

# Corporation of the Town of Newmarket

## By-law 2024-XX

A By-law to amend By-law Number 2010-40, as amended, being the Town’s Comprehensive Zoning By-law (16756 and 16764 Bayview Avenue).

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. 11 the Residential Detached Dwelling 15m Zone (R1-D); and substituting therefore Holding Residential Apartment Dwelling 1 Zone - Exception 176 ((H)R5-S-176) 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) R5-S-176:

Exception 176	Zoning (H) R5-S-176	Map 11	By-law Reference 2024-XX	File Reference OPZS-2022-004				
<p>i) Location: 16756 and 16764 Bayview Avenue</p> <p>ii) Legal Description: PT LT 91 CON 1 WHITCHURCH AS IN R555787 and PT LT 91 CON 1 WHITCHURCH AS IN B32623B EXCEPT PT 2, 65R2215; NEWMARKET</p> <p>iii) Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned R5-S-176 shown on Schedule ‘1’ attached here to:</p> <p>Development standards:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">a) Minimum lot area per dwelling unit</td> <td style="text-align: right;">n/a</td> </tr> <tr> <td>b) Number of dwelling units (maximum)</td> <td style="text-align: right;">70</td> </tr> </table>					a) Minimum lot area per dwelling unit	n/a	b) Number of dwelling units (maximum)	70
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b) Number of dwelling units (maximum)	70							

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|---|---------------------|
| c) Setback from the front lot line (after road widening) (Bayview Avenue) (minimum) | 3.0 m               |
| d) Setback from the rear lot line (west) (minimum)                                  | 7.7 m               |
| e) Setback from interior side lot line (north) (minimum)                            | 8.3 m               |
| f) Setback from interior side lot line (south) (minimum)                            | 3.0 m               |
| g) Maximum FSI (after road widening)  | 1.85                |
| h) Maximum Lot Coverage (after road widening)                                       | 44%                 |
| i) Maximum Building Height  | 5 storeys – 16.35 m |
- j) Notwithstanding section 5.4.1, a parking lot is permitted to occupy a maximum of 52% of the aggregate areas of the side and rear yards.
- k) Notwithstanding section 5.4.1, a parking lot must be setback a minimum of 2.3 metres from the rear lot line.
- l) Notwithstanding section 5.4.3 i), visitor parking can be located below grade. A minimum 1.5 metre landscape buffer is required for visitor parking areas located at grade on the west property line.
- m) Notwithstanding section 5.4.3 ii), visitor parking shall be located a minimum of 2.3 m from rear lot line (west), 13.7 m from the interior side lot line (south), and 12.8m from the interior side lot line (north).
- n) Notwithstanding Section 5.5 viii), each entrance and/or exit driveway may have a maximum width at the street line of 13.25 m.
- o) Permitted Encroachments
- Stairs are permitted to encroach into the required interior side yard (south), but shall be setback a minimum of 1.5 m from the property line.
- Balconies are permitted to encroach into the interior side yard (south), but shall be setback a minimum of 1.07 m from the property line.
- Ornamental structures, including balconies are permitted to encroach a maximum of 1.5 m into the required front yard but shall setback a minimum of 1.6m from the property line; and a maximum of 0.5m into the required interior side yard (north) but shall be setback a minimum of 7.8 m from the property line (north).
- p) Notwithstanding Section 4.14.3 ii), the minimum required width of a landscape buffer shall be 1.02 metres where the interior side lot line of a R5 Zone abuts a lower density Residential Zone (north property line only).

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-lawNo.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
<p>2024-XX</p> <p>Date Enacted: June 3, 2024</p>	<p>PT LT 91 CON 1 WHITCHURCH AS IN R555787 and PT LT 91 CON 1 WHITCHURCH AS IN B32623B EXCEPT PT 2, 65R2215; NEWMARKET</p> <p>16756 and 16764 Bayview Avenue</p>	<p>No person within the lands zoned (H)R5-S-176 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 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>That Servicing Allocation has been granted in accordance with the Town's Servicing Allocation Policy.</p> <p>A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.</p> <p>That security and compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy has been provided to the Town for the preservation and removal of trees on the site (if applicable).</p> <p>That costs associated with offsite improvement work on Town's/ Regional roads have been provided to the Town or the Region (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</p>

			<p>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-XX

Enacted this 3<sup>rd</sup> day of June, 2024.

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John Taylor, Mayor

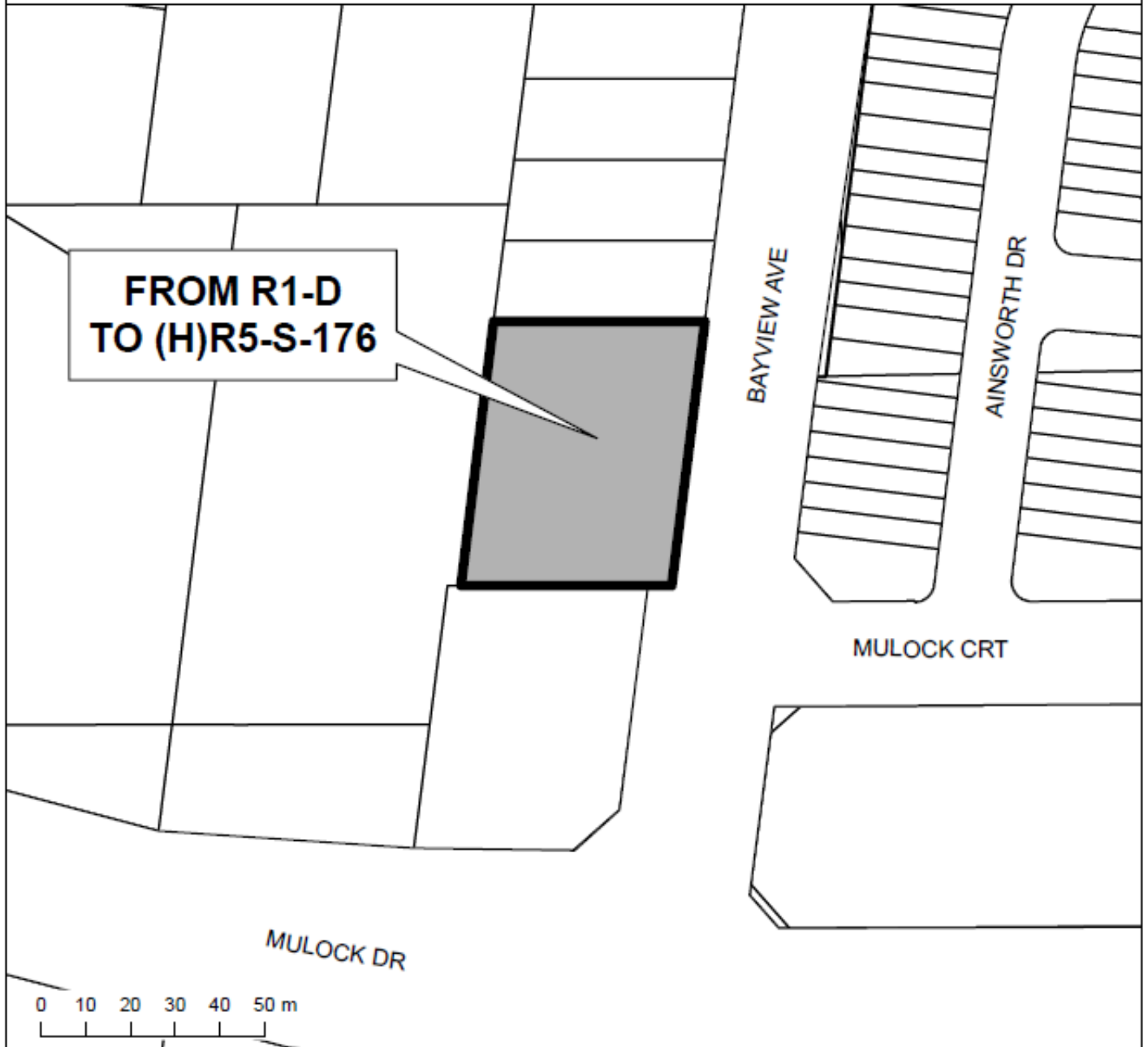
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Lisa Lyons, Town Clerk

TOWN OF NEWMARKET  
 REGIONAL MUNICIPALITY OF YORK  
 16756 BAYVIEW AVENUE  
 PT LT 91 CON 1 WHITCHURCH AS IN R555787 ; NEWMARKET  
 16764 BAYVIEW AVENUE  
 PT LT 91 CON 1 WHITCHURCH AS IN B32623B  
 EXCEPT PT 2, 65R2215 ; NEWMARKET

This is Schedule '1'  
 To Bylaw 2024-  
 Passed this \_\_\_\_\_ Day  
 of \_\_\_\_\_, 2024.

\_\_\_\_\_  
 MAYOR

\_\_\_\_\_  
 CLERK



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



Designed & produced by Information Technology - DADS. Printed: April, 2024. Land Parcel Boundaries - © Teramit 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.