



Corporation of the Town of Newmarket

By-law 2021-49

A By-law to amend By-law Number 2010-40, as amended, being the Town of Newmarket Zoning By-law, and By-law Number 2019-06, as amended, being a Town of Newmarket Urban Centres Zoning By-law.

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

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

1. That By-law Number 2010-40, as amended, is hereby further amended as follows:
 - i. The following changes be made to Section 3 Definitions:
 - a. Repeal the definitions of **Body Rub** and **Body Rub Parlour**, and
 - b. Add the following two definitions:

Alternative Massage means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations.

Personal Wellness Establishment means any premises or part thereof where an **alternative massage** is performed, offered or solicited in exchange for payment.
 - ii. Delete the words “**body rub parlour**” and replace with “**personal wellness establishment**” in Section 4.6x) Home Occupations.
 - iii. The following changes be made to Section 6.3.1 Commercial Zone Permitted Uses:
 - a. Add a row for “**Personal Wellness Establishment (*5)**” in the table and that “**Personal Wellness Establishment (*5)**” shall be permitted in Convenience Commercial (CC) Zone; Service Commercial (CS) Zone, and Retail Commercial 1 and 2 (CR-1) (CR-2) Zones, subject to exception (*5).
 - b. Add exception (*5) at the end of the list after the table:

(*5) Within the Convenience Commercial (CC) Zone, Service Commercial (CS) Zone, and Retail Commercial 1 and 2 (CR-1) (CR-2) Zones, **Personal Wellness Establishment** shall only be permitted on lands shown in Schedule F: Personal Wellness Establishment Permitted Areas.

- iv. That the following changes be made to Section 6.4.1 Permitted Uses in the Downtown and Urban Centre Zones:
 - a. Add a row for “**Personal Wellness Establishment (*5)**” in the table and that “**Personal Wellness Establishment (*5)**” shall be permitted in Provincial Urban Centre (UC-P) Zone; Regional Urban Centre (UC-R) Zone; Historic Downtown (UC-D1) Zone, and Downtown (UC-D2) Zone, subject to exception (*5).
 - b. Add exception (*5) at the end of the list after the table:
 - (*5) Within the Provincial Urban Centre (UC-P) Zone; Regional Urban Centre (UC-R) Zone; Historic Downtown (UC-D1) Zone, and Downtown (UC-D2) Zone, **Personal Wellness Establishment** shall only be permitted on lands shown in Schedule F: Personal Wellness Establishment Permitted Areas.
 - v. The following changes be made to Section 6.5.1 Permitted Uses in Employment Zones:
 - a. Delete the row of “**Body Rub Parlour**” in its entirety, and
 - b. Add a row for “**Personal Wellness Establishment (*9)**” and that “**Personal Wellness Establishment (*9)**” shall be permitted in Mixed Employment (EM) Zone, subject to exception (*9).
 - c. Add exception (*9) at the end of the list after the table:
 - (*9) Within the Mixed Employment (EM) Zone, **Personal Wellness Establishment** shall only be permitted on lands shown in Schedule F: Personal Wellness Establishment Permitted Areas.
 - vi. Add the attached Schedule 2 as Schedule F: Personal Wellness Establishment Permitted Areas to By-law 2010-40, as amended.
2. That By-law Number 2019-06, as amended, is hereby further amended as follows:
- i. The following changes be made to Section 3 Definitions:
 - a. Repeal the definitions of **Body Rub** and **Body Rub Parlour**, and
 - b. Amend the definition of **Home Occupation** by adding the following sentence at the end of the definition:

For the purpose of this by-law, **personal wellness establishment** shall not be permitted as **home occupation**.
 - c. Add the following two definitions:

Alternative Massage means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations.

Personal Wellness Establishment means any premises or part thereof where an **alternative massage** is performed, offered or solicited in exchange for payment.

- ii. That the Non-Residential Uses parking requirements table in Section 5.3.1.2 be amended by inserting the following parking requirements for “**Personal Wellness Establishment**”:

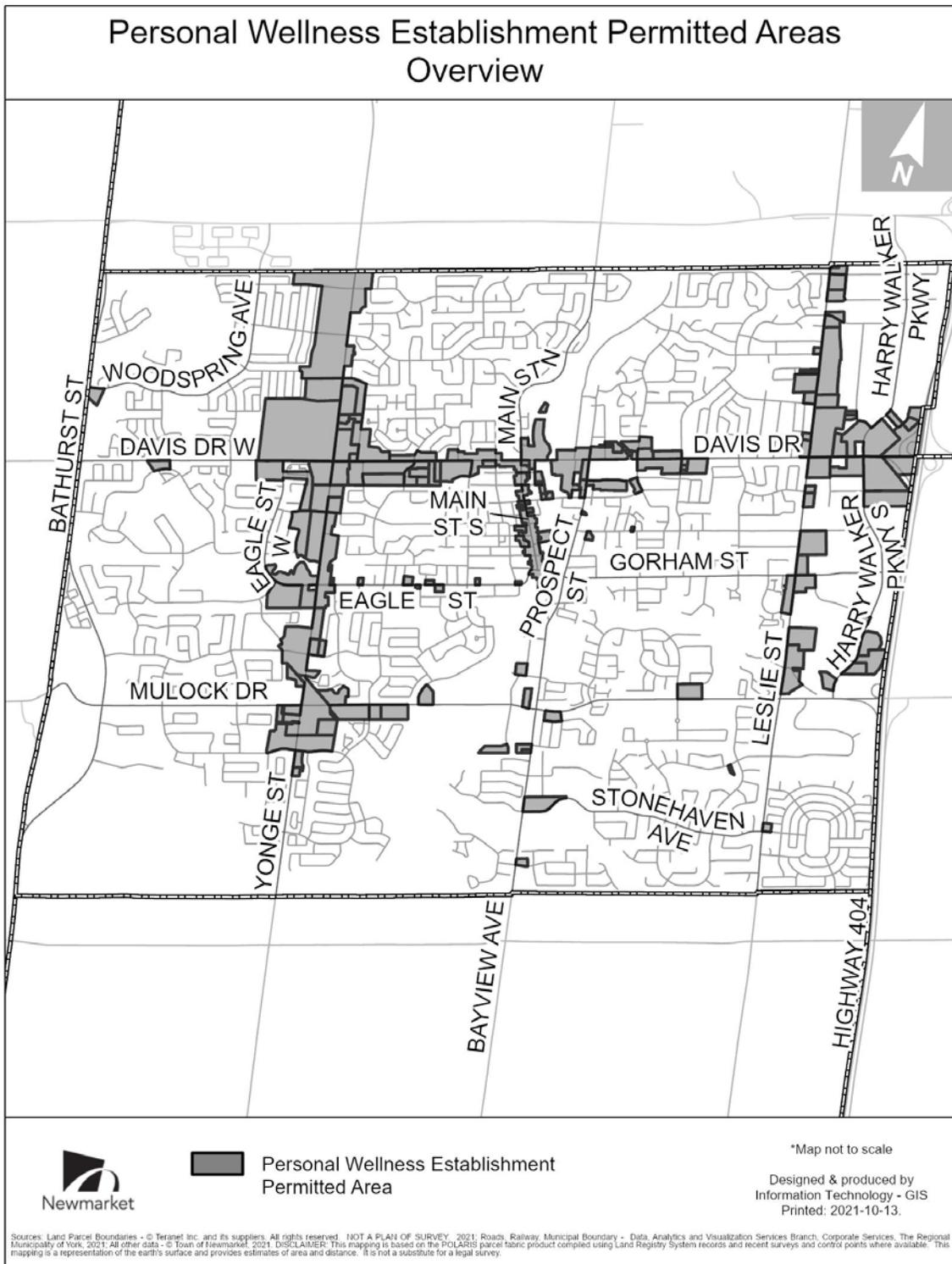
Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Personal Wellness Establishment	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area

- iii. Add a row in Table 6.2.2.1: Mixed Use Zone Permitted Uses for “**Personal Wellness Establishment**” and that “**Personal Wellness Establishment**” shall be permitted in MU1-3 Zones.
3. That Schedules 1 and 2 attached hereto shall form part of this by-law.

Enacted this 1st day of November, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Schedule "F" to By-Law No.2010-40

Town of Newmarket



 Personal Wellness
Establishment
Permitted Area

 Railway

 Municipal
Boundary



October, 2021

Designed & Produced by Information Technology – GIS
Sources: Land Parcel Boundaries – © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2021; Roads, Railway Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services © The Regional Municipality of York, 2021; All other data - © Town of Newmarket, 2021.
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