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## **Site Specific Exemptions to Interim Control bylaw 2019-04 Staff Report to Council**

Report Number: 2019-43

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

Author(s): D. Ruggle

Meeting Date: April 29, 2019

### **Recommendations**

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 dated April 29, 2019 be received; and,
2. That Council approve the process for exemption from Interim Control By-law 2019-04, as outlined in this report.

### **Purpose**

The purpose of this report is to recommend to Council a site specific amendment process for properties within the boundaries of Interim Control by-law 2019-04.

### **Background**

Council passed Interim Control By-law 2019-04 on January 21, 2019, put in place due to concerns with over building in established neighbourhoods. At the March 18, 2019 Committee of the Whole meeting, Committee directed staff to bring forward an exemption process for properties subject to Interim Control By-law 2019-04.

### **Discussion**

Residential trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment. Concerns have been raised regarding the compatibility of new homes or additions to existing homes that comply with the current

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zoning by-law regulations, but are considered to be out of character with the built form of the established neighbourhoods in which they are located.

One of the fundamental objectives of planning and zoning is to ensure compatibility between properties and land uses. Compatibility is achieved in part by regulating land use and built form.

As such, Council directed staff to initiate a study of existing established neighbourhoods to examine the regulatory framework of the Town's Zoning By-law and Official Plan and propose recommendations for amendments that will assist in maintaining the existing character of the mature neighbourhoods.

Council enacted Interim Control By-law 2019-04 on January 21, 2019, to restrict the level of change in the Town's established neighbourhoods until new directions have been established through completion of the study.

At the March 18, 2019 Committee of the Whole meeting, staff were given direction to bring forward an exemption process for properties subject to Interim Control By-law 2019-04. The process established by the Town of Halton Hills was referenced in the discussion by Council.

The Town of Halton Hills recently proceeded through a similar process in relation to an Interim Control By-law controlling development in established neighbourhoods. Halton Hills established an exemption process that consists of an internal review of proposed residential dwellings and additions within the subject area of the ICB on a case by case basis to determine compatibility with the existing neighbourhood character. Approvals are granted by Council through an amendment to the ICB.

### The Proposed Process

The proposed process is heavily based on the process Halton Hills has implemented as it appears to provide sufficient review to enable staff to make a recommendation and Council to make an informed decision.

The Owner of the property will submit a written exemption request to Planning and Building Services, including:

- the address and lot dimensions
- photos of all four sides of the existing dwelling (front, sides, and rear), as well as photos of the streetscape that depict the relationship between the existing dwelling and adjacent dwellings;
- the gross floor area of the existing dwelling;
- the gross floor area and conceptual site plan of the proposed dwelling or addition;
- four dimensioned elevations of the proposed dwelling or addition (front, sides, and rear);

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- explanation of how the proposed dwelling or addition is compatible with the existing character of the neighbourhood; and,
- the applicant's contact information.

The exemption requests will be evaluated against the following two criteria:

**Physical Character Compatibility** of the proposed dwelling or addition with the physical character of the existing neighbourhood, inclusive of height, massing, roof lines, and built form; and,

**Streetscape Character Compatibility** of the proposed dwelling or addition with the streetscape character of the existing neighbourhood, inclusive of setbacks, building projections, siting on property, and relationship to adjacent dwellings.

The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration. Exemption requests and written submissions are to be reviewed by staff and a recommendation is presented in a staff report to Committee/Council for approval. If an exemption is granted by Council, the Town will notify abutting/adjacent property owners that a Council-approved site-specific exemption from the ICB has been granted as well as post Notice of the amending by-law in the local paper. As required under the Planning Act, any Council-approved exemption from the ICB will be subject to a 60-day appeal period. The Town will only issue the required building permits for proposed residential dwellings or additions after a site-specific exemption has been granted by Council and the associated appeal period has lapsed.

Staff propose a fee of \$465.00 for the exemption request to cover the costs associated with posting the Notice in the paper. In the event the exemption is not granted, the fee will be reimbursed.

## **Conclusion**

Staff recommend the above exemption process, largely based on the Halton Hills example, for exemption requests to Interim Control bylaw 2019-04.

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

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by

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developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

## **Consultation**

N/A

## **Human Resource Considerations**

N/A

## **Budget Impact**

While there is no budgetary component in relation to the recommendation of this report, there will be an increase in staff time for review of the submissions and the preparation of reports for Council consideration. Staff proposed a fee of \$465.00 intended to cover the costs associated with posting the required Notice in the paper.

## **Attachments**

N/A

## **Approval**

Peter Noehammer, Commissioner of Development and Infrastructure Services

Rick Nethery, Director of Planning and Building Services

Dave Ruggle, Senior Planner Community Planning

## **Contact**

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