

Clause 13 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on March 26, 2015.

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Amendment No. 10 to the Newmarket Official Plan  
Urban Centres Secondary Plan

Committee of the Whole recommends:

1. Receipt of the presentation by Karen Whitney, Director, Community Planning.
2. Receipt of the communication from Mark Flowers, Davies Howe Partners LLP, on behalf of The Estate of Thomas Mulock, Joyce Mulock Trust, dated March 4, 2015.
3. Receipt of the communication from Victor Labrech, Labrech Patterson & Associates Inc., on behalf of A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited, Tim Hortons Inc., Wendy's Restaurants of Canada Inc. and the Ontario Restaurant Hotel and Motel Association, dated March 4, 2015.
4. Adoption of the following recommendations contained in the report dated February 24, 2015 from the Commissioner of Corporate Services and the Chief Planner:

1. Recommendations

It is recommended that:

1. Council approve Amendment No. 10 (OPA No. 10 - Urban Centres Secondary Plan) to the Newmarket Official Plan, subject to the modifications described in Attachment 1 to this report.
2. The Region also defer its decision for Deferral Area 1 and Deferral Area 2, as shown on Attachment 2 to this report.
3. The Director of Community Planning and Development Services be authorized to issue notice of decision to modify and approve Amendment No. 10 - Urban Centres Secondary Plan to the *Town of Newmarket Official Plan (2008)*, as prescribed by the *Planning Act*.
4. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if required, and the Regional Solicitor, or designate, be authorized to execute Minutes of Settlement, if appropriate.

## **Amendment No. 10 to the Newmarket Official Plan Urban Centres Secondary Plan**

### 2. Purpose

This report provides an overview and recommends approval of the Newmarket Urban Centres Secondary Plan (“Secondary Plan”), subject to the modifications described in Attachment 1. This secondary plan provides the detailed policy framework for the development of the Newmarket Regional Centre and the Regional Corridors along Yonge Street and Davis Drive providing intensification opportunities supported by rapid transit. If approved, the Secondary Plan will amend the *Town of Newmarket Official Plan (2008)*.

### 3. Background

Newmarket Regional Centre and a significant portion of the Yonge Street and Davis Drive Regional corridors are located within the Secondary Plan Area

The area of this Secondary Plan is approximately 290 ha (716 acres), and is generally located along the Davis Drive corridor between Upper Canada Mall and Huron Heights Drive, and along the Yonge Street corridor between the Town’s northerly boundary and Savage Road. The area is comprised of the following three sub-areas as identified on Attachment 3:

1. The Yonge-Davis Provincial Urban Growth Centre defined in accordance with the *Growth Plan for the Greater Golden Horseshoe, 2006* (“*Growth Plan*”), the *York Region Official Plan, 2010* (“*YROP-2010*”) and the *Town of Newmarket Official Plan (2008)*.
2. The Yonge Street and Davis Drive Regional Corridors, as designated in the *YROP-2010*.
3. The Regional Healthcare Centre, as identified in the *Town of Newmarket Official Plan (2008)*.

The vision, policy and goals for the Provincial Urban Growth Centre and Regional Centre are set out in the Plan

As one of the four Regional Centres identified in the *YROP-2010* and identified as a Provincial Urban Growth Centre in the *Growth Plan*, the Yonge-Davis Urban Growth Centre is the area where a significant amount of the Town’s future population and employment growth and intensification is expected to occur.

The long-term vision, as detailed in the Secondary Plan, is for a vibrant urban community at build-out of 33,000 residents and 32,000 jobs. However, it is understood that full build out of the Secondary Plan will likely not be achieved

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during the current planning horizon (2031) and is anticipated to be well beyond 2031.

Extensive consultation occurred in several phases with input from the public, key agency stakeholders and Regional staff

- In March 2010, the Town initiated the background planning process for the development of the Secondary Plan with the Visualization, Massing and Height Study.
- A Steering Committee made up of Town and Regional staff was created to manage a Transportation Study that analyzed low and high growth scenarios with respect to density, built form and traffic and transportation impacts.
- The second phase of the Secondary Plan process was the development of a Draft Development Concept with input from the public, stakeholders and staff from York Region.
- Further technical analysis was provided by the consultant team and the Town with respect to a number of items including the proposed road network, potential traffic impacts, land use, height and density, floodplain restrictions, parkland requirements, schools and servicing.
- In May 2013, the Town released a “Directions Report”, which outlined a draft vision and guiding principles for future development. The report recommended a Development Concept and set out key policy directions for inclusion in the Draft Secondary Plan.

An Active Transportation Network Plan was developed as a separate but complementary Official Plan amendment

Concurrent with the release of the Directions Report, the Town also held public consultations on a proposed Active Transportation Network aimed at ensuring connectivity not only within the Secondary Plan area but also town-wide. The Active Transportation Network was prepared as a separate amendment to the *Town of Newmarket Official Plan, 2008* (OPA No. 11). OPA No. 11 proposes to replace Schedule D (On-Street Bike Lane Plan) in the Town’s Official Plan with a new Schedule D, which identifies the Active Transportation Network and includes the Primary and Secondary Active Transportation Network within both the street right-of-way and off-road. The Town adopted both OPA No. 10 and OPA No. 11 on June 23, 2014 and forwarded both amendments to the Region for approval. OPA No. 11 is being processed as a routine amendment, which is approved at the staff level, independent of this report, because the Active Transportation Network extends beyond the Secondary Plan area.

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### 4. Analysis and Options

Transformation of development along the Town's key corridors of Yonge Street and Davis Drive is planned over the long term

The Secondary Plan includes six different Character Areas along Yonge Street and Davis Drive that will develop into intensified neighbourhoods each with their own unique identity for people to live, work, and play. Each area is planned as an integrated, compact, complete and vibrant community with a diverse mix of residential, commercial, employment and institutional uses. A high standard of design will govern the built form, which will range from high density to lower density forms, while remaining sensitive to adjacent land uses by appropriately transitioning height and density down toward established neighbourhoods.

A variety of planning tools are included to promote intensification

The Town of Newmarket has several local tools for intensification that will help spur development. The primary tool is the bonusing provisions for additional height and density, in exchange for meeting additional energy or water conservation measures, providing for additional affordable housing, and several other bonusing provisions. The Plan also provides for the reduction in parkland dedication where land has been dedicated to the Town to accommodate the future burying of hydro lines. A financial incentive also is included in the Plan to allow for the deferral of Town development charges for any building over five storeys with the goal of advancing intensification projects. This suite of incentives all work together to assist in advancing the vision for the Newmarket Centres Secondary Plan.

Growth and development will be supported by necessary infrastructure improvements

The Secondary Plan ensures that development will be phased and will only be permitted and supported by the appropriate level of infrastructure such as new collector roads and transit improvements. Infrastructure improvements contemplated by the Secondary Plan include rapid transit and transit, road networks, cycling and pedestrian facilities, and water and wastewater services. The Region is supporting the growth envisioned in the Secondary Plan by building Viva Bus Rapid Transit along Yonge Street and Davis Drive.

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An extensive Transportation Study was undertaken specifically addressing the street network needs, Transportation Demand Management and parking

The Town of Newmarket Urban Centres Transportation Study Phase 1 Report was undertaken by GHD Inc. to assist the Town in defining the level of development and land use patterns that could be accommodated by the Urban Centres transportation system. This study was conducted in parallel with development of the Secondary Plan. Specifically, it tested future population and employment levels and patterns developed by the Secondary Plan Steering Committee.

The key findings of the Phase 1 Study concluded that the proposed levels of development can be accommodated through 2021 with operational improvements, including some new roads. However, by 2031 the network is likely to be operating at or near capacity. Congestion is due to an insufficient fine grid street network to relieve the Yonge Street and Davis Drive corridors.

Phase 2 of the Transportation Study addressed strategies for increasing transit share and improving mobility. The Phase 2 Report also presented an operational analysis of the proposed fine grid street network, the phasing of the identified improvements to the transportation network, recommended Transportation Demand Management (“TDM”) measures and parking strategies that should be implemented to achieve the vision of the Secondary Plan.

These recommendations have been incorporated where appropriate within the Secondary Plan policies.

A fine grid street network and active transportation network, complete with rapid transit is included in the Secondary Plan

The transportation network in the Secondary Plan will support all modes of travel, with priority given to planning for active transportation and transit. The Secondary Plan integrates the planned function of the Viva rapidways that are being constructed on Yonge Street and Davis Drive, which will be complemented by a fine grid of streets (shown in Attachment 4) and a network of connected trails. The Secondary Plan also aligns with Metrolinx’s *The Big Move* by responding to the key initiatives of the 15-year Plan (e.g., increase to two-way all-day rail service and the two mobility hubs located at the intersection of Yonge and Davis and the existing GO Rail Station).

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Water and Wastewater infrastructure to support the build out of the Secondary Plan will be identified through the Region's Master Plan Update

The Region is currently updating the Water and Wastewater Master Plan, which will review and identify the infrastructure required to support the Region's growth to 2041 and beyond. It is expected that the following Regional water and wastewater works are required to support full build out of the Secondary Plan area:

- The Upper York Sewage Solution Project (a new Water Reclamation Centre) with associated infrastructure
- Expansion of Newmarket Pumping Station (to be confirmed through Master Plan Update and subsequent Environmental Assessment)
- Various watermains and sewage works, including the downstream conveyance and treatment works at Duffin Creek Water Pollution Control Plant, that will be identified through the Master Plan Update

In keeping with the vision for the area, extensive urban design policies are included that incorporate sustainability measures, parks and open spaces

The Secondary Plan contains a full range of sustainable development policies that will serve to reduce energy consumption and heat island effects, implement innovative stormwater management and waste management practices and reduce water use, complemented by a green network of large and small parks, urban squares and open spaces.

Redevelopment of Upper Canada Mall will require future study and a subsequent amendment to the Secondary Plan

The Secondary Plan area includes the Upper Canada Mall. However, the Secondary Plan provides that any redevelopment of the mall property will require future study and a master plan to best determine how potential future redevelopment will be integrated with the planned function of the surrounding area. Furthermore, an amendment to the Secondary Plan will be required. Interim development policies, which are included in the Secondary Plan, provide for minor additions to the existing building and/or stand-alone buildings in accordance with the Town's zoning by-laws.

## **Amendment No. 10 to the Newmarket Official Plan Urban Centres Secondary Plan**

The Secondary Plan is consistent with the policies of the *Provincial Policy Statement, 2014*

The *Provincial Policy Statement, 2014 (PPS)* provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements.

The adopted Secondary Plan has been reviewed by Regional staff in detail, and it is consistent with the applicable policies of the *PPS* with respect to supporting healthy, active communities; ensuring a coordinated, integrated and comprehensive approach when dealing with planning matters; promoting investment-ready communities, place-making and mixed-use areas to support economic development and competitiveness; providing for an appropriate range of housing types and densities; and, protecting natural features and areas for the long term.

Planned densities exceed the minimum requirements in the *Growth Plan for the Greater Golden Horseshoe, 2006*

The *Growth Plan* sets-out a high level policy framework to direct compact growth, in appropriately defined intensification areas, to fully take advantage of planned and existing infrastructure. A very important element of the *Growth Plan* is the identification of Urban Growth Centres.

The *Growth Plan* mandates that the Yonge-Davis Urban Growth Centre be planned to achieve a minimum density of 200 residents and jobs combined per gross hectare by 2031. The *Growth Plan* also recognizes “Major Transit Station Areas” as areas that will be planned to support the viability of existing and planned transit service levels.

The Secondary Plan conforms to key policies in the *Growth Plan* by encouraging the creation of complete, mixed-use urban communities that will help support growth and intensification within the built boundary. The build out of the Yonge/Davis Urban Growth Centre exceeds the minimum density requirements of the *Growth Plan* with a planned density of 305 residents and jobs combined per gross hectare. Furthermore, the Secondary Plan includes detailed mixed-use and transit-supportive policies for the defined “Major Transit Station Areas” including Newmarket’s Go Rail Station, Go Bus Terminal and each of the transit stations for the Viva Rapidways.

Key Regional policies are supported by the Secondary Plan which conforms to the *York Regional Official Plan (2010)*

A portion of the Secondary Plan area is designated as a “Regional Centre” in the *YROP-2010* and includes the Yonge-Davis Urban Growth Centre, as identified in

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the *Growth Plan*. The remaining area of the Secondary Plan is designated “Regional Corridor” in Map 1 of the *YROP-2010*. The key objective of the “Regional Corridor” designation is to achieve vibrant Regional Corridors that link Regional Centres. The Secondary Plan area is located on two Regional Corridors (Yonge Street and Davis Drive). Yonge Street and Davis Drive are both identified as Regional Rapid Transit Corridors. The Secondary Plan will help to ensure communities are planned with the early integration of rapid transit.

The Secondary Plan addresses many Provincial and Regional interests by providing key policies on city building, the design of complete and healthy communities, natural heritage and cultural heritage protection, and transportation and mobility. This Plan also contains many policy themes that represent “good planning” including a fine grid transportation network that emphasizes active transportation, sustainable development and urban design requirements, as well as comprehensive parks and open space requirements.

The Secondary Plan also conforms to the *YROP-2010* by containing policies requiring a minimum thirty-five percent of new housing units to be affordable in the portion of the Urban Growth Centre, and twenty-five percent for the remaining areas.

The Urban Growth Centre contains municipal wells that will be subject to Source Water Protection

The *Clean Water Act* aims to ensure that contaminants do not enter into sources of drinking water. The Act requires that potential risks to drinking water be identified and that Source Protection Plans be developed to prevent contamination of municipal drinking water. There are two production wells with associated wellhead protection areas within the Secondary Plan boundary. The other three production wells fall outside the boundary. However, the wellhead protection areas for these wells extend into the Secondary Plan boundary (see Attachment 5 - Regional Production Wells with Associated Wellheads). Lands within all of these wellhead protection areas will be subject to *YROP-2010* wellhead protection policies and the *Lake Simcoe Source Protection Plan*. Water quality and quantity control will be addressed on a site-by-site basis and must also conform to the stormwater policies of the Secondary Plan.

The Secondary Plan provides policies for the Town to support future burying of the existing overhead hydro lines

In accordance with the Energy and Utilities provisions of the *YROP-2010*, the Town has identified a further increase to the boulevard rights-of-way on both sides of Yonge Street and Davis Drive to accommodate the future burying of hydro and associated utilities as addressed through the Town’s Feasibility Study- Undergrounding Overhead Wires (Lehman and Associates, DPM Energy and George Todd - January 2013).

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The study concluded that up to five additional metres would be required on both sides of Yonge Street and Davis Drive to accommodate hydro and associated utilities underground.

Since Yonge Street and Davis Drive are Regional Roads, policy direction to accommodate the burying of hydro in the future has been addressed in the

servicing provisions of the Secondary Plan and will require the Town to secure, through the development approval process, additional space as part of the boulevard to accommodate underground hydro.

Some modifications have been made to the adopted Secondary Plan to clarify and refine policy language

Town and Regional staff have identified and coordinated minor modifications to the Secondary Plan that is being recommended for approval. These modifications are primarily editorial that aim to refine language and provide more clarity to some of the policies. There are some minor adjustments to the growth and development targets and clarification of the application of these policies included. Modifications have also been made to clarify drive through permissions and specifically ensuring access is not through priority commercial areas. The modifications are described in Attachment 1.

There are two Deferral Areas in the Secondary Plan being proposed to facilitate ongoing discussions with the Town and the landowners

The Town has requested that the Region defer its decision for Deferral Area 1 and Deferral Area 2, as shown on Attachment 2 to this report. The Deferral lands are municipally known as 230 Davis Drive and 16780 Yonge Street (old Thomas Mulock Farm). The Town is currently working with the landowners to resolve the proposed Parks and Open Space designation on these properties. The deferrals are in place to facilitate further discussion on these lands.

The Region and Town has since met with representatives of 16780 Yonge Street (Mulock Farm) and agreed to include additional policies that relate to the property be deferred, in accordance with Section 16 (Deferrals) of the Secondary Plan.

Link to key Council-approved plans

The Secondary Plan provides a vision for a vibrant, mixed use urban centre. Approval of this Secondary Plan supports the strategic objectives of the *2015 – 2019 Strategic Plan* by promoting healthy communities, housing choice, increasing employment opportunities, and optimizing transportation capacity for those living in the Region. Furthermore, the Secondary Plan supports many

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goals identified in *Vision 2051* that result in creating liveable cities and complete communities.

Overall, the Secondary Plan is consistent with the *YROP-2010* and contains many sound planning policies that direct growth and redevelopment in the Urban Centres, including the Yonge-Davis Provincial Urban Growth Centre / Regional Centre. The Secondary Plan also strives to achieve Regional affordable housing and sustainability targets, a network structure to support a fine grid of streets, active transportation, and parks, open space, trails and natural heritage systems.

### 5. Financial Implications

Increases in Regional and local assessments is contingent upon the amount of development constructed. The approval of the Secondary Plan supports the subsequent approval of development applications that facilitate future growth, which in turn, increases Regional and local assessments. Further, Development Charge revenue collected as a result of new development within this Secondary Plan area will support infrastructure projects throughout the Region. The Local Development Charge deferrals policy does not include Regional Development Charges.

### 6. Local Municipal Impact

The recommendations of this report are consistent with the Council of the Town of Newmarket, which adopted the Secondary Plan on June 23, 2014. The Secondary Plan provides local policy direction to manage growth in the Yonge-Davis Provincial Urban Growth Centre / Regional Centre and surrounding area, which is consistent with the policies and vision outlined in the *Town of Newmarket Official Plan (2008)*.

### 7. Conclusion

Newmarket's Urban Centres Secondary Plan provides a tremendous city-building opportunity for the Town and Region. The planning and build-out of this community will support the Region's urban structure and advance the implementation of investment in the construction of the Viva Rapidways. The Secondary Plan contains policies that permit the greatest mix of uses, including residential, office, retail, community facilities, and at the highest building heights and densities in the Town of Newmarket.

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The Secondary Plan, together with the Active Transportation Network Plan is critically important to guide transit-supportive development and to encourage high standards of pedestrian-oriented design.

The Secondary Plan targets a total population of 33,000 persons and 32,000 jobs for the area and establishes an appropriate phasing scheme for development that is tied to the provision of key infrastructure facilities such as improvements to transit, the road network, water and waste water services and community facilities.

The Secondary Plan is consistent with the *PPS*, and conforms to the *Growth Plan for the Greater Golden Horseshoe* and the *YROP-2010* in balancing residential and employment opportunities, providing for affordable housing and supporting intensification and city building policies. The Secondary Plan is in keeping with the principle of establishing complete urban communities well served by rapid transit.

Regional staff recommends that Council approve Amendment No. 10 to the *Town of Newmarket Official Plan, 2008* (Newmarket Urban Centres Secondary Plan), subject to the modifications described in Attachment 1.

For more information on this report, please contact the report writer, Jason Ezer, Senior Planner, Community Planning and Development Services at ext. 71533.

Attachments (5)

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Accessible formats or communication supports are available upon request

## Modifications to OPA No. 10 Newmarket Urban Centres Secondary Plan

Note: ~~Strikethrough~~ text denotes deleted text.  
**Bold** text denotes added text.  
 Deferrals to the text are identified in “grey” highlighting.

The identified modifications include the applicable text to provide context for the modifications.

Other than the general modifications, the modifications follow the format of the text of the Amendment document.

### General Modifications

1. All references to “Draft” Newmarket Urban Centres Secondary Plan be deleted to read “Newmarket Urban Centres Secondary Plan.”
2. The term “Proposed” in reference to the roads identified on Schedule 5: Street Network be changed to **Future** Roads on Schedule 5 and throughout the text e.g., **Future** Upgraded Primary Collector/**Future** Ring Road.
3. The contents of the text have been reordered to:
  - a) move Policy 6.4.5 Provincial Urban Growth Centre to Policy 6.3.10 under General Policies and the policies of 6.4 renumbered accordingly, thereafter.
4. That the inclusion of the originally recommended historic names for the Character Areas be deleted throughout the text and from Schedule 2 (Character Areas).

### Part A – The Preamble

2.4 York Region Official Plan (~~January-2010~~)

3.2 Urban Centres Transportation Study (May and September 2013)

The Phase 2 Report (January 2014 ) presents an operational analysis of the fine grid street network, the phasing of the identified improvements to the transportation network, recommended Transportation Demand Measures (TDM) and parking strategies that should be implemented to achieve **the** vision of the Secondary Plan. These recommendations have been incorporated where appropriate within the Secondary Plan policies.

3.3 Active Transportation Study (2012-2014)

In August 2012, the Town of Newmarket initiated an Active Transportation Study to define a comprehensive Active Transportation Network for the ~~€~~Town. The intent of the study was to refine the On-Street Bike Lane and Off-Street Trails plans in Schedules D and E of the Town of Newmarket Official Plan.

#### 4.0 Public Participation Process (5<sup>th</sup> Paragraph)

Concurrently with the release of the Directions Report, the Town also held public consultations on a proposed town-wide Active Transportation Network aimed at ensuring connectivity not only within the Urban Centres but also town-wide. The input from this last phase of public engagement has informed the development of the Secondary Plan.

### Part B – The Amendment

#### Format of the Amendment

Amendment #10 to the Town of Newmarket Official Plan consists of the following ~~proposed~~ modifications to the text and Schedules to the Official Plan.

#### Details of the Amendment

- 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 2.
- Item 2** Revisions to Policy 4.0, Urban Centres, **of the Newmarket Official Plan** identifying the necessary modifications to the Official Plan text to replace the current policies with the Newmarket Urban Centres Secondary Plan **and as** included in the Official Plan as Section II.
- 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 2.1, Managing Growth and Change - ~~to modify population figures to reflect~~ make reference to the planned intensification.
- Item 4** Modifications to the Schedules to the Official Plan.
  - 2. Replace Schedule C (Transportation Plan) with attached revised Schedule C ~~G~~ which identifies the **Future new** Minor Collectors.

#### 2.0 Purpose of the Secondary Plan

The purpose of this Secondary Plan is to provide a detailed land use plan and policies to guide land use and development in accordance with the provisions of provincial plans and policies, the York Region Official Plan and the Town of Newmarket Official Plan. The Secondary Plan must be read in conjunction with the applicable policies within the Town of Newmarket Official Plan (~~May 28, 2008~~), as amended.

#### 3.0 Location and Description of the Secondary Plan Area

The area of this Secondary Plan is approximately 290 ha (716 ac.) ~~in area~~, and generally located along the Davis Drive corridor between Upper Canada Mall and Huron Heights Drive and along the Yonge Street corridor between the Town's northerly boundary and Savage Road. The area is comprised of the following three sub-areas as identified on Schedule 1:

#### 4.0 Vision (2<sup>nd</sup> Paragraph)

The Urban Centres are a collection of Character Areas as identified on Schedule 2 that will develop into neighbourhoods each with their own unique identity, highlighted by exceptional architecture and design, and signature public spaces and public art that create welcoming and iconic places. A high standard of design will govern the built form within the Urban Centres, which will range from high density to lower density forms, while remaining sensitive to adjacent land uses.

#### 5.0 Land Use

##### 5.1 Introduction (2<sup>nd</sup> Paragraph)

The Secondary Plan comprises approximately 130 ha of developable area. There are approximately 30 ha of land identified as parks, open space, natural heritage and stormwater management.

The land use designations identified on Schedule 3 implement the vision for the Urban Centres as a diverse, mixed use area that will accommodate a broad range of land uses within each of the defined *Character Areas*. The following eight land use designations and ~~land use~~ overlays apply within the Urban Centres:

##### 5.3.2 Priority Commercial Areas

- i. *Priority Commercial Areas* are identified on Schedule 3. *Priority Commercial Areas* are intended to ensure that an at-grade ~~retail~~ **commercial** presence is provided and retail goods and services remain available within close proximity to the people that live and work in the area. The *Priority Commercial Areas* are also intended to contribute to an active street and boulevard condition.

##### 5.3.4 Regional Shopping Centre Study Area

- ii. Master Plan for the Regional Shopping Centre Study Area as identified on Schedules 3, 4 and 5 will be prepared by the landowner(s) in cooperation with the Town, York Region, Metrolinx and other relevant partners to address, as a minimum, the following:

- c) the detailed design for an iconic park space to Town standards, in conjunction with the **redesign of the existing** private stormwater management ponds **located** at the south-east corner of the **Study Area, and including the implementation of Low Impact Development (LID) standards** ~~to Town standards;~~

- f) a Traffic Impact Report including a detailed Transportation Demand Management Strategy consistent with Policy 9.3.5 4;

##### 5.3.4 Regional Shopping Centre Study Area

- v. Until the amendment to this Plan has been approved, new development will be assessed in accordance with Policy 5.3.4.1, Regional Shopping Centre Study Area Interim Development Policies **and will be required to demonstrate, to the satisfaction of the Town, that the design principles of Policy 5.3.4. ii are not compromised.**

##### 5.3.4.1 Regional Shopping Centre Study Area Interim Development Policies

- i. Prior to the development of a detailed Master Plan and incorporation of the applicable elements of the Master Plan into this Secondary Plan, interim development and redevelopment may be

permitted in the Regional Shopping Centre Study Area either as additions to the existing building or as stand-alone building(s) in accordance with the **Official Plan and Zoning By-law in effect at the time of approval of the Secondary Plan.**

### 5.3.7 Natural Heritage

- i. The Natural Heritage designation on Schedules **3 and 6** reflects the natural heritage features identified in the Town of Newmarket Official Plan and is subject to the applicable policies of the Town of Newmarket Official Plan.

### 5.3.8 Floodplain and Hazard Lands

- i. The Floodplain and Hazard Lands designation identified on Schedules **3 and 6** includes the floodplain and hazard lands as identified by Lake Simcoe Region Conservation Authority. Development and site alteration shall be directed away from flood and erosion prone areas in order to protect people and property and to minimize social disruption and costs in accordance with Policy 6.4.6 ~~5~~ (Floodplain and Hazard Lands) and the general policies of Section 10 of the Town of Newmarket Official Plan.

## 6.1 Introduction

This section addresses the specific *Character Areas* as identified on Schedule 2 and the height and density provisions identified on Schedule 4. The permitted uses within each *Character Area* reflect the unique role that each area plays now, and will play in the future within the Urban Centres. The greatest **concentration of heights and densities are identified proposed** at the Yonge Street and Davis Drive intersection due to the redevelopment opportunity provided by the convergence of the two Rapidway lines and the existing context of larger blocks. Secondary nodes of intensification include the intersection of Yonge Street and Mulock Drive and at the Regional Healthcare Centre.

### 6.3.1 Character Area Boundaries

- i. The individual *Character Areas* are identified on Schedule 2. Where the boundary of a *Character Area* abuts a planned **future** street, modification to the boundary shall be permitted to align with the final location of the street without an amendment to this Plan.

### 6.3.2 Future Growth

Refine the Growth and Development Targets in Table 1, as follows and the corresponding targets within the text under each of the Character Areas (Policy 6.3.4 - 6.3.9).

**Table 1: Growth and Development Targets By Character Area**

Character Area	Predominant Land Use	Residential (approx. % of total GFA)	Employment (approx. % of total GFA)	People	Jobs	FSI Range (FSI)
<b>Yonge North</b>	Mixed Use	80%	20%	<b>6,200</b> <del>6,300</del> residents	2,700 jobs	1.5 – 2.0
<b>Yonge and Davis</b>	Mixed Use	65%	35%	<b>13,400</b> <del>13,500</del> residents	10,100 jobs	1.5 – 3.5

<b>Yonge Civic</b>	Mixed Use & Major Office	<del>50%</del> <b>45%</b>	<del>50%</del> <b>55%</b>	<b>1,900</b> <del>2,200</del> residents	<b>5,500</b> <del>5,400</del> jobs	1.5 – 2.5
<b>Yonge South</b>	Mixed Use	75%	25%	<b>6,200</b> <del>6,300</del> residents	<b>3,000</b> <del>2,800</del> jobs	1.5 – 3.5
<b>Davis Drive</b>	Mixed Use	<del>60%</del> <b>70%</b>	<del>40%</del> <b>30%</b>	<b>4,200</b> <del>3,600</del> residents	<b>2,000</b> <del>2,600</del> jobs	1.5 – 2.5
<b>Regional Healthcare Centre</b>	Mixed Use & Major Institutional	<del>15%</del> <b>20%</b>	<del>85%</del> <b>80%</b>	1,100 residents	<b>8,700</b> <del>8,400</del> jobs	1.5 – 2.5
<b>Total</b>				33,000	32,000	

### 6.3.3 Character Areas and Permitted Uses

- iv. **An amendment to this Plan is not required if the targeted population and jobs by Character Area are exceeded, provided the permitted densities are not exceeded and the built form provisions of this Plan are met.**

### 6.3.4 Character Area - Yonge North (~~Poplar Bank~~)

- i. This *Character Area* will be a predominantly residential area planned for an ultimate *build-out* of approximately **6,200** ~~6,300~~ people and 2,700 jobs and a land use mix of approximately 80 % total *Gross Floor Area* as residential uses and 20 % of total *Gross Floor Area* as commercial and employment uses.
- ii. Residential development will be characterized primarily by *mid-rise* development with opportunities for some *high-rise* along the Yonge Street frontage and *low-rise* (ground-related) transitional forms (e.g. stacked townhouses) adjacent to the existing residential neighbourhoods to the east and west of the Urban Centres. A *Priority Commercial Area* has been identified at the planned Rapidway transit stop at Yonge Street and Bonshaw Avenue. Additionally, Yonge North will provide for a recommended Neighbourhood Park located adjacent to two potential future school sites as shown in Schedules 3 and ~~7~~**6**.

### 6.3.5 Character Area - Yonge and Davis (~~Bell's Corner~~)

- i. This *Character Area* will be planned for an ultimate *build-out* of approximately **13,400** ~~13,500~~ people and 10,100 jobs and a land use mix of approximately 65% of total *Gross Floor Area* as residential uses and 35% of total *Gross Floor Area* as commercial and employment uses.
- v. The site of the Upper Canada Mall is anticipated to redevelop over the long term into a mixed use area, while still maintaining its' predominantly retail function and is subject to the Regional Shopping Centre Study Area provisions of this Plan (**Policy 5.3.4**). The Yonge Davis Neighbourhood Park shown on Schedule 6 is the main focal point for the *Character Area*, as well as for the overall Urban Centres.
- vii. Places of entertainment may only be permitted where it is demonstrated that impacts on residential uses would be minimized. Separation distances may be defined in the implementing zoning by-law.

### 6.3.6 Character Area - Yonge Civic (~~York County Centre~~)

- i. This *Character Area* will be a predominantly employment focused area and will be planned for an ultimate *build-out* of approximately **1,900** ~~2,200~~ people and **5,500** ~~5,400~~ jobs and a land use mix of approximately **45 %** ~~50 %~~ of total Gross Floor Area as residential uses and **55 %** ~~50 %~~ of total Gross Floor Area as commercial and employment uses.

### 6.3.7 Character Area - Yonge South (~~Armitage Village~~)

- i. This *Character Area* will be planned for an ultimate *build-out* of approximately **6,200** ~~6,300~~ people and **3,000** ~~2,800~~ jobs and a land use mix of approximately 75% of total Gross Floor Area as residential uses and 25% of total Gross Floor Area as commercial and employment uses.
- ii. This *Character Area* will be characterized by higher density development with opportunities for office and retail uses, and *Priority Commercial Areas* have been identified along the main intersection of Yonge Street and Mulock Drive. **Two Neighbourhood Parks are located within this Character Area.**

### 6.3.8 Character Area - Davis Drive (~~Huron Way~~)

- i. This *Character Area* will be planned for an ultimate *build-out* of approximately **4,200** ~~3,600~~ people and **2,000** ~~2,600~~ jobs and a land use mix of approximately ~~60%~~ **70 %** of total Gross Floor Area as residential uses and ~~40%~~ **30%** of total Gross Floor Area as commercial and employment uses.

### 6.3.9 Character Area - Regional Healthcare Centre

- i. The Regional Healthcare Centre *Character Area* will be a predominantly institutional area and will be planned for an ultimate *build-out* of approximately 1,100 people and **8,700** ~~8,400~~ jobs and a land use mix of approximately ~~15%~~ **20%** of total Gross Floor Area as residential uses and ~~85%~~ **80%** of total Gross Floor Area as commercial and employment uses.

### 6.3.10 *Provincial Urban Growth Centre*

- vii. The Town will monitor development within the *Provincial Urban Growth Centre* to ensure the minimum density will be achieved in accordance with Policies ~~6.4.6~~ **6.3.10** (iii) and (iv).

### 6.4.2 Drive-through Facilities

- iv. New drive-through facilities will not be permitted **with direct vehicular access onto Yonge Street or Davis Drive, or within Priority Commercial Areas.** ~~or in areas fronting on Yonge Street or Davis Drive~~ New drive-through facilities will be discouraged throughout the rest of the Urban Centres, and may only be permitted where supported by an air quality study and stacking and queuing report that demonstrates, to the satisfaction of the Town, that the stacking and queuing can be entirely accommodated on the subject property, that the use will not result in negative traffic impacts on Yonge Street or Davis Drive, pedestrian flow is not impeded, and that there will be no negative air quality or noise impacts to surrounding uses or activities.

### 6.4.5 ~~7~~ General Building Height and Density

#### Height

- vii. No development shall have a height lower than the Permitted Minimum Height identified on Schedule 4, except as provided for in Policy 6.4.57(viii) or 6.4.78(ii), or higher than the Permitted Maximum Height identified on Schedule 4, except as provided for in the bonusing provisions in Policy 14.2.9.
- viii. ~~Minor~~ Reductions to the Permitted Minimum Heights identified on Schedule 4 may be permitted without an amendment to the Official Plan:
  - a) to allow flexibility in building and site design, for example to articulate a portion of a façade;
  - b) for development involving conservation of heritage structures; ~~and/or~~
  - c) to meet the Transitional and Angular Plane Policies of Policy 7.3.3 and/or the shadow provisions of Policy 7.3.9; **and/or**
  - d) for development for *human services* that may not be typically built to the required minimum heights, e.g., police and emergency services, transit facilities, etc.**

#### Density

- xiv. ~~Minor~~ Reductions to the Permitted Minimum Density identified on Schedule 4 may be permitted without an amendment to the Official Plan:
  - a) for development involving conservation of heritage structures; ~~and/or~~
  - b) in order to meet the Transitional and Angular Plane Policies of Policy 7.3.3 or the shadow provisions of Policy 7.3.9; **and/or**
  - c) for development for *human services* that may not be typically built to the achieve the required minimum densities, e.g., police and emergency services, transit facilities, etc.**

Such consideration shall require demonstration, to the satisfaction of the Town, that the minimum density of the *density designation* will generally be achieved.

#### 6.4.65 Floodplain and Hazard Lands

- x. Any ~~proposed new~~ **future road(s)** within the Floodplain ~~and or~~ Hazard Lands shall be designed to **demonstrate that safe access is provided to outside the floodplain**, ~~in such a manner to ensure safe access is provided outside the floodplain and demonstrate to the satisfaction of the lake Simcoe Region Conservation Authority~~ that flood flows are not obstructed, and/or the design will not contribute to upstream or downstream flooding, **all to the satisfaction of the Lake Simcoe Region Conservation Authority.**

#### 6.4.78 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 than the Permitted Minimum Height and Permitted Minimum FSI identified on Schedule 4 may be permitted without amendment to this Plan, subject to Policy 6.4.78(ii).

#### 6.4.89 Phasing of Development

## 7.0 Urban Design and Sustainability

### 7.2 Objectives

- e) incorporate new gateway features to create a sense of arrival in the Urban Centres, distinguishing ~~it~~ **the Urban Centres** as the focal point for intensification while creating a unique and memorable identity;

#### 7.3.1 General Urban Design

- iv. In order to accommodate the future burying of the overhead hydro and other utilities on both sides of Yonge Street and Davis Drive, **up to an additional five metres of boulevard width is** ~~lands are~~ required to be dedicated to the Town **or secured through an easement in favour of the Town**, in accordance with Policy 13.3.4.

#### 7.3.2 General Massing and Built Form

- xiii. Detailed Architectural Design Plans are required to demonstrate, to the satisfaction of the Town, that the provisions of Section 7.0, Urban Design and Sustainability are met.**

#### 7.3.3.2 Development Fronting on a Public Street ~~Shared~~ with Low-Rise Residential Development within the Stable and Emerging Residential Areas

#### 7.3.4 Low-Rise Residential Buildings

- iv. Where at-grade residential ~~uses~~ **buildings** 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~~ required to be dedicated to the Town for the future burying hydro, the setback **is subject to** ~~may be reduced in accordance with~~ Policy 13.3.4.

#### 7.3.5.2 Towers

- i. The *tower* portion of *high-rise buildings* will be designed to create a memorable and iconic skyline, particularly at **the intersection of** Yonge Street and Davis Drive.

#### 7.3.6 Streetscapes and Boulevards

- iii. Development fronting on Yonge Street **and** Davis Drive will be designed to support a pedestrian friendly environment by:
  - a) providing for features such as pedestrian plazas and courtyards which are publicly accessible in accordance with Policy 10.3.3 Urban Squares and Plazas;
  - b) minimizing direct vehicular access in accordance with Policy 7.3.2 ix;**
  - c) ensuring that where vehicular access is provided, sidewalks are also provided to reduce vehicular and pedestrian conflicts;**
  - d) ensuring that sidewalks and pedestrian access are clearly differentiated from vehicular access through the use of textured or coloured materials;**
  - e) providing amenities such as public art, benches, bicycle parking, landscaped features and resting places;

- f) creating a comfortable, yet highly animated, pedestrian environment through a rhythm of multiple retail frontages, architectural *articulation*, numerous entrances, display windows, canopies and signage;
  - g) promoting a strong street orientation by having building entrances oriented to the public street;
  - h) providing for weather protection and shade by incorporating features such as arcades, architectural canopies, trees and shade structures;
  - i) avoiding utilities, vents and other unsightly elements on the lower levels of façades adjacent to Yonge Street and Davis Drive; and
  - j) locating uses at-grade that create visual interest and support street activity.
- iv. A boulevard width of approximately **10 metres** will be established along both sides of Yonge Street and Davis Drive. This boulevard will accommodate wide pedestrian sidewalk, cycling facilities and landscaping as well as the planned burying of the hydro lines, as conceptually illustrated in Appendix A **and addressed in Policy 13.3.4**. The design of the Yonge Street and Davis Drive boulevards will:
- a) promote consistent design themes, materials and landscaping within the **individual** Character Areas throughout the Urban Centres;
  - i) provide places **for people** to meet, sit and socialize;
- v. The design of minor collector roads and local roads will:
- a) promote pedestrian amenity, comfort, convenience and safety;
  - b) ensure accessibility;
  - c) incorporate design features that minimize visual width and scale of the street;
  - d) incorporate design and functional elements which reduce traffic speed where appropriate, **e.g., trees and landscaping**;
  - e) permit on-street parking where operationally feasible, particularly in proximity to *Priority Commercial Areas* identified on Schedule 3; and
  - f) provide coordinated traffic and way-finding signage which is designed in scale and character with the streetscape elements.
- vi. Private roads and internal driveways required for site circulation will be designed as active streets, including provision for pedestrians and cyclists. Use of surface material, landscaping and pavers should be used to distinguish **between pedestrian and vehicular access**, ~~uses and facilitate~~ **to enhance** pedestrian safety and **facilitate** way finding.

### 7.3.7 Sustainability

- xiii. Development that incorporates certain sustainability measures may qualify for deferral of Development Charges in accordance with the Policy for Deferral of Payment of Development Charges and Planning Application Fees **within the** ~~in the Yonge/Davis and Regional Healthcare~~ Urban Centres, as may be amended from time to time.

### 7.3.10 Landmarks and Public Views

- ii. Development proposed ~~for~~ **on** the heights of land **located** to the north and to the south of the Yonge Street and Davis Drive intersection shall be sensitively designed in keeping with the prominence of these locations and with a view to creating an iconic sky line.

### 7.3.11 Signage and Lighting

- ii. All building signage and site lighting shall be designed and oriented: to minimize general light pollution, **and to prevent** the infringement of light and glare onto adjacent properties, and **to** minimize impacts on the night sky in keeping with dark sky principles.

#### 7.3.12 Parking Facility Design

- iv. ~~The design of p~~ Parking facilities **will be designed to incorporate** ~~should take~~ the following design policies: ~~into account:~~
  - a) integration of walkways, traffic islands, ~~and~~ pedestrian refuges **and pedestrian scale lighting** as integral components;
  - b) minimizing driveway access points to the public street as well as driveway crossings of the sidewalk, **and include** ~~ing shared~~ing driveway access **with** ~~between~~ adjacent sites, where feasible;
  - c) provision of visual screening ~~for~~ of parking areas or structures that are visible from the street, **sidewalk or public spaces;**
  - d) **incorporate landscaping within surface parking areas and on the upper decks of outdoor parking structures to create shade, reduce heat island effect and provide a pleasant and attractive environment for pedestrians;**
  - e) **incorporate innovative stormwater management features, including Low Impact Development measures;**
  - f) integration of secure bicycle parking;
  - g) priority parking for accessibility (vehicular and scooters), car share and electric or hybrid vehicles, and including electrical charging stations;
  - h) providing at least one pedestrian route between the main building entrance and the public sidewalk that is uninterrupted by parking and driveways;
  - i) in larger parking structures or where parking facilities serve more than one building or destination, providing logical, well-marked pedestrian routes for safe travel through the parking facility;
  - j) where parking facilities or accesses are located at the rear of buildings, provide rear entrances and pedestrian walk-throughs in order to facilitate pedestrian access to the street and clear way-finding; and
  - k) other elements that may be identified by the Town.
- v. Parking structures fronting on a public street or parkland shall generally contain street related active commercial, residential or institutional uses on the ground floor subject to technical considerations and the entire façade shall be designed to appear as **a** fenestrated buildings, with a regular articulation of openings and materials that are generally consistent in type and quality with those of surrounding buildings.

#### 7.3.13 Servicing and Utility Facilities

- i. **In addition to the policy 7.3.6. iv.,** *utility* and servicing equipment will be integrated into the design of the urban landscape and where possible will be located underground.
- iv. *Utility* facilities are encouraged to be designed to be within buildings or parking structures where direct access by the utility provider is provided generally from the exterior of the building/structure, **e.g., communication or utility equipment.**

#### 8.3.2 Street Network

- iv. New public streets identified on Schedule 5 shall generally be conveyed to the Town ~~by way of plan of subdivision~~ in accordance with Policy 14.2.4 or, in some cases, may be acquired by the Town, and the cost of acquisition recovered through cost sharing agreements with benefitting landowners.

#### 8.3.7 North/South and East/West Network Study

- i. The general area to the north and south of the Regional Healthcare Centre and east of Main Street to Leslie Street is constrained in terms of network capacity. This area will be the subject of further analysis undertaken jointly by the Town and York Region to address broader north/south and east/west capacity and collector network improvement opportunities both within and outside the Urban Centres. 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 9.3.3.9.3.2.1(ii)

#### 9.3.3 Newmarket GO Rail Mobility Hub Station Area

- i. The Newmarket GO Rail Station will be planned as an urban station that is primarily accessed by pedestrians, cyclists and transit riders, with limited park-and-ride capacity. Park-and-ride service should be focused at the East Gwillimbury GO Rail station and the ~~proposed~~ **future Mulock Drive** GO Rail station.
- ii. The Town of Newmarket will encourage Metrolinx to partner with the Town, the Region and other relevant partners to prepare a Mobility Hub Station Area Plan for the area around the Newmarket GO Rail Station, as conceptually illustrated in Schedule 5. The Mobility Hub Station Area Plan should address as a minimum, the following:
  - a) the long-term role and function of the Newmarket GO Rail Station within the broader GO Rail network, taking into account Policy 9.3.3.2.1(i);

#### 9.3.5 Transportation Demand Management

- iv. TDM strategies should be designed to decrease single occupancy vehicle use, reduce peak period demands, especially discretionary trips in the afternoon peak period, promote active transportation and transit use, and to increase vehicle occupancy during peak periods and should include, but not be limited to:
  - a) provision for car share opportunities in major residential developments;
  - b) secure indoor bicycle parking and showers in conjunction with *major office* and commercial uses, institutional and civic uses;
  - c) preferential parking for carpool **and electric** vehicles in non-residential developments;
  - d) provision for bicycle parking in close proximity to building entrances and transit stations;
  - e) transit incentive programs, including subsidized transit fares; and incorporating paid parking requirements with non-residential development.

#### 9.3.6 Parking

- i. The Town will establish minimum and maximum parking requirements for the Urban Centres in the Zoning By-law. Parking requirements will seek to **reduce the parking standards in order to** encourage a shift toward non-auto modes of transportation **and reflect the walking distance to transit and complementary uses.**

## 10.0 Parks, Open Space and Natural Heritage

### 10.1 Introduction

(Last paragraph before Table 3)

**Approximately 23 ha will be required to serve the projected growth. Although Table 3 identifies the shortfall by quadrants, parkland will need to be distributed throughout the Urban Centres to achieve the required standard and will not be limited to the specific quadrant.** The Table 3 does not address growth outside the Urban Centres ~~but~~ **and** aims to identify future park needs based only on the Urban Centres intensification.

*Table 3: Projected Neighbourhood Parkland Required to Maintain the Neighbourhood Park Standard of 0.7 ha/1000 Persons*

	Northwest Quadrant (includes Yonge North/Yonge and Davis/Yonge Civic north of Eagle /Davis Drive Character Areas)	Northeast Quadrant (includes Regional Healthcare Centre and Floodplain portion of Davis Drive Character Areas)	Southwest Quadrant (includes the Yonge Civic Character Area south of Eagle Street and Yonge South Character Area)
Existing - Neighbourhood Parkland in 2011	15.6 ha	6.3 ha	15.3 ha
Build-out Population - Additional people	<b>25,200</b> <b>22,000</b>	1,100	<b>6,700</b> <b>9,900</b>
Total Additional Neighbourhood Parkland required at ultimate <i>build-out</i>	<b>17.6 ha</b> <b>15.4 ha</b>	0.8 ha	<b>4.7 ha</b> <b>7 ha</b>
Total Additional Neighbourhood Parkland required at ultimate <i>build-out</i> for entire Urban Centres	<b>23.2 ha</b> <b>23.1 ha</b>		

**\*(hectares required is based on 0.7 ha per 1,000 residents and represent an average projected growth based on the minimum and maximum densities and heights permitted by this Plan; a higher population may be achieved by build out.)**

#### Paragraph # 4

The parks and open space strategy for the Urban Centres supports connectivity with the existing parks and open space system, protection of existing natural heritage features, the maintenance of existing parkland, and the recognition of the potential for stormwater management ponds and Floodplain and Hazard Lands as contributing to open space opportunities. The Secondary Plan identifies a number of opportunities for signature public spaces as well as a network of smaller parks, urban squares and plazas that are stitched together with pedestrian mews and green streetscapes to accommodate the needs of the future population within and adjacent to the Urban Centres. The existing environmental features will also be a significant and dynamic part of the open space system for the Urban Centres. They will be protected so that residents

may enjoy these areas for passive recreational uses through a network of multi-use pathways, trails and other connections that link the Urban Centres to the broader community.

#### Paragraph # 6

While the Neighbourhood Parks, the Open Spaces, Urban Squares and Plazas will comprise the core of the Urban Centres parks and open space system, the streets themselves ~~will should~~ also play a role as public spaces. The Secondary Plan identifies a number of Green Streets throughout the Urban Centres. These streets provide important “green” corridors within the Urban Centres as well as connections between the Urban Centres, the adjacent neighbourhoods and the parks and open space system. They are critical to stitching together the Urban Centres parks and open space system.

#### Last Paragraph

Although additional Neighbourhood Parks and Urban Squares may be added through future development applications, it is anticipated that there will remain a significant shortfall of parkland **from what is identified on Schedule 6** within the Urban Centres to serve future residents. Therefore, improvement of existing parks and/or acquisition of new parks both within and in proximity to but outside the Urban Centres will be critical to achieving the vision for the Urban Centres. Opportunities need to be identified early in the planning process in order to ensure these spaces are secured for the future.

### 10.3 Policies

#### 10.3.1 General

- iii. It is the goal of the Town to develop a minimum of 23 ha of Neighbourhood Parks, Urban Squares and Plazas within or immediately adjacent to the Urban Centres, ~~but~~ outside the floodplain, natural heritage features and existing and future stormwater management facilities. These park spaces are intended to generally vary in size from 0.2 ha to 5.0 hectares **and will be distributed throughout the Urban Centres and not necessarily limited to the quadrants identified on Table 3.**
- vii. It is recognized that the ability to accommodate the parkland required to meet the targets in Policy 10.3.1(ii) may not be possible within the boundaries of the Urban Centres. The Town will therefore seek to improve and expand existing parks and/or secure and protect for new parks in the immediate vicinity of the Urban Centres **that would serve the Urban Centres.**

#### 10.3.1.1 Parkland Acquisition

- viii. Where any lands designated for Parks and Open Space are in private ownership, this Plan does not indicate that ~~these~~ lands are free and open to the general public or will be purchased by the Town. If proposals to develop any such lands that are in private ownership are made and the municipality does not wish to acquire such lands **as part of the Parks and Open Space system**, ~~in order to maintain the open space~~ then an application for the re-designation of such lands for other purposes will be given due consideration by the Town, insofar as such re-designation is consistent with the policies of this Plan.

#### 10.3.2 Neighbourhood Parks

- i. **Neighbourhood Parks will be planned and located such that there is** an existing or planned Neighbourhood **scale** park **within a maximum** ~~minimum~~ distance of 800 metres **of** all residents within the Urban Centres.

ii.

c) Neighbourhood Park 3 (Mulock Farm, approx. 4.2 ha) - This Neighbourhood Park, located at the north-west intersection of Yonge Street and Mulock Drive will be another iconic public space. It consists of a unique combination of existing environmental protection areas adjacent to the Hydro corridor and cultural heritage features. The park will promote the protection and conservation of existing cultural heritage assets and natural heritage features. Consideration may be given to cultural heritage and civic uses including, but not limited, to a pioneer village. The location provides park space in close proximity to the **6,200-6,500** residents forecast for the Yonge South *Character Area* **and because of its large scale, will serve the Urban Centres to the north along Yonge Street and the community in general.** It will provide a well-placed pause within the Urban Centres by providing a passive gathering space. This park is a priority for the Town given the heritage designation of the historic Mulock home under the *Ontario Heritage Act*.

e) Neighbourhood Park 5 (Davis Drive approx. 0.9 ha) - This park links Haskett Park to Davis Drive *mid*-block between Lorne Avenue and Parkside Drive. This *mid*-block connection provides an important link with the existing community and provides strategic parkland within the planned high density area along Davis Drive.

iii. Neighbourhood Parks **will** ~~should~~ be designed to:

- a) **have a significant street frontage/presence** ~~front onto a street,~~ **and incorporate or pedestrian mews and/or trail connections;**
- f) meet environmental sustainability standards including drought tolerant vegetation, permeable surfaces, low impact stormwater management, and use of native **plant** species, **where considered appropriate by the Town;** and

iv. Permitted uses and activities within the Neighbourhood Parks identified on Schedule 6 will depend on the size and theme of each park and will be subject to a detailed park master plan that may include:

- n) the larger Neighbourhood Parks, outdoor recreation facilities that meet the needs of local residents, such as a mini soccer pitch, basketball court, skateboarding facility, tennis court, small scale pavilion, and outdoor skating rink/**track**; and

#### 10.3.4 Open Spaces

i. In addition to the Neighbourhood Parks and Urban Squares and Plazas, the Urban Centres will include a number of Open Spaces. Open Spaces are intended to be passive in nature, respecting their location within the floodplain and/or role as stormwater management facilities and their linkage to natural heritage functions. These Open Spaces will be secured by the Town in accordance with Policy 10.3.1.1 ~~vi~~ ~~iii~~. The Urban Centres will include, but not be limited to the following Open Spaces:

- d) Niagara Street West Open Space – This Open Space fronts on the south side of Davis Drive west of Niagara Street. It is also within the floodplain and forms an important connection between the Niagara Street and Lorne Avenue Open Spaces and enhances the connectivity along the **Western** ~~Eastern~~-Creek through to Haskett Park. This Open Space is also part of the *active transportation* network. Opportunities for enhancing the natural heritage system will be a priority within this park.

- e) North Davis Open Space – This Open Space includes the floodplain on the north side of Davis Drive between Main Street and Vincent Street, providing for an enhanced natural heritage linkage opportunity along the ~~Western~~ **Eastern** Creek.
- f) Regional Healthcare Centre Open Space - The floodplain along Eastern Creek, a tributary of the Holland River, north and south of Davis Drive, provides important connectivity between Sunnyhill Park, Davis Drive and the George Richardson Park and the Tom Taylor Trail north of Davis Drive. This Open Space will be an important feature within the Regional Healthcare Centre providing “green” respite for not only visitors, patients, and employees, but also **for** the new residents within this neighbourhood. This Open Space provides the opportunity for parkland in the form of urban squares to be added to ~~it to~~ create a quiet gateway and sense of arrival to the core of the Healthcare Centre. A trail along this linear space will also serve to connect the neighbourhoods to the north and to the south and forms part of the *active transportation* network.

### 10.3.6 Natural Heritage System

- i. Opportunities for enhancing and restoring natural heritage features as part of the Urban Centres parks and open system will be implemented ~~where~~ appropriate.

## 11.0 Community Facilities and Human Services

### 11.1 Introduction

*Community facilities* include libraries, schools, institutional health care facilities, recreational facilities, cultural centres and other facilities which are open to and provided for the benefit of the public. The Urban Centres include several such facilities including the Newmarket Seniors Meeting Place and the Quaker Meeting House. Other major recreational facilities in the vicinity of the Urban Centres include the Ray Twinney Recreational Complex, Newmarket Youth and Recreation Centre and the Hollingsworth Arena. **Human services include public services, such as, police, emergency services, transit facilities and social services.**

Schools are an integral resource for the community, both as places for education as well as for the provision of shared facilities such as libraries, pools and gymnasiums. Accordingly, the timely provision of adequate school facilities to meet the demand of new residential development in the Urban Centres is a critical goal of the Secondary Plan. With a significant increase in the residential population within the Urban Centres, particularly in the Yonge North and Yonge South *Character Areas*, the York District School Board has estimated a requirement for two additional elementary school sites, and the York Catholic District School Board **and the Conseil scolaire Viamonde (French Public School Board) have both** estimated a requirement for one additional elementary school site. ~~within these character areas.~~ **A total of four (4) new school sites are identified on Schedule 3.**

Planning for the Urban Centres will also need to ensure that the recreational needs of future residents and the community-at-large are met. The Town's ~~is currently undertaking a~~ Recreational Master Plan **(The Recreational Playbook) will** ~~to~~ address the future recreational needs in Newmarket for the next ten years. Presently, there are several larger facilities in ~~the Town proximity to the Urban Centres~~ which are providing adequate levels of service and amenities to the community. These include the Ray Twinney Recreational Complex and the Magna Centre.

### 11.3.1 General

- i. The appropriate timing for most community facilities and human services will be dependent on the pace and nature of development within the Urban Centres. The Town shall regularly monitor development trends and social conditions in the Urban Centres. As population thresholds for major facilities, including schools, community recreation centres and emergency services, are approached, the Town shall work with York Region, the School Boards and other public agencies to assess the need for such services and facilities and determine or confirm the appropriate location(s), general configuration and program for required facilities. In the case of Town services, **and** at the appropriate time, the Town shall secure the land or space for required facilities through dedication, purchase, lease, expropriation or other arrangements.

### 11.3.3 Community Facilities

- iii. Where appropriate, *community facilities* **and human services** are encouraged to be incorporated within both public and private development, and where incorporated into private development, will be considered for bonusing provisions in accordance with Policy 14.2.9.

## 12.1 Introduction

The Town of Newmarket has a rich cultural history and a number of the Town's most prominent cultural heritage assets are found in the Urban Centres. Designated heritage sites in the Urban Centres include the George Dawson and Jacob Amelia Buildings, Crossland House, the Quaker Meeting House, Mulock House and Hick's Burial Ground. The Urban Centres also has a long aboriginal history prior to European settlement ~~with and the watershed of the Holland River~~ **forming** is part of an historic aboriginal trade route. Careful attention to culture and heritage will be important throughout the Urban Centres. Integrating cultural heritage into the urban fabric of the Urban Centres is key to their preservation and longevity in the community.

### 12.3.1 Cultural Heritage

- iii) The Mulock Farm property, located on the northwest corner of Yonge Street and Mulock Drive represents a unique cultural heritage asset within the Town and will be a priority for protection as a park so that its cultural significance can be celebrated and enhanced.

## 13.0 Servicing

### 13.1 Introduction

Development in the Urban Centres will need to be supported by upgraded infrastructure. This section deals specifically with water, wastewater, stormwater, waste and energy infrastructure.

Treated water is supplied by York Region to Newmarket through the ~~Yonge Street Aquifer System~~, an integrated **system based on a local groundwater aquifer system combined with a surface water source from Region of Peel and City of Toronto** that also serves Aurora, Queensville, Sharon and Holland Landing in East Gwillimbury. Six production wells in Newmarket, **six production wells in Aurora** and four production wells in Queensville ~~supply~~ **support** the Newmarket groundwater distribution system. There are three wells and their associated wellhead protection areas within the Urban Centres and additional wellhead protection areas that extend from two wells located outside the Urban Centres boundary. Lands within all of these wellhead protection areas will be subject to Regional Official Plan Wellhead Protection Area Policies and the Source Protection Plans.

Wastewater from the Urban Centres is currently conveyed by the York Durham Sewage System (YDSS) to Lake Ontario. The YDSS and Local Sewage Collection Systems are based on a two-tiered sanitary sewer system. The Region is responsible for conveyance via major trunk sewers and treatment and each municipality is responsible for local conveyance from residences and business to the Regional system. To service planned growth in the Urban Centres, increased water and wastewater capacity will be required. The need for additional land use/servicing strategies and programs to support the Secondary Plan will be assessed in the Region's Water and Wastewater ~~Servicing Master Plan~~ **Master Plan Update**, as amended. An update to the Master Plan commenced in 2013.

### 13.3.2 Water and Wastewater

- iii. Development within the Urban Centres shall be subject to the Wellhead Protection Area policies of Section 10.6 of the Town of Newmarket Official Plan, and the provisions of the York Region Official Plan and applicable guidelines **and the Source Protection Plan**.

### 13.3.3 Stormwater

- iii. Stormwater management in the Urban Centres should be planned and designed to contribute to the parks and open space system and the natural heritage system where feasible, with a particular emphasis on the stormwater management ~~facilities ponds~~ identified in association with the Parks and Open Spaces on Schedule 6.
- iv. Generally, the area around stormwater ~~facilities ponds~~ should be planted with native and flood-tolerant plants to stabilize banks, improve water quality, create wildlife habitat and add visual interest. Storm facilities should not be fenced. Barrier planting should be used where public access is discouraged. Trails and public access should be planned in conjunction with the **stormwater facilities ponds**, and bridges, boardwalks and overlooks will be considered.
- v. Innovative design and landscaping shall be required in conjunction with the stormwater management ~~facilities ponds~~ contained within Neighbourhood Parks and Open Spaces identified on Schedule 6 to integrate park uses with the stormwater function.
- vi. On-site measures and streetscape elements intended to enhance infiltration and minimize and treat stormwater run-off will be required, **such as Low Impact Development (LID) measures**. Examples of such measures may include rainwater harvesting and reuse systems, bio-swales or water features, permeable paving materials and green roofs. All new ~~development commercial, institutional, mixed use and multi-unit residential buildings, excluding townhouses, and stacked townhouses~~ shall install rainwater harvesting for outdoor irrigation and outdoor water uses.

### 13.3.4 Energy and Underground Utilities

- vii. Where land is dedicated to the Town **for the future burying of hydro**, the land dedicated shall be included in the *land area* for the purposes of calculating the density (FSI) of the abutting developing property.

### 14.2.2 Coordination and Phasing of Development

- vi. ~~Development plans of subdivision~~ shall encompass an appropriate planning ~~area unit~~ as agreed upon between the applicant and the Town. The Town shall **only** approve ~~development only plans of subdivision/condominium~~ that:
  - a) conforms with the policies and designations of this Secondary Plan;
  - b) can be provided with adequate services and facilities as required by this Plan; and

- c) ~~is are~~ not premature and ~~is are~~ in the best interest of the municipality.

### 14.2.3 Existing **Lawful** Uses

- i. ~~Land The~~ uses, and buildings and structures that legally existed prior to the adoption of this Plan shall be permitted to continue; however, they are ultimately intended to be redeveloped and used in conformity with this Plan. Where previously approved uses or existing **lawful uses, buildings or structures** are not **in conformity** ~~consistent~~ with the objectives and policies of this Plan, such uses will be encouraged to redevelop over time in a manner that is consistent with this Plan.

**Enlargements, extensions, additions and alterations** ~~Expansions of existing lawful uses including buildings and structures~~ additions and/or alterations may be permitted **in accordance with Policy 6.4.7 9 and the applicable Non-conforming Uses policies of the Official Plan,** without amendment to this Plan. **Such applications will be considered through an amendment to the Zoning By-law or by application to the Committee of Adjustment, subject to the following policies:** ~~in accordance with the Transitional Policies contained in Policy 6.4.7 9.~~

- a) **the existing lawful use has been continuous;**
  - b) **the enlargement, extension, addition or alteration is located on the same property originally owned and used by the applicant on the day the use, building or structure was prohibited by a zoning by-law;**
  - c) **the proposed use is the same or similar to the lawfully existing use and does not increase zoning by-law non-compliance;**
  - d) **the applicable provisions of this Plan are met including but not limited to, urban design, traffic impacts, and parking.**
- ii. **The replacement or repair of a lawfully existing building or structure may be permitted without amendment to this Plan where the damage or destruction was beyond the control of the landowner provided:**
    - a. **the replacement or repair is constructed within 2 years of the damage or destruction; and**
    - b. **the reconstruction or repair does not increase the footprint or the gross floor area of the former building or structure, nor does it increase zoning by-law non-compliance beyond that of the former building or structure.**
- ~~ii. Replacements of previously approved uses may be permitted in the event of damage that was outside of the control of the landowner without amendment to the Plan.~~

### 14.2.9 Bonusing

- ii. The applicant may elect to request increases in the Permitted Maximum Heights and/or Permitted Maximum FSIs up to, but not exceeding the Discretionary Maximum Heights or Discretionary Maximum FSIs With Bonusing, without an amendment to this Plan in exchange for the provision of one or more of the following public benefits, or cash in lieu of such benefits. The following public benefits are beyond what would otherwise be required to be provided by this Plan, the *Planning Act*, the *Development Charges Act* or any other legislative requirement:
  - i) other *community facilities or human services* identified by the Town as desirable for the Urban Centres;

- v. A by-law passed under Section ~~34~~**37** 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 provided for the increased height and/or density. The landowner may be required to enter into an agreement with the Town with respect to the provision of community benefits. The agreement may be registered against the land to which it applies.

## 16.0 Deferrals

### 1. 230 Davis Drive

The **proposed** Parks and Open Space designation on lands municipally known as 230 Davis Drive is deferred. Until the designation is established in the Secondary Plan **through a site specific amendment**, the ~~existing~~ Urban Centre designation and applicable provisions of the Zoning By-law **in effect at the time of the approval of the Secondary Plan**, shall apply.

### ~~2. 212 Davis Drive~~

~~The two Future Private Roads/Lanes (Conceptual) identified on Schedule 5 affecting the lands municipally known as 212 Davis Drive, is deferred.~~

### 2. 16780 Yonge Street (Mulock Farm)

**The proposed Parks and Open Space designation on lands municipally known as 16780 Yonge Street is deferred. Until the designation is established in the Secondary Plan through a site specific amendment, the Urban Centre designation and the applicable provisions of the Zoning By-law in effect at the time of the approval of the Secondary Plan, shall apply.**

## Modifications to the Schedules

### Schedule 5 - Street Network:

**Include the following Deferral Note for 230 Davis and 16780 Yonge Street (Mulock Farm):**

**Subject to Section 16.0 Deferrals**

### Schedule 3 - Land Use, Schedule 4 - Height and Density, Schedule 5 - Street Network and Schedule 6 - Parks, Open Space and Natural Heritage is modified as follows:

**The Parks and Open Space designation on the property located at the south-west corner of Yonge Street and Mulock Drive is modified in accordance with the attached Schedules.**

## 17.0 Glossary

Active Transportation – **Generally** non-motorized travel, including walking, cycling, roller-blading and movements with mobility devices. The *active transportation* network includes sidewalks, crosswalks, *pedestrian mews*, designated bicycle facilities, off-road trails, and other facilities designed to accommodate active transportation.

Community Facilities – Facilities which are open to and/or provided for the benefit of the public, including libraries, schools, recreational facilities and cultural centres.

Development Areas - *Provincial Urban Growth Centre* Subareas within the Provincial Growth Centre to which the density provisions of Policy **6.3.10(iv)** ~~6.4.6 (iv)~~ shall apply.

Development Block – Development blocks are defined in Schedule 5. Development blocks are generally defined as the area enclosed within a block of existing or ~~proposed~~ **future** public streets.

Floor Space Index (FSI) – A measure of the ratio of a building’s floor area to the area of *land area* upon which it is built.

**Human Services** – Services that serve the general public including police and emergency services, **transit facilities**, social services, **education**, etc.

Land Area - The land area to be used for calculating *FSI* shall include all land used for:

- buildings;
- off-street parking and servicing areas;
- private streets and driveways;
- lands conveyed to the Town for underground hydro in accordance with Policy 7.3.6 ~~and~~ Policy 13.3.4; and

**Low and Moderate Income Households means:**

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Major Transit Station Areas – The area including and around any existing or planned higher-order transit station within a settlement area, or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500 metre radius of a transit station, representing about a 10-minute walk.

**Utility(ies)** – all public and/or private works including but not limited to **hydro**, Cable Television Services, communication/telecommunication, gas, Canada Post or similar works or systems necessary to serve the broader public interest.

## 18.0 Acronyms

AODA – Accessibility for ~~Ontarians~~ **Ontarians** with Disabilities Act

## Modifications to Items 2 to 4

The following contain editorial modifications to Items 2 – 4, (Amendments to the parent Official Plan). The modifications are identified as **underlined and bold** for additions and identified as **~~bold strikethrough~~** for deletions.

The identified modifications include the applicable text to provide context for the modifications.

## Item 2 Modifications

2. The addition of a new subsection titled “The Queen Street Complementary Use and Transitional Areas” which retains the following existing policies as modified ~~and below and~~ and renumbered **below**:

- 4.3.3.2 Complementary Use Area
- 4.3.3.3 ~~South~~ Transition Area.

## 4.0 Urban Centres

The Provincial Growth Plan, *Places to Grow*, informs decision-making regarding growth management in the Greater Golden Horseshoe (GGH) of Ontario. Newmarket is the location of one of twenty-five urban growth centres identified by the Growth Plan. Urban growth centres are the areas where future growth and intensification will be directed. The Growth Plan’s vision focuses on ensuring that the GGH is a great place to live and work in 2031. This vision is guided by a series of principles and policies. The Growth Plan **and the York Region Official Plan** contains specific density targets for ~~each of the~~ urban growth centres along with other policies on how they are to be planned and designated in Official Plans. The Yonge-Davis *Provincial Urban Growth Centre* designation as shown on Schedule A **and on Schedule 1 of the Newmarket Urban Centre Secondary Plan attached as Section II** represents the **Growth Plan’s *Places to Grow* Urban Growth Centre within Newmarket and the Regional Centre, as identified in the York Region Official Plan.**

**There are two Urban Centres in Newmarket each with difference characteristics and roles:**

1. **The Newmarket Urban Centres Secondary Plan area; and**
2. **The Historic Downtown Centre.**

**In addition there is a small transitional area located north of Queen Street adjacent to the Regional Healthcare Centre identified as:**

**The Queen Street Complementary Use Area and Transitional Area on Schedule A – Inset A - ~~Newmarket Urban Centres Secondary Plan Area~~**

The area of the Newmarket Urban Centres Secondary Plan Area consists of:

- Yonge Davis Provincial Urban Growth Centre;
- Yonge Street **and Davis Drive** Regional **Corridors** ~~Centres~~; **and**
- Regional Healthcare Centre; as identified on Schedule A, Land Use Plan

**The Town has prepared a detailed Secondary Plan to guide development within the Newmarket Urban Centres Secondary Plan area. The Newmarket Urban Centres Secondary Plan is appended to this Official Plan as Section II. ~~and includes the following three subareas identified on~~**

## 4.2 General Urban Centres Policies

34. A high standard of building design and landscaping will be encouraged in all Urban Centres, particularly where those developments are adjacent to residential development, through the requirements of the **implementing** ~~Zoning~~ By-law, and site plan approval in accordance with the provisions in Section 12, Urban Design and Compatibility of this Plan **and within the area of the Newmarket Urban Centres Secondary Plan, the provisions of the Secondary Plan.**

- 10.9. The Town of Newmarket will work with the Region of York to develop implementation strategies for the Yonge Street Regional Centre Secondary Plan, which may include:
- Providing opportunities for joint development between the transit agency and land developers to encourage and facilitate transit-supportive development and/or transit infrastructure;
  - Promoting transit ridership through controlled parking standards within the **area of the Newmarket Urban Centres Secondary Plan** ~~Yonge Street and Davis Drive~~ **Corridors** Regional Centre including the implementation of **minimum and** maximum parking standards, parking authorities and cash-in-lieu of parking under the *Planning Act*; and,

#### 4.3.1 Newmarket Urban Centres Secondary Plan

**The Newmarket Urban Centres Secondary Plan Area includes the Yonge Davis Provincial Urban Growth Centre; the Yonge Street and Davis Drive Regional Corridors Centres; and the Regional Healthcare Centre as identified on Schedule A, and is subject to the detailed policies of the Newmarket Urban Centres Secondary Plan appended as Section II to this Plan.**

### Item 3 Modifications

#### 14.2 General Requirements for all Development

- 14.2.1 As of September 2005, the population of Newmarket was approximately 77,000 people. **Intensification within the Newmarket Urban Centres Secondary Plan Area forecasts a n increase in population of approximately 33,000 people by full build-out.** ~~Land use and infrastructure policies assume a population of approximately 98,000 people when the Town is fully built-out. Of that 98,000, it is intended that approximately 8,000 will be accommodated through intensification.~~

#### 16.1.6 Complete Applications

Add the following additional requirement under Zoning, Condominium Plan and Site Plan:

- **Detailed Architectural Design Plans**

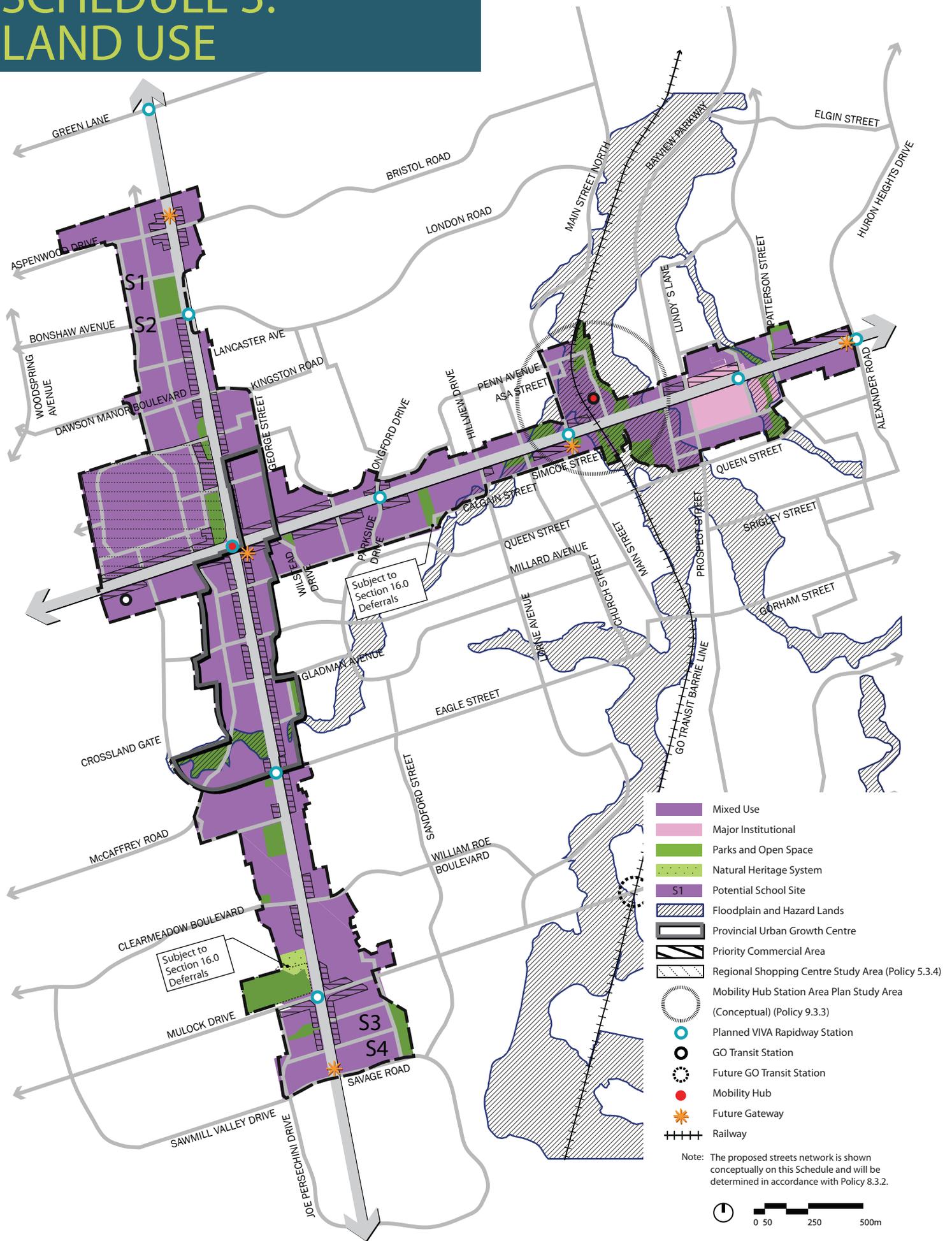
### Item 4 Modifications

Modifications to the Schedules of the Official Plan

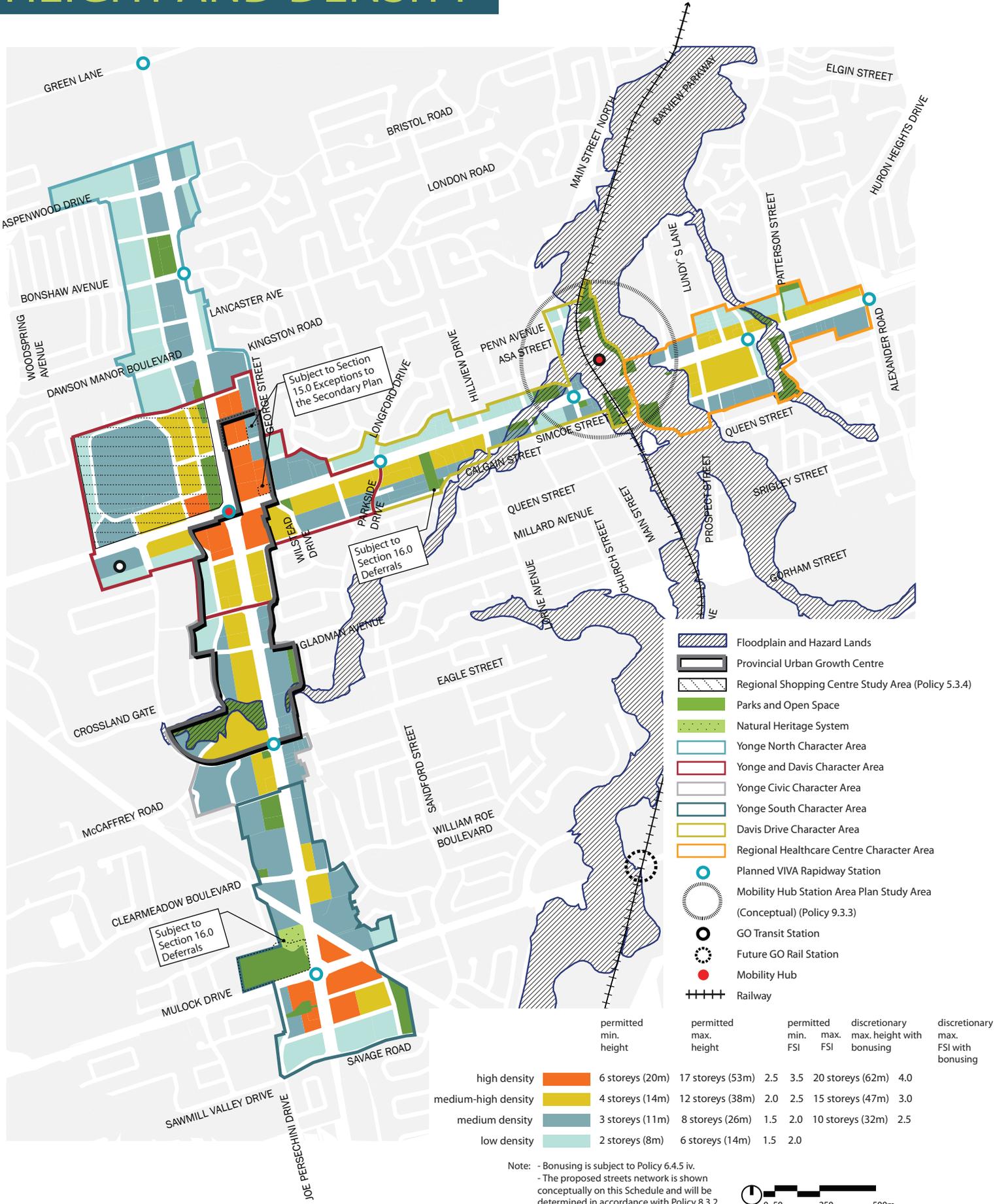
1. Replace Schedule A (Land Use) with a revised Schedule A which:

- Deletes the existing Inset Map A, Regional Healthcare Centre
- Replaces Inset Map A with a revised map showing only the South Transition Area and the Complementary Use Area
- Identifies the Yonge Street and Davis Drive Corridors
- **Identifies the Newmarket Urban Centre Secondary Plan Area.**

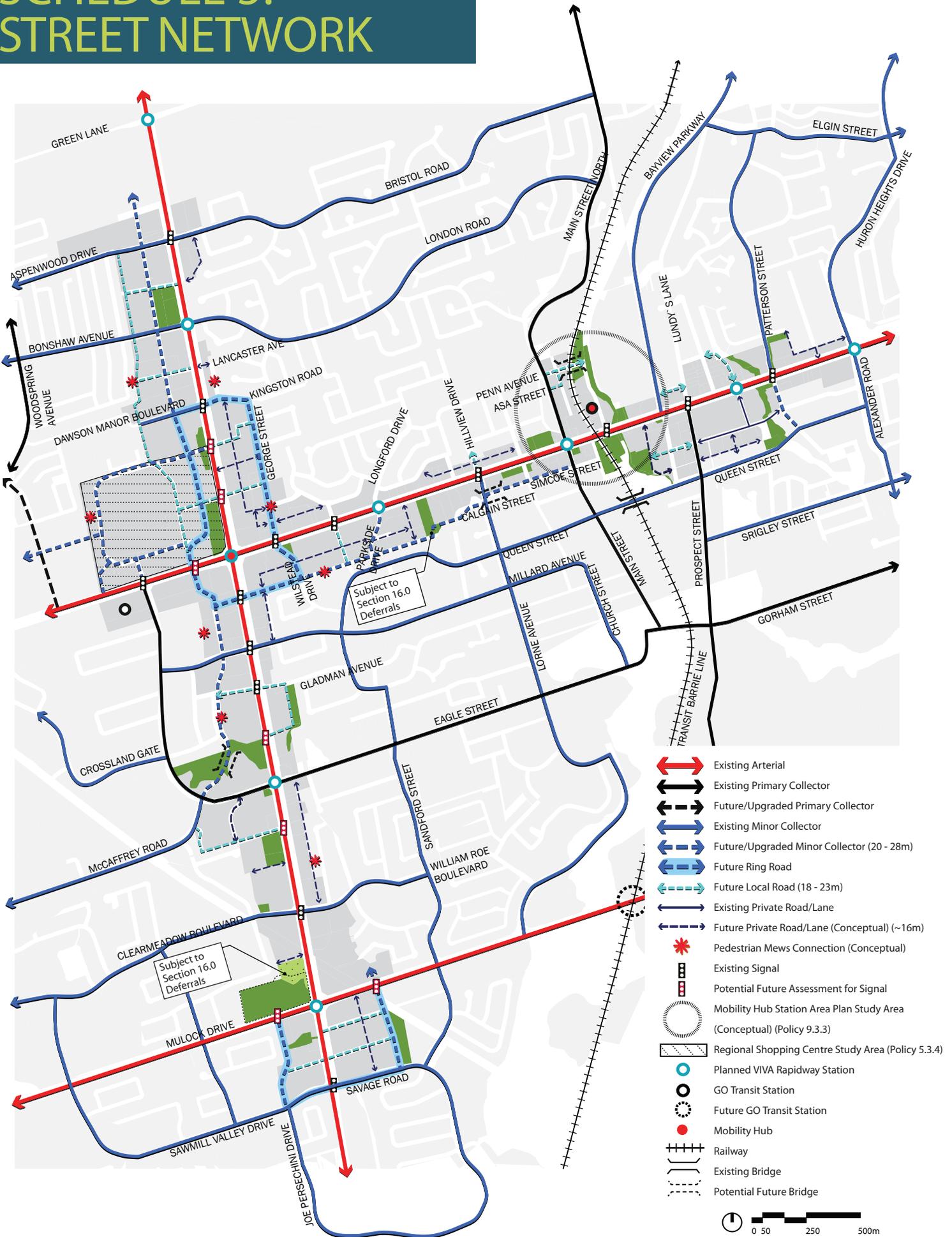
# SCHEDULE 3: LAND USE



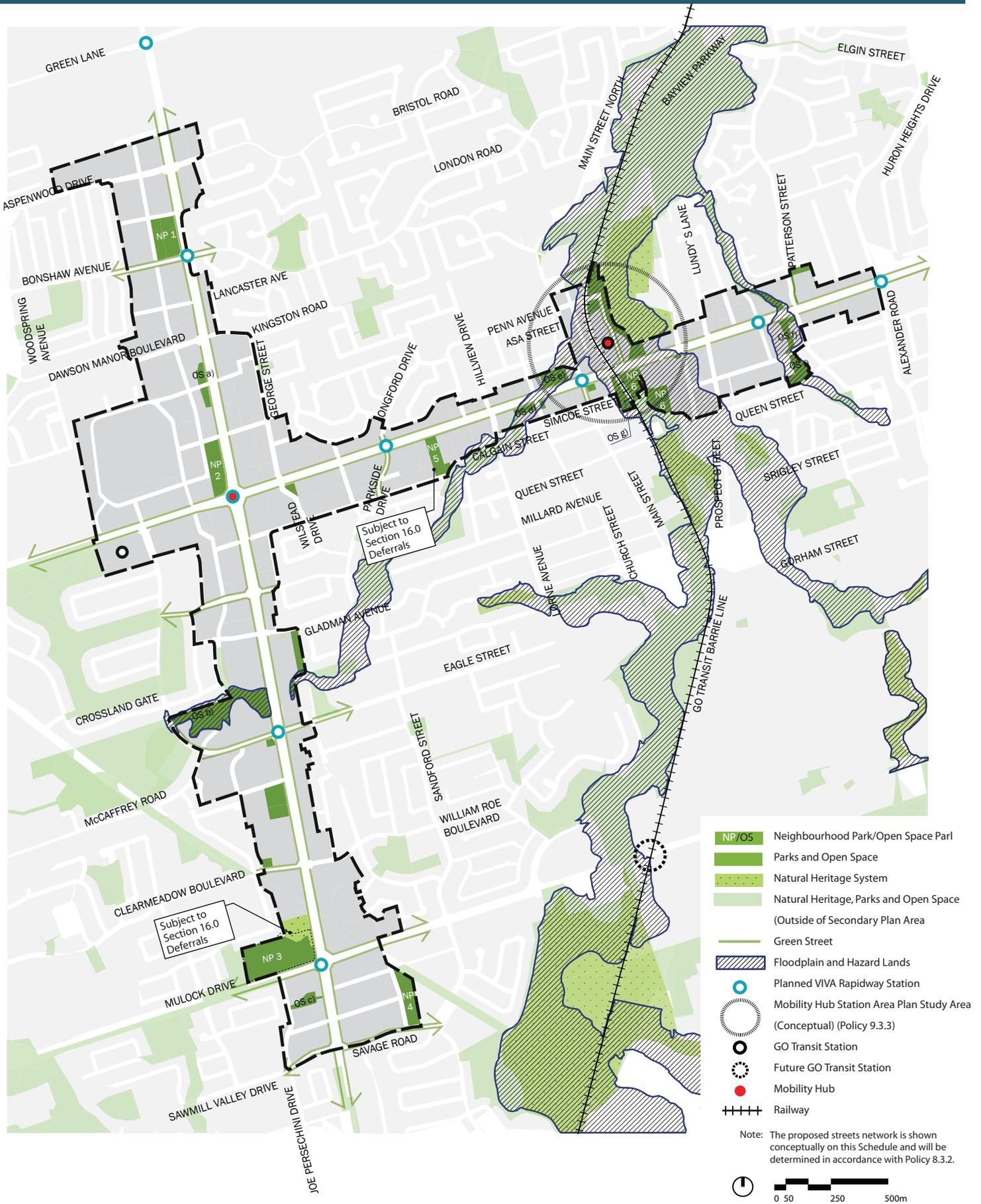
# SCHEDULE 4: HEIGHT AND DENSITY



# SCHEDULE 5: STREET NETWORK



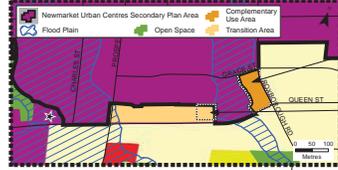
# SCHEDULE 6: PARKS, OPEN SPACE & NATURAL HERITAGE



**OPA # 4 - Amended from Parks & Open Space to Commercial**

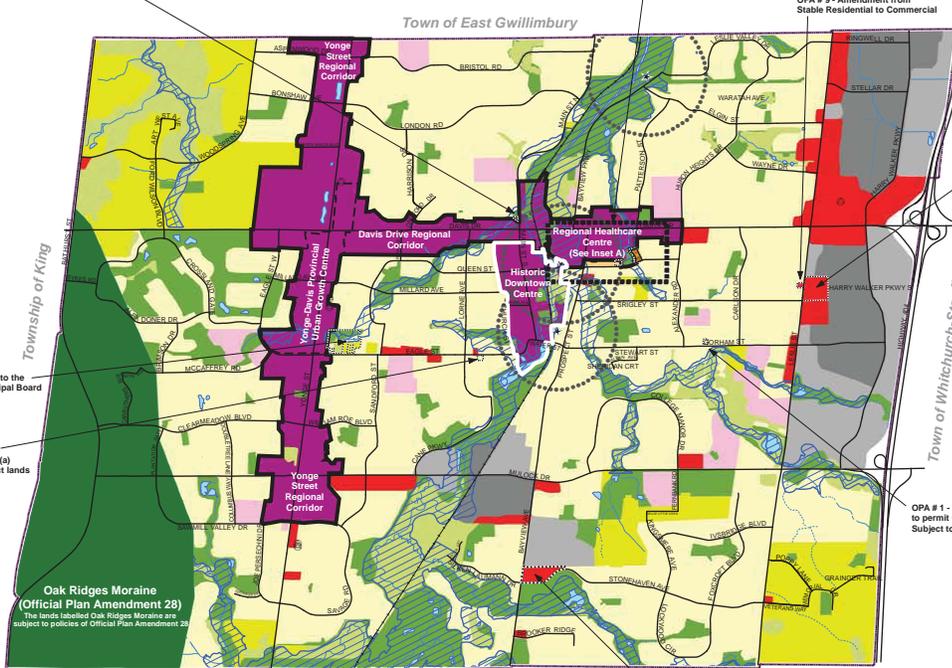


**Inset A: Complementary Use Area & Transitional Area**



**Schedule A  
Land Use  
Town of Newmarket**

- Stable Residential
- Emerging Residential
- 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 LSRC 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.
- 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



OPA # 2 - Site Specific Amendment Policy 3.8.2(a) does not apply to subject lands

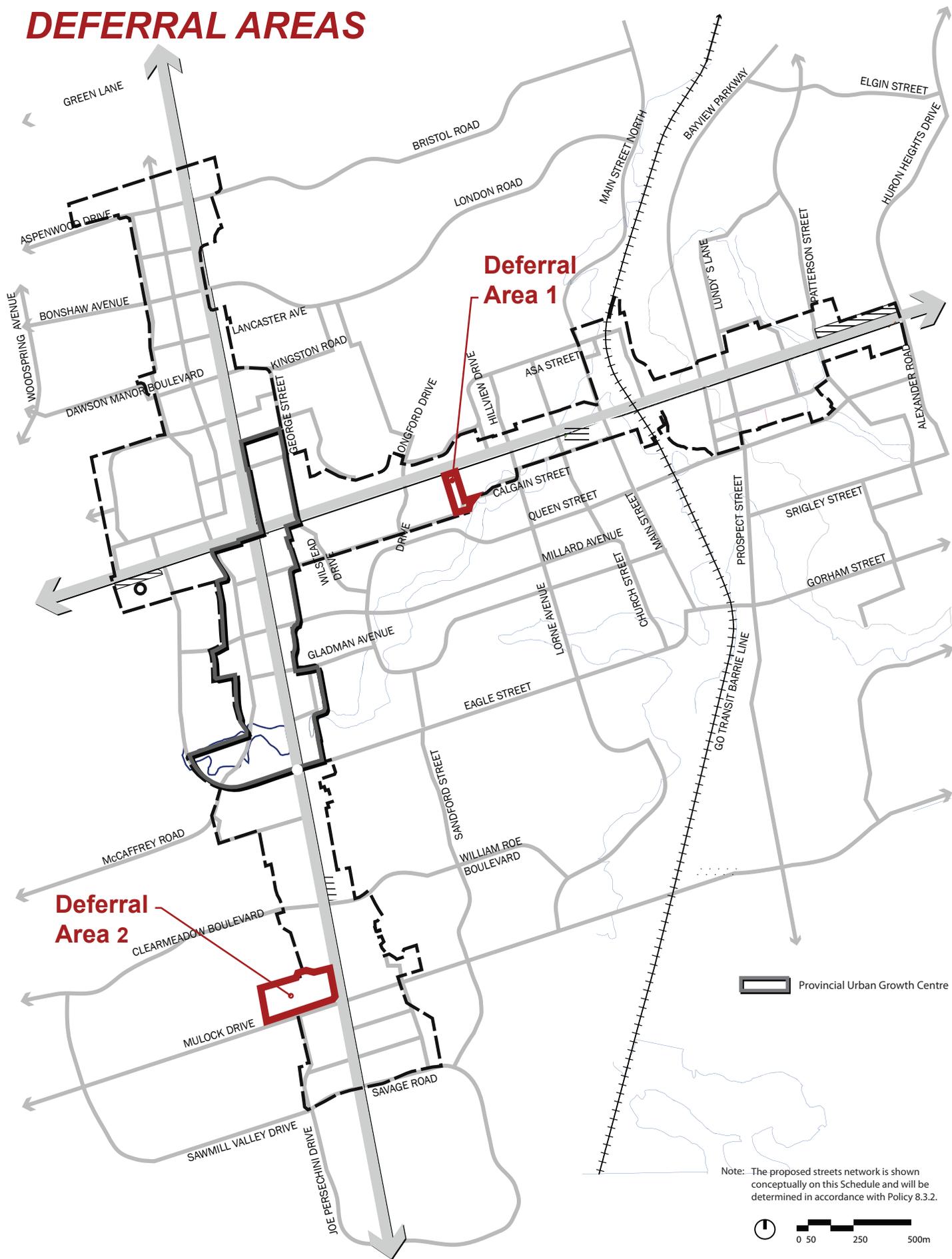
**Oak Ridges Moraine (Official Plan Amendment 28)**  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28

OPA # 1 - Site specific amendment to permit Convenience Commercial. Subject to Section 3.8.2.110

OPA # 8 - Site specific amendment from Emerging Residential to Commercial



# NEWMARKET URBAN CENTRES DEFERRAL AREAS



**Deferral Area 1**

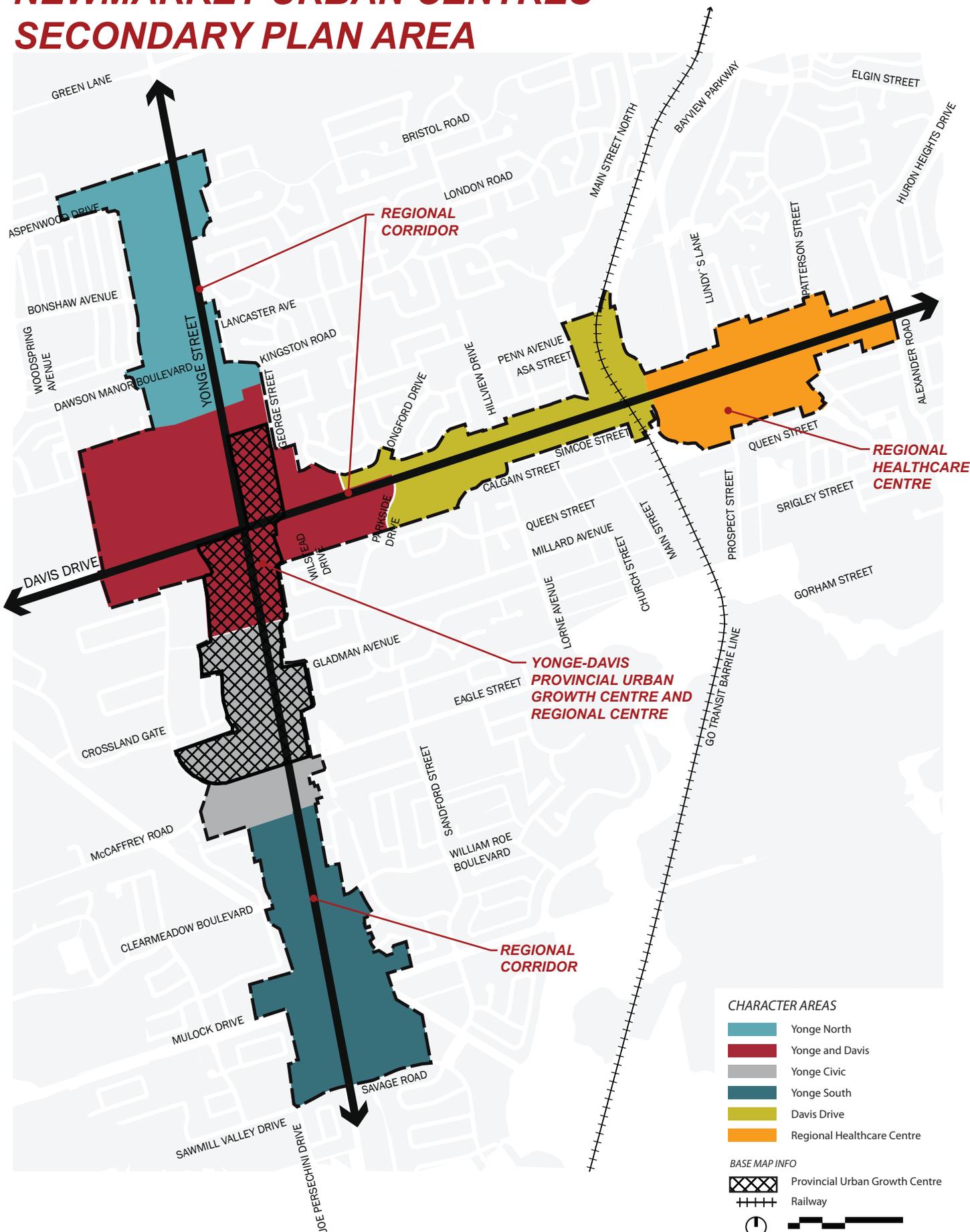
**Deferral Area 2**

Provincial Urban Growth Centre

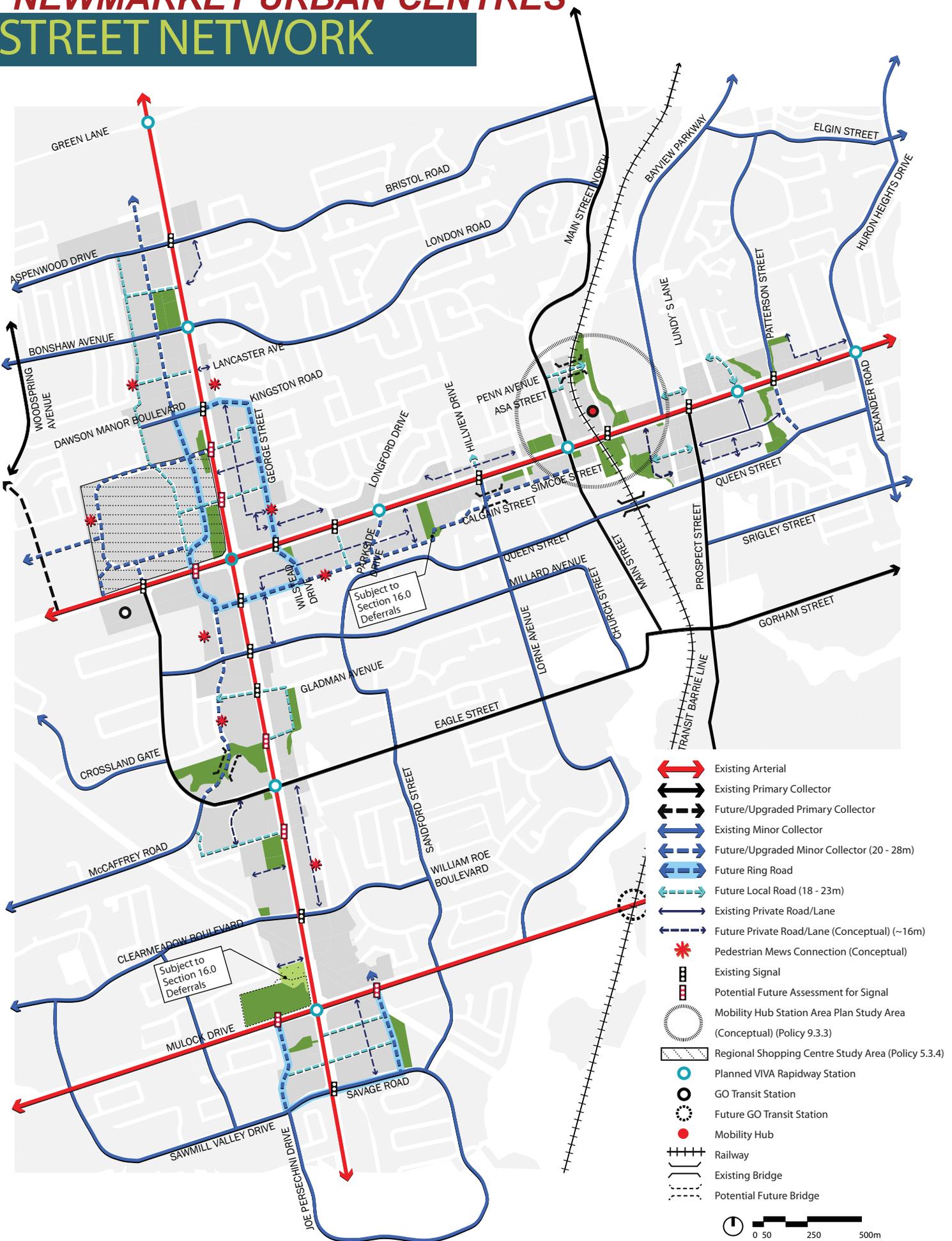
Note: The proposed streets network is shown conceptually on this Schedule and will be determined in accordance with Policy 8.3.2.



# NEWMARKET URBAN CENTRES SECONDARY PLAN AREA

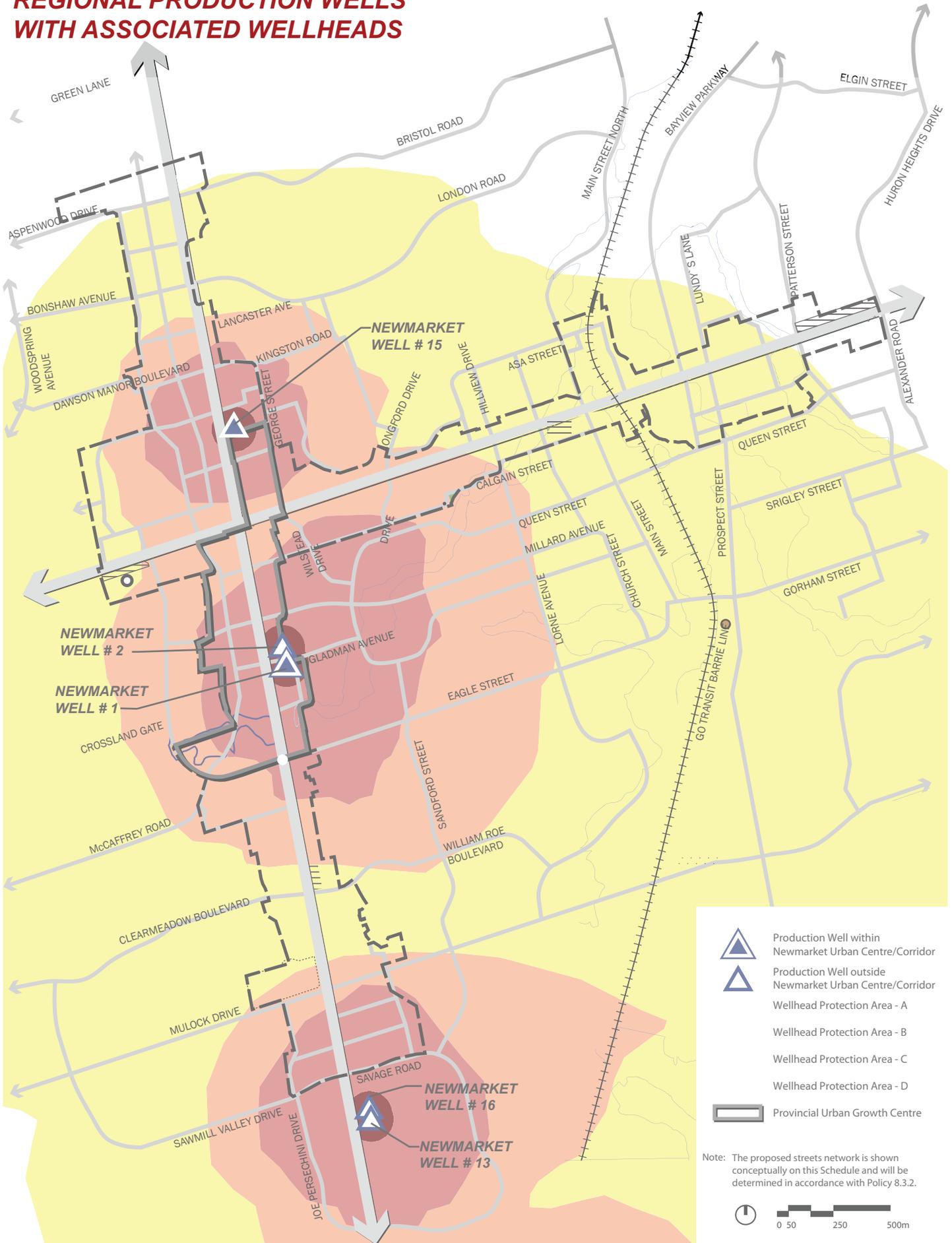


# NEWMARKET URBAN CENTRES STREET NETWORK



# NEWMARKET URBAN CENTRES

## REGIONAL PRODUCTION WELLS WITH ASSOCIATED WELLHEADS





# **Amendment No. 10 to the Newmarket Official Plan Urban Centres Secondary Plan**

Presentation to  
**Committee of the Whole**

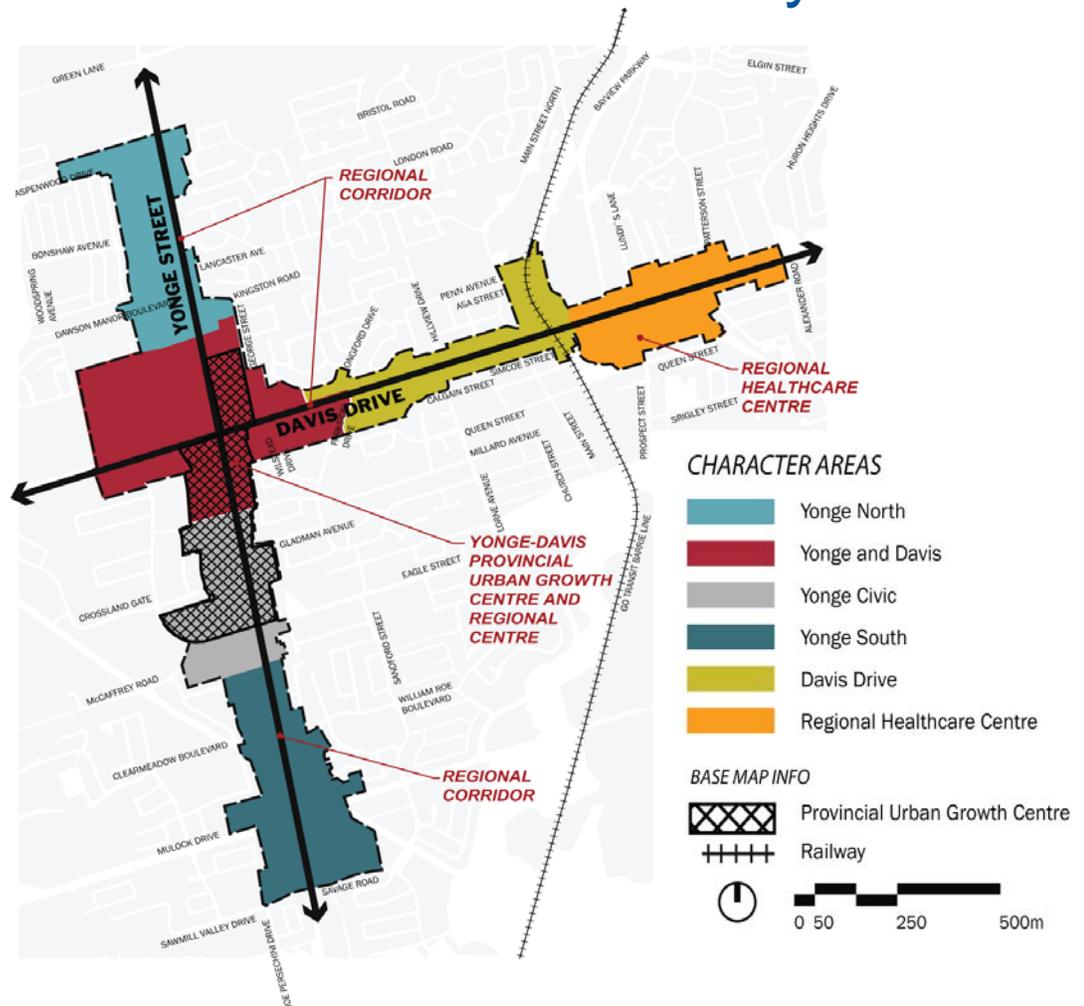
**Karen Whitney, Director**

Community Planning and  
Development Services

March 5, 2015

# Newmarket Urban Centres Secondary Plan

- Delivering Regional Centre Plan
- Supported by rapid transit
- Transforming to urban high quality design
- Plan consists of 3 sub-areas:
  - Provincial Urban Growth Centre
  - Yonge Street and Davis Drive Regional Corridors
  - Regional Healthcare Centre



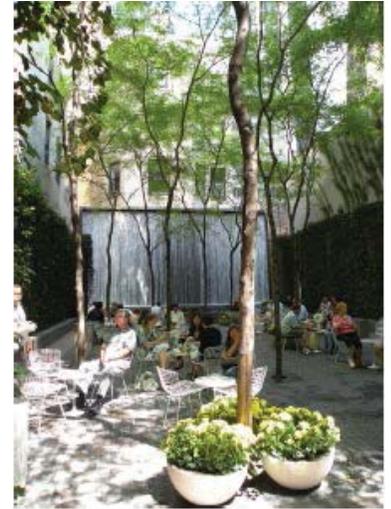
# Creating the Plan Collaboratively

- Process began with Visualization, Massing and Height Study
  - Endorsed by Newmarket Council in February 2010
- Urban Centres Secondary Plan
  - Initiated in May 2010
  - Adopted by Newmarket Council on June 23, 2014
- Transportation Study
  - Initiated in September 2011
  - Key input to Secondary Plan process
  - Region partnered with the Town
- Long-term vision in the Secondary Plan, is for a vibrant urban community at build-out of 33,000 residents and 32,000 jobs



## Secondary Plan Themes

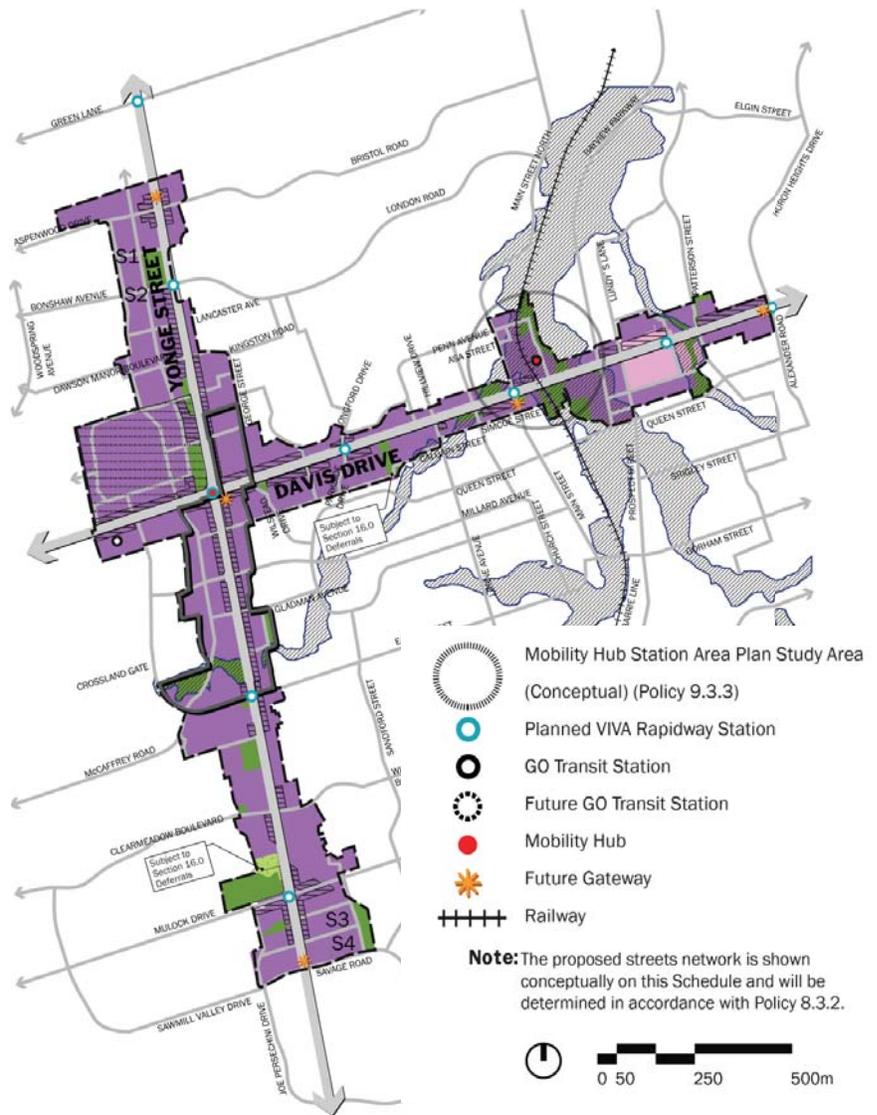
- Higher density mixed uses
- Place making policies to transform from suburban to urban
- Fine grain street network, supported by rapid transit
- Addresses urban parks and communities needs
- Sustainable design



# Land Use

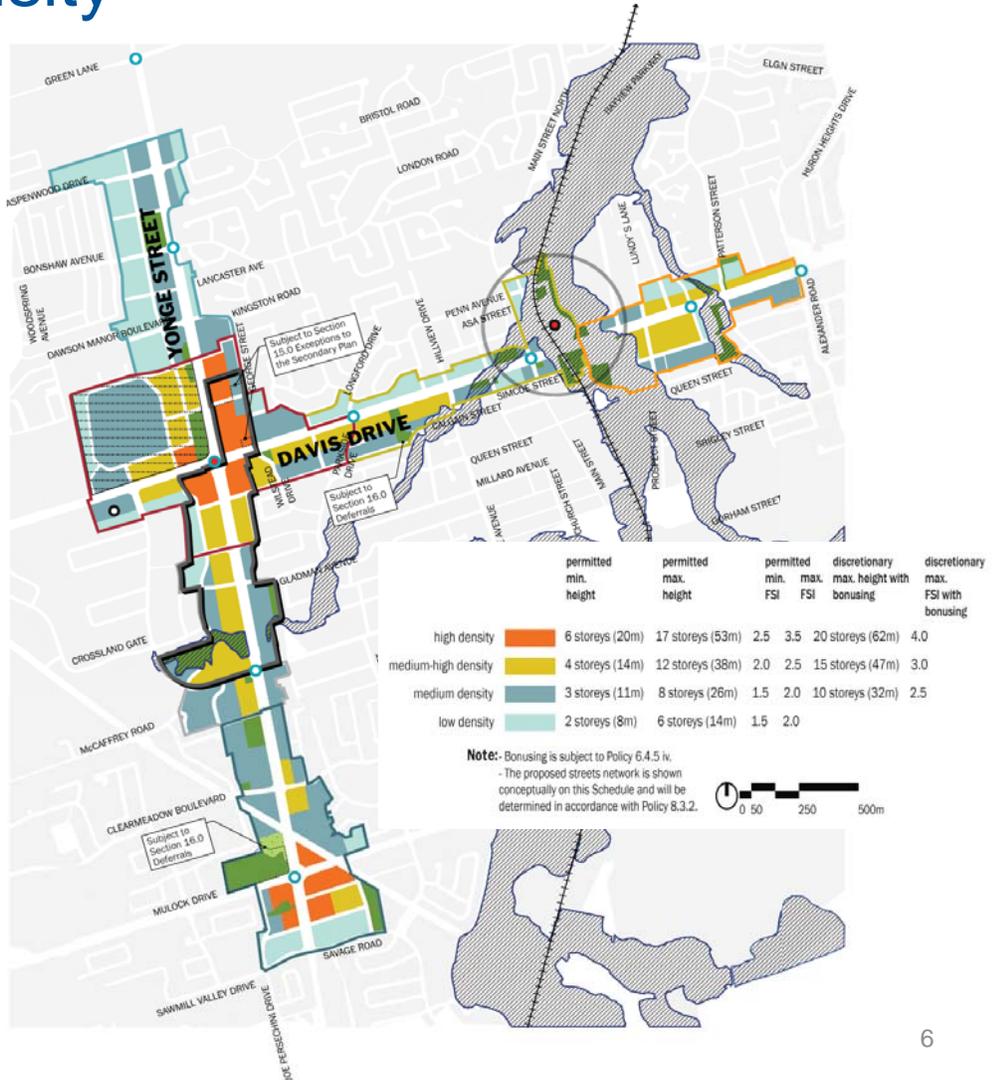
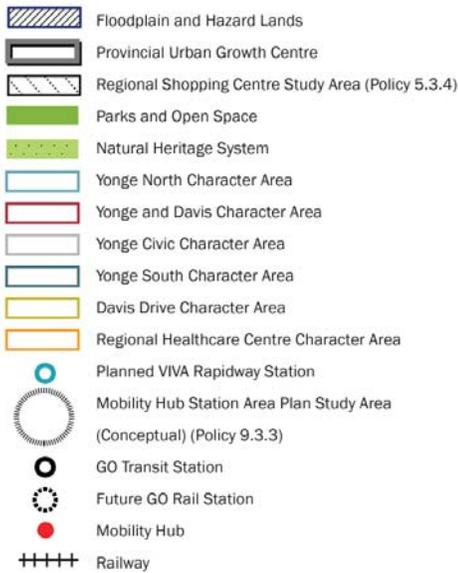
- 130 ha developable area
- Predominantly Mixed Uses

-  Mixed Use
-  Major Institutional
-  Parks and Open Space
-  Natural Heritage System
-  S1 Potential School Site
-  Floodplain and Hazard Lands
-  Provincial Urban Growth Centre
-  Priority Commercial Area
-  Regional Shopping Centre Study Area (Policy 5.3.4)



# Height and Density

- Minimum and maximum densities
- Potential for additional height and density through bonusing
- Sensitive to existing neighbourhood



# Transportation and Street Network

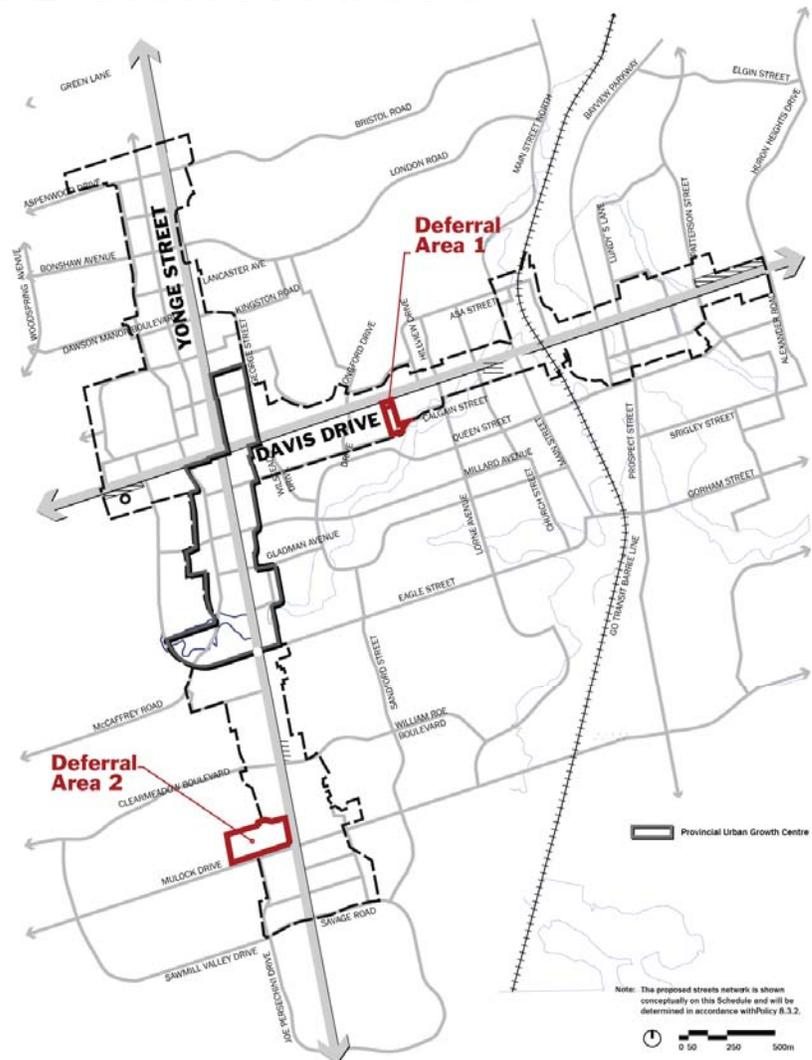
- Fine grain street network and pedestrian linkages to improve circulation
- Town and Region to work with Metrolinx to prepare Mobility Hub Station Area Plan for GO station
- Requirements to prepare TDM strategies

- Existing Arterial
- Existing Primary Collector
- Future/Upgraded Primary Collector
- Existing Minor Collector
- Future/Upgraded Minor Collector (20 - 28m)
- Future Ring Road
- Future Local Road (18 - 23m)
- Existing Private Road/Lane
- Future Private Road/Lane (Conceptual) (~16m)



# Modifications and Deferral Areas

- Minor modifications to Secondary Plan to clarify and refine policy language
- Deferral Area 1:
  - 230 Davis Drive
- Deferral Area 2:
  - 16780 Yonge Street
- Town requested that Region defer these areas to facilitate further discussion on land use designations



# Summary

- Newmarket's Urban Centres Secondary Plan (OPA No. 10) provides a tremendous city-building opportunity for the Town and Region
- Transformative policies establish complete urban communities well served by rapid transit

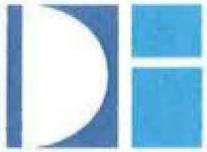


## Recommendations

- Staff recommends that Committee and Council approve OPA No. 10, as modified in Attachment 1 to the Report.
- The Region also defer its decision for Deferral Area 1 and Deferral Area 2, as shown on Attachment 2 to the Report.
- The Director of Community Planning and Development Services be authorized to issue notice of decision to modify and approve OPA No. 10
- Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if required, and the Regional Solicitor, or designate, be authorized to execute Minutes of Settlement, if appropriate.

Thank you





Davies  
Howe  
Partners  
LLP

Lawyers

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M5V 3P8

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Please refer to: **Mark Flowers**  
e-mail: [markf@davieshowe.com](mailto:markf@davieshowe.com)  
direct line: 416.263.4513  
File No. 702679

March 4, 2015

By E-Mail to [denis.kelly@york.ca](mailto:denis.kelly@york.ca)

Chair Wayne Emmerson and Members of York Regional Council  
The Regional Municipality of York  
York Region Administrative Centre  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1

**Attention: Mr. Denis Kelly, Regional Clerk**

Dear Mr. Kelly:

**Re: Proposed Amendment No. 10 to the Newmarket Official Plan  
Newmarket Urban Centres Secondary Plan**

We are counsel to The Estate of Thomas Mulock, Joyce Mulock Trust (the "Estate"). The Estate is the owner of lands located at the northwest corner of the intersection of Yonge Street and Mulock Drive in the Town of Newmarket, municipally known as 16780 Yonge Street (the "Lands").

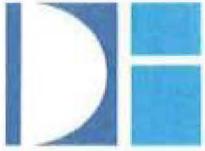
We understand that at its meeting on March 5, 2015, the Region's Committee of the Whole will be considering a report of the Commissioner of Corporate Services and Chief Planner dated February 24, 2015 (the "Staff Report"), regarding the proposed Newmarket Urban Centres Secondary Plan (the "Secondary Plan").

The Staff Report recommends, among other things, that Regional Council approve the Secondary Plan, subject to the modifications described in Attachment 1 to the Staff Report, and that the Region defer its decision in relation to the Lands, which are identified on Attachment 2 to the Staff Report as "Deferral Area 2".

We are writing to advise that the Estate does not support the Secondary Plan, either as adopted or as proposed to be modified, nor does the Estate support the proposed "deferral" in relation to the Lands.

Following the delivery of a letter from the Town's Director of Planning and Building Services to the Region's Director of Community Planning dated December 17, 2014, which recommended that the Region approve the Secondary Plan with certain modifications, we wrote to the Region's Director by letter dated January 5, 2015. A copy of our letter is attached for your reference.

[DHP 00525273]



Davies  
Howe  
Partners  
LLP

In our letter of January 5, 2015, we expressed our client's objection to the Secondary Plan, as well as the proposed "deferral". We also confirmed the Estate's position that the Lands should be designated in the Secondary Plan at this time for medium and high density mixed use development, and that any references to the Lands constituting a potential "Neighbourhood Park" should be removed.

In addition, we offered to meet with Regional staff to discuss our client's concerns with the proposed Secondary Plan. In response to this offer, we met with both Regional and Town staff on February 3, 2015, which is referred to on page 9 of the Staff Report. However, whereas the Staff Report states that "The Region and Town ... agreed to include additional policies that relate to the property be deferred, in accordance with Section 16 (Deferrals) of the Secondary Plan", we wish to clarify that there is no "agreement" as between our client on the one hand, and staff of the Region and the Town on the other, regarding the appropriateness of the proposed "deferral". To be clear, our client continues to object to the Secondary Plan in its current form, including the proposed deferral in relation to the Lands.

Kindly ensure that we receive notice of any decision(s) made by the Committee and/or Regional Council concerning this matter.

DAVIES HOWE PARTNERS LLP

Mark R. Flowers  
Professional Corporation

attach.

copy: Client  
Gabe Szobel, Regional Municipality of York  
Karen Whitney, Regional Municipality of York  
Jason Ezer, Regional Municipality of York  
Esther Armchuk-Ball, Town of Newmarket  
Robert Shelton, Town of Newmarket  
Richard Nethery, Town of Newmarket  
Marion Plaunt, Town of Newmarket  
Jason Unger, Town of Newmarket



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Please refer to: **Mark Flowers**  
e-mail: [markf@davieshowe.com](mailto:markf@davieshowe.com)  
direct line: 416.263.4513  
File No. 702679

January 5, 2015

COPY

**By E-Mail and Courier**

Ms. Karen Whitney, Director, Community Planning  
The Regional Municipality of York  
17250 Yonge Street  
P.O. Box 147  
Newmarket, Ontario  
L3Y 6Z1

Dear Ms. Whitney:

**Re: Proposed Newmarket Urban Centres Secondary Plan**

We are counsel to The Estate of Thomas Mulock, Joyce Mulock Trust (the "Estate"). The Estate is the owner of lands located at the northwest corner of the intersection of Yonge Street and Mulock Drive in the Town of Newmarket, municipally known as 16780 Yonge Street (the "Lands").

On behalf of the Estate, we made various submissions to the Town of Newmarket (the "Town") in respect of the Town's proposed Urban Centres Secondary Plan (Official Plan Amendment No. 10) (the "Secondary Plan") prior to its adoption by Town Council.

We understand that by letter dated December 17, 2014 from its Director of Planning and Building Services, the Town provided you with a series of proposed modifications to the Secondary Plan and requested that the Region approve the proposed Secondary Plan together with the requested modifications.

We note that the Town's proposed modifications to the Secondary Plan include, among other things, a proposed modification to section 10.3.2(ii)(c), regarding the proposed identification of the Lands as a Neighbourhood Park (NP3), and the addition of a new item 2 in section 16.0, which proposes to defer the Town's proposed Parks and Open Space designation on the Lands until some future "site specific amendment".



Davies  
Howe  
Partners  
LLP

As the Town is well aware, our client does not support the Secondary Plan, either as adopted or as proposed to be modified, including the proposed designation of the Lands as "Parks and Open Space", the identification of the Lands for a potential Neighbourhood Park, and the proposed deferral of a land use designation until a future site specific amendment.

By contrast, we are of the view that the Lands should be designated for medium and high density mixed use development in the Secondary Plan at this time, a position which we have repeatedly communicated to the Town.

Accordingly, as part of an approval of the Secondary Plan, we request that the Region modify the Secondary Plan to designate the Lands for medium and high density mixed use development, and remove any references to the Lands constituting a potential "Neighbourhood Park".

In this regard, we would be pleased to meet with Regional staff at your convenience to identify specific revisions to the Secondary Plan to address our client's concerns.

Kindly ensure that we receive notice of any decision made by the Region regarding the proposed Secondary Plan.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

Mark R. Flowers  
Professional Corporation

copy: Client (by email only)  
Karen Reynar, Senior Solicitor, Town of Newmarket (by email only)  
Robert Shelton, Chief Administrative Officer, Town of Newmarket (by email only)  
Richard Nethery, Director of Planning and Building Services, Town of Newmarket  
(by email only)



## **Labreche Patterson & Associates Inc.**

Professional Planners, Development Consultants, Project Managers

VIA MAIL and E-MAIL (karen.whitney@york.ca)

**Our File: P-375-09 P**

March 4, 2015

Ms. Karen Whitney, MCIP, RPP  
Director, Community Planning  
Transportation and Community Planning Department  
York Region Administrative Centre  
7250 Yonge Street  
Newmarket, ON  
L3Y 6Z1

Dear Ms. Whitney:

**Re: York Region - Committee of the Whole Agenda Item E.2.2 on March 5, 2014  
Town of Newmarket Official Plan Amendment No. 10  
"Newmarket Urban Centres Secondary Plan"**

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As you are aware, we represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Limited., the Tim Hortons Inc., and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We have previously provided submission comment letters to the Town of Newmarket regarding this matter prior to the adoption of this proposed new secondary plan by town council. Our previous submission letters are attached hereto for your reference. Also, as you are aware, we previously met with you and other representatives for the Region of York, Community Planning Department and a representative for the Town of Newmarket to discuss our concerns further as it relates to "prohibition" language contained in this proposed Secondary Plan. As we had detailed in our previous submission letters, a prohibition of permitted drive-through facilities in the subject area of Newmarket at the level of an Official Plan/Secondary Plan is not in accordance with decisions of the Ontario Municipal Board in similar cases. The case law and references in this regard are further detailed in our previous submission letters.

We have reviewed the related staff recommendation report and recommended regional modifications to policies "6.4.2 Drive-through Facilities" and "14.2.3 Existing Lawful Uses" with our clients. Based on our review and considerations of these modifications with our clients, policy 6.4.2 continues to prohibit drive-through facilities in "Priority Commercial Area" of this new secondary plan. Apart from the fact that that our clients collectively have seven brand locations within the Priority Commercial Area, the prohibition is not acceptable again for reasons we have detailed in our previous submission letters.

Further, proposed modified policy 14.2.3, in our opinion still appears to go beyond what appropriate matters to be regarded are to be within The Planning Act relative to existing lawful uses. Clause "d)" of 14.2.3 is not necessary particularly the reference to "urban design" in that clause.

Based on the foregoing we respectfully ask that you along with the Committee of the Whole and/or Regional Council prior to its final consideration of the recommended modifications to this plan consider the following requested modifications to the above noted policies.

#### 6.4.2 Drive-through Facilities

New drive-through facilities ~~will not be permitted~~ be discouraged within *Priority Commercial Areas* ~~or in areas fronting on Yonge Street or Davis Drive. Throughout Urban Centres~~ Nnew drive-through facilities ~~will be discouraged throughout the rest of the Urban Centres, and may only be~~ may be permitted where supported by an air quality study and stacking and queuing report that demonstrates, to the satisfaction of the Town, that the stacking and queuing can be entirely accommodated on the subject property, that the use will not result in negative traffic impacts on Yonge Street or Davis Drive, that pedestrian flow is not impeded, and that there will be no unacceptable adverse ~~negative~~ air quality or noise impacts to surrounding uses or activities.

#### 14.2.3 Existing Lawful Uses

**Land** ~~The~~ uses, and buildings and structures that legally existed prior to the adoption of this Plan shall be permitted to continue; however, they are ultimately intended to be redeveloped and used in conformity with this Plan. Where previously approved uses or existing lawful uses, buildings or structures are not in conformity ~~consistent~~ with the objectives and policies of this Plan, such uses will be encouraged to redevelop over time in a manner that is consistent with this Plan.

**Enlargements, extensions, additions and alterations** ~~Expansions~~ of existing lawful uses including buildings and structures ~~additions and/or alterations~~ may be permitted in accordance with Policy 6.4.7 and the applicable Non-conforming Uses policies of the Official Plan, without amendment to this Plan. **Such applications will be considered through an amendment to the Zoning By-law or by application to the Committee of Adjustment, subject to the following policies:** ~~in accordance with the Transitional Policies contained in Policy 6.4.7.~~

- a) **the existing lawful use has been continuous;**
- b) **the enlargement, extension, addition or alteration is located on the same property originally owned and used by the applicant on the day the use, building or structure was prohibited by a zoning by-law;**
- c) **the proposed use is the same or similar to the lawfully existing use and does not increase zoning by-law non-compliance;**
- d) ~~the applicable provisions of this Plan are met including but not limited to, urban design, traffic impacts, and parking.~~

Alternatively, if you and the Committee of the Whole or Regional Council cannot accept the requested modification to these policies noted above, we request that these policies be left out of the plan at this time to be sent back to Region of York and Town of Newmarket staff for further consideration.

Please accept this as our written request to be notified of the decision when it is to be finally made by the Regional Municipality of York on the Town of Newmarket Official Plan Amendment No. 10, ("*Newmarket Urban Centres Secondary Plan*").

Thank you for your attention and further consideration of this matter.

Yours truly,  
**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Senior Principal**

*Enclosure (2)*

*Copy: Jason Ezer, Senior Planner, York Region*  
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*Denis Kelly, Regional Clerk*  
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*Marion Plaunt, Town of Newmarket*  
*(via e-mail: mplaunt@newmarket.ca)*

*Leslie Smejkel, ORHMA*  
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*Carol Patterson, Tim Hortons Inc.*  
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*Jessica Oliver, McDonald's Restaurants of Canada Limited*  
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*Patricia Simiele, McDonald's Restaurants of Canada Limited*  
*(via e-mail: [patricia.simiele@ca.mcd.com](mailto:patricia.simiele@ca.mcd.com))*

*Gerry Prendergast, Wendy's Restaurants of Canada, Inc.*  
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*Darren Sim, A&W Food Services of Canada Inc.*  
*(via e-mail: [dsim@aw.com](mailto:dsim@aw.com))*



## Labreche Patterson & Associates Inc.

Professional Planners, Development Consultants, Project Managers

VIA MAIL AND E-MAIL (mplaunt@newmarket.ca)

**Our File: P-375-09 P**

November 6, 2013

Ms. Marlon Plaunt, MES, MCIP, RPP  
Senior Planner  
395 Mulock Drive  
P. O. Box 328, Station Main  
Newmarket, Ontario  
L3Y 4X7

Dear Ms. Plaunt:

**Re: Draft Newmarket Urban Centres Secondary Plan  
Town of Newmarket**

---

We represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the proposed draft Urban Centres Secondary Plan to determine if the document would apply to our clients' current and future operating interests. Please accept this as our written submission on the subject matter.

ORHMA is Canada's largest provincial hospitality industry association. Representing over 11,000 business establishments throughout Ontario, its members cover the full spectrum of food service and accommodation establishments and they work closely with its members in the quick service restaurant industry on matters related to drive-through review, regulations and guidelines.

With the assistance of Labreche Patterson & Associates Inc., ORHMA has a strong record of working collaboratively with municipalities throughout the Province to develop mutually satisfactory regulations and guidelines that are fair and balanced in both approach and implementation for existing and new drive-through facilities ("DTF"). These planning-based solutions are most often specific urban design guidelines for drive-through facilities and may include specific zoning by-law regulations that typically relate to minimum justified stacking/queuing requirements and setback relative to the actual DTF/queuing lane of the restaurant.

The ORHMA and the noted member brands have requested that we review the proposed draft Urban Centres Secondary Plan for the Town of Newmarket to determine if the document would apply to their operating interests. The following is a summary of our review:

Section 6.4.2 (iv) is particularly concerning for our clients as it will greatly reduce their opportunity for future development within the Urban Centres area. This section states:

*New drive-through facilities will not be permitted within Priority Commercial Areas or in areas fronting on Yonge Street or Davis Drive. New drive-through facilities will be discouraged throughout the rest of the Urban Centres, and may only be permitted where a stacking and queuing study has demonstrated to the satisfaction of the Town that the stacking and queuing can be entirely accommodated on the subject property,*

*that the use will not result in negative traffic impacts on Yonge Street or Davis Drive, pedestrian flow is not impeded, and that there will be no negative air quality or noise impacts to surrounding uses or activities.*

We disagree with proposed DTF restrictions as this unjustly limits the possibility of developing new DTF uses anywhere within the Urban Centres area especially in *Priority Commercial Areas* and along Yonge Street and Davis Drive. We are not aware of any planning justification that has been completed to justify this proposed policy of this Secondary Plan.

Firstly, we are of the opinion that DTF should be permitted wherever a restaurant is permitted. The following is an extract from the draft Secondary Plan which identifies the permitted uses within the *Priority Commercial Areas*:

#### **6.4.1 Priority Commercial Areas**

*i. Within Priority Commercial Areas, street-related commercial uses, including retail stores, restaurants, personal and business services, professional offices or public institutional uses shall be required on the ground floors levels of all buildings fronting on the public streets.*

Restaurant uses are not simply a permitted use, in fact, they are one of the *required* uses for the ground floor of all buildings in Priority Commercial Areas. Currently, there are several existing restaurants in these areas, several of which have DTF. New restaurants proposed in this area will not be permitted to have a DTF but will still be required to provide parking spaces at a prescribed rate. The OMB has previously accepted that restaurants with a DTF require fewer parking spaces than a restaurant without a DTF as more vehicles can be accommodated in a queuing lane than in traditional parking area layouts. This not only results in a more efficient use of land but also, when designed appropriately, reduces congestion within the site. Prohibiting DTF in these areas will not eliminate the overflow of vehicles onto the public right-of-way as vehicles will continue to access the site and will require a place to park. If overflow of vehicles are occurring in this area onto the public street, new zoning regulations and site plan control standards are justified, not a prohibition.

Secondly, it is not necessary to 'discourage' and further restrict the development of DTF throughout the rest of the Urban Centres through the explicit requirement for a stacking and queuing study. These studies can be requested through Site Plan Control and therefore do not need to be specifically listed in the Secondary Plan. No other land use within the Secondary Plan requires specific studies in order to be deemed a permitted use. This is not justified and should be removed at the level of new Official Plan policy.

Thirdly, we request that the following text from section 6.4.2 (iv) be removed entirely: "*... and that there will be no negative air quality or noise impacts to surrounding uses or activities.*" Peer-reviewed research has considered the impact of DTF on air quality compared with regular parking areas and has concluded that DTF have the same and often less affect on air quality than regular parking areas. Additionally, studies of traffic flow through DTF have shown that a restaurant with a DTF can process more vehicles quicker and more efficiently than an identical restaurant without a DTF. Therefore a restaurant with a DTF should require less parking than an identical restaurant which does not have a DTF. This has been implemented successfully in other municipalities. The only noise source that is unique to a DTF (and not a regular parking area) is noise from the speaker box. This is commonly mitigated to appropriate levels through barriers such as landscaping (vegetation and fences); details of which can be provided by a qualified engineer through the Site Plan approval process.

Finally, we object to the prohibition of new DTF within Priority Commercial Areas and on lands fronting onto Yonge Street or Davis Drive. Currently, there are several DTF within these areas. Of these, most are located within a plaza area and do not have direct access onto Yonge Street or David Drive. During peak hours a DTF may overflow into the surrounding parking area or onto a collector road. As mentioned above, a new DTF can be designed to eliminate the impact on adjacent traffic flow through site plan control.

Based on the above, we reserve the right to provide additional comments regarding the potential impact of the proposed Urban Centres Secondary Plan on our clients' current and future operating interests based on any future released drafts of the proposed Urban Centres Secondary Plan. Thank you for your consideration to our comments herein and we look forward to working with you to mutually resolve our concerns.

Finally, please also consider this letter our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations and resolutions related to the proposed Urban Centres Secondary Plan for the Town of Newmarket.

Yours truly,  
**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Senior Principal**

VL/jv

Copy: *Andrew Brouwer, Director, Legislative Services, Town Clerk, Town of Newmarket*  
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*Leslie Smejkal, ORHMA*  
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*Sean O'Meara, The TDL Group Corp.*  
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*Sherry MacLauchlan, McDonald's Restaurants of Canada Ltd.*  
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*Susan Towle, Wendy's Restaurants of Canada*  
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*Darren Sim, A&W Food Services of Canada Inc.*  
(via e-mail: [dsim@aw.ca](mailto:dsim@aw.ca))



## **Labreche Patterson & Associates Inc.**

Professional Planners, Development Consultants, Project Managers

**VIA MAIL AND E-MAIL (mplaunt@newmarket.ca)**

**Our File: P-375-09 P**

June 13, 2014

Ms. Marion Plaunt, MES, MCIP, RPP  
Senior Planner  
395 Mulock Drive  
P. O. Box 328, Station Main  
Newmarket, Ontario  
L3Y 4X7

Dear Ms. Plaunt:

**Re: Final Draft of Newmarket Urban Centres Secondary Plan (Recommended for Adoption)  
Town of Newmarket**

---

As previously advised, we represent A&W Food Services of Canada Inc., McDonald's Restaurants of Canada Ltd., the TDL Group Corp. (operators and licensors of Tim Hortons Restaurants), and Wendy's Restaurants of Canada Inc. as well as their industry association, the Ontario Restaurant Hotel and Motel Association (ORHMA). We are providing this written submission to you on behalf of our clients after having reviewed the proposed "final" Draft Urban Centres Secondary Plan to determine if the document would apply to our clients' current and future operating interests of drive-through facilities (DTF).

We previously provided a letter dated November 6, 2013 in which we identified our objections to the initial draft of the Urban Centres Secondary Plan. We have also had subsequent discussions with you about our objections subsequent to sending our previous letter. A copy of that letter is attached hereto for your reference as many of our concerns continue to exist in the final draft of the Secondary Plan. We are providing the following letter as a summary of our recent telephone discussions and our continuing concern with the final draft.

Based on our review of this proposed new Secondary Plan with our clients we continue to object to Section 6.4.2. This section states:

*New drive-through facilities will not be permitted within Priority Commercial Areas or in areas fronting on Yonge Street or Davis Drive. New drive-through facilities will be discouraged throughout the rest of the Urban Centres, and may only be permitted where supported by an air quality study and a stacking and queuing report that demonstrates to the satisfaction of the Town that the stacking and queuing can be entirely accommodated on the subject property, that the use will not result in negative traffic impacts on Yonge Street or Davis Drive, pedestrian flow is not impeded, and that there will be no negative air quality or noise impacts to surrounding uses or activities.*

We object to the proposed DTF prohibitions specifically contained in the first sentence of this section. As previously discussed, the primary use (in our case a 'restaurant' use) will continue to be permitted in the Priority Commercial Areas (policy 6.4.1) and will continue to accommodate traffic to access and exit the site whether a DTF exists or not. Other service commercial uses including restaurants will continue to be permitted along with their associated parking areas. There is nothing different from a DTF compared to any other permitted service commercial use other than the required queuing/stacking lane. It has been demonstrated and accepted by the OMB that a queuing lane (when compared with regular parking spaces) better handles the movement of vehicles on the site and is a more efficient use of land.

In an earlier discussion with you, you noted that a primary reason for this new policy is that vehicle queuing lanes often overflow onto public a street which is not acceptable. Again, to prohibit a permitted DTF use today at the level of the Official Plan to address possible overflow situations etc. is clearly not appropriate or justified. In fact, we note that section 5.7 of the town's current Zoning By-law already and most appropriately address DTF queuing locations and associated regulations. Specifically section 5.7.5 i) of the ZBL states *"Queuing lanes within Urban Centre Zones shall not be located in the required front or exterior side yards."* We note that the "Urban Centre Zones" covers the same geographic areas as the proposed "Priority Commercial Areas" and areas fronting Yonge Street or Davis Drive. Based on this, the concern you previously raised about overflow stacking is already covered in the town's Zoning Bylaw. As such, apart from the principle concern/objection we have with a DTF prohibition being within an Official/Secondary Plan document, as the matter is covered in the ZBL, no rationale exists for the prohibition when the ZBL covers potential issue.

Further, we note that our clients collectively have seven existing DTF/restaurant locations in the area proposed to prohibit new DTF. While you have recently advised that policy 14.2.3 "Existing Uses" would continue to permit the existing DTF, based on our review of the wording of this policy, we would disagree. Our specific concern with this policy is paragraph ii) of the policy which states *"Replacements of previously approved uses may be permitted in the event of damage that was outside of the control of the landowner without amendment to the Plan."* Also, the language used in the remainder of this policy seems to be overly restrictive and not in accordance with "planning law" and ones rights to rebuild legal non-conforming uses. Based on this, we object to policy 14.2.3 as it is currently written and could apply to our clients current DTF operations if policy 6.4.2 iv) is not removed or revised to delete the prohibition prior to the plan being adopted. For your information, the current operations for our clients in this area are as follows:

**McDonald's**

- 17155 Yonge St
- 17760 Yonge St

**Tim Hortons**

- 17310 Yonge St
- 17725 Yonge St
- 191 Davis Dr

**A&W**

- 16650 Yonge St

**Wendy's**

- 17725 Yonge St

Since our initial letter, policy 6.4.1 (iv) has also been revised to include the requirement of an "air quality study" as well as a "stacking and queuing report". We object to these requirements which again are not justified in any of the background material and reports prepared on this proposed new Secondary Plan. We also note that DTF based on excepted evidence and reports filed with the OMB are not a specific measurable contributor to over "pollution". DTF rely primarily on what is termed "pass-by traffic". DTF locate on existing heavily travelled roads and rely primarily on that existing traffic for business and are not considered a "primary destination use". As such, to specifically require a DTF use to complete an air quality study when much larger pollution factors and contributors are exempt is not justified or acceptable. As such, we object to this proposed requirement to complete an "air quality study" in all areas of the plan that may permit a DTF.

In addition, we object to the requirement to complete a "stacking and queuing report" particularly when the town's recent zoning by-law already contains regulations for queuing size and location in it that we have to meet. To stipulate that we have to complete an additional report/study in this regard circumvents the Zoning Bylaw which is not acceptable.

Based on the above, we request that policy 6.4.2 (iv) be removed as written in this proposed new secondary plan based on the fact that the town's zoning by-law already addresses matters for DTF queuing lane location and size etc. as well as the towns powers of Site Plan Control in Section 41 of The Planning Act of Ontario. Further, we would note as we have previously that a prohibition of a DTF use or virtually any use for that matter at the level of an Official/Secondary Plan is not in accordance with OMB case law. If the town wishes to restrict or in justified cases prohibit a land use, it should be at the level of the Zoning By-law. As we previously noted, we have settled matters such as this in many major urban centres recently such as Vaughan, Mississauga, Hamilton and Waterloo to name a few. Thank you for your consideration to our comments herein and recent phone discussions and we would very much welcome an opportunity to meet with you to discuss revisions to the final form of this secondary plan that would be acceptable to our clients before it is finally adopted by town council.

Finally, please also consider this letter our formal request to be provided with copies of all future notices, reports, and Committee and/or Council considerations and resolutions related to the proposed Urban Centres Secondary Plan for the Town of Newmarket.

Yours truly,  
**Labreche Patterson & Associates Inc.**



**Victor Labreche, MCIP, RPP**  
**Senior Principal**

VL/jv

**Copy:** *Andrew Brouwer, Director, Legislative Services, Town Clerk, Town of Newmarket*  
(via e-mail: [abrouwer@newmarket.ca](mailto:abrouwer@newmarket.ca))

*Jason Unger, Assistant Director of Planning*  
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*Susan Towle, Wendy's Restaurants of Canada*  
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*Darren Sim, A&W Food Services of Canada Inc.*  
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