



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Zoning By-law Review Phase One Staff Report

Report Number: 2018-54

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

Recommendations

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received;
2. That the proposed amendments to Zoning By-Law 2010-40 be adopted;
3. That Council determine that based on the information in this report and in accordance with Section 34(17) of the Planning Act, adequate public notice has been provided; and
4. That staff be directed to do all things necessary to give effect to the recommendations in this report

Executive Summary

Planning Services has undertaken a review of the Town's zoning by-laws in order to address oversights, address technical updates, clarify requirements, improve design standards and accessibility, and modernise use permissions. Committee of the Whole was presented with this effort under Planning and Building Services Report 2017-25 and 2018-21. A statutory public meeting was held on August 27th, 2018. This report provides the recommended amendments to Zoning By-law 2010-40 for adoption.

Purpose

This report serves to inform Committee of the Whole of the final recommended amendments for Phase One of the Zoning By-law Review. For clarity and consistency, it is intended that this amendment occur alongside the Urban Centres Secondary Plan Zoning By-law.

Background

Context

Since its adoption in 2010 Zoning By-law 2010-40, has been the subject of some 38 zoning by-law amendment applications, more than 160 minor variances, and more than 7,500 building permits. The implementation of the zoning by-laws through these applications has revealed improvements that can be made.

Staff have prioritized and divided the proposed amendments as necessary to address them in manageable and understandable groups. Phase One of the Zoning By-law Review is presented in this report for adoption, and this phase addresses principally less complex matters. These include amendments from a range of source areas:

1. Technical amendments, addressing clarifications and definitions
2. Accessibility improvements, improving design standards for accessibility
3. Simplifying matters, reducing overlapping requirements and conflicting standards
4. Addressing oversights, adding missing definitions and rectifying errors
5. Modernising requirements, ensuring emerging and innovative uses are permitted
6. Improving design, addressing challenging layout elements

Subsequent phases will address more complex matters as discussed in Planning and Building Services Report 2017-25 and 2018-21, including changes in provincial legislation related to Accessory Dwelling Units, judicial/tribunal decisions related to group homes, ongoing efforts at clarification and simplification, and policies related to source water protection.

Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2014 (the “PPS”). The provincial plans comprise the Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”), the Oak Ridges Moraine Conservation Plan 2017 (the “Oak Ridges Plan”), the Greenbelt Plan 2017 (the “Greenbelt Plan”), and the Niagara Escarpment Plan 2017. An analysis of the conformity of the proposed amendments was provided in Planning and Building Services Report 2018-21.

Comments

Staff circulate zoning by-law amendment applications to the public and the Town’s review partners. Many of the comments provided are outlined in the Discussion section

of this report and the preliminary report. Additional comments are presented below for greater context.

York Region

Staff from the Regional Municipality of York have provided comments on the application. Where possible, Planning staff have integrated these comments. Some of the comments provided by Regional staff are addressed through the proposed amendments or existing requirements of zoning or the Site Plan Approval Process Manual. These include:

- Preferential locations for carpool, car-sharing, and bicycle parking

Many of the comments from Regional staff address matters that Planning staff have identified as requiring further amendments to address in Phase Two of the Zoning By-law Review. These include:

- Coordinating land use permissions in Open Space (OS) zones with those set out in the York Region Official Plan
- Permitting Accessory Dwelling Units in townhouses and accessory buildings, as required by the York Region Official Plan and the *Planning Act*
- Broadening permissions related to live-work units
- Coordinating land use permissions in Employment zones with those set out in the York Region Official Plan
- Clarification of which zones permit renewable energy projects
- Implementation of source water protection and wellhead protection area mapping

Other comments from Regional staff are not able to be addressed through this zoning by-law and may require coordination of other efforts related to the parking by-law, the Urban Centres Secondary Plan zoning by-law, and site plan approval development standards. These include:

- On-street parking permissions
- Parking lot design to facilitate redevelopment and retrofitting
- Height and density bonusing in the Urban Centres Secondary Plan area

Effect of Public Input

Planning Services received feedback from several members of the public in response to this proposed amendment. This feedback generally encompasses three areas. First, some residents had questions regarding Phase Two of the Zoning By-law Review and what the outcome of the matters to be addressed in that phase might be. Planning Services has noted that the results of the second phase will not be determined until the research and consultation required have taken place.

Second, some residents inquired with questions regarding individual properties. Planning Services clarified the proposed changes related to each site, and received no objections to the proposed changes.

Third, a member of the public wished to clarify that existing land uses related to motor vehicle repair would not be altered as they have business interests in such uses. Planning Services confirmed and verified in the amendment that no reduction in the permissions for operating a motor vehicle repair use would be proposed.

Conclusion

The application acceptably meets the policies of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Business Plan and Strategic Plan Linkages

Well-equipped & managed

- Service excellence through continuous improvement

Well planned & connected

- Zoning by-laws that are up to date and understandable

Consultation

This report and its appendices were provided to Building Services, Legal Services, Engineering Services, Public Works Services, and Legislative Services for review and comment.

The proposed zoning by-law amendments were provided to the Town's review partners per standard practice. Notice was provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

Human Resource Considerations

No human resources impacts are anticipated as a result of this report.

Budget Impact

No budgetary impacts are anticipated as a result of this report.

Attachments

Attachment 1: List of proposed amendments.

Approval

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Contact

Ted Horton – thorton@newmarket.ca