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INTENSIFICATION IN STABLE RESIDENTIAL NEIGHBOURHOODS

Staff Report

Report Number: 2018-37

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): D. Ruggle

Meeting Date: June 11, 2018

Recommendations

1. That the report entitled DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2018-37 dated June 11, 2018 be received; and,
2. That staff be authorized to issue a Request for Proposals for the Official Plan and zoning by-law amendments as described in this report. And,
3. That budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report

Purpose

The purpose of this report is to recommend to Council a course of action to address compatibility of new construction in established residential neighbourhoods.

Background

A Council Workshop was held on March 26, 2018 describing industry best practices as it relates to intensification in established residential neighbourhoods. The following options were presented to Council with discussion focusing on the processes involved, timing, budgetary requirements, strengths and weaknesses.

1. Keep existing zone standards
2. Implement changes to the existing zoning standards within an identified study area similar to the modifications approved for established residential areas in 2013.
3. Amend the Official Plan to establish policies that direct that character areas be established through zoning tools. Adopt an implementing Zoning By-law to modify the zoning on certain streets to better reflect existing character.

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4. Create Urban Design Manual/Guidelines for infill projects.
5. Expand site plan control approval to apply to single detached, semi-detached and duplex dwellings in identified areas.
6. Develop a streetscape character analysis process similar to the City of Ottawa
7. Implement Cultural Heritage Landscape in identified areas under the Ontario Heritage Act.

Discussion

At the workshop, Council reiterated their clear goal of having policies in place for existing stable residential areas that will ensure new development (including additions to existing homes) contribute to the neighbourhood's character and that these policies have the strength to mandate building compatibility and appropriately guide decisions of the Committee of Adjustment.

Of the options discussed above, it was clear that the option to keep the existing zone standards and the option to implement Cultural Heritage Landscapes would not meet the objectives of this process. The neighbourhoods that have been developed over the past 20 to 25 years have been developed through very site specific by-laws that implement the existing housing form, meaning that in these areas, the homes are generally built to the maximum coverage, height and setback standards. These areas also benefited from architectural and urban design guidelines which had to be in place prior to permits being issued.

Defining Cultural Landscapes is a specifically focused tool to conserve areas that have heritage significance and would only be available for a limited number of streets or neighborhoods. Arguments could be made for defining areas around, for example, Park Avenue and Prospect Street Cultural Heritage Landscapes as many properties on these streets have heritage significance and are included in the Town's registry of non-designated heritage properties. However, this tool would not be appropriate for other areas where preserving the general residential character is of concern as they would not have the necessary heritage value. Furthermore, designating cultural heritage landscapes does nothing to conserve on its own, rather would be the basis for implementing further tools such as heritage conservation districts, inclusion in the heritage registry to prevent demolitions and/or create heritage development guidelines.

The remaining tools all appear to have the ability to address compatibility with varying levels of municipal controls. As noted in the workshop, these processes may be implemented independently or work together to achieve greater compatibility for new builds within an established residential neighbourhood. The option of developing specific urban design/infill guidelines appears to not have the necessary strength to enforce the changes that would be required to achieve compatibility between existing dwellings and new residential construction. Staff are of the opinion that there is value in considering Urban Design Guidelines however, they should be an augmentation to an existing process and not considered on their own. The options of augmenting the site plan approval process or implementing a streetscape character analysis, while providing for detailed analysis of new construction,

adds significant customer and staff time to processing applications. Staff are not recommending these options be implemented at this time, but rather be considered in the future if further controls are deemed necessary.

It is staff's position that to achieve greater compatibility for new builds within an established residential neighbourhood in a manner that will allow for the necessary controls while continuing to allow compatible redevelopment is to amend the Official Plan by defining Newmarket's existing neighbourhoods and develop specific policies based on the community characteristics followed by an implementing zoning bylaw.

This option will provide for the high level of community review necessary to develop a meaningful and enforceable policy framework to guide new residential construction in established neighbourhoods. Due to staffing constraints and the significant work involved in the recommended process, it is appropriate to contract a Planning Consultant to lead the process and develop the necessary policies. We anticipate that a few methods would be utilized to define existing community characteristics. Using existing GIS data on housing coverage, lot area and frontages among other available information, will provide for quick neighbourhood statistics that can act as a benchmark for zone standards for that particular area.

Once neighbourhoods are identified, much of the character will be defined through community visits and neighbourhood walkabouts as well as surveys aimed at gaining an understanding of what the residents within existing community's hold as important to the defining character of where they live. With this information, the consultants will be in a position to develop Official Plan policies to protect these identified characteristics for each neighbourhood category.

Once the Official Plan policies have been developed, an implementing zoning bylaw is required. The modifications to the zone standards implemented in 2013 for the core area of Town will be reviewed for appropriateness for each neighbourhood. These included lot coverage, building height and front yard setback, In addition, other zone standards will be reviewed as they relate to lot sizes (e.g. minimum lot areas and frontages) to ensure the creation of new lots are consistent with the size of lots in the neighbourhood. Dwelling size provisions (e.g. maximum building depth, maximum height to eaves) will be reviewed to ensure the built form is compatible with the adjacent dwellings and the neighbourhood as a whole. Provisions related to the location of a dwelling on a lot (e.g. proportional frontages and setbacks) will also be looked at ensuring a consistency in the streetscape.

The anticipated timeframe for implementation is approximately 12 months however, once staff have an opportunity to review the process with the successful consultant, an information report can be provided to Council detailing refined processing and timing information.

It is also important to build into the process a review of the polices to see how well the objectives are being met through the monitoring of infill development. Depending on the results of the review, staff may recommend further tools such as guidelines and/or more strict controls such as expanding the site plan process or implementing a streetscape character analysis.

As an interim protection, a submission was made to consider the implementation of an Interim Control By-law for established neighbourhoods that would restrict new construction and significant additions of ground related dwellings while the issue is being studied. Section 38 of the Planning Act allows municipalities to pass an Interim control bylaw which puts a temporary freeze on some land uses while a municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. There is no ability to appeal an Interim Control By-law when it is first passed, however, an extension to a By-law may be appealed. The Planning Act provides that an Interim Control By-law remains in effect past the two-year period if the new zoning bylaw which replaces the Interim Control By-law is appealed to the Local Planning Appeals Tribunal.

The Interim Control By-law is a planning tool by which the town may respond quickly to identify planning issues. Prior to enactment, Council must authorize the land use planning study to be undertaken and substantiate the planning rationale behind the Interim Control By-law. This report would be sufficient to achieve the above requirements. The scope of the planning study and the area to be subject to the By-law must be clearly identified in the Council resolution. Once the By-law is enacted, the expectation is that the planning study will be completed expeditiously and will result in formal amendments that implement the future planning policies for the study area.

To assess the potential impact of an Interim Control By-law, building permits for infill houses have been reviewed. The Building Department, using the City View system, tracks new ground related residential builds and separates them between new subdivision lots and infill lots. In 2017, eight newly built infill residential permits were issued, eleven in 2016, five in 2015, five in 2014 and nine in 2013.

The implementation of an Interim Control By-law is to be used when the Town believes the situation to be significantly urgent enough to require the immediate suspension of specific development rights. Due to the low number of expected building permits for new infill housing, staff are satisfied that the compatibility process can proceed with or without an interim control by-law. Due to the significant implications and the relatively low risk, staff are not recommending the passing of an Interim Control By-law at this time. However, if such a By-law is desirable by Council, consideration should be given to limiting the bylaw to the construction of new infill residential buildings and residential building additions within the study area. Consideration should also be given to permitting exceptions to the By-law as it relates to additions to dwellings that are capped at a specified floor area and the construction of accessory dwelling units that do not increase floor area. If directed by Council, Staff will prepare a By-law for their consideration.

Once an Interim Control Bylaw is in place, the area to which the By-law applies may be reduced as information becomes available throughout the study process provided the proper justification exists. An amendment to the Interim control By-law to reduce the study area would be subject to appeal.

While staff are recommending a process that would see the contracting of a consultant to lead an Official Plan review of communities and neighbourhoods, along with an implementing zoning bylaw, the options under consideration are listed on a spreadsheet in appendix A. This spreadsheet includes all the

presented options, detailing information related to budget considerations, process, and impacts on applicants along with other pertinent information.

Conclusion

Based on municipal best practices, Council's discussion at the recent workshop and staff's continued review, it would appear that the best option to address the issues of compatibility of new residential dwellings in established neighbourhoods would be to amend the Official Plan by defining Newmarket's existing residential neighbourhoods and develop specific policies based on the community characteristics followed by the enactment of an implementing zoning bylaw.

Business Plan and Strategic Plan Linkages

The development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility has linkages to the Community Strategic Plan by developing growth management plans and strategies to create a clear vision for the future of the identified neighbourhoods.

Consultation

Staff anticipates that the process going forward will require a significant amount of public consultation and at least one statutory public meeting.

Human Resource Considerations

Not applicable

Budget Impact

Staff are recommending that Council grant budget approval in the amount of \$150,000 to be transferred from reserves to allow staff to contract a consultant in the fall of 2018.

Attachments

Best Practice Spreadsheet

Approval



Peter Noehammer, Commissioner of Development and Infrastructure Services



Rick Nethery, Director of Planning and Building Services



Dave Ruggle, Senior Planner Community Planning

Contact

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PROCESS	Approximate Time involved for implementation	Is Council Approval Required	Are OP changes Required	Are there appeal rights to establish the option	Impact of staff resources after implementation	Additional approvals required	Impacts on applicants	Public Consultation Required	Budget considerations
Keep existing zone standards	n/a	No	No	No	None	None	none	n/a	n/a
Moderate changes to zoning bylaw	6 months	Yes	No	Yes – ZBA can be appealed	Minimal	No – process remains the same	Design impacts only	Yes- Public Meeting required for ZBA	In house
Establish residential character areas in OP with implementing zoning bylaw	12 months	Yes	Yes	Yes – OPA and ZBA can be appealed	Minimal	No - process remains the same	Design impacts only	Yes – Public Meeting required for OPA and ZBA – will require significant public consultation	Consultant \$150,000
Urban Design manual/guidelines for infill	6 months	No	No	No	Moderate – additional consultation ideal	No – process remains the same	Review for consistency	Yes – will require significant public consultation	Consultant \$25000-35000
Expand Site plan approval	6 months	Yes	No	No	High – additional reviews required	Yes – additional process	New application process for residents - Additional time staff for processing	No	In house
Develop a streetscape character analysis	9 months	Yes	No	No	High – additional reviews required	Yes – streetscape analysis review	More front end work for the applicant – Additional time for staff processing	No	Consultant \$45000
Implement a cultural Heritage Landscape	9 months	Yes	No	Yes designation of a cultural landscape can be appealed	High – Additional reviews required	Yes – addition of Heritage Permit	Applicants may require a Heritage impact Assessment - Additional time for staff processing	Yes - Public Meeting required as part of implementation	Consultant \$45000-55000