



Corporation of the Town of Newmarket

By-law 2023-68

A By-law to amend By-law Number 2010-40 being the Town's Comprehensive Zoning By-law (454, 462, 466 Queen Street, 99, 103-105, and part of 115 Main Street South)

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;

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.
2. And that By-law 2010-40 is hereby amended by:
3. Deleting from Schedule 'A', the Residential Detached Dwelling 15m Zone (R1-D); the Residential Plan of Condominium Zone (R4-CP); the Residential Semi-Detached Dwelling 21.3m Zone (R2-K), and substituting therefore on Schedule 'A':

Residential Stacked Townhouse Dwelling Zone (R4-S-173); and,
Historic Downtown Urban Centre Zone (UC-D1-174)

as shown more particularly on Schedule "1" attached hereto.

- a. Adding the following regulations to Section 8.1.1 List of Exceptions:

Exception 173	Zoning R4-S- 173	By-law Reference 2023-68	File Reference OPZS-2022- 011
i)	Location: 454, 462, and 466 Queen Street, part of 99, 103-105, and 115 Main Street South – York Region Condominium Plan 828		
ii)	Legal Description: 454 Queen Street (PT LT 86 E/S MAIN ST PL 222 AS IN R502257 TOWN OF NEWMARKET), 462 Queen Street (PT LT 105 S/S MILL ST PL 222 NEWMARKET AS IN R726658 ; NEWMARKET), 466 Queen Street (PT LT 105 S/S MILL ST PL 222 NEWMARKET; PT LT 106 S/S MILL ST PL 222 NEWMARKET AS IN R634987 ; NEWMARKET), part of 99 Main Street South (PT LT 87 E/S MAIN ST PL 222 NEWMARKET AS IN R174593 ; NEWMARKET), part of 103-105 Main Street South (PT LT 88 E/S MAIN ST PL 222 NEWMARKET AS IN B30113B TOWN OF NEWMARKET), and		

part of 115 Main Street South - York Region Condominium Plan 828, in NEWMARKET.

- iii) Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned R4-S-173 and shown on Schedule '1' attached hereto:

Permitted Uses:

- Back-to-back townhouse dwellings
- Stacked townhouse dwellings

Definitions:

For the purpose of this exception:

Dwelling, Stacked Townhouse: Means a residential building containing a minimum of four (4) and a maximum of forty (40) units, provided that:

- stacked townhouse buildings shall have a maximum length of 60 m;
- dwelling units shall be fully attached to adjoining units; and,
- access to all second level units shall be from an interior stairway within the stacked townhouse building. (see illustration 3 in By-law 2010-40)

Development standards:

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| a) Minimum lot area per dwelling unit | 55 sq. m. |
| b) Minimum Yard Setbacks | |
| From Front Lot Line (Queen Street) | 3.1 metres |
| From Rear Lot Line (opposite Queen Street) | 1.6 metres |
| From Interior Lot Line (Robertson Place) | 1.2 metres |
| From Other Interior Lot Line
(adjacent property to the west) | 1.2 metres |
| c) Maximum Lot Coverage | 50% |
| d) Maximum Building Height | 15.5 m |
| e) Maximum Floor Space Index (FSI) | 1.9 |
| f) Minimum off-street parking
(Stacked townhouse and
Back-to-back units) | 1.0 parking space per dwelling
unit plus 0.15 visitor spaces
per dwelling unit |

For clarity, required parking may be provided and located interior to a garage.

- g) Notwithstanding Section 5.5 viii), each entrance and/or exit driveway may have a minimum width at the street line of 6.0 metres, except for the driveway located at the south-west corner, which may be 4.5 metres.
- h) Notwithstanding Section 5.5 xi), Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection may be 1.5 metres in width.
- i) Notwithstanding Section 5.6.1, the size of a loading space may be:

<ul style="list-style-type: none"> ▪ 3.5 metres in width; ▪ 9 metres in length; and, ▪ Have a vertical clearance of 4.2 metres. <p>j) Notwithstanding Section 5.6.2, where a loading space is required on the site, the access to the loading space may be provided by means of a driveway that is a minimum of 4.5 metres wide.</p> <p>k) Permitted encroachments:</p> <p style="padding-left: 40px;">Balconies are permitted to encroach into all yards.</p> <p style="padding-left: 40px;">Balconies may encroach up to 1.0 metre into required front yard but shall be located no closer than 2.1 metres to the property line.</p> <p style="padding-left: 40px;">Balconies may encroach up to 1.0 metres into required rear yard but no located closer than 0.6 metres from the property line.</p> <p style="padding-left: 40px;">For the purpose of side and rear yard setbacks, landings, walkways, and steps may encroach up to the property line.</p> <p style="padding-left: 40px;">Patios are permitted in the front yard and shall be located no closer than 0.7 metres from Property Line on Queen St. Patios in the rear yard may encroach up to the rear property line.</p> <p>l) Notwithstanding Section 4.23, a structure primarily used for garbage containment, or a garbage enclosure shall be permitted in an exterior side yard and abutting adjacent Urban Centre zones.</p> <p>m) Sections 4.14.1 (Landscape Buffer), 5.3.9 (Snow Storage Accommodation), 5.4.1 (Parking Lot Location) and 5.4.3 (Location of Visitor Parking) shall not apply to the lands subject to this By-law.</p>
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Exception 174	Zoning UC- D1-174	By-law Reference 2023-68	File Reference OPZS-2022- 011
<p>a) Location: Part of 99, 103, and 105 Main Street South</p> <p>b) Legal Description: 99 Main Street South (PT LT 87 E/S MAIN ST PL 222 NEWMARKET AS IN R174593 NEWMARKET), 103-105 Main Street South (PT LT 88 E/S MAIN ST PL 222 NEWMARKET AS IN B30113B TOWN OF NEWMARKET)</p> <p>c) Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned UC-D-174 shown on Schedule '1' attached hereto:</p> <p>Permitted Uses:</p> <p>In addition to the permitted uses in UC-D1 zone, the following uses are also permitted, and the following conditions shall apply:</p>			

- Dwelling Unit, Link
- Dwelling Unit, Semi Detached
- Dwelling Unit, Detached
- Dwelling Units are also permitted at grade level, as independent units or as part of units associated with other levels above or below.

Development standards:

- a) Minimum yard setbacks
- | | |
|---|--------|
| From Front Lot Line (Main Street South) | 1.9 m |
| From Rear Lot Line (opposite Main Street South) | 1.65 m |
| From Interior Lot Line | 0.25 m |
| From Other Interior Lot Line | 1.3 m |
- b) Maximum lot coverage 60%
- c) Maximum building height 9.0 metres
- d) Maximum floor space index (FSI) 1.2
- e) Parking spaces shall be provided for each use in accordance with the minimum parking standards of the 2019-06 By-law.
- f) Notwithstanding Section 4.2, existing covered and uncovered porches in the front yard may be permitted to encroach up to the front lot line.
- g) Sections 4.14 (Landscape Buffer), Section 5.5 (Entrance and Exit Width), and 5.4.1 (Parking Lot Location) and shall not apply to the lands subject to this By-law.

4. 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
2023-68 Date Enacted: December 11, 2023	99 Main Street South (PT LT 87 E/S MAIN ST PL 222 NEWMARKET AS IN R174593 103-105 Main Street South (PT LT 88 E/S MAIN ST PL 222 NEWMARKET AS IN B30113B TOWN OF NEWMARKET); 454 Queen Street (PT LT 86 E/S MAIN ST PL 222 AS IN R502257 TOWN OF NEWMARKET), 462	No person within the lands zoned (H) R4-S-173 Zone or (H) UC-D1-174 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	That Servicing Allocation has been granted in accordance with the Town's Servicing Allocation Policy. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner. That any

	<p>Queen Street (PT LT 105 S/S MILL ST PL 222 NEWMARKET AS IN R726658 NEWMARKET), 466 Queen Street (PT LT 105 S/S MILL ST PL 222 NEWMARKET; PT LT 106 S/S MILL ST PL 222 NEWMARKET AS IN R634987 ; NEWMARKET), and part of Block 29358 - York Region Condominium Plan 828, in NEWMARKET</p>	<p>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> <p>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.</p>	<p>easements and land transfers required to implement the proposed development have been obtained and/or finalized, to the satisfaction of the Town, including, without limitation, easements for access to the development from Queen Street across the common element condominium lands at 115 Main Street.</p> <p>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 (if applicable).</p> <p>That the application has addressed the Town's affordable housing policies, to the satisfaction of the Town.</p> <p>That the applicant explore shared parking agreements with other properties in the surrounding area, to the satisfaction of the Town.</p> <p>All necessary requirements of the Town have been satisfied.</p> <p>All necessary approvals have been received by other commenting agencies and authorities, to the satisfaction of the</p>
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			Town.
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3. And that 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 2023-68

Enacted this 11th day of December, 2023.

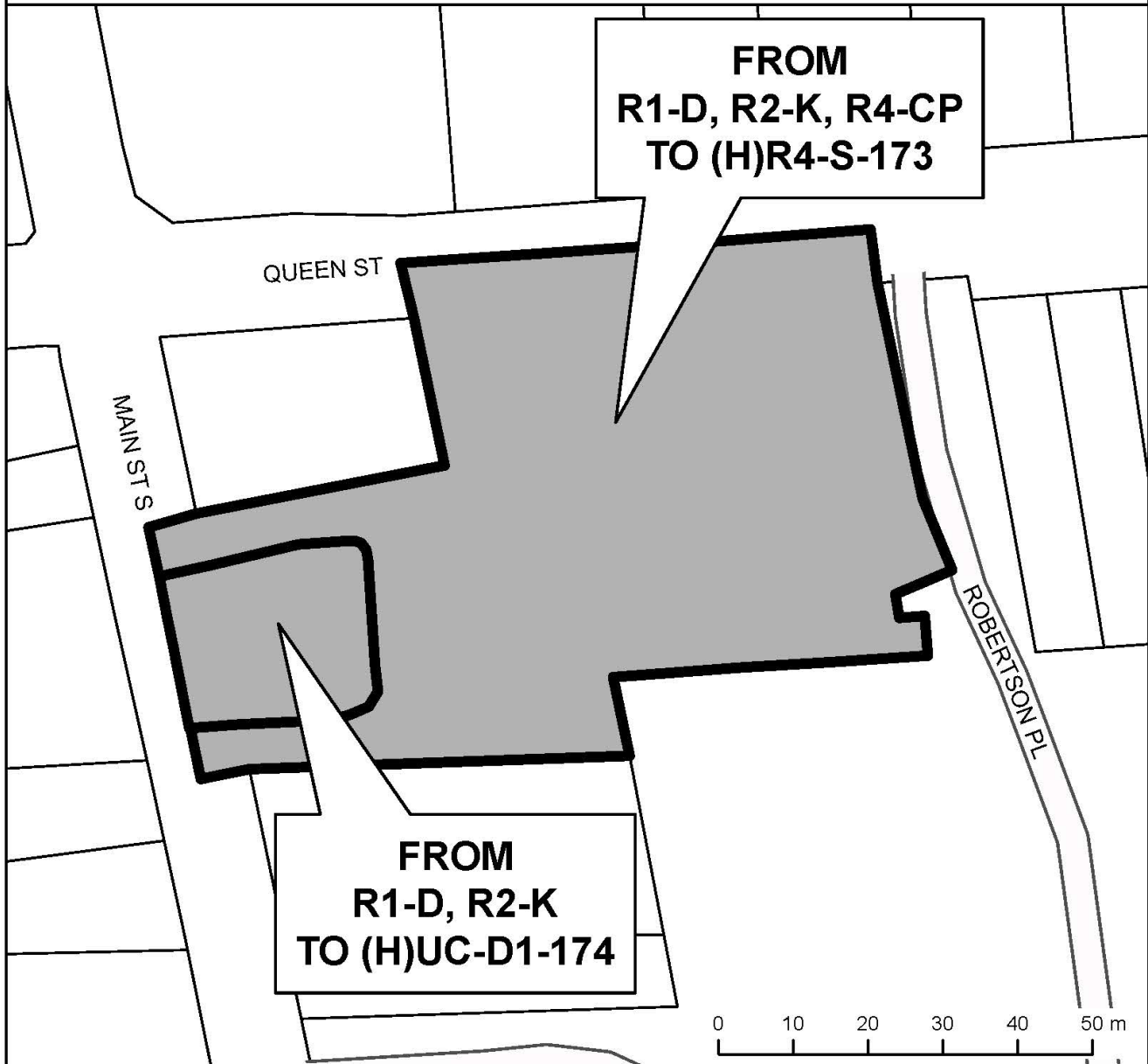
John Taylor, Mayor

Lisa Lyons, Town Clerk

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
 99, 103, 105 MAIN STREET SOUTH; 454, 462, 466 QUEEN STREET; PART BLOCK 29358 - YRCP828
 PT LT 88 E/S MAIN ST PL 222 AS IN B30113B; PT LT 87 E/S MAIN ST PL 222 AS IN R174593; PT LT 86 E/S MAIN ST PL 222 AS IN R502257; PT LT 105 S/S MILL ST PL 222 AS IN R726658; PT LT 105 S/S MILL ST PL 222; PT LT 106 S/S MILL ST PL 222 AS IN R634987; PART BLOCK 29358 - YRCP828

This is Schedule '1'
 To Bylaw 2023- 68
 Passed this 11 Day
 of December, 2023.

MAYOR _____
 CLERK _____



SCHEDULE "1" TO BY-LAW 2023-68
TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & produced by Information Technology – DAGS Printed: November, 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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