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## **Zoning By-law Amendment – 1015, 1025, 1029 Davis Drive and 22 Hamilton Drive Staff Report to Council**

Report Number: 2023-10

Department(s): Planning and Building Services

Author(s): Kaitlin Friesen, Planner, Development Services

Meeting Date: March 6, 2023

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 1015, 1025, 1029 Davis Drive and 22 Hamilton Drive dated March 6, 2023 be received; and,
2. That the application for a Zoning By-law Amendment, as submitted by Lulu Holdings Inc., for 1015, 1025, 1029, and 22 Hamilton Drive, be approved; and,
3. That staff be directed to present the Zoning By-law Amendment, including the necessary Holding provisions, to Council for approval; and,
4. That Lulu Holdings Inc. and Weston Consulting, 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**

A Zoning By-law Amendment application has been received to amend Zoning By-law 2010-40 to permit the development of 24 townhouse units and 4 semi-detached units on the subject land municipally addressed as 1015, 1025, 1029 Davis Drive and 22 Hamilton Drive.

The Zoning By-law Amendment proposes to rezone the subject land to a site specific zone to implement the proposed development. As servicing has not been allocated to this proposal, the proposed Zoning By-law Amendment includes the Holding Provision to ensure allocation is provided prior to final site plan approval.

Staff have reviewed the development proposal against the relevant Provincial, Regional, and local policy documents and have concluded that the proposal is in conformity with the policy framework.

## Purpose

This report provides recommendations to Council on the application for a Zoning By-law Amendment for the subject land municipally addressed as 1015, 1025, 1029 Davis Drive and 22 Hamilton Drive.

The recommendations of the report, if adopted, would result in an amendment to the Zoning By-law to permit the proposed development, and apply necessary holding provisions.

The applicant has also submitted a Site Plan application to review technical site details. Should Council approve the Zoning By-law Amendment, the site plan application would continue to be processed by Town Staff and reviewing agencies.

## Background

### Subject Land

The subject land is comprised of 4 parcels, municipally known as 1015, 1025, and 1029 Davis Drive and 22 Hamilton Drive. The parcels have a combined area of approximately 0.72 hectares (1.77 acres) and are located on the northwest corner of Davis Drive and Hamilton Drive (refer to Schedule A). The properties are currently occupied by single detached dwellings.



The subject land is located in a predominantly residential area and is located in close proximity to commercial land uses to the east at the intersection of Leslie Street and Davis Drive.

## The Proposal

The applicant is proposing to redevelop the subject land with 24 townhouse units and 4 semi-detached units on a private condominium road.

Two-storey semi-detached units (Blocks C1 and C2) are proposed to front onto Hamilton Drive. Two-storey townhouse units (Block E) are proposed to provide internal transition on the site. The two-storey blocks are shown below in orange. The remaining blocks (Blocks A, B, and D) are proposed to be three-storey townhouse dwellings, shown in yellow. Several units within the development have been designed to accommodate elevators, allowing those units to be accessible to people at all stages of life.

Each dwelling includes private amenity space in the form of private rear yards, balconies, and rooftop terraces. A shared amenity space is proposed on the northeast corner of the subject land. This area is proposed to be accessible to the public and would include amenities such as benches and a picnic table.

Tree plantings and privacy fences are proposed along the north and northwest portion of the site to provide buffering and privacy between adjacent properties. A mix of trees, shrubs, and ornamental plantings are proposed along the Davis Drive and Hamilton Drive frontages to create an attractive interface between the public and private realm.

The proposed development has been designed to protect for a potential future connection for vehicular and pedestrian access to the properties to the west, connecting to Belfry Drive. The proposal is illustrated by the concept site plan on Schedule B.



## **Zoning By-law Amendment**

The properties are currently zoned Residential Detached Dwelling 18 metre Zone (R1-C) by Zoning By-law 2010-40. The applicant is seeking to amend Zoning By-law 2010-40 to permit 24 townhouses and 4 semi-detached dwellings, and develop site specific zone standards. The proposed zoning exceptions are outlined in the draft zoning by-law amendment attached as Schedule C.

The application was deemed complete on February 8, 2021. The submission material was circulated to internal departments and external agencies for their review and comment.

A Statutory Public Meeting was held on May 10, 2021, as required by the *Planning Act*. A Site Plan Review Committee (SPRC) meeting was held on April 11, 2022.

Following the Public Meeting and SPRC meeting, revised submissions were made by the applicant to address comments received from the public and the Site Plan Review Committee.

## **Discussion**

The following sections outline the relevant Planning Policy Context and the development considerations that have been analyzed during the review process. The comments from the various commenting agencies are outlined. The effect of the public consultation process is also discussed.

### **Planning Policy Context**

Planning decisions must be reviewed in terms of the relevant planning policies and legislation.

### **Provincial Policy Statement (PPS)**

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

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 must be consistent with the Provincial Policy Statement.

The PPS requires municipalities to provide a range and mix of housing options and densities. This is to be accomplished by providing housing options and intensification, directing development to locations with existing infrastructure, and promoting transit supportive densities to facilitate a compact urban form.

The proposed Zoning By-law Amendment is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket, on fully serviced lands, allowing for efficient use of existing infrastructure.

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

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe provides guidance for decisions and a growth management policy direction for the Greater Golden Horseshoe. The Growth Plan contains policies directing municipalities to create complete communities; reduce the dependence on private automobile through mixed-use and transit-supportive development; support transit, walking, and cycling; and achieve an appropriate transition of built form to adjacent uses.

The proposed development helps fulfill the direction of the Growth Plan. The subject site is identified as “Built-Up Area” by the Growth Plan, which must accommodate a minimum of 50% of all residential development occurring annually. Consistent with the Growth Plan, the proposal provides for growth through intensification within the existing built-up area of Newmarket using infill and redevelopment. The proposed development includes some densities that are higher than the existing neighbourhood, but in a manner that is sensitive to existing dwellings, through design, building placement, access, and separation.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **York Region Official Plan**

The subject land is with the Urban Area as identified in York Region’s Official Plan. The subject land is designated as “Community Area” within the “Urban System”.

Community Areas are intended to support the majority of residential growth in the Urban System. York Region’s Official Plan requires that Community Areas contain a wide range and mix of housing types, sizes, tenures that include options that are affordable to residents at all stages of life (Section 4.2.2.).

1015, 1025, and 1029 Davis Drive are located within a Major Transit Station Area (MTSA), as identified on Appendix 2 of the Regional Official Plan. The Regional Plan is clear that the Region’s MTSA’s and Corridors (in addition to Centres) are to be the primary locations for the most intensive and greatest mix of development within the Region, and that development is to be of an urban form and design that is compact, mixed use, oriented to the street, pedestrian and cyclist friendly, and transit supportive.

The proposed development supports and is consistent with these policies.

### **Town of Newmarket Official Plan**

The subject land is designated “Residential Area” on Schedule A – Land Use of the Town of Newmarket Official Plan.



The objectives of the Official Plan Residential policies (recently amended by the Established Neighbourhood Study process) are to provide for a range of residential accommodation while maintaining the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.

In the Residential Area designation, semi-detached dwellings are permitted. In this designation, townhouses are also permitted but only where it is demonstrated that they are compatible with the existing neighbourhood.

The Town's Official Plan recognizes the desirability of gradual ongoing change by allowing for contextually sensitive development through Planning Act applications, to permit development which contributes to 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.

The proposed development conforms to the Official Plan by adding to the mix of housing types within the Town of Newmarket. The proposal provides a compact built form allowing for the efficient use of land and infrastructure, and promotes the use of active transportation and public transit options.

As outlined in Section 12.4 (Compatibility) of the Official Plan, development will be required to demonstrate how its design fits with the existing character of the surrounding area. Staff are confident that distance, privacy fences, and plantings would mitigate the impact of new neighbours.

A substantial setback (10 metres) is proposed on the north side of the development. This setback allows for enhanced landscape screening and tree planting along the shared property line. The applicant is also proposing a 1.8 metre (6 ft.) wood privacy fence along all shared lot lines. This is the maximum height permitted for residential fences in the Town's Fence By-law.

The applicant is proposing two-storey semi-detached units (Blocks C1 and C2) on the east side of the development, fronting onto Hamilton Drive, to provide gentle transition on Hamilton Drive from the existing single detached dwellings to the three-storey townhouse units fronting on Davis Drive. Similarly, two-storey townhouse units (Block E) are also proposed to provide internal transition on the subject land to the existing residential to the west.

Based on feedback received through the consultation process, the roofline of the three-storey townhouse unit closest to the west property line (Block A, Unit 1) has been cut back and the mechanical penthouse has been reconfigured to minimize the visual impact of the unit on the adjacent property to the west.

Should the Zoning By-law Amendment be approved, the detailed architectural elements (including building design, façade/roof articulation, and colours/materials) would continue to be reviewed through the on-going site plan application process. Through this

process, the development would be subject to the Town's Urban Design Guidelines and must demonstrate how the detailed design elements complement the character of the existing neighbourhood.

The concept has been revised throughout the review process and it is now the opinion of staff that this application supports and is consistent with the policies of the Official Plan. The applicant has demonstrated how the development is compatible and provides transition to the existing lower density residential area. Based on the new OP policies, the Official Plan Amendment is no longer required.

### **Official Plan Policy for ZBL Amendments**

Section 16.1.1, Policy 3 of the Town's Official Plan sets out the criteria for considering Zoning By-law Amendments. In considering such amendments, Council shall be satisfied that:

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

As discussed above, in the Residential Area designation, semi-detached dwellings are permitted. In this designation, townhouses are also permitted but only where it is demonstrated that they are compatible with the existing neighbourhood. The applicant has demonstrated how the proposed development is compatible, and provides transition to the existing residential dwellings. Therefore, the proposed change is in conformity with the Official Plan.

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

As noted above, compatibility is achieved by the use of low density / ground-oriented development adjacent to an existing low density neighbourhood, thoughtful building placement, enlarged setbacks, and changes to rooflines and location of mechanical penthouses. Through the site plan process, fencing and vegetation will be employed to mitigate any potential impacts.

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

Appropriate fencing and landscape planting will mitigate nuisance effects between residential uses.

*d. adequate municipal services are available;*

The submitted reports have demonstrated that the development can have access to adequate servicing infrastructure. A holding provision will be used, conditional upon servicing allocation being granted by Council. Engineering Services has advised that there are no objections to the Zoning By-law Amendment.

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

The proposed lot sizes are appropriate for the proposed residential dwellings.

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

The submitted traffic studies have been found to be acceptable.

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

The proposal provides for sufficient parking for both residents and visitors. The standards required by the Zoning By-law have been met. The applicant is not seeking a reduction in parking.

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

Public notice has been provided in accordance with the *Planning Act* for the Statutory Public Meeting and the notice of complete application.

Based on the above analysis, the criteria for considering and approving a Zoning By-law Amendment have been met.

### **Town of Newmarket Zoning By-law 2010-40**

The subject land is currently zoned Residential (R1-C) by Zoning By-law 2010-40. Townhouses and semi-detached dwellings are not permitted in this zone.

The applicant has submitted a Zoning By-law Amendment application to rezone the subject land to a site specific zone that would permit townhouse and semi-detached dwellings on a private road, subject to site specific zone provisions.

### **Servicing Allocation**

To date, servicing has not been allocated to this development. Servicing allocation will be considered in the annual servicing allocation report, scheduled for a future Committee of the Whole Meeting. A Holding provision in the By-law is proposed to ensure servicing is in place prior to the development proceeding.

### **Holding Provision**

In accordance with Section 36 of the Planning Act, Council may impose Holding provisions ('H') on a Zoning By-law Amendment to limit the use of land until the 'H' provisions are removed. In this application, the proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement;
- Servicing Allocation;
- Compensation for tree removal; and,
- Clean Record of Site Condition to be acknowledged by the Ministry.



## Future Applications

Once Site Plan Approval is granted, the applicant would create the lots through removal of Part Lot Control and a condominium plan. An application to remove the Holding Provision would also be required.

## Development Considerations

During the review and processing of this application, the following items have been highlighted and considered. How they have been incorporated or mitigated, as appropriate, is discussed below.

### Snow Storage

The applicant has allocated an area for snow storage beside the visitor parking spaces to meet the requirements of the Zoning By-law. Snow storage is not permitted or proposed within the required landscape buffers that are adjacent to the shared property lines.

### Parking

The initial concept plan presented at the Public Meeting included a request for a parking reduction. The applicant has since revised the application to increase the number of parking spaces to be consistent with the requirements of the zoning by-law, for both residents and visitors.

For ease of comparison, the required and proposed parking provisions are outlined below. Separate visitor parking spaces for semi-detached units are not required.

Parking Type	Required Parking Rate By Zoning By-law 2010-40	Proposed	Conclusion
Townhouse resident parking (24 units)	1.5 parking spaces per dwelling unit	36 resident spaces	<b>Meets Zoning By-law 2010-40</b>
Townhouse visitor parking	0.25 visitor spaces per townhouse dwelling unit	6 visitor parking spaces	<b>Meets Zoning By-law 2010-40</b>
Semi-detached residential parking (4 units)	2 parking spaces per dwelling unit	8 resident spaces	<b>Meets Zoning By-law 2010-40</b>

In summary, 44 surface spaces are provided for residents, plus 6 shared visitor parking spaces, for a total of 50 parking spaces. The number of parking spaces provided on site for residents and visitors complies with the Zoning By-law.

### **Outdoor Amenity Area**

An outdoor amenity area is planned for the development within the northeast portion of the subject land along Hamilton Drive. A landscape buffer is proposed along the north property line between the amenity space and shared lot line. The location of the amenity area provides an increased setback between the proposed semi-detached units and the existing residence to the north. Should the Zoning By-law Amendment be approved, the detailed design of the amenity area would be further considered through the on-going site plan application.

### **Conclusion**

The proposed Zoning By-law Amendment has been circulated to the Town's internal departments and external agencies and they have provided comments indicating that there are no concerns with the approval of the zoning by-law application.

The proposed development and its associated Zoning By-law Amendment are consistent with provincial policy and are in conformity with the York Region Official Plan and the Town of Newmarket Official Plan.

Further refinement may take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning.

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

- Council's Strategic Priority - Vibrancy on Yonge, Davis and Mulock is met through the redevelopment of several properties on an important corridor with access to existing infrastructure and serviced by public transit.
- Town of Newmarket Strategic Plan – Well Planned & Connected and Well Balanced is met through providing opportunities for a range and mix of housing types for all stages of life, including accessible units.

### **Consultation**

#### **Agency and Department Comments**

The application and associated technical reports were circulated to all internal departments and external review agencies. Comments received indicate there is no objection to the proposed Zoning By-law Amendment, with the inclusion of a 'Holding' provision.

Technical comments will be addressed through a Site Plan Application that is currently under review.

### **Effect of Public Input**

A Statutory Public Meeting was held on May 10, 2021. This meeting provided the public and interested persons an opportunity to comment on the application.

Notice of the Committee of the Whole meeting has been provided to persons and public bodies under the *Planning Act*.

Comments were received from the public at the statutory Public Meeting and through email. The following section outlines the broad categories of the public comments and how they have been addressed.

### **Concerns related to noise and construction**

Approval of an Environmental Noise Feasibility Study and Vibration Area of Influence Study will be required as part of the Detailed Design stage, along with a Construction Management Plan. These documents have been submitted for the on-going Site Plan application.

### **Parking availability, including overflow parking issues on the adjacent street network**

Dedicated visitor parking spaces have been provided within the development. The parking provided for residents and visitors meets the Zoning By-law requirements.

### **Location of amenity area**

Correspondence was received regarding the location of the common amenity area that abuts the existing single detached dwelling to the north. This area is intended to be a passive amenity area and function similar to a backyard space. The proposed amenity area includes tree, shrub, and ornamental plantings and provides a natural landscape buffer and transition between the proposed development and existing lower density development. While the proposed amenity space is intended to be accessible to the public, it would be maintained by the future condominium corporation for this development. An amenity area fronting onto the public street would enhance the pedestrian experience on Hamilton Drive.

### **Change to existing neighbourhood character**

The arterial road (Davis Drive) is an appropriate location to achieve a higher intensity housing mix. As discussed above, the applicant's Planning Justification Report has demonstrated how the proposed development has been designed to provide transition to the existing residential area to the north, while implementing Provincial, Regional, and local policies.

Through the on-going site plan application, the detailed design of the townhouse and semi-detached blocks will be subject to the Town's Urban Design Guidelines.

### **Stormwater management and servicing**

A Functional Servicing and Stormwater Management Report has been submitted. The report indicates that adequate servicing is available from existing infrastructure on Davis Drive and Hamilton Drive to serve the proposed development. Underground storage chambers are proposed to provide retention storage to enable infiltration to satisfy all quality and water balance requirements.

The submitted report and associated plans have been reviewed by Engineering Services. Engineering Services has no objection to the approval of the Zoning By-law Amendment and will continue to review site details through the site plan application process.

### **Traffic**

A Traffic Impact Analysis, Transportation Demand Management Strategy and Parking Study was submitted in support of the application. The study projects that after the proposed development would be constructed, the existing intersections in the area would continue to operate at an acceptable level of service. The report indicates that no road network infrastructure improvements would be warranted or recommended.

### **Tree removals**

An Arborist Report has been submitted in support of the application. Of the 90 trees inventoried, it was determined that 46 trees require removal to accommodate the proposed development. Of the 46 trees, 34 trees are subject to the Town's Tree Preservation, Protection and Enhancement Policy, because they are over 20cm dbh. Compensation in the form of cash-in-lieu will be provided for these trees. Additional landscaping and tree planting is also proposed on the subject land.

The submitted Arborist Report and Tree Survey and Preservation Plan have been reviewed by the Town's peer review arborist, and the Town's Greenspace Development Coordinator, and have been found to be acceptable for the purposes of the Zoning By-law Amendment application. Landscape details will continue to be reviewed through the site plan application process.

Technical comments will be addressed through the Site Plan Application that is currently under review.

### **Human Resource Considerations**

None.

## **Budget Impact**

The appropriate planning application fees have been received for the application. The Town will also receive revenue from development charges associated with this development.

## **Attachments**

Schedule A – Location Map

Schedule B – Applicant's Concept Site Plan

Schedule C – Proposed By-law

## **Submitted by**

Kaitlin Friesen, Planner, Planning and Building Services

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

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