

Corporation of the Town of Newmarket

By-law 2021-08

A By-law to amend By-law Numbers 2010-40 and 2019-06 being zoning by-laws (Commercial Rooftop Patios – Town Wide)

Whereas it is deemed advisable to amend By-law Numbers 2010-40 and 2019-06 as amended;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

That By-laws 2010-40 & 2019-06 be and the same are hereby further amended by:

1. Amending Section 3 of 2010-40 Definitions by replacing the existing definition of Patio, Commercial Rooftop with:
“Patio, Commercial Rooftop: Means any portion of a rooftop dedicated as a serving area that is an *accessory use* to a *restaurant* or to a commercial use.”
2. Amending Section 3 of 2019-06 Definitions by replacing the existing definition of Commercial Rooftop Patio with:
“Commercial Rooftop Patio: Means any portion of a rooftop dedicated as a serving area that is an *accessory use* to a *restaurant* or to a commercial use.”
3. Adding to Section 4.19 of 2010-40 and Section 4.13 of 2019-06 Specific Use Provisions, the following:

Section 4.19.9 / 4.13.7 Commercial Rooftop Patios

“Restaurants, banquet halls, and other commercial uses shall be permitted to include a commercial rooftop patio as an accessory use, provided that the commercial rooftop patio that complies with the following:

- A commercial rooftop patio is prohibited in association with an adult entertainment parlour;
- The design shall be established in accordance with an approved site plan addressing matters such as lighting, landscaping, noise, etc.;
- A commercial rooftop patio must comply with any applicable requirements of municipal by-laws, including the Town’s licensing and noise by-laws, and must comply with all applicable requirements of the Ontario Building Code and Fire Code.”

4. Amending Section 5.3.2 Parking Requirements for Non-Residential Uses and Section 5.3.3.2 Parking Requirements for Non-Residential Uses in the Urban Centres of 2010-40 by removing “and/or” before “patio” and adding “and/or commercial Rooftop Patio” before “dedicated as seasonal serving areas” in both the minimum and maximum parking requirements.

5. Amending Section 5.3.1.2 Parking Requirements for Non-Residential Uses of 2019-06 by removing “and/or” before “patio” and adding “and/or Commercial Rooftop Patio” before “dedicated as seasonal serving areas” in both the minimum and maximum parking requirements.

Enacted this 1st day of March, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk