



Town of Newmarket

Agenda

Council

Date: Monday, September 24, 2018
Time: 7:00 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Pages

1. Open Forum
2. Public Notices (if required)
3. Additions & Corrections to the Agenda
4. Declarations of Pecuniary Interest
5. Presentations & Recognitions
6. Deputations
 - 6.1 YRT Service to York University 1

Note: Michelle Galloro will be in attendance to provide a deputation on this matter.
7. Approval of Minutes
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8. Reports by Regional Representatives
9. Reports of Committees and Staff
 - 9.1 Committee of the Whole Meeting Minutes of September 17, 2018 15
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10. By-laws

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11.	Notices of Motions	
12.	Motions	
12.1	School Bus Safety (Councillor Bisanz)	229
	1. That the Town of Newmarket send a letter to the Ontario Minister of Transportation, the Honourable John Yakabuski, to develop policy and regulations to enforce stop arm infractions and keep our children who use school buses, safe.	
13.	Announcements & Community Events	
14.	New Business	
15.	Closed Session (if required)	
16.	Confirmatory By-law	
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17.	Adjournment	

Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <u>Michelle Galloro</u>	
Organization / Group/ Business represented: <u>N/A</u>	
Address: [REDACTED]	Postal Code: <u>L3X 3J7</u>
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
[REDACTED]	Date of Meeting: <u>Next available meeting where issue is appropriate</u>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No: <u>N/A</u>
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>See attached email.</u>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100

Good afternoon,

I have recently been in contact with Councillor Bisanz regarding the halting of York Region Transit bus service to York University. On the advice of Councillor Bisanz I have completed a Deputation and Further Notice Request Form (please see attached). Please also see my original email below to Councillor Bisanz, addressing my concern to be addressed at council.

Warm regards,
Michelle Galloro
Ward 7 Resident - Newmarket

Good morning Councillor Bisanz,

I am a resident of Ward 7 in Newmarket and an employee at York University. It has recently come to my attention that York Region Transit (YRT) buses will no longer be coming onto campus. While this is a YRT and York University issue I am looking for your support as my ward councillor. The decision to halt YRT buses from entering York's Keele campus is solely based on the city of Toronto, YRT and the Toronto Transit Commission (TTC) working together to milk York Region commuters, by imposing a TTC fare in addition to the YRT fare that we already pay to and from York University.

This change will require commuters such as myself to pay a YRT fare from Newmarket, exit at Pioneer Village station in Toronto and take the TTC subway one stop to arrive at York Keele Street campus (on the commute home this would apply in the reverse). In other words the city of Toronto and the TTC will be profiting off of York Region residents, forcing commuters such as myself to use the TTC for one stop that use to be covered by YRT buses traveling onto campus. The change will financially benefit the City of Toronto, and the TTC with no financial benefit to York Region, while adding an additional cost to York Region commuters. This is an inconvenience in terms of time as well as an added cost. I am looking for assistance in addressing this issue with YRT, as I have already emailed them logging my complaint (with no reply), but would like the backing of Newmarket council in doing so as well.

I look forward to your response, advising how you and council can assist Newmarket residents such as myself.

Thank you in advance,
Michelle Galloro



Town of Newmarket

Minutes

Council

Date: Monday, September 10, 2018

Time: 7:00 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Kwapis
Councillor Broome
Councillor Bisanz

Members Absent: Councillor Hempen

Staff Present: R. N Shelton, Chief Administrative Officer
E. Armchuk, Commissioner, Corporate Services
P. Noehammer, Commissioner, Development & Infrastructure Services
C. Service, Director, Recreation and Culture (Acting Commissioner, Community Services)
L. Lyons, Director of Legislative Services/Town Clerk
A. Walkom, Council Committee Coordinator

The meeting was called to order at 7:00 PM.

Mayor Van Bynen in the Chair.

1. Open Forum

No one in attendance came forward to address Council during Open Forum.

2. Public Notices (if required)

None.

3. Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the following addition to the agenda:

1. Council Meeting Minutes (Closed Session) of June 18, 2018

Moved by: Councillor Vegh

Seconded by: Councillor Twinney

1. That the additions and corrections to the agenda be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

4. Declarations of Pecuniary Interest

None.

5. Presentations & Recognitions

None.

6. Deputations

6.1 Terry Fox Week

Debbie Fletcher-Queen provided a deputation regarding Terry Fox Week 2018. She advised that the Terry Fox Run will be held September 16, 2018.

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the deputation by Debbie Fletcher-Queen regarding Terry Fox Week 2018 be received.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

6.2 Promotion of Democracy in Cambodia

Vichet Lam provided a deputation on the political situation in Cambodia.

Moved by: Councillor Kerwin

Seconded by: Deputy Mayor & Regional
Councillor Taylor

1. That the deputation by Vichet Lam regarding Promotion of Democracy in Cambodia be received.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

7. Approval of Minutes

7.1 Council Meeting Minutes of June 18, 2018

Moved by: Councillor Vegh

Seconded by: Councillor Broome

1. That the Council Meeting Minutes of June 18, 2018 be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

7.2 Council Meeting Minutes (Closed Session) of June 18, 2018

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

1. That the Council (Closed Session) Minutes of June 18, 2018 be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

7.2.1 Item 3 of the draft Appointment Committee (Closed Session) Meeting Minutes of May 22, 2018 - Personal matters about an identifiable individual, including municipal or local board employees as per Section 239 (2)(b) of the Municipal Act, 2001

Mayor Van Bynen advised that Council received this item and reported out in public session at the June 18, 2018 Council Meeting.

7.2.2 Hollingsworth Arena - A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2)(c) of the Municipal Act, 2001.

Mayor Van Bynen advised that staff provided Council with an update on the Hollingsworth Arena property.

7.3 Special Council Meeting Minutes of June 25, 2018

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the Special Council Meeting Minutes of June 25, 2018 be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

7.4 Special Council Meeting (Closed Session) Minutes of June 25, 2018

Moved by: Councillor Vegh
 Seconded by: Deputy Mayor & Regional
 Councillor Taylor

1. That the Special Council (Closed Session) Minutes of June 25, 2018 be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

7.4.1 Human Resources Closed Session Report 2018-11 regarding labour relations or employee negotiations as per Section 239 (2)(d) of the Municipal Act, 2001.

Mayor Van Bynen advised that Council adopted the recommendations of the report in public session at the June 25, 2018 Special Council Meeting.

8. Reports by Regional Representatives

(1) Deputy Mayor and Regional Councillor Taylor advised that the Green Lane Secondary Plan was granted approval at the Regional Committee of the Whole.

(2) Deputy Mayor and Regional Councillor Taylor advised that the 2017 Waste Diversion Report is available online and shows the exceptional record for waste diversion in York Region with only 7% of waste going to landfill.

9. Reports of Committees and Staff

9.1 Council Workshop Minutes of June 25, 2018

Moved by: Deputy Mayor & Regional
 Councillor Taylor

Seconded by: Councillor Bisanz

1. That the Council Workshop Minutes of June 25, 2018 be approved.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.2 Committee of the Whole Meeting Minutes of August 27, 2018

Moved by: Councillor Broome

Seconded by: Councillor Kwapis

1. That the Committee of the Whole Meeting Minutes of August 27, 2018 be received and the recommendations noted within be adopted with the exception of sub-item 9.2.4. See following sub-item 9.2.4 for motion and recorded vote.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.2.1 Deputation - Mossbank Parking Review

1. That the deputation regarding the Mossbank Parking Review be received.

9.2.2 Zoning By-law Amendment Application - 18095 & 18099 Leslie Street

1. That the report entitled Zoning By-law Amendment Application – 18095 & 18099 Leslie Street, dated August 27, 2018 be received; and,
2. That the application for Zoning By-law Amendment submitted by Jason Hyatt for lands municipally known as 18095 & 18099 Leslie Street be referred to a public meeting; and,
3. That following the public meeting, issues identified in this Report, together with comments from the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,

4. That Michael Smith of Michael Smith Planning Consultants, 19027 Leslie Street, Suite 200, Sharon, L0G 1V0, be notified of this action; and,
5. That Jason Hyatt, 180 Wellington Street East, Aurora, L4G 1J5, be notified of this action; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.2.3 Zoning By-law Amendment Application - 175 Deerfield Road

1. That the report entitled 175 Deerfield Road – Zoning By-law Amendment Application dated August 27, 2018 be received; and,
2. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and that staff be directed to prepare the necessary Zoning By-law amendments, including the necessary Holding provisions; and,
3. That Council direct the Director of Planning and the Municipal Solicitor, or her designate, to enter into one or more agreements on behalf of the Town pursuant to Section 37 of the Planning Act to secure community benefits and any matters required as a legal convenience; and,
4. That per Section 45(1.4) of the Planning Act, Council resolve that minor variances shall be authorized for the subject lands; and,
5. 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,
6. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
7. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
8. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

9.2.4 Mossbank Parking Review Report

Moved by: Councillor Twinney

Seconded by: Deputy Mayor & Regional
Councillor Taylor

1. That the report entitled Mossbank Court Parking Review dated August 27, 2018 be received; and,
2. That parking on the street remain unchanged; and,
3. That staff be directed to survey the residents on Mossbank Court to receive their feedback on a no-parking area; and,
4. That by-law enforcement continue to monitor the area to enforce the parking by-law in the area.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

9.2.5 Central York Fire Services – Joint Council Committee Meeting Minutes of March 6, 2018

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of March 6, 2018 be received.

9.2.6 Newmarket Downtown Development Committee Meeting Minutes of March 23, 2018

1. That the Newmarket Downtown Development Committee Meeting Minutes of March 23, 2018 be received.

9.2.7 Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018 and June 5, 2018

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018 and June 5, 2018 be received.

9.2.8 Item 7 of Heritage Newmarket Advisory Committee Meeting Minutes of May 1, 2018

1. The Senior Leadership Team/Operational Leadership Team recommend that Council direct staff to proceed through the Heritage designation process for the following two properties:
 - a. 368 Park Avenue
 - b. 161 Prospect Street

9.2.9 Newmarket Environmental Advisory Committee Meeting Minutes of May 2, 2018

1. That the Newmarket Environmental Advisory Committee Meeting Minutes of May 2, 2018 be received.

9.2.10 Item 7.1 of Newmarket Environmental Advisory Committee Draft Meeting Minutes of June 20, 2018

1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:
 - a. That the Newmarket Environmental Advisory Committee recommend to Council that current Committee members' terms be extended until their successors are appointed.

9.2.11 Main Street District Business Improvement Area Board of Management Meeting Minutes of May 15, 2018

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of May 15, 2018 be received.

9.2.12 Accessibility Advisory Committee Meeting Minutes of May 17, 2018

1. That the Accessibility Advisory Committee Meeting Minutes of May 17, 2018 be received.

9.2.13 Outstanding Matters List

1. That the list of outstanding matters be received.

10. By-laws

Moved by: Councillor Bisanz

Seconded by: Councillor Kerwin

1. That by-laws 2018-45 and 2018-46 be enacted.

In Favour (8): Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Twinney, Councillor Kwapis, Councillor Broome, and Councillor Bisanz

Carried (8 to 0)

10.1 2018-45 - A By-law to Adopt Fees and Charges for Services or Activities Provided by the Town of Newmarket (Legislative Services – Licensing Fees)

10.2 2018-46 - A By-law To Exempt Certain Lands From The Part Lot Control Provisions Of The Planning Act. (Sundial Homes (Davis) Limited) Blocks 86, 93, 94, 95, 96, 97, 98 and 100 Registered Plan 65M-4565

11. Notices of Motions

None.

12. Motions

None.

13. Announcements & Community Events

(1) Councillor Vegh advised that the Opening Night Gala for Southlake Cinemania, part of the TIFF Film Circuit, will be held September 17, 2018 at SilverCity Newmarket.

(2) Councillor Kerwin invited residents to come to the Active Living and Information Fair on Saturday, September 22, 2018 from 9:00 AM to 2:00 PM at the Newmarket Seniors' Meeting Place, 474 Davis Drive.

(3) Councillor Twinney advised that a Public Consultation Centre regarding the Patterson Street Watermain Replacement is scheduled for Tuesday, September 18, 2018 in the Council Chambers at the Municipal Offices, 395 Mulock Drive, with doors opening at 6:00 PM.

(4) Deputy Mayor and Regional Councillor advised that a Public Meeting is scheduled for Monday, September 17, 2018 at 7:00 PM in the Council Chambers at 395 Mulock Drive regarding an application for a Zoning By-law Amendment for the lands municipally known as 18095 & 18099 Leslie Street.

(5) Councillor Kwapis invited residents to attend A Splash of Culture on Friday, September 14, 2018 from 8:00 PM to 10:00 PM at the Tim Hortons Skating and Water Feature at Newmarket's Riverwalk Commons.

(6) Councillor Kwapis advised that Rebel Heartland returns to Newmarket on Saturday, September 22, 2018 from 9:00 AM to 8:30 PM and Sunday, September 23, 2018 from 10:00 AM to 5:00 PM. He advised that the event includes a large-scale historical re-enactment at Fairy Lake Park, Newmarket's Riverwalk Commons, and throughout downtown Newmarket

(7) Councillor Broome invited residents to attend Old Town Hall Discovery Walks, a free three-part walking series on Thursday September 13, 2018, Saturday, October 6, 2018 and Thursday, October 11, 2018 from 1:00 PM to 2:00 PM at the Old Town Hall, 460 Botsford St.

(8) Councillor Bisanz invited residents to the Terry Fox Run on Sunday, September 16, 2018 at the Ray Twinney Complex, 100 Eagle Street West. She advised that registration is at 8:30 AM and the run begins at 9:00 AM.

(9) Mayor Van Bynen advised that the next Council meeting is Monday, September 24, 2018 at 7:00 PM.

14. New Business

14.1 Union Hotel and Bogart House

Deputy Mayor and Regional Councillor Taylor advised that the Union Hotel will soon be listed for sale. He asked staff for an update on the Union Hotel and Bogart House properties. The Commissioner of Development and Infrastructure Services advised that the notice of intention to designate the Union Hotel was released in August 2018 and that the intention is to bring the designation by-law to the Council meeting of September 24, 2018. The Commissioner further advised that staff are continuing to work with the owner of the Bogart House to ensure the building is preserved.

14.2 Update on Dog Park

Councillor Twinney provided an update on the Dog Park and advised that recent changes have allowed for more space in the park.

14.3 Condition of Sidewalks, Lion's Park, Town Events

Councillor Kerwin advised that the sidewalks along Gorham Street are in good condition. He further advised that the natural gardens in Lion's Park would help contribute to Newmarket's designation as a Bee City. He congratulated staff on the success of the New'bark'et event.

14.4 Newmarket Concerts

Councillor Kwapis congratulated the volunteers who had worked to organize recent concerts in Newmarket.

15. Closed Session (if required)

Mayor Van Bynen advised that there was no requirement for a Closed Session.

16. Confirmatory By-law

16.1 2018-47 - A By-law to confirm the proceedings of the September 10, 2018 Council meeting

Moved by: Councillor Bisanz

Seconded by: Councillor Vegh

1. That by-law 2018-47 be enacted.

Carried

17. Adjournment

Moved by: Councillor Bisanz

Seconded by: Councillor Vegh

1. That the meeting adjourn at 7:42 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket

Minutes

Committee of the Whole

Date: Monday, September 17, 2018

Time: 1:30 PM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Mayor Van Bynen
Deputy Mayor & Regional Councillor Taylor
Councillor Vegh
Councillor Kerwin
Councillor Twinney
Councillor Hempen
Councillor Kwapis
Councillor Broome (1:30 PM - 5:46 PM)
Councillor Bisanz

Staff Present: R. N Shelton, Chief Administrative Officer
E. Armchuk, Commissioner of Corporate Services
P. Noehammer, Commissioner of Development & Infrastructure Services
I. McDougall, Commissioner of Community Services
L. Lyons, Director of Legislative Services/Town Clerk
R. Prudhomme, Director of Engineering Services
M. White, Planner
T. Horton, Planner
A. Walkom, Council/Committee Coordinator

For consideration by Council on September 24, 2018

The meeting was called to order at 1:30 PM.

The Committee of the Whole recessed at 3:30 PM and reconvened at 3:50 PM.

The Committee of the Whole recessed at 5.46 PM and reconvened at 7:00 PM.

Mayor Van Bynen in the Chair.

1. Additions & Corrections to the Agenda

The Chief Administrative Officer advised of the following additions to the agenda:

1. Correspondence from Aaron Gillard, Larkin Land Use Planners regarding Item 5.5: Zoning By-law Review
2. Correspondence from Jonathan Rodger, Zelinka Priamo Ltd. regarding Item 5.6: Urban Centres Zoning By-law on behalf of Loblaw Properties Limited
3. Correspondence from Jonathan Rodger, Zelinka Priamo Ltd. regarding Item 5.6: Urban Centres Zoning By-law on behalf of Canadian Tire Real Estate Limited
4. Correspondence from Emma West, Bousfields Inc. regarding Item 5.6: Urban Centres Zoning By-law
5. Correspondence from Mark Flowers, Davies Howe regarding Item 5.6: Urban Centres Zoning By-law
6. Daniel Satoor, CBRE Limited regarding Item 5.6: Urban Centres Zoning By-law

The Chief Administrative Officer advised of the following corrections to the agenda:

1. Item 5.1 – Draft Plan of Condominium Approval Marianneville Block 119: Attachment 1: Schedule of Conditions was revised.
2. Item 5.6 – Urban Centres Zoning By-law: Approval: Pages 88-90 were substituted with revised versions.

Moved by: Councillor Kerwin

Seconded by: Councillor Broome

1. That the additions and corrections to the agenda be approved

Carried

2. Declarations of Pecuniary Interest

None.

3. Presentations & Recognitions

3.1 York University Presentation

Dr. Rhonda Lenton provided a presentation regarding the Markham Centre Campus of York University. The presentation included an overview of the programs for the campus, partnerships between the University and other organizations, and the design of the campus. She advised that the campus will open in Fall 2021.

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That the presentation by Dr. Rhonda Lenton regarding York University be received.

Carried

4. Deputations

4.1 Queen Street Safety Concerns

Colleen Keats provided a deputation regarding her concerns on the safety of Queen Street between Parkside Drive and Forest Glen Road. She advised that she believes drivers exceed the speed limit in the area often, causing dangerous conditions.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

1. That Colleen Keats be permitted an additional five minutes for her deputation.

Carried

Moved by: Councillor Kwapis

Seconded by: Councillor Vegh

1. That the deputation by Colleen Keats regarding Queen Street Safety Concerns be received.

Carried

4.2 Polycystic Kidney Disease (PKD) Awareness Day

Jeffrey Robertson provided a deputation on Polycystic Kidney Disease. The presentation included an overview of the symptoms of the disease and the mission and vision of the Polycystic Kidney Disease Foundation.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That the deputation by Jeffrey Robertson regarding Polycystic Kidney Disease (PKD) Awareness Day be received.

Carried

4.3 Zoning Bylaw Review

Daniel Satoor provided a deputation regarding the Zoning By-law Review on behalf of CBRE Limited. He advised that his organization is in favour of the by-law amendments and that they will lead to sustainable growth in Newmarket.

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the deputation by Daniel Satoor regarding Zoning By-law Review be received.

Carried

5. Consent Items

Moved by: Councillor Vegh

Seconded by: Councillor Kwapis

1. That the following items be adopted on consent, except sub-items 5.2, 5.3, 5.4, 5.5, 5.8, 5.9, 5.10, and 5.11. See following sub-items 5.2, 5.3, 5.4, 5.5, 5.8, 5.9, 5.10, and 5.11 for motions.

Carried

5.1 Draft Plan of Condominium Approval Marianneville Block 119

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2018-002) dated September 17, 2018 be received; and,
2. That approval be given to draft plan of condominium 19CDMN-2018 002 subject to the Schedule of Conditions attached and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Rd., Unit 109, Richmond Hill, ON, L4B 3K1 be notified of this action.

5.2 Tertiary Plan Public Meeting Request

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional
Councillor Taylor

1. That the report entitled Tertiary Plan Public Meeting Request dated September 17, 2018 be received; and,
2. That the Old Main Street Tertiary Plan be referred to a public meeting; and,
3. That following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required; and,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.3 175 Deerfield Road - Incentives for Affordable and Rental Housing

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received; and,
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act; and,
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.4 175 Deerfield Road - Zoning By-law Amendment Application

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the application for Zoning By-law amendment for lands municipally known as 175 Deerfield Road be approved and staff be directed present a By-law to Council for approval generally in accordance with Attachment 1; and,
2. That staff be authorized and directed to do all things necessary to give effect to this report; and,
3. That Daniel Berholz, of The Rose Corporation, 156 Duncan Mill Road, Unit 12, Toronto, ON, M3B 3N2 be notified of this action; and
4. That David McKay, MHBC Planning Limited, of 7050 Weston Road, Suite 230, Vaughan, ON L4L 8G7 be notified of this action.

Carried

5.5 Zoning By-law Review

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the report entitled Zoning By-law Review dated September 17, 2018 be received; and,
2. **That the correspondence from Aaron Gillard, Larkin Land Use Planners be received; and,**
3. That the proposed amendments to Zoning By-Law 2010-40 be adopted; and,
4. 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
5. That staff be directed to do all things necessary to give effect to the recommendations in this report.

Carried

5.6 Urban Centres Zoning By-law: Approval

An alternate motion was presented and is noted below in bold.

1. That the report entitled Urban Centres Zoning By-law: Approval, dated September 17, 2018, be received; and,
2. **That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Loblaw Properties Limited be received; and,**
3. **That the correspondence from Jonathan Rodger, Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Limited be received; and,**
4. **That the correspondence from Emma West, Bousfields Inc. be received; and,**
5. **That the correspondence from Mark Flowers, Davies Howe be received; and,**
6. That the Draft Urban Centres Zoning By-law, dated September 17, 2018, generally as attached to this Report, be approved; and,
7. 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,
8. That the required notice of passing be issued in accordance with the requirements of the Planning Act; and

9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.7 FCM Municipal Asset Management Program - Grant Submission

1. That the report entitled “FCM Municipal Asset Management Program – Grant Submission” dated September 17, 2018 be received; and,
2. That Council directs staff to apply for grant funding through the Federation of Canadian Municipalities’ Municipal Asset Management Program toward the implementation of the Town’s Integrated Asset Management Strategy; and,
3. That the Town of Newmarket commits to conducting the activities in its proposed project application submitted to the Federation of Canadian Municipalities’ Municipal Asset Management Program; and,
4. That the Town of Newmarket commits to funding up to 20% of the eligible project costs to a maximum of \$12,500 of which the remaining 80% is to be funded by FCM, if successful; and,
5. That Council endorse the attached Council Resolution for the Mayor and Town Clerk’s signature; and,
6. That Staff be authorized and directed to do all things necessary to give effect to the attached Council Resolution.

5.8 Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council

Moved by: Deputy Mayor & Regional
Councillor Taylor

Seconded by: Councillor Kwapis

1. That the report entitled “Advisory Committee Scheduling and Recruitment for 2018-2022 Term of Council” be received; and,
2. That, in accordance with the Committee Administration Policy, all regularly scheduled Advisory Committee meetings between October 1, 2018 and December 31, 2018 be cancelled; and,
3. That should a time sensitive or legislated matter requiring the consideration by an Advisory Committee between October 1, 2018 and December 31, 2018, a meeting be scheduled; and,
4. That any Advisory Committee vacancies remain vacant until the new term of Council, or until the Advisory Committee review is complete; and,

5. That staff be directed and authorized to do all things necessary to give effect to this resolution.

Carried

5.9 November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule

Moved by: Councillor Twinney

Seconded by: Councillor Kerwin

1. That the report entitled "November 2018 to December 2019 Council and Committee of the Whole Meeting Schedule" dated September 17, 2018 be received; and,
2. That the Council and Committee of the Whole Meeting Schedule (Attachment A) be adopted; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.10 York Durham Sewage System Forcemain Twinning Project Noise Exemption Request

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the report titled York Durham Sewage System Forcemain Twinning Project Noise Exemption Request dated September 17, 2018 be received and,
2. That the Noise Exemption Request to allow for 24 hours per day for 7 days a week be adopted; and,
3. That the request from Regional Municipality of York for a noise exemption to perform necessary works for the York Durham Sewage System Forcemain Twinning project from January 2, 2019 until December 31, 2021, be approved; and,
4. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and

5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

5.11 Outstanding Matters List

Moved by: Councillor Twinney
 Seconded by: Deputy Mayor & Regional
 Councillor Taylor

1. That the list of outstanding matters be received.

Carried

6. Action Items

None.

7. Reports by Regional Representatives

None.

8. Notices of Motions

8.1 School Bus Safety

Councillor Bisanz presented a notice of motion regarding school bus safety.

9. Motions

None.

10. New Business

10.1 Election Open House

Mayor Van Bynen advised of the Election Open House being held on September 19, 2018 from 7:00 PM to 9:00 PM at the Municipal Offices, 395 Mulock Drive.

10.2 Sidewalks in Construction Zones and Queen Street Safety

Councillor Kwapis advised that a number of sidewalks are not clearly defined in construction zones downtown. He further advised this could be a potential hazard as students use the sidewalks while walking to school.

Councillor Kwapis also requested that staff look into traffic statistics on Queen Street in the area referenced by the earlier deputation and compare traffic data after the construction has completed. The Director of Engineering Services advised that staff will be performing this comparison once the work has completed.

11. Closed Session

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
 - a. Property in Ward 4 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.
 - b. Property in Ward 5 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality as per Section 239 (2) (e) of the Municipal Act, 2001.
 - c. Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2) (b) of the Municipal Act, 2001.

Carried

The Committee of the Whole resolved into Closed Session at 4:35 PM.

The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 5:45 PM.

12. Public Hearing Matter (7:00 PM)

The Clerk welcomed the public to the Committee of the Whole meeting. She advised that the Planning Act requires the Town to hold at least one public

meeting on any proposed Official Plan Amendment or Zoning By-law Amendment.

The Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in the Application for a Zoning By-law Amendment related to lands located at 18095 – 18099 Leslie Street.

She advised that the purpose and effect of this application is to rezone the subject lands from the existing Single Detached Residential 30 Meter Zone (R1-B) zone to a Service Commercial Exception Zone (CS-X) zone to permit a motor vehicle service shop and motor vehicle storage.

She further advised that the Committee of the Whole would not be making a decision regarding the proposed application, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

The Clerk advised that if anyone present wished to be notified of any subsequent meetings regarding this matter, they should complete the further request form using the iPad set up for this purpose.

The Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

The Clerk thanked residents for their participation and interest in the meeting.

12.1 Zoning By-law Amendment Application - 18095 - 18099 Leslie Street

Michael Smith of Michael Smith Planning Consultants provided a presentation regarding the Zoning By-law Amendment Application for 18095 - 18099 Leslie Street. The presentation included an overview of the by-law amendment and the plans for the property.

12.1.1 Deputation by Medeiros Benivaldo

Medeiros Benivaldo, resident, addressed the Committee and stated that while he is supportive of the development, he also has concerns with recent police visits to the property.

12.1.2 Deputation by Herbert Lozano

Herbert Lozano addressed the Committee and advised that he represents SORA Group which owns the vacant lot adjacent to the property. He advised that the owners have concerns about risk of fire on the property, noise created by the proposed use, and the empty gravel space to be located at the rear of the property.

Moved by: Councillor Kerwin

Seconded by: Councillor Twinney

1. That the presentation regarding the Zoning By-law Amendment Application - 18095 - 18099 Leslie Street be received; and,
2. That the Deputation by Medeiros Benivaldo be received; and,
3. That the Deputation by Herbert Lozano be received.

Carried

13. Adjournment

Moved by: Councillor Kerwin

Seconded by: Councillor Vegh

1. That the Committee of the Whole meeting adjourn at 7:18 PM.

Carried

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



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

Memorandum

TO: Mayor and Members of Council

FROM: Adrian Cammaert, Senior Policy Planner

DATE: September 20, 2018

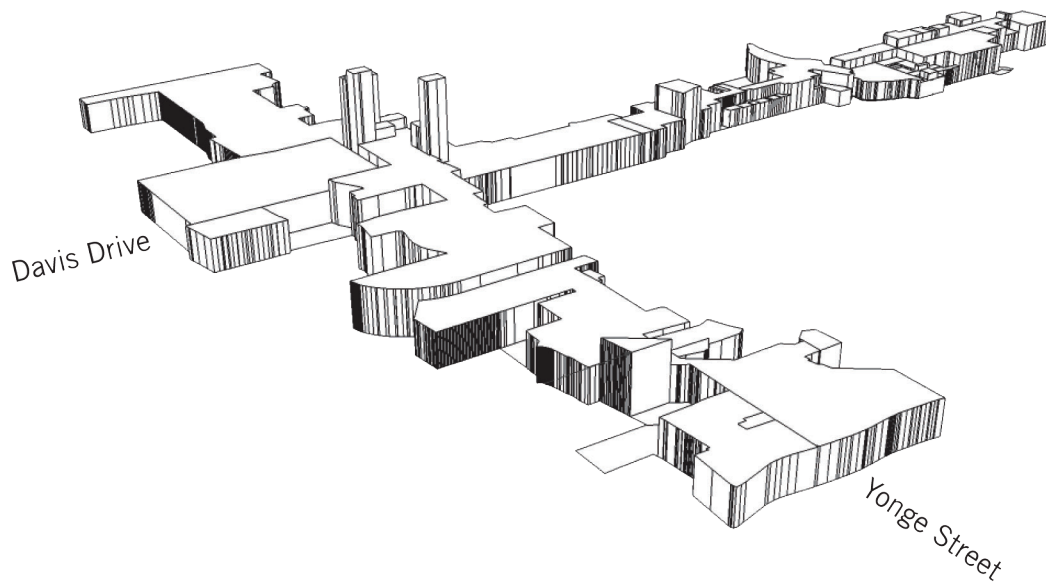
SUBJECT: Urban Centres Secondary Plan – Final Edits

Please be advised that a small number of minor changes have been made to the Urban Centre Zoning By-law between the Sept 17 Committee of the Whole Meeting and the Sept 24 Council meeting. These changes further polish the document, and can generally be described as:

1. Text and mapping changes to better reflect various Site Specific Exceptions contained in the Secondary Plan;
2. Text change to more clearly specify that the removal of a holding provision is not applicable to Interim Development;
3. Various editorial text changes to clean up inconsistencies (eg. replace all references to “future road” with “Proposed Road”), inaccurate section cross-references (eg. change section reference on bottom right corner of Schedule D to 6.2.2.2) and italicize certain defined terms (eg. *common outdoor amenity area* and *common indoor amenity area*);
4. Various editorial mapping changes to clean up information (eg. replace a reference to “MU-4” zone which no longer exists);
5. Revise date on cover to: September 24, 2018; and
6. Addition of consulting team logos to the cover.

The Corporation of the Town of Newmarket

Urban Centres Zoning By-law 2018-48



September 24, 2018

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Preamble

Introduction

These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

Purpose of this Zoning By-law

The purpose of this By-law is to implement the policies of the Town of Newmarket Official Plan and the Newmarket Urban Centres Secondary Plan. The Official Plan and the Urban Centres Secondary Plan both contain general policies that affect the *use* of land throughout the municipality. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan and the Secondary Plan are general documents that are not intended to regulate every aspect of the built-form on a private *lot*. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any zoning by-law passed by Council must conform to the Official Plan and the Secondary Plan, if one exists.

The statutory authority to *zone* land is granted by the Ontario Planning Act. The Planning Act specifies what a by-law can regulate. A zoning by-law can:

- prohibit the *use* of land or *buildings* for any *use* that is not specifically permitted by this By-law;
- prohibit the erection or siting of *buildings* and *structures* on a *lot* except in locations permitted by this By-law;
- regulate the type of construction and the *height*, bulk, location, size, floor area, spacing, character, and *use* of *buildings* or *structures*;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a *lot* that any *building* or *structure* may occupy;

- regulate the minimum elevation of doors, windows or other openings in *buildings* or *structures*;
- require parking and loading facilities be provided and maintained for a purpose permitted by this By-law;
- prohibit the *use* of lands and the erection of *buildings* or *structures* on land that is:
 - subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;
 - contaminated;
 - a sensitive groundwater recharge area or head water area;
 - the location of a sensitive aquifer;
 - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - a significant corridor or shoreline of a lake, river or stream;
or,
 - the site of a significant archaeological resource; and,
- use a holding provision to permit a proposed road network or *Park* which places a hold symbol on certain lots that can be removed upon approval of a plan of *Subdivision* or consent.

How to Use this By-law

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1) Locate the Property on a Schedule and Map

Maps in this By-law are called 'Maps'. Schedules in this By-law refer to types of Maps, and in most cases, each Schedule Map is further broken up into separate Maps. The first step to using this By-law is to refer to the zone maps that are contained at the back of this By-law to determine in which zone category your property is located. The Zoning Map on Schedule "A" breaks up into six geographical areas on Maps 1 through 6, each pertaining to the Urban Centres character areas defined in the Newmarket Urban Centres Secondary Plan. The zone category will be indicated on the maps by a symbol or abbreviation. For example, you may see a symbol such as "MU-1" applied to your property. This would indicate that your property is within the 'Mixed Use 1 Zone'. The zone symbols or abbreviations are explained on the first page of Section 2 of this By-law. Section 2 also provides assistance to help you identify the zone boundaries on the maps. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of this By-law.

2) By-law Amendments

This By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier zoning by-law amendment. These amendments are listed in Section 1.9 of this By-law. More recent amendments may not be included in the version of this By-law that you are using. Staff in the Town's Planning Department will be able to assist you to confirm if your property has been subject to a more recent by-law amendment.

3) Permitted Uses

The next step to using this By-law is to determine what *uses* are permitted on your property. Section 6 of this By-law identifies the permitted *uses* for each *zone* in the municipality. The definitions in Section 3 can assist you if you are not sure of the nature of a *use* or how it has been defined for the purposes of this By-law. *Uses* which are not identified as permitted *uses* within a particular *zone* are not permitted in that *zone*.

4) Zone Standards

Steps 1 and 2 have now identified the *zone* in which your property is located and have identified what *uses* are permitted on your property. The next step is to determine what standards may apply to the *uses* on your property. Section 6 of the By-law also identifies the *zone* standards for each *zone* in the municipality including standards for minimum *lot area*, minimum frontage requirements, minimum *yard* requirements, maximum *lot coverage* for *buildings*, maximum permitted *height* of *buildings* and in some cases, the minimum required landscaped open space on the *lot*. Refer to the *height* maps that are contained at the back of this By-law to determine in which *height* category your property is located. The *Height* Map on Schedule "B" breaks up into six geographical areas on Maps 7 through 12.

The primary *zone Structure* of this By-law includes a list of permitted *uses* and *zone* standards for each *zone* category. In some cases, an additional set of regulations are identified through the *use* of an *Overlay Zone*. An *Overlay Zone* is a second layer of *zone* regulations that take precedence over the *zone* category requirements. Where an *Overlay Zone* has been applied, the permitted *uses* of the underlying *zone* continue to apply however, more restrictive provisions of the *Overlay Zone* replace the specified regulation of the underlying *zone*. An *Overlay Zone* is a second level of standards that allow the Town of Newmarket to address unique or special circumstances through the zoning process.

Refer to the Maps that are contained at the back of this By-law to determine which Overlay Zones apply to your property. The Holding Zones Map on Schedule "C" breaks up into Maps 13 through 18. Schedule "D" contains the Priority Commercial Areas Map, while Schedule "E" contains the Floodplain and Other Natural Hazards Map. Finally, Schedule "F" contains the Parking Reduction Areas.

5) General Provisions

Now that you are aware of the *uses* permitted on your property and the specific *zone* standards that apply to those *uses*, reference should be made to Section 4 of this By-law. Section 4 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all *zones* throughout the Urban Centres. For example, the general provisions contain standards that regulate the construction and location of *accessory buildings* and platforms that apply to all properties regardless of where in the municipality a property is located.

6) Parking and Loading

Section 5 of this By-law provides the parking and loading requirements for all permitted *uses* in the Urban Centres. If you are considering changing the *use* of your property or adding a new *use* to your property, you should review Section 5 to ensure that you are aware of the parking requirements for the proposed *use*.

7) Diagrams and Illustrations

A series of drawings and side notations are provided throughout this By-law. Drawings that are labelled 'Diagrams' are regulations that include drawings to which the by-law regulations apply. Drawings that are labelled 'Illustrations' or notes that are provided in the sidebar of the document are there to assist the reader in interpreting the zoning by-law provisions. While 'Diagrams' do form part of the provisions of this By-law, 'Illustrations' and notes in the sidebars of this document do not form part of the provisions of this By-law.

Description of By-law Components

This By-law contains 9 sections which together, provide the standards applicable to all lands within the Urban Centres of the Town of Newmarket. These sections are as follows:

Section 1 – Interpretation and Administration

Section 2 – Establishment of *Zones*

Section 3 – Definitions

Section 4 – General Provisions

Section 5 – Parking, Loading and Queuing Requirements

Section 6 – *Zone* Provisions

Section 7 – Overlay *Zones*

Section 8 – Site Specific Provisions, Holding Provisions, Temporary *Use Zones* and Interim Control *Zones*

Section 9 – Enactment

The purpose of each of these sections is described below:

Section 1 – Interpretation and Administration

This section of the By-law specifies:

- what lands are covered by this By-law;
- that every parcel of land in the area covered by this By-law is to conform and comply with this By-law; and,
- what penalties can be levied against a person or a corporation if they contravene any provision in this By-law.

Section 2 – Establishment of *Zones*

This section establishes the *Zones* that apply to the lands covered by this By-law. This section also describes how to determine the location of the *Zone* boundaries on the Maps.

Section 3 – Definitions

It is necessary to define words in this By-law because it is a legal document. A zoning by-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in this By-law and ensure that this By-law and its intent is applied consistently.

Section 4 – General Provisions

This section contains a number of regulations that apply to certain types of *uses*, *buildings* or *structures* regardless of where in the Urban Centres or in what *zone* they are located. For example, this section contains provisions dealing with the construction of *accessory buildings* in any *zone* or legal *non-complying Buildings* or *Structures*.

Section 5 – Parking, Loading and Queuing Requirements

Parking and loading facilities are required for almost all *uses* within the municipality. This section provides the requirements for these facilities including such regulations as the calculation of *parking space* requirements based on land *use* and proximity to transit and includes provisions regarding shared parking, barrier free *parking spaces*, as well as loading and *Queuing Lane* requirements.

Section 6 – Zone Provisions

This section lists the *uses* that are permitted in each *Zone*. The effect of these *Zones* is to only permit certain *uses* in various parts of the municipality. The only *uses* permitted in a *zone* are those that are specified in the By-law. If a *use* is not specifically mentioned as a permitted *use* in a *Zone* then it is not permitted. Similarly, if a *use* is defined in Section 3 of the By-law but does not appear as a permitted *use* in any *zone*, then it is not a *use* permitted by the By-law.

This section also contains a number of regulations that control the placement, bulk, setback, angular plane and minimum and maximum *heights* of a *building* on a *lot*. This includes regulations such as minimum *lot* size, minimum frontage, maximum *building height* or the maximum coverage of a *building* on a *lot*. In the case of the Mixed *Use zone* regulatory sets, such *zone* is divided into separate *zones* that identify the permitted range of density and *height* throughout the Urban Centres based on the Secondary Plan thresholds.

Section 7 – Overlay Zones

This section identifies the various overlay zones that will be applied within the Urban Centres, such as Parking Reduction Areas, Priority Commercial Areas and Floodplain and Other Natural Hazards. The Floodplain and Other Natural Hazards (FP-NH) Overlay Zone provide individual regulations that can be applied to specific properties in conjunction with specified use zones and/or established regulatory sets.

Section 8 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

This section provides a consolidated list of properties that are subject to Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control By-laws.

Section 9 – Enactment

This section contains the signatures of the Mayor and the Clerk who signed this By-law when it was passed by Council in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Section 1–Interpretation and Administration

1.1. Title

This By-law may be referred to as the “Town of Newmarket Urban Centres Zoning By-law” and applies to all lands identified on Schedule “A” of this By-law.

1.2. Administration

This Zoning By-law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the Town of Newmarket.

1.3. Conformity and Compliance with By-law

No person shall change the *use* of any *building, structure* or land; erect or *use* any *building* or *structure*; or occupy any *building* or land except in accordance with the provisions of this By-law. Where any *buildings* or land are used for more than one purpose, all provisions of this By-law relating to each separate *use* shall be applied.

Any *use* not specifically permitted by this By-law shall not be permitted in the Town of Newmarket Urban Centres. A *use* which is defined but not identified within a permitted *use* table in any *zone* or by exception is not permitted.

1.4. Interpretation

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Newmarket or any other regulation of the Regional Municipality of York, Province of Ontario or Government of Canada that may otherwise affect the *use* of lands, *buildings* or *structures* in the Town of Newmarket.

1.5. Permits

1.5.1. Building Permits

The requirements of this By-law must be met before a *building* permit is issued for the erection, addition to or alteration of any *building* or *structure*.

1.5.2. Other Permits Required

The requirements of this By-law are in addition to the regulations and standards established under separate legislation and authority, such as the Ministry of Environment, Conservation and Parks, or the Technical Standards and Safety Authority. In order to *use* land or *buildings* the Town may require proof that the standards of other agencies have been met. Some of these requirements may affect the permission for *uses* and *buildings* and include but are not limited to limitations on *use* and *building* established by the Lake Simcoe Region Conservation Authority and the Ministry of Transportation.

1.6. Enforcement

Any person or corporation that contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine as provided for in the Planning Act, R.S.O. 1990, Chapter P.13 as amended.

1.7. Severability

A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.8. Effective Date

This By-law shall come into force the day it was passed.

1.9. Transition Clause

1.9.1. Building Permit Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for which a complete application for a *Building* permit was filed on or prior to September 24th, 2018 if the project in question compiles, or the *Building* permit application for the project is amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.

- ii) For the purposes of Section 1.9.1, a “complete application for a *Building* permit” means an application for a *Building* permit that satisfies the requirements set out in *Building* By-law 2015-58 or its successor by-law.

1.9.2. Minor Variance Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure*, in the circumstances set out in Section 1.9.2(i) and (ii), for which:
 - a) complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to September 24th, 2018; or
 - b) complete application for a minor variance under Section 45 of the Planning Act was filed after September 24th, 2018 based on a *Building* permit application referred to in Section 1.9.1.
- ii) For the purpose of Section 1.9.2, a “complete application for a minor variance” means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the Planning Act.
- iii) Where a project qualifies under Section 1.9.2 (i):
 - a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of the applicable Former Zoning By-law as it read on September 24th, 2017; and,
 - b) a *Building* permit for the project may be issued after final approval is received for the minor variance if the project in question complies, or the *Building* permit application for the project is amended to comply, with the applicable Former Zoning By-law as it read on September 24th, 2018 and all final approved minor variances.

1.9.3. Site Plan Approval Applications

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for a project for which a complete application for site plan approval was filed on or prior to September 24th, 2018, if the project in question complies with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.
- ii) For the purposes of Section 1.9.3(i), a “complete application for site plan approval” means an application which satisfies the requirements set out in the Town of Newmarket Official Plan and Town of Newmarket Urban Centres Secondary Plan.
- iii) Where a project qualifies under Section 1.9.3(i):
 - a) Final site plan approval may be granted if the project complies with the provisions of the applicable Former Zoning By-law, as it read on September 24th, 2018, all requirements of the Planning Act.
 - b) After final site plan approval is received for a project that qualifies under Section 1.9.4(1), a *Building* permit for that project may be issued if the project in question complies, or the *Building* permit application for the project is amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 4th, 2018, the site plan approval, and all finally approved minor variances.

1.9.4. Other Approvals and Agreements

- i) Nothing in this By-law will prevent the erection or use of a *Building* or *Structure* for which a complete application for the following, if the complete application was filed on or prior to September 24th, 2018:
 - a) a consent to sever;
 - b) an approval of draft plan of Subdivision;
 - c) a plan of condominium approval;
 - d) a payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; or
 - e) a part lot control exemption approval pursuant to Section 50 of the Planning Act.

- ii) For the purposes of Section 1.9.4(i)(a), (b) and (c), a “complete application” means an application which satisfies the requirements in the Town of Newmarket Official Plan and Town of Newmarket Urban Centre Secondary Plan.
- iii) Where a project qualifies under Section 1.9.4(i):
 - a) the consent to sever, the approval of the draft plan of *Subdivisions*, the plan of condominium approval and the part *lot* control exemption approval may be granted, and the payment in lieu of parking agreement may be entered into, if the project complies with the provisions of the applicable Former General Zoning By-law as it read on September 24th, 2018 and all requirements of the Planning Act; and,
 - b) a *Building* permit for that project may be issued, based on an application for the *Building* permit filed after September 24th, 2018, if the project in question complies, or the *Building* permit application for the project amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018 and all finally approved minor variances.

1.9.5. Duration

- i) Nothing in this By-law applies so as to continue the application of the exceptions permitted by Section 1.9 beyond the issuance of the *Building* permit upon which the exemptions are founded.
- ii) In no case do the exemptions mentioned in Section 1.9 continue beyond the repeal of this transition section.

1.9.6. Repeal

The exception which permits compliance with the Town of Newmarket By-law 2010-40, 1979-50 and 1981-96 continues three-years after the adoption of this By-law.

1.10. Repeal of Former By-laws

- i) In the Urban Centres, which applies to all lands identified on Schedule “A” of this By-law, Town of Newmarket By-law 2010-40 is repealed in its entirety on the date that all appeals of this By-law, if any, are resolved including all of the Sections,

Schedules and amendments that apply to all lands subject to By-law 2010-40, save except for those lands that are:

- a) located within hatched areas identified on all Schedules “A” through “E” and all Maps associated with those schedules of this By-law, including lands that are:
 - located at 192, 194, 196 & 198 Lancaster Avenue and 13 Kingston Road,
 - located at 17700 & 17600 Yonge Street,
 - located at 78, 80, 80-B, 84, 86, 90, 90-B & 92 Rye Crescent and 47, 47-B, 49, 49-B, 51, 51-B, 57, 59, 59-B, 61, 63 & 65 Walter Avenue,
 - located at 17365 & 17395 Yonge Street,
 - located at 1, 1-B, 3, 3-B, 5, 5-B, 7, 9, 11, 11-B, 13, 13-B, 15, 15-B, 17, 19, 19-B, 21, 23, 25, 25-B, 27, 29, 31, 31-B, 33, 35, 35-B, 37, 39, 41, 41-B & 43 Walter Avenue and 10, 10-B, 12, 14, 14-B, 16, 18, 20, 20-B, 22 & 24 Longford Drive,
 - located at 188, 188-B, 190, 192, 194, 196, 198, 200, 202, 204, 206, 206-B, 208, 2010, 216, 218, 224, 224-B, 226, 226-B, 228, 230, 232, 232-B, 234 & 234-B Penn Avenue,
 - located at 230 Davis Drive,
 - located at 15 & 19 Vincent Street,
 - located at 49, 51, 53, 55, 61 & 63 Main Street North,
 - located at 73, 77, 81, 81-B, 85, 91, 99, 101 & 101-B Main Street North, 422 Asa Street, 0, 43, 47, 71, 72, 75, 81, 85, 91, 95 & 97 Franklin Street and 423 Penn Avenue East,
 - located at 14, 22 Niagara Street, 347, 349, 349-B, 353, 353-B, 355 & 359 Simcoe Street,
 - located at 21 Niagara Street,
 - located at 11 Niagara Street and 379, 385 & 389 Simcoe Street,
 - located at 393 Simcoe Street,
 - located at 395, 397, 399 & 403 Simcoe Street,
 - located at 407, 411, 411-B & 415 Simcoe Street,

- located at 451, 451-B, 453 & 457 Simcoe Street,
 - located at 25, 29, 33, 37, 43 & 39 Charles Street,
 - located at 67 Charles Street and 551 Queen Street,
 - located at 563 Queen Street,
 - located at 567 Granby Place,
 - located at 55 & 61 Prospect Street and 63 Queen's Lane,
 - located at 31, 35-B & 43 Lundy's Lane; 32, 36, 39, 39-B & 40 Bolton Avenue and 592 Watson Avenue.
- b) In the Urban Centres, which applies to all lands identified on Schedule 'A' of this By-law, Town of Newmarket Zoning By-laws 1979-50 and 1989-96 is repealed in their entirety, including all of the sections, schedules and amendments.

1.11. Technical Revisions to the Zoning By-law

The following technical revisions to this By-law are permitted without a zoning by-law amendment provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected:

- i) Changes to the numbering, cross-referencing, format and arrangement of the text, tables, diagrams, illustrations, schedules and maps;
- ii) Additions to and revisions of technical information on schedules, maps, diagrams and illustrations including, but not limited to *infrastructure* and topographic information, notes, legends, shading and title blocks;
- iii) Alterations of punctuation or language; and,
- iv) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.

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Section 2– Establishment of Zones

2.1. Establishment of Zones

The following *zones* are hereby established and they may be referred to by name or by the symbol set opposite the name of the *zone* below:

ZONE	SYMBOL
Mixed Use 1 Zone	MU-1
Mixed Use 2 Zone	MU-2
Mixed Use 3 Zone	MU-3
Institutional 1 Zone	I-1
Institutional 2 Zone	I-2
Open Space Zone	OS-1
Open Space Zone	OS-2
Open Space Zone	OS-3
Floodplain and Other Natural Hazards	FP-NH
Site Specific Zone	SS

2.2. Zone Symbols

The *zone* symbols may be used to refer to *lots, buildings and structures* and to the *use of lots, buildings and structures* permitted by this By-law. Site Specific Provisions, Holding Provisions, Temporary *Use Zones* and Interim Control *Zones* are identified in Section 8 of this By-law.

2.3. Zone Maps

The *zones* and *zone* boundaries are shown on Schedule “A” Maps 1 through 6 which are attached to and form part of this By-law.

2.4. Determining Zone Boundaries

When determining the boundary of any zone as shown on Schedule “A” Maps 1 through 6, forming part of this By-law, the following provisions shall apply:

- i) a boundary indicated as following a highway, street, lane, railway right-of-way, or watercourse shall be the centre line of such highway, street, lane, railway right-of-way, or hydro corridor;
- ii) a boundary indicated as following *lot lines* or the municipal boundaries of the Town of Newmarket shall follow such *lot lines* or boundary;
- iii) where a boundary is shown parallel to a *street line* and the distance from the *street line* is not indicated, the boundary shall be deemed to be parallel to such a *street line* and the distance from the *street line* shall be determined according to the bar scale shown on the zone map;
- iv) where two or more zones are located on a single *lot* and the distance of the respective zone boundaries is indicated on the zone maps, the boundary shall be determined in accordance with the distances noted on the zone maps;
- v) where a *lot* is divided into two or more zones the zone boundary dividing the *lot* shall be deemed to be a *lot line* for purposes of calculating coverage, and each portion of the *lot* is required to satisfy the provisions of this By-law for the applicable zone; and,
- vi) where none of the above provisions apply, the zone boundary shall be scaled from the zone map.

Section 3–Definitions

Accessibility Lift

Means a vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground floor from *grade*.

Accessibility Ramp

Means an inclined plane installed in addition to or instead of stairs that permits users to access a ground floor from *grade*.

Accessory Building or Structure

Means a detached *building* or *structure*, the *use* of which is incidental, subordinate and exclusively devoted to a main *building* or main *use* on the same lot.

Accessory Dwelling Unit

Means a separate *dwelling unit* that is located within the *Structure* of a detached or semi-detached *dwelling unit* and which is clearly subordinate or incidental to the principal dwelling.

Accessory Outdoor Storage

Means the incidental storage of equipment, goods, or materials that are directly related to the primary *use* of the *lot*, outside of any *building* or *structure*.

Accessory Residential Structure

Means accessory *structures* that are not used for human habitation, but the *use* of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal *residential use* or dwelling and located on the same *lot* therewith. Residential accessory *structures* may include, but are not limited to a change house/cabana; *private play structure*; gazebo; dog house or dog run; private greenhouse; shed; *patio shelter*; portable tent *Structures*; standalone antennae or satellite dishes; and, standalone *solar capture equipment*; but shall not include a detached garage or any mechanical equipment as defined under *air conditioner* or privacy screens erected on the ground.

Accessory Residential Structure Height

Means the distance from the *established grade* to the highest point of the *structure*.

SECTION 3 – DEFINITIONS

Accessory Retail Sales Outlet

Means the accessory sale of products created, manufactured, processed or assembled within the primary use of the lot.

Accessory Use

Means a use customarily incidental or subordinate to and exclusively devoted to the principal use and which operates together with the principal use on the same lot.

Adult Entertainment Parlour

Means any premises or part thereof in which is provided, in pursuance of a performance or services appealing to or designed to appeal to erotic or sexual appetites or inclinations as licensed in accordance with the Town of Newmarket.

Air Conditioner

Means any mechanical equipment which is required for residential domestic use and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipment.

Apartment Building Dwelling

Means a building containing 4 or more dwelling units which are rented or owned by the occupants and which have a common entrance from the street level and the occupants of which have the right to use in common, hallways, stairs, and/or elevators and yards but does not include any other dwelling defined herein.

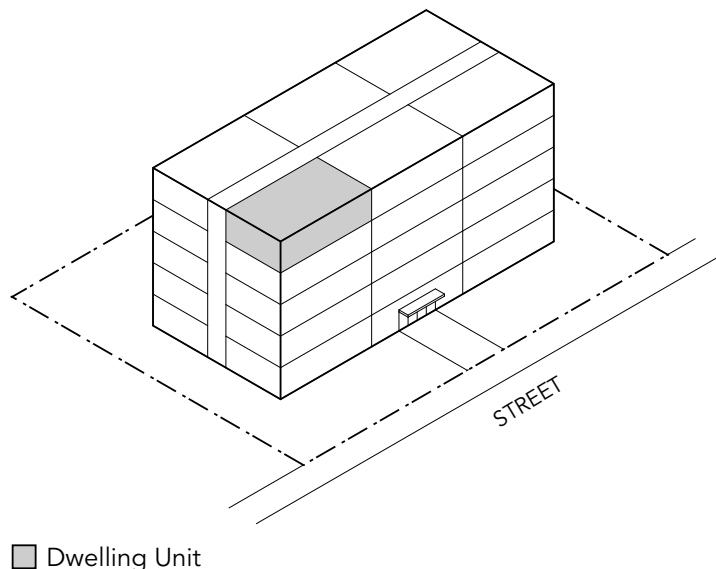


Diagram 3-1. Apartment Building Dwelling

Art Gallery

Means a *premises* where paintings, sculptures, or other works of art are exhibited or sold.

Attached Structure

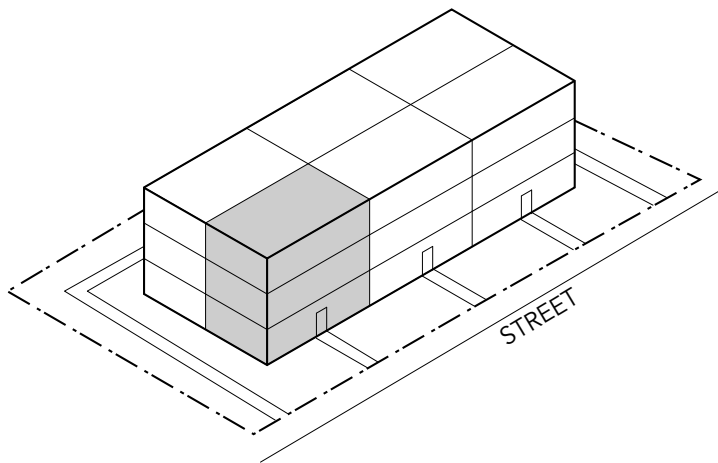
Means any *structure* that is attached to another *structure* by a common wall or by a common roof *Structure*.

Automated Motor Vehicle Washing Establishment

Means a *building* or part thereof with a capacity to wash *motor vehicles* using automated or production line methods.

Back to Back Townhome Dwelling

Means a *building* containing a minimum of 6 and not more than 20 *dwelling units* that is divided by common walls including a common rear wall without a *rear yard* setback, and where each *dwelling unit* has an independent entrance to the *dwelling unit* from the outside which is accessed through the *front yard* or *exterior side yard*.



■ Dwelling Unit

Diagram 3–2. *Back to Back Townhome Dwelling*

Balcony

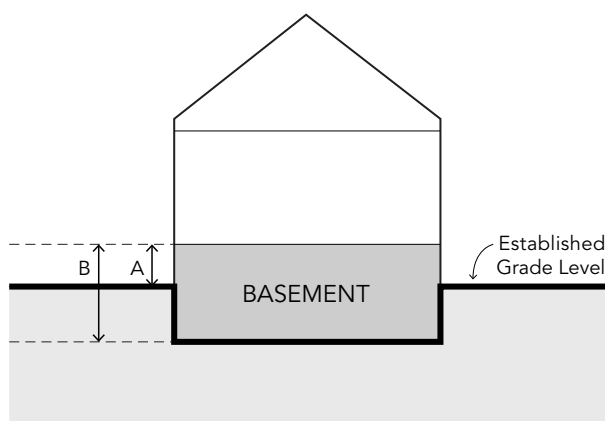
Means a raised platform or *structure* in excess of 3.0 metres above *grade* which is not supported by vertical uprights other than from the exterior wall of the *building* from which it projects and is only accessible from within the *building*.

Banquet Facility

Means a *premises* used for the purpose of catering to large groups of people for which food and beverages are prepared and served.

Basement

Means that portion of a *building* that is underground, which has more than one third of its *height* above *established grade* but where the *height* above *established grade* does not exceed 1.8 metres.



A is more than 1/3 of B and less than 1.8m

Diagram 3-3. *Basement*

Bed and Breakfast Establishment

Means a dwelling or part of a dwelling in which not more than 3 bedrooms are used or maintained for the accommodation of the travelling public, in which the owner-occupant supplies lodgings with or without meals for hire or pay but shall not include any other establishment otherwise defined or classified in this By-law.

Bicycle Parking Spaces

Means an area used for parking or storing of a bicycle for either *short-term bicycle parking* or *long-term bicycle parking*.

Body Rub

Includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

Body Rub Parlour

Means any *premises* or part thereof where a *body rub* is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include the medical or therapeutic services of a Registered Massage Therapist.

Building

Means a *structure* occupying an area greater than 10.0 square metres and consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures and service systems. This definition shall also include a private sewage system but shall not include a *mobile home*.

Building Line

Means a line which runs parallel to a *lot line* for the purpose of establishing the minimum distance that must exist between a *building* or *structure* erected on the *lot* and a *lot line* of the *lot*.

Bulk Fuel Depot

Means a *premises* where petroleum, gasoline, fuel, oil, propane or other flammable liquid or fluid is stored, *warehoused* and/or kept for retail sale.

Carpool Parking Space

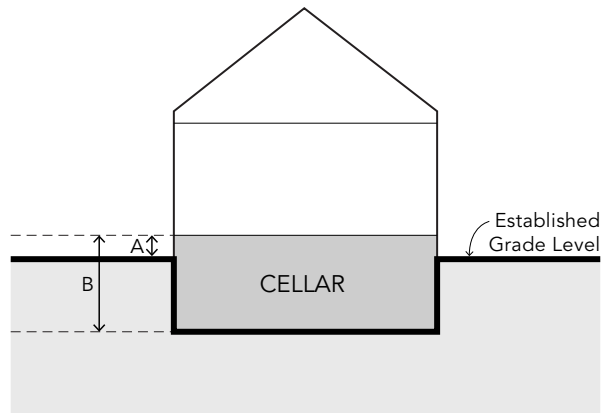
Means a designated *parking space* for vehicles to be used only by vehicles carrying more than one occupant.

Carport

Means a *building* or *structure* attached to the principal or main *Building*, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more *motor vehicles*.

Cellar

Means a storey or any part of a storey which has less than one third of its *height* above the *established grade*.



A is less than $\frac{1}{3}$ of B.

Diagram 3-4. Cellar

Cemetery

Means land that is set apart or used for the interment of the deceased or in which human remains have been buried, and may include a crematorium, a *columbarium* and a mausoleum but does not include any facilities for public assembly.

Child Care Centre

Means a *Premises* where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.

Columbarium

Means a *structure* designed for the purpose of interring cremated human remains in sealed compartments.

Commercial Motor Vehicle

Means a *motor vehicle*, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to catering or canteen trucks, a *food vehicle*, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.

Commercial Recreation Centre

Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, office space, yoga *Studio*, retail shop and related lounge facilities but shall not include a *private club*. May also include a *premises* where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or *Pool* rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an *adult entertainment parlour* or a *nightclub*.

Commercial Rooftop Patio

Means any portion of a rooftop dedicated as an outdoor serving area that is an *accessory use* to a *restaurant* or to a *commercial use*.

Commercial School

Means a *premises* operated as a school with teachings dedicated to a specialized skill set and which is conducted for gain or profit but shall not include a *studio*.

Commercial Use

Means the *use* of land, *buildings* or *structures* for the purpose of buying and selling commodities and supplying of services, as distinguished from such *uses* as *manufacturing* or assembling of goods, warehousing, transport terminals, construction and other similar *uses*.

Common Indoor Amenity Area

Means a common area or areas within a *Building* provided for the exclusive use of residents for recreational and social purposes, at least one of which contains a kitchen and a washroom.

Common Outdoor Amenity Area

Means a common area or areas within a *lot* located outdoors provided for the exclusive use of residents for recreational and social purposes.

Community Centre

Means a *building* or *structure* owned and/or operated by the Town of Newmarket that provides facilities for indoor recreational activities and/or other community facilities for use by the public.

Conservation Use

Means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system and may include hiking trails as an *accessory use*.

SECTION 3 – DEFINITIONS

Contractors Yard

Means a *yard* of any *building* trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work, within a wholly enclosed *structure*.

Corner Lot

Means a *lot* situated at the intersection of and abutting onto two or more streets or two sections of the same street, provided that the angle of intersection of such street(s) is not more than one hundred and thirty-five degrees.

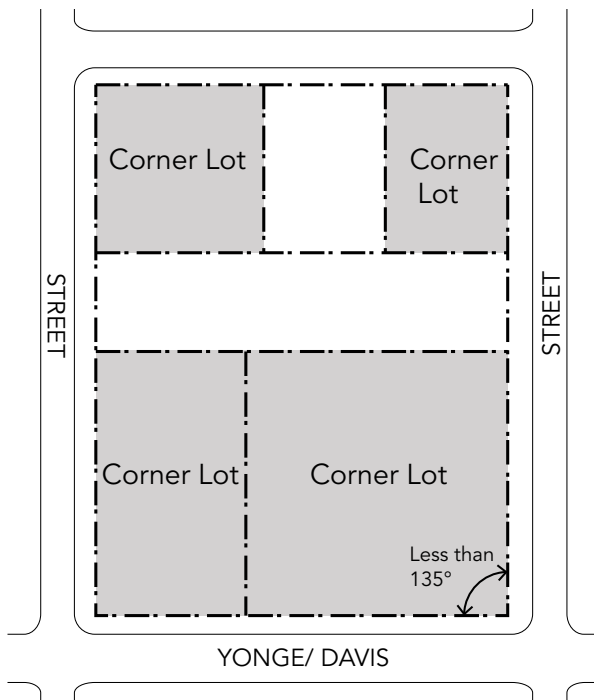


Diagram 3-5. *Corner Lot*

Crematorium

Means a *Premises* used for the purpose of the cremation of human remains.

Daylighting Triangle

Means a triangular area of land on a *corner lot*, free of *buildings* or *structures*, formed by measuring from the point of intersection of the *street lines*, the distance required by this By-law along each such *street line* and joining such points with a straight line.

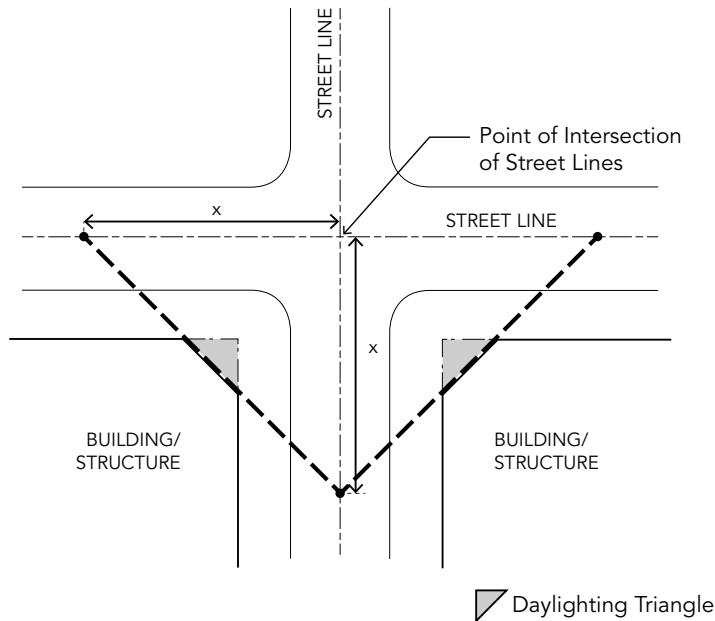


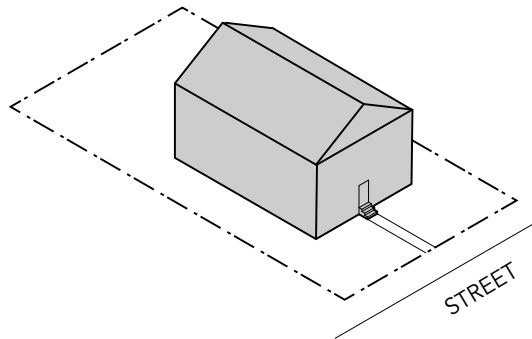
Diagram 3-6. *Daylighting Triangle*

Deck

Means a platform, with no solid roof or walls, which is constructed on piers or a foundation above *established grade* adjacent to a ground floor or *walkout basement* wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in *height* measured from the *deck floor* to the highest part of the privacy screen including any ornamental features.

Detached Dwelling

Means a *building* containing only one primary *dwelling unit* exclusive of any *accessory dwelling unit*.



□ Dwelling Unit

Diagram 3-7. *Detached Dwelling*

Domestic Animal Care Facility

Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a *kennel*.

Dormitory

Means a residence hall owned or operated by the Southlake Regional Health Centre, providing temporary accommodation and consisting of either *dwelling units*, *rooming units*, or a mixture of both. A *dormitory* may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas such as living rooms may or may not be provided. A *dormitory* does not include a *group home*, *special needs facility*, *halfway house*, or a *long term care facility*.

Drive-Thru Facility

Means a *building* or *structure* or part thereof where goods, food or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged.

Driveway

Means that portion of a *lot* used to provide vehicular access from a roadway to an off-street parking or loading area located on the same *lot* as the principal use.

Driveway Width

Means the widest horizontal surface of any *driveway*, and includes any portion of hard landscaping or pavement contiguous to a *driveway* or *parking space* where parking or storage of a *motor vehicle* could be accommodated.

Dry Cleaning Depot

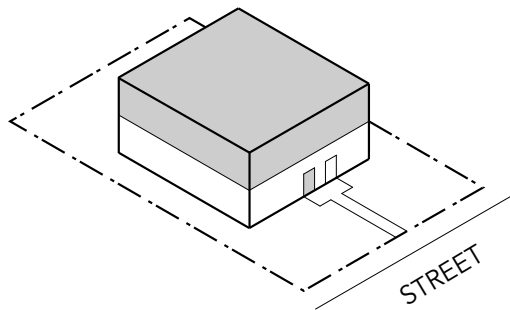
Means a *premises* used for the purpose of receiving articles or goods of fabric to be laundered or dry-cleaned elsewhere.

Dry Cleaning Establishment

Means a *premises* in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing, and finishing of such goods are conducted.

Duplex Dwelling

Means a *building* that is divided horizontally above *grade* into 2 *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.



■ Dwelling Unit

Diagram 3-8. Duplex Dwelling

Dwelling Unit

Means a room or group of rooms to be used by one *Household* that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the *building* or from a common hallway or stairway inside.

Elementary School

Means a Provincially approved institution for academic instruction for kindergarten to grade eight including a publicly funded, private fee paying or a Montessori school.

SECTION 3 – DEFINITIONS

Emergency Service Facility

Means a *building* that houses emergency personnel, their supplies and vehicles and may include an ambulance response facility, fire station or police station.

Established Grade

Means the average elevation of the finished surface of the ground at the base of the outside walls of a *building* or *structure*. The *established grade* is determined by taking the arithmetic average of the levels of the finished ground surface at every location of change of *grade* along the outside walls of a *building* or *structure*.

Existing

Means existing as of the date of the final passing of this By-law.

Existing Building

Means a *Building* or *Structure* of which at least 50% or more of the *main walls* of the first Storey and above exists as of the date of the final passing of this By-law.

Exterior Side Lot Line

Means a *side lot line* which abuts a street on a *corner lot*.

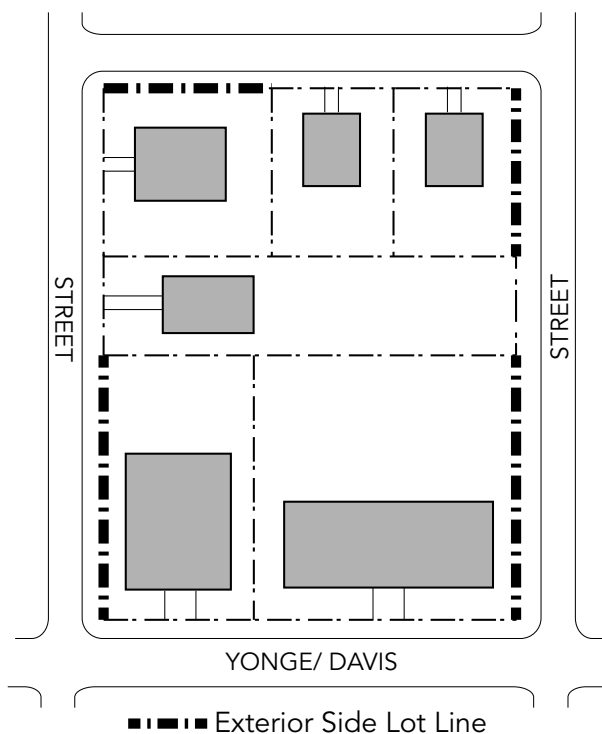


Diagram 3-9. Exterior Side Lot Line

Exterior Side Yard

Means the yard of a *corner lot* extending from the *Front Yard* to the rear yard between the exterior side *lot* line and the nearest *main wall* of the *Principal Building* or *Structure* on the lot.

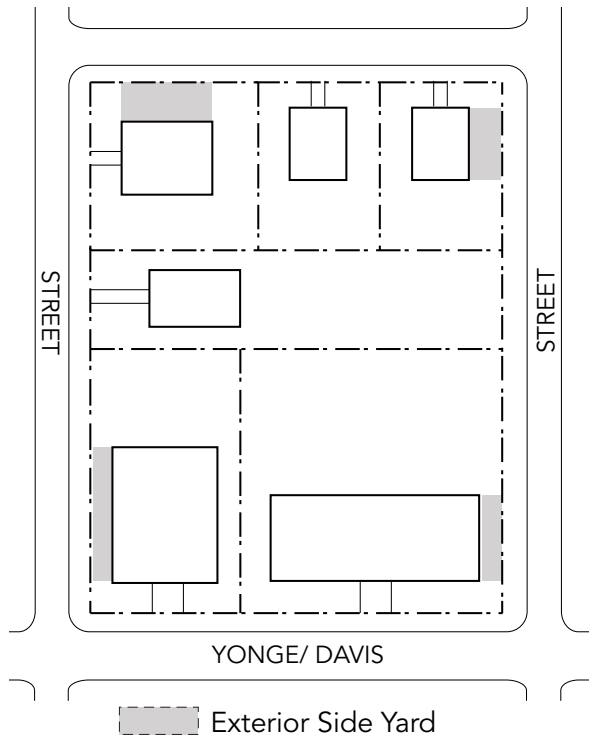


Diagram 3-10. *Exterior Side Yard*

Financial Institution

Means a *premises* where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and may include an automated banking machine.

Financially Assisted Dwelling Unit

Means a *dwelling unit* in a *mixed use building* or an *apartment building* which is operated or owned by a government agency, a registered charitable corporation, or a registered non-profit corporation as a residential accommodation for persons who require financial assistance towards the regular costs of renting or owning such *dwelling unit*.

Floor Space Index

Means the *gross floor area* of all *Buildings* on a *lot* divided by the *lot area*.

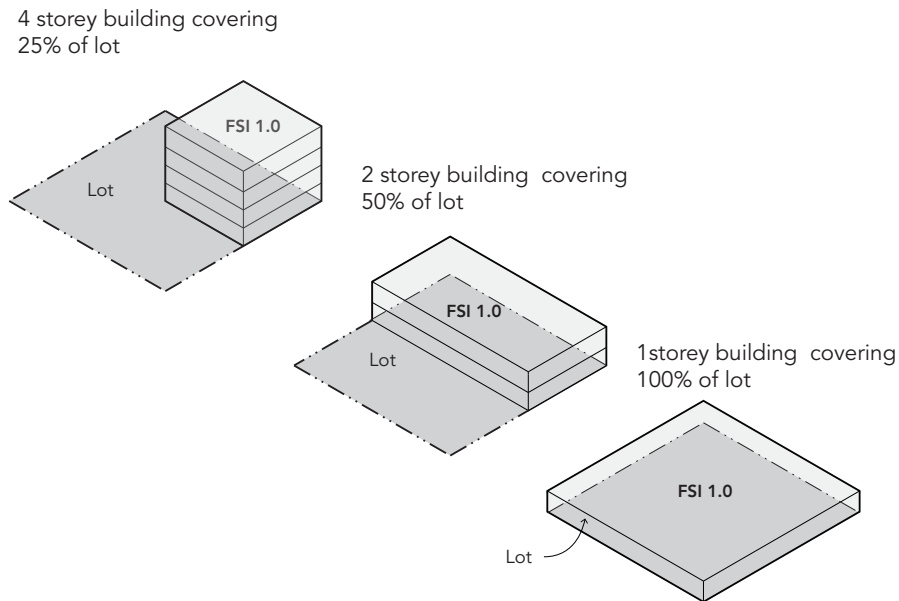


Diagram 3–11. Floor Space Index

Food Vehicle

Means the accessory use that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

Fourplex Dwelling

Means a *building* that is divided horizontally or a combination of horizontally and vertically into four *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

SECTION 3 – DEFINITIONS

Front Lot Line

A *front lot line* shall be defined as follows:

- i) In the case of an *interior lot*, shall be the *lot line* abutting a street.
- ii) In the case of a *corner lot*, shall be the shorter *lot line* that abuts a street.
- iii) In the case of a *corner lot* with two *street lines* of equal length, shall be the *lot line* which abuts a Regional Road. In the case that both abutting streets are under the same jurisdiction or are of the same width, the Municipality may designate either *street line* as the *front lot line*.
- iv) In the case of a *corner lot* abutting a 0.3 metres reserve, shall be the *lot line* which does not abut the 0.3 metres reserve.
- v) In the case of a *through lot*, shall be the longer boundary dividing the *lot* from the street. In the case that both such *lot lines* shall be of equal length, the Municipality may designate either *street line* as the *front lot line*.

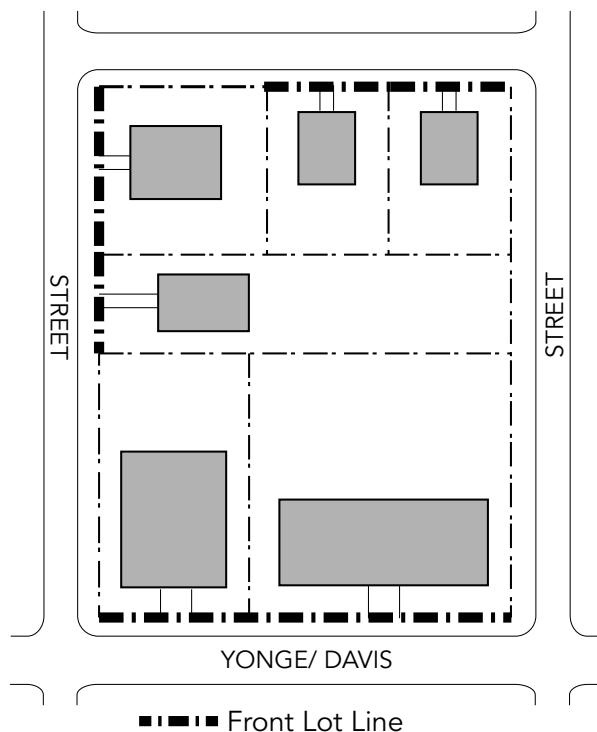


Diagram 3-12. *Front Lot Line*

Front Yard

Means a yard extending across the full width of a *lot* between the *front lot line* and the nearest wall of the *principal building* or *structure* on the *lot*.

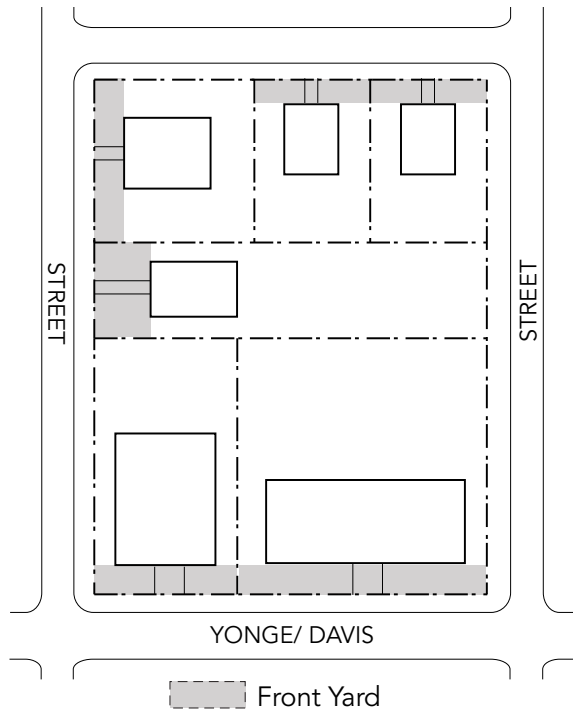


Diagram 3-13. *Front Yard*

Funeral Home

Means a *premises* designed for the purpose of furnishing funeral supplies and service to the public and includes facilities intended for the preparation of human remains for interment or cremation but does not include a *crematorium*.

Garden Centre

Means a *premises* or portion of a *premises*, used for the display and retail sale of flowers, plants, trees and shrubs and shall also include the retail sale of such goods, products and equipment as are normally associated with gardening or landscaping.

Grade

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

Green Roof

Means an extension to a *building's* roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained.

Gross Floor Area

Means the aggregate of all floor areas of a *building* or *structure*, which floor areas are measured between the exterior faces of the exterior walls of the *building* at each floor level but excluding any *Porch*, veranda, *cellar*, mechanical room or penthouse, or areas dedicated to parking within the *Building*. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

For the purposes of calculating required *Parking Spaces*, all common areas within *Buildings* including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling *height* of less than 1.8 metres shall be excluded.

Ground Floor Area

Shall mean the floor area of the lowest *storey* of a *building* approximately at or first above the *established grade* level excluding any *basement*, *cellar* or sub-*cellar*, which area is measured between the exterior faces of the exterior walls at the floor level of such *storey*, but:

- i) excludes areas to accommodate parking within the *Building*; and,
- ii) for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

Group Home

Means a residence licensed or funded under a federal or provincial statute for the accommodation of 3 to 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well being but shall not include a *halfway house*.

Habitable Room

Means a room designed for living, sleeping, eating or food preparation.

Half Storey

Means a *storey* whose *gross floor area* does not exceed 66% of the *storey* situated immediately below, which is located under a gable, hip, or gambrel roof, and whose wall plates, on at least two opposite walls, are not more than 0.66 metres above the floor of such a *storey*.

SECTION 3 – DEFINITIONS

Halfway House

Means a facility funded, licensed, approved, or supervised by the Province of Ontario as a detention or correctional facility under any general or special Act and amendments or replacements thereto, for the accommodation of 3 or more residents, exclusive of staff.

Hazardous Substances

Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heavy Equipment Sales, Rental and Service

Means a *premises* in which heavy machinery and construction equipment are offered or kept for sale, service, rent, lease or hire under agreement for compensation.

Height

Means the vertical distance measured between the average *established grade* and any of the following:

- i) on a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- ii) the *deckline* of a mansard roof;
- iii) on a gabled, hip, gambrel or any other type of pitched roof, the mean distance between the eaves and ridge of a roof; or
- iv) the highest point of a *structure* without a roof.

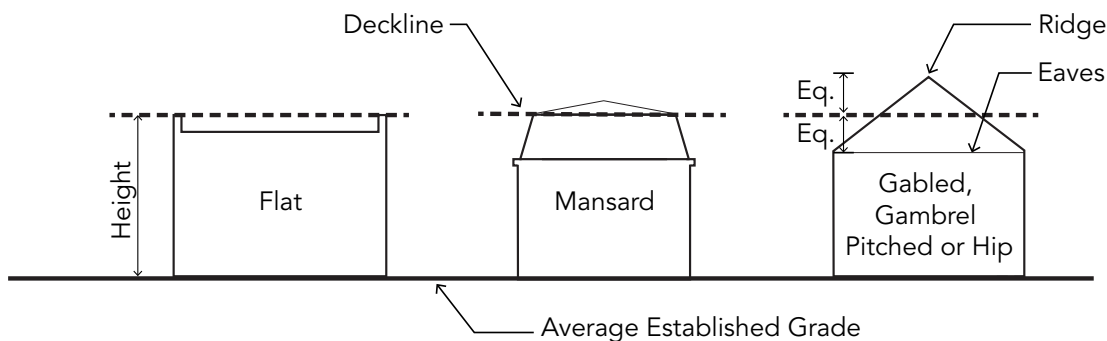


Diagram 3-14. Height

Home Occupation

Means any lawful occupation or business which is conducted entirely within a *dwelling unit* and which is clearly subordinate or incidental to the primary *residential use* of the dwelling.

Hospital

Means any institution, *building* or other *premises* established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public *Hospitals Act* as a public *Hospital* and may include a gift shop, cafeteria or other accessory uses normally associated with a *hospital*.

Hotel

Means a commercial establishment offering accommodation to the travelling public on a daily rate basis and may include such accessory uses as a *restaurant*, *banquet facilities*, meeting rooms, swimming *pool* and a fitness establishment.

Household

Means a person or group of people who may or may not be related, live together as a single housekeeping establishment, and may include not more than 2 roomers or boarders.

Industrial Use

Means the *use* of land, *buildings* or *structures* for the purpose of *manufacturing* or assembling of goods, warehousing, transportation terminals, construction and other similar *uses*.

Institutional Day Centre

Means a *premises* used to deliver a day time program of *Structured* and supervised activities and/or short term temporary care for youths, adults, seniors or persons with disabilities but shall not include a *child care centres*.

Institutional Use

Means a *building* or part thereof used for non-commercial, non-profit purposes by a *public authority*, religious group or community organization.

SECTION 3 – DEFINITIONS

Interior Lot

Means a *lot* other than a *corner lot*.

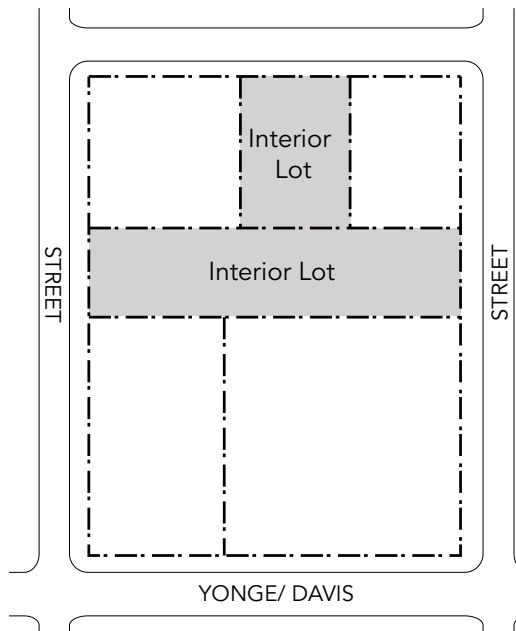


Diagram 3-15. *Interior Lot*

Interior Side Yard

Means a *yard* other than an *exterior side yard*, extending from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest wall of the *principal building or structure* on the *lot*.

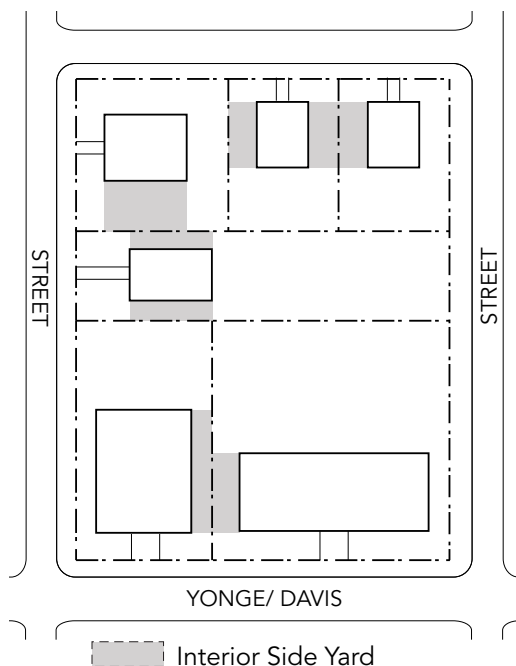


Diagram 3-16. *Interior Side Yard*

Kennel

Means *Premises* used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a *domestic animal care facility*.

Landing

Means a surfaced, open space of land at *grade*, adjacent to a *residential use*, which is adjacent to stairs, steps, or a door providing access to the *building* or *structure* with which it is associated and connected to a *driveway*, pathway or walkway.

Landscaped Buffer

Means the area of a *lot* which serves to provide separation and to partially or fully obstruct the view of adjacent land *uses* by means of vegetative screening, fencing and/or berms.

Large Scale Wind Energy System

Means wind energy facilities which have a nameplate capacity exceeding 500 kilowatts (kW) and are intend to generate electricity for commercial purposes.

Laundromat

Means a *premises* where laundry machines, using only water and detergents are made available to the public for the purpose of cleaning clothes and other articles made of fabric and which may include a drop-off laundry service.

Leasable Floor Area

Means the aggregate area of all floors in a *building* measured from the centre line of the joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes, such as sales, display, storage and *offices* but excluding storage areas below *grade*.

Library

Means a *building* containing printed, electronic and pictorial material for *public use* for purposes of study, reference and recreation.

Light Equipment Sales and Rental

Means a *premises* in which light machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation and which may include an accessory service shop.

Light Manufacturing

Means the use of *buildings* or *structures* primarily for the purpose of *manufacturing*, processing, fabrication, assembly, treatment, packaging, or distribution and incidental indoor storage of goods and materials and may include accessory sales of such products but does not include basic industrial processing from *raw materials*. All such activities shall be conducted wholly within one or more *buildings*.

Link Dwelling

Means a *building* divided vertically into two separate *dwelling units* above ground, each with an independent entrance to the outside, but the foundation for each *dwelling unit* being connected to a common wall below *grade*.

Live Work Unit

Means a *Building* containing a professional *office* or a personal service use, and a *Dwelling Unit*, in which the owner/occupant of the *office* or personal service use resides.

Loading Space

Means an unobstructed area of land which is provided and maintained upon the same *lot* or *lots* upon which the principal use is located and which area is provided for the temporary parking of one commercial *motor vehicle* while merchandise or materials are being loaded or unloaded from such vehicles.

Long Term Care Facility

Means a nursing home licensed in accordance with applicable federal and or provincial legislation.

Long-Term Bicycle Parking Space

Means a *bicycle parking space* that is located in a *building*, enclosed in a lockable locker, or enclosed in a secured area with controlled access.

Lot

Means a parcel of land which is legally capable of being conveyed in accordance with the Planning Act R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium.

SECTION 3 – DEFINITIONS

Lot Area

Means the total horizontal area within the *lot lines* of the *lot*. In the case of a *corner lot* having *street lines* rounded at one or more corners with a radius of 6.0 metres or less, the *lot area* is to be calculated as if the *lot line* were projected to intersection points.

Lot Coverage

Means the percentage of the *lot area* covered by all *buildings*, *structures* or parts thereof, at or above average grade or *established grade*, exclusive of uncovered *decks*, uncovered *Porches*, and outdoor swimming pools.

Lot Frontage

Means the horizontal distance between parallel *Side Lot Lines* measured along the front *Lot Line*. Where the front *Lot Line* is not a straight *Lot Line*, or where the *Side Lot Lines* are not parallel, the *Lot Frontage* shall be measured by a line 7.5 metres back from and parallel to the chord of the *Lot Frontage*. The chord of the *Lot Frontage* is a straight line joining the two points where the *Side Lot Lines* intersect the front *Lot Line*.

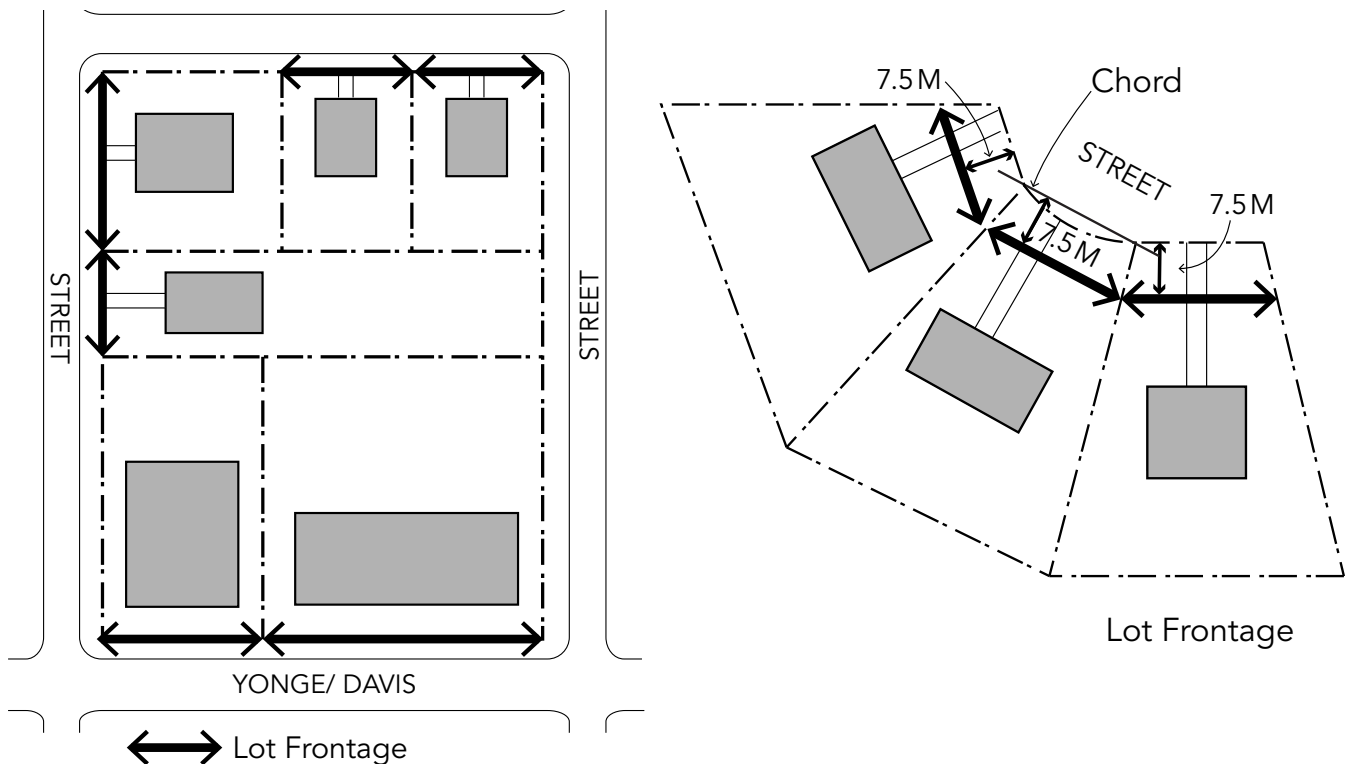


Diagram 3-17. *Lot Frontage*

Lot Line

Means a boundary of a *lot* including its vertical projection.

Main Wall

Means any exterior wall of a *Building* or *Structure*, including all structural members essential to the support of the roof, including a *balcony*, over a fully or partly enclosed area.

Maisonette Dwelling

Means a *building* that is divided into three or more *dwelling units*, each of which has independent entrances, one to a common corridor and the other directly to the outside *yard* area adjacent to the *dwelling unit*.

Major Transit Station Area

Means an area, including and around any *existing* or planned higher-order transit station within a settlement area, or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500.0 metres radius of a transit station, representing about a 10-minute walk.

Manual Motor Vehicle Washing Establishment

Means a *building* or part thereof that provides self-serve facilities for the manual or coin-operated washing of *motor vehicles*.

Manufacturing

Means the use of land, *building* or *structures* for the manufacturing, processing, fabricating or assembly of *raw materials* or goods and related *accessory uses*.

Mausoleum

Means a *building* or *structure* used for the interment of human remains in sealed crypts or compartments.

Medical Clinic

Means a walk-in *premises* where members of the medical profession provide diagnosis and treatment to the public without overnight accommodation and may include accessory dispensary facilities.

Medical Office

Means a *building* or part thereof, used to accommodate the *offices* of one or more medical physicians, dentists, drugless practitioners, or other healthcare professionals to provide diagnosis and treatment to patients, but which does not provide overnight accommodation.

Medical/Dental Laboratory

Means a *premises* used for the collection, testing or analysis of biological specimens and samples.

Micro-Industrial Use

Means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment may include an ancillary *Restaurant*, retail food store or *Retail Store* use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.

Mixed Use Building Dwelling

Means a *building* containing 4 or more *dwelling units* and a non-residential use. A *mixed use building* is not an *apartment building*.

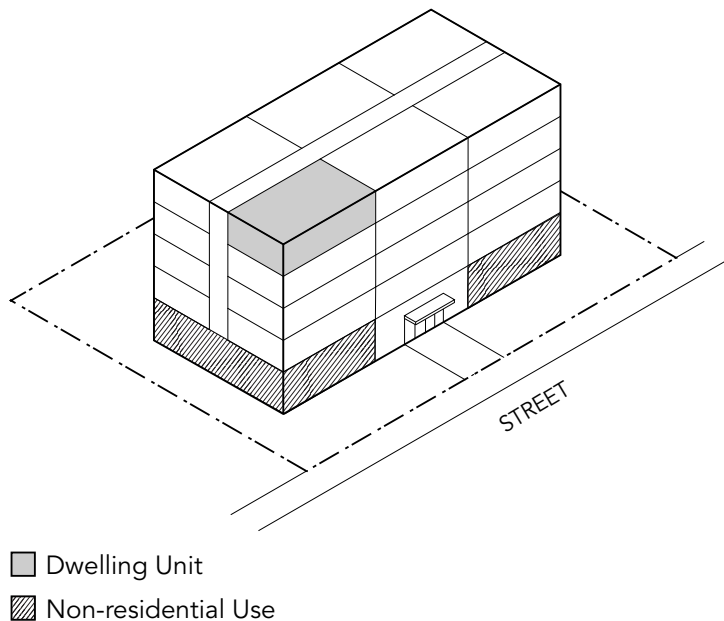


Diagram 3-18. *Mixed Use Building Dwelling*

Mobile Home

Means a transportable, factory-built *dwelling unit* manufactured in accordance with CSA standards that is intended to provide permanent residence but does not include any *trailer* otherwise defined in this By-law.

Motor Vehicle

Means automobile, motorcycle, motor assisted bicycle or any other vehicle propelled or driven other than by muscular power, but does not include a street car, or other *motor vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, riding lawn-mower, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act. R.S.O. 1990, or successor thereto.

Motor Vehicle Body Shop

Means a *premises* used for the painting or repairing of *motor vehicle* bodies, exterior and under-carriage, and in conjunction with which there may be a towing service or *motor vehicle rental establishment* but shall not include a *salvage yard*.

Motor Vehicle Rental Establishment

Means a *premises* where *motor vehicles* are kept for rent, or hire under agreement for compensation and may also include an *office* used to administer the rental of such *motor vehicles* and accessory facilities for the cleaning or incidental maintenance of such vehicles.

Motor Vehicle Sales Establishment

Means a *premises* where new and/or used *motor vehicles* are kept for display, lease or sale, and may include an associated *motor vehicle* service centre.

Motor Vehicle Service Shop

Means a *premises* used to conduct repairs of *motor vehicles* of a mechanical or structural nature and may include an associated towing service, and *motor vehicle* rentals but does not include a *motor vehicle body shop* or impound yard. May also include a *premises* used to conduct diagnostic services, minor repairs, equipping of *motor vehicles* or in which the replacement of incidental parts and services to *motor vehicles* are completed while the customer waits.

Motor Vehicle Service Station

Means a *premises* where gasoline or other motor fuels are kept for sale and delivery directly into a *motor vehicle* but does not include a *motor vehicle service shop*.

Museum

Means *premises* used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest, primarily for the recreation or cultural education of the public.

Net Floor Area

Means the aggregate of the floor areas of a *building*, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the *Building*, and any space with a floor to ceiling *height* of less than 1.8 metres.

Nightclub

Means a *building* or *structure* or part thereof whose primary function is the provision of theatrical performances, pre-recorded music, or live entertainment, whether such pre-recorded or live performances are provided for listening or dancing by the patrons, or any combination of the above functions and whose secondary function is the sale and consumption of food and/or alcoholic beverages on the *premises*, but shall not include a *restaurant* or *adult entertainment parlour*.

Non-Complying

Means a *lot*, *building* or *structure* which is permitted by this By-law but which does not meet the regulations of the *Zone* in which it is located as of the date of passage of this By-law.

Non-Conforming

Means an *existing use* or activity of any land, *building* or *structure* which is not an identified permitted *use* for the *Zone* in which it is located as of the date of passage of this By-law.

Office

Means a *building* or part thereof, where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration. *Office* shall not include a *medical office* or *medical clinic*.

Outdoor Recreation Facility

Means a *premises* designated and equipped for the conduct of outdoor sports and leisure time activities such as sports field.

Parcels of Tied Land

Means any parcel of land legally bound and tied to a common element condominium. A *parcel of tied land* must front on either a *public street* or a condominium common element roadway and shall, subject to the regulations of this By-law that relate strictly to *parcels of tied land*, be regarded as a type of *lot*.

Park

Means an open space area, owned, operated or maintained in whole or in part by a *public authority* as a recreational area for *public use*, including passive and active forms of recreation, whether indoor or outdoor.

Parking Aisle

Means an internal roadway immediately adjacent to a *parking* or *loading space* which provides vehicular access to and from the *parking* or *loading space*, and is not a *driveway*.

Parking Area

Means an off-street, open, unobstructed area of land consisting of a minimum of 2 but not more than 5 *parking spaces* which is accessed by a *driveway* but shall not include any area where *motor vehicles* are stored or kept for sale or repair.

Parking Garage

Means a *building* or part thereof, used for the storage or parking of *motor vehicles*.

Parking Lot

Means an open area, other than a street, used for the temporary parking of 5 or more *motor vehicles* and available for *public use* whether for free or for compensation or as an accommodation for clients, customers or residents, but does not include the storing of impounded or damaged vehicles or a *salvage yard*.

Parking Space

Means an area of land that is accessible by a *driveway* or *aisle*, having access to a *public street* or *lane*, that is reserved for the purpose of the temporary parking or storage of one *motor vehicle*.

Passenger Transportation Terminal

Means a *premises* where commercial *motor vehicles*, taxis or trains pick up and discharge fare-paying passengers and may include accessory ticket *offices*, luggage checking facilities, bicycle lock units and other similar *uses*.

Patio

Means a surfaced, open space of land at *grade*, adjacent to a *residential* or *commercial use*, which is used as an accessory extension of the primary use of the *building* or *structure* with which it is associated.

Personal Service Shop

Means a *premises* where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or materials is only accessory to the provision of such services.

Place of Assembly

Means a *premises* in which facilities are provided for the gathering of people.

Place of Worship

Means a *premises* primarily used by one or more religious groups for the practice of religious services.

Pool

Means any body of water which is:

- i) located outdoors on private property;
- ii) wholly or partially contained by artificial means;
- iii) capable of holding water in excess of 0.61 metres in depth at any point; and,
- iv) an open exposed water surface of at least 1.0 square metre and includes a hot tub or landscaped decorative pond meeting the above criteria, but for purposes of this By-law does not include any *pool* which is:
 - a) a pond or reservoir to be utilized for farming purposes or as part of a Golf Course;
 - b) a pool owned by any public or governmental body, agency or authority;
 - c) an existing natural body of water or stream; or
 - d) a privately owned stormwater management facility.

Porch

Means a platform with a foundation that is unenclosed, permanent and projecting from the front or exterior wall of the *Building* and which provides access to the ground floor of the dwelling by way of stairs from the *established grade* of the *lot*.

Post Secondary School

Means a *premises* used for educational purposes by a degree granting college or university under applicable Province of Ontario legislation.

Premises

Means the area of a *building* and/or *lot* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one business, each business shall be considered a separate *premises*.

Principal Building

Means a *building* which constitutes, by reason of its *use*, the primary purpose for which the *lot* is used.

Principal Entrance

Means a pedestrian entrance to a *building* that is not considered solely for the purposes as a service entrance or an entrance solely to a residential portion of the *building* or *structure* or an entrance or exit required by the Ontario *Building Code*.

Principal Window

Means a window of a *dwelling unit* for bedrooms or living areas, but does not include windows of a *dwelling unit* for bathrooms or kitchens.

Private Club

Means a non-profit, non-commercial organization which carries on cultural, social, or recreational activities and includes the *premises* of a fraternal or charitable organization.

Private Home Daycare

Means the use of a *Dwelling Unit* for temporary care of six or fewer children in exchange for compensation for a continuous period not exceeding 24 hours.

Private Lane

Means a private thoroughfare.

Private Park

Means a *park* for public or private *use* that is not owned by a *public authority*.

Private Street

Means a private right-of-way or lane that is used by *motor vehicles* but is not owned or maintained by the Town of Newmarket, Region of York or Province of Ontario.

SECTION 3 – DEFINITIONS

Public Authority

Means any department or agency of the Government of Canada, Province of Ontario, Regional Municipality of York, Town of Newmarket or the local hydro utility.

Public Lane

Means a public thoroughfare *which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.*

Public Storage Facility

Means a *premises* used for the temporary storage of *household* items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers within enclosed *buildings*, which are generally accessible by means of individual loading doors.

Public Street

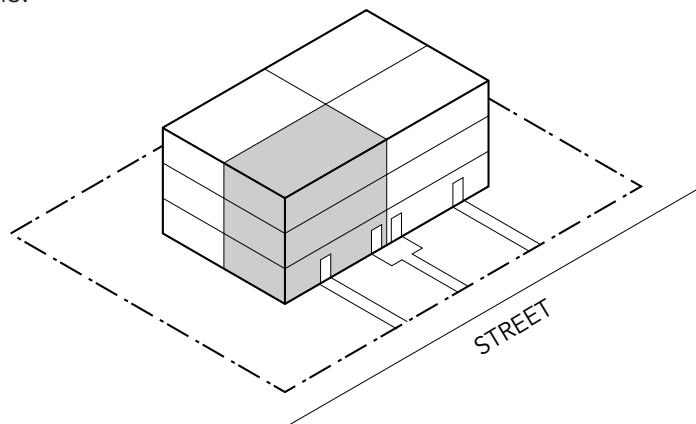
Means a public thoroughfare available for use by vehicular and pedestrian traffic which is assumed or dedicated by/under the jurisdiction of the Town of Newmarket, Region of York or Province of Ontario, but does not include an unopened road allowance.

Public Use

Means the use of any land, *building* or *structure* by a *public authority*.

Quadruplex Dwelling

Means a *building* that is divided vertically, with no common entrance, into 4 separate *dwelling units*, each of which has 2 common walls.



■ Dwelling Unit

Diagram 3-19. *Quadruplex Dwelling*

SECTION 3 – DEFINITIONS

Queuing Lane

Means a portion of a *parking area* or a *parking lot*, other than a *parking aisle* or a *parking space* which provides standing room for vehicles in a queue while awaiting service from a *drive-thru facility*. For the purposes of this definition, a *queuing lane* shall be measured by the length of a *queuing space* times the number of spaces required.

Queuing Space

Means an area occupied by a *motor vehicle* within a *queuing lane* while awaiting service from a *drive-thru facility*.

Raw Material

Means any material that is directly derived from a primary (natural resource) industry and is in an unprocessed state. Examples include but are not limited to iron ore, logs, and aggregates. Sheet metal, wood boards, and precast cement or concrete blocks are not considered as a *raw material* due to the processes involved in their production.

Rear Lot Line

Means the *lot line* or intersection of the *side lot lines*, opposite to, and most distant from, the *front lot line*.

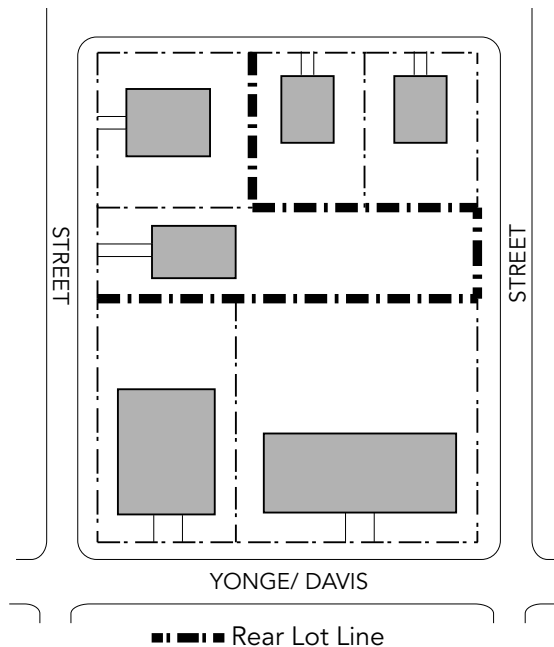


Diagram 3-20. *Rear Lot Line*

SECTION 3 – DEFINITIONS

Rear Yard

Means a yard extending across the full width of a lot between the rear lot line and the nearest wall of the principal building or structure on the lot.

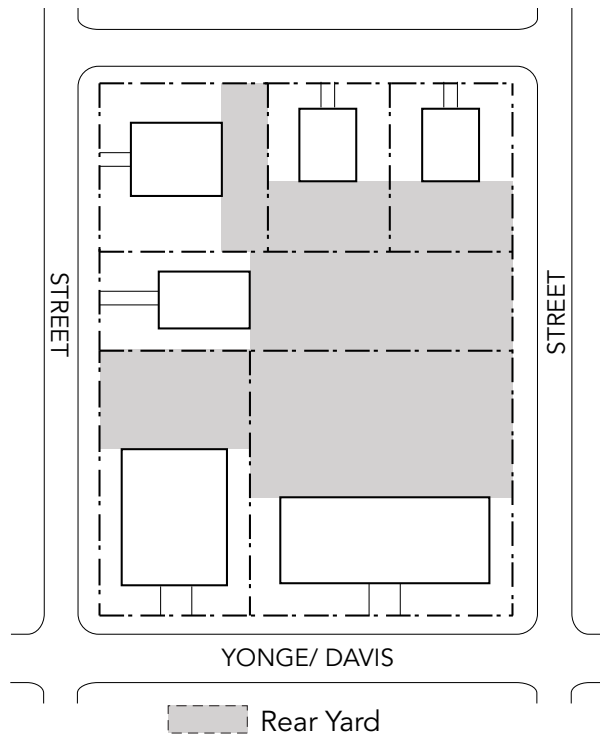


Diagram 3-21. Rear Yard

Recreational Vehicle

Means:

- i) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a *motor vehicle* or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or
- ii) boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and
- iii) a trailer designed to carry any of the items listed in Sections (i) and (ii) of this definition.

Recyclable Material

Means material that is separated waste and *Sensitive Material* into specific categories for the purposes of reuse, recycling or composting.

Refreshment Pavilion

Means a *building, structure* or facility designed, intended or used for the sale of food or refreshments to the public, however no seating or accommodation for the consumption of such food shall be provided within the *building* or *structure*.

Regional Shopping Mall

Means a group of commercial establishments wholly enclosed within one *structure* with a combined *leasable floor area* exceeding 37,000 square metre.

Residential Garage

Means an enclosed *building* or part thereof, located within a residential Zone that is used for the storage of private *motor vehicles, recreational vehicles* and *trailers*.

Residential Hospice

Means the use of land, *buildings* or *structures* for the provision of short-term palliative care at an inpatient facility attending to the physical, emotional and spiritual needs of terminally ill patients, whether under public or private ownership, approved under the provisions of “The Charitable Institutions Act”, but does not include a nursing home or *group home*.

Residential Use

Means the *use* of land, *buildings* or *structures* for human habitation.

Residential Walkway

A hard surface path leading from the front or exterior wall of a *dwelling unit* to a curb, street, sidewalk, or *rear yard*, no wider than 1.2 metres and, if adjacent to a *driveway* shall be of a different material from the *driveway*. A walkway may not be used for vehicular parking.

Restaurant

Means a commercial establishment in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or *patio*, or for home delivery, catering or food pick-up/take-out services.

Retail Store

Means a *premises* in which goods and merchandise are offered or kept for retail sale or rental to the public. This definition shall not include any establishment otherwise defined in this By-law.

Retail Warehouse Store

Means a *premises* where the principal use is the sale of goods and merchandise in a *warehouse* format and may include accessory personal service *uses*, minor maintenance and repair of automobiles. A *warehouse* format means a configuration where the floor area devoted to the sale of goods is integrated with the storage of such goods and is accessible to the public.

Retirement Residence

Means a *building* or part of a *building* licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Rooming Unit

Means one or more rooms within a *dormitory* used or designed for sleeping accommodations and many contain either cooking or washroom facilities, but not both.

Salvage Yard

Means an area outside of an enclosed *building* where *motor vehicles* are disassembled and dismantled, or where vehicles in an inoperable condition or used *motor vehicle* parts are stored or re-sold but shall not include a *motor vehicle body shop*.

Secondary School

Means a Provincially approved institution for academic instruction for grade nine to grade twelve including a publicly funded, private fee paying or a Montessori school.

Semi-Detached Dwelling

Means a *building* divided vertically into two *dwelling units* above and below *grade*, each such *dwelling unit* having an independent entrance from outside the *building*.

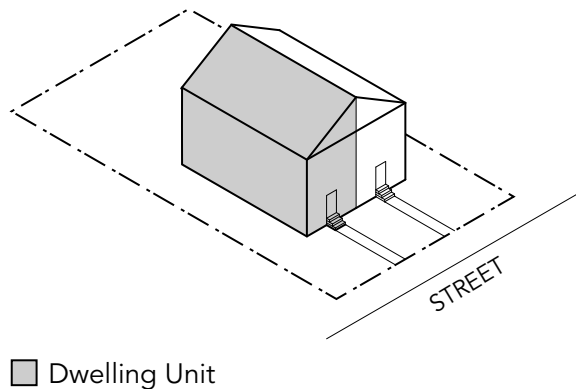


Diagram 3-22. *Semi-Detached Dwelling*

Sensitive Material

Means material that is separated from waste and *recyclable material* based on programs associated with the specific material, such as electronics, textiles, and batteries.

Service or Repair Shop

Means a *premises* for the servicing, repairing or renting, of articles, goods or materials but shall not include any vehicle, *recreational vehicle* or boats.

Shipping Container

Means a container or *structure* designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.

Short-Term Bicycle Parking Space

Means a *bicycle parking space* that is located outdoors, on a bicycle rack, or in an easily accessible location.

Side Lot Line

Means a *lot line*, other than a front or rear *lot line*. In the case of a *corner lot*, the *lot line* that abuts a street shall be identified as the *exterior side lot line*.

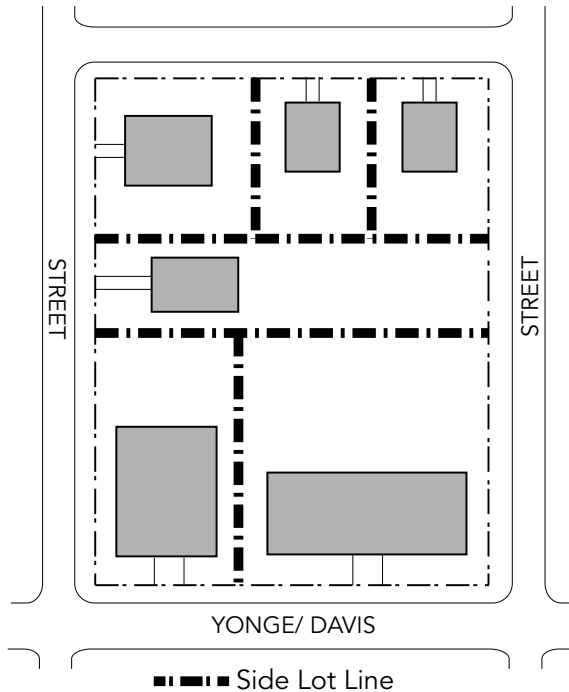


Diagram 3-23. *Side Lot Line*

Small Scale Wind Energy System

Means wind energy facilities which are intended to generate electricity not exceeding on-site capacity and are not intended or used to produce power for resale.

Solar Capture Equipment

Means a *structure* used for the collection of solar energy for the purposes of converting such energy for heating, lighting, water production or any other domestic or *commercial use* that may be obtained from such sources.

Special Needs Facility

Means a residence licensed or funded under a federal or provincial statute for the accommodation of more than 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well being. This shall also include a *halfway house*.

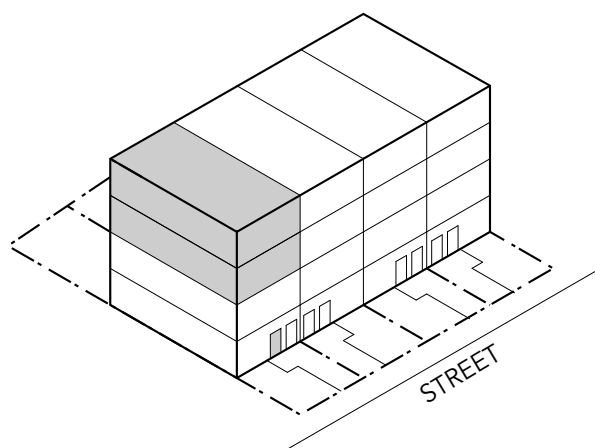
Sports Arena

Means a *building* or part thereof, in which the principal facilities provide for recreational activities such as curling, skating, hockey, lacrosse, broomball or other similar athletic activities, and which facilities may include dressing rooms, concession booths for the provision of food and refreshments, bleachers, equipment for making artificial ice and other such accessory facilities.

Stacked Townhouse Dwelling

Means a residential *building* containing a minimum of four and a maximum of twenty units, provided that:

- i) not more than half of all *dwelling units* shall be on the ground floor;
- ii) *dwelling units* shall be fully attached to adjoining units; and,
- iii) access to each second level unit shall be from an independent interior or exterior stairway.



■ Dwelling Unit

Diagram 3-24. *Stacked Townhouse Dwelling*

Storey

Means a level of a *building* located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a *basement* or *cellar*. Any portion of a *Building* partly below *grade* level shall be deemed a *Storey* where its ceiling is at least 1.8 metres above *established grade*.

Street Line

Means the boundary between a public or *private street* and a *lot*.

Street Main Wall

Means any exterior wall of a *building* or *structure*, including all structural members essential to the support of the roof, including a *balcony*, over a fully or partly enclosed area that directly fronts a *lot line* that is adjacent to a *public street*.

Structure

Means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other *structure* but excludes in-ground swimming *pools*.

Studio

Means a *premises* used or dedicated to the pursuit or education of the arts or in which media broadcasts are produced.

Subdivision

Means a plan of *subdivision*, draft approved or registered in accordance with Section 51 of the *Planning Act*, R.S.O., 1990, Chapter 13, similar legislation, where the public highways and lanes within the plan have not been assumed by the authority having jurisdiction.

Through Lot

Means a *lot* bounded on opposite sides by a *public street*.

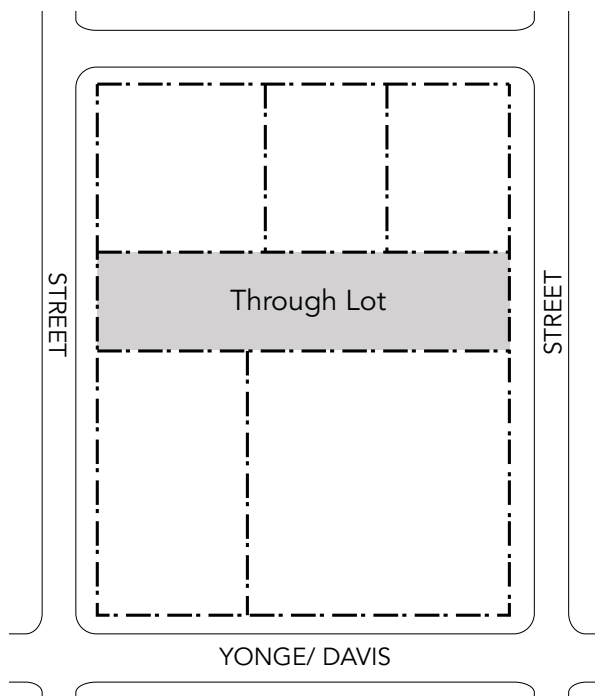
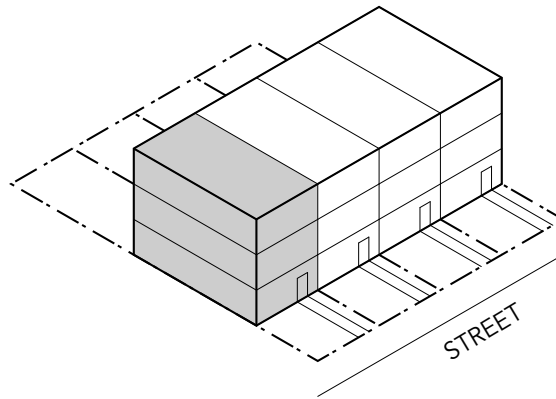


Diagram 3-25. *Through Lot*

SECTION 3 – DEFINITIONS

Townhouse Dwelling

Means a *building* that is divided vertically into 3 or more *dwelling units*, each of which has independent entrances to a front and rear yard.



■ Dwelling Unit

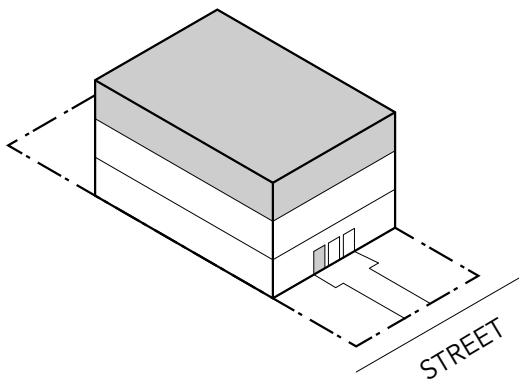
Diagram 3-26. *Townhouse Dwelling*

Transportation Depot

Means a *premises* where vehicles used to transport goods, wares, or passengers are stored internally or externally.

Triplex Dwelling

Means a *building* that is divided horizontally into 3 *dwelling units*, each of which has an independent entrance either directly or through a common vestibule.



■ Dwelling Unit

Diagram 3-27. *Triplex Dwelling*

SECTION 3 – DEFINITIONS

Use

Means the purpose for which any land, *building* or *structure* is arranged, designed, intended, operated, occupied or maintained.

Utility Trailer

Means a vehicle so constructed that it is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the *motor vehicle* and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

Veterinary Clinic

Means a *premises* where animals are given medical or surgical treatment or accessory grooming, within which shelter facilities may be provided for short-term overnight medical treatment but shall not include any facilities for the cremation or disposal of dead animals.

Veterinary Hospital

Means a *premises* where animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include a *domestic animal care facility*.

Walkout Basement

Means that portion of a *building* which is partly underground, but which has more than 50% of the floor area not greater than 0.6 metres below *established grade*, and which has an entrance or exit at *grade level*.

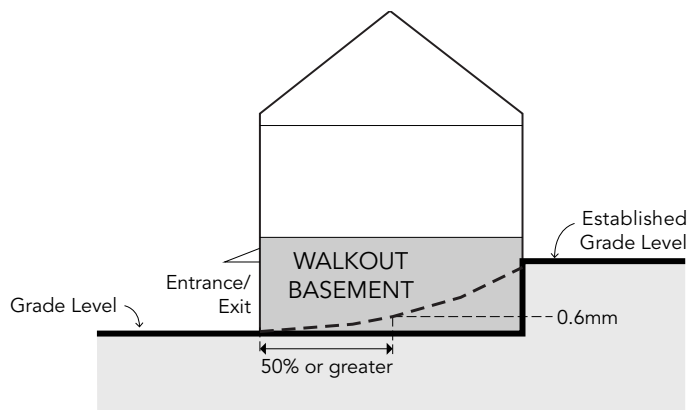


Diagram 3-28. Walkout Basement

Warehouse

Means a *premises* where goods and materials are stored internally but shall not include any retail sales component. Vehicles used to transport such wares may be stored internally or externally, kept for hire, loaded or unloaded.

Wholesale Operations

Means a *premises* used to sell merchandise to retailers, industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents of brokers and buying merchandise from, or selling merchandise to such individuals or companies but does not include a *retail warehouse store*.

Width of Driveway

Means the widest horizontal surface of any *driveway*, and includes any portion of hard landscaping or pavement contiguous to a *driveway* or *parking space* where parking or storage of a *motor vehicle* could be accommodated.

Wind Energy System

Means a renewable electrical generation facility that produces power from wind primarily to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution lines.

Wind Turbine

Means a machine for producing power in which a wheel or rotor is made to revolve by a flow of air. A *wind turbine* is considered to be the part of a *wind energy system* encompassing the rotor (including turbine blades), generator, tail and supporting *structure*. Supporting *structure* may include a guyed or free standing *structure* that supports the turbine or may be an *existing building* or *structure* on which the turbine is located.

Yard

Means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as may be expressly permitted by this By-law but does not include a *courtyard*. In determining *yard* measurements the minimum horizontal distance from the respective *lot line(s)* shall be used.

Zone

Means a designated area of land use shown on Schedule "A" to this By-law.

Section 4– General Provisions

4.1. Uses Permitted in all Zones

The *uses* identified in this subsection are permitted in all *zones*.

4.1.1. Accessory Uses

Unless otherwise specified, *accessory uses* are permitted in all *zones*. Where another section of the By-law specifically restricts or does not permit an identified *accessory use*, that section shall supersede this section.

4.1.2. Accessory Building and Structure

Accessory buildings, structures and *uses* are permitted in all *zones* subject to the following provisions:

- i) The principal *use, building* or *structure* must already be established on the same *lot*.
- ii) No detached *accessory building* or *structure* may be used for human habitation or an *occupation* for gain, unless specifically permitted by this By-Law.
- iii) Unless otherwise specified, *accessory buildings* and *structures* shall comply with the following requirements.
- iv) *Accessory buildings* and *structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

Permitted Feature or Structure	Measure	Requirement
<i>Accessory residential structure</i>	Location and <i>height</i>	In accordance with Section 4.2
<i>Accessory buildings or structures</i>	Total <i>lot coverage</i>	All Zones: 15% of the <i>lot area</i>
	<i>Height</i>	Mixed Use Zones: Lesser of 4.6 metres or the <i>height</i> of the main <i>building</i> on the <i>lot</i>
		All Other Zones: The maximum permitted <i>height</i> of the zone in which the <i>accessory structure</i> is located
	<i>Corner lot location</i>	Mixed Use Zone abutting any residential zone under By-law 2010-40: Distance equal to the minimum required <i>front yard</i> of the abutting residential zone under By-law 2010-40

- v) Notwithstanding any other provision of this By-Law, the setback for *accessory buildings or structures* on a *corner lot* shall be as follows:

Zones	Applicable Yards	Minimum Required Setback
Mixed Use Zone Abutting any residential zone under By-law 2010-40	<i>Exterior Side Yard</i>	Distance equal to the depth of the minimum required <i>front yard</i> of the abutting residential zone under By-law 2010-40

4.1.3. Public Uses

The provisions of this By-law shall not apply to prevent the use of any land, *building* or *structure* by any *public authority* provided that:

- i) Such *use, building* or *structure* complies with the parking and loading requirements of this By-law.
- ii) No outdoor storage is permitted unless such outdoor storage is specifically permitted in the zone in which the use is located.

- iii) Such *use, building or structure* is buffered from an adjacent *residential use* in accordance with the requirements of Section 4.10.2 of this By-law.
- iv) Such *use, building or structure* within the Floodplain and other Natural Hazards (FP-NH) Zone shall not conflict with those *uses* that are prohibited under Section 7.3.1.

4.1.4. Services and Utilities Installations

Nothing in this By-law shall prevent the installation and *use* of a water main, sanitary sewer main, storm sewer main, stormwater management facility, gas main, pipeline, overhead or underground hydro, communications/telecommunications or other utility *infrastructure*.

4.1.5. Temporary Construction Uses

A construction trailer, or other *building or structure* incidental to construction is permitted in all *zones* on the *lot* where construction is taking place provided that a *building* permit has been issued and remains in effect.

4.1.6. Temporary Sales Structures

A temporary sales *Structure* shall be permitted in any *zone* provided that:

- i) the temporary sales *Structure* is located in accordance with the *zone* provisions for the *zone* in which it is located; and,
- ii) an agreement is entered into with the Town of Newmarket.

4.2. Encroachments into Required Yards

- i) The following accessory, structural and ornamental *structures* to a *principal building* are permitted to encroach into any required *yard* in accordance with the following provisions:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
STRUCTURAL AND ORNAMENTAL FEATURES:		
Bay windows	<i>Front, rear and exterior side yards</i>	May encroach 1.0 metres into the required <i>yard</i> for a maximum width of 3.0 metres.
<i>Balconies/Landings/Steps/Fire Escapes</i>	All yards	May encroach 1.8 metres into the required <i>yard</i> . But in no instance shall <i>balconies, landings, steps</i> and/or fire escapes be located closer than 1.2 metres from the property line.
<i>Decks, Uncovered (0.6 metres or less in height above finished grade)</i>	<i>Rear Yard</i>	The setback shall not apply where a <i>side lot line</i> extends from a common wall dividing attached <i>dwelling units</i> . No closer than 1.2 metres from the <i>rear lot line</i> .
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Decks, Uncovered (greater than 0.6 metres to 3.0 metres in height above finished grade)</i>	<i>Rear Yard</i>	The setback shall not apply where a <i>side lot line</i> extends from a common wall dividing attached <i>dwelling units</i> . May encroach 3.6 metres into the required <i>rear yard</i> . However, in no circumstances shall the <i>deck</i> encroach closer than 2.4 metres from the <i>rear lot line</i> .
Walkway, residential	<i>Front, interior side, and exterior side yard</i>	No required <i>front</i> or <i>exterior side yard</i> setback. Must maintain 0.6 metres setback from interior side <i>lot line</i> .
<i>Patios, Uncovered</i>	Mixed Use Zones: front and <i>exterior side yards</i> . All other Zones: rear and <i>exterior side yards</i> .	No required setback. No closer than 0.6 metres from the <i>lot line</i> .

SECTION 4 – GENERAL PROVISIONS

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Porches , Porticoes</i> Open, Uncovered or Covered with a platform no higher than the floor of the first <i>storey</i> of the <i>building</i> above established <i>grade</i>	Front, and <i>exterior side yards</i>	May encroach 2.4 metres into the required <i>yard</i> including eaves, cornices and steps but no closer than 1.5 metres to the <i>lot line</i> .
Sills, cornices, parapets, pilasters, or other similar ornamental <i>structures</i>	Any <i>Yard</i>	May encroach 0.6 metres into the required <i>yard</i>
Eaves, eavestroughs, gutters, or similar features	Interior Side <i>Yard</i>	May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a <i>lot line</i> than 0.3 metres.
Chimneys	Any <i>Yard</i>	May encroach 0.6 metres into the required <i>yard</i> .
Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i>	Permitted in any <i>yard</i>	No required setback
Permitted <i>Structure</i> or Feature	Applicable Required <i>Yard(s)</i>	Required Setback or Permitted Encroachment
<i>Accessibility Ramps</i> or Wheelchair Lifts (*1)	Permitted in any <i>yard</i>	No required setback
Below Grade <i>Parking Garages</i> and Associated Vent (<i>Structure</i>);	Permitted in front, rear and side	May encroach upto the applicable <i>Lot Line</i> . No required setback.

(*1) An *Accessibility Ramp* shall have a maximum gradient of 1 to 12. A Wheelchair Lift is permitted to elevate no higher than the first *Storey* of the *Building*, and have a maximum area no greater than 3.0 square metres.

- ii) The setback requirements of this table apply only to the *accessory buildings and structures* specifically noted.
- iii) Where an encroachment is permitted, it is subject to the following conditions:
 - a) *Decks* or *patios* that are permitted to encroach may have a *deck*, *balcony*, *gazebo*, *pergola*, or *awning* above them provided that:
 - 1) Any *deck* is constructed of a slatted and not a solid floor.
 - 2) Any *awning* is retractable, is not a permanently extended fixture, and does not extend farther from the *structure* than the *deck* or *patio*.
 - 3) Any *pergola* or *gazebo* complies with the requirements of an *Accessory Residential Structure* concerning required setbacks and maximum *height* from *grade*, regardless of whether they are attached to the *deck* or main *structure* or they are detached from same.
- iv) Where the *existing side-yard* setback of the principal *structure* is less than the required *side-yard* setback for a *deck*, a *deck* that is attached to the main *structure* may be located as close to the side *lot line* as the principal *structure*.

4.3. Accessory Outdoor Mechanical Equipment for Permitted Residential Uses

Notwithstanding any other provision of this By-Law, outdoor mechanical equipment shall be permitted in all zones that permit a *residential use* as follows:

- i) Central air conditioning units, heat pumps, generators, and/or swimming *pool* equipment shall be permitted in all *yards* subject to the following:

Type of Dwelling	Yard	Permitted Location
<i>Townhouses, Stacked Townhouses</i> or other multiple dwellings, excluding <i>apartment buildings</i>	<i>Front Yard</i>	Maximum encroachment of 1.5 metres into required <i>yard</i> but no closer than 3.0 metres to the <i>street line</i> and is screened from the street by fencing, landscaping, or an enclosure
	<i>Interior Side Yard</i>	Setback a minimum 0.3 metres from <i>lot line</i>
	<i>Exterior Side or Rear Yard</i>	Setback a minimum 1.8 metres from <i>lot line</i>

- ii) Notwithstanding the provisions of Section 4.3 (i) above, a minimum lateral separation of 4.6 metres to a window and/or door of a *habitable room* of a dwelling on an adjoining *lot* shall be provided;
- iii) Window or through-wall *air conditioner* units shall be permitted to encroach a maximum of 0.5 metres into all required *yards* subject to a minimum setback of 0.6 metres from all *lot lines*;
- iv) Notwithstanding the provisions of Section 4.3 (i) above, central *air conditioners* and/or heat pump units for *apartment buildings* shall be roof-top mounted.

4.4. Exceptions to Height Requirements

The *height* requirements of this By-law shall not apply to spires, belfries, minarets, monuments, flag poles, chimneys, clock towers, or water towers. The *height* requirements of this By-law shall also not apply to mechanical penthouses and elevator enclosures occupying less than 30% of the aggregate area of the roof of the *building* on which they are located, up to 6.0 metres beyond the permitted *height* limit, in accordance with the requirements of Section 6.2.4.2 (iii) of this By-law.

4.5. Legal Non-Conforming Uses

This By-law shall not prevent the *use* of any land, *building* or *structure* for any purpose prohibited by this By-law if such land, *building* or *structure* was lawfully used for such purpose on the day of passing of this By-law, and provided that such land, *building* or *structure* continues to be used for that purpose.

4.5.1. Restoration to a Safe Condition

Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any *building* or *structure* or part of any such *building* or *structure* that is used for a legally *non-conforming use* as provided for in Section 4.8, provided such alteration or repair does not increase the *height*, size or volume or change the *use* of such *building* or *structure*.

4.6. Legal Non-Complying Building or Structure

4.6.1. Existing Building or Structure

A *non-complying building or structure* which existed legally prior to the passing of this By-law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:

- i) does not further encroach into a required *yard*;
- ii) does not further increase the extent of a non-compliance with a maximum *yard* setback requirement;
- iii) complies with all other applicable provisions of this By-law; and
- iv) in the case of a *lot* that is located in an *Mixed Use Zone*, shall be subject to provision 6.2.1.2 of this By-law.

4.6.2. Valid Building Permit in Effect

This By-law shall not prevent the erection of a *building or structure* for which a *building* permit has been issued in accordance with the *Building Code Act*, prior to the day of the passing of this By-law, so long as the *building or structure* when erected is used and continues to be used for the purpose for which it was erected and provided that the *building* permit remains valid and subject to provision 1.9 regarding Transition.

4.7. Legal Non-Complying Lots

A *lot* which existed legally prior to the effective date of this By-law, that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, shall be deemed to conform to this By-law. Such *lots* may be used and *buildings* may be erected, enlarged, repaired or renovated on the *lot* provided that the *use* and the *buildings or structures* comply with all other provisions of this By-law.

4.8. Public Land Acquisition

Notwithstanding any other provision of this By-law, where, as a result of acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to the minimum *lot frontage*, minimum *lot depth*, minimum *lot area*, minimum *floor space index*, maximum *lot coverage*, reduced *building setbacks*,

minimum required number of *parking spaces*, minimum size of *parking spaces*, minimum width of *landscape buffers*, minimum width of a *driveway*, location of *parking spaces* and/or *driveways* or minimum required setbacks and/or *yards* for *driveways* and/or *parking spaces*, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized.

4.9. Frontage on a Public Street

No person shall erect any *building* or *structure* in any zone unless:

- i) The *lot* upon which such *building* or *structure* is to be erected has frontage on a *public street*. This provision shall not restrict the erection of any *building* on a *lot* in a registered plan of *subdivision* where a *subdivision* agreement has been entered into but the streets will not be assumed until the end of the maintenance period or a *Private Street* over which an easement for right of way in favour of the Town of Newmarket has been registered on title; or
- ii) The *lot* upon which the *building* or *structure* is to be erected is a *Parcel of Tied Land*; or
- iii) Notwithstanding any other provisions in this By-law, where a *building* has been erected prior to the date of the passage of this By-law on a *lot* which fronts on a *private street*, such *building* may be enlarged, reconstructed, repaired or renovated provided all other applicable provisions of this By-law are satisfied.

4.10. Landscape Buffers

Where required, *landscape buffers* shall be provided in accordance with the following requirements:

4.10.1. Landscape Buffers for Parking Lots

A *landscaped buffer* area shall be required for *parking lots* designed to accommodate 5 or more *parking spaces* where permitted, and shall conform to the following requirements:

- i) Such buffer area shall be at least 3.0 metres wide and located around the periphery of the *parking lot* within the *lot* on which the *parking area* is located.

- ii) Such buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area.
- iii) Any required planting in a buffer strip shall have a minimum *height* of 1500mm for coniferous vegetation, a minimum diameter measured at a *height* of 1.4 metres from *grade* of 60mm for deciduous vegetation, and a minimum *height* or spread of 450mm for shrubs, but shall not be permitted to exceed a *height* of 1.0 metre within a *daylighting triangle*.
- iv) Where a buffer area is required between a *parking lot* in an *Mixed Use Zone* and an *Open Space Zone*, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the *Mixed Use Zone*. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in *height*.
- v) Notwithstanding subsection i) above, where a buffer area is required between a *parking lot* in a *Mixed Use Zone* and an *Open Space Zone*, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the *Mixed Use Zone*. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in *height*.

4.10.2. Landscape Buffers Adjacent to Residential Areas

Notwithstanding any other provision of this By-Law, where the *rear lot line* or *interior side lot line* of a *Mixed Use* or *Institutional Zone* abuts a residential zone outside of the area of this By-law, a *landscaped buffer* shall be required in accordance with the following provisions:

- i) the *Landscape Buffer* shall be located on the *lot* containing the mixed use, or *institutional use*, immediately adjacent to the *lot line* that borders such *lot* with the *residential use* under By-law 2010-40.
- ii) where a *landscaped buffer* is required, such landscape material within the buffer shall be not less than 1.5 metres high. Notwithstanding this requirement, landscape material shall not exceed a *height* of 1.0 metre within the minimum front or *exterior side yard*.

4.11. Daylighting Triangle

Daylighting triangles shall be required on *corner lots* in all zones as follows:

4.11.1. Establishing the Daylighting Triangle

The area within the *daylighting triangle* shall be determined by measuring from the point of intersection of two *street lines* or the extension of such lines on a *corner lot*, the distance required by this By-law, Town of Newmarket Engineering Design Standards and Region of York requirements, whichever is greater, along each such *street line* and joining such points with a straight line. *Daylighting triangles* shall be established as follows:

Location	Minimum Distance Measured Along Each Street Line From Point of Intersection at Corner
All Zones	5.0 metres
Motor Vehicle Service Station, Motor Vehicle Service Shop	15.0 metres

4.11.2. Maximum Height in Daylighting Triangle

Notwithstanding any other provision of this By-law, any fence, sign, *structure* or vegetation within a *daylighting triangle* shall not exceed a *height* of 1.0 metre measured from the *grade* of the streets that abut the *lot*.

4.12. Planned Width of Street Allowance

Notwithstanding any other provision of this By-law, where a *lot* abuts a street which is designated on Schedule "F" to this By-law has a planned width of street allowance which is greater than the present width, that portion of the *lot* lying between the limit of the planned width of street allowance and the present street allowance shall not form part of the *lot* for applying the provisions and required standards of this By-law.

4.13. Specific Use Provisions

Notwithstanding any other provision of this By-law, the following specific use provisions shall apply:

4.13.1. Location of Gasoline and Propane Pumps and Canopies

Where permitted, the following standards shall apply to the location of gasoline and propane pumps and canopies:

- i) the minimum distance of pumps and canopies from the planned *Street Line* of the street upon which the *lot* fronts shall be 4.5 metres; and
- ii) the minimum distance of pumps and canopies from the nearest part of a *daylighting triangle* shall be 3.0 metres.

4.13.2. Outdoor Display and Sales Area

Where the outdoor display and sale of goods and materials is permitted as an *accessory use*, the following provisions apply:

- i) the area used for outdoor display and sales is located on the same *lot* as the principal use and does not occupy more than 35% of the total *lot area*;
- ii) the area used for outdoor display and sales is in addition to and separated from, the area required to satisfy the minimum required parking standards for the principal use; and,
- iii) the area used for outdoor display and sales shall not be located in any minimum required *yard* for the *zone* in which it is located.

4.13.3. Human Habitation Not Within Main Buildings

No truck, bus, coach, street car body, railway car, *mobile home*, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.

4.13.4. Accessory Outdoor Storage

Where permitted, *Accessory Outdoor Storage* shall:

- i) not exceed 30% of the *lot area*;
- ii) not be visible from a street;
- iii) be screened by an opaque fence;
- iv) only be located in a side and/or *rear yard*;
- v) be located no nearer to a *lot line* than 1.5 metres or to a *street line* than 4.5 metres;
- vi) not be located in any landscaped area or required *parking area*; and not exceed 4.5 metres in *height*.

4.13.5. Micro-Industrial Uses

Where a *Micro-Industrial use* is permitted, the following requirements shall apply:

- i) A *Micro-Industrial use* is only permitted when accompanied by a *retail* and/or *restaurant use* retailing products produced on-site or if it is a personal brewing or wine-making establishment.
- ii) All production, retailing, and distribution associated with a *Micro-Industrial use* must take place within a *building* and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this By-law.

4.13.6. Food Vehicles

- i) Notwithstanding Section 5, no parking is required for a *Food Vehicle*.

4.14. Use for Hazardous Purposes

Notwithstanding any other provision of this By-law, no land, *building* or *structure* may be used for any purpose, which from its nature or from the materials used, is determined to be a health hazard.

4.15. Uses Restricted

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited within 610.0 metres of any *Mixed Use Zone* unless specifically permitted:

- i) The manufacture or open storage of fertilizers from human or animal wastes.
- ii) The slaughtering of animals or poultry.
- iii) The following Commercial or *Industrial uses*:
 - a) animal food plant; clay, concrete or brick products plant; coal yard; dry cleaning plant using flammable solvents; explosive manufacturing or storage in excess of 11 kilograms; sewage disposal plant; incinerator; or, gas, tar or petroleum processing.

4.15.1. Nothing in this By-Law Shall Prevent:

- i) the erection of *buildings for uses* incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building or structure* incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned; and
- ii) the erection of model homes and sales *offices*, subject to Section 4.1.6, terms and conditions as established by the Town, and the provision of an access route for fire department use in accordance with the *Building Code*, O.Reg. 403/97, or its successor thereto.

4.15.2. Fuel Tanks

Where fuel tanks are permitted, the following standards shall apply to their location:

- i) In any *zone*, be located in accordance with an approved site plan.
- ii) In any *zone*, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.

4.15.3. Uses for Hazardous Purposes

Notwithstanding any other provision of this By-law, no land, *Building* or *Structure* may be used for any purpose, which from its nature or from the materials used, is determined to be a health hazard.

4.16. Source Water Protection

This Zoning By-law is subject to the South Georgian Bay Lake Simcoe Source Water Protection Plan.

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Section 5–Parking, Loading & Queuing Requirements

5.1. Legal Non-complying Parking, Loading and Queuing Requirements

Where on the date of the passing of this By-law, a *building* or *structure* requiring 5 or more *parking spaces* had previously complying parking, loading and/or queuing requirements that no longer comply with the requirements of this By-law, this By-law shall not be interpreted to require that any non-compliance be corrected prior to the construction of any addition. If an addition is made to the *building* which increases the *gross floor area*, then additional parking, loading, and *queuing spaces* applicable to the additional floor area shall be provided by the regulations of this By-law.

5.2. Parking Space Requirements

When any new development is constructed, or when any *existing* development is enlarged, or when any *use* is changed, off-street vehicular *parking spaces* shall be provided in accordance with the standards of this By-law.

5.2.1. Exclusive Nature of Parking Space

Parking spaces and areas required in accordance with this By-law shall only be used for the parking of operative, currently licensed vehicles that are used in relation to the permitted *use(s)* for which the *parking spaces* and areas are required.

5.2.2. Parking Space Design

- i) The minimum required size of a *parking space* shall be as follows:

Number of Required Spaces	Parking Space Configuration	Minimum Size (*1)
Fewer than 5	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.6 metres by 5.0 metres
5 or More	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.7 metres by 5.5 metres

(*1) The minimum width of a *Parking Space* must be increase by 0.3 metres if one or both sides of the *Parking Space* is obstructed according to 5.2.2.1.

- ii) The width of the drive aisle adjacent to a *parking space* shall be in accordance with the following standards:

Angle of Parking Space	Minimum Aisle Width	Direction
45 degrees	4.5 metres	One Way
90 degrees	6.0 metres	Two Way

- iii) Barrier-free *parking spaces* will be provided in two types, and in the quantities stated in Section 5.3.3:

- Type A ("Van"): Minimum size of 3.4 metres by 5.5 metres.
- Type B: Minimum size of 2.6 metres by 5.5 metres.

- iv) Every accessible *parking space* must have an access aisle adjacent to the space. An access aisle may be shared by two adjacent accessible *parking spaces*. The minimum width of an access aisle is 1.5 metres.

- v) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.

5.2.2.1. Obstructions

The side of a *Parking Space* is obstructed if any part of a fixed object such as a wall, column, bollard, fence, or pipe is situated within 0.3 metres of a side of the *Parking Space*, measured at right angles, and more than 1.0 metre from the front or rear of the *Parking Space*.

5.3. Calculation of Parking Requirements

Where the minimum number of required *parking spaces* is calculated on the basis of a rate or ratio, the number of required spaces shall be rounded to the next higher whole number.

The parking requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the parking requirements for each of the component *uses*, unless otherwise noted.

5.3.1. Parking Standards

The parking standards for the lands located in this By-law, as shown in Schedule “A” Map 1 through 6 and forming part of this By-law, shall be in accordance with the following:

5.3.1.1. Residential Uses

The minimum and maximum off-street parking requirements for permitted *residential uses* in this By-law shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Accessory Dwelling Unit</i>	1.0 exterior <i>parking spaces</i> per <i>accessory dwelling unit</i>	n/a
<i>Detached Dwelling</i>	2.0 <i>parking spaces</i> per <i>dwelling unit</i> (*1)	n/a
<i>Link Dwelling</i>	2.0 <i>parking spaces</i> per <i>dwelling unit</i> (*1)	n/a
<i>Semi-Detached Dwelling</i>	2.0 <i>parking spaces</i> per <i>dwelling unit</i> (*1)	n/a
<i>Duplex Dwelling</i>	2.0 <i>parking spaces</i> per <i>dwelling unit</i> (*1)	n/a
<i>Quadruplex, or Maisonette Dwelling</i>	1.5 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.25 visitor spaces per <i>dwelling unit</i>	n/a
<i>Townhouse or Stacked Townhouse Dwelling on Private Road</i>	1.0 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.15 visitor spaces per <i>dwelling unit</i> (*2)	1.2 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.15 visitor spaces per <i>dwelling unit</i> (*2)
<i>Townhouse or Stacked Townhouse Dwelling on Public Road</i>	1.0 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.15 visitor spaces per <i>dwelling unit</i> (*2)	1.2 <i>parking spaces</i> per <i>dwelling unit</i> plus 0.15 visitor spaces per <i>dwelling unit</i> (*2)

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Bachelor Unit</i>	0.70 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	0.85 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – One Bedroom Unit</i>	0.80 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Two Bedroom Unit</i>	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.20 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Apartment Building Dwelling or a Mixed Use Building Dwelling – Three or more Bedroom Unit</i>	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.4 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)
<i>Bed and Breakfast Establishment</i>	1.0 parking space for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling	n/a
<i>Dormitory</i>	0.5 parking spaces for each rooming unit	n/a
<i>Group Home Halfway House</i>	2.0 parking spaces	4.0 parking spaces
<i>Home Occupation in a: Detached Dwelling; Link Dwelling; Semi-Detached Dwelling; Duplex Dwelling; Quadruplex Dwelling; or Maisonette Dwelling</i>	Where the area occupied by the home occupation exceeds 24.0 square metres, 1.0 parking space shall be required for every 9.0 square metres above the 24.0 square metres of the dwelling unit used for the home occupation	n/a
<i>Special Needs Facility</i>	2.0 parking spaces	4.0 parking spaces

(*1) Where in combination with an accessory dwelling unit the required parking spaces shall be in addition to the required parking space for the accessory dwelling unit.

(*2) Where a dwelling unit is a financially assisted dwelling unit, the minimum parking space rate and the maximum parking space rate for the dwelling unit may be reduced by 30% of the standard minimum and maximum parking space rates for the applicable dwelling unit type. This reduction does not apply to the visitor Parking Space per dwelling unit rates.

5.3.1.2. Non-Residential Uses

The minimum and maximum off-street parking requirements for permitted non-residential uses shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Art Gallery</i>	<i>1.0 parking space per 100.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 100.0 square metres of gross floor area</i>
<i>Banquet Facility</i>	<i>1.0 parking space per 9.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Commercial Recreation Centre Community Centre Outdoor Recreation Facility Sports Arena</i>	<i>1.0 parking space per 28.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 28.0 square metres of gross floor area</i>
<i>Commercial School</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Child Care Centre</i>	<i>1.0 parking space per classroom, plus 1.0 parking space for every 8 children licensed capacity</i>	<i>2 times the minimum off-street parking requirement</i>
<i>Domestic Animal Care Facility</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Dry Cleaning Depot Laundromat</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Financial Institution</i>	<i>1.0 parking space per 40.0 square metres of gross floor area</i>	<i>2.0 parking spaces per 40.0 square metres of gross floor area</i>
<i>Funeral Home</i>	<i>30.0 parking spaces for the first 30.0 square metres of gross floor area, plus 1.0 parking space for each additional 15.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Garden Centre</i>	<i>1.0 parking space per 30.0 square metres of gross floor area</i>	<i>n/a</i>
<i>Hospital</i>	<i>1.0 parking space per 42.0 square metres of gross floor area</i>	<i>n/a</i>

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Hotel</i>	The aggregate of: 1.0 <i>parking space</i> per guest room for the first 20 guest rooms 1.0 <i>parking space</i> per two guest rooms for guest rooms beyond the first 20 1.0 <i>parking space</i> per 10.0 square metres of <i>gross floor area</i> dedicated to administrative, banquet and meeting facilities	n/a
<i>Institutional Day Centre</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Library</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 20.0 square metres of <i>gross floor area</i>
<i>Light Equipment Sales and Rental</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Local Shopping Centre</i>	1.0 <i>Parking Space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>Parking Space</i> per 40.0 square metres of <i>gross floor area</i>
<i>Long Term Care Facility</i>	0.25 <i>parking spaces</i> per <i>dwelling unit</i> or <i>rooming unit</i> , plus 1.0 <i>parking space</i> per 200.0 square metres of <i>gross floor area</i> used for medical, health or personal services	2 times the minimum off-street parking requirement
<i>Medical Clinic Medical Office Medical/Dental Laboratory</i>	1.0 <i>parking space</i> per 35.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 35.0 square metres of <i>gross floor area</i>
<i>Micro-Industry</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Motor Vehicle Rental Establishment</i>	1.0 <i>parking space</i> per 35.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 35.0 square metres of <i>gross floor area</i>
<i>Motor Vehicle Sales Establishment</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i> excluding showroom	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i> excluding showroom

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Motor Vehicle Repair Facility</i>	1.0 <i>parking space</i> per 13.0 square metres of <i>gross floor area</i> including the service bays	n/a
<i>Motor Vehicle Service Shop</i>	1.0 <i>parking space</i> per 13.0 square metres of <i>gross floor area</i> including the service bays	n/a
<i>Motor Vehicle Service Station</i>	2.0 <i>parking spaces</i> where the <i>gross floor area</i> of the kiosk is 25.0 square metres or less or 1.0 <i>parking space</i> per 18 square metres where the kiosk is greater than 26.0 square metres with a minimum of 2.0 <i>parking spaces</i>	n/a
<i>Museum</i>	1.0 <i>parking space</i> per 100.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 100.0 square metres of <i>gross floor area</i>
<i>Passenger Transportation Terminal</i>	0.5 <i>parking space</i> per 100.0 square metres of <i>gross floor area</i>	n/a
<i>Office</i>	1.0 <i>parking space</i> per 50.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 50.0 square metres of <i>gross floor area</i>
<i>Personal Service Shop</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Place of Worship</i>	1.0 <i>parking space</i> per 9.0 square metres of the aggregate <i>gross floor area</i> of the nave, public hall, banquet hall or other community/ multi-use hall used as a <i>place of assembly</i>	2.0 <i>parking spaces</i> per 9.0 square metres of the aggregate <i>gross floor area</i> of the nave, public hall, banquet hall or other community/ multi-use hall used as a <i>place of assembly</i>
<i>Private Club</i>	1.0 <i>parking space</i> per 9.0 square metres of <i>gross floor area</i>	n/a
<i>Restaurant</i>	1.0 <i>parking space</i> per 50.0 square metres of <i>gross floor area</i> , excluding any <i>Porch</i> , veranda and/or <i>Patio</i> dedicated as seasonal serving areas	4.0 <i>parking spaces</i> per 50.0 square metres of <i>gross floor area</i> , excluding any <i>Porch</i> , veranda and/or <i>Patio</i> dedicated as seasonal serving areas

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Retail Store</i>	1.0 <i>parking space</i> per 40.0 square metres of <i>gross floor area</i>	2.0 <i>parking spaces</i> per 40.0 square metres of <i>gross floor area</i>
<i>Retail Warehouse Store</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Elementary School</i>	1.0 <i>parking space</i> per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
<i>Secondary School</i>	1.5 <i>parking space</i> per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
<i>Post Secondary School</i>	1.0 <i>parking space</i> per 200.0 square metres of <i>gross floor area</i> used for instructional and/or academic purposes	2.0 <i>parking spaces</i> per 200.0 square metres of <i>gross floor area</i> used for instructional and/or academic purposes
<i>Service or Repair Shop</i>	1.0 <i>parking space</i> per 28.0 square metres of <i>gross floor area</i>	n/a
<i>Studio</i>	1.0 <i>parking space</i> per 20.0 square metres of <i>gross floor area</i>	n/a
<i>Veterinary Clinic</i>	1.0 <i>parking space</i> per 27.0 square metres of <i>gross floor area</i>	n/a

5.3.1.3. Reduced Parking Standards for Proximity to Transit

Notwithstanding Sections 5.3.1.1 and 5.3.1.2 of this By-law, the parking standards for lands as shown on Schedule A" Maps 1 through 6 of this By-law, the minimum and maximum parking rates for each of the permitted residential and non-residential uses identified in Sections 5.3.1.1 and 5.3.1.2 may be reduced by 30% if the property of such use is within a Parking Reduction Area as shown on Schedule "F".

5.3.1.4. Carpooling Parking Space for certain Non-residential Uses

Notwithstanding Section 5.3.1.2 of this By-law, the required parking for developments involving *financial institution, hospital, library, medical clinic, medical office building, medical/dental laboratory, office, elementary school, secondary school, or post-secondary school* uses must provide carpooling *parking spaces* as the lesser of:

- i) 5% of the total required parking supply for any of these non-residential uses, or
- ii) 2.0 *parking spaces*.

5.3.1.5. Car-Share Parking Space for certain Residential Uses

Notwithstanding Section 5.3.1.1 of this By-law, any development of a *mixed use building or apartment building* providing *parking spaces* for the purposes of car-share parking and does not include any *financially assisted dwelling units*, the applicable minimum *parking space* requirement may be reduced by up to 3 *parking spaces* for each dedicated car-share *parking space*. The limit on the *parking space* reduction is calculated as the greater of:

- i) $4 \times (\text{total number of units} / 60)$, rounded down to the nearest whole number, or
- ii) 1.0 *parking space*.

5.3.2. Shared Parking

- i) A shared parking formula may be used for the calculation of required parking for a *mixed use* development. A *mixed use* development means any combination of *uses* provided for in the tables in this section. Where a *use* is not provided for in the tables, its requirement at each time period is one hundred% of its requirement.
- ii) Shared parking is to be calculated in compliance with the following table. All required *parking spaces* must be accessible to all users participating in the shared parking arrangement and may not be reserved for specific users.

iii) To determine the shared parking requirements for a mixed use:

- a) calculate the parking requirement for each use as if these uses were free-standing buildings;
- b) multiply each use by the percent of the peak period for each time period contained in the following table;
- c) total each peak column for weekday and weekend; and
- d) the highest figure obtained from all time periods shall become the required parking for the mixed use.

Type of Use	Percentage of Peak Period (Weekday)		
	Morning	Afternoon	Evening
<i>Industrial or office</i>	100%	100%	10%
<i>Recreational</i>	25%	80%	100%
<i>Hotel</i>	80%	80%	100%
<i>Assembly</i>	10%	25%	100%
<i>Retail Centre/Retail Store / Personal Service Shop</i>	65%	90%	90%

Type of Use	Percentage of Peak Period (Saturday)		
	Morning	Afternoon	Evening
<i>Industrial or office</i>	10%	10%	10%
<i>Recreational</i>	90%	100%	100%
<i>Hotel</i>	80%	80%	100%
<i>Assembly</i>	90%	90%	100%
<i>Retail Centre/Retail Store / Personal Service Shop</i>	80%	100%	100%

- iv) For the purposes of this section a Recreational use includes *Commercial Recreation Centre, Studios*, and similar uses; an Industrial or Office use includes *Medical Offices, Manufacturing*, and similar uses; and Assembly uses include *Places of Worship, Banquet Facilities*, and similar uses.

5.3.2.1. Car-Share Parking Space or Electrical Charging Station in Mixed Use Zones

On a *lot* where a parking *lot* in the form of a surface parking *lot* is permitted:

- i) a minimum 1 car-share *Parking Space* may be provided in lieu of every 3 *Parking Spaces*; and
- ii) a minimum of 1 electrical charging station *Parking Space* shall be provided for every 10 *Parking Spaces*.

5.3.3. Barrier Free Parking Spaces

Off-street barrier free *Parking Spaces* shall be provided in accordance with the following. Provided barrier-free *Parking Spaces* are included within, and not additional to, required non-barrier-free *Parking Spaces*.

- i) The minimum barrier free parking requirement shall be as follows:

Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces
1 to 12	1	0
13 to 25	0	1
26 to 50	1	1
51 to 75	1	2
76 to 100	2	2
101 to 133	2	3
134 to 166	3	3
167 to 250	3	4
251 to 300	4	4
301 to 350	4	5
351 to 400	5	5
401 to 450	5	6
451 to 500	6	6
501 to 550	6	7
551 to 600	7	7
601 to 650	7	8
651 to 700	8	8

Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces
701 to 750	8	9
751 to 800	9	9
801 to 850	9	10
851 to 900	10	10
901 to 950	10	11
951 to 1000	11	11
1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B.	
Note: Where an uneven number of accessible <i>Parking Spaces</i> are required, the extra Type B space may be changed to a Type A space.		

- ii) Notwithstanding subsection i) above, the minimum barrier free parking requirement for *medical offices*, clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the *use*, providing at least 40% of the required barrier free spaces of each type of Type A and Type B.

5.3.4. Bicycle Parking

- i) Bicycle *Parking Spaces* shall be provided as follows:

Use	Required Bicycle Parking
Retail Store, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000.0 square metres of <i>gross floor area</i>
Manufacturing/Industrial	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces for every 1000.0 square metres of <i>gross floor area</i>
Elementary, Secondary and Post Secondary Schools	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100.0 square metres of <i>gross floor area</i>

Use	Required Bicycle Parking
Apartment Building, Dwelling Unit, Live Work Unit, Mixed Use Building Dwelling, Stacked Townhouse Dwelling	0.5 Long-Term Bicycle Parking Spaces per Dwelling Unit and 0.1 short-term spaces per dwelling unit

- ii) Where *bicycle parking spaces* are located internal to a *building*, they shall be located:
 - a) on the ground floor; or
 - b) on the second floor or the first level below the ground floor if the *bicycle parking spaces* are accessible via an elevator or an entrance at *grade*.
- iii) *Bicycle parking spaces* as required by this By-law shall not be located:
 - a) in a *dwelling unit*; or
 - b) on a *balcony*.
- iv) The minimum dimension of a *bicycle Parking Space* is:
 - a) minimum length of 1.8 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum vertical clearance from the ground of 1.9 metres; and
- v) the minimum dimension of a *bicycle Parking Space* if placed in a vertical position on a wall, *Structure* or mechanical device is:
 - a) minimum length or vertical clearance of 1.9 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum horizontal clearance from the wall of 1.2 metres; and
- vi) A *bicycle Parking Space* must be on the same *lot* as the use for which it is required.

5.4. Parking Lot Requirements

For every *building, structure* or use requiring 5 or more *parking spaces*, off-street parking having access to a *public street* shall be provided on the same *lot* on which the *use, building* or *structure* is located unless otherwise specified in this By-law.

5.4.1. Parking Lot Location

Where required, *parking lots* shall be located in accordance with the following requirements:

Zone	Parking Lot Location Requirement
Mixed Use Zones (*1)	<i>Parking spaces</i> may be provided on another <i>lot</i> within a different Mixed Use Zone but not more than 150.0 metres from the <i>lot line</i> of the use it is intended to serve.
	<i>Parking lots</i> shall be located in the <i>interior side yard</i> and/or <i>rear yard</i> not less than 3.0 metres from any side or <i>rear lot line</i> . However, a <i>parking lot</i> as a sole use may be located in any yard.
Mixed Use, Open Space, or Institutional Zones (*1)	<i>Parking lots</i> may be located within any yard but shall not be located within 3.0 metres of any <i>street line</i> .

(*1) Excluding *Elementary* and *Secondary School Uses*

5.4.2. Parking Lot Design

i) Surface Treatment

Every *parking lot*, including *parking spaces* and *driveways*, shall be graded and drained and the surface treated with a permanent durable and dustless surface that is designed to Town standards. This provision shall not apply to *parking lots* of residential developments having three or fewer *dwelling units*.

ii) Curbs

The *parking lot* shall have visible boundaries defined by a curb designed to Town standards.

5.4.3. Location of Visitor Parking

Visitor parking shall be located in accordance with the following requirements:

- i) Where visitor parking is required outside of a Mixed Use Zone and in accordance with Sections 5.3.1 and 5.3.2, such parking shall be located at *grade* and shall be separated from any adjacent *street line* by a strip of land not less than 3.0 metres wide which shall be used only for landscaping, entrances and exits.

5.4.4. Parking Lot Illumination

Where a *parking lot* is illuminated and is in or adjacent to a *residential zone* under By-law 2010-40, the lighting fixtures shall be installed in accordance with the following:

- i) the lighting fixtures shall be arranged to have no part of any fixture located at a *height* greater than 9.0 metres above the *established grade* of the *parking lot*; and,
- ii) the lighting fixtures shall be designed and installed to deflect the light downward and away from adjacent residential *buildings, lots* and streets.

5.4.5. Snow Storage Accommodation for Outdoor Parking Lots

An outdoor *parking lot* shall provide an area equivalent to 5% of the number of required spaces for the purpose of snow storage.

5.5. Entrances, Exits and Driveways

- i) *Driveways*, entrances and exits shall be provided as follows:

Parking Requirement	Requirement for Entrances and Exits
Required Parking Spaces: 4 or fewer	<ul style="list-style-type: none"> i) The minimum width of a <i>driveway</i>, free of projections shall be 3.0 metres. ii) The minimum distance between a <i>driveway</i> and the intersection of 2 or more streets, measured along the <i>street line</i> intersected by such <i>driveway</i> shall be 4.5 metres. iii) Approaches and <i>Driveways</i> which provide access to <i>Parking Areas</i> other than directly from a municipal street shall be constructed at a width not less than 6.0 metres nor where undivided, not greater than 9.0 metres.

Parking Requirement	Requirement for Entrances and Exits
Required <i>Parking Spaces</i> : 5 or more	<ul style="list-style-type: none"> i) Not more than 2 entrance and exit <i>driveways</i> plus 1 additional entrance or exit <i>driveway</i> for service vehicles, shall be provided to access the <i>parking lot</i>. ii) Each entrance and/or exit <i>driveway</i> shall have a minimum width at the <i>street line</i> of 7.9 metres and if undivided, a maximum width of 9.0 metres. iii) The minimum distance between a <i>driveway</i> and intersection of <i>street lines</i> measured along the <i>street line</i> intersected by such <i>driveway</i> shall be 15.0 metres. iv) approaches and <i>driveways</i> which provide access to <i>parking areas</i> other than directly from a municipal street shall be constructed at a width not less than 6.0 metres nor where undivided, not greater than 9.0 metres. v) A continuous, uninterrupted pedestrian connection of a minimum of 1.5 metres in width and a material type visually and physically distinct from the <i>parking lot</i> surface shall be provided from a <i>sidewalk</i> to the <i>principal entrance</i> of each <i>building</i>. If no sidewalk abuts the property, the connection will be provided from the abutting street. Where <i>Parking Spaces</i> are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8 metres in width.

- ii) Notwithstanding any other provision of this By-law, a *driveway* or an access shared across two lots shall be permitted.
Compliance with any regulations of this By-law for a *driveway* or an access permitted by this section shall be based upon the entire width of the applicable access.

5.6. Loading Spaces

Off-street *loading spaces* shall be provided in accordance with this By-law when any new development is constructed, when any *existing* development is enlarged, or when any *existing use* is changed.

5.6.1. Loading Space Requirements

Required *loading spaces* shall be unobstructed and shall be located on the same *lot* as the *use* that requires the *loading space* as follows:

Zone	Gross Floor Area	Loading Space Requirement	Location On a Lot	Size of Loading Space
Mixed Use and Institutional Zones	Less than 299.0 square metres 300.0 square metres – 999 square metres 1000.0 square metres – 2299 square metres 2300.0 square metres – 7299 square metres Greater than 7300.0 square metres	0 1 2 3 1 additional space for every additional 7432 square metres or fraction thereof	Interior side or rear yard unless the setback from the <i>street line</i> is a minimum of 60.0 metres	Width 3.6 metres Length 9.0 metres Vertical Clearance 4.2 metres

5.6.2. Access to Loading Spaces

Where a *loading space(s)* is required, the access to the *loading space(s)* shall be provided by means of a *driveway* that is a minimum of 6.0 metres wide, unless such spaces are directly linked to a *lane* or roadway.

5.6.3. Setback of Loading Spaces from residential zones

In any *Mixed Use Zone*, no *loading space* shall be located closer than 10.0 metres to any interior *side lot line* or *rear lot line* that abuts a residential zone under Bylaw 2010-40.

5.6.4. Provision of Loading Spaces for Multiple Occupancy Buildings

Notwithstanding any other provision of this By-law, any units within a multiple occupancy *building* in a *Mixed Use Zone* which does not exceed 225.0 square metres in *gross floor area* shall not be included in calculations for required *loading spaces* as required by this By-law.

5.7. Queuing Lane Requirements

Where *queuing lanes* are required in association with a permitted use, the following provisions shall apply:

5.7.1. Exclusive Use of Queuing Space

Queuing lanes and spaces shall be exclusive of any other *parking space* and aisle requirements contained within this By-Law.

5.7.2. Size of Queuing Space

All *queuing spaces* shall be rectangular in shape, with a minimum length of 5.5 metres and a width of 2.6 metres.

Section 6–Zone Provisions

6.1. Zone Provisions

Permitted *uses* and zone standards for all Zones are provided in the following sections:

ZONE CATEGORY	SECTION
Mixed <i>Use</i> Zones	6.2
Institutional Zones	6.3
Open Space Zones	6.4

6.1.1. Permitted Uses

Permitted *uses* in a *Zone* are noted by the symbol 'P' in the column applicable to that *Zone* and corresponding with the row for a specific permitted use. The symbol 'PC' means permitted with conditions. If the *use* is not listed, it is not permitted in that *zone*. A number(s) following the symbol 'P' or 'PC' zone heading or identified permitted *use*, indicates that one or more exceptions apply to the *use* noted or, in some cases, to the entire *Zone*. Exceptions and additional regulations are noted at the end of each table.

6.1.2. Zone Standards

Regulations respecting *lot area*, *frontage*, *coverage*, *yard setbacks*, *floor space* index and *height* are established for each *zone* category.

An asterisk and a number (*1) following the *zone* standard, *zone* heading or description of the standard, indicates an additional *Zone* requirement. These additional standards are listed at the end of each subsection.

6.2. Mixed Use Zones

6.2.1. General

6.2.1.1. General

No person shall *use* any land or erect, alter or *use* any *building* or *structure* in any Mixed *Use* *Zone* except in accordance with Sections 6.2.2 through 6.2.5 of this By-law.

6.2.1.2. Interim Development Exception

The *gross floor area* of an *existing building* may be increased by 10% without adhering to the density and *height* requirements in Section 6 of this By-law or with the requirement to remove the (H) Symbol under Section 8.2.2 of this By-law.

Interim development, including new commercial buildings permitted through a Site Specific Exception as per Section 6.2.5, shall be permitted without adhering to the density and *height* requirements in Section 6 of this By-law or with the requirement to remove the (H) Symbol under Section 8.2.2 of this By-law.

6.2.2. Permitted Uses and Permitted Uses with Conditions

6.2.2.1. List of Uses

The following table establishes the *uses* permitted in the Mixed Use Zones:

Table 6.2.2.1: Mixed Use Zone Permitted Uses	
	MU 1-3
Non-Residential Uses	
Art Gallery	P
Automated Motor Vehicle Washing Establishment (*1)	PC
Banquet Facility	P
Community Centre	P
Commercial Recreation Centre	P
Commercial School	P
Child Care Centre	P
Domestic Animal Care Facility	P
Dry Cleaning Depot	P
Elementary School	P
Emergency Service Facility	P
Financial Institution	P
Funeral Home	P
Garden Centre	P
Home Occupation	P
Hospital	P
Hotel	P

SECTION 6 – ZONE PROVISIONS

<i>Institutional Day Centre</i>	P
<i>Laundromat</i>	P
<i>Library</i>	P
<i>Local Shopping Centre</i>	P
<i>Long Term Care Facility</i>	P
<i>Manual Motor Vehicle Washing Establishment (*1)</i>	PC
<i>Medical Clinic/Medical/Dental Laboratory</i>	P
<i>Micro-Industrial Use</i>	P
<i>Motor Vehicle Rental Establishment (*2)</i>	PC
<i>Office</i>	P
<i>Parking Garage (*3)</i>	PC
<i>Parking Lot (*4)</i>	PC
<i>Passenger Transportation Terminal</i>	P
<i>Personal Service Shop</i>	P
<i>Place of Worship</i>	P
<i>Post Secondary School</i>	P
<i>Private Club</i>	P
<i>Restaurant</i>	P
<i>Retail Store</i>	P
<i>Retail Warehouse (*5)</i>	PC
<i>Secondary School</i>	P
<i>Service or Repair Shop</i>	P
<i>Studio</i>	P
<i>Veterinary Clinic</i>	P
Residential Uses	
<i>Apartment Building Dwelling</i>	P
<i>Group Home</i>	P
<i>Live Work Unit</i>	P
<i>Mixed Use Building Dwelling (*6)</i>	PC
<i>Retirement Residence</i>	P
<i>Special Needs Housing</i>	P
<i>Stacked Townhouse Dwelling (*7)</i>	PC
<i>Townhouse Dwelling (*7)</i>	PC

P = Permitted

PC = Permitted, subject to the following conditions noted

SECTION 6 – ZONE PROVISIONS

- (*1) An *automated motor vehicle washing establishment* or *manual motor vehicle washing establishment* is only permitted within an enclosed *Parking Garage*.
- (*2) In a *motor vehicle rental establishment* the number of surface automobile storage spaces will be limited to 5.
- (*3) Permitted subject to Section 6.2.2.3 and 6.2.2.4.
- (*4) Provided *parking lot* is not located between building and street along Yonge Street and Davis Drive. *Parking lot* is subject to the provisions of section 6.2.4.9 of this By-law.
- (*5) Provided retail warehouse is multistory and/or mixed with other uses.
- (*6) In a *mixed-use building dwelling*, a *dwelling unit* may only be permitted above a ground level *commercial use*.
- (*7) *Townhouse Dwelling* and *Stacked Townhouse Buildings* shall have a maximum length of 60.0 metres.

6.2.2.2. Priority Commercial Areas

Any *building* in the areas shown on Schedule "D," forming part of this By-law, shall have *commercial uses* comprising 75% of ground floor frontages. Interim development subject to Section 6.2.1.2 is exempt from this section.

6.2.2.3. Above Grade Parking Garage

Any *building* that contains an *above grade* parking component facing a *public or private street* or an *Open Space Zone* must provide *commercial, residential or institutional uses* along the ground floor of the wall facing the *public or private street* or *Open Space Zone*.

6.2.2.4. Underground Parking

Below grade parking is permitted to be setback 0.0 metres from property lines, and may be permitted under *Private Parks Private Parks*, parks, *Private Lanes* and *Private Streets*, but is prohibited under *Public streets*.

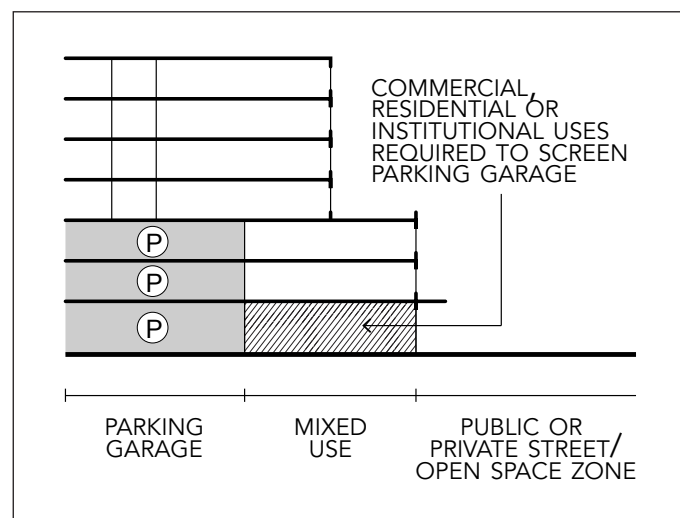


Illustration 6-1. Above Grade Parking Garage

6.2.3. Lot Requirements

6.2.3.1. Lot Frontage

Table 6.2.3.1: Mixed Use Zone Lot Frontage for Stacked Townhouse	
	MU 1-3
Maximum Lot Frontage	60.0 metres

6.2.4. Building Requirements

6.2.4.1. General

i) Principal Entrance

- At least one *principal entrance* shall be provided for any *building* along a *public street* or adjacent to an *Open Space Zone*.
- Any *principal entrance* to a mixed use or apartment *building* shall be no more than 1.5 metres above *grade*.

ii) Windows and Glazing

Glazing shall be provided in *buildings* on any wall adjacent to a *public street* or *Open Space Zone*.

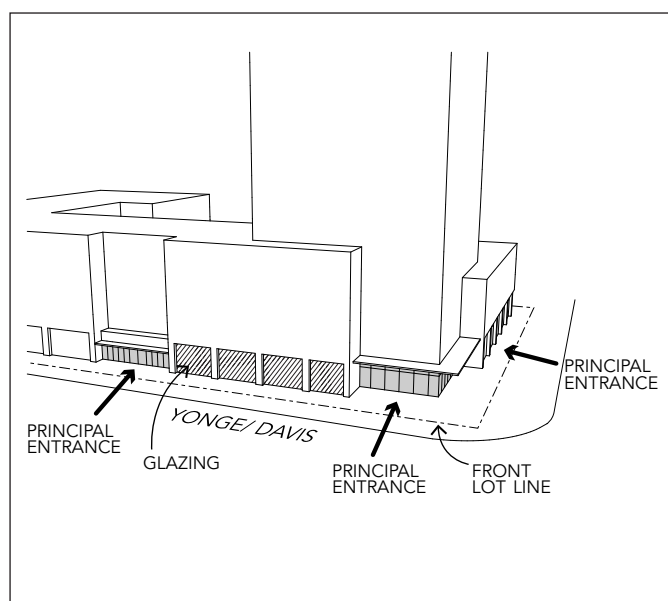


Illustration 6-2. Principal Entrance and Glazing Example

6.2.4.2. Height

i) Permitted Height

Buildings shall be within the minimum and maximum heights in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

ii) Podiums

- a) Any building with a height of 38.0 metres or more shall have a podium with a minimum height of 10.5 metres and a maximum height of 20.0 metres covering at least 75% of the lot line adjacent to a public street; the part of the building above the podium shall be set back a minimum of 3.0 metres from the edge of the podium for a length of at least 66% of the Building frontage above the 38.0 metres adjacent to public street.
- b) If a building with a height greater than 26.0 metres but less than 38.0 metres contains a podium, the podium shall not exceed 17.0 metres in height and the building above the podium shall be set back a minimum of 1.5 metres from the edge of the podium for a length of at least 66% of the podium of the Building above 38.0 metres adjacent to the public street.

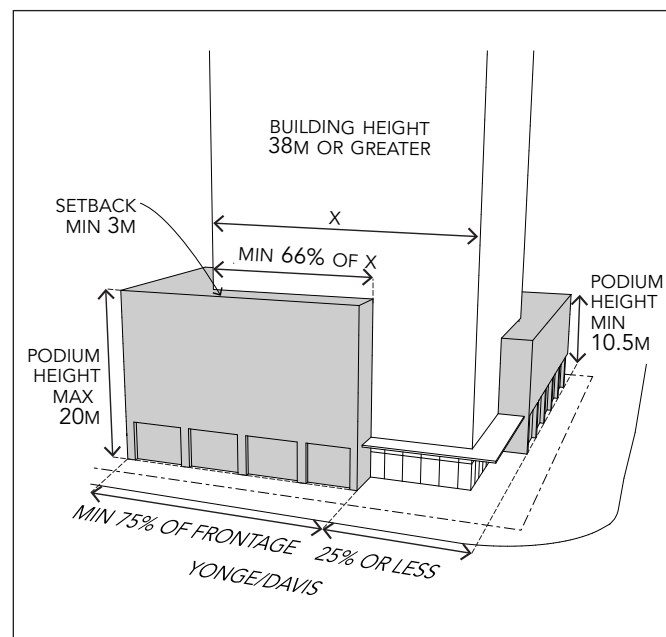


Illustration 6-3. Podium Street Frontage, Minimum and Maximum Height and Setback for Buildings 38 metres or more.

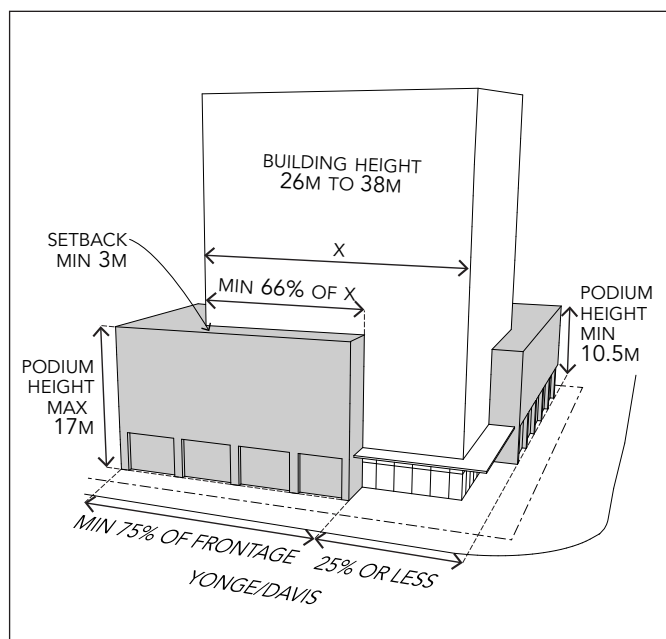


Illustration 6-4. Podium Street Frontage, minimum and maximum Height and Setback for buildings greater than 26 metres but less than 38 metres.

- c) Any *building* on a *lot* adjacent to any residential zone under By-law 2010-40 or Open Space Zone in this By-law or 2010-40 shall have a podium *height* of no more than 10.5 metres along the frontage adjacent to the Residential or Open Space Zone; or where there is an *existing building* or *structure* on the adjacent Residential or Open Space Zone which is higher than 10.5 metres in *height*, the podium *height* may be increased but shall not exceed that *height*.

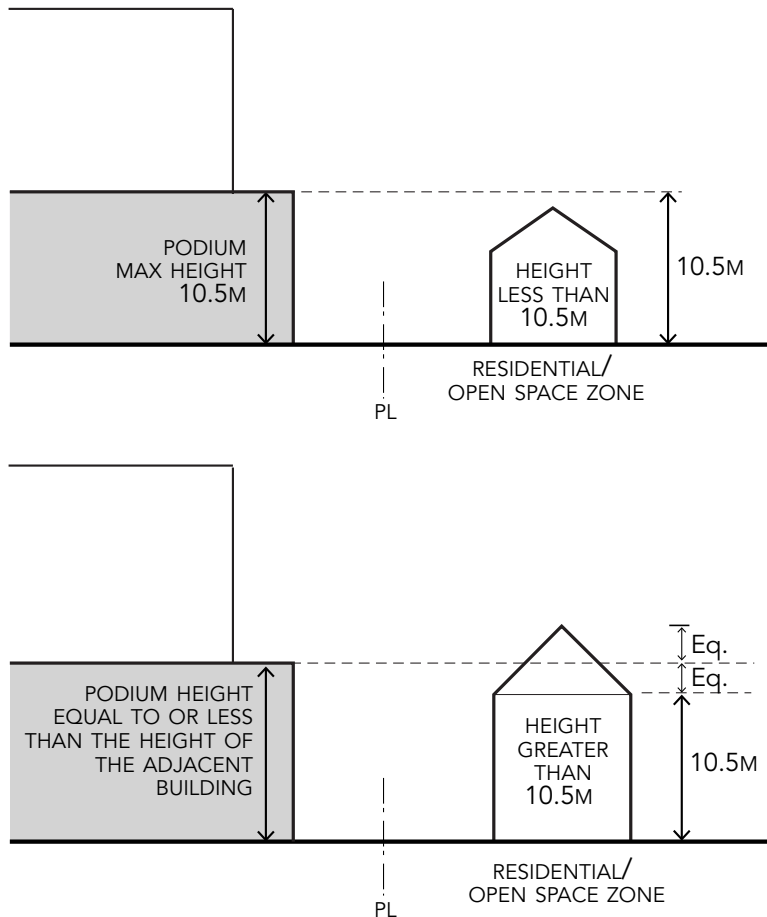


Diagram 6-1. Podium Adjacent to Residential or Open Space

iii) Mechanical Penthouse

Notwithstanding the provisions in Section 4.6, Section 6.2.4.2(i) and (ii), roof top mechanical or telecommunications equipment:

- a) shall not exceed the *height* requirements of this By-law by more than 6.0 metres;
- b) shall not exceed 40% of the roof area of the *building*; and,
- c) be set back a minimum of 3.0 metres from any *main wall* of the *building*.

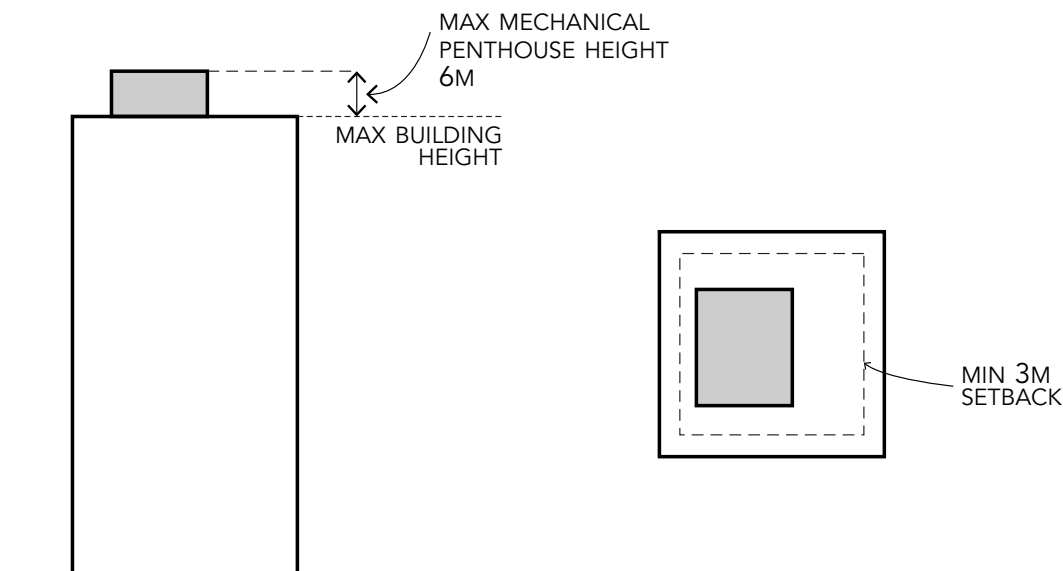


Diagram 6-2. Mechanical Penthouse

6.2.4.3. Floor Space Index

Buildings shall be within the density range identified on the chart below for each *zone* in accordance with Schedule "A," Maps 1 through 6, forming part of this By-law.

Table 6.2.4.3: Mixed Use Zone Floor Space Index			
	MU-1	MU-2	MU-3
Minimum Total <i>Floor Space Index</i>	1.5	2.0	2.5
Maximum Total <i>Floor Space Index</i>	2.0	2.5	3.5

6.2.4.4. Amenity Space

Any building that contains 20 or more *dwelling units* shall provide a minimum of 2.0 square metres of *common outdoor amenity area* for each *dwelling unit* and a minimum of 2.0 square metres of *common indoor amenity area* for each *dwelling unit*.

6.2.4.5. Setbacks

- i) Any *building* with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the *front lot line*.
- ii) The part of any *building wall* containing windows must be set back a minimum of 5.5 metres from any *lot line* that is not adjacent to a *public street*.
- iii) The wall of any tall *building* located above 38.0 metres must be set back a minimum 12.5 metres from any *lot line* that is not a *public street*.

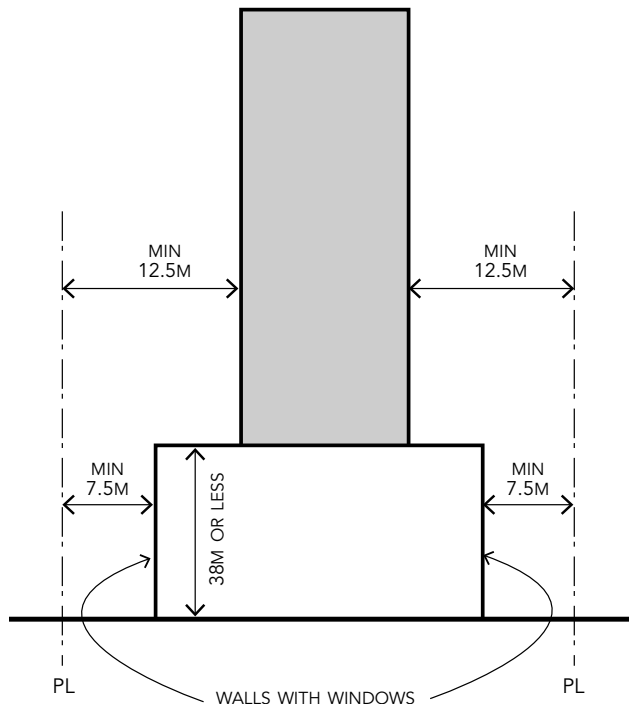


Diagram 6-3. Setback for a Tall Building

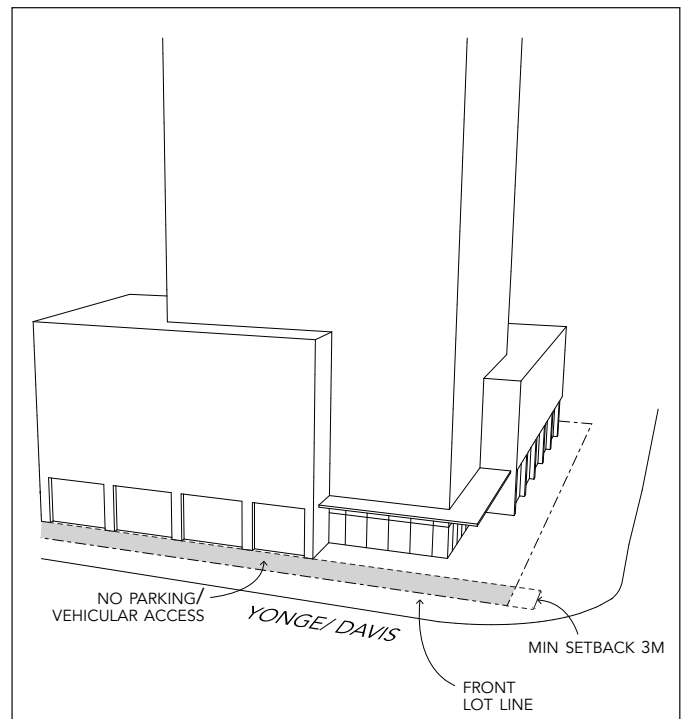


Illustration 6-5. Example of Setback on Yonge Street or Davis Drive

6.2.4.6. Angular Planes

- i) Any *building* on a *lot* adjacent to the rear or side *yard* of a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law must comply with a 45 degree angular plane from a *height* of 1.7 metres above the established *grade* at the *lot line* of the adjacent residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law; but the angular plane shall not extend beyond the applicable *lot*, or, if the *lot* is bisected by a *public* or *private* street, beyond the boundary of the *public* or *private* street, as set out in Diagram 6–4.

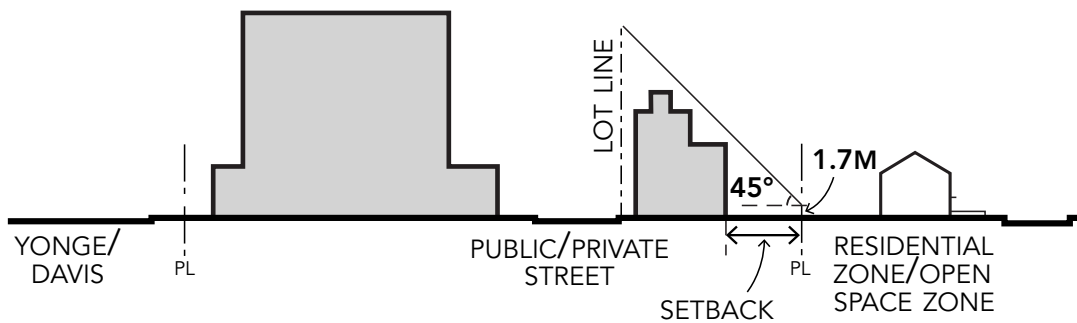


Diagram 6–4. Rear or Side-Yard Transition: Angular Plane Adjacent to Residential / Open Space.

- ii) Any building on a lot across the street from a residential zone under By-law 2010-40 or Open Space Zone in either By-law 2010-40 or this By-law, must comply with a 22 degree angular plane measured from a height of Y as determined by the Right of Way width X of the street (see Table 6.2.4.6) at the front lot line but the angular plane shall not extend beyond the applicable lot as set out in Diagram 6–5, or, if the lot is bisected by a public or private street, beyond the public or private street.

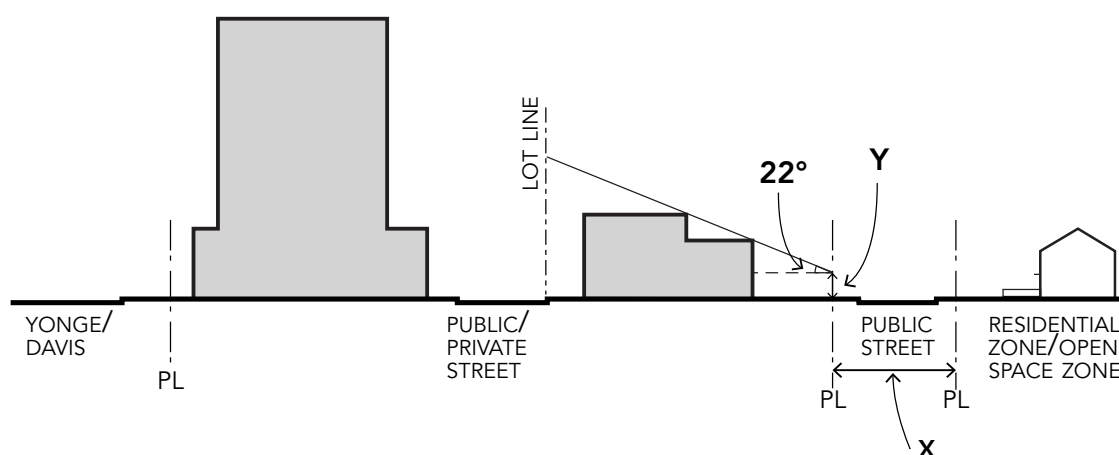


Diagram 6–5. Front Transition: Angular Plane Across the Street from Residential / Open Space.

Table 6.2.4.6:	
RIGHT OF WAY WIDTH (X)	HEIGHT (Y)
18.0 metres	8.9 metres
20.0 metres	9.7 metres
22.0 metres	10.5 metres
24.0 metres	11.3 metres
26.0 metres	12.1 metres

6.2.4.7. Separation Distance

- i) Any part of a *building wall* on the same *lot* containing *principal windows* that has a *height* of less than 38.0 metres shall be set back a minimum of 15.0 metres from any other part of a *building wall* containing *principal windows* on the same *lot*.
- ii) Any part of a *building wall* higher than 38.0 metres shall be separated a minimum of 25.0 metres from the part of any other *building wall* on the same *lot* that is higher than 38.0 metres.

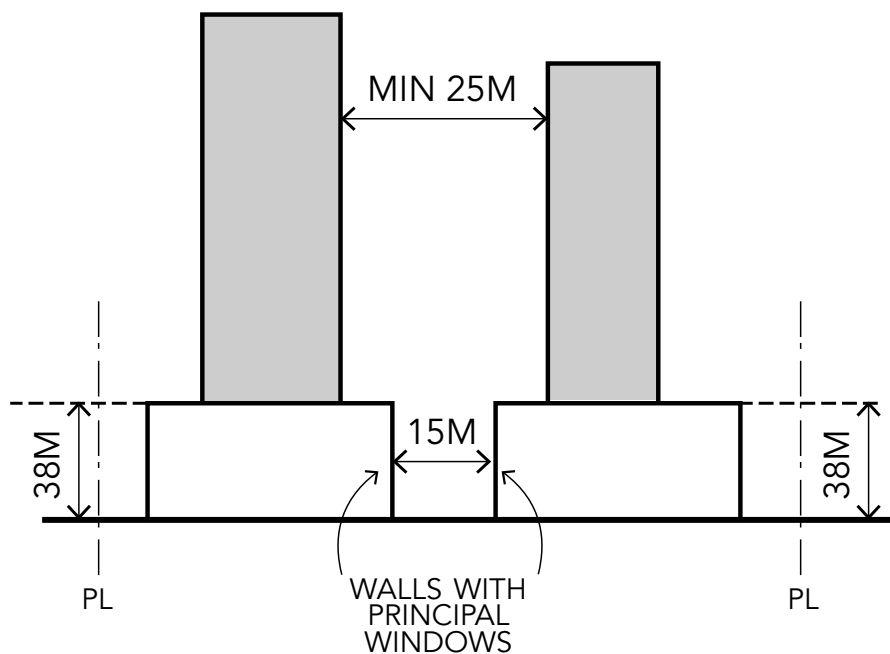


Diagram 6-6. Separation Distance Example

6.2.4.8. Landscaped Buffers

- i) *Landscaped buffers* shall be provided adjacent to surface *Parking Lots* and residential zones under By-law 2010-40 in accordance with Section 4.13 of this By-law.

6.2.4.9. Parking and Access to Lot

- i) No vehicular access may be located along the Davis Drive or Yonge Street frontage of a *lot* adjacent to another *Public* street or public lane, with access to Davis Drive or Yonge Street.
- ii) Parking may be provided within a *building* or *structure* or on a surface *lot* in a side yard or rear yard of properties that have frontages along Davis Drive or Yonge Street.
- iii) Parking for motorized vehicles shall not be permitted in the *front yard* of a *Building* located along Davis Drive or Yonge Street.
- iv) Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the *front yard* of a *Building* located along Davis Drive or Yonge Street if access to the *lot* is only from other Davis Drive or Yonge Street.
- v) A minimum of 10% of any surface *parking* area or exposed roof of a *parking garage* shall be dedicated to soft landscaping.
- vi) A minimum of 10% of any surface *parking* area shall be devoted to *bicycle parking* spaces.

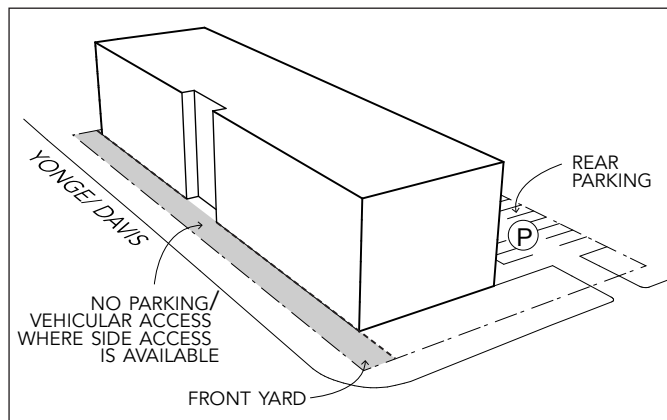


Illustration 6-6. Example of Areas where Parking is Restricted

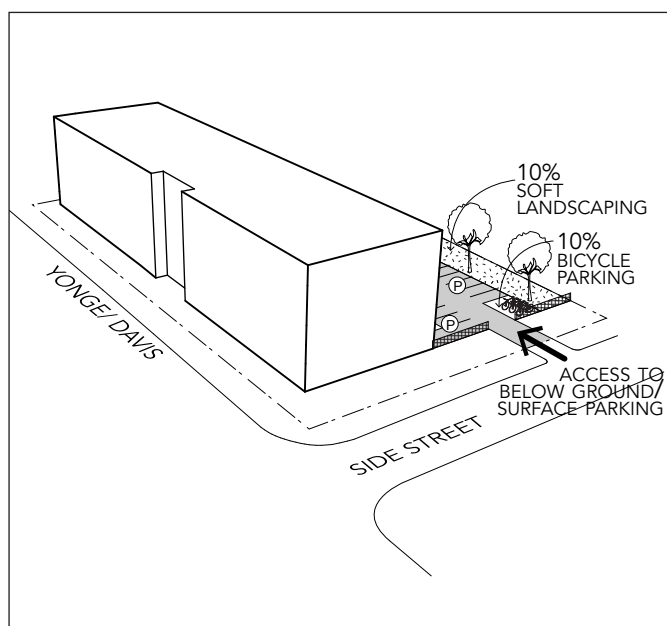


Illustration 6-7. Example of where Parking Access is Permitted

6.2.4.10. Loading

- i) All loading bays, garage facilities, servicing or utility areas shall be wholly enclosed in the main *building* on the *lot* or located in an *accessory building* or *structure* facing the *rear lot line*.
- ii) On lots that abut a rear lane of side street, all loading facilities shall be accessed only from a rear lane or side street.

6.2.4.11. Technology

Each development block or *building* must provide a dedicated broadband fibre optic conduit from the municipal right of way to each development block or *Building*.

6.2.5. Site Specific Exceptions to the Mixed Use Zone Regulations

All of the regulations of Section 6 of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal zone provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

MU-1 (1) – Part Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710 – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to allow a maximum *Building Height* of 30 metres.

MU-1 2) – 17725 Yonge Street – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to expand up to 40% above the total gross *Ground Floor Area* comprised of the aggregate of all the ground floors of all the *Buildings* present on the site at the time of approval of this Plan provided:

- i) the development is not intended to be long-term and is considered appropriate over the short to medium term;
- ii) the development does not preclude the long-term re-development of the site as envisioned by this Plan;
- iii) the development does not preclude the achievement of a compact, pedestrian oriented and transit- supportive urban form; and,
- iv) the development does not include residential uses or underground parking *Structures*.

Notwithstanding Section 6.2.4.11, the subject land shall require a dedicated broadband fibre optic conduit to be installed from the municipal right-of-way to each development block or *Building(s)* associated with the build-out of the site. It is encouraged that appropriately sized conduits and wiring be distributed internally to each unit within the *Building(s)* in order to ensure access to advanced communication technology, when it becomes available.

MU-1 (3) – Southwest corner of Yonge and Mulock (Plan 65M3648 BLK 133) - See MU-3 (2)

MU-3 (1) – 39 Davis Drive – Establishes development standards for the property. Established by site specific By-law 2009-63 (formerly UC-P-92).

MU-3 (2) – Southwest corner of Yonge and Mulock (Plan 65M3648 BLK 133) - Notwithstanding the permitted uses and zone standards for the MU-1 and MU-3 Zones, commercial *Building(s)* that do not meet the minimum required *Height* and density are permitted, provided that the total residential **gross floor area** on the lot does not exceed 20,000 square metres.

6.3. Institutional Zones

6.3.1. General

6.3.1.1. General

No person shall use any land or erect, alter or use any *Building* or *Structure* in any Institutional Zone except in accordance with Sections 6.3.2 through 6.3.5 of this By-law.

6.3.1.2. Existing Building Exception

The *gross floor area* of an *existing building*, may be increased by 10% without adhering to minimum density and *height* requirements in Section 6 of this By-law or with the requirement to remove the (H) Symbol under Section 8.2.2 of this By-law.

6.3.2. Permitted Uses and Permitted Uses with Conditions

6.3.2.1. List of Uses

The following table establishes the *uses* permitted in the Institutional Zones:

Table 6.3.2.1: Institutional Zone Permitted Uses	
	I 1-2
Shared Housing/Residences	
<i>Long Term Care Facility</i>	P
<i>Dormitory</i>	P
Offices	
<i>Office</i>	P
<i>Medical and Dental Laboratories</i>	P
<i>Medical Office</i>	P
<i>Sole Medical Practitioner</i>	P
Retail and Service Uses	
<i>Convenience Store</i>	P
<i>Restaurant (*1)</i>	PC
<i>Retail Store (*1)</i>	PC
Automobile Related Uses	
<i>Parking Garage</i>	P
<i>Parking Lot (*2)</i>	P
General Institutions	
<i>Hospital</i>	P
<i>Medical Clinic</i>	P
<i>Medical and Dental Laboratories</i>	P
<i>Place of Worship</i>	P
<i>Post Secondary School</i>	P
Transportation and Public Services	
<i>Passenger Transportation Terminal</i>	P

P = Permitted

PC = Permitted, subject to certain conditions noted:

(*1) Permitted as an *accessory use* up to a maximum combined *gross floor area* of 3000.0 square metres.

(*2) A parking *lot* is subject to the provisions of Section 6.3.4.4 of this By-law.

6.3.3. Lot Requirements

6.3.3.1. Lot Frontage

Table 6.3.3.1: Institutional Zones Lot Frontage	
	I 1-2
Minimum Lot Frontage	40.0 metres

6.3.4. Building Requirements

6.3.4.1. Height

i) Permitted Height

Buildings shall be within the minimum and maximum *heights* in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

6.3.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each zone in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

Table 6.3.4.2: Institutional Zones Floor Space Index		
	I 1-2	I 1-2
Minimum Total Floor Space Index	1.5	2.0
Maximum Total Floor Space Index	2.0	2.5

6.3.4.3. Setbacks

Table 6.3.4.3: Institutional Zones Setbacks		
	I 1-2	I 1-2
Minimum Front Yard Setback (m.)	9.0	9.0
Minimum Rear Yard Setback (m.)	9.0	9.0
Minimum Exterior Side Yard Setback (m.)	3.6	3.6
Minimum Interior Side Yard Setback - 1 side (m.)	3.6	3.6
Minimum Interior Side Yard Setback - Other side (m.)	3.6	3.6

6.3.4.4. Parking and Access to Lot

- i) All loading bays, garage facilities, servicing or utility areas shall be wholly enclosed in the main *building* on the *lot* or located in an accessory *building* or *structure* facing the *rear lot line*.
- ii) On lots that abut a rear lane of side street, all loading facilities shall be accessed only from a rear lane or side street.

6.3.5. Site Specific Exceptions to the Institutional Zone Regulations

6.4. Open Space Zones

6.4.1. General

6.4.1.1. General

No person shall use any land or erect, alter or use any *Building* or *Structure* in any Open Space Zone except in accordance with Sections 6.4.2 through 6.4.5 of this By-law.

6.4.1.2. Existing Building Exception

The *gross floor area* of an *existing building*, may be increased by 10% without adhering to minimum density and *height* requirements in Section 6 of this By-law.

6.4.2. Permitted Uses and Permitted Uses with Conditions

6.4.2.1. List of Uses

The following table establishes the *uses* permitted in the Open Space Zones:

Table 6.4.2.1: Open Space Zone Permitted Uses			
	OS-1	OS-2	OS-3
Park & Recreation Related Uses			
<i>Agricultural Use</i>	P	P	P
<i>Conservation Use</i>	P	P	P
<i>Park</i>	P	P	
<i>Private Park</i>		P	
<i>Outdoor Recreation Facility</i>	P	P	
<i>Recreational Trails</i>	P	P	P
<i>Accessory Refreshment Pavilion</i>	P	P	
<i>Accessory Buildings & Structures (*1)</i>	PC	PC	PC
Community Services / Cultural Facilities			
<i>Community Centre</i>	P		

P = Permitted

PC = Permitted, subject to certain conditions noted:

(*1) *Accessory Buildings and Structures* are permitted in accordance with Sections 4.1.2.

6.4.3. Lot Requirements

6.4.3.1. Lot Coverage

Table 6.4.3.1: Open Space Zone Lot Coverage		
	OS-1	OS-2
Maximum Lot Coverage	20	20

6.4.4. Building Requirements

6.4.4.1. Height

i) Permitted *Height*

Buildings shall be within minimum and maximum *heights* in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

6.4.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each *zone* in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

6.4.4.3. Setbacks

Table 6.4.4.3: Open Space Setbacks		
	OS-1	OS-2
Minimum <i>Front Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Rear Yard</i> Setback (m.)	9.0	9.0
Minimum <i>Interior Side Yard</i> Setback - 1 side (m.)	9.0	9.0
Minimum <i>Interior Side Yard</i> Setback - Other side (m.)	9.0	9.0

6.4.5. Open Space Zoning Exception Properties:

OS-1 - 16780 Yonge Street (Mulock Estate)

- i) The property at 16780 Yonge Street, Newmarket is designated as Newmarket Urban Centres Secondary Plan Area under the Town of Newmarket Official Plan.
- ii) The said property is proposed to be designated as Parks and Open Space by Official Plan Amendment #10 being the Town of Newmarket Urban Centres Secondary Plan which is not yet in full force and effect over this property.
- iii) Pursuant to Section 24(2) of the Planning Act, this Urban Centres Zoning By-law will be in conformity with Official Plan Amendment #10 if the said amendment comes into full force and effect.

OS-2 (1) – 56, 58, 60 Roxborough Road; 674, 678, 682, 684, 685, 691 Queen Street – Allows a particular *driveway* and establishes parking requirements for *Hospital* and non-*Hospital* associated units and other development standards. Also includes specific setbacks from watercourses. Established by site specific By-law 2009-90 (formerly OS-2-93)..

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Section 7–Overlay Zones

7.1. Parking Reduction Areas

Refer to Section 5.3.1.3 for Reduced Parking Standards Requirements. See Schedule “F”.

7.2. Priority Commercial Areas

Refer to Section 6.2.2.2 for *commercial use* requirements in Priority Commercial Areas. See Schedule “D”.

7.3. Floodplain and Other Natural Hazards Zone

The Floodplain and Other Natural Hazards (FP-NH) Zone includes lands that are subject to erosion, steep slopes, unstable soils as well as flooding. The FP-NH Zone requirements are to be applied in conjunction with the specified *use(s)* and established regulatory set for the underlying *zone(s)*. The provisions of the FP-NH Zone take precedence over the underlying *zone* category requirements where more restrictive.

No person shall use any land or erect, alter or use any *building* or *structure* within the Floodplain and Other Natural Hazards (FP-NH) Zone except in accordance with Sections 7.3.1, 7.3.2, and 7.3.3 of this By-Law, and the applicable sections of this By-Law relating to the underlying *zone* category(s). See Schedule “E”.

7.3.1. Non-permitted Uses

The following uses are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:

- i) *Group Home*;
- ii) *Special Needs Facility*;
- iii) *Accessory Dwelling Unit*; and,
- iv) All other uses in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.

7.3.2. Permitted Uses

The permitted *uses* shall be determined by the underlying *zone* for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. Section 7.1.1 shall prevail where there is conflict with this section.

7.3.3. Zone Standards

The applicable *zone* standards shall be determined by the underlying *zone(s)* for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. In addition to underlying *zone* standards, the regulations of the Lake Simcoe Region Conservation Authority may restrict development and may be a pre-condition to development.

Section 8– Site Specific Provisions, Holding Provisions, Temporary Use Zones, and Interim Control Zones

8.1. Site Specific Exceptions

All regulations of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal zone provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

SS(1) – 200 Lancaster Avenue – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(2) – 29 Bolton Avenue – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(3) – 164 to 233, 260 to 294, 194 to 228 Tom Taylor Crescent and 17046 Yonge Street – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(4) – 40 William Row Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(5)– 5 to 171 Brandy Lane Way – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(6) – 415 Davis Drive – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(7) – 33 & 37 Franklin Street – Permits residential development as allowed under the R3-K Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(8) – 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 49, 51, 53 Orchard Gardens, 3, 5, 7, 9, 11, 13, 15 Carr Circle, 2, 4, 6, 8, 12, 14, 16, 18 McConnell Lane, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 79, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108 Emerson Way – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(9) – 20 William Roe Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

8.2. Holding Provisions

8.2.1. Holding Zones and Exceptions to Permit Development

For any *lot* that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-Law (for example (H)-1), the *existing Buildings* and uses on that *lot* shall continue to be permitted and the provisions under Section 6.2.1.2, Section 6.2.5, Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5, and Section 8.1 shall prevail.

8.2.2. Requirement to Remove the (H) Symbol

Notwithstanding Section 8.2.1, for any *lot* that is subject to a Holding Zone (H), no development may occur without an application to remove the (H) symbol from the lot.

The removal of an (H) symbol from a *lot* will be considered after a plan of Subdivision application or consent application has been approved by the municipality to identify the location of a Proposed Road or Park as set out on Maps 13 through 18, as it pertains to the *lot*. After removal of an (H) symbol from a *lot* on Maps 13 through 18, the *lot* may develop under the applicable provisions of this By-law.

The removal of the (H) Symbol is not required for interim development as per Section 6.2.1.2. and Section 6.2.5.

8.3. Temporary Use Zones

Where on Maps 1 through 6 of this By-Law, a zone symbol is shown followed by a dash and the letter "T" (for example MU-1-T), one or more additional *uses* are permitted on the lands noted until the permission granted by the site specific By-Law expires. :

8.4. Interim Control Zones

Where on Maps 1 through 6 of this By-Law, a zone symbol is followed by a dash and the letters "IC" (for example MU-1-IC), no change in *use* and no construction of any *buildings* or *structures* is permitted until the expiry of the site specific By-Law affecting the lands.

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Section 9– Enactment

9.1. Force and Effect

This By-Law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Newmarket subject to the applicable provisions of the Planning Act, R.S.O. 1990, as amended.

9.2. Readings by Council

This By-Law passed on the _____ day of _____, 2018.

MAYOR: _____

(Municipal Seal)

CLERK: _____

9.3. Certification

I hereby certify that the foregoing is a true copy of Zoning By-Law No. _____ as enacted by the Council of the Corporation of the Town of Newmarket, on the _____ day of _____, 2018.

CLERK: _____

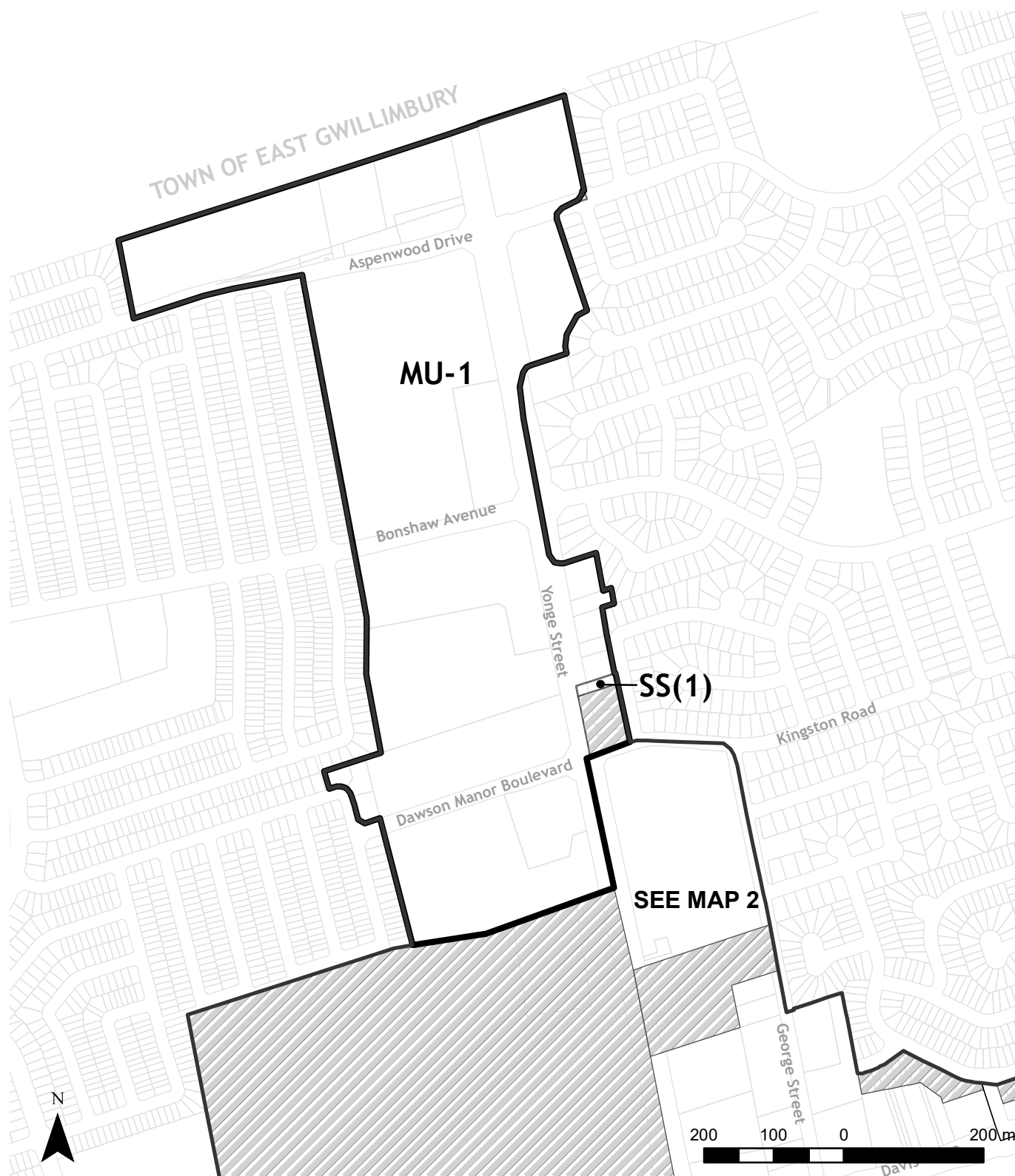
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ZONING MAP



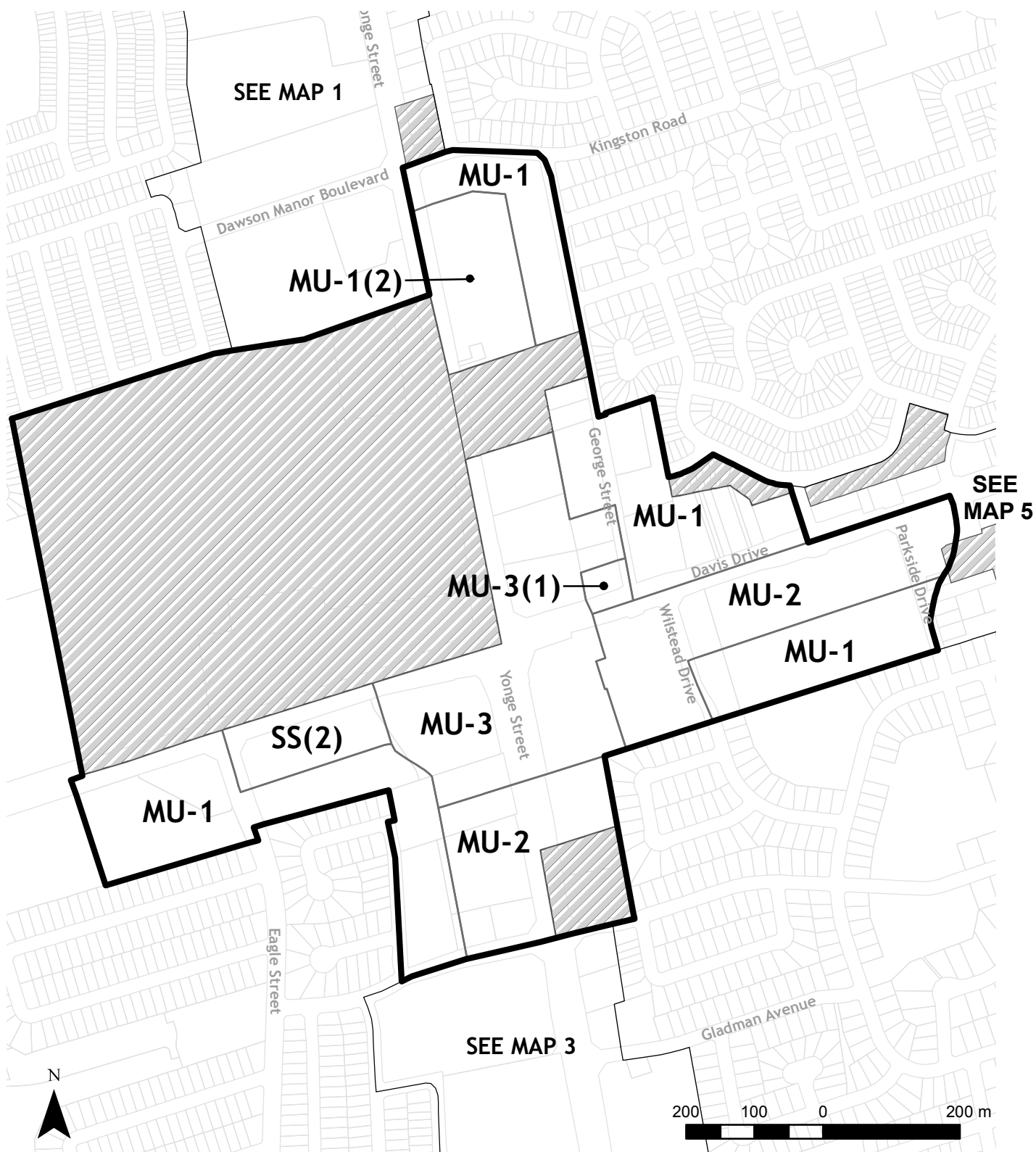
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH ZONING MAP



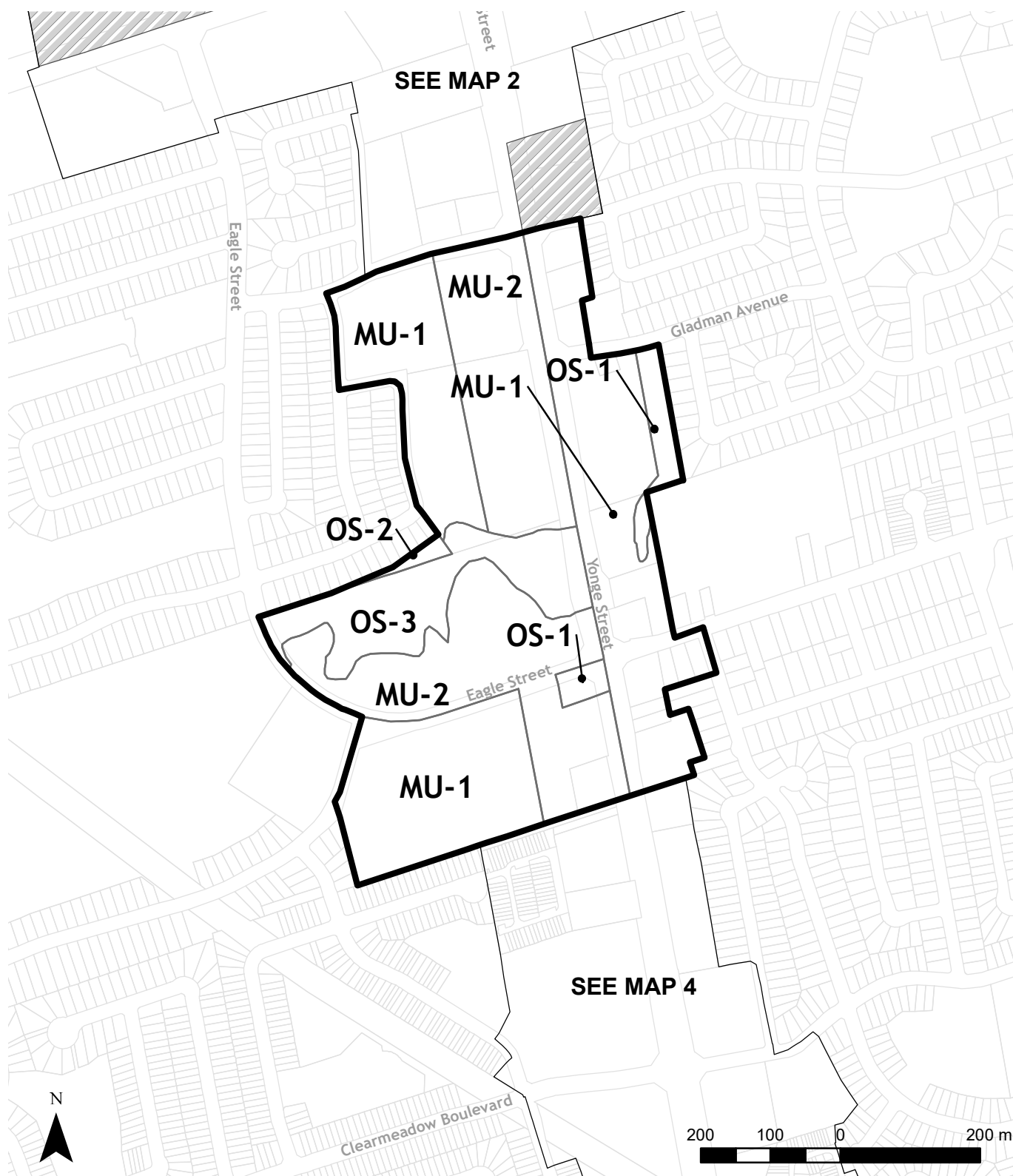
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS ZONING MAP



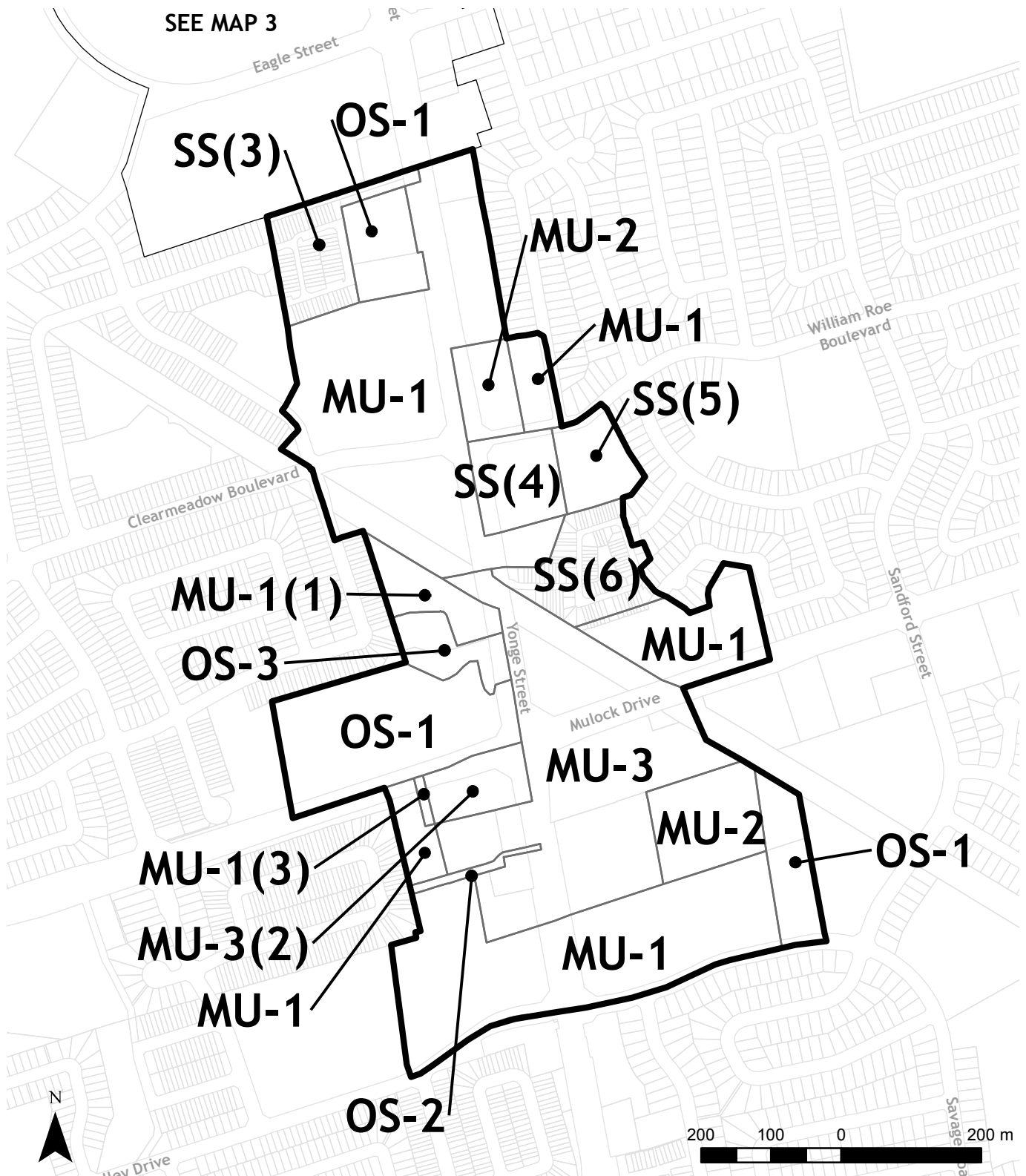
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YONGE CIVIC ZONING MAP



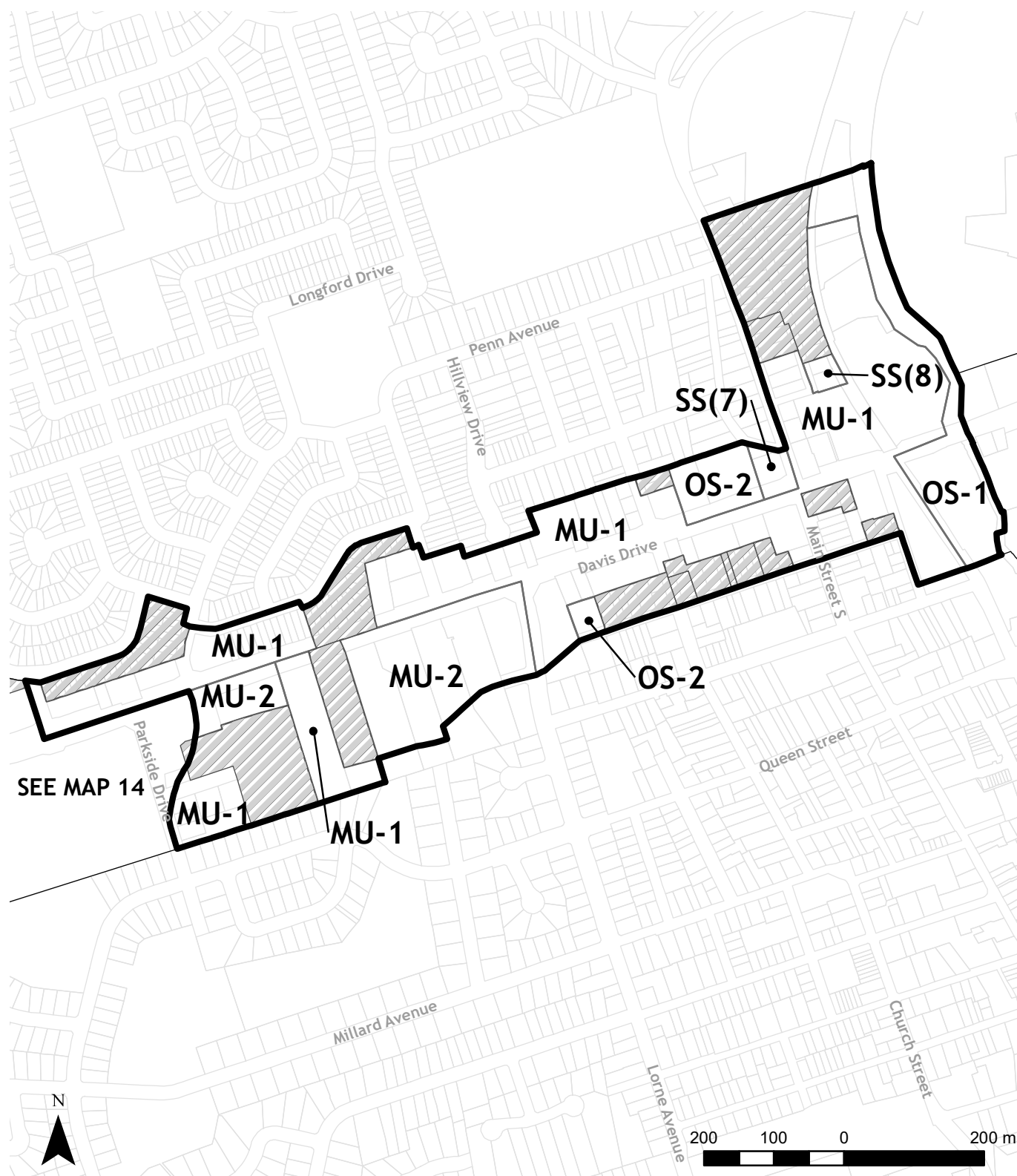
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YONGE SOUTH ZONING MAP

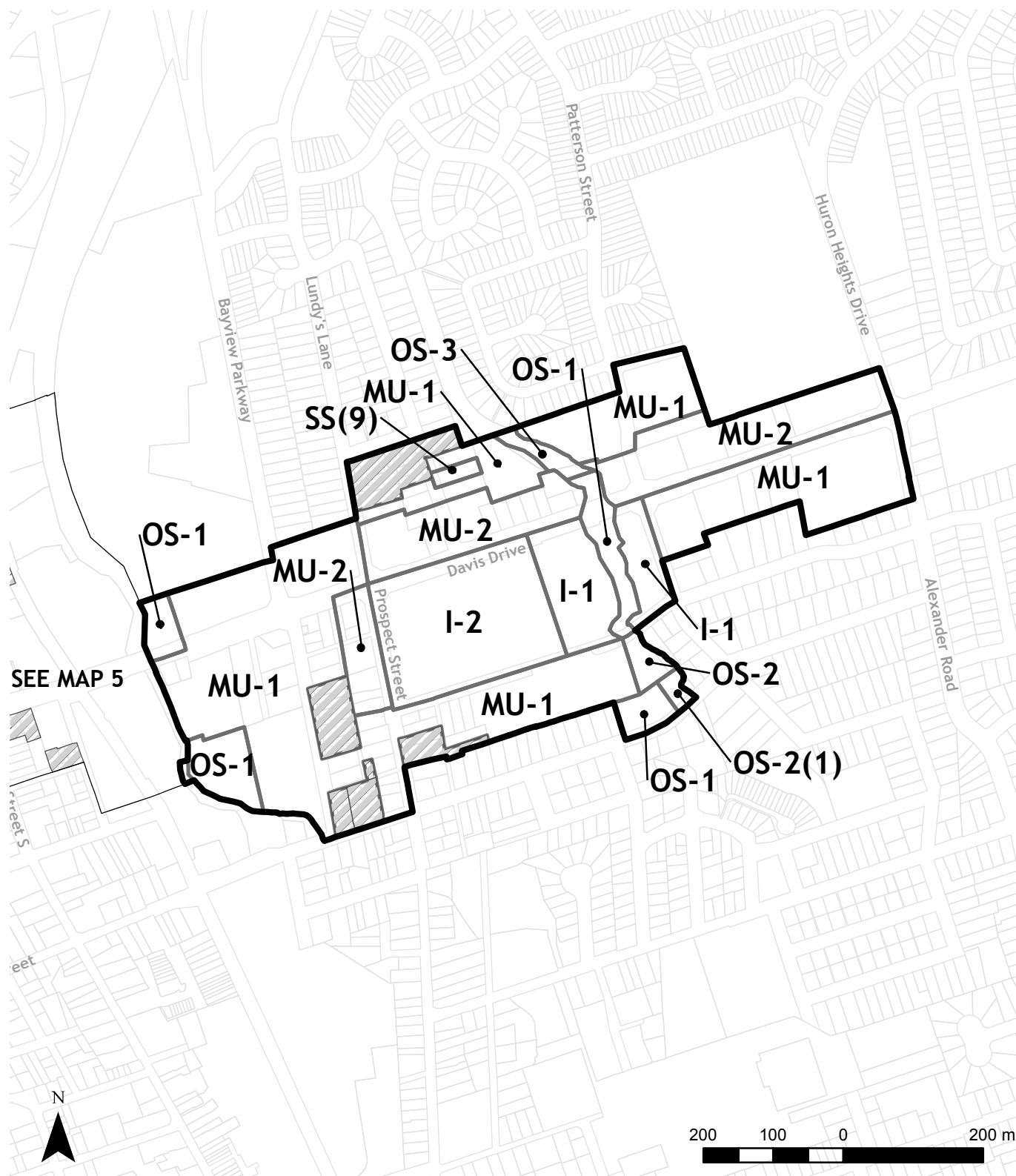


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE ZONING MAP



REGIONAL HEALTHCARE CENTRE ZONING MAP



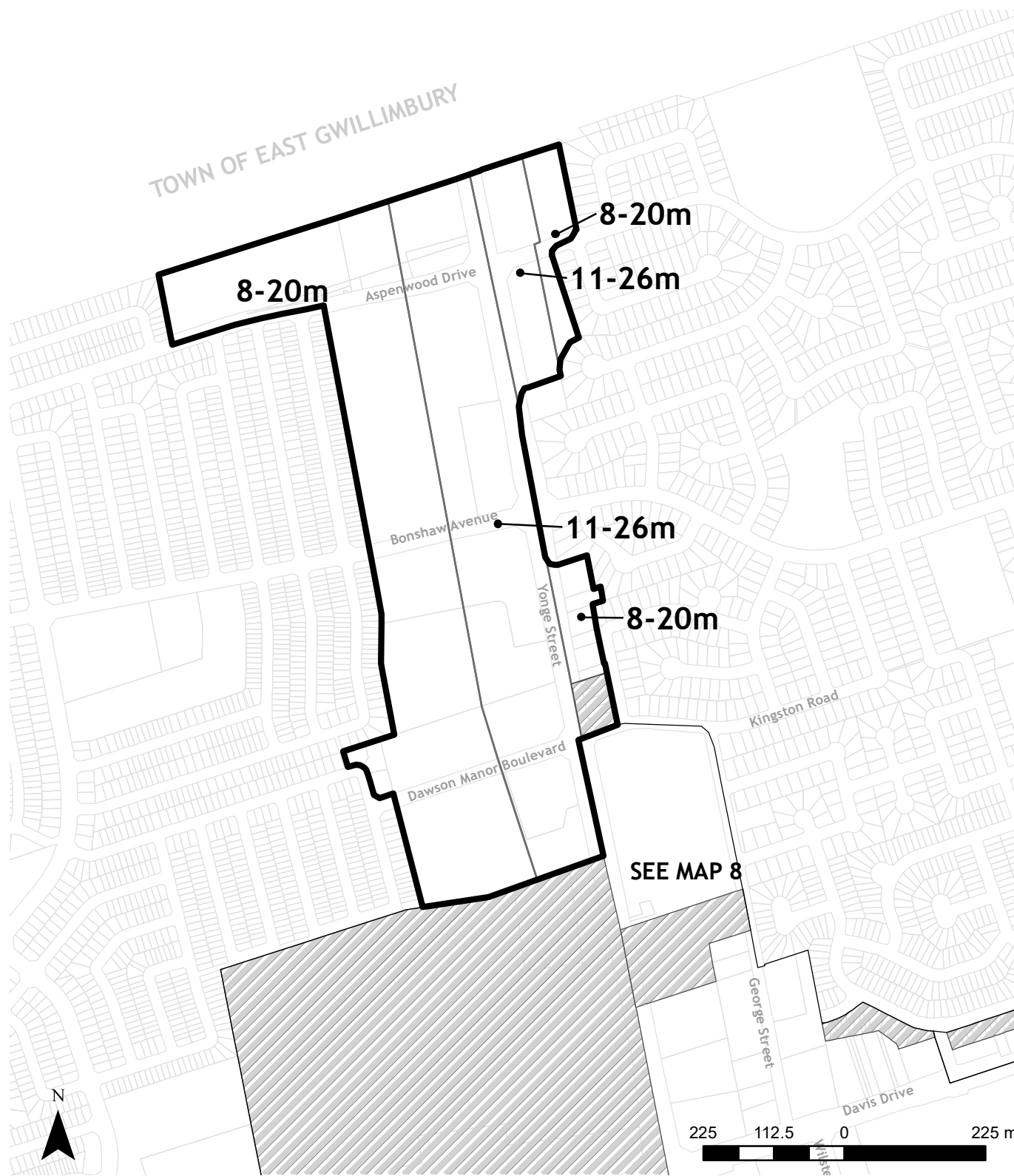
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

HEIGHT MAP



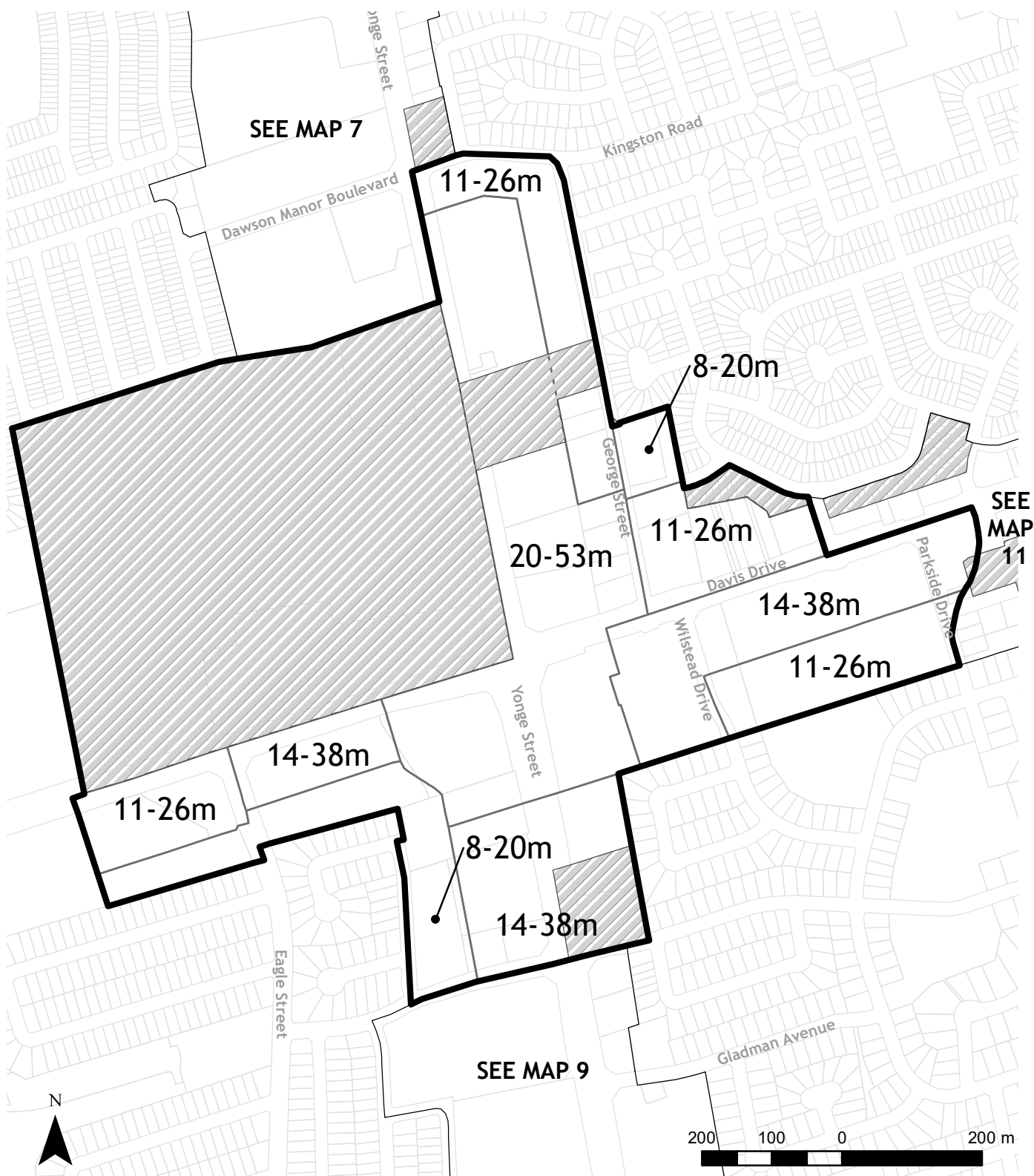
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YONGE NORTH HEIGHT MAP



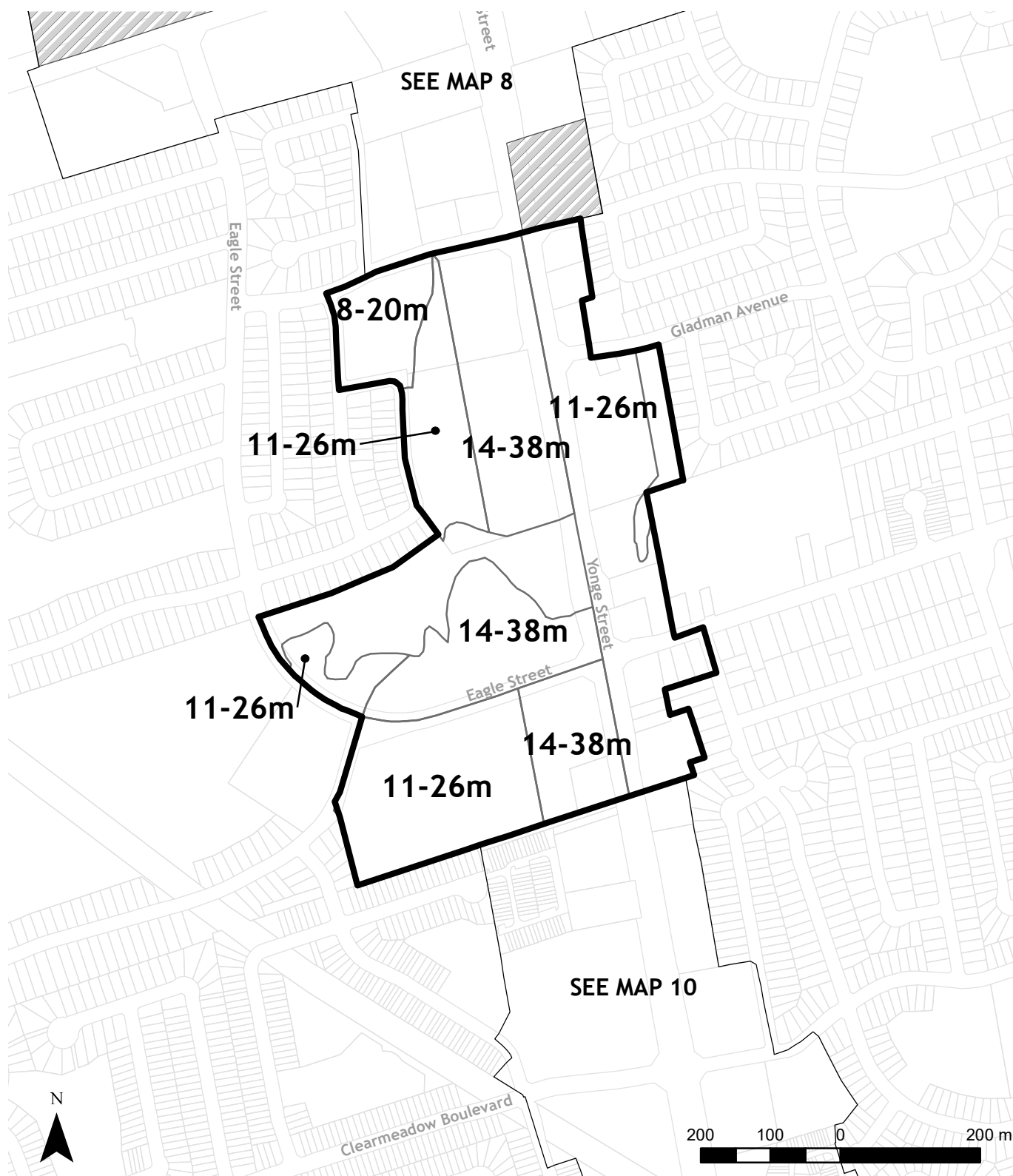
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS HEIGHT MAP



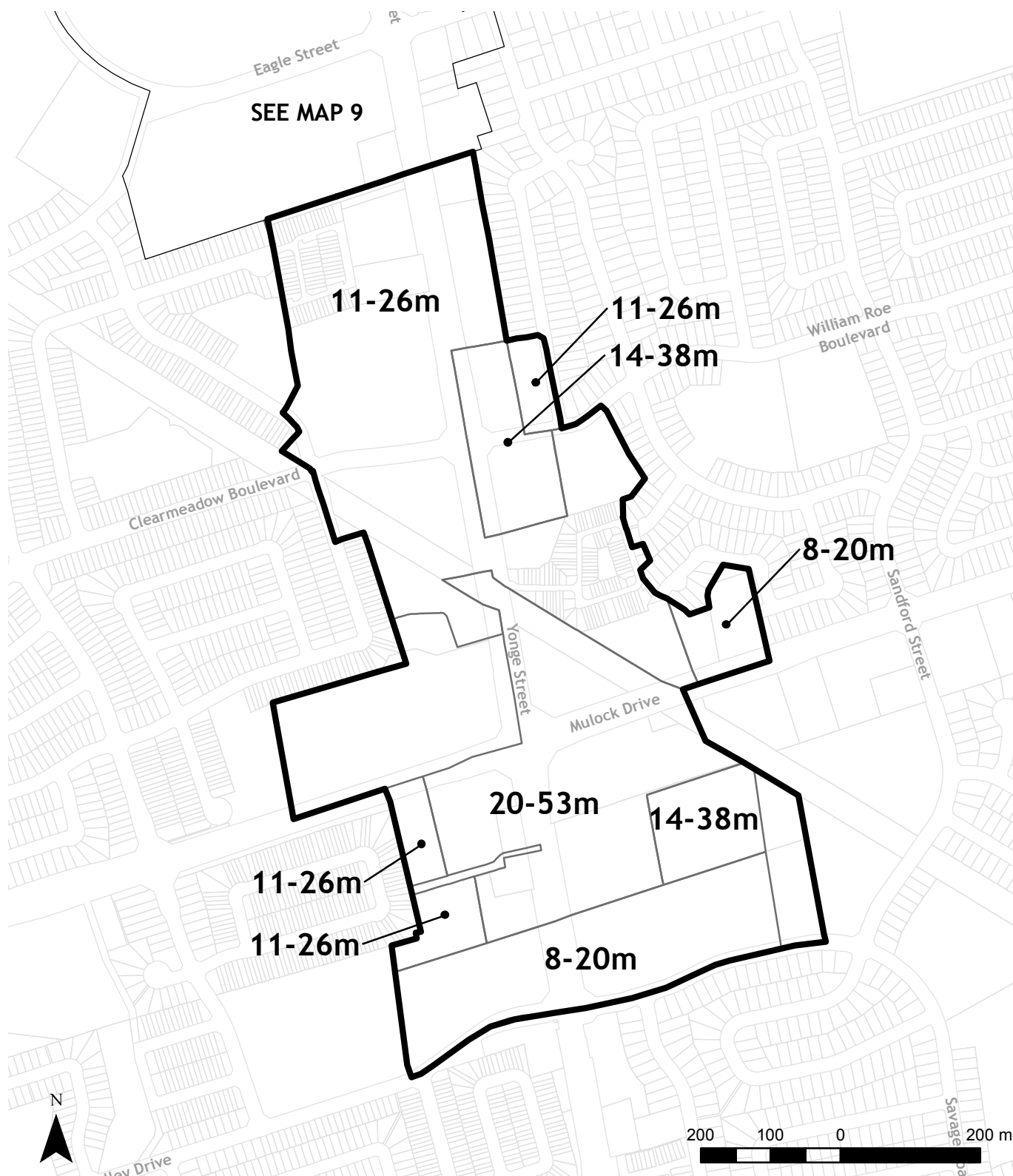
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC HEIGHT MAP



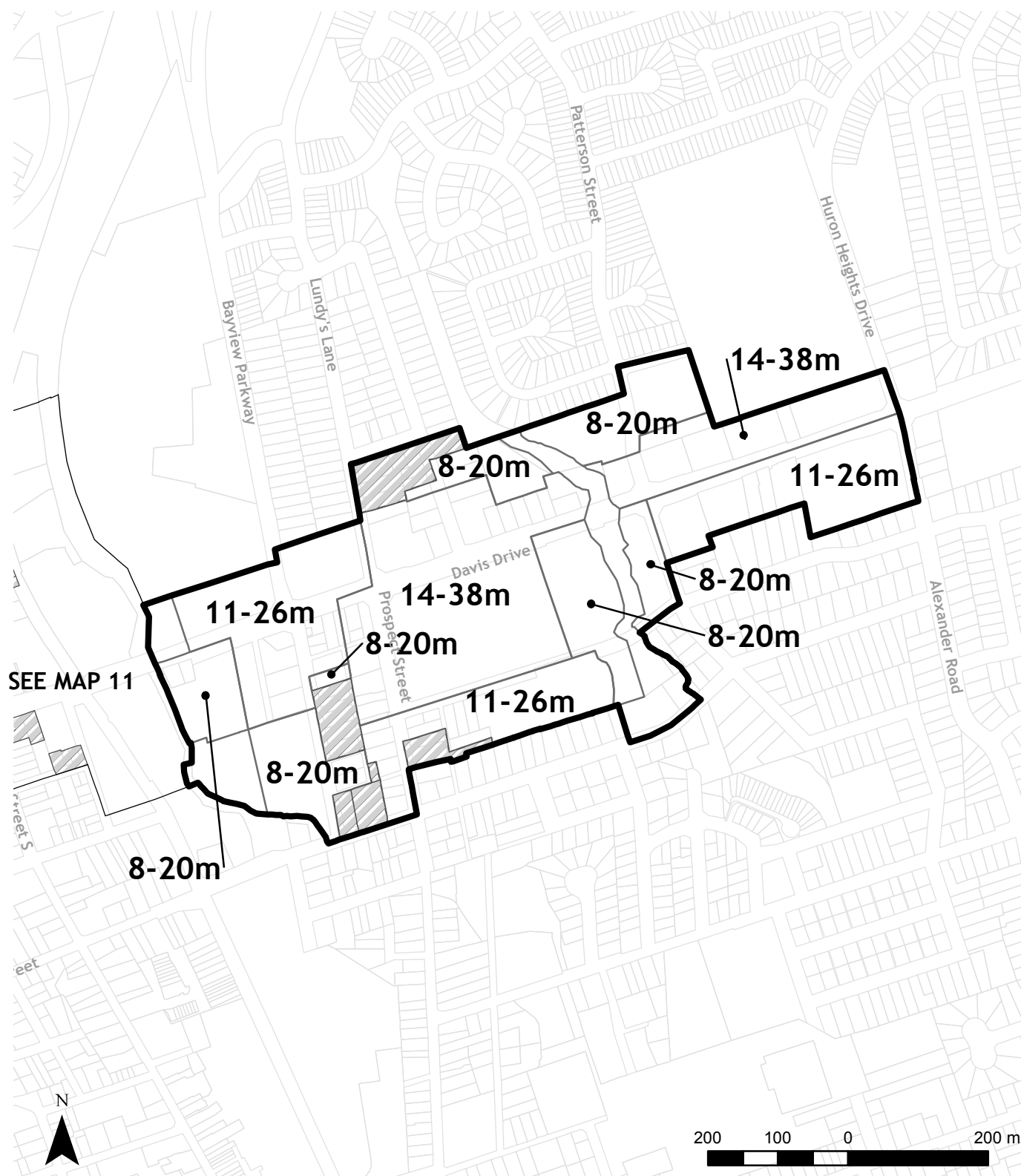
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE SOUTH HEIGHT MAP



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE HEIGHT MAP



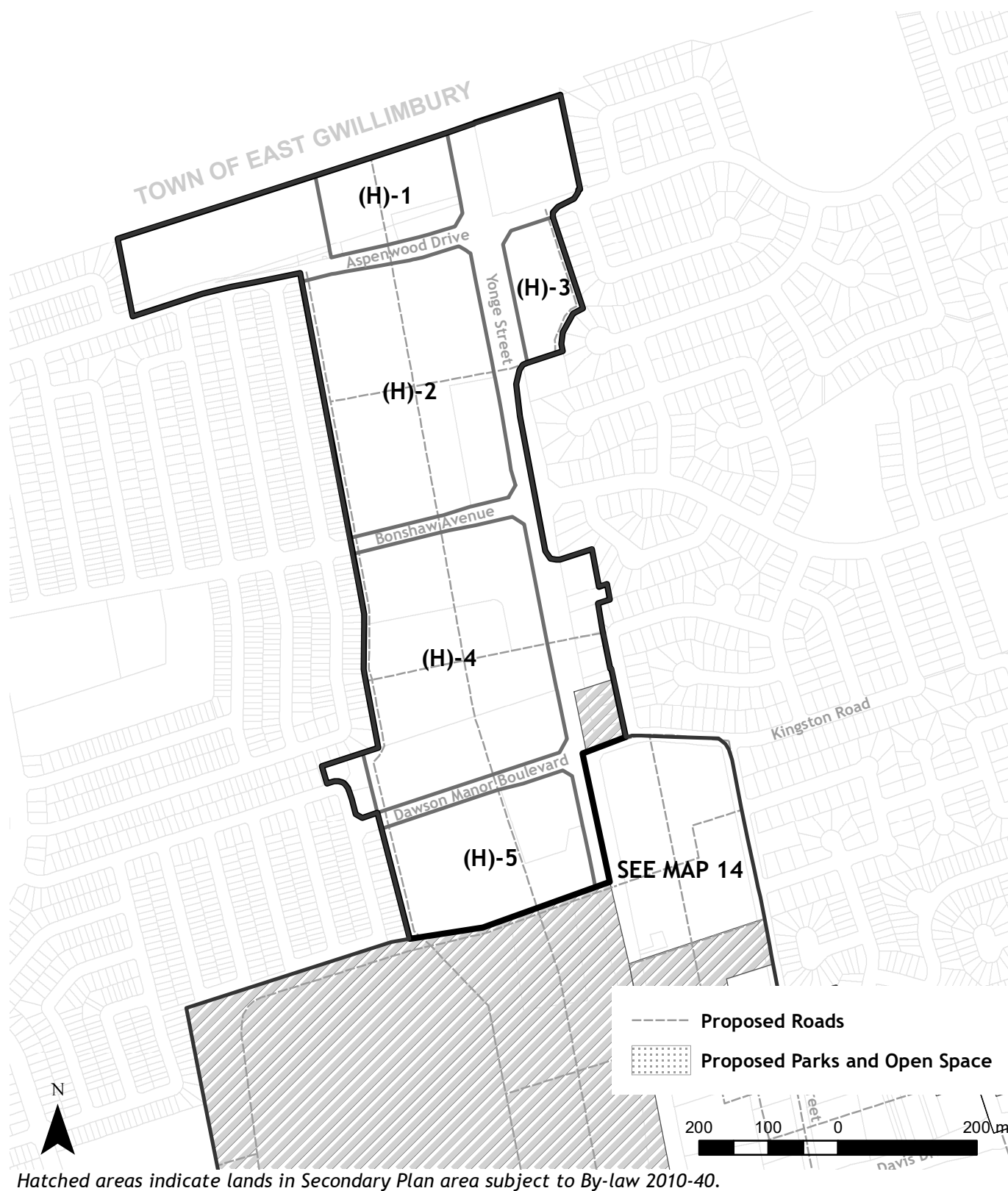
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HOLDING ZONES

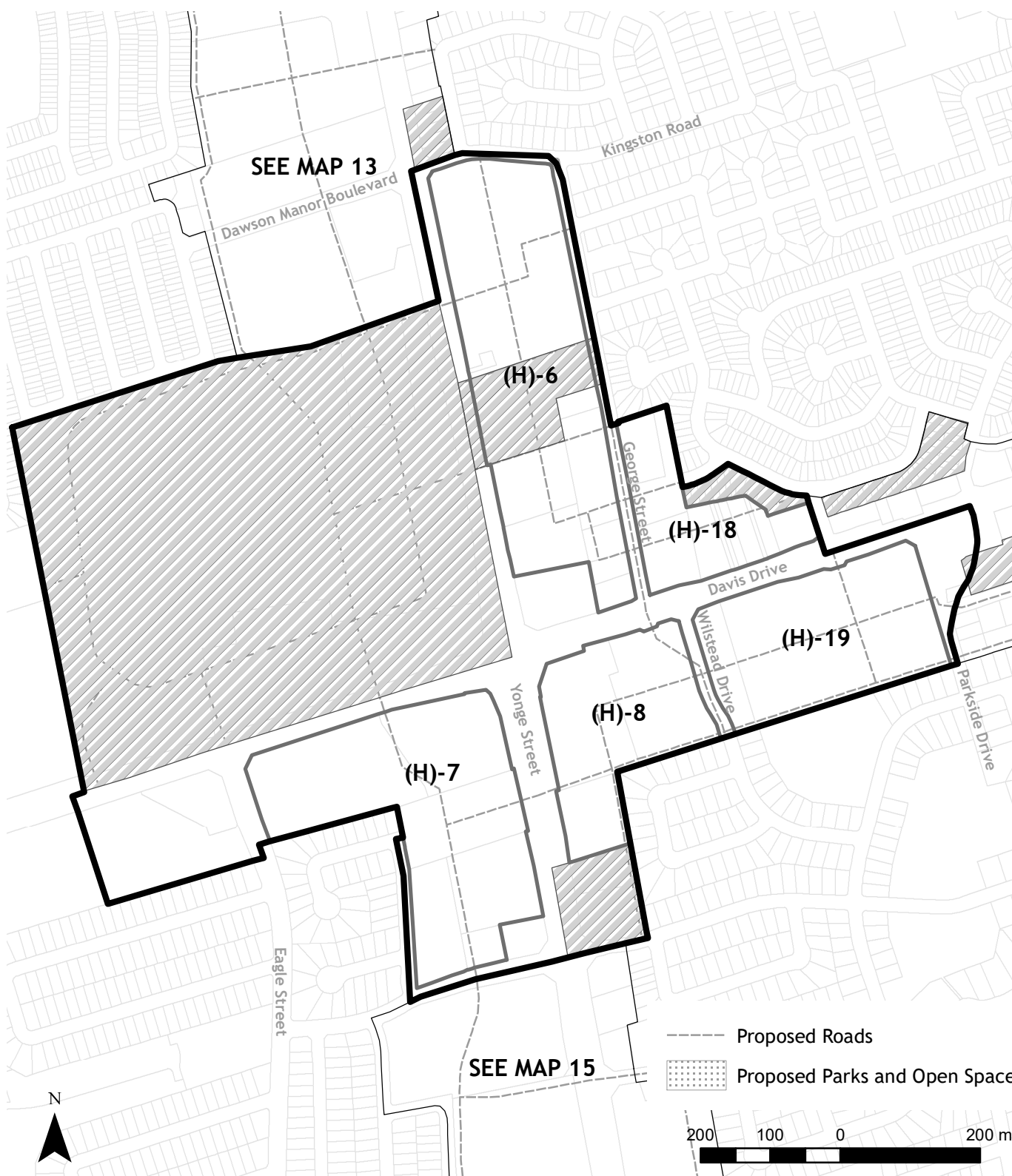


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YONGE NORTH HOLDING ZONES

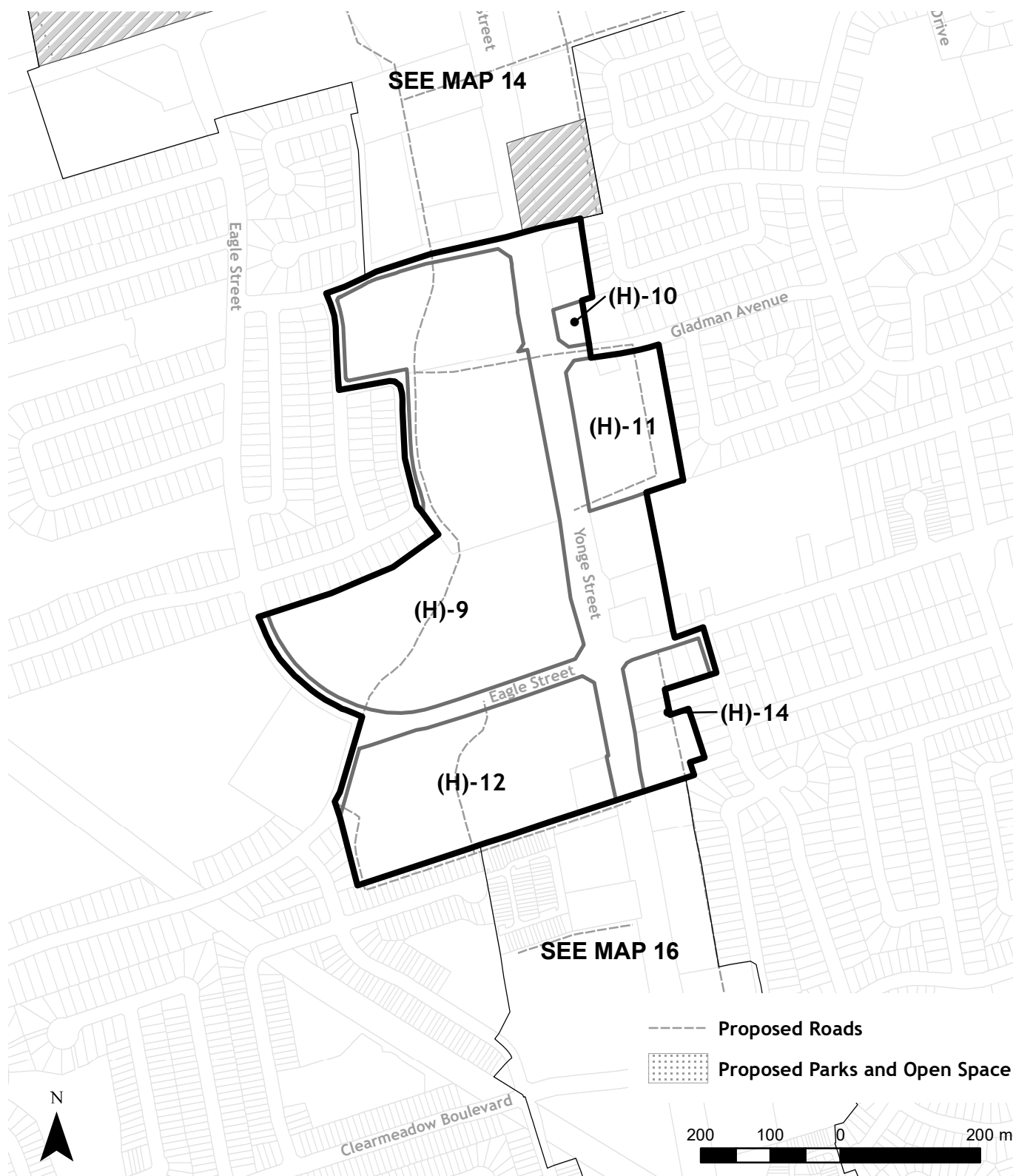


YONGE AND DAVIS HOLDING ZONES

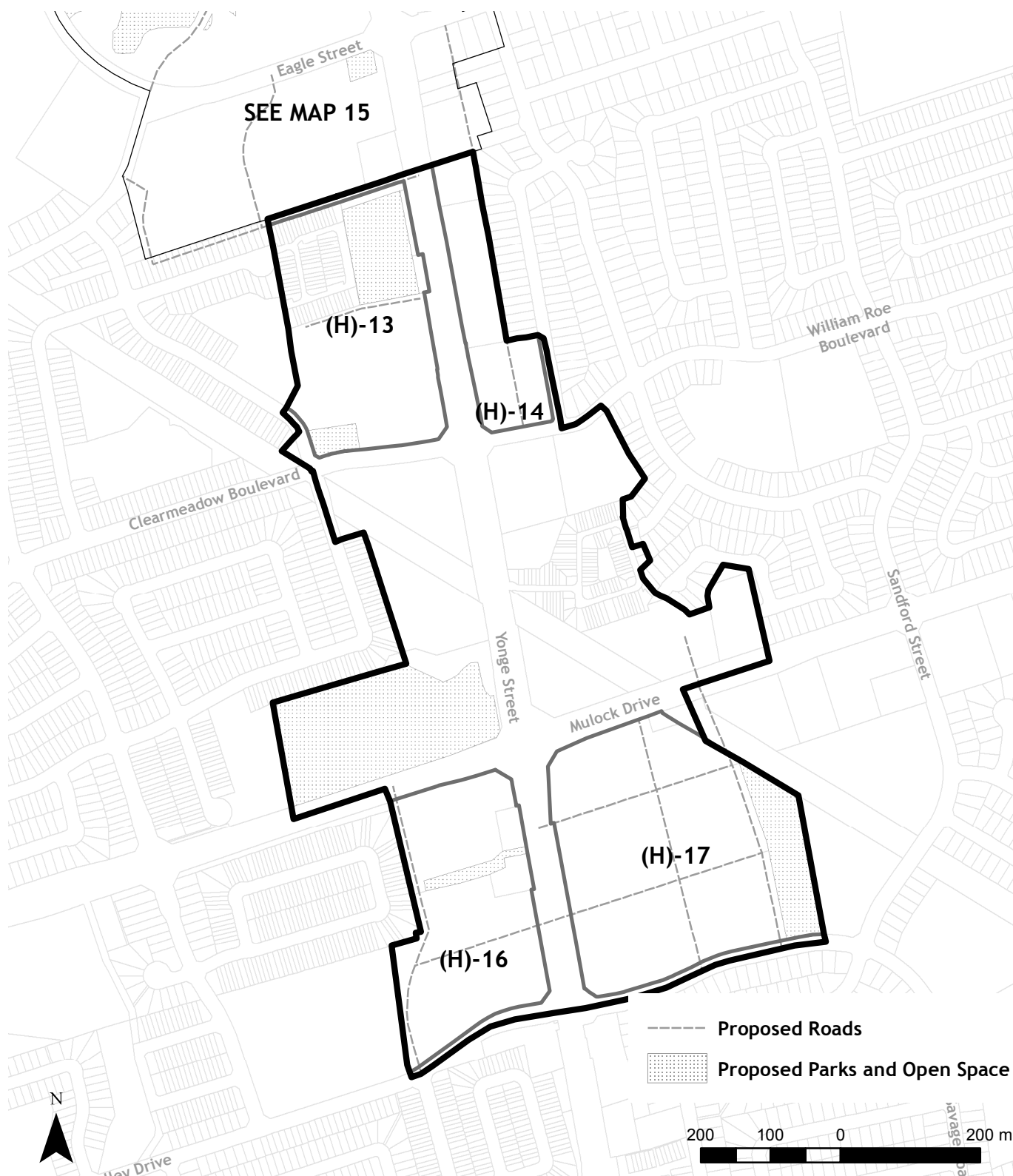


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC HOLDING ZONES

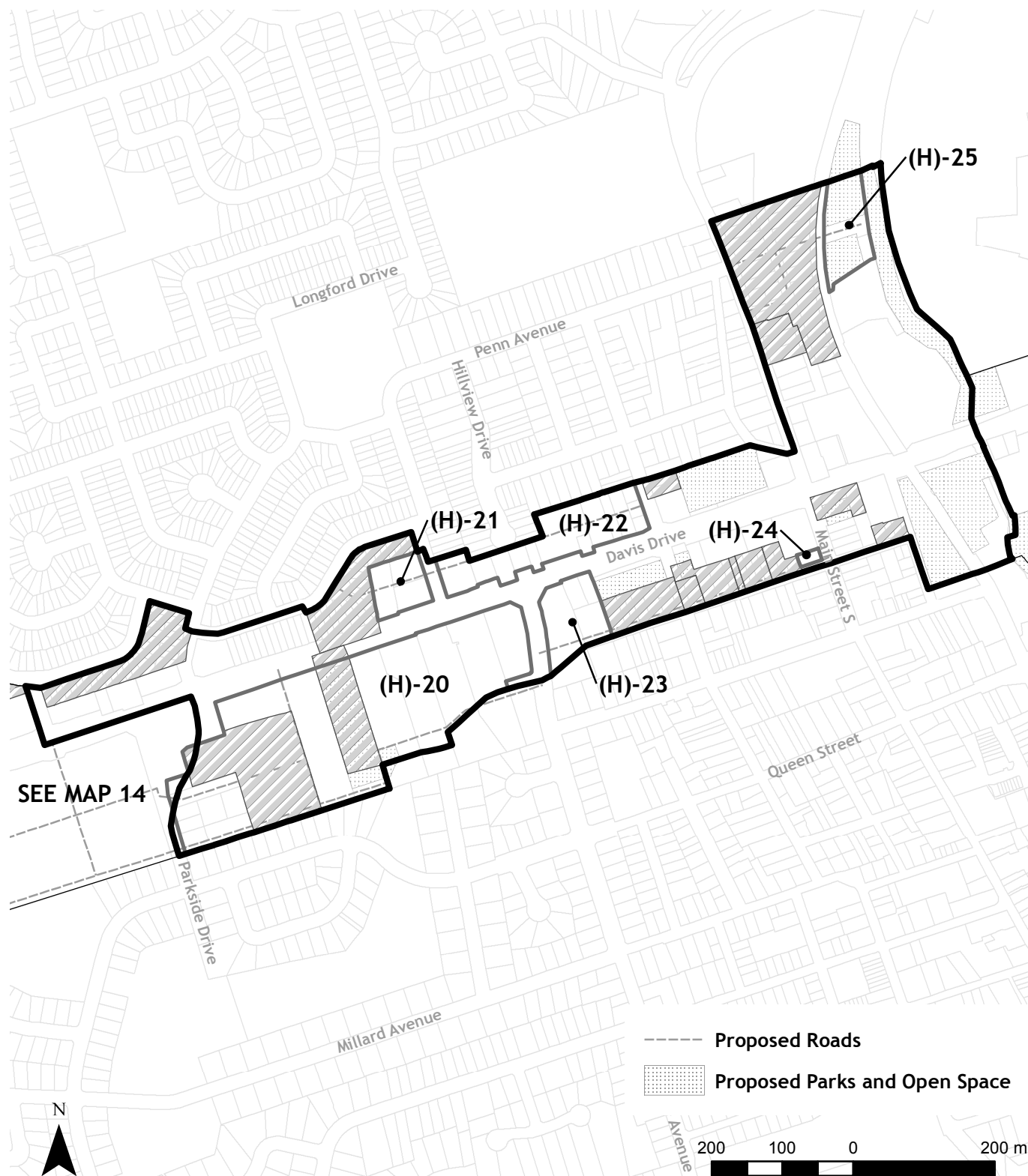


YONGE SOUTH HOLDING MAP



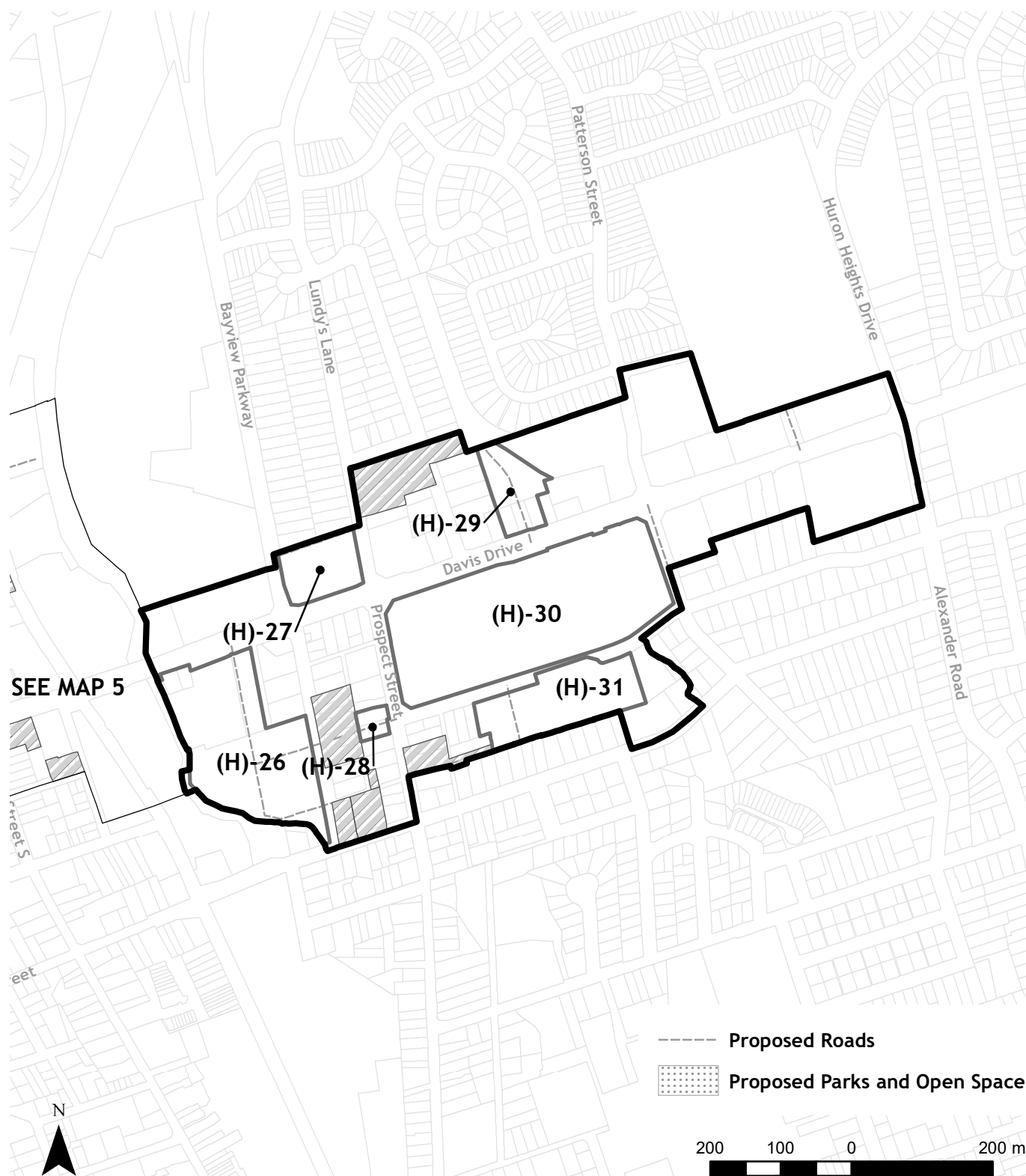
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE HOLDING ZONES



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE HOLDING ZONES



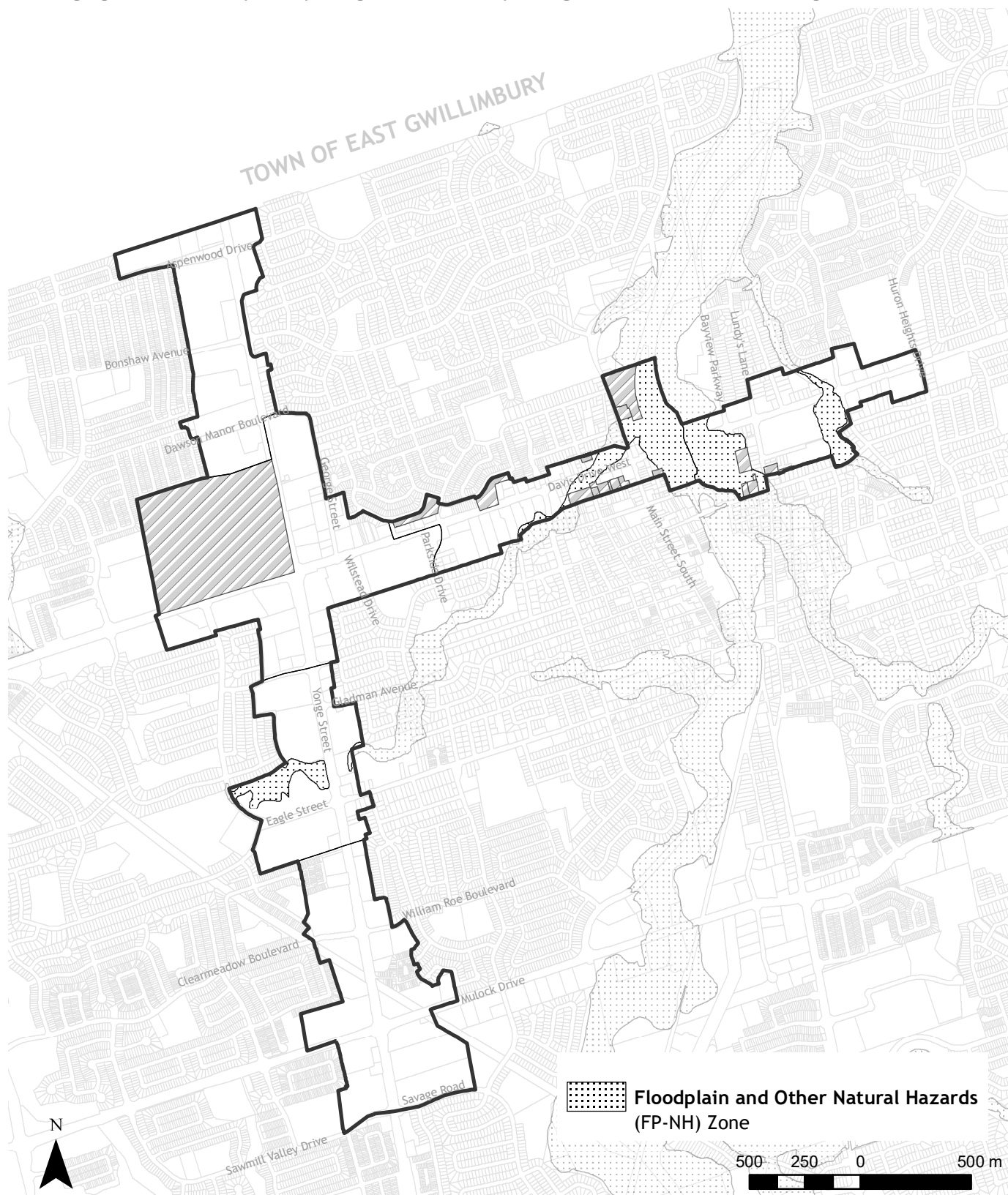
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PRIORITY COMMERCIAL AREAS



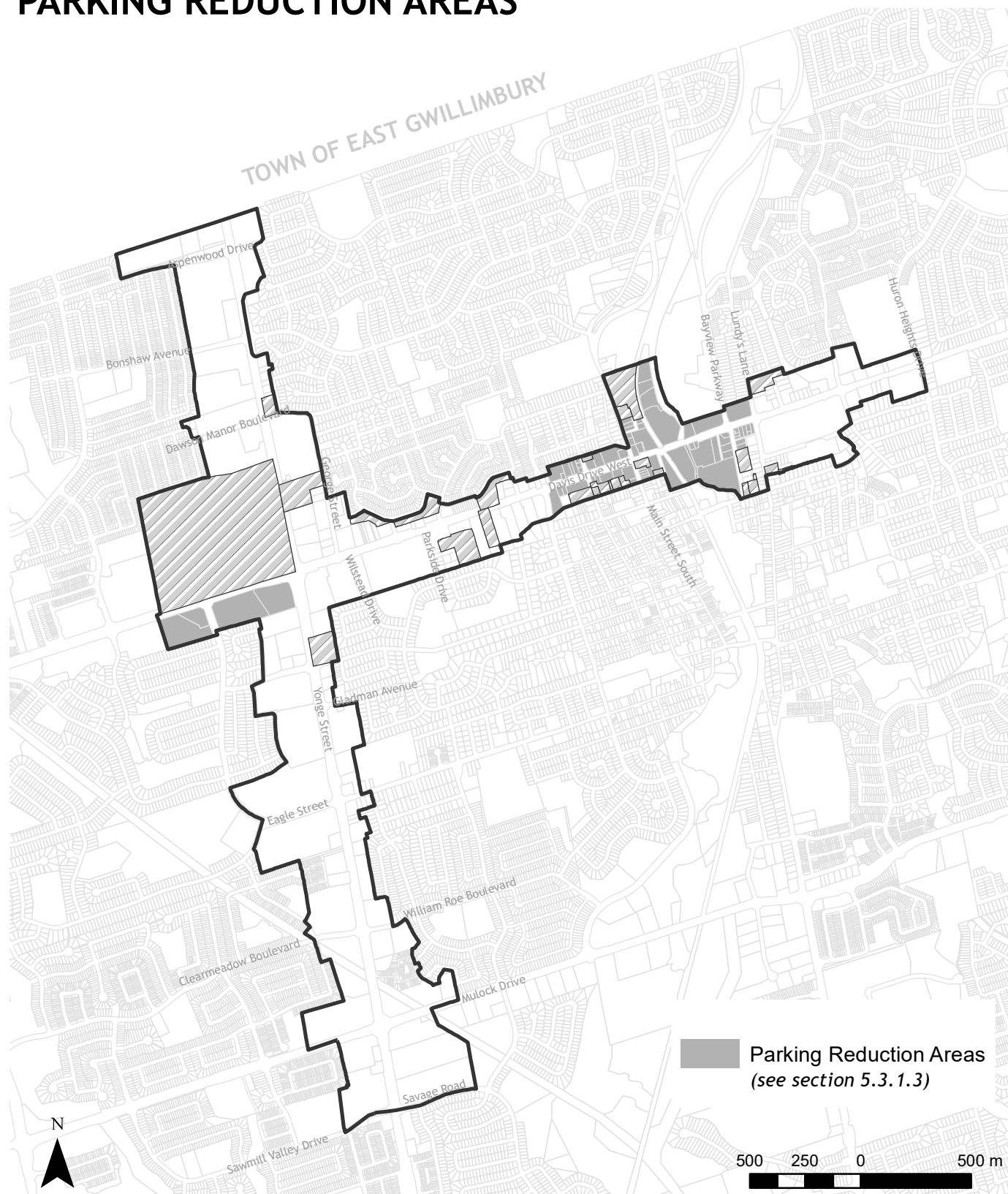
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

FLOODPLAIN AND OTHER NATURAL HAZARDS



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

PARKING REDUCTION AREAS



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.



Corporation of the Town of Newmarket

By-law 2018-49

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 175 Deerfield Road, Newmarket.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas the Council of the Town of Newmarket has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas the Official Plan for the Town of Newmarket contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act* may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 2010-40, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the Town of Newmarket;

Whereas it is deemed advisable to amend By-law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. THAT By-law 2010-40 as amended is hereby further amended by:
 - a. Deleting from Schedule 'A' Map No. 10 the Regional Urban Centre (UC-R) Zone on 175 Deerfield Road and substituting therefore the Regional Urban Centre Exception 144 ((H)UC-R-144) Zone
 - b. Adding the following Section 8.1.1. List of Exceptions:

Exception 144	Zoning (H)UC-R- 144	Map 10	By-Law Reference 2018-49	File Reference D14-NP17-20
i)	Location:	175 Deerfield Road and the Deerfield Road Right-of-Way		
ii)	Legal Description:	Pt Lt 5 PI 32 Whitchurch; Pt Lt 6 PI 32 Whitchurch As In A39024A, A21661A Except Pt 1, Exprop PI YR2224452; Together With An Easement Over Pt Lt 4, PI 32, Pts 3 & 4, 65R34936 As In YR2129520 Town Of Newmarket Pt Lt 6 PI 32 Whitchurch As In A21662A, Aka Deerfield Road ; Town Of Newmarket		
iii)	Notwithstanding Section 6.4.1, Live Work Unit and Stacked Townhouse shall be permitted.			
iv)	Notwithstanding the definition of “Lot” in Section 3, Parcel A and Parcel B as shown in Schedule 1, are deemed one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of a plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of this By-law.			
v)	Development Standards:			
	(a) Established grades for each building identified on Schedule “2” to this By-law:	Building 1 – 256.07 metres above sea-level Building 2 – 258.71 metres above sea-level Building 3 – 254.92 metres above sea-level		
	Notwithstanding the definition of “Height” in Section 3, height shall mean the vertical distance measured between the average established grades as identified for each building and the top of the building exclusive of mechanical penthouse, parapets, green roofs, roof terraces, roof assemblies and stair pop-ups structures.			
	(b) Building Height (minimum):	4 storeys (14 m)– Parcel A 3 storeys (11 m) – Parcel B		
	(c) Building Height (maximum):	12 storeys (38 m)– Parcel A 15 storeys (47 m)– Parcel A subject to entering into an agreement pursuant to Section 37 of the <i>Planning Act</i> 8 storeys (26 m)– Parcel B		
		10 storeys (32 m)– Parcel B subject to entering into an agreement pursuant to Section 37 of the <i>Planning Act</i>		
	(d) Floor Space Index (minimum):	2.0 – Parcel A 1.5 – Parcel B		
	(e) Floor Space Index (maximum):	2.5 – Parcel A 2.0 – Parcel B		
	(f) Floor Space Index (discretionary maximum):	3.0 – Parcel A subject to the lifting of holding provision 2.5 – Parcel B		

		subject to the lifting of holding provision
	(g) Building setbacks shall be as shown on Schedule “2” to this By-law.	
	(i) Notwithstanding required setbacks and permitted encroachments, structures below established grades may encroach into required yards	
	(h) Minimum loading	One (1) loading space shall be provided for each building regardless of Gross Floor Areas.
	(i) Bicycle parking	Minimum 0.33 spaces per dwelling unit within a building and Minimum 0.1 spaces per dwelling unit outside of a building
	(j) Notwithstanding Section 5, no additional parking shall be required for units on the first floor that include live-work units or commercial uses (k) Notwithstanding Section 4, the following may also be permitted to encroach into required yards: Bollards, cornices, lighting fixtures, awnings, canopies, architectural features, ornamental structures, parapets, trellises, terraces, columns, guardrails, balustrades, railings, stairs, stair landings, retaining walls, monitor wells, driveways, private roads, covered or uncovered bicycle parking areas, walkways, patios, fences and safety railings, accessibility ramps, safety or wind protection features, landscape features, and other ornamental or accessory structures.	
vi)	Conveyance i) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.	
vii)	Section 37 Provisions (i) Pursuant to Section 37 of the <i>Planning Act</i> , and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as (H)UC-R-144 on Schedule 1 of this By-law, in return for the provision by the owner, at the owner’s expense of the facilities, services and matters set out in Schedule 3 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the <i>Planning Act</i> that are in a form and registered on title to the lands to the satisfaction of the Municipal Solicitor. (ii) Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same. (iii) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this exception, unless the provisions of Schedule 3 of such By-law are satisfied.	

1. List of Holding Provisions

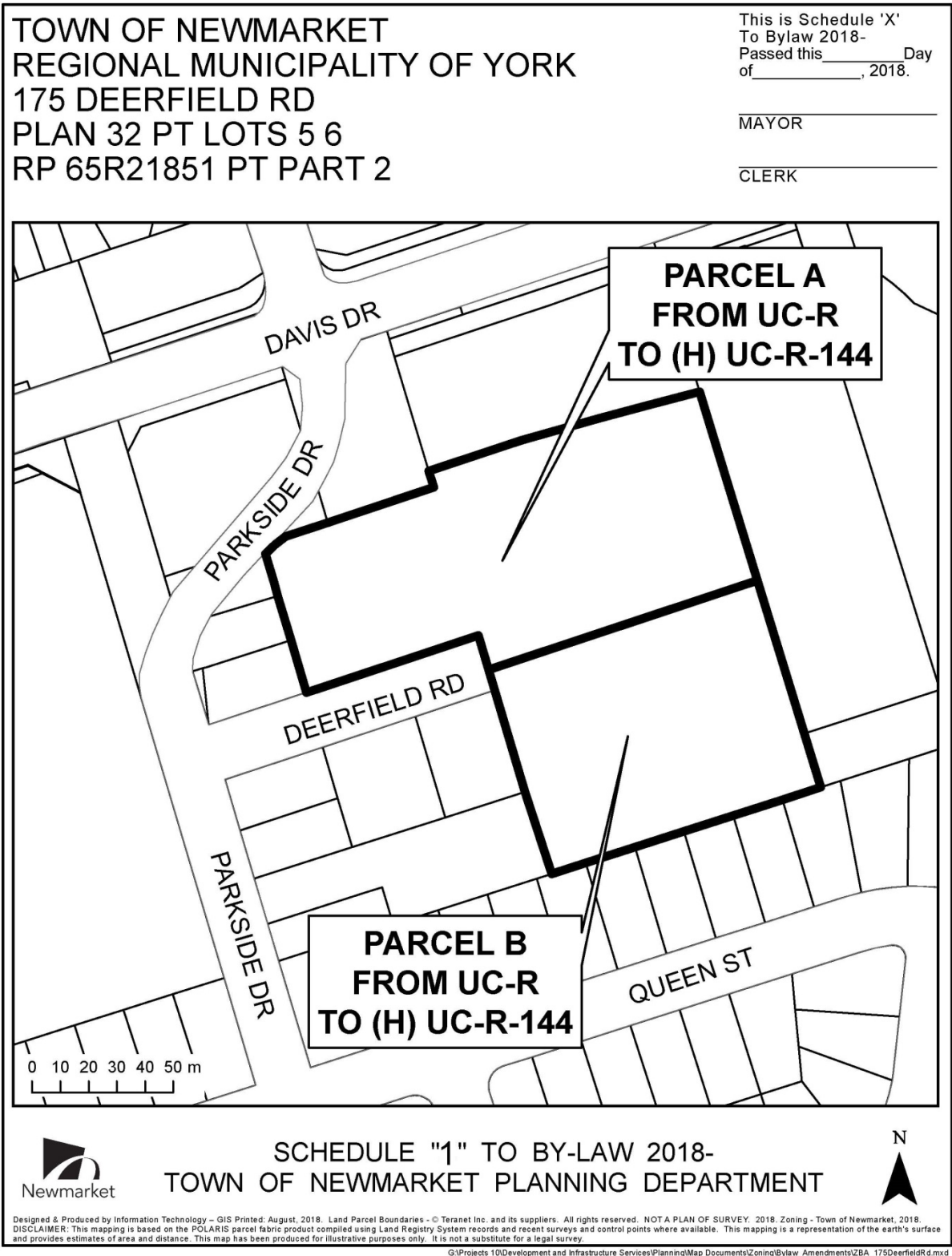
The following holding provisions apply to the properties specified:

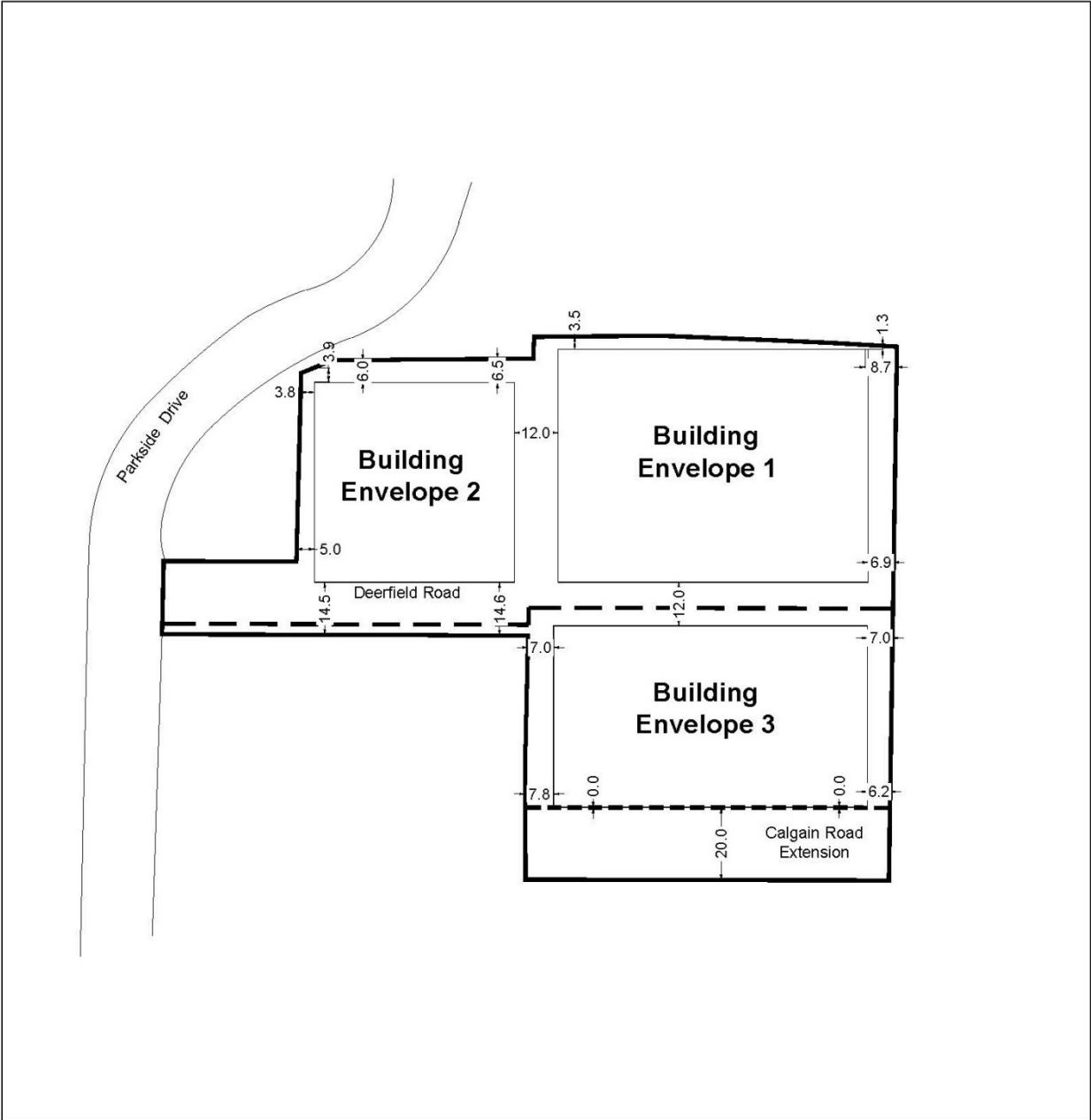
By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2018-49	175 Deerfield Road Parcel A as identified by Schedule “1” to this By-law	<p>No person within the lands zoned (H)UC-R-144 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of the ‘(H)’ prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and</p>	<p>Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has been filed for the site.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p> <p>That sufficient servicing capacity has been allocated by the Town.</p> <p>Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads.</p> <p>Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road.</p> <p>Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel A to the satisfaction of the Town</p>

		<p>registration of the Record(s) of Site Condition. Prior to these activities taking place the applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>to permit the discretionary maximum height of 15 storeys and discretionary maximum density of 3.0 FSI. Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible. A Site Plan Agreement to permit the residential development as proposed on Parcel A has been entered into between the Town and the property owner and registered on title to the property. That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
<p>1. 2018-49</p>	<p>175 Deerfield Road Parcel B as identified by Schedule "1" to this By-law</p>	<p>No person within the lands zoned (H)UC-R-144 shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of this By-law.</p> <p>Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of this By-law shall occur unless an amendment to this By-law or removal of</p>	<p>Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has been filed for the site. That sufficient servicing capacity has been allocated by the Town. Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized</p>

		<p>the ‘(H)’ prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and registration of the Record(s) of Site Condition. Prior to these activities taking place the applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p> <p>Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads.</p> <p>Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road. Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel B to the satisfaction of the Town to permit the discretionary maximum height of 10 storeys and</p>
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			<p>discretionary maximum density of 2.5 FSI.</p> <p>A Site Plan Agreement to permit the residential development as proposed on Parcel B has been entered into between the Town and the property owner and registered on title to the property.</p> <p>That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
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Schedule 2

175 Deerfield Road,
Newmarket, Ontario

LEGEND

Property Line

SCHEDULE 3**Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the Town at the owner's expense in return for the increase in height and density of the proposed development on the lands shown as (H)UC-R-144 on Schedule 1 of this By-law, and secured in an agreement or agreements registered on title to the property pursuant to Section 37(3) of the *Planning Act*, whereby the owner agrees as follows:

1. One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, is to be guaranteed of rental tenure for a period of not less than 20 years.
2. One building of not fewer than 170 dwelling units is to be guaranteed as a condominium.
3. The owner is required to convey to the Town \$339,000 under Section 37 of the Planning Act for community benefits. These funds are to be in the form of cash or capital facilities and are to be allocated at the discretion of the Town toward park lands, public art, and park infrastructure in close proximity to the subject lands. Payment is to be made in 3 amounts of \$113,000, one payment or conveyance of capital made within 60 days of occupancy of each of the buildings.
4. To provide easements in favor of the Town to be registered on title to the Deerfield Road lands to ensure public access over the private roads.
5. To execute agreements to ensure the owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road. To execute agreements to ensure access for abutting property owners over the roads during and after construction.
6. To provide easements in favor of the Town or executed agreements to provide the same over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

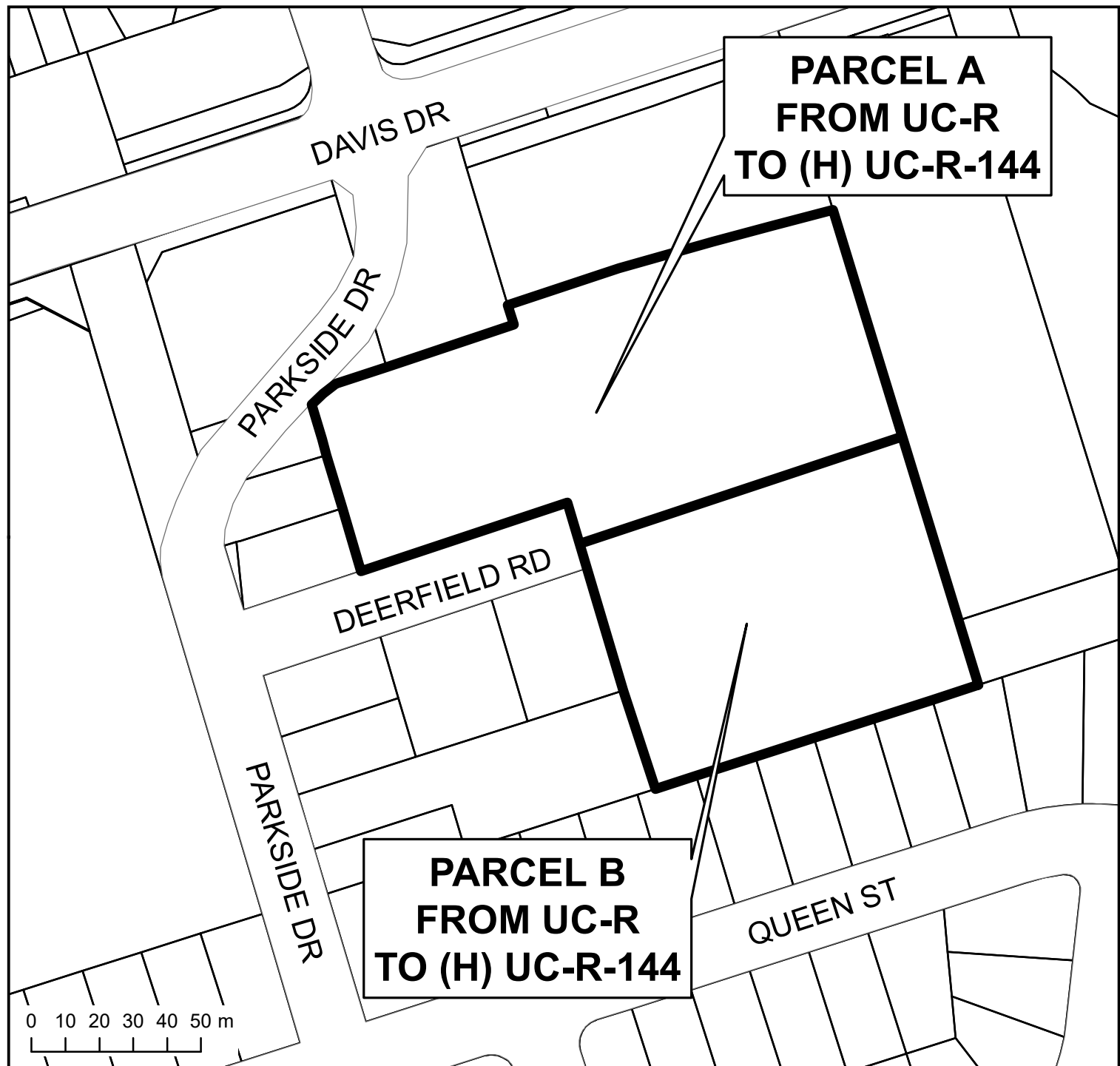
Lisa Lyons, Town Clerk

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
175 DEERFIELD RD
PLAN 32 PT LOTS 5 6
RP 65R21851 PT PART 2

This is Schedule 'X'
To Bylaw 2018-
Passed this _____ Day
of _____, 2018.

MAYOR _____

CLERK _____



SCHEDULE "X" TO BY-LAW 2018-
TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS Printed: August, 2018. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2018. Zoning - Town of Newmarket, 2018. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.



Corporation of the Town of Newmarket

By-law 2018-50

A By-law to amend By-law number 2010-40 being a Zoning By-law.

Whereas it is deemed advisable to amend By-Law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That By-law Number 2010-40, be and the same is hereby further amended by the following:

<p>Amend Exception 119 * where it reads:</p> <p>*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.</p> <p>To instead read:</p> <p>*Notwithstanding Section 4.1.2v), lots with <i>buildings</i> 1.5 or 2 storeys in height are permitted to have the lesser of</p> <ul style="list-style-type: none">• 10% of the total lot area or• 75% of the ground floor area of the main <i>building</i>, <p>for roofed accessory buildings or structures in addition to the 25% lot coverage for the main <i>building</i>.</p>			
<p>Amend Section 5.3.2 to add:</p> <table><tr><td>Motor Vehicle Sales Establishment</td><td>1 <i>parking space</i> per 25m² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces</td></tr></table>		Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces
Motor Vehicle Sales Establishment	1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces		
<p>Amend Section 5.8.2 ii to read:</p> <p>No <i>recreational vehicle</i> or utility trailer is permitted to park in the front <i>yard</i>, or between the principal <i>structure</i> and the <i>front lot line</i>, unless it is on a <i>driveway</i>, subject to the provisions listed below.</p> <p>Add to Section 4.19:</p> <p>x. Human Habitation Not Within Main Buildings</p> <p>No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.</p>			
<p>Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:</p> <p>(*1) Subject to 4.19.X Accessory Outdoor Storage</p> <p>Add to section 4.19: Specific Use Provisions</p> <p>4.19.X Accessory Outdoor Storage</p> <p>Where permitted, Accessory Outdoor Storage shall:</p>			

<ul style="list-style-type: none">• not exceed 30% of the lot area;• not be visible from a street;• be screened by an opaque fence;• only be located in a side and/or rear yard;• be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres;• not be located in any landscaped area or required parking area; and• not exceed 4.5m in height.														
<p>Amend the definitions to include:</p> <p>Micro-Industrial use</p> <p>Means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.</p> <p>Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the following zones:</p> <ul style="list-style-type: none">• CS• CR-1• CR-2• UC-D1• UC-D2• EM• EG• EH <p>Add to section 4.19: Specific Use Provisions</p> <p>Add section 4.19.X: Micro-Industrial uses</p> <p>Where a <i>Micro-Industrial</i> use is permitted, the following requirements shall apply:</p> <ul style="list-style-type: none">i) A <i>Micro-Industrial</i> use is only permitted when accompanied by a <i>retail</i> and/or <i>restaurant use</i> retailing products produced on-site.ii) All production, retailing, and distribution associated with a <i>Micro-Industrial use</i> must take place within a <i>building</i> and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law.iii) Where permitted in an EG zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 40% of the GFA of the <i>premises</i> in which it is located. Where permitted in an EH zone, <i>retail</i> associated with a <i>Micro-Industrial use</i> shall not exceed 20% of the GFA of the <i>premises</i> in which it is located.														
<p>Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following.</p> <table><tr><th>Exception</th><th>Zoning</th><th>Map</th><th>By-Law Reference</th><th>File Reference</th></tr><tr><td>146</td><td>CO-146</td><td>12</td><td>1983-71 1988-138 2018-50</td><td></td></tr></table> <ul style="list-style-type: none">i) Location: 482 Queen Streetii) Development standards:<ul style="list-style-type: none">a. The permitted commercial floor area shall not be less than forty-five square metres.iii) Permitted uses:<ul style="list-style-type: none">a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i>.					Exception	Zoning	Map	By-Law Reference	File Reference	146	CO-146	12	1983-71 1988-138 2018-50	
Exception	Zoning	Map	By-Law Reference	File Reference										
146	CO-146	12	1983-71 1988-138 2018-50											

Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.				
Exception	Zoning	Map	By-Law Reference	File Reference
147	CO1-147	12	1983-70 2018-50	
<div><div>i) Location: 64-66 Prospect Street</div><div>ii) Development standards:<div>a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m².</div></div><div>iii) Permitted uses:<div>a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i>; and</div><div>b. Not more than two <i>dwelling units</i>.</div></div></div>				
Amend the following sections to replace the word ramp with driveway or the word ramps with driveways: <div><div>• 5.5</div><div>• Exception 57</div><div>• Exception 62</div><div>• Exception 65</div><div>• Exception 92</div><div>• Exception 108</div><div>• Exception 111</div><div>• Exception 116</div></div>				
Amend the following sections to replace the word ramp with underground parking driveway ramp: <div><div>• Exception 51</div><div>• Exception 119</div></div>				
Add definition: <div><div>Food Vehicle</div><div>Food Vehicle means the <i>accessory use</i> that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).</div></div>				
Add to section 4.19: Specific Use Provisions				
Add Section 4.19.X: Food Vehicles <div><div>i) Notwithstanding Section 4.1.1, a <i>Food Vehicle</i> as an <i>accessory use</i> is not permitted in a Residential zone, save and except the R5 zone.</div><div>ii) Notwithstanding Section 5, no parking is required for a <i>Food Vehicle</i>.</div></div>				
Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to: <div><div>• delete Motor Vehicle Repair Facility</div></div>				
Amend the definitions to: <div><div>• delete the definition of Motor Vehicle Repair Facility</div></div>				
Amend the definitions of Motor Vehicle Service Shop to read: <div><div>Means a <i>premises</i> used to conduct repairs of <i>motor vehicles</i> of a mechanical or structural nature and may include an associated towing service, and <i>motor vehicle</i> rentals but does not include a <i>motor vehicle body shop</i> or impound yard. May also include a <i>premises</i> used to conduct diagnostic services, minor</div></div>				

repairs, equipping of *motor vehicles* or in which the replacement of incidental parts and services to *motor vehicles* are completed while the customer waits.

Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:

- delete the word “including” and replace it with the word “excluding”

Amend Section 6.5.1 to add Motor Vehicle Service Shop as a permitted use in the following zones:

- EG
- EH

Amend section 5.3.2 to:

- delete the row for Place of Entertainment

Amend the definitions to:

- delete the definition of *Place of Entertainment*

Amend the definitions of *Commercial Athletic Centre* to read:

Commercial Recreation Centre

Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, *office* space, yoga studio, retail shop and related lounge facilities but shall not include a *private club*. May also include a *premises* where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an *adult entertainment parlour* or a *nightclub*.

Amend the by-law to:

- delete all reference to *Place of Entertainment*
- replace all references to Commercial Athletic Centre with Commercial Recreation Centre
- add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones
- implement a parking requirement of 1 *parking space* per 20m² of gross floor area for use by the public.

Amend Exception 102 to:

- replace Place of Entertainment with Commercial Recreation Centre

Amend Exception 61 to read:

iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.

Amend Section 6.2.3 (*3) and (*4) to read:

(*3) 6 metres between blocks of row or townhouses or 3 metres from *lot line*.
(*4) 3.6 metres between pairs of link dwellings or 1.8 metres from *lot line*.

Add to Section 4.2:

Where an encroachment is permitted, it is subject to the following conditions:

- i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that:
 - a. Any deck is constructed of a floor with slats and spaces between them and not a solid floor
 - b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio
 - c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same.
- ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure.

Amend Section 5.3.2 as follows:

<i>Long Term Care Facility</i>	0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m ² of <i>gross floor area</i> used for all other purposes
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Amend Section 5.2.2 to read:

5.2.2 Parking Space Design

- i) The minimum required size of a *parking space* shall be as follows:

Number of required spaces	Parking space configuration	Minimum size
Fewer than 5	Parallel	2.6m by 6.7m
	Perpendicular	2.6m by 5.0m
5 or More	Parallel	2.6m by 6.7m
	Perpendicular	2.7m by 5.5m

- ii) The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards:

Angle of Parking Space	Minimum Aisle Width	Direction
45 degrees	4.5 metres	One Way
90 degrees	6.0 metres	Two Way

- iii) Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6:
 - i) Type A (“Van”): Minimum size of 3.4m by 5.5 m
 - ii) Type B: Minimum size of 2.6m by 5.5m

Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m.

- i) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.

Amend Section 5.5 under Required Parking Spaces: 5 or more to add:

- xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the *parking*

lot surface shall be provided from a *sidewalk* to the principal entrance of each *building*. If no sidewalk abuts the property, the connection will be provided from the abutting *street*. Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width.

Amend the following sections to replace the terms as follows:

Section	To remove	To replace with
4.1.2, 4.2,	Urban Centre	Downtown
4.14.1	Urban Centre	- Delete section
4.21	Urban Centre	Downtown Zone or Urban Centres Secondary Plan zone
5.3.3	Urban Centre	Delete section outside of UCSP
5.3.4	Historic Downtown Urban Centre Zone	Downtown Zones
5.4.1	Urban Centre and Commercial Zones	Downtown and Commercial Zones
5.4.1	Urban Centre Zones	- Delete section
5.4.3	Urban Centre Zone	Downtown
5.6.1	Urban Centre Zones	Downtown Zones
5.6.3, 5.6.4	Urban Centre	Downtown
5.7.5	Urban Centre Zones	Downtown Zones
6.1	Urban Centre Zones	Downtown Zones
6.4	Urban Centre Zones	Downtown Zones
6.4.1	Historic Downtown Urban Centre Zone (UC-D1)	Historic Downtown Zone (UC-D1)
6.4.1, 6.4.2	Downtown Urban Centre Zone (UC-D2)	Downtown Zone (UC-D2)

Amend section 5.81 to read:


- i) On any *lot* within a Residential Zone, the parking or storage of any *commercial motor vehicle* is not permitted unless wholly located within an enclosed garage. Only one such *vehicle* may be stored or parked within a garage on a lot in a Residential Zone.

Add definition:

Commercial motor vehicle

A motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a *food vehicle*, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.

Delete permitted encroachment for Canopies/Porticoes. Amend permitted encroachment for Porches to include Porticoes, reading:		
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
<i>Porches, Porticoes</i> Open, Uncovered or Covered with a platform no higher than the first <i>storey</i> of the <i>building</i> above <i>established grade</i> .	<i>Front and exterior side yards</i>	May encroach 2.4 metres into the required yard including eaves, cornices and steps but no closer than 1.5 metres to the lot line.
Amend Exception 119 Section ii) a) to read: Maximum Height: 10.0 metres For the purposes of this exception, height shall be measured from the average front grade of the dwelling to the highest portion of the roof.		
Amend Section 4.8 to read: 4.8 LEGAL NON-CONFORMING USES This By-Law shall not prevent the <i>use</i> of any land, <i>building</i> or <i>structure</i> for any purpose prohibited by this By-Law if such land, <i>building</i> or <i>structure</i> was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, <i>building</i> or <i>structure</i> continues to be used for that purpose. 4.8.1 Restoration to a Safe Condition Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any <i>building</i> or <i>structure</i> or part of any such <i>building</i> or <i>structure</i> that is used for a legally <i>non-conforming use</i> as provided for in Section 4.8, provided such alteration or repair does not increase the <i>height</i> , size or volume or change the <i>use</i> of such <i>building</i> or <i>structure</i> .		
Amend the following definitions to read: <i>Floor Area, Gross</i> Means the aggregate of all floor areas of a <i>building</i> or <i>structure</i> , which floor areas are measured between the exterior faces of the exterior walls of the <i>building</i> at each floor level but excluding any <i>porch</i> , veranda, <i>cellar</i> , mechanical room or penthouse, or areas dedicated to parking within the <i>building</i> . For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls. For the purposes of calculating required parking spaces, all common areas within buildings including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling height of less than 1.8 metres shall be excluded. <i>Floor Area, Net</i> Means the aggregate of the floor areas of a <i>building</i> , but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the <i>building</i> , and any space with a floor to ceiling height of less than 1.8 metres.		
Amend the section of the encroachment table in Section 4.2 related to Porches to read:		

Porches - Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade				
Add section 4.4 vii: In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA. Amend Section 4.4 iii): Any <i>patio, deck, residential structure, accessory, or other structure</i> associated with a <i>pool</i> shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.				
Amend Section 1.9 a) i) Subject to 2003-121 (Oak Ridges Moraine)				
Add to section 4.19: Specific Use Provisions Add section 4.19.X: Single Detached Dwellings For greater clarity, unless otherwise specified in this by-law, where a <i>dwelling, detached</i> is permitted as a use only one <i>dwelling, detached</i> is permitted on the <i>lot</i> .				
Delete Section 6.5.1 (*6).				
Amend Section 7.1.1 to read: Prohibited Uses The following <i>uses</i> are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority: <input type="checkbox"/> <i>Group Home</i> ; <input type="checkbox"/> <i>Special Needs Facility</i> ; <input type="checkbox"/> <i>Accessory Dwelling Unit</i> ; and, <input type="checkbox"/> All other <i>uses</i> in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.				
Amend the zoning by-law maps to show the addition of the EG-11 zone exception as follows: 				
Amend the zone for 852 Gorham Street to add an exception as follows:				
Exception	Zoning	Map	By-Law Reference	File Reference
148	R1-B-148	14	2018-50 2018-50	

<div><div>i) Location: 852 Gorham Street</div><div>ii) Permitted uses:<div><div>a. In addition to uses otherwise permitted, the following uses are permitted:</div><div>b. a <i>Veterinary Clinic</i></div><div>a. a <i>Veterinary Hospital</i></div></div></div></div>		
Amend the zone for 820 Gorham Street to I-B.		
Add definition of Retirement Residence: <i>Retirement Residence</i> means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided. Amend Section 6 to permit a Retirement Residence in the following zones: UC-R, UC-D1, UC-D2, I-A, I-B Amend Section 5 to add the following parking requirement: Retirement Residence: 0.5 <i>parking space</i> per unit <i>plus 0.25 parking spaces</i> per unit for visitors		
Amend Section 4.2 provision for Eaves to read:		
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Eaves, eavestroughs, gutters, or similar features	Any <i>Yard</i>	May encroach into a required <i>yard</i> a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres.
Amend the introduction to Section 5.3.1 to read: The minimum, off-street parking requirements for <i>residential uses</i> shall be as follows: Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse. (*x) Required <i>parking spaces</i> shall be provided exterior of any <i>garage</i> unless otherwise permitted by this by-law.		
Add Section 4.X : Garbage and Waste Management Garbage containment shall be located within either a <i>building</i> , or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following <i>zones</i> or where the following <i>uses</i> are being undertaken: <ul style="list-style-type: none">Any Commercial <i>zone</i>;Any Employment <i>zone</i>;Any Institutional <i>zone</i>;Any Open Space <i>zone</i>; orAny lot containing an <i>Apartment Building</i>.		

<p>A <i>structure</i> primarily used for garbage containment or a garbage enclosure shall not be located:</p> <ul style="list-style-type: none">• In a front yard;• In an exterior side yard;• In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or• Within any required landscaped areas. <p>A <i>building</i> used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.</p>
<p>Amend Section 6.2.1 to: Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.</p> <p>Amend Section 6.2.1 to: Amend (5) to read: (*) A Private Home Daycare must adhere to the requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.</p> <p>Amend the definition of Private Home Daycare to read: Private Home Daycare Means the <i>use</i> of a <i>dwelling unit</i> for temporary care of six or fewer children in exchange for compensation for a continuous period not exceeding 24 hours.</p>
<p>Amend Section 6.2.2 to: Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L & M lots.</p>
<p>Amend Section 6.2.2 to: Include 50% as maximum lot coverage for P & R lots.</p>
<p>Amend definition of Domestic Animal Care Facility to read: Domestic Animal Care Facility Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a <i>kennel</i>.</p> <p>Add definition Kennel: Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a <i>Domestic Animal Care Facility</i>.</p>
<p>Amend section 4.1.5 to read: 4.1.5 Satellite Dishes and Antennas</p> <p>Satellite dishes with a maximum width of 1.0 metre each are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any <i>zone</i> provided they are mounted on an exterior wall, roof or chimney of a <i>building</i> of the <i>lot</i> on which it is located.</p> <p>In a Residential <i>Zone</i>, not more than 2 cumulative satellite dishes and antennae shall be permitted per <i>dwelling unit</i> on the <i>lot</i>.</p> <p>Amend Section 4.2 to add: Accessory Structures:</p>

Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law)	Permitted in any yard.	Not closer than 0.2m from any lot line.					
Add definition for Structure, Attached: Any structure that is attached to another structure by a common wall or by a common roof structure.							
Amend 5.3.3 to include: iv) Shall be located in accordance with Section 5.4.1.							
Add definition: <i>Carpool space or High Occupancy Vehicle Space</i> A designated parking space for vehicles to be used only by vehicles carrying more than one occupant.							
Amend section 5.3.7 to read: <i>Carpool parking spaces</i> shall be provided in conjunction with developments involving <i>financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school</i> uses and shall be included as part of the overall parking requirement as the lesser of: i) 5% of the total required parking supply for any of these non-residential uses, or ii) 2.0 parking spaces For each required <i>carpool parking space</i> provided the total parking requirement may be reduced by 2 spaces. <i>Carpool parking spaces</i> shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free <i>parking spaces</i> . iii) Carpool spaces are to be reserved for the exclusive use of vehicles carrying more than one occupant. Carpool spaces are to be indicated with Town-approved signage.							
Add the definitions: <i>Bicycle Parking Space, Long-term</i> Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access. <i>Bicycle Parking Space, Short-term</i> Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.							
Amend Section 5.3.8 to read: i) <i>Bicycle parking spaces</i> shall be provided as follows:							
<table><tr><th>Use</th><th>Required Bicycle</th></tr><tr><td>Retail, Service Commercial, Office, Institutional</td><td>2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m² of gross floor area</td></tr></table>				Use	Required Bicycle	Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area
Use	Required Bicycle						
Retail, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area						

	<i>Manufacturing/Industrial</i>	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space ² for every 1000m ² of gross floor area	
	<i>School</i>	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of gross floor area	
	<i>Apartment Building</i>	0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit	
<p>Where required <i>bicycle parking spaces</i> are located internal to a <i>building</i>, they shall be located:</p> <p>a. on the ground floor; or</p> <p>b. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or ramp.</p> <p><i>Bicycle parking spaces</i> as required by this by-law shall not be located:</p> <p>a. in a dwelling unit; or</p> <p>b. on a balcony.</p> <p>ii) The minimum dimension of a bicycle parking space is:</p> <p>a. minimum length of 1.8 metres;</p> <p>b. minimum width of 0.6 metres; and</p> <p>c. minimum vertical clearance from the ground of 1.9 metres; and</p> <p>iii) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:</p> <p>a. minimum length or vertical clearance of 1.9 metres;</p> <p>b. minimum width of 0.6 metres; and</p> <p>c. minimum horizontal clearance from the wall of 1.2 metres; and</p> <p>iv) A bicycle parking space must be on the same <i>lot</i> as the <i>use</i> for which it is required.</p>			
<p>Amend Section 4.14.2 to read:</p> <p>In addition to the requirements of Section 4.14.1, in all Employment Zones, <i>landscape buffers</i> shall be provided adjacent to <i>street lines</i> except for land used to accommodate pedestrian and vehicular access to the <i>lot</i>. Such buffers shall be established as follows:</p>			

Location of Landscape Buffer	Minimum Width of Landscape Buffer							
Front Yard	6.0 metres							
Exterior Side and Rear Yard	3.0 metres							
Amend Section 4.14.3 (iv) to re-number it to: <ul style="list-style-type: none">4.14.X.								
Amend section 4.14.1 (iii) to read: <p>Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a <i>daylighting triangle</i>.</p>								
Add definitions: <p>Accessibility Ramp An inclined plane installed in addition to or instead of stairs that permits users to access a ground <i>floor</i> from <i>grade</i>.</p> <p>Accessibility Lift A vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground <i>floor</i> from <i>grade</i>.</p> Amend Section 4.2: <table><tr><td>Permitted Structure or Feature</td><td>Applicable Required Yard(s)</td><td>Required Setback or Permitted Encroachment</td></tr><tr><td>Accessibility Ramps or Wheelchair Lifts (*2)</td><td>Permitted in any <i>yard</i></td><td>No required setback</td></tr></table> <p>Add (*2) An <i>Accessibility Ramp</i> shall have a maximum gradient of 1 to 12. A <i>Wheelchair Lift</i> is permitted to elevate no higher than the first <i>storey</i> of the <i>building</i>, and have a maximum area no greater than 3.0 square metres.</p> Amend all references to wheelchair ramps : <p>To refer to them as accessibility ramps.</p>			Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment	Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment						
Accessibility Ramps or Wheelchair Lifts (*2)	Permitted in any <i>yard</i>	No required setback						
Add definition: <p>Shipping Container Means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.</p> Amend Section 4.1.2 to add: <p>When an accessory building is made up in whole or in part of <i>shipping container(s)</i>, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.</p>								
Amend Section 6.2.3 to add: <p>(*#) for a Dwelling Unit, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:</p> <p>(A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or</p>								

(B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space; except as provided for in an approved site plan agreement.

Delete Section 5.5 iii).

Amend definition of Residential Structure, Accessory to read:

Residential Structure, Accessory

Means *accessory structures* that are not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal *residential use* or dwelling and located on the same *lot* therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; *private play structure*; gazebo; dog house or dog run; private greenhouse; shed; *patio* shelter; portable tent structures; standalone antennae or satellite dishes; and, standalone *solar panels*; but shall not include a detached garage or any mechanical equipment as defined under *air conditioner* or privacy screens erected on the ground.

Amend Section 4.2 encroachment provision to read:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i>	Permitted in any <i>yard</i>	No required setback

Amend definition of Carport to read:

Carport

Means a *building* or *structure* attached to the principal or *main building*, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more *motor vehicles*.

Amend Section 4.1.2 to read:

4.1.2 Accessory Buildings and Structures

Accessory buildings, structures and *uses* are permitted in all *zones* subject to the following provisions:

- i. The principle *use, building* or *structure* must already be established on the same *lot*.
- ii. No detached *accessory building* or *structure* may be used for human habitation or an occupation for gain, unless specifically permitted by this By-Law.
- iii. Unless otherwise specified, *accessory buildings* and *structures* shall comply with the following requirements.
- iv. *Accessory buildings* and *structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

Permitted feature or structure	Measure	Requirement
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Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located
	Height	Lesser of 4.6m or the height of the main building on the lot
Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2
Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot
		All other zones: 15% of the lot area
	Height	Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot
		All other zones: The maximum permitted height of the zone in which the accessory structure is located
	Corner lot location	Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone

iv) Notwithstanding Section 4.1.2 (iii) above, *accessory structures* in a *residential zone* shall be setback from the *lot line* in accordance with the requirements of Section 4.2 of this By-Law.

v) The total *lot coverage* of all *Accessory Buildings and Structures* on a *lot* shall be as follows:

Zone	Maximum Total Lot Coverage
Residential Zones	the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i>
All Other Zones	15% of the <i>lot area</i>

vi) *The maximum height of an accessory building or structure shall be as follows:*

vii)

Zone	Maximum Height of Accessory Structures
Residential, Urban Centre and Commercial Zones	the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i>
All Other Zones	the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located

Notwithstanding any other provision of this By-Law, the setback for *accessory buildings or structures* on a *corner lot* shall be as follows:

Zones	Applicable Yards	Minimum Required Setback
Residential Zones	<i>Rear Yard or Exterior Side Yard</i>	4.5 metres from flanking <i>street line</i>
Commercial or Employment Zone Abutting any Residential Zone	<i>Exterior Side Yard</i>	Distance equal to the depth of the minimum required <i>front yard</i> of the abutting Residential Zone

Amend Section 4.2 related to Residential Accessory Structures:

Permitted structure or feature	Applicable Yards	Required setback of Permitted Encroachment
<i>Residential Accessory Structures</i> up to 2.8 metres in height*	Rear or Side <i>Yard</i>	No closer than 1.0 metre from rear or <i>side lot line</i>
<i>Residential Accessory Structures</i> greater than 2.8 up to 4.6 metres in height (*1)	Rear or Side <i>Yard</i>	No closer than 2.4 metres from rear or <i>side lot line</i>

<p>Add the definition of Residential Structure, Accessory to add the following words to the list of examples included: fuel tank with a capacity of less than 1500L</p> <p>Add to section 4.19: Specific Use Provisions 4.19.x Fuel Tanks Where fuel tanks are permitted, the following standards shall apply to their location:</p> <ul style="list-style-type: none">i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory.ii) In any other zone, be located in accordance with an approved site plan.iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.																													
<p>Amend Section 4.2 to add:</p> <table><tr><th>Permitted Structure or</th><th>Applicable Required</th><th>Required Setback or Permitted Encroachment</th></tr><tr><td>Barbeque, chiminea, fireplace, fire pit, or similar structure</td><td>Permitted in any <i>yard</i> of a residential <i>zone</i></td><td>No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.</td></tr></table>			Permitted Structure or	Applicable Required	Required Setback or Permitted Encroachment	Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.																					
Permitted Structure or	Applicable Required	Required Setback or Permitted Encroachment																											
Barbeque, chiminea, fireplace, fire pit, or similar structure	Permitted in any <i>yard</i> of a residential <i>zone</i>	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.																											
<p>Amend Section 5.3.6 to read: 5.3.6 Barrier Free Parking Spaces Off-street barrier free <i>parking spaces</i> shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces.</p> <ul style="list-style-type: none">i) The minimum barrier free parking requirement shall be as follows:																													
<table><tr><th>Total number of parking spaces provided</th><th>Required Type A Spaces (Van)</th><th>Required Type B Spaces</th></tr><tr><td>1 to 12</td><td>1</td><td>0</td></tr><tr><td>13 to 25</td><td>0</td><td>1</td></tr><tr><td>26 to 50</td><td>1</td><td>1</td></tr><tr><td>51 to 75</td><td>1</td><td>2</td></tr><tr><td>76 to 100</td><td>2</td><td>2</td></tr><tr><td>101 to 133</td><td>2</td><td>3</td></tr><tr><td>134 to 166</td><td>3</td><td>3</td></tr><tr><td>167 to 250</td><td>3</td><td>4</td></tr></table>			Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces	1 to 12	1	0	13 to 25	0	1	26 to 50	1	1	51 to 75	1	2	76 to 100	2	2	101 to 133	2	3	134 to 166	3	3	167 to 250	3	4
Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces																											
1 to 12	1	0																											
13 to 25	0	1																											
26 to 50	1	1																											
51 to 75	1	2																											
76 to 100	2	2																											
101 to 133	2	3																											
134 to 166	3	3																											
167 to 250	3	4																											

251 to 300	4	4
301 to 350	4	5
351 to 400	5	5
401 to 450	5	6
451 to 500	6	6
501 to 550	6	7
551 to 600	7	7
601 to 650	7	8
651 to 700	8	8
701 to 750	8	9
751 to 800	9	9
801 to 850	9	10
851 to 900	10	10
901 to 950	10	11
951 to 1000	11	11
1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B.	
Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space.		
Notwithstanding subsection i) above, the minimum barrier free parking requirement for <i>medical offices</i> , clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the <i>use</i> , providing at least 40% of the required barrier free spaces of each type of Type A and Type B.		
Amend definition of Lot Coverage to read: Means the percentage of the <i>lot</i> area covered by all <i>buildings, structures</i> or parts thereof, at or above <i>average grade</i> or <i>established grade</i> , exclusive of uncovered <i>decks</i> , uncovered <i>porches</i> , pergolas, ornamental structures such as mailboxes or birdhouses, and outdoor swimming <i>pools</i> .		
Amend Section 5.3.5 i) to read, and delete sections a, b, c, and d of the same section: A shared parking formula may be used for the calculation of required parking for a mixed <i>use</i> development. A mixed <i>use</i> development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement.		
Amend the tables in Section 5.3.5 i) to include:		
Type of Use	Percentage of Peak Period (Weekday)	

	Morn	Aft	Even
Industrial or office	100%	100%	10%
Recreational	25%	80%	100%
Hotel	80%	80%	100%
Assembly	10%	25%	100%

Type of Use	Percentage of Peak Period (Weekend)		
	Morn	Aft	Even
Industrial or office	10%	10%	10%
Recreational	90%	100%	100%
Hotel	80%	80%	100%
Assembly	90%	90%	100%

For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses.

Amend Section 5.3.5 i) c) to read:
a building or group of *buildings* on the same *lot* containing a mix of *office* or *medical office, commercial uses and dwelling units*; or,

Amend Section 5.3.2 to add:

Type or Nature of Use	Minimum Off-Street Parking Requirements
Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none">• 1 <i>parking space</i> per 45 m2 of <i>gross floor area</i> up to 1860 m² GFA;• 1 <i>parking space</i> per 90 m2 of <i>gross floor area</i> from 1861 m² to 3720 m² GFA;• 1 <i>parking space</i> per 185 m2 of <i>gross floor area</i> greater than 3720 m² GFA

Add within Section 5.5:
Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access.

Amend Section 6.5.1 to:
Delete *Accessory Office* as a listed use

Amend Section 6.5.1 (*8) to read:
Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.

Amend the definition of Day Nursery to read:
Day Nursery
Means a *premises* where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.

Enacted this 24th day of September, 2018.

Tony van Bynen, Mayor

Lisa Lyons, Clerk



Corporation of the Town of Newmarket
By-law 2018-51

A By-law to amend By-law number 2010-40 being a Zoning By-law.

Whereas it is deemed advisable to amend By-Law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

- 1. That By-law Number 2010-40, be and the same is hereby further amended by:
 - a. Deleting from Schedule 'A' the Detached Dwelling 30m (R1-B) zone on Parts 1 and 2 of Registered Plan 65R-21988, Town of Newmarket, Regional Municipality of York, municipally known as 18095 and 18099 Leslie Street, and substituting the:

Service Commercial Exception Zone (H) CS-145 Zone as shown more particularly on Schedule 'X' attached hereto.

Adding the following regulations relating to the Service Commercial Exception Zone (H) CS-145 Zone to Section 8.1.1 List of Exceptions:

Exception 145	Zoning CS-145	Map 7	By-Law Reference 2018-51	File Reference D14-NP-18-07
<div><div>i) Location:</div><div>18905 & 18099 Leslie Street</div></div> <div><div>ii) Permitted uses:</div><div><div>a. In addition to the uses permitted in the CS zone, the following uses are also permitted:</div><div><div>i. Place of assembly</div></div></div></div> <div><div>iii) Development standards:</div><div><div>a. Notwithstanding any other provision of Zoning By-law 2010-40 as amended, the following development standards are permitted:</div><div><div>i. Front yard setback: 2.5 metres</div><div>ii. Interior side yard setback: 3 metres</div><div>iii. Parking requirements:</div><div><div>1. Motor vehicle service shop: 1 space per 16 m2</div></div></div><div>b. Notwithstanding section 2.4 By-law Zoning By-law 2010-40 as amended, where the lands subject to this amending Zoning By-law are divided into two or more zones, the zone boundary dividing the lot is not deemed to be a lot line.</div></div></div>				

Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
2018-51	Parts 1 and 2 of Registered Plan 65R-21988, Town of Newmarket, Regional Municipality of York, municipally known as 18095 and 18099 Leslie Street, more particularly Parcel ‘A’ identified on Schedule X	No person within the lands zoned (H) CS-145 Zone shall erect, alter or use any land, buildings or structures for any purpose except for those uses which legally existed on the date of passing of this By-law.	1. Site Plan Agreement: That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands.	September 24, 2018
2018-51	The eastern area of Part 2 of Registered Plan 65R-21988, Town of Newmarket, Regional Municipality of York, municipally known as 18095 and 18099 Leslie Street, more particularly Parcel ‘B’ identified on Schedule X	No person within the lands zoned (H) CS-145 Zone shall erect, alter or use any land, buildings or structures for any purpose except for those uses which legally existed on the date of passing of this By-law.	1. Site Plan Agreement: That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands addressing, among other matters, stormwater management, grading, landscaping, and buffering for the lands identified as Parcel ‘B’.	September 24, 2018

1. And that all other provisions of By-law 2010-40, as amended, shall apply to the lands subject to this By-law;

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

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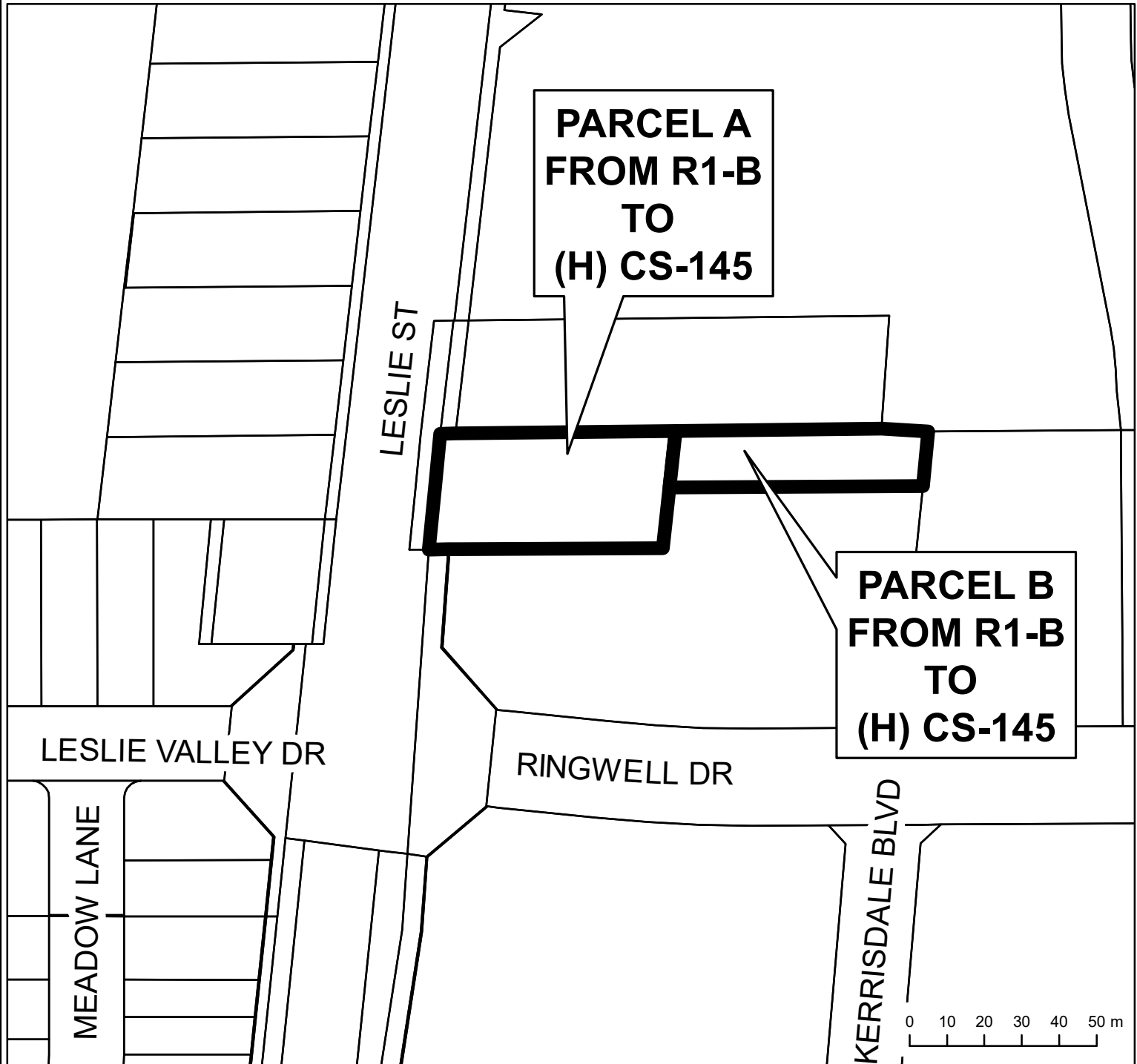
**TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
18095 & 18099 LESLIE STREET**

This is Schedule 'X'
To Bylaw 2018-
Passed this _____ Day
of _____, 2018.

MAYOR _____

CLERK _____

CON 3 PT LOT 4 RP 65R21988 PART 1
CON 3 PT LOT 4 RP 65R21988 PART 2



**SCHEDULE "X" TO BY-LAW 2018-XX
TOWN OF NEWMARKET PLANNING DEPARTMENT**





Corporation of the Town of Newmarket

By-law 2018-52

A By-law to Designate a Property as Being of Cultural Heritage Value or Interest.

The Erastus Jackson House (171 Church Street)

Whereas pursuant to Part IV of the Ontario Heritage Act, the Council of a Municipality is authorized to enact by-laws to designate a real property, including all the buildings and structures thereon, to be of Cultural Heritage Value or Interest; and,

Whereas the Council of the Corporation of the Town of Newmarket has caused to be served on the owners of the lands and premises at:

171 Church Street
Newmarket, ON L3Y 4C1

and upon the Ontario Heritage Trust, notice of intention to designate the Erastus Jackson House, and has caused such notice of intention to be published once in a newspaper having a general circulation in the municipality; and,

Whereas the reasons for designation are set out in Schedule "B" attached hereto and forming part of this by-law; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore Be It Enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. THAT the following real property, more particularly described in Schedule "A" attached hereto and forming part of this by-law is hereby designated as being of cultural heritage value or interest:

The Erastus Jackson House
171 Church Street
Town of Newmarket
The Regional Municipality of York

2. And That the Town Solicitor is hereby authorized to cause a copy of this by-law to be registered against the properties described in Schedule "A" attached hereto in the property Land Registry Office

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law 2018-53

A By-law to Designate a Property as Being of Cultural Heritage Value or Interest

The Union Hotel (425 Davis Drive)

Whereas pursuant to Part IV of the Ontario Heritage Act, the Council of a Municipality is authorized to enact by-laws to designate a real property, including all the buildings and structures thereon, to be of Cultural Heritage Value or Interest; and,

Whereas the Council of the Corporation of the Town of Newmarket has caused to be served on the owners of the lands and premises at:

425 Davis Drive
Newmarket, ON L3Y 2P1

and upon the Ontario Heritage Trust, notice of intention to designate the Union Hotel and associated building, and has caused such notice of intention to be published once in a newspaper having a general circulation in the municipality; and,

Whereas the reasons for designation are set out in Schedule "B" attached hereto and forming part of this by-law; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore Be It Enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That the following real property, more particularly described in Schedule "A" attached hereto and forming part of this by-law is hereby designated as being of cultural heritage value or interest:

The Union Hotel
425 Davis Drive
Town of Newmarket
The Regional Municipality of York

2. And That the Town Solicitor is hereby authorized to cause a copy of this by-law to be registered against the properties described in Schedule "A" attached hereto in the property Land Registry Office

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



Corporation of the Town of Newmarket

By-law 2018-54

A By-law to Amend Various By-Laws to Reflect Offence Section and Escalating Fines as Authorized under The Municipal Act.

Whereas pursuant to Section 425 (1) of the Municipal Act, 2001, S.O. 2001, c.25 a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence; and,

Whereas pursuant to Section 425 (1) it is deemed necessary to amend various Town by-laws to further clarify the penalty section provisions passed under the Act; and,

Whereas Section 429 (1) gives a municipality the authority to establish a system of fines for offences under a by-law of the municipality passed under the Act; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore Be It Enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That the sections of the following by-laws be amended in accordance with the Municipal Act and as more specifically set out in section 2 of this By-law:
 - a. Section 11.1 of By-law 2017-76, Being A By-law to Prohibit or Regulate Noise;
 - b. Section 12.1 of By-law 2017-63, Being A by-law to Provide for Maintaining Land
 - c. Section 32 of Bylaw 2008-18, Being A By-law to Regulate Pool Enclosures;
 - d. Section 14.1 of By-law 2018-31, Being A By-law to Regulate the Use and Occupancy of Highways
 - e. Section 13.1 of By-law 2018-39, Being A By-law to Regulate Driving Instructors
2. And That the sections of the by-laws referred to in Section 1 of this By-law be amended by adding the following after the word "offence":

"and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended".
3. And That the sections of the following by-laws be amended in accordance with the Municipal Act and as more specifically set out in section 4 of this By-law:

- a. Section 11.4 of By-law 2017-76, Being A By-law to Prohibit or Regulate Noise,
 - b. Section 12.4 of By-law 2017-63, Being A by-law to Provide for Maintaining Land
 - c. Section 35 of Bylaw 2008-18, Being A By-law to Regulate Pool Enclosures;
 - d. Section 14.4 of By-law 2018-31, Being A By-law to Regulate the Use and Occupancy of Highways
 - e. Section 13.3 of By-law 2018-39, Being A By-law to Regulate Driving Instructors
4. AND THAT the sections of the By-laws referred to in Section 3 of this By-law be amended by adding the following after the word “penalties”:
- “pursuant to Part III of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended”.
5. AND THAT section 13.8 of By-law 2018-39 be deleted.

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Proposed Motion:**Councillor Christina Bisanz, Ward 7****Request to the Province of Ontario to implement School Bus Stop-Arm Camera Regulations to increase student safety in the Town of Newmarket**

Background

Newmarket currently has approximately 100 school buses that drop off and pick up children from their homes to school, and back. Children are at their most vulnerable while they are boarding or exiting their school bus. Ensuring their safety while they do so is paramount.

For over 30 years now, school buses have been using flashing lights and stop arms that warn drivers of all vehicles to stop within 20 meters of the school bus. This law applies to both sides of the road unless there is a median dividing the road. All vehicles must stop regardless of which side of the road they are on while the stop arm is deployed. This law is a provincial offense governed by the Highway Traffic Act under subsection 175 (11) or (12). The fines range from \$400 to \$2,000.

However, due to a lack of resources for enforcement, vehicles “blow by” school buses on a daily basis with no concern for our children’s safety, regardless of the flashing lights and deployed stop arms. This is caused by a lack of attention to the road or a total ignorance of the law.

In December of 2017, an omnibus bill - Bill 174, Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017 was adopted by the Province of Ontario. Bill 174 includes School Bus Camera legislation. At the present time, however, the regulations which would govern school bus cameras have not been written. The Ministry of Transportation of Ontario (MTO) needs to hear from municipalities such as ours to expedite the writing of these regulations, and bring school bus cameras into action.

To ensure we keep our children safe when they board or exit a school bus, which is an extension of a school zone, I request that:

The Town of Newmarket send a letter to the Ontario Minister of Transportation, the Honourable John Yakabuski, to develop policy and regulations to enforce stop arm infractions and keep our children who use school buses, safe.



Corporation of the Town of Newmarket

By-law 2018-55

A By-law to confirm the proceedings of a meeting of Council – September 24, 2018

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 24th day of September, 2018.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk