



PLANNING & BUILDING SERVICES

Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

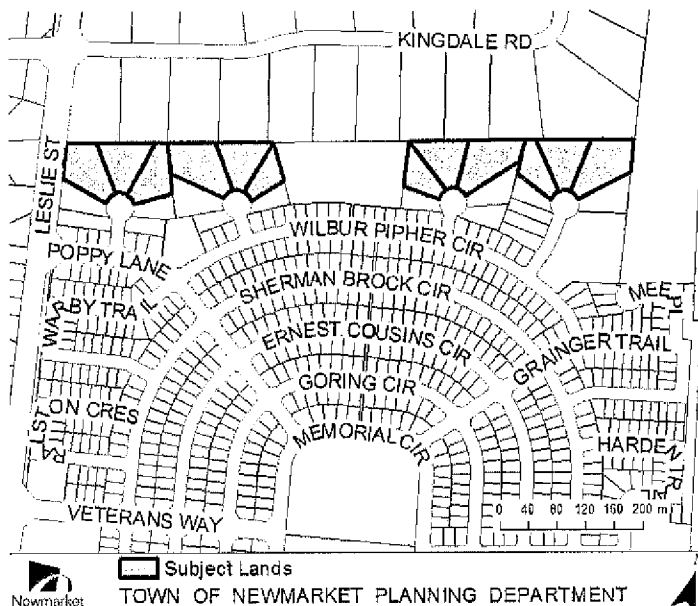
www.newmarket.ca
planning@newmarket.ca
T: 905.953.5321
F: 905.953.5140

PUBLIC MEETING CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

TUESDAY OCTOBER 20, 2015 AT 7:00 P.M.

in the Council Chambers at the Municipal Offices, 395 Mulock Drive, to review a proposed technical amendment to the comprehensive Zoning By-Law under Sections 34 of the *Planning Act*, R.S.O. 1990 c. P.13 as amended. This zoning By-law amendment is to correct a transcription error specifically as it relates to the rear yard minimum building setback for the subject lots. A map showing the affected lands is provided below.



ANY PERSON may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Zoning By-Law Amendment. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

IF YOU WISH TO BE NOTIFIED of the adoption of the proposed Zoning By-Law Amendment you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Zoning By-Law Amendment is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated October 1, 2015

Direct any inquiries to the
Planning Department 905-953-5321

18. Development and Infrastructure Services - Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a Proposed Zoning By-law Technical Amendment to the Town's comprehensive Zoning By-law.
- a) THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendations be adopted:
- i) THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;
- ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.



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August 20, 2015

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2015-37

TO: Committee of the Whole

SUBJECT: Proposed Zoning By-law Technical Amendment
Copper Hills (Goldstein) Subdivision 19T-90064
East side of Leslie Street south of Mulock Drive

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2015-37 dated August 20, 2015 regarding a technical amendment to the Town's comprehensive Zoning By-Law 2010-40 be received and the following recommendation(s) be adopted:

1. THAT the proposed technical amendment to comprehensive Zoning By-Law 2010-40 be referred to a public meeting;
2. AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

COMMENTS

Location

The subject lands are located within the Copper Hills (Goldstein) subdivision, on the east side of Leslie Street, south of Mulock Drive. Specifically the lots affected are 105, 106, 107, 118, 119, 120, 140, 141, 142, 157 and 158 on Registered Plan 65M-4378. (See Location Map attached)

Background

Copper Hills (Goldstein) subdivision and zoning approvals

Applications for draft plan of subdivision and zoning by-law amendment were appealed to the Ontario Municipal Board by the developer, 724903 Ontario Inc. for the Copper Hills (Goldstein) subdivision on the east side of Leslie Street from Council's refusal to enact the proposed amendment in 2001.

As a result of a two day mediation effort with the Town, developer, the Kingdale Road Residents Group and the Region of York, Minutes of Settlement had been entered into by all parties. A zoning by-law was prepared and conditions of draft approval were drafted, as agreed to by all parties, and approved by the OMB through Order 1597 on November 15, 2002. Specifically, these Minutes of Settlement and Zoning By-law amendment included a provision that required a 45m setback to the northerly lot line of the subdivision adjacent to existing estate lots on Kingdale Road. Specifically item 13 of the Minutes of settlement read:

The Parties agree that the proposed zoning by-law for the subject property will be amended to provide the following siting specifications for proposed lots any parts of which are located within 45m of the northernmost limit of the subject property:

(i) a rear yard (minimum) from any north rear lot line: 45m;

(ii) a side yard (minimum) from any north side lot line: 45m

The site specific by-law included a provision that read:

Providing that notwithstanding any other provisions of the by-law to the contrary, no building or structure or any part thereof, save and except for any structures associated with stormwater management facilities, shall be located within 45 metres of the north boundary of the lands affected by this by-law and shown of Schedule "X" attached hereto.

Comprehensive Zoning By-law 2010-40

Council adopted Zoning By-Law 2010-40 on June 1, 2010 as the Town's new comprehensive zoning by-law. The new By-law 2010-40 replaced the previous Zoning Bylaw 1979-50 and is a set of regulations governing land uses, buildings, and structures within the Town. As Council are aware, a zoning bylaw is a prescriptive document that inherently has little flexibility.

In reviewing proposed sitings for a lot adjacent to the northerly property line of the subdivision, staff realized that the requirement for the 45m setback was inadvertently omitted from the Comprehensive Zoning By-Law 2010-40 and the normal and usual 9m setback would apply to these lands. As the setback was based on minutes of settlement and approved through the Ontario Municipal Board, it is appropriate to amend the comprehensive zoning by-law to re-establish the 45m setback.

However, it is our understanding that the owners of the land (Copper Hills) would prefer to have a lesser setback than the 45m to allow for a house design that the developer indicates would be better suited for the established lots that cannot be achieved with a 45m setback. We assume the owner of the lands will provide formal comments on this proposed technical amendment either at the recommended public meeting for otherwise.

Official Plan Considerations

The subject lands are designated Emerging Residential in the Town's 2006 Official Plan which permit this form of dwelling unit. The Official Plan does not provide details on standards for specific zones, but rather recognizes that the zoning by-law regulates the use of land including the erection, location and use of buildings. The requested relief would conform to the general intent and purpose of the Official Plan.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. This technical amendment is consistent with the PPS.

Departmental and Agency Comments

Comments received from department and agencies will be addressed throughout this process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The continued development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.

Well-Planned & Connected: implementing the policies of the Official Plan

COMMUNITY CONSULTATION POLICY

A statutory public meeting will be required as part of the Planning Act requirements for the proposed changes to the zoning bylaw.

BUDGET IMPACT

Should the technical amendment process be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

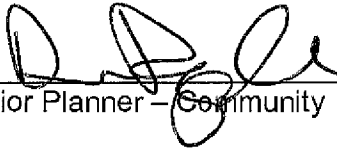
Location Map



Director of Planning and Building Services

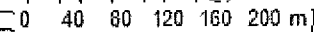


Commissioner of Development and Infrastructure
Services



Senior Planner – Community Planning

**Lots 105, 106, 107, 118, 119, 120, 140,
141, 142, 157 and 158 on Registered Plan 65M-4378
Town of Newmarket
Regional Municipality of York**



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