

**TOWN OF NEWMARKET**  
ESTABLISHED  
NEIGHBOURHOODS  
COMPATIBILITY  
STUDY

**POLICY RECOMMENDATIONS REPORT**

SEPTEMBER 2020







# TABLE OF CONTENTS

## EXECUTIVE SUMMARY

<b>1.0 PROJECT PURPOSE AND PROCESS</b>	<b>1</b>
1.1 Study Purpose	1
1.2 Study Area	2
1.3 Study Process	3
1.4 Document Structure	4
<b>2.0 NEIGHBOURHOOD CLASSIFICATION SYSTEM</b>	<b>5</b>
2.1 Overview	5
2.2 Public Engagement Feedback	5
2.3 Existing Conditions Analysis and Classification Process	5
2.4 Neighbourhood Classifications	13
2.5 Emerging Policy Directions	19

<b>3.0 CONDITIONS ANALYSIS AND TESTING</b>	<b>23</b>
3.1 Purpose	23
3.2 Approach and Methodology	23
3.3 Identification and Delineation of Variations in Character Areas	23
3.4 Sampling of Prototypical Site & Adjacency Conditions	26
3.5 Demonstrating Existing & Potential Built-Out Conditions	32
3.6 Evaluating Optimized Development Against Contemporary Design & Construction Standards	39
<b>4.0 POLICY RECOMMENDATIONS</b>	<b>40</b>
4.1 Existing Policy Structure	40
4.2 Recommended Changes to the Official Plan	40
4.3 Recommended Changes to the Zoning By-law	44
4.4 Visualizations of Neighbourhood Infill	61

## APPENDICES

- A - Draft Official Plan Amendment
- B - Draft Zoning By-law Amendment

# EXECUTIVE SUMMARY

## Study Purpose and Process

The Established Neighbourhood Compatibility Study aims to develop recommendations for an Official Plan Amendment and implementing Zoning By-law Amendment to ensure compatibility of new development within established residential areas in the Town of Newmarket. These recommendations will guide and encourage new infill development which respects and responds to existing built form and community character.

The study focuses on residential neighbourhoods across the Town of Newmarket and was undertaken over a 22-month period, from January 2019 to October 2020. It comprises the following three phases:

- Phase 1: Background Review and Analysis;
- Phase 2: Policy Options; and
- Phase 3: Policy Recommendations & Amendments.

The study has incorporated robust and comprehensive community engagement into all three phases of work. These include public information meetings, interactive kiosks at community events, online surveys and social media engagement.

This report summarizes the results from Phase 3, which included an iterative process of conditions testing and analysis, which informed the preparation of final policy recommendations for the draft Official Plan and Zoning By-law Amendments.

## Neighbourhood Classifications and Emerging Directions

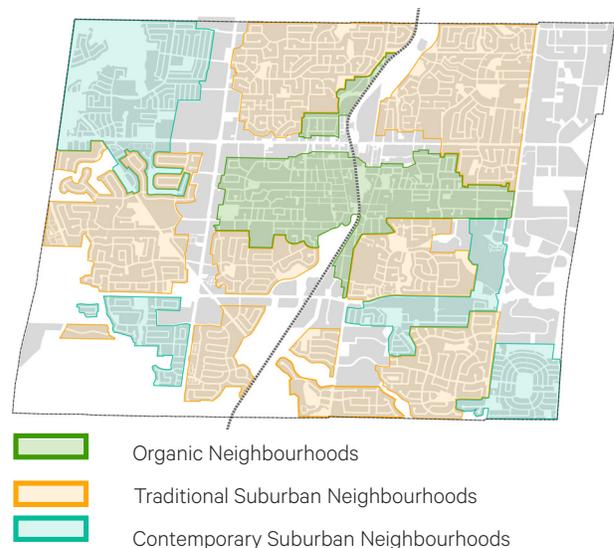
During Phase 2, a Neighbourhood Classification System, categorizing all residential neighbourhoods across Newmarket, was developed. These classifications were informed by visual analysis of existing conditions in residential neighbourhoods to understand indicative

conditions and common trends. Images from 65 individual sites, spatially distributed across the Town and representing each era of Newmarket's development, were selected and for the purpose of analyzing a range of building design, site design and streetscape design conditions. The results, which were tabulated, highlighted shared characteristics amongst emerging neighbourhood typologies.

These typologies were further refined through consideration of additional criteria such as land use patterns, property boundaries, applicable designations and by-law regulations, and servicing capacity. As a result, five Preliminary Neighbourhood Classifications were identified. After the removal of outliers, three Preferred Neighbourhood Classifications were confirmed as the primary focus of the study. These included:

1. Organic Neighbourhoods (later renamed to Historic Core in draft OPA);
2. Traditional Suburban Neighbourhoods; and
3. Contemporary Suburban Neighbourhoods.

The study identified the delineated boundaries for each Neighbourhood Classification, as well as the pre-dominant built form and public realm characteristics of each.



## Conditions Analysis and Testing

Following the removal of the Contemporary Suburban Neighbourhood Character Area from the Interim Control By-law in December of 2019, the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas were subject to a four-step process of additional research and analysis in Phase 3. This was undertaken to help inform the recommendations for the draft Official Plan Amendment and implementing draft Zoning By-law Amendment. This process included:

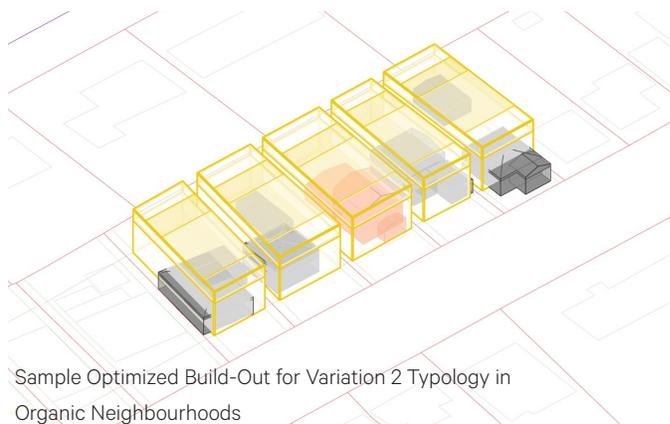
1. The identification and delineation of variations to predominant built form and public realm conditions;
2. The sampling of prototypical site and adjacency conditions within each variation and generally;
3. The preparation of virtual three-dimensional modelling to demonstrate the differences between existing and potential build-out conditions within the sampled prototypical site and adjacency conditions to illustrate the impacts of maximized as-of-right development vs. optimized development to reflect predominant built form and public realm conditions within the variation; and
4. The evaluation of optimized development against contemporary architectural and constructions standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering to establish an updated Zoning envelope.

The analysis found five unique and definable variations, existing at the street and block-scale in the case of the Organic Neighbourhood Character Area, and at the subdivision scale for the Traditional Suburban Neighbourhood Character Area.

A total sample of 84 sites and adjacent properties were selected for detailed examination. For each of the samples, a set of data regarding site and adjacency conditions was collected. This included the variation type, building height, finished first floor height number of storeys, front yard setback, location of established building face relative to adjacent properties, lot coverage, and roof type. This information was then analyzed to determine how existing conditions compared against the as-of-right zoning envelope.

The analysis found that in both Organic Neighbourhoods and Traditional Suburban Neighbourhoods, existing heights and lot coverages were found to be significantly less than the permitted standards in current Zoning By-laws. Generally, it found a positive correlation between the length of the setback and the lot size, but no relationship between the height of the house and the length of the setback. Additionally, it found that dwellings in the Traditional Suburban Neighbourhoods had more uniform conditions in comparison to the Organic Neighbourhood, which was more varied.

Following this, 3D modelling for prototypical sites were developed in order to illustrate three varying conditions: existing conditions; maximized build-out conditions based on Zoning By-law regulations; and optimized build out conditions based on potential ability to address neighbourhood compatibility.



These models indicated that the maximized build-out conditions based on existing as-of-right Zoning By-law regulations generally allow for built forms which are not in keeping with adjacent properties, and the character of surrounding neighbourhoods. It indicated that greater consideration of lot coverage, height and setback requirements of adjacent and/or surrounding properties could be used to help support more contextually-appropriate infill development. Additionally, the analysis demonstrated that the way in which parameters such as building height are defined could be improved to better regulate built form.

Finally, the optimized building conditions were evaluated against architectural and construction standards, including the applicable Ontario Building Code regulations, in order to help inform potential changes to the Zoning By-law.

At the conclusion of the conditions testing and analysis process, the terminology of the Neighbourhood Classifications was revised for improved clarity and specification. Organic Neighbourhoods, Traditional Suburban Neighbourhoods and Contemporary Suburban Neighbourhoods were revised to Historic Core Character Area, Traditional Suburban Character Area and Contemporary Suburban Character Area.

## Policy Recommendations

The current Official Plan includes an outdated land use designation structure delineating Stable Residential Areas and Emerging Residential Areas, as both are at full build-out. Furthermore, permissions for higher-density forms such as triplexes, fourplexes, townhouses and row-houses are limited to Emerging Residential Areas only. The current Zoning By-law is not reflective of current conditions and includes standards which permit built forms that are incompatible with existing properties in residential neighbourhoods.

Based on the findings of the research and analysis, this report makes a series of recommendations intended to support an Official Plan Amendment and implementing Zoning By-law Amendment.

Recommendations for the Official Plan include:

- Removing references to Stable and Emerging Residential Areas land use designations and consolidate these into a combined Residential Areas designation;
- Introducing new policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implementing a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and
- Identifying a defined list of pre-dominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm conditions.

Recommendations for the Zoning By-law include:

- Introducing a series of new and/or revised definitions in order to more effectively and accurately regulate built form, including but not limited to the definition of basement, grade (established or finished), roof (flat, pitched), height and storey; and
- Presenting changes to front yard setbacks, interior side yard setbacks, maximum lot coverage, and maximum height requirements.

These proposed amendments will support new development which respects the prevailing physical character of existing established neighbourhoods while allowing for gradual, context-sensitive growth and change within the Town of Newmarket.



CANADA  
↓

104

FOR RENT  
CALL 1-800-555-1234

# 1.0 INTRODUCTION

## 1.1 Study Purpose



Residential trends in Newmarket are changing, increasingly shifting from suburban growth to urban infill and redevelopment. As the supply of greenfield lands becomes exhausted, Newmarket is seeing increasing development and redevelopment within existing built-up areas to accommodate current and projected growth.

Within Newmarket, infill development is occurring across a number of residential neighbourhoods. The sensitive redevelopment of these areas can add significant value to the community by boosting the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching local communities. However, recent development has also triggered concerns from residents regarding the compatibility of new homes or additions in established neighbourhoods.

In 2013, municipal staff introduced Zoning By-law 2013-30, which modified the maximum permitted height, maximum permitted coverage, and front yard setback requirements for older established areas of Newmarket in order to combat incompatible development. Concerns of perceived incompatible development persisted and, as a result, the Town of Newmarket enforced an Interim Control By-law (2019-

04), to allow for a more extensive study. The purpose of this Established Neighbourhoods Compatibility Study is to advance the Town's efforts by developing an Official Plan Amendment and implementing Zoning By-law Amendment for established residential neighbourhoods.

This study identifies residential neighbourhoods based on pre-dominant characteristics and introduces a suite of policy recommendations that enable context-sensitive development in line with the existing built form. It recognizes where the existing policy framework can be improved and adapted to reflect current on-the-ground conditions and broader planning goals. The objective is to introduce policy recommendations that acknowledge, respect and are compatible with the existing physical neighbourhood character, while retaining flexibility for residential infill where appropriate to accommodate future growth.

This study focuses on amendments to the Official Plan and Zoning By-law. However, additional planning tools may be considered by Town Staff and Council following the conclusion and final recommendations of this study to help implement these policy amendments. Such tools could include Urban Design Guidelines, enhanced Site Plan Control measures, and a Streetscape Analysis Process.

## 1.2 Study Area

The study area includes all residential neighbourhoods within the Town of Newmarket (Figure 1). The Town is bounded by Aurora to the south, King to the west, East Gwillimbury to the north, and Whitchurch–Stouffville to the east.

The study area includes all Stable and Emerging Residential Areas from the Town of Newmarket Official Plan, excluding non-residential uses and individual residential properties which have been exempt from Interim Control By-law 2019-04.

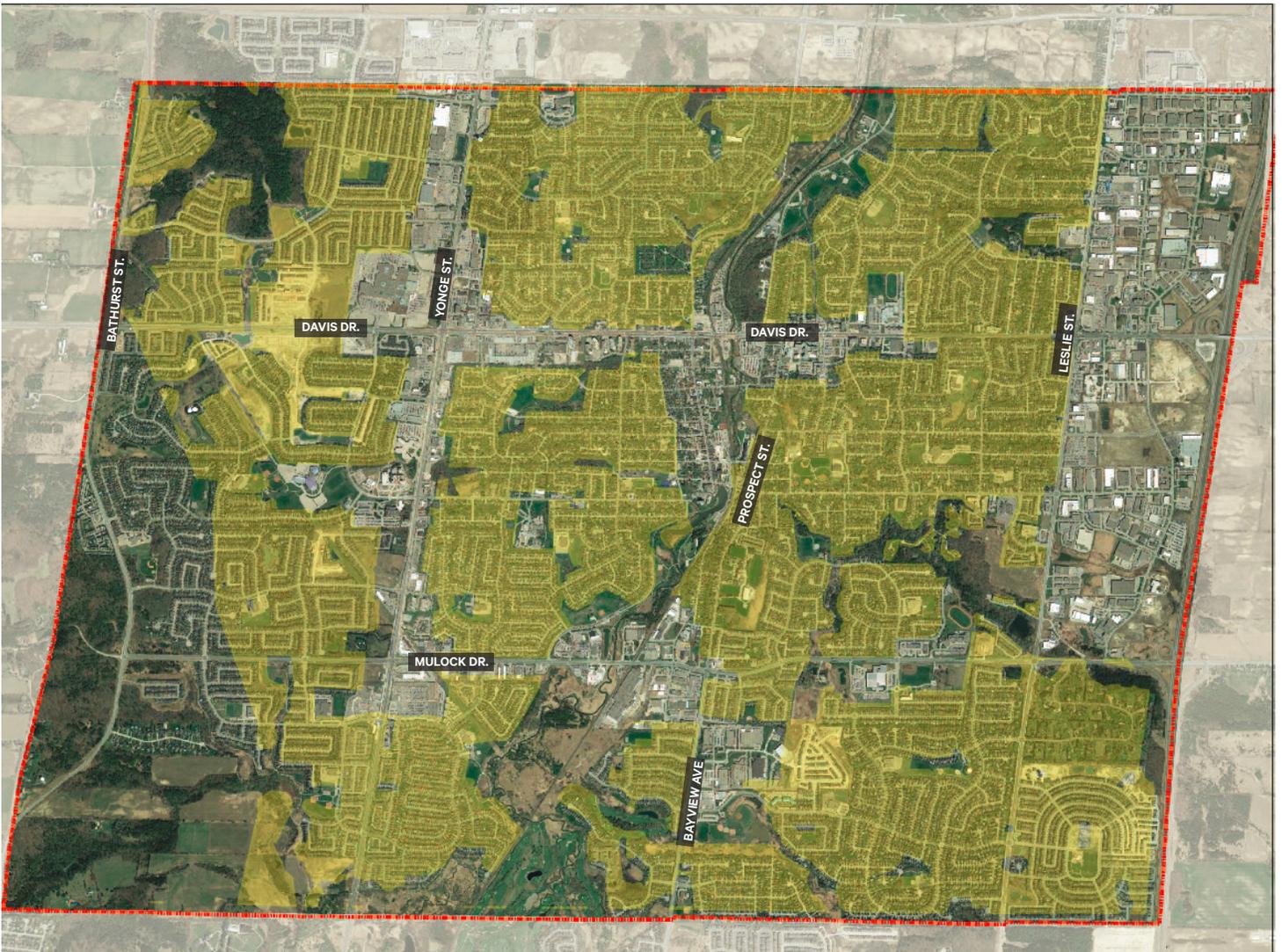


Figure 1. Aerial Map - Study Area



## 1.3 Study Process

The study was undertaken over a 22-month period from January 2019 to October 2020. It was structured in the three following phases (Figure 2):

### Phase 1: Background Review and Analysis

Phase 1 involved study commencement, review of the policy and regulatory context, analysis of existing neighbourhood conditions, precedent and best practices review, and initial public engagement with residents to identify their priorities, values and concerns with respect to their neighbourhoods.

Findings from this phase of work can be found in the Background Report, which was presented to Town Council / Committee of the Whole in the late summer of 2019.

### Phase 2: Policy Options

Phase 2 involved the development of a draft Neighbourhood Classification System through a set of key evaluation criteria and determination of draft policy options. Public consultation was undertaken to collect

feedback on the draft Neighbourhood Classification System, and specifically on how accurately they reflected residents' perceptions and experiences of their neighbourhoods.

Findings from this phase of work were captured in the Draft Policy Options Report, which was presented to Town Council/Committee of the Whole in the fall of 2020.

### Phase 3: Policy Recommendations & Amendments

Phase 3 involved the refinement and finalization of the Neighbourhood Classification System. This included a four-step process of additional research and analysis, which involved detailed conditions testing, modelling and evaluation. Based on the findings of the research and analysis, a set of recommendations was identified to inform the preparation of an Official Plan Amendment and implementing Zoning By-law Amendment.

Draft Final Policy Recommendations were presented at a Statutory Public Meeting on August 31, 2020. Subsequently, a Special Committee of the Whole meeting was held on September 22, 2020.



Figure 2. Study Process

## 1.4 Document Structure

This report is organized into the following sections:

**Section 1: Introduction** provides an overview of the study purpose, study process and study area to serve as general information and context-setting for the report.

**Section 2: Neighbourhood Classifications and Emerging Directions** outlines the Neighbourhood Classification System as developed through the end of Phase 2 of the study. This includes a summary of public engagement feedback received during consultation activities to date, as well as the rationale behind the methodology and criteria used to shape the classification system. Finally, Section 2 provides an overview of the identified character statements and pre-dominant characteristics for each of the Organic Neighbourhoods, Traditional Suburban Neighbourhoods, and Contemporary Suburban Neighbourhoods classifications, as well as the Emerging Policy Directions that began to form the basis of the Policy Recommendations presented in Section 4 of this report.

**Section 3: Conditions Analysis and Testing** contains the approach, methodology and research findings of the four-step process used to further inform the Neighbourhood Classification Systems and final policy recommendations. This analysis included identifying and delineating variations in identified Character Areas, sampling prototypical site and adjacency conditions, demonstrating existing and potential built-out conditions, and evaluating optimized development against contemporary design and construction standards. This analysis provided more detailed insight into the minor variations that exist within and between properties in each Neighbourhood Classification, specifically as they relate to building height, lot width and depth, setbacks, and lot coverage.

**Section 4: Policy Recommendations** covers the existing policy structure and final policy recommendations. This includes proposed changes to the Official Plan, including revisions to land use designations and policy language, and the Zoning By-law, including new and updated definitions, regulations and standards. It concludes by presenting a series of demonstration plans which visualize the proposed regulations as applied to real-world examples of neighbourhood infill in other GTA municipalities.

# 2.0 NEIGHBOURHOOD CLASSIFICATION SYSTEM & EMERGING DIRECTIONS

## 2.1 Overview

Throughout Phases 1 and 2, a detailed existing conditions analysis was undertaken to begin to identify patterns in the existing built form and public realm conditions within residential neighbourhoods across Newmarket. An image-based analysis of building design, site design and streetscape design characteristics, coupled with additional inputs including land use designations, streets and property boundaries, municipal servicing data and applicable by-laws, informed the development of five preliminary neighbourhood classifications. Through further analysis and identification of outliers, this was refined to consist of three preferred Neighbourhood Classifications: Organic Neighbourhoods; Traditional Suburban Neighbourhoods; and Contemporary Suburban Neighbourhoods.

Additionally, a detailed planning policy review helped identify gaps in the current framework. This contributed to a set of emerging policy directions centred around retaining neighbourhood character and physical stability while allowing for sensitive infill where appropriate.

## 2.2 Public Engagement Feedback

A robust process of public consultation and engagement was conducted over the course of the study. These engagement activities included: two Public Information Centre events where study findings were shared with residents through presentations and visual storyboards; a pop-up booth at the Saturday Farmer's Market where residents were engaged in a more informal setting; and online engagement including an interactive project website, online survey and social media handles providing project updates. Engagement activities were designed with the intent to reach a broad spectrum of residents, including participants from a wide range of demographic groups and residential neighbourhoods across Newmarket.

Public feedback generated insights into residents' neighbourhood perceptions, including the elements and characteristics that they value most. The study found that residents' perception of their local "neighbourhood" typically does not exceed a 5-hectare area. Residents highly value the trees, parks and open spaces in their neighbourhoods, often more than the built form. Generally, residents in older areas had more positive perceptions of their neighbourhood. The majority of residents feel a strong sense of community and appreciate their overall quality of life.

Conversely, concerns were raised over the height, massing, scale and density of specific infill developments (including 'monster houses'), and the negative implications such developments have had on the physical character of the neighbourhood. Concerns were also raised regarding management of new development. Participants generally supported introducing new policies and regulations to enable future development that fits harmoniously within the context of existing residential neighbourhoods.

## 2.3 Existing Conditions Analysis and Classification Process

The existing conditions review included an iterative process of identifying, analyzing and documenting the current character of Newmarket's neighbourhoods. Images of 65 sites across Newmarket's residential neighbourhoods were collected and analyzed (Figure 3). A spatially-distributed sampling of streetscapes and adjacent properties from all major eras of the Town's development was used to capture a representative range of building types, street types, and subdivision types. Each site was assessed on the basis of 22 building, site and streetscape design characteristics, which were logged in a comprehensive spreadsheet.

Analysis of the tabulated data revealed that Newmarket's neighbourhoods contain a range of building types, as well as built form and public realm characteristics. It identified clear similarities and differences between neighbourhoods, broadly based on their era of development. The following key elements were identified as informing neighbourhood character in Newmarket:

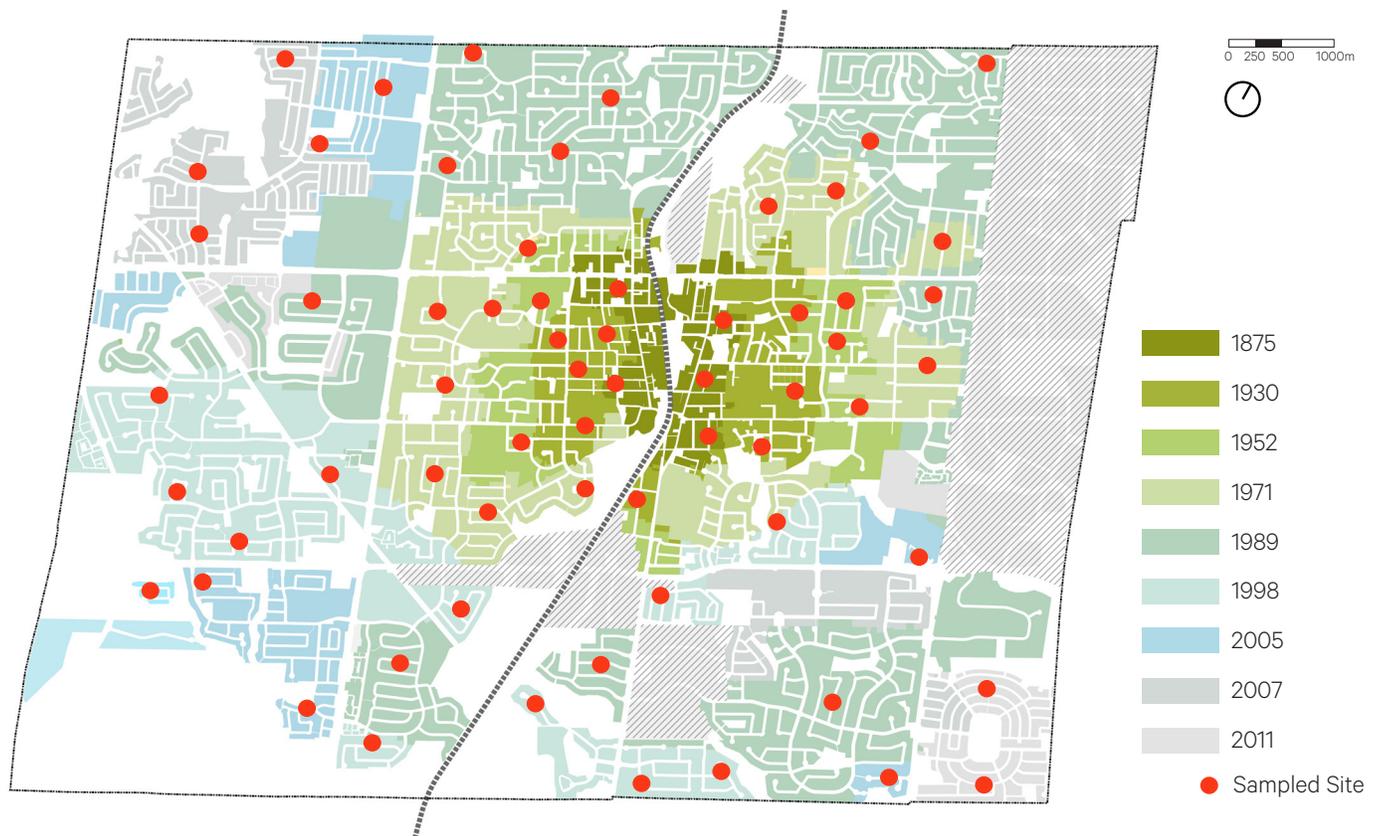
- Private landscaping;
- Architectural style and expression;
- Materiality;
- Building height;
- Massing;
- Building depth;
- Ground floor height.

### Built Form

- Lot dimensions;
- Front, side and rear yard setbacks;
- Siting and orientation;
- Lot coverage;
- Parking and vehicular access;
- Pedestrian access;
- Building entrance location;

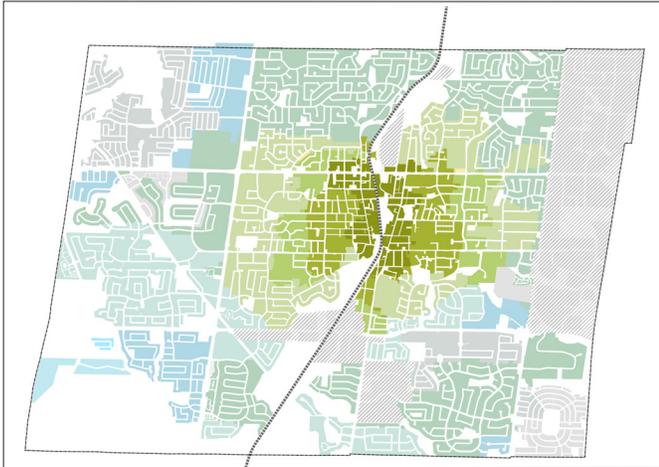
### Public Realm

- Street and block pattern;
- Street width;
- Sidewalk continuity;
- Sidewalk width;
- Landscaped boulevards;
- Street tree canopy;
- Utility placement.



**Figure 3.** Sampled Sites for Existing Conditions Analysis

**1** Age of development



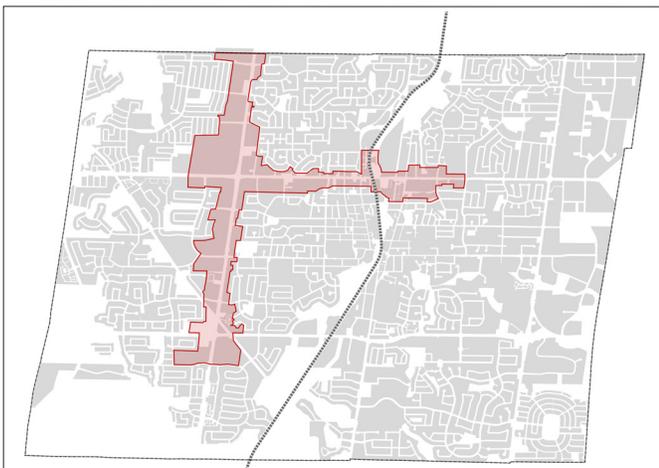
Map depicting the historical progression of development in Newmarket - see Background Report for more information.

**2** Existing major streets and property boundaries



Map depicting the street form of Newmarket - see Background Report for more information.

**3** Existing Urban Centres boundary



Map depicting the Urban Centres boundary.

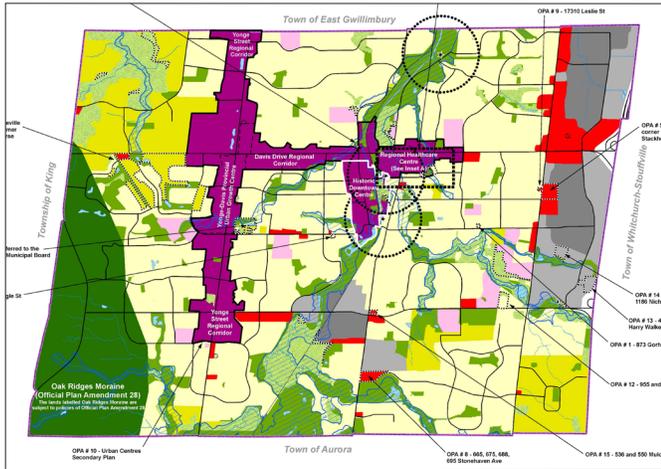
**4** Well and septic data



Map depicting well and septic-serviced properties (in red).

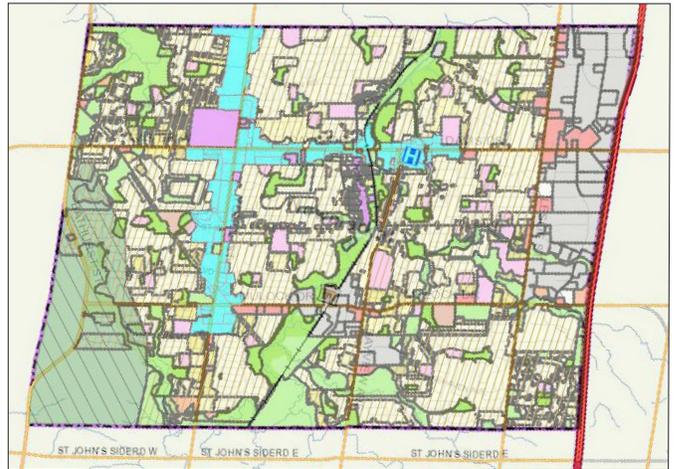
**Figure 4.** Four of the key evaluation criteria in the boundary delineation process

**5** Land use designations



Schedule A Land Use map from the Town of Newmarket Official Plan.

**6** Applicable zoning by-law regulations



Zoning map from 'Navigate Newmarket Interactive Map'

**7** Interpretation of the built form

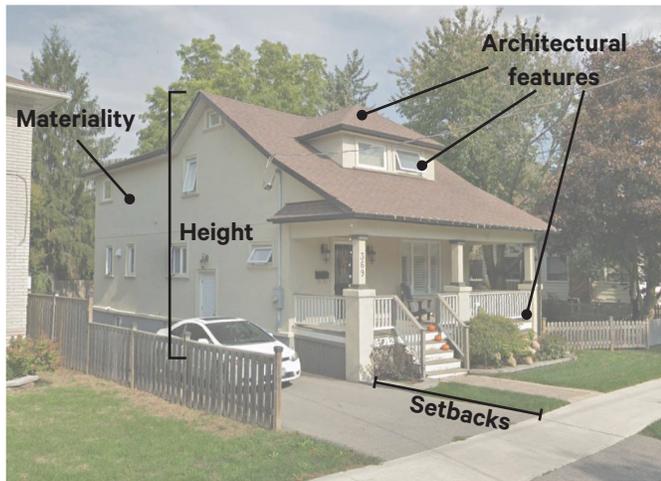


Image only shows some of the elements interpreted, see Section 2.3 for a full list.

**8** Interpretation of the public realm



Image only shows some of the elements interpreted, see Section 2.3 for a full list.

**Figure 5.** Four of the key evaluation criteria in the boundary delineation process

Taking into account these built form and public realm characteristics, Phase 2 involved the preparation of a Neighbourhood Classification System to delineate neighbourhood areas recognized as characteristically distinct from one another. This delineation was informed by a set of key evaluation criteria (Figures 4 and 5). These criteria emerged out of Phase 1 findings and were informed by discussions with the public and key stakeholders. These are:

### **Age of Development**

Built form is intimately linked to neighbourhood evolution over time, reflecting conditions and preferences during particular periods of development. In earlier years of development, greater availability of land and costly building construction resulted in typical built forms that reflected smaller buildings on larger lots. Over time, economies of scale, advanced building technologies and increased housing demand resulted in a shift towards larger buildings on smaller lots.

### **Existing Major Streets and Property Boundaries**

The location of existing major streets was considered to respect the existing urban structure. Property boundaries were integrated in an effort to avoid splitting properties in half and assigning one property multiple classifications.

### **Existing Urban Centres Boundary**

The Urban Centres area is a unique neighbourhood classification within the Town of Newmarket, with significant future growth and intensification expected around the Yonge Street and Davis Drive corridors. The boundary for the Urban Centres was taken from the Urban Centres land use designation, as identified in the Town of Newmarket Official Plan and Urban Centres Secondary Plan.

### **Well and Septic Data**

The Town of Newmarket provided data on the location of well and septic-serviced properties which do not

have access to municipal servicing infrastructure. This informed the classification system as it pertains to the potential of different residential areas to accommodate future infill. Specifically, this data informed the Estate Neighbourhood boundaries.

### **Applicable Land Use Designations**

Only residential areas were included in Neighbourhood Classification System; non-residential areas are not addressed in this study. Schedule A of the Town of Official Plan was referenced to ensure that all 'Stable Residential' and 'Emerging Residential' land use areas were included under the classification system.

### **Applicable Zoning By-Law Regulations**

Relevant zoning by-laws and amendments, including Zoning By-law 2010-40, Zoning By-law 2013-30, Zoning By-law 1979-50 and Zoning By-law 1981-96 informed the development of the classification system by identifying varying built form permissions across Newmarket. Where particular area-specific by-law regulations are in-place, the Neighbourhood Classification System sought to mirror those boundaries in the identification of character areas.

### **Interpretation of the Built Form**

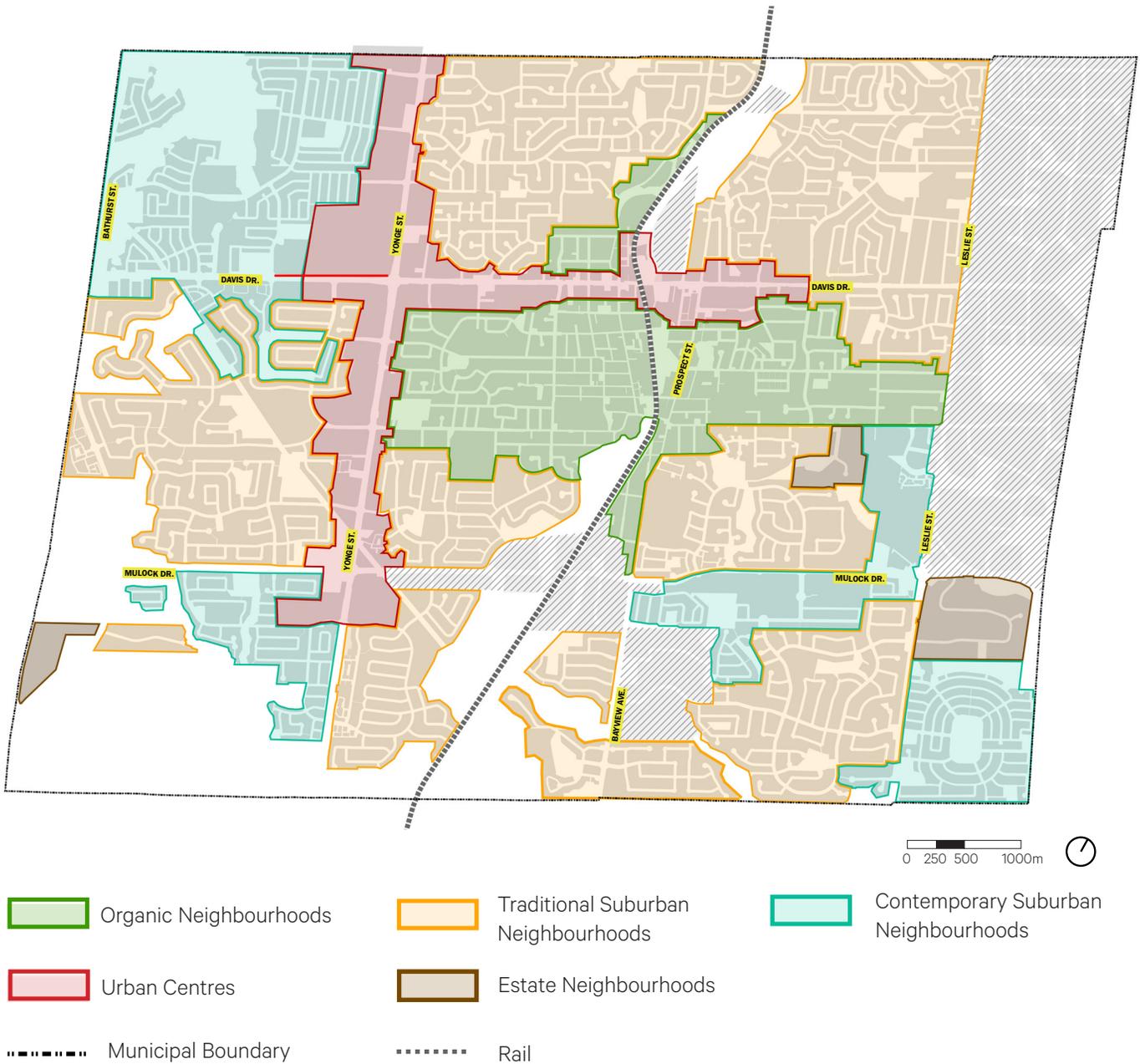
The classification process involved visual interpretation of the current built form, with an eye towards identifying similarities and differences between neighbourhoods. This involved interpretation of built form features including height, setbacks, materiality, architectural expression and others as listed earlier in Section 2.3.

### **Interpretation of the Public Realm**

The classification process involved visual interpretation of streetscape and the public realm, with an eye towards identifying similarities and differences between neighbourhoods. This involved interpretation of public realm features such as street and block pattern, right of way composition, sidewalks, public boulevards, and others as described in Section 2.3.

Building upon the analysis of existing conditions and taking into account the evaluation criteria, five Preliminary Neighbourhood Classifications were identified (Figure 6), which included:

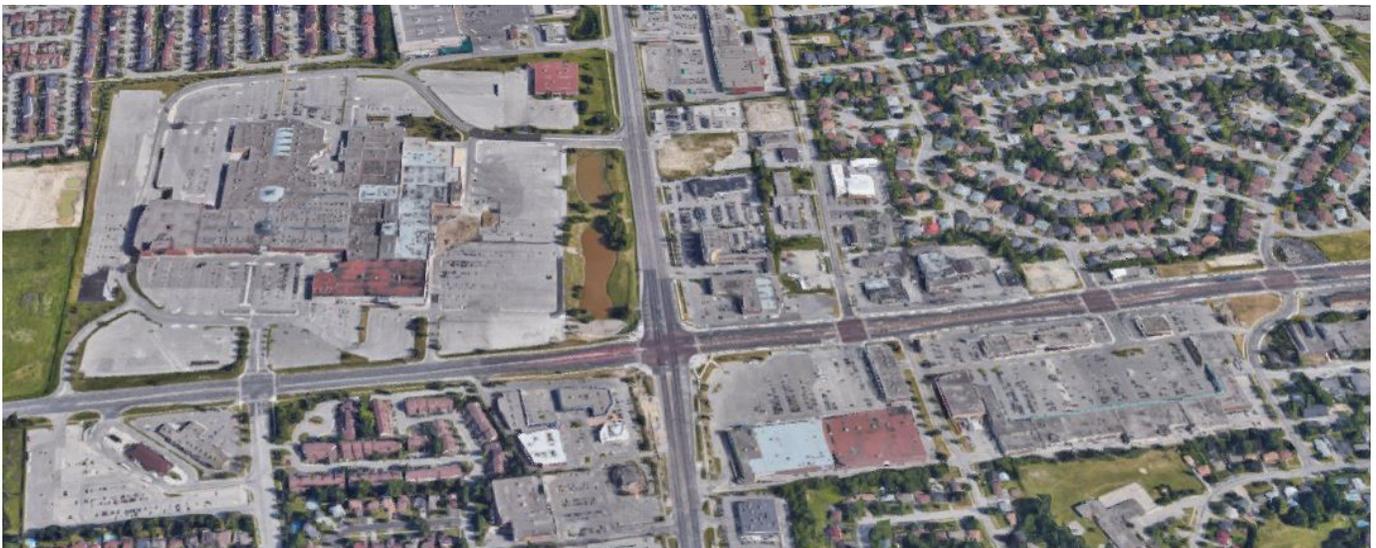
1. Organic Neighbourhoods;
2. Traditional Suburban Neighbourhoods;
3. Contemporary Suburban Neighbourhoods;
4. Urban Centres; and,
5. Estate Neighbourhoods.



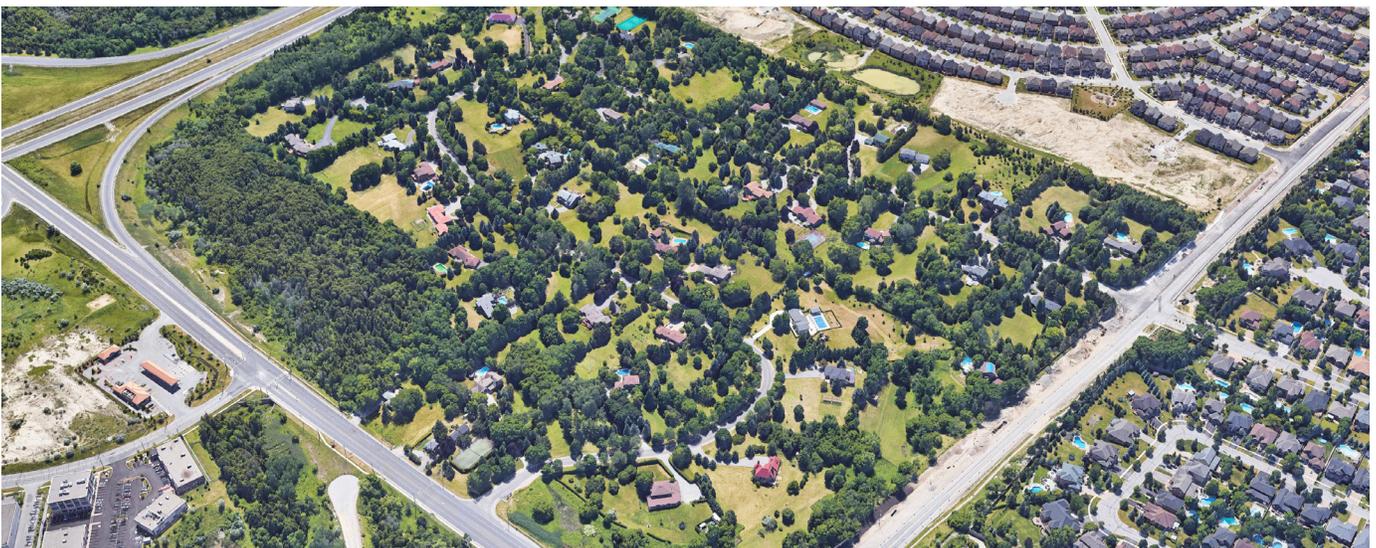
**Figure 6.** Preliminary Neighbourhood Classifications

The Urban Centres is a mixed-use area permitting a wide range of residential, office, commercial and community uses, focused on the major corridors of Yonge Street and Davis Drive (Figure 7). The area is expected to accommodate a significant amount of future growth. The Urban Centres is already subject to an area-specific Urban Centres Secondary Plan and Urban Centres Zoning By-law. As such, it will not be subject to further study.

The Estate Neighbourhoods are lands generally situated at the periphery of Newmarket, Developed between the 1940's and 1960's, these areas are characterized by curvilinear street patterns, long and often undefined discontinuous blocks, deep setbacks, and large lots, and are distributed among large sections of naturalized or wooded areas (Figure 8). They are not anticipated to accommodate future growth, due to constrained capacity of existing servicing infrastructure. Therefore, they will not be subject to further study.



**Figure 7.** Aerial of Intersection of Yonge Street and Davis Drive - Urban Centres



**Figure 8.** Aerial View Southeast towards Kingdale Road - Estate Neighbourhoods

As a result of these exclusions, three Preferred Neighbourhood Classifications were brought forward and identified as areas of focus for this study (Figure 9).

These include:

1. Organic Neighbourhoods;
2. Traditional Suburban Neighbourhoods; and,
3. Contemporary Suburban Neighbourhoods.

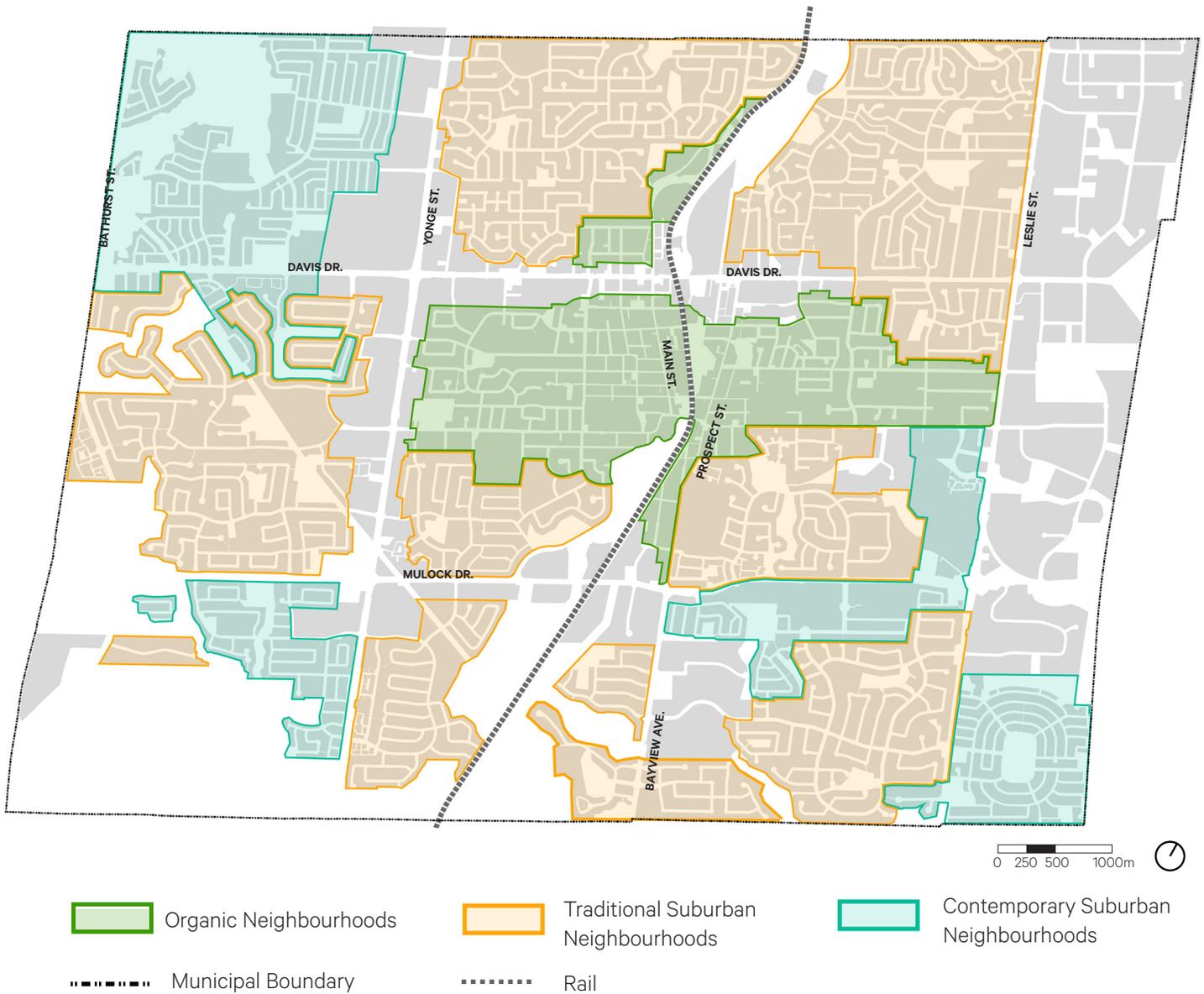


Figure 9. Preferred Neighbourhood Classifications

## 2.4 Neighbourhood Classifications

### 2.4.1 Organic Neighbourhoods

Organic Neighbourhoods are situated within and surrounding the historic core of the Town of Newmarket (Figure 10). They were generally developed prior to the 1940's and the advent of subdivision-based planning. They are characterized by smaller blocks with an interconnected grid of narrow streets, continuous sidewalks, varied landscaping, mature tree canopies, varied lot patterns, front and side-yard driveways with a variety of parking configurations, varied setbacks, and 1-2 storey building heights. Figure 11 illustrates the typical form of these neighbourhoods.

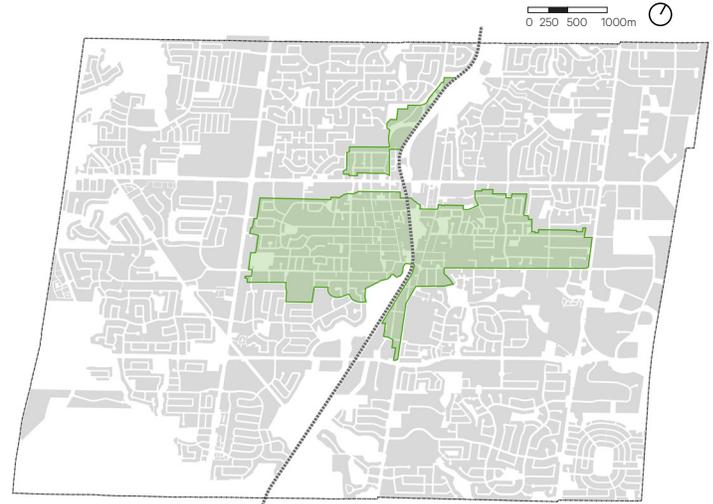


Figure 10. Locational Map for Organic Neighbourhoods



Figure 11. Organic Neighbourhoods Illustrative Typology

## Predominant Public Realm Characteristics

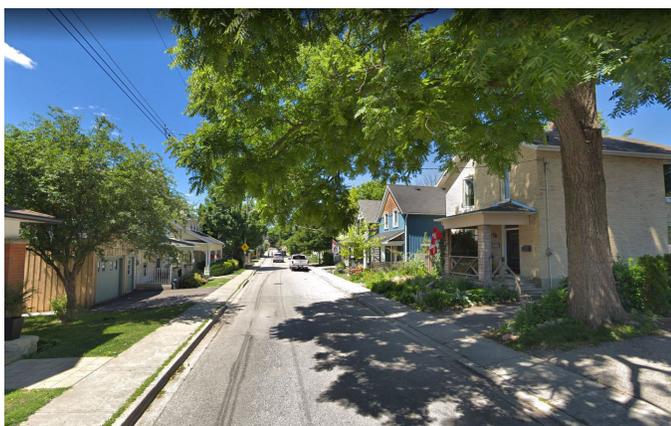
Predominant public realm characteristics of the Organic Neighbourhoods include:

- A traditional fine-grain street pattern, with an interconnected grid of short blocks that is highly walkable;
- Narrow street widths;
- Continuous sidewalks on one or both sides of the street, typically 1-1.5m width,
- Narrow to moderate landscaped boulevards, typically 1-3m in width;
- An extensive canopy of established mature trees;
- An abundance of soft landscaping and accent planting; and,
- Overhead utilities with streetlights added on to utility poles.

## Predominant Built Form Characteristics

Predominant built form characteristics of the Organic Neighbourhoods include:

- 1 to 2-storey building heights;
- Rectangular and irregular lots, with lot sizes and dimensions that vary significantly;
- Varied front yard and side yard setbacks, of a shallow to significant depth;
- Front porches of a shallow depth;
- Pitched roofs;
- Weather protection features including canopies, overhangs and some awnings;
- Solid masonry or wood cladding,
- Varied vehicular access configurations, including front and side yard driveways of narrow to moderate width, and an inconsistent rhythm in driveway placement along the street;
- A diverse range of parking configurations, including parking pads, detached garages, and attached garages; and,
- Significant range of architectural expressions and styles, with a focus on Victorian-era architecture.



**Streetscape featuring continuous sidewalks, narrow street widths and extensive tree canopy**

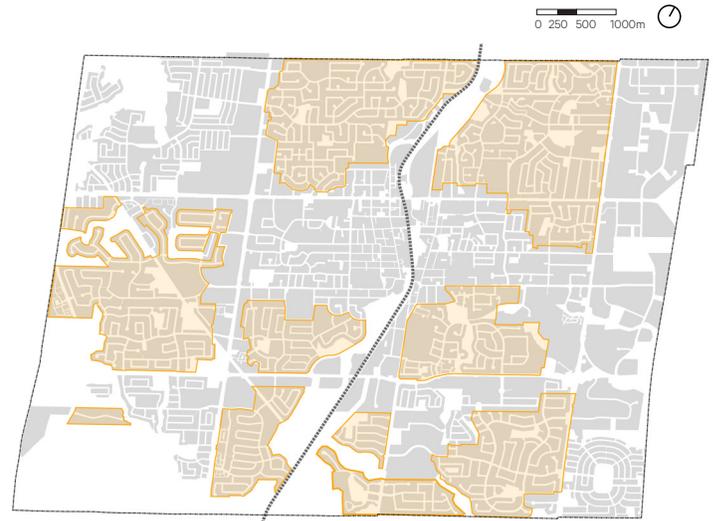


**Built form featuring 2-storey building height, front porch, and shallow front yard setback**

**Figure 12.** Select Characteristics in Organic Neighbourhoods

## 2.4.2 Traditional Suburban Neighbourhoods

Traditional Suburban Neighbourhoods are generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Neighbourhoods, which traverse the periphery of the Town (see Figure 13). They were generally developed between the 1940's and 1990's, following the advent of subdivision-based planning. They are characterized by longer and often disconnected blocks of curvilinear streets, discontinuous sidewalks, varied landscaping, evolving and maturing tree canopies, varied lot patterns, front and side-yard driveways with attached garages, varied setbacks, and 1-2 storey building heights. Figure 14 illustrates the typical form of these neighbourhoods.



**Figure 13.** Locational Map for Traditional Suburban Neighbourhoods



**Figure 14.** Organic Neighbourhoods Illustrative Typology

## Predominant Public Realm Characteristics

Predominant public realm characteristics of the Traditional Suburban Neighbourhoods include:

- Curvilinear street patterns, including crescent streets and cul-de-sacs, with few intersections;
- Moderate to significant street widths;
- Discontinuous network of sidewalks on one side of the street, typically 1-1.5m in width, with the exception of cul-de-sacs which commonly have no sidewalks;
- Moderate landscaped boulevards, typically 2-4m in width;
- A moderate to significant canopy of maturing street trees;
- Some soft landscaping and accent planting;
- Consistent placement of streetlights as independent fixtures; and,
- Buried utilities.

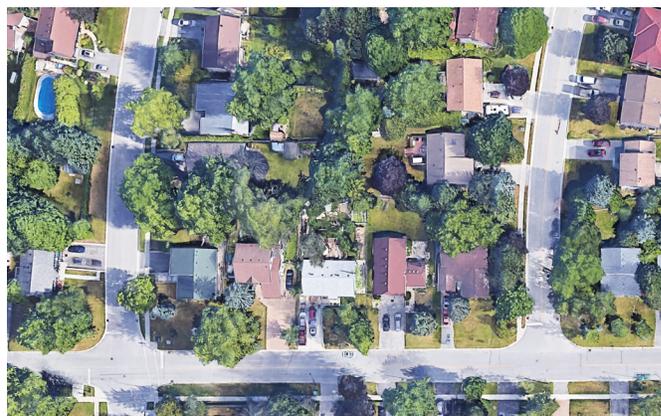
## Predominant Built Form Characteristics

Predominant built form characteristics of the Traditional Suburban Neighbourhoods include:

- 1 to 2-storey building heights;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front yard setbacks, of a moderate to significant depth;
- Consistent side yard setbacks, of a shallow to moderate depth;
- Front porches of a shallow to moderate depth;
- Weather protection features including canopies, overhangs, recessed entrances and some awnings;
- Consistent vehicular access configurations, characterized by front yard driveways of narrow to significant width;
- Pitched roofs;
- Consistent parking configurations, characterized by integral garages;
- Masonry veneer or vinyl cladding; and,
- Limited range of architectural expressions/styles.



**Streetscape with significant street widths and discontinuous sidewalk network**

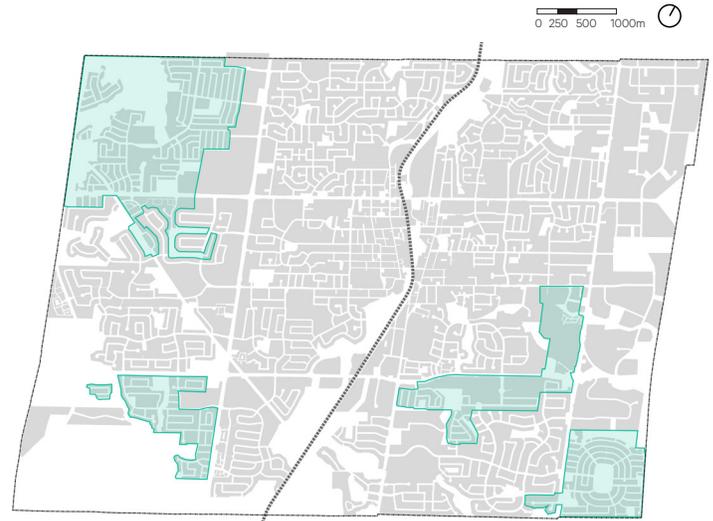


**Built form with consistent front yard setbacks and uniform front yard driveways**

**Figure 15.** Select Characteristics in Traditional Suburban Neighbourhoods

### 2.4.3 Contemporary Suburban Neighbourhoods

Newmarket's Contemporary Suburban Neighbourhoods are generally situated at the periphery of the Town, beyond the Traditional Suburban Neighbourhoods, and adjacent to the Estate Neighbourhoods (see Figure 16). They were generally developed following the 1990's. They are characterized by moderately sized blocks with an interconnected modified grid of moderately sized streets, continuous sidewalks and landscaping, recently planted and emerging tree canopies, consistent lot patterns, front yard driveways with attached garages, consistent setbacks, and 2-storey building heights. Figure 17 illustrates the typical form of these neighbourhoods.



**Figure 16.** Locational Map for Contemporary Suburban Neighbourhoods



**Figure 17.** Contemporary Suburban Neighbourhoods Illustrative Typology

### Predominant Public Realm Characteristics

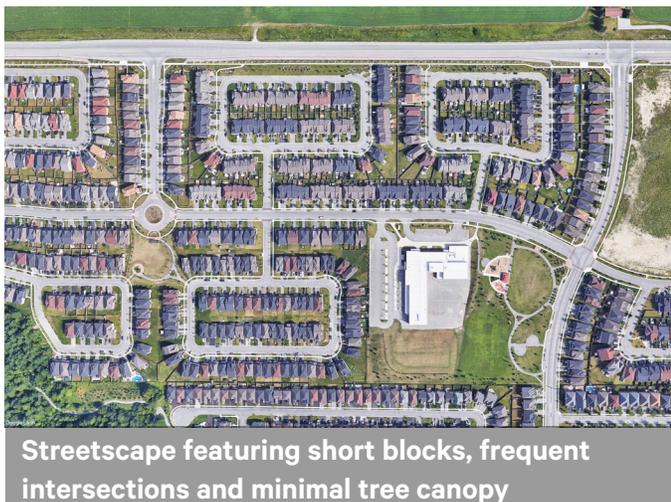
Predominant public realm characteristics of the Contemporary Suburban Neighbourhoods include:

- Modified street grid patterns, with short blocks and frequent intersections;
- Moderate street widths;
- Narrow landscaped boulevards, typically 1-2m in width;
- Modest to limited amount of soft landscaping and accent planting;
- A minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street, typically 1.3-1.7m in width;
- Street lights as independent fixtures, complemented by pedestrian lighting; and,
- Buried utilities.

### Predominant Built Form Characteristics

Predominant built form characteristics of the Contemporary Suburban Neighbourhoods include:

- 2-storey building heights;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front yard setbacks, of a shallow to moderate depth;
- Consistent side yard setbacks, of a shallow to moderate depth;
- Consistent vehicular access configurations, characterized by front yard driveways of narrow to moderate width;
- Consistent parking configurations, characterized by integral garages;
- Masonry veneer or vinyl cladding; and,
- A limited range of architectural expressions and styles.



**Figure 18.** Select Characteristics in Contemporary Suburban Neighbourhoods

## 2.5 Emerging Policy Directions

### Overview

Informed by a review of the existing municipal planning policy and insights from the process of categorizing and delineating the various Neighbourhood Classifications, a number of emerging policy directions were identified at the end of Phase 2. These emerging policies, summarized below, were eventually brought forward for more detailed exploration in Phase 3 and formed the basis of final recommendations for both the proposed Official Plan Amendment and Zoning By-law Amendment.

### Existing Municipal Planning Policy Framework

Development throughout Newmarket's established neighbourhoods is guided by a hierarchy of provincial, regional and municipal land use policies. In terms of regulating built form, the municipal Official Plan and Zoning By-law are the most relevant documents guiding and controlling residential character.

The Town of Newmarket's Official Plan designates all residential neighbourhoods under one of two Residential Areas land use categories: Stable Residential Areas and Emerging Residential Areas. The Stable Residential Areas designation applies to all existing neighbourhoods and is largely a delineation of established residential areas in 2006, when the Official Plan was created. The Emerging Residential Areas designation applies to the delineation of designated greenfield lands in 2006, which were identified as future residential areas that were in the process of being developed or were anticipated to be developed.

In Stable Residential Areas, permitted residential forms are restricted to single-detached and semi-detached dwellings, with the intent of the policy to sustain and enhance the character and identity of existing neighbourhoods. Intensification is limited to accessory dwelling units and infill units through the creation of new lots consistent with the size and form of housing as a whole. Increased variety is encouraged In Emerging Residential Areas. Through the pre-dominant use of land is still identified as single-detached and semi-detached dwellings, rowhouses and townhouses are also permitted.

The Town of Newmarket Comprehensive Zoning By-law 2010-40 contains specific use regulations and building performance standards for each lot within the municipality. The majority of Residential Areas are zoned under the Residential Zone Category, composed of five zones (R1, R2, R3, R4, R5) with increasing permissions for higher-density residential types.

The Comprehensive Zoning By-law is subject to variations through Zoning By-law Amendments. One such example is By-Law 2013-30, which reduces maximum permitted height and coverage in areas generally within Newmarket's older organic core.

### Key Issues and Challenges

As the study progressed, there were a number of key issues and challenges that emerged out of the existing conditions analysis, planning policy review, public consultation and discussions with Town staff. The project identified gaps in the current framework, as well as potential opportunities that could inform a more comprehensive, forward-thinking and inclusive treatment of growth and development within Newmarket's residential neighbourhoods.

Some of these key issues included:

- Outdated binary land use designations of Stable Residential Areas and Established Residential Areas, which no longer reflect on-the-ground conditions as almost all of the lands designated as Emerging Residential Areas have been developed;
- A lack of recognition within the current Official Plan for the variation in built form and public realm character between residential neighbourhoods and the treatment of all residential areas as one homogenous whole;
- Inconsistency between zoning permissions contained within the Comprehensive Zoning By-law and existing built form conditions, particularly in older neighbourhoods where homes built in the 1940's and 50's pre-date the modern zoning by-law, meaning that new infill developments being constructed as-of-right are not physically compatible with their older counterparts;
- A significant number of disparate and complex in-force Zoning By-laws across the Town of Newmarket, which have been developed, enacted and/or partially repealed over time. These include Zoning By-law 2010-40, Zoning By-law 2013-30, Zoning By-law 1981-61 and Zoning By-law 1979-50; and,
- Recognition that current site-specific by-laws, which aim to regulate for neighbourhood compatibility, are stop-gap measures, and that a comprehensive town-wide approach is needed.

Some key opportunities identified include:

- Maintaining the stability of Residential Areas, while allowing for redevelopment and contextually-sensitive infill which demonstrates compatibility with the established character of a neighbourhood;
- Adding physical and intrinsic value through new development; including but not limited to: an expanded customer base for local shops, more participation in local community and residents groups, increased property values, and greater provision of community facilities and infrastructure;
- Defining neighbourhood character through updates to the Official Plan, to identify specific qualities which contribute to neighbourhood character and open up opportunities to protect and enhance these features;
- Providing additional policy direction on the elements of neighbourhood character that should be protected and enhanced, leaving less ambiguity in the interpretation of what constitutes 'compatible' development;
- Simplifying the existing collection of in-force Zoning By-laws to allow Zoning By-law 2010-40 to cover all areas of the Town, streamlining planning processes for both Town staff and applicants by reducing the need to consult and cross-reference several by-laws; and,
- Introducing zoning regulations which more accurately reflect the existing built form in neighbourhoods across the Town of Newmarket, such as adopting more context-specific permissions.

## Emerging Policy Directions

A number of policy options emerged as a result of findings from Phases 1 and 2 of the study. This was informed by the analysis of existing conditions, development of the Preferred Neighbourhood Classification System, and public and stakeholder feedback (Figure 19).

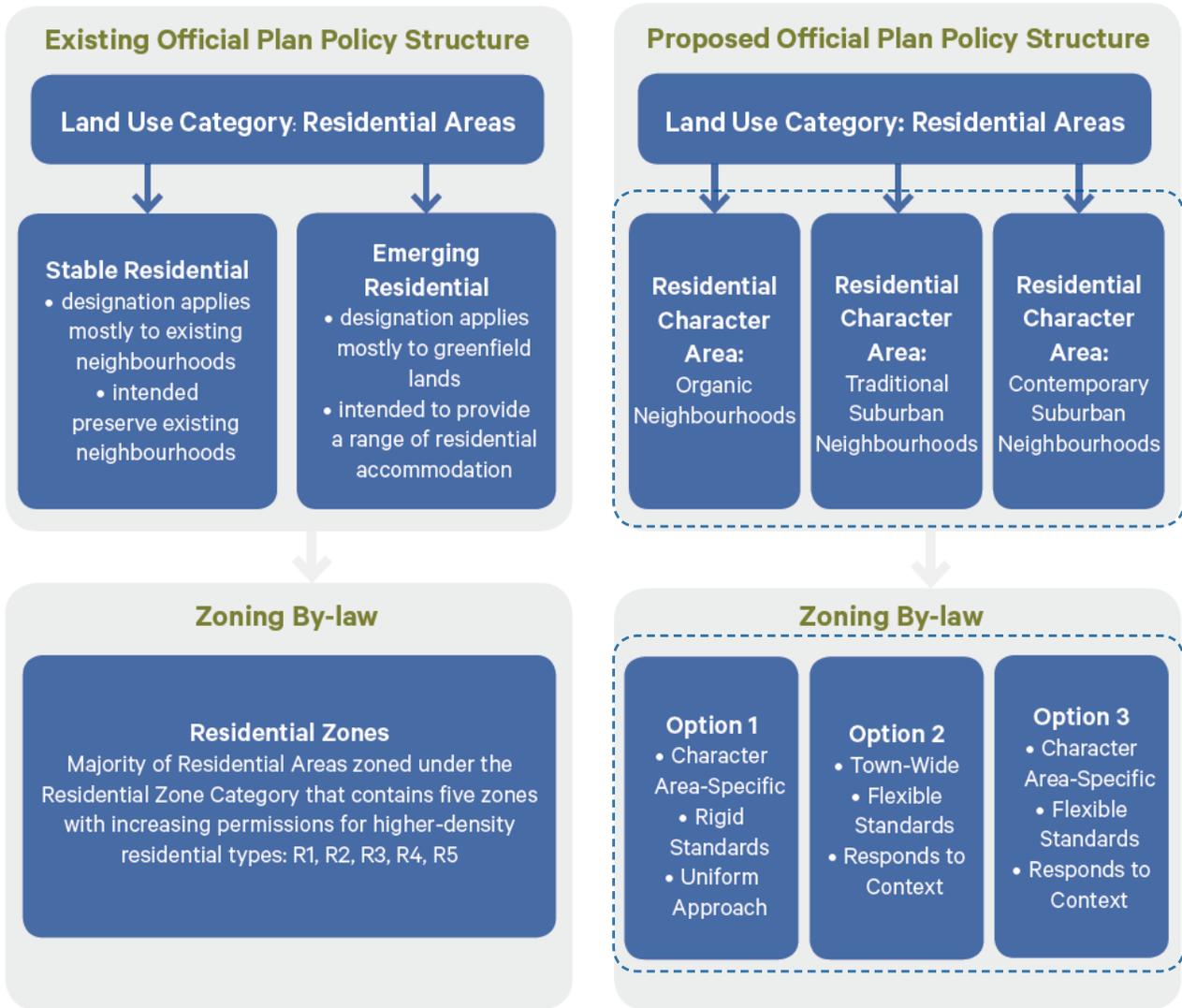
The emerging directions from Phases 1 and 2 indicated that any policy changes should retain neighbourhood character and physical stability while allowing for sensitive infill and supporting broader housing goals. Changes should recognize the distinct built form and public realm conditions across residential neighbourhoods. Analysis indicated that introducing a series of Residential Character Areas was be a potential solution to ensuring that defining characteristics are acknowledged and maintained.

At the Official Plan level, preliminary findings indicated that consideration should be given to replacing the Stable Residential Areas and Emerging Residential Areas land use designations with a singular Residential Areas land use designation. In addition, findings indicated that consideration should be given to introducing a new layer of Official Plan policy to provide specific direction for new development within individual Residential Character Areas. This new section would define the boundaries of the Residential Character Areas, provide a neighbourhood character statement and list of predominant considerations for each, and acknowledge that within each Character Area development shall demonstrate compatibility with the existing neighbourhood.

At the Zoning By-law level, preliminary findings indicated that consideration should be given to pursuing one of three potential policy options to regulate building and lot standards within each of the three Residential Character Areas. This included:

- **Option 1:** three area-specific Zoning By-law Amendments, one for each of the Residential Character Areas, with rigid zone standards specific to the distinct conditions which present themselves within the three areas.
- **Option 2:** a town-wide Zoning By-law Amendment for all residential zones, with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of town-wide minimum and maximum standards and a specified tolerance for variation. This option was identified as the preferred approach following Phase 2.
- **Option 3:** a hybrid solution combining Options 1 and 2, consisting of three area-specific Zoning By-law Amendments with flexible standards that require properties to respond to adjacent and surrounding properties, within the context of Character Area-specific minimum and maximum standards and a specified tolerance for variation.

These emerging policy directions helped inform the conditions testing that was undertaken in Phase 3 of the study. In combination with results from the conditions testing, they also formed the basis of the final policy recommendations, detailed in Section 4 of this report.



**Figure 19.** Summary of Existing Policy Framework and Emerging Policy Directions - Phase 2

# 3.0 CONDITIONS ANALYSIS AND TESTING

## 3.1 Purpose

Following the results of Phases 1 and 2, additional analysis was undertaken to inform the preparation of the draft Official Plan Amendment and implementing draft Zoning By-law Amendment.

The purpose of this additional analysis was to move beyond general Neighbourhood Classifications and towards identifying the variations within them. This included an additional degree of specificity, including numerical standards and/or averages of existing built realm characteristics as compared against the as-of-right zoning envelope.

## 3.2 Approach and Methodology

The Town of Newmarket's Contemporary Suburban Neighbourhoods are fully built-out, and are not anticipated to undergo significant change over planning horizon associated with this study. Because of this, the Contemporary Suburban Neighbourhoods were removed from the boundaries of the Interim Control By-law in December of 2019, and were not subject to additional study.

With respect to the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas, a four-step process of additional research and analysis was undertaken to help inform the preparation of the draft Official Plan Amendment and implementing draft Zoning By-law Amendment. This process included:

1. The identification and delineation of variations to predominant built form and public realm conditions;
2. The sampling of prototypical site and adjacency conditions within each variation and generally throughout the Character Areas;

3. The preparation of virtual three-dimensional modelling to demonstrate the differences between existing and potential build-out conditions within the sampled prototypical site and adjacency conditions to illustrate the impacts of maximized as-of-right development vs. optimized development to reflect predominant built form and public realm conditions within the variation; and,
4. The evaluation of optimized development against contemporary architectural and constructions standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering to establish an updated Zoning envelope.

## 3.3 Identification and Delineation of Variations in Character Areas

While the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas are classified according to predominant built-form and public realm characteristics, minor variations in these conditions exist throughout each neighbourhood classification. For the purpose of defining these variations, the following built-form and public realm elements were examined:

- Lot width and depth;
- Type of dwelling;
- Landscaping conditions;
- Setback conditions;
- Existing vs. permitted building height;
- Existing finished first floor height; and,
- Existing vs. permitted lot coverage.

Through this analysis, the following five variations were identified (Figure 20). These variations and a summary of their consistent and varying conditions are summarized in the table below.

Variation 1	Variation 2	Variation 3	Variation 4	Variation 5
<p><b>Consistent Conditions:</b></p> <ul style="list-style-type: none"> <li>•Low lot coverage (under 20% with many around 15%)</li> <li>•Rectilinear lot and block shape</li> <li>•Front lot widths range from 20-25m</li> <li>•Depth of lots around 3x the width or more (long skinny lots)</li> <li>•Single-detached dwellings</li> <li>•Typically has R1-C/R1-D zoning</li> </ul>	<p><b>Consistent Conditions:</b></p> <ul style="list-style-type: none"> <li>•Low to medium lot coverage (many around 20-25%)</li> <li>•Rectilinear and curvilinear lot and block shape</li> <li>•Front lot widths range from 20-25m</li> <li>•Depth of lots around 2x the width</li> <li>•Single-detached dwellings</li> <li>•Typically has R1-C/R1-D zoning, some R1-E/R1-F</li> </ul>	<p><b>Consistent Conditions:</b></p> <ul style="list-style-type: none"> <li>•Low to medium lot coverage (under 25%)</li> <li>•Rectilinear lot and block shape</li> <li>•Front setbacks relatively consistent</li> <li>•Front lot widths range from 30-25m</li> <li>•Depth of lots around 1.3-1.5x the width (squarish lots)</li> <li>•Single-detached dwellings</li> <li>•Typically has R1-B/R1-C/R1-D zoning</li> </ul>	<p><b>Consistent Conditions:</b></p> <ul style="list-style-type: none"> <li>•High lot coverage (40%+)</li> <li>•Rectilinear and curvilinear lot and block shape</li> <li>•Height Typically 2-storeys</li> <li>•Front setbacks relatively consistent</li> <li>•Front lot widths range from 6-8m</li> <li>•Depth of lots around 5-6x the width (long skinny lots)</li> <li>•Single-detached/ Semi-detached/ Duplex Dwellings</li> <li>•Typically has R2-K/R1-F zoning</li> </ul>	<p><b>Consistent Conditions:</b></p> <ul style="list-style-type: none"> <li>•High lot coverage (30%-40%)</li> <li>•Rectilinear and curvilinear lot and block shape</li> <li>•Front setbacks relatively consistent</li> <li>•Front lot widths range from 10-15m</li> <li>•Depth of lots around 4-5x the width (long skinny lots)</li> <li>•Single-detached/ Semi-detached/ Duplex Dwellings</li> <li>•Typically has R2-K/R2-G/R2-J/ R1-E/R1-F zoning</li> </ul>
<p><b>Varying Conditions:</b></p> <ul style="list-style-type: none"> <li>•Height</li> <li>•Number of floors</li> <li>•Front setbacks</li> </ul>	<p><b>Varying Conditions:</b></p> <ul style="list-style-type: none"> <li>•Height</li> <li>•Number of floors</li> <li>•Front setbacks</li> </ul>	<p><b>Varying Conditions:</b></p> <ul style="list-style-type: none"> <li>•Height</li> <li>•Number of floors</li> </ul>	<p><b>Varying Conditions:</b></p> <ul style="list-style-type: none"> <li>•Height</li> </ul>	<p><b>Varying Conditions:</b></p> <ul style="list-style-type: none"> <li>•Height</li> <li>•Number of floors</li> </ul>

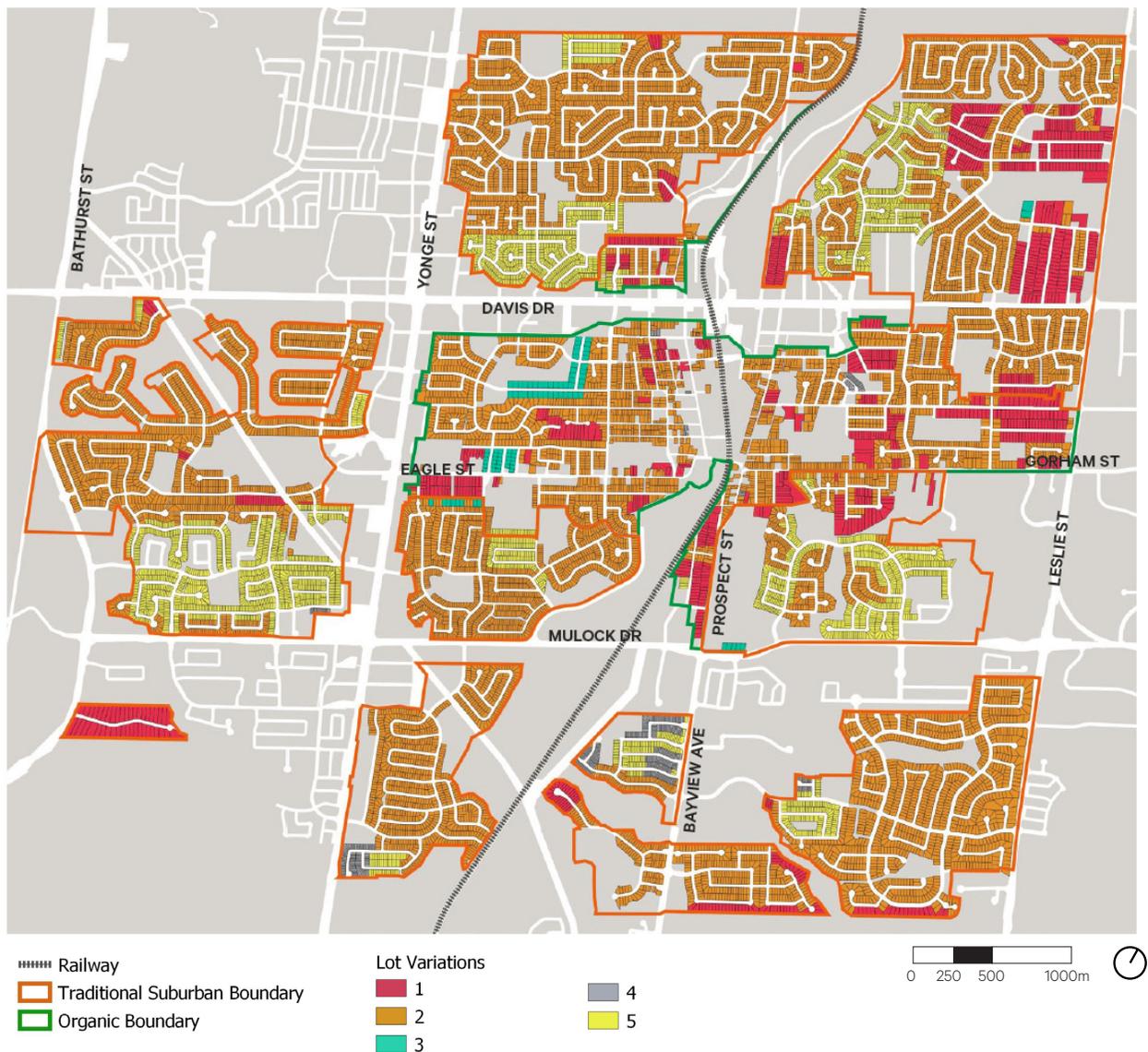
## Key Findings

Through this analysis, it was determined that definable variations exist at the street and block-scale in the case of the Organic Neighbourhood Character Area, and at the subdivision scale in the case of the Traditional Suburban Neighbourhood Character Area.

It was also determined that the geographic boundaries associated with variations situated within the

Traditional Suburban Neighbourhoods more closely align with that of existing Zone Categories.

Finally, it was determined that Organic Neighbourhoods generally contain a larger gap between existing vs. as-of-right lot coverage and building height, and possess a greater potential for infill.



**Figure 20.** Variations in Organic and Traditional Suburban Neighbourhoods

## 3.4 Sampling of Prototypical Site & Adjacency Conditions

### 3.4.1 Sampled Sites and Conditions

Throughout the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas, a total sample of 84 sites and adjacent properties were selected for detailed examination, including 39 samples within the Organic Neighbourhoods (Figure 21) and 45 samples within the Traditional Suburban Neighbourhoods (Figure 22). In order to ensure that the analysis was reflective of overall conditions, consideration was given to selecting sites which represent:

- A relatively fair geographical distribution across each of the neighbourhoods which comprise the Organic Neighbourhood and Traditional Suburban Neighbourhood Character Areas; and,
- A representative allocation of sites within each identified variation.

For each of the samples, the following data was collected:

- Municipal address;
- Variation type;
- Building height from established grade to the ultimate height of the roof;
- Building height from established grade to median height of pitched roof / ultimate height of flat roof;
- Finished first floor height above established grade;
- Number of storeys;
- Setback from the front lot line;
- Relative location of established front building face relative to adjacent properties;
- Lot coverage; and
- Roof type.

The data was compiled into a spreadsheet, and the information was analyzed to determine how existing conditions compared against the as-of-right Zoning envelope. In order to synthesize existing conditions, the mean (average), median and mode of all data were calculated relative to the overall sample, by building height, and by variation number.

### 3.4.2 Key Findings

#### Organic Neighbourhoods

##### *Height Analysis*

When examining the heights of the sample, it is clear that they are significantly under the permitted height of 10.7m and 10.0m in current zoning by-laws (valid for zones R1, regulatory sets A-D and exception 119). The average height for two-storey dwellings in the sample was 7.2m as measured from grade to the highest point of the roof. This is higher than the median at 7.0m, but lower than the most common height of 8.0m (mode). However, when the average height was measured according to the definition of height in current zoning by-laws (the distance between the average finished grade to mean roof distance), it was lower at 5.9m, though the most common height was 6.5m (mode) and the median height was 6.0m. With an average current height that is at 55-59% of the permitted height, this data suggests that current zoning permissions promote a taller form than current conditions.

The average height for 1-storey dwellings in the sample was 5.0m when measured from grade to the highest point of the roof, and 4.0m when measured using the definition of height in current zoning by-laws. The median and mode heights were the same with the exception that the median height was lower at 4.0m. While height for 1-storey dwellings was only dictated in Exception 119, which states the maximum height as 7.5m, this was significantly taller than many of the 1-storey dwellings found in Organic Neighbourhoods. The average current height of 5.0m is 67% of the 7.5m height permitted in the exception, which also suggests that current zoning permissions promote a form that is taller than current conditions.

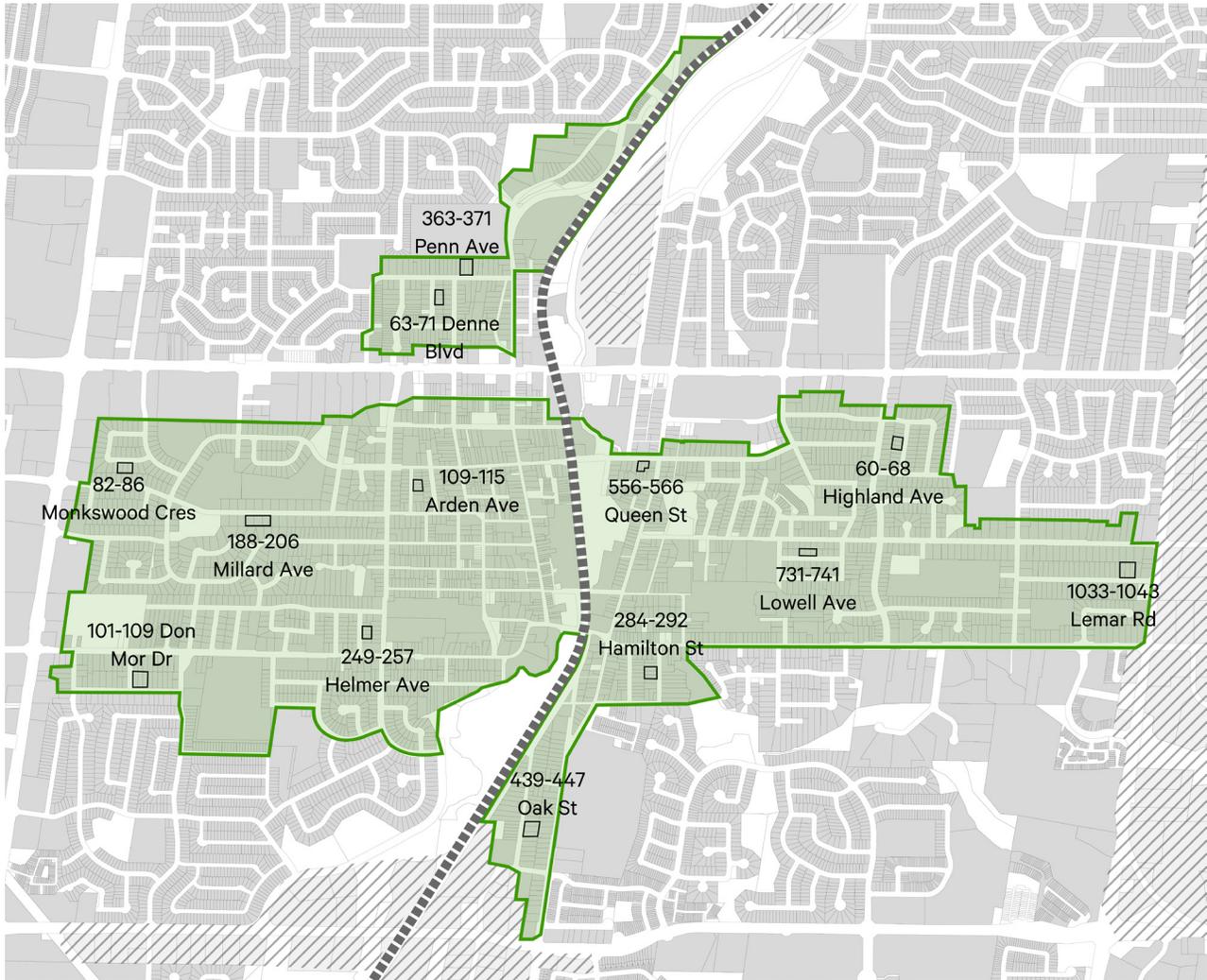


Figure 21. Sampled Sites in Organic Neighbourhoods

ADDRESSES OF SAMPLED SITES:

- |                    |                     |                       |
|--------------------|---------------------|-----------------------|
| 1. 363 PENN AVE    | 14. 1039 LEMAR RD   | 27. 115 ARDEN AVE     |
| 2. 367 PENN AVE    | 15. 1033 LEMAR RD   | 28. 82 MONKSWOOD CRES |
| 3. 371 PENN AVE    | 16. 60 HIGHLAND AVE | 29. 84 MONKSWOOD CRES |
| 4. 188 MILLARD AVE | 17. 64 HIGHLAND AVE | 30. 86 MONKSWOOD CRES |
| 5. 198 MILLARD AVE | 18. 68 HIGHLAND AVE | 31. 101 DON MOR DR    |
| 6. 206 MILLARD AVE | 19. 439 OAK ST      | 32. 105 DON MOR DR    |
| 7. 249 HELMER AVE  | 20. 443 OAK ST      | 33. 109 DON MOR DR    |
| 8. 253 HELMER AVE  | 21. 447 OAK ST      | 34. 71 DENNE BLVD     |
| 9. 257 HELMER AVE  | 22. 284 HAMILTON ST | 35. 67 DENNE BLVD     |
| 10. 731 LOWELL AVE | 23. 288 HAMILTON ST | 36. 63 DENNE BLVD     |
| 11. 737 LOWELL AVE | 24. 292 HAMILTON ST | 37. 556 QUEEN ST      |
| 12. 741 LOWELL AVE | 25. 109 ARDEN AVE   | 38. 560 QUEEN ST      |
| 13. 1043 LEMAR RD  | 26. 111 ARDEN AVE   | 39. 566 QUEEN ST      |

2-storey Dwelling Height (m) - Organic				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	5.98	6.50	6.00	10.7 / 10.0
Height as measured from ground (at front of house) to rooftop	7.23	6.00	5.00	

1-storey Dwelling Height (m) - Organic				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	3.99	4.00	4.00	7.5 (ex.119)
Height as measured from ground (at front of house) to rooftop	5.00	4.00	5.00	

2-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
21	16	18	15	20	35/25 (ex. 119)

1.5-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
13	-	13	15	20	35/25 (ex. 119)

1-storey Dwelling Lot Coverage (%) - Organic					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
19	8	18	15	20	35

### Lot Coverage Analysis

Lot coverage permissions in the existing zoning by-law were also significantly above the current lot coverage average of the sample. Overall, the average lot coverage of the entire sample was 19% with both the median and mode slightly lower at 18%. While this was over the lot coverage permitted for R1-A (at 15%) and almost at the lot coverage allowed for R1-B zones (20%), it was significantly under the 35% allowed for R1-C and R1-D zones. As most dwellings in the Organic Neighbourhoods fall under R1-C and R1-D zones, it can be assumed that most existing dwellings are significantly underneath lot coverage permissions, whether it is the 35% allowed for R1-C and R1-D zones.

When observing the lot coverage allowed under Exception 119 against the sampled dwellings, 2-storey dwellings were the only group that are close to the permitted 25% lot coverage, where the most common lot coverage was at 23% and the average lot coverage was 21%. While 35% is permitted for 1-storey buildings under this exception, 1-storey dwellings generally had smaller lot coverages rather than larger, with an average of 19% and a mode of 8%.

### Setback Analysis

The average front lot line setback for the sampled dwellings was 7.2m though the most common setback was 4.6m (mode). While there did not appear to be a relationship between the height of the house and the length of the setback, the length of the setback had a positive correlation with the lot size. Generally, Variation 1 and Variation 3 lots were larger than Variation 2 lots, with a width of 20-24m and 25-30m respectively. These two Variations contained larger average front lot line setbacks in comparison with Variation 2.

The front lot line setbacks were relatively consistent between neighbours in the sample, with 24 of the 39 (62%) dwellings having a setback that was between a 1.0m range of their neighbours' front lot line setbacks.

### Other Considerations

- The greater the pitch of the roof, the taller the dwelling could be since the height is measured from finished average grade to the mean roof distance.
- Larger lots actually have smaller lot coverages, suggesting that dwelling sizes remained somewhat consistent regardless of lot size (i.e. Variation 1 sites are generally larger than Variation 2 sites, but the sample averages show that they have lower lot coverages)

- Some dwellings varied greatly compared to their neighbours, for example, 109 Arden Ave, 111 Arden Ave, and 115 Arden Ave are adjacent dwellings ranging from 1-3 storeys, and contain different setbacks. However, most adjacent dwellings had similar conditions.

### Traditional Suburban Neighbourhoods

#### Height Analysis

When examining the heights of the sample, it is clear that they are also significantly under the permitted height of 10.7m and 10.0m in current zoning by-laws (valid for zones R1, regulatory sets A-D and exception 119). The average height for two-storey dwellings in the sample was 7.8m when measured from grade to the highest point of the roof. The median height was slightly higher at 8.0m, and the most common height was 7.0m (mode). However, when the average height was measured according to the definition of height in current zoning by-laws (the distance between the average finished grade to mean roof distance), it was lower at 6.6m. Likewise, the median and mode height was lower at 6.00m. With an average current height that is at 62-67% of the permitted height, this data suggests that current zoning permissions promote a taller form than current conditions.

The average height for 1-storey dwellings in the sample was 4.9m when measured from grade to the highest point of the roof, and 3.9m when measured using the definition of height in current zoning by-laws. The median and mode measurements were generally only slightly higher than the average.

While height for 1-storey dwellings was only dictated in Exception 119, which states the maximum height as 7.5m, this was still significantly taller than many of the 1-storey dwellings found in Traditional Suburban Neighbourhoods. The average current height of 3.9m and the most common height of 3.5m were between 47-52% of the 7.5m height permitted in the exception, which suggests that current zoning permissions

promote a form that is taller than current conditions.

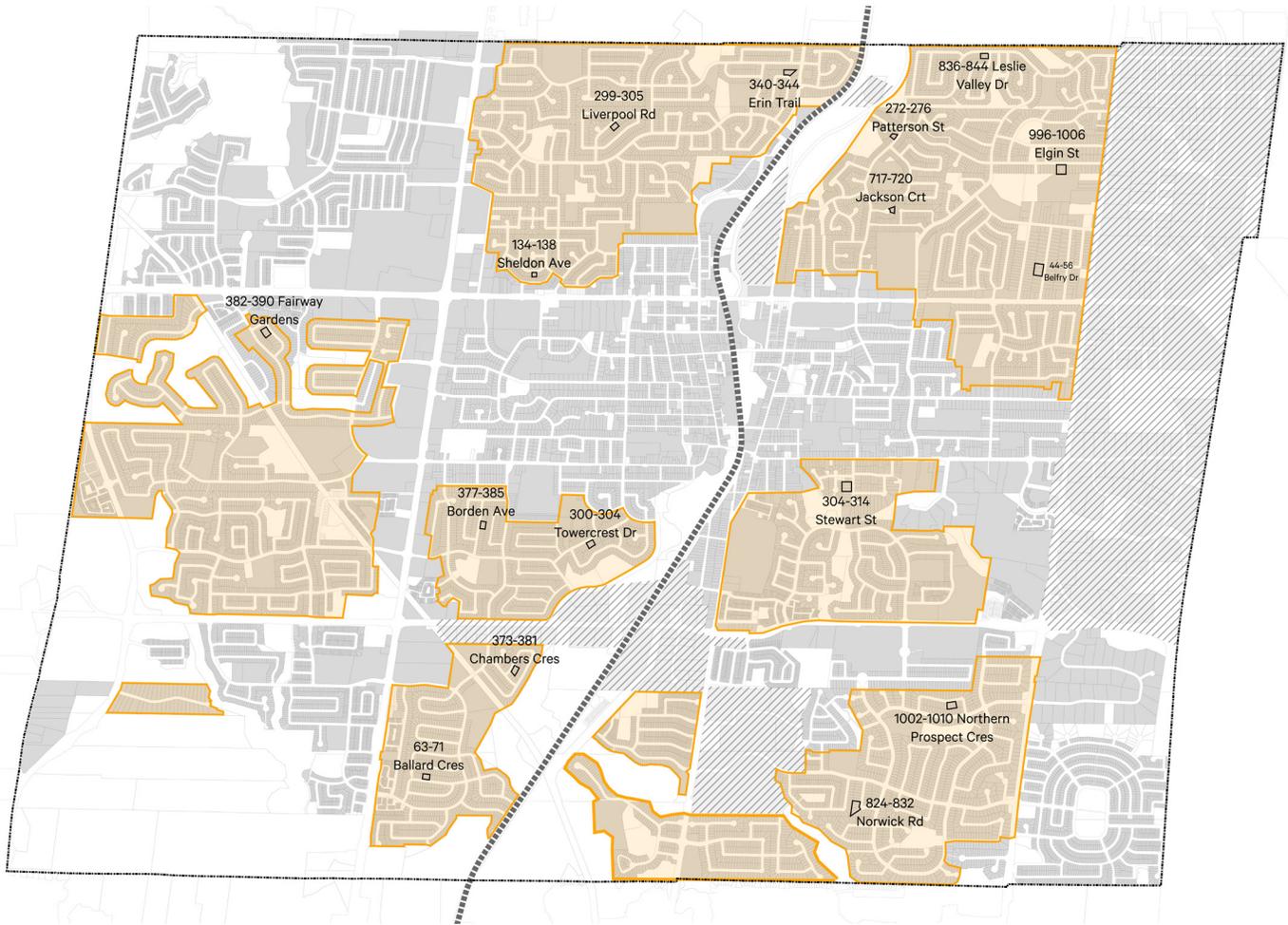
Though existing zoning by-laws do not permit for 2.5-storey buildings, the sample included several 2.5-storey dwellings. These were naturally all taller than the 2-storey dwellings, with an average height of 9.6m, and median and mode height of 10.0m. These heights were lower by approximately 2.0m when measured using the definition of height in the by-law. The permitted maximum height is 10.0-10.7m for the R1 zones and are envisioned for only 2-storey dwellings. Furthermore, the 10.0-10.7m height does not include the ultimate height of the roof, meaning that heights of over 11m are currently permitted. The permitted height under current zoning by-laws promote a form that is beyond the typical 2-storey and 2.5-storey dwelling.

#### Lot Coverage Analysis

Similar to Organic Neighbourhoods, lot coverage permissions in the existing zoning by-law are also above the current lot coverage average of the sample. Overall, the average and median lot coverage of the entire sample was 25%, while the most common lot coverage was 27%. While this is over the lot coverage

2-storey Dwelling Height (m) - Traditional Suburban				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	7.80	8.00	7.00	10.7 / 10.0
Height as measured from ground (at front of house) to rooftop	6.66	6.50	6.50	

1-storey Dwelling Height (m) - Traditional Suburban				
	Mean (Average)	Mode	Median	Permitted by Zoning
Height as defined in Zoning By-laws	4.89	5.00	5.00	7.5 (ex.119)
Height as measured from ground (at front of house) to rooftop	3.93	3.50	4.00	



**Figure 22.** Sampled Sites in Traditional Suburban Neighbourhoods

**ADDRESSES OF SAMPLED SITES:**

- |                          |                          |                                 |
|--------------------------|--------------------------|---------------------------------|
| 1. 996 ELGIN ST          | 16. 836 LESLIE VALLEY DR | 31. 1002 NORTHERN PROSPECT CRES |
| 2. 1000 ELGIN ST         | 17. 840 LESLIE VALLEY DR | 32. 1006 NORTHERN PROSPECT CRES |
| 3. 1006 ELGIN ST         | 18. 844 LESLIE VALLEY DR | 33. 1010 NORTHERN PROSPECT CRES |
| 4. 44 BELFRY DR          | 19. 377 BORDEN AVE       | 34. 824 NORWICK RD              |
| 5. 50 BELFRY DR          | 20. 381 BORDEN AVE       | 35. 828 NORWICK RD              |
| 6. 56 BELFRY DR          | 21. 385 BORDEN AVE       | 36. 832 NORWICK RD              |
| 7. 304 STEWART ST        | 22. 340 ERIN TRAIL       | 37. 382 FAIRWAY GARDENS         |
| 8. 310 STEWART ST        | 23. 342 ERIN TRAIL       | 38. 386 FAIRWAY GARDENS         |
| 9. 314 STEWART ST        | 24. 344 ERIN TRAIL       | 39. 390 FAIRWAY GARDENS         |
| 10. 270/272 PATTERSON ST | 25. 299 LIVERPOOL RD     | 40. 373 CHAMBERS CRES           |
| 11. 274/276 PATTERSON ST | 26. 301 LIVERPOOL RD     | 41. 377 CHAMBERS CRES           |
| 12. 717/719 JACKSON CRT  | 27. 305 LIVERPOOL RD     | 42. 381 CHAMBERS CRES           |
| 13. 720/718 JACKSON CRT  | 28. 300 TOWERCREST DR    | 43. 63 BALLARD CRES             |
| 14. 132/134 SHELDON AVE  | 29. 302 TOWERCREST DR    | 44. 67 BALLARD CRES             |
| 15. 136/138 SHELDON AVE  | 30. 304 TOWERCREST DR    | 45. 71 BALLARD CRES             |

permitted for R1-A (at 15%) and R1-B zones (20%) and was around the percentage allowed for 2-storey dwellings under Exception 119, it was significantly under the 35% allowed for R1-C, R1-D, and R1-K zones. As most dwellings in the Traditional Suburban Neighbourhoods sample fall under R1-C, R1-D, and R1-K zones (since Variations 4 and 5 were excluded), it can be assumed that most existing dwellings are significantly underneath lot coverage permissions.

The dwellings also generally had higher lot coverages as the height increased. 2.5-storey dwellings had an average and median lot coverage of 29%, while 2-storey dwellings generally had lower coverages, with an average of 24%, a median of 25% and a mode of 28%. 1-storey dwellings were contained the lowest lot coverages, with an average of 19% and median of 14%.

#### Setback Analysis

The average front lot line setback for the sampled dwellings was 7.58m though the most common setback was 6.10m (mode). Similar to dwellings in Organic Neighbourhoods, there does not appear to be a relationship between the height of the house and the length of the setback. Also similar to the Organic Neighbourhood sample, the length of the setback had a positive correlation with the lot size. Variation 2 of the Traditional Suburban Neighbourhoods had the smallest lots with the narrowest widths; they contained the shortest front lot line setbacks at an average of 5.7m and median and mode of 6.3m. In contrast, Variation

1 had the largest lots and contained the largest front lot line setbacks, at an average of 9.58m and median and mode of 10.30m. Variation 3, which was the predominant variation, contained setbacks that were in between the ranges of the other two Variations, at an average of 7.35m and median and mode of 7.15m.

When comparing the front lot line setbacks to neighbouring houses in Traditional Suburban Neighbourhoods, they were more consistent than those in the Organic Neighbourhoods. In fact, 39 of the 45 (87%) dwellings were relatively consistent (within a 1m range of neighbouring dwellings' setbacks).

#### Other Considerations

- Similar to Organic Neighbourhoods, larger lots actually have smaller lot coverages, suggesting that dwelling sizes remained somewhat consistent regardless of lot size (i.e. Variation 1 sites are generally the largest sites).
- The setbacks in the Traditional Suburban Neighbourhoods were much more consistent with their neighbours Comparison between Organic and Traditional Suburban Neighbourhoods.

When comparing the data between Organic and Traditional Suburban Neighbourhoods, the height and lot coverage found in the Traditional Suburban Neighbourhoods are generally greater than those in Organic Neighbourhoods. This can be seen in the fact that the Traditional Suburban Neighbourhoods contain

2.5-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
29	-	29	15	20	35/25 (ex. 119)

2-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
24	28	25	15	20	35/25 (ex. 119)

1.5-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
33	-	34	15	20	35

1-storey Dwelling Lot Coverage (%) - Traditional Sub.					
Mean (Average)	Mode	Median	Permitted by Zoning		
			R1-A	R1-B	R1-C/R1-D
19	-	14	15	20	35

a significantly larger number of dwellings at 2-storeys or taller (71% of sample) compared to Organic Neighbourhoods, where 33% of the sample are 2-storeys. Additionally, the average height (from grade to top of roof) of 2 and 2.5-storey dwellings in the Traditional Suburban Neighbourhoods sample (7.80m and 9.57m) are taller than 2-storey dwellings found in the Organic Neighbourhoods sample (7.23m). While a number of dwellings in the Traditional Suburban Neighbourhood sample were at the permitted lot coverage (25% in Exception 119), almost none of the sampled dwellings in Organic Neighbourhoods were at permitted levels of lot coverage.

The dwellings in the Traditional Suburban Neighbourhoods sample also had more uniform conditions in comparison to the Organic Neighbourhood sample. The setbacks were definitely much more consistent, where 87% of dwellings in the Traditional Suburban Neighbourhoods were in-line with their neighbours, in comparison to only 62% of dwellings in the Organic Neighbourhoods. Additionally, many of average, median, and mode measurements were the same.

Lastly, commonalities shared included the finding that larger lots did not always correlate to larger dwellings. However, front lot line setbacks had a positive correlation to the width of the lot, where larger lots (typically with wider lots) usually contained larger setbacks.

### 3.5 Demonstrating Existing & Potential Built-Out Conditions

Once the analysis and synthesis of data was complete, one prototypical site and adjacent conditions were selected from each of the five variations for further testing. Each sample was virtually modelled in three-dimensions to illustrate:

- Existing conditions;
- Maximized build-out conditions, based on existing as-of-right Zoning By-law regulations; and,
- Optimized build-out conditions, based on potential amendments to Zoning By-law regulations to address neighbourhood compatibility.

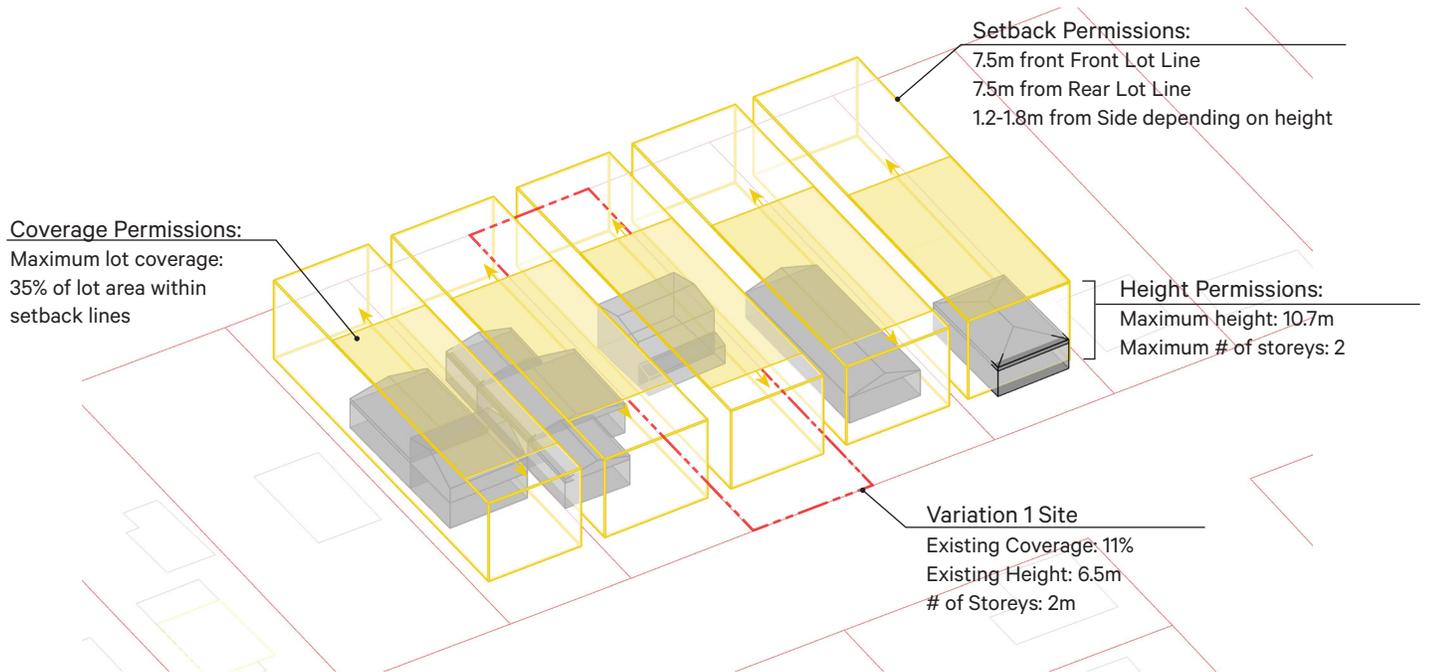
Three example iterations (Variation 1, Variation 2, Variation 3) of this conditions testing are illustrated and described in this section of the report.

### Variation 1 - Conditions Testing

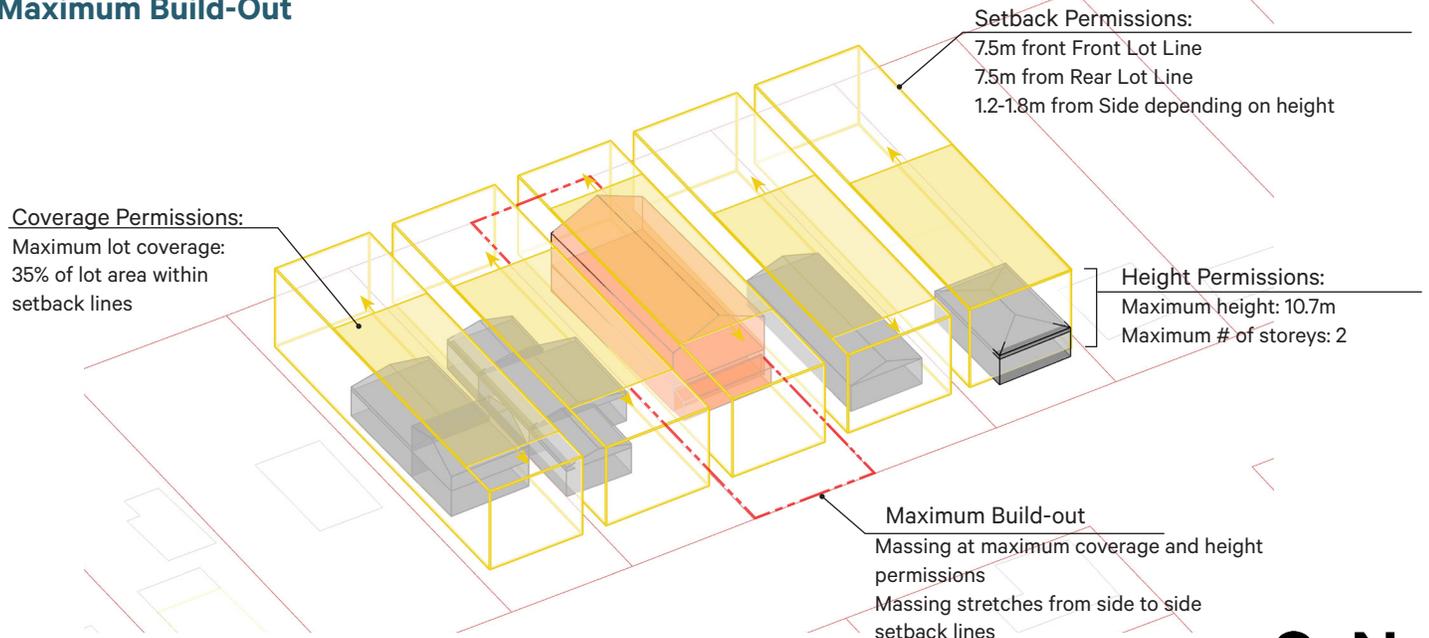
The following is a testing of a Variation 1 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-D (Residential Detached Dwelling 15m Zone).

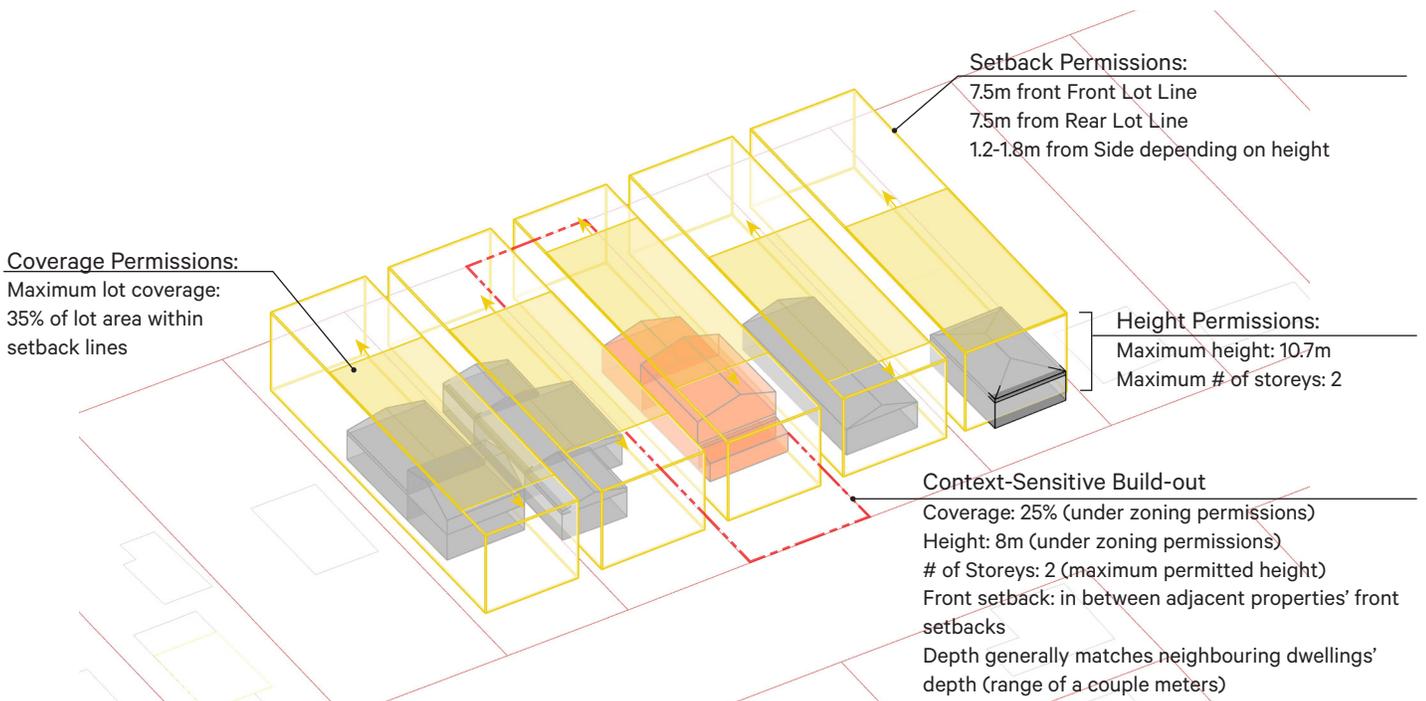
### Existing Condition



### Maximum Build-Out



## Optimized Build-Out



### Key Observations

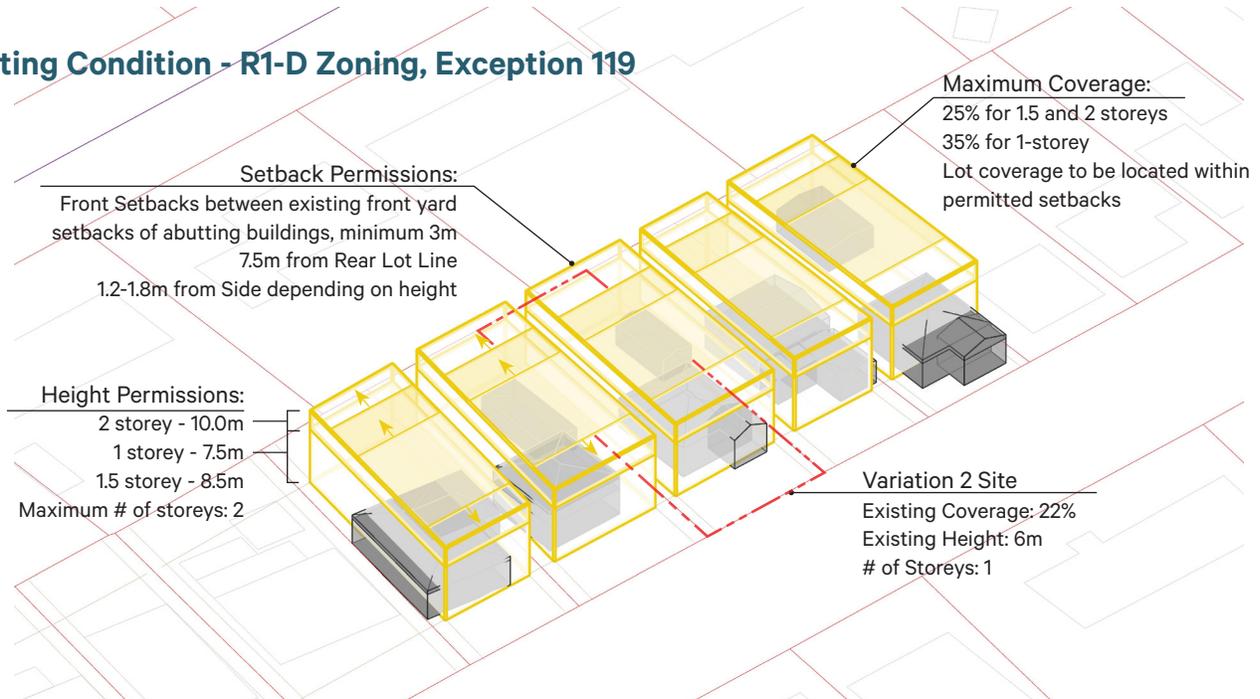
- Typical Variation 1 conditions are under lot coverage and height permissions in existing zoning by-laws;
- The maximum built-out form is significantly larger in height and coverage in comparison to the prevailing built-form conditions;
- The more context-sensitive approach considered the adjacent properties' lot coverages, front setbacks, height, and general building width and depth; and,
- While the context-sensitive build-out is underneath the permitted height, lot coverage, and setback minimums, it exceeds these permissions in comparison to neighbouring dwellings without compromising the overall character.

### Variation 2 - Conditions Testing

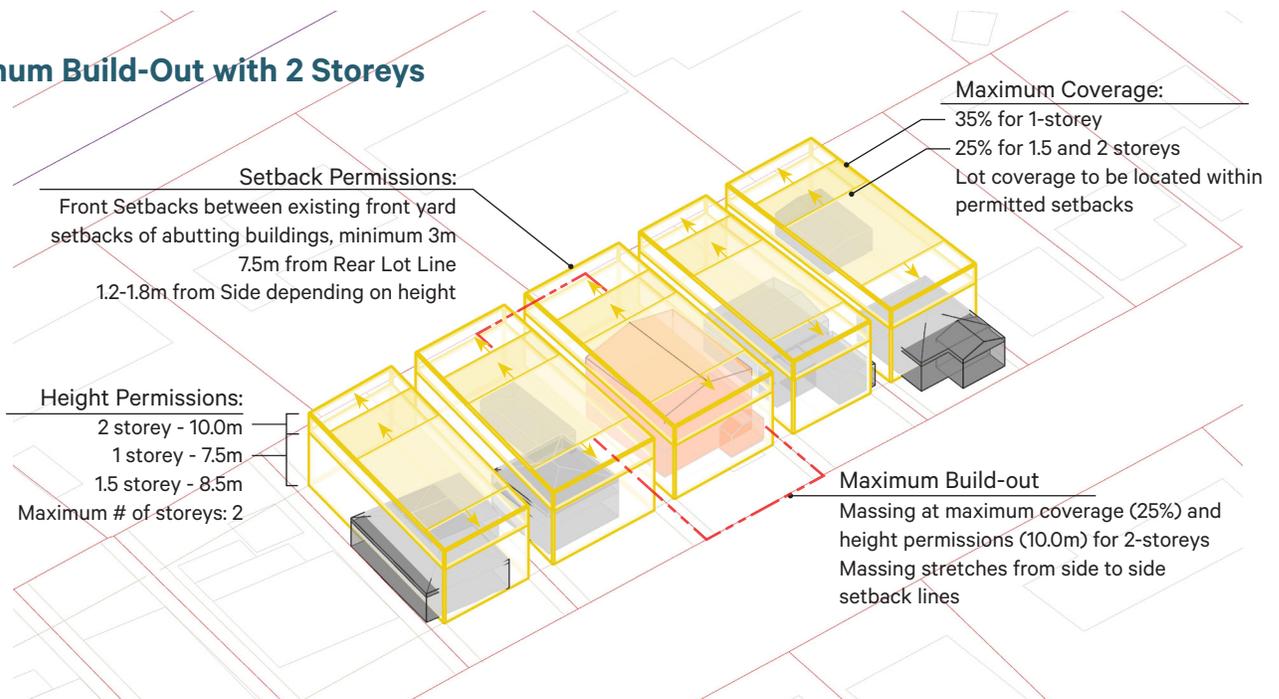
The following is a testing of a Variation 2 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-D (Residential Detached Dwelling 15m Zone). Additionally, they are all subject to exception 119, where coverage and height allowances are dictated by the number of storeys proposed and front setbacks are influenced by adjacent properties.

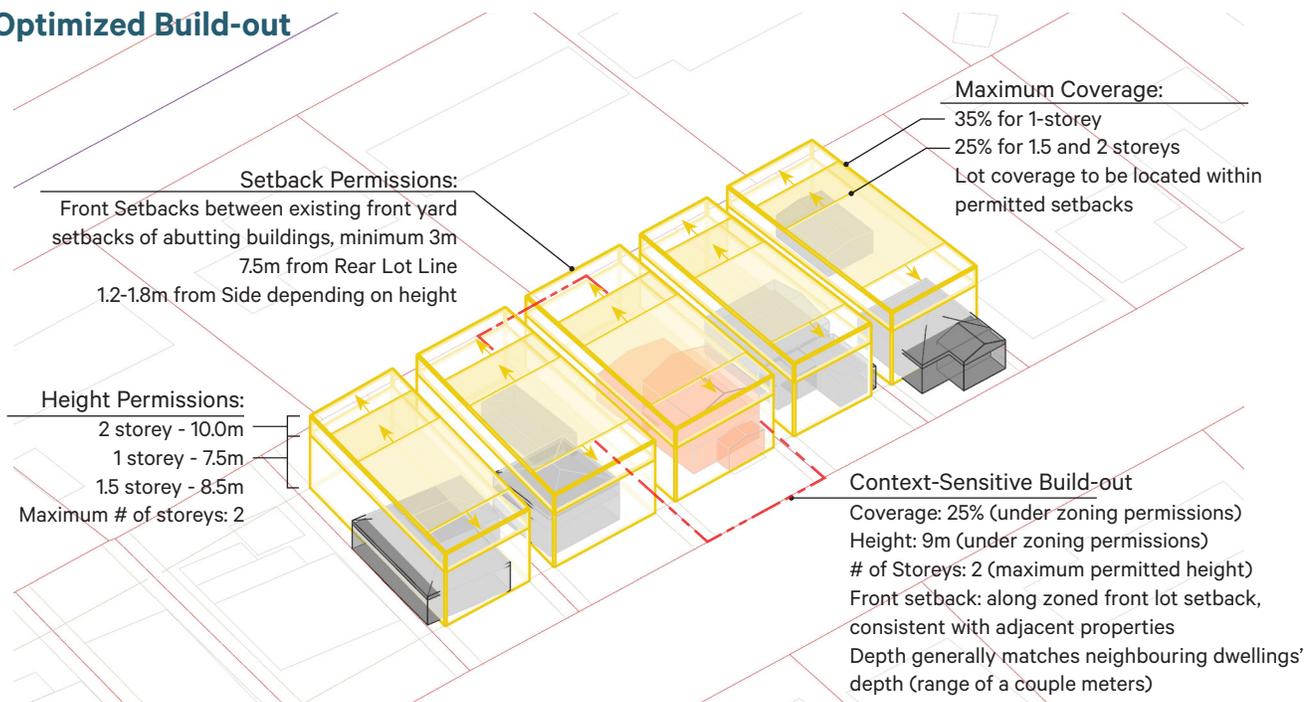
### Existing Condition - R1-D Zoning, Exception 119



### Maximum Build-Out with 2 Storeys



## Optimized Build-out



### Key Observations

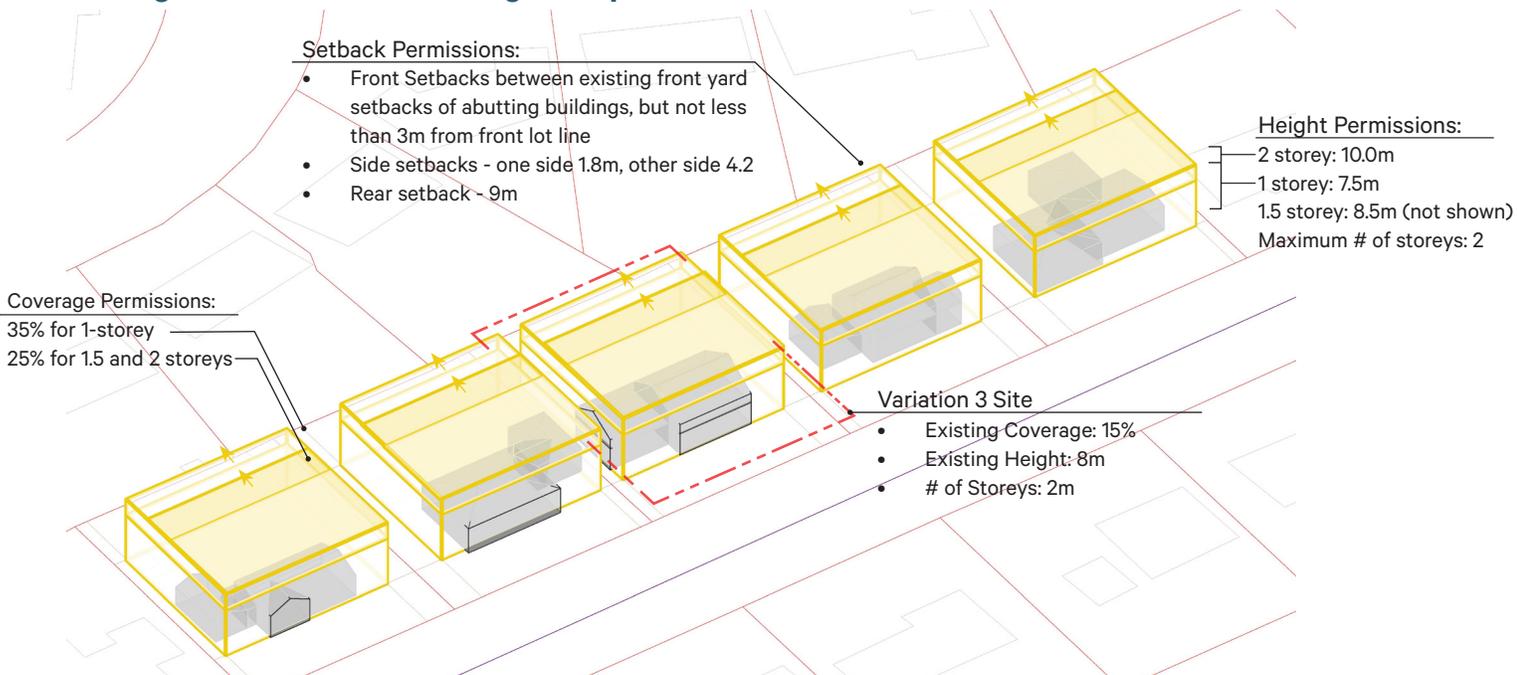
- Typical Variation 2 conditions are generally under lot coverage permissions, though they contain higher lot coverages than Variation 1. Height permissions were not exceeded;
- The maximum built-form for 2-storeys, which permits 25% lot coverage and 10.7m in height, appears to be more compatible to the prevailing conditions than the maximum built-form allowed for 1-storey, which allows a 35% lot coverage and 7.5m height;
- The existing zoning already requires the front lot setback of any proposed development to consider adjacent front setbacks; and,
- The optimized massing takes into account lot coverage and height of adjacent properties in addition to the front lot setbacks.

### Variation 3 - Conditions Testing

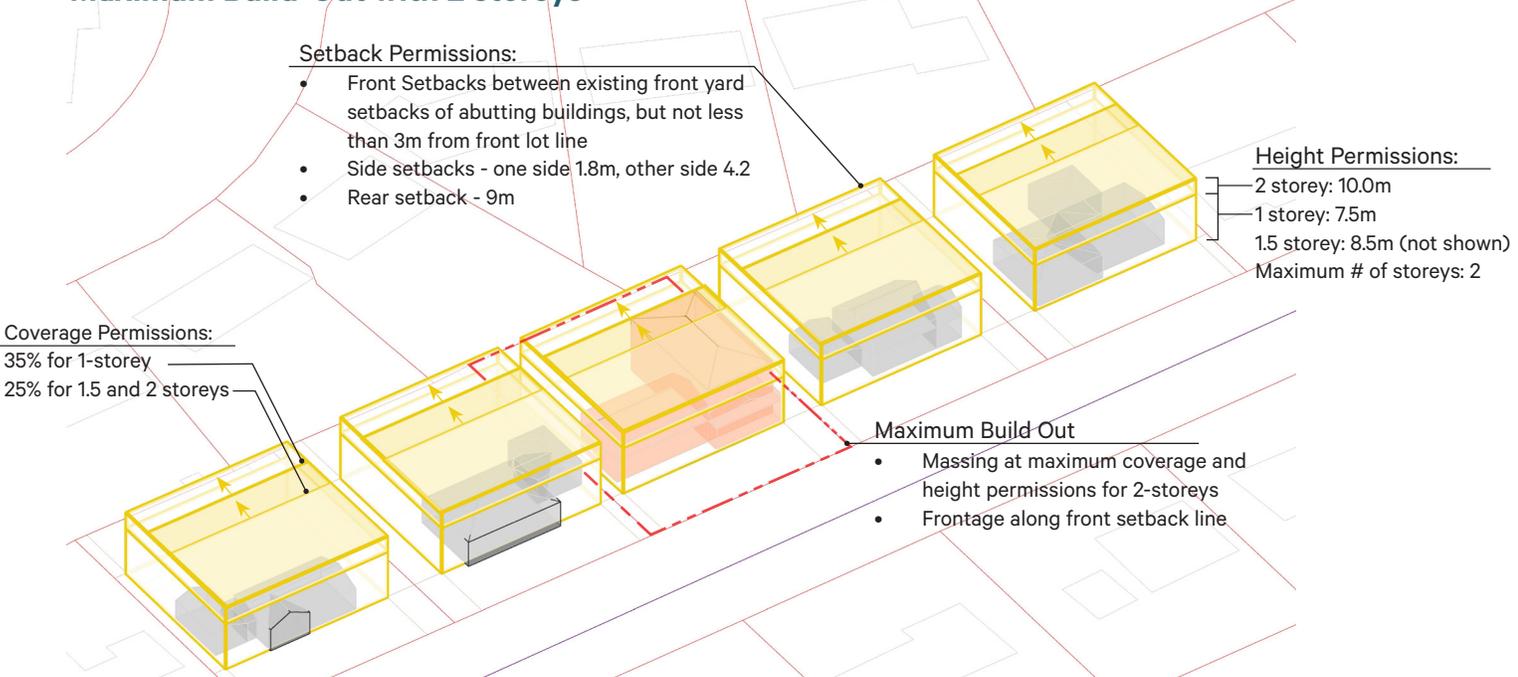
The following is a testing of a Variation 3 site within the Organic Neighbourhoods. The testing included two adjacent properties to either side of the chosen site.

All five properties were zoned R1-B (Residential Detached Dwelling 30m Zone). Additionally, they are all subject to exception 119, where coverage and height allowances are dictated by the number of storeys proposed and front setbacks are influenced by adjacent properties.

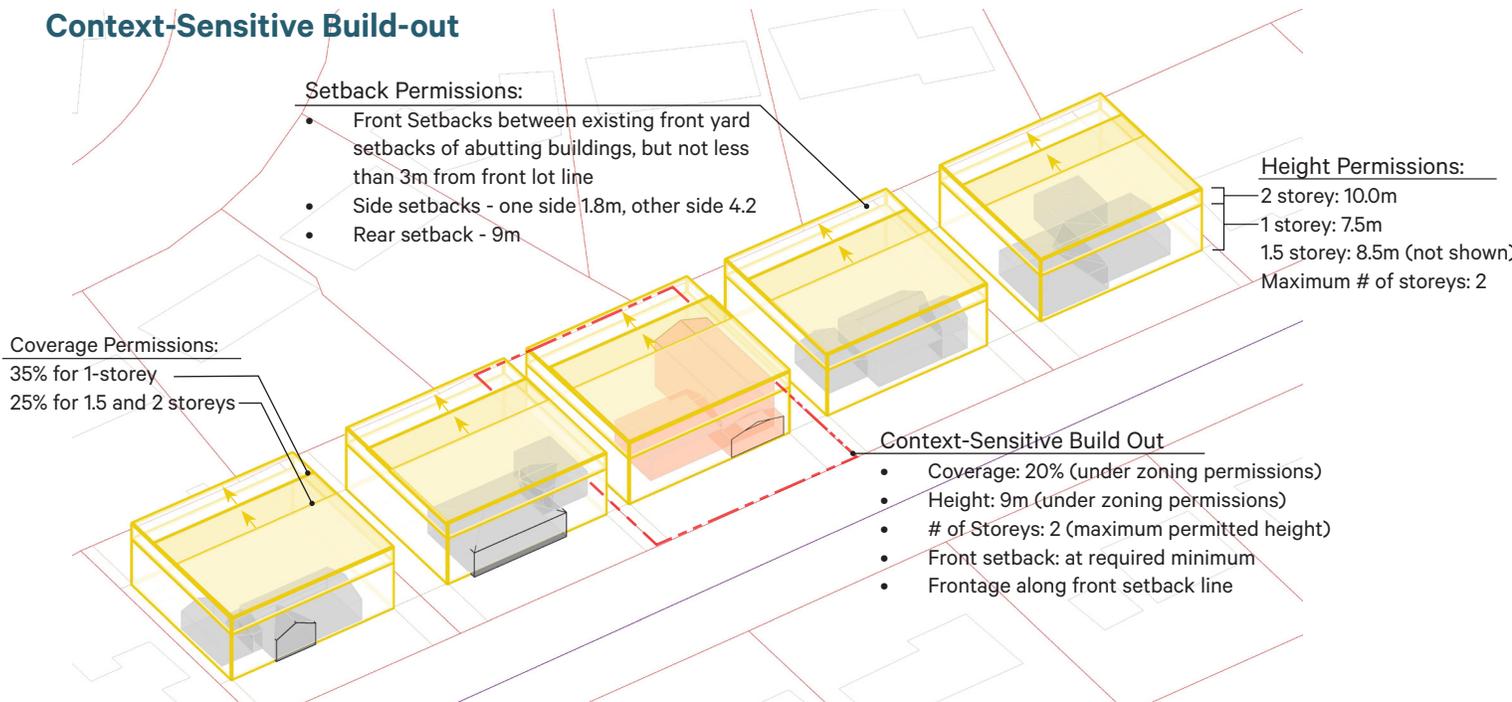
### Existing Condition (R1-B Zoning, Exception 119)



### Maximum Build-Out with 2 storeys



## Context-Sensitive Build-out



### Key Observations

- Typical Variation 3 conditions are under lot coverage and height permissions of existing zoning by-laws;
- The maximum built-out form is significantly larger in height and coverage in comparison to the prevailing built-form conditions;
- A more context-sensitive approach includes consideration of nearby properties' lot coverages, front setbacks, height, and general building width and depth; and,
- While the context-sensitive build-out is underneath the permitted height, lot coverage, and setback minimums, it exceeds these permissions in comparison to neighbouring dwellings without compromising the overall character.

## Key Findings

The findings of this analysis indicate:

- Generally, it appears that existing dwellings are below the maximum lot coverage and height permissions contained in the R1-B, R1-C and R1-D Zones;
- The maximum built form of multiple variations demonstrates that the permitted lot coverage and density allow for a form that is generally not in keeping with adjacent properties, and the character of surrounding neighbourhoods;
- While some Zoning exceptions consider adjacent properties (e.g. exception 119 references front lot setbacks relative to adjacent properties), there is potential to also consider lot coverage and heights within the context of adjacent and/or surrounding properties, and/or the broader neighbourhood;
- Because of the way building height is defined in the Zoning By-law, buildings with pitched roofs may project beyond maximum permitted heights (commonly 10.7m); and,
- The optimization of building envelopes generally incorporated lot coverages between 20% - 25%, maximum building heights between 8.0m – 9.0m, and maximum finished floor heights of 1.0m – 1.2m.

## 3.6 Evaluating Optimized Development Against Contemporary Design & Construction Standards

Finally, the optimized build-out conditions for each prototypical site were evaluated against contemporary architectural and construction standards, with consideration for existing and anticipated market conditions and demographic patterns, and the need for appropriate buffering in order to establish a desirable and appropriate envelope to inform the draft Zoning By-law Amendment. This analysis incorporated a review of applicable Ontario Building Code regulations.

# 4.0 POLICY RECOMMENDATIONS

## 4.1 Existing Policy Structure

In consideration of the cumulative findings of the study through Phases 1 to 3, this report puts forth a number of policy recommendations for the Town of Newmarket's Official Plan and Zoning By-law.

As previously described in Section 2.2, the existing policy structure includes a number of gaps relating to the definition and regulation of neighbourhood character. The Official Plan currently contains two designations for Residential Areas, Stable Residential and Emerging Residential; however all Emerging Residential lands have since been developed and fully built-out. Furthermore, the Official Plan does not currently define neighbourhood character and compatibility, including any recognition of the differing character of residential areas across the Town. It does not sufficiently address modern housing needs and the diverse range of housing types which are necessary to accommodate them. Similarly, the Zoning By-law does not address neighbourhood character or compatibility. Zoning parameters are not reflective of the unique existing built form context of different residential areas.

## 4.2 Recommended Changes to the Official Plan

### Changes in Terminology

Following the conditions testing and analysis and for the purpose of the policy recommendations, the names of the Neighbourhood Classifications were revised for improved clarity and specification. These revisions are as summarized in the table below:

Previous Name	Revised Name
Organic Neighbourhoods	Historic Core Character Area
Traditional Suburban Neighbourhoods	Traditional Suburban Character Area
Contemporary Suburban Neighbourhoods	Contemporary Suburban Character Area

### Intent of Recommended Changes

This report recommends that the Official Plan be amended to accomplish the following key objectives:

- Reflect changes in residential development that have occurred since the Official Plan was adopted;
- Remove references to Stable and Emerging Residential Areas and instead include policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implement a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and,
- Propose a defined list of pre-dominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

### Changes to Land Use Designations

It is recommended that the existing Stable Residential Areas and Emerging Residential Areas designations be deleted and replaced by a combined Residential Areas designation (Figure 23). This designation would cover all residential neighbourhoods across the Town of Newmarket.

A consolidated designation for all residential areas would more accurately reflect on-the-ground conditions. Almost all of the lands previously designated as Emerging Residential Areas have been built-out, and it is no longer appropriate to refer to them as greenfield lands and direct new residential development solely to these areas. The new combined

designation allows for a uniform approach and shared criteria regarding future development within all residential neighbourhoods across Newmarket.

### Changes to Policies for Residential Areas

It is recommended that new policies be introduced in the Official Plan to articulate updated objectives, permitted uses, and development criteria for Residential Areas.

#### Objectives:

- Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the prevailing physical character of the surrounding neighbourhood;
- Provide for a range of residential accommodation by housing type, tenure, size, location and price range;

- Allow contextually-sensitive infill development and limited intensification to permit development which contributes towards the establishment of a desirable urban structure, diversified housing stock, and optimized use of existing municipal services and infrastructure; and,
- Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs.

#### Permitted Uses:

- Retain single-detached and semi-detached dwellings as the predominant use of lands, while also permitting rowhouses, townhouses, duplexes, triplexes and quadruplexes in Residential Areas so long as they demonstrate compatibility with the existing character of the neighbourhood through a Compatibility Analysis Study;

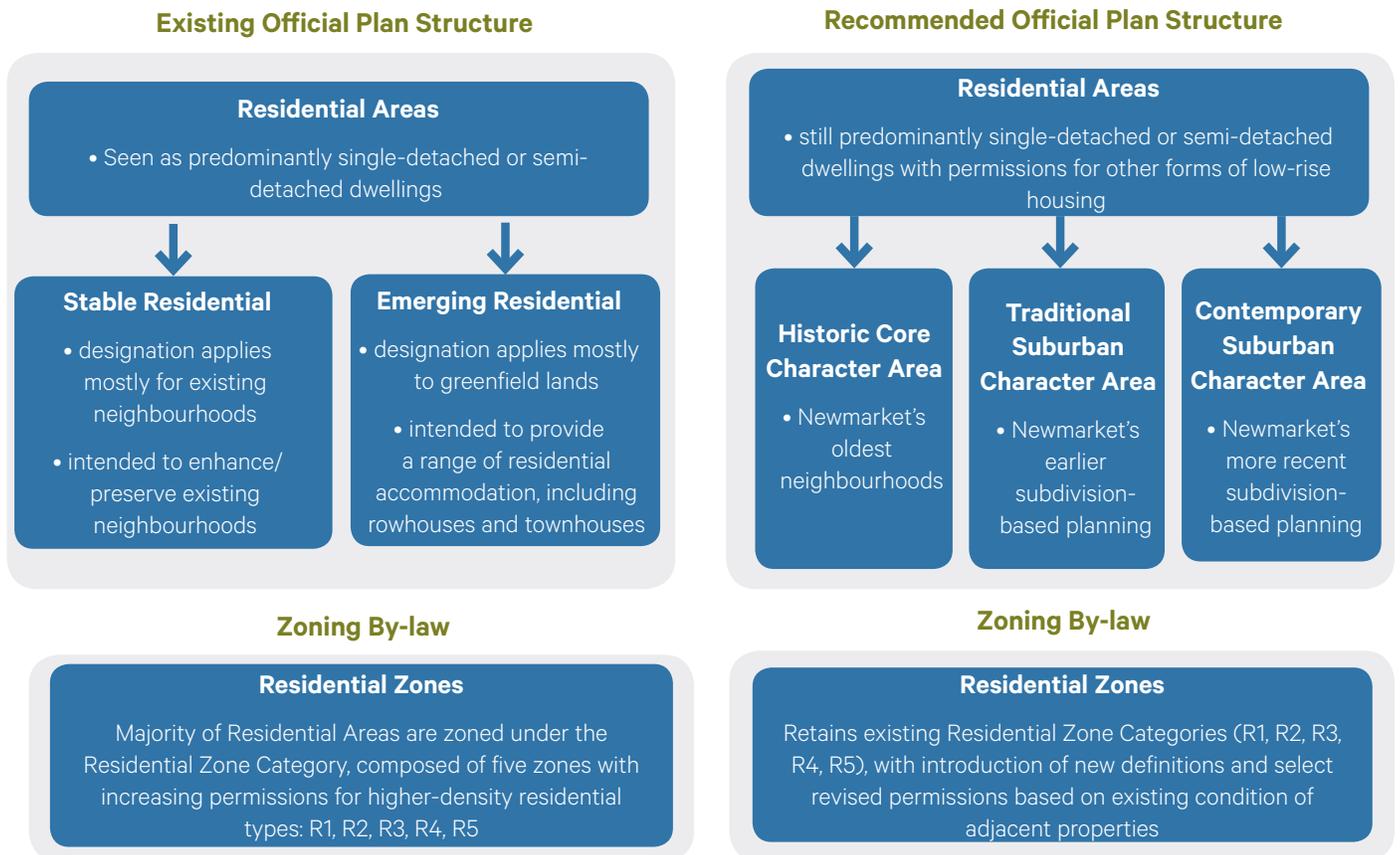


Figure 23. Summary of Existing Policy Structure and Proposed Changes

### *Development Criteria:*

- Ensure that development is compatible with the various elements which contribute to the physical character of the wider neighbourhood, including:
  - lot dimensions;
  - front, side and rear yard setbacks;
  - siting and orientation;
  - lot coverage;
  - building entrance location;
  - private landscaping;
  - building height, massing and depth; and,
  - ground floor height.
- Acknowledge and respect the prevailing physical character of surrounding neighbourhood properties, particularly those properties with frontage along the same street segment;
- Require that consideration of development proposals in Residential Areas involves an assessment of the proposed development and its ability to enhance and build upon desirable established patterns of built form and open spaces, and consider its contribution to the maintenance and achievement of a balance of housing types and tenures.

These proposed policies aim to balance the need for an expanded range of innovative and affordable housing types, including more multi-unit dwelling forms, to meet growing housing needs in residential areas while also ensuring that new development respects the prevailing physical character of the surrounding neighbourhood. The following policy changes are intended advance both objectives by taking a contextually-sensitive approach while recognizing that gradual and ongoing change within established residential neighbourhoods is not only inevitable, but also beneficial. The policies will ensure that future development respects existing

neighbourhood character while explicitly encouraging flexibility and innovation in responding to unique site and contextual conditions.

### **Introduction of Residential Character Areas**

It is recommended that a new layer of policy be introduced to implement a neighbourhood-level framework that recognizes the varied built form and public realm conditions within different Residential Character Areas across Newmarket.

These policies would establish the following four Residential Character Areas; their delineations are informed by the analysis completed in Phases 1 and 2 of this study.

- 1. Historic Core Character Area:** developed prior to the 1940's, and the advent of subdivision-based planning, lands within the Historic Core Character Area are located within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.
- 2. Traditional Suburban Character Area:** developed between the 1940's and 1990's, following the advent of subdivision-based planning, lands within the Traditional Suburban Character Area are generally found between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.
- 3. Contemporary Suburban Character Area:** developed following the 1990's, lands within the Contemporary Suburban Character Area are generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

- 4. Estate Character Area:** developed between the 1940's and 1990's, these lands are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

It is recommended that the Official Plan identify a detailed list describing the unique physical characteristics found in each of these Character Areas. These changes will support an formal acknowledgement within the municipal planning framework of the distinct elements which define neighbourhood character across different residential areas in Newmarket.

## Changes to Policy Language Regarding

### Development and Compatibility

Changes to Official Plan policy language should be implemented to broaden direction on the ways through which development will be permitted, including allowances for:

- A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings on an as-of-right basis and townhouses and rowhouses on a site-specific basis;
- Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings; and,
- The consent of lands resulting in the introduction of additional residential dwellings, where appropriate.

Furthermore, the Official Plan should introduce greater specificity and clarity to the term 'compatibility', including a list of requirements that development applications will be evaluated against.

It is recommended that development be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:

- setbacks, heights and transition;
- façade and roofline articulation;
- colours and materials;
- architectural elements, including windows, doors and projections;
- pre- and post-construction grades on site; and,
- incorporating elements and details of common characteristics of the area.

Furthermore, all applications for development should take into account the impact of proposed development and/or additions to surrounding land use patterns and streetscape conditions. This should consider factors such as land use adjacencies and transitions, orientation towards public and private streets, accentuations of building entrances, continuity of street frontages, and relationship to the public realm.

By establishing these new urban design and compatibility practices for new developments, the Official Plan will support the explicit identification of specific physical elements which will be considered in the municipality's evaluation of development applications, providing more certainty and clarity for developers and homeowners alike.

### New and Revised Schedules

In parallel with the above mentioned changes to policy text, it is recommended that two updates to the Official Plan schedules be implemented. This includes:

- An updated land use schedule (Schedule A) which removes 'Stable Residential' and 'Emerging Residential' and replaces them with a single 'Residential' land use designation; and
- A new schedule showing the boundaries of the new Residential Character Areas as identified above.

## 4.3 Recommended Changes to the Zoning By-law

The Town of Newmarket's Zoning By-law should be amended to change the way that houses are regulated, so as to allow for optimize the development of properties, without jeopardizing the character of the

surrounding neighbourhood. These exterior built form and/or massing changes can be achieved while still allowing for greater flexibility in the interior layout.

Recommended changes to the Zoning By-law fall under two categories: Creating and Updating Definitions and Creating and Updating Regulations and Standards. The proposed new and/or updated definitions, regulations and standards are summarized below (Figure 24).

### Creating and Updating Definitions

- Basement
- Grade, Established or Finished
- Roof, Flat
- Roof, Pitched
- Height, Building
- Height, Finished First Floor
- Storey
- Garage, Residential
- Dormers

### Updating and Creating Regulations & Standards

- Max. Finished First Floor Height
- Interior Side Lot Lines - C & D Zone Standards
- Required Front Yard Setback – C, D, E, F, G, H, J, K, L and M Standards
- Repeal Exception 119 enacted by By-law 2013-30
- Max. Lot Coverage
- Max. Building Height
- Interior Side Yard Setbacks
- Reserve
- Non-Complying Building or Structure
- Transition

Figure 24. Summary of Recommended Changes to Zoning By-law

## Creating and Updating Definitions

Key Change and/or Proposed Definition	Rationale
<p><b>Amend the definition of Basement</b></p> <p><b>Basement:</b> Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed:</p> <ol style="list-style-type: none"> <li>1. 1.2 metres for lots Zoned R1, R2 and R3; or,</li> <li>2. 1.8 metres for lots containing all other Zone designations.</li> </ol>	<p>The zoning by-law currently limits the maximum height of a basement to be 1.8m above grade, and exempts basements that meet this rule from being considered a storey. This allows a basement to have a height above grade greater than the height of an average adult.</p> <p>By lowering the maximum height of basements above grade, we can still have ample window size while ensuring that basements are not visually a storey.</p> <p>This change is part of a broader comprehensive change in the way that the height of houses is regulated that will slightly lower the overall maximum permitted building height while allowing for greater flexibility of interior layout.</p>
<p><b>Amend the definition of Grade, Established or Finished</b></p> <p><b>Grade, Established or Finished:</b> Means:</p> <ol style="list-style-type: none"> <li>1. For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the minimum front yard setback meets adjacent side lot lines; and</li> <li>2. For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure.</li> </ol>	<p>The current way of measuring grade takes the average of all areas around a house. This can be challenging to accurately measure, and leaves grade open to manipulation by adding or removing soil.</p> <p>By changing the way grade is measured for most residential dwellings and instead measuring at the front setback along the side property lines, we can reduce the ability to manipulate grade.</p> <p>This change will also make for an easier way to measure grade, and will focus the regulation of grade and height on the way that a building appears from the street.</p>

## Basement

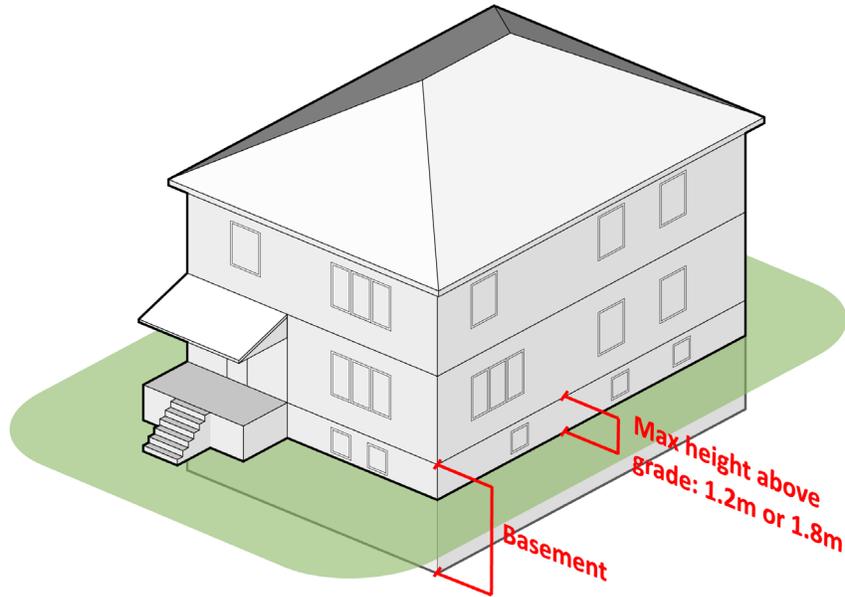


Figure 25. Illustrative Diagram for Basement

**Grade, Established or Finished**  
= Average of Elevation at Point A & B

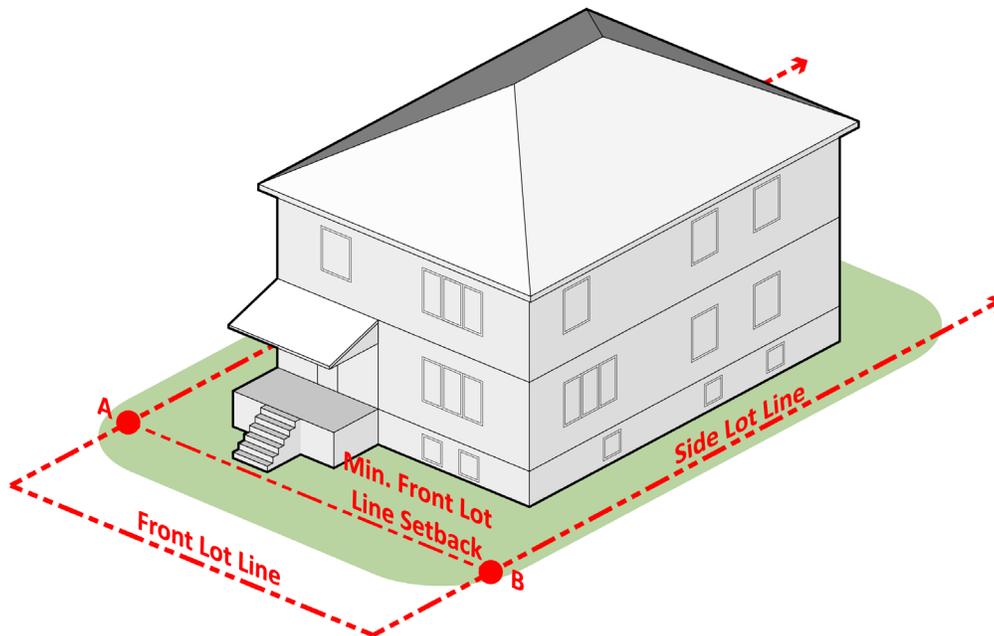


Figure 26. Illustrative Diagram for Grade, Established or Finished

Key Change and/or Proposed Definition	Rationale
<p><b>Add definitions of types of roof</b></p> <p><b>Roof, Flat:</b></p> <p>Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.</p> <p><b>Roof, Pitched:</b></p> <p>Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.</p>	<p>The zoning by-law has long included rules that measured height differently depending on whether the roof was flat or pitched.</p> <p>However, the by-law did not include definitions of how to determine what a flat, pitched, or mansard roof was. This allowed for greater height for new houses that were built with roofs that appeared like flat roofs but included cosmetic sloping elements.</p>
<p><b>Amend the definition of Height</b></p> <p>Height: Retitle definition –</p> <p><b>Height, Building</b></p> <p>Means the vertical distance measured between the established or finished grade and any of the following:</p> <ol style="list-style-type: none"> <li>1. On a flat roof, the highest point of the roof surface or the parapet, whichever is greater;</li> <li>2. On a mansard roof, the highest point of the roof surface or the parapet, whichever is greater;</li> <li>3. On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or,</li> <li>4. The highest point of a structure without a roof.</li> </ol>	<p>See above rationale regarding roof definitions.</p>
<p><b>Add the definition of Height, Finished First Floor</b></p> <p><b>Height, Finished First Floor:</b></p> <p>Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade.</p>	<p>The first floor of a house is a visually distinctive element. The common pattern of houses across Newmarket's neighbourhoods has a first floor that is close to the ground, which provides opportunities for porches and a close relationship between the house and the street.</p> <p>New developments are more commonly seeking to place the first storey higher, occasionally above a garage. This leads to a large number of steps leading to the house, and a very different front appearance.</p>

### Pitched Roof

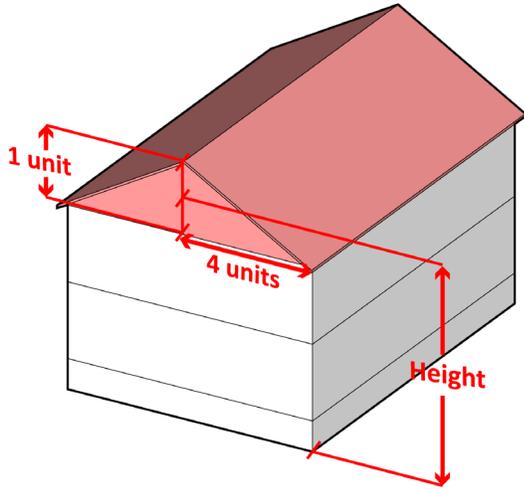


Figure 27. Illustrative Diagram for Pitched Roof

### Flat Roof

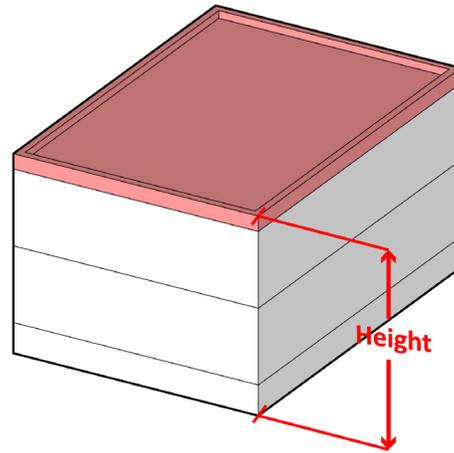


Figure 28. Illustrative Diagram for Flat Roof

### Height, Finished First Floor

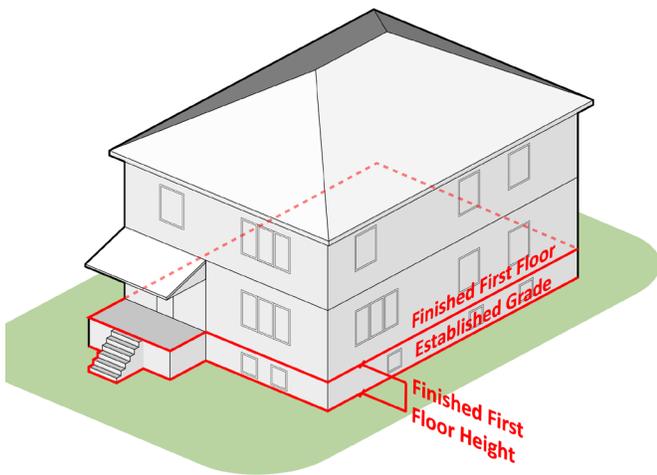


Figure 29. Illustrative Diagram for Height, Finished First Floor

### Storey

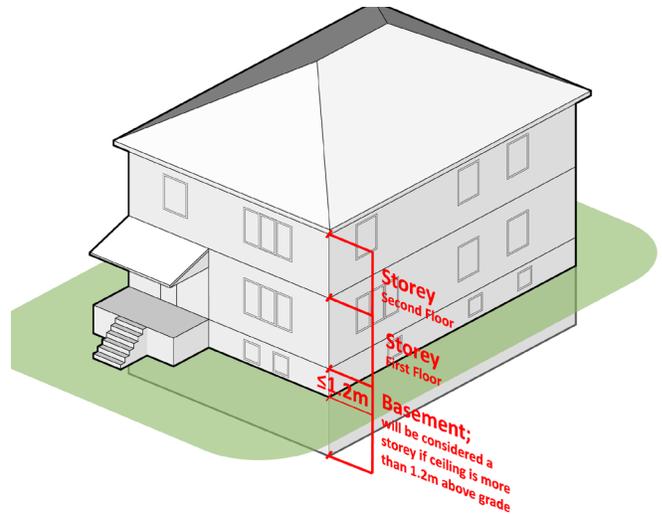


Figure 30. Illustrative Diagram for Storey

Key Change and/or Proposed Definition	Rationale
<p><b>Amend definition of Storey</b></p> <p><b>Storey:</b> Means:</p> <p>For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.2m above established grade.</p> <p>For all other structures, a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.8m above established grade. Any portion of a storey exceeding 3.6 metres in height shall be deemed to be an additional storey.</p>	<p>A storey is a fundamental way of thinking about how a house is laid out. The zoning by-law has long limited houses in most parts of Newmarket to two storeys, and limited the maximum height of a storey to 3.6m.</p> <p>However, this regulation has had unintended consequences of limiting the way that residents can use and design their homes. Namely, the two-storey limit means that the space in the pitched roof of a two-storey house cannot become a half-storey, even if that space in the roof already exists. Similarly, if one wanted to remove a hanging ceiling to have a cathedral ceiling, the 3.6m storey limit would prevent this.</p> <p>This proposed rule change would remove the maximum 3.6m storey height limit for most low-rise residential buildings. This would allow for houses to be more flexibly designed, and would focus the rules on the exterior appearance of the house instead of controlling how the inside is laid out.</p> <p>This change is part of a broader comprehensive change in the way that the height of houses is regulated that will slightly lower the overall maximum permitted height while allowing for greater flexibility of interior layout.</p>
<p><b>Amend the definition of Garage, Residential</b></p> <p><b>Garage, Residential:</b></p> <p>Means an enclosed building or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private motor vehicles, recreational vehicles and trailers.</p>	<p>The zoning by-law contains a number of rules about where a garage or a driveway can be. These rules seek to make sure that garages are in places where they are compatible and commonly found, to avoid the impact on private yards of vehicular access. This change to the definition of a garage clarifies that a garage is accessed via a driveway to reinforce this principle.</p>
<p><b>Add the definition of Dormer:</b></p> <p>Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area.</p>	<p>The zoning by-law does not currently have any standards related to dormers that project through a roof. In order that a roof maintain its appearance and not have an entire additional storey within it, this rule would limit how much of the length of a roof could be projecting dormers.</p>

## Creating and Updating Regulations and Standards

New/Updated Regulation or Standard	Key Change	Rationale
Section 6.2.2. Max. Finished First Floor Height	<b>Revise max. finished first floor height to 1.2 metres (Applied to Zone Standards for A, B, C, D, E, F, G, H, and J)</b>	<p>This rule would require that the first floor for most residential buildings like single and semi-detached dwellings be no higher than 1.2m above grade.</p> <p>The intent is to ensure that the front appearance of a house is compatible and consistent with the neighbourhood and to prevent basements from visually appearing as a storey.</p>
Section 6.2.2. Interior Side Lot Lines	<p><b>Revise interior side lot line (Applied to Zone Standards for C and D):</b></p> <ul style="list-style-type: none"> <li>• Up to 4.2m Building Height = 1.2m</li> <li>• Up to 5.7m Building Height = 1.5m</li> <li>• Beyond 5.7m Building Height = 1.8m</li> </ul>	<p>The zoning by-law has long required increased width of side-yard setbacks for houses as they increase in height. However, this has always been achieved based on the number of storeys of the house.</p> <p>This rule change would retain the same relationship, but instead tie the increase in side yard setback to an increase in absolute building height. This makes for a clearer measure, and works with the overall proposed changes to the way that the height of houses is controlled.</p>
Section 6.2.2. Interior Side Lot Lines	<p><b>Add (*17) to interior side-yard setbacks</b></p> <p>(*17) For a semi-detached dwelling the interior side yard setback shall not be required where a side lot line extends from a common wall dividing attached dwelling units</p>	<p>Many semi-detached dwellings in Newmarket were built on one lot, which was then divided. The zoning standards for semi-detached lots reflect this, and so they don't indicate that there is a zero metre setback from the shared wall property line.</p> <p>This rule change will clarify that semi-detached dwellings do not need a setback from the wall they share with their neighbour.</p>

New/Updated Regulation or Standard	Key Change	Rationale
<p>Section 6.2.2 Maximum Lot Coverage</p>	<p><b>Retain existing maximum lot coverage regulations, and add new Schedule D illustrating maximum lot coverage (Applied to Zone Standards for A, B, C, D, E, F, G, H and J)</b></p> <p>Notwithstanding the above, where a lot is subject to a site or area-specific lot coverage regulation, indicated as a numerical percentage with corresponding colour overlay, as illustrated in Schedule D – Lot Coverage, that site or area-specific lot coverage regulation shall apply.</p>	<p>Most single detached lots in Newmarket can cover up to 35% of their lot with the main building, regardless of size. A review of the existing amount of coverage of lots has revealed a wide range of existing coverages. In some areas, the houses are very close to or at their maximum coverage. In other areas, most houses have less than 10% coverage.</p> <p>This means that in some areas that are characterized by houses of a consistent size, a house three or more times the size could be built. While it's important to allow houses to be changed and upgraded, it is also worth ensuring that change is within a reasonable level of similarity to the surrounding area.</p> <p>This rule proposes to use a series of maps to create new maximum coverage rules for many neighbourhoods. The proposed maximum coverage will still generally allow for growth and change, but will seek to ensure that change is more compatible with the existing neighbourhood.</p>
<p>Section 6.2.2. Required Front Yard Setback</p>	<p><b>Amend regulation of required front yard setback (Applied to Zone Standards for C, D, E, F, G, H, J, K, L, M)</b></p> <p>Within a range of one metre of the average of the front yard setback of adjacent dwellings abutting the same road, provided that the setback not exceed the greater of the adjacent setbacks nor be closer to the street line than 3m.</p>	<p>In the older parts of Newmarket, the zoning by-law has required since 2013 that houses be built within the range of the front yard setback of the houses on either side. This helps to keep the front walls roughly in line, which makes for a consistent streetscape.</p> <p>However, this rule hasn't worked well for lots where the abutting houses have very similar setbacks, as it leaves very little room for change. It also has not worked well for lots with very large differences in the setbacks of abutting houses, as it gives a lot of flexibility.</p> <p>This recommendation would maintain the principle of ensuring the front walls are generally consistent by tying the required setback to the average of the neighbours, then giving an additional metre of range. It would also be applied to almost all low-rise residential lots, most of which do not currently have this rule but were built with the same rules as their neighbours so are very similar in setback. For where there is some variety in setbacks, Section 4.13 of the by-law also provides flexibility to consider the average of a wider set of lots on the street.</p>

New/Updated Regulation or Standard	Key Change	Rationale
Section 6.2.2. Max. Height	<p><b>Retitle regulation from ‘Max Height to ‘Max. Building Height’</b></p> <p><b>Revise Regulation –8.5m (Applied to Zone Standards for A, B, C, D, E, F, G, H, and J)</b></p>	<p>The zoning by-law has long limited the maximum height of most dwellings to 10.7m. However, other rules have limited the number of storeys to two, and the maximum height of a storey to 3.6m. The effect of this is that the 10.7m maximum height limit is of little effect, and the limit on the number of storeys has unintended consequences that are discussed elsewhere in this table.</p> <p>If the limit on the maximum height of a storey was the only change, it would then be possible to build houses that are 10.7m tall, which is significantly taller than most houses in Newmarket.</p> <p>A review of existing building heights and modern construction standards has indicated that a maximum height of 8.5 is compatible with most low-rise residential areas. Combined with a removal of the control on how storeys are arranged within the house, this will allow for more flexibility in design along with heights that are in keeping with Newmarket neighbourhoods.</p>
Exception 119	<p><b>Repeal Exception 119 enacted by By-law 2013-30</b></p>	<p>Other amendments within this overall set of recommendations accomplish the objectives of this exception, which was adopted in 2013 to try to manage the pace of change in older neighbourhoods. The current set of recommendations uses similar tools, and goes into finer neighbourhood-by-neighbourhood sets of rules.</p>
6.2.3 Additional Requirements for Residential Zones	<p>The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application.</p>	<p>This is a technical clarification to how the regulations in 6.2.3 are laid out. It indicates that where a regulation includes a numerical asterisk (*), that rule applies to where that asterisk appears, and that where a regulation has a standard roman numeral (i, ii, iii, iv), its application is found in the text of the rule itself.</p>

New/Updated Regulation or Standard	Key Change	Rationale
	<p>Add 6.2.3 (ii)</p> <p>For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any existing permitted encroachments and required driveway.</p> <p>Explanatory text that does not form part of the by-law</p> <p>For example, in an R1 lot, the front yard extends across the full width of the lot between the front lot line and the closest wall of the principal building. This front yard can be partially occupied by the features listed in Section 4.2 (Encroachments into Required Yards), where they are identified in the table as being permitted in the front yard. A front yard could be partially occupied by a porch, steps, a landing from the steps, a driveway, and a residential walkway. The remaining portion of the front yard cannot be occupied by any structure or feature.</p>	<p>This is a clarification that does not change any permissions. The zoning by-law currently controls how much of a yard can be covered by paving or brick or structures, but it can be difficult to determine what that requirement is.</p> <p>This proposed change is meant to be a concise statement of how to arrive at how much soft landscaping is required, paired with an explanatory text.</p> <p>This clause does not change any permissions about yards or driveways, only explains the existing rules.</p>

New/Updated Regulation or Standard	Key Change	Rationale
Section 4.24 Reserve	<p>Introduce a new reserve to determine lot lines and setbacks.</p> <p>For the purposes of this By-law, a 0.3 m reserve shall:</p> <ol style="list-style-type: none"> <li>1. be considered to be part of the abutting road for the purposes of determining lot lines;</li> <li>2. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.</li> </ol> <p>This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.</p>	<p>During development, the Town will sometimes temporarily take 0.3m of land from a development as a way to control when it is ready to be built and connected to municipal roads. However, this can lead to an odd situation of determining other elements of zoning, as usually zoning begins from first principles of figuring out which lot line is the front based on which lot line touches a street – but if that line doesn’t touch a street and instead touches a 0.3m strip of land, the application of the zoning by-law rules becomes challenging.</p> <p>This clarification is a common rule in other municipalities that seeks to avoid this confusion.</p>
Section 4.9.1 Non-Complying Building or Structure	<p><b>Amend Section 4.9.1</b> to read</p> <p>A non-complying building or structure which existed legally prior to the passing of this By-Law may be repaired, renovated or reconstructed provided that the repair, renovation or reconstruction:</p> <ol style="list-style-type: none"> <li>1. does not further encroach into a required yard;</li> <li>2. does not further increase the extent of a non-compliance with a maximum yard setback requirement; and,</li> <li>3. complies with all other applicable provisions of this By-Law.</li> </ol>	

New/Updated Regulation or Standard	Key Change	Rationale
<p>Section 4.24 Reserve</p>	<p><b>Introduce a reserve to determine lot lines and setbacks.</b></p> <p>For the purposes of this By-law, a 0.3 m reserve shall:</p> <ol style="list-style-type: none"> <li>1. be considered to be part of the abutting road for the purposes of determining lot lines;</li> <li>2. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.</li> </ol> <p>This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.</p>	<p>During development, the Town will sometimes temporarily take 0.3m of land from a development as a way to control when it is ready to be built and connected to municipal roads. However, this can lead to an odd situation of determining other elements of zoning, as usually zoning begins from first principles of figuring out which lot line is the front based on which lot line touches a street – but if that line doesn’t touch a street and instead touches a 0.3m strip of land, the application of the zoning by-law rules becomes challenging.</p> <p>This clarification is a common rule in other municipalities that seeks to avoid this confusion.</p>
<p>4.2 Encroachments into Required Yards</p>	<p><b>Revise permissions for encroachments into yards by driveways.</b></p> <p>Revise permitted encroachment table to include:</p> <p><b>Driveway</b></p> <p>Permitted feature in any yard of a residential zone</p> <p>Subject to:</p> <ol style="list-style-type: none"> <li>i. Limits of Section 6.2</li> <li>ii. Limits of Section 5.5</li> </ol>	<p>This is a technical amendment to the by-law. Driveways are permitted, and required, for all residential dwellings. However, they do not appear as a feature that is permitted to be in a required yard.</p> <p>This rule change would clarify that driveways are permitted in yards, subject to the existing limits on size and location.</p>

New/Updated Regulation or Standard	Key Change	Rationale
<p>Section 4.9.1 Non-Complying Building or Structure</p>	<p><b>Permit the repair, renovation or reconstruction of a non-complying building so long as they do not increase the extent of non-compliance.</b></p> <p>A non-complying building or structure which existed legally prior to the passing of this By-Law may be repaired, renovated or reconstructed provided that the repair, renovation or reconstruction:</p> <ol style="list-style-type: none"> <li>1. does not further encroach into a required yard;</li> <li>2. does not further increase the extent of a non-compliance with a maximum yard setback requirement; and,</li> <li>3. complies with all other applicable provisions of this By-Law.</li> </ol>	<p>The Planning Act protects the right to use land and buildings in a way that people often refer to as being “grandfathered”. This principle, known as “legally nonconforming”, happens when a property is used in a way legally, and then the rules change to prevent that use. An example might include building a three-storey house, and then the rules changing to limit height to two storeys. The right to keep, and rebuild, the “grandfathered” building is protected by law.</p> <p>The Town’s zoning by-laws have been even more permissive in this regard, allowing such a building to be made bigger and to extend the same grandfathered rule across the property. In most other municipalities you can rebuild the ‘grandfathered’ structure, but any new extension or addition to the building must comply with the new rules.</p> <p>The effect of the Town’s current rules is that there is little reason for a property to ever come into conformity with the new rules, as the very permissive rules that currently exist in the by-law go well beyond what is normally permitted by law.</p>

New/Updated Regulation or Standard	Key Change	Rationale
<p>Section 1.10 Transition</p>	<p><b>Add Section 1.10 – Transition</b></p> <p><b>i. Minor Variances</b></p> <p>All minor variances applied for prior to the enactment of By-law 2020-XX and approved pursuant to Section 45 of the Planning Act continue to apply and remain in force as if they are variances to this By-law for lawfully existing lots, buildings or structures.</p> <p>Nothing in this By-law will prevent the erection or use of a building or structure, for which:</p> <p>(A) a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-XX; or</p> <p>(B) a complete application for a minor variance under Section 45 of the Planning Act was filed after to the date of passing By-law 2020-XX based on a building permit application filed on or prior to the date of passing By-law 2020-XX.</p> <p>For the purposes of this section, a “complete application for a minor variance” means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.</p>	<p>This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.</p>

New/Updated Regulation or Standard	Key Change	Rationale
	<p><b>ii. Site Plan Approval Applications</b></p> <p>Nothing in this By-law will prevent the erection or use of a building or structure for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the Planning Act.</p> <p>Where a project qualifies under this Section:</p> <p>a) site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX and all requirements of the Planning Act.</p> <p>b) after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX, the site plan approval, and all finally approved minor variances.</p> <p>For the purposes of this section, a “complete application for site plan approval” means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.</p>	<p>This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.</p>

New/Updated Regulation or Standard	Key Change	Rationale
	<p><b>iii. Building Permit Applications</b></p> <p>Nothing in this By-law will prevent the erection or use of a building or structure for which an application for a building permit was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-XX.</p> <p>An “application for a Building permit” means an application for a Building permit that satisfies the requirements set out in Building By-law 2015- 58 or its successor by-law.</p>	<p>This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.</p>
	<p><b>iv. Transition Clause Duration</b></p> <p>Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.</p>	<p>This section is intended to protect applications that were underway, or that were previously granted permissions, from being caught by these new rules.</p>



## 4.4 Visualizations of Neighbourhood Infill

This section of the report presents a series of visualizations of the proposed regulations, and the range of built form conditions that they would and/or would not permit. In doing so, they draw on real world examples outside of the Town of Newmarket. The demonstration diagrams are focused on three regulations - height, setbacks and lot coverage, which have been determined to be the three most significant elements contributing to built form compatibility.

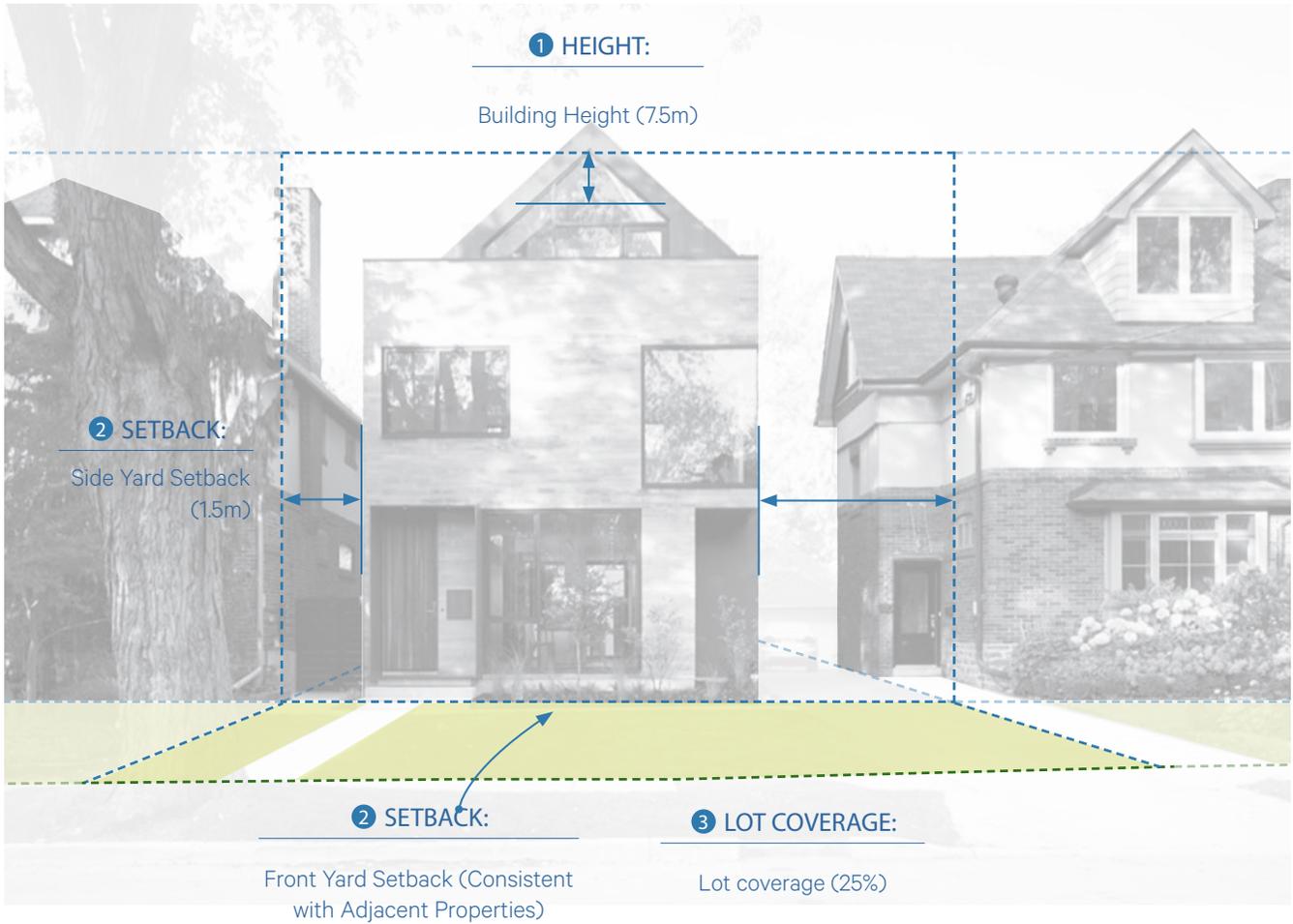
For the Historic Core and Traditional Suburban Character Areas, one example which fully complies with these three criteria is included, in addition to additional examples which partially comply, or largely do not comply.

Selected examples which reflect the range of conditions one might see in these character areas. The examples include a combination of pitched and flat roof styles, small, moderate and large lots, a variety of vehicle access and parking conditions, and a range of architectural styles.

### Demonstration Diagram 1

This demonstration (Figure 31) shows a contemporary infill development, situated within an Historic Core Character Area. It is located on a moderately sized lot and has a combination flat / pitched roof with side yard driveway and detached garage.

The demonstration fully complies with all three criteria. The building height complies with the maximum 8.5m requirement and is consistent with adjacent buildings. The finished floor height complies with the maximum 1.2m requirement. It also has compatible finished ground floor height, floor to floor heights, datums and rooflines when compared with the associated adjacent properties. Similarly, the front yard setback is consistent with adjacent properties and the side yard setback complies with the minimum 1.5m setback, required for building walls up to 5.7m. Finally, the lot coverage complies with maximum permissions typical in this area (determined through aerial comparison of the surrounding block).



■ Complies    ■ Does Not Comply

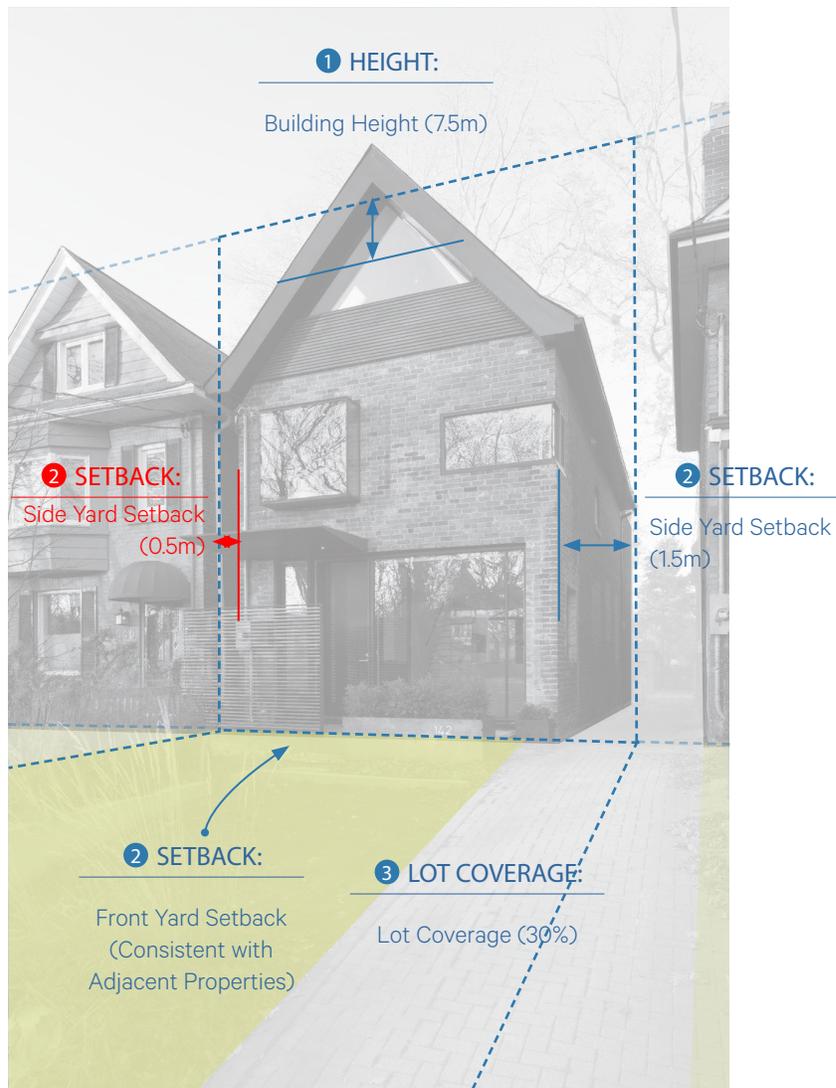
Figure 31. Demonstration Diagram 1 - Historic Core Character Area

### Demonstration Diagram 2

This demonstration (Figure 32) features a contemporary renovation and addition to historic home, situated in an Historic Core Character Area. Sitting on a small lot, the property has a pitched roof, side yard driveway and pad parking.

The demonstration largely complies with the three criteria. The building height complies of 7.5m complies with the maximum 8.5m requirement and is consistent with

adjacent buildings. The finished floor height complies with maximum 1.2m requirement. The finished ground floor height, floor to floor heights, datums and roof lines are also generally consistent with adjacent properties. The front yard setback complies with the 1.5 metre requirement and is consistent with adjacent properties. One side yard setback complies with the minimum 1.5m setback required for building walls up to 5.7m, while the other side yard does not. The lot coverage complies with maximum permissions typical in this area.



■ Complies ■ Does Not Comply

Figure 32. Demonstration Diagram 2 - Historic Core Character Area

### Demonstration Diagram 3

This demonstration (Figure 33) shows a contemporary infill development, situated in an Historic Core Character Area, resulting from lot severance. It has a flat roof, integral garage and raised ground floor. It is located on a small lot.

The demonstration complies with the three criteria. The building height complies with the maximum 8.5m requirement, representing a modest increase over the adjacent building to the right. The datum does not

align to adjacent properties. The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.5m. The entry and foyer are lower, with internal stairs.

The front yard setback complies and is consistent with those of the of adjacent properties. Side yards do not meet the minimum 1.8m setback required for building walls higher than 5.7m. The lot coverage does not comply with maximum permissions which would be typical in this area.

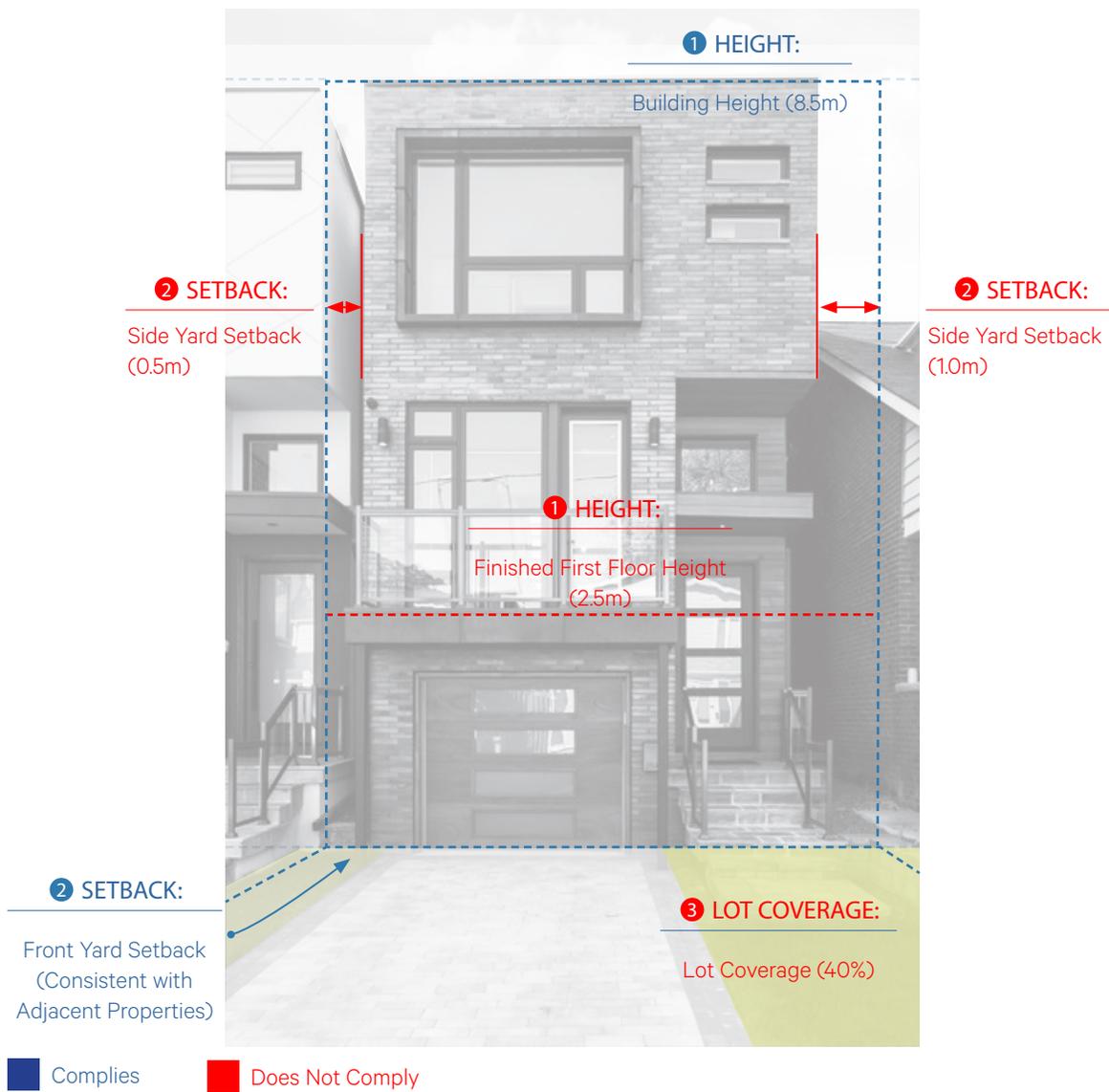


Figure 33. Demonstration Diagram 3 - Historic Core Character Area

### Demonstration Diagram 4

This demonstration (Figure 34) shows a contemporary infill development on a moderately-sized lot, situated in an Historic Core Character Area, with a flat roof and integral garage.

The demonstration largely does not comply with the three criteria. The building height exceeds maximum permissions of 8.5m. The finished first floor height

exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.5m. The entry and foyer are lower, with internal stairs.

-While the front yard setback complies with the standards set by the adjacent properties, neither side yard meets the minimum 1.8m setback required for building walls higher than 5.7m. The lot coverage complies with maximum permissions which would be typical in this area.

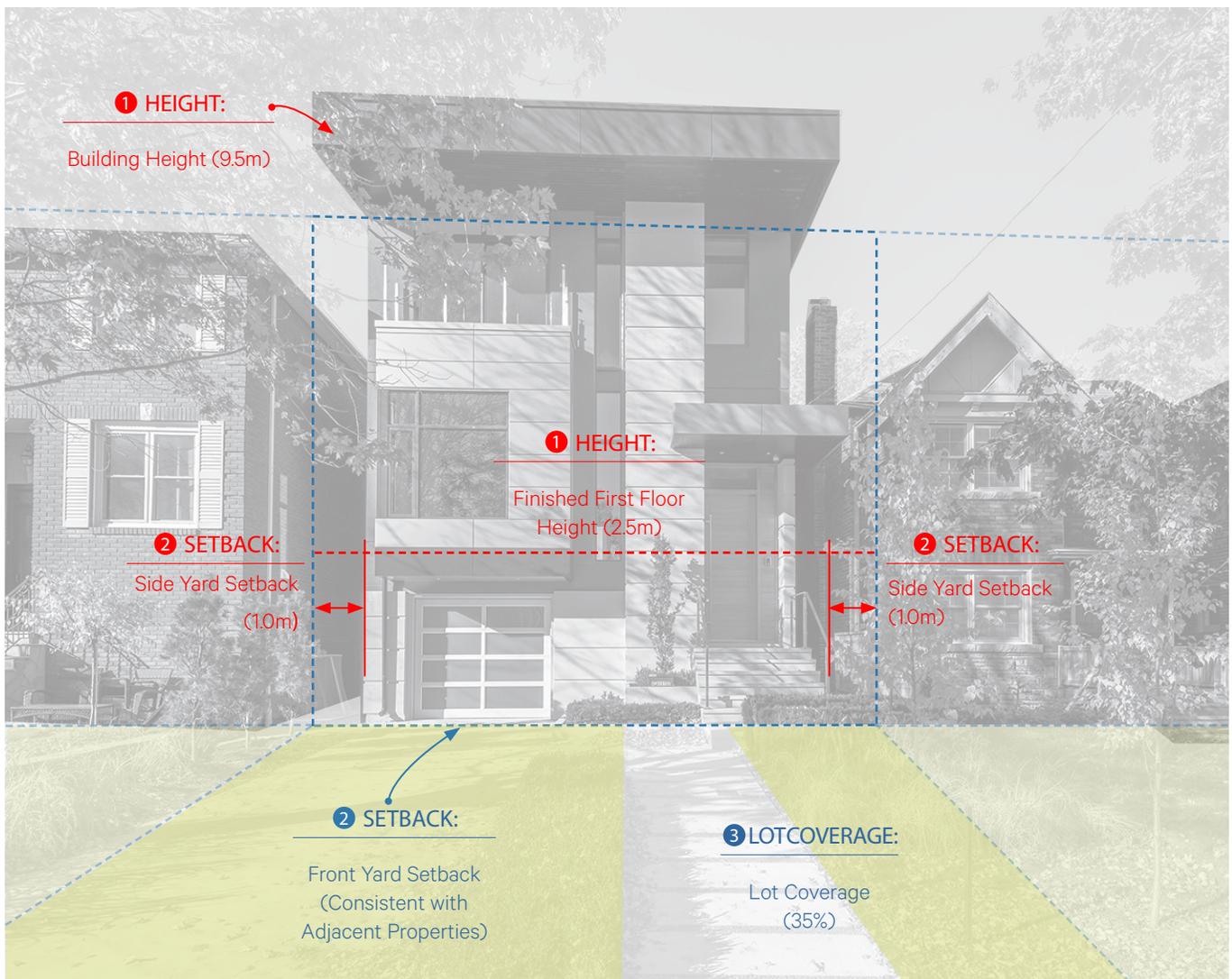


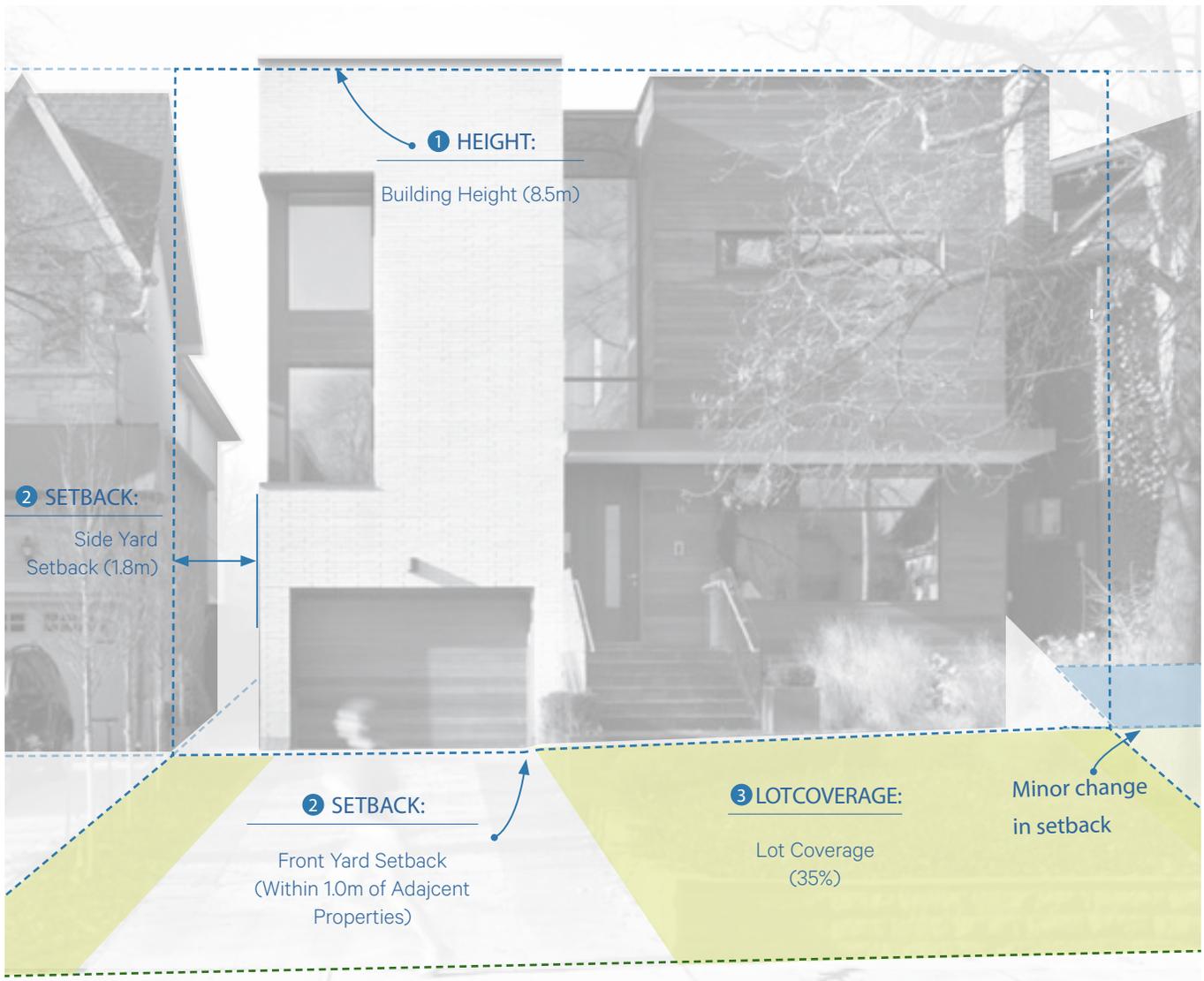
Figure 34. Demonstration Diagram 4 - Historic Core Character Area

**Demonstration Diagram 5**

This demonstration (Figure 35) illustrates a contemporary infill development, situated within a Traditional Suburban Character Area. The property features a flat roof, internal garage and raised ground floor with side-to-side split, on a fairly large lot.

The demonstration fully complies with all three criteria. The building height complies with max. 8.5m requirement and is consistent with adjacent buildings.

The finished floor height complies with maximum 1.2m requirement, as more than 50% of ground floor area falls under this height. It is also compatible with the finished floor height, floor to floor heights and datums of adjacent buildings. The front yard setback complies, with a minor change relative to adjacent building but within the required 1.0m range. Finally, the side yard setbacks comply with the minimum 1.8m requirement and lot coverage complies with maximum permissions which would be typical in this area.



**Figure 35.** Demonstration Diagram 5 - Traditional Suburban Character Area

### Demonstration Diagram 6

This demonstration (Figure 36) shows a contemporary infill development on a large lot, situated in a Traditional Suburban Character Area, with a flat roof, integral garage and raised ground floor. This particular condition is increasingly being seen in infill developments throughout municipalities across the Greater Toronto Area.

The demonstration largely complies with the three criteria. The building complies with the maximum 8.5m requirement. It is generally consistent, and slightly

shorter, with the adjacent two-storey building to the left. To a degree, it establishes a height transition to the adjacent bungalow to the right. The finished floor height does not comply with the maximum 1.2m requirement, as over 50% of the floor area is at 2.25m.

The front yard setback is in compliance. It features a minor change relative to adjacent building to the right, but is within required 1.0m range. The side yards comply with the minimum 1.8m setback required for building walls beyond 5.7m. The lot coverage also complies with maximum permission which would be typical in this area.

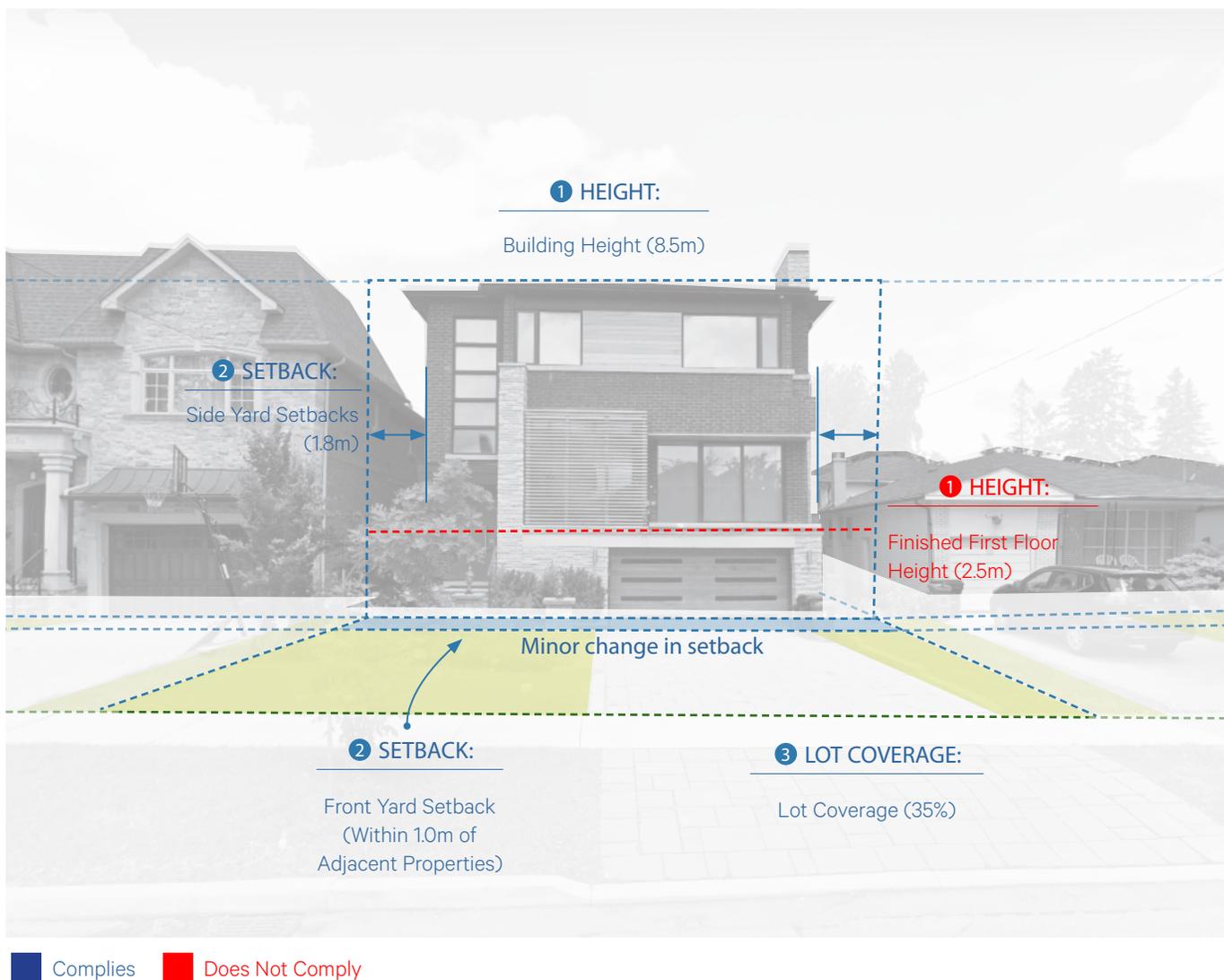


Figure 36. Demonstration Diagram 6 - Traditional Suburban Character Area

### Demonstration Diagram 7

This demonstration (Figure 37) illustrates a contemporary infill development on a small lot, resulting from severance, situated in a Traditional Suburban Character Area. Features include a flat roof, integral garage and raised ground floor.

The demonstration largely does not comply with the three criteria. The building height marginally exceeds the maximum permission of 8.5m. The finished first

floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.75m. The entry and foyer are lower, with internal stairs.

While the front yard setback complies and is consistent with adjacent properties, the side yard setbacks do not meet the minimum 1.8m requirement for building walls higher than 5.7m. The lot coverage complies with maximum permission which would be typical in this



Figure 37. Demonstration Diagram 7 - Traditional Suburban Character Area

### Demonstration Diagram 8

This demonstration (Figure 38) illustrates a neo-traditional infill development, situated in a Traditional Suburban Character Area. Situated on a large lot, it features a mansard roof, integral garage and raised ground floor.

The demonstration largely does not comply with the three criteria. The building height exceeds the maximum permission of 8.5m. The assessment of building height is impacted due to the fact that this development features a mansard roof, as this increases the perception of height and massing. It is treated as a flat roof rather than a pitched roof.

The finished first floor height exceeds the maximum 1.2m requirement, as more than 50% of the ground floor is at a height of 2.75m. The entry and foyer are lower, with internal stairs.

The front yard setback is consistent with adjacent properties. The side yards meet the minimum 1.8m setback, required for building walls higher than 5.7m. The lot coverage exceeds and does not comply with maximum permissions which would be typical in this area.

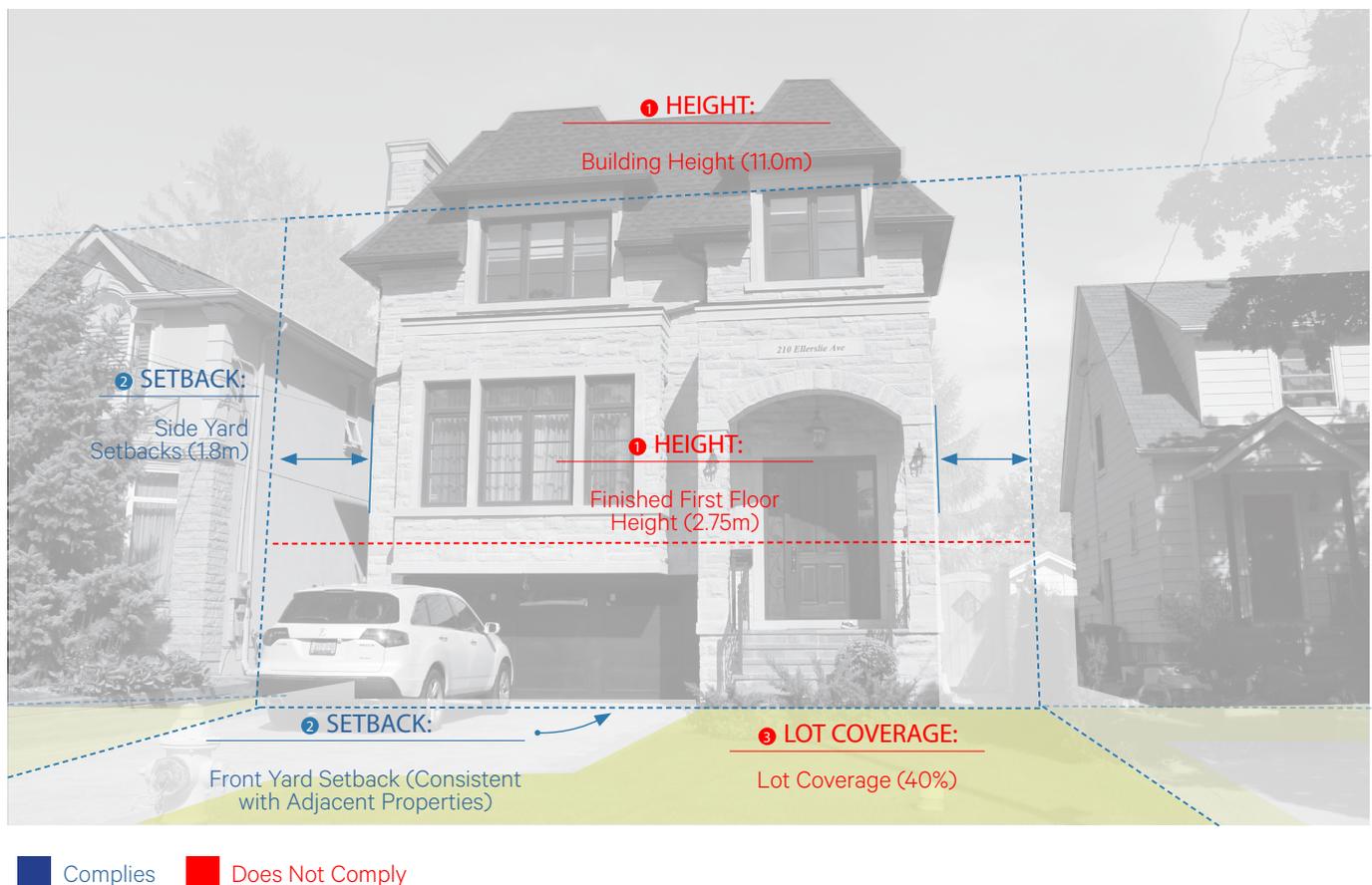


Figure 38. Demonstration Diagram 8 - Traditional Suburban Character Area



# APPENDIX A

**Amendment No. 28  
to the  
Town of Newmarket Official Plan**

**CONTENTS**

PART A	The Preamble .....	2
1.	Purpose of the Amendment.....	2
2.	Location .....	2
3.	Basis .....	2
Part B	The amendment.....	3
1.	Format of the Amendment .....	3
2.	Details of the Amendment.....	3
Item 1	Section 2.0 Urban Structure .....	3
Item 2	Section 2.1 Managing Growth .....	3
Item 3	Section 3.0: Residential Areas .....	3
Item 4	Section 3.1: General Residential Areas Policies .....	4
Item 5	Section 3.2: Residential Character Areas.....	7
Item 6	Section 3.9 Intensification .....	10
Item 7	Section 12.4: Compatibility .....	11
Item 8	Section 16.0 Implementation .....	12
Item 9	Schedule A: Land Use.....	13
Item 10	Schedule I: Residential Character Areas.....	13
3.	Schedules .....	13

## **PART A THE PREAMBLE**

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

### **1. Purpose of the Amendment**

The purpose of this amendment is to amend policies and schedules of the Town of Newmarket Official Plan to:

- Reflect changes in residential development that have occurred since the Official Plan was adopted;
- Remove references to Stable and Emerging Residential Areas and instead include policies that recognize the built form patterns of each neighbourhood while acknowledging the value of diverse housing types throughout all residential neighbourhoods;
- Implement a neighbourhood-level framework delineating Residential Areas within four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and,
- Propose a defined list of predominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

### **2. Location**

The proposed amendments are made to the text and schedules of the Official Plan and are applied to the residential area of the Official Plan as described in the text and indicated on the Schedules.

### **3. Basis**

In January 2019, the Council of the Town of Newmarket directed staff to undertake a study on development and change in established residential areas, while adopting an Interim Control By-law pursuant to Section 38 of the *Planning Act*. Since then, staff have researched best practices in regulating growth and change in established areas, reviewed applicable Regional and Provincial planning policy documents, and consulted with the public.

## **PART B THE AMENDMENT**

### **1. Format of the Amendment**

PART B – THE AMENDMENT describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment Number 28.

Official Plan Amendment Number 28 consists of the following proposed modifications to the text and Schedules to the Newmarket Official Plan. Sections and Schedules of the Newmarket Official Plan proposed for modifications are identified as “**Items**”.

### **2. Details of the Amendment**

#### **Item 1 Section 2.0 Urban Structure**

Delete the description of Residential Areas under the second paragraph and replace with the following:

“Encompassing the majority of lands throughout the Town of Newmarket, Residential Areas are low-rise residential neighbourhoods which accommodate a range of housing and tenure types, interspersed with ancillary convenience commercial and institutional uses.”

#### **Item 2 Section 2.1 Managing Growth**

Delete the first paragraph of Section 2.1 Managing Growth and replace it with the following:

A key principle reinforced throughout this Plan is the commitment to protect and strengthen existing neighbourhoods. Residential Areas are intended to remain stable. However, they may accommodate contextually-sensitive infill development and intensification, provided it contributes towards the establishment of a desirable urban structure, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.

#### **Item 3 Section 3.0: Residential Areas**

Delete Section 3.0: Residential Areas and replace with the following:

### **3.0 Residential Areas**

As the supply of greenfield lands becomes exhausted, residential development trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment of existing built-up areas to accommodate current and projected population growth.

While the majority of this growth is directed to the Urban Centres, a limited amount of development that is compatible with the residential character of existing neighbourhoods is anticipated to occur throughout Residential Areas.

While Residential Areas are primarily comprised of single-detached and semi-detached dwellings, they also contain a mix of duplexes, triplexes, fourplexes, townhouses, rowhouses, and low-rise apartment buildings up to 4 storeys.

Sensitive development of Residential Areas can add value to the community by boosting and diversifying the housing stock, taking advantage of existing hard and soft infrastructure systems, and enriching the local community. However, such development must be undertaken in a manner which acknowledges, respects, and is compatible with the existing predominant physical neighbourhood character.

Residential Areas may also contain limited convenience commercial and institutional uses which are compatible with residential uses.

#### **Item 4 Section 3.1: General Residential Areas Policies**

- a. Delete Policies 1 and 2 under Section 3.1 General Residential Area Policies.
- b. Rename the title “Section 3.1: General Residential Area Policies” to “Section 3.1: Residential Areas Policies”.
- c. Add the following sections and policies after Section 3.1 Residential Areas Policies:

##### **3.1.1 Objectives**

- a. Provide for a range of residential accommodation by housing type, tenure, size, location and price range to help satisfy the Town of Newmarket’s housing needs.

- b. Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the prevailing physical character of the surrounding neighbourhood.
- c. Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes towards the establishment of a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d. Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs.

### **3.1.2 Permitted Uses**

#### **Policies**

- 1 The predominant use of land in Residential Areas shall be residential in the form of single-detached and semi-detached dwellings.
- 2 Rowhouses, townhouses, duplex, triplex, and quadruplex are also permitted provided that the applicant can demonstrate to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study.
  - 2.1 For the purpose of Policy 3.1.2.2, a Compatibility Analysis Study, which may form part of a Planning Justification Report, shall at a minimum, address policies of Section 12.4 Compatibility.
- 3 Secondary and/or complementary permitted uses include those local institutional uses serving the immediate area such as Town of Newmarket Official Plan 27 elementary schools, group homes and special needs housing. In addition, home occupations, accessory dwelling units in single-detached and semi-detached dwellings, and convenience commercial uses are permitted. Conservation uses, parks and open space areas are also permitted in the Residential Areas (OPA #4).
- 4 Townhouse units on a Private Road shall be a permitted use in the Residential Area for the lands subject to Official Plan Amendment No. 12. (OPA #12) (955 & 995 Mulock Drive).

- 5 Within Residential Areas located on Davis Drive, immediately west of the Bus Terminal, permitted uses shall also include 4 to 6 storey apartment buildings and mixed use “live-work” units (*OPA #16*).

### **3.1.3 Development Criteria**

#### **Policies**

1. Throughout Residential Areas, development shall be compatible with the prevailing physical character of the surrounding neighbourhood, with consideration for the following:
  - lot dimensions;
  - lot frontage;
  - front, side and rear yard setbacks;
  - siting and orientation;
  - lot coverage;
  - building entrance location;
  - private landscaping;
  - building height, massing, and depth; and,
  - ground floor height.
2. Development in Residential Areas shall acknowledge and respect the prevailing physical character of the surrounding properties, particularly those properties with frontage along the same street segment, subject to the Urban Design and Compatibility policies of Section 12.
3. When considering development proposals in Residential Areas, the Town will:
  - a. Assess the compatibility of the proposed development as it relates to the existing built form so that it enhances and builds upon desirable established patterns of built form and open spaces, and
  - b. Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles.
4. All Residential Areas shall be developed or maintained on full municipal sanitary sewer, water supply and storm sewer services, with the exception of the existing Kingdale Road, Old Bathurst Estates and Premier Place Estate Neighbourhoods.

## **Item 5 Section 3.2: Residential Character Areas**

- a. Delete Section 3.2: Stable Residential Areas and Section 3.3: Emerging Residential Areas.
- b. Add the follow sections and policies under the new Section 3.2: Residential Character Areas and renumber subsequent sections accordingly.

### **Section 3.2 Residential Character Areas**

#### **3.2.1 Objective**

The Residential Character Area boundaries are illustrated in Schedule I: Residential Character Areas. It is the objective of the Residential Area policies to maintain the stability and unique quality of Residential Character Areas, while allowing for contextually-sensitive development, which demonstrates compatibility with the prevailing built form and public realm features of the surrounding neighbourhood.

#### **3.2.2 Historic Core Character Area**

Newmarket's Historic Core Character Area were developed prior to the 1940's, and the advent of subdivision-based planning. The Historic Core Character Area is situated within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.

Newmarket's Historic Core Character Area is generally characterized by:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Varied lot shapes and configurations;
- Varied front yard and side yard setbacks, of a shallow to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, including front and side yard driveways;

- Varied parking configurations, including parking pads, detached garages, and attached garages;
- Range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- Significant concentration of Listed and Designated Heritage Properties.

### **Policy**

1. Development within the Historic Core Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.2, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

### **3.2.3 Traditional Suburban Character Area**

Newmarket's Traditional Suburban Character Area was developed between the 1940's and 1990's, following the advent of subdivision-based planning. The Traditional Suburban Character Area is generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.

Newmarket's Traditional Suburban Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long blocks with few intersections;
- Landscaped boulevards and a moderate and evolving canopy of maturing street trees;
- Discontinuous sidewalks on one side of the street, with the exception of cul-de-sacs, many of which are absent of sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front and side yard setbacks;
- Varied building heights, ranging between 1 and 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

### **Policy**

1. Development within Traditional Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.3, while responding to unique site and contextual conditions, and demonstrating compatibility with existing neighbourhood.

### **3.2.4 Contemporary Suburban Character Area**

Newmarket's Contemporary Suburban Character Area was developed following the 1990's, and is generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

Newmarket's Contemporary Suburban Character Area is generally characterized by:

- Modified street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and a minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front and side yard setbacks, of a shallow to moderate depth;
- Consistent building heights of 2-storeys;
- Consistent vehicular access configurations, characterized by front yard driveways;
- Consistent parking configurations, characterized by integral garages; and
- Limited range of architectural expressions and styles.

### **Policy**

1. Development within Contemporary Suburban Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.4, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.

### **3.2.5 Estate Character Area**

Newmarket's Estate Character Area was developed between the 1940's and 1990's, and are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional

Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

Estate Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long and often undefined discontinuous blocks;
- Landscaped boulevards with paved or gravel shoulders, swales and moderate and evolving canopy of maturing street trees;
- No sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, or a significant size;
- Consistent front yard setbacks, of a significant depth;
- Consistent side yard setbacks, of a moderate to significant depth;
- Varied building heights, ranging between 1 and 2-storeys;
- Varied vehicular access configurations, characterized by front yard driveways with one or more curb-cuts, and occasionally turn-around facilities of moderate to significant width;
- Varied parking configurations, characterized by parking pads, attached front and side garages, detached garages, and outdoor parking enclosures; and
- Significant range of architectural expressions and styles.

### **Policies**

1. Development within the Estate Character Area shall acknowledge and respect the general physical characteristics as outlined in Section 3.2.5, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.
2. Within Estate Character Area, no new residential lot shall be created through consent until such time as municipal services are provided throughout the neighbourhood.
3. Nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services, if deemed appropriate and/or necessary, by the Region of York or the Town of Newmarket.

## **Item 6 Section 3.9 Intensification**

- a. Renumber Section 3.9: Intensification to Section 3.8: Intensification.

- b. Replace Policy 1 with the following:
1. Throughout Residential Areas, intensification is permitted through the introduction of the following:
    - A range of building and unit types including accessory dwelling units, single-detached dwellings and semi-detached dwellings.
    - A range of building and units types including townhouses and rowhouses on a site-specific basis.
    - Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings.
    - The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan.
- c. Add the following policies after Policy 1:
2. Standards for accessory dwelling units, will be established in the Zoning By-law and shall be consistent with Section 3.6, Accessory Dwelling Units.
  3. Limited intensification through consents will be permitted subject to the zoning by-law and compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill or intensification, availability of services and road access requirements.

**Item 7 Section 12.4: Compatibility**

- a. Number the first paragraph as Policy 1 and delete the list following the second sentence in paragraph 1 and replace the list with the following:
  - Existing built form of the area;
  - Policies of the Residential Character Area, if applicable;
  - Nature of fenestration and sun reflection impacts;
  - Nature of shadow impacts; and,
  - Existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings.
- b. Add the following policies to Section 12.4 Compatibility after Policy 1:

2. Development will be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:
  - Setbacks, heights and transition;
  - Façade and roofline articulation;
  - Colours and materials;
  - Architectural elements, including windows, doors and projections;
  - Pre- and post-construction grades on site; and
  - Incorporating elements and details of common characteristics of the area.
- c. Delete the second paragraph and replace it with the following as Policy 3:
  3. Building heights of mid-rise and high-rise buildings immediately adjacent to a Residential Area should provide an appropriate transition and achieve suitable visual angular planes. Where a building height greater than the existing adjacent context or adjacent public open space is proposed, the development shall demonstrate that an effective transition in height and massing, such as a stepping down or variation in building form has been incorporated into the design.
- d. Number the third paragraph as Policy 4.

**Item 8 Section 16.0 Implementation**

Add the following section and policy as **Section 16.6 Transition**

**Section 16.6 Transition**

**Policy**

1. Notwithstanding the policies of OPA No. 28, applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium approval or Site Plan approval which were deemed complete and still in process prior to approval of OPA No. 28, or which were approved by the Town or the Local Planning Appeal Tribunal, are required to conform only with the policies in force at the time of the complete application or approval until the date OPA No. 28 is approved.

**Item 9 Schedule A: Land Use**

Schedule A: Land Use is revised by removing “Stable Residential” and “Emerging Residential” Land Use Designations, combining those lands previously designated as “Stable Residential” and “Emerging Residential” and replacing them with a single “Residential” Land Use Designation as shown on Schedule 1 attached.

**Item 10 Schedule I: Residential Character Areas**

Add the attached Schedule 2 as Schedule I: Residential Character Areas to the Newmarket Official Plan.

**3. Schedules**

Schedule 1 – Schedule A: Land Use

Schedule 2 – Schedule I: Residential Character Areas

# APPENDIX B

# Corporation of the Town of Newmarket

## By-law 2020-XX

A By-law to amend By-law Number 2010-40, as amended, being the Town of Newmarket Zoning By-law.

Whereas it is deemed advisable to amend By-law Number 2010-40;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Exception 119 enacted by By-law 2013-30 is hereby repealed.
2. That By-law Number 2010-40, as amended, is hereby amended as follows:
  - i. **Section 1: Interpretation and Administration** is amended by adding **Section 1.10 Transition** and the following:

This section applies to:

- i. Site-Specific Zoning By-law Amendments  
All site-specific zoning by-law amendments approved and came into full force and effect pursuant to Section 34 of the *Planning Act* prior to the passing of By 2020-xx shall remain in force.
- ii. Minor Variances  
All minor variances applied for prior to the passing of By-law 2020-XX and approved pursuant to Section 45 of the *Planning Act* continue to apply and remain in force as if they are variances to this By-law for lawfully **existing lots, buildings or structures**.

Nothing in this By-law shall prevent the erection or use of a **building or structure**, for which:

- a. a complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-XX and approved prior to or after the passing of By-law 2020-XX; or
- b. a complete application for a minor variance under Section 45 of the Planning Act was filed and approved after to the date of passing By-law 2020-XX based on a building permit application filed on or prior to the date of passing By-law 2020-XX .

For the purposes of this section, a "complete application for a minor variance" means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the *Planning Act*.

iii. Building Permit Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for which an application for a building permit was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-XX.

An "application for a Building permit" means an application for a Building permit that satisfies the requirements set out in Building By-law 2015-58 or its successor by-law.

iv. Site Plan Approval Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-XX, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the *Planning Act*.

Where a project qualifies under this Section:

- a. site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX and all requirements of the *Planning Act*.
- b. after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-XX, the site plan approval, and all finally approved minor variances.

For the purposes of this section, a "complete application for site plan approval" means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.

v. Transition Clause Duration

Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.

ii. **Section 3: Definitions** is amended as follows:

- a. Delete the definition of **Basement** and replace it with the following:

Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed:

- 1.2 metres for lots Zoned R1, R2 or R3; or,
- 1.8 metres for lots in all other Zones.

- b. Add the term **Dormer** and the following definition:

Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area on each side of the roof.

- c. Delete the definition of **Grade, Established or Finished** and replace it with the following:

“Means

For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the front yard meets adjacent side lot lines;

For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure.”

- d. Revise the term **Height** to **Height, Building** and replace the definition with the following:

“Means the vertical distance measured between the established or finished grade and any of the following:

- On a flat roof or mansard roof, the highest point of the roof surface or the parapet, whichever is greater;
- On a gable, hip or gambrel roof, or any other type of pitched roof, the mean distance between the eaves and ridges of the roof; or,
- The highest point of a structure without a roof.”

- e. Add the term **Height, Finished First Floor** and the following definition:

“Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade.”

- f. Add the term **Roof, Flat** and the following definition:

“Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.”

- g. Add the term **Roof, Pitched** and the following definition:

“Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.”

- h. Revise the term **Garage, Residential** by adding “accessed via a driveway” after “Means an enclosed building or part thereof”, as follows:

“Means an enclosed building or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private motor vehicles, recreational vehicles and trailers.”

- i. Delete the definition of **Storey** and replace it with the following:

“Means

For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.2m above established grade.

For all other structures, a level of a building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar. Any portion of a building partly below grade shall be deemed a storey where its ceiling is more than 1.8m above established grade. Any portion of a storey exceeding 3.6 metres in height shall be deemed to be an additional storey.”

iii. **Section 4: General Provisions** is amended as follows:

a. Add the following to the table in **Section 4.2 Encroachments into Required Yards**:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<b>STRUCTURAL AND ORNAMENTAL FEATURES:</b>		
<i>Driveway</i>	Permitted in any yard of a residential zone	Subject to: i. Limits of Section 6.2 ii. Limits of Section 5.5

b. Add the following provision as **Section 4.9.2 Exception** and renumber Valid Building Permit in Effect as Section 4.9.3:

**Section 4.9.2 Exception**

Notwithstanding Section 4.9.1 (iii), a building or structure having a non-complying maximum finished first floor height may be enlarged, repaired or renovated, but the reconstruction of such building or structure shall comply with the maximum finished first floor height in accordance with Section 6.2.2.

c. Delete **Section 4.13 Conformity with an Established Building Line**.

d. Add **Section 4.24 0.3m Reserve** and the following provisions:

**Section 4.24 0.3m Reserve**

For the purposes of this By-law, a 0.3 m reserve shall:

- i. be considered to be part of the abutting road for the purposes of determining lot lines, and
- ii. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.

This regulation does not deem the lot to abut a street from which it is separated by a 0.3 metre reserve.

iv. **Section 6.2.2 Zone Standards** is amended as follows:

a. Delete column **Ex. 119** from the table.

- b. In the row **Maximum Lot Coverage**, add “Refer to Schedule D” in the columns for Zones A, B, C, D, E, F, G, H, J and K.
  - c. Replace the term **Max. Height** with **Max. Building Height**.
  - d. Delete the **Max. Building Height** provisions for Zones A, B, C, D, E, F, G, H, J and K and replace them with “8.5m”.
  - e. Add a row to the table for **Max. Finished First Floor Height** and insert “1.2m” in the columns for Zones A, B, C, D, E, F, G, H and J.
  - f. Delete “Each Side 1 Storey”; “Each Side 1.5 Storeys”, and “Each Side 2 Storeys” in the table under **From Interior Side Lot Line** and replace them with “Up to 4.2m Building Height”; “Up to 5.7 Building Height” and “Beyond 5.7m Building Height” respectively.
  - g. Delete the **Min. Yard Setback from Front Lot Line** provisions for Zones C, D, E, F, G, H, J, K, L and M and replace them with (\*16).
  - h. In the row **Exterior Side Lot Line**, add (\*18) for Zones C, D, E, F, G, H, J and K.
- v. **Section 6.2.3 Additional Requirements for Residential Zones** is amended as follows:
- a. Delete the first paragraph and replace it with the following:
    - i. The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application.
  - b. Add the following provision after the first paragraph:
    - ii. For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any permitted encroachments.
  - c. Add the following additional requirements after (\*15):

(\*16) The minimum front yard setback shall be one metre less than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road, but shall not be closer to the street line than 3m.

In addition to the above, the proposed front yard setback shall not be further from the street line than one metre greater than the average of the front yard setback of adjacent dwellings located within 60 metres on the same road.

(\*17) For a semi-detached dwelling the setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.

(\*18) The minimum exterior side yard setback requirement shall be one metre less than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line, but it shall not be less than the minimum prescribed in Section 6.2.2.

In addition to the above, the proposed exterior side yard setback shall not be further from the exterior side lot line than one metre greater than the average of the front yard or exterior side yard setbacks of the adjacent dwelling(s) located within 60 metres on the same side of the road as the exterior side lot line.

vi. **Schedule A (Maps)**

- a. Add the attached Schedule 1 as Schedule D: Lot Coverage to By-law 2010-40, as amended.
- b. Delete Schedule A Maps 10 and 13 and replacing them with Schedules 2 and 3 attached as new Schedule A Maps 10 and 13.

3. That Schedules 1, 2 and 3 attached to this by-law are declared to form part of this by-law.

Enacted this xxx day of xxx, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

DRAFT

