



The Corporation of the Town of Newmarket

Zoning By-law 2010-40

June 1 2010

Office Consolidation August 2022

This is an office consolidation prepared for the purposes of convenience only. For accuracy, reference should be made to the original approved comprehensive by-law and amending by-laws which are available from Legislative Services offices or the Planning Division.

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Preamble

Introduction

These pages explain the purpose of this zoning By-Law and how it should be used. These pages do not form part of the zoning By-Law passed by Council and are intended only to make the zoning By-Law more understandable and easier to reference.

Purpose of This Zoning By-Law

The purpose of this zoning By-Law is to implement the policies of the Town of Newmarket Official Plan. The Official Plan contains general policies that affect the **use** of land throughout the municipality. These policies specify where certain land **uses** are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private **lot**. In the Province of Ontario, this is the role of the zoning By-Law. Once an Official Plan is in effect, any Zoning By-Law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the zoning By-Law would prohibit the erection of **buildings** or **structures** on those lands.

The statutory authority to zone land is granted by the Ontario **Planning Act**. The **Planning Act** specifies what a By-Law can regulate. A zoning By-Law can:

- prohibit the **use** of land or **buildings** for any **use** that is not specifically permitted by the By-Law;
- prohibit the erection or siting of **buildings** and **structures** on a **lot** except in locations permitted by the By-Law;
- regulate the type of construction and the **height**, bulk, location, size, floor area, spacing, and **use** of **buildings** or **structures**;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a **lot** that any **building** or **structure** may occupy;
- regulate the minimum elevation of doors, windows or other openings in **buildings** or **structures**;

- require parking and loading facilities be provided and maintained for a purpose permitted by the By-Law; and,
- prohibit the **use** of lands and the erection of **buildings** or **structures** on land that is:
 - Subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;
 - contaminated;
 - a sensitive groundwater recharge area or head water area;
 - the location of a sensitive aquifer;
 - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
 - a significant corridor or shoreline of a lake, river or stream; or,
 - the site of a significant archaeological resource.

How to Use This By-Law

In order to reference this By-Law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on a Map

Maps in a zoning By-Law are called 'Schedules'. The first step to using this By-Law is to refer to the **zone** schedules that are contained at the back of the By-Law to determine in which **zone** category your property is located. The **zone** category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as "R1" beside your property. This would indicate that your property is within the 'Residential Type 1 Zone'. The **zone** symbols or abbreviations are explained on the first page of Section 2 of the By-Law.

Section 2 also provides assistance to help you identify the **zone** boundaries on the Schedules. For example, if your property appears close to a **zone** boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of the By-Law.

2. By-Law Amendments

A zoning By-Law is not a static document; it is amended over time as demands and policies governing land **use** change. Before proceeding any further, you should verify that your property is not the subject of an earlier zoning By-Law amendment. These amendments are listed in Section 8 of this By-Law. More recent amendments may not be included in the version of the By-Law you are using. Staff in the Town's Planning Department will be able to

assist you to confirm if your property has been subject to a more recent By-Law amendment.

3. Permitted Uses

The next step to using this By-Law is to determine what **uses** are permitted on your property. Section 6 of the By-Law identifies the permitted **uses** for each **zone** in the municipality. The definitions in Section 3 can assist you if you are not sure of the nature of a **use** or how it has been defined for the purposes of this By-Law. **Uses** which are not identified as permitted **uses** within a particular **zone** are not permitted in that **zone**.

4. Zone Standards

Steps 1 and 2 have now identified the **zone** in which your property is located and have identified what **uses** are permitted on your property. The next step is to determine what standards may apply to the **uses** on your property. Section 6 of the By-Law also identifies the **zone** standards for each **zone** in the municipality including standards for minimum **lot area**, minimum frontage requirements, minimum **yard** requirements, maximum **lot coverage** for **buildings**, maximum permitted **height** of **buildings** and in some cases, the minimum required landscaped open space on the **lot**.

The primary **zone** structure of this By-Law includes a list of permitted **uses** and **zone** standards for each **zone** category. In some cases, an additional set of regulations are identified through the **use** of an Overlay Zone. An Overlay Zone is a second layer of **zone** regulations that take precedence over the **zone** category requirements. Where an Overlay Zone has been applied, the permitted **uses** of the underlying **zone** continue to apply however, more restrictive provisions of the Overlay Zone replace the specified regulation of the underlying **zone**. An Overlay Zone is a second level of standards that allow the Town of Newmarket to address unique or special circumstances through the zoning process.

5. General Provisions

Now that you are aware of the **uses** permitted on your property and the specific **zone** standards that apply to those **uses**, reference should be made to Section 4 of this By-Law. Section 4 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all **zones** throughout the municipality. For example, the general provisions contain standards that regulate the construction and location of **accessory buildings** and platforms that apply to all properties regardless of where in the municipality a property is located.

6. Parking and Loading

There is one final section of the By-Law that should be consulted when determining what permissions apply to your specific property. Section 5 provides the parking and loading requirements for all permitted **uses** in the municipality. If you are considering changing the **use** of your property or adding a new **use** to your property, you should review Section 5 to ensure that you are aware of the parking requirements for the proposed **use**.

7. Explanatory Notes

A series of drawings are provided in the back of this document to assist the reader in interpreting the Zoning By-Law provisions. These drawings are for illustration purposes only and do not form part of the actual By-Law.

Description of By-Law Components

This By-Law contains 9 sections which together, provide the standards applicable to all lands within the municipality. These sections are as follows:

Section 1 – Interpretation and Administration

Section 2 – Establishment of Zones

Section 3 – Definitions

Section 4 – General Provisions

Section 5 – Parking and Loading

Section 6 – Zone Provisions

Section 7 – Overlay Zones

Section 8 – Special Provisions, Holding Provisions, Temporary Uses and Interim Control By-Laws

Section 9 – Enactment

The purpose of each of these sections is described below.

Section 1 – Interpretation and Administration

This section of the By-Law specifies:

- what lands are covered by the By-Law;
- that every parcel of land in the area covered by the By-Law is to conform and comply with the By-Law; and,
- what penalties can be levied against a person or a corporation if they contravene any provision in the By-Law.

Section 2 - Establishment of Zones

This section establishes the **Zones** that apply to the lands covered by the By-Law. This section also describes how to determine the location of the **Zone** boundaries on the schedules.

Section 3 - Definitions

It is necessary to define words in a zoning By-Law because it is a legal document. A By-Law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-Law and ensure that the By-Law and its intent is applied consistently.

Section 4 - General Provisions

This section contains a number of regulations that apply to certain types of **uses**, **buildings** or **structures** regardless of where in the municipality or in what **zone** they are located. For example, this section contains provisions dealing with the construction of **accessory buildings** in any **zone** or provisions to regulate the operation of **home occupations**.

Section 5 – Parking and Loading

Parking and loading facilities are required for almost all **uses** within the municipality. This section provides the requirements for these facilities including such regulations as the number of spaces required for residential and **commercial uses**, minimum **driveway width**, minimum **parking space** size and the location of parking facilities on a **lot**.

Section 6 – Zone Provisions

This section lists the **uses** that are permitted in each **Zone**. The effect of these **Zones** is to only permit certain **uses** in various parts of the municipality. The only **uses** permitted in a **zone** are those that are specified in the By-Law. If a **use** is not specifically mentioned as a permitted **use** in a **Zone** then it is not permitted. Similarly, if a **use** is defined in Section 3 of the By-Law but does not appear as a permitted **use** in any **zone**, then it is not a **use** permitted by the By-Law.

This section also contains a number of regulations that control the placement, bulk and **height** of a **building** on a **lot**. This includes regulations such as minimum **lot** size, minimum frontage, maximum **building height** or the maximum coverage of a **building** on a **lot**. In the case of the residential **zone** regulatory sets, such **zone** standards are indicated within the parentheses on the zoning maps indicating applicable regulatory set for the corresponding **use zone**.

Section 7 – Overlay Zones

This section identifies the primary Overlay Zone that will be applied within the Town. The Floodplain and Other Natural Hazards (FP-NH) Overlay Zone provide individual regulations that can be applied to specific properties in conjunction with specified **use zones** and/or established regulatory sets.

Section 8 – Special Provisions, Holding Provisions, Temporary Use Zones and Interim Control By-Laws

This section provides a consolidated list of properties that are subject to Special Provisions, Holding Provisions, Temporary Use Zones and Interim Control By-Laws. Regulations which are specific to one property or a group of properties in the Town are known as ‘Special Provisions’ and are shown on the Zone Schedules with a suffix at the end of the **zone** code consisting of a dash followed by a number (for example, ‘-123’) to denote exceptions to the standard regulations; a dash followed by the letter ‘T’ (for example ‘-T’) to denote temporary **uses**; and, a dash followed by the letters ‘IC’ (for example ‘-IC’) to denote an interim control **zone**.

Section 9 - Enactment

This section contains the signatures of the Mayor and the Clerk who signed the By-Law when it was passed by Council in accordance with Section 34 of the **Planning Act**, R.S.O. 1990.

Corporation of the Town of Newmarket

By-Law Number 2010-40

Whereas it is considered desirable to prohibit the **use** of land and the erection and **use** of **buildings** or **structures** except for certain purposes, and to regulate the type of construction and the **height**, bulk, location, size, floor area, character and **use** of **buildings** in accordance with the provisions of Sections 26(9) and 34(13) of the **Planning Act**, R.S.O. 1990, c. P. 13 as amended;

Now therefore, the Council of the Corporation of the Town of Newmarket enact as follows:

Section 1: Interpretation and Administration

1.1 Title

This By-Law may be referred to as the "Town of Newmarket Zoning By-Law" and applies to all lands within the Town of Newmarket.

1.2 Administration

This Zoning By-Law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the Town of Newmarket.

1.3 Conformity and Compliance with By-Law

No person shall change the **use** of any **building, structure** or land; erect or **use** any **building** or **structure**; or occupy any **building** or land except in accordance with the provisions of this By-Law. Where any **buildings** or land are used for more than one purpose, all provisions of this By-Law relating to each separate **use** shall be applied.

Any **use** not specifically permitted by this By-Law shall not be permitted in the Town of Newmarket. A **use** which is defined but not identified within a permitted **use** table in any **zone** or by exception is not permitted.

1.4 Interpretation

Nothing in this By-Law shall serve to relieve any person from any obligation to comply with the requirements of any other By-Law of the Town of Newmarket or any other regulation of the Regional Municipality of York, Province of Ontario or Government of Canada that may otherwise affect the **use** of lands, **buildings** or **structures** in the Town of Newmarket.

1.5 Permits

1.5.1 Building Permits

The requirements of this By-Law must be met before a **building** permit is issued for the erection, addition to or alteration of any **building** or **structure**.

1.5.2 Other Permits Required

The requirements of this By-Law are in addition to the regulations and standards established under separate legislation and authority. In order to **use** land or **buildings** the Town may require proof that the standards of other agencies have been met. Some of these requirements may affect the permission for **uses** and **buildings** and include but are not limited to limitations on **use** and **building** established by the Lake Simcoe Region Conservation Authority and the Ministry of Transportation.

1.6 Enforcement

Any person or corporation that contravenes any provision of this By-Law is guilty of an offense and upon conviction is liable to the fine as provided for in the **Planning Act**, R.S.O. 1990, Chapter P.13 as amended.

1.7 Severability

A decision of a court that one or more of the provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-Law.

1.8 Effective Date

This By-Law shall come into force the day it was passed.

1.9 Repeal of Former By-Laws

- a) Town of Newmarket By-Law 1979-50 is repealed in its entirety, including all of the Sections, Schedules and amendments that apply to all lands subject to By- Law 1979-50, save except for those lands that are:
 - i) subject to By-Law 2003-121 (Oak Ridges Moraine);
 - ii) lands legally described as Part of Lot 33, Concession 2 E.Y.S., Designated as Parts 9, 10 & 12 on Plan 65R-24321, Newmarket;
 - iii) lands legally described as Part of Lot 31, Concession 3 E.Y.S., Designated as Parts 10 and 11 on 65R-30703, Newmarket;
 - iv) lands legally described as Block 1 on Plan 65M-3871;
 - v) located at 135 Pony Drive;
 - vi) located at 631 Davis Drive;

- vii) located at 115 Beswick Drive; and,
 - viii) located on portions of 601 Newpark Boulevard.
- b) Town of Newmarket By-Law 1981-96 is repealed in its entirety, including all of the Sections, Schedules and amendments that apply to all lands subject to By- Law 1981-96, save and except for those lands that are:
- i) subject to By-Law 2003-128 (Oak Ridges Moraine); and,
 - ii) located at 17360, 17380, 17390, 17410 Yonge Street, and 25, 45, 47 Millard Avenue West.
- c) The following Town of Newmarket By-Laws and all amendments thereto are hereby repealed:
- i) 1981-92;
 - ii) 1981-114;
 - iii) 1982-36;
 - iv) 1982-37;
 - v) 1982-38;
 - vi) 1982-39;
 - vii) 1982-78;
 - viii) 1983-79

1.10 Transition (By-law 2020-63)

This section applies to:

- i. Site-Specific Zoning By-law Amendments
All site-specific zoning by-law amendments approved and came into full force and effect pursuant to Section 34 of the **Planning Act** prior to the passing of By-law 2020-63 shall remain in force.
- ii. Minor Variances
All minor variances applied for prior to the passing of By-law 2020-63 and approved pursuant to Section 45 of the Planning Act continue to apply and remain in force as if they are variances to this By-law for lawfully **existing lots, buildings or structures**.

Nothing in this By-law shall prevent the erection or use of a **building or structure**, for which:

- a. A complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to the date of passing By-law 2020-63 and approved prior to or after the passing of By-law 2020-63; or

- b. A complete application for a minor variance under Section 45 of the **Planning Act** was filed and approved after to the date of passing By-law 2020-63 based on a building permit application filed on or prior to the date of passing By-law 2020-63.

For the purposes of this section, a “complete application for a minor variance” means an application which satisfies the requirements of Section 2 of Ontario Regulation 200/96 (Minor Variance Applications) under the **Planning Act**.

iii. Building Permit Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for which an application for a building permit was filed on or prior to the date of passing By-law 2020-63, if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the zoning by-law as amended as it existed on the date of passing By-law 2020-63.

An “application for a building permit” means an application for a building permit that satisfies the requirements set out in Building By-law 2015-58 or its successor by-law.

iv. Site Plan Approval Applications

Nothing in this By-law shall prevent the erection or use of a **building** or **structure** for a project for which a complete application for site plan approval was filed on or prior to the date of passing By-law 2020-63, if the project in question complies with the provisions of the applicable zoning by-law on that date, or obtains necessary relief from the zoning by-law through a minor variance under Section 45 of the **Planning Act**.

Where a project qualifies under this Section:

- a. site plan approval may be granted if the project complies with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-63 and all requirements of the **Planning Act**.
- b. after final site plan approval is received for a project that qualifies under Section 1.10 (iii), a building permit for that project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the applicable zoning by-law as it read on the date it was amended by By-law 2020-63, the site plan approval, and all finally approved minor variances.

For the purposes of this section, a "complete application for site plan approval" means an application which satisfies the requirements set out in the Town of Newmarket Official Plan.

v. Transition Clause Duration

Nothing in this By-law applies so as to continue the application of Section 1.10 beyond the issuance of the building permit upon which the exemptions are founded.

Section 2: Establishment of Zones

2.1 Establishment of Zones

The following **zones** are hereby established and they may be referred to by name or by the symbol set opposite the name of the **zone** below:

Zone	Symbol
Residential Detached Dwelling 60m Zone	R1-A
Residential Detached Dwelling 30m Zone	R1-B
Residential Detached Dwelling 18m Zone	R1-C
Residential Detached Dwelling 18m Exception Zone	R1-CX
Residential Detached Dwelling 15m Zone	R1-D
Residential Detached Dwelling 13.7m Zone	R1-E1
Residential Detached Dwelling 12m Zone	R1-E
Residential Detached Dwelling 10.7m Zone	R1-F1
Residential Detached Dwelling 9.7m Zone	R1-F
Residential Detached Dwelling 9.1m Zone	R1-F2
Residential Detached Dwelling 9.7m Exception Zone	R1-FX
Residential Link Dwelling Zone	R2-G
Residential Semi-Detached Dwelling 13.6m Zone	R2-H
Residential Semi-Detached Dwelling 17.4m Zone	R2-J
Residential Semi-Detached Dwelling 21.3m Zone	R2-K
Residential Semi-Detached Condominium Plan Dwelling Zone	R2-CP
Residential Duplex Dwelling Zone	R3-K
Residential Multiple Unit Dwelling 1 Zone	R3-L
Residential Multiple Unit Dwelling 2 Zone	R4-M
Residential Townhouse Dwelling 1 Zone	R4-N
Residential Townhouse Dwelling 2 Zone	R4-P
Residential Townhouse Dwelling 3 Zone	R4-R
Residential Stacked Townhouse Dwelling Zone	R4-S
Residential Townhouse Condominium Plan Dwelling Zone	R4-CP
Residential Apartment Dwelling 1 Zone	R5-S
Residential Apartment Dwelling 2 Zone	R5-T
Convenience Commercial Zone	CC
Service Commercial Zone	CS
Retail Commercial 1 Zone	CR-1
Retail Commercial 2 Zone	CR-2

Zone	Symbol
Automotive Commercial Zone	CA
Office Commercial 1 Zone	CO-1
Office Commercial 2 Zone	CO-2
Provincial Urban Centre Zone	UC-P
Regional Urban Centre Zone	UC-R
Historic Downtown Urban Centre Zone	UC-D1
Downtown Urban Centre Zone	UC-D2
Healthcare Urban Centre Core Hospital South Zone	UC-H1
Healthcare Urban Centre Core Hospital North Zone	UC-H2
Healthcare Urban Centre Complementary Use 1 Zone	UC-HC1
Healthcare Urban Centre Complementary Use 2 Zone	UC-HC2
Healthcare Urban Centre Complementary Use 3 Zone	UC-HC3
Mixed Employment Zone	EM
General Employment Zone	EG
Heavy Employment Zone	EH
Major Institutional Zone	I-A
Minor Institutional Zone	I-B
Institutional Cemetery Zone	I-C
Open Space Zone	OS-1
Private Open Space Zone	OS-2
Environmental Protection Zone	OS-EP
Transitional Zone	TR
Floodplain and Other Natural Hazards Overlay Zone	FP-NH

2.2 Zone Symbols

The **zone** symbols may be used to refer to **lots**, **buildings** and **structures** and to the **use** of **lots**, **buildings** and **structures** permitted by this By-Law. Special Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones are identified in Section 8 of this By-Law.

2.3 Zone Maps

The **zones** and **zone** boundaries are shown on Maps 1 through 21 which are attached to and form part of this By-Law.

2.4 Determining Zone Boundaries

When determining the boundary of any **zone** as shown on Schedule A, forming part of this By-Law, the following provisions shall apply:

- i) a boundary indicated as following a highway, street, lane, railway right-of-way, or watercourse shall be the centre line of such highway, street, lane, railway right-of-way, or hydro corridor;
- ii) a boundary indicated as following **lot lines** or the municipal boundaries of the Town of Newmarket shall follow such **lot lines** or boundary;
- iii) where a boundary is shown parallel to a **street line** and the distance from the **street line** is not indicated, the boundary shall be deemed to be parallel to such a **street line** and the distance from the **street line** shall be determined according to the bar scale shown on the **zone** map;
- iv) where two or more **zones** are located on a single **lot** and the distance of the respective **zone** boundaries is indicated on the **zone** maps, the boundary shall be determined in accordance with the distances noted on the **zone** maps;
- v) where a **lot** is divided into two or more **zones** the **zone** boundary dividing the **lot** shall be deemed to be a **lot line** for purposes of calculating required setbacks and coverage, and each portion of the **lot** is required to satisfy the provisions of this By-Law for the applicable **zone**; and,
- vi) where none of the above provisions apply, the **zone** boundary shall be scaled from the **zone** map.

Section 3: Definitions

Adult Entertainment Parlour

Means any **premises** or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations as licensed in accordance with the Town of Newmarket.

Air Conditioner

Means any mechanical equipment which is required for residential domestic **use** and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipment.

Art Gallery

Means a **premises** where paintings, sculptures, or other works of art are exhibited or sold.

Balcony

Means a raised platform or **structure** in excess of 3 metres above **grade** which is not supported by vertical uprights other than from the exterior wall of the **building** from which it projects and is only accessible from within the **building**.

Banquet Facility

Means a **premises** used for the purpose of catering to large groups of people for which food and beverages are prepared and served.

Basement (By-law 2020-63)

Means a portion of a building that is underground, which has more than one third of its height above finished grade but where the height above finished grade does not exceed:

- 1.2 metres for lots Zoned R1, R2 or R3; or,
- 1.8 metres for lots in all other Zones.

Basement, Walkout

Means that portion of a **building** which is partly underground, but which has more than 50% of the floor area not greater than 0.6 metres below **established grade**, and which has an entrance or exit at **grade** level. (see Illustration 1)

Bay Window

Means a window that projects outward from an exterior wall of the dwelling but does not include any floor area of the **dwelling** unit.

Bed and Breakfast Establishment

Means a dwelling or part of a dwelling in which not more than 3 bedrooms are used or maintained for the accommodation of the travelling public, in which the owner-occupant supplies lodgings with or without meals for hire or pay but shall not include any other establishment otherwise defined or classified in this By-Law.

Bicycle Parking Space, Long-term

Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access.

Bicycle Parking Space, Short-term

Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.

Body Rub

Includes the kneading, manipulating, rubbing, massaging, touching, or stimulating by any means of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

Body Rub Parlour

Means any **premises** or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include the medical or therapeutic services of a Registered Massage Therapist.

Building

Means a **structure** occupying an area greater than 10 m² and consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures and service systems. This definition shall also include a private sewage system but shall not include a **mobile home**.

Building or Structure, Accessory

Means a detached building or structure, the use of which is incidental, subordinate and exclusively devoted to a main building or main use on the same lot. (By-law 2011-25)

Building Line

Means a line which runs parallel to a **lot line** for the purpose of establishing the minimum distance that must exist between a **building** or **structure** erected on the **lot** and a **lot line** of the **lot**.

Building Line, Established

Means the average distance from the **street line** to **existing buildings** in any block where more than one-half (1/2) the frontage has been built upon, at the date of the final passing of this By- Law.

Building Supply Outlet

Means a **premises** in which **building** or construction materials are offered or kept for sale.

Building, Principal or Main

Means a **building** which constitutes, by reason of its **use**, the primary purpose for which the **lot** is used.

Bulk Fuel Depot

Means a **premises** where petroleum, gasoline, fuel, oil, propane or other flammable liquid or fluid is stored, warehoused and/or kept for retail sale.

Carpool Space or High Occupancy Vehicle Space

A designated **parking space** for vehicles to be used only by vehicles carrying more than one occupant.

Carport

Means a **building** or **structure** attached to the principal or **main building**, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more **motor vehicles**.

Cellar

Means a **storey** or any part of a **storey** which has less than one third of its height above the **finished grade**. (see Illustration 1)

Cemetery

Means land that is set apart or used for the interment of the deceased or in which human remains have been buried, and may include a **crematorium**, a **columbarium** and a **mausoleum** but does not include any facilities for public assembly.

Columbarium

Means a **structure** designed for the purpose of interring cremated human remains in sealed compartments.

Commercial Motor Vehicle

Means a motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a **food vehicle**, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.

Commercial Recreation Centre

Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, **office** space, yoga studio, retail shop and related lounge facilities but shall not include a **private club**. May also include premises where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an **adult entertainment parlour** or a **nightclub**.

Commercial School

Means a **premises** operated as a school with teachings dedicated to a specialized skill set and which is conducted for gain or profit but shall not include a **studio**.

Community Centre

Means a **building** or **structure** owned and/or operated by the Town of Newmarket that provides facilities for indoor recreational activities and/or other community facilities for **use** by the public.

Conservation Use

Means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system and may include hiking trails as an **accessory use**.

Contractors Yard

Means a yard of any **building** trade or contractor where equipment and material is stored or where a contractor performs shop or assembly work, within a wholly enclosed **structure**.

Convenience Store

Means a **retail store** that provides a variety of household necessities, groceries and other convenience items primarily to the immediate neighbourhood.

Crematorium

Means a **premises** used for the purpose of the cremation of human remains.

Day Nursery

Means a **premises** where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.

Daylighting Triangle

Means a triangular area of land on a **corner lot**, free of **buildings** or **structures**, formed by measuring from the point of intersection of the **street lines**, the distance required by this By- Law along each such **street line** and joining such points with a straight line.

Deck (By-law 2012-74)

Means a platform, with no solid roof or walls, which is constructed on piers or a foundation above **finished grade** adjacent to a ground floor or **walkout basement** wall, is used as an outdoor living area, and shall include stairs and privacy screening up to 2.0 metres in height measured from the deck floor to the highest part of the privacy screen including any ornamental features.

Domestic Animal Care Facility

Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a **kennel**.

Dormer (By-law 2020-63)

Means a roof structure, often containing a window, which projects both vertically and horizontally beyond the plane of a pitched roof, occupying an area equal to or less than 30% of the total horizontal roof area on each side of the roof.

Dormitory

Means a residence hall owned or operated by the Southlake Regional Health Centre, providing temporary accommodation and consisting of either **dwelling units**, **rooming units**, or a mixture of both. A Dormitory may involve shared cooking or washroom facilities. Meals may or may not be provided to residents. Common areas such as living rooms may or may not be provided. A Dormitory does not include a **group home**, **special needs facility**, **halfway house**, or a **long term care facility**.

Drive-Thru Facility

Means a **building** or **structure** or part thereof where goods, food or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged.

Driveway

Means that portion of a **lot** used to provide vehicular access from a roadway to an off-street parking or loading area located on the same **lot** as the principal **use**.

Driveway, Width Of

Means the widest horizontal surface of any **driveway** required by this By-Law, measured along a line parallel to the **front lot line** or **exterior side lot line** and includes any portion of hard landscaping or pavement contiguous to a **driveway** or **parking space** where parking or storage of a **motor vehicle** could be accommodated.

Dry Cleaning Depot

Means a **premises** used for the purpose of receiving articles or goods of fabric to be laundered or dry-cleaned elsewhere.

Dry Cleaning Establishment

Means a **premises** in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing, and finishing of such goods are conducted.

Dwelling Unit

Means a room or group of rooms to be used by one **family** that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive **use** of those residing within the unit only, and with a private entrance from outside the **building** or from a common hallway or stairway inside.

Dwelling Unit, Accessory

Means a separate **dwelling unit** that is located within the **structure** of a detached or **semi-detached dwelling** unit and which is clearly subordinate or incidental to the principal dwelling.

Dwelling, Apartment Building

Means a **building** containing 4 or more **dwelling units** which are rented or owned by the occupants and which have a common entrance from the street level and the occupants of which have the right to use in common, hallways, stairs, and/or elevators and **yards** but does not include any other dwelling defined herein. (see Illustration 3)

Dwelling, Back to Back Townhome (By-law 2014-51)

Means a **building** containing a minimum of 6 and not more than 20 dwelling units that is divided by common walls including a common rear wall without a rear yard setback, and where each dwelling unit has an independent entrance to the dwelling unit from the outside which is accessed through the front yard or exterior side yard.

Dwelling, Detached

Means a **building** containing only one primary **dwelling unit** exclusive of any **accessory dwelling unit**. (see Illustration 3)

Dwelling, Duplex

Means a **building** that is divided horizontally above **grade** into 2 **dwelling units**, each of which has an independent entrance either directly or through a common vestibule. (see Illustration 3)

Dwelling, Fourplex

Means a **building** that is divided horizontally or a combination of horizontally and vertically into four **dwelling units**, each of which has an independent entrance either directly to the outside or through a common vestibule.

Dwelling, Link

Means a **building** divided vertically into two separate **dwelling units** above ground, each with an independent entrance to the outside, but the foundation for each **dwelling unit** being connected to a common wall below **grade**.

Dwelling, Maisonette

Means a **building** that is divided into three or more **dwelling units**, each of which has independent entrances, one to a common corridor and the other directly to the outside **yard** area adjacent to the **dwelling unit**.

Dwelling, Mixed Use Building

Means a **building** containing 4 or more **dwelling units** and a non-residential use. A **mixed use building** is not an **apartment building**.

Dwelling, Quadruplex

Means a **building** that is divided vertically, with no common entrance, into 4 separate **dwelling units**, each of which has 2 common walls. (see Illustration 3)

Dwelling, Semi-Detached

Means a **building** divided vertically into two **dwelling units** above and below **grade**, each such **dwelling unit** having an independent entrance from outside the **building**. (see Illustration 3)

Dwelling, Stacked Townhouse

Means a residential **building** containing a minimum of four and a maximum of twenty units, provided that:

- stacked townhouse **buildings** shall have a maximum length of 60 m;
- not more than half of all dwelling units shall be on the ground floor;
- **dwelling units** shall be fully attached to adjoining units; and,
- access to all second level units shall be from an interior stairway within the stacked townhouse **building**.

(see illustration 3)

Dwelling, Townhouse

Means a **building** that is divided vertically into 3 or more **dwelling units**, each of which has independent entrances to a front and **rear yard**. (see Illustration 3)

Dwelling, Triplex

Means a **building** that is divided horizontally into 3 **dwelling units**, each of which has an independent entrance either directly or through a common vestibule. (see Illustration 3)

Emergency Service Facility

Means a **building** that houses emergency personnel, their supplies and vehicles and may include an ambulance response facility, fire station or police station.

Existing

Means existing as of the date of the final passing of this By-Law.

Family

Means one person or two or more persons living together as a single independent housekeeping unit within one **dwelling unit** and includes bona fide on-site domestic service providers and not more than two roomers or boarders.

Financially Assisted Dwelling Unit

Means a **dwelling unit** in a **mixed use building** or an **apartment building** which is operated or owned by a government agency, a registered charitable corporation, or a registered non-profit corporation as a residential accommodation for persons who require financial assistance towards the regular costs of renting or owning such **dwelling unit**.

Financial Institution

Means a **premises** where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and may include an automated banking machine.

Floor Area, Gross

Means the aggregate of all floor areas of a **building** or **structure**, which floor areas are measured between the exterior faces of the exterior walls of the **building** at each floor level but excluding any **porch**, veranda, **cellar**, mechanical room or penthouse, or areas dedicated to parking within the **building**. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls. For the purposes of calculating required parking spaces, all common areas within buildings including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling height of less than 1.8 metres shall be excluded.

Floor Area, Ground

Shall mean the floor area of the lowest **storey** of a **building** approximately at or first above the **finished grade** level excluding any **basement**, **cellar** or sub-**cellar**, which area is measured between the exterior faces of the exterior walls at the floor level of such **storey**, but:

- i) excludes areas to accommodate parking within the **building**; and,
- ii) for the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

Floor Area, Leasable

Means the aggregate area of all floors in a **building** measured from the centre line of the joint interior partitions and from the exteriors of outside walls, and used or capable of being used for commercial purposes, such as sales, display, storage and **offices** but excluding storage areas below **grade**.

Floor Area, Net

Means the aggregate of the floor areas of a **building**, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the **building**, and any space with a floor to ceiling height of less than 1.8 metres.

Floor Space Index

Means the **gross floor area** of all **buildings** on a **lot** divided by the **lot area**. (see Illustration 4)

Food Vehicle

Means the **accessory use** that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

Funeral Home

Means a **premises** designed for the purpose of furnishing funeral supplies and service to the public and includes facilities intended for the preparation of human remains for interment or cremation but does not include a **crematorium**.

Garage, Residential

Means an enclosed **building** or part thereof, accessed via a driveway, located within a Residential Zone that is used for the storage of private **motor vehicles, recreational vehicles and trailers**. (By-law 2020-63)

Garden Centre

Means a **premises** or portion of a **premises**, used for the display and retail sale of flowers, plants, trees and shrubs and shall also include the retail sale of such goods, products and equipment as are normally associated with gardening or landscaping.

Golf Course

Means a public or private area operated for the purpose of playing golf and may include accessory driving ranges, miniature golf courses and similar **uses**.

Grade

Means the level of the ground adjacent to the outside wall of a **building** or **structure**.

Grade, Established or Finished (By-law 2020-63)

Means

For single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings, the average elevation of the ground, measured at the two points where the front yard meets adjacent side lot lines (see Illustration 7);

For all other structures, the average of the levels of the finished ground surface at every location of change of grade along the exterior walls of a building or structure.

Group Home

Means a residence licensed or funded under a federal or provincial statute for the accommodation of 3 to 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their well-being but shall not include a **halfway house**.

Habitable Room

Means a room designed for living, sleeping, eating or food preparation.

Halfway House

Means a facility funded, licensed, approved, or supervised by the Province of Ontario as a detention or correctional facility under any general or special Act and amendments or replacements thereto, for the accommodation of 3 or more residents, exclusive of staff.

Hazardous Substances

Means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heavy Equipment Sales, Rental and Service

Means a **premises** in which heavy machinery and construction equipment are offered or kept for sale, service, rent, lease or hire under agreement for compensation.

Height, Building (By-laws 2011-25 and 2020-63) (see Illustration 5)

Means the vertical distance measured between the established or finished grade and any of the following:

- On a flat roof or mansard roof, the highest point of the roof surface or the parapet, whichever is the greater;
- On a gabled, hip, gambrel or any other type of pitched roof, the mean distance between the eaves and ridge of a roof; or
- The highest point of a **structure** without a roof.

Height, Accessory Residential Structure

Means the distance from the **finished grade** to the highest point of the **structure**.

Height, Finished First Floor (By-law 2020-63)

Means the finished height of the first floor of a building, inclusive of the entryway or landing, occupying an area greater than or equal to 50% of the total horizontal first floor area, and measured relative to the elevation of established or finished grade.

Home Occupation

Means any lawful occupation or business which is conducted entirely within a **dwelling unit** and which is clearly subordinate or incidental to the primary **residential use** of the dwelling.

Hospital

Means any institution, **building** or other **premises** established for the treatment of persons afflicted with or suffering from sickness, disease or injury, or for the treatment of convalescent or chronically ill persons that is approved under the Public Hospitals Act as a public hospital and may include a gift shop, cafeteria or other **accessory uses** normally associated with a hospital.

Hotel

Means a commercial establishment offering accommodation to the travelling public on a daily rate basis and may include such **accessory uses** as a **restaurant, banquet facilities**, meeting rooms, swimming **pool** and a fitness establishment.

Institutional Day Centre

Means a **premises**, used to deliver a day time program of structured and supervised activities and/or short term temporary care for youths, adults, seniors or persons with disabilities but shall not include a **day nursery**.

Kennel

Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a **Domestic Animal Care Facility**.

Landscaped Buffer

Means the area of a **lot** which serves to provide separation and to partially or fully obstruct the view of adjacent land **uses** by means of vegetative screening, fencing and/or berms.

Lane, Private

Means a private thoroughfare.

Lane, Public

Means a public thoroughfare which affords only a secondary means of access to abutting **lots** and which is not intended for general traffic circulation.

Laundromat

Means a **premises** where laundry machines, using only water and detergents are made available to the public for the purpose of cleaning clothes and other articles made of fabric and which may include a drop-off laundry service.

Library

Means a **building** containing printed, electronic and pictorial material for **public use** for purposes of study, reference and recreation.

Light Equipment Sales and Rental

Means a **premises** in which light machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation and which may include an accessory service shop.

Live Work Unit

Means a **building** containing a professional **office** and a **dwelling unit** in which, the owner/occupant of the **office** resides.

Loading Space

Means an unobstructed area of land which is provided and maintained upon the same **lot** or **lots** upon which the principal **use** is located and which area is provided for the temporary parking of one commercial **motor vehicle** while merchandise or materials are being loaded or unloaded from such vehicles.

Long Term Care Facility (By-law 2012-74)

Means a nursing home licensed in accordance with applicable federal and or provincial legislation.

Lot

Means a parcel of land which is legally capable of being conveyed in accordance with the **Planning Act** R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium.

Lot Area

Means the total horizontal area within the **lot lines** of the **lot**. In the case of a **corner lot** having **street lines** rounded at one or more corners with a radius of six metres or less, the **lot area** is to be calculated as if the **lot line** were projected to intersection points.

Lot Coverage

Means the percentage of the **lot** area covered by all **buildings, structures** or parts thereof, at or above **average grade** or **established grade**, exclusive of uncovered **decks**, uncovered **porches**, pergolas, ornamental structures such as mailboxes or birdhouses, and outdoor swimming **pools**.

Lot Frontage

Means the horizontal distance between parallel **side lot lines** measured along the **front lot line**. Where the **front lot line** is not a straight **lot line**, or where the **side lot lines** are not parallel, the **lot frontage** shall be measured by a line 7.5 metres back from and parallel to the chord of the **lot frontage**. The chord of the **lot frontage** is a straight line joining the two points where the **side lot lines** intersect the **front lot line**. (see Illustration 6)

Lot, Corner

Means a **lot** situated at the intersection of and abutting onto two or more streets or two sections of the same street, provided that the angle of intersection of such street(s) is not more than one hundred and thirty-five degrees. (see Illustration 6)

Lot, Interior

Means a **lot** other than a **corner lot**. (see Illustration 6)

Lot, Through

Means a **lot** bounded on opposite sides by a **public street**. (see illustration 6)

Lot Line

Means a boundary of a **lot** including its vertical projection.

Lot Line, Exterior Side

Means a **side lot line** which abuts the street on a **corner lot**. (see Illustration 6)

Lot Line, Front

A **front lot line** shall be defined as follows:

- 1) In the case of an **interior lot**, shall be the **lot line** abutting a street.
- 2) In the case of a **corner lot**, shall be the shorter **lot line** that abuts a street.
- 3) In the case of a **corner lot** with two **street lines** of equal length, shall be the **lot line** which abuts a Regional Road. In the case that both abutting streets are under the same jurisdiction or are of the same width, the Municipality may designate either **street line** as the **front lot line**.
- 4) In the case of a **corner lot** abutting a 0.3 metre reserve, shall be the **lot line** which does not abut the 0.3 metre reserve.
- 5) In the case of a **through lot**, shall be the longer boundary dividing the **lot** from the street. In the case that both such **lot lines** shall be of equal length, the Municipality may designate either **street line** as the **front lot line**.

(see Illustration 6)

Lot Line, Rear

Means the **lot line** or intersection of the **side lot lines**, opposite to, and most distant from, the **front lot line**. (see Illustration 6)

Lot Line, Side

Means a **lot line**, other than a front or **rear lot line**. In the case of a **corner lot**, the **lot line** that abuts a street shall be identified as the **exterior side lot line**. (see Illustration 6)

Manufacturing

Means the **use** of land, **building** or **structures** for the manufacturing, processing, fabricating or assembly of **raw materials** or goods and related **accessory uses**.

Manufacturing, Light

Means the **use** of **buildings** or **structures** primarily for the purpose of **manufacturing**, processing, fabrication, assembly, treatment, packaging, or distribution and incidental indoor storage of goods and materials and may include accessory sales of such products but does not include basic industrial processing from **raw materials**. All such activities shall be conducted wholly within one or more **buildings**.

Mausoleum

Means a **building** or **structure** used for the interment of human remains in sealed crypts or compartments.

Medical Clinic

Means a walk-in **premises** where members of the medical profession provide diagnosis and treatment to the public without overnight accommodation and may include accessory dispensary facilities.

Medical/Dental Laboratory

Means a **premises** used for the collection, testing or analysis of biological specimens and samples.

Medical Office

Means a **building** or part thereof, used to accommodate the **offices** of one or more medical physicians, dentists, drugless practitioners, or other healthcare professionals to provide diagnosis and treatment to patients, but which does not provide overnight accommodation.

Medical Practitioner, Sole

Means a **building** used to accommodate the **office** of one physician, dentist, or drugless practitioner.

Micro-Industrial Use

Means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.

Mobile Home

Means a transportable, factory-built **dwelling unit** manufactured in accordance with CSA standards that is intended to provide permanent residence but does not include any **trailer** otherwise defined in this By-Law.

Motor Vehicle

Means automobile, motorcycle, motor assisted bicycle or any other vehicle propelled or driven other than by muscular power, but does not include a street car, or other **motor vehicles** running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, riding lawn-mower, self-propelled implement of husbandry or road-building machine within the meaning of the Highway Traffic Act. R.S.O. 1990, or successor thereto.

Motor Vehicle Body Shop

Means a **premises** used for the painting or repairing of **motor vehicle** bodies, exterior and under-carriage, and in conjunction with which there may be a towing service or **motor vehicle rental establishment** but shall not include a **salvage yard**.

Motor Vehicle Rental Establishment

Means a **premises** where **motor vehicles** are kept for rent, or hire under agreement for compensation and may also include an **office** used to administer the rental of such **motor vehicles** and accessory facilities for the cleaning or incidental maintenance of such vehicles.

Motor Vehicle Sales Establishment

Means a **premises** where new and/or used **motor vehicles** are kept for display, lease or sale, and may include an associated **motor vehicle** service centre.

Motor Vehicle Service Shop

Means a **premises** used to conduct repairs of **motor vehicles** of a mechanical or structural nature and may include an associated towing service, and **motor vehicle** rentals but does not include a **motor vehicle body shop** or impound yard. May also include a **premises** used to conduct diagnostic services, minor repairs, equipping of **motor vehicles** or in which the replacement of incidental parts and services to **motor vehicles** are completed while the customer waits.

Motor Vehicle Service Station

Means a **premises** where gasoline or other motor fuels are kept for sale and delivery directly into a **motor vehicle** but does not include a **motor vehicle repair facility** or **motor vehicle service shop**.

Motor Vehicle Washing Establishment, Automated

Means a **building** or part thereof with a capacity to wash **motor vehicles** using automated or production line methods.

Motor Vehicle Washing Establishment, Manual

Means a **building** or part thereof that provides self-serve facilities for the manual or coin- operated washing of **motor vehicles**.

Museum

Means **premises** used for the exhibition, collection or preservation of objects of cultural, historical or scientific interest, primarily for the recreation or cultural education of the public.

Nightclub

Means a **building** or **structure** or part thereof whose primary function is the provision of theatrical performances, pre-recorded music, or live entertainment, whether such pre-recorded or live performances are provided for listening or dancing by the patrons, or any combination of the above functions and whose secondary function is the sale and consumption of food and/or alcoholic beverages on the **premises**, but shall not include a **restaurant**, or **adult entertainment parlour**.

Non-Complying

Means a **lot**, **building** or **structure** which is permitted by this By-Law but which does not meet the regulations of the **Zone** in which it is located as of the date of passage of this By-Law.

Non-Conforming

Means an **existing use** or activity of any land, **building** or **structure** which is not an identified permitted **use** for the **Zone** in which it is located as of the date of passage of this By-Law.

Office

Means a **building** or part thereof, where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration but shall not include any medical users.

Office, Accessory

Means an **office** that is located within the same **building** as the primary **use** of the **lot** and which is directly related and incidental to the primary **use** of the **lot**.

Office, Conversion

Means an **office** or **sole medical practitioner** as defined herein that shall only be permitted in the superstructure **existing** as of the date of the passing of this By-Law.

Outdoor Recreation Facility

Means a **premises** designated and equipped for the conduct of outdoor sports and leisure time activities such as sports field.

Outdoor Storage, Accessory

Means the incidental storage of equipment, goods, or materials that are directly related to the primary **use** of the **lot**, outside of any **building** or **structure**.

Parcels of Tied Land

Means any parcel of land legally bound and tied to a common element condominium. A **parcel of tied land** must front on either a **public street** or a condominium common element roadway and shall, subject to the regulations of this By-Law that relate strictly to **parcels of tied land**, be regarded as a type of **lot**.

Park

Means an open space area, owned, operated or maintained in whole or in part by a **public authority** as a recreational area for **public use**, including passive and active forms of recreation, whether indoor or outdoor.

Park, Private

Means a **Park** for public or private **use** that is not owned by a **public authority**.

Parking Aisle

Means an internal roadway immediately adjacent to a parking or **loading space** which provides vehicular access to and from the parking or **loading space**, and is not a **driveway**.

Parking Area

Means an off-street, open, unobstructed area of land consisting of a minimum of 2 but not more than 5 **parking spaces** which is accessed by a **driveway** but shall not include any area where **motor vehicles** are stored or kept for sale or repair.

Parking Garage

Means a **building** or part thereof, used for the storage or parking of **motor vehicles**.

Parking Lot

Means an open area, other than a street, used for the temporary parking of 5 or more **motor vehicles** and available for **public use** whether for free or for compensation or as an accommodation for clients, customers or residents, but does not include the storing of impounded or damaged vehicles or a **salvage yard**.

Parking Space

Means an area of land that is accessible by a **driveway** or aisle, having access to a **public street** or **lane** that is reserved for the purpose of the temporary parking or storage of one **motor vehicle**.

Passenger Transportation Terminal

Means a **premises** where commercial **motor vehicles**, taxis or trains pick up and discharge fare- paying passengers and may include accessory ticket **offices**, luggage checking facilities, bicycle lock units and other similar **uses**.

Patio

Means a surfaced, open space of land at **grade**, adjacent to a residential or **commercial use**, which is used as an accessory extension of the primary **use** of the **building** or **structure** with which it is associated but shall not include pathways or walkways.

Patio, Commercial Rooftop (By-law 2021-08)

Means any portion of a rooftop dedicated as a serving area that is an **accessory use** to a **restaurant** or to a commercial use.

Personal Service Shop

Means a **premises** where professional or personal services are provided for gain and where the sale of retail goods, wares, merchandise, articles or materials is only accessory to the provision of such services.

Place of Assembly

Means a **premises** in which facilities are provided for the gathering of people.

Place of Worship

Means a **premises** primarily used by one or more religious groups for the practice of religious services.

Pool

Means any body of water which is:

- 1) located outdoors on private property;
- 2) wholly or partially contained by artificial means;
- 3) capable of holding water in excess of 0.61 metres in depth at any point; and,
- 4) an open exposed water surface of at least 1 m² and includes a hot tub or landscaped decorative pond meeting the above criteria, but for purposes of this By- Law does not include any **pool** which is:
 - a) a pond or reservoir to be utilized for farming purposes or as part of a **Golf Course**;
 - b) a **pool** owned by any public or governmental body, agency or authority;
 - c) an **existing** natural body of water or stream; or
 - d) a privately owned stormwater management facility.

Porch (By-law 2011-25)

Means a platform with a foundation that is unenclosed, permanent and projecting from the front or exterior wall of the building and which provides access to the ground floor of the dwelling by way of stairs from the established grade of the **lot**.

Premises

Means the area of a **building** and/or **lot** occupied or used by a business or enterprise. In a multiple tenancy **building** occupied by more than one business, each business shall be considered a separate **premises**.

Private Club

Means a non-profit, non-commercial organization which carries on cultural, social, or recreational activities and includes the **premises** of a fraternal or charitable organization.

Private Home Daycare

Means the **use** of a **dwelling unit** for temporary care of six or fewer children in exchange for compensation for a continuous period not exceeding 24 hours.

Private Play Structure

Means apparatus, accessory to a **residential use**, which is designed and used for play or recreation by children. Such play **structures** may be constructed in combination with a **deck** or shed.

Public Authority

Means any department or agency of the Government of Canada, Province of Ontario, Regional Municipality of York, Town of Newmarket or the local hydro utility.

Public Storage Facility

Means a **premises** used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats and trailers in storage areas or lockers within enclosed **buildings**, which are generally accessible by means of individual loading doors.

Queuing Lane

Means a portion of a **parking area** or a **parking lot**, other than a **parking aisle** or a **parking space** which provides standing room for vehicles in a queue while awaiting service from a **drive-thru facility**. For the purposes of this definition, a **queuing lane** shall be measured by the length of a **queuing space** times the number of spaces required.

Queuing Space

Means an area occupied by a **motor vehicle** within a **queuing lane** while awaiting service from a **drive-thru facility**.

Raw Material

Means any material that is directly derived from a primary (natural resource) industry and is in an unprocessed state. Examples include but are not limited to iron ore, logs, and aggregates. Sheet metal, wood boards, and precast cement or concrete blocks are not considered as a **raw material** due to the processes involved in their production.

Recreational Vehicle

Means:

- 1) a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a mobile home; and/or
- 2) boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and
- 3) a trailer designed to carry any of the items listed in Sections 1) and 2) of this definition.

Refreshment Pavilion

Means a **building, structure** or facility designed, intended or used for the sale of food or refreshments to the public however, no seating or accommodation for the consumption of such food shall be provided within the **building** or **structure**.

Residential Hospice

Means the use of land, buildings or structures for the provision of short-term palliative care at an inpatient facility attending to the physical, emotional and spiritual needs of terminally ill patients, whether under public or private ownership, approved under the provisions of "**The Charitable Institutions Act**", but does not include a nursing home or group home.

Residential Structure, Accessory (By-law 2012-74; By-law 2018-50)

Means **accessory structures** that are not used for human habitation, but the **use** of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal **residential use** or dwelling and located on the same **lot** therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; **private play structure**; gazebo; dog house or dog run; private greenhouse; shed; **patio** shelter; portable tent structures; standalone antennae or satellite dishes; fuel tank with a capacity of less than 1500L; and, standalone **solar panels**; but shall not include a detached garage or any mechanical equipment as defined under **air conditioner** or privacy screens erected on the ground.

Restaurant (By-law 2011-25)

Means a commercial establishment in which the principal business is the preparation and serving of food and refreshments to the public for immediate consumption within the establishment, on an abutting terrace or **patio**, or for home delivery, catering or food pick- up/take-out services.

Retail Sales Outlet, Accessory

Means the accessory sale of products created, manufactured, processed or assembled within the primary **use** of the **lot**.

Retail Store

Means a **premises** in which goods and merchandise are offered or kept for retail sale or rental to the public. This definition shall not include any establishment otherwise defined in this By-law.

Retail Warehouse Store

Means a **premises** where the principal **use** is the sale of goods and merchandise in a warehouse format and may include accessory personal service **uses**, minor maintenance and repair of automobiles. A warehouse format means a configuration where the floor area devoted to the sale of goods is integrated with the storage of such goods and is accessible to the public.

Retirement Residence

Means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Rooming Unit

Means one or more rooms within a **Dormitory** used or designed for sleeping accommodations and many contain either cooking or washroom facilities, but not both.

Roof, Flat (By-law 2020-63)

Means a roof with a slope of less than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.

Roof, Pitched (By-law 2020-63)

Means a roof with a slope of greater than 1.0 vertical units for every 4.0 horizontal units, occupying an area greater than or equal to 50% of the total horizontal roof area.

Salvage Yard

Means an area outside of an enclosed **building** where **motor vehicles** are disassembled and dismantled, or where vehicles in an inoperable condition or used **motor vehicle** parts are stored or re-sold but shall not include a **motor vehicle body shop**.

School, Elementary

Means a Provincially approved institution for academic instruction for kindergarten to grade eight including a publicly funded, private fee paying or a Montessori school.

School, Secondary

Means a Provincially approved institution for academic instruction for grade nine to grade twelve including a publicly funded, private fee paying or a Montessori school.

School, Post-Secondary

Means a **premises** used for educational purposes by a degree granting college or university under applicable Province of Ontario legislation.

Service or Repair Shop

Means a **premises** for the servicing, repairing or renting, of articles, goods or materials but shall not include any vehicle, **recreational vehicle** or boats.

Shipping Container

Means a container or **structure** designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.

Shopping Mall, Regional

Means a group of commercial establishments wholly enclosed within one **structure** with a combined **leasable floor area** exceeding 37,000 m².

Solar Panel

Means a **structure** used for the collection of solar energy for the purposes of converting such energy for heating, lighting, water production or any other domestic or **commercial use** that may be obtained from such sources.

Special Needs Facility

Means a residence licensed or funded under a federal or provincial statute for the accommodation of more than 8 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, or social or physical condition, require a group living arrangement for their wellbeing. This shall also include a **halfway house**.

Sports Arena

Means a **building** or part thereof, in which the principal facilities provide for recreational activities such as curling, skating, hockey, lacrosse, broomball or other similar athletic activities, and which facilities may include dressing rooms, concession booths for the provision of food and refreshments, bleachers, equipment for making artificial ice and other such accessory facilities.

Storey (By-law 2020-63)

Means

For **single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, and fourplex dwellings** a level of a **building** located between the surface of a floor and the ceiling or roof immediately above it, and includes a **mezzanine** but does not include a **basement** or cellar. Any portion of a building partly below grade shall be deemed a **storey** where its ceiling is more than 1.2m above **established grade**.

For all other **structures**, a level of a **building** located between the surface of a floor and the ceiling or roof immediately above it, and includes a **mezzanine** but does not include a **basement** or cellar. Any portion of a **building** partly below grade shall be deemed a **storey** where its ceiling is more than 1.8m above **established grade**. Any portion of a **storey** exceeding 3.6 metres in height shall be deemed to be an additional **storey**.

Street Line

Means the boundary between a public or **private street** and a **lot**.

Street, Private

Means a private right-of-way or **lane** that is used by **motor vehicles** but is not owned or maintained by the Town of Newmarket, Region of York or Province of Ontario.

Street, Public

Means a public thoroughfare available for **use** by vehicular and pedestrian traffic which is assumed or dedicated by/under the jurisdiction of the Town of Newmarket, Region of York or Province of Ontario, but does not include an unopened road allowance.

Structure

Means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other **structure** but excludes in-ground swimming **pools**.

Structure, Attached

Any structure that is attached to another structure by a common wall or by a common roof structure.

Studio

Means a **premises** used or dedicated to the pursuit or education of the arts or in which media broadcasts are produced.

Subdivision

Means a plan of **subdivision**, draft approved or registered in accordance with Section 51 of the **Planning Act**, R.S.O., 1990, Chapter 13, similar legislation, where the public highways and lanes within the plan have not been assumed by the authority having jurisdiction.

Transportation Depot

Means a **premises** where vehicles used to transport goods, wares, or passengers are stored internally or externally.

Utility Trailer

Means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed

Use

Means the purpose for which any land, **building** or **structure** is arranged, designed, intended, operated, occupied or maintained.

Use, Accessory

Means a **use** customarily incidental or subordinate to and exclusively devoted to the principal **use** and which operates together with the principal **use** on the same **lot**.

Use, Commercial

Means the **use** of land, **buildings** or **structures** for the purpose of buying and selling commodities and supplying of services, as distinguished from such **uses** as **manufacturing** or assembling of goods, warehousing, transport terminals, construction and other similar **uses**.

Use, Industrial

Means the **use** of land, **buildings** or **structures** for the purpose of **manufacturing** or assembling of goods, warehousing, transportation terminals, construction and other similar **uses**.

Use, Institutional

Means a **building** or part thereof used for non-commercial, non-profit purposes by a **public authority**, religious group or community organization.

Use, Public

Means the **use** of any land, **building** or **structure** by a **public authority**.

Use, Residential

Means the **use** of land, **buildings** or **structures** for human habitation.

Veterinary Clinic

Means a **premises** where animals are given medical or surgical treatment or accessory grooming, within which shelter facilities may be provided for short-term overnight medical treatment but shall not include any facilities for the cremation or disposal of dead animals.

Veterinary Hospital

Means a **premises** where animals are given medical or surgical treatment, within which there may be shelter facilities provided for overnight or long-term medical treatment and may include a **domestic animal care facility**.

Walkway, Residential (By-law 2012-74)

A hard surface path leading from the front or exterior wall of a **dwelling unit** to a curb or sidewalk, no wider than 1.2 metres and, if adjacent to a **driveway** shall be of a different material from the **driveway**. A **walkway** may not be used for vehicular parking.

Warehouse

Means a **premises** where goods and materials are stored internally but shall not include any retail sales component. Vehicles used to transport such wares may be stored internally or externally, kept for hire, loaded or unloaded.

Wholesale Operations

Means a **premises** used to sell merchandise to retailers, industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents of brokers and buying merchandise from, or selling merchandise to such individuals or companies but does not include a **retail warehouse store**.

Wind Energy System

Means a renewable electrical generation facility that produces power from wind primarily to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution lines.

Wind Energy System, Large Scale

Means wind energy facilities which have a nameplate capacity exceeding 500 kilowatts (kW) and are intend to generate electricity for commercial purposes.

Wind Energy System, Small Scale

Means wind energy facilities which are intended to generate electricity not exceeding on-site capacity and are not intended or used to produce power for resale.

Wind Turbine

Means a machine for producing power in which a wheel or rotor is made to revolve by a flow of air. A **wind turbine** is considered to be the part of a **wind energy system** encompassing the rotor (including turbine blades), generator, tail and supporting **structure**. Supporting **structure** may include a guyed or free standing **structure** that supports the turbine or may be an **existing building** or **structure** on which the turbine is located.

Yard

Means an open, uncovered space on a **lot** appurtenant to a **building** and unoccupied by **buildings** or **structures** except as may be expressly permitted by this By-Law but does not include a court yard. In determining **yard** measurements the minimum horizontal distance from the respective **lot line(s)** shall be used.

Yard, Exterior Side

Means the **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between the **exterior side lot line** and the nearest main wall of the **principal building** or **structure** on the **lot**. (see Illustration 7)

Yard, Front

Means a **yard** extending across the full width of a **lot** between the **front lot line** and the nearest wall of the **principal building** or **structure** on the **lot**. (see Illustration 7)

Yard, Interior Side

Means a **yard** other than an **exterior side yard**, extending from the **front yard** to the **rear yard** between the interior **side lot line** and the nearest wall of the **principal building** or **structure** on the **lot**. (see Illustration 7)

Yard, Rear

Means a **yard** extending across the full width of a **lot** between the **rear lot line** and the nearest wall of the **principal building** or **structure** on the **lot**. (see Illustration 7)

Zone

Means a designated area of land **use** shown on Schedule A to this By-Law.

Section 4: General Provisions

4.1 Uses Permitted in All Zones

The **uses** identified in this subsection are permitted in all **zones**.

4.1.1 Accessory Uses

Unless otherwise specified, **accessory uses**, as defined as **Uses, Accessory** are permitted in all **zones**. Where another section of the By-Law specifically restricts or does not permit an identified **accessory use**, that section shall supersede this section.

4.1.2 Accessory Buildings and Structures

Accessory buildings, structures and uses are permitted in all **zones** subject to the following provisions:

- i) **The principle use, building or structure must already be established on the same lot.**
- ii) No detached **accessory building or structure** may be used for human habitation or an occupation for gain, unless specifically permitted by this By-Law.
- iii) Unless otherwise specified, **accessory buildings, structures** and detached garages shall comply with the following requirements.
- iv) **Accessory buildings and structures** are not permitted additional encroachment under Section 4.2 for structure or ornamental features.

Permitted Feature or Structure	Measure	Requirement
Detached garage in a residential zone	Location	Comply with all applicable yard requirements of the zone in which they are located
	Height	Lesser of 4.6m or the height of the main building on the lot
Residential accessory structures (RAS)	Location and height	In accordance with Section 4.2
Accessory buildings or structures	Total lot coverage	Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot
		All other zones: 15% of the lot area
	Height	Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot
		All other zones: The maximum permitted height of the zone in which the accessory structure is located
Corner lot location	Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone	

- v) Notwithstanding Section 4.1.2 (iii) above, accessory structures in a residential zone shall be setback from the lot line in accordance with the requirements of Section 4.2 of this By-Law.
- vi) The total **lot coverage** of all **Accessory Buildings and Structures** on a **lot** shall be as follows:

Zone	Maximum Total Lot Coverage for Accessory Structures
Residential Zones	the lesser of 15% of the total lot area or 75% of the ground floor
All Other Zones	15% of the lot area

- vii) The maximum **height** of an **accessory building or structure** shall be as follows:

Zone	Maximum Height of Accessory Structures
Residential, Downtown, Urban Centre and Commercial Zones	the lesser of 4.6 metres or the height of the main building on the lot
All Other Zones	the maximum permitted height of the zone in which the accessory structure is located

- viii) Notwithstanding any other provision of this By-Law, the setback for **accessory buildings or structures** on a **corner lot** shall be as follows:

Zones	Applicable Yards	Minimum Required Setback
Residential Zones	Rear Yard or Exterior Side Yard	4.5 metres from flanking street line
Commercial or Employment Zone Abutting any Residential Zone	Exterior Side Yard	Distance equal to the depth of the minimum required front yard of the abutting Residential Zone

- iii) When an accessory building is made up in whole or in part of **shipping container(s)**, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.

4.1.3 Public uses

The provisions of this By-Law shall not apply to prevent the **use** of any land, **building** or **structure** by any **public authority** provided that:

- i) Such **use, building** or **structure** complies with the parking and loading requirements of this By-Law.
- ii) No outdoor storage is permitted unless such outdoor storage is specifically permitted in the **zone** in which the **use** is located.
- iii) Such **use, building** or **structure** is buffered from an adjacent **residential use** in accordance with the requirements of Section 4.14.3 of this By- Law.
- iv) Such **use, building** or **structure** within the FP Zone shall not conflict with those **uses** that are prohibited under Section 7.1.1.

4.1.4 Services and Utilities Installations

Nothing in this By-Law shall prevent the installation and **use** of a water main, sanitary sewer main, storm sewer main, stormwater management facility, gas main, pipeline, overhead or underground hydro, communications/telecommunications or other utility infrastructure.

4.1.5 Satellite Dishes

Satellite dishes with a maximum width of 1.0 metre each are permitted in any **zone** provided they are mounted on an exterior wall, roof or chimney of a **building** of the **lot** on which it is located.

Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any **zone** provided they are mounted on an exterior wall, roof or chimney of a **building** of the **lot** on which it is located.

In a Residential **Zone**, not more than 2 cumulative satellite dishes and antennae shall be permitted per **dwelling unit** on the **lot**.

4.1.6 Temporary Construction Uses

A construction trailer, or other **building** or **structure** incidental to construction is permitted in all **zones** on the **lot** where construction is taking place provided that a **building** permit has been issued and remains in effect.

4.1.7 Temporary Sales Structures

A temporary sales structure shall be permitted in any **zone** provided that:

- i) the temporary sales structure is located in accordance with the **zone** provisions for the **zone** in which it is located; and,
- ii) an agreement is entered into with the Town of Newmarket.

4.1.8 Model Homes

Model homes shall only be permitted on lands that have received Draft Plan of **Subdivision** or Site Plan Approval for residential purposes provided that:

- i) not more than the lesser of 10 dwellings or 10% of the total number of residential units contained in the approved Draft Plan or Site Plan are constructed as model homes;
- ii) the model home is built within a **lot** defined by the draft approved Plan of **Subdivision** or Site Plan;
- iii) the model home complies with all other requirements of this Zoning By- Law; and,
- iv) a Model Home Agreement is entered into with the Town of Newmarket.

4.2 Encroachments into Required Yards

The following accessory, structural and ornamental **structures** to a **principal building** are permitted to encroach into any required **yard** in accordance with the following provisions:

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Structural And Ornamental Features:		
Bay windows	Front, rear and exterior side yards	May encroach 1 metre into the required yard for a maximum width of 3 metres
Balconies/Landings/Steps/Fire Escapes	Front, rear and exterior side yards only in Residential Zones , all yards in all other zones	May encroach 1.8 metres into the required yard . But in no instance shall balconies , landings, steps and/or fire escapes be located closer than 1.2 metres from the property line. (By-law 2012-74)
Decks, Uncovered (0.6 metres or less in height above finished grade)	Rear Yard	The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units . No closer than 1.2 metres from the rear lot line .
Decks , Uncovered (greater than 0.6 metres to 3.0 metres in height above finished grade)	Rear Yard	The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units . May encroach 3.6m into the required rear yard . However, in no circumstances shall the deck encroach closer than 2.4 metres from the rear lot line .

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Driveway (By-law 2020-63)	Permitted in any yard of a residential zone	Subject to: i) Limits of Section 6.2 ii) Limits of Section 5.5
Patios, Uncovered	Downtown, Urban Centre and Commercial Zones : front and exterior side yards . All other Zones : rear and exterior side yards .	No required setback. No closer than 0.6 metres from the lot line .
Porches, Porticoes Open, Uncovered or Covered with a platform no higher than the first storey of the building above established grade .	Front, and exterior side yards By-law 2011-25	May encroach 2.4 metres into the required yard including eaves, cornices and steps but no closer than 1.5 metres to the lot line.
Sills, cornices, parapets, pilasters, or other similar ornamental structures	Any Yard	May encroach 0.6 metres into the required yard
Eaves, eaves troughs, gutters, or similar features	Any Yard	May encroach into a required yard a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres.
Chimneys	Any Yard	May encroach 0.6 metres into the required yard .
Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar accessory structures	Permitted in any yard	No required setback

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Accessibility Ramps or Wheelchair Lifts (*2) (By-law 2018-50)	Permitted in any yard	No required setback
Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) (By-law 2018-50)	Permitted in any yard.	Not closer than 0.2m from any lot line.
Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar accessory structures	Permitted in any yard	No required setback
Accessibility Ramps or Wheelchair Lifts (*2) (By-law 2018-50)	Permitted in any yard	No required setback
Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) (By-law 2018-50)	Permitted in any yard.	Not closer than 0.2m from any lot line.
Barbeque, chimney, fireplace, fire pit, or similar structure (By-law 2018-50)	Permitted in any yard of a residential zone	No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable.

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Accessory Structures:		
Residential Accessory Structures up to 2.8 metres in height(*1) (By-law 2018-50)	Rear or Side Yard	No closer than 1.0 metre from rear or side lot line
Residential Accessory Structures greater than 2.8 up to 4.6 metres in height (*1)	Rear or Side Yard	No closer than 2.4 metres from rear or side lot line
Satellite Dishes (Wall mounted in accordance with Section 4.1.5 of this By-Law)	Permitted in any yard .	No closer than 0.2 metres from any lot line .
Gate House within an Employment Zone	Front or Side Yard	No required setback

(*1) As defined under Section 3 **Height, Accessory Residential Structure**

(*2) An **Accessibility Ramp** shall have a maximum gradient of 1 to 12. A **Wheelchair Lift** is permitted to elevate no higher than the first **storey** of the **building**, and have a maximum area no greater than 3.0 square metres. (By-law 2018-50)

The setback requirements of this table apply only to the **accessory buildings and structures** specifically noted.

Where an encroachment is permitted, it is subject to the following conditions:

- i) **Decks** or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that:
 - a. Any deck is constructed of a floor with slats and spaces between them and not a solid floor
 - b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio
 - c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same.

- ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure. (By-law 2018-50).

4.3 Accessory Outdoor Mechanical Equipment for Residential Uses

Notwithstanding any other provision of this By-Law, outdoor mechanical equipment shall be permitted in all **zones** that permit a **residential use** as follows:

- i) Central air conditioning units, heat pumps, generators, and/or swimming **pool** equipment shall be permitted in all **yards** subject to the following:

Type of Dwelling	Yard	Permitted Location
Single detached, semi-detached , and link dwellings	Front or Exterior Side Yard	Maximum encroachment of 1.5 metres into required yard but no closer than 3.0 metres to the street line and is screened from the street by fencing, landscaping, or an enclosure
	Interior Side or Rear Yard	Setback a minimum 0.6 metres from lot line
Townhouses or other multiple dwellings, excluding apartment buildings	Front Yard	Maximum encroachment of 1.5 metres into required yard but no closer than 3.0 metres to the street line and is screened from the street by fencing, landscaping, or an enclosure
	Interior Side Yard	Setback a minimum 0.3 metres from lot line
	Exterior Side or Rear Yard	Setback a minimum 1.8 metres from lot line

- ii) Notwithstanding the provisions of Section 4.3 (i) above, a minimum lateral separation of 4.6 metres to a window and/or door of a **habitable room** of a dwelling on an adjoining **lot** shall be provided;
- iii) Window or through-wall **air conditioner** units shall be permitted to encroach a maximum of 0.5 metres into all required **yards** subject to a minimum setback of 0.6 metres from all **lot lines**;
- iv) Notwithstanding the provisions of Section 4.3 (i) above, central **air conditioners** and/or heat pump units for **apartment buildings** shall be roof-top mounted.

4.4 Requirements for Swimming Pools for Residential Uses

Notwithstanding any other provisions of this By-Law, an unenclosed swimming **pool** may be permitted as an **accessory use** to a **residential use** in accordance with the following provisions:

- i) Such accessory swimming **pool** shall only be located in a **rear yard**;
- ii) Any swimming **pool** or hot tub shall be setback a minimum 1.2 metres from the side or **rear lot line**. *By-law 2011-25*;
- iii) Any **patio, deck, residential structure, accessory**, or other structure associated with a **pool** shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.
- iv) Any recreational equipment, including slides, associated with the swimming **pool** shall not exceed a maximum height of 2.4 metres;
- v) Any mechanical equipment required for water circulation, heating or water treatment shall be located in accordance with the requirements of Sections 4.3 (i) and (ii) of this Zoning By-Law; and
- vi) Swimming **pools** shall be enclosed by a fence in accordance with the Town of Newmarket Swimming Pool Enclosure By-Law.
- vii) In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA.

4.5 Accessory Dwelling units

Where an **accessory dwelling unit** is permitted, the following provisions shall apply:

- i) Only one **accessory dwelling unit** shall be permitted per **lot** and shall be located within the main **dwelling unit**;
- ii) An **accessory dwelling unit** shall only be permitted in a single detached, **link** or **semi-detached dwelling**;
- iii) The primary **dwelling unit** must be serviced by full municipal water and sewer services;
- iv) No new **accessory dwelling unit** shall be permitted within the Environmental Protection Open Space (OS-EP) Zone or within the Floodplain and Other Natural Hazards (FP-NH) Zone as delineated by the Lake Simcoe Region Conservation Authority; and
- v) The external appearance of the front façade of a **building** or any other façade of a **building** facing a street on which the **lot** has frontage shall not be altered.
- vi) Parking shall be provided in accordance with Section 5.3.1. (By-law 2012-74)

4.6 Home Occupations

Where a **home occupation** is permitted the following provisions shall apply:

- i) In addition to the resident(s) of the **dwelling unit** operating the **home occupation**, not more than two non-resident employees may be engaged in the business and working in the dwelling;
- ii) Notwithstanding Section 4.6 (i) above, the following shall apply:
 - a) the office of a licensed medical practitioner as a home occupation shall be limited to only one practitioner; and,
 - b) operation of a hairdresser or barber shop shall be limited to one hairdresser or barber at any one time;
- iii) The **use** is entirely restricted to the **dwelling unit** and is not conducted in whole or in part in any **accessory building**, **yard** or detached garage;

- iv) No more than 35%, up to a maximum of 42 m², of the **gross floor area** of the **dwelling unit** is used for the purpose of the **home occupation**;
- v) There is no outdoor storage or display of material or equipment, nor any facilities associated with the **home occupation** in any outdoor amenity area or **yard**;
- vi) Only the accessory sale of retail goods shall be permitted from the **premises**; (By-law 2012-74)
- vii) There is no external advertising other than a sign erected in accordance with the Town of Newmarket Sign By-Law;
- viii) Off-street **parking spaces** shall be provided in accordance with the requirements of Section 5.3.1 of this By-Law;
- ix) The **use** is clearly secondary to the **residential use** and does not change the residential character of the dwelling or **lot**; and
- x) Notwithstanding the above provisions, a **medical clinic**, **day nursery**, nursing home, tea room, **veterinary clinic**, **veterinary hospital**, automotive **uses**, or **body rub parlour** shall not be permitted as a **home occupation**. By-law 2012-74

4.7 Exceptions to Height Requirements

The **height** requirements of this By-Law shall not apply to spires, belfries, minarets, monuments, flag poles, chimneys, clock towers, water towers, or elevator enclosures. The **height** requirements of this By-Law shall also not apply to mechanical penthouses occupying less than 10% of the aggregate area of the roof of the **building** on which they are located.

4.8 Legal Non-Conforming Uses

This By-Law shall not prevent the **use** of any land, **building** or **structure** for any purpose prohibited by this By-Law if such land, **building** or **structure** was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, **building** or **structure** continues to be used for that purpose.

4.8.1 Restoration to a Safe Condition

Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any **building** or **structure** or part of any such **building** or **structure** that is used for a legally **non-conforming use** as provided for in Section 4.8, provided such alteration or repair does not increase the **height**, size or volume or change the **use** of such **building** or **structure**.

4.9 Legal Non-Complying Buildings or Structures

4.9.1 Existing Buildings or Structures

A **non-complying building** or **structure** which existed legally prior to the passing of this By-Law may be enlarged, repaired, renovated or reconstructed provided that the enlargement, repair, renovation or reconstruction:

- i) does not further encroach into a required **yard**;
- ii) does not further increase the extent of a non-compliance with a maximum **yard** setback requirement; and,
- iii) complies with all other applicable provisions of this By-Law.

4.9.2 Exception (By-law 2020-63)

Notwithstanding Section 4.9.1 (iii), a building or structure having a non-complying maximum finished first floor height may be enlarged, repaired or renovated, but the reconstruction of such building or structure shall comply with the maximum finished first floor height in accordance with Section 6.2.2.

4.9.3 Valid Building Permit in Effect

This By-Law shall not prevent the erection of a **building** or **structure** for which a **building** permit has been issued in accordance with the **Building Code Act**, prior to the day of the passing of this By-Law, so long as the **building** or **structure** when erected is used and continues to be used for the purpose for which it was erected and provided that the **building** permit remains valid.

4.10 Legal Non-Complying Lots

A **lot** which existed legally prior to the effective date of this By-Law, that does not meet the **lot area** and/or **lot frontage** requirements of the applicable **Zone**, shall be deemed to conform to this By-Law. Such **lots** may be used and **buildings** may be erected, enlarged, repaired or renovated on the **lot** provided that the **use** and the **buildings** or **structures** comply with all other provisions of this By-Law.

4.11 Public Land Acquisition

Notwithstanding any other provision of this By-Law, where, as a result of acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to the minimum lot frontage, minimum lot depth, minimum lot area, minimum floor space index, maximum lot coverage, reduced building setbacks, minimum required number of parking spaces, minimum size of parking spaces, minimum width of landscape buffers, minimum width of a driveway, location of parking spaces and/or driveways or minimum required setbacks and/or yards for driveways and/or parking spaces, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized. A building or structure may be erected, altered or repaired with the lot coverage and floor space index as would have been allowed for the lot as it existed prior to such public acquisitions or conveyance. (By-law 2014-13)

4.12 Frontage on a Public Street

No person shall erect any **building** or **structure** in any **zone** unless:

- i) The **lot** upon which such **building** or **structure** is to be erected has frontage on a **public street**. This provision shall not restrict the erection of any **building** on a **lot** in a registered plan of **subdivision** where a **subdivision** agreement has been entered into but the streets will not be assumed until the end of the maintenance period; or
- ii) The **lot** upon which the **building** or **structure** is to be erected is a **Parcel of Tied Land** (POTL) where a POTL may front on either a **public street** or a condominium common element street; or

- iii) Notwithstanding any other provisions in this By-Law, where a **building** has been erected prior to the date of the passage of this By-Law on a **lot** which fronts on a **private street**, such **building** may be enlarged, reconstructed, repaired or renovated provided all other applicable provisions of this By-Law are satisfied.

4.13 Deleted by By-law 2020-63.

4.14 Landscape Buffers

Where required, **landscape buffers** shall be provided in accordance with the following requirements:

4.14.1 Landscape Buffers for Parking Lots

A landscaped buffer area shall be required for **parking lots** designed to accommodate 5 or more **parking spaces**, within any Downtown, Urban Centre, Employment, Commercial, Institutional, Open Space or Residential Four (R4) or Residential Five (R5) Zone and shall conform to the following requirements:

- i) Such buffer area shall be at least 3 metres wide and located around the periphery of the **parking lot** within the **lot** on which the **parking area** is located.
- ii) Such buffer area shall not be used for any other purpose other than vegetative landscaping but shall not prevent the provision of entrances and exits across the buffer area.
- iii) Any required planting in a buffer strip shall have a minimum height of 1.5 metres for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a **daylighting triangle**. (By-law 2012-74; 2018-50)
- iv) Where a buffer area is required between a **parking lot** in a Downtown, Urban Centre or Commercial Zone; and, a Residential or Open Space Zone, the buffer area shall be a minimum of 3 metres wide and shall be located in the Downtown, Urban Centre or Commercial Zone. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in height.

- v) Notwithstanding subsection i) above, where a buffer area is required between a **parking lot** in an Employment Zone and a Residential or Open Space Zone, the buffer area shall be a minimum of 6 metres wide and shall be located in the Employment Zone. The buffer area shall be used for no other purpose than landscaping or entrances and exits and shall be bordered by an opaque fence 1.8 metres in height.

4.14.2 Landscape Buffers in Employment Zones

In addition to the requirements of Section 4.14.1, in all Employment Zones, **landscape buffers** shall be provided adjacent to **street lines** except for land used to accommodate vehicular access to and permitted parking on the **lot**. Such buffers shall be established as follows:

Location of Landscape Buffer	Minimum Width of Landscape Buffer
Front Yard	12.0 metres
Exterior Side and Rear Yard	3.0 metres

4.14.3 Landscape Buffers Adjacent to Residential Areas

Notwithstanding any other provision of this By-Law, where the **rear lot line** or interior **side lot line** of a commercial, industrial, or **institutional use** abuts a **residential use**, a landscaped buffer shall be required in accordance with the following provisions:

- i) the **Landscape Buffer** shall be located on the **lot** containing the commercial, industrial, or **institutional use**, immediately adjacent to the **lot line** that borders such **lot** with the **residential use**.
- ii) the minimum required width of a landscaped buffer shall be 6 metres for an **industrial use** and 3 metres for an institutional or **commercial use**.
- iii) where a landscaped buffer is required, such landscape material within the buffer shall be not less than 1.5 metres high. Notwithstanding this requirement, landscape material shall not exceed a height of 1.0 metre within the minimum front or **exterior side yard**. (By-law 2011-25)

- iv) where the **rear lot line** or interior **side lot line** of a Residential Four (R4) Zone or Residential Five (R5) Zone abut a lower density Residential Zone the minimum required width of a landscaped buffer shall be 3 metres. (By-law 2011-25)

4.15 Daylighting Triangle

Daylighting triangles shall be required on **corner lots** in all **zones** as follows:

4.15.1 Establishing the Daylighting Triangle

The area within the **daylighting triangle** shall be determined by measuring from the point of intersection of two **street lines** or the extension of such lines on a **corner lot**, the distance required by this By-Law, Town of Newmarket Engineering Design Standards and Region of York requirements, whichever is greater, along each such **street line** and joining such points with a straight line.

Daylighting triangles shall be established as follows:

Location	Minimum Distance Measured Along Each Street Line From Point of Intersection at Corner
All Zones	5 metres
Motor Vehicle Service Station, Motor Vehicle Service Shop	15 metres

(By-law 2011-25)

4.15.2 Maximum Height in Daylighting Triangle

Notwithstanding any other provision of this By-Law, any fence, sign, **structure** or vegetation within a **daylighting triangle** shall not exceed a height of 1.0 metre measured from the grade of the streets that abut the **lot**.

4.16 Provincial Highway Setbacks

Notwithstanding the provisions regulating siting or **yard** requirements in this By- Law, unless they are greater:

- i) No part of any new **building** above or below ground shall be constructed within 13.7 metres from the property line of a Provincial Highway.
- ii) No required **parking area** above or below ground shall be constructed within 13.7 metres from the property line of a Provincial Highway.

4.17 Planned Width of Street Allowance

Notwithstanding any other provision of this By-Law, where a **lot** abuts a street which is designated on Schedule B to this By-Law has a planned width of street allowance which is greater than the present width, that portion of the **lot** lying between the limit of the planned width of street allowance and the present street allowance shall not form part of the **lot** for applying the provisions and required standards of this By-Law.

4.18 Through Lot

Where a **lot** which is not a **corner lot**, has frontage on more than one street, the setback and **yard** requirements of this By-Law shall apply to all street frontages in accordance with the **zone** or **zones** in which the **lot** is located.

4.19 Specific Use Provisions

Notwithstanding any other provision of this By-Law, the following specific **use** provisions shall apply:

4.19.1 Location of Gasoline and Propane Pumps and Canopies

Where permitted, the following standards shall apply to the location of gasoline and propane pumps and canopies:

- i) the minimum distance of pumps and canopies from the planned **street line** of the street upon which the lot fronts shall be 4.5 metres; and
- ii) the minimum distance of pumps and canopies from the nearest part of a **daylighting triangle** shall be 3 metres.

4.19.2 Outdoor Display and Sales Area

Where the outdoor display and sale of goods and materials is permitted as an **accessory use**, the following provisions apply:

- i) the area used for outdoor display and sales is located on the same **lot** as the principal **use** and does not occupy more than 35% of the total **lot area**;
- ii) the area used for outdoor display and sales is in addition to and separated from, the area required to satisfy the minimum required parking standards for the principal **use**; and,
- iii) the area used for outdoor display and sales shall not be located in any minimum required **yard** for the **zone** in which it is located.

4.19.3 Human Habitation Not Within Main Buildings

No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations. (By-law 2018-50)

4.19.4 Accessory Outdoor Storage

Where permitted, Accessory Outdoor Storage shall:

- i) not exceed 30% of the lot area;
- ii) not be visible from a street;
- iii) be screened by an opaque fence;
- iv) only be located in a side and/or rear yard;
- v) be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres;
- vi) not be located in any landscaped area or required parking area; and
- vii) not exceed 4.5m in height. (By-law 2018-50)

4.19.5 Micro-Industrial Uses

Where a **Micro-Industrial** use is permitted, the following requirements shall apply:

- i) A **Micro-Industrial** use is only permitted when accompanied by a **retail** and/or **restaurant use** retailing products produced on-site.

- ii) All production, retailing, and distribution associated with a **Micro-Industrial use** must take place within a **building** and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law.
- iii) Where permitted in an EG **zone**, **retail** associated with a **Micro-Industrial use** shall not exceed 40% of the GFA of the **premises** in which it is located. Where permitted in an EH **zone**, **retail** associated with a **Micro-Industrial use** shall not exceed 20% of the GFA of the **premises** in which it is located. (By-law 2018-50)

4.19.6 Food Vehicles

- i) Notwithstanding Section 4.1.1, a **Food Vehicle** as an **accessory use** is not permitted in a Residential **zone**, save and except the R5 **zone**.
- ii) Notwithstanding Section 5, no parking is required for a **Food Vehicle**. (By-law 2018-50)

4.19.7 Single Detached Dwellings

- i) For greater clarity, unless otherwise specified in this by-law, where a **dwelling, detached** is permitted as a use only one **dwelling, detached** is permitted on the **lot**. (By-law 2018-50)

4.19.8 Fuel Tanks

- i) Where fuel tanks are permitted, the following standards shall apply to their location:
 - a. In a residential **zone**, be located in accordance with the provisions of Residential Structure, Accessory.
 - b. In any other **zone**, be located in accordance with an approved site plan.
 - c. In any **zone**, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.

4.19.9 Commercial Rooftop Patios (By-law 2021-08)

- i) Restaurants, banquet halls, and other commercial uses shall be permitted to include a commercial rooftop patio as an accessory use, provided that the commercial rooftop patio complies with the following:
 - a. A commercial rooftop patio is prohibited in association with an adult entertainment parlour;
 - b. The design shall be established in accordance with an approved site plan addressing matters such as lighting, landscaping, noise, etc.;
 - c. A commercial rooftop patio must comply with any applicable requirements of municipal by-laws, including the Town's licensing and noise by-laws, and must comply with all applicable requirements of the Ontario Building Code and Fire Code.

4.20 Use for Hazardous Purposes

Notwithstanding any other provision of this By-Law, no land, **building** or **structure** may be used for any purpose, which from its nature or from the materials used, is determined to be a health hazard in accordance with the Health Protection and Promotions Act or its successor thereto, without the consent of the local medical health officer as provided for in the Act.

4.21 Uses Restricted

Notwithstanding any other provisions contained in this By-Law, the following **uses** are prohibited within 610 metres of any Downtown, Residential or Urban Centre Zone unless specifically permitted:

- i) The manufacture or open storage of fertilizers from human or animal wastes.
- ii) The slaughtering of animals or poultry.
- iii) The following Commercial or **Industrial uses**: animal food plant; clay, concrete or brick products plant; coal **yard**; dry cleaning plant using flammable solvents; explosive **manufacturing** or storage in excess of 11 kilograms; sewage disposal plant; incinerator; or, gas, tar or petroleum processing.

4.22 Municipal Services

4.22.1 Dwelling Unit within a Subdivision

Municipal services are deemed to be available to a **dwelling unit** within a **subdivision** when the roads, water, storm sewer, sanitary sewer and storm water management facilities required to service the **dwelling unit** satisfy the following requirements:

- i) the public highways and lanes in the **subdivision** have been constructed to base course asphalt;
- ii) the watermains, sanitary sewers, storm sewers and storm water management facilities necessary to service the **dwelling unit** have been constructed and are operational;
- iii) the following requirements with respect to any necessary sanitary, storm and watermain trunks and storm water management facilities external to the site or **subdivision** have been satisfied:
 - a) all property required for the service has been dedicated to the Corporation of the Town of Newmarket or other government having jurisdiction, if applicable;
 - b) the contract for the construction of the service has been awarded;
 - c) a construction schedule, confirming completion and operation of the external service prior to occupancy, has been provided to the satisfaction of the Town's Director responsible for such services; and,
 - d) the Town or other government having jurisdiction has received adequate security for the construction of the external service, if it is intended to be constructed by a private party.
- iv) the watermain and any required service connections 100mm in diameter or greater in size have been disinfected in accordance with Ontario Provincial Standard Specification 201, or its successor thereto, and American Water Works Association Standard C651-99, or its successor thereto, and any required service connections 38mm in diameter up to an including 99mm in diameter are to be flushed and satisfactorily sampled in accordance with applicable MOE Regulations, at the sole discretion of the Overall Responsible Operator (O.R.O.) and the Town Director

responsible for such services to ensure that the water meets Provincial quality standards and such other standards as are adopted by the Corporation of the Town of Newmarket.

- v) the watermain and any required service connections 100mm in diameter or greater in size have been hydrostatically tested in accordance with Ontario Provincial Standard Specification 701, or its successor thereto, and American Water Works Association Standards C600-099 and C605-94, or their successors thereto, or such other standards adopted by the Corporation of the Town of Newmarket.
- vi) a water flow test has been conducted in accordance with NFPA Standard 921, or its successor thereto, and at no point in the system are the following flow standards for firefighting purposes not met: 5,000 litres/minute at 140 kpa for **detached dwelling units** and 7,000 litres/minute at 140 kpa for multiple-unit **buildings** or such other standard adopted by the Town's Fire Chief; and,
- vii) notwithstanding clause vi) above, a single access in any **subdivision**, to the satisfaction of the Town's Fire Chief, may be permitted where any **dwelling unit** to be constructed is not more than 100 metres, measured along the said access, from an **existing**, assumed public highway that is connected to the said single access.

4.22.2 Dwelling Units Not Within a Subdivision

Municipal services are deemed to be available to a **dwelling unit**, a multiple- unit **building** that is not within a **subdivision** when the roads, water, storm sewer, sanitary sewer and storm water management facilities required to service the **dwelling unit** satisfy the following requirements:

- i) where the **dwelling unit** does not front directly on an assumed public highway, an access route for fire department **use**, in accordance with the provisions of the Building Code, O. Reg. 403/97 or any successor legislation or regulation, has been provided;
- ii) where any of a watermain, sanitary sewer and storm drainage systems are available within a public road allowance adjacent to the **lot** on which the **dwelling unit** is to be located, those facilities are constructed and are operational;

- iii) where sanitary sewers are not available to the **lot** on which the **dwelling unit** is to be located, a permit for a private sewage disposal system is available;
- iv) where a new watermain extension is required to provide water service, the watermain and any required service connections 100mm in diameter or greater in size have been disinfected in accordance with Ontario Provincial Standard Specification 701, or its successor thereto, and American Water Works Association Standard C651-99, or its successor thereto, and any required service connections 38mm in diameter up to and including 99mm in diameter are to be flushed and satisfactorily sampled in accordance with applicable M.O.E. Regulations, at the sole discretion of the Overall Responsible Operator (O.R.O.) and the Town Director responsible for such services to ensure that the water meets Provincial quality standards and such other standards as are adopted by the Corporation of the Town of Newmarket;
- v) where a new watermain extension is required to provide water service, the watermain and any required service connections 100mm in diameter or greater in size have been hydrostatically tested in accordance with Ontario Provincial Standard Specification 701, or its successor thereto, and American Water Works Association Standards C600-00 and C605-94, or their successors thereto, or such other standards adopted by the Corporation of the Town of Newmarket; and,
- vi) where a new watermain extension is required to provide water service, a water flow test has been conducted on the watermain and any service connections 100mm in diameter or greater in size in accordance with NFPA Standard 921, or its successor thereto, and at no point in the system are the following flow standards for firefighting purposes not met: 5,000 litres/minute at 140kpa for **detached dwelling units** and 7,000 litres/minute at 140 kpa for multiple unit **buildings**, such other standard adopted by the Town's Fire Chief.

4.22.3 Municipal Services Capacity Required for New Dwelling Units

Notwithstanding any other provisions contained herein or enacted hereafter pursuant to Section 34 of the **Planning Act**, or any

predecessor thereof, by the Council of the Corporation of the Town of Newmarket, or any predecessor thereof, no land shall be used and no **building** or **structure** shall be erected or used which will result in the creation of any new or additional **dwelling units** unless:

- i) water and sanitary sewer capacity is available and the Council of the Corporation of the Town of Newmarket has allocated water and sanitary sewer capacity to service the said lands and **dwelling units** or the said Council has exempted the development or the class of development from the requirement for allocation of capacity; and
 - a) the Town's Director responsible for such services has confirmed that municipal services are available in accordance with sub- sections 4.24.1 i) to v) inclusive or sub-sections 4.24.2 ii), iv) and v) inclusive as the case may be;
 - b) the Town's Fire Chief has confirmed that sub-sections 4.24.1 vi) to vii) both inclusive or sub-section 4.24.2 i) and vi) both inclusive as the case may be;
 - c) the Town's Chief Building Official has confirmed that sub-section 4.24.2 iii) has been complied with.
- ii) with respect to multi-unit **buildings** within the site plan control area as designated through a By-Law passed by the Council of the Corporation of the Town of Newmarket under Section 41 of the **Planning Act** R.S.O., 1990 c. P. 13, or its successor thereto, the Council of the Corporation of the Town of Newmarket has approved a site plan under Section 41 of the **Planning Act**, R.S.O., 1990 c. P. 13, or its successor thereto, and the owner of the land has executed a site plan agreement, if applicable, and
 - a) the Town's Director responsible for such services has confirmed that municipal services are available in accordance with sub- sections 4.24.1 i) to v) inclusive or sub-sections 4.24.2 ii), iv) and v) inclusive as the case may be;
 - b) the Town's Fire Chief has confirmed that sub-sections 4.24.1 vi) to vii) both inclusive or sub-section 4.24.2 i) and vi) both inclusive as the case may be;
 - c) the Town's Chief Building Official has confirmed that sub-section 4.24.2 iii) has been complied with.

4.22.4 Nothing in this By-Law Shall Prevent

- i) the erection of **buildings** for **uses** incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other **building** or **structure** incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned; and
- ii) the erection of model homes and sales offices, subject to Section 4.1.8, terms and conditions as established by the Town, and the provision of an access route for fire department **use** in accordance with the Building Code, O.Reg. 403/97, or its successor thereto.

4.23 Garbage and Waste Management

- i) Garbage containment shall be located within either a **building**, or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following **zones** or where the following **uses** are being undertaken:
 - Any Commercial **zone**;
 - Any Employment **zone**;
 - Any Institutional **zone**;
 - Any Open Space **zone**; or
 - Any lot containing an **Apartment Building**.
- i) A **structure** primarily used for garbage containment or a garbage enclosure shall not be located:
 - In a **front yard**;
 - In an **exterior side yard**;
 - In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or
 - Within any required landscaped areas.
- ii) A **building** used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan. (By-law 2018-50)

4.24 0.3m Reserve (By-law 2020-63)

For the purposes of this By-law, a 0.3 m reserve shall:

- i. be considered to be part of the abutting road for the purposes of determining **lot lines**, and
- ii. be considered part of the adjacent lot for the purposes of determining setbacks and coverage.

This regulation does not deem the **lot** to abut a street from which it is separated by a 0.3 metre reserve.

Section 5: Parking, Loading and Queuing Requirements

5.1 Legal non-complying parking, loading and queuing requirements

Where on the date of the passing of this By-Law, a **building** or **structure** requiring 5 or more **parking spaces** had previously complying parking, loading and/or queuing requirements that no longer comply with the requirements of this By-Law, this By-Law shall not be interpreted to require that any non-compliance be corrected prior to the construction of any addition. If an addition is made to the **building** which increases the **gross floor area**, then additional parking, loading, and **queuing spaces** applicable to the additional floor area shall be provided by the regulations of this By-Law. (By-law 2011-25)

5.2 Parking Space Requirements

When any new development is constructed, or when any **existing** development is enlarged, or when any **use** is changed, off-street vehicular **parking spaces** shall be provided in accordance with the standards of this By-Law.

5.2.1 Exclusive Nature of Parking Space

Parking spaces and areas required in accordance with this By-Law shall only be used for the parking of operative, currently licensed vehicles that are used in relation to the permitted **use(s)** for which the **parking spaces** and areas are required.

5.2.2 Parking Space Design (applies to 5 or more required parking spaces) (By-law 2012-74)

- i) The minimum required size of a **parking space** shall be as follows:

Number of Required Spaces	Parking Space Configuration	Minimum Size
Fewer than 5 (By-law 2018-50)	Parallel	2.6m by 6.7m
	Perpendicular	2.6m by 5.0m
5 or More (By-law 2018-50)	Parallel	2.6m by 6.7m
	Perpendicular	2.7m by 5.5m

- ii) The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards:

Angle of Parking Space	Minimum Aisle Width	Direction
45 degrees	4.5 metres	One Way
90 degrees	6.0 metres	Two Way

- iii) Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6:
 - a. Type A (“Van”): Minimum size of 3.4m by 5.5 m
 - b. Type B: Minimum size of 2.6m by 5.5m

Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m.

Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them. (By-law 2018-50)

5.3 Calculation of Parking Requirements

Where the minimum number of required **parking spaces** is calculated on the basis of a rate or ratio, the number of required spaces shall be rounded to the next higher whole number.

The parking requirements for more than one **use** on a single **lot** or for a **building** containing more than one **use**, shall be the sum total of the parking requirements for each of the component **uses**, unless otherwise noted.

5.3.1 Residential Uses

The minimum, off-street parking requirements for **residential uses** shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
Accessory Dwelling Unit	2 exterior parking spaces per accessory dwelling unit
A Mixed Use Building containing up to 3 Dwelling Units	1.5 parking spaces per dwelling unit
Dwelling, Detached	2 parking spaces per dwelling unit ^{(*1) (*2)}
Dwelling, Link	2 parking spaces per dwelling unit ^{(*1) (*2)}
Dwelling, Semi-Detached	2 parking spaces per dwelling unit ^{(*1) (*2)}
Dwelling, Duplex	2 parking spaces per dwelling unit ^(*2)
Dwelling, Triplex	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit
Dwelling, Quadruplex, Fourplex or Maisonette	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit
Dwelling, Townhouse or Stacked Townhouse on Private Road	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit ^(*2)
Dwelling, Townhouse or Stacked Townhouse on Public Road	2 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit ^(*2)
Parcel of Tied Land Development	<ul style="list-style-type: none"> • Minimum required parking spaces per dwelling unit shall be located on the parcel of tied land • Visitor parking shall be located on the common element condominium block which contains the condominium street
Apartment Building	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit
Bed and Breakfast Establishment	1 space for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling
Dormitory	0.5 parking spaces for each rooming unit
Group Home Halfway House	Greater of 2 parking spaces or 1 space per staff member on duty

Type or Nature of Use	Minimum Off-Street Parking Requirements
Home Occupation	Where the area occupied by the home occupation exceeds 24 m ² , 1 parking space shall be required for every 9 m ² above the 24 m ² of the dwelling unit used for the home occupation
Special Needs Facility	Greater of 2 parking spaces or 1 space per staff member on duty

(*1) Where in combination with an **accessory dwelling unit** the required **parking spaces** shall be provided exterior of any garage or **structure**.

(*2) Required **parking spaces** shall be provided exterior of any **garage** unless otherwise permitted by this by-law.

5.3.2 Non-Residential Uses

The minimum off-street parking requirements for non-**residential uses** shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements
Accessory Retail Sales Outlet	1 space per 28 m ² of gross floor area dedicated to accessory retail sales
Art gallery Museum	1 space per 50 m ² of gross floor area
Banquet facility	1 parking space per 9 m ² of gross floor area
Commercial Recreation Centre	1 parking space per 20 m ² of gross floor area dedicated use by the public
Community Centre Outdoor Recreation Facility Sports Arena	1 parking space per 14 m ² of gross floor area dedicated to indoor facilities for use by the public plus the aggregate of: <ul style="list-style-type: none"> • 30 spaces per all field • 30 spaces per soccer field • 4 spaces per tennis court
Commercial School	1 space per 20 m ² of gross floor area

Type or Nature of Use	Minimum Off-Street Parking Requirements
Convenience Store	1 parking space per 18 m ² of gross floor area
Day Nursery	2 parking spaces per classroom plus 1 space for every 4 children licensed capacity
Dry Cleaning Depot Laundromat	1 space per 20 m ² of gross floor area
Financial Institution	1 parking space per 15 m ² of gross floor area
Funeral Home	30 parking spaces for the first 30 m ² of gross floor area plus 1 space for each additional 15 m ² of gross floor area
Garden Centre	1 space per 30 m ² of gross floor area
Golf Course	The aggregate of: <ul style="list-style-type: none"> • 36 parking spaces for each 9 holes of golf • 1 parking space per 27 m² of gross floor area of the club house
Hospital	1 parking space per 42 m ² of gross floor area
Hotel	The aggregate of: <ul style="list-style-type: none"> • 1 space per guest room • 1 space per every 2 guest rooms over 20 • 1 space per 4.5 m² of gross floor area • dedicated to administrative, banquet and meeting facilities
Institutional Day Centre	1 space per 20 m ² of gross floor area
Library	1 space per 10 m ² of gross floor area
Local Shopping Centre	5 spaces per 90m ² of gross floor area (By-law 2011-25)
Long Term Care Facility	0.33 parking space per licensed patient bed plus 1 space per 100m ² of gross floor area used for all other purposes

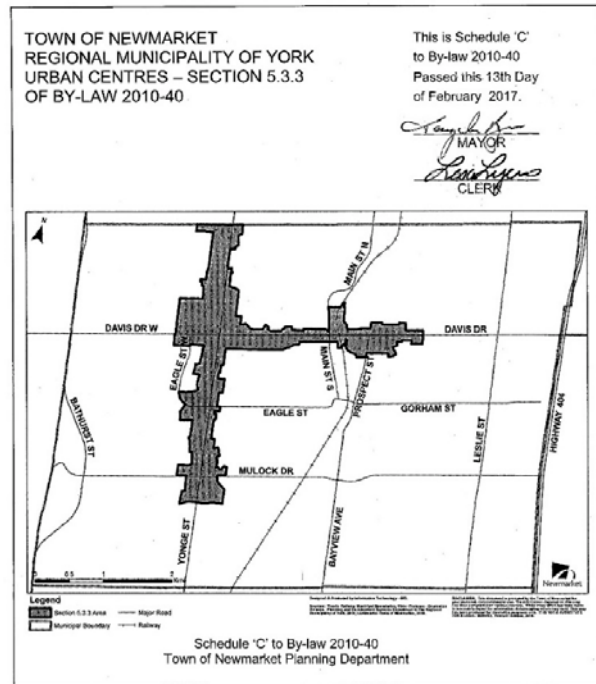
Type or Nature of Use	Minimum Off-Street Parking Requirements
Manufacturing Manufacturing, Light	The aggregate of: <ul style="list-style-type: none"> • 1 parking space per 45 m² of gross floor area up to 1860 m² GFA; • 1 parking space per 90 m² of gross floor area from 1861 m² to 3720 m² GFA; • 1 parking space per 185 m² of gross floor area greater than 3720 m² GFA; • plus 1 space per 28 m² dedicated to an accessory sales outlet
Medical Clinic Medical Office Building Medical and Dental Laboratories	1 parking space per 17 m ² of net floor area
Medical Practitioner, Sole	6 parking spaces
Motor Vehicle Body Shop	1 parking space per 13 m ² of gross floor area including the service bays
Motor Vehicle Sales Establishment	1 parking space per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 parking space per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces
Motor Vehicle Service Shop	1 parking space per 13 m ² of gross floor area excluding the service bays
Motor Vehicle Service Station	<ul style="list-style-type: none"> • 2 parking spaces where the gross floor area of the kiosk is 26 m² or less or • 1 parking space per 18 m² where the kiosk is greater than 26 m² with a minimum of 2 parking spaces

Type or Nature of Use	Minimum Off-Street Parking Requirements
Multiple-Unit Buildings within Employment Zones	The aggregate of: <ul style="list-style-type: none"> • 1 parking space per 45 m² of gross floor area up to 1860 m² GFA; • 1 parking space per 90 m² of gross floor area from 1861 m² to 3720 m² GFA; 1 parking space per 185 m² of gross floor area greater than 3720 m² GFA
Nightclub	1 parking space per 7.5 m ² of gross floor area
Passenger Transportation Terminal	0.5 space per 100 m ² of gross floor area
Office Accessory Office	1 parking space per 27 m ² of net floor area
Personal Service Shop	1 parking space per 30 m ² of gross floor area
Place of Worship	1 parking space per 9 m ² of the aggregate gross floor area of the nave, public hall, banquet hall or other community/multi-use hall used as a place of assembly
Private Club	1 parking space per 9 m ² of gross floor area
Restaurant	1 parking space per 9 m ² of gross floor area dedicated to public use, excluding any porch, veranda, patio, and/or commercial rooftop patio dedicated as seasonal servicing areas. (By-law 2021-08)
Retail <ul style="list-style-type: none"> • Food/Grocery Store/ Supermarket All other retail uses	1 parking space per 9 m ² of gross floor area with a minimum of 5 parking spaces 1 parking space per 18 m ² of net floor area
Retail Warehouse Store	1 parking space per 20 m ² of gross floor area

Type or Nature of Use	Minimum Off-Street Parking Requirements
Retirement Residence	0.5 parking space per unit plus 0.25 parking spaces per unit for visitors
School, Elementary	2 parking spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking
School, Secondary	3 parking spaces per classroom plus an additional 10% of the total parking requirement to be dedicated to visitor parking
School, Post-Secondary	1 space per 100 m ² gross floor area used for instructional and/or academic purposes
Service or Repair Shop	1 parking space per 28 m ² of gross floor area
Shopping Mall, Regional (Upper Canada Mall)	1 parking space per 21 m ² of gross leasable floor area
Studio	1 space per 20 m ² of gross floor area
Transportation Depot	0.5 space per 100 m ² of gross floor area
Veterinary Clinic Veterinary Hospital Domestic Animal Care Facility	1 parking space per 27 m ² of gross floor area
Warehouse and Storage Uses	<ul style="list-style-type: none"> • 1 parking space per 90 m² gross floor area up to 1860 m² of gross floor area dedicated to storage and warehouse uses • additional parking spaces subject to approved site plan and site plan agreement for gross floor area greater than 1860 m²
Uses permitted by this By-Law that are not otherwise specifically identified within this table	<ul style="list-style-type: none"> • 1 space per 20 m² of gross floor area

5.3.3 Parking Standards for the Urban Centres

Notwithstanding Sections 5.3.1 and 5.3.2 of this By-law, the parking standards for the lands located within the Urban Centres, as shown more particularly on Schedule 'C' below and forming part of this By-law, shall be in accordance with the following, and shall be located in accordance with Section 5.4.1:



5.3.3.1 Residential Uses in the Urban Centres

The minimum and maximum off-street parking requirements for permitted residential uses in the zones in the Urban Centres shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Accessory Dwelling Unit	1.0 parking space per accessory dwelling unit	n/a
Dwelling, Detached	2.0 parking spaces per dwelling unit ^(*1)	n/a
Dwelling, Link	2.0 parking spaces per dwelling unit ^(*1)	n/a
Dwelling, Semi-Detached	2.0 parking spaces per dwelling unit ^(*1)	n/a
Dwelling, Duplex	2.0 parking spaces per dwelling unit ^(*1)	n/a
Dwelling, Quadruplex, or Maisonette	1.5 parking spaces per dwelling unit plus 0.25 visitor spaces per dwelling unit	n/a
Dwelling, Townhouse or Stacked Townhouse on Private Road	1.0 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit ^(*2)	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. ^(*2)

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Dwelling, Townhouse or Stacked Townhouse on Public Road	1.0 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)
Apartment Building or a Mixed Use Building – Bachelor Unit	0.70 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)	0.85 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)
Apartment Building or a Mixed Use Building - One Bedroom Unit	0.80 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)
Apartment Building or a Mixed Use Building - Two Bedroom Unit	1.00 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)	1.20 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)
Apartment Building or a Mixed Use Building - Three or more Bedroom Unit	1.20 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)	1.40 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit. (*2)
Bed and Breakfast Establishment	1.0 parking space for each room or suite used for the purposes of lodging for the travelling public, in addition to the required parking for the dwelling	n/a
Dormitory	0.5 parking spaces for each rooming unit	n/a
Group Home Halfway House	2.0 parking spaces	4.0 parking spaces
Home Occupation in a: Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; Dwelling, Quadruplex; or Dwelling, Maisonette	Where the area occupied by the home occupation exceeds 24m ² , 1.0 parking space shall be required for every 9m ² above the 24m ² of the dwelling unit used for the home occupation	n/a
Special Needs Facility	2.0 parking spaces	4.0 parking spaces

(*1) Where in combination with an **accessory dwelling unit**, the required **parking spaces** shall be in addition to the required **parking space** for the **accessory dwelling unit**.

(*2) Where a **dwelling unit** is a **financially assisted dwelling unit**, the minimum **parking space** rate and the maximum **parking space** rate for the **dwelling unit** may be reduced by 30% of the standard minimum and maximum **parking space** rates for the applicable **dwelling unit** type. This reduction does not apply to the visitor parking space per **dwelling unit** rates.

5.3.3.2 Non-Residential Uses in the Urban Centres

The minimum and maximum off-street parking requirements for permitted non- residential uses shall be as follows:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Art gallery Museum	1.0 parking space per 100m ² of gross floor area	2.0 parking spaces per 100m ² of gross floor area
Banquet facility	1.0 parking space per 9m ² of gross floor area	n/a
Commercial Recreation Centre Community Centre Outdoor Recreation Facility Sports Arena	1.0 parking space per 28m ² of gross floor area	2.0 parking spaces per 28m ² of gross floor area
Commercial School	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Convenience Store	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Day Nursery	1.0 parking space per classroom, plus 1.0 parking space for every 8 children licensed capacity	2 times the minimum off- street parking requirement
Domestic Animal Care Facility	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Dry Cleaning Depot Dry Cleaning Establishment Laundromat	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Financial Institution	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Funeral Home	30.0 parking spaces for the first 30m ² of gross floor area , plus 1.0 parking space for each additional 15m ² of gross floor area	n/a
Garden Centre	1.0 parking space per 30m ² of gross floor area	n/a
Hospital	1.0 parking space per 42m ² of gross floor area	n/a
Hotel	The aggregate of: <ul style="list-style-type: none"> • 1.0 parking space per guest room for the first 20 guest rooms • 1.0 parking space per two guest rooms for guest rooms beyond the first 20 • 1.0 parking space per 10m² of gross floor area dedicated to administrative, banquet and meeting facilities 	n/a
Institutional Day Centre	1.0 parking space per 20m ² of gross floor area	n/a
Library	1.0 parking space per 20m ² of gross floor area	2.0 parking spaces per 20m ² of gross floor area
Light Equipment Sales and Rental	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Long Term Care Facility	0.25 parking spaces per dwelling unit or rooming unit , plus 1.0 parking space per 200m ² of gross floor area used for medical, health or personal services	2 times the minimum off-street parking requirement
Medical Clinic	1.0 parking space per 35m ² of gross floor area	2.0 parking spaces per 35m ² of gross floor area
Medical Practitioner, Sole	6.0 parking spaces	n/a

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Motor Vehicle Rental Establishment	1.0 parking space per 35m ² of gross floor area	2.0 parking spaces per 35m ² of gross floor area
Motor Vehicle Sales Establishment	1.0 parking space per 40m ² of gross floor area excluding showroom	2.0 parking spaces per 40m ² of gross floor area excluding showroom
Motor Vehicle Repair Facility	1.0 parking space per 13m ² of gross floor area including the service bays	n/a
Motor Vehicle Service Shop	1.0 parking space per 13m ² of gross floor area including the service bays	n/a
Motor Vehicle Service Station	<ul style="list-style-type: none"> • 2.0 parking spaces where the gross floor area of the kiosk is 25m² or less or • 1.0 parking space per 18m² where the kiosk is greater than 26m² with a minimum of 2.0 parking spaces 	n/a
Passenger Transportation Terminal	0.5 parking space per 100m ² of gross floor area	n/a
Office Office, Conversion	1.0 parking space per 50m ² of gross floor area	2.0 parking spaces per 50m ² of gross floor area
Personal Service Shop	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Place of Worship	1.0 parking space per 9m ² of the aggregate gross floor area of the nave, public hall, banquet hall or other community/ multi-use hall used as a place of assembly	2.0 parking spaces per 9m ² of the aggregate gross floor area of the nave, public hall, banquet hall or other community/ multi-use hall used as a place of assembly
Private Club	1.0 parking space per 9m ² of gross floor area	n/a

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Restaurant	1.0 parking space per 50m ² of gross floor area , excluding any porch, veranda, patio and/or commercial rooftop patio dedicated as seasonal servicing areas. (By-law 2021-08)	4.0 parking spaces per 50m ² of gross floor area , excluding any porch, veranda, patio and/or commercial rooftop patio dedicated as seasonal servicing areas. (By-law 2021-08)
Retail Store	1.0 parking space per 40m ² of gross floor area	2.0 parking spaces per 40m ² of gross floor area
Retail Warehouse Store	1.0 parking space per 20m ² of gross floor area	n/a
School, Elementary	1.0 parking space per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
School, Secondary	1.5 parking space per classroom, plus an additional 10% of the total parking requirement to be dedicated to visitor parking	2 times the minimum off-street parking requirement
School, Post-Secondary	1.0 parking space per 200m ² of gross floor area used for instructional and/or academic purposes	2.0 parking spaces per 200m ² of gross floor area used for instructional and/or academic purposes
Service or Repair Shop	1.0 parking space per 28m ² of gross floor area	n/a
Shopping Mall, Regional (Upper Canada Mall)	1.0 parking space per 21m ² of gross leasable floor area	n/a
Studio	1.0 parking space per 20m ² of gross floor area	n/a
Veterinary Clinic	1.0 parking space per 27m ² of gross floor area	n/a

5.3.3.3 Reduced Parking Standards for Proximity to Transit in the Urban Centres

Notwithstanding Sections 5.3.3.1 and 5.3.3.2 of this By-law, the parking standards for lands located within the Urban Centres as shown more particularly on Schedule ‘C’ attached hereto and forming part of this By-law, the minimum and maximum parking rates for each of the permitted residential and non-residential uses identified in Sections 5.3.3.1 and 5.3.3.2 may be reduced by 30% if the property of such use is within a walking distance of 500 metres of either the GO train station or a GO bus terminal properties.

5.3.3.4 Carpooling Parking Space for certain Non-residential uses in the Urban Centres

Notwithstanding Section 5.3.3.2 and 5.3.7 of this By-law, the required parking for developments involving **financial institution, hospital, library, medical clinic, medical office building, medical and dental laboratories, office, elementary school, secondary school, or post-secondary school** uses must provide carpooling **parking spaces** as the lesser of:

- i) 5% of the total required parking supply for any of these non-residential uses, or
- ii) **2.0 parking spaces.**

5.3.3.5 Car-Share Parking Space for certain Residential uses in the Urban Centres

Notwithstanding Section 5.3.3.1 of this By-law, any development of a **mixed use building** or **apartment building** providing **parking spaces** for the purposes of car-share parking and does not include any **financially assisted dwelling units**, the applicable minimum **parking space** requirement may be reduced by up to **3 parking spaces** for each dedicated car-share **parking space**. The limit on the **parking space** reduction is calculated as the greater of:

- i) $4 \times (\text{total number of units} / 60)$, rounded down to the nearest whole number, or
- ii) **1.0 parking space.**

5.3.4 Downtown (UC-D1) Zone

Notwithstanding Section 5.3.2 of this By-Law, the parking requirements for non-**residential uses** for the UC-D1 Zone shall be in accordance with the following:

- i) the required **parking spaces** shall not exceed the minimum requirements;
- ii) notwithstanding Sections 4.14.1, 5.4 and 5.5 of this By-Law, **parking areas, parking lots**, approaches, **driveways**, entrances, exits, buffer areas, and loading areas do not apply and shall be established in accordance with an approved site plan;
- iii) a change from one permitted **use** to another within the confines of any **existing building**, need not provide additional parking. Any increase in floor space through additions or expansion into space not presently used for commercial purposes shall provide additional parking at the rate of 1 **parking space** per 31 m² of **gross floor area** or cash-in-lieu of parking; and,
- iv) parking requirements for **dwelling units** not in existence on the date of approval of the By-Law shall be provided in accordance with Section 5.3.1 of this By-Law, however **existing** on-site parking currently used for commercial purposes may be used for new **dwelling units** and the reduction of parking for commercial purposes may be taken as cash-in- lieu of parking.

5.3.5 Shared Parking

- i) A shared parking formula may be used for the calculation of required parking for a mixed **use** development. A mixed **use** development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement.
- ii) Shared parking is to be calculated in compliance with the following table. All required **parking spaces** must be accessible to all users participating in the shared parking arrangement and may not be reserved for specific users.

- iii) To determine the shared parking requirements for a mixed **use**:
 - a) calculate the parking requirement for each **use** as if these **uses** were free-standing **buildings**;
 - b) multiply each **use** by the percent of the peak period for each time period contained in the following table;
 - c) total each peak column for weekday and weekend; and
 - d) the highest figure obtained from all time periods shall become the required parking for the mixed **use**.

Type of Use	Percentage of Peak Period (Weekday)		
	Morning	Afternoon	Evening
Industrial or office	100%	100%	10%
Recreational	25%	80%	100%
Hotel	80%	80%	100%
Assembly	10%	25%	100%
Type of Use	Percentage of Peak Period (Weekend)		
	Morning	Afternoon	Evening
Industrial or office	10%	10%	10%
Recreational	90%	100%	100%
Hotel	80%	80%	100%
Assembly	90%	90%	100%

For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses. (By-law 2018-50)

5.3.6 Barrier Free Parking Spaces

Off-street barrier free parking spaces shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces.

- i) The minimum barrier free parking requirement shall be as follows:

Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces
1 to 12	1	0
13 to 25	0	1
26 to 50	1	1
51 to 75	1	2
76 to 100	2	2
101 to 133	2	3
134 to 166	3	3
167 to 250	3	4
251 to 300	4	4
301 to 350	4	5
351 to 400	5	5
401 to 450	5	6
451 to 500	6	6
501 to 550	6	7
551 to 600	7	7
601 to 650	7	8
651 to 700	8	8
701 to 750	8	9
751 to 800	9	9
801 to 850	9	10
851 to 900	10	10
901 to 950	10	11
951 to 1000	11	11

Total number of parking spaces provided	Required Type A Spaces (Van)	Required Type B Spaces
1001 and over	11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B.	
Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space.		

Notwithstanding subsection i) above, the minimum barrier free parking requirement for **medical offices, clinics** and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the use, providing at least 40% of the required barrier free spaces of each type of Type A and Type B. (By-law 2018-50)

5.3.7 Carpool Parking

Carpool parking spaces shall be provided in conjunction with developments involving **financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school** uses and shall be included as part of the overall parking requirement as the lesser of:

- i) 5% of the total required parking supply for any of these non-residential uses, or
- ii) 2.0 parking spaces

For each required **carpool parking space** provided the total parking requirement may be reduced by 2 spaces. **Carpool parking spaces** shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free **parking spaces**.

Carpool spaces are to be reserved for the exclusive use of vehicles carrying more than one occupant. Carpool spaces are to be indicated with Town- approved signage

5.3.8 Bicycle Parking

i) **Bicycle parking spaces** shall be provided as follows:

Use	Required Bicycle Parking
Retail, Service Commercial, Office , Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area
Manufacturing/ Industrial	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area
School	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of gross floor area
Apartment Building	0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit

Where required **bicycle parking spaces** are located internal to a **building**, they shall be located:

- a. on the ground floor; or
- b. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or ramp.

Bicycle parking spaces as required by this by-law shall not be located:

- a. in a dwelling unit; or
- b. on a balcony.

- ii) The minimum dimension of a bicycle parking space is:
 - a. minimum length of 1.8 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.9 metres; and
- iii) The minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:

- a. minimum length or vertical clearance of 1.9 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum horizontal clearance from the wall of 1.2 metres; and
- iv) A bicycle parking space must be on the same **lot** as the **use** for which it is required. (By-law 2018-50)

5.3.9 Snow Storage Accommodation

An outdoor **parking lot** designed to accommodate 5 or more **parking spaces**, shall provide an area equivalent to 5% of the number of required spaces for the purpose of snow storage.

5.4 Parking Lot Requirements

For every **building, structure** or **use** requiring 5 or more **parking spaces**, off- street parking having access to a **public street** shall be provided on the same **lot** on which the **use, building** or **structure** is located unless otherwise specified in this By-Law.

5.4.1 Parking Lot Location

Where required, **parking lots** shall be located in accordance with the following requirements:

Zone	Parking Lot Location Requirement
R4, R5	<ul style="list-style-type: none"> i) shall be located in an area other than the minimum front yard or the exterior side yard; ii) shall not occupy more than 50% of the aggregate areas of the side and rear yards of any lot; iii) shall be located not less than 3 metres from any side or rear lot line; and, iv) in the case of an apartment dwelling, shall not be located within 3 metres of any residential zone.
Downtown, Urban Centre and Commercial Zones ^(*1)	Parking spaces may be provided on another lot within a different Urban Centre or Commercial Zone but not more than 150 metres from the lot line of the use it is intended to serve.
Urban Centre Zones ^(*1)	Parking lots shall be located in the interior side yard and/or rear yard not less than 3.0 metres from any side or rear lot line . However, a parking lot as a sole use may

	be located in any yard . (By-law 2011-25)
Commercial, Open Space, Employment or Institutional Zones ^(*1)	Parking lots may be located within any yard but shall not be located within 3.0 metres of any street line .

(*1) Excluding **Elementary and Secondary School Uses**

5.4.2 Parking Lot Design

i) Surface Treatment

Every **parking lot**, including **parking spaces** and **driveways**, shall be graded and drained and the surface treated with a permanent durable and dustless surface that is designed to Town standards. This provision shall not apply to **parking lots** of residential developments having three or fewer **dwelling units**.

ii) Curbs

The **parking lot** shall have visible boundaries defined by a curb designed to Town standards.

5.4.3 Location of Visitor Parking

Visitor parking shall be located in accordance with the following requirements:

- i) Where visitor parking is required outside of a Downtown or Urban Centre Zone and in accordance with Sections 5.3.1 and 5.3.2, such parking shall be located at grade and shall be separated from any adjacent **street line** by a strip of land not less than 3 metres wide which shall be used only for landscaping, entrances and exits.
- ii) Where visitor parking is required in the Residential Four (R4) and Residential Five (R5) Zones, such **parking spaces** shall be located in accordance with the following provisions:
 - a) not less than 1.5 metres from any **lot line** which abuts a street;

- b) not less than 15 metres from any side or **rear lot line** other than a **lot line** which abuts a street; and
- c) not less than 1.5 metres from any **building** or **dwelling unit** for any grouping of 5 or more **parking spaces**.

5.4.4 Parking Lot Illumination

Where a **parking lot** is illuminated and is in or adjacent to a residential **zone**, the lighting fixtures shall be installed in accordance with the following:

- i) the lighting fixtures shall be arranged to have no part of any fixture located at a height greater than 9 metres above the **finished grade** of the **parking lot**; and,
- ii) the lighting fixtures shall be designed and installed to deflect the light downward and away from adjacent residential **buildings, lots** and streets.

5.5 Entrances, Exits and Driveways

Driveways, entrances and exits shall be provided as follows:

Parking Requirement	Requirement for Entrances and Exits
Required Parking Spaces : 4 or fewer	<ul style="list-style-type: none"> i) The minimum width of a driveway, free of projections shall be 3 metres. ii) The minimum distance between a driveway and the intersection of 2 or more streets, measured along the street line intersected by such driveway shall be 4.5 metres. iii) (Deleted by By-law 2018-50.) iv) Approaches and driveways which provide access to parking areas other than directly from a municipal street shall be constructed at a width not less than six (6) metres nor where undivided, not greater than nine (9) metres. (Deleted by By-law 2011-25 and By-law 2012-74.) v) No person shall, in any residential zone, use their minimum rear yard setback for parking. vi) No person shall, in any residential zone, use

Parking Requirement	Requirement for Entrances and Exits
	more than 25% of the rear yard for the purposes of parking or a driveway .
Required Parking Spaces : 5 or more	<ul style="list-style-type: none"> <li data-bbox="657 304 1388 472">vii) Not more than 2 entrance and exit driveways plus 1 additional entrance or exit driveway for service vehicles, shall be provided to access the parking lot. <li data-bbox="657 483 1388 651">viii) Each entrance and/or exit driveway shall have a minimum width at the street line of 7.9 metres and if undivided, a maximum width of 9 metres. <li data-bbox="657 661 1388 829">ix) The minimum distance between a driveway and intersection of street lines measured along the street line intersected by such driveway shall be 15 metres. <li data-bbox="657 840 1388 1092">x) Approaches and driveways which provide access to parking areas other than directly from a municipal street shall be constructed at a width not less than six (6) metres nor where undivided, not greater than nine (9) metres. (By-law 2011-25 and By-law 2012-74) <li data-bbox="657 1102 1388 1638">xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the parking lot surface shall be provided from a sidewalk to the principal entrance of each building. If no sidewalk abuts the property, the connection will be provided from the abutting street. Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width. (By-law 2018-50)

Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access.

5.6 Loading Spaces

Off-street **loading spaces** shall be provided in accordance with this By-Law when any new development is constructed, when any **existing** development is enlarged, or when any **existing use** is changed.

5.6.1 Loading Space Requirements

Required **loading spaces** shall be unobstructed and shall be located on the same **lot** as the **use** that requires the **loading space** as follows:

Zone	Gross Floor Area	Loading Space Requirement	Location On a Lot	Size of Loading Space
Residential Zones	Any residential building containing 20 or more dwelling units	1	Side or rear yards	Width 3.6 m Length 9 m Vertical Clearance 4.2 m
Downtown, Commercial and Urban Centre Zones	Less than 140 m ² 140.1 m ² – 280 m ² 280.1 m ² – 2323 m ² 2323.1 m ² – 7432 m ² Greater than 7432.1 m ²	0 1 2 3 1 additional space for every additional 7432 m ² or fraction thereof	Interior side or rear yard unless the setback from the street line is a minimum of 60 metres	Width 3.6 m Length 9 m Vertical Clearance 4.2 m
Employment Zones	Less than 225 m ² 225.1 m ² – 550 m ² 550.1 m ² – 2323 m ² 2323.1 m ² – 7432 m ² Greater than 7432.1 m ²	0 1 2 3 1 additional space for every additional 7432 m ² or fraction thereof	Interior side or rear yard unless the setback from the street line is a minimum of 60 metres	Width 3.6 m Length 13.7 m Vertical Clearance 4.2 m

5.6.2 Access to Loading Spaces

Where a **loading space(s)** is required, the access to the **loading space(s)** shall be provided by means of a **driveway** that is a minimum of 6 metres wide, unless such spaces are directly linked to a **lane** or roadway.

5.6.3 Setback of Loading Spaces from Residential Zones

In any Downtown, Urban Centre, Commercial or Employment **Zone**, no **loading space** shall be located closer than 10 meters to any interior **side lot line** or **rear lot line** that abuts a Residential **Zone**.

5.6.4 Provision of Loading Spaces for Multiple Occupancy Buildings

Notwithstanding any other provision of this By-Law, any units within a multiple occupancy **building** in a Downtown, Urban Centre, Commercial, or Employment **Zone** which do not exceed 225 m² in **gross floor area** shall not be included in calculations for required **loading spaces** as required by this By-Law.

5.6.5 Size of Loading Spaces for Motor Vehicle Sales Establishments

Notwithstanding any other provision of this By-Law, the minimum size of a **loading space** for a **motor vehicle sales establishment** shall be:

Width:	3.6 metres
Length:	13.7 metres
Vertical Clearance:	4.2 metres

5.7 Queuing Lane Requirements

Where **queuing lanes** are required in association with a permitted **use**, the following provisions shall apply:

5.7.1 Exclusive Use of Queuing Space

Queuing lanes and spaces shall be exclusive of any other **parking space** and aisle requirements contained within this By-Law.

5.7.2 Size of Queuing Space

All **queuing spaces** shall be rectangular in shape, with a minimum length of 5.5 metres and a width of 2.6 metres.

5.7.3 Calculation of Queuing Space Requirements

The lane and parking requirements associated with the drive-through service **use** shall be measured as follows:

- i) The minimum required ingress spaces shall be measured from the product pick-up window. The space at the product pick-up window shall count towards the minimum required ingress space requirement.
- ii) The minimum required egress spaces shall be measured after the product pick-up window.

5.7.4 Queuing Space Requirements

The minimum ingress and egress **queuing space** requirements shall be as follows:

Drive-Through Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
Financial Institution	5	1
Drive-Through Restaurant	12	2
Convenience Retail and Service Establishment	12	1
Retail Store	5	1
Motor Vehicle Service Station	3	1
Motor Vehicle Washing Establishment, Automated	10	3
All Other Drive-Through Facilities	2	1

5.7.5 Setbacks for Queuing Lanes

Queuing lanes shall be located in accordance with the following:

- i) **Queuing lanes** within Downtown or Urban Centre Zones shall not be permitted in the required front or **exterior side yards**.
- ii) The distance between the closest **driveway** access and the last required **queuing space**, measured in a straight line from the middle point of the **driveway** at the **lot line**, shall be 12.0 metres.
- iii) **Queuing lanes** shall not obstruct access to **parking aisles** or **parking spaces** on the **lot**.
- iv) No **queuing lane** shall be located closer than 10.0 metres to any Residential Zone.

5.7.6 Direction of Queuing Lane

Queuing lanes shall be unobstructed and must be clearly delineated by pavement markings or physical barriers.

5.8 Parking Restrictions

5.8.1 Commercial Vehicles in a Residential Zone

On any **lot** within a Residential **Zone**, the parking or storage of any **commercial motor vehicle** is not permitted unless wholly located within an enclosed garage. Only one such **vehicle** may be stored or parked within a garage on a lot in a Residential **Zone**.

5.8.2 Recreational Vehicles and Utility Trailers in a Residential Zone (By-law 2015- 47)

The following regulations apply to the parking and storage of **recreational vehicles** and **utility trailers** on **lots** within any Residential Zone:

- i) Only one recreational vehicle or utility trailer may be externally parked on a lot.
- ii) No **recreational vehicle** or utility trailer is permitted to park in the front **yard**, or between the principal **structure** and the **front lot line**, unless it is on a **driveway**, subject to the provisions listed below. (By-law 2018-50)
- iii) Where the recreational vehicle or utility trailer is stored internally, such recreational vehicle or utility trailer must be wholly contained within the **dwelling unit** or private garage or carport.
- iv) No recreational vehicle or utility trailer may be parked on a driveway without being affixed with a valid license plate or being located on a trailer affixed with a valid license plate.
- v) No recreational vehicle or utility trailer may be parked in a side or rear yard within 1 metre of a fence or property line.
- vi) A recreational vehicle or utility trailer parked on a driveway must be setback 1m from the sidewalk or curb.

- vii) Notwithstanding the above, in the case of a lot where the exterior side and/or rear lot line abuts a street or a 0.3 metre reserve, parking or storage may be permitted in the exterior side yard or rear yard but not closer than 7.6 metres from the exterior or rear lot line.

- viii) Notwithstanding 5.8.2 ii, only one recreational vehicle or utility trailer may be temporarily parked or stored on a driveway for no more than 8 different days, consecutive or not, within the same calendar month. For greater clarification, if the recreational vehicle or utility trailer is observed in the driveway for any amount of time, it is deemed to have been there for one of the eight different days during the calendar month.

5.8.3 Vehicle Storage and Display

Where a permitted **use** involves the storage and/or display of operational **motor vehicles**, such as a **motor vehicle** dealership, no such storage and or display shall be permitted within the minimum side **yard** requirements and no closer than 3 metres from the front and **rear lot lines**. By-law 2012-74

5.8.4 Parking of Inoperative Vehicles

The parking or storage of any **motor vehicle**, **utility trailer** or **recreational vehicle** that does not have valid license plates is not permitted in any **zone** unless wholly located within a garage.

Section 6: Zone Provisions

6.1 Zone Provisions

Permitted **uses** and **zone** standards for all **Zones** are provided in the following Sections:

Zone Category	Section
Residential Zones	6.2
Commercial Zones	6.3
Downtown and Urban Centre Zones	6.4
Employment Zones	6.5
Institutional and Cemetery Zones	6.6
Open Space and Environmental Protection Zones	6.7
Transitional Zone	6.8

6.1.1 Permitted Uses

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, **zone** heading or identified permitted **use**, indicates that one or more exceptions apply to the **use** noted or, in some cases, to the entire **Zone**. Exceptions and additional regulations are noted at the end of each table.

6.1.2 Zone Standards

Regulations respecting **lot area**, frontage, coverage, **yard** setbacks, **floor space index** and **height** are established for each **zone** category.

In the case of residential regulatory sets of **zone** standards, such **zone** standards are indicated with a letter after the corresponding residential permitted **use** symbol on the zoning maps indicating the applicable regulatory set for the corresponding **use zone**.

An asterisk and a number (*1) following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

6.2 Residential Zones

No person shall use any land or erect, alter or use any **building** or **structure** in any Residential Zone except in accordance with Sections [6.2.1](#) and [6.2.2](#) of this By-Law.

6.2.1 Permitted Uses

The following table establishes the **uses** permitted in the Residential Zones:

Permitted Use	R1	R2	R3	R4	R5
Dwelling Unit , Accessory (*1)(*2)	•	•			
Dwelling, Back to Back Townhouse (By-law 2014-51)				•	
Dwelling, Detached	•				
Dwelling, Link		•			
Dwelling, Semi-Detached		•			
Dwelling, Duplex			•		
Dwelling, Triplex			•		
Dwelling, Fourplex			•		
Dwelling, Quadruplex				•	
Dwelling, Maisonette				•	
Dwelling, Townhouse				•	
Dwelling, Stacked Townhouse				•	
Apartment Building					•
Bed and Breakfast Establishment (*3)	•				
Home Occupation (*4)	•	•	•	•	•
Private Home Daycare (*5)	•	•	•	•	•
Group Home (*6)(*7)	•	•			
Accessory Residential Structures	•	•	•	•	•
Accessory Uses as per Section 4.1.1	•	•	•	•	•

- (*1) **Accessory Dwelling Units** are permitted in accordance with Section [4.5](#).
- (*2) (Deleted by By-law 2011-25)
- (*3) A **bed and breakfast establishment** shall only be permitted in a **detached dwelling**. Such an establishment is not permitted in an **accessory dwelling unit**.
- (*4) A **Home Occupation** is permitted in accordance with Section [4.6](#).

- (*5) A Private Home Daycare must adhere to the requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.
- (*6) **Group Homes** shall not be permitted where residential property is subject to flooding under the Regional Storm conditions as defined by the Lake Simcoe Region Conservation Authority.
- (*7) The minimum separation distances for the location of a **group home** shall be as follows:
 - i) 300 metres from any other **group home**; and,
 - ii) 400 metres from a **Special Needs Facility**.

6.2.2 Zone Standards

The following table and notations provided in Section 6.2.3 establish the **zone** standards applicable to the Residential Zones. See Section 6.2.3 for additional **zone** requirements where indicated:

Typical Built Form	Detached Dwelling					
Regulatory Set:	A	B	C	D	E	F
Min. Lot Area	0.8 ha	1860 m ²	743 m ²	511 m ²	330 m ²	265 m ²
Min. Lot Frontage	60.0 m	30.0 m	18.0 m	15.0 m	12.0 m	9.7 m
Min. Yard Setbacks						
From Front Lot Line	30.0 m	9.0 m	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)
From Rear Lot Line	15.0 m	9.0 m	7.5 m	7.5 m	7.5 m	7.0 m
From Exterior Side Lot Line	-	6.0 m	6.0 m (*18) (By-law 2020-63)	6.0 m (*18) (By-law 2020-63)	3.0 m (*18) (By-law 2020-63)	3.0 m (*18) (By-law 2020-63)
From Interior Side Lot Line						
One Side	7.5 m	1.8 m	-	-	0.6 m	0.6 m
Other Side	7.5 m	4.2 m	-	-	1.2 m	1.2 m
Up to 4.2m Building Height (By-law 2020-63)	-	-	1.2 m	1.2 m	-	-
Up to 5.7m Building Height (By-law 2020-63)	-	-	1.5 m	1.5 m	-	-
Beyond 5.7m Building Height (By-law 2020-63)	-	-	1.8 m	1.8 m	-	-
Min. Building Separation	-	-	-	-	1.8 m	1.8 m
Max. Lot Coverage	15%	20%	35%	35%	45%	47%
	Refer to Schedule D. If there is a conflict between this section and Schedule D, Schedule D takes precedence (By-law 2020-63).					
Max. Building Height (By-law 2020-63)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)
Max. Finished First Floor Height (By-law 2020-63)	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m
Min. Driveway Width (*7)	-	-			3.0 m	3.0 m
Max. Driveway Width (*7) (By-law 2011-25)	9.0m	9.0m	6.0m	6.0m	6.0 m	5.5 m
Min. Driveway Length (*11)						
Garage Door Segmented	-	-	-	-	10.0m (*12)	10.0m (*12)
Non-Segmented Garage Door	-	-	-	-	11.2 m	11.2 m

Typical Built Form	Link Dwelling	Semi-Detached Dwelling		Semi-Detached/ Duplex Dwelling
Regulatory Set:	G	H	J	K
Min. Lot Area	n/a	400 m ²	n/a	715 m ²
Min. Lot Area Per Dwelling Unit	334 m ²	n/a	n/a	n/a
Min. Lot Frontage	18.0 m	13.6 m	17.4 m	21.3 m
Min. Yard Setbacks				
From Front Lot Line	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)	(*16) (By-law 2020-63)
From Rear Lot Line	7.5 m	7.5 m	7.0 m	7.5 m
From Side Lot Line	(*4)	-	-	-
From Exterior Side Lot Line	3.0m (*18) (By-law 2020-63)	3.0 m (*18) (By-law 2020-63)	3.0 m (*18) (By-law 2020-63)	3.0 (*18) (By-law 2020-63)
From Interior Side Lot Line		(*17) (By-law 2020-63)	(*17) (By-law 2020-63)	(*17) (By-law 2020-63)
One Side	-	0.6 m	0.9 m	-
Other Side	-	1.2 m	0.9 m	-
Up to 4.2m Building Height (By-law 2020-63)	-	-	-	1.2 m
Up to 5.7m Building Height (By-law 2020-63)	-	-	-	1.5 m
Beyond 5.7m Building Height (By-law 2020-63)	-	-	-	1.8 m
Min. Building Separation	-	1.8 m	1.8 m	-
Max. Lot Coverage	40%	45%	-	35%
Max. Building Height (By-law 2020-63)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)	8.5 m (*19)
Max. Finished First Floor Height (By-law 2020-63)	1.2 m	1.2 m	1.2 m	1.2 m
Min. Driveway Width (*7)(*13)	2.9 m	2.9 m	2.9 m	2.9 m
Max. Driveway Width (*7)(*13) (By-law 2011-25)	5.2 m	3.8 m	5.2 m	5.2 m
Min. Driveway Length (*11)				
Garage Door Segmented	10 m (*12)	-	-	-
Non-Segmented Garage Door	11.2 m	-	-	-

See Section [6.2.3](#) for additional **zone** requirements where indicated.

Typical Built Form	Triplex Dwelling	Fourplex Dwelling	Quadruplex/ Maisonette Dwelling	Townhouse Dwelling		
				N	P	R
Regulatory Set:	L		M	N	P	R
Min. Lot Area	780 m ²	892 m ²	288 m ²	n/a	n/a	n/a
Min. Lot Area Per Dwelling Unit	21.3 m ²	24.0 m ²	24.0 m ²	222 m ²	n/a	180 m ²
Min. Lot Frontage	n/a	n/a	n/a	30.0 m (*2)	7.5 m/unit (*6)	6.0 m (*6)
Min. Yard Setbacks						
From Front Lot Line	9.0 m	9.0 m	7.5/6.0 m (*1)	7.5/6.0 m (*1)	4.5 m	4.5 m
From Rear Lot Line	9.0 m	9.0 m	7.5 m	7.5 m	7.0 m	6/7 m (*5)
From Side Lot Line	2.4 m	2.4 m	2.4 m	(*3)		-
From Exterior Side Lot Line	2.4 m	2.4 m	-	3.0	3.0 m	3.0 m
From Interior Side Lot Line	2.4 m	2.4 m	-	-	1.5 m (end unit)	1.5 m (end unit)
Min. Building Separation					3.0 m	3.0 m
Max. Lot Coverage	35%	35%	40%	40%	50%	50%
Max. Height	11.0 m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)	11.0 m (2 storeys)
Min. Driveway Width (*7)	-	-	-	2.9 m	2.9 m	-
Max. Driveway Width (*7)	-	-	-	3.4 m	3.4 m	3.0 m
Min. Driveway Length (*11)						
Garage Door Segmented	-	-	-	-	-	-
Non-Segmented Garage Door	-	-	-	-	-	-

See Section [6.2.3](#) for additional **zone** requirements where indicated.

Section 6.2.2 continued

Typical Built Form	Plan of Condominium	Stacked Townhouse/ Apartment Building	Apartment Building
Regulatory Set:	CP	S	T
Min. Lot Area	n/a		
Min. Lot Area Per Dwelling Unit		92 m ²	67 m ²
Min. Lot Frontage		37.0 m	42.6 m
Min. Yard Setbacks	The required yard shall be the area between the dwelling unit main wall in its entirety, lawfully existing as of the passing of this By-Law; and, the applicable lot line .		
From Front Lot Line		9.0 m	9.0 m
From Rear Lot Line		9.0 m	9.0 m
From Side Lot Line		(*9)	(*9)
Min. Building Separation		-	-
Min. Building Setback From Any Common Private Road		-	-
Max. Lot Coverage		40%	40%
Max. Height (By-law 2011-25)		15.0 m (4 storeys)	30.0 m (8 storeys)
Max. Floor Space Index		1.5	1.85
Min. Driveway Width (*7)		-	-
Max. Driveway Width (*7)	-	-	

See Section [6.2.3](#) for additional **zone** requirements where indicated.

6.2.3 Additional Requirements for Residential Zones

- i. The following additional requirements apply to the regulatory sets for the Residential Zones as shown throughout Section 6.2.2. Where marked by an asterisk and number, that number refers to the standard that is varied by the clause. Where indicated as a regulation (i) (ii) (iii) that regulation describes its effect and application. (By-law 2020-63)
- ii. For residential lots, the minimum amount of soft landscaping in a yard is the area of the yard less any permitted encroachments. (By-law 2020-63)
 - (*1) 7.5 metres from any road and 6 metres from any common **driveway**.
 - (*2) 30 metres per total parcel with a minimum frontage on a common **driveway** of 6 metres per **dwelling unit**.
 - (*3) 6 metres between blocks of row or townhouses or 3 metres from **lot line**.
 - (*4) 3.6 metres between pairs of link dwellings or 1.8 metres from **lot line**.
 - (*5) 6.0 metres for a 2 **storey** dwelling, 7.0 metres for a 3 **storey** dwelling.
 - (*6) The maximum number of **townhouse** units in 1 block shall not exceed 8 units.
 - (*7) A **driveway** shall be located a minimum of 0.6 metres from the **side lot line**, except for a mutual **driveway** where the setback may be nil.
 - (*8) 3.6 metres or one half of the **height** of the **building**, whichever is greater.
 - (*9) 4 metres or one half the **building height**, whichever is greater.
 - (*10) Deleted by By-law 2011-25
 - (*11) **Driveway** length shall be measured from the sidewalk edge closest to the dwelling or **structure** on the **lot** to the front wall of the garage. Where there is no sidewalk, the minimum **driveway** length shall be measured from the front wall of the garage to the pavement curb edge closest to the dwelling or **structure** on the **lot**.

- (*12) Notwithstanding the minimum required **driveway** length for a **driveway** adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double **driveway** of at least 6.0 metres in width, the minimum **driveway** length may be reduced to 7.0 metres provided that the garage is setback a minimum of 1.5 metres from the front wall of the **dwelling unit**.
- (*13) **Driveway width** shall be measured along a line parallel to the **front lot line** or **exterior side lot line** and includes any portion of hard landscaping or pavement contiguous to a **driveway** or **parking space** where parking or storage of a **motor vehicle** could be accommodated.
- (*14) Minimum Front Yard Setback for 119 Exception:
Notwithstanding any other provision of this by-law, structures built between existing buildings shall be built with a setback which is within the range of existing front yard setbacks for the abutting buildings, but this depth shall not be less than 3 metres from the front lot line.
- (*15) For any **dwelling unit**, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:
- (A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or
- (B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway to the parking space, except as provided for in an approved site plan agreement.
- (*16) The minimum **front yard setback** shall be one metre less than the average of the **front yard setback** of adjacent dwellings located within 60 metres on the same road, but shall not be closer to the **street line** than 3m.
- In addition to the above, the proposed **front yard setback** shall not be further from the **street line** than one metre greater than the average of the **front yard setback** of adjacent dwellings located within 60 metres on the same road. (By-law 2020-63)
- (*17) For a **semi-detached dwelling**, the setback shall not apply where a **side lot line** extends from a common wall dividing attached **dwelling units**. (By-law 2020-63)

- (*18) The minimum **exterior side yard setback** requirement shall be one metre less than the average of the **front yard** or **exterior side yard setbacks** of the adjacent dwelling(s) located within 60 metres on the same side of the road as the **exterior side lot line**, but it shall not be less than the minimum prescribed in Section 6.2.2.

In addition to the above, the proposed **exterior side yard setback** shall not be further from the **exterior side lot line** than one metre greater than the average of the **front yard** or **exterior side yard setbacks** of the adjacent dwelling(s) located within 60 metres on the same side of the road as the **exterior side lot line**. (By-law 2020-63)

- (*19) Notwithstanding the maximum **building height** as stated in Section 6.2.2, the **maximum building height** for dwellings located within the area as shown on Schedule E: Maximum Building Height Special Provision Area shall be 8.0 metres. (By-law 2020-63)

6.2.4 Existing Lot Conformity for Building Permits

For the purposes of this By-Law conformity with the requirements of Section [6.2.2](#) and 6.2.3 shall be established by reference to the **building** in its entirety and the **lot** as it exists when a **building** permit is issued.

6.3 Commercial Zones

No person shall use any land or erect, alter or use any **building** or **structure** in any Commercial Zone except in accordance with Sections [6.3.1](#) and [6.3.2](#) of this By-Law.

6.3.1 Permitted Uses

The following table establishes the **uses** permitted in the Commercial Zones:

Permitted Use	Convenience Commercial Zone	Service Commercial Zone	Retail Commercial 1 and 2 Zones		Automotive Commercial Zone	Office Commercial 1 Zone	Office Commercial 2 Zone
	(CC)	(CS)	(CR-1)	(CR-2)	(CA)	(CO-1)	(CO-2)
Accessory Outdoor Display and Sales Area		•		•	•		
Art gallery				•			
Banquet facility		•					
Commercial Recreation Centre		•		•			
Commercial School		•		•			
Convenience Store	•	•		•	(*1)		
Day Nursery	•	•		•			
Domestic Animal Care Facility		•		•			
Drive-Thru Facility		•		•	•		
Dry Cleaning Depot		•		•			
Dry Cleaning Establishment	•	•		•			
Financial Institution		•		•			
Funeral Home		•					
Garden Centre		•		•			
Hotel		•		•			
Institutional Day Centre		•		•			
Laundromat		•		•			
Light Equipment		•					

Permitted Use	Convenience Commercial Zone	Service Commercial Zone	Retail Commercial 1 and 2 Zones	Automotive Commercial Zone	Office Commercial 1 Zone	Office Commercial 2 Zone
Sales and Rental						
Medical Clinic			•			
Medical and Dental Laboratories			•			
Medical Office		•	•		•	
Medical Practitioner, Sole	•					•
Micro-Industrial Use		•	•			
Motor Vehicle Rental Establishment		•				
Motor Vehicle Sales Establishment		•				
Motor Vehicle Service Shop		•				
Motor Vehicle Service Station				•		
Motor Vehicle Washing Establishment (Automated)				•		
Office	•	•	•		•	
Office, Conversion						•
Parking Garage		•				
Parking Lot		•				
Passenger Transportation Terminal		•				
Personal Service Shop	•	•	•			
Place of Worship		•				
Restaurant		•	•			
Retail Store	•	•	•			
Retail Warehouse			•			

Permitted Use	Convenience Commercial Zone	Service Commercial Zone	Retail Commercial 1 and 2 Zones	Automotive Commercial Zone	Office Commercial 1 Zone	Office Commercial 2 Zone
Store (*3)						
Service or Repair Shop	•	•	•			
Studio		•	•			
Veterinary Clinic		•	•			
Residential Use						
Dwelling Unit (*4)	•					
Dwelling Unit, Single						•

(*1) Permitted as an **accessory use** only up to a maximum **gross floor area** of 350m².

(*2) Deleted by By-law 2018-50.

(*3) Only **existing uses** as of the date of the passing of this By-Law shall be permitted.

(*4) A **dwelling unit** may only be permitted above a ground level **commercial use** and is accessory and incidental to a permitted **use** in the **building**.

6.3.2 Zone Standards

The following table establishes the regulatory **zone** standards applicable to the Commercial Zones.

Zone Standard	CC	CS	CR-1	CR-2	CA	CO-1	CO-2
Min. Lot Area	613 m ²	900 m ²	2 ha	0.4 ha	1300 m ²	557 m ²	511 m ²
Min. Lot Frontage	18.0 m	24 m	90 m	60 m	30 m	18.0 m	15.0 m
Min. Yard Setbacks							
From Front Lot Line	7.5 m	7.5 m	4.5 m	4.5 m	10.6 m	7.5 m	7.5 m
From Rear Lot Line	7.5 m	9.0 m	15.0/ 12.0 m (*6)	12.0/ 9.0 m(*4)	10.6 m	9.0 m	7.5 m
From Side Lot Line		9.0 m (*3)	9.0/6.0 m (*7)	9.0/6.0 m (*5)	6.0 m		
One Side	2.4 m	-	-	-	-	1.2 m	1.2 m
Other Side	4.5 m	-	-	-	-	3.6 m	1.2 m
Min. Floor Area	55 m ² (*1)						
Max. Leasable Floor Area	375 m ² (*2)	-	-	-	-	-	-
Max. Floor Space Index	1.0	1.5	0.6	0.7	0.7	1.0	n/a
Max. Lot Coverage	35%	50%	35%	40%	30%	50%	35%
Max. Height	11.0 m (3 storeys)	18.0 m (6 storeys)	18.0 m (6 storeys)	11.0 m (3 storeys)	11.0 m (3 storeys)	11.0 m (3 storeys)	11.0 m (3 storeys)

(*1) Where a **residential use** is permitted, the minimum floor area of a **dwelling unit** shall be no less than 55 m².

(*2) Maximum **leasable floor area** of a **building** that contains multiple Convenience **Commercial uses** shall not exceed 850 m², with no one **use** being larger than 375 m².

(*3) Minimum side **yard to height** of 18 metres. Add 0.6 metres to the side **yard** for each additional 3 metres of **height**.

(*4) Minimum **rear yard** of 12 metres where a Commercial Zone abuts a Residential, Institutional or Open Space Zone.

Minimum **rear yard** of 9 metres where a Commercial Zone abuts any other **zone** or a street.

(*5) Minimum side **yard** of 9 metres where a Commercial Zone abuts a Residential, Institutional or Open Space Zone.

Minimum side **yard** of 6 metres where a Commercial Zone abuts any other **zone** or a street.

- (*6) Minimum **rear yard** of 15 metres where a Commercial Zone abuts a Residential, Institutional or Open Space Zone.

Minimum **rear yard** of 12 metres where a Commercial Zone abuts any other **zone** or a street.

- (*7) Minimum **side yard** of 9 metres where a Commercial Zone abuts a Residential, Institutional or Open Space Zone.

Minimum **side yard** of 6 metres where a Commercial Zone abuts any other **zone** or a street.

6.4 Downtown and Urban Centre Zones

No person shall use any land or erect, alter or use any **building** or **structure** in any Downtown or Urban Centre Zone except in accordance with Sections 6.4.1 and 6.4.2 of this By-Law.

6.4.1 Permitted Uses in the Downtown and Urban Centre Zones

The following table establishes the **uses** permitted in the Historic Downtown, Regional and Provincial Urban Centre Zones:

Permitted Use	Provincial Urban Centre Zone (UC-P)	Regional Urban Centre Zone (UC-R)	Historic Downtown Zone (UC-D1)	Downtown Zone (UC-D2)
Non-Residential Uses				
Art gallery	•	•	•	•
Banquet facility	•	•		
Community Centre	•	•	•	•
Commercial Recreation Centre	•	••	•	•
Commercial School	•	•	•	•
Convenience Store	•	•	•	•
Day Nursery	•	•	•	•
Domestic Animal Care Facility	•	•	•	•
Drive-Thru Facility	•	•		•
Dry Cleaning Depot	•	•	•	•
Dry Cleaning Establishment	•	•		
Emergency Service Facility	•	•	•	•
Financial Institution	•	•	•	•
Funeral Home	•	•	•	•
Garden Centre (*1)	•	•		
Hotel	•	•	•	•
Institutional Day Centre	•	•	•	•
Laundromat	•	•	•	•

Permitted Use	Provincial Urban Centre Zone (UC-P)	Regional Urban Centre Zone (UC-R)	Historic Downtown Zone (UC-D1)	Downtown Zone (UC-D2)
Library	•	•	•	•
Long Term Care Facility		•	•	•
Medical Clinic	•	•		•
Medical and Dental Laboratories	•	•		
Medical Office	•	•		•
Micro-Industrial Use			•	•
Motor Vehicle Rental Establishment	•	•		
Motor Vehicle Sales Establishment (*1)		•		
Motor Vehicle Service Shop (*1)	•	•		
Motor Vehicle Service Station (*1)	•	•	•	•
Motor Vehicle Washing Establishment, Automated (*1)	•	•		
Museum	•	•	•	•
Office	•	•	•	•
Parking Garage		•	• (*2)	•
Parking Lot	•	•	•	•
Passenger Transportation Terminal	•	•	•	•
Personal Service Shop	•	•	•	•
Place of Worship	•	•	•	•
Private Club	•	•	•	•
Restaurant	•	•	•	•
Retail Store	•	•	•	•
Retail Warehouse Store (*1)		•		
Retirement Residence		•	•	•
School, Elementary	•	•	•	•
School, Secondary	•	•	•	•
Service or Repair Shop	•	•	•	•
Studio	•	•	•	•
Veterinary Clinic	•	•		•
Residential Uses				
Apartment Building	•	•	•	•
Dwelling Unit (*3)	•	•	•	•
Group Home (*4)			•	•
Live Work Unit			•	
Stacked Townhouse			•	•

(*1) Only **uses** in existence as of the date of adoption of this By-Law shall be permitted. Expansions to such **uses** are permitted subject to conformity with the **zone** standards. (By-law 2011-25)

- (*2) Notwithstanding, a **parking garage** shall not be permitted to front on Main Street between Millard Avenue and Water Street.
- (*3) A **dwelling unit** may only be permitted above a ground level **commercial use**.
- (*4) **Group homes** shall not be permitted where residential property is subject to flooding under the Regional Storm conditions as defined by the Lake Simcoe Region Conservation Authority.

The minimum separation distances for the location of a **group home** shall be as follows:

- i) 300 metres from any other **group home**; and,
- ii) 400 metres from a **Special Needs Facility**.

6.4.2 Zone Standards in the Urban Centre Zones

The following table establishes the regulatory **zone** standards applicable to the Provincial, Regional, and Historic Downtown Urban Centre Zones:

Zone Standard	Provincial Urban Growth Centre Zone	Regional Urban Centre Zone	Historic Downtown Zone	Downtown Zone
	(UC-P)	(UC-R)	(UC-D1)	(UC-D2)
Min. Lot Frontage (*1)	60.0 m	60.0 m	-	-
Min. Yard Setbacks				
From Front Lot Line	3.0 m	3.0 m	-	3.0 m
From Rear Lot Line	18.0 m (*2) (*5)	9.0 m (*3) (*5)	-	12.0 m (*4) (*5)
From Side Lot Line				
One Side (or exterior)	3.0 m	3.0 m	-	3.0 m
Other Side (or interior)	3.0 m	3.0 m	-	3.0 m
Max. Yard Setbacks				
From Front Lot Line	6.0 m	6.0 m	-	-
One Side (or exterior)	6.0 m	6.0 m	-	-
Other Side (or interior)	-	-	-	-
Min. Floor Space Index	1.0	-	0.5	-
Max. Floor Space Index	1.25	1.0	1.0	1.0
Min. Building Height	-	-	2 storeys	-
Max. Height	24.0 m (*2) (8 storeys)	18.0 m (6 storeys)	9.0 m (3 storeys)	18.0 m (6 storeys)

- (*1) For **corner lots** the Arterial Road shall be deemed to be the frontage. Where there are 2 arterial roads, the municipality shall determine the location of the frontage.

- (*2) Any portion of the **building** that exceeds 18.0 metres in height shall be set back an additional 6.0 metres from the **rear lot line**.
- (*3) For that portion of the **building** that exceeds 9.0 metres in height, an additional setback of 3.0 metres shall be provided from the **rear lot line** for each **storey** or partial **storey** increment which is above 9.0 metres in height.
- (*4) Any portion of the **building** that exceeds 12.0 metres in height shall be set back an additional 6.0 metres from the **rear lot line**.
- (*5) Where the **rear lot line** directly, and only, abuts a street and/or a non-residential zoned **lot**, the minimum **rear yard** setback may be reduced to 7.5 metres.

6.4.3 Existing Lot Conformity for Building Permits

For the purposes of this By-Law conformity with the requirements of Section 6.4.2 shall be established by reference to the **building** in its entirety and the **lot** as it exists when a **building** permit is issued.

6.4.4 Permitted Uses within the Healthcare Urban Centre Zones

The following table establishes the non-residential uses permitted in the Healthcare Urban Centre Zones:

Permitted Use	Healthcare Urban Centre Core Hospital South Zone (UC-H1) Healthcare Urban Centre Core Hospital North Zone (UC-H2)	Healthcare Urban Centre Complementary Use 1 Zone (UC-HC1) Healthcare Urban Centre Complementary Use 2 Zone (UC-HC2) Healthcare Urban Centre Complementary Use 3 Zone (UC-HC3)
Convenience Store	•	•
Day Nursery		•
Dormitory	•	•
Dry Cleaning Depot		•
Financial Institution		•
Hospital	•	•
Hotel		•
Institutional Day Centre		•
Laundromat		•
Long Term Care Facility	•	•
Medical Clinic	•	•
Medical and Dental	•	•

Permitted Use	Healthcare Urban Centre Core Hospital South Zone (UC-H1) Healthcare Urban Centre Core Hospital North Zone (UC-H2)	Healthcare Urban Centre Complementary Use 1 Zone (UC-HC1) Healthcare Urban Centre Complementary Use 2 Zone (UC-HC2) Healthcare Urban Centre Complementary Use 3 Zone (UC-HC3)
Laboratories		
Medical Office	•	•
Medical Practitioner, Sole	•	•
Motor Vehicle Repair Facility (*1)		•
Motor Vehicle Sales Establishment (*1)		•
Office	•	•
Parking Garage	•	•
Parking Lot	•	•
Passenger Transportation Terminal	•	•
Personal Service Shop		•
Place of Worship		•
Private Club		•
Residential uses, Existing		
Restaurant	• (*2)	•
Retail Store	• (*2)	•
School, Post Secondary	•	•
Service or Repair Shop		•

(*1) Only those **uses existing** as of the date of adoption of this By-Law shall be permitted. Expansions to such **uses** are permitted subject to conformity with the **zone** standards. (By-law 2011-25)

(*2) Permitted as an **accessory use** up to a maximum combined **gross floor area** of 3,000m².

6.4.5 Zone Standards within the Healthcare Urban Centre Zones

The following table establishes the regulatory **zone** standards applicable to non-residential and mixed **uses** in the Regional Healthcare Urban Centre Zones:

Zone Standard	Healthcare Urban Centre Core Hospital South Zone	Healthcare Urban Centre Core Hospital North Zone	Healthcare Urban Centre Complementary 1 Zone	Healthcare Urban Centre Complementary 2 Zone	Healthcare Urban Centre Complementary 3 Zone
	(UC-H1)	(UC-H2)	(UC-HC1)	(UC-HC2)	(UC-HC3)
Min. Lot Area	-	-	-	-	-
Min. Lot Frontage (*1)	-	40.0 m	60.0 m	40.0 m	21.0 m
Min. Yard Setbacks					
From Front Lot Line	9.0 m	5.0 m	5.0 m	5.0 m	2.6 m
From Rear Lot Line	9.0 m	8.2 m	9.0 m (*2)	9.0 m (*3)	7.5 m (*4)
From Side Lot Line					
One Side (or exterior)	3.6 m	-	3.0 m	3.0 m	1.2 m
Other Side (of interior)	3.6 m	-	3.0 m	3.0 m	3.6 m
Max. Floor Space Index	1.5	1.5	1.0	1.0	1.0
Max. Height	40.0 m (*5) (7 storeys)	24.0 m (6 storeys)	18.0 m (6 storeys)	12.0 m (4 storeys)	12.0 m (4 storeys)

(*1) For **corner lots** the Arterial Road shall be deemed to be the frontage. Where there are 2 arterial roads, the municipality shall determine the location of the frontage.

(*2) For that portion of the **building** that exceeds 9.0 metres in height, an additional setback of 3.0 metres shall be provided from the **rear lot line** for each **storey** or partial **storey** increment which is above 9.0 metres in height.

(*3) Portions of **buildings** greater than 9.0 metres in height shall be set back an additional 3.0 metres from the **rear lot line**.

(*4) Portions of **buildings** greater than 10.6 metres in height shall be set back 9.0 metres from the **rear lot line**.

(*5) 1 **storey** = 5.6 metres (maximum)

6.5 Employment Zones

No person shall use any land or erect, alter or use any **building** or **structure** in any Employment Zone except in accordance with Sections 6.5.1 and 6.5.2 of this By-Law.

6.5.1 Permitted Uses

The following table establishes the **uses** permitted in the Employment Zones:

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
Accessory Outdoor Storage (*1)			•
Accessory Retail Sales Outlet	(*2)	(*3)	
Adult entertainment parlour (*6)		•	•
Banquet facility	•		
Body rub parlour		•	•
Building Supply Outlet (*4)		(*5)	•
Bulk fuel depot			•
Commercial Recreation Centre	•		
Commercial School	•		
Contractors Yard			•
Domestic Animal Care Facility	•	•	
Drive-Thru Facility	•		
Emergency Service Facility	•	•	•
Financial Institution	•		
Heavy Equipment Sales and Service		•	•
Hotel	•		
Laundromat	•		
Light Equipment Sales and Rental		•	•
Manufacturing		(*5)	•
Manufacturing , Light	•	•	•
Medical Office	•		
Micro-Industrial Use	•	•	•
Motor Vehicle Service Shop	•	•	•
Motor Vehicle Body Shop			•
Motor Vehicle Rental Establishment	•	•	•
Motor Vehicle Sales Establishment	•		

Permitted Uses	Mixed Employment Zone (EM)	General Employment Zone (EG)	Heavy Employment Zone (EH)
Motor Vehicle Washing Establishment, Automated			•
Motor Vehicle Washing Establishment, Manual			•
Night Club (*7)		•	•
Office (*8)	•	•	
Personal Service Shop	•		
Private Club	•		
Public Storage Facility		•	•
Restaurant	•	•	•
Service or Repair Shop	•	•	•
Sports Arena	•	•	•
Studio	•		
Transportation Depot		•	•
Veterinary Clinic	•		
Veterinary Hospital	•	•	
Warehouse	•	•	•
Wholesale Operations	•	•	

- (*1) Subject to 4.19.4 Accessory Outdoor Storage
- (*2) May not exceed 40% of the GFA of the **building** in which it is located.
- (*3) May not exceed 20% of the GFA of the **building** in which it is located.
- (*4) Limited to a maximum GFA of 7,000 m².
- (*5) Permitted only within wholly enclosed **buildings**.
- (*6) Deleted. (By-law 2018-50)
- (*7) A night club shall only be permitted in the General Employment (EG) and Heavy Employment (EH) Zones that are located east of Leslie Street.
- (*8) Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.

6.5.2 Zone Standards

The following table establishes the **zone** standards applicable to the Employment Zones:

Zone Standard	Mixed Employment Zone		General Employment Zone	Heavy Employment Zone
	(EM)	(EM)	(EG)	(EH)
	Office Uses	All Other Uses		
Min. Lot Area	2787 m ²	2787 m ²	2787 m ²	0.4 ha
Min. Lot Frontage	45.0 m	45.0 m	45.0 m	45.0 m
Min. Front Yard	12.0 m	12.0 m	12.0 m	12.0 m
Min. Rear Yard	12.0 m	12.0 m	12.0 m	12.0 m
Min. Side Yard				
One Side	-	3.0 m	3.0 m	6.0 m
Other Side	-	6.0 m	6.0 m	6.0 m
Up to 9 metres in Height	3.0 m	-	-	-
9.1 to 12 metres in Height	6.7 m	-	-	-
12.1 to 15 metres in Height	7.3 m	-	-	-
15.1 to 18 metres in Height	7.9 m	-	-	-
Max. Lot Coverage	50%	50%	50%	50%
Max. Building Height	18.0 m (*1)/10.6 (*2) (By-law 2012-74)	10.6 m	10.6 m	10.6 m
Max. Floor Space Index	1.0 (*1)	-	-	-
	0.4 (*2)	-	-	-

(*1) Provided the **office building** is located on or abutting an Arterial Road or Primary Collector as shown in the Official Plan.

(*2) Applies to **office buildings** located on any road other than an Arterial Road or Primary Collector as shown in the Official Plan.

6.6 Institutional and Cemetery Zones

No person shall use any land or erect, alter or use any **building** or **structure** in the Institutional Major (I-A), Institutional Minor (I-B) or Cemetery (I-C) Zones except in accordance with Sections 6.6.1 and 6.6.2 of this By-Law.

6.6.1 Permitted Uses

The following table establishes the **uses** permitted in the Institutional and Cemetery Zones:

Permitted Use	Major Institutional Zone	Minor Institutional Zone	Cemetery Zone
	(I-A)	(I-B)	(I-C)
Cemetery			•
Community Centre	•		
Day Nursery	•	•	
Emergency Service Facility	•		
Institutional Day Centre	•	•	
Library	•	•	
Long Term Care Facility	•		
Museum	•	•	
Place of Worship	•	•	
Private Club	•	•	
Retirement Residence	•	•	
School, Elementary	•	•	
School, Secondary	•		
School, Post Secondary	•		
Sports Arena	•		
Studio	•	•	

6.6.2 Zone Standards

The following table establishes the **zone** standards applicable to the Institutional Major (I-A), Institutional Minor (I-B) or Cemetery (I-C) Zones:

Zone Standard	Major Institutional Zone	Minor Institutional Zone	Cemetery Zone
	(I-A)	(I-B)	(I-C)
Min. Setback from Front Lot Line (*1)	9.0 m	7.5 m	12.0 m
Min. Setback from Side Lot Line (*1)	3.6 m	3.0 m	9.0 m
Min. Setback from Rear Lot Line (*1)	9.0 m	7.5 m	9.0 m
Max. Floor Space Index	1.5	1.5	-
Max. Building Height	22.0 m	18.0 m	1 Storey
Max. Lot Coverage	35%	35%	-

(*1) For every 3.0 metre increment above 15 metres in **height**, these setback requirements shall be increased by 1.2 metres.

6.7 Open Space Zones

No person shall use any land or erect, alter or use any **building** or **structure** in the Open Space One (OS-1), Open Space Two (OS-2), or Environmental Protection (OS-EP) Zones except in accordance with Sections 6.7.1 and 6.7.2 of this By-Law.

6.7.1 Permitted Uses

The following table establishes the **uses** permitted in the Open Space One (OS- 1), Open Space Two (OS-2), or Environmental Protection (OS-EP) Zones:

Permitted Use	Open Space Zone	Private Open Space Zone	Environmental Protection Open Space Zone
	(OS-1)	(OS-2)	(OS-EP)
Accessory Buildings and Structures (*1)	•	•	•
Accessory Refreshment Pavilion	•		
Community Centre	•		
Conservation Use	•	•	•
Existing Golf Course		•	
Park	•	•	
Private Park		•	
Outdoor Recreation Facility	•	•	
Recreational Trails	•	•	•

(*1) **Accessory Buildings and Structures** are permitted in accordance with Sections 4.1.2 and 6.7.2

6.7.2 Zone Standards

The following table establishes the **zone** standards applicable to the Open Space One (OS-1), Open Space Two (OS-2), and Environmental Protection (OS- EP) Zones:

Zone Standard	Open Space Zone	Private Open Space Zone	Environmental Protection Open Space Zone
	(OS-1)	(OS-2)	(OS-EP)
Min. Setback from Front Lot Line	9.0 m	9.0 m	-
Min. Setback from Side Lot Line	9.0 m	9.0 m	-
Min. Setback from Rear Lot Line	9.0 m	9.0 m	-
Max. Lot Coverage	20%	20%	-
Max. Height	2 Storeys	2 Storeys	1 Storey

6.8 Transitional Zone

No person shall use any land or erect, alter or use any **building** or **structure** in any Transitional (TR) Zone except in accordance with Sections 6.8.1 and 6.8.2 of this By-Law.

6.8.1 Permitted Uses

Only the **existing uses** of land and **buildings** or **structures** on the date of the passing of this by-law may be continued but no new **uses, buildings** or **structures** may be established or constructed.

6.8.2 Zone Standards

Lands within the Transitional (TR) Zone may upon application to the Town be re-zoned to a specific **zone** provided such **zone** conforms to the Official Plan of the Town of Newmarket.

Section 7: Overlay Zones

7.1 Floodplain and Other Natural Hazards Zone

The Floodplain and Other Natural Hazards (FP-NH) Zone includes lands that are subject to erosion, steep slopes, unstable soils as well as flooding. The FP-NH Zone requirements are to be applied in conjunction with the specified **use(s)** and established regulatory set for the underlying **zone(s)**. The provisions of the FP-NH Zone take precedence over the underlying **zone** category requirements where more restrictive.

No person shall use any land or erect, alter or use any **building** or **structure** within the Floodplain and Other Natural Hazards (FP-NH) Zone except in accordance with Sections 7.1.1, 7.1.2, and 7.1.3 of this By-Law, and the applicable sections of this By-Law relating to the underlying **zone** category(s).

7.1.1 Prohibited Uses

The following **uses** are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:

- **Group Home;**
- **Special Needs Facility;**
- **Accessory Dwelling Unit;** and,
- All other **uses** in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.

7.1.2 Permitted Uses

The permitted **uses** shall be determined by the underlying **zone** for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. Section 7.1.1 shall prevail where there is conflict with this section.

7.1.3 Zone Standards

The applicable **zone** standards shall be determined by the underlying **zone(s)** for all lands within the Floodplain and Other Natural Hazards (FP-NH) Zone. In addition to underlying **zone** standards, the regulations of the Lake Simcoe Region Conservation Authority may restrict development and may be a pre- condition to development.

Section 8: Special Provisions, Holding Provisions, Temporary Use Zones, and Interim Control Zones

8.1 Special Provisions

Where the **Zone** symbol designating certain lands ends with a dash and a number, (for example R1-A-1), there are special provisions that apply to such lands. As indicated, the specified provision shall be the applicable regulation rather than the normal provision of that **Zone** category. All other normal **Zone** provisions and sections shall continue to apply.

8.1.1 List of Exceptions

The following exceptions apply to the properties specified:

Exception 1	Zoning CC-1; R4-N-1	Map 11	By-Law Reference 1979-50, Schedule 'E'	File Reference
i) Location: 220, 222, 224, 226 Eagle Street; 278 to 290 Cawthra Boulevard				
ii) Legal Description: Lots 33. 47. 48 and 49, Registered Plan 344				
iii) Development Standards:				
(a) Lot Area per Dwelling Unit (minimum):				111 m ²
(b) Floor Space Index (maximum):				0.95

Exception 2	Zoning OS-2-2	Map 8	By-Law Reference 1981-96	File Reference
i) Location: 470 Crossland Gate				
ii) Legal Description: Block 92, Plan 65M-2212				
iii) Uses: A Club House; Banquet Facilities ; and, Private Indoor Recreation Facilities shall also be permitted.				

Exception 3	Zoning R1-B-3	Map 4	By-Law Reference 1983-41	File Reference
i) Location: 241 Old Main Street				
ii) Legal Description: Concession 1 E.Y.S., Part of Lot 98, 65R-11175				
iii) Additional Uses: A school for aquatic instruction is permitted in conjunction with a residential use .				

Exception	Zoning	Map	By-Law Reference	File Reference
4	CO1-4	12	1983-71; 1988-138	
i) Location: 66 Prospect Street ii) Legal Description: Part of Lot 28, Plan 125 Uses: A maximum of 2 dwelling units in combination with an office shall also be permitted.				
iii) Development Standards: (a) Parking Spaces (minimum): as approved by Council as part of an executed Site Plan Agreement. (b) Front Yard (minimum): 1.2m				
iv) Other: (a) where a residential use is combined with an office use the minimum floor area of a residential dwelling unit shall be 77m ² .				

Exception	Zoning	Map	By-Law Reference	File Reference
5	EG-5	19	1983-79; 1992-46	
i) Location: South east of Bayview Avenue and Newpark Boulevard; 550 Newpark Boulevard ii) Legal Description: Part of Block 1, Plan 65M-2559 iii) Development Standards: (a) Siting Specifications: a minimum building setback of 45.0 metres shall be maintained from the southernmost boundary of lands zoned EG-5.				

Exception	Zoning	Map	By-Law Reference	File Reference
6	UC-D1-6	12	1984-92	
i) Location: 430, 436, 438, 440 and 442 Queen Street; 90, 92 and 96 Main Street South ii) Legal Description: Part of Lots 6, 29, 30 and 93, Plan 222 iii) Uses: Semi-detached, duplex, triplex and fourplex dwelling units shall also be permitted.				

Exception 7	Zoning UC-R-7	Map 10	By-Law Reference 1984-147	File Reference
i) Location: 270 and 280 Davis Drive ii) Legal Description: Lot 2, Registered Plan 32 iii) Development Standards: (a) Building Height (maximum): 33m for the most westerly building . iv) Other: (a) The maximum number of buildings shall be two. (b) The maximum number of dwelling units shall be 250.				

Exception 8	Zoning CO-1-8	Map 12	By-Law Reference 1985-114; 1985-115; 1987-4	File Reference
i) Location: 471 Eagle Street ii) Legal Description: Part of Lots 1 and 2, 65R-1599 iii) Uses: A restaurant shall also be permitted.				

Exception 9	Zoning R1-D-9	Map 6	By-Law Reference 1985-173	File Reference
i) Location: multiple lots, 72-173 Grant Blight Crescent ii) Legal Description: Part of Block A on Plan M-67, being Bock 55 on 65M-2285 iii) Development Standards: (a) Building Height (maximum) 7.6m (b) The maximum building height of the rear face of any building or structure or portion thereof, including walkout basements , shall not exceed 2 storeys . (c) Not more than two habitable storeys of any building or structure shall face the rear yard .				

Exception 10	Zoning EM-10	Map 11	By-Law Reference 1986-102	File Reference
i) Location: 515 Mulock Drive ii) Legal Description: Part of Lot 91, Concession 1 E.Y.S. iii) Uses: Only an aluminum siding sales service and installation business together with the retail sale of paint and wallpaper shall be permitted.				

Exception 11	Zoning EG-11; EH-11	Map 15	By-Law Reference 1986-117	File Reference
i)	Location: 1166, 1186, 1230, 1250 Nicholson Road; 355 Harry Walker Parkway South			
ii)	Legal Description: Lots, 1, 2, 3, 4, 5 and Part of Lot 20 on 65M-2677			
iii)	Development Standards: (a) Building Height (maximum): 15m			

Exception 12	Zoning EG-12	Map 15	By-Law Reference 1986-117; 1986-118	File Reference
i)	Location: 1111, 1131, 1151-1271 Gorham Street; 225-345 Harry Walker Parkway South; 1175, 1191, 1201, 1215, 1245, 1255 Nicholson Road			
ii)	Legal Description: Lots 10, 12-17, Block 29, Part of Lot 20 on 65M-2677; Lots 2-10, 15-19 on 65M-2558			
iii)	Development Standards: (a) Building Height (maximum): 15 m			

Exception 12	Zoning EG-12	Map 15	By-Law Reference 1986-117; 1986-118; 2020-57	File Reference D14-NP20-10
i)	Location: 1250 Gorham Street			
ii)	Legal Description: Part Lot 16, Plan 65M-2558, Town of Newmarket			
iii)	Notwithstanding any other provision of this by-law to the contrary, the following provisions shall apply to the lands located at 1250 Gorham Street. Uses permitted in addition to uses otherwise permitted by the EG Zone: <ul style="list-style-type: none"> • Outdoor open storage 			
iv)	Development Standards: a) Building Height (maximum): 15 m b) Rear yard building setback (south lot line): 2.0 m (minimum)			

Exception 13	Zoning CS-13	Map 4	By-Law Reference 1987-18	File Reference
i)	Location: 31 Main Street North (formerly 425 Agger Street)			
ii)	Legal Description: Lot 3, Plan 11			
iii)	Uses: Only an aluminum sales service and installation business and one dwelling unit shall be permitted in the building that existed on the date of passing of this By- Law.			

Exception 14	Zoning CC-14	Map 19	By-Law Reference 1987-104	File Reference A28/94
i) Location: 1034 Ivsbridge Boulevard ii) Legal Description: Lot 5, 65M-2776 iii) Uses: Two dwelling units accessory to the commercial uses , located above the ground floor, and occupied by custodial staff or a commercial tenant of the premises shall also be permitted.				

Exception 15	Zoning EM-15	Map 15	By-Law Reference 1987-156	File Reference
i) Location: 1100 Gorham Street ii) Legal Description: Part of Lot 33, Concession 3 E.Y.S.; Part 22, Plan 65M-2558 iii) Uses: A beer store, liquor store, car radio sales and installation store, and luxury bathroom and kitchen retail store and showroom shall also be permitted.				

Exception 16	Zoning UC-D1-16	Map 12	By-Law Reference 1988-7	File Reference
i) Location: 98 Main Street South ii) Legal Description: Part of Lot 6, Plan 222 iii) Uses: Only a parking lot shall be permitted.				

Exception 17	Zoning CO-1-17	Map 4	By-Law Reference 1988-75	File Reference
i) Location: 23 Charlotte Street North, and 22 and 28 Main Street North ii) Legal Description: Lots 33 and 32, Plan 11; and, Part of Reserve, Plan 78 iii) Uses: A Retail Store is also permitted. iv) Other: (a) The maximum gross floor area for retail uses is as established on the date of passing of this By- Law.				

Exception 18	Zoning CS-18	Map 17	By-Law Reference 1988-131; 1989-222	File Reference
i)	Location: 76, 92, 120, 130, 140 , 200, 220, 230 and 240 Mulock Drive; 570 and 572 Sandford Street			
ii)	Legal Description: Part of Lot 90, Concession 1 E.Y.S.			
iii)	Uses: A Motor Vehicle Repair Facility and Motor Vehicle Service Shop is also permitted.			

Exception 19	Zoning CS-19	Map 17	By-Law Reference	File Reference
i)	Location: 190 Mulock Drive;			
ii)	Legal Description: Part of Lot 90, Concession 1 E.Y.S.			
iii)	Uses: A Post Office is also permitted.			

Exception 20	Zoning R1-B-20	Map 14	By-Law Reference 1989-23	File Reference
i)	Location: multiple lots, 267-310 Jeff Smith Court			
ii)	Legal Description: Part of Lot 33, Concession 2 E.Y.S.			
iii)	Uses:			
	(a) A maximum of 20 Detached Dwelling Units ;			
	(b) Accessory Residential Structures ; and,			
	(c) One Home Occupation per each Detached Dwelling Unit shall be permitted.			
iv)	Development Standards for Existing Structures :			
	(a) Existing Structure			
	Front, Rear and Side Yard : As established as of the date of passing of this By-Law.			
	(b) Required Yard for Accessory Residential Structure Encroachments established after the date of passing of this By-Law:			
	Front Yard (minimum):			4.6m
	Rear Yard (minimum):			7.5m
	Side Yard (minimum):			7.5m
	In no instance shall any encroachment be closer than 1.5m to the applicable lot line .			

Exception 21	Zoning R4-CP-21	Map 18	By-Law Reference 1989-49	File Reference
i) Location: multiple lots, 884-1021 Bray Circle/17756 Leslie Street				
ii) Legal Description: Part of Lot 2, Concession 2 E.Y.S.				
iii) Development Standards:				
(a) Lot Frontage (minimum):				12m
(b) Front Yard (minimum):				160m
(c) Rear Yard (minimum):				107m
(d) Side Yard (minimum):				
from any north side lot line :				30m
from any east side lot line :				20m
from any south side lot line :				7.6m

Exception 22	Zoning CO-1-22	Map 12	By-Law Reference 1989-70	File Reference
i) Location: 411 Queen Street				
ii) Legal Description: Lot 40, Plan 222				
iii) Uses: A Day Nursery is also permitted.				

Exception 23	Zoning EH-23	Map 7	By-Law Reference 1989-72	File Reference
i) Location: 180-200 Pony Drive				
ii) Legal Description: Part of Lot 2, Concession 3 E.Y.S.				
iii) Uses: The open storage of finished goods manufactured by a lawn-care business only shall also be permitted.				

Exception 24	Zoning R3-L-24 ; R5-S-24	Map 12	By-Law Reference 1989-166	File Reference
i) Location: 431 and 437 Timothy Street				
ii) Legal Description: Part of Lots 21, 22 and 23, Plan 222				
iii) Development Standards:				
(a) Front Yard (minimum):				2.5m

Exception 25	Zoning UC-D2-25	Map 12	By-Law Reference 1990-39	File Reference
i) Location: 446 Simcoe Street				
ii) Legal Description: Part of Lot 10, Registered Plan 78				
iii) Uses: Only a parking lot shall be permitted.				

Exception 26	Zoning CS-26	Map 4	By-Law Reference 1990-201	File Reference
i) Location: 40 Franklin Street				
ii) Legal Description: Lots 4 & 5, Registered Plan 11				
iii) Uses: Only one residential building containing two dwelling units as existing on the date of passing of this By-Law and an aluminum sales service and installation business shall be permitted.				

Exception 27	Zoning CO-2-27	Map 10	By-Law Reference 1991-58	File Reference
i) Location: 179 Eagle Street				
ii) Legal Description: Lots 24, Plan 437				
iii) Uses: Only a Sole Medical Practitioner shall be permitted.				

Exception 28	Zoning R1-D-28	Map 4	By-Law Reference 1992-64	File Reference
i) Location: 194, 198, 202, 206, 208, 210 Old Main Street				
ii) Legal Description: Lots 1, 2, 3, 4, 5, 65M-2945				
iii) Development Standards:				
(a) Front Yard (minimum): 4.5m between a main wall of a dwelling and the road allowance as widened together with a minimum of 6.0m (20.0 ft.) from the nearest wall of any garage to the road allowance as widened.				

Exception 29	Zoning R5-T-29	Map 19	By-Law Reference 1992-165	File Reference
<p>i) Location: 713-791 Stonehaven Avenue</p> <p>ii) Legal Description: Part of Lot 28, Concession 2, E.Y.S.; 65R-16724</p> <p>iii) Permitted Uses: (a) A maximum of 135 dwelling units shall be permitted.</p> <p>iv) Development Standards:</p> <p>(a) Front Yard, Townhouse dwelling (minimum): 5.5m</p> <p>(b) Front Yard, Apartment Building (minimum): 5.2m</p> <p>(c) Rear Yard (minimum) from the easterly 193.7m of the rear lot line shall be 45 m for any residential building and shall be 5.6m for any non-residential building.</p> <p>(d) Rear Yard (minimum) from the westerly 140.2m of the rear lot line shall be 36.6m for any residential building.</p>				

Exception 30	Zoning I-B-30	Map 12	By-Law Reference 1993-4	File Reference
<p>i) Location: 414 Ontario Street</p> <p>ii) Legal Description: Part of Lots 47 & 48, Registered Plan 222</p> <p>iii) Development Standards:</p> <p>(a) Front Yard (minimum): 12.0m</p> <p>(b) Building Height (maximum): 7.0m</p> <p>(c) No parking area or driveway shall be permitted within the front yard.</p> <p>(d) A Parking Area Buffer with a minimum width of 1.0m shall be permitted for the southernmost 9.0m abutting the westerly property line.</p> <p>(e) A Parking Area Privacy Fence having a minimum height of 1.8m shall be provided abutting the westerly property line but shall not be required in the front yard.</p> <p>(f) No Parking Spaces will be required for the lands subject to this exception.</p>				

Exception 31	Zoning R2-J-31	Map 9	By-Law Reference 1993-106	File Reference A30/99
i) Location: 64-102 Enza Court; 378-437 Rita's Avenue				
ii) Legal Description: Part of Lot 92, Concession 1 W.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				614m ²
(b) Lot Frontage (minimum):				18.0m
(c) Side Yard (minimum):				1.2m
(d) Lot Coverage (maximum):				40%
(e) Setback from Exterior Side Lot Line (minimum):				4.5m

Exception 32	Zoning OS-2-32	Map 8	By-Law Reference 1993-145	File Reference
i) Location: Glenway Country Club				
ii) Legal Description: Block 155, Plan 65M-2205; Blocks 142 & 144, Plan 65M-2261; Blocks 120 & 121, Plan 65M-2262; Block 89, Plan 65M-2263; Block 73, Plan 65M-2284.				
iii) Uses: Banquet Facilities shall also be permitted.				

Exception 33	Zoning OS-2-33	Map 19	By-Law Reference 1993-150	File Reference A13/85; A32/99
i) Location: 601 Newpark Boulevard				
ii) Legal Description: Lots 24, Plan 437				
iii) Uses: The following uses shall also be permitted:				
<ul style="list-style-type: none"> • Commercial Recreation Centre • Banquet Hall • Day Nursery • Place of Assembly • School, Elementary • School, Secondary 				

Exception 34	Zoning UC-P-34	Map 4	By-Law Reference 1993-159 & 2011-25	File Reference
i) Location: 22 George St				
ii) Legal Description: Part of Lot 96, Concession 1 E.Y.S.				
iii) Development Standards:				
(a) Lot Area Per Dwelling Unit (minimum):				39m ²
(b) Floor Space Index (maximum):				2.8
(c) Building Height (maximum):				12 storeys
(d) Maximum Dwelling Units :				115
(e) A Parking Area Buffer not less than 1.5m wide shall be provided around the periphery of the parking area in the front and side yards .				
iv) The following replaces Section 5.3.1 Parking Lot Location requirements:				
(a) Parking spaces are permitted within the front yard not less than 1.5m from the front lot line .				
(b) Parking spaces are permitted to locate not less than 1.5m from any side lot line .				

Exception 35	Zoning R2-K-35	Map 19	By-Law Reference 1994-48	File Reference
i) Location: Southeast of Bayview Avenue and Mulock Drive				
ii) Legal Description: Part of Lot 30, Concession 2 E.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				417m ²
(b) Lot Frontage (minimum):				13.7m
(c) Front Yard (minimum):				6.75m
(d) Rear Yard (minimum):				6.75m
(e) Side Yard (minimum):				1.2m
(f) Setback from Exterior Side Lot Line (minimum):				4.2m
(g) Floor Area, Per Unit (minimum):				97.5m ²
(h) Building Height (maximum):				10.6m
(i) Lot Coverage (maximum):				42%

Exception 36	Zoning R2-K-36	Map 19	By-Law Reference 1994-48	File Reference
i) Location: Southeast of Bayview Avenue and Mulock Drive				
ii) Legal Description: Part of Lot 30, Concession 2 E.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				400m ²
(b) Lot Frontage (minimum):				18.3m
(c) Front Yard (minimum):				3.5m
(d) Front Yard to Garage (minimum):				6.0m
(e) Rear Yard (minimum):				6.5m
(f) Side Yard (minimum):				1.2m
(g) Setback from Exterior Side Lot Line (minimum):				4.2m
(h) Floor Area, Per Unit (minimum):				97.5m ²
(i) Building Height (maximum):				10.6m
(j) Lot Coverage (maximum):				42%

Exception 37	Zoning R4-M-37	Map 19	By-Law Reference 1994-48	File Reference
i) Location: Southeast of Bayview Avenue and Mulock Drive				
ii) Legal Description: Part of Lot 30, Concession 2 E.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				800m ²
(b) Lot Frontage (minimum):				20.0m
(c) Front Yard (minimum):				16.0m
(d) Rear Yard (minimum):				6.0m
(e) Interior Side Yard (minimum):				1.8m
(f) Setback from Exterior Side Lot Line (minimum):				4.8m
(g) Floor Area, Entire Structure (minimum):				334m ²
(h) Floor Area, Per Unit (minimum):				83.5m ²
(i) Building Height (maximum):				10.6m
(j) Lot Coverage (maximum):				50%
iv) Driveway Standards:				
(a) Driveway Width (minimum):				2.75m
(b) Driveway Width (maximum):				3.0m
(c) A maximum of 1 driveway shall be permitted for each dwelling unit .				
(d) No driveway shall be located within 1.5m of any lot line and the minimum separation between driveways shall be 3.0m.				
(e) No driveway shall be located any closer than 4.5m to the main wall of any building .				

Exception 38	Zoning CS-38	Map 11	By-Law Reference 1994-98	File Reference
i) Location: 17065 Yonge Street				
ii) Legal Description: Part of Lots 34, 35, 36, 37, 38, Registered Plan 359.				
iii) Uses: Only a Parking Area /Lot and associated landscaping used in conjunction with the existing automobile dealership to the west shall be permitted.				

Exception 39	Zoning OS-2-39	Map 18	By-Law Reference 1995-32	File Reference
i)	Location: Rear portions of 136, 140, 146, 152, 158, 164, 180, 184 Pinnacle Trail, Aurora			
ii)	Legal Description: Blocks 171-178, 65M-3069			
iii)	Uses: Garden sheds, gazebos and swimming pools shall also be permitted.			
iv)	Development Standards:			
	(a) Side Yard (minimum):			1.0m
	(b) Rear Yard (minimum):			1.0m

Exception 40	Zoning OS-1-40	Map 18	By-Law Reference 1995-32	File Reference
i)	Location: Rear portion of 172 Pinnacle Trail, Aurora			
ii)	Legal Description: Block 179, 65M-3069			
iii)	Additional Uses: Garden sheds, gazebos and swimming pools shall also be permitted.			
iv)	Development Standards:			
	(a) Side Yard (minimum):			1.0m
	(b) Rear Yard (minimum):			1.0m

Exception 41	Zoning CO-1-41	Map 17	By-Law Reference 1996-114	File Reference
i)	Location: 16441 Yonge Street			
ii)	Legal Description: Part of Lot 88, Concession 1 E.Y.S.			
iii)	Development Standards:			
	(a) North Side Yard (minimum):			3.6m
	(b) Building Height (maximum):			1 storey
	(c) Lot Coverage (maximum):			10%
	(d) No driveway access onto Shanahan Boulevard shall be permitted.			

Exception 42	Zoning R4-CP-42	Map 9	By-Law Reference 1997-151	File Reference
i) Location: 193-264 Tom Taylor Crescent				
ii) Legal Description: York Region Condominium Plan 1102				
iii) Permitted Uses :				
(a) A maximum of 70 dwelling units shall be permitted.				
iv) Development Standards:				
(a) Lot Frontage (minimum):				11.0m
(b) Lot Frontage , Common or Private Road (minimum):				5.5m per dwelling unit
(c) Rear Yard (minimum):				3.0m
(d) Building Separation (minimum):				3.0m
(e) The rear building wall, or the back edge of rear yards , for dwelling units which are closest to the easterly property line shall not face Yonge Street.				
(f) Building Height (maximum):				12.0m
(g) Site Plan Control shall be enacted to address, in addition to all normal and usual matters, specifically the following:				
<ul style="list-style-type: none"> • ingress and egress; • appropriate barriers, fencing, landscaping and/or berming to ensure compatibility between the proposed development and adjacent lands; • security and privacy issues; • provision of detailed landscaping and architectural plans compatible with and complementary to adjacent lands; • site specific prohibitions on construction timing; • construction fencing; and, • protection of the root systems of significant vegetation on adjacent properties. 				

Exception 43	Zoning R4-CP-43	Map 18	By-Law Reference 1998-46	File Reference
i) Location: 400-450 Morley Cook Crescent				
ii) Legal Description: York Region Condominium Plan 971				
iii) Uses: Semi-Detached Dwellings and Townhouse Dwellings shall be permitted.				
iv) Parking Space Requirements:				
(a) Garage spaces per dwelling unit (minimum):				2
(b) Number of visitor parking spaces (minimum):				18

Exception 44	Zoning R1-D-44	Map 18	By-Law Reference 1998-46	File Reference
i) Location: 942 and 943 Shadrach Drive ii) Legal Description: Lots 81 and 82, 65M-3087 iii) Development Standards: (a) Front Yard (minimum): 7.5m (b) Setback from rear lot line or point of side lot line convergence (minimum): 20.0m (c) East Side Yard (minimum): 3.0m (d) West Side Yard (minimum): 1.35m (e) Building Height (maximum): 9.0m (f) East Side Yard shall be used only for landscaping.				

Exception 45	Zoning OS-2-45	Map 5	By-Law Reference 1999-62	File Reference
i) Location: 160 Bayview Parkway ii) Legal Description: Part of Lot 97, Concession 1 E.Y.S. iii) Uses: A Garden Centre ; Banquet Hall up to 929 m ² ; and, a coffee shop accessory to the Garden Centre , shall also be permitted.				

Exception 47	Zoning R1-E-47	Map 16	By-Law Reference 2000-115; 2003-58; 2004-40	File Reference NP-A-98-11																																										
<p>i) Location: South of Sawmill Valley Drive</p> <p>ii) Legal Description: Part of Lot 89, Concession 1 W.Y.S.</p> <p>iii) Development Standards:</p> <table border="0" data-bbox="261 468 1336 1793"> <tr> <td>(a) Lot Area (minimum):</td> <td>330m²</td> </tr> <tr> <td>(b) Lot Frontage (minimum):</td> <td>12.0m</td> </tr> <tr> <td>(c) Front Yard (minimum):</td> <td>4.5m</td> </tr> <tr> <td> where there is no adjacent sidewalk:</td> <td>3.5m</td> </tr> <tr> <td>(d) Rear Yard (minimum):</td> <td>7.0m</td> </tr> <tr> <td>(e) Side Yard (minimum), one side:</td> <td>0.6m</td> </tr> <tr> <td> other side:</td> <td>1.2m</td> </tr> <tr> <td>(f) Building Separation (minimum):</td> <td>1.8m</td> </tr> <tr> <td>(g) Floor Area (minimum):</td> <td>110m²</td> </tr> <tr> <td>(h) Lot Coverage (maximum)</td> <td></td> </tr> <tr> <td> For buildings up to 7.5m in height:</td> <td>53%</td> </tr> <tr> <td> For buildings greater than 7.5m in height:</td> <td>47%</td> </tr> <tr> <td>(i) Building Height (maximum):</td> <td>11.0m</td> </tr> <tr> <td>(j) Garage Separation (minimum):</td> <td>1.2m</td> </tr> <tr> <td>(k) Driveway width (maximum):</td> <td>6.1m</td> </tr> <tr> <td colspan="2"> but in no case shall the width of the driveway exceed 50% of the width of the lot's frontage. Where the driveway is a mutual driveway the maximum width shall not exceed 50% of the width of the lot's frontage.</td> </tr> <tr> <td colspan="2">(l) No driveway shall be located closer than 0.6m from the interior lot line, unless a mutual driveway where the required setback shall be nil.</td> </tr> <tr> <td colspan="2">(m) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0m.</td> </tr> <tr> <td colspan="2">(n) An unenclosed porch, covered or uncovered shall be permitted to encroach 1.5m into the required front yard and/or exterior side yard.</td> </tr> <tr> <td colspan="2">(o) Porch steps shall be permitted to encroach 2.7m into the required front yard and 1.5m into the required exterior side yard.</td> </tr> <tr> <td colspan="2">(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 3.0m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard, the minimum driveway length provisions shall apply from the flanking street.</td> </tr> </table>					(a) Lot Area (minimum):	330m ²	(b) Lot Frontage (minimum):	12.0m	(c) Front Yard (minimum):	4.5m	where there is no adjacent sidewalk:	3.5m	(d) Rear Yard (minimum):	7.0m	(e) Side Yard (minimum), one side:	0.6m	other side:	1.2m	(f) Building Separation (minimum):	1.8m	(g) Floor Area (minimum):	110m ²	(h) Lot Coverage (maximum)		For buildings up to 7.5m in height :	53%	For buildings greater than 7.5m in height :	47%	(i) Building Height (maximum):	11.0m	(j) Garage Separation (minimum):	1.2m	(k) Driveway width (maximum):	6.1m	but in no case shall the width of the driveway exceed 50% of the width of the lot's frontage. Where the driveway is a mutual driveway the maximum width shall not exceed 50% of the width of the lot's frontage.		(l) No driveway shall be located closer than 0.6m from the interior lot line , unless a mutual driveway where the required setback shall be nil.		(m) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0m.		(n) An unenclosed porch , covered or uncovered shall be permitted to encroach 1.5m into the required front yard and/or exterior side yard .		(o) Porch steps shall be permitted to encroach 2.7m into the required front yard and 1.5m into the required exterior side yard .		(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 3.0m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard , the minimum driveway length provisions shall apply from the flanking street.	
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Exception 47	Zoning R1-E-47	Map 16	By-Law Reference 2000-115; 2003-58; 2004-40	File Reference NP-A-98-11
<p>(q) Where a residential lot is a corner lot with frontage or flankage on a local road as well as a collector road, driveway access to said residential lot shall be from the local road, unless otherwise approved by the Town of Newmarket.</p> <p>(r) Ground mounted satellite dishes, central air conditioners and/or heat pumps shall only be permitted in the rear yard, subject to a minimum setback of 4.5m from the rear lot line, a minimum setback of 1.2m from any interior side lot line and a minimum setback of 3.0m from any other lot line.</p>				

Exception 48	Zoning R5-S-48	Map 12	By-Law Reference 2000-159	File Reference NP-A-00-43																
<p>i) Location: South of Timothy Street, west of Main Street South</p> <p>ii) Legal Description: Parts 2 and 3, 65R-13613</p> <p>iii) Development Standards:</p> <table border="0"> <tr> <td>(a) Front Yard (minimum):</td> <td>6.0m</td> </tr> <tr> <td>(b) Rear Yard, to north lot line (minimum):</td> <td>1.57m</td> </tr> <tr> <td>(c) Rear Yard, to south lot line (minimum):</td> <td>3.0m</td> </tr> <tr> <td>(d) Side Yard (minimum)</td> <td>2.66m</td> </tr> <tr> <td>(e) Setback from flankage wall of any building to internal road:</td> <td>1.58m</td> </tr> <tr> <td>(f) Floor Area per unit (minimum):</td> <td>83.5m²</td> </tr> <tr> <td>(g) Building Height (maximum):</td> <td>15.24m</td> </tr> <tr> <td>(h) Lot Coverage (maximum):</td> <td>40%</td> </tr> </table> <p>(i) Terraces being described as open, uncovered, raised structures similar to an uncovered, raised deck, shall be permitted to encroach a maximum of 3.0m into the minimum setback to the internal road.</p>					(a) Front Yard (minimum):	6.0m	(b) Rear Yard , to north lot line (minimum):	1.57m	(c) Rear Yard , to south lot line (minimum):	3.0m	(d) Side Yard (minimum)	2.66m	(e) Setback from flankage wall of any building to internal road:	1.58m	(f) Floor Area per unit (minimum):	83.5m ²	(g) Building Height (maximum):	15.24m	(h) Lot Coverage (maximum):	40%
(a) Front Yard (minimum):	6.0m																			
(b) Rear Yard , to north lot line (minimum):	1.57m																			
(c) Rear Yard , to south lot line (minimum):	3.0m																			
(d) Side Yard (minimum)	2.66m																			
(e) Setback from flankage wall of any building to internal road:	1.58m																			
(f) Floor Area per unit (minimum):	83.5m ²																			
(g) Building Height (maximum):	15.24m																			
(h) Lot Coverage (maximum):	40%																			

Exception 49	Zoning R3-K-49	Map 13	By-Law Reference 2002-17	File Reference NP-A-00-36
i) Location: 137 Prospect Street				
ii) Legal Description: Lot 7, Part of Lot 8, Plan 22.				
iii) Uses:				
(a) A Group Home with a:				
Professional/Supervisory Staff (maximum):				2
Residents under care or supervision (maximum):				16
shall also be permitted.				
iv) Development Standards:				
(a) Front Yard (minimum):				2.7m
(b) Rear Yard (minimum):				54.0m
(c) Side Yard (minimum), on one side:				3.5m
on the other side:				4.5m
(d) Ground Floor Area (maximum):				270m ²
(e) Building Height (maximum):				7.5m
(f) Lot Coverage (maximum):				25%
(g) Parking space requirement (minimum):				4
(h) A minimum rear yard setback of 60.0m shall be required for any parking area .				

Exception 50	Zoning CS-50	Map 11	By-Law Reference 2002-92	File Reference NP-A-02-19
i) Location: 87 Mulock Drive				
ii) Legal Description: Part of Lot 91, Concession 1 E.Y.S.				
iii) Development Standards:				
(a) Side Yard , east (minimum):				8.5m
(b) Rear Yard (minimum):				35.0m
(c) Vehicle Storage and Display setbacks: Westerly side lot line				1.5m
Easterly side lot line				3.0m
Front lot line				3.0m
Rear lot line				3.0m
(d) All roof mounted air handling equipment shall be adequately screened.				
(e) Exterior lighting adjacent to any residential zone shall be directed downwards and away from any residential buildings .				

Exception 51	Zoning UC-R-51	Map 10	By-Law Reference 2002-126; OMB Decision #0323	File Reference NP-A-01-56; OMB PL021086
<p>i) Location: 212 Davis Drive</p> <p>ii) Legal Description: Part of Lot 4, Plan 32</p> <p>iii) Uses: Stacked Houses shall also be permitted.</p> <p>iv) Stacked Townhouses shall be regulated in accordance with the following development standards:</p> <p>(a) Lot Area per Dwelling unit (minimum): 92.0 m²</p> <p>(b) No more than 10 units shall be permitted to have a minimum floor area of 36.0 m² or less.</p> <p>(c) Front Yard (minimum): 6.0 m</p> <p>(d) Front Yard (maximum): not applicable</p> <p>(e) Rear Yard (minimum): 8.32 m</p> <p>(f) Side Yard (minimum) for the southerly most building: 4.4 m</p> <p>(g) A stairwell is permitted to encroach 1.4 m into the east side yard for the southerly most building.</p> <p>(h) Building Height (maximum): 12.7 m</p> <p>(i) Building Separation (minimum): 2.6 m</p> <p>(j) No loading spaces shall be required.</p> <p>(k) An underground parking driveway ramp shall not require a landscaped buffer and may be located adjacent (0.0 m) from the west lot line.</p> <p>(l) A parking lot including for visitors parking may be located not less than 1.5 m from the west lot line.</p> <p>(m) A minimum west side yard landscaped buffer area of 1.58m is permitted for a parking area.</p> <p>(n) All other provisions pertaining to the R4-N Zone shall apply.</p>				

Exception 52	Zoning UC-D2-52	Map 12	By-Law Reference 2002-128; OMB Decision #1278	File Reference NP-P-01-18; OMB PL021085
<p>i) Location: 31 Superior Street</p> <p>ii) Legal Description: Lots 1, 2, 3, 4, Part of Block B, East Side of Superior Street, Registered Plan 78; Part 1, 65R-16713</p> <p>iii) Uses:</p> <ul style="list-style-type: none"> (a) A Garden Centre; live-work units; and, an automobile rental office, with up to 20 rental automobiles on site provided that the storage of automobiles is limited to the southerly portion of the property south of Simcoe Street and the area for storing automobiles is appropriately screened from view from the residential properties to the west, shall also be permitted. (b) Outdoor storage of soil, fertilizer, planting materials and similar interests and equipment normally associated with and accessory to the gardening or landscaping use located on the same site shall be permitted as accessory to a garden centre provided such outdoor storage shall occur in the rear yard. (c) Outdoor storage of salt and heavy landscaping or construction equipment such as bulldozers, backhoes, loaders and road graders shall not be permitted. (d) Residential uses are also permitted in accordance with the R4-N and R5-S Zone requirements. (e) A motor vehicle sales establishment or area, department store, a funeral home, a supermarket, a taxi stand and a community centre shall not be permitted. (f) No residential or institutional use is permitted on lands that are within the regulated floodplain limits without the prior approval of the Lake Simcoe Region Conservation Authority. <p>iv) Development Standards:</p> <ul style="list-style-type: none"> (a) Building Height (maximum): 3 storeys (b) Where a building is to be used for residential purposes, a setback of 30.0m from the east lot line shall apply. (c) Live-work units may include a dwelling unit that is also used for work purposes, provided only the resident or residents of such dwelling unit work in the dwelling unit. 				

Exception 53	Zoning OS-2-53	Map 14	By-Law Reference 2002-167	File Reference NP-A-01-04
i) Location: North-east of Terry Carter Crescent				
ii) Legal Description: North-east of Block 29577, YRCP No. 1049.				
iii) Uses: No buildings or structures shall be permitted.				

Exception 54	Zoning CO-1-54	Map 5	By-Law Reference 2003-41	File Reference NP-A-02-67
i) Location: 23 Bolton Avenue				
ii) Legal Description: Lot 8, Plan 91				
iii) Uses: A Personal Service Shop shall also be permitted.				

Exception 55	Zoning CO-2-55	Map 16	By-Law Reference 2003-42	File Reference NP-A-02-69
i) Location: 16604 Yonge Street				
ii) Legal Description: Part of Lot 90, Concession 1 W.Y.S.				
iii) Development Standards:				
(a) Side Yard (minimum), on one side:				1.2m
(b) on the other side:				2.0m
(c) Parking Area setbacks:				
Rear Yard (west) setback:				0.5m
Side Yard (north) setback:				nil
Side Yard (south) setback:				2.4m
(d) Parking Area Buffer Specifications:				
Between Commercial and (west) Residential lands:				0.5m
Between Commercial and (south) Residential lands:				2.4m
(e) A 1.8m opaque fence shall not be required for the purposes of Landscape Buffers for Parking Lots along the westerly lot line .				

Exception 56	Zoning EG-56	Map 15	By-Law Reference 2004-72	File Reference NP-A-04-15
i) Location: 395 Harry Walker Parkway South				
ii) Legal Description: Lot 19, Plan 65M-2677; Part of Lot 31, Concession 3 E.Y.S.				
iii) Uses: The processing of source separated organic waste within a wholly enclosed building shall also be permitted.				

Exception 57	Zoning (H)UC-R-57	Map 16	By-Law Reference 1987-101; 2004-152	File Reference NP-A-04-14
<p>i) Location: 16686 Yonge Street</p> <p>ii) Legal Description: Part of Lot 90, Concession 1 W.Y.S.</p> <p>iii) (H)UC-R-57 Uses The following uses shall be permitted while the '(H)' prefix is in place: (a) Art gallery (b) Accessory Uses, including related Retail and a Picture Framing Studio; (c) Office; and, (d) 1 Dwelling Unit.</p> <p>iv) UC-R-57 Uses The following uses shall be permitted upon the removal of the '(H)' prefix: (a) As per Section 6.4.1 relating to the UC-R Zone.</p> <p>v) (H)UC-R-57 Development Standards The following regulations shall apply while the '(H)' prefix is in place: (a) No extension or enlargement of the uses or structures that existed on September 13, 2004 shall occur unless an Amendment to this By-Law or a By-Law to remove the '(H)' prefix in accordance with the relevant Holding Provision section is enacted and comes into full force and effect.</p> <p>vi) UC-R-57 Development Standards The following regulations shall apply upon the removal of the '(H)' prefix: (a) A Parking Area Entrance/Exit driveway shall have a minimum width at the street line of 7.1m. (b) A northerly rear yard of 1.5m is permitted for the existing structure.</p>				

Exception 58	Zoning R1-E-58	Map 19	By-Law Reference 2004-212	File Reference NP-A-04-76; A20/2008
i) Location: Northwest of Quaker Trail and Kingsmere Avenue				
ii) Legal Description: Lots 1 to 25, 65M-4022				
iii) Development Standards:				
(a) Front Yard (minimum):				6.0m
(b) Rear Yard (minimum):				7.0m
(c) Side Yard (minimum):				1.2m
(d) Floor Area (minimum):				110m ²
(e) Building Height (minimum):				11.0m
(f) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 3.0m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard , the minimum driveway length provisions shall apply from the flanking street.				
(g) Ground mounted satellite dishes, central air conditioners and/or heat pumps shall only be permitted in the rear yard , subject to a minimum setback of 4.5m from the rear lot line , a minimum setback of 1.2m from any interior side lot line and a minimum setback of 3.0m from any other lot line .				

Exception 59	Zoning R1-C-59	Map 19	By-Law Reference 2004-212	File Reference NP-A-04-76
i) Location: Southwest of Quaker Trail and Kingsmere Avenue				
ii) Legal Description: Lots 26 to 34, Blocks 35 & 36, 65M-4022				
iii) Development Standards:				
(a) Front Yard (minimum):				6.0m
(b) Rear Yard (minimum):				21.0m
(c) Floor Area (minimum):				120m ²
(d) Building Height (minimum):				11.0m

Exception 60	Zoning R1-D-60; R1-E-60	Map 19	By-Law Reference 2004-212	File Reference NP-A-04-76
i) Location: Fernbank Road and Nellie Little Crescent				
ii) Legal Description: Lots 36 to 126, 65M-3942				
iii) Development Standards:				
(a) Front Yard (minimum):				6.0m
(b) Rear Yard (minimum):				7.0m
(c) Lot Coverage (maximum):				45%

Exception 61	Zoning OS-2-61	Map 19	By-Law Reference 2004-212	File Reference NP-A-04-76
i) Location: South and east of Nellie Little Crescent; south of Quaker Trail.				
ii) Legal Description: Portions of most southerly and easterly lots on 65M-4022.				
iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.				

Exception 62	Zoning CR-1-62	Map 15	By-Law Reference 2005-4; OMB Decision #1869	File Reference NP-A-03-12; OMB PL031191
i) Location: 17205, 17215, 17235, 17255, 17275 Leslie Street				
ii) Legal Description: Blocks 2 and 3, 65M-3871				
iii) Development Standards, Office Building:				
(a) Height (maximum):				6 storeys
(b) Floor Space Index (maximum):				1.5
iv) Development Standards, Supermarket/Food Store:				
(a) Height (maximum):				8.0m
(b) Gross Floor Area (maximum):				4200m ²
v) Development Standards:				
(a) 3 entrance and exit driveway s for automobile traffic and not more than 1 additional entrance and exit for service vehicles shall be permitted.				
(b) A 6.0m buffer area shall be required for no other purpose than landscaping along Leslie Street except for entrance and exit driveways, and an opaque fence shall not be required.				
(c) The lands will be treated as one parcel for Zoning By-Law regulation purposes, notwithstanding any division of lands into separate lots .				

Exception 63	Zoning CO-2-63	Map 11	By-Law Reference 2005-13	File Reference NP-A-04-28
i) Location: 330 Eagle Street				
ii) Legal Description: Lot 6 and Part of Lot 7, Plan 85.				
iii) Uses: Only a non-medical related office shall be permitted.				

Exception 64	Zoning CO-2-64	Map 10	By-Law Reference 2005-50	File Reference NP-A-04-81
i) Location: 105 Eagle Street				
ii) Legal Description: Part of Lot 3, Plan 49.				
iii) Uses: Only a non-medical related office shall be permitted.				

Exception 65	Zoning EG-65	Map 18	By-Law Reference 2005-58	File Reference NP-A-04-78
i) Location: 16650 Bayview Avenue; 599 Steven Court (As per Section 3, Steven Court shall be considered the front lot line until such time as the lot , as existing on the date of the passing of this By-Law, legally reconfigures otherwise.)				
ii) Legal Description: Lot 11, 65M-2121				
iii) Uses: Accessory Open Storage with a maximum area of 1,200m ² shall also be permitted.				
iv) Development Standards:				
(a) A Bayview Avenue undivided entrance/exit driveway with an 11.0m minimum width at the street line shall be permitted.				
(b) A Steven Court undivided entrance/exit driveway with a 13.0m minimum width at the street line shall be permitted.				
(c) A private transformer projecting 7.4m into the rear yard shall be permitted.				
(d) The concrete ramp, existing as of the date of the passing of this By-Law, shall be permitted to have a minimum front yard setback of 3.0m at its closest.				
(e) The structure adjacent to Steven Court, existing as of the date of the passing of this By-Law, shall be permitted to have a minimum front yard setback of 4.6m at its closest.				

Exception 66	Zoning CO-2-66	Map 12	By-Law Reference 2005-146	File Reference NP-A-05-08
i) Location: 130 Prospect Street ii) Legal Description: Lot 11, Plan 50 iii) Uses: A Financial Institution ; Sole Medical Practitioner ; and, Office, Conversion , shall only be permitted in combination with a residential unit with a floor area not less than 47.0m ² provided that the above commercial uses shall be restricted to the ground floor.				

Exception 67	Zoning CO2-67	Map 11	By-Law Reference 2005-162	File Reference
i) Location: 284 and 290 Eagle Street ii) Legal Description: Part of Lots 24 and 25, Plan 446. iii) Uses: Storage uses and music lessons shall also be permitted.				

Exception 68	Zoning R1-E-68	Map 1	By-Law Reference 2006-39	File Reference NP-A-03-47
i) Location: North side of Aspenwood Drive, west of Woodspring Avenue				
ii) Legal Description: Part of Lot 99, Concession 1 W.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				n/a
(b) Lot Frontage (minimum):				13.7m
(c) Lot Depth (minimum):				24.5m
(d) Front Yard (minimum) without sidewalk: with sidewalk:				4.5m 3.5m
(e) Rear Yard (minimum):				7.0m
(f) Interior Side Yard (minimum) on one side: on the other side:				0.6m 1.2m
(g) Building Separation (minimum):				1.8m
(h) Lot Coverage (maximum):				n/a
(i) Driveway Width (maximum):				6.1m
(j) Porch Step Encroachment into required front yard : required side yard :				2.7m 1.5m
(k) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 3.0m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.				
(l) Where a residential lot in a R1-E-68 Zone is a corner lot with frontage or flankage on a local road as well as a collector road, driveway access to said residential lot shall be from the local road, unless otherwise approved by the Town of Newmarket.				
(m) Ground mounted satellite dishes, central air conditioners and/or heat pumps shall only be permitted in the rear yard , subject to a minimum setback of 4.5m from the rear lot line , a minimum setback of 1.2m from any interior side lot line and a minimum setback of 3.0m from any other lot line .				

Exception 69	Zoning R1-F-69	Map 1	By-Law Reference 2006-39	File Reference NP-A-03-47
i) Location: North side of Aspenwood Drive, west of Woodspring Avenue				
ii) Legal Description: Part of Lot 99, Concession 1 W.Y.S.				
iii) Development Standards:				
(a) Lot Area (minimum):				n/a
(b) Lot Frontage (minimum):				11.0m
(c) Lot Depth (minimum):				24.5m
(d) Front Yard (minimum)				
without sidewalk:				4.5m
with sidewalk:				3.5m
(e) Rear Yard (minimum):				7.0m
(f) Interior Side Yard (minimum)				
on one side:				0.6m
on the other side:				1.2m
(g) Building Separation (minimum):				1.8m
(h) Lot Coverage (maximum):				n/a
(i) Driveway Width (maximum):				6.1m
(j) Porch Step Encroachment into				
required front yard :				2.7m
required side yard :				1.5m
(k) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 3.0m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.				
(l) Where a residential lot in a R1-F-69 Zone is a corner lot with frontage or flankage on a local road as well as a collector road, driveway access to said residential lot shall be from the local road, unless otherwise approved by the Town of Newmarket.				
(m) Ground mounted satellite dishes, central air conditioners and/or heat pumps shall only be permitted in the rear yard , subject to a minimum setback of 4.5m from the rear lot line , a minimum setback of 1.2m from any interior side lot line and a minimum setback of 3.0m from any other lot line .				

Exception 70	Zoning I-B-70	Map 13	By-Law Reference 2006-68	File Reference NP-A-04-35
i) Location: 17200 and 17210 Leslie Street				
ii) Legal Description: Lots 77 and 76, Plan 443, except Part 6, 65R-16444				
iii) Uses: Only a Long Term Care Facility shall be permitted.				
iv) Development Standards:				
(a) Front Yard (minimum): 7.5m				
(b) Rear Yard (minimum): 9.0m				
(c) East Side Yard (minimum): 4.8m				
(d) West Side Yard (minimum): 18.0m				
(e) Floor Space Index (maximum): 1.3				
(f) Building Height (maximum): 14.4m (4 storeys)				
(g) Lot Coverage (maximum): 35%				
(h) Parking Area Two-Way Aisle Width (minimum): 6.2m				
(i) Parking Requirements (minimum): 23 spaces				
(j) A strip of land not less than 3 metres wide around the periphery of the parking area , with the exception of the maneuvering portion of the parking area on the south side that shall be located not less than 2.2metres, and within the lot on which the parking area is located shall be permitted and not be used for any purpose other than landscaping.				

Exception 71	Zoning EM-71	Map 15	By-Law Reference 2006-115	File Reference NP-A-06-12
i) Location: 16915, 16945 and 16975 Leslie Street				
ii) Legal Description: Parts 1, 2, 3, 4, 65R-29658; Parts 1, 2, 3, 65R-29526				
iii) Additional Uses: Retail Stores shall also be permitted.				
iv) Development Standards:				
(a) Any single retail use shall have a gross floor area maximum of 465 m ² .				

Exception 72	Zoning R1-E1-72	Map 2	By-Law Reference 2006-128	File Reference NP-A-04-74																																
<p>i) Location: Generally northeast of Davis Drive West and Bathurst Street</p> <p>ii) Legal Description: Lots 61-63, 77, 90, 91, 106, 107, 120, 121, 132-134, 146, 151-154, 166, 167, 170, 179, 210, 230, 233,238, 243-246, 248-262, 277-279, 289, 290, 307, 65M-4045</p> <p>iii) Development Standards:</p> <table border="0" data-bbox="261 485 1339 1902"> <tr> <td data-bbox="261 485 1234 527">(a) Lot Area (minimum):</td> <td data-bbox="1234 485 1339 527">n/a</td> </tr> <tr> <td data-bbox="261 537 1234 579">(b) Lot Frontage (minimum):</td> <td data-bbox="1234 537 1339 579">13.7m</td> </tr> <tr> <td data-bbox="261 590 1234 632">(c) Lot Depth (minimum):</td> <td data-bbox="1234 590 1339 632">24.5m</td> </tr> <tr> <td data-bbox="261 642 1234 684">(d) Front Yard (minimum):</td> <td data-bbox="1234 642 1339 684">3.5m</td> </tr> <tr> <td data-bbox="261 695 1234 737">(e) Rear Yard (minimum):</td> <td data-bbox="1234 695 1339 737">7.0m</td> </tr> <tr> <td data-bbox="261 747 1234 852">(f) Interior Side Yard (minimum) on one side: on the other side:</td> <td data-bbox="1234 747 1339 852">0.6m 1.2m</td> </tr> <tr> <td data-bbox="261 873 1234 915">(g) Building Separation (minimum):</td> <td data-bbox="1234 873 1339 915">1.8m</td> </tr> <tr> <td data-bbox="261 926 1234 968">(h) Exterior Side Yard (minimum):</td> <td data-bbox="1234 926 1339 968">2.4m</td> </tr> <tr> <td data-bbox="261 978 1234 1020">(i) Floor Area (minimum):</td> <td data-bbox="1234 978 1339 1020">110.0m²</td> </tr> <tr> <td data-bbox="261 1031 1234 1073">(j) Building Height (maximum):</td> <td data-bbox="1234 1031 1339 1073">11.0m</td> </tr> <tr> <td data-bbox="261 1083 1234 1125">(k) Lot Coverage (maximum):</td> <td data-bbox="1234 1083 1339 1125">n/a</td> </tr> <tr> <td data-bbox="261 1136 1234 1178">(l) Garage and Driveway Width (minimum):</td> <td data-bbox="1234 1136 1339 1178">2.9m</td> </tr> <tr> <td data-bbox="261 1188 1234 1293">(m) Garage and Driveway Width (maximum): but in no case shall the driveway width exceed 50% of the required lot frontage.</td> <td data-bbox="1234 1188 1339 1293">6.1m</td> </tr> <tr> <td data-bbox="261 1314 1446 1419">(n) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, interested by such driveway shall be 6.0 metres.</td> <td data-bbox="1234 1314 1339 1419"></td> </tr> <tr> <td data-bbox="261 1440 1503 1745">(o) Permitted Encroachments: An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, and/or steps, shall be permitted to encroach 2 metres into the required front yard and 1.5 metres into the required exterior side yard. In addition, bay or box windows with or without a foundation shall be permitted to encroach up to 2 metres into the front yard, rear yard, or exterior side yard. Where the interior side lot lines are not parallel, an unenclosed porch, covered or uncovered, and with or without a foundation or basement area, and/or steps shall be permitted to encroach 0.3 metres into the 1.2 metre minimum interior side yard.</td> <td data-bbox="1234 1440 1339 1745"></td> </tr> <tr> <td data-bbox="261 1766 1487 1902">(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.4m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.</td> <td data-bbox="1234 1766 1339 1902"></td> </tr> </table>					(a) Lot Area (minimum):	n/a	(b) Lot Frontage (minimum):	13.7m	(c) Lot Depth (minimum):	24.5m	(d) Front Yard (minimum):	3.5m	(e) Rear Yard (minimum):	7.0m	(f) Interior Side Yard (minimum) on one side: on the other side:	0.6m 1.2m	(g) Building Separation (minimum):	1.8m	(h) Exterior Side Yard (minimum):	2.4m	(i) Floor Area (minimum):	110.0m ²	(j) Building Height (maximum):	11.0m	(k) Lot Coverage (maximum):	n/a	(l) Garage and Driveway Width (minimum):	2.9m	(m) Garage and Driveway Width (maximum): but in no case shall the driveway width exceed 50% of the required lot frontage .	6.1m	(n) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line , interested by such driveway shall be 6.0 metres.		(o) Permitted Encroachments: An unenclosed porch , covered or uncovered, and with or without a foundation or basement area, and/or steps, shall be permitted to encroach 2 metres into the required front yard and 1.5 metres into the required exterior side yard . In addition, bay or box windows with or without a foundation shall be permitted to encroach up to 2 metres into the front yard , rear yard , or exterior side yard . Where the interior side lot lines are not parallel, an unenclosed porch , covered or uncovered, and with or without a foundation or basement area, and/or steps shall be permitted to encroach 0.3 metres into the 1.2 metre minimum interior side yard .		(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.4m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.	
(a) Lot Area (minimum):	n/a																																			
(b) Lot Frontage (minimum):	13.7m																																			
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(e) Rear Yard (minimum):	7.0m																																			
(f) Interior Side Yard (minimum) on one side: on the other side:	0.6m 1.2m																																			
(g) Building Separation (minimum):	1.8m																																			
(h) Exterior Side Yard (minimum):	2.4m																																			
(i) Floor Area (minimum):	110.0m ²																																			
(j) Building Height (maximum):	11.0m																																			
(k) Lot Coverage (maximum):	n/a																																			
(l) Garage and Driveway Width (minimum):	2.9m																																			
(m) Garage and Driveway Width (maximum): but in no case shall the driveway width exceed 50% of the required lot frontage .	6.1m																																			
(n) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line , interested by such driveway shall be 6.0 metres.																																				
(o) Permitted Encroachments: An unenclosed porch , covered or uncovered, and with or without a foundation or basement area, and/or steps, shall be permitted to encroach 2 metres into the required front yard and 1.5 metres into the required exterior side yard . In addition, bay or box windows with or without a foundation shall be permitted to encroach up to 2 metres into the front yard , rear yard , or exterior side yard . Where the interior side lot lines are not parallel, an unenclosed porch , covered or uncovered, and with or without a foundation or basement area, and/or steps shall be permitted to encroach 0.3 metres into the 1.2 metre minimum interior side yard .																																				
(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.4m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.																																				

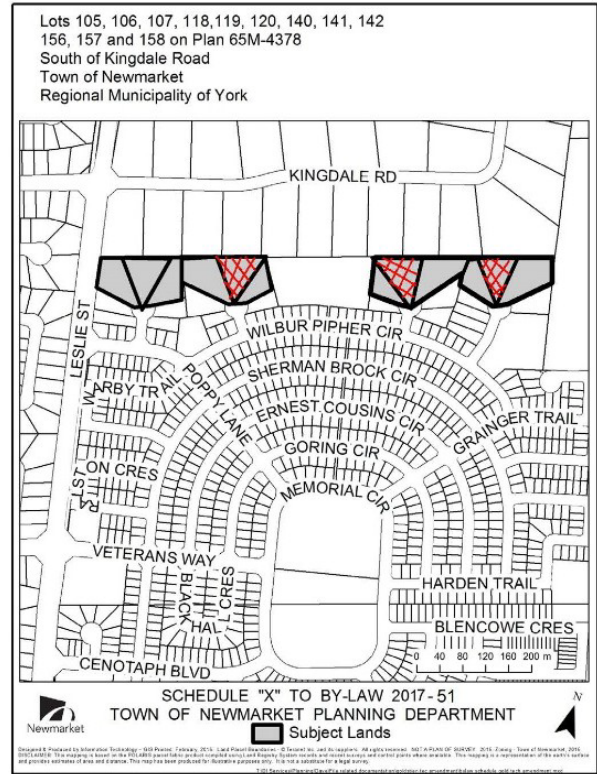
Exception	Zoning	Map	By-Law Reference	File Reference
73	R1-F1-73; R1-F2-73; R1-FX-73	2	2006-128	NP-A-04-74

- i) Location: Generally northeast of Davis Drive West and Bathurst Street
- ii) Legal Description: Lots 1-4, 33, 60, 64-75, 77-89, 92-105, 108-119, 122-131, 135145, 147-150, 155- 165, 168, 169, 172-178, 180-209, 211-229, 231, 232, 234-237, 241, 247, 263-276, 280-283, 286-288, 291-306, 65M-404
- iii) Development Standards:

	R1-Fx-73	R1-F1-73	R1-F2-73
(a) Lot Area (minimum)	350.0m ²	n/a	
(b) Lot Frontage (minimum)	7.5m	10.7m	9.1m
(c) Lot Depth (minimum)	n/a	24.5m	
(d) Front Yard (minimum)	n/a	3.5m	
(e) Rear Yard (minimum)	7.0m (north lot line)	7.0m	
(f) Interior Side Yard (minimum)			
On one side:	1.2m	0.6m	
On the other side	1.2m	1.2m	
(g) Building Separation (minimum)	n/a	1.8m	
(h) Exterior Side Yard (minimum):	n/a	2.4m	
(i) Floor Area (minimum):	110.0m ²	110.0m ²	105.0m ²
(j) Building Height (maximum):	11.0m	11.0m	
(k) Lot Coverage (maximum):	n/a	n/a	
(l) Driveway Width (minimum):	2.9m	2.9m	
(m) Driveway Width (maximum):	6.1m	6.0m	
But in no case shall the driveway exceed of the required lot frontage .	50%	56%	66%

Exception 73	Zoning R1-F1-73; R1-F2-73; R1-FX-73	Map 2	By-Law Reference 2006-128	File Reference NP-A-04-74
<p>(n) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0 metres.</p> <p>(o) Permitted Encroachments: An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, and/or steps, shall be permitted to encroach 2 metres into the required front yard and 1.5 metres into the required exterior side yard. In addition, bay or box windows with or without a foundation shall be permitted to encroach up to 2 metres into the front yard, rear yard, or exterior side yard. Where the interior side lot lines are not parallel, an unenclosed porch, covered or uncovered, and with or without a foundation or basement area, and/or steps shall be permitted to encroach 0.3 metres into the 1.2 metre minimum interior side yard.</p> <p>(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.4m from the lot line of the flanking street, and further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.</p>				

Exception 74	Zoning R1-C-74	Map 21	By-Law Reference OMB Decision, 2017-51	File Reference N/A
i) Location: East side of Leslie Street south of Kingdale Road				
ii) Legal Description: Lots 105, 106, 107, 118, 119, 120, 140, 141, 142, 156, 157, and 158 on Plan 65M-4378				
iii) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this By-law: <ul style="list-style-type: none"> <li data-bbox="318 720 821 972">(a) No building or structure, save and except for accessory structure, shall be located within 45m of the north boundary of the lands affected by this by-law and shown on Schedule “X” attached hereto. <li data-bbox="318 1014 792 1224">(b) Only bungalow style dwellings shall be permitted to have basement walkouts on lands affected by this by-law and shown on Schedule “X” attached hereto. <li data-bbox="318 1266 1401 1411">(c) Notwithstanding Exception 74 iii)(a), on the lots shown on Schedule “X” attached hereto that are marked with cross-hatching, no building or structure, save and except for accessory structure, shall be located within 40m of the north boundary. 				



Exception 74	Zoning R1-C-74; R1-CX-74	Map 21	By-Law Reference 2006-156, 2016-05 (repealed), 2017-51	File Reference 19T-90064; Z6/98; Goldstein
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i) Location: Generally east side of Leslie Street, south of Mulock Drive.

ii) Legal Description: Part of Lots 28 and 29, Concession 3 E.Y.S.

iii) Development Standards:

	R1-C-74	R1-C1-74
(a) Lot Area (minimum)	1,775m ²	n/a
(b) Lot Frontage (minimum)	18m	
(c) Lot Depth (minimum)	52m	44m
(d) Front Yard (minimum)	4.5m	
(e) Rear Yard (minimum)	See (r) & (s) 9.0m	9.0m
(f) Interior Side Yard (minimum)	1.8m	
(g) Building Separation (minimum)	3.6m	
(h) Building Height (maximum):	11.0m	
(i) Lot Coverage (maximum):	45%	
(j) Driveway Width (minimum):	3.0m	
(k) Driveway Width (maximum):	9.0m	

(l) The minimum distance between a **driveway** and the intersection of 2 or more streets measured along the **street line**, interested by such **driveway** shall be 6.0 metres.

(m) No part of any **building** shall be constructed within 8 metres of Leslie Street.

(n) Permitted Encroachments:

An unenclosed **porch**, covered or uncovered, shall be permitted to encroach 1.5 metres into the required front or **exterior side yards**.

Porch steps shall be permitted to encroach 2.7 metres into the required **front yard** and 1.5 metres into the **exterior side yard**.

(o) No part of any **main building** shall be constructed in the **exterior side yard** or **rear Yard** a distance of less than 2.0m from the **lot line** of the flanking street, except where Leslie Street is the flanking street the minimum **building** setback shall be 8.0 metres. Further where any **driveway** and/or garage faces the **exterior side yard** the minimum **driveway** length provisions shall apply from the flanking street.

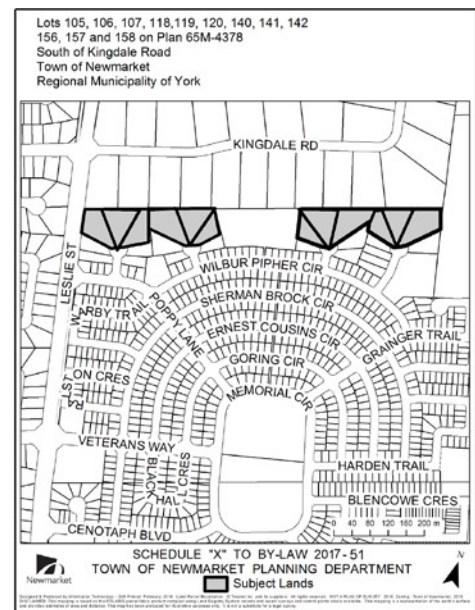
(p) Central **air conditioners** and/or heat pumps shall be permitted in the **rear Yard** only, subject to a minimum setback of 4.5 metres from the **rear lot line**, a minimum setback of 1.2 metres from any **interior side yard lot line** and a minimum setback of 3.0 metres from any other **lot line**.

Exception	Zoning	Map	By-Law Reference	File Reference
74	R1-C-74; R1-CX-74	21	2006-156, 2016-05 (repealed), 2017-51	19T-90064; Z6/98; Goldstein

(q) The maximum number of **lots** zoned R1-C-74 and OS-2-77 that adjoin lands zoned R1-A shall be 10.

By-law 2017-51

- i) Location: East side of Leslie Street south of Kingdale Road
- ii) Legal Description: Lots 105,106, 107, 118, 119, 120, 140, 141, 142, 156, 157, and 158 on Plan 65M- 4378
- iii) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this By-law:
 - a. No building or structure, save and except for accessory structures, shall be located within 45m of the north boundary of the lands affected by this by- law and shown on Schedule "X" attached hereto.
 - b. Only bungalow style dwellings shall be permitted to have basement walkouts on lands affected by this by-law and shown on Schedule "X" attached hereto.
 - c. Notwithstanding Exception 74 iii)(a), on the Lots shown on Schedule "X" attached hereto that are marked with cross-hatching, no building or structure, save and except for accessory structures, shall be located within 40m of the north boundary



Exception 75	Zoning R1-D-75; R1-D-75; R1-E1-75; R1-E1-75	Map 21	By-Law Reference 2006-156	File Reference 19T-90064; Z6/98; Goldstein	
i) Location: Generally east side of Leslie Street, south of Mulock Drive.					
ii) Legal Description: Part of Lots 28 and 29, Concession 3 E.Y.S.					
iii) Development Standards:					
		R1-D-75	R1-E1-75		
(a) Lot Area (minimum)		n/a			
(b) Lot Frontage (minimum)		15m	13.7m		
(c) Lot Depth (minimum) with a sidewalk: without a sidewalk:		26m 24.5m			
(d) Front Yard (minimum) with a sidewalk: without a sidewalk:		4.5m 3.5m			
(e) Rear Yard (minimum)		7.0m			
(f) Interior Side Yard (minimum) on one side: on the other side:		0.6m 1.2m			
(g) Building Separation (minimum)		1.8m			
(h) Floor Area (minimum):		110.0m ²			
(i) Building Height (maximum):		11.0m			
(j) Lot Coverage (maximum):		45%			
(k) Driveway Width (minimum):		3.0m			
(l) Driveway Width (maximum): But the driveway width shall not exceed 50% of the required lot frontage .		6.1m			
(m) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line , interested by such driveway shall be 6.0 metres.					
(n) No part of any building shall be constructed within 8 metres of Leslie Street.					
(o) Permitted Encroachments: An unenclosed porch , covered or uncovered, shall be permitted to encroach 1.5 metres into the required front or exterior side yards . Porch steps shall be permitted to encroach 2.7 metres into the required front yard and 1.5 metres into the exterior side yard .					

Exception	Zoning	Map	By-Law Reference	File Reference
75	R1-D-75; R1-D-75; R1-E1-75; R1-E1-75	21	2006-156	19T-90064; Z6/98; Goldstein
<p>(p) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0m from the lot line of the flanking street, except where Leslie Street is the flanking street the minimum building setback shall be 8.0 metres. Further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.</p> <p>(q) Central air conditioners and/or heat pumps shall be permitted in the rear yard only, subject to a minimum setback of 4.5 metres from the rear lot line, a minimum setback of 1.2 metres from any interior side yard lot line and a minimum setback of 3.0 metres from any other lot line.</p>				

Exception	Zoning	Map	By-Law Reference	File Reference																																		
76	R1-E-76; R1-E-76	21	2006-156	19T-90064; Z6/98; Goldstein																																		
<p>i) Location: Generally east side of Leslie Street, south of Mulock Drive</p> <p>ii) Legal Description: Part of Lots 28 and 29, Concession 3 E.Y.S.</p> <p>iii) Uses: Semi-Detached dwellings shall be permitted in accordance with the R2-K regulations.</p> <p>iv) Development Standards:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">(a) Lot Area (minimum):</td> <td style="text-align: right;">n/a</td> </tr> <tr> <td>(b) Lot Frontage (minimum):</td> <td style="text-align: right;">12.0m</td> </tr> <tr> <td>(c) Lot Depth (minimum):</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">with a sidewalk:</td> <td style="text-align: right;">26m</td> </tr> <tr> <td style="padding-left: 20px;">without a sidewalk:</td> <td style="text-align: right;">24.5m</td> </tr> <tr> <td>(d) Front Yard (minimum)</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">with a sidewalk:</td> <td style="text-align: right;">4.5m</td> </tr> <tr> <td style="padding-left: 20px;">without a sidewalk:</td> <td style="text-align: right;">3.5m</td> </tr> <tr> <td>(e) Rear Yard (minimum):</td> <td style="text-align: right;">7.0m</td> </tr> <tr> <td>(f) Interior Side Yard (minimum)</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">on one side:</td> <td style="text-align: right;">0.6m</td> </tr> <tr> <td style="padding-left: 20px;">on the other side:</td> <td style="text-align: right;">1.2m</td> </tr> <tr> <td>(g) Building Separation (minimum):</td> <td style="text-align: right;">1.8m</td> </tr> <tr> <td>(h) Floor Area (minimum):</td> <td style="text-align: right;">100.0m²</td> </tr> <tr> <td>(i) Building Height (maximum):</td> <td style="text-align: right;">11.0m</td> </tr> <tr> <td>(j) Lot Coverage (maximum):</td> <td style="text-align: right;">45%</td> </tr> <tr> <td>(k) Driveway Width (minimum):</td> <td style="text-align: right;">3.0m</td> </tr> </table>					(a) Lot Area (minimum):	n/a	(b) Lot Frontage (minimum):	12.0m	(c) Lot Depth (minimum):		with a sidewalk:	26m	without a sidewalk:	24.5m	(d) Front Yard (minimum)		with a sidewalk:	4.5m	without a sidewalk:	3.5m	(e) Rear Yard (minimum):	7.0m	(f) Interior Side Yard (minimum)		on one side:	0.6m	on the other side:	1.2m	(g) Building Separation (minimum):	1.8m	(h) Floor Area (minimum):	100.0m ²	(i) Building Height (maximum):	11.0m	(j) Lot Coverage (maximum):	45%	(k) Driveway Width (minimum):	3.0m
(a) Lot Area (minimum):	n/a																																					
(b) Lot Frontage (minimum):	12.0m																																					
(c) Lot Depth (minimum):																																						
with a sidewalk:	26m																																					
without a sidewalk:	24.5m																																					
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(h) Floor Area (minimum):	100.0m ²																																					
(i) Building Height (maximum):	11.0m																																					
(j) Lot Coverage (maximum):	45%																																					
(k) Driveway Width (minimum):	3.0m																																					

Exception	Zoning	Map	By-Law Reference	File Reference
76	R1-E-76; R1-E-76	21	2006-156	19T-90064; Z6/98; Goldstein
<p>(l) Driveway Width (maximum): 6.1m</p> <p>(m) But the driveway width shall not exceed 50% of the required lot frontage.</p> <p>(n) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, interested by such driveway shall be 6.0 metres.</p> <p>(o) No part of any building shall be constructed within 8 metres of Leslie Street.</p> <p>(p) Permitted Encroachments: An unenclosed porch, covered or uncovered, shall be permitted to encroach 1.5 metres into the required front and exterior side yards. Porch steps shall be permitted to encroach 2.7 metres into the required front yard and 1.5 metres into the exterior side yard.</p> <p>(q) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0m from the lot line of the flanking street, except where Leslie Street is the flanking street the minimum building setback shall be 8.0 metres. Further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.</p> <p>(r) Central air conditioners and/or heat pumps shall be permitted in the rear yard only, subject to a minimum setback of 4.5 metres from the rear lot line, a minimum setback of 1.2 metres from any interior side yard lot line and a minimum setback of 3.0 metres from any other lot line.</p>				

Exception	Zoning	Map	By-Law Reference	File Reference
77	OS-1-77; OS-1-77; OS-2-77	21	2006-156	19T-90064; Z6/98; Goldstein
<p>i) Location: Generally east side of Leslie Street, south of Mulock Drive</p> <p>ii) Legal Description: Part of Lots 28 and 29, Concession 3 E.Y.S.</p> <p>iii) Uses: Conservation Uses; Active and/or Passive Recreation Uses; and, Stormwater Management Facilities, as approved by the Town of Newmarket and the Lake Simcoe Region Conservation Authority.</p> <p>iv) OS-2-77 Restricted Uses: Within 20 metres of the adjoining R1-A Zone the OS-2-77 Zone shall have no other purpose than Passive Open Space and/or Stormwater Management Facilities.</p> <p>v) Development Standards: (a) The maximum number of lots zoned R1-C-74 and OS-2-77 that adjoin lands zoned R1-A shall be 10.</p>				

Exception 78	Zoning CC-78	Map 21	By-Law Reference 2006-156	File Reference 19T-90064;Z6/98; Goldstein
i) Location: Generally east side of Leslie Street, south of Mullock Drive				
ii) Legal Description: Block 102, 65m-3963				
iii) Development Standards:				
(a) Front Yard (minimum)				6.0m
(b) Rear Yard (minimum):				6.0m

Exception 79	Zoning I-B-79	Map 13	By-Law Reference	File Reference
i) Location: 757 Bogart Avenue				
ii) Legal Description: Part of Lot 4, Plan 341.				
iii) Uses: An office use up to 500 m2 of gross floor area shall also be permitted.				

Exception 80	Zoning R1-D1-80 R1-E-80 R1-E1-80 R1-F1-80	Map 1 & 2	By-Law Reference 2007-68 & 2012-78	File Reference NP-A-03-37 & D12 1104
i) Location: Generally east of Bathurst Street along Woodspring Avenue				
ii) Legal Description: Part of Lots 97, 98 and 99, Concession 1 W.Y.S.				
iii) Development Standards:				
	R1-D1-80	R1-E-80	R1-E1-80	R1-F1-80
(a) Lot Area (minimum):	n/a			
(b) Lot Frontage (minimum):	15.0m	12.2m	13.7m	10.7m
(c) Lot Depth (minimum) with a sidewalk:	24.5m			
without a sidewalk:	23.0m			
(d) Front Yard (minimum) with a sidewalk:	4.5m			
without a sidewalk:	3.5m			
(e) Rear Yard (minimum):	7.0m			

Exception	Zoning	Map	By-Law Reference	File Reference
80	R1-D1-80 R1-E-80 R1-E1-80 R1-F1-80	1 & 2	2007-68 & 2012-78	NP-A-03-37 & D12 1104

(f) Interior Side Yard (minimum) on one side: on the other side		0.6m 1.2m		
(g) Building Separation (minimum):		1.8m		
(h) Building Height (maximum):		11.0m		
(i) Lot Coverage (maximum):		n/a		
(j) Driveway Width (minimum):		3.0m		
(k) Driveway Width (maximum): but driveway width shall not exceed the required lot frontage .	6.0m	6.1m 50%	6.0m 60%	

(l) The minimum distance between a **driveway** and the intersection of 2 or more streets measured along the **street line**, interested by such **driveway** shall be 6.0 metres.

(m) Permitted Encroachments:

An unenclosed **porch**, covered or uncovered, shall be permitted to encroach 1.5 metres into the required front or **exterior side yards**.

Porch steps shall be permitted to encroach 2.7 metres into the required **front yard** and 1.5 metres into the required side **yard**.

(n) No part of any **main building** shall be constructed in the **exterior side yard** or **rear yard** a distance of less than 3.0m from the **lot line** of the flanking street. Further where any **driveway** and/or garage faces the **exterior side yard** the minimum **driveway** length provisions shall apply from the flanking street.

(o) Ground mounted satellite dishes, central **air conditioners** and/or heat pumps shall be permitted in the **rear yard** only, subject to a minimum setback of 4.5 metres from the **rear lot line**, a minimum setback of 1.2 metres from any **interior side yard lot line** and a minimum setback of 3.0 metres from any other **lot line**.

Exception	Zoning	Map	By-Law Reference	File Reference
81	UC-HC1-81	13	2007-70	NP-A-06-11
i) Location:	1 Roxborough Road			
ii) Legal Description:	Lots 55, 70 and 71, Plan 344			
iii) Parking Space Requirements:				
(a) Long Term Care Facility	0.428 spaces per rooming unit			

Exception 82	Zoning R4-R-82; OS-2-82	Map 18	By-Law Reference 2007-78	File Reference NP-A-05-43
<p>i) Location: 804 Shadrach Drive</p> <p>ii) Legal Description: Part of Lot 88 and Part of Lot 87, Concession 1 E.Y.S.; Part of Block 88, 65M-3087; Part of Block 50, Block 70, 65M-3129</p> <p>iii) R4-R-82 Development Standards:</p> <p>(a) Madeline Heights/Shadrach Drive shall be deemed to be the north property line.</p> <p>(b) "Average Finished Grade" shall mean the average elevation of the finished ground level adjoining the exterior walls of a building or structure exclusive of any artificial embankment or entrenchment.</p> <p>(c) Number of Townhouse units (maximum): 74</p> <p>(d) Lot Area (minimum): 160m² per unit</p> <p>(e) Lot Frontage on a private road (minimum): 6.0m per unit</p> <p>(f) Setback from North Property Line (minimum): 30.0m</p> <p>(g) Setback from OS-2-82 Zone Boundary (minimum): 7.0m</p> <p>(h) Setback from east property line (minimum): 9.0m</p> <p>(i) Setback from a garage to a private road (minimum): 6.0m</p> <p>(j) Setback from the front main wall of a building to a private road (minimum): 6.0m</p> <p>(k) Setback from the side wall of a townhouse dwelling to a private road (minimum): 4.5m</p> <p>(l) Setback from visitor parking spaces (minimum): 1.5m</p> <p>(m) Distance separation of a parking area of 5 or more spaces from windows of habitable rooms (minimum): 2.6m</p> <p>(n) Width of a buffer area around the periphery of a parking area designed to accommodate 5 or more automobiles (minimum): 2.6m</p> <p>(o) Building Separation (minimum): 3.0m</p> <p>(p) Lot Coverage (maximum): 40%</p> <p>(q) Permitted Encroachments: Porches and bay windows shall be permitted to project into any minimum side, front or rear setback not more than 1.5 metres. Eaves, cornices, canopies, wheelchair ramps and belt courses shall be permitted to project into any minimum side, front or rear setback not more than 1.0 metres. Decks greater than 1.0 metre above average finished grade shall be permitted to project into any minimum side or rear yard setback not more than 3.0 metres</p> <p>(r) Parking Requirements, Townhouse dwelling unit: 1.5 spaces + 0.25 visitor spaces</p>				

Exception 83	Zoning R4-R-83a; R4-R-83b; R4-R-83c	Map 10	By-Law Reference 2007-103	File Reference NP-A-05-09
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- i) Location: Formerly 121 and 135 Eagle Street
- ii) Legal Description: Lot 4, Plan 49; Part of Lot 49, Plan 437
- iii) Development Standards:

	R4-R-83a	R4-R-83b	R4-R-83c
(a) Lot Area per unit (minimum):	n/a		
(b) Lot Frontage per unit (minimum):	5.5		
(c) Front Yard (minimum):	4.0m		6.0m
(d) Rear Yard (minimum):	8.6m	10.2m	15.4m
(e) Interior Side Yard (minimum):	1.5m (end units)		
(f) Exterior Side Yard (minimum):	n/a		3.0m
(g) Building Separation (minimum):	3.0m		
(h) Building Height (maximum):	11.0m		
(i) Lot Coverage (maximum):	n/a		
(j) Number of Unseparated units (maximum):	7	6	7
(k) Driveway Width (minimum):	3.0m		
(l) Driveway Width (maximum):	55% of required lot frontage		

- (m) The minimum **driveway** length may be reduced to 7.0 metres where there is a double car garage with a segmented door, a double car **driveway** of at least 5.5 metres in width, and a garage minimum setback of 1.5m from the front wall of the **dwelling unit**.
- (n) The minimum distance between a **driveway** and the intersection of 2 or more streets measured along the **street line**, intersected by such **driveway** shall be 5.0 metres.
- (o) Permitted Encroachments:
An uncovered **deck** exceeding 0.6m in **height** above **finished grade** shall be permitted to encroach 2.4m into the required **rear yard**.
- (p) Central **air conditioners** and/or heat pumps shall be permitted in the **rear yard** only, subject to a minimum setback of 1.2 metres from any interior **lot line** and a minimum setback of 7.5 metres from the **rear lot line**.

Exception 84	Zoning R1-F1-84; R2-H1-84	Map 13	By-Law Reference 2007-126	File Reference NP-A-04-12
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- i) Location: 696, 697, 699, 701, 703, 705 Crescent Road; 701-757 John Cole Court
- ii) Legal Description: Lots 1-6, Block 8, 65M-4112
- iii) Development Standards:

	R1-F1-84	R2-H1-84
(a) Number of Units (maximum):	n/a	20
(b) Lot Area (minimum):	300m ²	0.6ha
(c) Lot Frontage (minimum):	11.0m	13.0m
(d) Frontage on a Common Driveway :	n/a	6.0m per unit
(e) Front Yard (minimum):	7.5m	
(f) Setback from Common Driveway :	n/a	10.5m
(g) Rear Yard (minimum)	7.5m	6.0m
(h) Interior Side Yard (minimum):	1.2m	4.5m
(i) Exterior Side Yard (minimum):	3.0m	4.5m
(j) Building Separation (minimum)	2.4m	1.6m
(k) Building Height (maximum):	11.0m (2 storeys)	11.0m
(l) Lot Coverage (maximum):	n/a	45%

- (m) A **rear yard** amenity area shall be provided for each **dwelling unit** within the R2-H1-84 Zone. Said amenity area shall have a minimum depth measured from the rear of the **dwelling unit** of 6.0 metres and a minimum width of 6.1 metres.
- (n) No **driveway** shall be located any closer than 0.6m from the interior **side lot line** or extend beyond the front width of the **dwelling unit**. However, where the **driveway** is a mutual **driveway** the required setback between **driveways** shall be nil.
- (o) Permitted Encroachments:
An unenclosed **porch**, covered or uncovered, and/or steps shall be permitted to encroach 1.5 metres into the required front and **exterior side yards**.
- (p) Within the R1-F1-84 Zone, satellite dishes, central **air conditioners** and/or heat pumps shall be permitted in the side **yard** only, subject to a minimum setback of 7.5 metres from the **rear lot line**.
- (q) Within the R2-H1-84 Zone, satellite dishes, central **air conditioners** and/or heat pumps shall be permitted in the **rear yard** amenity area only, subject to a minimum separation distance of 1.6 metres from any adjacent **dwelling unit**, and a minimum setback of 4.5 metres from any **lot line** to the rear of the **dwelling unit**.

Exception 85	Zoning (H)R4-S-85; OS-EP-85	Map 16	By-Law Reference 2009-10	File Reference NP-A-07-34																
<p>i) Location: 16200 Yonge Street</p> <p>ii) Legal Description: Part of Lot 87, Concession 1 W.Y.S.</p> <p>iii) OS-EP-85 Uses: Paved and unpaved trails, walkways and boardwalks.</p> <p>iv) Development Standards:</p> <table border="0" data-bbox="261 632 1333 1035"> <tr> <td>(a) Number of permitted dwelling units (maximum):</td> <td>80</td> </tr> <tr> <td>(b) Lot Area per dwelling unit (minimum):</td> <td>n/a</td> </tr> <tr> <td>(c) Lot Frontage on a private road (minimum):</td> <td>n/a</td> </tr> <tr> <td>(d) Side Yard (minimum):</td> <td>9.0m</td> </tr> <tr> <td>(e) Setback from OS-EP-85 Zone Boundary (minimum):</td> <td>10.0m</td> </tr> <tr> <td>(f) Rear Yard (minimum):</td> <td>10.0m</td> </tr> <tr> <td>(g) Floor Area per dwelling unit (minimum):</td> <td>51m²</td> </tr> <tr> <td>(h) Building Height (maximum):</td> <td>13.5m</td> </tr> </table> <p>(i) Height shall mean the distance from the average finished grade to the highest point of the structure.</p> <p>(j) Impermeable Surface Cover (minimum): 30% of site area</p> <p>(k) Width of a buffer area around the periphery of a parking area designed to accommodate 5 or more automobiles (minimum): 10.0m</p> <p>(l) Parking Space Requirements: Townhouse or Stacked Townhouse dwelling unit: 1.3 spaces + 0.2 visitor spaces</p> <p>(m) A minimum buffer area of 3 metres adjacent to the OS-EP-85 Zones shall be used for no other purpose than a natural vegetative buffer.</p> <p>(n) A 1.8 metre opaque fence shall be required along a portion of the southerly boundary of the subject lands as shown on the schedule below.</p> <p>(o) Balconies shall not be permitted on any portion of a building within 15 metres of a section of the southerly boundary of the subject lands as shown on the schedule below.</p>					(a) Number of permitted dwelling units (maximum):	80	(b) Lot Area per dwelling unit (minimum):	n/a	(c) Lot Frontage on a private road (minimum):	n/a	(d) Side Yard (minimum):	9.0m	(e) Setback from OS-EP-85 Zone Boundary (minimum):	10.0m	(f) Rear Yard (minimum):	10.0m	(g) Floor Area per dwelling unit (minimum):	51m ²	(h) Building Height (maximum):	13.5m
(a) Number of permitted dwelling units (maximum):	80																			
(b) Lot Area per dwelling unit (minimum):	n/a																			
(c) Lot Frontage on a private road (minimum):	n/a																			
(d) Side Yard (minimum):	9.0m																			
(e) Setback from OS-EP-85 Zone Boundary (minimum):	10.0m																			
(f) Rear Yard (minimum):	10.0m																			
(g) Floor Area per dwelling unit (minimum):	51m ²																			
(h) Building Height (maximum):	13.5m																			

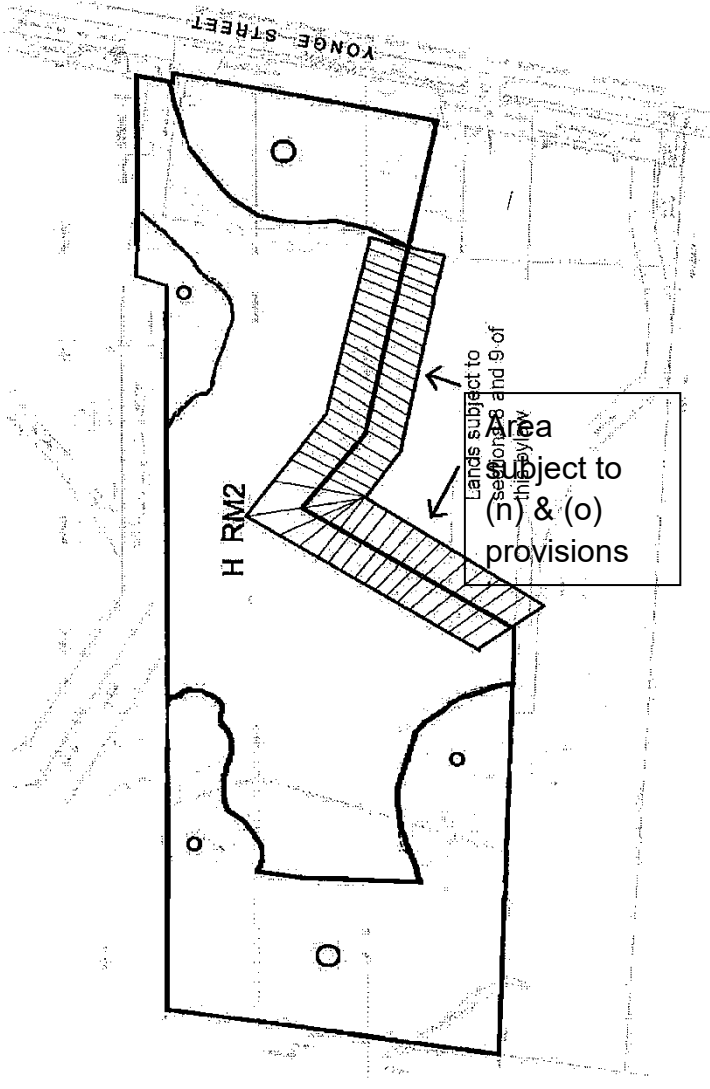
THIS IS SCHEDULE
"Y" TO BY-LAW
2009-10, PASSED
THIS 24th DAY OF
AUGUST 2009

Jack H. ...
MAYOR

... ..
CLERK

TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

PART OF LOT 87
CONCESSION 1, W.Y.S.



SCHEDULE "Y" TO BY-LAW 2009-10
TOWN OF NEWMARKET PLANNING DEPARTMENT

Exception 86	Zoning UC-R-86	Map 4	By-Law Reference 2009-11	File Reference NP-A-06-14				
<p>i) Location: 345 Davis Drive</p> <p>ii) Legal Description: Lot 30, Plan 78</p> <p>iii) Restricted Uses: Only Offices; Pharmacies; Medical and Hospital Supply Shop; Coffee Shop; Medical Laboratory; Personal Service Shop; and, Medical Clinics shall be permitted.</p> <p>iv) Development Standards:</p> <p>(a) Front Yard (minimum): 22m from Davis Drive centre line</p> <p>(b) Interior Side Yard (minimum)</p> <table style="margin-left: 40px;"> <tr> <td>on one side:</td> <td style="text-align: right;">1.0m</td> </tr> <tr> <td>on other side:</td> <td style="text-align: right;">3.6m</td> </tr> </table> <p>(c) Building Height (maximum): 10.5m</p> <p>(d) A minimum driveway width of 6.0 metres shall be permitted.</p> <p>(e) A minimum buffer area and planting strip between a parking area and the easterly side lot line shall be 0.97 metres and a minimum buffer area and planting strip between a parking area and the westerly lot line shall be 1.5 metres.</p> <p>(f) Parking spaces shall be permitted to be located a minimum of 0.97 metres from the easterly side lot line and 1.5 metres from the westerly lot line.</p>					on one side:	1.0m	on other side:	3.6m
on one side:	1.0m							
on other side:	3.6m							

Exception 87	Zoning UC-R-87	Map 4	By-Law Reference 2009-31	File Reference NP-A-08-21
<p>i) Location: 355 Davis Drive</p> <p>ii) Legal Description: Lot 30, Plan 78</p> <p>iii) Development Standards:</p> <p>(a) Westerly Side Yard (minimum): 4.63m</p> <p>(b) A minimum driveway width of 7.5 metres shall be permitted.</p> <p>(c) A minimum buffer area between parking spaces and the rear lot line shall be 1.5 metres and a minimum buffer area between parking spaces and side lot lines shall be 1.0 metre.</p> <p>(d) Health & Fitness Studio Parking Requirements: 1 space per 18m² of floor area</p>				

Exception	Zoning	Map	By-Law Reference	File Reference
88	R1-D-88; R1-F1-88; R2-H-88; OS-EP-88	19	2009-38	NP-A-05-07

i) Location: South west of Leslie Street and Mulock Drive

ii) Legal Description: Lots 1-66, Blocks 67-69, 65M-4090

iii) OS-EP-88 Restricted **Uses**:

Lands within the OS-EP-88 Zone that adjoin the R1-D-88 Zone shall have a width of 5.0 metres measured from the rear lot line and shall only be used as a **Landscape Buffer** and no **buildings** or **structures** shall be permitted.

iv) Development Standards:

	R1-D-88	R1-F1-88	R2-H-88
(a) Lot Area (minimum):	n/a		
(b) Lot Frontage (minimum):	15.0m	10.7m	13.6m
(c) Front Yard (minimum) with a sidewalk: without a sidewalk:	4.5m 3.5m		
(d) Rear Yard (minimum):	12.0m	7.0m	
(e) Interior Side Yard (minimum) on one side: on the other side:	1.2m	0.6m	
	1.2m		
(f) Building Separation (minimum):	2.4m	1.8m	
(g) Lot Coverage (maximum):	n/a		
(h) Driveway Width (minimum):	3.0m		
(i) Driveway Width (maximum): but driveway width shall not exceed 56% of the required lot frontage .	6.1m		

(j) The minimum distance between a **driveway** and the intersection of 2 or more streets measured along the **street line**, interested by such **driveway** shall be 6.0 metres.

(k) Permitted Encroachments:

An unenclosed **porch**, covered or uncovered, shall be permitted to encroach 1.5 metres into the required front and **exterior side yards**.

Porch steps shall be permitted to encroach 2.5 metres into the required front and **rear yards** and 1.5 metres into the **exterior side yard**.

(l) No part of any **main building** shall be constructed in the **exterior side yard** or **rear yard** a distance of less than 2.0m from the **lot line** of the flanking street. Further where any **driveway** and/or garage faces the **exterior side yard** the minimum **driveway** length provisions shall apply from the flanking street.

(m) Within the R1-D-88 Zone, any **accessory building or structure** which is not part of the **main building** shall be permitted to be erected, provided a minimum **rear yard** of 5.0 metres is maintained.

(n) Central **air conditioners** and/or heat pumps shall be permitted in the **rear yard** only, subject to a minimum setback of 4.5 metres from the **rear lot line**, a minimum setback of 1.2 metres from any **interior side yard lot line** and a minimum setback of 3.0 metres from any other **lot line**.

Exception 89	Zoning CO-2-89	Map 11	By-Law Reference 2009-45	File Reference NP-A-08-18
i) Location: 372 Eagle Street				
ii) Legal Description: Part of Lot 12, Plan 85				
iii) Prohibited Uses : Notwithstanding the permitted uses for the CO-2-89 Zone and the definition for Office Conversion , a Sole Medical Practitioner is not permitted.				
iv) Development Standards: (a) Side Yard (minimum) on one side: 0.6m on other side: 1.2m (b) A parking area for employees and visitors may be permitted in the minimum front yard and shall be separated from any adjacent street line by a strip of land not less than 0.3 metres in width. (c) A buffer strip of nil for a parking area along the northerly and easterly lot lines shall be permitted.				

Exception 90	Zoning CO-1-90	Map 11	By-Law Reference 2009-45	File Reference NP-A-08-18
<p>i) Location: S/S Eagle Street</p> <p>ii) Legal Description: Lot 13, Plan 85</p> <p>iii) Uses: Only an Office; a Sole Medical Practitioner; and, a maximum of 2 dwelling units on the second floor, shall be permitted.</p> <p>iv) Development Standards:</p> <p>(a) Front Yard (minimum): 2.5m</p> <p>(b) A buffer strip of 1.5m shall be provided adjacent to the southerly lot line and a buffer of nil shall be permitted along the westerly lot line and a buffer of 1.0 metre shall be provided along the easterly lot line.</p>				

Exception 91	Zoning R1-F-91	Map 16	By-Law Reference 2009-62	File Reference NP-A-07-20
<p>i) Location: South of Valley Green Trail</p> <p>ii) Legal Description: Block 77, 65M-3603</p> <p>iii) Development Standards:</p> <p>(a) Number of permitted dwelling units (maximum): 14</p> <p>(b) Lot Area (minimum): 0.7ha</p> <p>(c) Lot Frontage (minimum): 7.5m</p> <p>(d) Lot Frontage on a Common Driveway (minimum): 11.3m per unit</p> <p>(e) Front Yard from Common Driveway (minimum): 4.5m</p> <p>(f) Rear Yard from the rear of a dwelling unit to any property line (minimum): 6.0m</p> <p>(g) Setback from northerly lot line (minimum): 1.2m</p> <p>(h) Building setback from southerly lot line (minimum): 1.2m</p> <p>(i) Building Separation (minimum): 1.8m</p> <p>(j) Lot Coverage (maximum): n/a</p> <p>(k) The minimum driveway width may be reduced to 7.0 metres where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width.</p> <p>(l) Permitted Encroachments: An unenclosed porch, covered or uncovered, and steps shall be permitted to encroach 1.5 metres into the front yard minimum setback to a common driveway.</p> <p>(m) Satellite dishes, central air conditioners and/or heat pumps shall be permitted in the rear yard amenity area only, subject to a minimum separation distance of 1.6 metres from any adjacent dwelling unit, and a minimum setback from 4.5 metres from any lot line to the rear of the dwelling unit.</p>				

Exception 92	Zoning UC-P- 92	Map 4	By-Law Reference 2009-63	File Reference NP-A-08-21																		
<p>i) Location: 39 Davis Drive</p> <p>ii) Legal Description: Part of Lot 96, Concession 1 E.Y.S.</p> <p>iii) Development Standards:</p> <table data-bbox="261 422 1333 867"> <tr> <td>(a) Number of permitted dwelling units:</td> <td>280</td> </tr> <tr> <td>(b) Front Yard (minimum):</td> <td>5.0m</td> </tr> <tr> <td>(c) Rear Yard (minimum):</td> <td>nil</td> </tr> <tr> <td>(d) Interior Side Yard (minimum):</td> <td>nil</td> </tr> <tr> <td>(e) Exterior Side Yard (minimum):</td> <td>5.0m</td> </tr> <tr> <td>(f) Floor Area per dwelling unit (minimum):</td> <td>42.0m²</td> </tr> <tr> <td>(g) Floor Space Index (maximum):</td> <td>10.25</td> </tr> <tr> <td>(h) Building Height (maximum):</td> <td>65.0m</td> </tr> <tr> <td>(i) Lot Coverage (maximum):</td> <td>50%</td> </tr> </table> <p>(j) An entrance and exit driveway may be permitted to have a minimum width at the street of 7.0 metres.</p> <p>(k) A buffer area for the parking area/lot shall not be required.</p>					(a) Number of permitted dwelling units :	280	(b) Front Yard (minimum):	5.0m	(c) Rear Yard (minimum):	nil	(d) Interior Side Yard (minimum):	nil	(e) Exterior Side Yard (minimum):	5.0m	(f) Floor Area per dwelling unit (minimum):	42.0m ²	(g) Floor Space Index (maximum):	10.25	(h) Building Height (maximum):	65.0m	(i) Lot Coverage (maximum):	50%
(a) Number of permitted dwelling units :	280																					
(b) Front Yard (minimum):	5.0m																					
(c) Rear Yard (minimum):	nil																					
(d) Interior Side Yard (minimum):	nil																					
(e) Exterior Side Yard (minimum):	5.0m																					
(f) Floor Area per dwelling unit (minimum):	42.0m ²																					
(g) Floor Space Index (maximum):	10.25																					
(h) Building Height (maximum):	65.0m																					
(i) Lot Coverage (maximum):	50%																					

Exception 93	Zoning UC-H1-93; OS-2-93	Map 13	By-Law Reference 2009-90	File Reference
<p>i) Location: 56, 58, 60 Roxborough Road; 674, 678, 682, 684, 685, 691 Queen Street.</p> <p>ii) Legal Description: Lots 33. 47. 48 and 49, Registered Plan 344</p> <p>iii) Development Standards:</p> <p>(a) A driveway adjacent to Roxborough Road shall be measured at the sidewalk from the point closest to the main wall; and, the driveway access adjacent to Grace Street shall not require a division where greater than 9 metres in width provided this driveway is utilized in combination for access to the underground parking, garbage pick-up and the loading area.</p> <p>(b) A landscape buffer of 1.2 metres for the parking lot shall be permitted.</p> <p>(c) Parking Requirements, Non-Hospital Associated Units: 0.4 spaces per unit</p> <p>(d) Parking Requirements, Hospital Associated Units: 0.1 spaces per unit</p> <p>(e) A Hospital Associated Unit shall be a unit that will be fully staffed and serviced by the hospital using hospital resources.</p> <p>(f) Front Yard (minimum): 3.1 m</p> <p>(g) Rear Yard (minimum): 18.4 m</p> <p>(h) South Side Yard (minimum), 1 – 3 storeys: 3.0 m</p> <p>(i) South Side Yard (minimum), 4 – 6 storeys: 6.6 m</p> <p>(j) North Side Yard (minimum): 3.0 m</p> <p>(k) Floor Space Index (maximum): 1.85</p> <p>(l) Building Height (maximum): 24.1m (6 storeys)</p> <p>(m) Lot Coverage (maximum): 40%</p> <p>(n) A 15.0 metre building setback from the watercourse shall be required for the adjacent OS-2-93 Zone lands. Landscaping subject to the approval of the Lake Simcoe Region Conservation Authority shall be required within this 15.0 metre setback.</p> <p>(o) The boundary between the OS-2-93 and UC-H1-93 Zones reflects the eastern most limit of either the 15.0 metre setback or the Regional Flood Line Elevation of 241.6 metres and shall be further defined by a topographic survey.</p>				

Exception 94	Zoning R4-R-94	Map 14	By-Law Reference 2010-02	File Reference NP-A-05-49
i) Location: South Side of Gorham Street at Doak Lane, Opposite Carlson Drive				
ii) Legal Description: Part of Lot 33, Concession 2 E.Y.S.				
iii) Development Standards:				
(a) Number of Townhouse Dwellings (maximum): 60 units				
(b) Lot Frontage (minimum): n/a				
(c) Lot Area (minimum): n/a				
(d) Lot Frontage on a Private Road per Dwelling unit (minimum): 5.4 m				
(e) Setback from north property line or top of bank or Inside edge of armour stone wall (minimum): 15.0 m				
(f) Setback from east property line (minimum): 6.0 m				
(g) Setback from west property line (minimum): 6.5 m				
(h) Setback from south property line (minimum): 2.5 m				
(i) Setback from a garage to a private road (minimum): 5.5 m				
(j) Setback from the front main wall of a building to a private road (minimum): 4.5m				
(k) Setback from the side wall of a townhouse dwelling to a private road (minimum): 1.7 m				
(l) Setback from a townhouse dwelling to a visitor parking space (minimum): 3.0 m				
(m) Lot Coverage (maximum): 40%				
(n) Building Height, 3 storeys : 11.5 m				
(o) Building Height, 2 storeys : 10.6 m				
(p) Townhouse units that abut the west property line shall have a maximum building height of 2 storeys . Where a block of townhouses has a requirement for an end unit to be 2 storeys (maximum) the opposite end unit must also be 2 storeys .				
(q) Second- storey decks or balconies shall not be permitted on townhouse dwellings that abut the west property line.				
(r) 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.				

Exception 94	Zoning R4-R-94	Map 14	By-Law Reference 2010-02	File Reference NP-A-05-49
<p>(s) 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.</p> <p>(t) For clarity, ‘common elements condominium’ means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.</p> <p>(u) 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.</p>				

Exception 95	Zoning EM-95	Map 7	By-Law Reference	File Reference
<p>i) Location: 116 Pony Drive; Unassigned Municipal Addresses on Journey’s End Circle</p> <p>ii) Legal Description: Part of Block 5 and Part of Block 7, Plan 65M-2515; Part of Block 2 and Block 4, Plan 65M-2515</p> <p>iii) Uses: ‘Manufacturing, Light’ uses are not permitted.</p>				

Exception 96	Zoning EM-96	Map 18	By-Law Reference	File Reference
<p>i) Location: 620 Steven Court</p> <p>ii) Legal Description: Lot 7, Plan 65M-2121</p> <p>iii) Uses: Building Supply Outlet; Contractor’s Yard; and, Light Equipment Sales and Rental uses shall also be permitted within a wholly enclosed building. Accessory Outdoor Storage shall also be permitted within the westerly side yard only.</p>				

Exception 97	Zoning UC-H2-97	Map 5	By-Law Reference	File Reference
<p>i) Location: 615 Davis Drive</p> <p>ii) Legal Description: Lots 5 and 6, Plan 56; Lot 7, Plan 91</p> <p>iii) Uses: A Financial Institution shall also be permitted.</p>				

Exception 98	Zoning UC-R-98	Map 2	By-Law Reference	File Reference
i)	Location: 17600 Yonge Street			
ii)	Legal Description: Part of Lot 96, Concession 1 W.Y.S.			
iii)	Uses: A ' Regional Shopping Mall ' shall also be permitted.			

Exception	Zoning	Map	By-Law Reference	File Reference
99	R1-D-99; R1-E1-99; R1-EX-99; R1-E2-99; R1-F1-99; R2-H1-99	21	2010-72; 2011-37; 2012-53	19T-2004004; NP-A-04-82

- i) Location: East side of Leslie Street, north of the Newmarket-Aurora border.
- ii) Legal Description: Part of Lot 27, Concession 3 E.Y.S.
- iii) Development Standards:

	R1-D-99	R1-E1-99	R1-EX-99	R1-E2-99	R1-F1-99	R1-H1-99
(a) Min. Lot Area	n/a					
(b) Min. Lot Frontage	15m	13.7m		12.5m	10.7m	14.7m
(c) Min. Lot Depth						
with a sidewalk	26m					24.5m
without a sidewalk	24.5m					
(d) Min. Front Yard						
with a sidewalk	4.5m					
without a sidewalk	3.5m					
(e) Min. Rear Yard	7.0m		6.0m	7.0m		
if one storey dwelling:	6.5m		6.0m	6.5m		
(f) Min. Interior Side Yard						
on one side:	1.2m	0.6m				1.2m
on the other side:	1.2m					n/a
(g) Min Building Separation:	1.8m	1.2m			1.8m	
(h) Min. Floor Area:	110.0m ²			100 m ²	n/a	
(i) Max Building Height :	11.0m					
(j) Max. Lot Coverage	n/a					
(k) Min. Driveway Width :						
(*7) (*13)	3.0m					
(l) Max. Driveway Width :	6.1m					
(*7) (*13)	but the driveway width shall not exceed 55% of the lot frontage .					
(m) Max. Driveway Length						
(*11)						
Segmented Garage door:	10.0m					
No Segmented Garage Door:	11.2m					

- (n) Numbered notations relating to (*7), (*11), and (*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.
- (o) Notwithstanding the minimum required **driveway** length for a **driveway** adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double **driveway** of at least 6.0 metres in width, the minimum **driveway** length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the **dwelling unit** or **porch** towards the **front lot line**.

Exception	Zoning	Map	By-Law Reference	File Reference
99	R1-D-99; R1-E1-99; R1-EX-99; R1-E2-99; R1-F1-99; R2-H1-99	21	2010-72; 2011-37; 2012-53	19T-2004004; NP-A-04-82
<p>(p) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, interested by such driveway shall be 6.0 metres.</p> <p>(q) No part of any building shall be constructed within 8 metres of Leslie Street.</p> <p>(r) Permitted Encroachments:</p> <p>An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 3.0 metres into the required front yard and 1.5 metres into the required exterior side yard and shall be permitted to have a maximum permitted height of 4.5 metres measured from the established grade to the underside of the rafters or ceiling of the porch, however, in no case shall the porch or steps be closer than 1.5 metres from the front lot line.</p> <p>Bay or box windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metres into the required front yard, rear yard or exterior side yard for a maximum width of 4.0 metres. In addition, a bay or box window projection into the required rear yard may include a door.</p> <p>Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.5 metres into any required yard.</p> <p>(s) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0m from the lot line of the flanking street, except where Leslie Street is the flanking street the minimum building setback shall be 8.0 metres. Further where any driveway and/or garage faces the exterior side yard the minimum driveway length provisions shall apply from the flanking street.</p> <p>(t) 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 the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.</p>				

Exception 100	Zoning I-B-100	Map 13	By-Law Reference 2010-71	File Reference D9-NP1007/D14-NP1007																						
i) Location: 649, 653 and 657 Queen Street ii) Legal Description: Lot 36 and Part of Lot 37 Registered Plan 344, Town of Newmarket iii) Uses: Only a residential hospice iv) Development Standards: <table border="1" data-bbox="272 562 1144 1045"> <tbody> <tr> <td>(a) Min. Lot Area:</td> <td>2,710.0 m²</td> </tr> <tr> <td>(b) Min. Lot Frontage:</td> <td>40m</td> </tr> <tr> <td>(c) Min. Setback from Front Lot Line:</td> <td>7.5m</td> </tr> <tr> <td>(d) Min. Setback from Rear Lot Line:</td> <td>0.0m</td> </tr> <tr> <td>(e) Min. Setback from west Lot Line:</td> <td>1.5m</td> </tr> <tr> <td>(f) Min. Setback from east Lot Line:</td> <td>18m</td> </tr> <tr> <td>(g) Max. Lot Coverage:</td> <td>35%</td> </tr> <tr> <td>(h) Max. Height:</td> <td>10.0m</td> </tr> <tr> <td>(i) Min. Required Parking Spaces:</td> <td>14</td> </tr> <tr> <td>(j) Max. Parking Spaces in Front Yard:</td> <td>4</td> </tr> <tr> <td>(k) Loading Space Requirements:</td> <td>Not Applicable</td> </tr> </tbody> </table>					(a) Min. Lot Area:	2,710.0 m ²	(b) Min. Lot Frontage:	40m	(c) Min. Setback from Front Lot Line:	7.5m	(d) Min. Setback from Rear Lot Line:	0.0m	(e) Min. Setback from west Lot Line:	1.5m	(f) Min. Setback from east Lot Line:	18m	(g) Max. Lot Coverage:	35%	(h) Max. Height:	10.0m	(i) Min. Required Parking Spaces:	14	(j) Max. Parking Spaces in Front Yard:	4	(k) Loading Space Requirements:	Not Applicable
(a) Min. Lot Area:	2,710.0 m ²																									
(b) Min. Lot Frontage:	40m																									
(c) Min. Setback from Front Lot Line:	7.5m																									
(d) Min. Setback from Rear Lot Line:	0.0m																									
(e) Min. Setback from west Lot Line:	1.5m																									
(f) Min. Setback from east Lot Line:	18m																									
(g) Max. Lot Coverage:	35%																									
(h) Max. Height:	10.0m																									
(i) Min. Required Parking Spaces:	14																									
(j) Max. Parking Spaces in Front Yard:	4																									
(k) Loading Space Requirements:	Not Applicable																									
(l) A minimum of 10 designated parking spaces shall be permitted to be located off site on lands adjacent to the lands subject to this By-Law. (m) A buffer area of nil shall be permitted between any driveway or parking spaces and the southerly lot line .																										

Exception 101	Zoning CS-101	Map 7	By-Law Reference 2011-32	File Reference D14-NP-11-06								
i) Location: 1120 and 1134 Kerrisdale Blvd. ii) Legal Description: Lots 55 and 56, Registered Plan 65M-2730, Town of Newmarket iii) Uses: Service Commercial iv) Development Standards: <table border="1" data-bbox="259 1654 1404 1906"> <tbody> <tr> <td>(a) Vehicle Storage and Display Minimum Setback from Rear Lot Line:</td> <td>3.0 m</td> </tr> <tr> <td>(b) Vehicle Storage and Display Minimum Setback from Side Lot Line:</td> <td>3.0 m</td> </tr> <tr> <td>(c) Minimum Required Parking Spaces:</td> <td>148</td> </tr> <tr> <td>(d) Required width of undivided driveway on Leslie St. and Kerrisdale Blvd.</td> <td>12 m</td> </tr> </tbody> </table>					(a) Vehicle Storage and Display Minimum Setback from Rear Lot Line:	3.0 m	(b) Vehicle Storage and Display Minimum Setback from Side Lot Line:	3.0 m	(c) Minimum Required Parking Spaces:	148	(d) Required width of undivided driveway on Leslie St. and Kerrisdale Blvd.	12 m
(a) Vehicle Storage and Display Minimum Setback from Rear Lot Line:	3.0 m											
(b) Vehicle Storage and Display Minimum Setback from Side Lot Line:	3.0 m											
(c) Minimum Required Parking Spaces:	148											
(d) Required width of undivided driveway on Leslie St. and Kerrisdale Blvd.	12 m											

Exception 102	Zoning EG-102	Map 7	By-Law Reference 2011-25	File Reference
i)	Location:	1220 Stellar Drive		
ii)	Legal Description:	65R8600 Parts 5 & 6, 65R8888 Parts 3 & 4, Town of Newmarket		
iii)	Uses:	a Commercial Recreation Centre shall also be permitted		

Exception 102	Zoning CO-1-102	Map 13	By-Law Reference 2011-33, 2011-34	File Reference D14-NP1016
i)	Location:	1064 Srigley Street		
ii)	Legal Description:	Lot 37 Registered Plan 443, Town of Newmarket		
iii)	Uses:	Medical Office, Office		
iv)	Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned CO-1-102:			
	a)	a parking area for employees and visitors may be permitted in the minimum front yard or minimum exterior side yard and shall be separated from any adjacent street line by a strip of land not less than 1.5 metres		
	b)	a minimum buffer strip of 1.0 metre shall be provided adjacent the southerly lot line and a minimum buffer of 1.5 metres shall be provided along the north-easterly lot line (daylighting triangle)		
	c)	a landscape buffer may consist of plantings, fencing and/or berms		
	d)	planting within a landscape buffer shall not be subject to any maximum or minimum height requirements		
	e)	Loading spaces shall not be required		
	f)	a minimum rear yard building setback of 7 metres shall be required		

Exception 103	Zoning R1-D-103	Map 12	By-Law Reference 2011-34	File Reference D14-NP-11-01
i) Location: 415 Queen Street ii) Legal Description: Lot 39, Plan 222, Town of Newmarket iii) Uses (main building): only a private elementary school shall be permitted, provided the residence is owner occupied; a dwelling unit iv) Uses (accessory building): only uses accessory to a private school and dwelling unit are permitted v) Development standards: (a) Front yard building setback 3.5m (b) Gross Floor Area maximum (private Elementary school) 190m ² (c) Maximum number of students 35 (d) Floor area maximum for accessory buildings 130m ² (e) Loading spaces shall not be required (f) A landscape buffer , no less than 3 metres in width be required along the easterly lot line				

Exception 104	Zoning EM-104	Map 13	By-Law Reference 2011-38	File Reference D14-NP1103
i) Location: Southwest corner of Nicholson Road and Harry Walker Parkway South ii) Legal Description: Lot 1, Plan 65M2677, Town of Newmarket iii) Development Standards a) a maximum building height of 15 metres shall be permitted				

Exception 105	Zoning	Map	By-Law Reference	File Reference
Left blank intentionally.				

Exception 106	Zoning EM-106	Map 15	By-Law Reference 2011-71	File Reference NP-P-11-03
i) Location: west side of Harry Walker Parkway South ii) Legal Description: Part Lot 31, Concession 3, Parts 1, 2 and 3, Plan 65R-27665 iii) Prohibited Use: Notwithstanding the permitted uses for the EM-106 Zone, a hotel is not permitted.				

Exception 107	Zoning EM-107	Map 15	By-Law Reference 2012-05	File Reference NP-P-11-11
<p>i) Location: East side of Harry Walker Parkway, north of Mulock Drive</p> <p>ii) Legal Description: Part of Lot 31, Concession 3 E.Y.S., Town of Newmarket</p> <p>iii) Uses: In addition to those uses already permitted in the EM zone, accessory retail uses are permitted on the ground floor of any office, Hotel or Sports Arena; stand-alone retail uses are also permitted and shall not exceed 20% of the permitted ground floor area of all buildings on the lands subject to this by-law;</p> <p>Uses Prohibited: a source separated organics composting facility</p> <p>iv) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned EM-107 and shown on schedule 'X' attached hereto:</p> <ul style="list-style-type: none"> a) Office buildings shall be permitted to have a maximum Gross Floor Area of 15,000 m² b) an office building shall have a maximum height of 10 storeys (41 metres) c) standalone retail uses shall not have a Gross Floor Area greater than 2,800 m² per premises d) the maximum permitted Gross Floor Area for all standalone retail uses is 7,246 square metres e) any floor area in a parking garage is not included in the lot coverage calculation 				

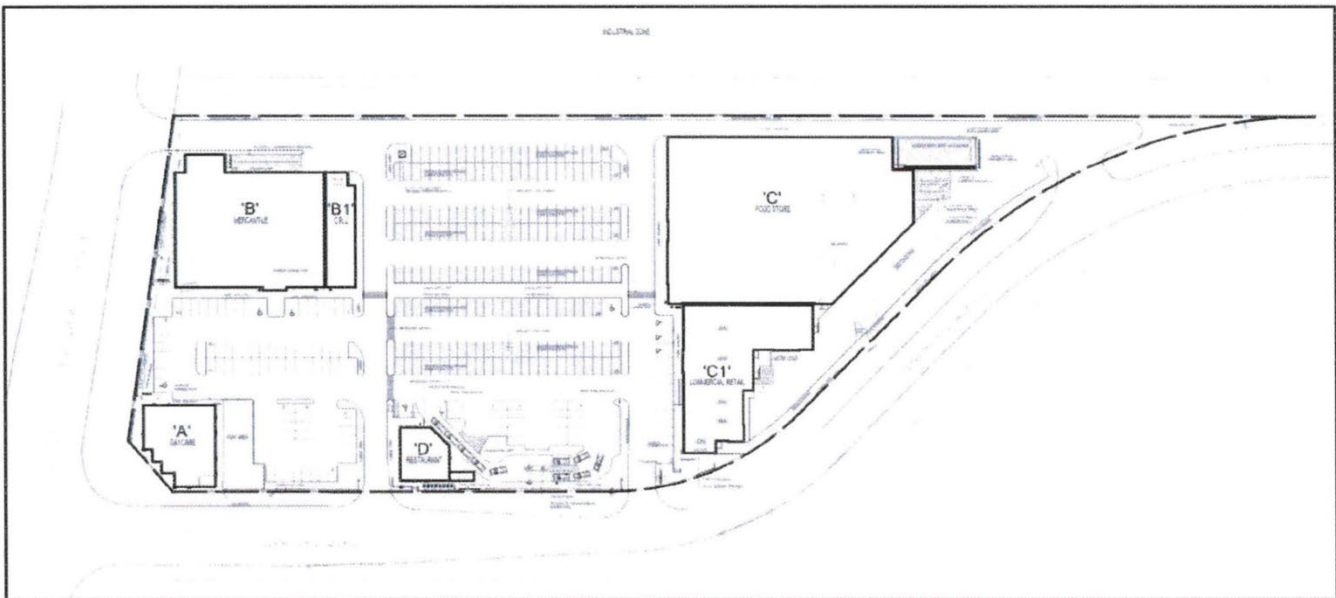
Exception	Zoning	Map	By-Law Reference	File Reference
108	(H)CR-2-108	19	2012-23; 2020-13	D14-NP-11-07 D14-NP-19-12

- i) Location: northeast corner of Bayview Avenue and Stonehaven Avenue
- ii) Legal Description: Pt Lot 28, Concession 2, Pt of Pts 1 & 2, Plan 65R15778, Town of Newmarket
- iii) **Uses:** Notwithstanding the permitted **uses** for the CR-2-108 Zone, the following **uses** shall not be permitted: **hotel; institutional day centre; motor vehicle** service or **motor vehicle** repair shop; **place of worship**.

A dry cleaning depot and dry cleaning establishment may be permitted subject to the completion of a Risk Assessment and Risk Management Plan in accordance with the **Ontario Clean Water Act, 2006** as amended from time to time.

A day nursery shall only be permitted within the structure indicated as 'A' on the plan below.

A commercial school shall only be permitted within the portion of the structure indicated as 'C1' on the plan below.



- iv) Development standards
 - a) **Front yard building** setback (Stonehaven Avenue) 0.23m minimum
 - b) **Exterior side yard building** setback (Bayview Avenue) 2.28m minimum
 - c) **Rear yard building** setback (north lot line) 6.00m minimum
 - d) A **landscape buffer** having a minimum width of 2.28 metres shall be provided along Bayview Avenue and a **landscape buffer** having a minimum width of 1.50 metres shall be provided along the northerly property line.

- e) Required parking shall be calculated at the rate of 4.25 spaces per 90m² of **gross floor area**.
- f) A **parking lot** shall be located a distance of 2.28m from Bayview Avenue.
- g) A total of 4 entrance and exit ramps shall be permitted.
- h) The most easterly entrance/exit ramp along Stonehaven Avenue shall have a maximum width of 13.01m.
- i) The access to **loading spaces** along the northerly property boundary shall have a minimum width of 4.5m.

Exception 109	Zoning EM-109	Map 15	By-Law Reference 2012-20	File Reference D14-NP-1108
<p>i) Location: Southeast corner of Davis Drive and Harry Walker Parkway South</p> <p>ii) Legal Description: 1250 Davis Drive & 1240 Twinney Drive, Town of Newmarket</p> <p>iii) Uses: In addition to those uses already permitted in the EM zone, the following uses shall also be permitted:</p> <p>Block A and B- Retail Store, Light Equipment Sales and Rental, sole medical practitioner and accessory outdoor display and sales.</p> <p>Block B - a Large Format Retail Store</p> <p>iv) For the purposes of this by-law a Large Format Retail Store shall be defined as follows:</p> <p>Means a premises in which goods and merchandise are offered or kept for retail sale or rental to the public and shall include a Retail Warehouse Store.</p> <p>v) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned EM-109 and shown on schedule 'X' attached hereto:</p> <p>f) A Large Format Retail Store shall not have a Gross floor area greater than 12,541 m² and be limited to one Large Format Retail Store on the lands subject to this by-law.</p> <p>g) A parking requirement of 1 space per 20m² of Gross floor area shall be required for a Large Format Retail Store.</p> <p>h) Standalone retail uses shall not have a Gross floor area greater than 3,716 m² per premises.</p> <p>i) the maximum permitted Gross floor area for all standalone retail uses is 8,350 square metres</p> <p>j) A hotel shall be permitted to have a maximum height of 6 storeys (18m)</p> <p>k) A minimum Front Yard building setback (Davis Drive) of 3.0m shall be required.</p> <p>l) A landscape buffer having a minimum width of 3.0m shall be provided along Davis Drive.</p> <p>m) A loading space shall be permitted to have a minimum length of 9.0m.</p> <p>n) Where the lands subject to this by-law abut lands under the jurisdiction of the Ministry of Transportation, a minimum setback of 14m shall be required for any structure, utilities, fire routes and required parking.</p>				

Exception 110	Zoning EM-110	Map 15	By-Law Reference 2012-25	File Reference D14-NP-11-21
<p>i) Location: North side of Gorham Street, west of East Hill Court</p> <p>ii) Legal Description: 1009 Gorham Street, Town of Newmarket</p> <p>iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R1D-110:</p> <p>a) The minimum Rear Yard Setback shall be 27.5 metres</p> <p>b) The interior side yard setback adjacent to lots 16, 17 and 18 on Plan 65M-59 shall be as follows:</p> <p>i) one storey structure 2.6 metres</p> <p>ii) two storey structure 1.8 metres</p> <p>c) Minimum lot frontage shall be 16m</p> <p>d) Maximum driveway width of 8m shall be permitted</p>				

Exception 111	Zoning UC-HC3-111	Map 12	By-Law Reference 2012-34	File Reference D14-NP-11-19
<p>i) Location: 55 and 59 Charles Street</p> <p>ii) Legal Description: Lot 26, Registered Plan 125, Town of Newmarket</p> <p>iii) Uses: Only an Office or Medical Office and ancillary uses</p> <p>iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:</p> <p>a) Maximum Gross Floor Area 575m²</p> <p>b) Minimum number of parking spaces 18</p> <p>c) Minimum Rear Yard Building Setback 3m</p> <p>d) Loading Spaces Shall not be required</p> <p>e) Minimum Driveway Entrance/Exit driveway 6m</p> <p>f) Minimum Parking Aisle Width 6m</p> <p>g) Minimum Side Yard Landscape Buffer 1.5m</p> <p>h) Minimum Rear Yard Landscape Buffer nil</p> <p>i) A parking lot shall be permitted in any yard</p> <p>j) A parking lot shall be setback a minimum 1.5m from the side yards and 0.3m from the rear yard</p>				

Exception 112	Zoning UC-HC3-112	Map 12	By-Law Reference 2012-64	File Reference D14-NP-12-11
i) Location: 21 Charles Street				
ii) Legal Description: Lot 36, Registered Plan 125, Town of Newmarket				
iii) Uses: Only an Office or Medical Office and ancillary uses				
iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:				
a) Front Yard Setback 1.98m				
b) Side Yard Setback (north) 3.05m				
c) Side Yard Setback (south) 6.20m				
d) Loading spaces shall not be required				
e) Minimum Driveway entrance width 6.0m				
f) Minimum Driveway width 5.54m				
g) Minimum Parking aisle width 6.6m				
h) Minimum south side landscaped buffer 0.0m				
i) Minimum north side landscape buffer 1.0m				
j) Minimum rear landscape buffer 0.0m				

Exception 113	Zoning R1-B-113	Map 13	By-Law Reference 2012-74	File Reference A11/2004 & A41 2004
i) Location: 849 Gorham Street				
ii) Uses: a Personal Service Shop shall also be permitted within the existing building .				

Exception 114	Zoning R1-D-114	Map 11	By-Law Reference 2012-74	File Reference A13/2007
i) Location: 417 Oak Street				
ii) Uses: A 4-plex shall also be permitted				

Exception 115	Zoning CO-2-115	Map 10	By-Law Reference 2007-91 & 2012-74	File Reference NP-A-06-45
i) Location: 407 Eagle Street				
ii) Uses: One Medical Practitioner and an apartment only				
iii) Development Standards:				
k) Min. width of a driveway at the street line 5.5m				
l) Min. Buffer area/Planting strip 1.6m				
m) A loading space shall not be required				
n) A parking area shall be permitted 1.6m from the easterly lot line				
o) Front Yard setback 5.1m				

Exception 116	Zoning IB-116 & IC	Map 16	By-Law Reference 2012-71	File Reference D14-NP-12-15
i) Location: 16580 and 16604 Yonge Street				
ii) Uses: A Special Needs Facility (Women's Shelter)				
iii) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:				
p) Minimum Front Yard Setback 3.3m				
q) Minimum Front Yard Setback to roof overhang 2.5m				
r) Minimum Rear Yard Building Setback 34m				
s) Minimum Interior Side Yard Setback 1.8m				
t) Minimum Exterior Side Yard Setback 3m				
u) Minimum Building Setback to Daylighting Triangle 3m				
v) Minimum Building Setback to daylighting triangle (roof overhang) 1.4m				
w) Maximum Lot Coverage 15%				
x) Maximum Height 15m				
y) Minimum of 11 parking spaces are required for a Special Needs Facility				
z) Parking Spaces may be located within 1.5m of a Street Line				
aa) Minimum Driveway Entrance/Exit driveway 6.7m				
bb) Minimum Landscape Buffer Where Abutting a Street 1.5m				
cc) Minimum Landscape Buffer Abutting Existing Residential 7m				

Exception 117	Zoning CC-117	Map 13	By-Law Reference 2012-79	File Reference D14-NP-12-19
<p>i) Location: 17310 Leslie Street</p> <p>ii) Notwithstanding any other provision of the Zoning By-law, the following shall be applied to the lands subject to this by-law:</p> <p>a) Permitted Uses</p> <ul style="list-style-type: none"> • Office • Day Nursery • Medical Practitioner, Sole • Personal Service Shop <p>b) Maximum Height 10.7m (2 Storeys)</p> <p>c) Minimum of 5 parking spaces are required for an accountant's office of 223m² net space</p> <p>d) No loading spaces are required for an accountant's office of 223m² net space</p> <p>e) Minimum Driveway Entrance/Exit 6m (north) and 7.5m (south)</p> <p>f) Minimum Landscape Buffer and Location of a Parking Lot abutting Leslie Street – 1.3m</p> <p>g) Minimum Landscape Buffer and Location of a Parking Lot abutting the south lot line – 0m</p> <p>h) Minimum Drive Aisle 6.0m</p>				

Exception 118	Zoning R1-D-118; R1-F; R2-H	Map 8 & Schedule X (2003-121)	By-Law Reference 2013-05	File Reference 19TN 2012 002; D12 1205 & D14 1205												
<p>i) Location: Southeast Corner of Davis Drive and Bathurst Street</p> <p>ii) Legal Description: Part of Lot 95, Concession 1, WYS</p> <p>iii) Development Standards:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>R1-D-118</th> </tr> </thead> <tbody> <tr> <td>(a) Min. Lot Area:</td> <td>475m²</td> </tr> <tr> <td>(b) Min. Lot Frontage:</td> <td>15m</td> </tr> <tr> <td>(c) Min. Front Yard with a sidewalk: without a sidewalk:</td> <td>4.5m 3.5m</td> </tr> <tr> <td>(d) Min. Rear Yard:</td> <td>7.5 m</td> </tr> <tr> <td>(e) Min. Interior Side Yard:</td> <td>1.2m</td> </tr> </tbody> </table>						R1-D-118	(a) Min. Lot Area :	475m ²	(b) Min. Lot Frontage :	15m	(c) Min. Front Yard with a sidewalk: without a sidewalk:	4.5m 3.5m	(d) Min. Rear Yard :	7.5 m	(e) Min. Interior Side Yard:	1.2m
	R1-D-118															
(a) Min. Lot Area :	475m ²															
(b) Min. Lot Frontage :	15m															
(c) Min. Front Yard with a sidewalk: without a sidewalk:	4.5m 3.5m															
(d) Min. Rear Yard :	7.5 m															
(e) Min. Interior Side Yard:	1.2m															

(f) Min. Exterior Side Yard	3.0m
(g) Max. Building Height:	10.7m (2 Storeys)
(h) Max. Lot Coverage:	45%
(i) Min. Driveway Width: (*7) (*13)	3.0m
(j) Max. Driveway Width: (*7) (*13)	6.0m
(k) Min. Driveway Length (*11) Segmented Garage Door:	10.0m

(l) Numbered notations relating to (*7), (*11), and (*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.

(n) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 6.0 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.

Exception	Zoning	Map	By-Law Reference	File Reference
119	(H)UC-P-119	4	OMB Order February 25, 2013, as amended on April 3, 2013	D14-NP-11-15
Repealed by By-law 2018-12.				

Exception	Zoning	Map	By-Law Reference	File Reference
119	R1-B-119, R1-C-119, R1-D-119	10 & 13	2013-30	N/A
Repealed by By-law 2020-63				

Exception	Zoning	Map	By-Law Reference	File Reference
120	EG-120	15	2013-29	D14-NP-13-03
i) Location: 400 Harry Walker Parkway South ii) Legal Description: Lot 18, plan 65M-2677 iii) Notwithstanding any other provision of Zoning By-law 2010-40, the following shall be applied to the lands subject to this by-law: <ul style="list-style-type: none"> a) Additional Permitted Use: retail accessory to a warehouse use. b) Maximum floor area of retail uses accessory to a warehouse: 1043 sq. m. 				

Exception	Zoning	Map	By-Law Reference	File Reference
120	R1-D-120; R1-E-120; R1-F-120	19	2013-50	19TN 2005 004; D14-NP12 29/D12-NP12 29

- i) Location: Helena Court, Mickleburgh Drive, Harry Douglas Street, Somerville Drive, Carm Shier Court
- ii) Legal Description: Part of Lot 29, Concession 11, EYS
- iii) Development Standards:

	R1-D-120	R1-E-120	R1-F-120
Min. Lot Area:	n/a		
Min. Lot Frontage	15m	12m	10m
Min. Lot Depth with a sidewalk:	26m		
without a sidewalk:	25m		
Min. Front Yard with a sidewalk:	4.5m		
without a sidewalk:	3.5m		
Min. Rear Yard:	7.0m		
If one storey dwelling	6.5m		
Side Yard Setbacks on one side:	1.2m	0.6m	
on the other side:	0.6m	0.6m	
Min. Building Separation	1.2m		
Max. Building Height	11.0m		
Max. Driveway Width (*7)	6.0m	5.5m	
Min. Driveway Length: (*11) (*12)	10m	10m	

(a) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, interested by such driveway shall be 5.0 metres.

(b) Permitted Encroachments:
An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramps(s) shall be permitted to encroach 3.0 metres into the required front yard and 1.5 metres into the required exterior side yard and shall be permitted to have a maximum permitted height of 4.5 metres measured from the established grade to the underside of the rafters or ceiling of the porch, however, in no case shall the porch or steps be closer than 1.5 metres from the front lot line.

Bay or box windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metre into the required front yard, rear yard and exterior side yard for a maximum width of 4.0 metres. In addition, a bay or box window projection into the required rear yard may include a door.

Exception	Zoning	Map	By-Law Reference	File Reference
120	R1-D-120; R1-E-120; R1-F-120	19	2013-50	19TN 2005 004; D14-NP12 29/D12-NP12 29
<p>Sills, belt courses, cornices, gutters, chimneys, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.5 metres into any require yard.</p> <p>(c) No part of any main building shall be constructed in the exterior side yard or rear yard a distance of less than 2.0 metres from the lot line of the flanking street. Further where any driveway and/or garage faces the exterior side yard, the minimum driveway length provisions shall apply from the flanking street.</p> <p>(d) On a corner lot where a daylighting triangle or rounding has been conveyed to the 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 the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.</p>				

Exception	Zoning	Map	By-Law Reference	File Reference																														
121	UC-D2-121	12	2013-61	D14-NP-13-09																														
<p>i) Location: 487 Queen Street</p> <p>ii) Notwithstanding any other provision of Zoning By-law 2010-40, the following provisions shall also be applied to the lands subject to this by-law for a 16-unit residential development:</p> <table border="0"> <tr> <td>a) Front yard setback</td> <td>1.7m</td> </tr> <tr> <td>b) Rear yard setback</td> <td>17m</td> </tr> <tr> <td>c) West side yard setback</td> <td>6.8m</td> </tr> <tr> <td>d) East side yard setback</td> <td>1m</td> </tr> <tr> <td>e) Maximum floor space index</td> <td>1.2</td> </tr> <tr> <td>f) No barrier free parking spaces are required for a non-accessible 16-unit residential building.</td> <td></td> </tr> <tr> <td>g) Minimum of 20 parking spaces are required for a 16-unit residential building: maximum of 21 parking spaces.</td> <td></td> </tr> <tr> <td>h) No loading spaces are required for a 16-unit residential building</td> <td></td> </tr> <tr> <td>i) Minimum entrance at street line</td> <td>5.6m</td> </tr> <tr> <td>j) Minimum landscape buffer</td> <td>0m</td> </tr> <tr> <td>k) Minimum setbacks for a parking lot from side and rear lot lines – 0m</td> <td></td> </tr> <tr> <td>l) Minimum driveway width</td> <td>5.2m</td> </tr> <tr> <td>m) Minimum drive aisle width</td> <td>6.7m</td> </tr> <tr> <td>n) Steps may encroach into the front yard setback to a 0m setback on the east end of the building and 0.6m on the west end of the building.</td> <td></td> </tr> <tr> <td>o) Snow storage does not have to be accommodated on site.</td> <td></td> </tr> </table>					a) Front yard setback	1.7m	b) Rear yard setback	17m	c) West side yard setback	6.8m	d) East side yard setback	1m	e) Maximum floor space index	1.2	f) No barrier free parking spaces are required for a non-accessible 16-unit residential building.		g) Minimum of 20 parking spaces are required for a 16-unit residential building: maximum of 21 parking spaces.		h) No loading spaces are required for a 16-unit residential building		i) Minimum entrance at street line	5.6m	j) Minimum landscape buffer	0m	k) Minimum setbacks for a parking lot from side and rear lot lines – 0m		l) Minimum driveway width	5.2m	m) Minimum drive aisle width	6.7m	n) Steps may encroach into the front yard setback to a 0m setback on the east end of the building and 0.6m on the west end of the building.		o) Snow storage does not have to be accommodated on site.	
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Exception 122	Zoning R1-D-122	Map 8	By-Law Reference 2014-25 OMB Decision PL130413& PL100685	File Reference D9-NP-12 10 and 19TN 2012-001
i) Location: South of Davis Dr, Crossland Gate and Millard Avenue West ii) Legal Description: Lots to 7 to 69, Lots 71 to 158, Block 161 iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R1-D-122 shown on Schedule 'X' attached hereto Development Standards:				
(a) Minimum Yard Setback from Front Lot Line			7.0m	
(b) Lots 7-36, Lot 52. Lots 56-69, Lots 71-158, Block 161 Minimum Yard Setback from Rear Lot Line			8.0m	
(c) Lots 37-51, 53-55 Minimum Yard Setback from Rear Lot Line			15.5m	
(d) Lots 48 to 56- Decks				
1) Maximum height			2.0m	
2) Maximum permitted encroachment into rear yard			3.6m	
(e) Lots 116-118 Uses			May also be used for an elementary school in accordance with the I-B zone regulations	

Exception 123	Zoning R1-D-122	Map 8	By-Law Reference 2014-25 OMB Decision PL130413 & PL100685	File Reference D9-NP1210 and 19TN 2012-001
i) Location: South of Davis Dr, Crossland Gate and Millard Ave West ii) Legal Description: Block 162 and 163 iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R1-D-123 shown on Schedule 'X' attached hereto				
(a) Minimum Yard Setback from Front Lot Line			4.5m to dwelling 6.0 to garage	
(b) Minimum Yard Setback from Rear Lot Line			8.5	
(c) Maximum Lot Coverage			37%	
(d) Maximum Height			9.0m (1.5 storey)	
(e) Minimum Driveway Width			6m	

Exception	Zoning	Map	By-Law Reference	File Reference
123	R1-C-123; R1-D-123	19	2014-28; 2019-27	19TN 2005 004; D14-NP 12 29/ D12-NP 12 29
i) Location: Harry Douglas Street, Somerville Dr, Carm Shier Crt, Helena Crt, Mickleburgh Dr, part of Dillman Ave				
ii) Legal Description: Part of Lot 29, Concession 11, EYS				
iii) Development Standards:				
			R1-D-123	R1-C-123
Min Lot Area			n/a	n/a
Min Lot Frontage			15m	18m
Min lot depth				
With a sidewalk			26m	
Without a sidewalk			25m	
Min front yard				
With a sidewalk			4.5m	
Without a sidewalk			3.5m	
Min rear yard			7.0m	
If one storey dwelling			6.5m	
Side yard setbacks				
One side			1.2m	
Other side			0.6m	
Min building separation			1.2m	
Max building height			11m	
Max driveway with (*7)			6.0m	
Min driveway length (*11)			10m	
Lot coverage			50%	50%

Exception 124	Zoning UC-R-124	Map 10	By-Law Reference 2014-54	File Reference D14-NP-14-04
<p>i) Location: 212 Davis Dr- South side of Davis Dr</p> <p>ii) Legal Description: Lot 4, Registered Plan 32, Town of Newmarket (PIN 03602-0347 (LT)).</p> <p>THAT By-law 2010-40, be and the same is hereby further amended by:</p> <ol style="list-style-type: none"> 1. Pursuant to Section 37 of the Planning Act, the increased height and density permitted by this By-law on the said lot are permitted subject to the owner building a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, and the provisions for which shall be secured by an agreement or agreements pursuant to Section 37 (3) of the Planning Act. 2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act, securing that the building will be a purpose-built rental apartment with a commitment that the building remain rental for a minimum of 20 years, the said lot is subject to the provisions of this By-law, and is subject to the said agreement as a precondition to the issuance of a building permit. The owner may not erect or use such building until the owner has entered into such agreement. <p>iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage.</p> <p>iv) Development Standards: (see next page)</p>				

Exception	Zoning	Map	By-Law Reference	File Reference
124	UC-R-124	10	2014-54	D14-NP-14-04
(a) Min. Yard Setbacks:				
<u>Apartment Building:</u> From Front Lot Line (Davis Drive) From West Lot Line			Min. 3.0m ¹ Min 4.5m	
<u>Accessory Parking Structure:</u> From Rear lot Line as measured from the northerly limit of the future Minor Collector ROW:			Min. 3m from the future Minor Collector right of way. ²	
<u>Accessory Parking Structure: (*1)</u> From East Lot Line			Min. 3m	
<u>Accessory Parking Structure: (*1)</u> From West Lot Line			Min. 6m	
<u>Accessory Parking Structure Ramp:</u> From the West Lot Line			Min. 2.9m	
(b) Max. Yard Setback:				
<u>Apartment Building:</u> From Front Lot Line (Davis Drive)			Max. 15m	
<u>Accessory Parking Structure: (*1)</u> From West Lot Line			Max. 9.6m (excluding any ramps)	
(c) Maximum Total Lot Coverage for all Accessory Structures:			30%	
(d) Max. Floor Space Index:			2.0 FSI based on the net lot area of the property that is the subject of the zoning amendment as described below in provision (v).	
(e) Min. Floor Space Index:			1.5 FSI based on net land area described below in provision (v).	
(f) Max. Height of Apartment Building: Where height is in metres and storeys, the measurement in metres shall prevail.				
			46m (15 storeys)	
(g) Podium Structure:				
Maximum Height of an enclosed or open podium structure located on Davis Drive frontage			Max. 10m	
Minimum Height of an enclosed or open podium structure located on Davis Drive frontage			Min. 4.2m	
Minimum step back			Min. 3.0m	
Minimum frontage			Min. two-thirds the width of the frontage of the apartment building facing Davis Drive.	
(h) Apartment Building Ground Floor Height:			Min. 4.0m Max. 4.5m	

Exception 124	Zoning UC-R-124	Map 10	By-Law Reference 2014-54	File Reference D14-NP-14-04
(i) Parking Requirement for the Apartment Building:			Min. 0.86 per dwelling unit, plus 0.10 per dwelling unit for visitor parking. Max. 1.0 per apartment unit plus 0.1 per apartment unit for visitor parking.	
(j) Minimum width of entrance to future Minor Collector at the rear of 212 Davis Drive			6.7m	
(k) Height of Accessory Parking Structure:			Max. 6.6m above storage average finished grade	
<p>¹ The 3m easement, in favour of the Town, is established for the future burying of the overhead hydro lines on Davis Drive and will provide the necessary above ground space for facilities including future cycling facility and wider sidewalks on Davis Dr.</p> <p>² The future Minor Collector ROW is to be dedicated to the Town and will have minimum width of 20m.</p> <p>(*1) Any below grade portions of the Accessory Parking Structure may encroach within 0.5m of the east and west lot lines provided the surface area above the below grade parking structure remains useable for the designed purpose, e.g., landscaping, pedestrian access, private street, etc.</p> <p>(v) Net lot area shall be calculated based on the entire property at the time of application of the By- law amendment (April 28, 2014), inclusive of the public Minor Collector across the rear of 212 Davis Drive and all private internal streets/lanes and the land included in the easements for underground hydro utilization across the frontage of Davis Drive.</p> <p>(vi) Podium Structure means the lower part of the apartment building that is designed to break up the front façade and define the street edge. The podium refers to the overall structure that extends beyond the front wall of the lower portion of the building.</p> <p>(vii) Special note (*3) of Section 6.4.1 shall not apply.</p> <p>(viii) Special notes (*2-5) of Section 6.4.2 pertaining to terracing and setbacks shall not apply.</p> <p>(ix) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.</p>				

Exception	Zoning	Map	By-Law Reference	File Reference
124	R4-N-124	8	2014-25 OMB Decision PL130413& PL100685	D9-NP-1210 and 19TN 2012- 001

- i) Location: South of Davis Drive, Crossland gate and Alex Doner Drive
- ii) Legal Description: Blocks 159 and 160
- iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R4-N-124 shown on Schedule 'X' attached hereto

Development Standards:

(a) Minimum Lot Area Per Dwelling Unit	240 m ²
(b) Front Lot Line of Block 160	Street "B"
(c) Minimum Lot Frontage	3.0m per total parcel, with a minimum frontage on a common driveway of 5.5m per dwelling unit
(d) Minimum Yard Setback from a Public Road	4.0m
(e) Minimum Yard Setback from Any other Lot Line	3.0m
(f) Minimum Width of Landscaped Open Space Abutting an Existing Single-Detached Dwelling	12.0m
(g) Minimum Building Separation	3.0m
(h) Maximum Lot Coverage of Block	35%
(i) Maximum Height	11.0m (3 storeys)
(j) Minimum Private Amenity Space Block 159	900m ²
Block 160	3300m ²

- iv) All units within 12m of Davis Drive, Street 'B', Alex Doner Drive or Crossland Gate shall have a front entry door, but no garage, facing the public road and a second entry with garage facing an interior private road.

Exception	Zoning	Map	By-Law Reference	File Reference
125	(H)R1-E-125; (H)R1-F-125; (H)R2-H-125; (H)R4-R-125; (H)R4-R1-125	2	2014-51 OMB Decision PL130413& PL100685 2019-38	19TN 2013-003; D12 13 22 & D14 13 22

i) Location: North side of Davis Drive, West of Yonge Street.

ii) Legal Description: Part of Lot 96, Concession 1 W.Y.S.

iii) Permitted Uses:

Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4-R- 125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and townhouse dwelling units in accordance with Section 5iv) R4-R-125 of By-law 2014-51.

Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A/(H)R4- R1-125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and back to back townhouse dwelling units in accordance with Section 5iv) R4-R1-125 of By-law 2014-51

Notwithstanding any other provision of the by-law to the contrary, for the lands zoned I-A(H)-R2-H- 125, permitted uses shall include an elementary school in accordance with the Major Institutional zone requirements of Section 6.6 of By-law 2010-40 and semi-detached dwelling units in accordance with Section 5iv) R2-H-125 of By-law 2014-51

iv) Development Standards:

	R1-E-125	R1-F-125	R2-H-125	R4-R-125	R4-R1-125
(a) Min. Lot Area:	n/a				
(b) Min. Lot Frontage:	12.2m	10.7m	15.2m	6.0m (per unit)	6.1m (per unit)
(c) Min. Lot/block With a sidewalk	25.5m			27.5m	
Without a sidewalk	24.5m			26.5m	
(d) Min. Front Yard:	4.5m			3m	

Exception	Zoning	Map	By-Law Reference		File Reference
125	(H)R1-E-125; (H)R1-F-125; (H)R2-H-125; (H)R4-R-125; (H)R4-R1-125	2	2014-51 OMB Decision PL130413& PL100685 2019-38		19TN 2013-003; D12 13 22 & D14 13 22
(e) Min. Rear Yard			7.0m	6.0m	0m
(f) Min. Interior Side On one side On the other side			0.6m 1.2m	1.5m (end unit) n/a	
(g) Min. Building Separation:			1.2m	3.0m	
(h) Min. exterior Side Yard:			3.0m		2.4m
(i) Max. Building Height	11m (2 storeys)		11.5m (3 storeys) 12.2m (walkouts) 11m (2 storeys where abutting existing low density residential)		
(j) Max. Lot Coverage			n/a		
(k) Minimum off- street parking requirements exterior of any garage or structure:			2		
(l) Min Driveway Width: (*7)(*11)(*13)			3.0m		
(m) Max Driveway Width: (*7)(*13)		5.5 m	3.8 m	3.0 m	
(n) Min. Driveway Length (*11) Segmented Garage Door: Non Segmented Garage Door:			10.0m 11.2m		

Exception	Zoning	Map	By-Law Reference	File Reference
125	(H)R1-E-125; (H)R1-F-125; (H)R2-H-125; (H)R4-R-125; (H)R4-R1-125	2	2014-51 OMB Decision PL130413& PL100685 2019-38	19TN 2013-003; D12 13 22 & D14 13 22

- o) Numbered notations relating to (*7), (*11), and (*13) shall be in accordance with the same numbered notations listed under Section 6.2.3 of By-Law 2010-40.
- p) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage does not protrude past the front wall on the ground level of the dwelling unit or porch towards the front lot line.
- q) The minimum distance between a driveway and the intersection of 2 or more streets measured along the street line, intersected by such driveway shall be 6.0 metres.
- r) Permitted Encroachments:
 An unenclosed porch, covered or uncovered, and with or without a foundation or basement area, steps and/or handicapped ramp(s) shall be permitted to encroach 2.4 metres into the required front yard and 1.5 metres into the required exterior side yard. Steps may encroach up to 0.3m from the front or exterior side lot line.

 Bay windows with or without a floor or foundation shall be permitted to encroach up to 1.0 metre into the required front yard, rear yard or exterior side yard for a maximum width of 3.0 metres.

 Sills, belt courses, cornices, gutters, chimneys with or without a foundation, pilasters, eaves, parapets or canopies shall be permitted to encroach 0.6 metres into any required yard.

 Notwithstanding Section 5(iii)(L) any structural and/or decorative features shall be permitted to encroach into the minimum driveway width of 3.0m a maximum of 0.40m overall.
- s) On a corner lot where a daylighting triangle or rounding has been conveyed to the 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 the required minimum front yard, minimum exterior side yard and/or minimum lot depth requirements.
- t) Notwithstanding any other provision of the by-law to the contrary, Central Air Conditioning units for Back to Back townhouse dwelling units shall be permitted on a balcony facing the front yard accessed from an upper story of the dwelling unit.
- u) The maximum number of Townhomes permitted in one block shall not exceed 9 units.

Exception 125	Zoning (H)R5-T-125	Map 8	By-Law Reference 2014-25 OMB Decision PL130413& PL100685; 2020-38	File Reference D9-NP-1210,19TN 2012-001, D14-NP-19-05
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- i) Location: South of Davis Drive, East of Mitchell Place.
- ii) Legal Description: Block 164, Plan 19TN 2012-001
- iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned R5-T-125 shown on Schedule 1 attached to By-law 2020-38.

Uses permitted in addition to uses otherwise permitted by the R5 zone:

- Apartment Building
- Stacked Townhouse Dwelling

Development Standards:

Zone Standard	Stacked Townhouses	Apartment Buildings
(a) Minimum Lot Frontage	185m	
(b) Maximum Number of Dwelling Units	298	298
(c) Maximum Height	15.0 metres	6 storeys (25.5m), except that no part of any building shall exceed the height of 4 storeys (18.8m) within a distance of 60.0m from the rear lot line of an existing single-detached dwelling.
(d) Height Definition	Notwithstanding the definition of "Height" in Section 3, height shall mean the vertical distance measured between the average established grades as identified for each building and the top of the building exclusive of mechanical penthouse, parapets, green roofs, and roof terraces.	
(e) Lot Lines	The north lot line shall be deemed the front lot line. The south lot line shall be deemed the rear lot line.	
(f) Minimum Yard Setback from Rear Lot Line	30.0m	
(g) Minimum Width of Landscape Buffer Abutting the Rear Lot Line	30.0m	

Exception 125	Zoning (H)R5-T-125	Map 8	By-Law Reference 2014-25 OMB Decision PL130413& PL100685; 2020-38	File Reference D9-NP-1210,19TN 2012- 001, D14-NP-19-05
	(h) Minimum Yard Setback from Front Lot Line	3.0m		
	(i) Minimum Yard Setback from Exterior Side Lot Line	3.0m		
	(j) Minimum Yard Setback from Interior Side Lot Line	5.0m		
	(k) Minimum Private Amenity Space	1400m ²		
	(l) Parking for Residential Uses	1.42 spaces per dwelling unit		
	(m) Parking for Visitors	0.25 spaces per dwelling unit		
	(n) Minimum parking space size	2.6m by 5.5m		
	(o) Minimum two-way drive aisle width	6.7m		
	(p) Location of Parking	Parking may be outdoor at grade, within garages and/or underground.		
	(q) Encroachments	<p>The following may encroach into the required front, interior and exterior side yards but in no instance shall be closer than 1.2 metres from the property line: stairs, patios, garbage enclosures.</p> <p>The underground parking structure may encroach into all yards, but shall in no instance be closer than 0.9 metres from the property line.</p>		
	(r) Lot	Notwithstanding the definition of "Lot" in Section 3, the subject lands as shown in Schedule 1 of By-law 2020-38, are deemed one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of a plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of By-law 2020-38.		

Exception 126	Zoning CR-2-126	Map 14	By-Law Reference OMB Decision	File Reference D9-NP-1302; D14-NP 1302 OMB Case No. PL140952
<p>i) Location: 550 & 536 Mulock Court</p> <p>ii) Notwithstanding any other provisions of Zoning By-law 2010-40, the permitted uses on this property are limited to:</p> <ul style="list-style-type: none"> a) Commercial School b) Day Nursery c) Financial Institution d) Medical and Dental Laboratories e) Medical Office f) Office g) Personal Service Shop h) Retail Store i) Service or Repair Shop j) Studio <p>iii) Development Standards:</p> <ul style="list-style-type: none"> a) Notwithstanding any other provisions of Zoning By-law 2010-40, the front lot line of this lot is deemed to be the north property edge abutting Mulock Court b) Exterior side yard setback (Bayview Avenue) 3.0m minimum c) Rear yard setback (Mulock Drive) 3.0m minimum d) Minimum number of loading spaces 2 e) Minimum loading space size 3.3m x 9m f) Two (2) loading spaces are permitted in the front yard, a minimum of 6.9m from Mulock Court and a minimum of 2.8m from Bayview Avenue. g) Minimum required landscape buffer along Mulock Court 1.4m h) Minimum entrance width (Mulock Drive) 7.0m i) Location of parking lot along Mulock Court min. 1.4m j) Required off street parking shall be calculated as follows: <ul style="list-style-type: none"> 1) For Medical Offices at the rate of 1 space for 27m² of net floor area 2) For all other uses permitted by this bylaw, parking shall be provided in accordance with the provisions set out in section 5.3.2, Minimum Off-Street Parking Requirements in By-law 2010-40. 3) In no case shall less than 98 parking spaces be provided on the site. 				

Exception	Zoning	Map	By-Law Reference	File Reference
126	(H)CR-2-126	8	2014-25; OMB Decision PL130413& PL100685; 2020-38	D9-NP-12 10 and 19TN 2012-001; D14-NP-19-05

- i) Location: South of Davis Drive, East of Mitchell Place.
- ii) Legal Description: Block 165, Plan 19TN 2012-001
- iii) Notwithstanding any other provision of the by-law to the contrary, the following provisions shall apply to the lands zoned CR-2-126 shown on Schedule 1 attached to By-law 2020-38.

Uses: Residential Use-Live Work Unit

Uses: Commercial- Art Gallery, Studio, Personal Service Shop, Retail Store, Office

Development Standards:

(a) Minimum Lot Area	0.35ha
(b) Minimum Lot Frontage	60m on Mitchell Place
(c) Front Lot Line	Mitchell Place
(d) Minimum Yard Setback from a Public Road	3.0m
(e) Maximum Lot Coverage	35%
(f) Maximum gross floor area per Commercial Unit	60.0m ²
(g) Location of Commercial Unit	Ground floor only
(h) Parking for Residential Use	2 spaces per unit
(i) Parking for Commercial Uses	1 space per unit for the first 40m ² gross floor area, plus 1 space per 30m ² of aggregate commercial gfa for all units greater than 40m ² per unit.
(j) Garage Location	Not permitted on the side of the building facing the street
(k) Maximum Height	11.6m (3 storeys)
(l) Lot	Notwithstanding the definition of "Lot" in Section 3, the subject lands as shown in Schedule 1 of By-law 2020-38, are deemed

Exception	Zoning	Map	By-Law Reference	File Reference
126	(H)CR-2-126	8	2014-25; OMB Decision PL130413& PL100685; 2020-38	D9-NP-12 10 and 19TN 2012-001; D14-NP-19-05
				one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of a plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of By-law 2020-38.

Exception	Zoning	Map	By-Law Reference	File Reference
127	(H)CA-127	6	2015-28	D14-14-10
				<ul style="list-style-type: none"> i) Location: 17844 Leslie Street ii) Legal Description: Lot 41 and Part of Lot 40, Plan 378, Town of Newmarket iii) Uses: Only a Motor Vehicle Services Station and associated convenience/food store iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law: <ul style="list-style-type: none"> a) Minimum number of parking spaces 8 b) Minimum Rear Yard Building Setback 6m c) Loading Spaces shall not be required d) Minimum Rear Yard Landscape Buffer 6m e) Minimum daylighting triangle 10m along each street frontage

Exception 127	Zoning CR-2-127	Map 8	By-Law Reference 2014-25	File Reference D9-NP 12 10 and 19TN 2012-001
<p>i) Location: South of Davis Drive, West of Crossland Gate</p> <p>ii) Legal Description: Block 166</p> <p>iii) Uses: In addition to uses permitted in the CR-2 zone, a motor vehicle service station is permitted</p> <p>iv) Notwithstanding any other provision of the by-law, the following provisions shall apply to the lands zoned CR-2-127 shown on Schedule 'X' attached hereto</p> <p>Development Standards:</p> <p>a) Regulations relating to the motor vehicle service station shall be as set out in the CA Zone</p> <p>b) Alex Doner Drive shall be deemed the front line</p>				

Exception 128	Zoning (H)R4- R-128	Map 18	By-Law Reference OMB Decision PL141386	File Reference D7, D9, D12 & D14-NP13 16
<ul style="list-style-type: none"> i) Location: Westerly terminus of Silken Laumann Drive ii) Legal Description: Part of Lot 89, Concession 1 iii) Permitted Uses: <ul style="list-style-type: none"> a) A maximum of 28 Townhouse Dwelling units iv) Development Standards: <ul style="list-style-type: none"> a) Lot Frontage (minimum): nil b) Lot Frontage, Common or Private Road (minimum): 6m per dwelling unit c) Setback from the front main wall of a building to a private road (minimum): 6.0m but in no case shall any part of a main wall of any dwelling unit be closer than 48 metres from the adjacent Rail Corridor d) Setback from the rear main wall of a dwelling unit to the easterly property line (minimum): 7m e) Building Separation (minimum): 3.0m f) Setback from the side wall of a townhouse dwelling to a private road (minimum): 3.0m g) Setback from the side wall of a townhouse dwelling to the north property line (minimum): 1.5m h) Minimum Driveway Width: 3.0m i) Maximum Driveway Width: 3.0m v) Notwithstanding Section 4.12, buildings and structures shall be permitted to be erected in the R4-R- 128 zone provided permanent legal access has been granted by way of an easement from a public street. vi) 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 				

Exception 128	Zoning (H)R4- R-128	Map 18	By-Law Reference OMB Decision PL141386	File Reference D7, D9, D12 & D14-NP13 16
<p>the 'site plan agreement' and provided the 'common elements condominium' and the 'parcels of tied land' are contiguous.</p> <p>vii) 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 corporation as defined in the Condominium Act 1998 or a successor thereto.</p> <p>viii) 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.</p>				

Exception	Zoning	Map	By-Law Reference	File Reference																																										
129	(H)R4-R-129	14	2015-61	D9-NP 13 28, D12-NP 13 28, D14-NP 13 28																																										
<p>i) Location: 955-995 Mulock Drive</p> <p>ii) Notwithstanding any other provision of Zoning By-law 2010-40, the following provisions shall be applied to the lands subject to this by-law zoned R4-R-129:</p> <table> <tr> <td>a) Number of Townhouse units (maximum):</td> <td>73</td> </tr> <tr> <td>b) Lot Area minimum (Total Parcel):</td> <td>2.18 Ha</td> </tr> <tr> <td>c) Minimum Lot Frontage:</td> <td>124.0 m</td> </tr> <tr> <td>d) Lot Frontage on a private road (minimum):</td> <td>5.5m per unit</td> </tr> <tr> <td>e) Setback from South Property Line (Mulock Drive) (minimum):</td> <td>3.0m</td> </tr> <tr> <td>f) Setback from north property line (minimum):</td> <td>38m</td> </tr> <tr> <td>g) Setback from east property line (minimum):</td> <td>7.5m</td> </tr> <tr> <td>h) Setback from west property line (minimum):</td> <td>7.5m</td> </tr> <tr> <td>i) Setback from a garage to a private road (minimum):</td> <td>5.5m</td> </tr> <tr> <td>j) Setback from the front main wall of a building to a private road (minimum):</td> <td>4.5m</td> </tr> <tr> <td>k) Setback from the side wall of a townhouse dwelling to a private road (minimum):</td> <td>3.0m</td> </tr> <tr> <td>l) Maximum Lot Coverage</td> <td>n/a</td> </tr> <tr> <td>m) Maximum Building Height</td> <td>11.0m (3 Storeys)</td> </tr> <tr> <td>n) Building Separation (minimum):</td> <td>3.0m</td> </tr> <tr> <td>o) Permitted Encroachments:</td> <td></td> </tr> <tr> <td colspan="2"> <p>Porches and bay windows shall be permitted to project into any minimum side, front or rear setback not more than 1.5 metres.</p> <p>Decks greater than 1.0 metre above average finished grade shall be permitted to project from the rear of any townhouse dwelling unit not more than 3.0 metres.</p> </td> </tr> <tr> <td>p) Minimum Outdoor off-street parking requirement: unit</td> <td>1.0 space per dwelling unit</td> </tr> <tr> <td>q) Minimum Visitor Parking Spaces:</td> <td>21 spaces</td> </tr> <tr> <td>r) Maximum Driveway Width:</td> <td>3.5m</td> </tr> <tr> <td>s) Minimum Private Road Width:</td> <td>6.2m</td> </tr> <tr> <td>t) Minimum private amenity space:</td> <td>330m²</td> </tr> </table>					a) Number of Townhouse units (maximum):	73	b) Lot Area minimum (Total Parcel):	2.18 Ha	c) Minimum Lot Frontage:	124.0 m	d) Lot Frontage on a private road (minimum):	5.5m per unit	e) Setback from South Property Line (Mulock Drive) (minimum):	3.0m	f) Setback from north property line (minimum):	38m	g) Setback from east property line (minimum):	7.5m	h) Setback from west property line (minimum):	7.5m	i) Setback from a garage to a private road (minimum):	5.5m	j) Setback from the front main wall of a building to a private road (minimum):	4.5m	k) Setback from the side wall of a townhouse dwelling to a private road (minimum):	3.0m	l) Maximum Lot Coverage	n/a	m) Maximum Building Height	11.0m (3 Storeys)	n) Building Separation (minimum):	3.0m	o) Permitted Encroachments:		<p>Porches and bay windows shall be permitted to project into any minimum side, front or rear setback not more than 1.5 metres.</p> <p>Decks greater than 1.0 metre above average finished grade shall be permitted to project from the rear of any townhouse dwelling unit not more than 3.0 metres.</p>		p) Minimum Outdoor off-street parking requirement: unit	1.0 space per dwelling unit	q) Minimum Visitor Parking Spaces:	21 spaces	r) Maximum Driveway Width:	3.5m	s) Minimum Private Road Width:	6.2m	t) Minimum private amenity space:	330m ²
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Exception 129	Zoning (H)R4- R-129	Map 14	By-Law Reference 2015-61	File Reference D9-NP 13 28, D12-NP 13 28, D14-NP 13 28
<ul style="list-style-type: none"> u) Maximum width of an undivided entrance and/or exit ramp: 18m v) 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. w) 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. x) For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto. y) 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. 				

Exception 130	Zoning (H) UC-R-130	Map 4	By-Law Reference 2016-35	File Reference D14-NP-13-29
<p>i) Location: 345 and 351 Davis Drive</p> <p>ii) Legal Description: Plan 78 PT LOTS 29 TO 31 PT; Plan 78 PT LOTS 29 TO 31 PT, Town of Newmarket</p> <p>iii) Use: Only a dwelling, stacked townhouse shall be permitted. For clarity, more than twenty units are permitted on the site up to a maximum of 40 units, and access to all second level units shall be from an interior stairway within the stacked townhouse building which is accessed from an external stairway.</p> <p>iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:</p> <ul style="list-style-type: none"> a) Minimum frontage: 44m b) Maximum front yard setback: 6.0m c) Minimum side yard setback: 1.75m d) Minimum rear yard setback: 11.75m e) Minimum separation distance between stacked townhouse buildings: 20.5m f) Maximum building height: 14.2m g) Minimum parking spaces: 50 spaces, as separated as follows: 40 spaces for residents; 10 spaces for visitors. h) Minimum barrier-free parking spaces: 2 parking spaces, to be counted as part of the minimum 50 required parking spaces. i) Minimum entrance/exit width: 7.5m j) Loading space requirements: 1 loading space k) Minimum floor space index: 1.0 l) Maximum floor space index: 1.40 m) Permitted Encroachments: <ul style="list-style-type: none"> Steps, covered or uncovered, and below grade uncovered patios shall be permitted to encroach a maximum of 3.10m into the required rear yard. Steps, covered or uncovered, and below grade uncovered patios shall be permitted to encroach a maximum of 3.90m into the separation distance between the two stacked townhouse buildings. Steps, covered or uncovered, landscaping, accessory structures for outdoor residential amenity, and a staircase providing access to the underground parking garage shall be permitted within the separation distance between the two stacked townhouse buildings. A staircase providing access to the underground parking garage shall be permitted within the rear yard and shall be set back a minimum distance of 3.70m from the rear lot line. 				

Exception 131	Zoning EG-11	Map 15	By-Law Reference 2017-23	File Reference D14-NP-16-03
<p>i) Location: 1166 and 1186 Nicholson Road</p> <p>ii) Development Standards:</p> <ul style="list-style-type: none"> a. Setback – A minimum of 12.0m rear yard shall be required, except that no buildings shall be located closer to or nearer than 30m from the top of bank of Bogart Creek or such lesser setback as approved by the Lake Simcoe Region Conservation Authority. b. Southwest corner – For greater certainty, only a paved parking surface is permitted in the area zoned EG-11 on these lands that lie within the 30m erosional setback. No structures or additional net loading (surcharge) is permitted. <p>iii) Permitted uses:</p> <ul style="list-style-type: none"> a. Accessory Outdoor storage shall also be permitted. Outdoor storage shall not exceed 30% of the lot area and shall not be visible from a street. 				

Exception 132	Zoning (H) R4-R-132	Map 5	By-Law Reference 2016-63 2021-71	File Reference D14-NP-1220 D14-NP-2105																																														
<p>i) Location: 281 Main Street North</p> <p>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:</p> <table data-bbox="391 457 1490 1934"> <tr> <td>a. Number of Townhouse units (maximum):</td> <td>16</td> </tr> <tr> <td>b. Intentionally Deleted (By-law 2021-71)</td> <td></td> </tr> <tr> <td>c. Lot Area minimum (Total Parcel):</td> <td>0.539 Ha</td> </tr> <tr> <td>d. Minimum Lot Frontage:</td> <td>82.0m</td> </tr> <tr> <td>e. Lot Frontage on a private road (minimum):</td> <td>5.0m per unit</td> </tr> <tr> <td>f. Setback from South line of the OS-EP zone (minimum):</td> <td>2.8m</td> </tr> <tr> <td>Setback from east line of the OS-EP zone (minimum):</td> <td>1.0m</td> </tr> <tr> <td>g. Setback from north property line for a townhouse (minimum):</td> <td>1.4m</td> </tr> <tr> <td>Setback from the north property line for a semi-detached (minimum):</td> <td>3.56m</td> </tr> <tr> <td>h. Setback from east property line (minimum):</td> <td>25.0m</td> </tr> <tr> <td>i. Setback from west property line (minimum):</td> <td>5.0m</td> </tr> <tr> <td>j. Setback from a garage to a private road (minimum):</td> <td>5.5m</td> </tr> <tr> <td>k. Intentionally deleted (By-law 2021-71)</td> <td></td> </tr> <tr> <td>l. Maximum Lot Coverage:</td> <td>50%</td> </tr> <tr> <td>m. Maximum Building Height:</td> <td>11.0m (3 storeys)</td> </tr> <tr> <td>n. Permitted Encroachments:</td> <td></td> </tr> <tr> <td colspan="2"> <p>For the most southern two units of Building C, balconies, rear porches, decks and steps are permitted to have a 0 metre setback to the east boundary line of the OS-EP Zone.</p> </td> </tr> <tr> <td>o. Minimum Outdoor off-street parking requirement:</td> <td>1.0 space per dwelling unit</td> </tr> <tr> <td>p. Minimum Visitor Parking Spaces:</td> <td>3 spaces</td> </tr> <tr> <td>q. Minimum Barrier-Free Parking Spaces:</td> <td>1 space</td> </tr> <tr> <td>r. Minimum Driveway Width:</td> <td>2.7m</td> </tr> <tr> <td>s. Maximum Driveway Width:</td> <td>3.5m</td> </tr> <tr> <td>t. Minimum Driveway Length:</td> <td>5.1m</td> </tr> </table>					a. Number of Townhouse units (maximum):	16	b. Intentionally Deleted (By-law 2021-71)		c. Lot Area minimum (Total Parcel):	0.539 Ha	d. Minimum Lot Frontage:	82.0m	e. Lot Frontage on a private road (minimum):	5.0m per unit	f. Setback from South line of the OS-EP zone (minimum):	2.8m	Setback from east line of the OS-EP zone (minimum):	1.0m	g. Setback from north property line for a townhouse (minimum):	1.4m	Setback from the north property line for a semi-detached (minimum):	3.56m	h. Setback from east property line (minimum):	25.0m	i. Setback from west property line (minimum):	5.0m	j. Setback from a garage to a private road (minimum):	5.5m	k. Intentionally deleted (By-law 2021-71)		l. Maximum Lot Coverage:	50%	m. Maximum Building Height:	11.0m (3 storeys)	n. Permitted Encroachments:		<p>For the most southern two units of Building C, balconies, rear porches, decks and steps are permitted to have a 0 metre setback to the east boundary line of the OS-EP Zone.</p>		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:	3.5m	t. Minimum Driveway Length:	5.1m
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Exception 132	Zoning (H) R4-R-132	Map 5	By-Law Reference 2016-63 2021-71	File Reference D14-NP-1220 D14-NP-2105
<p>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 that the 'common elements condominium' and the 'parcels of tied land' are contiguous.</p> <p>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 under Subsection 139(2) of the Condominium Act 1998 or a successor thereto for "parcels of tied land" has the corresponding plural meaning.</p> <p>w. For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1998 or a successor thereto.</p> <p>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.</p> <p>y. On a corner lot where a daylighting triangle or rounding has been conveyed to the 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.</p>				

Exception 135	Zoning EM-135	Map 11	By-Law Reference 2017-11	File Reference D14-NP16-05
<ul style="list-style-type: none"> i) Location: 507 Mulock Drive ii) Legal Description: Part Block B, Plan 541 Newmarket Part 3 & 4, Newmarket iii) The following uses are permitted in addition to those already permitted in the EM zone: <ul style="list-style-type: none"> a) Medical Clinic, to a maximum floor area of 150 sq. m b) Medical Laboratory, to a maximum floor area of 600 sq. m c) Pharmacy Ancillary Retail, to a maximum floor area of 800 sq. m iv) Notwithstanding any other provision of Zoning By-law 2010-40, the following development standards shall be applied to the lands subject to this by-law: <ul style="list-style-type: none"> a) Minimum front yard setback: 6.0m b) Minimum side yard setback (west) for a building greater than 15.1m in height: 3.0m c) Minimum landscape buffer (east) adjacent to residential areas: 4.3m d) Minimum front yard landscape buffer: 4.0m e) Minimum driveway/aisle width: 6.0m f) Minimum parking requirements: a minimum of 137 parking spaces for 3784.46 sq. m of gross floor area g) Minimum number of loading spaces: 1 space for 3784.46 sq. m of gross floor area h) Minimum width for a barrier-free parking stall: 3.9m (including the width of the shared aisle with adjacent stall) 				

Exception 136	Zoning R4-R-136	Map 10	By-Law Reference 2017-28	File Reference D9-NP 16 16, D14-NP 16 16
<ul style="list-style-type: none"> i) Location: 401-411 Botsford Street, 166-180 Church Street ii) Legal Description: Lots 3, 4, 5, 18, 19, 20, and 21 Plan 31: Except Part 13 PL 65R224 and PT LT 22 PL 31 Being PTS 1 and 2 65R8174; Town of Newmarket iii) Notwithstanding any other provision of Zoning By-law, the following shall be applied to the lands subject to this by-law: <ul style="list-style-type: none"> a) Permitted Uses: Townhouse dwellings and accessory uses b) Minimum Yard Setbacks for main townhouse dwellings (6 townhome block along Botsford Street) 				

Exception 136	Zoning R4-R-136	Map 10	By-Law Reference 2017-28	File Reference D9-NP 16 16, D14-NP 16 16																
<p>c) Minimum Yard Setbacks for main townhouse dwellings (8 townhome block along Church Street)</p> <table border="1"> <tr> <td>From Front Lot Line:</td> <td>0.98 metres (along Botsford Street)</td> </tr> <tr> <td>From Rear Lot Line:</td> <td>11 metres (with exception for end unit on east side to be 0 metres)</td> </tr> <tr> <td>From Side Lot Line:</td> <td>0.9 metres (east)</td> </tr> <tr> <td>From Exterior Side Lot Line:</td> <td>0 metres (west)</td> </tr> </table> <p>d) Minimum Parking Spaces: 2 spaces per unit</p> <table border="1"> <tr> <td>From Front Lot Line:</td> <td>0.8 metres</td> </tr> <tr> <td>From Rear Lot Line:</td> <td>11 metres</td> </tr> <tr> <td>From Side Lot Line:</td> <td>1.5 metres (south)</td> </tr> <tr> <td>From Exterior Side Lot Line:</td> <td>0 metres (north)</td> </tr> </table> <p>e) Detached garages are permitted to be setback 0.0 metres from the rear and side lot lines with the exception where a detached garage abuts an existing residential lot, the setback shall be a minimum of 1.3 metres.</p> <p>f) Window wells may encroach into the required front yard setback.</p> <p>g) Steps located in the minimum rear yard shall have no required setback</p>					From Front Lot Line:	0.98 metres (along Botsford Street)	From Rear Lot Line:	11 metres (with exception for end unit on east side to be 0 metres)	From Side Lot Line:	0.9 metres (east)	From Exterior Side Lot Line:	0 metres (west)	From Front Lot Line:	0.8 metres	From Rear Lot Line:	11 metres	From Side Lot Line:	1.5 metres (south)	From Exterior Side Lot Line:	0 metres (north)
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Exception 136	Zoning R5-T-136	Map 10	By-Law Reference 2017-28	File Reference D9-NP 16 16, D14-NP 16 16
<p>i) Location: 400 Park Avenue</p> <p>ii) Legal Description: Lots 3, 4, 5, 18, 19, 20, and 21 Plan 31: Except Part 13 PL 65R224 and PT LT 22 PL 31 Being PTS 1 and 2 65R8174; Town of Newmarket</p> <p>iii) Notwithstanding any other provision of Zoning By-law, the following shall be applied to the lands subject to this by-law:</p> <p>a) Permitted Uses: a maximum of 11 apartment units, accessory uses</p> <p>b) Minimum Parking Spaces: 1 space per unit and 0.25 space for visitor parking</p> <p>c) Private driveway (aisle) width minimum: 6m</p> <p>d) Sections 5.3.9 (Snow Storage Accommodation), 5.4.1 (Parking Lot Location) and 5.4.3 (Location of Visitor Parking) shall not apply to the lands subject to this By-law.</p>				

Exception 137	Zoning R4-R-137	Map 11	By-Law Reference 2017-44	File Reference D9-NP 15 15, D14-NP 15 15
<p>i) Location: 260 Eagle Street</p> <p>ii) Legal Description: Lots 12, 14, 15, 16, 17, 18, 19 and Part of Block D, Registered Plan 371; Town of Newmarket</p> <p>iii) Notwithstanding any other provision of Zoning By-law, the following shall be applied to the lands subject to this by-law:</p> <p>a) Permitted Uses: a maximum of 27 Townhouse dwellings and accessory uses</p> <p>b) Lot Area minimum (Total Parcel): 0.54 Ha</p> <p>c) Minimum lot Frontage (Cawthra Blvd.): 46 metres</p> <p>d) Lot Frontage on private road: 7.8 metres per unit</p> <p>e) Minimum Yard Setbacks for townhouse dwellings:</p> <p> From Eagle Street: 2.0 metres</p> <p> From south Lot Line: 4.25 metres</p> <p> From west Lot Line: 2.0 metres</p> <p> From east Side Lot Line: 2.0 metres</p> <p>f) Setback from a garage to a private road: 5.75 metres</p> <p>g) Minimum Lot Coverage: n/a</p> <p>h) Maximum Building Height: 11 metres (3 storeys)</p> <p>i) Building Separation (minimum): 2.45 metres</p> <p>j) Minimum Private Road Width: 6 metres</p> <p>k) Minimum Parking Spaces: 2 external spaces per unit + 1 internal space per unit</p> <p>l) Steps located in the minimum front and rear yard shall have no required setback</p> <p>m) Section 5.5 v) and vi) (driveway location requirements) shall not apply</p> <p>n) Minimum Driveway width accommodating two vehicles: 4.85 metres</p> <p>o) 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</p>				

Exception 137	Zoning R4-R-137	Map 11	By-Law Reference 2017-44	File Reference D9-NP 15 15, D14-NP 15 15
<p>p) 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</p> <p>q) For clarity, 'common elements condominium' means a common elements condominium corporation as defined in the Condominium Act 1996 or a successor thereto</p> <p>r) For clarity, 'site plan agreement' means an agreement entered into pursuant to Section 41 of the Planning Act, R.S.O. 1990 or a successor thereto</p>				

Exception 138	Zoning EH-138	Map 15	By-Law Reference 2017-47	File Reference NP-P-17-01
<p>i) Location: 195 Harry Walker Parkway North</p> <p>ii) Permitted Uses:</p> <p>a. Office use shall also be permitted for a period of up to three (3) years from the date of passing of the By-law.</p> <p>b. Institutional Day Centre use shall also be permitted for a period of up to three (3) years from the date of passing of the By-law.</p> <p>Date of Passing: July 10, 2017</p>				

Exception 139	Zoning UC-HC2-139	Map 12	By-Law Reference 2018-04	File Reference D14-NP17-02, D11-NP-17-02
i)	Location: 514 Davis Drive			
ii)	Legal Description: Part of Lots 2, 3, 4, & 5, Plan 78 and Part Block F, Plan 262			
iii)	<p>Notwithstanding any other provisions of this By-law, the following Development Standards shall be applied to the lands subject to this By-law:</p> <ul style="list-style-type: none"> a. Minimum interior side yard setback: 1.1m b. Minimum rear yard setback: 0.5m c. Maximum building height: 26m (five stories exclusive of the mechanical roof) d. Minimum entrance/exit width at property line: 6.7m e. Minimum two-way parking aisle width: 6.0m f. Loading space requirements: 1 loading space g. Maximum floor space index (FSI): 1.5 h. Minimum floor space index (FSI): 1.3 i. An outdoor parking lot designed to accommodate 5 or more parking spaces shall provide an area equivalent of 5% of the number of provided surface parking spaces for the purposes of snow storage. j. A landscaped buffer of 0.9m shall be provided around the parking lot in the side yard and k. A landscaped buffer of 1.9m shall be provided around the parking lot in the rear yard. l. There shall be no minimum height requirement for coniferous or deciduous vegetative planting. m. The outdoor parking lot shall be setback a minimum of 1.9m from the rear yard and a minimum of 0.9m from the side yard. 			
iv)	<p>Notwithstanding the definitions in Section 3, storey shall be defined as follows:</p> <p>“Storey shall mean a level of building located between the surface of a floor and the ceiling or roof immediately above it, and includes a mezzanine but does not include a basement or cellar.”</p>			

Exception 140	Zoning (H)UC-P-140	Map 4	By-Law Reference 2018-12	File Reference D9-NP-17-14
i) Location: 17645 Yonge Street - North of Davis Drive, East side of Yonge Street. ii) Legal Description: Part of Lot 96, Concession 1, East of Yonge Street, Town of Newmarket (PIN 03578-0121 (LT)). iii) Prohibited Uses: waste disposal sites within the meaning of Part V of the Environmental Protection Act, large (more than 10,000 L) non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities, road salt storage facilities, snow storage facilities, fuel storage, DNAPLs storage (chemicals typically used by drycleaners), and organic solvent storage. iv) Development Standards				
		(H)UC-P-119		
(a) Min. Yard Setbacks				
From Front Lot Line (Yonge Street):		0m from the required widening of Yonge Street to accommodate future underground hydro.		
From Rear Lot Line (George Street):		Min. 0.5m		
From Interior East Lot Line:		Min. 0m		
From North Lot Line:		Min. 3m		
From South Lot Line (Block C):		Min. 2m		
From South Lot Line (Block D):		Min. 2m		
(b) Max. Yard Setback				
From Front Lot Line (Yonge St.):		Max. 3m subject to (v)		
From Rear Lot Line (George St.):		Max. 18m subject to (v)		
(c) Max. Floor Space Index:		3.5 FSI based on the net lot area of the property that is the subject of the zoning amendment as described below in provision (vi).		
(d) Min. Floor Space Index:		1.5 FSI based on net land area described below in provision (vi).		
(e) Average Established Grade		Geodetic Elevation 264.00		

Exception 140	Zoning (H)UC-P-140	Map 4	By-Law Reference 2018-12	File Reference D9-NP-17-14
	(f) Max. Height: Where height is in metres and storeys, the measurement in metres from average established grade shall prevail.		Phase One: 21 Floors excluding MPH – 70m Phase Two: 19 Floors excluding MPH – 64m Phase Three: High Density: 17 Floors excluding MPH – 58m Medium Density: 8 Floors excluding MPH – 30m	
	(g) Minimum Building Floor Height Ground Floor:		5.5m per Storey (Yonge Street)	
	(h) Maximum Gross Floor Plate for Towers (measured above the 9 th floor)		820 m ²	
	(i) Minimum distance between Towers (measured above the 9 th floor):		30m	
	(j) Max. Lot Coverage calculated on the basis of the Net Lot Area as Established for FSI Calculation for the entire site:		80%	
	(k) Min. Parking Requirement:		1 bedroom - 1.0 space per unit 2 bedroom - 1.25 spaces per unit 2 bedroom townhouse - 1.25 spaces per unit 3 bedroom - 1.5 spaces per unit Visitor - 0.15 spaces per unit Commercial – 1 per 18 Sq. m. of GFA	
	(l) Loading Spaces		1 space minimum for Residential uses 1 space minimum for Commercial uses	

Exception 140	Zoning (H)UC-P-140	Map 4	By-Law Reference 2018-12	File Reference D9-NP-17-14
<ul style="list-style-type: none"> <li data-bbox="240 317 1354 384">iv) A greater setback from the lot lines shall be permitted where public and/or private/public space is provided for a park, public square or outdoor plaza. <li data-bbox="240 436 1455 653">v) Net lot area shall be calculated based on the entire property at the time of application of the By-law amendment (September 2011), exclusive of the Regional road widening on Yonge Street and the Town road widening on George Street, land included in easements, lands provided for underground Hydro utilization and lands provided for the purpose of Street B, including the day- light triangle (along the southerly boundary of the property). <li data-bbox="240 705 1382 772">vi) Step backs will be calculated from the building face of the podium and any subsequent floors above the podium, where additional step backs apply. <li data-bbox="240 825 1398 930">vii) Podium means the lower storeys of a building that defines the street edge or public realm. The podium refers to the overall massing of this portion of the building, and can be considered as the base of a building. <li data-bbox="240 982 1463 1087">viii) Minimum Building Floor Height: Minimum Building Floor Height of a storey shall be measured as the portion of the building situated between the top of any floor and the top of the floor next above. <li data-bbox="240 1140 732 1161">ix) Section 5.5 vii shall not apply. <li data-bbox="240 1213 1000 1245">x) Special note (*3) of Section 6.4.1 shall not apply. <li data-bbox="240 1297 1422 1329">xi) Sections 6.4.2 (notes *2-5) pertaining to terracing and setbacks shall not apply. <li data-bbox="240 1381 1455 1486">xii) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole. 				

Exception 141	Zoning (H)R2-H-141; (H)R1-B-141; (H)OS-2-141; (H)OS-EP-141	Map 4	By-Law Reference 2019-01	File Reference D14-NP1703	
i) Location: 172 & 178 Old Main Street ii) Legal Description: Part of Lot 97, Concession 1, E.Y.S. iii) Notwithstanding any other provisions of By-law 2019-01, the following Development Standards shall be applied to the lands subject to By-law 2019-01:					
		R2-H-141	R1-B-141		
a)	Min. Lot Area	400 m ²	1300 m ²		
b)	Min. Lot Frontage	13.6 m	23.0 m		
c)	Min. Front Yard Main Building Garage	4.5 m 6.0 m	9.0 m n/a		
d)	Min. Interior Side Yard One Side Other Side	1.5 m 1.2 m	1.2 m 4.2 m		
e)	Min. Building Separation	2.7 m	n/a		
f)	Min. Rear Yard	38 m	25 m		
g)	Max. Building Height	11.0 m	10.7 m		
h)	Min. Parking Spaces	2	2		
i)	Min. Garage and Driveway Width	3.0 m	n/a		
j)	Max. Garage and Driveway Width	6.1 m	9.0 m		
k) But the driveway width shall not exceed 50% of the required lot frontage l) An unenclosed porch, covered or uncovered, decks or balconies may project 2.0m into the required front yard. Steps may encroach 2.7m into the required front yard m) An unenclosed porch, covered or uncovered, decks or balconies, including steps, may encroach 0.6m into the required side yard. n) Of the two required parking spaces one may be provided within the garage. The interior space of the garage must meet the minimum requirements for a parking space – 2.6m by 5.5m. o) The minimum rear yard setback for the R2-H-141 and the R1-B-141 Zones will be measured to the rear lot line and not to the nearest zone boundary. p) Pools are not permitted in the R2-H-141 and the R1-B-141 Zones.					
iv) OS-2-141 Development Standards:					
a) Permitted Uses: Accessory buildings and structures in accordance with Section 4.1.2 and 4.2. b) The setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units. c) Pools are not permitted in the OS-2-141 Zone					

Exception 141	Zoning (H)R2-H-141; (H)R1-B-141; (H)OS-2-141; (H)OS-EP-141	Map 4	By-Law Reference 2019-01	File Reference D14-NP1703
<p>v) OS-EP-141 Development Standards:</p> <p>a) Permitted Uses: Conservation</p> <p>b) For purposes of this By-law the following definition shall apply:</p> <p>c) Conservation: Areas of land that contain ecological features, functions and/or attributes that have been set aside solely for the purpose of preserving, maintaining and/or enhancing the natural environment. Permitted activities in areas set aside for conservation shall be limited to protection works, wildlife, forestry and conservation management practices.</p> <p>d) No site re-grading shall be permitted.</p> <p>e) No buildings or structures shall be permitted in this zone, including pools.</p> <p>f) e) No accessory buildings and structures shall be permitted in this zone whether or not accessory or ancillary to the uses permitted.</p>				

Exception 142	Zoning EG-142	Map 15	By-Law Reference 2018-43	File Reference D14-NP17-25
<p>i) Location: 285 Harry Walker Parkway South</p> <p>ii) Legal Description: Plan 65M2558, Part Lot 13, Plan RS65R20749, Parts 4, 8 and 9</p> <p>iii) Development Standards:</p> <p>a. Building Height (maximum): 15m</p> <p>b. Only in conjunction with the additional permitted use below, a Drive Aisle Width (minimum) of 6 metres shall be permitted.</p> <p>c. Only in conjunction with the additional permitted use below, the Parking Lot shall be gated with restricted access.</p> <p>iv) Uses: A stand-alone Parking Lot with a maximum of 127 parking spaces shall also be permitted.</p> <p>v) Prohibited Uses: Where used as a stand-alone Parking Lot, no parking of other than maintenance vehicles and motor vehicles associated with the operation of maintenance vehicles in conjunction with the York Region District School Board Offices located at 300 Harry Walker Parkway South and 1260 Gorham Street shall be permitted.</p> <p>vi) For the purposes of this Exception, a Parking Lot is defined as an open area, other than a street, used for the temporary parking of 5 or more motor vehicles, but does not include the storing of impounded or damaged vehicles or a salvage yard.</p>				

Exception 143	Zoning R1-FX-1, R1-F-X2, R2-H-X, R4-R-X1 and R4-R-X2	Map 4	By-Law Reference 2018-17	File Reference D9NP17-14
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- i) Location: 16200 and 16250 Yonge Street
- ii) Legal Description: Part of Lot 87, Concession 1
- iii) Development Standards

	R1-F-X1	R1-F-X2	R2-H-X	R2-R-X1	R4-R-X2
Min Lot Area	265m ²	200m ²	400m ²	160m ²	160m ²
Min Lot Frontage	9.7m	7.6m	13.6m	6m	6m
Minimum Front Yard Setback	4m	4m	4m	4m	3m
Minimum Rear Yard Setback	6m	6m	6m	6m	1.2m
Minimum Interior Side Yard Setback	0.6m	0.6m	0.6m	1.5m (*X)	1.5m
Minimum Exterior Side Yard Setback	1.2m	1.2m	1.2m	2.4m	2.4m
Min Building Separation	3m	3m	3m	2.4m	2.4m
Min Building Separation	1.2m	1.2m	1.2m	3m	3m
Max. Building Height	11m	11m	11m	12.6m	12.6m
Maximum Lot Coverage	n/a	n/a	n/a	n/a	n/a
Minimum Driveway Width	2.9m	2.9m	2.9m	2.9m	5m
Maximum Driveway Width	5.5m	4m	4m	3.5m (*Y)	5m
Minimum Driveway separation (unless driveway is paired)					2.2m
Minimum Driveway Length (*11)(*12)	10m	10m	10m	10m	6m
Maximum Porch Encroachment	1.8m	1.8m	1.8m	1.8m	1.8m
Maximum Porch Steps Encroachment	3m (front) 2.4m (exterior)	3m (front) 2.4m (exterior)	3m (front) 2.4m (exterior)	3m (front) 1.8m (exterior)	3m (front) 1.8m (exterior)

(*11) **Driveway** length shall be measured from the sidewalk edge closest to the dwelling or **structure** on the **lot** to the front wall of the garage. Where there is no sidewalk, the minimum **driveway** length shall be measured from the front wall of the garage to the pavement curb edge closest to the dwelling or **structure** on the **lot**.

Exception 143	Zoning R1-FX-1, R1-F-X2, R2-H-X, R4-R-X1 and R4-R-X2	Map 4	By-Law Reference 2018-17	File Reference D9NP17-14
<p>(*12) Notwithstanding the minimum required driveway length for a driveway adjacent to a segmented garage door, where there is a double car garage with a segmented door, and a double driveway of at least 5.5 metres in width, the minimum driveway length may be reduced to 7.0 metres provided that the garage is setback a minimum of 1.5 metres from the front wall of the dwelling unit.</p> <p>(*X) On a lot that abuts a rear yard, an open space block or a servicing block, the minimum interior side yard setback is 1.2m.</p> <p>(*Y) On a corner lot, the maximum driveway width shall be 5.5m, but in no case be more than 65% of the lot frontage.</p>				

Exception 144	Zoning (H)UC- R-144	Map 10	By-Law Reference 2018-49	File Reference D14-NP17-20
i)	Location:	175 Deerfield Road and the Deerfield Road Right-of-Way		
ii)	Legal Description:	Pt Lt 5 PI 32 Whitchurch; Pt Lt 6 PI 32 Whitchurch As In A39024A, A21661A Except Pt 1, Exprop PI YR2224452; Together With An Easement Over Pt Lt 4, PI 32, Pts 3 & 4, 65R34936 As In YR2129520 Town Of Newmarket Pt Lt 6 PI 32 Whitchurch As In A21662A, Aka Deerfield Road ; Town Of Newmarket		
iii)	Notwithstanding Section 6.4.1, Live Work Unit and Stacked Townhouse shall be permitted.			
iv)	Notwithstanding the definition of “Lot” in Section 3, Parcel A and Parcel B as shown in Schedule 1, are deemed one lot, regardless of the number of buildings constructed thereon, the creation of separate units and/or lots by way of a plan of condominium, consent, conveyance of private or public roads, strata title arrangements, or other permissions, and any easements or registrations that are granted, shall be deemed to comply with the provisions of this By-law.			
v)	Development Standards:			
	(a) Established grades for each building identified on Schedule “2” to this By- law:	Building 1 – 256.07 metres above sea-level Building 2 – 258.71 metres above sea-level Building 3 – 254.92 metres above sea-level		

Exception 144	Zoning (H)UC- R-144	Map 10	By-Law Reference 2018-49	File Reference D14-NP17-20
	Notwithstanding the definition of “Height” in Section 3, height shall mean the vertical distance measured between the average established grades as identified for each building and the top of the building exclusive of mechanical penthouse, parapets, green roofs, roof terraces, roof assemblies and stair pop-ups structures.			
	(b) Building Height (minimum):	4 storeys (14 m)– Parcel A 3 storeys (11 m) – Parcel B		
	(c) Building Height (maximum):	12 storeys (38 m)– Parcel A 15 storeys (47 m)– Parcel A subject to entering into an agreement pursuant to Section 37 of the Planning Act 8 storeys (26 m)– Parcel B		
		10 storeys (32 m)– Parcel B subject to entering into an agreement pursuant to Section 37 of the Planning Act		
	(d) Floor Space Index (minimum):	2.0 – Parcel A 1.5 – Parcel B		
	(e) Floor Space Index (maximum):	2.5 – Parcel A 2.0 – Parcel B		
	(f) Floor Space Index (discretionary maximum):	3.0 – Parcel A subject to the lifting of holding provision 2.5 – Parcel B subject to the lifting of holding provision		
	(g) Building setbacks shall be as shown on Schedule “2” to this By-law.			
	(i) Notwithstanding required setbacks and permitted encroachments, structures below established grades may encroach into required yards			
	(h) Minimum loading	One (1) loading space shall be provided for each building regardless of Gross Floor Areas.		

Exception 144	Zoning (H)UC- R-144	Map 10	By-Law Reference 2018-49	File Reference D14-NP17-20
	(i) Bicycle parking		Minimum 0.33 spaces per dwelling unit within a building and Minimum 0.1 spaces per dwelling unit outside of a building	
	(j) Notwithstanding Section 5, no additional parking shall be required for units on the first floor that include live-work units or commercial uses (k) Notwithstanding Section 4, the following may also be permitted to encroach into required yards: Bollards, cornices, lighting fixtures, awnings, canopies, architectural features, ornamental structures, parapets, trellises, terraces, columns, guardrails, balustrades, railings, stairs, stair landings, retaining walls, monitor wells, driveways, private roads, covered or uncovered bicycle parking areas, walkways, patios, fences and safety railings, accessibility ramps, safety or wind protection features, landscape features, and other ornamental or accessory structures.			
vi)	Conveyance i) No provision of this by-law shall be deemed to be contravened by reason of any land division or the conveyance of a parcel(s) upon which a building(s) is erected provided that all of the standards of this by-law are met for the lands as a whole.			
vii)	Section 37 Provisions (i) Pursuant to Section 37 of the Planning Act , and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown as (H)UC-R-144 on Schedule 1 of this By-law, in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 3 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands to the satisfaction of the Municipal Solicitor. (ii) Where Schedule 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same. (iii) The owner must not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this exception, unless the provisions of Schedule 3 of such By-law are satisfied.			

Exception 145	Zoning (H) CS-145	Map 7	By-Law Reference 2018-51	File Reference D14-NP-18-07
<p>i) Location: 18095 & 18099 Leslie Street</p> <p>ii) Permitted uses:</p> <p style="padding-left: 20px;">a. In addition to the uses permitted in the CS zone, the following uses are also permitted:</p> <p style="padding-left: 40px;">i. Place of assembly</p> <p>iii) Development standards:</p> <p style="padding-left: 20px;">a. Notwithstanding any other provision of Zoning By-law 2010-40 as amended, the following development standards are permitted:</p> <p style="padding-left: 40px;">i. Front yard setback: 2.5 metres</p> <p style="padding-left: 40px;">ii. Interior side yard setback: 3 metres</p> <p style="padding-left: 40px;">iii. Parking requirements:</p> <p style="padding-left: 60px;">1. Motor vehicle service shop: 1 space per 16 m²</p> <p style="padding-left: 20px;">b. Notwithstanding section 2.4 of By-law Zoning By-law 2010-40 as amended, where the lands subject to this amending Zoning By-law are divided into two or more zones, the zone boundary dividing the lot is not deemed to be a lot line.</p>				

Exception 146	Zoning CO-146	Map 12	By-Law Reference 1983-71 1988-138 2018-50	File Reference
<p>i) Location: 482 Queen Street</p> <p>ii) Development standards:</p> <p style="padding-left: 20px;">a. The permitted commercial floor area shall not be less than forty-five square metres.</p> <p>iii) Permitted uses:</p> <p style="padding-left: 20px;">Only the following uses are permitted: Medical Office or Office in conjunction with a dwelling unit.</p>				

Exception 147	Zoning C01-147	Map 12	By-Law Reference 1983-70; 2018-50	File Reference
i) Location: 64-66 Prospect Street ii) Development standards: a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m ² . iii) Permitted uses: a. Only the following uses are permitted: Medical Office or Office ; and b. Not more than two dwelling units .				

Exception 148	Zoning R1-B-148	Map 14	By-Law Reference 2018-50	File Reference
i) Location: 852 Gorham Street ii) Permitted uses: a. In addition to uses otherwise permitted, the following uses are permitted: b. a Veterinary Clinic and a Veterinary Hospital				

Exception 149	Zoning OS-1-149	Map 19	By-Law Reference 2019-54	File Reference NP-P-19-03
i) Location: part of 900 Mulock Drive/605 Fernbank Road ii) Legal Description: part of Block 38 Plan 65M-4022 iii) Notwithstanding any other provisions of this By-law, a day nursery and related administrative uses, and accessory community uses are also permitted on the subject lands. iv) For the subject lands, the definition of accessory community uses shall be: "Uses incidental or subordinate to the principal use on the lands subject to OS-1-149 where facilities are provided on behalf of a government or non-profit organization for community activities, such as, but not limited to: arts, crafts, recreational, social, charitable and educational activities."				

8.2 Holding Provisions

Where, on the Schedules to this By-Law, a **zone** symbol is shown with the ‘(H)’ prefix (for example (H)R1-E), the lands shall only be for the identified **uses** and, where permitted, the expansion of those **uses** as of the date of adoption of this By-Law, until such time as certain conditions have been met.

Council may pass a By-Law pursuant to Section 36 of the **Planning Act** to remove the Holding (H) Symbol, thereby placing the lands in the **zone** indicated by the **zone** symbol, when all of the applicable requirements have been met. **Zones** with Holding Provisions are identified in Section 8.2.1 of this By-Law.

8.2.1 List of Holding Provisions

The following holding provisions apply to the properties specified:

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2004-152	16660 Yonge Street Part of Lot 90, Concession 1 W.Y.S.	Within the lands zoned (H)UC-R-57 only a retail art gallery ; picture framing studio; one residential dwelling unit ; and, offices shall be permitted. 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.	<ul style="list-style-type: none"> • The adequacy for the provision of servicing, such as water supply, sewage disposal facilities, storm water drainage; • That an amending site plan approval agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted; and, • That all relevant provisions of the Official Plan have been complied with. 	September 13, 2004

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2006-156 <u> Holding Provision Removed By By-Law 2006-161; 2010-18; 2011-36; 2011-61; 2012-67.</u>	Generally east side of Leslie Street, south of Mulock Drive Part of Lots 28 and 29, Concession 3 E.Y.S.	No person within the lands zoned (H)R1-C- 74; (H)R1-CX-74; (H)R1-D-75; (H)R1-E1-75; (H)R1-E-76; (H)OS-1-77; (H)OS-2-77; and (H)I-B , shall use any lot or erect, alter or use any building or structure for any purpose except for those uses which existed on the date of passing of this By- Law. 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.	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan have been complied with; • That sufficient servicing capacity has been allocated to the subject lands by the Town of Newmarket; • That a subdivision agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted; • All necessary requirements of the Town have been satisfied; and, • All necessary approvals have been received by other commenting agencies and authorities. 	September 11, 2006

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2009-10	16200 Yonge Street Part of Lot 87, Concession 1 W.Y.S.	<p>No person within the lands zoned (H)R4-S- 85, shall use any lot or erect, alter or use any building or structure 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>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan have been complied with; • That sufficient servicing capacity has been allocated to the subject lands by the Town of Newmarket; • That a subdivision and/or site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted; • That the Owner has release and abandoned any rights of access/egress over the abutting lands; • All necessary requirements of the Town have been satisfied; and, • All necessary approvals have been received by other commenting agencies and authorities. 	February 9, 2009

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2009-62 <u>Holding Provision Removed By By-Law 2012-68.</u>	South of Valley Green Trail Block 77, 65M-3603	<p>No person within the lands zoned (H)R1-F- 91, 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>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, including Official Plan Amendment No.6, have been complied with; • The removal of the '(H)' prefix represents a logical and orderly progression of development; • That sufficient servicing capacity is available, and has been allocated by the Town; • That a subdivision agreement, site plan agreement, and/or other agreement(s) as required have been executed, between the Owner of the lands and the Corporation of the Town of Newmarket, and the performance security contemplated therein has been posted; • All necessary approvals have been received by other commenting agencies and authorities. 	June 22, 2009

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2010-72 <u>Holding Provision Removed</u> By By-Law 2011-37; 2012-53.	Part of Lot 27, Concession 3 E.Y.S.	<p>No person within the lands zoned (H)R1- D-99; (H)R1-E-99; (H)R1-EX-99; (H)R1-E2-99; (H)R1-F1-99; and, (H)R2-H1-99, 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	September 7, 2010

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2011-14 <u>Holding Provision Removed By By-Law 2012-35.</u>	Part of Lot 98 & 99, Concession 1 W.Y.S.	<p>No person within the lands zoned (H)R1- F1-80 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>However, the Holding provision will not prevent the construction of in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> The holding provision may be removed by Council at such time as complete building lots have legally been created for the lands subject to the holding provision. 	March 7, 2011

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2012-20 <u>Holding Provision Removed By By-Law 2018-26</u>	1240 Twinney Drive & 1250 Davis Drive Southeast corner of Harry Walker Parkway South and Davis Drive	<p>No person within the lands zoned (H)EM- 109 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>	<ul style="list-style-type: none"> • The requirements of Section 10.4, Contaminated Lands, of the Town's Official Plan have been satisfied to the satisfaction of the Director of Engineering Services. • All necessary approvals have been received by the Ministry of Culture. 	April 16, 2012

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2013-05 <u>Holding Provision Removed By By-Law 2014-52</u>	Part Lot 95, Concession 1, WYS (McGregor Farm/Glenway Mosaik)	<p>No person within the lands zoned (H)R1-D- 118; (H)R1-F; and (H)R2-H 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	February 11, 2013

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2013-61 <u>Holding Provision Removed By</u> By-Law 2014-47	487 Queen Street	<p>No person within the lands zoned (H)UC- D2-121 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>	The requirements of Section 10.4, Contaminated Lands, of the Town's Official Plan have been satisfied to the satisfaction of the Director of Engineering Services	November 12, 2013

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
<p>OMB Order February 25, 2013, as amended on April 3, 2013</p> <p>Zoning By-Law Amended By By-Law 2018-12.</p>	<p>17645 Yonge Street</p> <p>Part of Lot 96, Concession 1, EYS</p> <p>(Slessor Square)</p>	<p>No person within the lands zoned (H)UC-P- 119 shall use, 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. Any grading, filling or works necessary to fulfill the requirements of site remediation in order to obtain approval for record of site condition and to provide approved servicing shall be permitted.</p> <p>Furthermore, no changes, 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 Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent the remediation as addressed above in accordance with the requirements of the Phase 2 Environmental Site Assessment and any testing required to address the potential impacts of development including the Risk Assessment related to Source Water Protection and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<p>1. Servicing Allocation:</p> <p>a) That prior to lifting the “H” on each phase, servicing capacity shall be demonstrated to be available and has been allocated by the Town generally at the time of Site Plan application, subject to the footnote below¹; and</p> <p>b) That York Region is satisfied and has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the site plan development); or,</p> <p>c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town allocates the capacity to this development;</p> <p>2. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the “H” on each phase, it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity available, or through a detailed calculation demonstration that there is sufficient capacity conveyance and that there will be no downstream adverse impacts;</p>	<p>OMB Order February 25, 2013, as amended on April 3, 2013</p>

¹ Subject to the Regional Municipality of York’s allocation practice with respect to retirement homes and similar uses.

			<p>3. Stormwater: That prior to lifting the “H” on each phase, a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and Lake Simcoe Region Conservation Authority;</p> <p>4. Water Supply: That prior to lifting the “H” on each phase, a water supply analysis shall be submitted to the satisfaction of the Town;</p> <p>5. Servicing Conveyance: Prior to the lifting of the “H” on each phase, provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town;</p> <p>6. Detailed Risk Management Plan: That prior to lifting the “H” on the 1st phase a Detailed Risk Management Plan shall be required to have received approval from the Region of York demonstrating that any construction activities related to underground construction (underground parking), dewatering or groundwater depressurization will not interfere with quantity and quality of groundwater of the adjacent municipal well (Well 15);</p>	
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			<p>7. Record of Site Condition:</p> <p>That prior to lifting the “H” on each phase, a Record of Site Condition shall be filed in accordance with the Town’s Official Plan;</p> <p>8. Conceptual Site Plan:</p> <p>That prior to lifting the “H” on the 1st Phase, a Conceptual Site Plan shall be submitted for the entire site, demonstrating to the Town’s satisfaction how the Development Standards of the Zoning Bylaw, urban design policies and principles are met and how development is proposed to proceed in a logical and orderly progression;</p> <p>9. Site Plan Agreement:</p> <p>That prior to lifting the “H” on each phase, a site plan for the applicable phase is required demonstrating to the Town’s satisfaction how the density, Development Standards of the Zoning Bylaw, urban design policies and principles, including demonstration of how best practices in effect at that time, are met; and a Site Plan Agreement shall be entered into between the Owner of the lands and the Town, and the performance security contemplated therein posted;</p> <p>10. Subdivision Agreement:</p> <p>That prior to lifting the “H” on the 1st Phase and each subsequent phase, where</p>	
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			<p>applicable, a Subdivision agreement, and other necessary agreements as required shall be required to have been executed, between the Owner of the Land and the Town, and the performance securities required have been executed for the respective phases;</p> <p>11. Traffic Impact Study, Parking Analysis and Transportation Demand Management Measures:</p> <p>a) That prior to the lifting of the “H” for the 1st Phase, the Owner shall submit a preliminary phasing plan that identifies any internal transportation infrastructure required for the 1st Phase and all subsequent phases, as well as the recommended timing of any external road and network improvements required in support of the implementation of each phase, including the co-ordination required for each phase with external transportation works, to the satisfaction of the Town and the Region;</p> <p>b) That prior to the lifting of the “H” for each phase, an updated Traffic Impact Study and Parking Analysis, including Transportation Demand Management</p>	
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			<p>measures shall be submitted outlining which, if any, transportation improvements and/or modifications to density, (addressed through the Site Plan process), are required to permit that phase to proceed and to ensure parking is acceptable and that TDM measures shall be implemented all to the satisfaction of the Town and Region;</p> <p>c) That prior to the lifting of the “H” on the 1st Phase and subsequent phases thereafter, an agreement shall be entered into between the Owner and the Town stipulating that Street A will be constructed and maintained as part of the 1st Phase to the satisfaction of the Town, as a temporary street between Yonge Street and George Street; it will remain as a temporary street throughout the subsequent phases with the exception of the periods that it is required to be temporarily closed for construction, and that upon completion of the development of the subject property, Street A will be constructed and maintained as a private street to the satisfaction of the Town, in consultation with the Region;</p>	
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			<p>d) That prior to the lifting of the “H” on Block C, the Owner shall enter into an agreement with the Town regarding the detailed design, construction timing and maintenance of the Owner’s portion of Street B (as an interim right in right out street) and the southerly portion of Street C;</p> <p>e) That prior to the lifting of the “H” on Block B, Streets B and C referred to above, shall be constructed and the necessary conveyances and agreements executed to the satisfaction of the Town and the Region;</p> <p>f) That prior to the lifting of the “H” on Block B, intersection improvements at George Street and Davis Drive shall be implemented unless demonstrated, to the satisfaction of the Town and the Region, through an Updated Traffic Impact Study that the improvements are required sooner or later than this phase, and the necessary agreements executed with the Town and the Region;</p> <p>g) That prior to the lifting of the “H” on Block A, Street C shall be constructed and extended to</p>	
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			<p>the northerly boundary of the subject property to facilitate a connection to Street D, to the satisfaction of the Town.</p> <p>h) No amendment to this By-law is required should it be determined, to the satisfaction of the Town Council and/or Region, as the case may be, that the timing of any of the transportation improvements or their linkage to certain Blocks of the development should be revised, provided such changes are supported by the appropriate studies also prepared to the satisfaction of the Town, and where applicable the Region.</p> <p>12. Official Plan:</p> <p>That prior to lifting the “H” on each phase, all relevant provisions of the Official Plan have been complied with.</p>	
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By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2014-51 <u>Holding Provision Removed</u> By By-Laws 2017-15 & 2019-80	Part of Lot 96. Concession 1 W.Y.S.	<p>No person within the lands zoned the R1-E- 125, R1-F-125, R2-H-125, R4-R-125, AND R4-R1-125 Zones, 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. • For lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards. 	September 29, 2014

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2014-54 <u>Holding Provision Removed By By-Law 2015-29</u>	212 Davis Drive Part of Lot 4, Registered Plan 32, Town of Newmarket	<p>No person within the lands zoned (H)UC-R- 124 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 this By-law. 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.</p> <p>Furthermore, no changes, 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 Town Council and By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to Source Water Protection and/or in-ground and above ground services, if deemed appropriate and desirable by the Town.</p>	<p>1. Grading:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that the proposed grading and elevation of the proposed apartment building and accessory parking structure achieve appropriate vehicle and pedestrian connectivity to the future Minor Collector at the rear, and appropriately connect and transition to the surrounding properties, including Davis Drive.</p> <p>2. Conveyance of the minor Collector and Hydro Easement along the frontage of Davis Drive:</p> <p>That prior to the lifting of the “H”, that the Owner shall enter into an agreement with the Town for the conveyance of the space required for the Future Minor Collector across the rear of 212 Davis Drive and the 3m easement and associated facilities at the Davis Drive frontage and the necessary agreements executed with the Town, and applicable agencies.</p>	September 29, 2014

			<p>3. Sanitary Sewage Conveyance:</p> <p>That prior to lifting the “H” it shall be demonstrated to the satisfaction of the Town that there is sufficient existing sanitary sewer conveyance capacity available, or through a detailed calculation, demonstrate that water conservation measures will achieve the same end and that there will be no downstream adverse impacts.</p> <p>4. Record of Site Condition:</p> <p>That prior to lifting the “H” a Record of Site Condition shall be filed in accordance with the Town’s Official Plan. (Policy 10.4.7a)</p> <p>5. Stormwater:</p> <p>That prior to lifting the “H” a detailed Stormwater management plan shall be submitted to the satisfaction of the Town, the Region and the Lake Simcoe Region Conservation Authority.</p> <p>6. Servicing Conveyance:</p> <p>That prior to lifting of the “H” provision for municipal services and access shall be to the satisfaction of the Town and the necessary agreements executed with the Town.</p>	
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			<p>7. Source Water Impact and Assessment Mitigation Plan:</p> <p>That prior to the lifting the “H” a Source Water Impact and Assessment Mitigation Plan shall be required to have received approval from the Region of York demonstrating that any construction activities, including any dewatering or groundwater depressurization will not interfere with quantity and quality of groundwater of the municipal well(s).</p> <p>8. Parking Requirements: (Development Standard (iv)(i)):</p> <p>That prior to the lifting of the “H” it shall be demonstrated to the satisfaction of the Town through a parking justification report that any parking reduction from 1.1 Parking spaces per dwelling unit can be justified, and that parking demand management options, including but not limited to, parking agreements and shared parking be to the satisfaction of the Town.</p> <p>9. Maximum Height of Accessory Parking Structure: (Development Standard (iv)(k)):</p> <p>That prior to the lifting to the “H” and subject to the grading and elevation provisions addressed in Holding provision #1 Grading, that it be demonstrated to the satisfaction of the Town that the maximum height of the accessory</p>	
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			<p>parking structure as identified in Development Standard (iv)(k) of the By-law, is justified.</p> <p>10. Bonusing</p> <p>That prior to lifting the “H” an Agreement pursuant to Section 37 of the Planning Act has been entered into between the Town and the Owner of the lands.</p> <p>11. Site Plan Agreement:</p> <p>That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands and the performance security contemplated therein posted.</p> <p>12. Official Plan:</p> <p>That prior to lifting the “H”, all relevant provisions of the Official Plan have been complied with.</p>	
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By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2015-28 <u>Holding Provision</u> <u>Removed By</u> <u>By-Law</u> 2018-29.	17844 Leslie Street Southwest Corner of Leslie Street and Jeanette Street.	<p>No person within the lands zoned (H)CA 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>	The requirements of Section 10.4, Contaminated Lands, of the town's Official Plan have been satisfied to the satisfaction of the Director of Engineering Services.	June 22, 2015

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
OMB decision PL141386 Cougs	Part of Lot 89, Concession 1 Westerly terminus of Silken Laumann Dr.	<p>No person within the lands zoned (H) R4-R- 128 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • That a development 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	April 11, 2017

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2015-61 <u>Holding Provision Removed</u> By By-Law 2018-36.	955 and 995 Mulock Drive	<p>No person within the lands zoned (H)R4-R 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • The sufficient servicing capacity is available, and has been allocated by the Town; • That a subdivision agreement and site plan agreement have 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	December 14, 2015

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2016-35	345 and 351 Davis Drive	<p>No person within the lands zoned (H)UC-R- 130 shall use any lot to 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 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>	That sufficient servicing capacity is available, and has been allocated by the Town.	June 27, 2016

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2016-63	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>	December 5, 2016

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2017-28 <u>Holding Provision Removed By By-Law 2018-35.</u>	400 Park Avenue, 405 and 407 Botsford Street	<p>No person within the lands zoned (H)R4-R and (H)R5-T 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • That a subdivision agreement and/or site plan agreement have 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	May 15, 2017

By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
2017-40	106 Main Street South, Lot 7 of Registered Plan 222, Town of Newmarket, Regional Municipality of York	No person within the lands zoned (H)UC-D1 known by the municipal address 106 Main Street South 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 this By- law.	<ul style="list-style-type: none"> • Site Plan Agreement: That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands. <p>1. Official Plan:</p> <p>That prior to lifting the “H”, all relevant provisions of the Official Plan have been complied with.</p>	June 26, 2017

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2017-44 <u>Holding Provision Removed</u> By By-Law 2018-38.	260 Eagle Street	<p>No person within the lands zoned (H)R4-R 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>However, the Holding provision will not prevent the construction of model homes, a sales office, and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> • All relevant provisions of the Official Plan, have been complied with; • That sufficient servicing capacity is available, and has been allocated by the Town; • That an Environmental Noise Assessment has been completed to the Town's satisfaction. • That a subdivision agreement and/or site plan agreement have 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; • All necessary requirements of the Town have been satisfied; • All necessary approvals have been received by other commenting agencies and authorities. 	June 26, 2017

By-law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal of the “H”	Date Enacted
2018-51	Parts 1 and 2 of Registered Plan 65R-21988, Town of Newmarket, Regional Municipality of York, municipally known as 18095 and 18099 Leslie Street, more particularly Parcel ‘A’ identified on Schedule X of By-law 2018-51.	No person within the lands zoned (H) CS- 145 Zone shall erect, alter or use any land, buildings or structures for any purpose except for those uses which legally existed on the date of passing of By-law 2018-51.	Site Plan Agreement: That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands.	September 24, 2018
2018-51	The eastern area of Part 2 of Registered Plan 65R-21988, Town of Newmarket, Regional Municipality of York, municipally known as 18095 and 18099 Leslie Street, more particularly Parcel ‘B’ identified on Schedule X of By-law 2018-51.	No person within the lands zoned (H) CS- 145 Zone shall erect, alter or use any land, buildings or structures for any purpose except for those uses which legally existed on the date of passing of By-law 2018-51.	Site Plan Agreement: That prior to lifting the “H” a Site Plan Agreement has been entered into between the Town and the Owner of the lands addressing, among other matters, stormwater management, grading, landscaping, and buffering for the lands identified as Parcel ‘B’.	September 24, 2018

By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2018-49	175 Deerfield Road Parcel A as identified by Schedule "1" to this By-law.	<p>No person within the lands zoned (H)UC- R-144 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 this By-law.</p> <p>Furthermore, no changes, 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 Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or testing as addressed above, or any testing related to related to Source Water Protection and/or 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</p>	<p>Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has been filed for the site.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p> <p>That sufficient servicing capacity has been allocated by the Town. Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads.</p> <p>Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road.</p> <p>Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel A to the satisfaction of the Town to permit the discretionary maximum height of 15 storeys and discretionary maximum density of 3.0 FSI. Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the</p>

		<p>permitted.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and registration of the Record(s) of Site Condition. Prior to these activities taking place the applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible.</p> <p>A Site Plan Agreement to permit the residential development as proposed on Parcel A has been entered into between the Town and the property owner and registered on title to the property.</p> <p>That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
2018-49	175 Deerfield Road Parcel B as identified by Schedule "1" to this By-law.	<p>No person within the lands zoned (H)UC- R-144 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 this By-law. Furthermore, no changes, 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 Town Council and the By-law comes into full force and effect.</p> <p>However, the Holding provision will not prevent any remediation or</p>	<p>Confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation, and Parks (MOECP) that a Record of Site Condition (RSC) has been filed for the site.</p> <p>That sufficient servicing capacity has been allocated by the Town.</p> <p>Confirmation has been provided by the Director of Engineering Services that it has been demonstrated that an adequately sized sanitary sewer of sufficient depth to service all phases of the proposed development is able to be constructed for the development. The sewer shall outlet to the existing sanitary sewer on Parkside Drive unless it is demonstrated during the detailed design stage that this option is not feasible.</p> <p>The property owner has been transferred ownership of the lands occupied by Deerfield Road.</p>

	<p>testing as addressed above, or any testing related to related to Source Water Protection and/or 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.</p> <p>Notwithstanding the above, grading, excavation, shoring, construction of below grade structures and installation of below grade infrastructure may occur prior to the lifting of the holding symbol and registration of the Record(s) of Site Condition. Prior to these activities taking place the applicant must enter into a leading site plan agreement for the lands to address tree removals and protection, insurance, and accepting liability for undertaking works in advance of final site plan approval.</p>	<p>Easements in favor of the Town have been registered on title to the Deerfield Road lands to ensure uninterrupted public access over the private roads. Agreements have been executed to ensure the property owner accepts responsibility for all costs associated with the closure of the public road, transfer of ownership, creation of easements, and reconstruction of the road. Access for abutting property owners has been ensured through the appropriate easement and agreement documents to the satisfaction of the Town.</p> <p>An agreement to provide an easement in favor of the Town has been secured over 212 Davis Drive and 230 Davis Drive to secure vehicular and pedestrian connections between the subject lands and Davis Drive to the satisfaction of the Town.</p> <p>That a Section 37 Agreement be executed for Parcel B to the satisfaction of the Town to permit the discretionary maximum height of 10 storeys and discretionary maximum density of 2.5 FSI. A Site Plan Agreement to permit the residential development as proposed on Parcel B has been entered into between the Town and the property owner and registered on title to the property.</p> <p>That the Owner has entered into an agreement with the Town for the conveyance of the space required for the future Minor Collector across the southern edge of 175 Deerfield Road.</p>
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By-law No.	Property Description	Permitted Uses Until the Holding Provision Removed	Conditions for Removal of the “H”
2018-17 <u>Holding Provision Removed By By-Law 2021-05</u>	Part of Lot 87, Concession 1, Town of Newmarket	<p>No person within the lands zoned (H) R1- FX-1, (H) R1-F-X2, (H) R2-H-X, (H) R4-R-X1 and (H) R4-R-X2 Zones 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. 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 is approved by the Council of the Corporation of the Town of Newmarket and comes into full force and effect.</p> <p>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<ul style="list-style-type: none"> i) All relevant provisions of the Official Plan, have been complied with; ii) That sufficient servicing capacity is available, and has been allocated by the Town; iii) That a subdivision agreement and/or site plan agreement have 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; iv) All necessary requirements of the Town have been satisfied; v) All necessary approvals have been received by other commenting agencies and authorities vi) Block 53 <p>Prior to lifting the “H” on Block 53, the owner shall have demonstrated that either:</p> <ul style="list-style-type: none"> a) The applicant agrees to convey Block 53 to the Town for the purposes of a public connection at no cost to the Town of Newmarket; or b) Through the Development Approval process of the west, the Town and York Region determine that an interconnection is not required.

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2018-12	Part of Lot 96, Concession 1, East of Yonge Street, Town of Newmarket	<p>No person within the lands zoned (H)UC- P-140 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>However, the Holding provision will not prevent the construction of model homes, a sales office and/or in-ground and above ground services if deemed appropriate and desirable by the Town.</p>	<p>Servicing Allocation:</p> <p>a) That prior to lifting the “H” on each phase, servicing capacity shall be demonstrated to be available and has been allocated by the Town generally at the time of Site Plan application, subject to the footnote below; and</p> <p>b) That York Region is satisfied and has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the site plan development); or,</p> <p>c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town allocates the capacity to this development;</p> <p>Sanitary Sewage Conveyance - That prior to the lifting of the “H” on each phase, it shall be demonstrated to the satisfaction of the Town that there is</p>	February 9, 2009

			<p>sufficient existing sanitary sewer conveyance capacity available or through a detailed calculation demonstration that there is sufficient capacity conveyance and that the necessary downstream sanitary improvement works have been completed to the satisfaction of the Town.</p> <p>Stormwater - That prior to lifting the “H” on each phase, a detailed storm water management plan shall be submitted to the satisfaction of the Town, the Region and Lake Simcoe Region Conservation Authority;</p> <p>Water Supply - That prior to lifting the “H” on each phase, a water supply analysis shall be submitted to the satisfaction of the Town;</p> <p>Traffic and Parking – prior to lifting the “H” on Phases 2 and 3 of the development, an updated Transportation Mobility Plan (TMP) will be prepared and submitted to the satisfaction of the Town. The updated plan will determine the impacts that proposed network improvements (e.g. widening of Yonge Street) may have on the study area; confirm the trip generation rates and growth assumptions as development</p>	
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			<p>occurs; confirm the pedestrian travel operations and ensure that the Level of Service (LOS) for pedestrian movements are maintained as a reasonable LOS in this area. The updated TMP for Phase 2 and 3 is to also review parking and vehicular queuing.</p> <p>Site Plan Agreement – That prior to lifting the “H” on each phase, a site plan agreement shall be entered into between the Owner of the lands and the Town, and the performance security contemplated therein has been posted.s of Removal.</p>	
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By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2019-01	172-178 Old Main Street	<p>No person within the lands zoned (H)R1-B- 141 and (H)R2-H-141, 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 By-Law 2019-01.</p> <p>Furthermore, no extension or enlargement of the uses which existed on the date of passing of By-Law 2019-01 shall occur unless an amendment to the By-Law or removal of the ‘(H)’ prefix, as identified in the next column, is approved by the Council of the</p>	<ol style="list-style-type: none"> 1. That sufficient servicing capacity is available, and has been allocated by the Town. 2. 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; ^[1]_[SEP] 3. All relevant provisions of the Official Plan, have been complied with; ^[1]_[SEP] 4. All necessary requirements of the 	December 21, 2018 for appeal PL180519

		Corporation of the Town of Newmarket and comes into full force and effect.	Town have been satisfied; and [L] [SEP]	
			5. All necessary approvals have been received by other commenting agencies and authorities. [L] [SEP]	

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2020-13 <u>Holding Provision Removed By By-Law 2020-37</u>	665-695 Stonehaven Avenue	No person within the lands zoned (H)CR-2-108 shall use any land, buildings or structures for a day nursery unless an amendment to By-law 2020-13 or removal of the '(H)' prefix, as identified in the next column, is approved by Town Council and the By-law comes into full force and effect.	That a Record of Site Condition (RSC) has been filed for the site. That the Director of Engineering Services has confirmed that the servicing design is sufficient for the proposed use. That the owner has entered into an amending site plan agreement with the Town for the required changes to the site.	March 2 nd , 2020

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2020-38	Blocks 164 and 165, Plan 19TN 2012-001	No person within the lands zoned (H)R5-T-124 or (H)CR-2-126 shall erect, alter, or use any land, buildings or structures for any purpose	<p>A Record of Site Condition (RSC) has been filed for the site to the satisfaction of the Director of Engineering Services.</p> <p>That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.</p> <p>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p>	June 29 th , 2020

By-Law No.	Property Description	Permitted Uses Until Holding Provision Removed	Conditions for Removal	Date Enacted
2020-52 <u>Holding Provision Removed by By-law 2021-42</u>	292-294 Court Street, Lot 5, Plan 25	No person within the lands described as 292-294 Court Street, Lot 5, Plan 25, shall erect or alter any buildings or structures for any purpose.	<p>That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.</p> <p>That a consent application has been approved by the Committee of Adjustment for the severance of the subject lands.</p> <p>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p>	September 21 st , 2020

8.3 Temporary Use Zones

Where on Schedules to this By-Law, a **zone** symbol is shown followed by a dash and the letter "T" (for example UC-D2-T), one or more additional **uses** are permitted on the lands noted until the permission granted by the site specific By-Law expires. Section 8.3.1 identifies the Temporary Use Zones within the municipality.

8.3.1 List of Temporary Use Zones

The following temporary use provisions apply to the properties specified:

Exception 138	Zoning EH-138	By-Law Reference 2017-47	File Reference NP-P-17-01
i)	Location: 195 Harry Walker Parkway North		
ii)	Permitted Uses: a. Office use shall also be permitted for a period of up to three (3) years from the date of passing of the By-law. b. Institutional Day Centre use shall also be permitted for a period of up to three (3) years from the date of passing of the By-law. [10 th July 2017]		

8.4 Interim Control Zones

Where on Schedules to this By-Law, a **zone** symbol is followed by a dash and the letters "IC" (for example UC-D2-IC), no change in **use** and no construction of any **buildings** or **structures** is permitted until the expiry of the site specific By- Law affecting the lands. Lands affected by site specific interim control By- Laws are catalogued in Section 8.4.1.

8.4.1 List of Interim Control Zones

The following Interim Control Zones apply to the lands and properties specified:

Old Main Street , bounded by Main Street Bypass/Main Street North and Bexhill Road	By-law 2017-25
<p>Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:</p> <ol style="list-style-type: none"> 1. That the subject lands shown on Schedule "X" are subject to the interim control provisions of this By-law; 2. That notwithstanding the provisions of Zoning By-law 2010-40 and subject to the standard approval process of the Town of Newmarket, only the following shall be permitted on the subject lands: <ol style="list-style-type: none"> a) the use of any land, building or structure for any purpose for which it was lawfully used on the day of the passing of this by-law, so long as it continues to be used for that purpose; b) the erection or use of any building or structure for which a permit has been issued under subsection 8(1) of the Building Code Act, 1992, prior to the day of the passing of this by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked; c) uses which are customarily incidental or subordinate to and exclusively devoted to the principal use and which operate together with the principal use on the same lot; d) the construction of a building, structure or pool, the use of which is incidental, subordinate and exclusively devoted to a main building or main use on the same lot; and e) construction, alteration, or expansion of any building, structure or pool as long as it is a continuation of a lawful use in existence on the date of the passage of this by-law. 	

3. Nothing in this By-Law shall prevent the strengthening to a safe condition or the reconstruction of any building or structure or pool or part of any such building or structure or pool, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure or pool.
4. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
5. This By-law shall come into force and take effect immediately upon its passing by Council and shall be in effect for a period of one year from the date of passing of this By-law, unless otherwise extended in accordance with the provisions of the **Planning Act**, R.S.O. 1990, c.P.13, as amended.

Section 9: Enactment

9.1 Force and Effect

This By-Law shall come into force and effect on the date it is passed by the Council of the Corporation of the Town of Newmarket subject to the applicable provisions of the **Planning Act**, R.S.O. 1990, as amended.

9.2 Readings by Council

This By-Law passed on the ___ day of _____, 2010.

MAYOR: _____

John Taylor

(Municipal Seal)

CLERK: _____

9.3 Certification

I hereby certify that the foregoing is a true copy of Zoning By-Law No. _____ as enacted by the Council of the Corporation of the Town of Newmarket, on the ___ day of _____, 2010.

CLERK: _____

Illustrations

Please be advised, the illustrations provided in this section are for clarification and convenience only and do not form part of this By-Law.

Illustration 1 – Basement; Basement, Walkout; and, Cellar

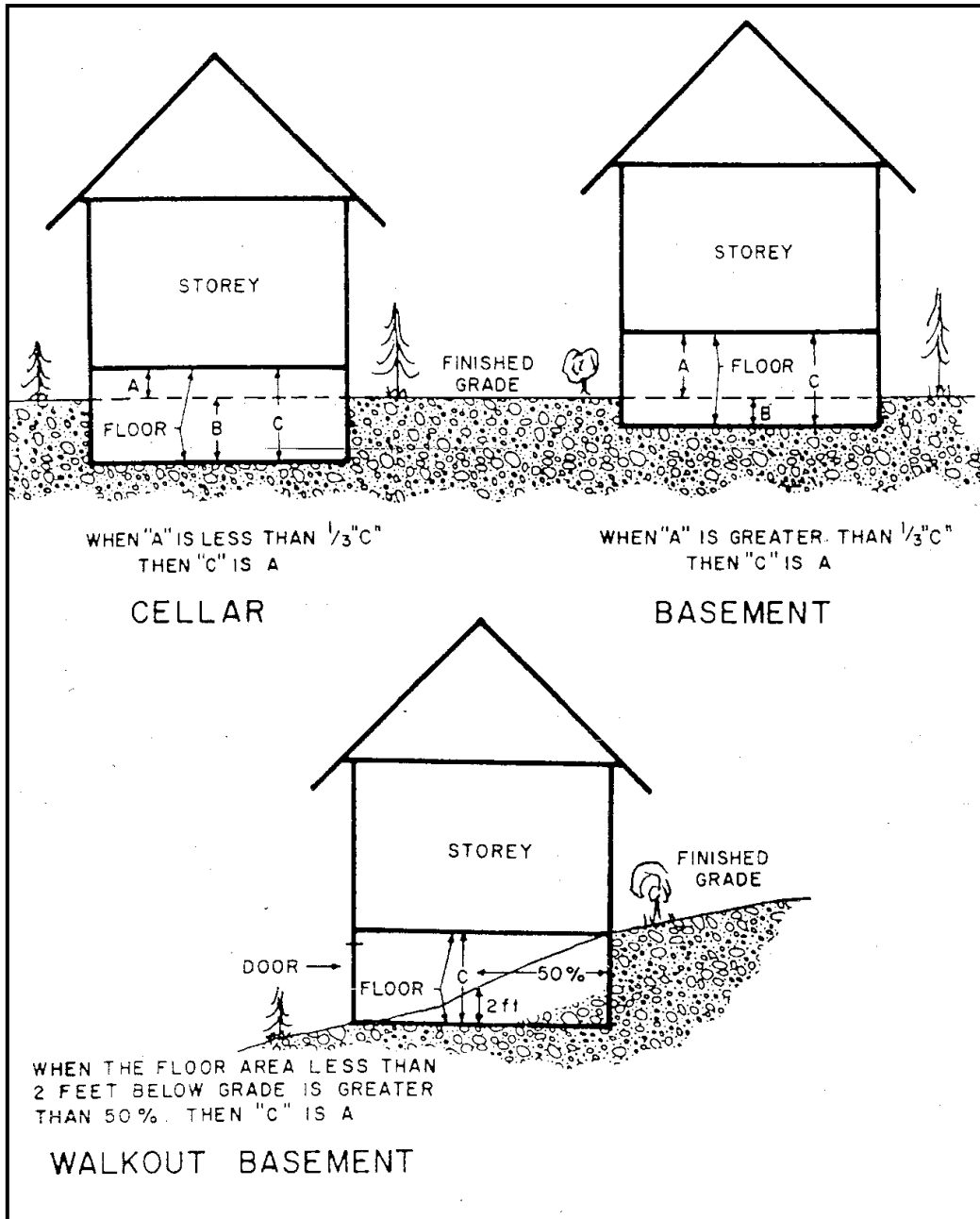


Illustration 2 – Dwelling Types

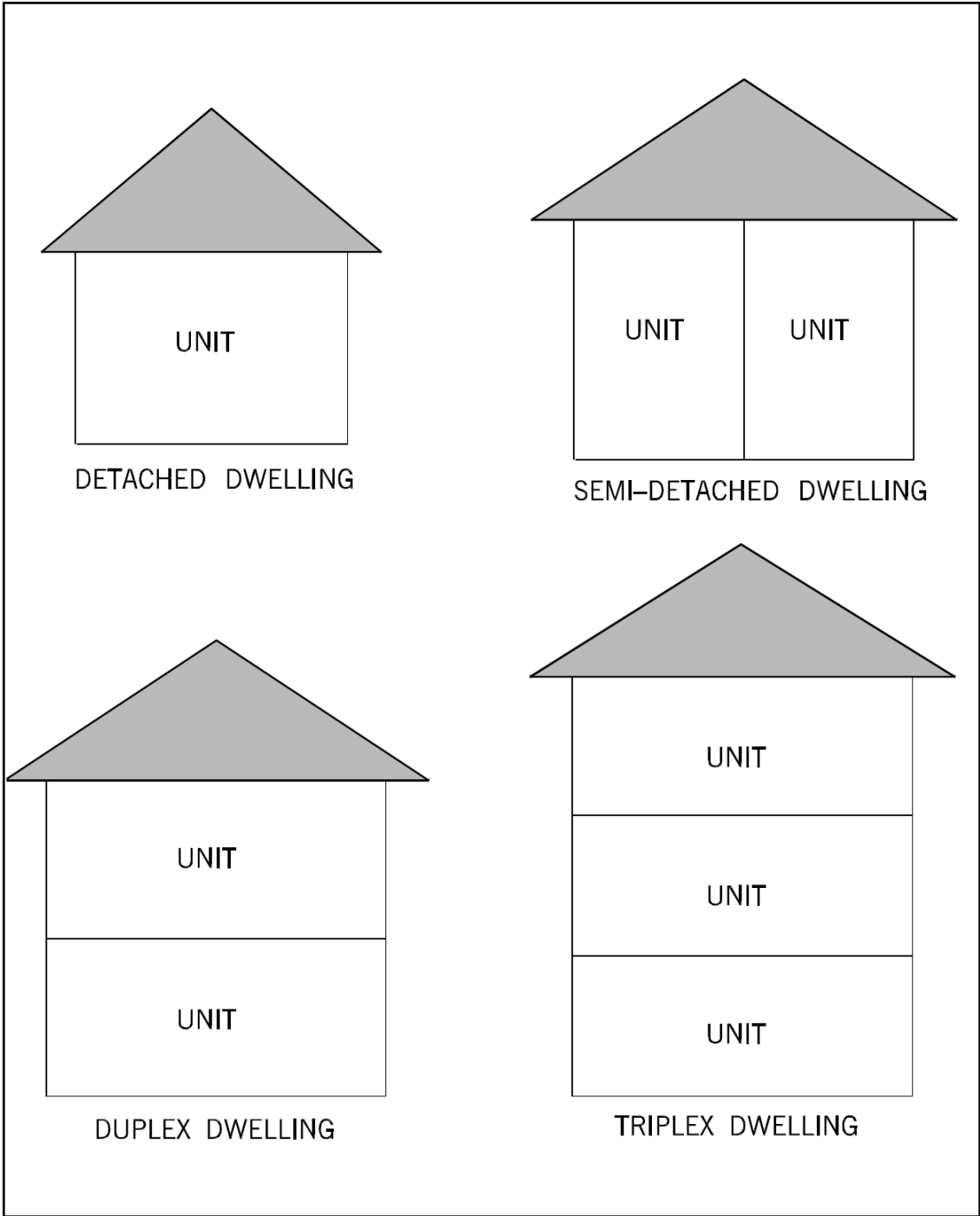


Illustration 3 – Dwelling Types

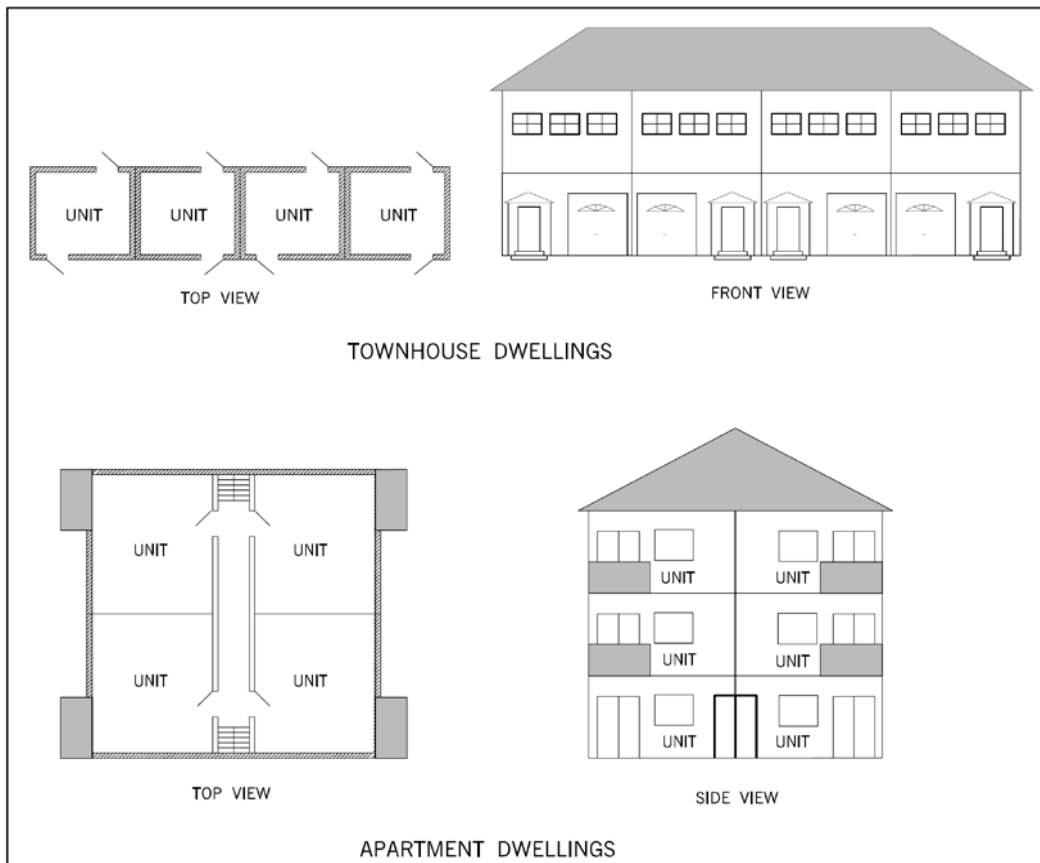
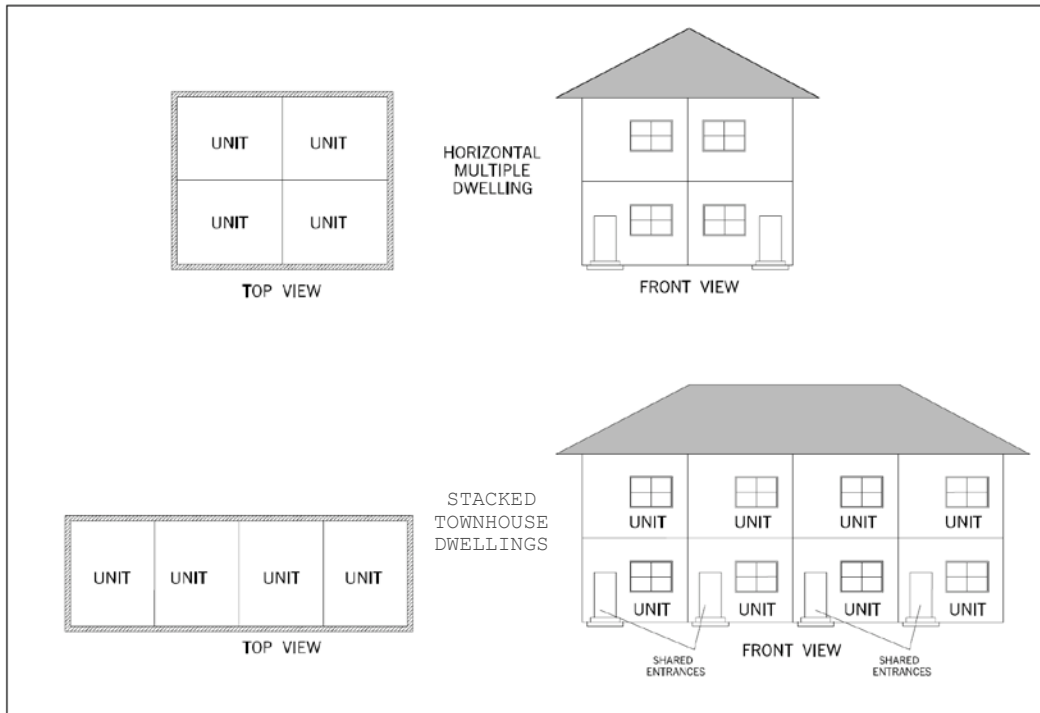


Illustration 4 – Floor Space Index

Examples of Buildings and Lots with a Floor Space Index (FSI) of 1.0

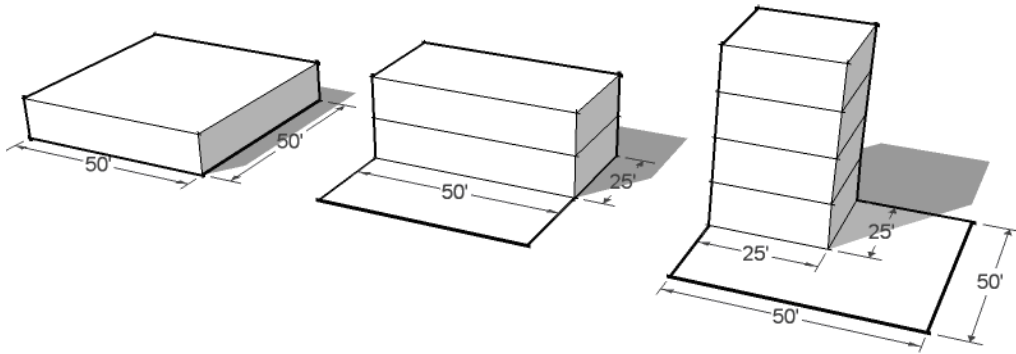


Illustration 5 – Height

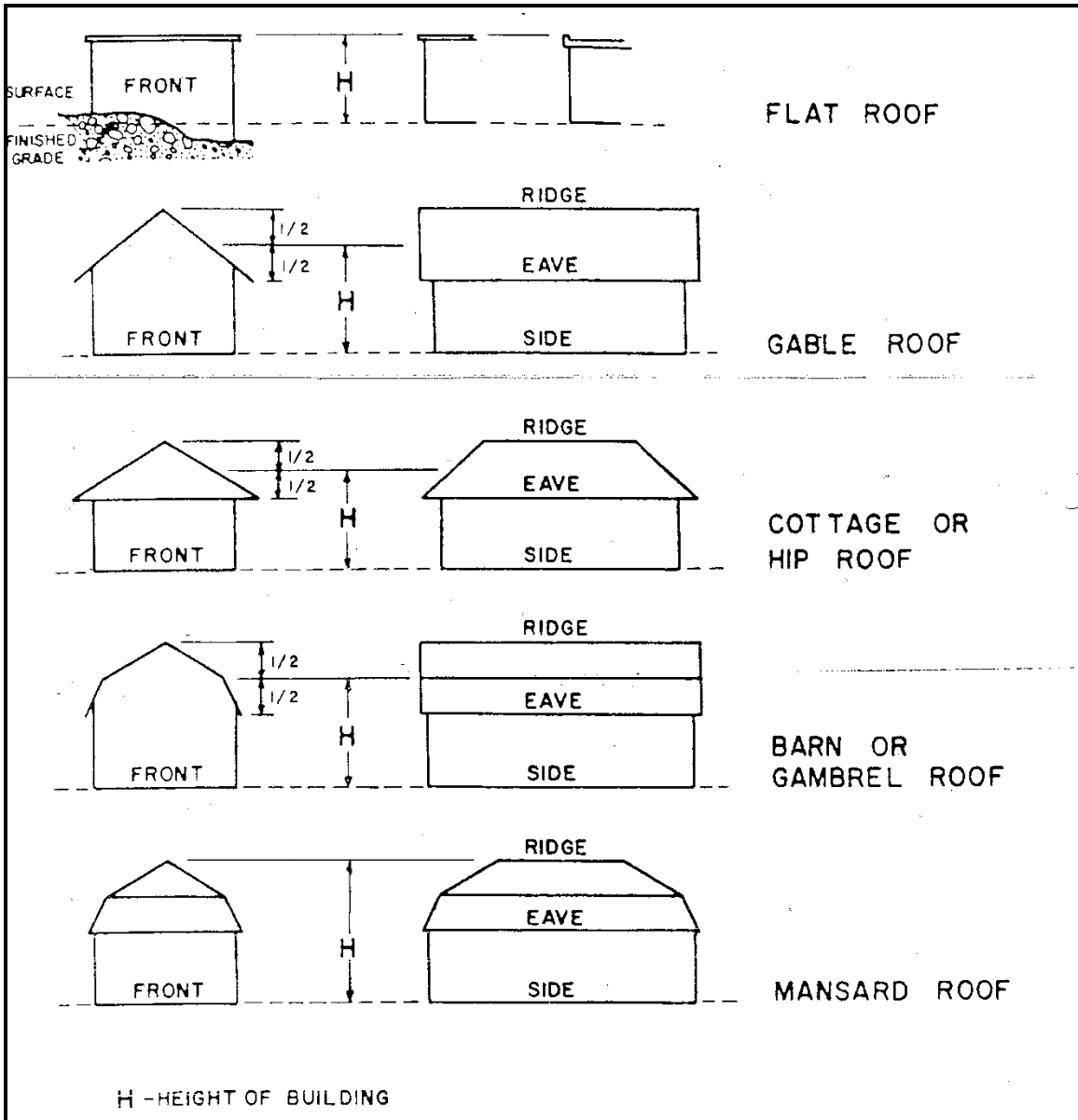


Illustration 6 – Lot Types

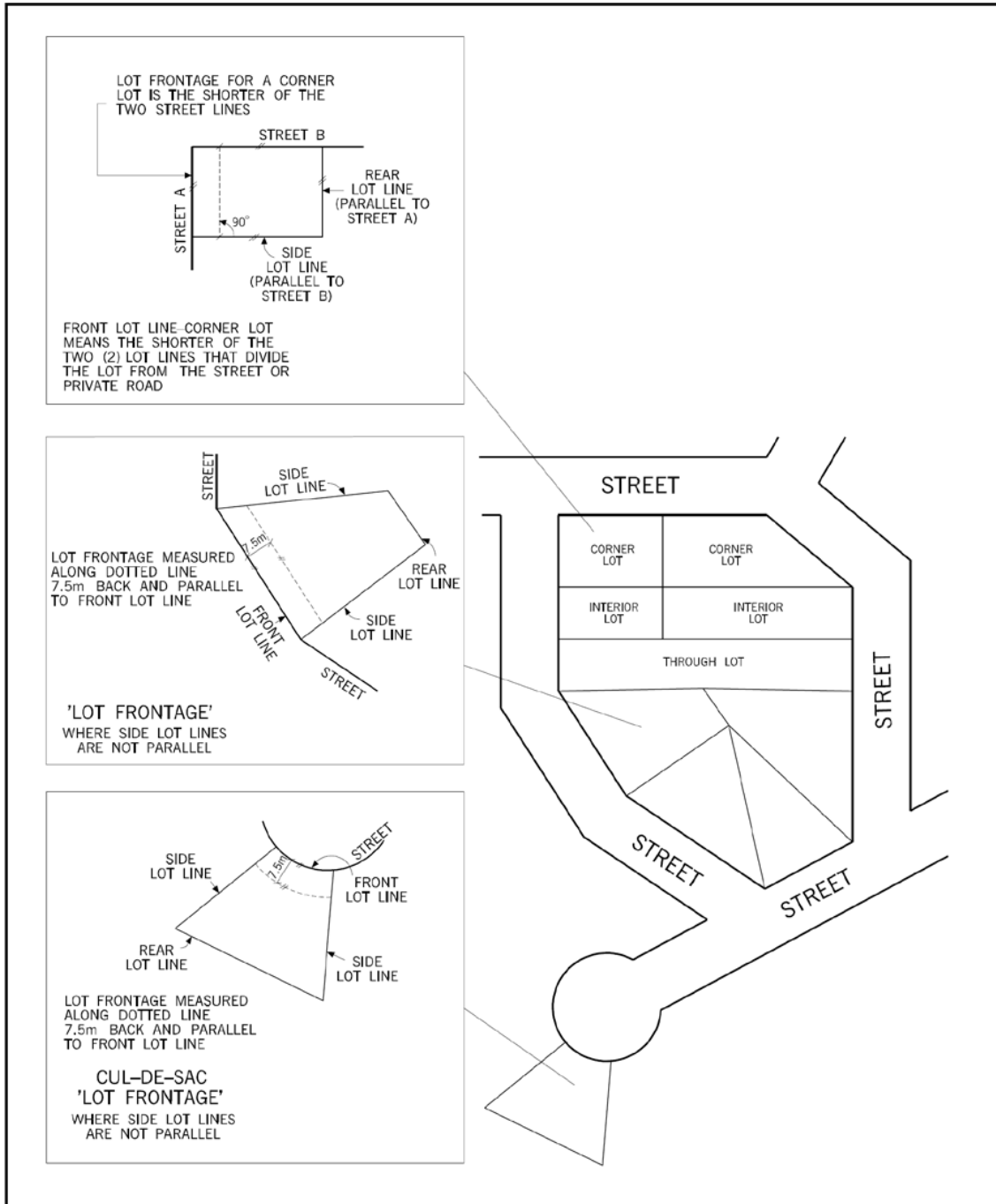
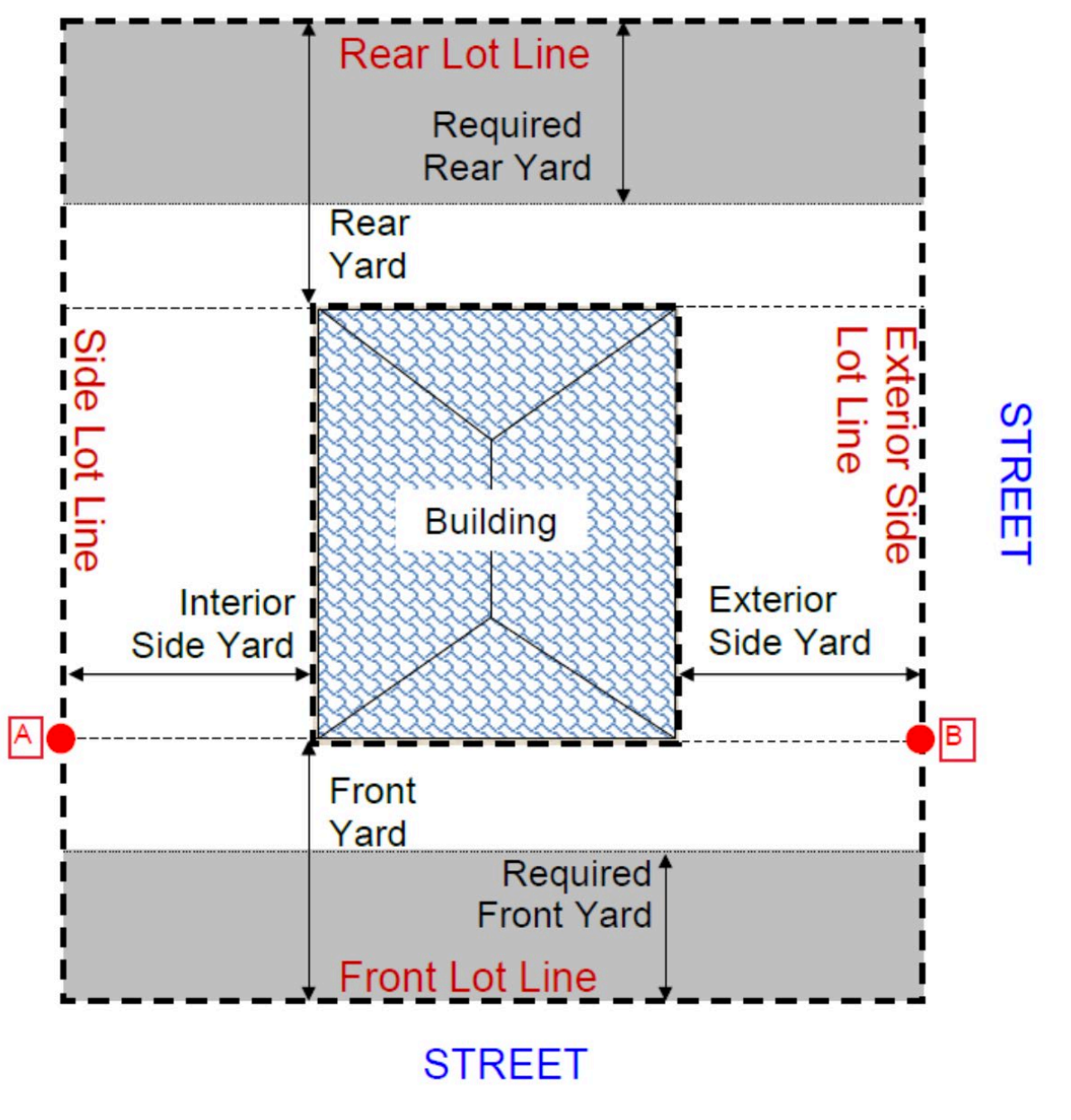


Illustration 7 - Yards and Yard Setbacks



Average of A and B = Grade, Established or Finished