



Corporation of the Town of Newmarket

By-law 2023-15

A By-law to amend By-law Number 2010-40 being the Town’s Comprehensive Zoning By-law (1015, 1025, 1029 Davis Drive, and 22 Hamilton Drive)

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;

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 is hereby amended by:
 - a. Deleting from Schedule ‘A’ Map No. 6 the Residential Detached Dwelling 18m Zone (R1-C) on 1015, 1025, 1029, and 22 Hamilton Drive; and substituting therefore the Residential Townhouse Dwelling 3 Zone (R4-R-164) 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:

| Exception 164 | Zoning R4-R-164 | Map 6 | By-law Reference 2023-15 | File Reference D14-NP18-22 |
|--|-----------------|-------|--------------------------|----------------------------|
| <div><div><div>i)</div><div>Location: North side of Davis Drive and west side of Hamilton Drive (1015, 1025, 1029 Davis Drive, and 22 Hamilton Drive)</div></div><div><div>ii)</div><div>Legal Description: Lots 6 to 9 Inclusive and Lot 20 Plan 385</div></div><div><div>iii)</div><div>Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned R4-R-164 shown on Schedule ‘1’ attached here to:</div></div><div>Development standards:</div><div><div><div>a) Minimum lot area (per unit)</div><div>n/a</div></div><div><div>b) Number of townhouse units (maximum)</div><div>24</div></div><div><div>c) Number of semi-detached units (maximum)</div><div>4</div></div></div></div> | | | | |

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|--|--|
| d) Lot frontage on a private road (minimum) | 5.5 m |
| e) Setback from south property line (Davis Drive) (minimum) | 3.0 m |
| f) Setback from north property line (minimum) | 10.0 m |
| g) Setback from east property line (Hamilton Drive) (minimum) | 3.0 m |
| h) Setback from west property line (minimum) | 1.4 m |
| i) Setback from a garage to private road (minimum) | 5.5 m |
| j) Setback from the front main wall of a building to a private road (minimum) | 5.5 m |
| k) Setback from the side wall of a townhouse dwelling to a private road (minimum) | 1.2 m |
| l) Maximum Lot Coverage (excl. road widening) | 35% |
| m) Maximum Building Height (including rooftop access enclosure and mechanical penthouse) | 3 storeys – 13.9 m 2 storeys – 11 m |
| n) Building Separation (minimum) | 2.0 m |
| o) Permitted Encroachments | |
| Balconies, canopies, and bay windows are permitted to project a maximum of 1.5 metres from a main building wall. Balconies, canopies, and bay windows are not permitted to encroach into the required setback on the west property line. | |
| Decks, porches, and exterior stairs shall be permitted to project from the front and rear of any townhouse dwelling not more than 3.0 metres. | |
| p) Minimum off-street parking requirement (outside of the garage) | 1.5 spaces per townhouse unit and 0.25 spaces per unit for visitors 2.0 spaces per semi-detached unit |
| q) Minimum Visitor Parking Area | 6 visitor spaces total (including 1 barrier free space) |
| r) Setback to Visitor Parking Area from Side Lot Line (minimum) | 3.0 metres |
| s) Minimum private road width | 6.0 metres |

- t) The rooftop enclosure is permitted to occupy a maximum of 48% of the roof area.
- u) The minimum required width of a landscape buffer shall be 1.4 metres, where the interior side lot line of a R4 or R5 Zone abuts a lower density Residential Zone (west property line only).
- v) The minimum required parking spaces per dwelling unit may be located on the parcels of tied land (POTL) or within the common element condominium block.
- w) 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.
- x) 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 under Subsection 139(2) of the Condominium Act 1998 or a successor thereto for "parcels of tied land" has the corresponding plural meaning.
- y) For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.
- z) 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.

3. And that By-law 2010-40 is hereby amended by:

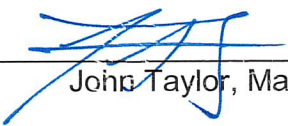
- a. Adding the following provisions to Section 8.2.1 List of Holding Provisions.

| By-law No. | Property Description | Permitted Uses Until Holding Provision is Removed | Conditions for Removal |
|--|--|--|---|
| 2023-15 Date Enacted: March 20, 2023 | Lots 6 to 9 Inclusive and Lot 20 Plan 385 1015, 1025, 1029 Davis Drive, and 22 Hamilton Drive | No person within the lands zoned (H) R4-R-164 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. | That sufficient servicing capacity is available, and has been allocated by the Town; That the Owner has signed the Town's site plan agreement and has posted all |

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| | | 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. | performance security contemplated therein; That compensation, in accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy has been provided to the Town for the removal of trees on the site; and, That a Clean Record of Site Condition has been acknowledged by the Ministry. |
|--|--|--|---|

3. And that all other provisions of By-law 2010-40, as amended, shall apply to the lands subject to this By-law.
4. That Schedule 1 attached hereto shall form part of By-law 2023-15.

Enacted this 20th day of March, 2023.


John Taylor, Mayor


Lisa Lyons, Town Clerk

**TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK
1015, 1025, 1029 DAVIS DRIVE AND
22 HAMILTON DRIVE
PLAN 385 LOTS 6, 7, 8 TO 9, AND 20**

This is Schedule '1' To By-law 2023-15 Passed this 20th day of March, 2023.

MAYOR
CLERK



**SCHEDULE "1" TO BY-LAW 2023-15
TOWN OF NEWMARKET PLANNING DEPARTMENT**



Designed & Produced by Information Technology - GIS Printed: February, 2023 Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2023 Zoning - Town of Newmarket, 2023. 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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