



Corporation of the Town of Newmarket

By-law 2023-30

A By-law to amend By-law Number 2010-40, as amended, being the Town’s Comprehensive Zoning By-law (1038 and 1040 Jacarandah Drive)

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 2010-40, as amended;

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 (Subject Lands).
- 2. And that By-law 2010-40, as amended is hereby amended by:
 - a. Deleting from Schedule ‘A’ Map No. 6 the Residential Detached Dwelling 15m Zone (R1-D) on 1038 and 1040 Jacarandah Drive; and substituting therefore Holding Residential Semi-Detached Dwelling 13.6m Exception 165 ((H)R2-H-165) Zone as shown more particularly on Schedule ‘1’ attached hereto, and forming part of this By-law.
 - b. Adding the following regulations to Section 8.1.1 List of Exceptions and a new Exception number having the following regulations relating to (H) R2-H-165:

Exception 165	Zoning (H) R2-H-165	Map 6	By-law Reference 2023-30	File Reference D14-NP17-12
<div><div>i)</div><div>Location: North side of Davis Drive and west side of Leslie Street (1038 and 1040 Jacarandah Drive)</div></div> <div><div>ii)</div><div>Legal Description: Part E1/4 Lot 3, Concession 2, East Gwillimbury Being Parts 1 &2 on Plan 65R3055, Town of Newmarket</div></div> <div><div>iii)</div><div>Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned R2-H-165 shown on Schedule ‘1’ attached here to:</div></div>				

Development standards:

- | | |
|--|--------------------|
| a) Number of semi-detached units (maximum) | 20 |
| b) Number of single-detached units (maximum) | 3 |
| c) Setback from south property line (minimum) | 5.0 m |
| d) Setback from north property line (Jacarandah Drive) (minimum) | 2.4 m |
| e) Setback from the east property line (minimum)
Notwithstanding provision (e) above, where the side yard of a building abutting the east property, the setback shall be a minimum of 1.8m | 4.5 m |
| f) Setback from west property line (minimum)
Notwithstanding provision (f) above, where the side yard of a building abutting the west property, the setback shall be a minimum of 2.4m | 5.0 m |
| g) Setback from a garage to private road (minimum) | 5.5 m |
| h) Setback from the front main wall of a building to a private road (minimum) | 2.5 m |
| i) Building Separation (minimum) | 1.2 m |
| j) Setback from the side wall of a dwelling to a private road (minimum) | 1.2 m |
| k) Maximum Lot Coverage for the subject lands | 50% |
| l) Maximum Building Height | 3 storeys - 10.5 m |
| m) Permitted Encroachments | |
| <p>Balconies are permitted to project from the second storey a maximum of 1.0 metre into the rear yards of each unit. Balconies are not permitted to project from the rear wall of for the units adjacent to the southern property line.</p> <p>Decks are only permitted to project from the first storey a maximum of 2.0 metres from the first storey rear wall of each unit.</p> <p>Porches are permitted to project a maximum of 1.0 metre from the front wall of any unit including eaves, cornices, and steps but no closer than 1.5 metres to the lot line.</p> | |
| n) Minimum private road width | 6.0 metres |

o) Minimum driveway width (per unit)	5.3 metres
p) Maximum driveway width (per unit)	6.0 metres
q) Where any form of dwelling is erected in conformity with a 'Draft Plan of Subdivision'; parts of the lands affected by the 'Draft Plan of Subdivision' forms a 'common elements condominium'; and, the balance of the lands affected by the 'Draft Plan of Subdivision' are 'parcels of tied land' with respect to that 'common elements condominium', no provision of this By-law shall be deemed to be contravened by reason of the conveyance of a 'parcel of tied land' upon which a dwelling unit is erected, provided that all of the standards of this by-law are met for the lands as a whole, as set out in the 'Draft Plan of Subdivision' and provided the 'common elements condominium' and the 'parcels of tied land' are contiguous	
r) For clarity, 'parcel of tied land' means a parcel of land to which the common interest in the common elements condominium attaches as provided for in Subsection 139(2) of the Condominium Act 1998 or a successor thereto for "parcels of tied land" has the corresponding plural meaning	
t) For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.	
u) For clarity, a 'Draft Plan of Subdivision' means an agreement entered into pursuant to Section 41 of the Planning Act, R.S.O. 1990 or a successor thereto.	

3. And that By-law 2010-40 is hereby amended by:
- a. Adding the following provisions to Section 8.2.1 List of Holding Provisions.

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2023-30	Part E1/4 Lot 3, Concession 2, East Gwillimbury Being Parts 1 &2 on Plan 65R3055, Town of Newmarket	No person within the lands zoned (H)R2-H-165 Zone 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.	That sufficient servicing capacity is available, and has been allocated by the Town as confirmed by the Director of Planning and Building Services;
Date Enacted: May 15, 2023	1038 and 1040 Jacarandah Drive	Furthermore, no extension or enlargement of the	That the Owner has signed the Town's site plan

		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.	agreement and has posted all performance security contemplated therein; That the Owner has signed the Town's subdivision agreement and has posted all performance security contemplated therein 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.
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3. And all other provisions of By-law 2010-40, as amended, shall apply to the lands subject to this By-law.
4. That Schedule 1 attached hereto shall form part of By-law 2023-30

Enacted this 15th day of May, 2023.

John Taylor, Mayor

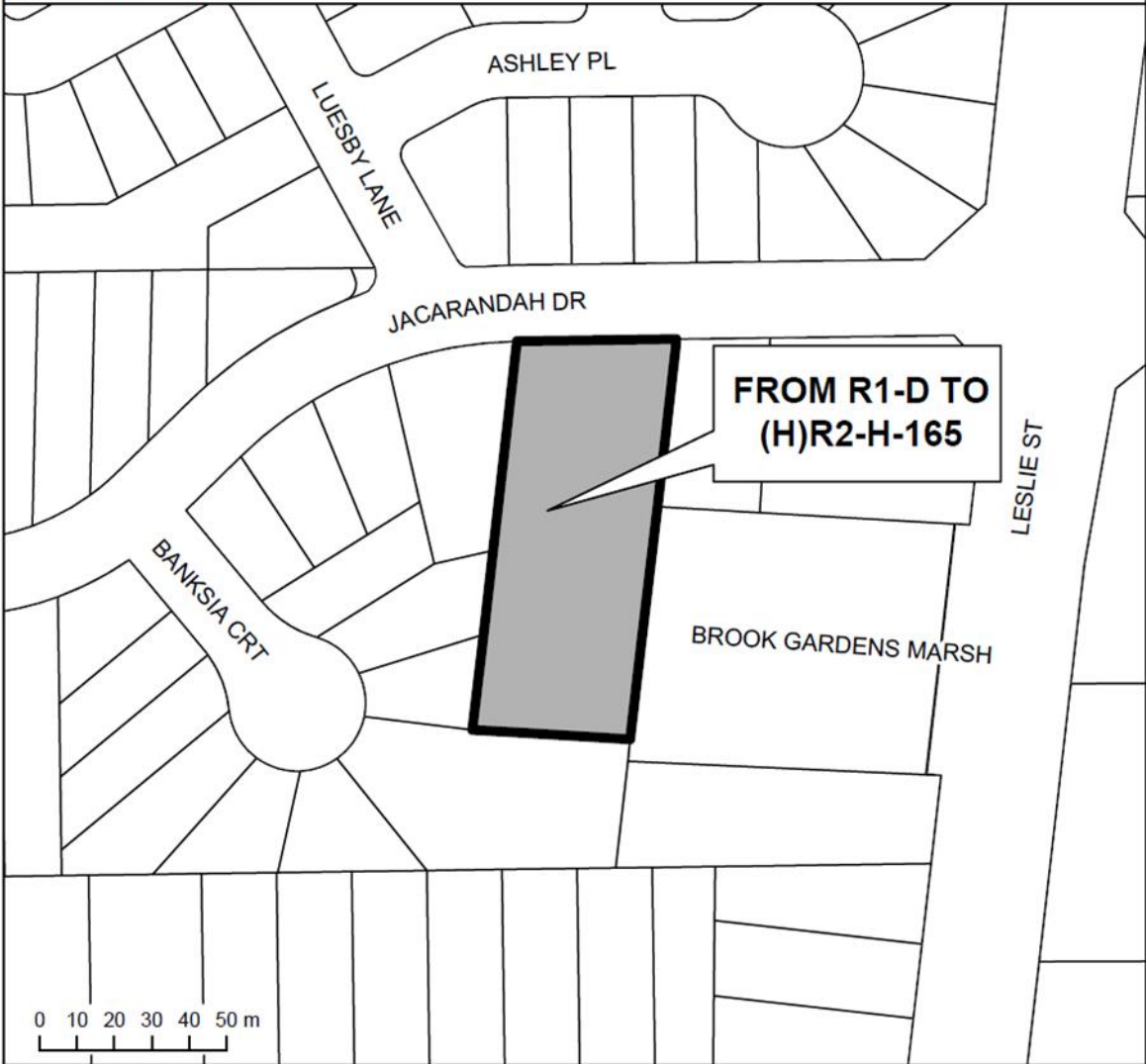
Lisa Lyons, Town Clerk

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
1038 AND 1040 JACARANDAH DRIVE
EAST GWILLIMBURY CON 2 PT LOT 3 RP
65R3055 PARTS 1 AND 2 TOWN OF
NEWMARKET

This is Schedule '1'
To Bylaw 2023- 30
Passed this 15th Day
of May, 2023.

MAYOR _____

CLERK _____



SCHEDULE "1" TO BY-LAW 2023-
TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS Printed: March, 2023. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2023. Zoning - Town of Newmarket, 2023. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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