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Housekeeping Zoning By-law Amendment 292 – 294 Court Street Staff Report to Council

Report Number: 2021-62

Department(s): Planning and Building Services

Author(s): Stephanie February

Meeting Date: September 13, 2021

Recommendations

1. That the report entitled House-Keeping Zoning By-law Amendment 292 – 294 Court Street dated September 13, 2021 be received; and,
2. That Zoning By-law 2020-52 be repealed; and,
3. That Staff be directed to forward the attached Zoning By-law to a regular Council Meeting for approval; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

This report is to seek Council's direction to repeal By-law 2020-52 and replace it with a new by-law that clearly implements Council's approval.

Background

The lands located at 292 – 294 Court Street, legally described as Lot 5, Plan 25 (subject lands) were previously subject to a Zoning By-law Amendment to rezone the subject lands from Residential Semi-Detached/Duplex Dwelling 21.3m (R2-K) Zone, to Residential Single Detached Dwelling 9.7, (H)(R1-F) Holding Zone. The purpose of the rezoning was to facilitate future development of two single detached dwellings on the subject lands with a proposed minimum lot frontage of approximately 10 meters and lot

area between 508 square meters and 538 square meters. Council approved the zoning by-law amendment in 2020 and passed [By-law 2020-52](#) on September 21, 2020.

Discussion

As stated in [staff report 2020-64](#), staff recommended that holding provisions be included as part of the zoning by-law. However, the implementing by-law (By-law 2020-52) does not clearly capture Council's approval, which is to rezone the subject lands to permit single detached dwellings, as well as to put holding provisions on the property. By-law 2020-52 contains a table that outlines the conditions for removing the holding provisions (H), which demonstrates that the intent of the by-law was to put holding provisions on the property as stated in the original staff report, however the wording of By-law 2020-52 and Schedule attached to the by-law did not specify the H.

The Proposed Replacement By-law Does Not Change the Intent of the Original Zoning Approval

The proposed by-law (refer to Attachment 1) would replace By-law 2020-52 to ensure the holding (H) provisions are clearly stated in both the text and Schedule of the by-law, **no other changes are suggested.**

Conclusion

Repealing By-law 2020-52 and replacing it with Attachment 1 to this report will ensure that the original Council approval regarding the Holding provisions is clear and consistent throughout the by-law and its attachments.

Business Plan and Strategic Plan Linkages

None

Consultation

Legislative Services and Legal Services were consulted on a suitable course of action. It was recommended by both departments that repealing By-law 2020-52 and enacting a new by-law to clearly implement the original Council approval would be the best approach.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – By-law 2021-XX

Submitted by

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Approved for Submission

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Peter Noehammer, Commissioner, Development and infrastructure Services

Contact

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