



Town of Newmarket
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Zoning By-law Amendment – Lytham Green, Marianneville Developments

Staff Report to Council

Report Number: 2025-19

Department(s): Building and Planning Services

Author(s): Joyce Tsui, Intermediate Planner - Development

Meeting Date: April 28, 2025

Recommendations

1. That the report entitled Zoning By-law Amendment – Lytham Green, Marianneville Developments dated April 28, 2025 be received; and,
2. That the Zoning By-law Amendment application be approved; and,
3. That staff be directed to bring forward the by-law to Council for approval; and,
4. That Nour Bedas of Groundswell Planning, 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 permit home occupation uses in the live work units on the subject land.

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. A statutory Public Meeting was held on March 17, 2025, as required by the *Planning Act*.

Purpose

This report provides recommendations to Council on the application for Zoning By-law Amendment on the subject land.

The recommendations of this report, if adopted, would result in amendments to the Zoning By-law 2010-40 to permit the home occupation uses in the live work units on the subject land.

Background

Subject Land

The subject land is located at the southeast corner of Davis Drive and Mitchell Place (see **Appendix 1**).

Surrounding land uses are as follows:

- North: proposed semi-detached residential dwellings and townhouses (Sundial Homes) and the Upper Canada Mall at the north-east;
- East: stacked townhouses and Newmarket YRT Bus terminal;
- South: single detached dwellings; and
- West: townhouses

There is currently construction nearing completion on the subject land in accordance with an approved site plan for the Lytham Green development.



Previous applications

In 2014, Official Plan and Zoning By-law Amendments (OPA 16) were approved by the Ontario Municipal Board to permit an apartment building, an elementary school and residential uses in the form of live work units on the subject land. The site-specific zoning permitted 5 types of commercial uses on the ground floor of the 12 live-work units: art gallery, studio, personal service shop, retail store and office.

In 2020, further Official Plan and Zoning By-law Amendments were approved to expand the permitted uses to include stacked townhouse units and remove the permission for an elementary school.

Subsequently, a site plan application was approved in 2022 (see **Appendix 2**) for a condominium development of 304 stacked townhouse units, including the 12 live-work units. The site is under construction and nearing completion.

Current Proposal to expand the commercial uses

The current Zoning By-law Amendment application pertains only to the 12 live-work units on the subject land.

The application proposes to retain the five currently permitted commercial uses and add other commercial uses which are permitted as home occupations in the live-work units. While home occupations are permitted in the other townhouse units in the development, the subject land is zoned as commercial and therefore home occupations are not permitted. The proposed Zoning By-law Amendment will allow any commercial use that is currently permitted as a home occupation to be established in the ground floor of the units as well as in the residential portion (upper storeys) of the units on the subject land. The proposed draft Zoning By-law is attached as **Appendix 3**.

Some of the more common examples of home occupation uses which would be permitted in the live work units include a chiropractic office (limited to one practitioner), a licensed massage therapist (limited to one practitioner) and a private tutor. A summary of current and proposed permitted uses in the live work units is attached as **Appendix 4**.

There are no changes to the physical built form, or the site plan associated with the additional permitted uses.

This application was deemed complete on February 11, 2025. It has been circulated to internal departments and external agencies for their review and comment. There are no objections to the proposal. The Statutory Public Meeting was held on March 17, 2025.

Discussion

Planning Policy Context

The application is consistent with the Provincial Planning Statement (PPS)

The proposal is consistent with the PPS by supporting the achievement of complete communities; facilitating housing options to meet the economic needs of future residents; and encouraging compatible mixed-use development to support the achievement of complete communities.

The application conforms to the York Region Official Plan, (as deemed part of the Town's Official Plan by Bill 185 on July 1, 2024)

The proposal supports and is consistent with York Region Official Plan policies related to intensification as it provides a diverse and compatible mix of land uses, including residential and commercial uses, to support a vibrant neighbourhood.

The application conforms to the Town's Official Plan

This property is designated "Residential" on Schedule A – Land Use of the Town's Official Plan and is subject to a site-specific amendment which permits mixed use "live-work" units on the subject land. Home occupation uses are permitted in Residential Zoning By-law Amendment – Lytham Green, Marianneville Developments

Areas in the Official Plan as they foster the creation of employment and reduce the demand on the transportation network.

Expanding the permitted commercial uses to include those permitted as home occupations are considered to be compatible as home occupations are generally permitted within residential dwellings in the Town, and small-scale commercial components were contemplated for the live-work units. Staff have reviewed the application against the policies under Section 16.1.1 and are satisfied the Official Plan's requirements for consideration of a zoning by-law amendment have been met.

The application meets the intent of the Zoning By-law

The subject land is currently zoned Retail Commercial-2 with a site-specific exception. Live-work units are permitted under the site-specific exception which permits a commercial unit on the ground floor and a residential dwelling unit on the upper two floors. The currently permitted commercial uses include art gallery, studio, personal service shop, retail store or office.

The intent of the live-work units is to allow for small-scale commercial businesses that are more intensive than a home occupation, but less intensive than would be found a typical, traditional commercial building. This is achieved by the relatively small floor plates compared to typical commercial units and combining the commercial area with a residential use. The Zoning restricts the scale of the commercial component to a maximum size of 60 m² which is six times less than what is generally permitted in a convenience commercial zone (375 m²). Furthermore, the units were built to 45 and 48 m², less than the maximum permitted.

The previously approved Official Plan Amendment and Zoning By-law Amendments have considered that the scale, form, massing, height and character of the mixed-use live work units. They were found to be compatible with surrounding uses. As there are no proposed physical changes to the site or the buildings as constructed, these matters are not discussed here.

Other Planning Considerations

No changes to parking

There are no changes to the number of parking spaces provided on site. There is no expansion of the commercial floor space associated with the addition of home occupation-type uses. Furthermore, there are 11 extra parking spaces provided on site exceeding of the minimum required parking spaces for the residential and commercial uses on the subject land. These extra parking spaces can be shared by visitors for the live-work units and townhouses within the development.

The proposed site-specific Zoning By-law limits the size of the home occupation use within the residential component of the unit to a maximum of 24 m². Therefore, if a home occupation is established in the residential portion of the unit, no additional parking

spaces would be provided, as additional parking for Home Occupation uses is only required where the Home Occupation space exceeds 24 square metres.

No Further Applications Are Required

Should the Zoning By-law Amendment be approved by Council, staff will bring forward the site-specific bylaw in the subsequent Council meeting. Since the buildings have already been constructed and there are no proposed changes to the site, no Site Plan Approval application would be required.

Consultation

No objection from external and internal consulting agencies/departments

The application and associated technical reports were circulated to all internal departments and external agencies. Comments received indicate there is no objection to the proposed Zoning By-law Amendment.

No related comments from the public

A Statutory Public Meeting was held on March 17, 2025. No comments from the public were received at the Public Meeting.

Email comments were received regarding construction noises and site design. The comments relate to construction management and the approved site plan application and are not related to the application on expanding the commercial uses on the subject land. There are no physical changes proposed.

Conclusion

The proposed Zoning By-law Amendment application has been processed as per the *Planning Act* including circulation to the Town's internal departments and external agencies. All zoning related concerns have been addressed.

The proposal supports the goals of the Official Plan, and it meets the intent of the Zoning By-law. The proposal conforms to and does not conflict with the Provincial Planning Statement and the York Region Official Plan.

Staff recommend approval of the proposal.

Council Priority Association

This report aligns with the following Council Priority: Community and Economic Vibrancy

Human Resource Considerations

None.

Budget Impact

The appropriate planning application fees have been received for this application.

Attachments

Appendix 1 – Location Map

Appendix 2 – Approved Site Plan

Appendix 3 – Proposed Zoning By-law Amendment

Appendix 4 – Permitted Use Table

Submitted By

Joyce Tsui, Intermediate Planner – Development, Building & Planning Services

Approval for Submission

Adrian Cammaert, MCIP, RPP, Manager, Planning Services

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

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

Report Contact

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