



# Corporation of the Town of Newmarket

## By-law 2022-XX

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area, and By-law Number 2010-40 being the Town's Comprehensive Zoning By-law for lands outside of the Urban Centres Secondary Plan (49, 55 & 59 Charles Street and 52 Prospect Street)

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

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

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

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. And that By-law 2010-40 is hereby amended by:
  - a. Deleting from Schedule 'A' the lands subject to By-law 2010-40, R1-D Zone being 49 Charles Street PT LT UNNAMED AKA LANE PL 125 NEWMARKET AS IN R724223; TOWN OF NEWMARKET. The lands are no longer subject to Zoning By-law 2010-40.
3. Adding to Schedule 'A' Map 6, the lands being 49 Charles Street PT LT UNNAMED AKA LANE PL 125 NEWMARKET AS IN R724223; TOWN OF NEWMARKET
4. And that By-law 2019-06 is hereby amended by:
  - i) Deleting from Schedule 'A' Map No. 6 the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Holding Mixed-Use 1 Site Specific Exceptions ((H)MU-1-(8), (H)MU-1-(9) and (H)MU-1-(10)) and Open Space 2 (OS-2) Zones as shown on Schedule 1 of By-law 2022-XX.
  - ii) Amending Section 6.2.5 to add MU-1-(8), MU-1-(9) and MU-1-(10) as a site specific exceptions as follows:

MU-1-(8) – 49 Charles Street PT LT UNNAMED AKA LANE PL 125 NEWMARKET AS IN R724223; TOWN OF NEWMARKET–

    - a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking is to be shared with 55 & 59 Charles Street and 52 Prospect Street.

- b) Notwithstanding Section 5.5, driveway access may be provided from an entrance/exit a minimum width of 6.0 metres and may be provided from a lane.
- c) Notwithstanding Section 5.4.5., snow storage shall not be required.
- d) Notwithstanding Section 6.2.4.5.ii), the part of a *building wall* containing windows may be located a minimum 2.3 m from a *lot line* that is not adjacent to a *public street* or *public lane*.
- e) Notwithstanding Section 5.6.1 one (1) *loading space* shall be required.
- f) Notwithstanding Section 5.6.3 the setback of the *loading space* shall be a minimum of 1.3 metres.
- g) Notwithstanding Section 6.2.4.4., a minimum 70.0 m<sup>2</sup> outdoor rooftop amenity shall be required. No indoor amenity is required.
- h) Notwithstanding the requirements of Section 6.2.4.6, Angular Planes - shall not apply to this *lot*.
- i) Notwithstanding Section 6.2.4.10., the *loading space* is not required to be located in a wholly enclosed building, and may be accessed from Charles Street
- j) Notwithstanding Section 3, Floor Space Area shall mean: the *gross floor area* of all Buildings on a *lot* divided by the *lot* area, excluding parkland or floodplain lands.

iii. Adding Section 8.2.5 Requirement to Remove the (H) Holding Provision from 49 Charles Street (as shown on Schedule A)

No person within these lands shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of By-law 2022-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2022-XX shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and the By-law comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.

Section 8.2.5. i Conditions for Removal of the Holding Provision

1. A Site Plan Agreement to permit the development as proposed has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.

2. That compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy has been provided to the Town for the removal of trees on the site.
3. A Development Charges Deferral Agreement has been executed, if appropriate, to the satisfaction of the Town.
4. That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.

MU-1-(9) - 52 Prospect Street LT 30 PL 125 NEWMARKET;  
NEWMARKET

- a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking is to be shared with 49 and 55 & 59 Charles Street
- b) Notwithstanding Section 5.5, driveway access may be provided from an entrance/exit a minimum width of 6.0 metres and may be provided from a lane.
- c) Notwithstanding Section 6.2.4.5.ii, the part of a *building wall* containing windows may be located a minimum 2.3 m away from a *lot line* that is not adjacent to a *public street* or *public lane*.
- d) Notwithstanding Section 5.4.5., snow storage shall not be required.
- e) Notwithstanding Section 5.6.1., one (1) *loading space* shall be required.
- f) Notwithstanding Section 5.6.3., the setback of the *loading space* shall be a minimum of 0.70 metres.
- g) Notwithstanding Section 6.2.4.4., a minimum 70.0 m<sup>2</sup> outdoor rooftop amenity shall be required. No indoor amenity is required.
- h) Notwithstanding Section 6.2.4.10., the *loading space* is not required to be located in a wholly enclosed building, and may be accessed from Prospect Street.
- i) Definitions: Notwithstanding Section 3, Floor Space Area shall mean: the *gross floor area* of all Buildings on a *lot* divided by the *lot* area, excluding parkland or floodplain lands.
- a. Adding Section 8.2.5 Requirement to Remove the (H) Holding Provision from 52 Prospect Street (as shown on Schedule A Map 6)

No person within these lands shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of By-law 2022-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2022-XX shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and the By-law comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.

#### Section 8.2.5.i Conditions for Removal of the Holding Provision

1. Prior to the execution of a site plan agreement and prior to the issuance of an above grade Building Permit, confirmation is provided to the Town in the form of a remediation report, certification from the Engineer that the site is remediated in accordance with the acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has been filed for the site. The Town's reliance letter template shall be completed prior to removing the Holding Provision. The Holding Provision can not be removed prior to receipt of a Letter of Acknowledgement of the filing a RSC from the MOECP.
2. A Site Plan Agreement to permit the development as proposed has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.
3. A Development Charges Deferral Agreement has been executed, if appropriate, to the satisfaction of the Town.
4. That compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy has been provided to the Town for the removal of trees on the site.
5. That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.

MU-1-(10) & OS-2 – 55 Charles Street LT 27 PL 125 NEWMARKET;  
TOWN OF NEWMARKET and 59 Charles Street LT 26 PL 125  
NEWMARKET; NEWMARKET

- a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking is to be shared with 49 Charles Street and 52 Prospect Street.
- b) Notwithstanding Section 4.2, balconies are permitted up to the *lot line*.

- c) The requirements of Section 4.10.1, Landscape Buffers in Parking Lots shall not apply to this *lot*.
  - d) Notwithstanding Section 5.4.5., snow storage shall not be required.
  - e) Notwithstanding Section 6.2.4.5.ii, the part of a *building wall* containing windows may be located a minimum 0.70 m away from a *lot line* that is not adjacent to a *public street* or *public lane*.
  - f) Notwithstanding Section 5.3.3, Barrier Free Parking Spaces shall not be required.
  - g) Notwithstanding Section 5.6.1, *Loading Spaces* shall not be required.
  - h) Definitions: Notwithstanding Section 3, Floor Space Area shall mean: the *gross floor area* of all Buildings on a *lot* divided by the *lot* area, excluding parkland or floodplain lands.
- b. Adding Section 8.2.5 Requirement to Remove the (H) Holding Provision from 55 Charles Street and 59 Charles Street (as shown on Schedule A Map 6)

No person within these lands shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of By-law 2022-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2022-XX shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and the By-law comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town. Any grading, filling or works necessary to fulfill the requirements of testing for and/or site remediation required to obtain approval for Record of Site Condition and/or to provide approved servicing, shall be permitted.

Section 8.2.5.i Conditions for Removal of the Holding Provision

1. A Site Plan Agreement to permit the development as proposed has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.
2. That compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy has been provided to the Town for the removal of trees on the site.
3. That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.

3. That Schedule 1 attached hereto shall form part of By-law 2022-XX

Enacted this 28th day of March, 2022.

John Taylor, Mayor

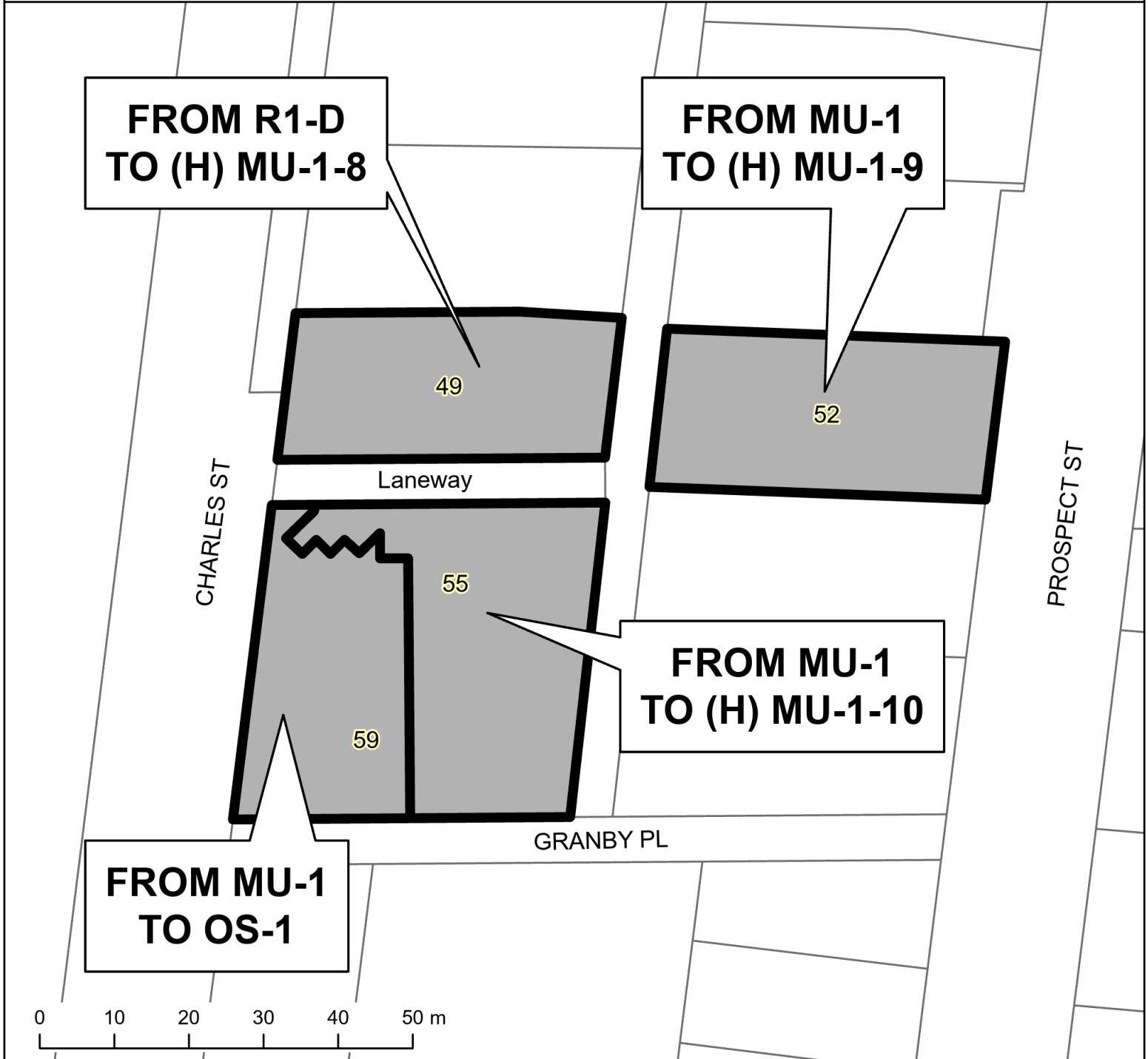
Lisa Lyons, Town Clerk

**TOWN OF NEWMARKET  
 REGIONAL MUNICIPALITY OF YORK  
 49 CHARLES ST, 55 AND 59 CHARLES ST,  
 AND 52 PROSPECT ST  
 PT BLK A PL 125; LT 26 PL 125; LT 27 PL 125;  
 LT 30 PL 125**

This is Schedule "1"  
 To Bylaw 2022-  
 Passed this \_\_\_\_\_ Day  
 of \_\_\_\_\_, 2022.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CLERK



**SCHEDULE "1" TO BY-LAW 2022-  
 TOWN OF NEWMARKET PLANNING DEPARTMENT**



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