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## **Interim Control by-law 2019-04 Update Information Report**

Report Number: PCI 19-10

Department(s): Planning and Building Services

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Date: September 9, 2019

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

The purpose of this report is to provide Council with an update on the Interim Control By-law for the Established Neighbourhoods.

### **Background**

Council passed interim control bylaw 2019-04 in January 2019 in an effort to limit new ground related residential development in the existing residential neighbourhoods in Newmarket while the study of compatibility in established neighbourhoods is ongoing.

### **Discussion**

Under the Ontario Planning Act, an interim control bylaw is directly related to the use of the land. To ensure the proposed ICB was sound and reflects the intent of the Planning Act, the approved By-law includes a new land use called "Intensified Use" and restricts the construction of same. The bylaw defines an intensified use as any new dwelling or addition to a dwelling that increased the Gross Floor Area of the dwelling by more than 25% of the existing Gross Floor Area or any increase in height from what is existing.

In April 2019, shortly after the implementation of the ICB, council established an exemption process through Planning and Building Services Report 2019-43. The process allows for an exemption to the ICB for a new dwelling or addition to an existing dwelling to occur subject to a compatibility review. Staff have brought forward a number of exemptions to the bylaw and the approach appears to be working. A recent ICB exemption application for a particular property

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requested an exemption from the bylaw to allow a zoning bylaw amendment to be submitted under the Planning Act, specifically responding to the following clause in the Bylaw:

*Official Plan Amendment, Zoning Bylaw Amendment, Site Plan Approval or Minor Variance applications within the Study Area that could permit lands to be used for an Intensified Use shall be deemed contrary to this By-law and are prohibited.*

While the inclusion of this clause in the By-law was intended to prevent any such application that would result in an intensified use from being submitted, further discussions with Legal Services have indicated that property owners continue to have the right to submit an application under the Planning Act, however, the ICB will remain in force for those lands.

This means that provided a pre-consultation meeting has occurred and a Planning act application is submitted and contains the requirements for a complete application, staff will be obligated to process it. It would be fair to bring forward the application to a particular point in the process without Council making a final decision. For example, an application can be processed to the point of holding a public meeting, however following the public meeting Council could defer the application until such time as the established neighbourhood study is complete and new policies/standards are in place.

As we are well into the established neighbourhood study process, it is unlikely a zoning application would be processed to completion prior to the conclusion of the study and the implementing documents being in force. Based on the current planning process, for any application submitted in September/October the preliminary planning report that would typically refer the application to a statutory public meeting, would likely not be before Council until a January/February Committee of the Whole meeting at the earliest with the public meeting being scheduled for, at a minimum, 20 days prior to the Public Meeting date.

Any application will undergo the normal rigor of analysis required by the Planning act and Council will ultimately be the decision maker.

Finally, the interim control bylaw is set to expire on January 21, 2020. While the Established Neighbourhood Compatibility Study is on schedule, there will likely be a need to extend the by-law for a short amount of time to ensure it remains in place until such time as Council adopts new polices coming out of the review. Staff will bring forward a report to an upcoming Committee of the Whole meeting for consideration of the extension.

## **Conclusion**

While Council may now see development applications in the residential areas of Town, the Interim Control Bylaw will continue to apply to these properties. Any applications submitted will be processed in accordance with the Planning Act and have consideration for the ongoing compatibility study for established neighbourhoods.

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

The implementation of the Interim Control bylaw is directly related to the development of new Official Plan policies and implementing zoning by-law related to infill housing and compatibility which 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**

There are no consultation requirements regarding the interim control Bylaw. Public Consultation is ongoing for the Established Neighbourhoods Compatibility Study.

## **Human Resource Considerations**

N/A

## **Budget Impact**

N/A

## **Attachments**

None

## **Contact**

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## **Approval**



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