Corporation of the Town of Newmarket

By-law 2019-04

The intent of this Interim Control By-law is to control the development of single detached, semi detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Newmarket for a period of one year.

WHEREAS Section 38 of the Planning Act permits the Council of a Municipality to pass an Interim Control By-law, that may be in effect for up to one year, which prohibits the use of land, buildings or structures within the municipality or within the defined area thereof for such purposes as set out in the By-law, but only if the Council of the municipality has directed that a review or study be undertaken with respect to land use planning policies that apply to the subject area.

AND WHEREAS Council for the Town of Newmarket has directed that an Established Residential Area study be undertaken to review zoning by-law regulations and associated land use policies pertaining to large home rebuilds in established residential neighbourhoods of Newmarket.

AND WHEREAS the Council for the Town of Newmarket seeks to control the erection of, or additions resulting in, any large scale single-detached dwelling within defined areas of the municipality, while the Established Residential Area study is being completed.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

1. This Interim Control By-law applies to all lands, buildings and structures located within the area outlined on Schedule A attached to this By-law (the Study Area).

2. No land, building or structure subject to this By-law shall be used for a “Intensified Residential Use”.

3. For the purposes of this By-law, the following definitions shall apply:
   a) “Complete” for the purposes of Sections 5 and 7 means:

   i) 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.

   ii) 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) for site plan approval means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.

   iv) for Draft Plan of Subdivision approval, Official Plan and zoning By-law Amendments means an application which satisfies the requirements of the Planning Act, the Town of Newmarket Official Plan and has been deemed complete by the Town of Newmarket.

   b) “Dwelling” means a single detached, semi detached, duplex, triplex, quadraplex or townhouse residential building.

   c) Gross Floor Area means the aggregate of all floor areas of a building or structure above or below established grade, 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.

d) “Intensified Residential Use” means:
i. a new Dwelling that exceeds by 25% or more the Gross Floor Area of any Dwelling that existed on the same lot on the date of passage of this By-law; or

ii. an addition to an existing Dwelling such that the new Gross Floor Area of such dwelling exceeds by 25% or more the Gross Floor Area of such a Dwelling as it existed on the date of passage of this By-law; or

iii. a new Dwelling or addition to a Dwelling that increases the height of the structure beyond that which existed on the same lot on the date of passage of this By-law; or

iv. a new Dwelling on land that was vacant on the date of passage of this By-law or becomes vacant by means of a consent to sever under the Planning Act during the period of time when this By-law is in effect.

4. This By-law shall come into force and take effect immediately upon the passage thereof, and shall be in effect for one year from the passage of this By-law unless otherwise extended in accordance with Section 38 of the Planning Act, or repealed by Council at an earlier date.

5. For greater certainty, if a building permit application filed in accordance with the Ontario Building Code Act was Complete on or before the date of passage of this By-law, then this By-law does not preclude the issuance of said building permit.

6. For greater certainty, nothing in this By-law shall prevent the registration of a Plan of Subdivision which has received draft plan approval on or before the passage of this By-law. Lots within the said registered Plan of Subdivision shall be eligible for building permits in accordance with the approved zoning bylaw for the lands.

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

7. Any Complete application for Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval or Minor Variance under the Planning Act within the Study Area that exists on or before the date of passage of this By-law shall be exempt from this By-law and be eligible to apply for building permits in accordance with the approved zoning for the lands.

Enacted this 21st day of January, 2019.

John Taylor, Mayor

Kiran Saini, Acting Town Clerk

Subject Planning Area
Schedule A
Land Subject to Bylaw
2018-23 Interim Control By-law
Major Road
Road
Railway
Municipal Boundary
Newmarket
HIGHWAY 404
DAVIS DR
GORHAM ST
LESLIE ST
MAIN ST N
MAIN ST S
BAYVIEW AVE
MULOCK DR
EAGLE ST
DAVIS DR
YONGE ST
EAGLE ST W
DAVIS DR W
BATHURST ST
BATHURST ST
0
0.5
1
Kilometres