

Corporation of the Town of Newmarket

By-law 2023-62

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (315 Davis Drive – Format GP Davis Inc.).

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 2019-06;

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

1. That lands subject to this amendment are illustrated on Schedules 1, 2 & 3 attached hereto
2. And that By-law 2019-06 is hereby amended by:
 - a. Deleting from Schedule A Map No. 5 the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 14 (MU-1(14)) Zone as shown on Schedule 1.
 - b. Deleting from Schedule B Map 11 the maximum permitted height and replacing it with 25m as shown on Schedule 2.
 - c. Adding to Schedule C Map 17 the subject lands with the label (H) as shown on Schedule 3 of By-law.
 - d. Amending Section 6.2.5 to add MU-1(14) as a site specific exception as follows:

MU-1(14) – 315 Davis Dr

Notwithstanding subsection 4.10.2.ii) the landscaped buffers adjacent to the properties on Hillview can include a pedestrian walkway, outdoor amenity space and access to the underground garage.

A 2.4m high opaque and/or board fence shall be provided on the north property line, adjacent to Hillview Drive.

Section 5.2.2.1 relating to Obstructions to parking spaces shall not apply.

Notwithstanding Section 5.6.1 only one loading space is required. Section 5.6.2 does not apply.

Notwithstanding subsection 6.2.4.2.i) the maximum building height shall be 25m.

Notwithstanding subsection 6.2.4.3 the maximum permitted Floor Space Index shall be 4.3.

Notwithstanding subsection 6.2.4.5 the minimum setbacks shall be:

- To a lot line that does not face a street shall be 3.0m, for a building wall with windows;
- To Davis Drive 0.0m
- To the rear lot line shall be 5m

Notwithstanding Section 6.2.2.3, commercial, residential or institutional uses are not required along the Above Grade Parking Garage that faces Davis Drive. The screening will be provided by a green wall.

Notwithstanding section 6.2.4.4., the outdoor amenity space per unit shall be 1.65m².

Notwithstanding subsection 6.2.4.6 the minimum angular plane from a height of 1.7 metres above the established grade at lot line of the adjacent residential zone shall be 60 degrees.

There is no vehicular access to Hillview Drive, therefore Sections 6.2.4.9 (i) and 6.2.4.10 (ii) do not apply.

Notwithstanding Section 45 (1.3) of the Planning Act, the Owner does not require a resolution from Council, as per Section 45 (1.4), to apply for a minor variance before the second anniversary of the day on which this by-law is passed.

All other aspects of the Zoning By-law remain applicable.

- e. Adding Section 8.2.6 Requirement to Remove the (H) Holding Provision from 315 Davis Drive (as shown on Schedule C Map 17).

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 2023-62.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2023-62 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 Source Water Protection and/or construction of 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. Furthermore the Holding provision will not prevent any work associated with fulfillment of the conditions in Section 8.2.6.i below.

Granting of Site Plan Control Approval, with conditions, by either the Director of Planning & Building Services or the Development Coordination Committee, will indicate that the development design is sufficiently advanced to allow for a concurrent application for a Conditional Building Permit. A Holding provision will not prevent the issuance of a Conditional Building Permit. The Conditional Building Permit (along with a separately executed agreement) may be granted for any stage of construction, that is deemed appropriate, at the sole discretion of the Chief Building Official.

Section 8.2.6.i Conditions for Removal of the Holding Provision

1. That Servicing Allocation has been granted in accordance with the Town's Servicing Allocation Policy.
 2. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.
 3. That the Site Plan Agreement documents the appropriate tree compensation to be provided, and any cash-in-lieu compensation is provided prior to the execution of the Site Plan Agreement.
 4. A Noise and Vibration Study and a Zone of Vibration Influence Report be completed to the satisfaction of the Town and shall be carried out including the requirement of pre-condition surveys, effective monitoring and data reporting, resident and owner notifications and a process for complaint handling, to the satisfaction of the Town.
 5. That the Owner agree in the Site Plan Agreement that 17 units will meet the Region-wide affordable ownership or rental threshold in the year that the units are marketed and/or sold.
 6. All necessary requirements of the Town have been satisfied.
 7. All necessary approvals have been received by other commenting agencies and authorities, to the satisfaction of the Town.
3. That Schedules 1, 2 & 3 attached hereto shall form part of By-law 2023-62

Enacted this 20th day of November, 2023.

John Taylor, Mayor

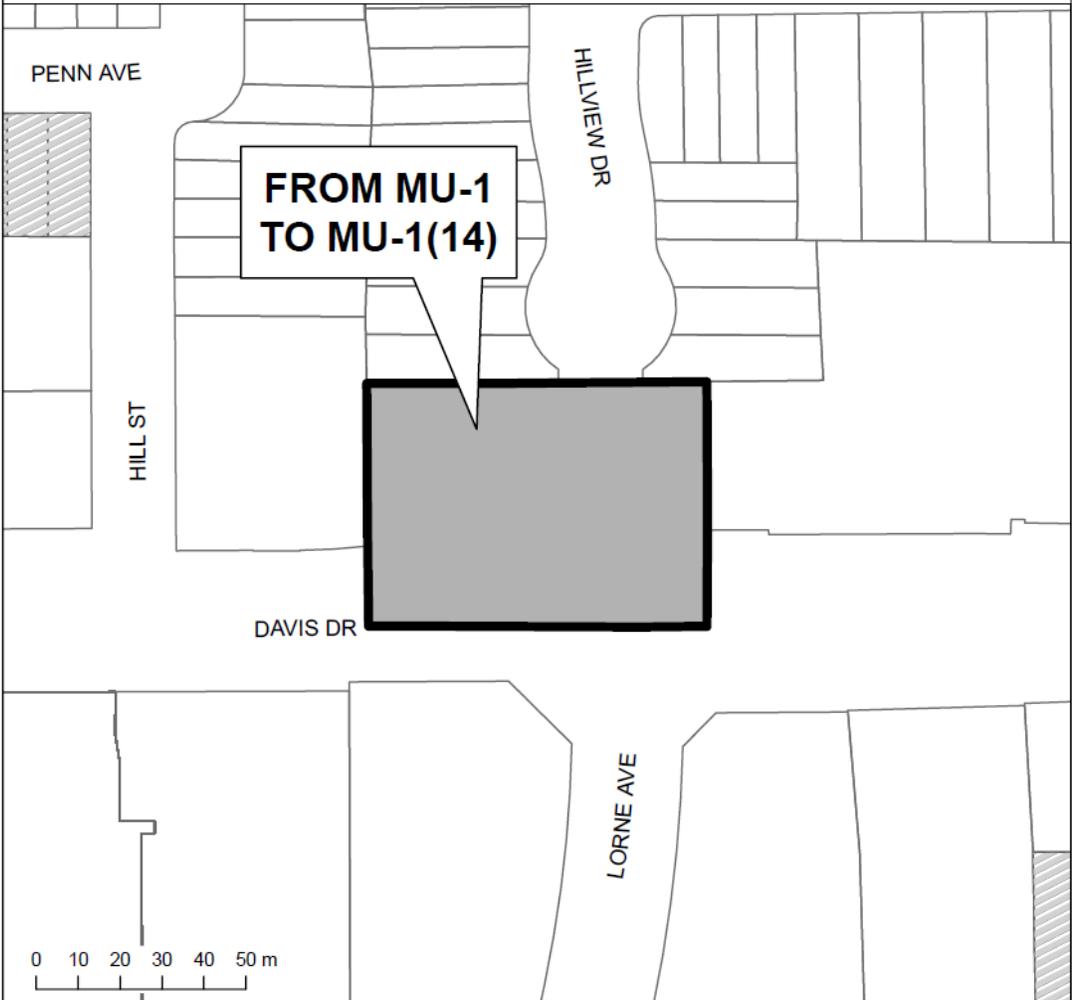
Lisa Lyons, Town Clerk

Schedule 1

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
299-213 DAVIS DRIVE
PLAN 112 PT LOT 3 PT MAPLE ST AND
RP 65R31773 PARTS 58 59 62 TO 64 AND
69 RP R753736 PART 3

This is Schedule "1"
To Bylaw 2023- 62
Passed this 20th Day
of November, 2023.

MAYOR _____
CLERK _____



 SCHEDULE "1" TO BY-LAW 2023- 62
TOWN OF NEWMARKET PLANNING DEPARTMENT 

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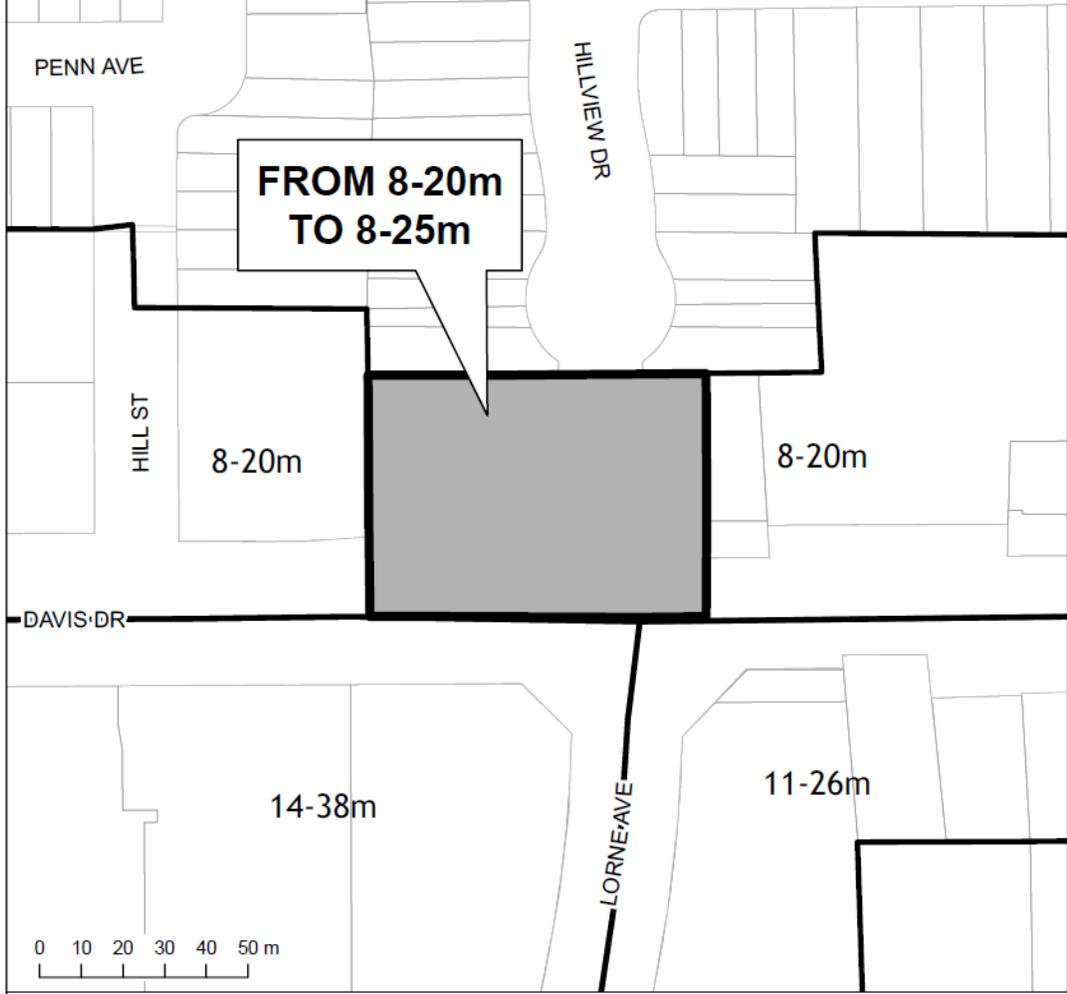
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Schedule 2

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
299-213 DAVIS DRIVE
PLAN 112 PT LOT 3 PT MAPLE ST AND
RP 65R31773 PARTS 58 59 62 TO 64 AND
69 RP R753736 PART 3

This is Schedule '2'
To Bylaw 2023- 62
Passed this 20th Day
of November, 2023.

MAYOR _____
CLERK _____



 SCHEDULE "2" TO BY-LAW 2023- 62
TOWN OF NEWMARKET PLANNING DEPARTMENT 

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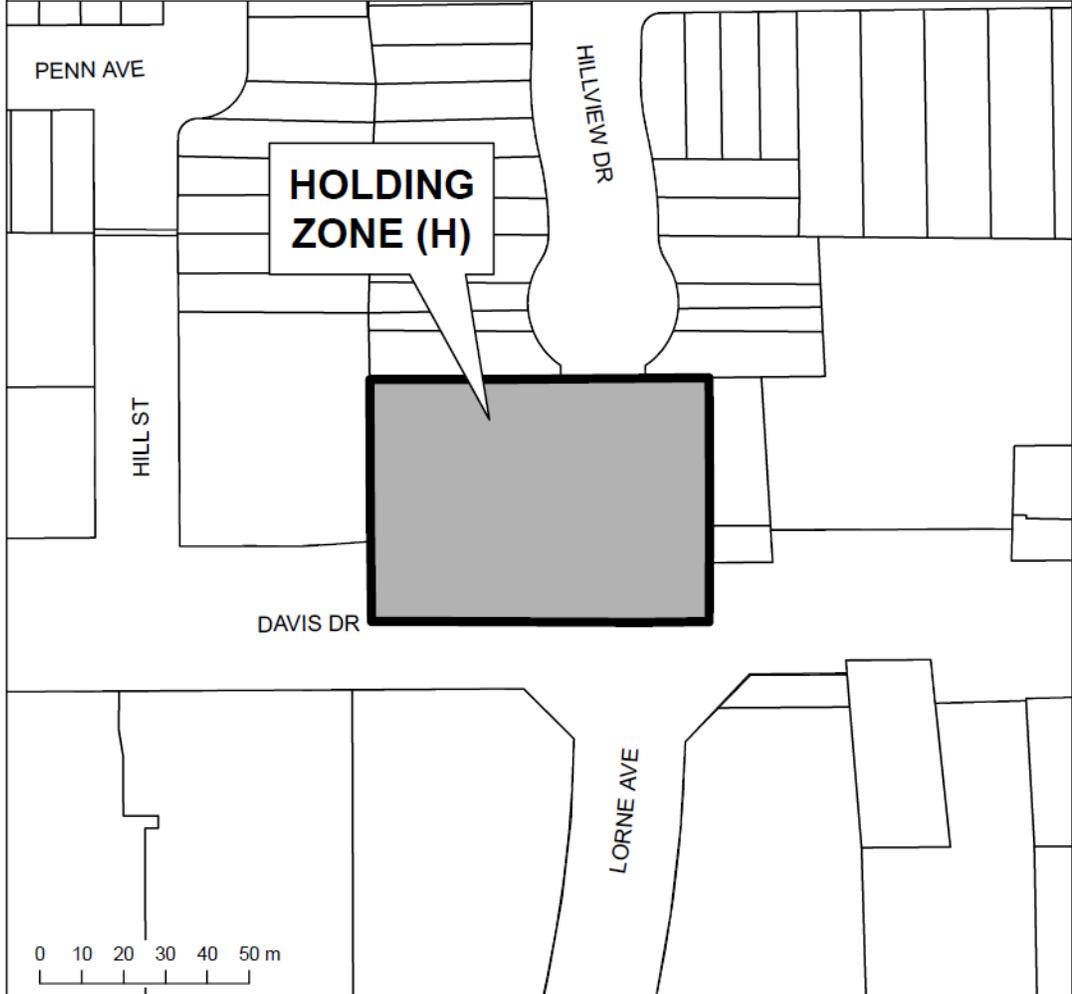
Schedule 3

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
299-213 DAVIS DRIVE
PLAN 112 PT LOT 3 PT MAPLE ST AND
RP 65R31773 PARTS 58 59 62 TO 64 AND
69 RP R753736 PART 3

This is Schedule '3'
To Bylaw 2023-62
Passed this 20th Day
of November, 2023.

MAYOR _____

CLERK _____



SCHEDULE "3" TO BY-LAW 2023- 62
TOWN OF NEWMARKET PLANNING DEPARTMENT



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