



## PLANNING AND BUILDING SERVICES

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June 16, 2014

### DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES – PLANNING REPORT 2014-24

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-13-01

ORIGIN: Planning and Building Services

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#### RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services - Planning Report 2014-24 dated June 16, 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 Official Plan Amendment #10 – the Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan (Attachment 3) be adopted by Council and forwarded to the Region of York for approval.

#### ANALYSIS

##### 1. Purpose of the Report

The purpose of this report is to:

- report to Council on the comments received in response to Revised Draft Secondary Plan Amendment # 10 – the Town of Newmarket Urban Centres Secondary Plan and Associated Amendments circulated in March 24, 2014; and
- recommend to Council the Secondary Plan for adoption.

##### 2. Background

###### 2010 Background Studies Initiated

In March 2010, the Town initiated the background planning process for the development of the Newmarket Urban Centres Secondary Plan with the *Town of Newmarket Visualization, Massing and Height Study* prepared by Sweeney, Sterling,

Finlayson & Co. Architects. This study served as one of several inputs into the development of the Secondary Plan.

**Phase 1 (2011 and 2012)      Development of High and Low Growth Development Concepts**

In 2010 planningAlliance, planning consultants was retained to prepare the Secondary Plan. Two long-range growth scenarios (“low growth” and “high growth”) and an analysis of the implications of these scenarios with respect to density, built form and traffic and transportation impacts were developed and tested.

GHD, transportation consultants, was also retained to address the traffic and parking implications.

These scenarios were presented to the public, stakeholders, at focus group workshops and the advisory committee in May 2012.

**Phase 2 (2012)      Development of a Draft Development Concept**

The Draft Development Concept was created based on the input received through the Phase 1 consultation. The Draft Development Concept was presented to the public, the focus groups, advisory committee and stakeholders at a series of meetings and workshops in October 2012.

**Phase 3 (2013)      Newmarket Urban Centres Directions Report and Active Transportation Schedule**

The Directions Report outlined a draft vision and guiding principles for future development, illustrated a Recommended Development Concept for the Urban Centres, and set out key policy directions that would be further elaborated upon for inclusion in the Draft Secondary Plan. The Directions Report was released May 2013 and was the subject of a series of public meetings and workshops in May and June of 2013.

Concurrent with the release of the Directions Report, the Town also released the Draft Active Transportation Network Schedule. The public review of the Town-wide Active Transportation Network Schedule was incorporated into the public consultation of the Directions Report. The Town-wide Active Transportation Network was initiated as a separate amendment to the Official Plan. (Official Plan Amendment # 11).

**Phase 4 (2013-2014) Draft Amendment # 10 to the Official Plan - Newmarket Urban Centres Secondary Plan**

The Draft Secondary Plan was prepared and was the subject of a Council workshop on September 16, 2013.

Formal circulation to internal departments and external agencies occurred on October 1, 2013. Direct notice was given to all stakeholders that provided input and comment, including the members of the focus groups. The Draft Secondary Plan was available on the Town’s website.

Two Open Houses were held in the afternoon and evening of October 10, 2013.

Statutory Public notice was provided through the Era on September 26, 2013, followed by two subsequent notices in advance of the Statutory Public Meeting on October 28, 2013.

Postcard flyers were distributed to all the postal routes within and adjacent to the area of the Secondary Plan the week prior to the Statutory Public Meeting. The Statutory Public meeting was held on October 28, 2013.

### **Phase 5 Revised Draft Secondary Plan (March 24, 2014)**

The Revised Draft Secondary Plan was prepared in response to the comments received and Council direction and was the subject of public notice, internal and external formal circulation in March 2014 and a Special Public Meeting on April 28, 2014.

In addition to newspaper notice on April 17, 2014, notice of the Special Public Meeting was provided on the Town page of the ERA. Direct notice was given to all stakeholders that provided comment and requested notice, including the members of the focus groups. Postal delivery was provided through Canada Post to all landowners directly impacted by a modification to Schedule 4 (Height and Density and boundary changes) as well as property owners within 120 m of the lands subject to such modifications. The Draft Secondary Plan was made available on the Town's website.

### **3. Details of the Amendment**

Official Plan Amendment # 10 consists of 4 categories as outlined below. The details of the amendment are addressed in **Attachment 3 - Amendment # 10 as Recommended for Adoption - Newmarket Urban Centres Secondary Plan, June 16, 2014.**

- Item 1** The Newmarket Urban Centres Secondary Plan consists of the text as well as schedules identified as Schedules 1 through 6 to be added to the Town of Newmarket Official Plan as Section II.
- Item 2** Identifies the applicable revisions to Policy 4.0, Urban Centres. Policy 4.0 is predominantly replaced by the text and schedules of the Newmarket Urban Centres Secondary Plan which is Section II to the Official Plan.
- Item 3** Applicable revisions to the remainder of the Official Plan text to ensure consistency with the provisions of the Secondary Plan, including:
- i. Policy 3.10, Housing - to modify the Plan to include Affordable and Rental Housing policies which would apply Town wide and that conforms to the York Region Official Plan and harmonize with the Newmarket Urban Centres Secondary Plan.
  - ii. Policy 10.2, Floodplains - to modify the policies to reflect the current policies administered by the Lake Simcoe Region Conservation Authority.

- iii. Policy 8.0, Parks and Open Space System – to modify the preamble to include a reference to the Newmarket Urban Centres Secondary Plan.
- iv. Policy 9.0, Natural Heritage System – to modify the policy to include a reference to the Newmarket Urban Centres Secondary Plan.
- v. Policy 12.2, Urban Design Principles - to add provisions for public art contributions.
- vi. Policy 14.0, Servicing – to modify the policy to add a new objective and policy to promote the implementation of leading edge communication technology including broad band fiber optic.
- vii. Policy 16.1.6, Complete Applications – to modify the Complete Application Table to include the new report requirements identified in the Secondary Plan including:
  - Transportation Demand Management Strategy
  - Bonusing Justification Report
  - Sustainable Development Report
  - Solar Design Strategy
  - Communication Implementation Plan
  - Drive-through Air Quality and Stacking and Queuing Report
- viii. Policy 16.2.2, Bonusing By-law - to reference the bonusing provisions of the Secondary Plan.
- ix. Various modifications to the text to ensure consistency with the Secondary Plan.

**Item 4** Modifications to the Schedules to the Official Plan.

- 1. Replace Schedule A with a revised Schedule A which:
  - Replace Inset A Map, Regional Healthcare Centre with a revised map identifying only the South Transition Area and the Complementary Use Area.
  - Identifies the Yonge Street and Davis Drive Corridors (replacing titles Yonge Street Regional Centre).
- 2. Replace Schedule C (Transportation Plan) with revised Schedule C which identifies the new Minor Collectors within and connecting to the Urban Centres.
- 3. Replace Schedule G (Wellhead Protection Areas) with attached Schedule G which identifies the boundary of the Newmarket Urban Centres Secondary Plan.

**4. Comments Received**

The following is a summary of the significant issues raised in response to the Revised Draft Secondary Plan and include the staff analysis and recommendations.

**Attachment 2** - Summary of Comments Received in Response to the Revised Draft Secondary Plan (March 24, 2014), Planning Rationale and Recommended Changes provides a complete summary of the comments received, the staff planning rationale and recommended modifications to Official Plan Amendment #10.

Legal advice has been obtained in accordance with Council's direction and the following recommendations and the recommended Secondary Plan are reflective of that advice.

## 1 Height and Density and Boundary Changes

*The Region of York, York Region Rapid Transit Corporation and several agents (A. Sciberras, R. Houser and MHBC Planning) on behalf of landowners commented that the reduced height and density may not achieve the planned function or the intensification required to support rapid transit, and removes existing development rights under the current zoning.*

The revised density provisions provide for more certainty however, in many instances the density and heights are:

- less than the current zoning permissions,
- less than recent planning permissions, and
- less than the height of existing historic development.

To address these concerns, the following modifications are recommended:

- increase the maximum height and density of the Low Density designations to be consistent generally with the current Zoning By-law height provision (6 storeys), and increase the bonusing provision to 7 storeys;
- refine the designations on Schedule 4 – Height and Density (**See Attachment 1 – Schedule 4 with Tracked Changes**)
- increase the depth of development blocks south of Penn Avenue and west of Hill Street and south of Walter Avenue between Barbara Road and Ray Crescent.
- Include two exception provisions that recognize the maximum heights permitted in recently approved Zoning By-laws on 39 Davis Drive (Tricap) and 17645 Yonge Street (Slessor) where the approved heights are higher than the designations on Schedule 4.

## 2 Angular Plane Policies

*The Region, York Region Rapid Transit Corporation and several agents on behalf of landowners commented that angular plane policy may restrict intensification on the transit corridor and recommend they be considered through guidelines rather than policy.*

The aim of the angular plane policies is to create an appropriate and sensitive transition between the existing residential areas and the planned intensification within the Urban Centres.

The following modifications are recommended:

- add the term of “generally” to the policy so that an Official Plan amendment would not be necessary for minor adjustments to the application of the angular plane policies;
- change the maximum height adjacent to a residential area or parkland from 2 to 3 storeys;
- clarify that the angular plane applies only within the development block; and where a development block is bisected by a private road, the angular plane provisions apply only up to the private road.

### 3 Transfer of Density

*YRRTC and Weston Consulting recommended that density transfer Policies 6.4.7 be clarified to ensure that all affected landowners are notified where density within the same density designation may be transferred.*

Staff concurs with this recommendation.

The following modification is recommended:

That Policy 6.4.7 be modified to clarify that appropriate agreement(s) would be necessary between the Town and all affected landowners to ensure there is consent.

### 4 Regional Shopping Centre Study Area and Interim Development Policies

*Oxford Properties commented that:*

- *the Regional Shopping Centre Study Area should apply to all Schedules including Schedule 4-Height and Density and Schedule 5-Street Network;*
- *that the property not be subject to the height and density provisions of Schedule 4 or that the higher densities be replaced by Low Density until appropriate densities are established through the detailed planning and subsequent Secondary Plan Amendment;*
- *requested deletion of the Regional Shopping Centre Interim Development Policies that proposed to limit development to 10% of the gross floor area until the master planning is complete.*

*Metrolinx recommended that a reference to conceptual Mobility Hub Area Plan Study Area apply at the Anchor Hub at the intersection of Yonge and Davis.*

By adding the Special Study Area as an overlay, it provides the opportunity for the detailed planning to be undertaken in conjunction with the Town, Metrolinx and the Region. The underlying designations and road network may be modified with the development of the master planning for the study area and through a subsequent amendment to the Secondary Plan.

The following modifications are recommended:

- That Schedule 4 and Schedule 5 include the Regional Shopping Centre Study Area as an overlay designation.

- Revise the policy to indicate that the underlay designations on Schedule 4 do not apply and are provided to illustrate the optimal density for the site to inform the detailed planning.
- Clarify in the policy that the detailed planning will be undertaken in conjunction with the Town, Metrolinx and the Region and incorporate mobility hub study considerations in accordance with the Metrolinx Mobility Hub Guidelines. (See Policy 5.3.4)

## 5 Parkland

*Newmarket Church of Christ has expressed concern regarding the park designation on their property.*

The following modification is recommended:

- A new policy is recommended to indicate that if the Town does not acquire the lands, that the Town may consider re-designation insofar as such re-designation is consistent with the policies of this Plan. This is a typical policy in many plans where future parkland is identified to accommodate planned development.

## 6 Underground Hydro Provisions

*The Region of York and York Region Rapid Transit Corporation questioned the legal authority for the Town to secure the 3-5 m on both sides of Yonge Street and Davis Drive for underground hydro through a dedication.*

The policy implements the following provisions of the Regional Plan and the PPS:

***7.5.4 To require local official plans to identify and protect infrastructure corridors for long term servicing needs, including and in compliance with corridors identified in Provincial Plans.***

***7.5.6 To require underground installation of utilities, where feasible, in new community areas and Regional Centres and Corridors, and to encourage buried utilities in the balance of the Region.***

The proposed approach of securing the necessary right-of-way as development proceeds to accommodate the future undergrounding of hydro at a time when the assets will be closer to their life cycle implements and is consistent with the following provisions of the PPS:

***Section 1.6.1 Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:***

- a) financially viable over their life cycle, which may be demonstrated through asset management planning;...***

The additional boulevard space also provides the opportunity to implement other policy direction of the Regional Plan and supporting documents (New Communities Guidelines and Context Sensitive Solutions) including but not limited to wider sidewalks to accommodate persons with disabilities under the AODA, cycling facilities on Davis Drive (Map 10 - Regional Cycling Network of the Regional OP), landscaping and shade and generally an inviting pedestrian oriented streetscape.

The mechanism for securing the additional space generally reflects that recently Regionally approved provisions in the Vaughan Metropolitan Centre Secondary Plan.

The legal advice is that the proposed Secondary Plan policy respecting a discrete hydro utility corridor abutting the Regional road allowances of Yonge Street and Davis Drive:

- (i) conforms with and implements the York Region OP;
- (ii) is within the Town's jurisdiction to adopt; and
- (iii) can be implemented and achieved through the Town's utilization of sections 41(Site Plan), 51(Subdivision) & 53(Consent) of the *Planning Act*.

In order to provide flexibility, the policy has been modified to allow the Town to receive lands through either dedication or easement through the applicable planning process., See Policy 13.3.4.

## **7 Affordable Housing**

*The 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 and 25% elsewhere Town wide. The Region originally recommended that the 35% affordable housing target, as a minimum, apply to the Provincial Urban Growth Centre and to the Regional Healthcare Character Area. The Region has asked that opportunities for other areas to have increased affordable housing requirements be explored.*

The Revised Draft Secondary Plan (March 24,2014), proposed a 35% target for affordable housing within the Regional Healthcare Character, however, it is no longer staff's recommendation to identify the Regional Healthcare Character Area for increased affordable housing for the following reasons:

- the Regional Health Care Character has been reduced in scale e.g., deletion of the lands on the north side of Queen Street, and as a result the projected residences that may be accommodated has been reduced to only 1,100 persons;
- this area is intended to be the focus of employment and does not warrant special treatment for increased affordable housing; and
- key development areas have not been identified within the Secondary Plan Area.

Staff recommend that the affordable housing provisions of 35% apply to the Provincial Urban Growth Centre, with a **minimum** of 25% applying throughout the remainder of the Secondary Plan Area in conformity with the Regional Plan policies. This policy does not preclude the achievement of greater than 25% affordable housing outside the Provincial Urban Growth Centre.

## 8 Population and Jobs

The Secondary Plan as recommend for adoption proposed 33,000 persons and 32,000 jobs by build-out.

This recommended ratio is in conformity with the provisions of the York Region Official Plan to achieve a target of 1:1 persons to jobs in the Regional Centre (Provincial Urban Growth Centre) and is in conformity with the target of the Town's parent Official Plan to achieve the same 1:1 ratio within the Secondary Plan Area.

The Secondary Plan achieves this balance with projected residents and jobs as follows:

- 33,000 residents and 32,000 jobs within the Secondary Plan Area;
- 7,000 persons and jobs, respectively, within the Provincial Urban Growth Centre; and
- approximately 300 persons and jobs per ha in the Provincial Urban Growth Centre.

## 9 Editorial Modification

Numerous editorial modifications have been made in response to the comments received and legal advice, including:

- addition of a 4<sup>th</sup> school site in response to the French Public School Board;
- enhanced accessibility policies in accordance with the York Region Official Plan and Ontarians with Disabilities Act;
- enhanced streetscape policies for wider sidewalks in accordance with the York Region Official Plan;
- provisions to permit lower densities where the angular plane polices apply;
- clarification with respect the bonusing provision; and
- general edits to increase the clarity of the Plan.

## HOW TO READ THE SECONDARY PLAN

In order to make the changes to the Draft Secondary Plan (October 2013) transparent, the Attached Recommended for Adoption Newmarket Urban Centres Secondary Plan has been prepared as a "Clean" version and a "Tracked Changes" version.

The Tracked Changes version is structured to show the changes made to the Draft Secondary Plan as amended by:

- the Revised Draft Plan (March 24, 2014) and

- the Recommended for Adoption version (June 16,2014)

Changes made to the Draft Newmarket Urban Centre Secondary Plan through the Revised Draft Secondary Plan are shown in “red”, and strikeouts are shown in “~~red with a strikeout~~”

Changes made to the Draft Newmarket Urban Centre Secondary Plan as amended by the Revised Draft Secondary Plan are shown in “**bold red**” and strikeouts are shown in “~~**bold red with a strikeout.**~~”

## RECOMMENDATION

**THAT Official Plan Amendment #10 – the Town of Newmarket Urban Centres Secondary Plan and Associated Amendments to the Official Plan (Attachment 3) be adopted by Council and forwarded to the Region of York for approval.**

### 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

Formal circulation to internal departments and external agencies occurred on June 2, 2014 regarding the consideration of the Secondary Plan for adoption by Committee of the Whole.

E-mail and direct mail was given to all stakeholders that provided input and comment, including the members of the focus groups.

The Draft Secondary Plan was made available on the Town’s website on June 6, 2014..

Public notice was provided through the ERA on June 5, 2014 and on June 12, 2014 on the Town page.

Direct notice was provide to all landowners and to property owners within 120 metres of lands that are subject to modification as illustrated on Attachment 1.

External Legal Counsel review and advice was obtained in accordance with Council's direction.

### **HUMAN RESOURCE CONSIDERATIONS**

None applicable to this report.

### **BUDGET IMPACT**

Budget impacts related to this amendment and additional resource implications with respect to parkland acquisition will be considered through separate reports(s).

### **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).

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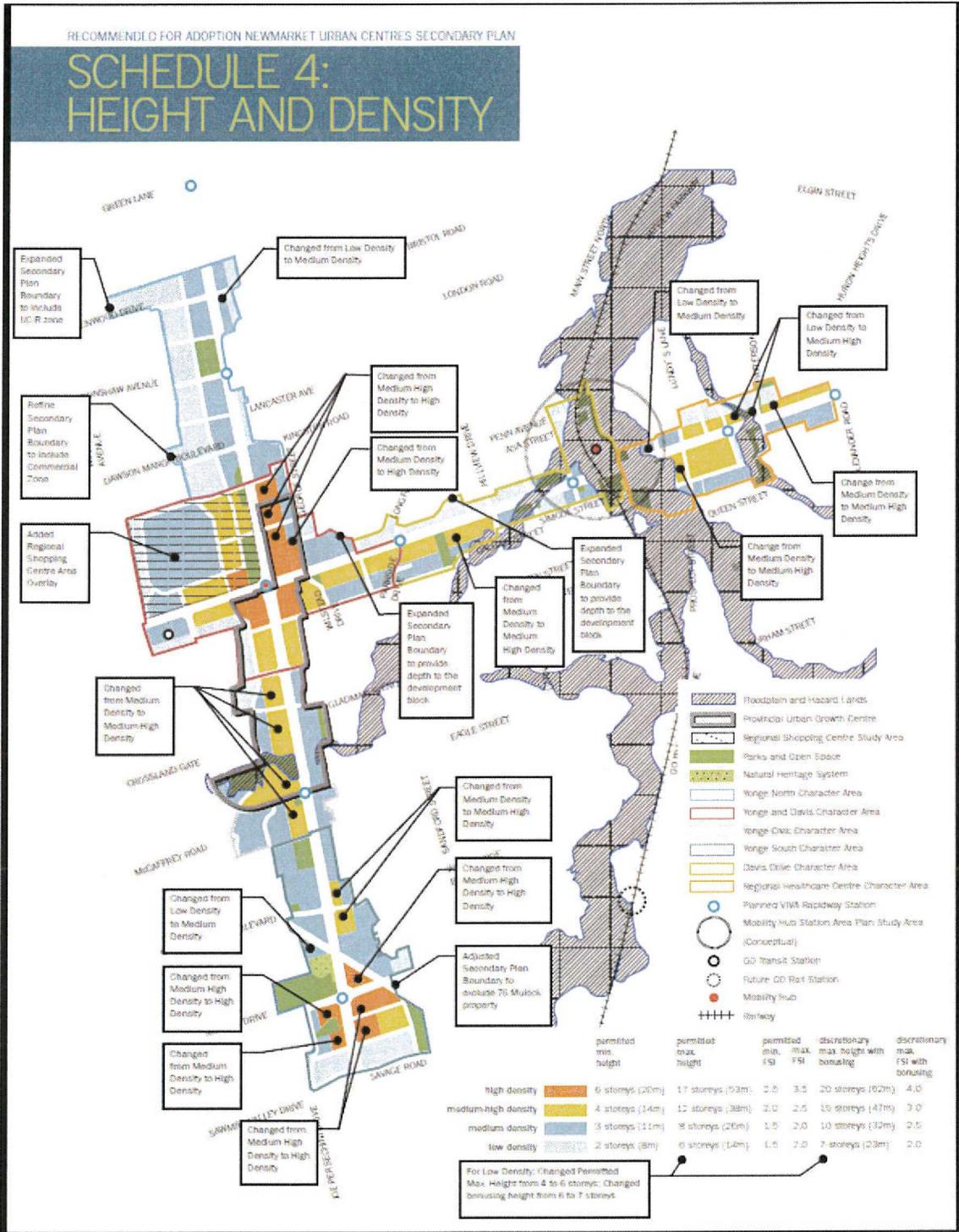
**Attachments**

- Attachment 1**      **Schedule 4 - Height and Density Showing Tracked Changes**
- Attachment 2**      **Summary of Comments Received in Response to the Revised Draft Secondary Plan (March 24, 2014), Planning Rationale and Recommended Changes**
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# ATTACHMENT 1 - Schedule 4 Height and Density Showing Tracked Changes



## **Attachment 2**

### **Summary of Comments Received in Response to the Revised Draft Secondary Plan (March 24, 2014), Planning Rationale and Recommended Changes**