



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-63

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (281 Main Street North)

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:

THAT By-law Number 2010-40 be and the same is hereby further amended by:

1. Deleting from Schedule "A", Map No.5, the Residential Detached Dwelling 30m (R1-B) Zone on 281 Main Street North; and substituting therefore the Residential Townhouse Dwelling 3 Exception 132 (R4-R-132) Zone as shown more particularly on Schedule "1" attached hereto, and forming part of this By-law.
2. Deleting from Schedule "A", the Private Space (OS-2) Zone on 281 Main Street North and substituting therefore the Environmental Protection Open Space (OS-EP) Zone as shown more particularly on Schedule "1" attached hereto, and forming part of this By-law.
3. Adding the following regulations relating to the Residential Townhouse Dwelling 3 Zone to Section 8.1.1 List of Exceptions:

Exception 132	Zoning (H) R4-R-132	Map 5	By-Law Reference 2016-63	File Reference D14-NP-1220
i)	Location	281 Main Street North		
ii)	Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law zoned R4-R-132:			
a.	Number of <i>Townhouse</i> units (maximum):	9		
b.	Number of semi-detached dwelling units (maximum):	2		
c.	<i>Lot Area</i> minimum (Total Parcel):	0.539 Ha		
d.	Minimum Lot Frontage:	82.0 m		
e.	<i>Lot Frontage</i> on a private road (minimum):	5.9m per unit		
f.	Setback from South Line of the OS-EP zone (minimum):	2.9 m		
g.	Setback from north property line for a townhouse (minimum):	1.4 m		
	Setback from the north property line for a semi-detached (minimum):	3.56 m		
h.	Setback from east property line (minimum):	25.0 m		
i.	Setback from west property line (minimum):	5.0 m		
j.	Setback from a garage to a private road (minimum):	5.5 m		
k.	Setback from the side wall of a <i>semi-detached dwelling</i> to a private road (minimum):	1.0 m		
l.	Maximum Lot Coverage	50%		

m. Maximum Building Height: 11.0 m
(3 Storey)

n. Permitted Encroachments:

Porches are permitted to encroach into the exterior side yard setback a distance of 2.1m, to be no closer than 3.4m to the west property line.

Porches are permitted to encroach into the front yard setback a distance of 1.56m, to be no closer than 2.0m to the north property line

The required parking for the two semi-detached units is permitted in the front yard on paved driveways. Driveways must be at least 2.7m wide and not wider than 3.8m.

o. Minimum Outdoor off-street parking requirement: 1.0 space per dwelling unit

p. Minimum Visitor Parking Spaces: 3 spaces

q. Minimum Barrier-Free Parking Spaces: 1 space

r. Minimum Driveway Width 2.7m

s. Maximum Driveway Width: 3.5 m

t. Minimum Driveway Length: 5.1 m

u. 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.

v. 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.

w. For clarity, ‘common elements condominium’ means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.

x. 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.

y. On a *corner lot* where a *daylighting triangle* or rounding has been conveyed to the a *public authority*, the *exterior side lot line* and the *front lot line* shall be deemed to be the continued projection of the *exterior side lot line* and the *front lot line* to a point of intersection, for the purposes of calculating all required setbacks, lot area, and lot frontage requirements.

1. Adding the following provisions to Section 8.2.1 List of Holding Provisions:

By-Law No. 2016-63	Property Description	Permitted Uses until holding provision removed	Conditions for Removal	Date Enacted
	281 Main Street North	<p>No person within the lands zoned (H)R4-R-132 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>All relevant provisions of the Official Plan, have been complied with;</p> <p>That sufficient servicing capacity is available, and has been allocated by the Town;</p> <p>That a subdivision agreement has been entered into between the Owner of the lands and the Corporation of the Town of Newmarket, and the performance security contemplated therein has been posted;</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.</p>	

ENACTED THIS 5TH DAY OF DECEMBER. 2016.

Tony Van Bynen, Mayor

Esther Armchuk, Acting Town Clerk

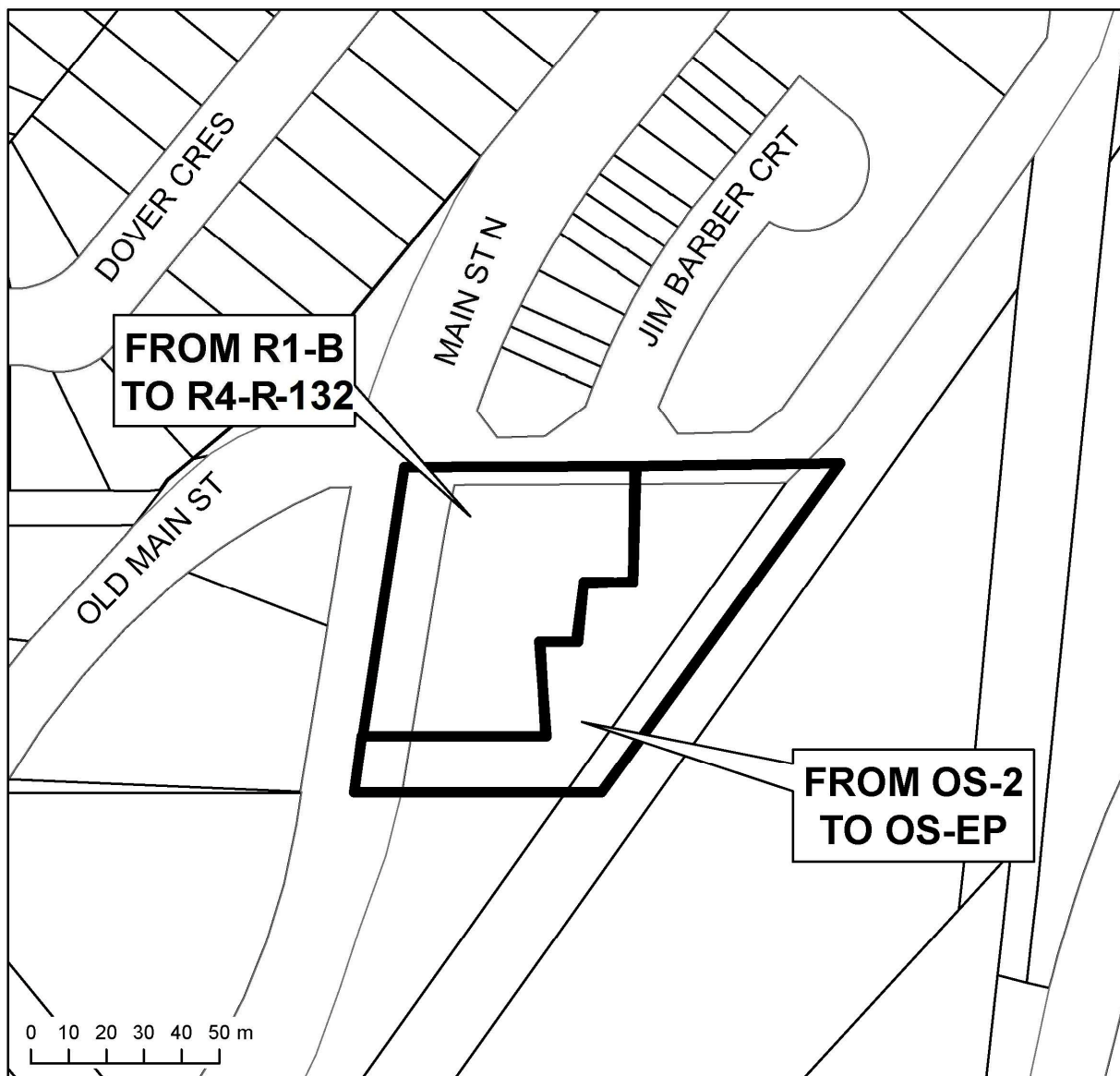
Schedule "1"

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
281 MAIN STREET
CON 1 PT LOT 98 RP 65R3687
PART 2

This is Schedule '1' to By-law
2016-63
Passed this 5th day of
December, 2016

Mayor

Clerk



TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Printed: February, 2015. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015. Zoning - Town of Newmarket, 2015.
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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