



Corporation of the Town of Newmarket

By-law 2023-XX

A By-law to Amend Zoning By-law 2010-40 as amended, with respect to the lands known as 1095 Stellar Drive, Newmarket.

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 Municipal 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:
 - a. Deleting from Schedule 'A' Map No. 7 the Mixed Employment Zone (EM) on lands known as 1095 Stellar Drive, and substituting the Holding Service Commercial Exception 163 ((H)CS-163) Zone, as shown more particularly on Schedule "1" attached thereto, and forming part of this By-law.
 - b. Amending Section 8.1.1 List of Exceptions by adding a new Exception number having the following regulations relating to the ((H)CS-163 Zone:

Exception 163	Zoning (H)CS-163	Map 7	By-Law Reference 2023-XX	File Reference
i)	Location:	1095 Stellar Drive		
ii)	Legal Description:	PCL 3-4, SEC EG3 (EYS); PT LT 3, CON 3 (NEG), PT 6 & 8, 65R7640, T/W PT 1 65R7640, UNTIL SUCH TIME AS THE SAME HAS BEEN DEDICATED FOR ROAD PURPOSES; S/T LT240007E NEWMARKET		

iii)	Permitted Uses:	Place of Worship, Day Nursery, and Accessory uses
iv)	Definitions:	Front Lot Line: For the purposes of this site, Stellar Drive is considered the Front Lot Line
v)	Notwithstanding any other provision of this by-law, the following Development Zone Standards shall be amended and applied to the lands subject to this by-law:	
a.	Min. Side Yard Setback	<ul style="list-style-type: none"> • 3.0 metres (Interior Side Yard)
vi)	Notwithstanding any other provision of this by-law, the following General Provisions shall be amended and applied to the lands subject to this by-law:	
a.	Landscape buffer for Parking Lots	<p>Notwithstanding Section 4.14.1.i)</p> <ul style="list-style-type: none"> • The landscape buffer area along the periphery of the parking lot adjacent to the <u>north property line</u> shall be at least 2.0 metres wide (for an extension of 78.9 m from the north-west corner of the property to the east); and Nil for the further portion of the parking lot to the east (for an extension of 38.3m) • The landscape buffer area along the periphery of the parking lot adjacent to the East property line shall be at least 2.0 metres wide • The landscape buffer area along the periphery of the parking lot adjacent to the property line along the daylight triangle shall be Nil.
b.	Garbage and Waste Management	<ul style="list-style-type: none"> • Notwithstanding Section 4.23 i) [ii] A structure primarily used for garbage containment, or a garbage enclosure may be located in the rear yard abutting an existing Institutional Zone.
vii)	Notwithstanding any other provision of this by-law, the following Parking Requirements shall be amended and applied to the lands subject to this by-law:	
a.	Parking Requirements	Minimum Parking Required: 76 Parking Spaces, including Barrier Free Parking.
viii)	Notwithstanding any other provision of this by-law, the following Parking, Loading and Queuing Requirements shall be amended and applied to the lands subject to this by-law:	
a.	Loading Spaces	<ul style="list-style-type: none"> • Notwithstanding Section 5.6.1 Loading Spaces shall not be required

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3. 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-XX	1095 Stellar Avenue	<p>No person within the lands zoned (H)CS-163 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.</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 of 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>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p> <p>That a Clean Record of Site Condition has been provided to the satisfaction of the Director of Engineering.</p>

4. All other provision of Zoning By-law 2010-40, as amended, shall continue to apply to the lands subject to this By-law.

5. That Schedule 1 attached hereto shall form part of By-law 2023-XX.

Enacted this _____ day of January, 2023.

John Taylor, Mayor

Lisa Lyons, Town Clerk