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Established Neighbourhood Compatibility Study and Policy Recommendations Staff Report to Council

Report Number: 2020-72

Department(s): Planning and Building Services

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Meeting Date: October 26, 2020

Recommendations

1. That the report entitled Established Neighbourhood Compatibility Study and Policy Recommendations dated October 26, 2020 be received; and,
2. That the Policy Recommendations Report prepared by SvN dated September 2020 attached as Attachment 1 be received; and,
3. That the attached draft Official Plan Amendment No. 29 be adopted; and,
4. That the attached draft Zoning By-law be enacted; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Established Neighbourhood Compatibility Study (Study), which is intended to address development compatibility within existing neighbourhoods, has been completed. This report summarizes the findings of the Study and provide recommendations to the Council on the proposed amendments to the Official Plan and Zoning By-law 2010-40, as amended.

Staff and the Town's consultant, SvN Planners + Architects, have consulted Council and members of the public on this matter on numerous occasions over the past two years. Comments received have been considered and addressed in the proposed amendments, where appropriate. Staff is now seeking Council's approval of the

proposed Official Plan Amendment No. 29 and Zoning By-law Amendment, which have been attached to this report.

Purpose

The purpose of this report is twofold:

- To present the findings of the Established Neighbourhood Study to Council;
- To seek Council approval of the proposed Official Plan Amendment and Zoning By-law Amendment to implement the findings of the Established Neighbourhood Study.

Background

The matter of development/redevelopment compatibility within existing neighbourhoods is not new and it is becoming an increasingly prevalent planning issue as municipalities respond to increasing development pressures.

In 2013, Council approved Zoning By-law 2013-30 and amended standards from Zoning By-law 2010-40 that affect siting of a dwelling on a lot to start addressing the issue of compatibility within existing residential neighbourhoods. Specifically, By-law 2013-30 reduced the maximum permitted height, reduced the maximum permitted coverage, and modified the way in which front yard setback is determined. Subsequently, staff also conducted research on [best practices](#) in addressing issue of perceived overbuilding in established residential areas. It then became clear that the amended zoning standards were not sufficient to address the development pressures the Town were experiencing.

After presenting best practices from other municipalities at a Council workshop in 2018, Council reiterated their clear goal of having policies in place for existing stable residential areas that will ensure any development (including additions to existing homes) must contribute to the neighbourhood's character and that the Town's Official Plan policies need to be updated to mandate compatibility. The Established Neighbourhood Study (the Study) is intended to address this goal focusing in redevelopment or additions to existing dwelling of a single lot.

The initiation of the Study began in [mid 2018](#), when Council directed staff to engage services of a consultant to assist in reviewing Official Plan policies and Zoning By-law regulations to address changes in established residential neighbourhoods. Figure 1 below shows some of the milestones of the Study since 2019.

Figure 1 Project Milestones

January 2019	<ul style="list-style-type: none"> • Council passed Interim Control By-law 2019-04, which prohibited development in the majority of the Town's residential area
March 2019	<ul style="list-style-type: none"> • Engaged the services of SvN Architects + Planners and began the Established Neighbourhood Study
November 2019	<ul style="list-style-type: none"> • Council received staff report 2019-118, which provided an overview of the Established Neighbourhood Study
December 2019	<ul style="list-style-type: none"> • Council held a Special Committee of the Whole meeting and staff presented draft Policy Options
January 2020	<ul style="list-style-type: none"> • Council held a Special Committee of the Whole meeting and passed By-law 2020-05, which extended the expiry of By-law 2019-04 to July 2020
June 2020	<ul style="list-style-type: none"> • Council passed By-law 2020-35, which further extended the expiry of By-law 2019-04 to January 2021
July 2020	<ul style="list-style-type: none"> • Council received staff report 2020-56 regarding the expiry of the Interim Control By-law Exemption process as of August 24, 2020
August 2020	<ul style="list-style-type: none"> • Statutory Public Meeting held for the proposed Official Plan Amendment and Zoning By-law Amendment
September 2020	<ul style="list-style-type: none"> • Special Committee of the Whole Meeting - Consultant provided examples of proposed changes

Discussion

The following subsections provide an overview of some of the key findings of the Study and proposed changes to the Town's Official Plan and Zoning By-law 2010-40, as amended.

Key Findings

- Lands currently designated "Emerging Residential" in the Town's Official Plan are nearly built-out; therefore, the designation and policies are proposed to be updated;
- The Town's existing residential areas can be classified into four Residential Character Areas: Historic Core; Traditional Suburban; Contemporary Suburban, and Estate;
- Each Character Area can generally be defined by a set of characteristics that any new construction or additions to existing dwellings should respect;
- The Estate Character Area and Contemporary Suburban Character Area are fully built out and are not anticipated to undergo significant changes. The Study has focused more on the Historic Core Area and Traditional Suburban Character Area and therefore only regulations affecting the Historic Core and Traditional Suburban Character Areas have been created;
- Existing Zoning By-law regulations generally permit dwellings that would be larger than the existing building stock, which may result in compatibility issues. The

Study recommends various amendments to protect for compatibility between new construction/additions and existing dwellings in an area.

Proposed Official Plan Amendment

The draft Official Plan Amendment is attached to this report as Attachment 1. The main themes of the proposed amendment are:

- Combining existing “Stable Residential” designation and “Emerging Residential designation” as a single “Residential” designation and updating relevant policies
- Establishing Character Areas and policies for each Character Area
- Adding more details to the Compatibility policies of the Official Plan to strengthen the section

Proposed Zoning By-law Amendment

The draft Zoning By-law Amendment is attached to this report as Attachment 2. Below is a summary of some of the proposed zoning changes. Illustrations of the proposed changes can be found in the [September 22, 2020 Special Committee of the Whole presentation](#). It should be noted that the proposed changes are intended to regulate developments such that they will respect and be compatible with their surrounding areas. It is not the intent of this study or amendment to have regulations that ensure consistent development standards across the Town. The existing zoning by-law is structured such that it recognizes different zones within the Town have different requirements. Variations within each zone can be desirable to a neighbourhood if they are done in a respectful and compatible manner.

- Updating development regulations for residential zones – new lot coverage schedule; reduced maximum building height for zones that permit single detached and semi-detached; relating interior side yard setback to building height in metres instead of number of storeys for Zones C, D and K; and changing how front yard setback and exterior side yard setback are determined;
- Adding transition clauses to recognize applications in process, while acknowledging those that are recently approved are not subject to the proposed provisions;
- Changing definitions to tighten up some of the controls used to ensure compatibility - basement; dormer; building height; established or finished grade; finished first floor height; storey; flat/pitched roof, and residential garage, and
- Adding general provisions to permit driveway encroachments in any yard and to clarify 0.3m (1 foot) reserves are considered part of the lot when determining setbacks and coverage, but are not considered as a lot line.

Conclusion

As directed by Council, Planning staff and the Town’s planning consultant have completed the Study to address neighbourhood compatibility issues. Findings of the

Study inform the draft Official Plan Amendment and draft Zoning By-law Amendment, which have been attached for Council’s consideration and approval.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces

Consultation

Planning staff and the Town’s Planning consultant have hosted numerous engagement sessions with Council and members of the public throughout the course of the Established Neighbourhood Study. Examples of engagement sessions include: special committee of the whole meetings; public information centres; a farmers market engagement session, and online/social media including HeyNewmarket. All comments received have been considered, and where appropriate, incorporated in the attached draft Official Plan Amendment and Zoning By-law Amendment.

Comments Received from Council and Members of the Public

Comments received from Council and members of the public and staff’s recommendations are summarize in the Table 1. Other detailed technical comments have been considered and addressed in the attached amendments, where appropriate.

Table 1 Comment Matrix

Comments Received	Staff’s Recommendation
Clarify what “adjacent” mean	The term generally means more than immediately abutting. For the purpose of determining Front Yard Setback, which the proposed zoning provision states: “One metre less than the average of the front yard setback of adjacent dwellings...”, the term “adjacent” has been quantified to mean “within 60 metres on the same road”. This is based on the existing Established Building Line provision in the zoning by-law, which uses 60 metres to qualify adjacencies.
Explore options in determining minimum side yard setbacks on properties that abut existing generous side yard setbacks	Zones that currently require large side yard setbacks such as Zones A and B are not subject to the proposed side yard setbacks zoning regulations. The proposed changes are only applicable to Zones C, D and K where the existing requirement is determined by the number

	<p>of storeys of the dwelling rather than actual height of the dwelling. Some properties within Zones C, D and K may have side yard setbacks that exceed the minimum requirement, but where these situations exist, the proposed minimum side yard setback requirements are still considered to be compatible with those existing situations. Staff and the Town's consultant have further reviewed some lots in Zones C and D against the proposed side yard setback requirements and note that in many cases, maximizing the dwelling width by providing minimum side yard setbacks would not support a desirable layout of the house. This is especially true on smaller lots with a two-storey dwelling (see Attachment 4). Having varying minimum side yard setback requirements within a zone would be overly burdensome from an implementation /administrative standpoint. Staff is of the opinion that the proposed minimum setback requirements combined with the maximum height and lot coverage provisions is a balanced approach to address compatibility.</p>
<p>Apply the same approach that is proposed for Front Yard Setback to Exterior Side Yard Setback</p>	<p>Staff has no objection to provide some flexibility to the minimum Exterior Side Yard Setback requirement. The proposed zoning by-law has been revised.</p>
<p>Tree Protection should be addressed as part of the study</p>	<p>Tree protection is being reviewed under the Private Tree By-law project. Staff will report to Council on this matter separately in the future.</p>
<p>Missing middle should be addressed</p>	<p>Housing types such as townhouse and rowhouse are currently permitted in certain residential area of the Town, subject to policies of the Official Plan. This permission will be carried forward through the proposed Official Plan</p>

	<p>Amendment by strengthening the policy to require the applicant to submit a Compatibility Analysis Study that demonstrates how the proposed development will be compatible with the surrounding area. Development of other forms of housing such as duplex, triplex, and quadruplex, which are currently permitted in the zoning by-law, will also be permitted in the Residential Areas subject to the Compatibility Analysis Study.</p>
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Regional Comments

Background reports and draft policy options were also circulated to York Region for review and comment. Regional staff has advised that the proposed Official Plan Amendment is exempt from Regional approval; therefore, the proposed Official Plan Amendment will come into effect following Council’s adoption and the expiration of the 20-day appeal period.

Human Resource Considerations

None

Budget Impact

None

Attachments

Attachment 1 – Final Recommendation Report, prepared by SvN Architects + Planners

Attachment 2 – Draft Official Plan Amendment No. 29

Attachment 3 – Draft Zoning By-law Amendment

Attachment 4 – Side Yard Demonstration, prepared by SvN Architects + Planners

Submitted by

Phoebe Chow, Senior Planner - Policy

Approved for Submission

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