



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Updated Exemption Process for Interim Control bylaw 2019-04 Staff Report to Council

Report Number: 2019-56

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

Author(s): D. Ruggle

Meeting Date: May 21, 2019

Recommendations

1. **That** the report entitled Updated Exemption Process for Interim Control By-law 2019-04 dated May 21, 2019 be received; and,
2. **And That** Council approve the updated 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 an updated site specific amendment process based on new information 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. Council adopted the recommendations of report 2019-43 outlining a proposed process at the April 29, 2019 Committee of the Whole meeting. Subsequently at Council on May 6, 2019, the report was deferred to look into the issues of appeals and permit eligibility.

Updated Site Specific Exemption Process for Interim Control by-law 2019-04

Discussion

Legal Services have had an opportunity to further review the requirements for providing notice and appeal opportunities for an exemption to an Interim Control By-law. It has been determined that there are no appeal opportunities after an exemption to the ICB has been passed. Once Council adopt a by-law to exempt property, the by-law is in full force and the property owner will be entitled to submit and draw a building permit immediately under the normal and usual building permit process. As notice is not required, and the previously proposed fee was to cover the costs of posting such notice in the paper, staff are recommending not implementing a fee for this exemption process.

Staff are continuing to recommend that notice be provided to adjacent and abutting property owners that would have been originally notified of the exemption application to advise them of the Council decision, but not for appeal purposes.

84 Howard Road Deputation – The agent for the owners of 84 Howard Road have put forward an interpretation of the interim control by-law that would consider the subject property exempt from the by-law's provisions. It was submitted that as the applications for consent and minor variance for this property were deemed complete at a point in time (2016), it is exempt from the provisions of the by-law and the owners should be in a position to draw a building permit. Given the definition of "complete" in the ICB, this property is properly exempt from the ICB and the owner of 84 Howard Road will be notified.

An updated process for exemption to Interim Control By-law 2019-04 is found below:

The Proposed Process

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

Updated Site Specific Exemption Process for Interim Control by-law 2019-04

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. The Town will only issue building permits for proposed residential dwellings or additions after a site-specific exemption has been granted by Council.

Conclusion

Staff recommend the above updated exemption process 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 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.

Attachments

N/A

Updated Site Specific Exemption Process for Interim Control by-law 2019-04

Approval

Peter Noehammer, Commissioner of Development and Infrastructure Services

Rick Nethery, Director of Planning and Building Services

Dave Ruggle, Senior Planner Community Planning

Contact

Dave Ruggle, Senior Planner – Community Planning druggle@newmarket.ca