

Corporation of the Town of Newmarket

By-law 2023-XX

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (17175 Yonge 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 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 3 the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 13 (MU-1(13)) Zone and Open Space Three (OS-3) Zone as shown on Schedule 1.
 - b. Deleting from Schedule B Map 9 the maximum permitted height and replacing it with 36.0 m as shown on Schedule 2.
 - c. Adding to Schedule C Map 15 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(13) as a site-specific exception as follows:

MU-1(13) – 17175 Yonge Street

Notwithstanding Sections 4.10.1, no landscape buffer is required around the periphery of the surface parking spaces.

Notwithstanding Section 5.6.1, 1 loading space is required.

Notwithstanding Section 6.2.2.2, 60% of the ground floor frontage shall be commercial uses.

Section 6.2.4.2.ii) c) shall not apply.

Notwithstanding Section 6.2.4.2 (iii)(c), rooftop mechanical equipment or telecommunications equipment may be setback 0 metres from the south wall of the building.

Notwithstanding Section 6.2.4.5 (iii), the part of any building wall containing windows must be set back a minimum of 3.0 metres from any lot line that is not adjacent to a public street.

Section 6.2.4.9 (v) shall not apply.

Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned MU-1-13, shown on Schedules 1 and 2 attached hereto.

Maximum Height	36.0 metres
Maximum FSI	3.7
Minimum Setback from South Lot Line	3.0 m

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

- e. Adding Section 8.2.5 Requirement to Remove the (H) Holding Provision from 17175 Yonge Street (as shown on Schedule C Map 15).

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-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2023-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.

Any Holding provision will not prevent any work associated with fulfillment of the Site Plan Control conditions. 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, deemed appropriate, at the sole discretion of the Chief Building Official.

Further, 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. Furthermore, the Holding provision will not prevent any work associated with fulfillment of the conditions in Section 8.2.5.i below.

Section 8.2.5.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. A Noise Assessment has been completed to the satisfaction of the Town.

3. That Schedules A, B, C, D, E & F attached hereto shall form part of By-law 2023-XX

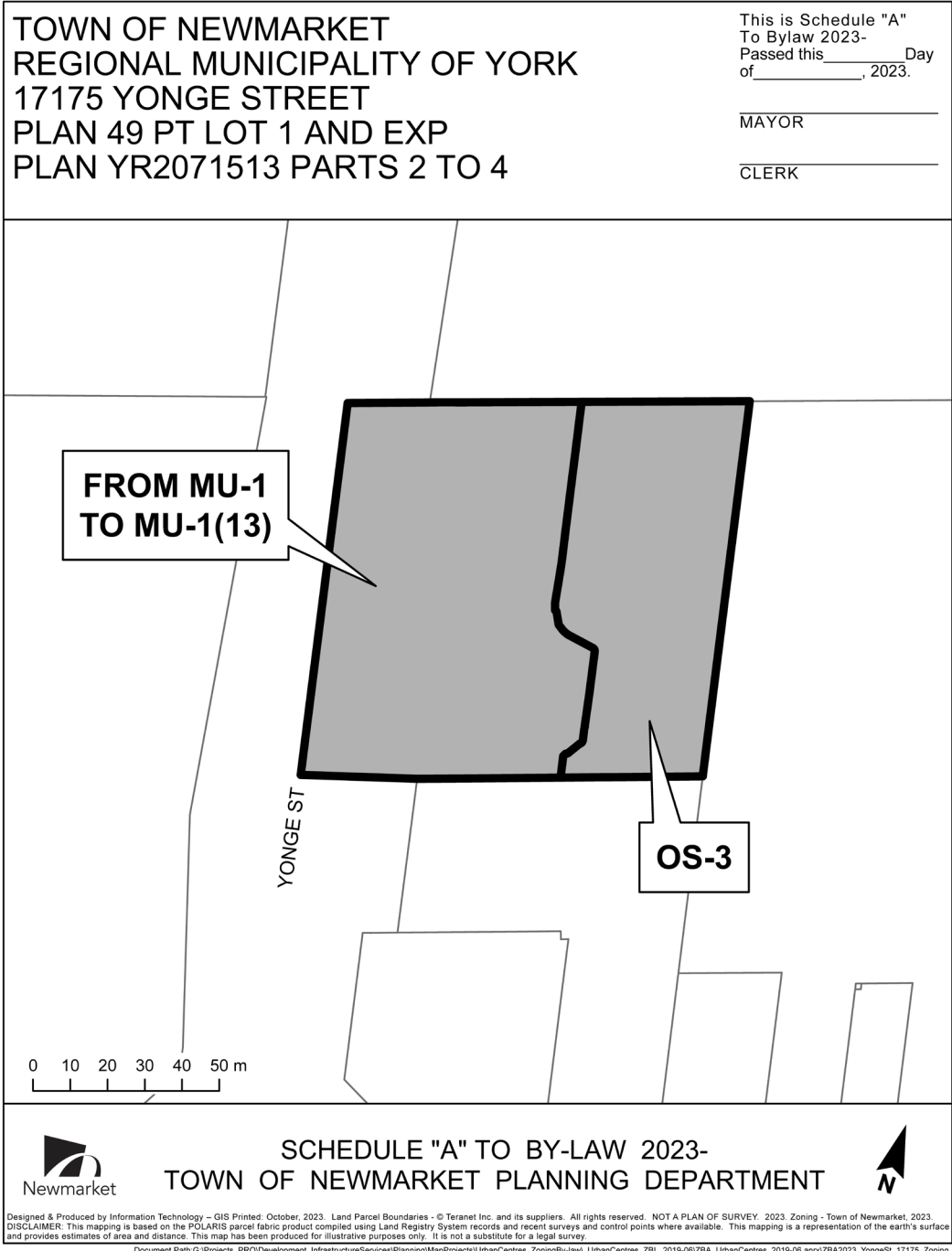
Enacted this 20th day of November, 2023.

John Taylor, Mayor

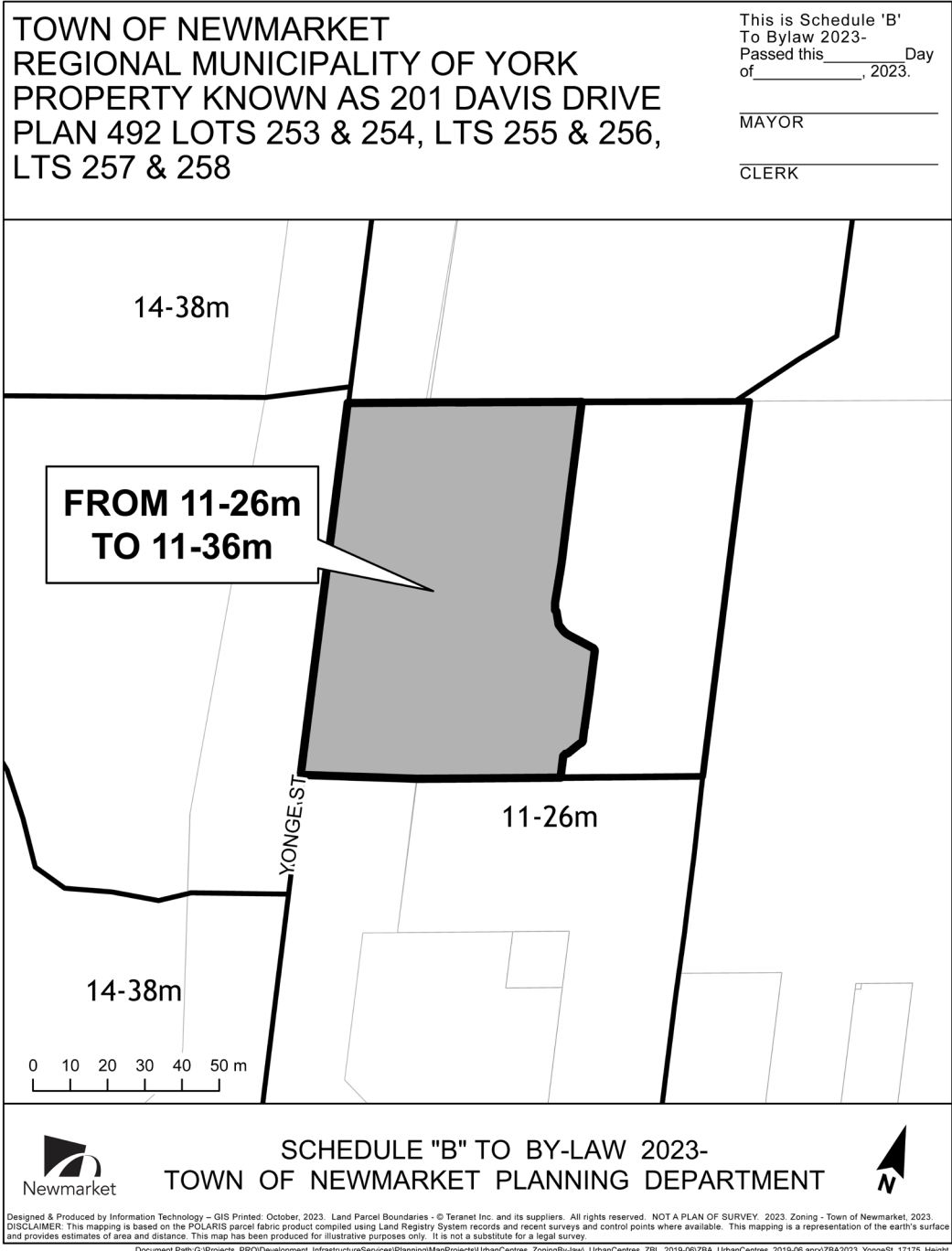
Lisa Lyons, Town Clerk

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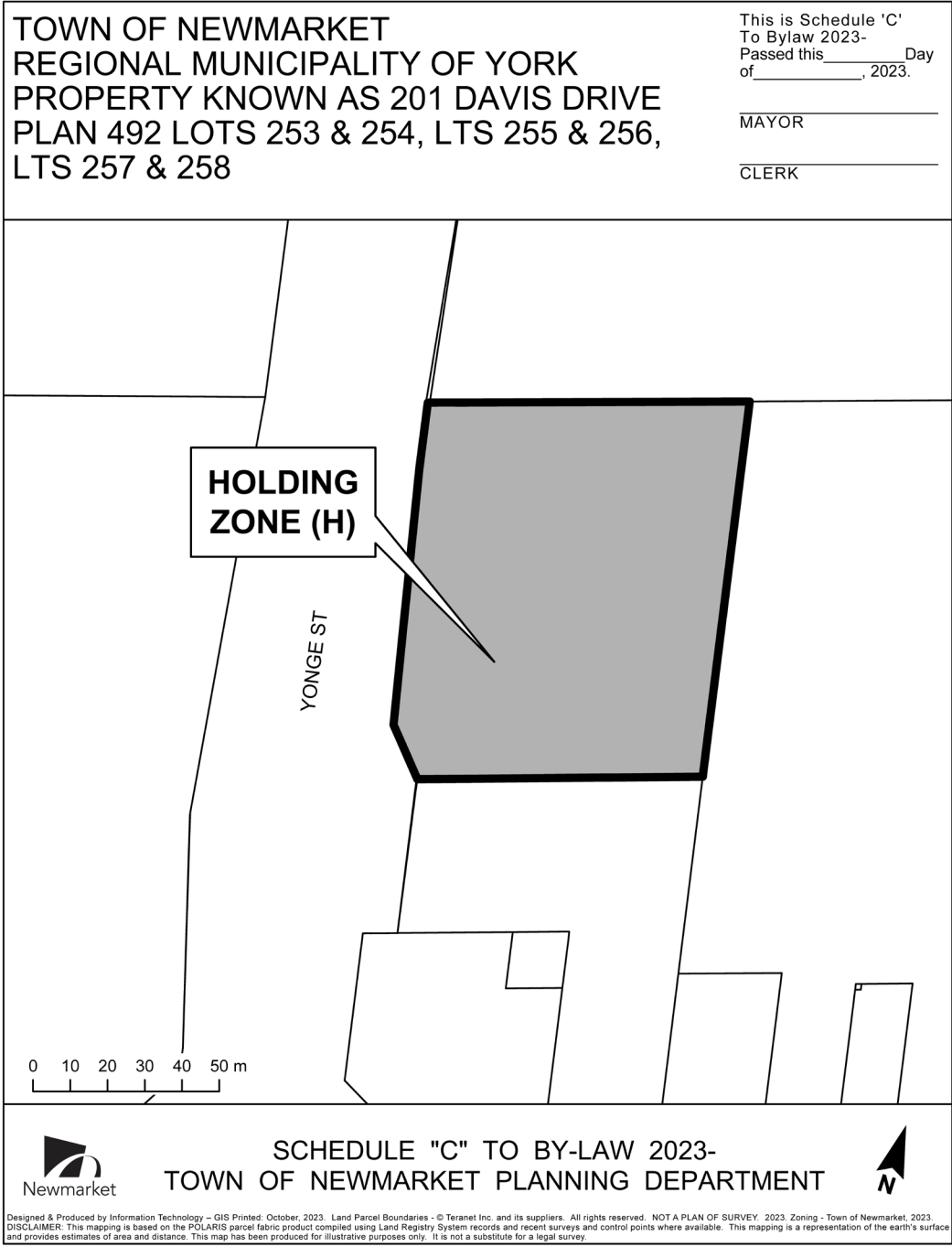
Schedule A



Schedule B



Schedule C

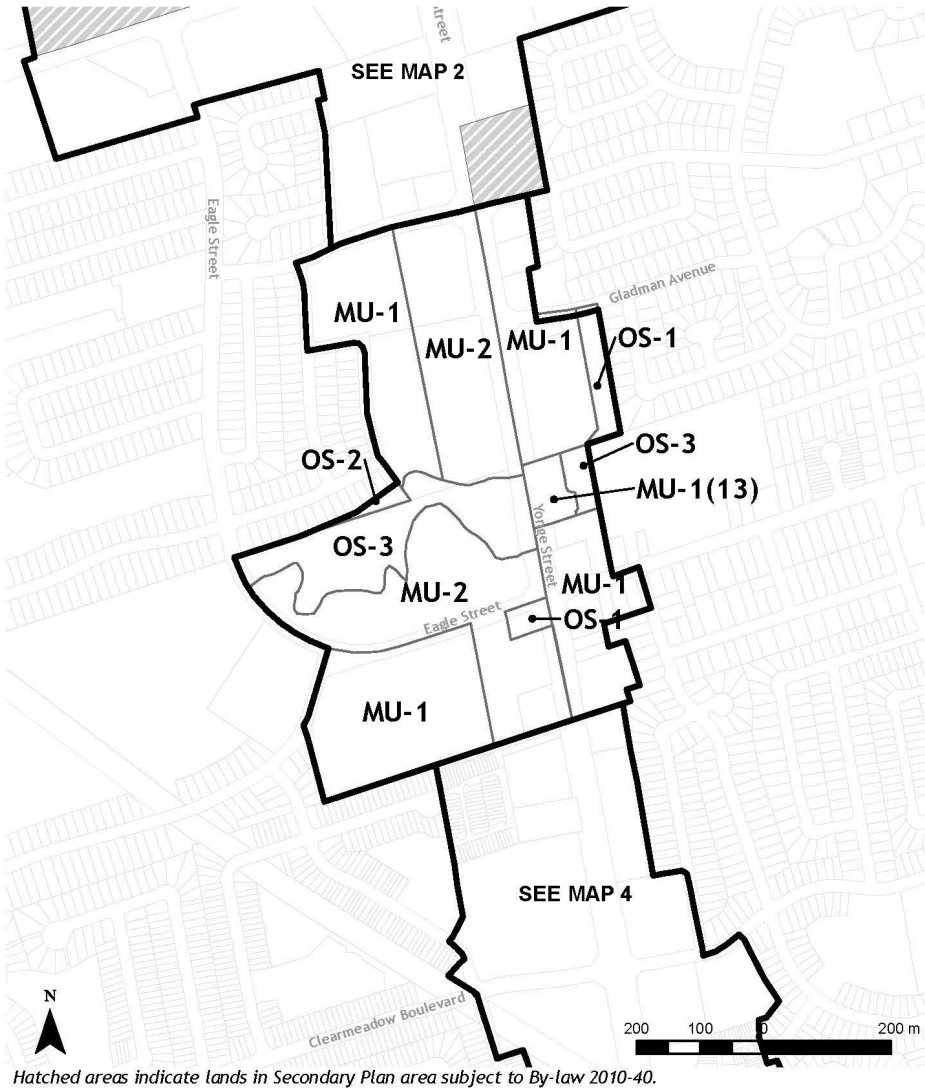


Schedule D

By-Law: _____
Schedule: _____

ZONING MAPS AND SCHEDULES - SCHEDULE A - MAP 3 - AMENDMENT

YONGE CIVIC ZONING MAP

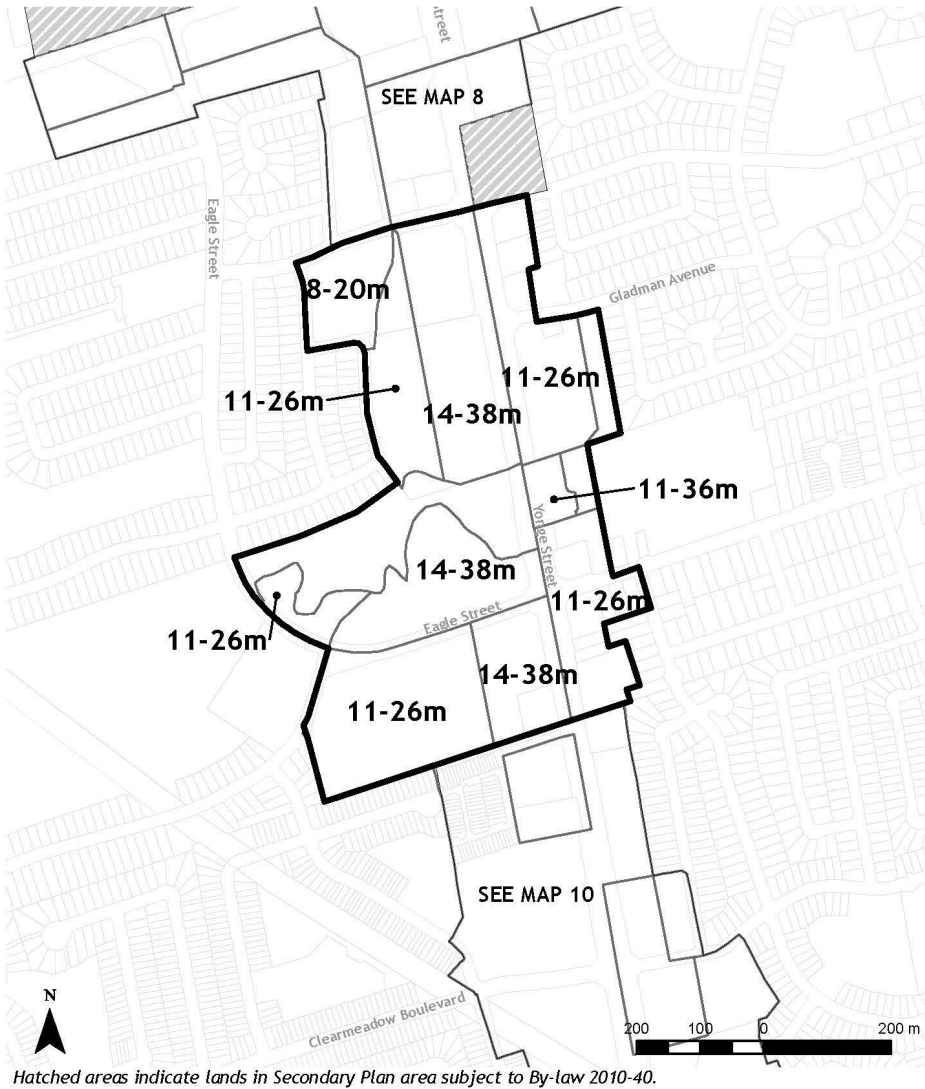


Schedule E

By-Law: _____
Schedule: _____

ZONING MAPS AND SCHEDULES - SCHEDULE B - MAP 9 - AMENDMENT

YONGE CIVIC HEIGHT MAP



Schedule F

YONGE CIVIC HOLDING ZONES

