



Corporation of the Town of Newmarket

By-law 2024-04

A By-law to amend By-law Number 2010-40, as amended, being the Town's Comprehensive Zoning By-law (849 Gorham 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 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.
2. And that By-law 2010-40, as amended is hereby amended by:
 - a. Deleting from Schedule 'A' Map No. 13 the Residential Detached Dwelling 30m Zone Exception 113 (R1-B-113); and substituting therefore Holding Residential Townhouse Dwelling 3 Exception 175 ((H)R4-R-175) Zone 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-175:

Exception 175	Zoning (H) R4-R-175	Map 13	By-law Reference 2024-04	File Reference D14-NP20-03
i) Location: 849 Gorham Street ii) Legal Description: PART OF LOT 27, PLAN 103 WHITCHURCH, PART 1 65R38306 TOWN OF NEWMARKET iii) Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned R4-R-175 shown on Schedule '1' attached here to: Development standards:				
a) Minimum lot area per dwelling unit			129 m ²	
b) Number of townhouse units (maximum)			20	

c) Setback from south property line (Gorham Street) (minimum)	2.4 m
d) Setback from north property line (minimum)	6.0 m
e) Setback from the east property line (minimum) Notwithstanding provision (e) above, where the side yard of a building abuts the east property line, the setback shall be a minimum of 3.2 m	6.0 m
f) Setback from the west property line (minimum) Notwithstanding provision (f) above, where the side yard of a building abuts the west property line, the setback shall be a minimum of 1.8 m	6.0 m
g) Setback from the front main wall of a building to a private road (minimum)	3.0 m
h) Setback from the side wall of a dwelling to a private road (minimum)	1.2 m
i) Maximum Lot Coverage for the subject land	40%
j) Maximum Building Height	3 storeys - 11 m
k) Maximum Driveway Width	3.5m (single car garage) 6.0m (double car garage)
l) Minimum private road width	6.5m
m) The minimum required parking spaces per dwelling unit may be located on the parcels of tied land (POTL) or within the common element areas of the condominium corporation.	
n) Where a side wall of a dwelling abuts a parking lot, the minimum setback of the parking lot from the side wall of the building shall be a minimum of 1.2m.	
o) Section 5.4.1 iii) shall not apply.	
p) Section 5.4.3 ii) (Visitor Parking Location) shall not apply.	
q) Notwithstanding Section 5.5 viii), each entrance and/or exit driveway may have a minimum width at public street line of 6.5m. Notwithstanding Section 5.5 x), each entrance and/or exit driveways which provide access to parking areas other than directly from a municipal street may be constructed at a width of not less than 3.5m.	
r) Permitted Encroachments Decks are permitted to project from the second storey of Building 1 and 3 a maximum of 1.9 metres into the rear yards of each unit. Patios are permitted to project from the first storey a maximum of 2.5 metres from the first storey rear wall of each unit. Porches are permitted to project a maximum of 2.5 metres from the front wall of any unit including eaves,	

<p>cornices, and steps but shall be no closer than 1.5 metres to the lot line or private laneway.</p> <p>Window wells are permitted to project a maximum of 1.0 metres into the rear yards of each unit.</p>
<p>s) Notwithstanding Section 4.14.3 iv) The minimum required width of a landscape buffer may be 1.8 metres where the interior side lot line of a R4 Zone abuts a lower density Residential Zone (west property line only).</p>
<p>t) Where any form of dwelling is erected in conformity with a 'site plan agreement'; parts of the lands affected by the 'site plan agreement' forms a 'common elements condominium'; and, the balance of the lands affected by the 'site plan agreement' are 'parcels of tied land' with respect to that 'common elements condominium', no provision of this By-law shall be deemed to be contravened by reason of the conveyance of a 'parcel of tied land' upon which a dwelling unit is erected, provided that all of the standards of this by-law are met for the lands as a whole, as set out in the 'site plan agreement' and provided the 'common elements condominium' and the 'parcels of tied land' are contiguous.</p>
<p>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.</p>
<p>v) For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.</p>
<p>w) For clarity, a 'site plan agreement' means an agreement entered into pursuant to Section 41 of the Planning Act, R.S.O. 1990 or a successor thereto.</p>

3. 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
2024-04 Date Enacted: February 12, 2024	PART OF LOT 27, PLAN 103 WHITCHURCH, PART 1 65R38306 TOWN OF NEWMARKET 849 Gorham Street	No person within the lands zoned (H)R4-R-175 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	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

		<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>Town and the property owner.</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>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 Town.</p>
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4. And all other provisions of By-law 2010-40, as amended, shall apply to the lands subject to this By-law.

5. That Schedule 1 attached hereto shall form part of By-law 2024-04

Enacted this 12th day of February, 2024.

John Taylor, Mayor

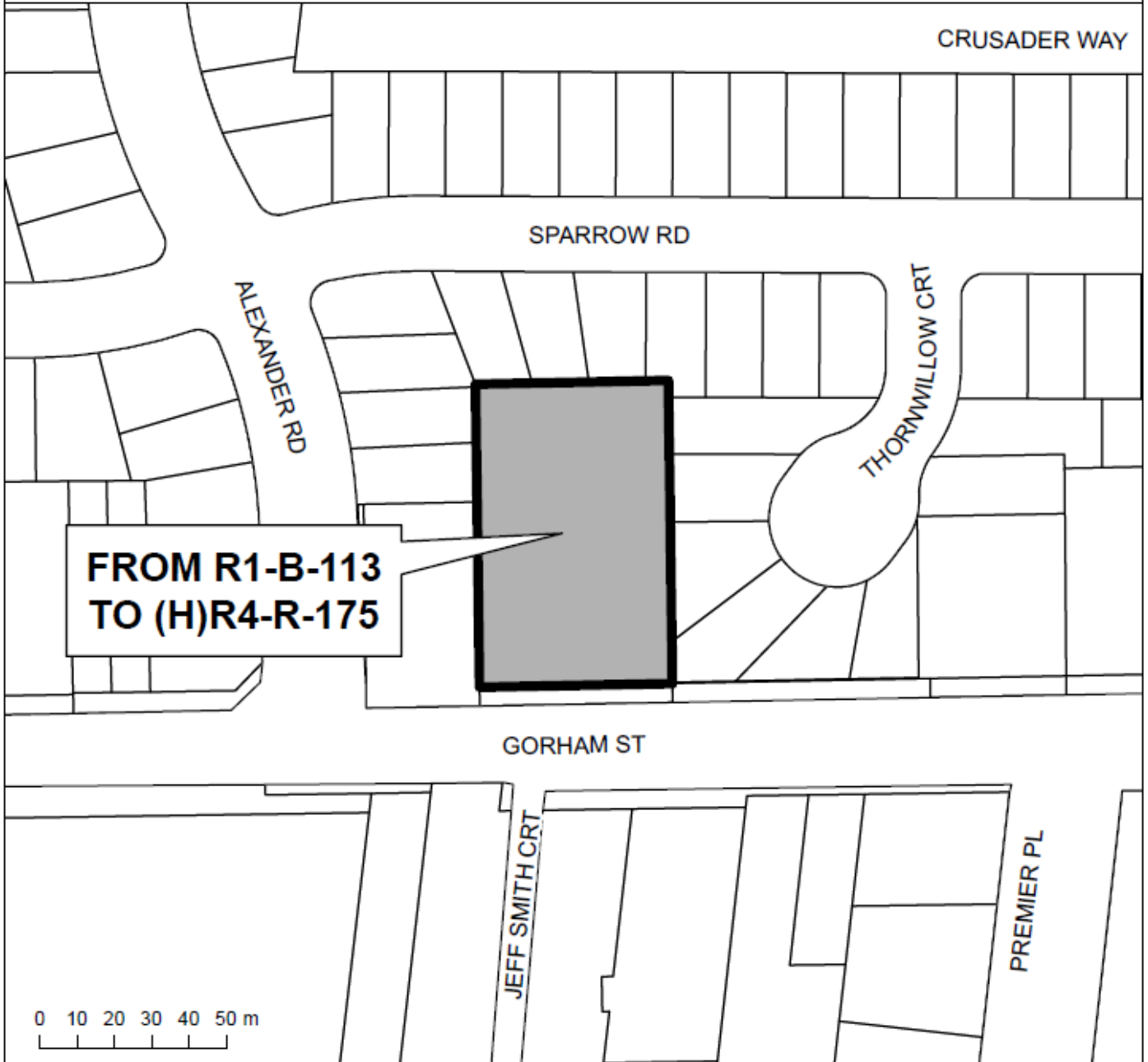
Lisa Lyons, Town Clerk

TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 849 GORHAM STREET
 PART OF LOT 27, PLAN 103 WHITCHURCH,
 PART 1 65R38306 TOWN OF NEWMARKET

This is Schedule '1'
 To Bylaw 2024- 04
 Passed this 12th Day
 of February, 2024.

 MAYOR

 CLERK



SCHEDULE "1" TO BY-LAW 2024- 04
 TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & produced by Information Technology – DAGS. Printed: January, 2024. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2024. Zoning - Town of Newmarket, 2024. 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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