

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 (201 Davis Drive – Mosiak Davis Inc.).

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 2019-06 is hereby amended by:
 - a. Deleting from Schedule B Map 11 the maximum permitted height and replacing it with 28m as shown on Schedule 2
 - b. Amending Section 6.2.5, specifically amending the site specific exception MU-1(7) by replacing it as follows:

MU-1(7) – 201 Davis Dr

Notwithstanding Sections 4.10.1 and 4.10.2, the minimum width of the landscape buffer between the parking lot and the lot line abutting Penn Ave is 0.92m. The minimum width of the landscape buffer between the parking lot and the east property line (abutting 188 Penn Ave) is 1.5m.

Notwithstanding Section 5.4.1, the minimum setback from the parking lot to the lot line abutting Penn Ave shall be 0.92 and the minimum setback from the parking lot to the east property line shall be 1.5m.

Section 5.2.2.1 relating to Obstructions to parking spaces shall not apply.

Notwithstanding Section 5.5 the minimum driveway entrance is 6m and three entrances are permitted.

Notwithstanding Section 5.6.1 only one loading space is required and the minimum width is 3.0m. Section 5.6.2 does not apply.

~~Notwithstanding Section 6.2.2.3, commercial, residential or institutional uses are not required along the Above Grade Parking Garage that faces Davis Drive.~~

Notwithstanding Section 6.2.4.2.i) the maximum permitted building height is 28m.

Section 6.2.4.2 (ii) (c) relating to podium heights adjacent to existing residential development does not apply.

Section 6.2.4.2 (iii) (c) relating to mechanical penthouses setbacks does not apply.

Notwithstanding Section 6.2.4.3. Floor Space Index, the subject lands shall have a maximum permitted FSI of 3.2.

Notwithstanding Section 6.2.4.5 iii) the minimum setback for a wall with windows is 4m to a lot line that is not adjacent to a public street.

Notwithstanding Section 6.2.4.6 the angular plane calculation shall not apply to the side yard of 188 Penn Ave and roof top mechanical can extend 4.5m into the angular plane measured from the Penn Avenue property line.

Notwithstanding Section 6.2.4.6.ii the applicable angular plane shall be 45 degrees (not 22 degrees).

Notwithstanding Section 6.2.4.9, the subject lands may have one access to Davis Drive and two accesses onto Penn Avenue.

Notwithstanding Section 6.2.4.10, the single loading space may be located outside the building.

A 2.4m high opaque and/or board fence shall be provided on the east property line, adjacent to 188 Penn Ave.

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

- c. Amending Section 8.2.4 Requirement to Remove the (H) Holding Provision from 201 Davis Drive by replacing it with the following:

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 8.2.4.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 8.2.4.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 all downstream sanitary sewer improvements are completed and all other servicing matters have been addressed to the satisfaction of the Director of Engineering.
3. That a clean Record of Site Condition to be acknowledged by the Ministry, if required.
4. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.
5. 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.
6. The Site Plan Agreement contains provisions relating to the carrying out of de-watering in accordance with Town and Region requirements, to the satisfaction of the Town.
7. 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.
8. 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.
9. That a Construction Management Plan (CMP) has been completed, to the satisfaction of the Town.
10. That the Owner has satisfied the affordable housing policies to the satisfaction of the Director, Planning & Building Services.

11. 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.

3. That Schedules 1 attached hereto shall form part of By-law 2024-
XX

Enacted this 24th day of June, 2024

John Taylor, Mayor

Lisa Lyons, Town Clerk

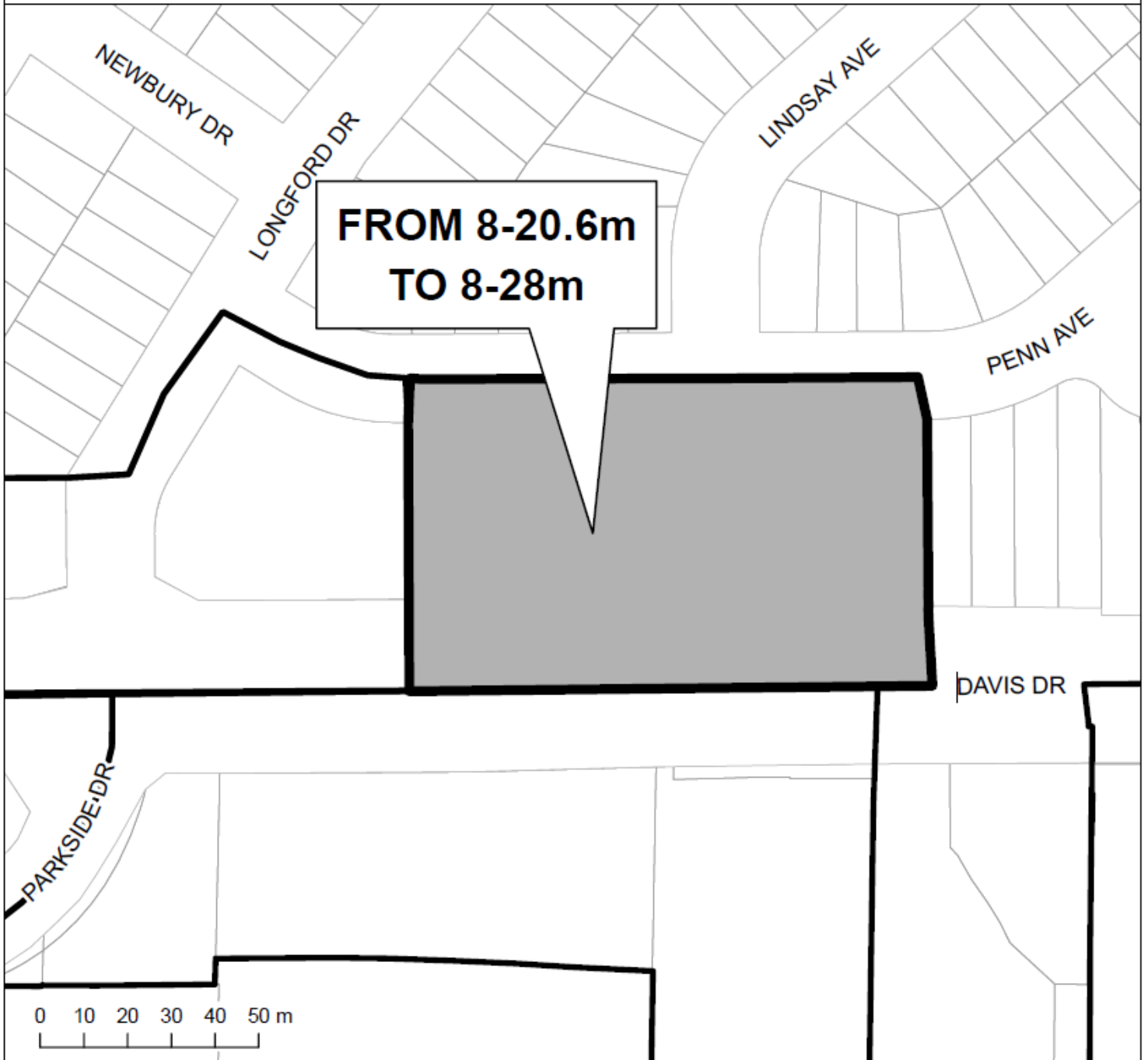
DRAFT

TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 201 DAVIS DRIVE
 PLAN 492 LOTS 253 & 254, LTS 255 & 256,
 LTS 257 & 258

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

MAYOR _____

CLERK _____



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



Designed & Produced by Information Technology – GIS Printed: May, 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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