

Corporation of the Town of Newmarket

By-law 2024-XX

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (615 Davis Drive – Fernbrook Core (Davis Drive) Construction Ltd.).

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 the lands subject to this amendment are illustrated on Schedule 1 attached hereto; and,
2. That By-law 2010-40 is hereby amended by:
 - a. Deleting from Schedule A Map No. 5 the Residential Detached Dwelling 15M (R1-D) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 15 (MU-1(15)) Zone as shown on Schedule 1.
3. That By-law 2019-06 is hereby amended by:
 - a. Deleting from Schedule A Map No. 6:
 - i. the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 15 (MU-1(15)) Zone as shown on Schedule 1.
 - ii. the Site Specific 9 (SS(9)) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 15 (MU-1(15)) Zone as shown on Schedule 1.
 - iii. the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Open Space 3 Site Specific Exception 1 (OS-3(1)) Zone as shown on Schedule 1.
 - iv. the Mixed-Use 2 (MU-2) Zone on the subject lands and substituting therefore the Mixed-Use 2 Site Specific Exception 2 (MU-2(2)) Zone as shown on Schedule 1.
 - b. Deleting from Schedule B Map 12 the maximum permitted height and replacing it with:
 - i. 21.5 m as shown on Schedule 2 for north building
 - ii. 50.5 m as shown on Schedule 2 for south building

- c. Adding to Schedule C Map 18 the subject lands with the label (H) as shown on Schedule 3 of By-law.
- d. Amending Section 6.2.5, specifically adding the site specific exception MU-2(15) as follows:

MU-1(15) – 615 Davis Dr (north block)

Notwithstanding Section 6.2.4.2.i) the maximum permitted building height is 21.5m.

Notwithstanding Section 6.2.4.2 (iii) (c) roof top mechanical penthouse shall not exceed 55% of the roof area of the building.

Notwithstanding Section 6.2.4.3. Floor Space Index, the subject lands shall have a maximum permitted FSI of 2.19.

Notwithstanding Section 6.2.4.6, the 3rd and 6th floor can extend up to a maximum of 1 metre into the angular plane measured from the property line abutting 45 Bolton Ave (north to the subject land).

- e. Amending Section 6.2.5, specifically adding the site specific exception MU-2(2) as follows:

MU-2(2) – 615 Davis Dr (south block)

Notwithstanding Section 5.6.1 only two loading spaces are required.

Notwithstanding Section 6.2.4.2.i) the maximum permitted building height is 50.5m.

Notwithstanding Section 6.2.4.2 (iii) (c) roof top mechanical penthouse shall not exceed 55% of the roof area of the building.

Notwithstanding Section 6.2.4.3. Floor Space Index, the subject lands shall have a maximum permitted FSI of 5.69.

Notwithstanding Section 4.2, awnings, lighting fixtures, ornamental elements, trellises, windowsills, balustrades, stairs, stair enclosures, landings, wheelchair ramps, underground garage ramps, and landscape features including planters and screening, may extend to a maximum of 1.80 metres beyond the building wall.

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

- f. Adding Section 8.2.7 Requirement to Remove the (H) Holding Provision from 615 Davis Drive (as shown on Schedule C Map 18):

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 2024-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2024-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.

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. Furthermore the Holding provision will not prevent any work associated with fulfillment of the conditions in Section 8.2.7.i below.

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, that is deemed appropriate, at the sole discretion of the Chief Building Official.

Section 8.2.7.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. That a clean Record of Site Condition to be acknowledged by the Ministry, if required.
3. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.
4. The Site Plan Agreement contains provisions relating to the placing of warning clauses in all offers of purchase and sale and/or any lease agreements as per the recommended findings of the Town accepted Noise Study, to the satisfaction of the Town.
5. That the Site Plan Agreement documents the appropriate tree compensation to be provided, and any cash-in-lieu compensation is provided prior to the execution of the Site Plan Agreement.
6. A Noise and Vibration Study and a Zone of Vibration Influence Report be completed to the satisfaction of the Town and shall be carried out including the requirement of pre-condition surveys, effective monitoring and data reporting, resident and owner notifications and a process for complaint handling, to the satisfaction of the Town.
7. That the Owner has satisfied the affordable housing policies to the satisfaction of the Director, Planning & Building Services.

8. That the Owner has provided a cross section of the privately owned public road to the satisfaction of the Director, Engineering Services.
 9. That the Owner has addressed the erosion comments to the satisfaction of the Lake Simcoe Region Conservation Authority.
 10. All necessary requirements of the Town have been satisfied, and all necessary approvals have been received by other commenting agencies and authorities, to the satisfaction of the Town.
4. That Schedules 1, 2, 3 attached hereto shall form part of By-law 2024-XX

Enacted this 24th day of June, 2024

John Taylor, Mayor

Lisa Lyons, Town Clerk

DRAFT

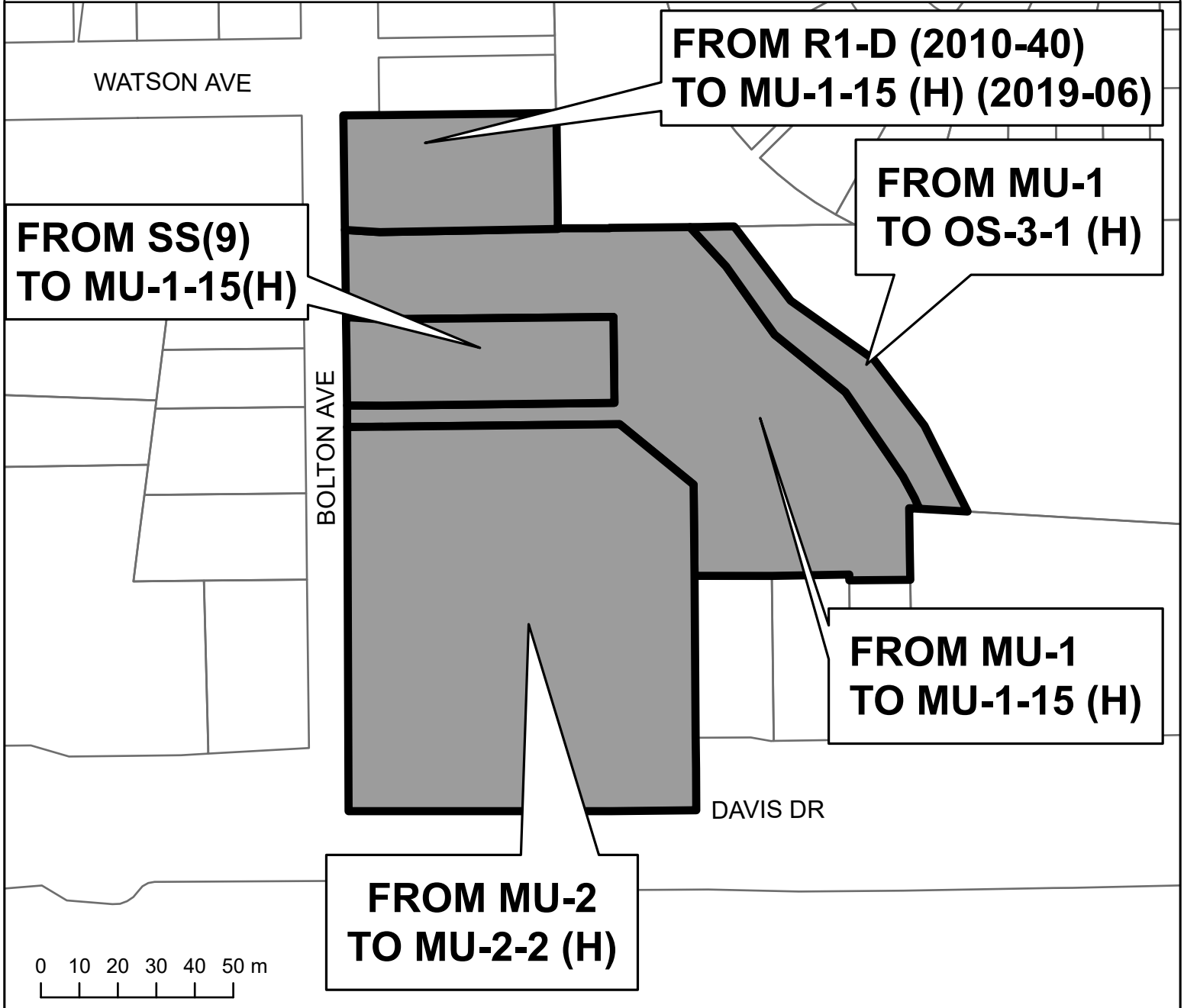
**TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 615, 625, 631 DAVIS DRIVE AND
 23, 29, 33, 39 BOLTON AVENUE**

This is Schedule '___'
 To Bylaw 2024-
 Passed this _____ Day
 of _____, 2024.

LOT 10 N HURON ST PL 56 EAST Gwillimbury; SAVE & EXACT PART 1 ON EXPROP PLAN YR1371815; TOWN OF NEWMARKET; LT 9 N HURON ST, PL 56 EAST Gwillimbury EXCEPT PT 1 EXPROP PL YR1371814; TOWN OF NEWMARKET; LT 7 PL 91 EAST Gwillimbury; LTS 7 & 8 N HURON ST, PL 56, EAST Gwillimbury, EXCEPT PT 1, EXPROP PL YR1371813; SUBJECT TO AN EASEMENT OVER PT LOT 7, PL 91 AND PTS 7 & 8, PL 56 PT 1, 65R33279 IN FAVOUR OF PT LOT 1 CON 2 EG PT 2, 65R33279 AS IN YR181886; TOWN OF NEWMARKET; LT 10 PL 91 EAST Gwillimbury; NEWMARKET; LOT 9 PL 91 EG PT LOT 1 CON 2 EG PT 1, 65R27265; NEWMARKET; TOGETHER WITH AN EASEMENT OVER PT LOT 7 PL 91 AND PT LOTS 7 & 8, PL 56 PT 1, 65R33279 AS IN YR181886; LT 8 PL 91 EAST Gwillimbury; TOWN OF NEWMARKET

 MAYOR

 CLERK



**SCHEDULE ' ' TO BY-LAW 2024-
 TOWN OF NEWMARKET PLANNING DEPARTMENT**



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 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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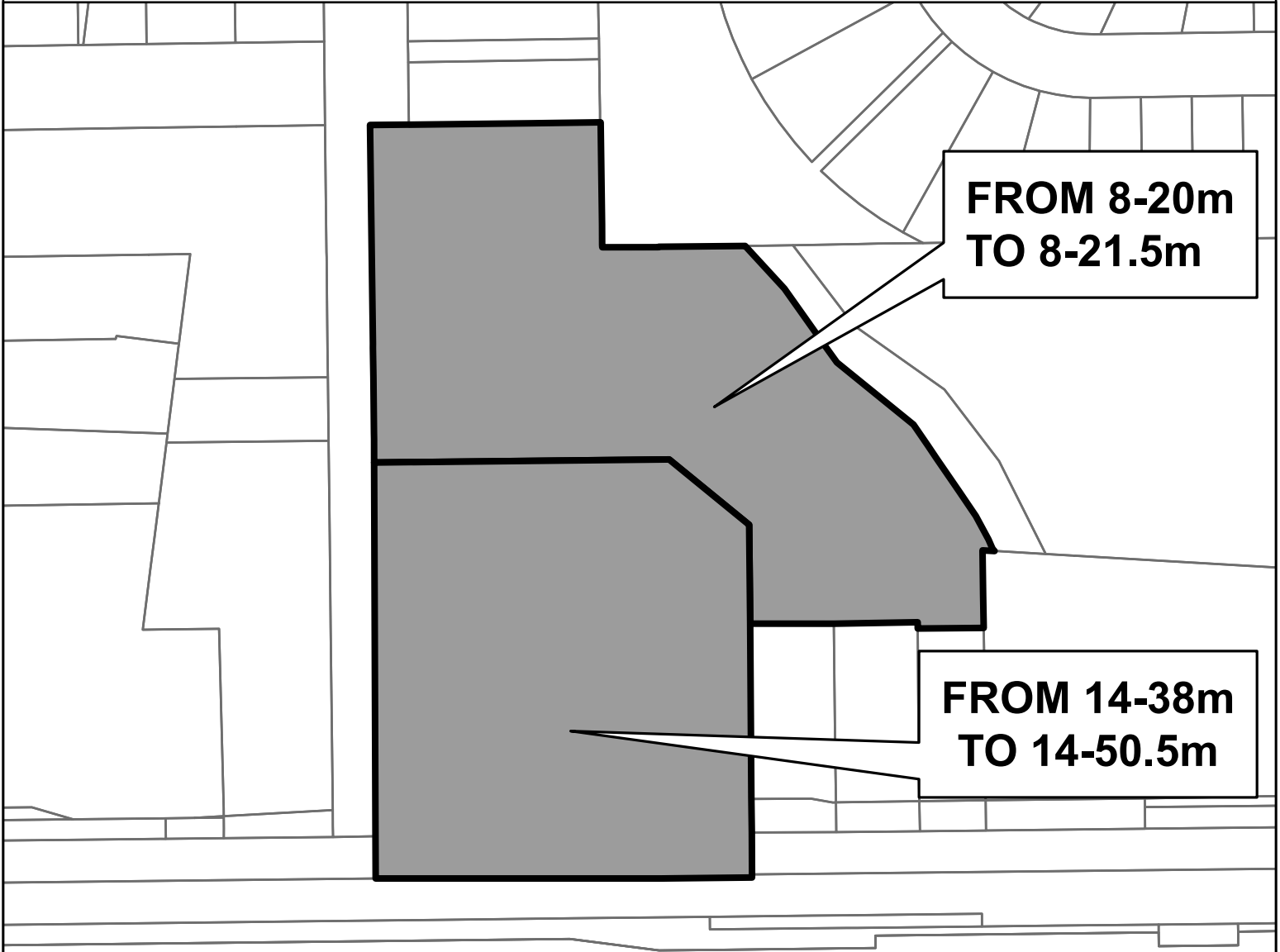
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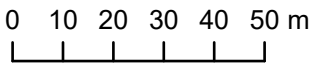
MAYOR

CLERK



**FROM 8-20m
TO 8-21.5m**

**FROM 14-38m
TO 14-50.5m**

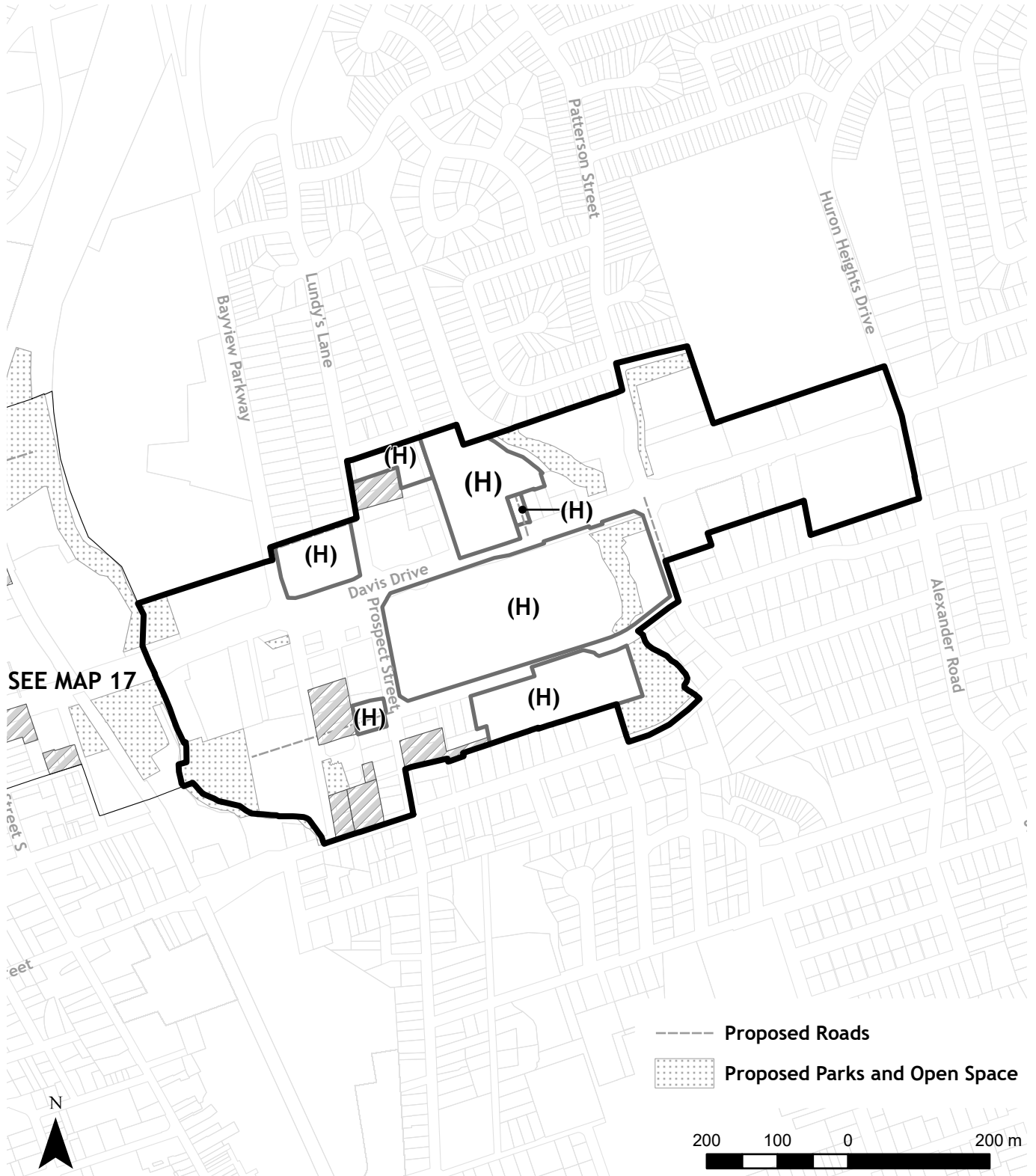


**SCHEDULE ' ' TO BY-LAW 2024-
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REGIONAL HEALTHCARE CENTRE HOLDING ZONES



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.