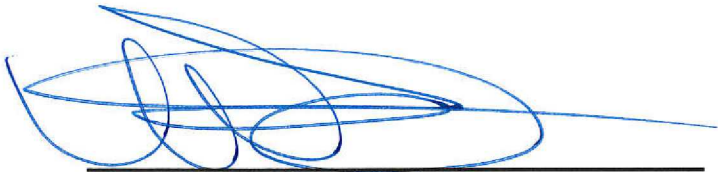
Budget impacts related to this amendment and additional resource implications were addressed in a separate report (Development and Infrastructure Services - Planning and Building Services Report 2014-05) considered by Committee on February 24, 2014.

Legal Services will report separately on the estimated cost to have external legal counsel review the Draft Secondary Plan.



## **CONTACT**

For more information on this report, contact Marion Plaunt, Senior Planner, Policy at 905 953-5300 x 2459 or at [mplaunt@newmarket.ca](mailto:mplaunt@newmarket.ca).



---

Marion Plaunt, MES, MCIP, RPP  
Senior Planner – Policy  
Planning & Building Services



---

Jason Unger, B.E.S., M.PI, MCIP, RPP  
Assistant Director of Planning  
Planning & Building Services



---

Richard Nethery, B.E.S., MCIP, RPP  
Director of Planning & Building Services



---

Rob Prentice  
Commissioner  
Development and Infrastructure Services

## ATTACHMENT 1

### Transitional Policies to Existing Residential Streets

The following Transitional and Angular Plane Policies are recommended.

#### 7.3.3 Transitional and Angular Plane Policies

- i. The Transitional and Angular Plane policies do not apply to the Yonge Street and Davis Drive frontages.

##### 7.3.3.1 Development fronting onto Existing Residential Neighbourhoods, Parks and Open Space

- ~~i. Development immediately adjacent to an existing low-rise residential area or planned low-rise residential area shall generally not exceed the height of the adjacent buildings within the low-rise residential area.~~

- i. To ensure new development is sensitive to and compatible with the existing or planned context and provides for an appropriate transition in scale to the lower scale adjacent buildings or Parks and Open Spaces, new development shall be designed to meet the following provisions.

- a) Development located directly adjacent to the rear or side yard of an existing low-rise residential area or existing or planned parkland shall be designed to be a maximum minimum of 2 storeys, unless the adjacent development is taller than 2 storeys, then the and development generally shall not exceed the height of the adjacent development.

~~Thereafter, within the low-rise residential area.~~

- b) the maximum height of any building, including mechanical units, shall should fall not exceed an angular plane of 45 degrees measured from the neighbouring property line of the adjacent property.
- c) Balconies, railings, overhangs and other projections should be contained within the angular plane.

##### 7.3.3.2 Development Fronting on a Street Shared by Existing Low-Rise Residential Development

- i. In order to maintain the character of an existing residential streetscape and to ensure that new development is compatible with the built form of an existing residential neighbourhood, new development located opposite an existing residential neighbourhood separated by a street (e.g., Queen Street, Penn Avenue, Walter Avenue, Herbcairn Avenue, etc.) shall be designed to meet the following provisions.



- a) The front yard setback will reflect the front yard setback permitted on the opposite side of the street, but shall not exceed 7.5 m. in order to maintain the neighbourhood feel of the streetscape.
  - b) The new development directly fronting on the shared street shall be designed to be a maximum ~~minimum~~ of 2 storeys, unless the existing development on the opposite side of the shared street is taller than 2 storeys, then the ~~and~~ development generally shall not exceed the height of the existing fronting development within the stable residential neighbourhood.
  - c) Thereafter, the maximum height of any building, including mechanical units, shall ~~shouldfall~~ not exceed an angular plane of 22 degrees measured from the neighbouring property line of the adjacent property at a height of 1.7 m which is a height that approximates "eye level."
  - d) The buildings fronting on the street shall be designed to maintain or create a built form that is compatible in scale and fenestration with the residential character outside the Urban Centres in order to maintain the residential character of the streetscape.
- ii A Zoning By-law amendment may be considered to provide for exceptions to the maximum heights without requiring an amendment to the Secondary Plan, where it is demonstrated to the satisfaction of the Town that the intent of this Plan is achieved.

Examples of the application of the Transitional and Angular Plane Policies are attached in Figures 1 and 2.

FIGURE 1

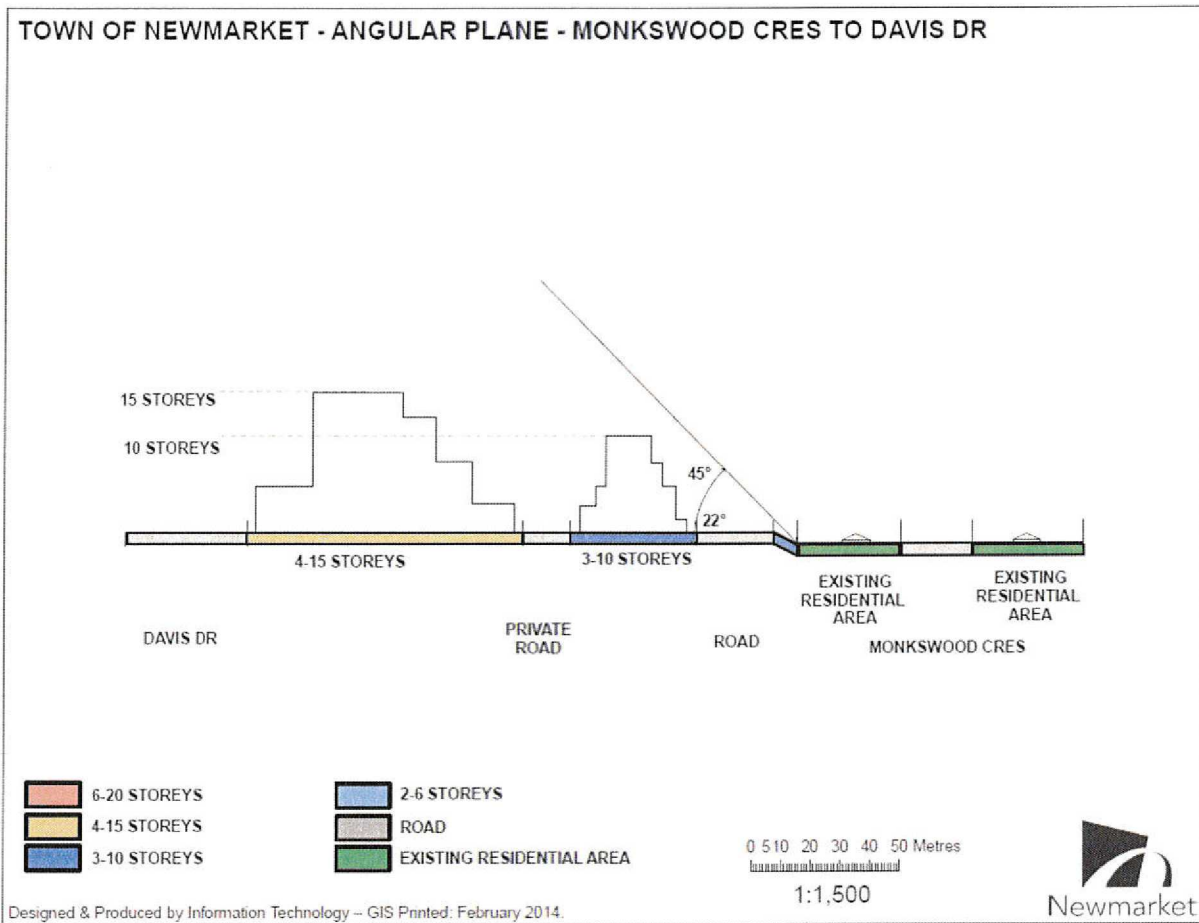
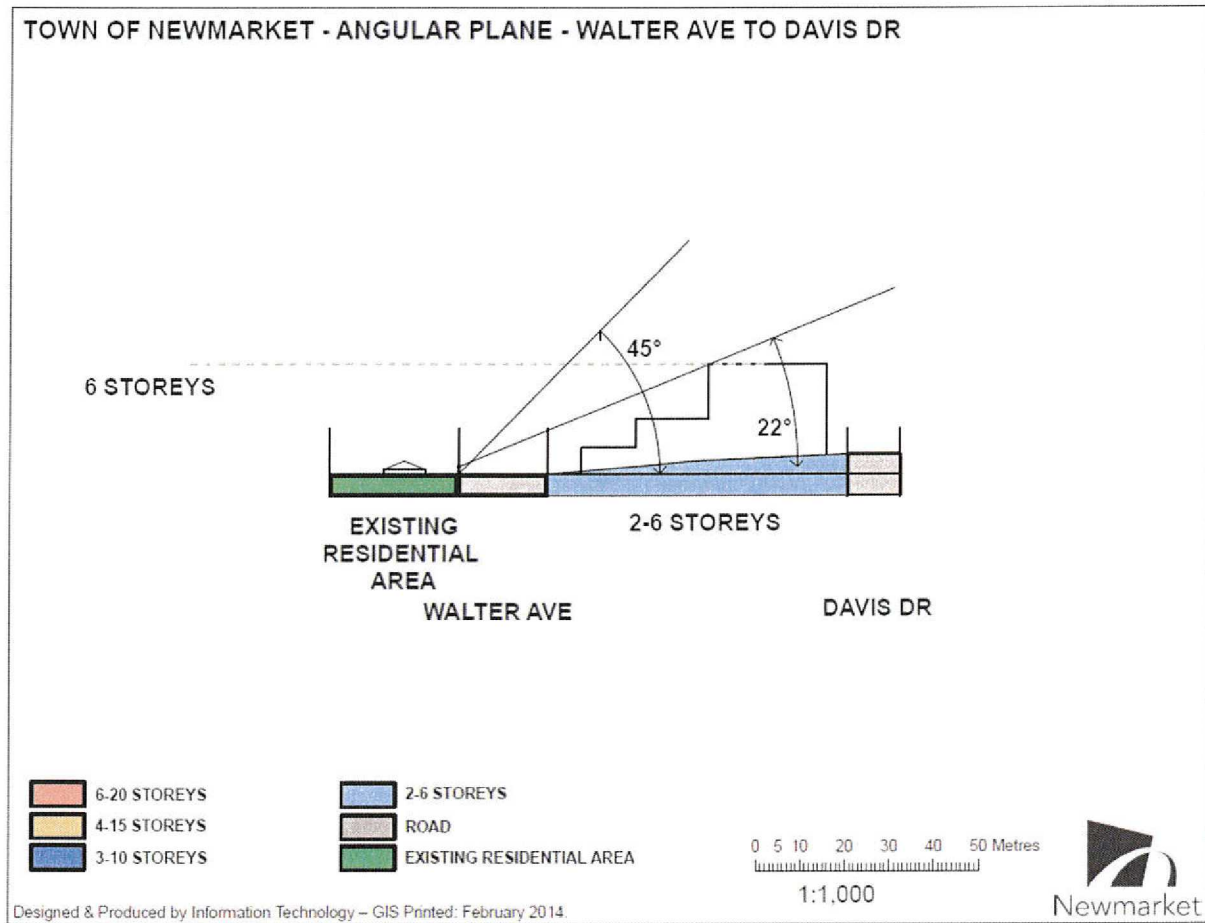




FIGURE 2



## ATTACHMENT 2

### Comparison of Three Height and Density Options with a Percentage Increase Approach to Bonusing

#### Option 1 Lower Bonusing

	Permitted Min. Height	Permitted Max. Height	Max Height with Bonusing	Max height through Bonusing to 15 %	Max. through Bonusing to 20 %
High	6 storeys	20 storeys (62m)	25 storeys	23 storeys (71 m)	24 storeys (74 m)
Med High	4 storeys	15 storeys (47m)	20 storeys	17 storeys(54 m)	18 storeys (57 m)
Medium	3 storeys	10 storeys (32m)	15 storeys	12 storeys(37 m)	12 storeys (38 m)
Low	2 storeys	6 storeys (20m)		8 storeys	7 storeys(23 m) 7 storeys (24 m)

#### Option 2 Lower Permitted Height and Density with Lower Bonusing

High	6 storeys	15 storeys (47m)	25 storeys	17 storeys(54 m)	18 storeys (57 m)
Med High	4 storeys	12 storeys (38m)	20 storeys	14 storeys(44 m)	15 storeys (47 m)
Medium	3 storeys	8 storeys (26m)	15 storeys	9 storeys(30 m)	10 storeys (32 m)
Low	2 storeys	6 storeys (20m)	8 storeys	7 storeys(23 m)	7 storeys (24 m)

#### Option 2A Lower Permitted Height and Density with Lower Bonusing

High	6 storeys	17 storeys (54m)	20 storeys	20 storeys(62 m)	21 storeys (65 m)
Med High	4 storeys	12 storeys (38m)	15 storeys	14 storeys(44 m)	15 storeys (47 m)
Medium	3 storeys	7 storeys (23m)	10 storeys	8 storeys(27 m)	9 storeys (30 m)
Low	2 storeys	4 storeys (14m)	6 storeys	5 storeys(16 m)	5 storeys (16 m)



### ATTACHMENT 3

#### Comparative Analysis of the Three Height, Density and Bonusing Options with a Percentage Approach to Bonusing

For the purposes of this analysis only the Permitted Height before bonusing is considered as Bonusing is discretionary

	Option 1	Option 2	Option 2 A	Bonusing up to 20 %
<p>High</p> <p>Medium High</p> <p>Medium</p> <p>Low</p>	<p>6-20 Bonus 25</p> <p>4-15 Bonus 20</p> <p>3-10 Bonus 15</p> <p>2-6 Bonus 8</p>	<p>6-15 Bonus 25</p> <p>4-12 Bonus 20</p> <p>3-8 Bonus 15</p> <p>2-6 Bonus 8</p>	<p>6-17 Bonus 20</p> <p>4-12 Bonus 15</p> <p>3-7 Bonus 10</p> <p>2-4 Bonus 6</p>	<p>6-20 Bonus 24</p> <p>4-15 Bonus 18</p> <p>3-10 Bonus 12</p> <p>2-6 Bonus 7</p>
<p><b>How do the Permitted Heights before bonusing compare to existing site specific permissions or applications applied for through the Town's Zoning By-law?</b></p>	<p><b>High</b> – within range for 39 Davis (20 storeys (65 m)</p> <p><b>Medium High</b> – is lower than permissions for Slessor (19 and 21 Storeys)</p> <p>Within range of the Kerbel Application (11 and 12 storeys)</p> <p><b>Medium</b> – within range of Regional Administrative Annex Building (8 storeys)</p> <p><b>Low</b>- is within the range for application at 345-351 Davis Drive (4 storeys) and 212 Davis at 4 storeys</p>	<p><b>High</b> – below permission for 39 Davis (20 storeys)</p> <p><b>Medium High</b> – lower than permissions for Slessor (19 and 21 Storeys)</p> <p>Within range of the Kerbel Application (11 and 12 storeys)</p> <p><b>Medium</b> - within range of Regional Administrative Annex Building (8 storeys)</p> <p><b>Low</b>- is within the range for application at 345-351 Davis Drive (4 storeys) and 212 Davis at 4 storeys</p>	<p><b>High</b> – below permission for 39 Davis (20 storeys)</p> <p><b>Medium High</b> – lower than permissions for Slessor (19 and 21 Storeys)</p> <p>Within range of the Kerbel Application (11 and 12 storeys)</p> <p><b>Medium</b> - lower than Regional Administrative Annex Building (8 storeys)</p> <p><b>Low</b>- is within the range for applications at 345-351 Davis Drive (4 storeys) and 212 Davis at 4 storeys</p>	<p><b>High</b> – within range for 39 Davis (20 storeys)</p> <p><b>Medium High</b> – lower than permissions for Slessor (19 and 21 Storeys)</p> <p>Within range of the Kerbel Application (11 and 12 storeys)</p> <p><b>Medium</b> - within range of Regional Administrative Annex Building (8 storeys)</p> <p><b>Low</b>- is within the range for application at 345-351 Davis Drive (4 storeys) and 212 Davis at 4 storeys</p>

	Option 1	Option 2	Option 2 A	Bonusing up to 20 %
<p>High</p> <p>Medium High</p> <p>Medium</p> <p>Low</p>	<p>6-20 Bonus 25</p> <p>4-15 Bonus 20</p> <p>3-10 Bonus 15</p> <p>2-6 Bonus 8</p>	<p>6-15 Bonus 25</p> <p>4-12 Bonus 20</p> <p>3-8 Bonus 15</p> <p>2-6 Bonus 8</p>	<p>6-17 Bonus 20</p> <p>4-12 Bonus 15</p> <p>3-7 Bonus 10</p> <p>2-4 Bonus 6</p>	<p>6-20 Bonus 24</p> <p>4-15 Bonus 18</p> <p>3-10 Bonus 12</p> <p>2-6 Bonus 7</p>
<p>How do the Options compare to existing development?</p>	<p><b>High and Medium High</b> – higher than existing uses</p> <p><b>Medium</b> - The maximum permitted heights are slightly lower than the existing apartment development at Wm. Roe Boulevard and Yonge Street and on the south side of Davis Drive west of Lorne Ave. (9 and 11 storeys)</p> <p><b>Low</b> – within the range of existing development</p>	<p><b>High and Medium High</b> – higher than existing uses</p> <p><b>Medium</b> - The maximum permitted heights are lower than the existing apartment development at Wm. Roe Boulevard and Yonge Street and on the south side of Davis Drive west of Lorne Ave. (9 and 11 storeys)</p> <p><b>Low</b> – within the range of existing development</p>	<p><b>High and Medium High</b> – higher than existing uses</p> <p><b>Medium</b> - The maximum permitted heights are significantly lower than the existing apartment development at Wm. Roe Boulevard and Yonge Street and on the south side of Davis Drive west of Lorne Ave. (9 and 11 storeys)</p> <p><b>Low</b> – within the range of existing development</p>	<p><b>High and Medium High</b> – higher than existing uses</p> <p><b>Medium</b> - The maximum permitted heights are slightly lower than the existing apartment development at Wm. Roe Boulevard and Yonge Street and on the south side of Davis Drive west of Lorne Ave. (9 and 11 storeys)</p> <p><b>Low</b> – within the range of existing development</p>
<p>How do the option compare to the Zoning By-law provisions along the corridor?</p> <ul style="list-style-type: none"> <li>Provincial Urban Centre (8 Storeys)</li> <li>Regional Urban Centre (6 storeys)</li> </ul>	<p><b>High, Medium High and Medium</b> - the maximum permitted is higher than the current zoning provisions</p> <p><b>Low</b>- the maximum permitted is lower than the current Zoning provisions of 8 storeys within the Provincial Urban Centres Zone</p>	<p><b>High , Medium High and Medium</b> - the maximum permitted is higher than the current zoning provisions.</p> <p><b>Low</b>- the maximum permitted is lower than the current Zoning provisions of 8 storeys within the Provincial Urban Centres Zone</p>	<p><b>High and Medium High</b> - the maximum permitted is higher than the current zoning provisions.</p> <p><b>Medium and Low</b>- the maximum permitted is lower than the current Zoning provisions of 8 storeys within the Provincial Urban Centres Zone and lower than the zoning provision within the Regional Centres</p>	<p><b>High , Medium High and Medium</b> - the maximum permitted is higher than the current zoning provisions.</p> <p><b>Low</b>- the maximum permitted is lower than the current Zoning provisions of 8 storeys within the Provincial Urban Centres Zone</p>



## ATTACHMENT 4

### Recommended Height, Density and Bonusing Provisions

#### 1. Schedule 4

Revise Schedule 4 to remove the “maximum height with bonusing” provisions from the legend for both height and density.

#### 2. Policy 6.4.7 General Building Height and Density

Replace the Draft policy with the following revised policy.

##### 6.4.7 General Building Height and Density

- i. Schedule 4 establishes the permitted minimum and maximum heights and densities for each of the *density designations* within the Urban Centres and will be applied at the time of the development applications.
- iii The boundaries of the *density designations* shall be determined by the Town, at the time of development, and shall approximate the areas shown on Schedule 4.
- iii. Development proposals shall not be evaluated based on height and density targets alone, but in combination with all other policies of this Secondary Plan, including but not limited to, the Urban Design and the Floodplain and Hazard Lands policies.

##### Bonusing

- iv. Increases to the maximum building heights and densities identified on Schedule 4 will be subject to the bonusing provision of Policy 14.2.9, including the Bonusing Justification Report, and may be permitted without an amendment to the Official Plan provided:
  - the requested increase does not exceed a 20 % increase over the maximum building height and/or density otherwise permitted on Schedule 4; and
  - the Town is satisfied that the public benefit is appropriate.

##### Height

- v. The minimum and maximum heights shall apply on a site specific basis in accordance with the *density designations* identified on Schedule 4.
- vi. As the height of storeys may vary, where there is a discrepancy between the height in metres and the number of storeys, as identified on Schedule 4, the height in metres shall prevail.

- vii. No development shall have a height lower than the minimum height identified on Schedule 4, except as provided for in Policy 6.4.7(vii), or higher than the maximum height identified on Schedule 4, except as provided for in Policy 6.4.7(ii).
- viii. Minor reductions to the minimum building heights identified on Schedule 4 may be considered without an amendment to the Official Plan as part of development applications in order to allow flexibility in building and site design, such as, reduced height to articulate a portion of a façade, for development involving heritage structures, or to transition to adjacent parkland. Such consideration shall require demonstration, to the satisfaction of the Town, that the minimum density of the *density designation* will be achieved.

### Density

- ix. The minimum and maximum densities shall apply on the basis of the *density designations* identified on Schedule 4.
- x. The intent of the minimum and maximum densities on Schedule 4 is to appropriately distribute densities. The *FSI* shall generally be calculated on a site specific basis, such that each development application achieves an *FSI* of not less than the minimum *FSI* and not more than the maximum *FSI* for the applicable density designation as identified on Schedule 4.
- xi. The density of a development is calculated by dividing the *gross floor area* of that development by the *land area* of that development.
- xii. The calculation of *gross floor area* shall not include the floor area of underground parking, bicycle parking, or public transit uses, such as stations or waiting areas.
- xiii. The Town may consider an *FSI* that is higher within a portion of a designation where it can be demonstrated to the satisfaction of the Town that
  - a) other properties within the same *density designation* are constrained by other policies, e.g., heritage features, proximity to *low-rise* residential areas and/or the Transitional and Angular Plane policies;
  - b) the maximum *FSI* for the individual *density designation* within which the application applies will not be exceeded;
  - c) the applicable urban design and built form policies are met; and
  - d) the location and characteristics of the site make it appropriate to accommodate more of the density relative to other properties within the same *density designation*.



#### 14.2.9 Bonusing

- i. The Town may implement bonusing provisions under Section 37 of the *Planning Act* to secure a range of public benefits in the Urban Centres.
- ii. The Town, at its sole discretion, may allow increases in building height and/or densities above those permitted on Schedule 4 without amendment to this Plan in exchange for the following public benefits **or cash in lieu of such benefits**:
  - a) cultural facilities, such as a performing arts centre, amphitheatre or museum;
  - b) special park or recreational facilities and improvements identified by the Town as desirable for the area but which are beyond those required by this Plan, the *Planning Act*, or the Town's standard levels of service;
  - c) public amenities within identified environmental open spaces, including but not limited to permanent pathways, recreational trails and bridges, **including contribution toward the Town's Active Transportation Network**;
  - d) public art, where the contribution to public art is greater than the contribution requirements of this Plan;
  - e) structured parking for vehicles where a significant portion of the parking is to be transferred to a public authority for use as public parking;
  - f) streetscape, gateway features, *pedestrian mews* and open space design enhancements that are beyond those required by this Plan, the *Planning Act*, or the Town's standard levels of service;
  - g) upgrades to and/or provision of *community facilities* such as community centres, including seniors and youth facilities and other social services;
  - h) other *community facilities* identified by the Town as desirable for the Urban Centres;
  - i) inclusion of energy or water conservation measures beyond those required by this Plan or by any other applicable plan;
  - j) affordable housing units beyond those required by this Plan or by the York Region Official Plan;
  - k) provision of rental accommodation which is guaranteed to remain as rental for a period of not less than 15 years; and
  - l) provision for social housing that is affordable to those below the 40th percentile in household income.
- iii. Increases to height and density through bonusing shall only be permitted where the proposed development can be accommodated by existing or improved infrastructure and provided the transportation impact analysis confirms that the additional development will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through road and transit improvements which are to be provided prior to the time of development.
- iv. Applications requesting bonusing shall be supported by a Bonusing Justification Report that sets out the public benefits proposed, the increase in density and/or height requested, the planning rationale for the requested bonusing and demonstrates to the satisfaction of the Town that the following provisions are met:
  - a) it represents good planning;
  - b) it is consistent with the objectives of this Plan;
  - c) it meets the applicable urban design and built form policies of this Plan;



- d) it represents appropriate development in the context of the surrounding character, and
- e) it provides community benefits beyond those that would otherwise be required by this Plan, the *Planning Act*, the *Development Charges Act* or any other statute.

v. Bonusing permissions shall not exceed the limits provided for in Policy 6.4.7.

vi. The Town may develop guidelines to support the implementation of the bonusing provisions to ensure a transparent and equitable process.

vii. A by-law passed under Section 34 of the *Planning Act* is required to permit increases in height and density. The by-law shall set out the approved heights and densities and shall describe the community benefits which are being exchanged for the increase in height and/or density. The landowner may be required to enter into an agreement with the Town with respect to the community benefits. The agreement may be registered against the land to which it applies.

## ATTACHMENT 5

Refine the Revised Draft Interim Development to include provision for interim development up to 10 % of the total gross ground floor area.

### 6.4.8 Interim Development Policies

- i. Although the intent of this Plan is that development and re-development occur to achieve the planned height and densities identified on Schedule 4, limited interim development that is lower in height or density may be permitted without amendment to this Plan subject to Policy 6.4.9(ii).
- ii. This Interim Development policy is intended to apply in the short term in order to provide the existing commercial uses in the Urban Centres with the flexibility to remain economically viable until they are ultimately redeveloped in accordance with this Plan. The Town may permit development that is lower than the minimum heights and/or densities of this Plan without amendment to this Plan, subject to the following:
  - a) the development does not increase the total gross ground floor area present on the site at the time of the approval of this Plan by more than 10%, as either an addition, increased height or as stand alone building(s);
  - b) development is not intended to be long-term and is considered appropriate over the short- to medium-term;
  - c) the maximum building height does not exceed two storeys unless the development is designed to be the podium of the next phase of development;
  - d) the development does not preclude the long-term re-development of the site as envisioned by this Plan;
  - e) the development does not preclude the achievement of a compact, pedestrian-oriented and transit-supportive urban form;
  - f) the street network and pedestrian mews connections envisioned in Schedule 5 are not compromised or precluded; and
  - g) the development does not include residential uses or underground structures.
- iii. It is the intent of the Town to review the Interim Development Policies within approximately five (5) years of approval of this Plan to determine their continued applicability in view of the intent to achieve the densities identified on Schedule 4.

TABLE 1

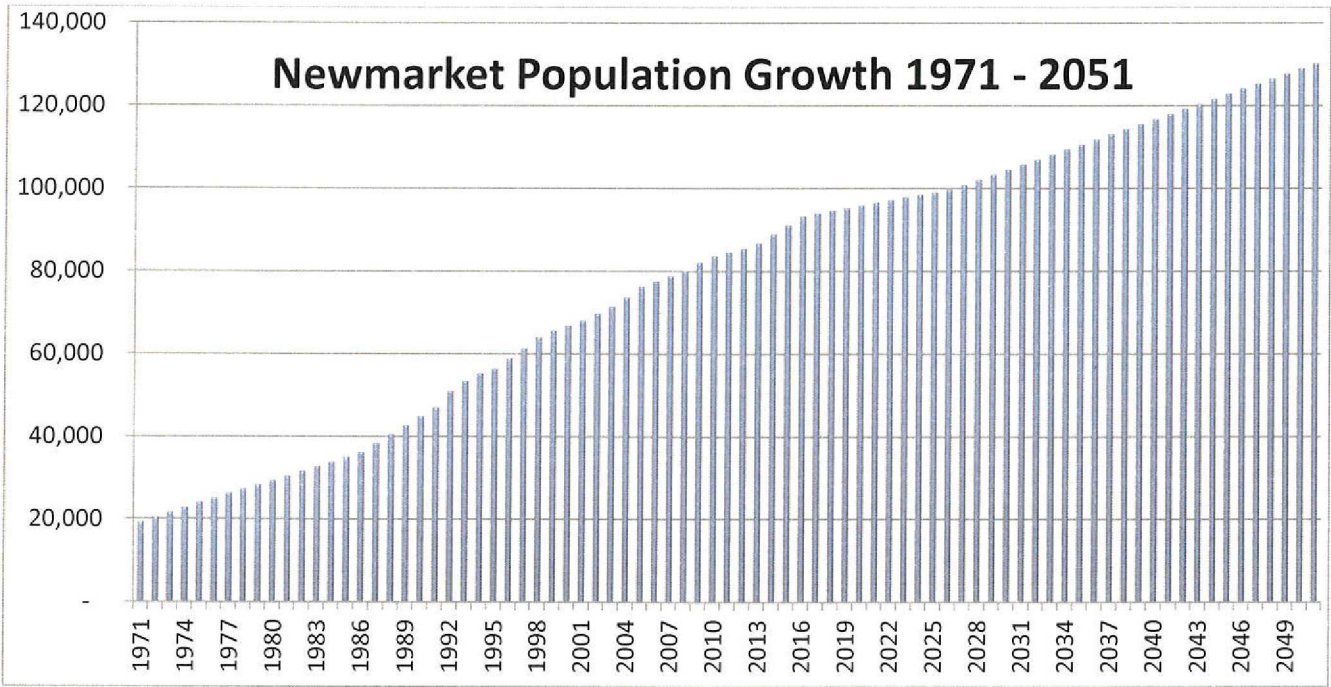
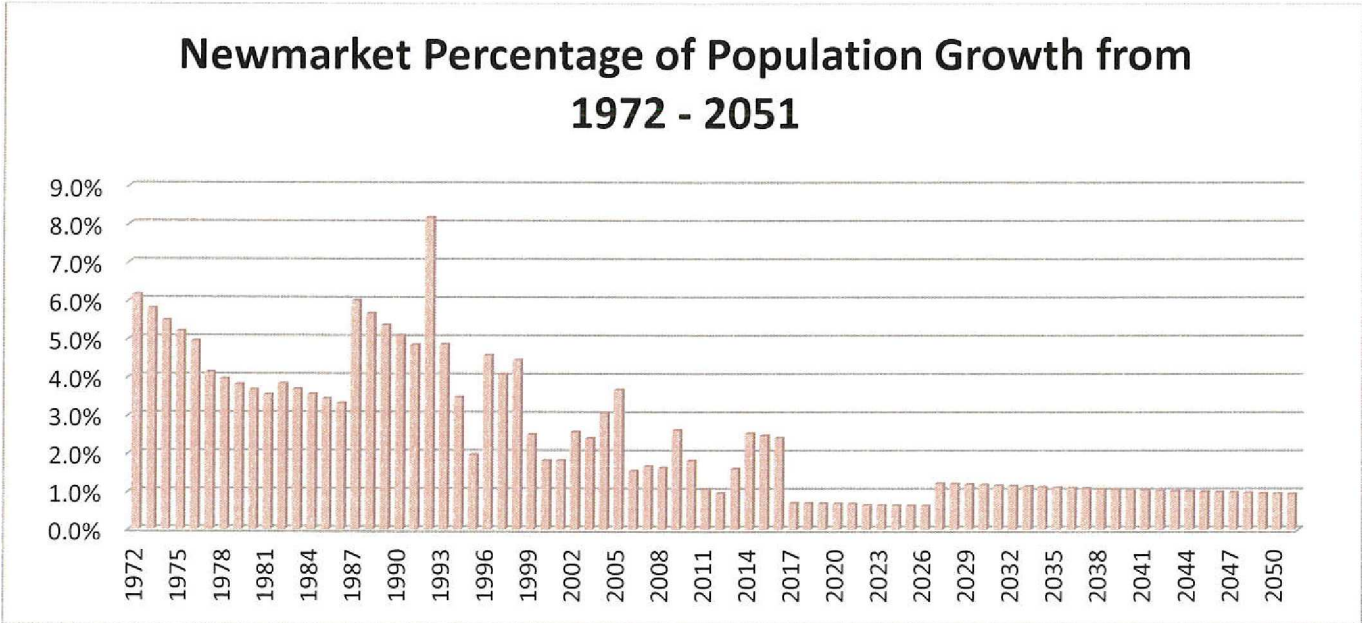
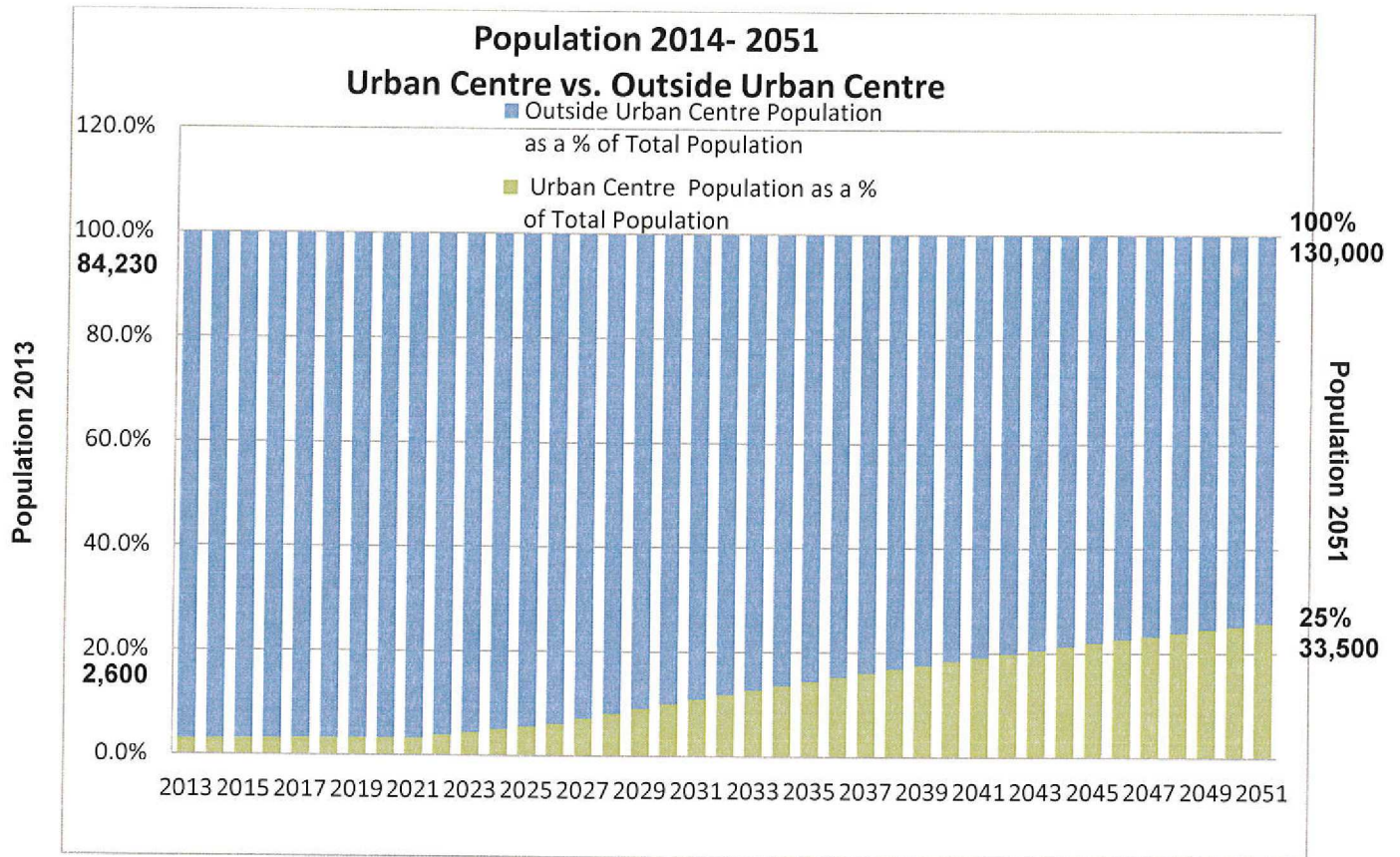


TABLE 2

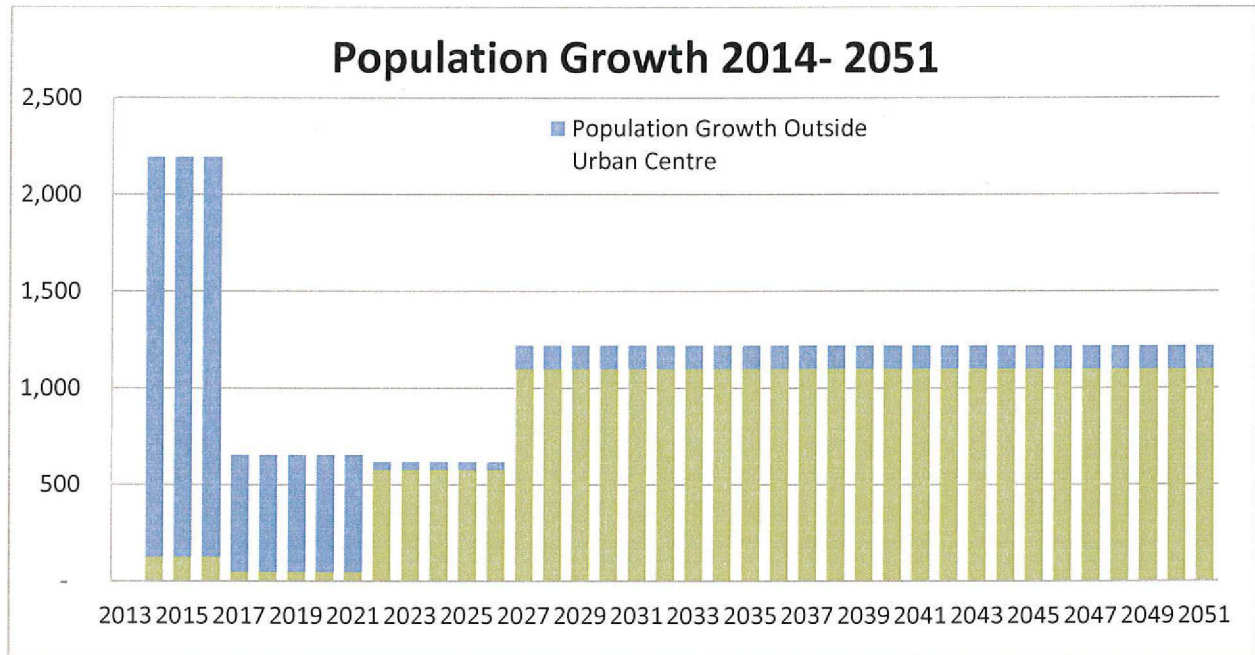




**TABLE 3**



**TABLE 4**



**TABLE 5**

