



**Corporation of the Town of Newmarket**

**By-law 2023-39**

A By-law to amend By-law Number 2010-40, as amended, being the Town’s Comprehensive Zoning By-law (415 Pickering Crescent)

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. 14 the Major Institutional (I-A) on 415 Pickering Crescent; and substituting therefore Holding Residential Townhouse Dwelling 3 Exception 167 ((H)R4-R-167) and Holding Residential Detached Dwelling 9.7m Exception 168 ((H)R1-F-168) 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)R4-R-167):

Exception 167	Zoning (H)R4-R-167)	Map 14	By-law Reference 2023-39	File Reference D14-NP20-15
<div><div>i)</div><div>Location: North side of Mulock Drive and west side of Leslie Street (415 Pickering Crescent)</div></div> <div><div>ii)</div><div>Legal Description: Block 34 on Plan 65M-2836, 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 (H)R4-R-167 shown on Schedule ‘1’ attached here to:</div></div>				

Permitted Uses: Common Element Condominium Townhouse Units

Development standards:

- |  |                    |
|--|--------------------|
| a) Number of townhouse units (maximum)   | 24                 |
| b) Lot Area minimum (Total Parcel)   | 0.65 ha            |
| c) Minimum Lot Frontage  | 17m                |
| d) Lot Frontage per unit on a private road (minimum):  | 6.0m               |
| e) Setback from south property line (minimum)<br>Notwithstanding provision (e) above, where the side yard of a building is abutting the south property line, the setback shall be a minimum of 3.0m                              | 6.6m               |
| f) Setback from north property line (minimum)  | 3.6m               |
| g) Setback from east property line (minimum)   | 7.8 m              |
| h) Side setback from the west property line (Pickering Crescent ) (minimum)<br>Notwithstanding provision (h) above, where the side yard of a building is abutting the west property line, the setback shall be a minimum of 3.5m | 5.5 m              |
| i) Setback from a garage to private road (minimum)   | 5.6 m              |
| j) Maximum Lot Coverage for the subject lands  | n/a                |
| k) Maximum Building Height   | 3 storeys – 11.6 m |
| l) Building Separation (minimum)   | 2.3 m              |
| m) Permitted Encroachments   |                    |

Porches and steps shall be permitted to project a maximum of 1.55 metres from the front building wall of any unit including eaves, cornices and steps but no closer than 1.5 metres to the private road.

Notwithstanding any provision to the contrary, decks adjacent to the second-floor wall to a maximum of 3.5 metres above average finished grade shall be permitted to project from the rear of any townhouse dwelling unit not more than 2.0 metres. Landings and steps may encroach an additional 2.6 metres,

but in no instance shall landings or steps be located closer than 1.2 metres from the property line.	
n) Minimum private road width	6.0 metres
o) Maximum driveway width	3.2 metres
p) Minimum private amenity space	102 square metres
q) Notwithstanding Section 5.3.1, the minimum required parking spaces per dwelling unit may be located on the parcels of tied land (POTL) or within the common element condominium block.	
r) On lands zoned Holding Residential Townhouse Dwelling 3 Exception 167 ((H)R4-R-167) Section 4.14.1.(i) shall not apply.	
s) On lands zoned Holding Residential Townhouse Dwelling 3 Exception 167 ((H)R4-R-167) Section 5.4.3.(ii)(b) shall not apply.	
t) Notwithstanding the definitions in Section 3, ‘Balcony’ means a raised platform or structure in excess of 3 metres above grade which may or may not be supported by vertical uprights other than from the exterior wall of the building from which it projects and is only accessible from within the building.	
u) 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.	

c. Add the following regulations relating to the (H)R1-F-168) Zone to Section 8.1.1 List of Exceptions

Exception 168	Zoning (H)R1-F-168)	Map 14	By-law Reference 2023-39	File Reference D14-NP20-15
iv)	Location: North side of Mulock Drive and west side of Leslie Street (415 Pickering Crescent)			
v)	Legal Description: Block 34 on Plan 65M-2836, Town of Newmarket			
vi)	Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned ((H)R1-F-168) shown on Schedule ‘1’ attached here to:			

Development standards:

- |   |            |
|---|------------|
| a) Minimum front yard setback   | 5.5 metres |
| b) Minimum rear yard setback for the most northerly unit:                             | 3.1 metres |
| c) Minimum side yard setback for most northerly unit (abutting a private street):     | 0.6 metres |
| d) Minimum rear yard setback for the second most northerly unit:                      | 6.6 metres |
| e) Minimum side yard setback for the most southerly unit (abutting a private street): | 1.2 metres |

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
2023-39	Block 34 on Plan 65M-2836	No person within the lands zoned (H)R4-R-167 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:  June 26, 2023	415 Pickering Crescent	Furthermore, no extension or enlargement of the 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	That the Owner has signed the Town's site plan agreement and has posted all performance security contemplated therein;  That compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and

		and effect.	Enhancement Policy has been provided to the Town for the removal of trees on the site; and,  That compensation, in accordance with the letter of understanding provided by the applicant to address affordable housing policies be provided.
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By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2023-39  Date Enacted:  June 26, 2023	Block 34 on Plan 65M-2836  415 Pickering Crescent	No person within the lands zoned (H)R1-F-168 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.  Furthermore, no extension or enlargement of the 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.	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; and,  That compensation, in accordance with the letter of understanding provided by the applicant to address affordable housing policies be provided.

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 2023-39

Enacted this 26<sup>th</sup> day of June, 2023.

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John Taylor, Mayor

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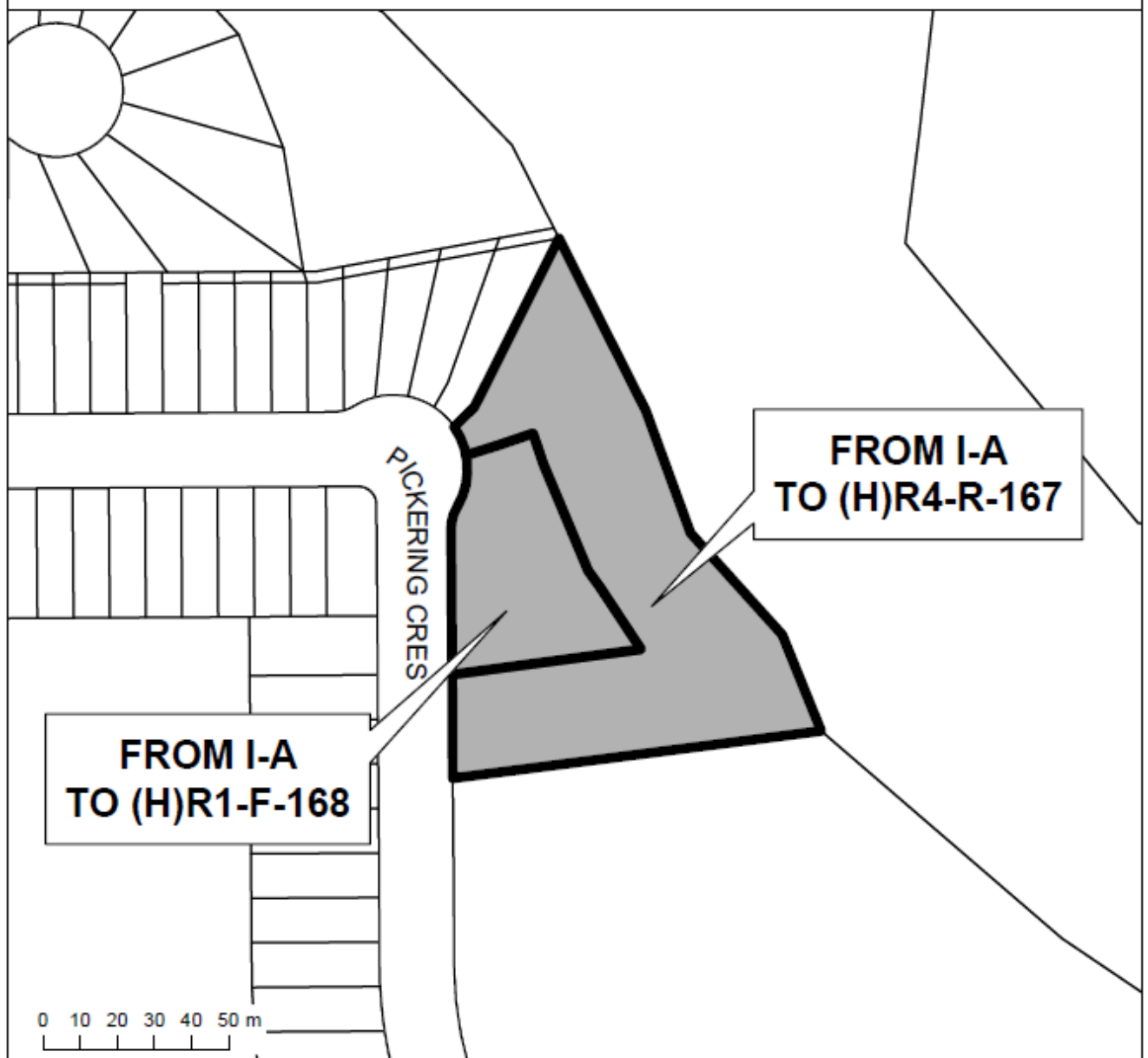
Lisa Lyons, Town Clerk

TOWN OF NEWMARKET  
 REGIONAL MUNICIPALITY OF YORK  
 415 PICKERING CRESCENT  
 PLAN 65M2836 BLK 34

This is Schedule '1'  
 To Bylaw 2023-  
 Passed this \_\_\_\_\_ Day  
 of \_\_\_\_\_, 2023.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



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



Designed & Produced by Information Technology – GIS Printed: May, 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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