

Corporation of the Town of Newmarket

By-law 2021-29

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (Technical Amendment).

Whereas it is deemed advisable to amend By-law Number 2019-06;

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

1. That By-law Number 2019-06 is hereby amended by:

- a. Deleting the year “2017” in Provision 1.9.2 iii)a) Minor Variance Applications replacing it with “2018”.
- b. Revising the date “September 4th, 2018” in Provision 1.9.3 iii)b) to “September 24th, 2018”.
- c. Revising the by-law number “1989-96” in Provision 1.10 i)b) to “1981-96”.
- d. Deleting Diagram 3-6 under definition of Daylighting Triangle in Section 3 Definitions and replacing it with the diagram shown in Schedule 1 to this by-law.
- e. Adding the following text to the definition of Floor Space Index in Section 3 Definitions:

“For the purpose of calculating Floor Space Index, the following lands shall be excluded from *lot area*:

- Natural Heritage System and identified significant natural heritage areas;
- Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority, and
- Public infrastructure such as hydro facilities and pumping stations.

For greater certainty, lands used for the following purposes shall be included as part of *lot area* when calculating Floor Space Index:

- off-street parking and servicing areas;
- private streets and driveways;
- public streets conveyed to the Town or the Regional Municipality of York;
- parks and open space dedicated to the Town or a public authority;
- lands conveyed to the Town for underground hydro
- private landscaped areas, including private squares that are designed to be used by the public.”

- f. Deleting the definition of “Width of Driveway” in Section 3.

- g. Deleting the words “which is designated on Schedule “F” to this By-law” in Section 4.12 Planned Width of Street Allowance and replacing them with the word “that”.
- h. Adding *Retirement Residence* to Section 5.3.1.2 Parking Standards – Non-Residential Uses and adding the following Minimum Off-Street Parking Requirement and Maximum Off-Street Parking Requirement for *Retirement Residence*:

| Type or Nature of Use | Minimum Off-Street Parking Requirements | Maximum Off-Street Parking Requirements |
|-----------------------------|--|--|
| <i>Retirement Residence</i> | 0.5 <i>parking space</i> per unit plus 0.25 <i>parking spaces</i> per unit for visitor | 1.0 parking space per unit plus 0.25 parking spaces per unit for visitor |

- i. Deleting the text in Section 5.3.1.4 Carpooling Parking Space for certain Non-residential Uses and replacing with the following:

“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 at a rate of 5% of the total required parking supply for any of these non-residential *uses*, but shall not be less than 2.0 spaces.”
- j. Adding “*Place of Assembly*” and “*Medical Office*” as permitted uses under Non-Residential Uses in Table 6.2.2.1 Mixed Use Zone Permitted Uses.
- k. Deleting the text of footnote 4 under Section 6.2.2.1 and replacing it with the following:

“Stand-alone surface *parking lot* shall not be located on *lots* that front onto Yonge Street or Davis Drive. Where a stand-alone surface *parking lot* is permitted, it shall be subject to Section 5.4.1 of this By-law.”
- l. Deleting the words “38.0 metres” after “at least 66% of the *Building* frontage above the” in Provision 6.2.4.2(ii)(a) Height – Podiums and replacing it with “podium height”.
- m. Deleting the text in Provision 6.2.4.2(ii)(b) Height – Podiums and replacing it with the following:

ii)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 *building* frontage above the podium height adjacent to the *public street*.”
- n. Deleting the text in Provision 6.2.4.5(i) Setback and replacing it with the following:

i) “Any *building* with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the *lot line* that abuts Yonge Street or Davis Drive.”

- o. Adding the following text as Provision 6.2.4.5(ii) Setback and renumbering subsequent provisions:
 - ii) “Any *building* with a frontage on Yonge Street or Davis Drive, located on a *corner lot*, shall be setback a minimum of 3.0 metres from the *lot line* that abuts a *public street* other than Yonge Street or Davis Drive.”
- p. Deleting the text in the renumbered Provision 6.2.4.5 iv) and replacing it with the following:
 - iv) “The wall of any tall *building* located above the podium height in accordance with Provision 6.2.4.2 ii) shall be set back a minimum 12.5 metres from any *lot line* that does not abut a *public street*.”
- q. Deleting Diagram 6-3 in Section 6.2.4.5 Setback and replacing it with the diagram shown in Schedule 2 to this by-law as Diagram 6-3a.
- r. Adding the diagram shown in Schedule 3 to this by-law as Diagram 6-3b to Section 6.2.4.5 Setback.
- s. Deleting the text in Provision 6.2.4.9 ii) Parking and Access to Lot and replacing it with the following:
 - ii) “Parking may be provided within a *building* or *structure* or on the surface, but shall only be located in a *side yard* or *rear yard* on *lots* that front onto Davis Drive or Yonge Street.”
- t. Deleting the text in Provision 6.2.4.9 iii) Parking and Access to Lot and replacing it with the following:
 - iii) “Parking for motorized vehicles shall not be permitted in the *yard* that abuts Davis Drive or Yonge Street.”
- u. Deleting the text in Provision 6.2.4.9 iv) and replacing it with the following:
 - iv) “Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the *yard* that abuts Davis Drive or Yonge Street if access to the *lot* is only from Davis Drive or Yonge Street.”
- v. Adding the following site-specific exception to Section 6.2.5 Site Specific Exceptions to the Mixed Use Zone Regulations:

MU-1 (6) 460 Davis Drive – Notwithstanding the provisions set out in this by-law, a setback of 7.5 metres shall be provided from the northerly boundary of the MU-1 (6) Zone as shown on Schedule A Map 5 to this By-law and that no buildings or structures shall be erected within the setback area.
- w. Deleting “Convenience Store” as a permitted use from Table 6.3.2.1 Institutional Zone Permitted Uses.
- x. Deleting SS(1) in Section 8.1 Site Specific Exceptions.
- y. Deleting the text in Section 8.2.1 Holding Zones and Exceptions to Permit Development and replacing it with the following:

“For any *lot* that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-law (for example (H)-1), *uses* permitted by this By-law shall be permitted prior to the removal of the Holding Zone (H) 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.”

- z. Deleting the first paragraph in Section 8.2.2 Requirement to Remove the (H) Symbol and replacing it with the following:

“Notwithstanding Section 8.2.1, for any lot that is subject to a Holding Zone (H), no development as defined by the Planning Act and/or Site Plan Application Process Manual may occur without an application to remove the (H) symbol from the lot.”

- aa. Deleting Schedule A; Schedule A Maps 1 to 6; Schedule B; Schedule B Maps 7 to 12; Schedule C; Schedule C Maps 13 to 18; Schedule D; Schedule E, and Schedule F, and replacing them with Schedules 4 to 27 attached to this by-law.

- 2. That Schedules 1 to 27 inclusive attached to this by-law are declared to form part of this by-law.

Enacted this 21st day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk