



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-35

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.
(Kingmount GH (Davis) Investment Ltd. – 345 and 351 Davis Drive)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40 as amended;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

AND THAT By-law Number 2010-40 as amended be and the same is hereby further amended by:

1. Delete from Schedule 'A', Map No.6, the Regional Urban Centre Zone Exception 86 (UC-R-86) Zone on 345 Davis Drive and the Regional Urban Centre (UC-R) Zone on 351 Davis Drive; and substituting therefore the Regional Urban Centre Zone ((H) UC-R-130) Zone as shown more particularly on Schedule 'X' attached hereto, and forming part of this By-law.
2. Adding the following regulations relating to the UC-R Zone to Section 8.1.1 List of Exceptions:

Exception	Zoning	Map	By-Law Reference	File Reference
130	(H) UC-R-130	4		D14-NP-13-29
<div><div>i) Location: 345 and 351 Davis Drive</div><div>ii) Legal Description: Plan 78 PT LOTS 29 TO 31 PT; Plan 78 PT LOTS 29 TO 31 PT, Town of Newmarket</div><div>iii) Use: Only a <i>dwelling, stacked townhouse</i> shall be permitted. For clarity, more than twenty units are permitted on the site up to a maximum of 40 units, and access to all second level units shall be from an interior stairway within the stacked townhouse <i>building</i> which is accessed from from an external stairway.</div><div>iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:<div><div>a) Minimum frontage: 44 m</div><div>b) Maximum front yard setback: 6.0 m</div><div>c) Minimum side yard setback: 1.75 m</div><div>d) Minimum rear yard setback: 11.75 m</div><div>e) Minimum separation distance between <i>stacked townhouse</i> buildings: 20.5 m</div><div>f) Maximum building height: 14.2 m</div><div>g) Minimum parking spaces: 50 spaces, as separated as follows: 40 spaces for residents; 10 spaces for visitors.</div><div>h) Minimum barrier-free parking spaces: 2 parking spaces, to be counted as part of the minimum 50 required parking spaces.</div><div>i) Minimum entrance/exit width: 7.5 m</div><div>j) Loading space requirements: 1 loading space</div><div>k) Minimum floor space index: 1.0</div></div></div></div>				

l)	Maximum floor space index: 1.40
m)	<p>Permitted Encroachments:</p> <p>Steps, covered or uncovered, and below grade uncovered patios shall be permitted to encroach a maximum of 3.10 m into the required rear yard.</p> <p>Steps, covered or uncovered, and below grade uncovered patios shall be permitted to encroach a maximum of 3.90 m into the separation distance between the two <i>stacked townhouse</i> buildings.</p> <p>Steps, covered or uncovered, landscaping, accessory structures for outdoor residential amenity, and a staircase providing access to the underground parking garage shall be permitted within the separation distance between the two <i>stacked townhouse</i> buildings.</p> <p>A staircase providing access to the underground parking garage shall be permitted within the rear yard and shall be set back a minimum distance of 3.70 m from the rear lot line.</p>

By-Law No.	Property Description	Permitted Uses until holding provision removed	Conditions for Removal	Date Enacted
2016-35	345 and 351 Davis Drive	<p>No person within the lands zoned (H) UC-R-130 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.</p> <p>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.</p>	That sufficient servicing capacity is available, and has been allocated by the Town.	

ENACTED THIS 27TH DAY OF JUNE, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk