



## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2014-51

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.  
(Sundial Homes)

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:

THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.2, the Transition (TR) Zone on Part of Lots 96, Concession 1 W.Y.S., and substituting therefore the

Residential Detached Dwelling 12.2m (R1-E-125) Zone;  
Residential Detached Dwelling 10.7m (R1-F-125) Zone;  
Residential Semi Detached Dwelling 15.2 (R2-H-125) Zone;  
Residential Townhouse Dwelling (R4-R-125) Zone;  
Residential Back to Back Townhouse Dwelling (R4-R1-125) Zone;  
Open Space (OS-1) Zone; and,  
Major Institutional (I-A/(H)R4-R-125) Zone  
Major Institutional (I-A/(H)R4-R1-125) Zone  
Major Institutional (I-A/(H)R2-H-125) Zone

as shown more particularly on Schedule "X" attached hereto, and forming part of this By-law.

2. Adding the following definitions to Section 3 Definitions:  
Dwelling, Back to Back Townhome 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.
3. Adding the following to 6.2.1:

Permitted Use	R1	R2	R3	R4	R5
Dwelling, Back to Back Townhouse				*	

4. i) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and townhouse dwelling units in accordance with Section 4 iii) R4-R-125 of this by-law.  
  
ii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R1-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and back to back townhouse dwelling units in accordance with Section 4 iii) R4-R1-125 of this by-law.

iii) Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R2-H-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and semi-detached dwelling units in accordance with Section 4 iii) R2-H-125 of this by-law.

5. Adding the following regulations relating to the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference			File Reference
125	(H) R1-E-125; (H) R1-F-125; (H) R2-H-125; (H) R4-R-125; (H) R4-R1-125	2	2014-51			19TN 2013-003; D12 13 22 & D14 13 22
i) Location: North side of Davis Drive, West of Yonge Street.						
ii) Legal Description: Part of Lot 96, Concession 1 W.Y.S.						
iii) Development Standards:						
		R1-E-125	R1-F-125	R2-H-125	R4-R-125	R4-R1-125
(a) Min. Lot Area:	n/a					
(b) Min. Lot Frontage:	12.2m	10.7m	15.2m	6.0m (per unit)	6.1m (per unit)	
(c) Min. Lot/block with a sidewalk:	25.5m					27.5m
without a sidewalk:	24.5m					26.5m
(d) Min. Front Yard:	4.5m					3m
(e) Min. Rear Yard:	7.0m				6.0m	0m
(f) Min. Interior Side on one side:	0.6m				1.5m (end unit)	
on the other side:	1.2m				n/a	
(g) Min. Building Separation:	1.2m				3.0m	
(h) Min. exterior Side Yard	3.0m					2.4m
(i) Max. Building Height:	11m (2 storeys)	11.5 (3 storeys) 12.2 (walkouts) 11m (2 storeys where abutting existing low density residential)				
(j) Max. Lot Coverage:	n/a					
(k) Minimum off-street parking requirements exterior of any garage or	2					
(l) Min. Driveway Width : (*7) (*11) (*13)	3.0m					

(m)Max.Driveway Width: (*7) (*13)	5.5m	3.8m	3.0m
(n) Min. Driveway Length (*11)			
Segmented Garage Door:	10.0m		
No Segmented Garage Door:	11.2m		

- (o) Numbered notations relating to (\*7), (\*11), and (\*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.
- (p) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.
- (q) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0 metres.
- (r) Permitted Encroachments:  
An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 2.4 metres into the required front yard and 1.5 metres into the required exterior side yard. Steps may encroach up to 0.3m from the front or exterior side lot line.
- Bay windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metre into the required front yard, rear yard or exterior side yard for a maximum width of 3.0 metres.
- Sills, belt courses, cornices, gutters, chimneys with or without a foundation, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.6 metres into any required yard.
- Notwithstanding Section 5(iii)(L) any structural and/or decorative features shall be permitted to encroach into the minimum driveway width of 3.0m a maximum of 0.40m overall.
- (s) On a corner lot where a daylighting triangle or rounding has been conveyed to the a public authority, the exterior side lot line and the front lot line shall be deemed to be the continued projection of the exterior side lot line and the front lot line to a point of intersection, for the purposes of calculating the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
- (t) Notwithstanding any other provision of the by-law to the contrary, Central Air Conditioning units for Back to Back townhouse dwelling units shall be permitted on a balcony facing the front yard accessed from an upper story of the dwelling unit.
- (u) The maximum number of Townhomes permitted in one block shall not exceed 9 units.

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

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2014-51	Part of Lot 96, Concession 1 W.Y.S.	<p>No person within the lands zoned <b>the R1-E-125, R1-F-125, R2-H-125, R4-R-125 and R4-R1-125 Zones</b>, shall use any lot or erect, alter or use any 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 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 the Council of the Corporation of the Town of Newmarket and comes into full force and effect.</p> <p>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"><li>• All relevant provisions of the Official Plan, have been complied with;</li><li>• That sufficient servicing capacity is available, and has been allocated by the Town;</li><li>• That a subdivision agreement has been entered into between the Owner of the lands and the Corporation of the Town of Newmarket, and the performance security contemplated therein has been posted;</li><li>• All necessary requirements of the Town have been satisfied;</li><li>• All necessary approvals have been received by other commenting agencies and authorities.</li><li>• For lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards.</li></ul>	September 29, 2014

7. All other provisions of By-Law 2010-40, as amended, shall apply to the lands subject to this By-Law.

ENACTED THIS 29TH DAY OF SEPTEMBER, 2014.

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Tony Van Bynen, Mayor

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Andrew Brouwer, Town Clerk

