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## **Zoning By-Law Amendment – 281 Main Street North Staff Report to Council**

Report Number: 2021-88

Department(s): Planning and Building Services

Author(s): Patricia Cho

Meeting Date: December 6, 2021

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 281 Main Street North dated December 6, 2021 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by 281 Main Street North Inc., for lands known municipally as 281 Main Street North, be approved; and,
3. That the Draft Plan of Subdivision approval be extended for three years after the approval of the rezoning; and,
4. That Marianna Karamyan, of Options Development, 31 Scarsdale Road, Unit 2, North York, ON, M3B 2R2, be notified of this action; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

In 2016, a rezoning application was approved which would have created nine (9) townhouse units and two (2) semi-detached dwelling units on the subject lands. In 2020, an application for minor variance was approved to increase the number of townhouse units from nine (9) to eleven (11). This application seeks to amend the zoning to replace the two (2) semi-detached dwelling units with five (5) additional townhouse units on the lands. Once constructed, this is intended to be a condominium comprised of sixteen (16) townhouse units.

Town staff have reviewed the application to amend the existing Residential Townhouse Dwelling 3 Exception 132 ((H)R4-R-132) Zone to permit the development of five (5) townhouse units on the eastern portion of the subject lands known municipally as 281 Main Street North.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy frameworks. A statutory public meeting was held on September 20, 2021.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, and (4) an outline of feedback received.

## **Purpose**

This report serves to provide information and recommendations on the application for Zoning By-law Amendment for the subject property at 281 Main Street North.

This report discusses the application as it has been received and reviewed by staff from the Town and its development review partners, along with comments from members of Council and the public. The recommendations of the report, if adopted, would result in amendments to Exception 132 in Zoning By-law 2010-40, as amended by By-law 2016-63 to permit the proposed development.

## **Background**

### **Subject Lands**

The subject lands are located on the east side of Main Street North, south of Old Main Street (formerly Deviation Road). The lands have an area of approximately 0.54 acres and a lot frontage of approximately 82 square metres along Main Street North. The lands are currently vacant. The surrounding land uses are as follows:

**North:** Existing residential dwellings on Jim Barber Court (across Old Main Street)

**East:** Rail corridor

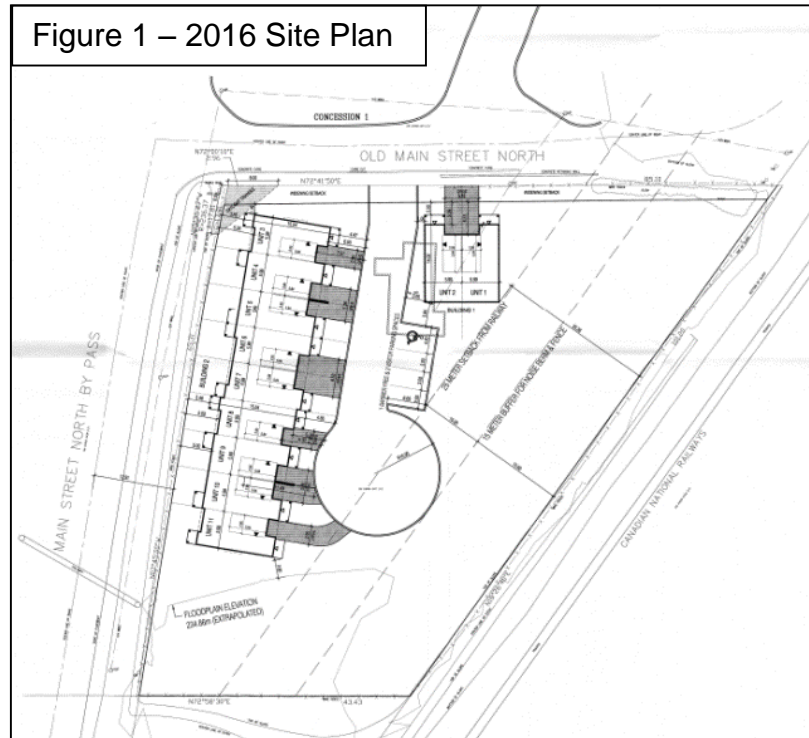
**South:** Town-owned property zoned Open Space

**West:** Existing residential dwellings (across Main Street North)



## Proposal

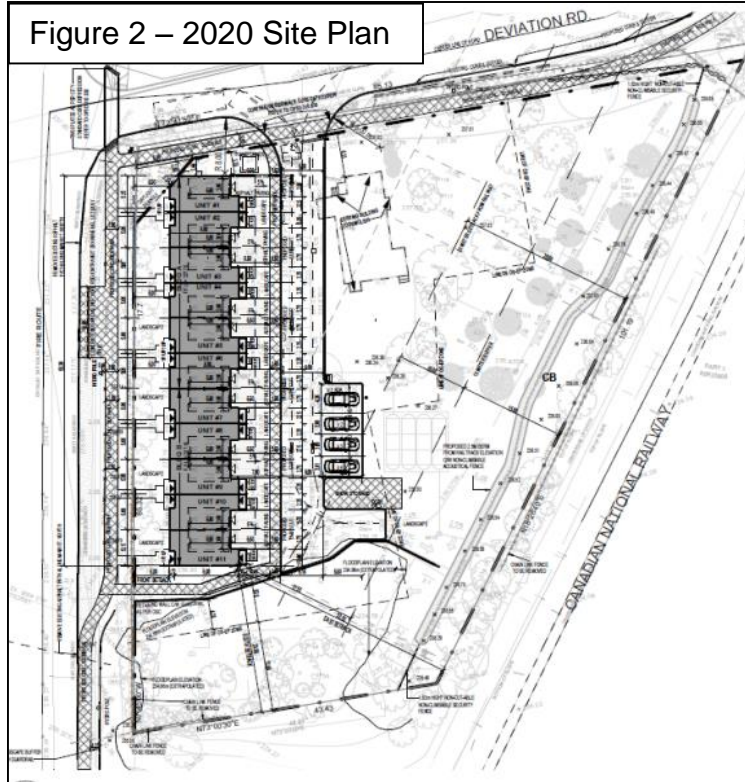
The subject lands were rezoned and a draft plan of subdivision was approved in 2016 to permit the development of nine (9) townhouse units and two (2) semi-detached dwelling units. The original approved site plan is illustrated in Figure 1.



In 2020, the subject lands were granted a minor variance for two (2) additional townhouse units, making the total eleven (11) townhouse units on the western side of the lands. The site plan is illustrated in Figure 2. The eastern portion of the lands were not illustrated as the intent of the minor variance was for the western portion of the lands.



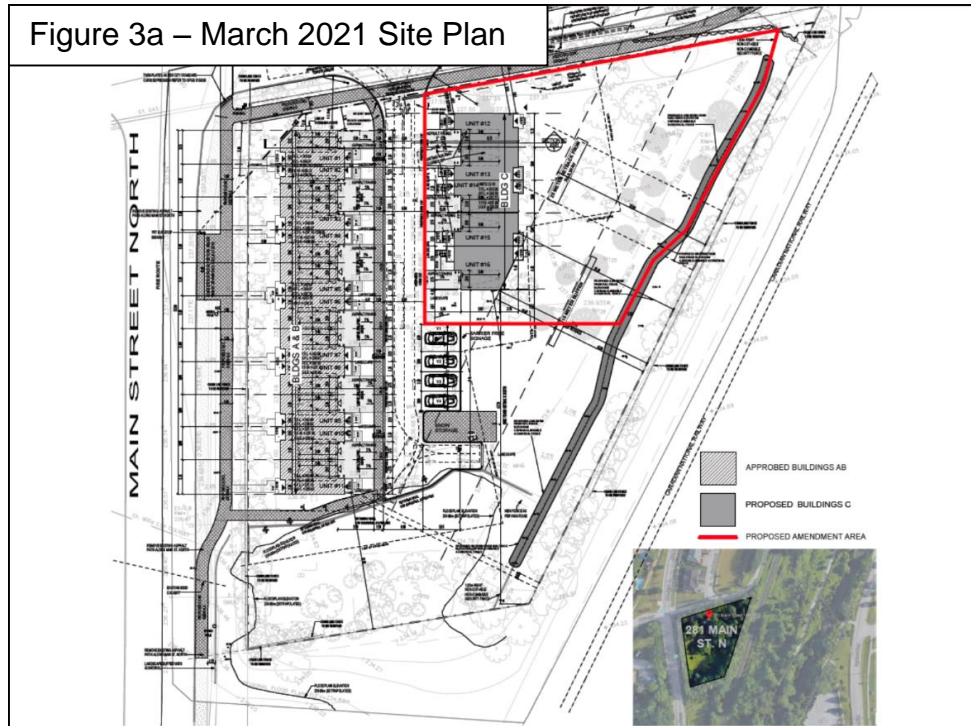
Figure 2 – 2020 Site Plan



At this time, the applicant is proposing to amend the existing Residential Townhouse Dwelling 3 Exception 132 ((H)R4-R-132) Zone to permit the development of five (5) townhouse units on the eastern portion of the lands, replacing the previously approved ~~for~~ two (2) semi-detached dwelling units. With this change, there would be sixteen (16) townhouse units on the entire subject lands if approved (11 previously approved on the west side of the property, and 5 on the east side of the property that are the subject of this application). The site plan is illustrated in Figure 3a.

The change in built form warranted a new rezoning application. The application seeks to increase the number of dwelling units from two (2) to five (5) on the eastern portion of the lands. The applicant is requesting to amend the number of maximum townhouse units permitted, remove the provisions that speak to semi-detached dwelling units, and amend the provision for minimum lot frontage to reflect the approval from the minor variance decision.

Figure 3a – March 2021 Site Plan



The statutory public meeting was held on September 20, 2021. At the public meeting, there were concerns in regard to the number of proposed parking spaces. The proposal met the current site specific parking space requirements, however in response to the concerns that were raised, the applicant has revised the site plan to include two (2) additional visitor parking spaces, for a total of six (6) visitor parking spaces, whereas the original proposal included four (4) visitor parking spaces. The proposed snow storage has been relocated to the east of the visitor parking spaces whereas it was to the south of the visitor parking spaces in the original proposal. The overall layout, built form, location of access, and location of parking spaces remains unchanged. The revised site plan is illustrated in Figure 3b.

A future application for site plan approval and draft plan of condominium will be required, should the application for rezoning be approved.

## Discussion

The following section will review the development proposal against applicable planning policy.

## Provincial Policy Statement

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy

foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Planning decisions shall be consistent with the Provincial Policy Statement.

The Town of Newmarket is considered a “Settlement Area” within the PPS, which is a focus area for growth and development. The PPS indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. Through the Official Plan, the Town has identified that intensification, such as infilling, may occur in Residential Areas subject to compatibility criteria.

The PPS provides policies that direct development away from areas of natural or human-made hazards. The proposed development will be outside the buffer area to the Open Space Zone.

The proposed development is consistent with the PPS as it supports residential intensification through infilling within a settlement area, promotes the use of existing infrastructure and services and is not located within an area of natural or human-made hazards.

## **A Place to Grow – Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by managing growth throughout the Greater Golden Horseshoe. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Regional and municipal official plans are required to conform to the Growth Plan, as well as decisions on individual planning applications.

The Growth Plan directs growth to settlement areas and prioritizes intensification, with a focus on strategic growth areas, including delineated built-up areas, urban growth centres and major transit station areas. The proposed development is consistent with the Growth Plan by encouraging infill development that promotes the use of existing infrastructure and servicing, within a delineated built-up area.

## **York Region Official Plan**

The York Region Official Plan (YROP) designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth and diverse mix of land uses. A minimum of 40% of all residential development in York Region is to occur

within the built-up area, which includes the subject lands. This application supports the achievement of this target.

## **Newmarket Official Plan**

The subject property is designated Residential Areas and Floodplain on Schedule A – Land Use Plan of the Town’s Official Plan. The main objectives of the Residential Areas designation are: to provide a range of residential accommodation by housing type, tenure, size and location; establish zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood; and, recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through Planning Act applications.

This designation permits a range of residential types, including townhouses, provided that the proposed development is compatible with the existing character of the neighbourhood. There are currently townhouses to the north of Main Street North, off of Jim Barber Court, and the previously approved development proposal for townhouses on the western portion of the subject lands. The proposed townhouses is considered to be a compatible built form on the subject lands.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the Zoning By-law:

**a. the proposed change is in conformity with this Plan;**

The proposal would amend the provisions within the current site specific zone, Residential Townhouse Dwelling 3 Exception 132 ((H)R4-R-132) Zone. A review and analysis of the submitted studies and reports in light of the policies of the Official Plan has been conducted and staff are in the opinion that the proposed amendment is in conformity with the Official Plan.

**b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;**

The proposed residential use is similar to the surrounding land uses, which is/will predominantly be comprised of similarly-sized townhouse units.

**c. potential nuisance effects upon adjacent uses are mitigated;**

There are no buildings immediately abutting the proposed development. There are residential dwelling units to the north, separated by a street. The subject lands are bounded by a creek and rail line to the east. To the south are undeveloped Town owned lands. No nuisance effects are anticipated.

**d. adequate municipal services are available;**



From an infrastructure perspective, the applicant has provided a functional servicing report that has been reviewed by Engineering Services. It is not anticipated that the additional townhouse units would impose significant concern with respect to water and wastewater capacity. Servicing allocation is discussed below.

**e. the size of the lot is appropriate for the proposed uses;**

The size and frontage of the proposed dwelling units will meet all the site-specific zoning requirements of the (H)R4-R-132 Zone and the approved minor variances.

**f. the site has adequate road access and the boundary roads can accommodate the traffic generated;**

The site will have full-movement access onto Main Street North. There are no concerns with the ability of the streets to accommodate the traffic.

**g. the on-site parking, loading and circulation facilities are adequate; and,**

The on-site parking for each dwelling will sufficiently meet the site-specific zoning requirements approved through By-law 2016-63.

**h. public notice has been given in accordance with the Planning Act.**

Public notice has been provided in accordance with the Planning Act.

The proposed development would meet all provisions of Section 16.1.1 of the Official Plan.

## **Zoning By-law Considerations**

The subject property is currently zoned (H)R4-R-132 Zone under Exception 132 of the Town's Zoning By-law 2010-40, as amended by 2016-63. The intent of the rezoning is to permit the development of an additional five (5) townhouse units on the eastern portion of the subject lands, whereas it was previously approved for two semi-detached dwellings units. The provisions related to the semi-detached dwelling units are intended to be removed. The remaining site specific standards set out in Exception 132 of By-law 2010-40 (By-law 2016-63) and through the granted minor variance are intended to remain.

A draft site-specific Zoning By-law has been attached to the report for reference.

## **Draft Plan of Subdivision Approval**

The application for Draft Plan of Subdivision was approved in 2016. It is standard practice to include a note that the approval may expire after three years at the Town's discretion. As the applicants are currently working through the rezoning process, it is recommended that the approval be formally extended for three years after the approval of this zoning application.

## **Servicing Allocation**

Servicing allocation has been granted for eleven (11) townhouse units. Allocation would be required for the additional five (5) townhouse units. Allocation is addressed annually as part of the annual servicing allocation request. The next such report is scheduled for Q2, 2022.

## **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose holding provisions ("H") on a Zoning By-law to limit the use of lands until the provision is removed. The holding provisions implemented through By-law 2016-63 are still in place. These include:

- Servicing allocation granted by Council,
- Execution of a Site Plan Agreement, and,
- A Noise and Vibration Study.

## **Site Plan Agreement**

The applicant will be required to enter into a Site Plan Agreement (SPA) for the redevelopment of this site, as required through the holding provision (as per the above section). The applicant has previously submitted a Site Plan approval application with the original proposal. A revised site plan application submission will be required with updated plans and studies. A comprehensive review will be completed by Town staff and review partners as part of the site plan approval process.

## **Agency and Public Comments**

The development proposal has been circulated to the public and the Town's internal and external review partners.

## **Engineering Services**

The Town's Engineering Consultant, has reviewed the application and stated they have no objections to the proposed amendment. It is not anticipated that the proposal of five additional townhouse units would impose any significant concern with respect to traffic and water and wastewater capacity. The detailed servicing and stormwater management design and report, detailed acoustic assessment report and construction vibration control plan will be further reviewed during the site plan approval process.

The Town's Greenspace Coordinator has reviewed the application and has stated that they have no comments regarding the application.

### **Central York Fire Services**

Central York Fire Services have reviewed the application and stated they have no objection to the proposed application.

### **York Region**

York Region has reviewed the application and stated they have no comments on the proposed Zoning By-law Amendment.

### **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application and as the EP boundary is not intended to change with this application, LSRCA has stated they have no objections to the Zoning By-law amendment. LSRCA will continue review the details through the site plan approval process.

### **Other Review Partners**

- Urban Forest Innovations Inc. (the Town's retained arborist) has reviewed the application and has stated that the tree valuation methodology used to calculate tree valuation results must be outlined in the revised arborist report. This will be further reviewed during the Site Plan approval process.
- Canada Post has reviewed the application and has determined that the townhouse units will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes. Canada Post has provided a list of conditions for the owner/developer to comply with.
- Enbridge Gas Inc. has reviewed the application and does not object to the proposed application.
- Rogers Communications has advised that they do not have any comments or concerns on this application.
- The Southlake Regional Health Centre has advised that they do not have any comments on this application.

### **Effect of Public Input**

A statutory public meeting was held in September of 2021. The comments received in regard to the proposed Zoning By-law Amendment were concerns in regard to parking.

There were concerns in regard to the number of proposed parking spaces per dwelling unit. As per Exception 132 of By-law 2010-40, the minimum outdoor off-street parking requirement is 1.0 parking space per dwelling unit. The applicant is proposing 1.0 parking space per dwelling unit, located exterior (on the driveway). There will also be one parking space in the garage. The proposed development conforms to the current site-specific zone standards.

Residents expressed concern that parking from the proposed development would “spill over” onto Jim Barber Court. As described above, the proposal provides unit parking for residents in conformity with the zoning requirements. In specific response to this concern, the applicant added two more visitor spaces thereby proposing a total of 6 visitor spaces, which exceeds the minimum required 3 visitor spaces.

## **Conclusion**

The zoning by-law amendment application meets the intent of, and is consistent with, the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, York Region Official Plan and the Town’s Official Plan.

Staff recommend approval of the application. Further refinement of the application will take place as part of the site plan approval application.

## **Business Plan and Strategic Plan Linkages**

- Extraordinary Places and Spaces

## **Consultation**

As detailed in this report, public and agency notice was completed as per the requirements of the Planning Act. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held on September 20, 2021.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

## **Attachments**

Attachment 1 – Draft By-law

Attachment 2 - Location Map

Attachment 3 – Site Plan November 2021

## **Submitted by**

Patricia Cho, HBA, MSc (Planning)  
Planner, Development

## **Approved for Submission**

Adrian Cammaert  
Manager, Planning Services

Jason Unger, MCIP, RPP  
Director, Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner, Development & Infrastructure Services

## **Contact**

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