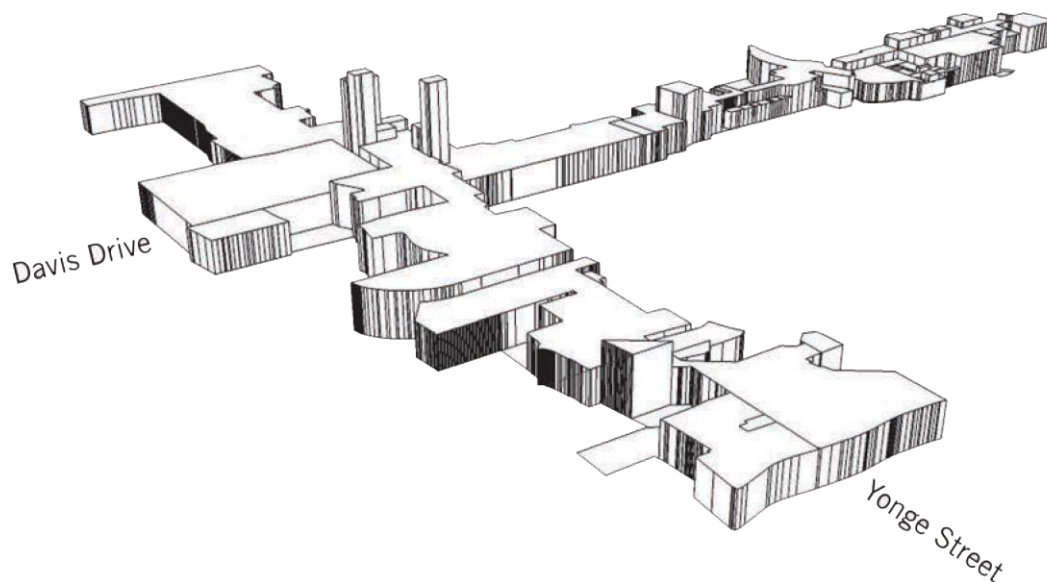


The Corporation of the Town of Newmarket

Urban Centres Zoning By-law 2019-06



Originally enacted by Council: September 24, 2018 as By-law 2018-48
By-law 2018-48 repealed by LPAT Decision: June 10, 2019 (PL180854)
By-law 2019-06 approved by LPAT: June 10, 2019 (PL180854)



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.

Office Consolidation: December 2023

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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 By-law is to implement the policies of the Town of Newmarket Official Plan and the Newmarket Urban Centres Secondary Plan. The Official Plan and the Urban Centres Secondary Plan both contain 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 and the Secondary Plan are general documents that are 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 and the Secondary Plan, if one exists.

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 this By-law;
- prohibit the erection or siting of **buildings** and **structures** on a **lot** except in locations permitted by this By-law;
- regulate the type of construction and the **height**, bulk, location, size, floor area, spacing, character, 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 this By-law;

Introductory Pages (Not an Operative Part of the By-law)

- 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; and,
- use a holding provision to permit a proposed road network or **Park** which places a hold symbol on certain lots that can be removed upon approval of a plan of **Subdivision** or consent.

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 Schedule and Map

Maps in this By-law are called 'Maps'. Schedules in this By-law refer to types of Maps, and in most cases, each Schedule Map is further broken up into separate Maps. The first step to using this By-law is to refer to the **zone** maps that are contained at the back of this By-law to determine in which **zone** category your property is located. The Zoning Map on Schedule "A" breaks up into six geographical areas on Maps 1 through 6, each pertaining to the Urban Centres character areas defined in the Newmarket Urban Centres Secondary Plan. The **zone** category will be indicated on the maps by a symbol or abbreviation. For example, you may see a symbol such as "MU-1" applied to your property. This would indicate that your property is within the 'Mixed Use 1 **Zone**'. The **zone** symbols or abbreviations are explained on the first page of Section 2 of this By-law. Section 2 also provides assistance to help you identify the **zone** boundaries on the maps. 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 this By-law.

2) By-law Amendments

This 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 1.9 of this By-law. More recent amendments may not be included in the version of this By-law that 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 this 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**. Refer to the **height** maps that are contained at the back of this By-law to determine in which **height** category your property is located. The **Height Map** on Schedule “B” breaks up into six geographical areas on Maps 7 through 12.

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.

Refer to the Maps that are contained at the back of this By-law to determine which Overlay **Zones** apply to your property. The Holding **Zones** Map on Schedule “C” breaks up into Maps 13 through 18. Schedule “D” contains the Priority Commercial Areas Map, while Schedule “E” contains the Floodplain and Other Natural Hazards Map. Finally, Schedule “F” contains the Parking Reduction Areas.

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 Urban Centres. 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

Section 5 of this By-law provides the parking and loading requirements for all permitted **uses** in the Urban Centres. 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**.

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7) Diagrams and Illustrations

A series of drawings and side notations are provided throughout this By-law. Drawings that are labelled 'Diagrams' are regulations that include drawings to which the By-law regulations apply. Drawings that are labelled 'Illustrations' or notes that are provided in the sidebar of the document are there to assist the reader in interpreting the Zoning By-law provisions. While 'Diagrams' do form part of the provisions of this By-law, 'Illustrations' and notes in the sidebars of this document do not form part of the provisions of this By-law.

Description of By-law Components

This By-law contains 9 sections which together, provide the standards applicable to all lands within the Urban Centres of the Town of Newmarket. 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, Loading and Queuing Requirements

Section 6 – Zone Provisions

Section 7 – Overlay Zones

Section 8 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

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

Section 2 – Establishment of Zones

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

Section 3 – Definitions

It is necessary to define words in this By-law because it is a legal document. A zoning by-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in this By-law and ensure that this 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 Urban Centres or in what **zone** they are located. For example, this section contains provisions dealing with the construction of **accessory buildings** in any **zone** or legal **non-complying Buildings or Structures**.

Section 5 – Parking, Loading and Queuing Requirements

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 calculation of **parking space** requirements based on land **use** and proximity to transit and includes provisions regarding shared parking, barrier free **parking spaces**, as well as loading and **Queuing Lane** requirements.

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, setback, angular plane and minimum and maximum **heights** 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 Mixed **Use zone** regulatory sets, such **zone** is divided into separate **zones** that identify the permitted range of density and **height** throughout the Urban Centres based on the Secondary Plan thresholds.

Section 7 – Overlay Zones

This section identifies the various overlay **zones** that will be applied within the Urban Centres, such as Parking Reduction Areas, Priority Commercial Areas and Floodplain and Other Natural Hazards. 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 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

This section provides a consolidated list of properties that are subject to Site Specific Provisions, Holding Provisions, Temporary Use **Zones** and Interim Control By-laws.

Section 9 – Enactment

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

Section 1– Interpretation and Administration

1.1. Title

This By-law may be referred to as the “Town of Newmarket Urban Centres Zoning By-law” and applies to all lands identified on Schedule “A” of this By-law.

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 Urban Centres. 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, such as the Ministry of Environment, Conservation and **Parks**, or the Technical Standards and Safety 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. Transition Clause

1.9.1. Building Permit Applications

- i) Nothing in this By-law will prevent the erection or use of a **Building** or **Structure** for which a complete application for a **Building** permit was filed on or prior to September 24th, 2018 if the project in question compiles, or the **Building** permit application for the project is amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.
- ii) For the purposes of Section 1.9.1, a “complete 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.

1.9.2. Minor Variance Applications

- i) Nothing in this By-law will prevent the erection or use of a **Building** or **Structure**, in the circumstances set out in Section 1.9.2(i) and (ii), for which:
 - a) complete application for a minor variance under Section 45 of the Planning Act was filed on or prior to September 24th, 2018; or
 - b) complete application for a minor variance under Section 45 of the Planning Act was filed after September 24th, 2018 based on a **Building** permit application referred to in Section 1.9.1.
- ii) For the purpose of Section 1.9.2, 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) Where a project qualifies under Section 1.9.2 (i):
 - a) the minor variance may be granted in compliance with Section 45 of the Planning Act in the context of the applicable Former Zoning By-law as it read on September 24th, 2018 (By-law 2021-29); and,
 - b) a **Building** permit for the project may be issued after final approval is received for the minor variance if the project in question complies, or the **Building** permit application for the project is amended to comply, with the applicable Former Zoning By-law as it read on September 24th, 2018 and all final approved minor variances.

1.9.3. Site Plan Approval Applications

- i) Nothing in this By-law will 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 September 24th, 2018, if the project in question complies with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018.
- ii) For the purposes of Section 1.9.3(i), a “complete application for site plan approval” means an application which satisfies the requirements set out in the Town of Newmarket Official Plan and Town of Newmarket Urban Centres Secondary Plan.
- iii) Where a project qualifies under Section 1.9.3(i):
 - a) Final site plan approval may be granted if the project complies with the provisions of the applicable Former Zoning By-law, as it read on September 24th, 2018, all requirements of the Planning Act.
 - b) After final site plan approval is received for a project that qualifies under Section 1.9.4(1), 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 Former Zoning By-law as it read on September 24th, 2018 (By-law 2021-29), the site plan approval, and all finally approved minor variances.

1.9.4. Other Approvals and Agreements

- i) Nothing in this By-law will prevent the erection or use of a **Building** or **Structure** for which a complete application for the following, if the complete application was filed on or prior to September 24th, 2018:
 - a) a consent to sever;
 - b) an approval of draft plan of **Subdivision**;
 - c) a plan of condominium approval;
 - d) a payment in lieu of parking agreement pursuant to Section 40 of the Planning Act; or
 - e) a part lot control exemption approval pursuant to Section 50 of the Planning Act.
- ii) For the purposes of Section 1.9.4(i)(a), (b) and (c), a “complete application” means an application which satisfies the requirements in the Town of Newmarket Official Plan and Town of Newmarket Urban Centre Secondary Plan.
- iii) Where a project qualifies under Section 1.9.4(i):
 - a) the consent to sever, the approval of the draft plan of **Subdivisions**, the plan of condominium approval and the part lot control exemption approval may be granted, and the payment in lieu of parking agreement may be entered into, if the project complies with the provisions of the applicable Former General Zoning By-law as it read on September 24th, 2018 and all requirements of the Planning Act; and,
 - b) a **Building** permit for that project may be issued, based on an application for the **Building** permit filed after September 24th, 2018, if the project in question complies, or the **Building** permit application for the project amended to comply, with the provisions of the applicable Former Zoning By-law as it read on September 24th, 2018 and all finally approved minor variances.

1.9.5. Duration

- i) Nothing in this By-law applies so as to continue the application of the exceptions permitted by Section 1.9 beyond the issuance of the **Building** permit upon which the exemptions are founded.
- ii) In no case do the exemptions mentioned in Section 1.9 continue beyond the repeal of this transition section.

1.9.6. Repeal

The exception which permits compliance with the Town of Newmarket By-law 2010-40, 1979-50 and 1981-96 continues three- years after the adoption of this By-law.

1.10. Repeal of Former By-laws

- i) In the Urban Centres, which applies to all lands identified on Schedule “A” of this By-law, Town of Newmarket By-law 2010- 40 is repealed in its entirety on the date that all appeals of this By-law, if any, are resolved including all of the Sections, Schedules and amendments that apply to all lands subject to By-law 2010-40, save except for those lands that are:
- a) located within hatched areas identified on all Schedules “A” through “E” and all Maps associated with those schedules of this By-law, including lands that are:
- located at 192, 194, 196 & 198 Lancaster Avenue and 13 Kingston Road,
 - located at 17700 & 17600 Yonge Street,
 - located at 78, 80, 80-B, 84, 86, 90, 90-B & 92 Rye Crescent and 47, 47-B, 49, 49-B, 51, 51-B, 57, 59, 59-B, 61, 63 & 65 Walter Avenue,
 - located at 17365 & 17395 Yonge Street, located at 1, 1-B, 3, 3-B, 5, 5-B, 7, 9, 11, 11-B, 13, 13-B, 15, 15-B, 17, 19, 19-B, 21, 23, 25, 25-B, 27, 29, 31, 31-B, 33, 35, 35-B, 37, 39, 41, 41-B & 43 Walter Avenue and 10, 10-B, 12, 14, 14-B, 16, 18, 20, 20-B, 22 & 24 Longford Drive,
 - located at 188, 188-B, 190, 192, 194, 196, 198, 200, 202, 204, 206, 206-B, 208, 2010, 216, 218, 224, 224-B, 226, 226-B, 228, 230, 232, 232-B, 234 & 234-B Penn Avenue,
 - located at 230 Davis Drive,
 - located at 15 & 19 Vincent Street,
 - located at 49, 51, 53, 55, 61 & 63 Main Street North, located at 73, 77, 81, 81-B, 85, 91, 99, 101 & 101-B Main Street North, 422 Asa Street, 0, 43, 47, 71, 72, 75, 81, 85, 91, 95 & 97 Franklin Street and 423 Penn Avenue East,
 - located at 14, 22 Niagara Street, 347, 349, 349-B, 353, 353-B, 355 & 359 Simcoe Street,
 - located at 21 Niagara Street,
 - located at 11 Niagara Street and 379, 385 & 389 Simcoe Street,
 - located at 393 Simcoe Street,
 - located at 395, 397, 399 & 403 Simcoe Street,
 - located at 407, 411, 411-B & 415 Simcoe Street,
 - located at 451, 451-B, 453 & 457 Simcoe Street,
 - located at 25, 29, 33, 37, 43 & 39 Charles Street,
 - located at 67 Charles Street and 551 Queen Street,
 - located at 563 Queen Street,
 - located at 567 Granby Place,
 - located at 55 & 61 Prospect Street and 63 Queen’s Lane,
 - located at 31, 35-B & 43 Lundy’s Lane; 32, 36, 39, 39-B & 40 Bolton Avenue and 592 Watson Avenue.
- b) In the Urban Centres, which applies to all lands identified on Schedule ‘A’ of this By-law, Town of Newmarket Zoning By-laws 1979-50 and 1981-96 (By-law 2021-29) is repealed in their entirety, including all of the sections, schedules and amendments.

1.11. Technical Revisions to the Zoning By-law

The following technical revisions to this By-law are permitted without a zoning by-law amendment provided that the purpose, effect, intent, meaning and substance of this By-law are in no way affected:

- i) Changes to the numbering, cross-referencing, format and arrangement of the text, tables, diagrams, illustrations, schedules and maps;
- ii) Additions to and revisions of technical information on schedules, maps, diagrams and illustrations including, but not limited to infrastructure and topographic information, notes, legends, shading and title blocks;
- iii) Alterations of punctuation or language; and,
- iv) Correction of grammatical, dimensional, boundary, mathematical or typographic errors.

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
Mixed Use 1 Zone	MU-1
Mixed Use 2 Zone	MU-2
Mixed Use 3 Zone	MU-3
Institutional 1 Zone	I-1
Institutional 2 Zone	I-2
Open Space Zone	OS-1
Open Space Zone	OS-2
Open Space Zone	OS-3
Floodplain and Other Natural Hazards	FP-NH
Site Specific Zone	SS

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. Site Specific 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 Schedule “A” Maps 1 through 6 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” Maps 1 through 6, 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 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

Accessibility Lift

Means a vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground floor from **grade**.

Accessibility Ramp

Means an inclined plane installed in addition to or instead of stairs that permits users to access a ground floor from **grade**.

Accessory Building or Structure

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**.

Accessory Dwelling Unit

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.

Accessory Outdoor Storage

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**.

Accessory Residential Structure

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; and, standalone **solar capture equipment**; but shall not include a detached garage or any mechanical equipment as defined under **air conditioner** or privacy screens erected on the ground.

Accessory Residential Structure Height

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

Accessory Retail Sales Outlet

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

Accessory Use

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**.

Section 3 – Definitions

Adult Entertainment Parlour

Means any **premises** or part thereof in which is provided, in pursuance of a performance 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

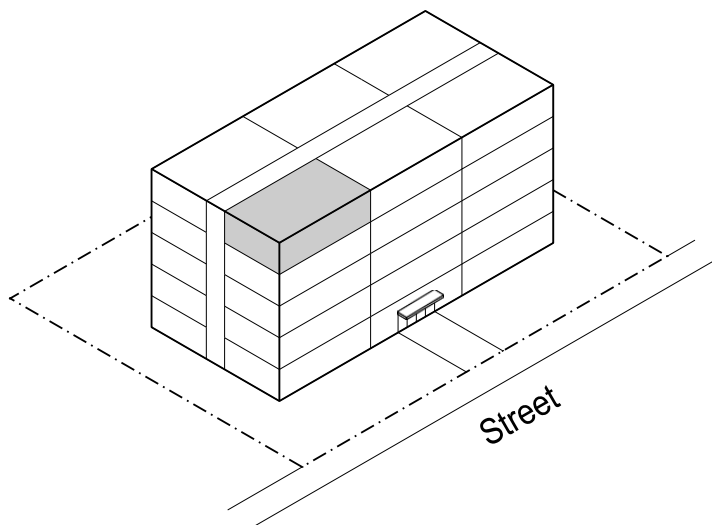
Means any mechanical equipment which is required for residential domestic **use** and which must be installed outdoors including central air conditioning units, heat pumps, heat exchange units, emergency generators and other such equipment.

Alternative Massage

Means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations (By-law 2021-49).

Apartment Building Dwelling

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.



■ Dwelling Unit

Diagram 3-1. Apartment Building Dwelling

Section 3 – Definitions

Art Gallery

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

Attached Structure

Means any **structure** that is attached to another **structure** by a common wall or by a common roof **Structure**.

Automated Motor Vehicle Washing Establishment

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

Back to Back Townhome Dwelling

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**.

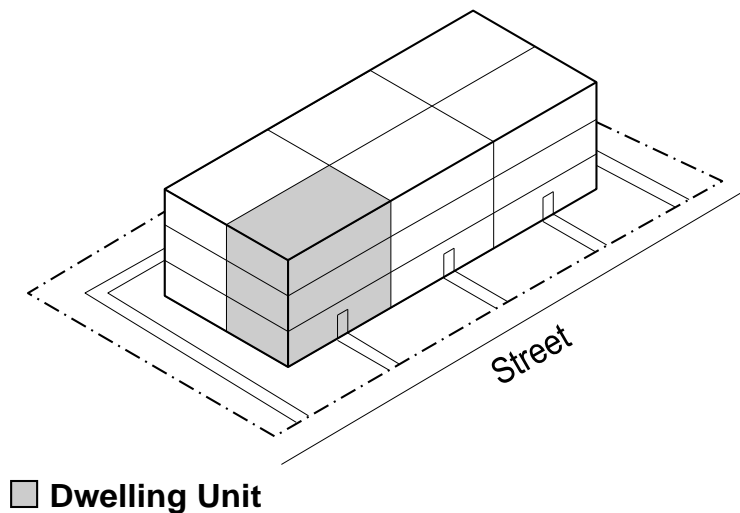


Diagram 3-2. Back to Back Townhome Dwelling

Balcony

Means a raised platform or **structure** in excess of 3.0 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**.

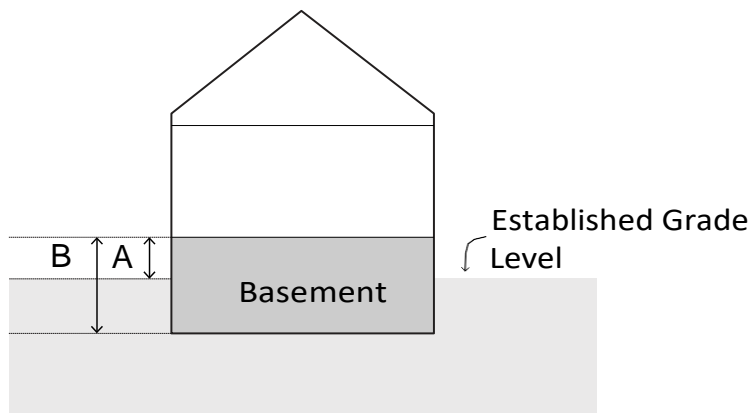
Section 3 – Definitions

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

Means that portion of a **building** that is underground, which has more than one third of its **height** above **established grade** but where the **height** above **established grade** does not exceed 1.8 metres.



A is more than 1/3 of B and less than 1.8m

Diagram 3–3. Basement

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 Spaces

Means an area used for parking or storing of a bicycle for either **short-term bicycle parking** or **long-term bicycle parking**.

Body Rub

Deleted (By-law 2021-49).

Section 3 – Definitions

Body Rub Parlour

Deleted (By-law 2021-49).

Building

Means a **structure** occupying an area greater than 10.0 square metres 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 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**.

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 Parking Space

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

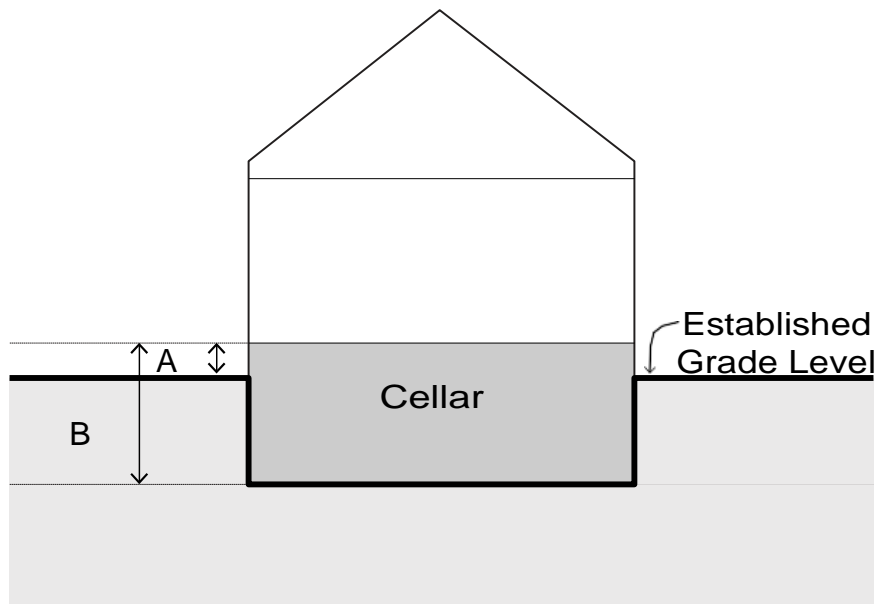
Carport

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**.

Section 3 – Definitions

Cellar

Means a **storey** or any part of a **storey** which has less than one third of its **height** above the **established grade**.



A is less than $\frac{1}{3}$ of B.

Diagram 3–4. Cellar

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.

Child Care Centre

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.

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.

Section 3 – Definitions

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 a **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 Rooftop Patio

Means any portion of a rooftop dedicated as a serving area that is an **accessory use** to a **restaurant** or to a **commercial use** (By-law 2021-08).

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**.

Commercial Use

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**.

Common Indoor Amenity Area

Means a common area or areas within a **building** provided for the exclusive use of residents for recreational and social purposes, at least one of which contains a kitchen and a washroom.

Common Outdoor Amenity Area

Means a common area or areas within a **lot** located outdoors provided for the exclusive use of residents for recreational and social purposes.

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**.

Section 3 – Definitions

Corner Lot

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.

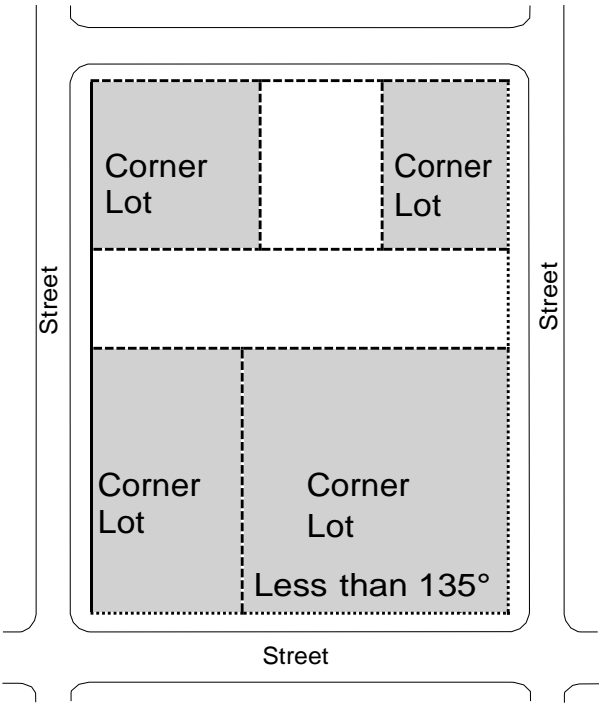


Diagram 3–5. Corner Lot

Crematorium

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

Section 3 – Definitions

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.

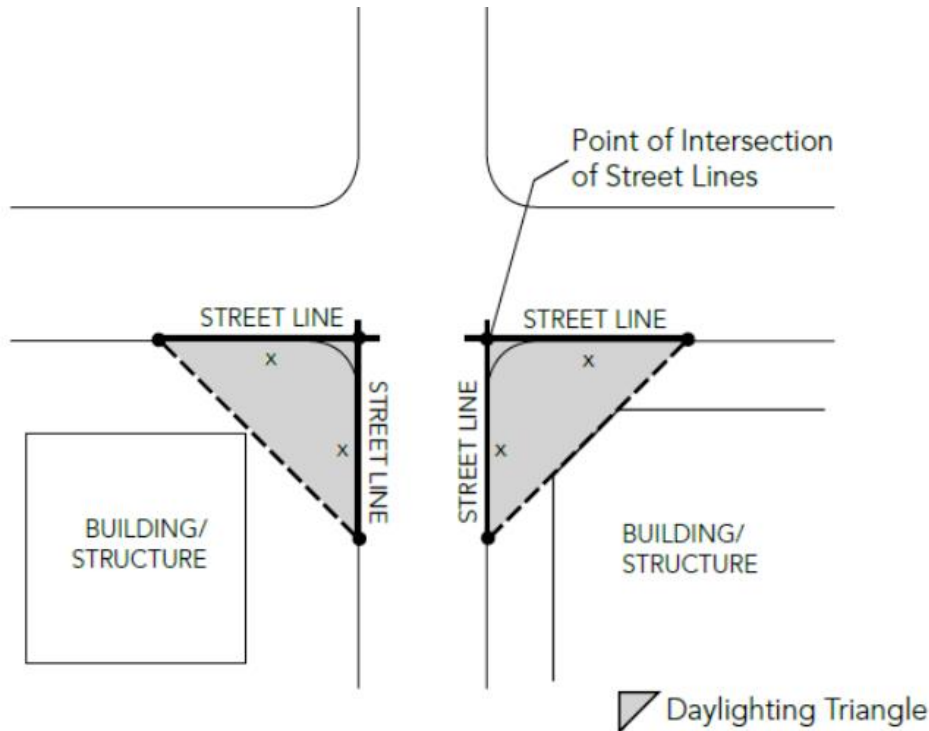


Diagram 3–6. Daylight Triangle (By-law 2021-29)

Deck

Means a platform, with no solid roof or walls, which is constructed on piers or a foundation above **established 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.

Section 3 – Definitions

Detached Dwelling

Means a **building** containing only one primary **dwelling unit** exclusive of any **accessory dwelling unit**.

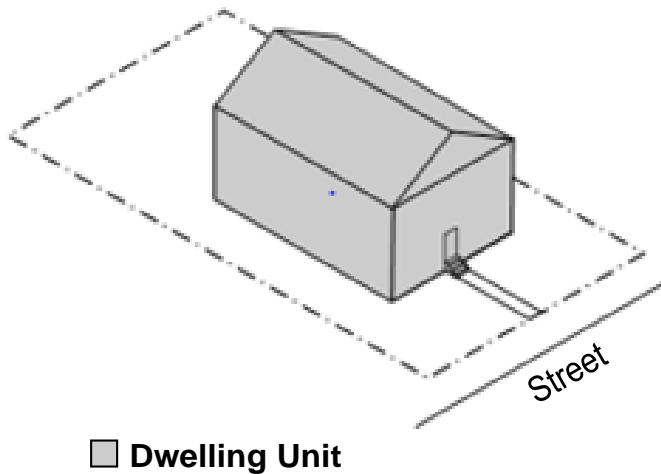


Diagram 3-7. Detached Dwelling

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**.

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

Means the widest horizontal surface of any **driveway**, 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.

Section 3 – Definitions

Dry Cleaning Depot

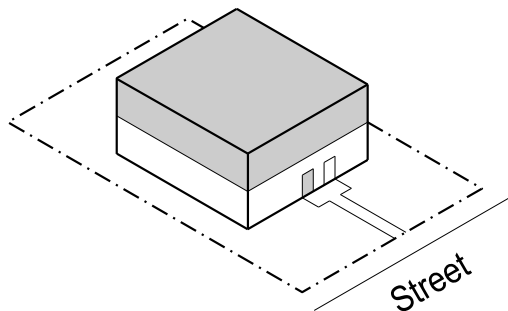
Means a **premises** used for the purpose of receiving articles or goods of fabric to be laundered or dry-cleaned elsewhere.

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.

Duplex Dwelling

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.



■ Dwelling Unit

Diagram 3-8. Duplex Dwelling

Dwelling Unit

Means a room or group of rooms to be used by one **household** 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.

Elementary School

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

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.

Established Grade

Means the average elevation of the finished surface of the ground at the base of the outside walls of a **building** or **structure**. The **established grade** is determined by taking the arithmetic average of the levels of the finished ground surface at every location of change of **grade** along the outside walls of a **building** or **structure**.

Existing

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

Section 3 – Definitions

Existing Building

Means a **building** or **structure** of which at least 50% or more of the **main walls** of the first **Storey** and above exists as of the date of the final passing of this By-law.

Exterior Side Lot Line

Means a **side lot line** which abuts a street on a **corner lot**.

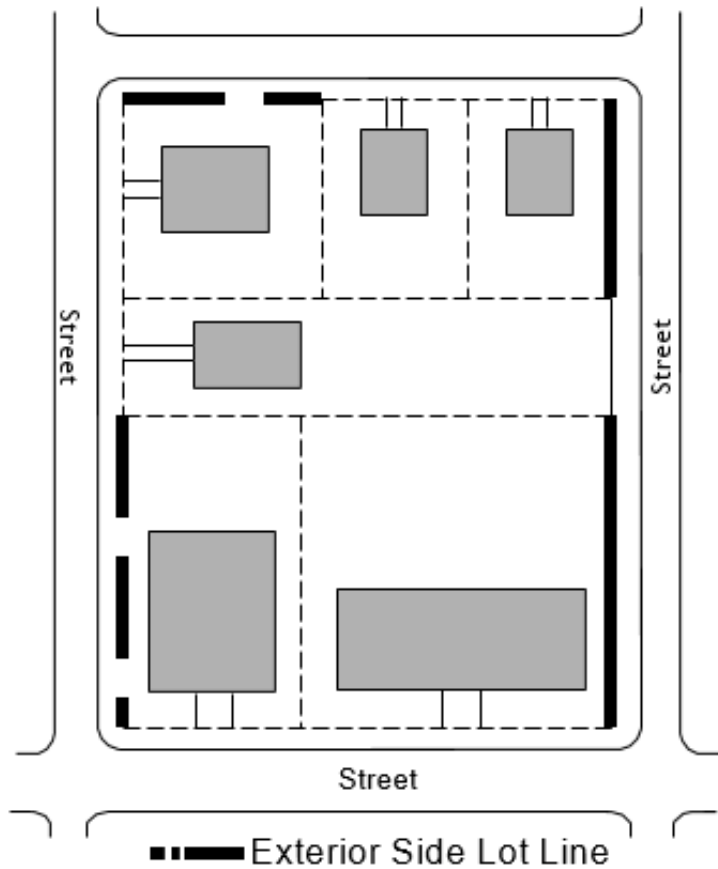


Diagram 3-9. Exterior Side Lot Line

Section 3 – Definitions

Exterior Side Yard

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**.

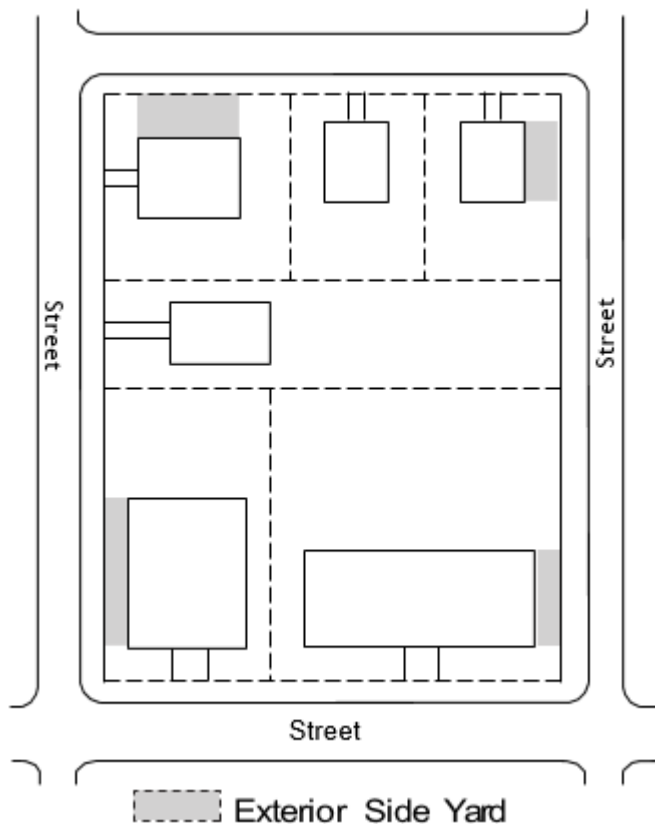


Diagram 3–10. Exterior Side Yard

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.

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**.

Section 3 – Definitions

Floor Space Index

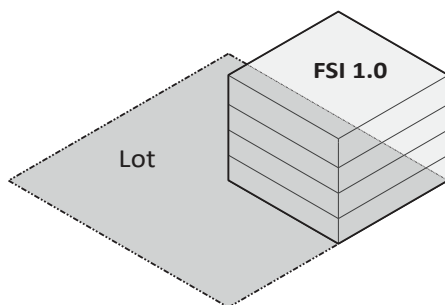
Means the **gross floor area** of all **buildings** on a **lot** divided by the **lot area**. For the purpose of calculating **Floor Space Index**, the following lands shall be excluded from **lot area**:

- Natural Heritage System and identified significant heritage areas;
- Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority, and
- Public Infrastructure such as hydro facilities and pumping stations.

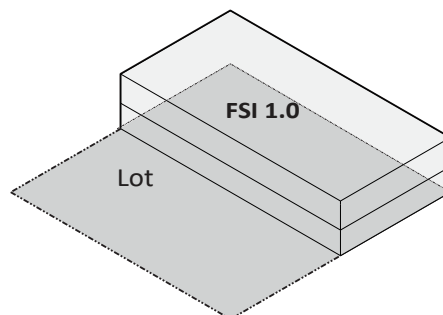
For greater certainty, lands used for the following purposes shall be included as part of **lot area** when calculating **Floor Space Index**:

- off-street parking and servicing areas;
- **private streets** and **driveways**;
- public streets conveyed to the Town or the Regional Municipality of York;
- **parks** and open space dedicated to the Town or a public authority;
- lands conveyed to the Town for underground hydro;
- private landscaped areas, including private squares that are designed to be used by the public (By-law 2021-29).

4 storey building covering 25% of lot



2 storey building covering 50% of lot



1storey building covering 100% of lot

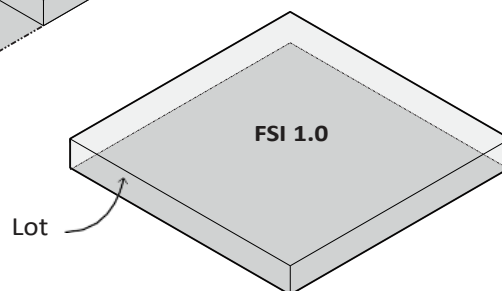


Diagram 3–11. Floor Space Index

Section 3 – Definitions

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).

Fourplex Dwelling

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.

Front Lot Line

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

- i) In the case of an **interior lot**, shall be the **lot line** abutting a street.
- ii) In the case of a **corner lot**, shall be the shorter **lot line** that abuts a street.
- iii) 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**.
- iv) In the case of a **corner lot** abutting a 0.3 metres reserve, shall be the **lot line** which does not abut the 0.3 metres reserve.
- v) 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**.

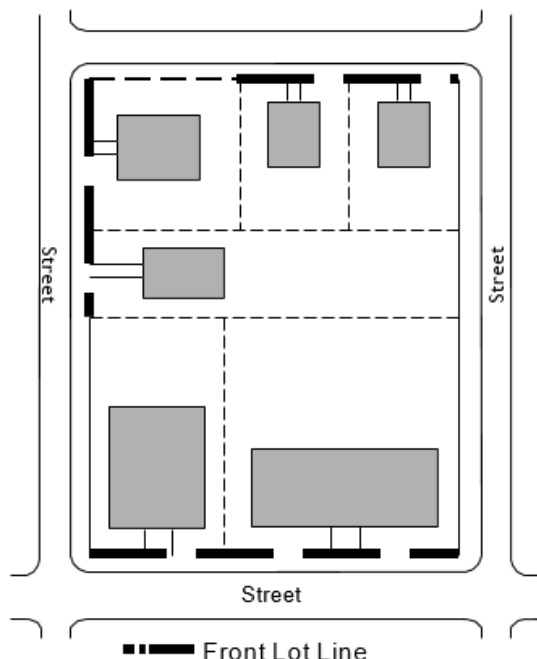


Diagram 3-12. Front Lot Line

Section 3 – Definitions

Front Yard

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**.

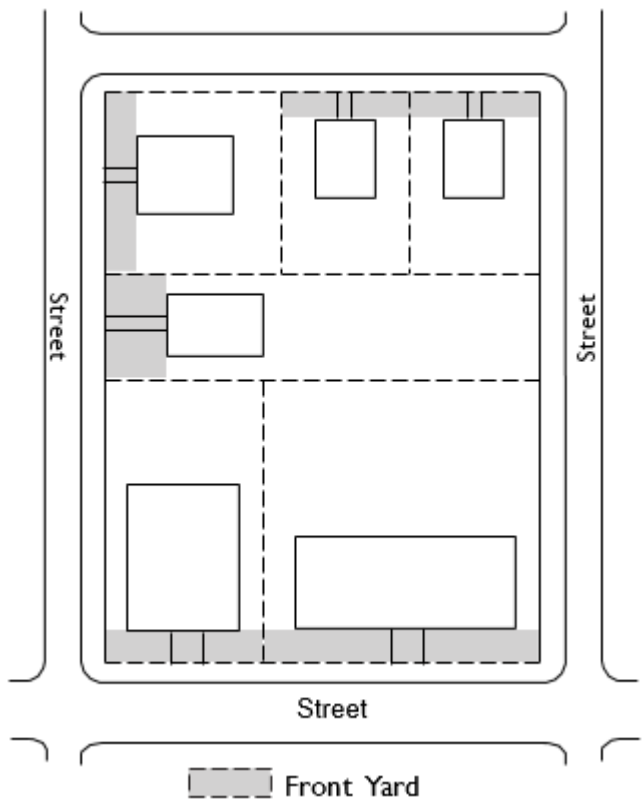


Diagram 3–13. Front Yard

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**.

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.

Grade

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

Green Roof

Means an extension to a **building’s** roof that allows vegetation to grow in a growing medium and which is designed, constructed and maintained.

Section 3 – Definitions

Gross Floor Area

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.

Ground Floor Area

Shall mean the floor area of the lowest **storey** of a **building** approximately at or first above the **established 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.

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 wellbeing but shall not include a **halfway house**.

Habitable Room

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

Half Storey

Means a **storey** whose **gross floor area** does not exceed 66% of the **storey** situated immediately below, which is located under a gable, hip, or gambrel roof, and whose wall plates, on at least two opposite walls, are not more than 0.66 metres above the floor of such a **storey**.

Section 3 – Definitions

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

Means the vertical distance measured between the average **established grade** and any of the following:

- i) on a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- ii) the deckline of a mansard roof;
- iii) on a gabled, hip, gambrel or any other type of pitched roof, the mean distance between the eaves and ridge of a roof; or
- iv) the highest point of a **structure** without a roof.

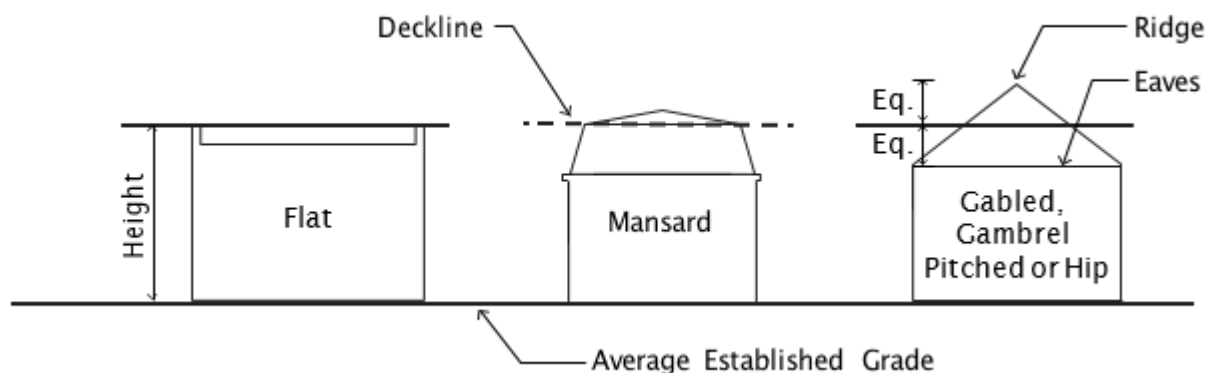


Diagram 3-14. Height

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. For the purpose of this by-law, **personal wellness establishment** shall not be permitted as **home occupation** (By-law 2021-49).

Section 3 – Definitions

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.

Household

Means a person or group of people who may or may not be related, live together as a single housekeeping establishment, and may include not more than 2 roomers or boarders.

Industrial Use

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**.

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 **child care centres**.

Institutional Use

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

Interim Development

Means either:

- i) an addition to an **existing building** consisting of no **residential uses** that has a gross **ground floor area** of 10% or less than the **existing gross ground floor area**, or;
- ii) a new stand- alone **building** consisting of no **residential uses** that has a gross **ground floor area** of 10% or less than the aggregate of all the **existing ground floor areas** of all the **buildings** on the same **lot**. For clarity, no **residential uses** shall be permitted as part of any **interim development**.

Section 3 – Definitions

Interior Lot

Means a **lot** other than a **corner lot**.

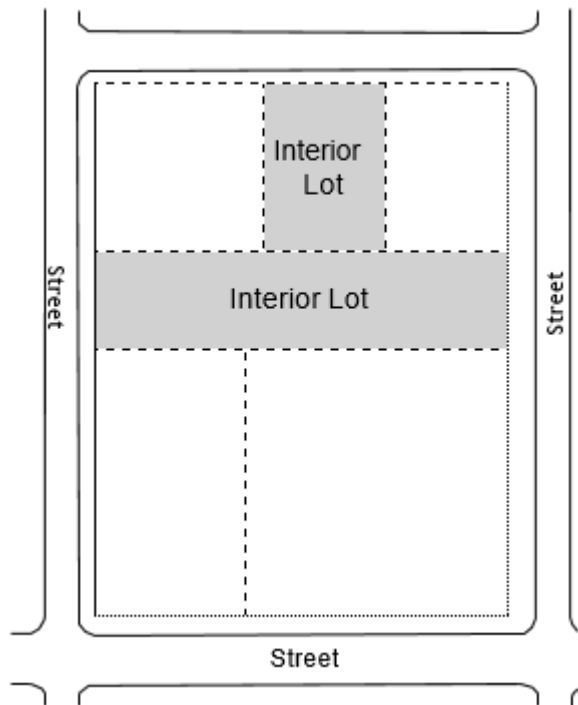


Diagram 3–15. Interior Lot

Section 3 – Definitions

Interior Side Yard

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**.

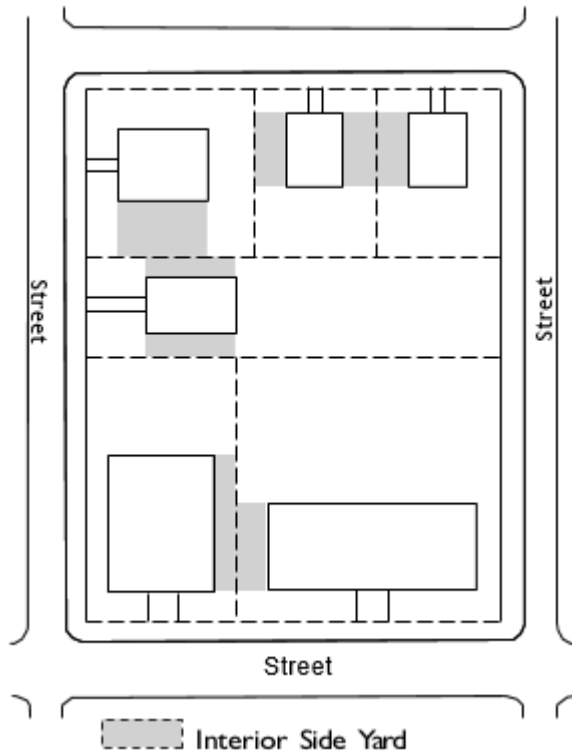


Diagram 3–16. Interior Side Yard

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**.

Landing

Means a surfaced, open space of land at **grade**, adjacent to a **residential use**, which is adjacent to stairs, steps, or a door providing access to the **building** or **structure** with which it is associated and connected to a **driveway**, pathway or walkway.

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.

Large Scale Wind Energy System

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

Section 3 – Definitions

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.

Leasable Floor Area

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**.

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.

Light Manufacturing

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**.

Link Dwelling

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**.

Live Work Unit

Means a **building** containing a professional **office** or a personal service use, and a **dwelling unit**, in which the owner/occupant of the **office** or personal service use 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

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

Section 3 – Definitions

Long-Term Bicycle Parking Space

Means a **bicycle parking space** that is located in a **building**, enclosed in a lockable locker, or enclosed in a secured area with controlled access.

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 6.0 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**, 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**.

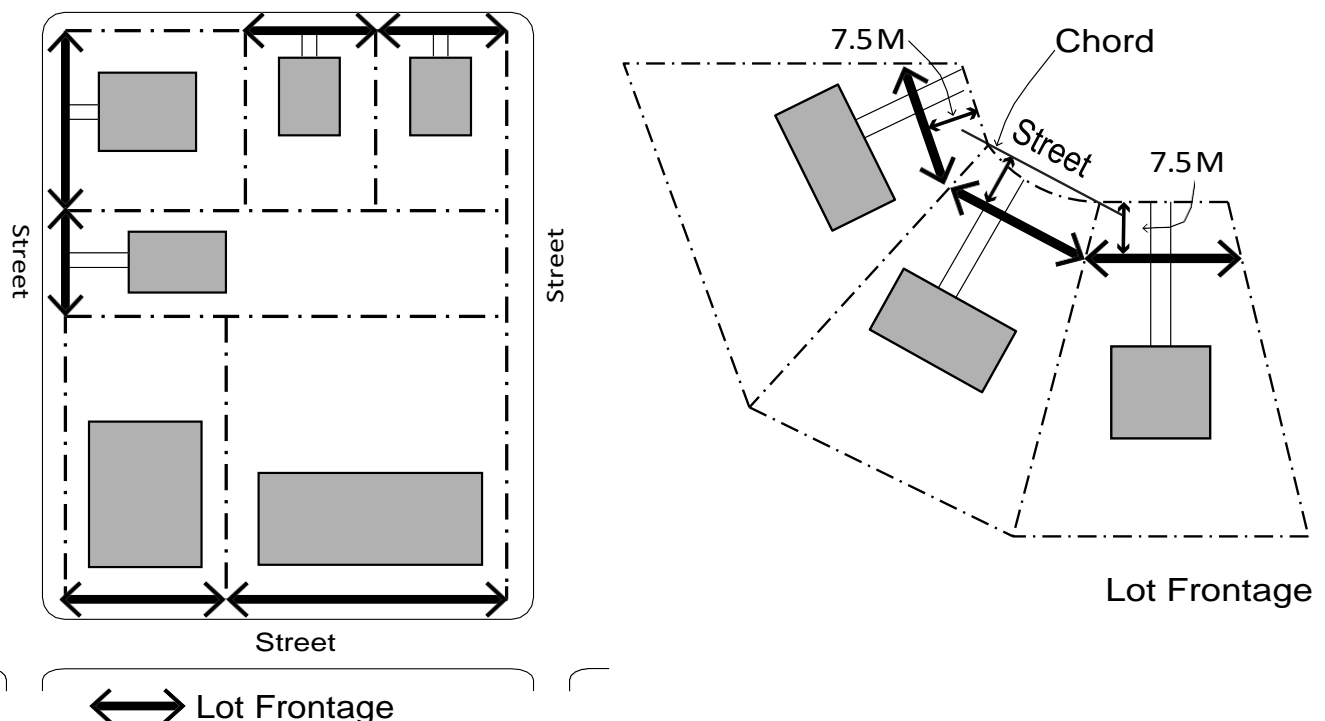


Diagram 3–17. Lot Frontage

Section 3 – Definitions

Lot Line

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

Main Wall

Means any exterior wall of a **building** or **structure**, including all structural members essential to the support of the roof, including a **balcony**, over a fully or partly enclosed area.

Maisonette Dwelling

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**.

Major Transit Station Area

Means an area, including and around any **existing** or planned higher-order transit station within a settlement area, or the area including and around a major bus depot in an urban core. Station areas generally are defined as the area within an approximate 500.0 metres radius of a transit station, representing about a 10-minute walk.

Manual Motor Vehicle Washing Establishment

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

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**.

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 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/Dental Laboratory

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

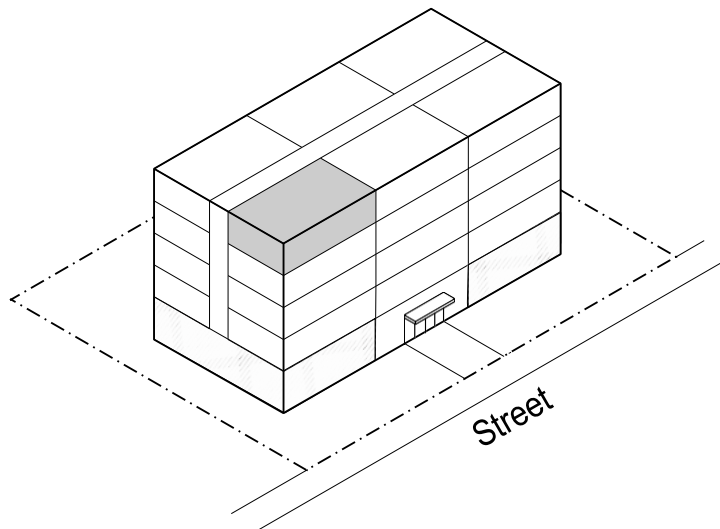
Section 3 – Definitions

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 may include 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.

Mixed Use Building Dwelling

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



- Dwelling Unit
- Non-residential Use

Diagram 3–18. Mixed Use Building Dwelling

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**.

Section 3 – Definitions

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 service shop**.

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.

Net Floor Area

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.

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.

Section 3 – Definitions

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. **Office** shall not include a **medical office** or **medical clinic**.

Outdoor Recreation Facility

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

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.

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**.

Section 3 – Definitions

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.

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.

Personal Wellness Establishment

Means any **premises** or part thereof where an **alternative massage** is performed, offered or solicited in exchange for payment (By-law 2021-49).

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:

- i) located outdoors on private property;
- ii) wholly or partially contained by artificial means;
- iii) capable of holding water in excess of 0.61 metres in depth at any point; and,
- iv) an open exposed water surface of at least 1.0 square metre 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

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**.

Section 3 – Definitions

Post-Secondary School

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

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**.

Principal Building

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

Principal Entrance

Means a pedestrian entrance to a **building** that is not considered solely for the purposes as a service entrance or an entrance solely to a residential portion of the **building** or **structure** or an entrance or exit required by the Ontario Building Code.

Principal Window

Means a window of a **dwelling unit** for bedrooms or living areas, but does not include windows of a **dwelling unit** for bathrooms or kitchens.

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 Lane

Means a private thoroughfare.

Private Park

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

Private Street

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.

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 Lane

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

Section 3 – Definitions

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.

Public Street

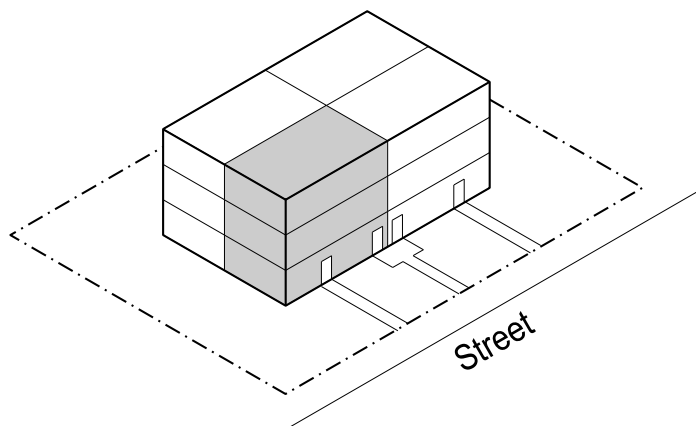
Means a public thoroughfare available for **use** by vehicular and pedestrian traffic which is assumed or dedicated by/under the jurisdiction of the Town of Newmarket, Region of York or Province of Ontario, but does not include an unopened road allowance.

Public Use

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

Quadruplex Dwelling

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



■ Dwelling Unit

Diagram 3–19. Quadruplex Dwelling

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**.

Section 3 – Definitions

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.

Rear Lot Line

Means the **lot line** or intersection of the **side lot lines**, opposite to, and most distant from, the **front lot line**.

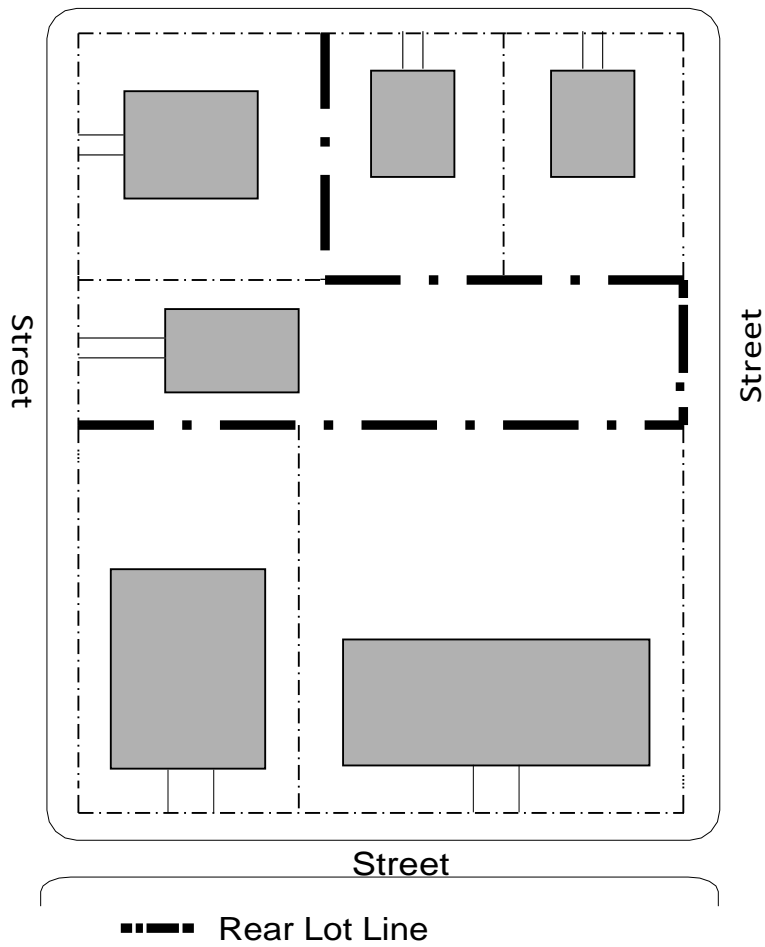


Diagram 3–20. Rear Lot Line

Section 3 – Definitions

Rear Yard

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**.

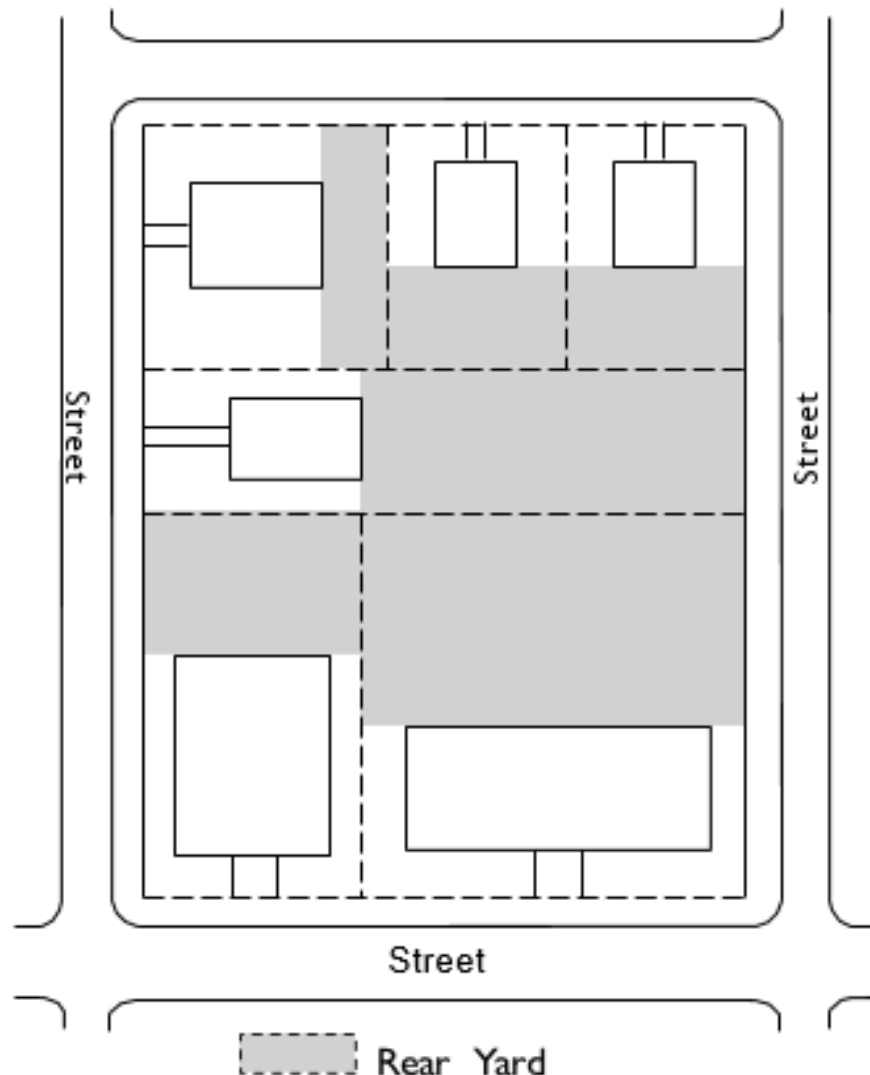


Diagram 3–21. Rear Yard

Recreational Vehicle

Means:

- i) 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
- ii) boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and
- iii) a trailer designed to carry any of the items listed in Sections (i) and (ii) of this definition.

Section 3 – Definitions

Recyclable Material

Means material that is separated waste and **Sensitive Material** into specific categories for the purposes of reuse, recycling or composting.

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**.

Regional Shopping Mall

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

Residential Garage

Means an enclosed **building** or part thereof, located within a residential **Zone** that is used for the storage of private **motor vehicles, recreational vehicles** and **trailers**.

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 Use

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

Residential Walkway

A hard surface path leading from the front or exterior wall of a **dwelling unit** to a curb, street, sidewalk, or **rear yard**, 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.

Section 3 – Definitions

Restaurant

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 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 may contain either cooking or washroom facilities, but not both.

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**.

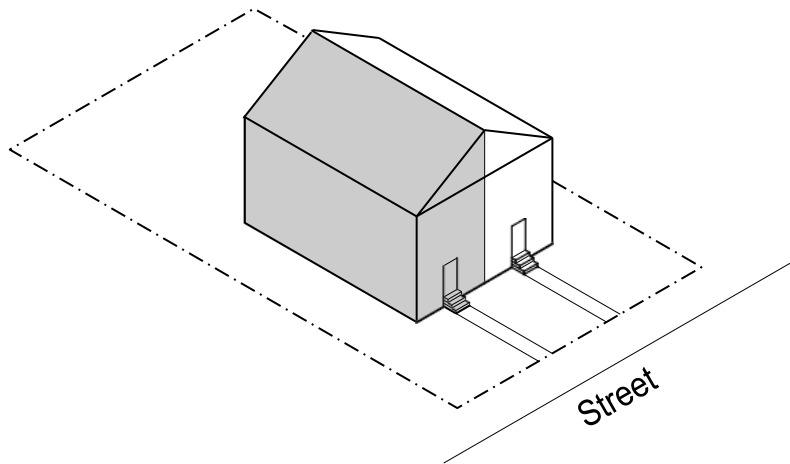
Secondary School

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.

Section 3 – Definitions

Semi-Detached Dwelling

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**.



■ Dwelling Unit

Diagram 3–22. Semi-Detached Dwelling

Sensitive Material

Means material that is separated from waste and **recyclable material** based on programs associated with the specific material, such as electronics, textiles, and batteries.

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.

Short-Term Bicycle Parking Space

Means a **bicycle parking space** that is located outdoors, on a bicycle rack, or in an easily accessible location.

Section 3 – Definitions

Side Lot Line

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**.

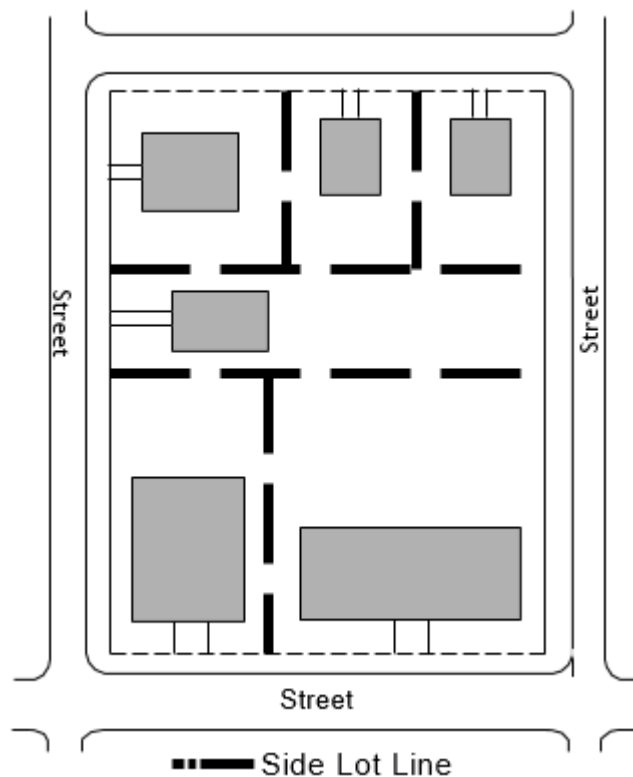


Diagram 3-23. Side Lot Line

Small Scale Wind Energy System

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.

Solar Capture Equipment

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**.

Section 3 – Definitions

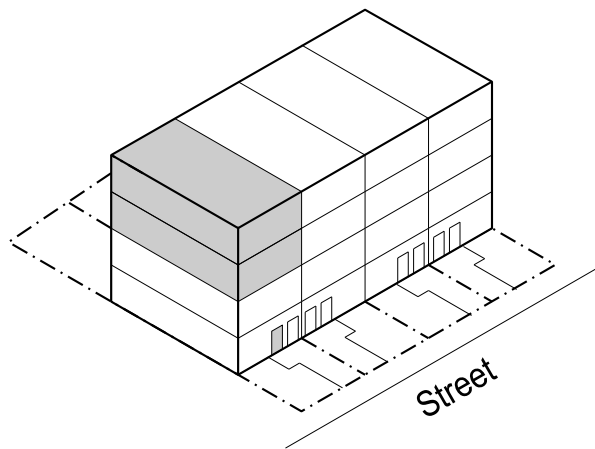
Sports Arena

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.

Stacked Townhouse Dwelling

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

- i) not more than half of all **dwelling units** shall be on the ground floor;
- ii) **dwelling units** shall be fully attached to adjoining units; and,
- iii) access to each second level unit shall be from an independent interior or exterior stairway.



■ Dwelling Unit

Diagram 3-24. Stacked Townhouse Dwelling

Storey

Means 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** level shall be deemed a **Storey** where its ceiling is at least 1.8 metres above **established grade**.

Street Line

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

Section 3 – Definitions

Street Main Wall

Means any exterior wall of a **building** or **structure**, including all structural members essential to the support of the roof, including a **balcony**, over a fully or partly enclosed area that directly fronts a **lot line** that is adjacent to a **public street**.

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**.

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.

Through Lot

Means a **lot** bounded on opposite sides by a **public street**.

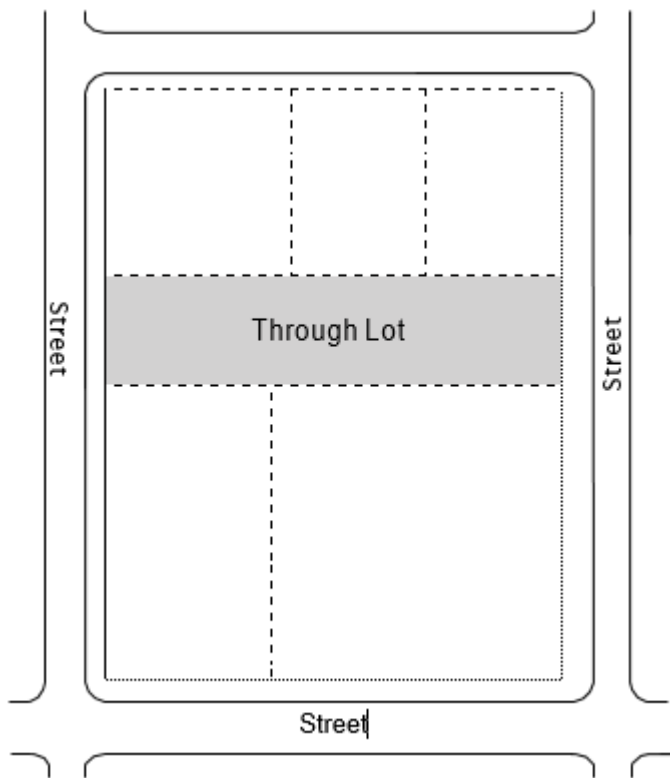
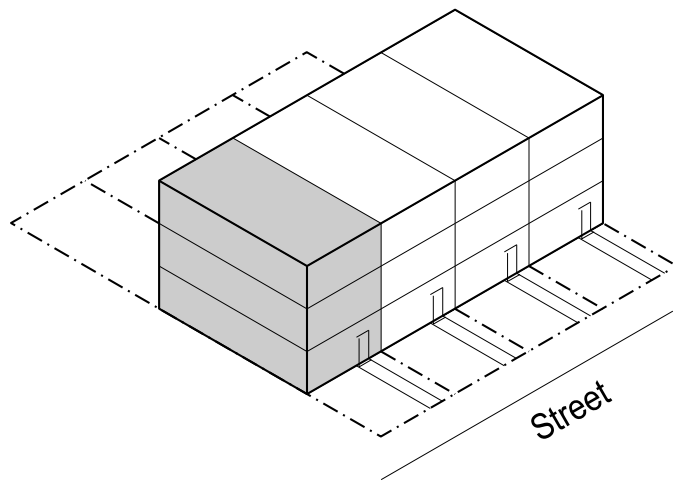


Diagram 3–25. Through Lot

Section 3 – Definitions

Townhouse Dwelling

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**.



■ Dwelling Unit

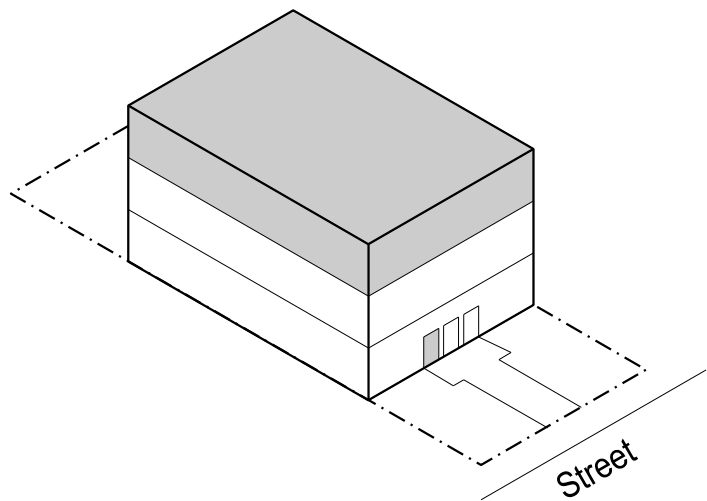
Diagram 3–26. Townhouse Dwelling

Transportation Depot

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

Triplex Dwelling

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.



■ Dwelling Unit

Diagram 3–27. Triplex Dwelling

Section 3 – Definitions

Use

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

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.

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**.

Walkout Basement

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.

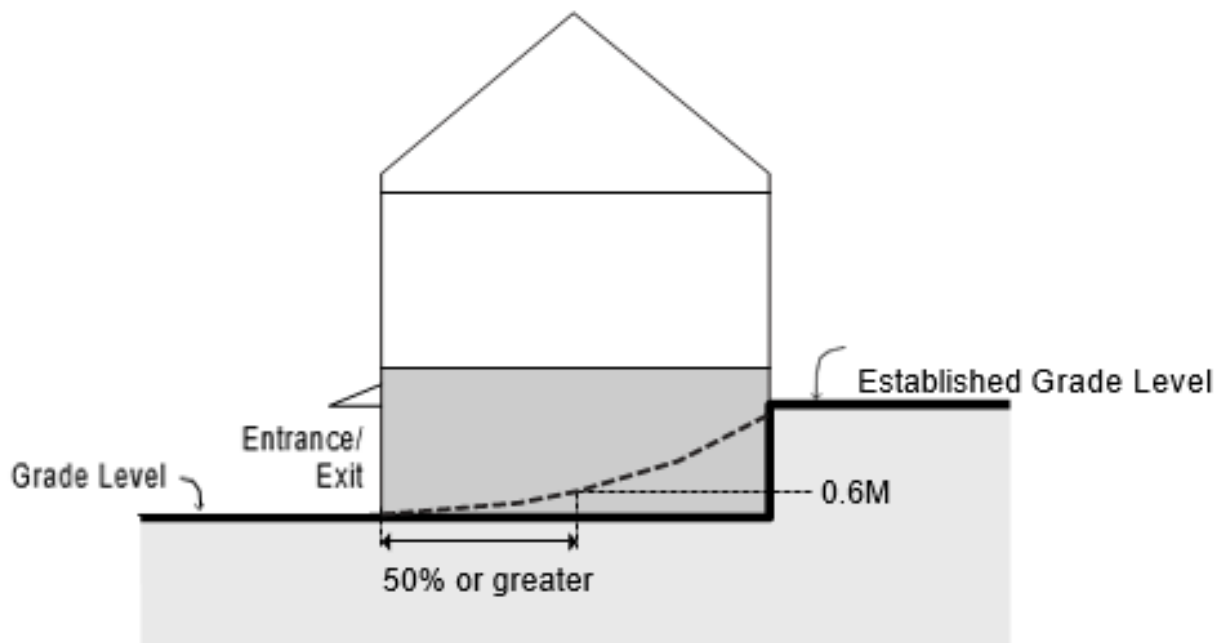


Diagram 3–28. Walkout Basement

Section 3 – Definitions

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**.

Width of Driveway

Deleted (By-law 2021-29).

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 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 courtyard. In determining **yard** measurements the minimum horizontal distance from the respective **lot line(s)** shall be used.

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** 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 Building and Structure

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

- i) The principal 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 and structures** shall comply with the following requirements.
- iv) **Accessory buildings and structures** are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

Section 4 – General Provisions

Permitted Feature or Structure	Measure	Requirement
Accessory residential structure	Location and height	In accordance with Section 4.2
Accessory buildings or structures	Total lot coverage	All Zones: 15% of the lot area
	Height	Mixed Use Zones: 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
	Corner lot location	Mixed Use Zone abutting any residential zone under By-law 2010-40: Distance equal to the minimum required front yard of the abutting residential zone under By-law 2010-40

- v) 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
Mixed Use Zone abutting any residential zone under By-law 2010-40	Exterior Side Yard	Distance equal to the depth of the minimum required front yard of the abutting residential zone under By-law 2010-40

Section 4 – General Provisions

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 4.10.2 of this By-law.
- iv) Such use, **building** or **structure** within the Floodplain and other Natural Hazards (FP-NH) **Zone** shall not conflict with those **uses** that are prohibited under Section 7.3.1.

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. 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.

4.1.6. 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.

4.2. Encroachments into Required Yards

- i) 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 1.0 metres into the required yard for a maximum width of 3.0 metres.
Balconies/ Landings / Steps/Fire Escapes	All yards	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.
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 .
Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
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 3.6 metres into the required rear yard . However, in no circumstances shall the deck encroach closer than 2.4 metres from the rear lot line .
Walkway, residential	Front, interior side, and exterior side yard	No required front or exterior side yard setback. Must maintain 0.6 metres setback from interior side lot line .
Patios , Uncovered	Mixed Use 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 .

Section 4 – General Provisions

Permitted Structure or Feature	Applicable Required Yard(s)	Required Setback or Permitted Encroachment
Porches , Porticoes Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade	Front, and exterior side yards	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, eavestroughs, gutters, or similar features	Interior Side 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 (*1)	Permitted in any yard	No required setback
Below Grade Parking Garages and Associated Vent (Structure);	Permitted in front, rear and side	May encroach up to the applicable Lot Line . No required setback.

(*1) 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.

- ii) The setback requirements of this table apply only to the **accessory buildings and structures** specifically noted.
- iii) Where an encroachment is permitted, it is subject to the following conditions:
 - a) **Decks** or **patios** that are permitted to encroach may have a **deck**, **balcony**, gazebo, pergola, or awning above them provided that:
 - 1) Any **deck** is constructed of a slatted and not a solid floor.
 - 2) Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the **structure** than the **deck** or **patio**.

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- 3) Any pergola or gazebo complies with the requirements of an **Accessory Residential 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.
- iv) 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**.

4.3. Accessory Outdoor Mechanical Equipment for Permitted 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
Townhouses, Stacked 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. Exceptions to Height Requirements

The **height** requirements of this By-law shall not apply to spires, belfries, minarets, monuments, flag poles, chimneys, clock towers, or water towers. The **height** requirements of this By-law shall also not apply to mechanical penthouses and elevator enclosures occupying less than 40% of the aggregate area of the roof of the **building** on which they are located, up to 6.0 metres beyond the permitted **height** limit, in accordance with the requirements of Section 6.2.4.2 (iii) of this By-law.

4.5. 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.

4.5.1. 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**.

4.6. Legal Non-Complying Building or Structure

4.6.1. Existing Building or Structure

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;
- iii) complies with all other applicable provisions of this By-law; and
- iv) in the case of a **lot** that is located in an Mixed Use **Zone**, shall be subject to provision 6.2.1.2 of this By-law.

4.6.2. 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 and subject to provision 1.9 regarding Transition.

4.7. 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.

4.8. 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 **landscaped 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.

4.9. 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 a **Private Street** over which an easement for right of way in favor of the Town of Newmarket has been registered on title; or
- ii) The **lot** upon which the **building** or **structure** is to be erected is a Parcel of Tied Land; 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.

4.10. Landscaped Buffers

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

4.10.1. Landscaped Buffers for Parking Lots

A **landscaped buffer** area shall be required for **parking lots** designed to accommodate 5 or more **parking spaces** where permitted, and shall conform to the following requirements:

- i) Such buffer area shall be at least 3.0 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.

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- iii) Any required planting in a buffer strip shall have a minimum **height** of 1500mm for coniferous vegetation, a minimum diameter measured at a **height** of 1.4 metres 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 metre within a **daylighting triangle**.
- iv) Where a buffer area is required between a **parking lot** in a Mixed Use **Zone** and an Open Space **Zone**, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the Mixed Use **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 a Mixed Use **Zone** and an Open Space **Zone**, the buffer area shall be a minimum of 3.0 metres wide and shall be located in the Mixed Use **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**.

4.10.2. Landscaped 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 Mixed Use or Institutional **Zone** abuts a residential **zone** outside of the area of this By-law, a **landscaped buffer** shall be required in accordance with the following provisions:

- i) the **landscaped buffer** shall be located on the **lot** containing the mixed use, or **institutional use**, immediately adjacent to the **lot line** that borders such **lot** with the **residential use** under By-law 2010-40.
- ii) where a **landscaped buffer** is required, such landscape material within the buffer shall be not less than 1.5 metres high and shall not be less than 3.0 metres in width. Notwithstanding this requirement, landscape material shall not exceed a **height** of 1.0 metre within the minimum front or **exterior side yard**.

4.11. Daylighting Triangle

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

4.11.1. 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	5.0 metres
Motor Vehicle Service Station, Motor Vehicle Service Shop	15.0 metres

4.11.2. 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**.

4.12. Planned Width of Street Allowance

Notwithstanding any other provision of this By-law, where a **lot** abuts a street that (By-law 2021-29) 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.

Section 4 – General Provisions

4.13. Specific Use Provisions

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

4.13.1. 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 3.0 metres.

4.13.2. 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.

4.13.3. 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.

Section 4 – General Provisions

4.13.4. 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 not exceed 4.5 metres in **height**.

4.13.5. 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 or if it is a personal brewing or wine-making establishment.
- 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.

4.13.6. Food Vehicles

- i) Notwithstanding Section 5, no parking is required for a **Food Vehicle**.

4.13.7. Commercial Rooftop Patios

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** that complies with the following:

- A **commercial rooftop patio** is prohibited in association with an **adult entertainment parlour**;
- The design shall be established in accordance with an approved site plan addressing matters such as lighting, landscaping, noise, etc.;
- 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 (By-law 2021-08).

Section 4 – General Provisions

4.14. 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.

4.15. Uses Restricted

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited within 610.0 metres of any Mixed Use **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**:
 - a) 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.

4.15.1. 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 4.1.6, 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.

4.15.2. Fuel Tanks

Where fuel tanks are permitted, the following standards shall apply to their location:

- i) In any **zone**, be located in accordance with an approved site plan.
- ii) In any **zone**, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.

4.15.3. Uses 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.

4.16. Source Water Protection

This Zoning By-law is subject to the South Georgian Bay Lake Simcoe Source Water Protection Plan.

Section 5– Parking, Loading & Queueing Requirements

5.1. Legal Non-complying Parking, Loading and Queueing 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 queueing 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 **queueing spaces** applicable to the additional floor area shall be provided by the regulations of this By-law.

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

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

Number of Required Spaces	Parking Space Configuration	Minimum Size (*1)
Fewer than 5	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.6 metres by 5.0 metres
5 or More	Parallel	2.6 metres by 6.7 metres
	Perpendicular	2.7 metres by 5.5 metres

- (*1) The minimum width of a **Parking Space** must be increase by 0.3 metres if one or both sides of the **Parking Space** is obstructed according to 5.2.2.1.

- 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 5.3.3:
- Type A (“Van”): Minimum size of 3.4 metres by 5.5 metres.
 - Type B: Minimum size of 2.6 metres by 5.5 metres.
- iv) 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 1.5 metres.
- v) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.

5.2.2.1. Obstructions

The side of a **Parking Space** is obstructed if any part of a fixed object such as a wall, column, bollard, fence, or pipe is situated within 0.3 metres of a side of the **Parking Space**, measured at right angles, and more than 1.0 metre from the front or rear of the **Parking Space**.

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. Parking Standards

The parking standards for the lands located in this By-law, as shown in Schedule “A” Map 1 through 6 and forming part of this By-law, shall be in accordance with the following:

5.3.1.1. Residential Uses

The minimum and maximum off-street parking requirements for permitted **residential uses** in this By-law shall be as follows:

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

Section 5 – Parking, Loading & Queueing Requirements

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Apartment Building Dwelling or a Mixed Use Building Dwelling – 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 Dwelling or a Mixed Use Building Dwelling – 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 Dwelling or a Mixed Use Building Dwelling – 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 Dwelling or a Mixed Use Building Dwelling – Three or more Bedroom Unit	1.2 parking spaces per dwelling unit plus 0.15 visitor spaces per dwelling unit (*2)	1.4 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: Detached Dwelling; Link Dwelling; Semi-Detached Dwelling; Duplex Dwelling; Quadruplex Dwelling; or Maisonette Dwelling	Where the area occupied by the home occupation exceeds 24.0 square metres, 1.0 parking space shall be required for every 9.0 square metres above the 24.0 square metres 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.

Section 5 – Parking, Loading & Queueing Requirements

5.3.1.2. Non-Residential Uses

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	1.0 parking space per 100.0 square metres of gross floor area	2.0 parking spaces per 100.0 square metres of gross floor area
Banquet Facility	1.0 parking space per 9.0 square metres of gross floor area	n/a
Commercial Recreation Centre Community Centre Outdoor Recreation Facility Sports Arena	1.0 parking space per 28.0 square metres of gross floor area	2.0 parking spaces per 28.0 square metres of gross floor area
Commercial School	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Child Care Centre	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 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Dry Cleaning Depot Laundromat	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Financial Institution	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Funeral Home	30.0 parking spaces for the first 30.0 square metres of gross floor area , plus 1.0 parking space for each additional 15.0 square metres of gross floor area	n/a
Garden Centre	1.0 parking space per 30.0 square metres of gross floor area	n/a
Hospital	1.0 parking space per 42.0 square metres of gross floor area	n/a

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Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Hotel	The aggregate of: 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 10.0 square metres of gross floor area dedicated to administrative, banquet and meeting facilities	n/a
Institutional Day Centre	1.0 parking space per 20.0 square metres of gross floor area	n/a
Library	1.0 parking space per 20.0 square metres of gross floor area	2.0 parking spaces per 20.0 square metres of gross floor area
Light Equipment Sales and Rental	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Local Shopping Centre	1.0 Parking Space per 40.0 square metres of gross floor area	2.0 Parking Space per 40.0 square metres of gross floor area
Long Term Care Facility	0.25 parking spaces per dwelling unit or rooming unit , plus 1.0 parking space per 200.0 square metres of gross floor area used for medical, health or personal services	2 times the minimum off- street parking requirement
Medical Clinic Medical Office Medical/Dental Laboratory	1.0 parking space per 35.0 square metres of gross floor area	2.0 parking spaces per 35.0 square metres of gross floor area
Micro-Industry	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Motor Vehicle Rental Establishment	1.0 parking space per 35.0 square metres of gross floor area	2.0 parking spaces per 35.0 square metres of gross floor area
Motor Vehicle Sales Establishment	1.0 parking space per 40.0 square metres of gross floor area excluding showroom	2.0 parking spaces per 40.0 square metres of gross floor area excluding showroom

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Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Motor Vehicle Repair Facility	1.0 parking space per 13.0 square metres of gross floor area including the service bays	n/a
Motor Vehicle Service Shop	1.0 parking space per 13.0 square metres of gross floor area including the service bays	n/a
Motor Vehicle Service Station	2.0 parking spaces where the gross floor area of the kiosk is 25.0 square metres or less or 1.0 parking space per 18 square metres where the kiosk is greater than 26.0 square metres with a minimum of 2.0 parking spaces	n/a
Museum	1.0 parking space per 100.0 square metres of gross floor area	2.0 parking spaces per 100.0 square metres of gross floor area
Passenger Transportation Terminal	0.5 parking space per 100.0 square metres of gross floor area	n/a
Office	1.0 parking space per 50.0 square metres of gross floor area	2.0 parking spaces per 50.0 square metres of gross floor area
Personal Service Shop	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Personal Wellness Establishment (By-law 2021-49)	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Place of Worship	1.0 parking space per 9.0 square metres 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 9.0 square metres 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 9.0 square metres of gross floor area	n/a
Restaurant (By-law 2021-08)	1.0 parking space per 50.0 square metres of gross floor area , excluding any Porch , veranda, Patio and/or Commercial Rooftop Patio dedicated as seasonal serving areas	4.0 parking spaces per 50.0 square metres of gross floor area , excluding any Porch , veranda, Patio and/or Commercial Rooftop Patio dedicated as seasonal serving areas

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Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
Retail Store	1.0 parking space per 40.0 square metres of gross floor area	2.0 parking spaces per 40.0 square metres of gross floor area
Retail Warehouse Store	1.0 parking space per 20.0 square metres of gross floor area	n/a
Retirement Residence (By-law 2021-29)	0.5 parking space per unit plus 0.25 parking spaces per unit for visitor	1.0 parking space per unit plus 0.25 parking spaces per unit for visitor
Elementary School	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
Secondary School	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
Post-Secondary School	1.0 parking space per 200.0 square metres of gross floor area used for instructional and/or academic purposes	2.0 parking spaces per 200.0 square metres of gross floor area used for instructional and/or academic purposes
Service or Repair Shop	1.0 parking space per 28.0 square metres of gross floor area	n/a
Studio	1.0 parking space per 20.0 square metres of gross floor area	n/a
Veterinary Clinic	1.0 parking space per 27.0 square metres of gross floor area	n/a

5.3.1.3. Reduced Parking Standards for Proximity to Transit

Notwithstanding Sections 5.3.1.1 and 5.3.1.2 of this By-law, the parking standards for lands as shown on Schedule A” Maps 1 through 6 of this By-law, the minimum and maximum parking rates for each of the permitted residential and non-residential **uses** identified in Sections 5.3.1.1 and 5.3.1.2 may be reduced by 30% if the property of such use is within a Parking Reduction Area as shown on Schedule “F”.

5.3.1.4. Carpooling Parking Space for certain Non-residential Uses

Notwithstanding Section 5.3.1.2 of this By-law, the required parking for developments involving **financial institution, hospital, library, medical clinic, medical office building, medical/dental laboratory, office, elementary school, secondary school, or post-secondary school uses** must provide **carpooling parking spaces** at a rate of 5% of the total required parking supply for any of these non-residential **uses**, but shall not be less than 2.0 spaces (By-law 2021-29).

Section 5 – Parking, Loading & Queueing Requirements

5.3.1.5. Car-Share Parking Space for certain Residential Uses

Notwithstanding Section 5.3.1.1 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**.

5.3.2. 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% 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%
Retail Centre/ Retail Store / Personal Service Shop	65%	90%	90%

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Type of Use	Percentage of Peak Period (Saturday)		
	Morning	Afternoon	Evening
Industrial or office	10%	10%	10%
Recreational	90%	100%	100%
Hotel	80%	80%	100%
Assembly	90%	90%	100%
Retail Centre/ Retail Store/ Personal Service Shop	80%	100%	100%

- iv) For the purposes of this section a Recreational use includes **Commercial Recreation Centre, 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**.

5.3.2.1. Car-Share Parking Space or Electrical Charging Station in Mixed Use Zones

On a **lot** where a **parking lot** in the form of a surface **parking lot** is permitted:

- a minimum 1 car-share **Parking Space** may be provided in lieu of every 3 **Parking Spaces**; and
- 1 electrical charging station **Parking Space** shall be provided for every 25 required **Parking Spaces**. Provided electrical charging station **parking spaces** are included within, and not additional to, required **parking spaces**.

5.3.3. 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**.

- 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

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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
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.		

- ii) 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.

5.3.4. Bicycle Parking

i) **Bicycle Parking Spaces** shall be provided as follows:

Use	Required Bicycle Parking
Retail Store, Service Commercial, Office, Institutional	2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000.0 square metres of gross floor area
Manufacturing/Industrial	2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces for every 1000.0 square metres of gross floor area
Elementary, Secondary and Post-Secondary Schools	0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100.0 square metres of gross floor area
Apartment Building, Dwelling Unit, Live Work Unit, Mixed Use Building Dwelling, Stacked Townhouse Dwelling	0.5 Long-Term Bicycle Parking Spaces per Dwelling Unit and 0.1 short-term spaces per dwelling unit

ii) Where **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 an entrance at **grade**.

iii) **Bicycle parking spaces** as required by this By-law shall not be located:

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

iv) 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

v) 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

vi) A bicycle **Parking Space** must be on the same **lot** as the use for which it is required.

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
Mixed Use Zones (*1)	Parking spaces may be provided on another lot within a different Mixed Use Zone but not more than 150.0 metres from the lot line of the use it is intended to serve.
	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 .
Open Space, 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:

Where visitor parking is required outside of a Mixed Use **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 3.0 metres wide which shall be used only for landscaping, entrances and exits.

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5.4.4. Parking Lot Illumination

Where a **parking lot** is illuminated and is in or adjacent to a residential **zone** under By-law 2010-40, 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 9.0 metres above the **established 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.

5.4.5. Snow Storage Accommodation for Outdoor Parking Lots

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

5.5. Entrances, Exits and Driveways

- i) **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 3.0 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) 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 6.0 metres nor where undivided, not greater than 9.0 metres.

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Parking Requirement	Requirement for Entrances and Exits
<p>Required Parking Spaces:</p> <p>5 or more</p>	<ul style="list-style-type: none"> i) 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. ii) 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 9.0 metres. iii) The minimum distance between a driveway and intersection of street lines measured along the street line intersected by such driveway shall be 15.0 metres. 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 6.0 metres nor where undivided, not greater than 9.0 metres. v) A clearly defined, continuous, uninterrupted pedestrian connection of a minimum of 1.5 metres in width 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 1.8 metres in width.

- ii) 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.

Section 5 – Parking, Loading & Queueing Requirements

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
Mixed Use and Institutional Zones	Less than 299.0 square metres	0	Interior side or rear yard unless the setback from the street line is a minimum of 60.0 metres	Width 3.6 metres Length 9.0 metres Vertical Clearance 4.2 metres
	300.0 square metres – 999 square metres	1		
	1000.0 square metres – 2299 square metres	2		
	2300.0 square metres – 7299 square metres	3		
	Greater than 7300.0 square metres	1 additional space for every additional 7432 square metres or fraction thereof		

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 6.0 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 Mixed Use **Zone**, no **loading space** shall be located closer than 10.0 metres to any interior **side lot line** or **rear lot line** that abuts a residential **zone** under Bylaw 2010-40.

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 Mixed Use **Zone** which does not exceed 225.0 square metres in **gross floor area** shall not be included in calculations for required **loading spaces** as required by this By-law.

Section 5 – Parking, Loading & Queueing Requirements

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.

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
Mixed Use Zones	6.2
Institutional Zones	6.3
Open Space Zones	6.4

6.1.1. Permitted Uses

Permitted **uses** in a **Zone** are noted by the symbol ‘P’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted use. The symbol ‘PC’ means permitted with conditions. If the use is not listed, it is not permitted in that **zone**. A number(s) following the symbol ‘P’ or ‘PC’ **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.

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. Mixed Use Zones

6.2.1. General

6.2.1.1. General

No person shall use any land or erect, alter or use any **building** or **structure** in any Mixed Use **Zone** except in accordance with Sections 6.2.2 through 6.2.5 of this By-law.

6.2.1.2. Application of this Section and Interim Development

Interim development, including new commercial **buildings** permitted through a Site Specific Exception as per Section 6.2.5 of this By-law, shall not be subject to Sections 6.2.2.2, 6.2.2.3, 6.2.4.2, 6.2.4.3, 6.2.4.10 i), 6.2.4.11 or 8.2.2 of this By-law.

6.2.2. Permitted Uses and Permitted Uses with Conditions

6.2.2.1. List of Uses

The following table establishes the **uses** permitted in the Mixed Use **Zones**:

Table 6.2.2.1: Mixed Use Zone Permitted Uses	
	MU 1-3
Non-Residential Uses	
Art Gallery	P
Automated Motor Vehicle Washing Establishment (*1)	PC
Banquet Facility	P
Community Centre	P
Commercial Recreation Centre	P
Commercial School	P
Child Care Centre	P
Domestic Animal Care Facility	P
Dry Cleaning Depot	P
Elementary School	P
Emergency Service Facility	P
Financial Institution	P
Funeral Home	P
Garden Centre	P
Home Occupation	P
Hospital	P
Hotel	P
Institutional Day Centre	P
Laundromat	P
Library	P
Local Shopping Centre	P
Long Term Care Facility	P
Manual Motor Vehicle Washing Establishment (*1)	PC
Medical Clinic/Medical/Dental Laboratory	P
Medical Office (By-law 2021-29)	P
Micro-Industrial Use	P
Motor Vehicle Rental Establishment (*2)	PC
Office	P
Parking Garage (*3)	PC
Parking Lot (*4)	PC
Passenger Transportation Terminal	P
Personal Service Shop	P
Personal Wellness Establishment (By-law 2021-49)	P

Section 6 – Zone Provisions

Place of Assembly (By-law 2021-29)	P
Place of Worship	P
Post-Secondary School	P
Private Club	P
Restaurant	P
Retail Store	P
Retail Warehouse (*5)	PC
Secondary School	P
Service or Repair Shop	P
Studio	P
Veterinary Clinic	P
Residential Uses	
Apartment Building Dwelling	P
Group Home	P
Live Work Unit	P
Mixed Use Building Dwelling (*6)	PC
Retirement Residence	P
Special Needs Housing	P
Stacked Townhouse Dwelling (*7)	PC
Townhouse Dwelling (*7)	PC

P = Permitted

PC = Permitted, subject to the following conditions noted

- (*1) An **automated motor vehicle washing establishment** or **manual motor vehicle washing establishment** is only permitted within an enclosed **Parking Garage**.
- (*2) In a **motor vehicle rental establishment** the number of surface automobile storage spaces will be limited to 5.
- (*3) Permitted subject to Section 6.2.2.3 and 6.2.2.4.
- (*4) Stand-alone surface **parking lot** shall not be located on **lots** that front onto Yonge Street or Davis Drive. Where a stand-alone surface **parking lot** is permitted, it shall be subject to Section 5.4.1 of this By-law (By-law 2021-29).
- (*5) Provided retail warehouse is multistory and/or mixed with other **uses**.
- (*6) In a mixed-use building dwelling, a **dwelling unit** may only be permitted above a ground level **commercial use**.
- (*7) **Townhouse Dwelling** and Stacked Townhouse **Buildings** shall have a maximum length of 60.0 metres.

Section 6 – Zone Provisions
6.2.2.2. **Priority Commercial Areas**

Any **building** in the areas shown on Schedule “D,” forming part of this By-law, shall have **commercial uses** comprising 75% of ground floor frontages.

6.2.2.3. **Above Grade Parking Garage**

Any **building** that contains an above **grade** parking component facing a public or **private street** or an Open Space **Zone** must provide commercial, residential or **institutional uses** along the ground floor of the wall facing the public or **private street** or Open Space **Zone**.

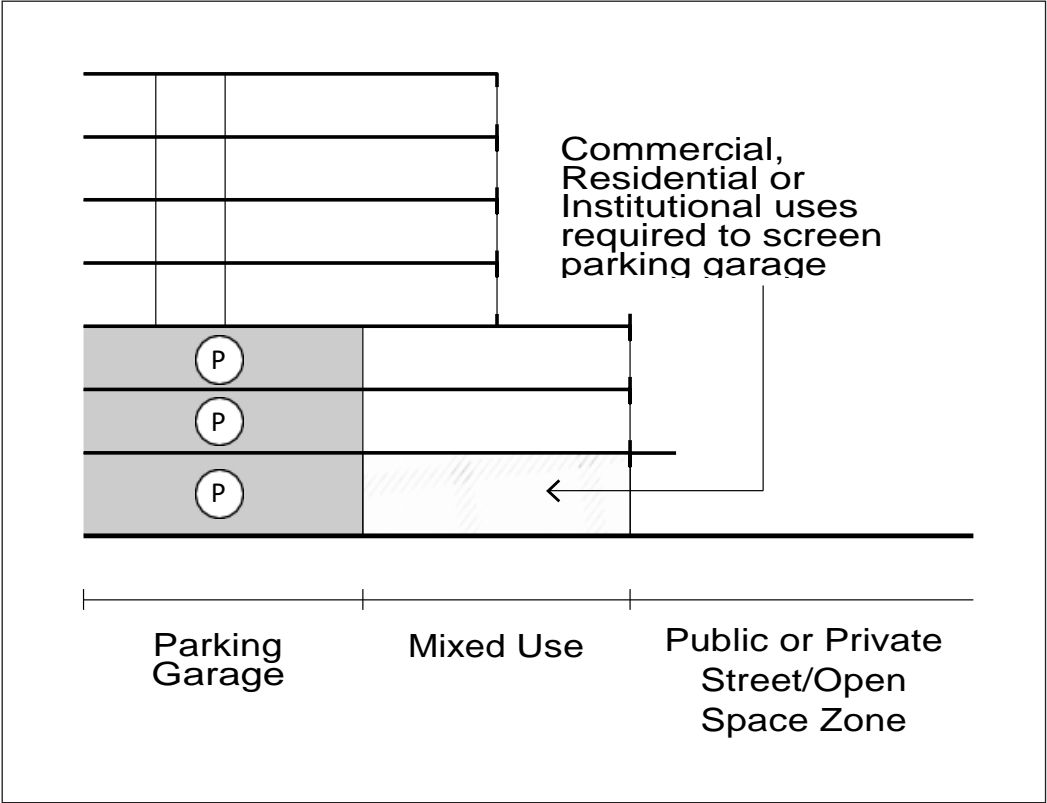


Illustration 6–1. Above Grade Parking Garage

6.2.2.4. **Underground Parking**

Below **grade** parking is permitted to be setback 0.0 metres from property lines, and may be permitted under **Private Parks**, **parks**, **Private Lanes** and **Private Streets**, but is prohibited under Public streets.

6.2.3. Lot Requirements

6.2.3.1. Lot Frontage

Table 6.2.3.1: Mixed Use Zone Lot Frontage for Stacked Townhouse	
	MU 1-3
Maximum Lot Frontage	60.0 metres

6.2.4. Building Requirements

6.2.4.1. General

i) Principal Entrance

- a) At least one **principal entrance** shall be provided for any **building** along a public street or adjacent to an Open Space **Zone**.
- b) Any **principal entrance** to a mixed use or **apartment building** shall be no more than 1.5 metres above **grade**.

ii) Windows and Glazing

Glazing shall be provided in **buildings** on any wall adjacent to a public street or Open Space **Zone**.

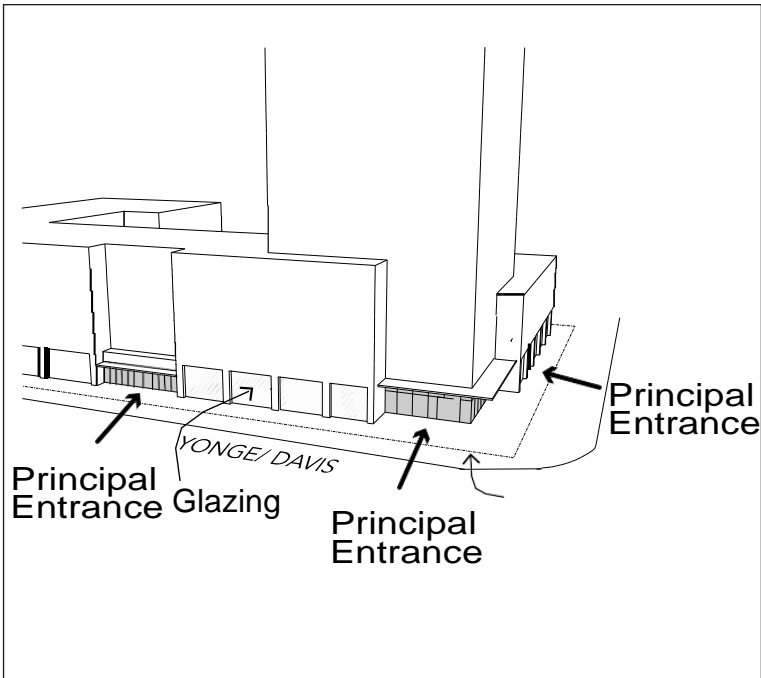


Illustration 6–2. Principal Entrance and Glazing Example

Section 6 – Zone Provisions

6.2.4.2. Height

i) Permitted Height

Buildings shall be within the minimum and maximum **heights** in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

ii) Podiums

- a) Any **building** with a **height** of 38.0 metres or more shall have a podium with a minimum **height** of 10.5 metres and a maximum **height** of 20.0 metres covering at least 75% of the **lot line** adjacent to a public street; the part of the **building** above the podium shall be set back a minimum of 3.0 metres from the edge of the podium for a length of at least 66% of the **Building** frontage above the podium **height** adjacent to public street (By-law 2021-29).
- b) If a **building** with a **height** greater than 26.0 metres but less than 38.0 metres contains a podium, the podium shall not exceed 17.0 metres in **height** and the **building** above the podium shall be set back a minimum of 1.5 metres from the edge of the podium for a length of at least 66% of the **building** frontage above the podium **height** adjacent to the public street (By-law 2021-29).

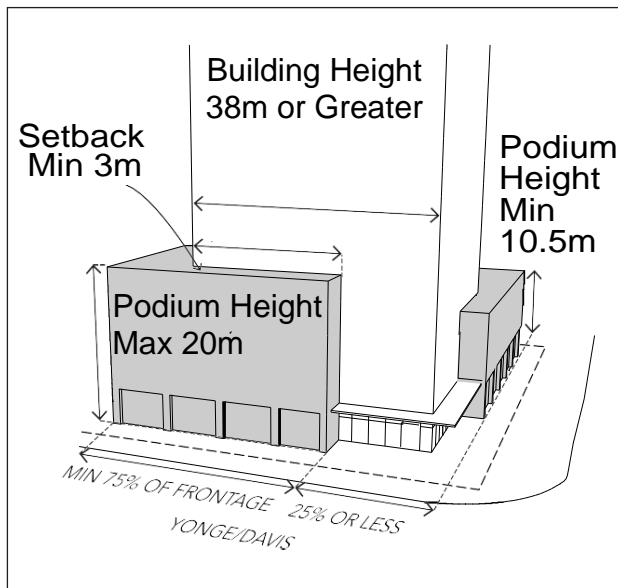


Illustration 6–3. Podium Street Frontage, Minimum and Maximum Height and Setback for **Buildings** 38 metres or more.

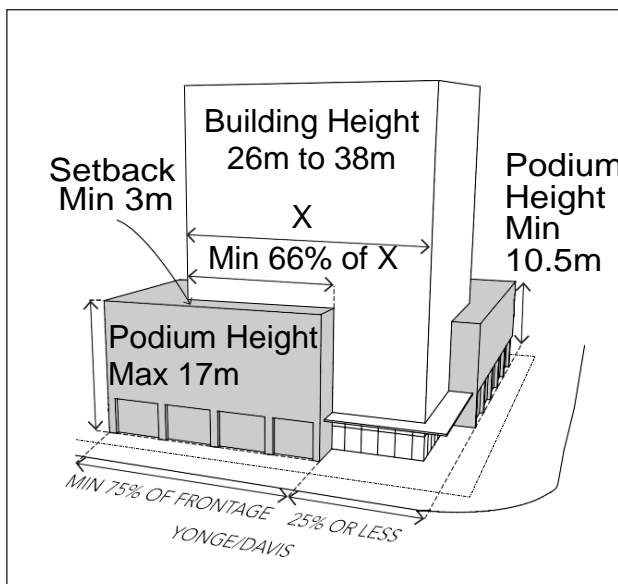


Illustration 6–4. Podium Street Frontage, Minimum and Maximum Height and Setback for **Buildings** greater than 26 metres but less than 38 metres.

Section 6 – Zone Provisions

- c) Any **building** on a **lot** adjacent to any residential **zone** under By-law 2010-40 or Open Space **Zone** in this By-law or 2010-40 shall have a podium **height** of no more than 10.5 metres along the frontage adjacent to the Residential or Open Space **Zone**; or where there is an **existing building** or **structure** on the adjacent Residential or Open Space **Zone** which is higher than 10.5 metres in **height**, the podium **height** may be increased but shall not exceed that **height**.

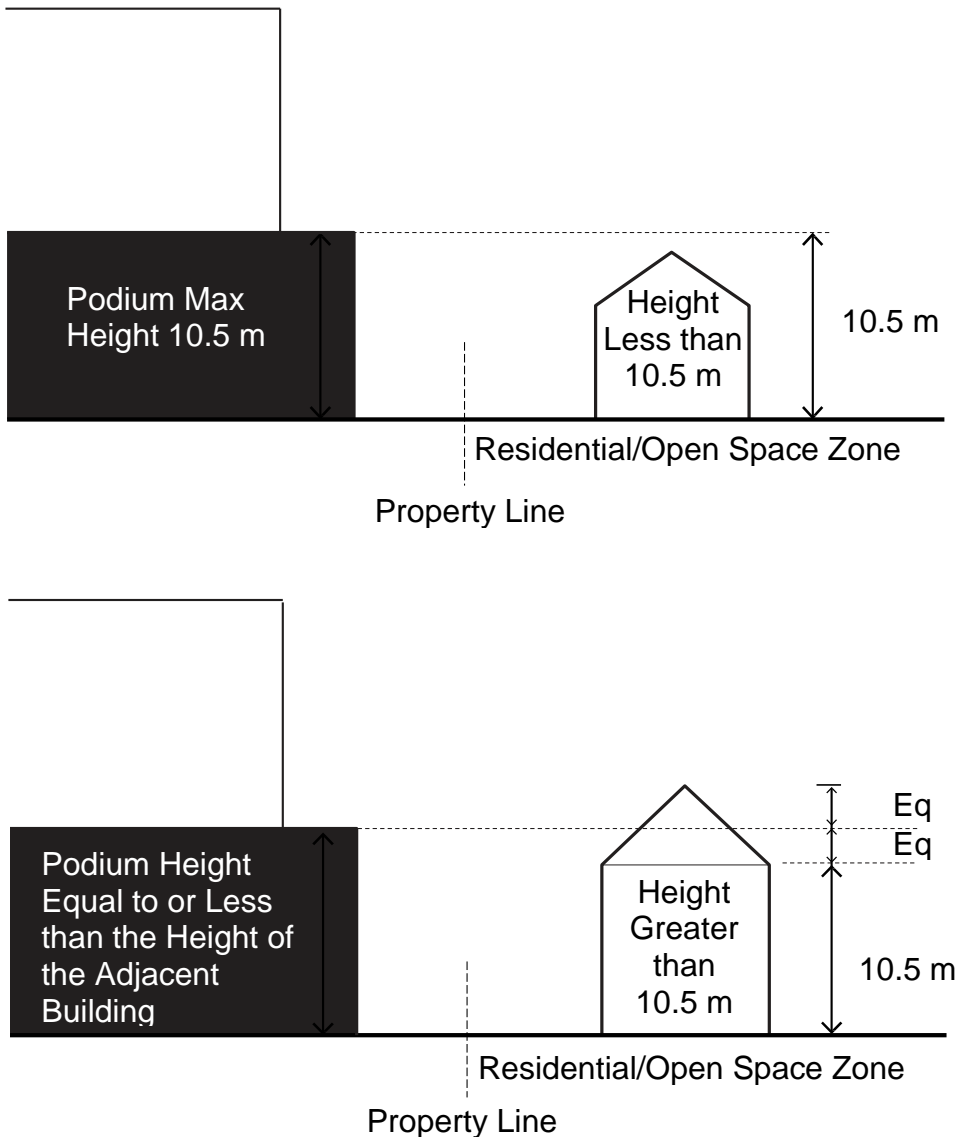


Diagram 6–1. Podium Adjacent to Residential or Open Space

Section 6 – Zone Provisions

iii) Mechanical Penthouse

Notwithstanding the provisions in Section 4.6, Section 6.2.4.2(i) and (ii), roof top mechanical or telecommunications equipment:

- a) shall not exceed the **height** requirements of this By-law by more than 6.0 metres;
- b) shall not exceed 40% of the roof area of the **building**; and,
- c) be set back a minimum of 3.0 metres from any **main wall** of the **building**.

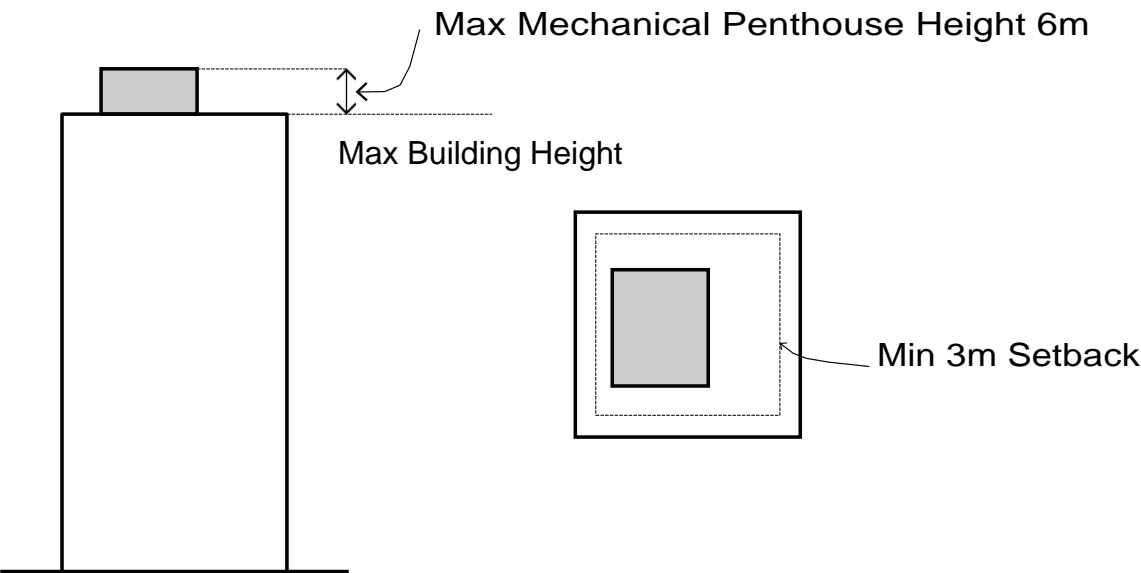


Diagram 6–2. Mechanical Penthouse

6.2.4.3. Floor Space Index

Buildings shall be within the density range identified on the chart below for each **zone** in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

Table 6.2.4.3: Mixed Use Zone Floor Space Index			
	MU-1	MU-2	MU-3
Minimum Total Floor Space Index	1.5	2.0	2.5
Maximum Total Floor Space Index	2.0	2.5	3.5

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6.2.4.4. Amenity Space

Any **building** that contains 20 or more **dwelling units** shall provide a minimum of 2.0 square metres of **common outdoor amenity area** for each **dwelling unit** and a minimum of 2.0 square metres of **common indoor amenity area** for each **dwelling unit**.

6.2.4.5. Setbacks

- i) Any **building** with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the **lot line** that abuts Yonge Street or Davis Drive (By-law 2021-29).
- ii) Any **building** with a frontage on Yonge Street or Davis Drive, located on a **corner lot**, shall be setback a minimum of 3.0 metres from the **lot line** that abuts a public street other than Yonge Street or Davis Drive (By-law 2021-29).
- iii) The part of any **building** wall containing windows must be set back a minimum of 5.5 metres from any **lot line** that is not adjacent to a public street.
- iv) The wall of any tall **building** located above the podium **height** in accordance with Provision 6.2.4.2 ii) shall be set back a minimum 12.5 metres from any **lot line** that does not abut a public street (By-law 2021-29).

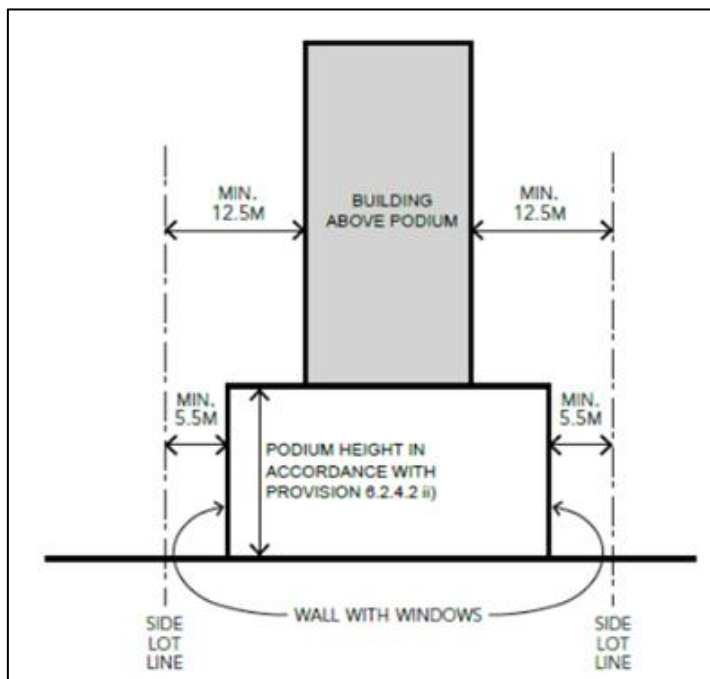


Diagram 6-3a. Side setback not adjacent to a public street
(By-law 2021-29)

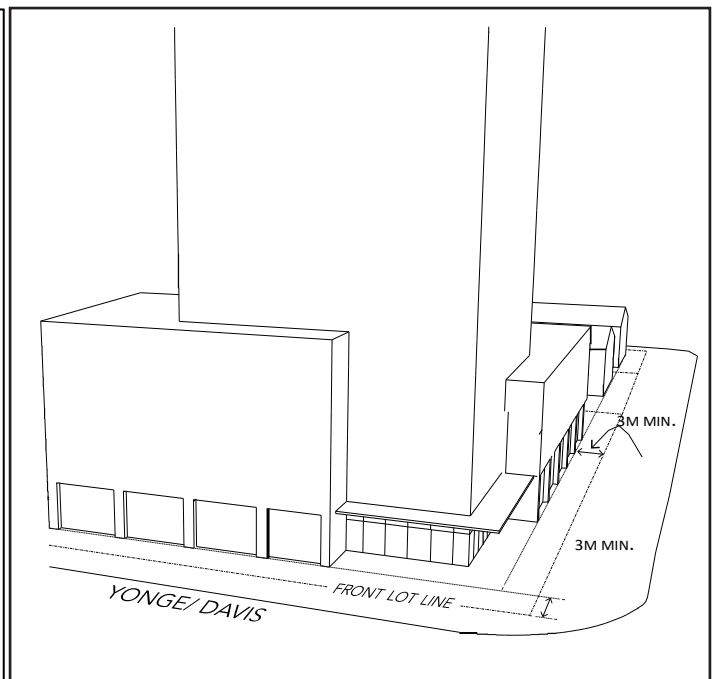


Illustration 6-5. Example of setback on Yonge Street or Davis Drive

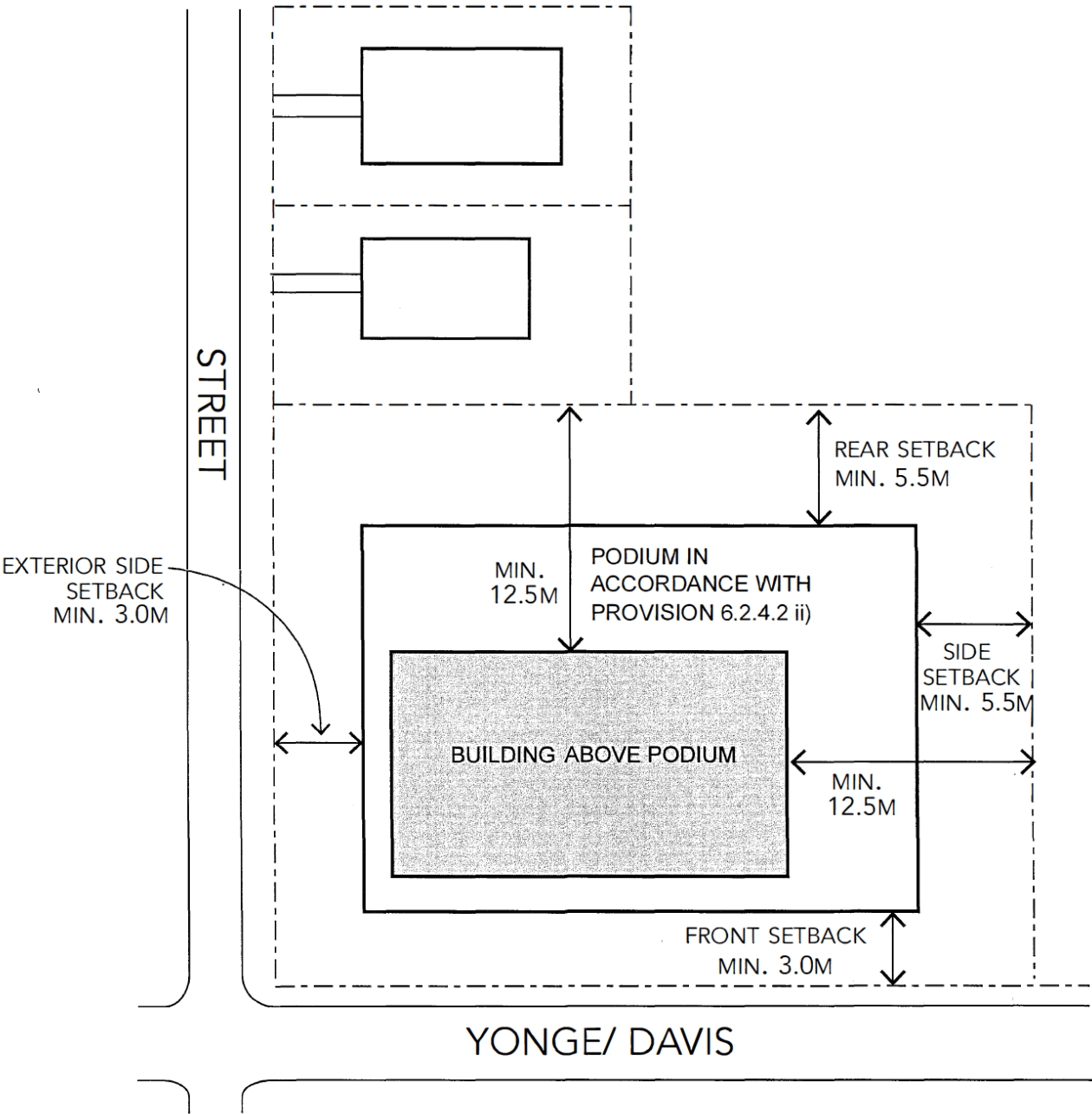


Diagram 6-3b. SETBACKS on A CORNER LOT

(By-law 2021-29)

6.2.4.6. Angular Planes

- i) Any **building** on a **lot** adjacent to the rear or side **yard** of a residential **zone** under By-law 2010-40 or Open Space **Zone** in either By-law 2010-40 or this By-law must comply with a 45 degree angular plane from a **height** of 1.7 metres above the **established grade** at the **lot line** of the adjacent residential **zone** under By-law 2010-40 or Open Space **Zone** in either By-law 2010-40 or this By-law; but the angular plane shall not extend beyond the applicable **lot**, or, if the **lot** is bisected by a public or **private street**, beyond the boundary of the public or **private street**, as set out in Diagram 6–4.

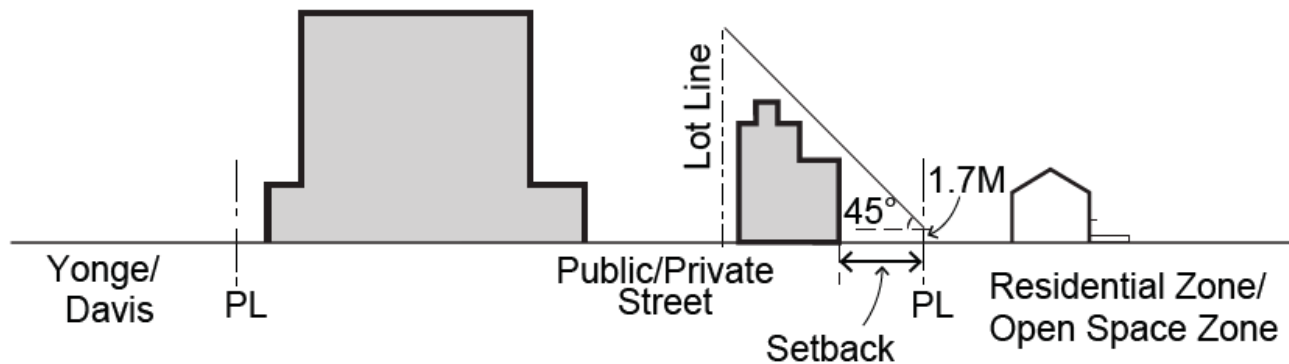


Diagram 6–4. Rear or Side-Yard Transition: Angular Plane Adjacent to Residential / Open Space.

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- ii) Any **building** on a **lot** across the street from a residential **zone** under By-law 2010-40 or Open Space **Zone** in either By-law 2010-40 or this By-law, must comply with a 22 degree angular plane measured from a **height** of Y as determined by the Right of Way width X of the street (see Table 6.2.4.6) at the **front lot line** but the angular plane shall not extend beyond the applicable **lot** as set out in Diagram 6–5, or, if the **lot** is bisected by a public or **private street**, beyond the public or **private street**.

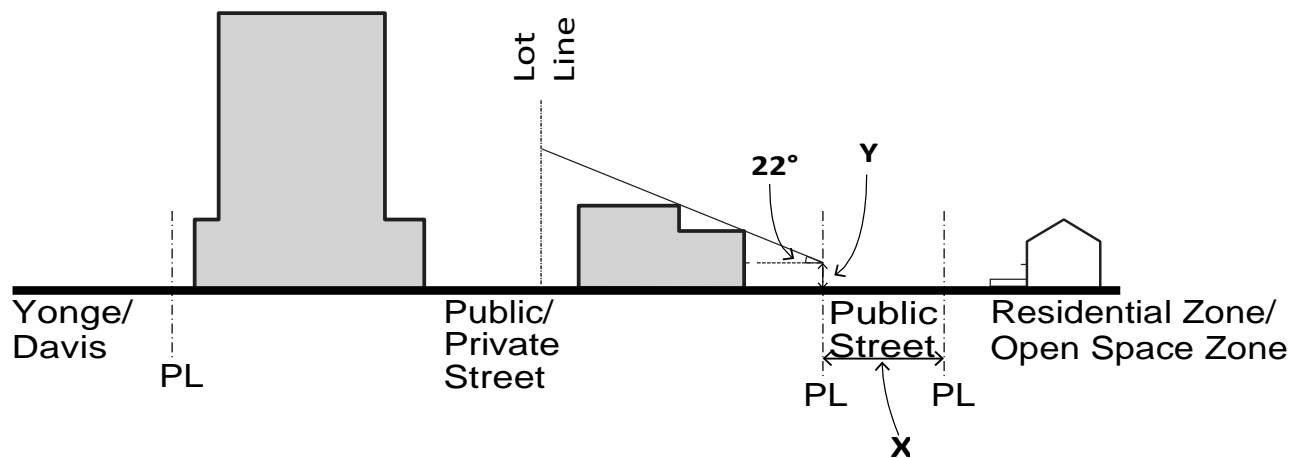


Diagram 6–5. Front Transition: Angular Plane across the Street from Residential / Open Space.

Table 6.2.4.6	
Right of Way Width (X)	Height (Y)
18.0 metres	8.9 metres
20.0 metres	9.7 metres
22.0 metres	10.5 metres
24.0 metres	11.3 metres
26.0 metres	12.1 metres

6.2.4.7. Separation Distance

- i) Any part of a **building** wall on the same **lot** containing **principal windows** that has a **height** of less than 38.0 metres shall be set back a minimum of 15.0 metres from any other part of a **building** wall containing **principal windows** on the same **lot**.
- ii) Any part of a **building** wall higher than 38.0 metres shall be separated a minimum of 25.0 metres from the part of any other **building** wall on the same **lot** that is higher than 38.0 metres.

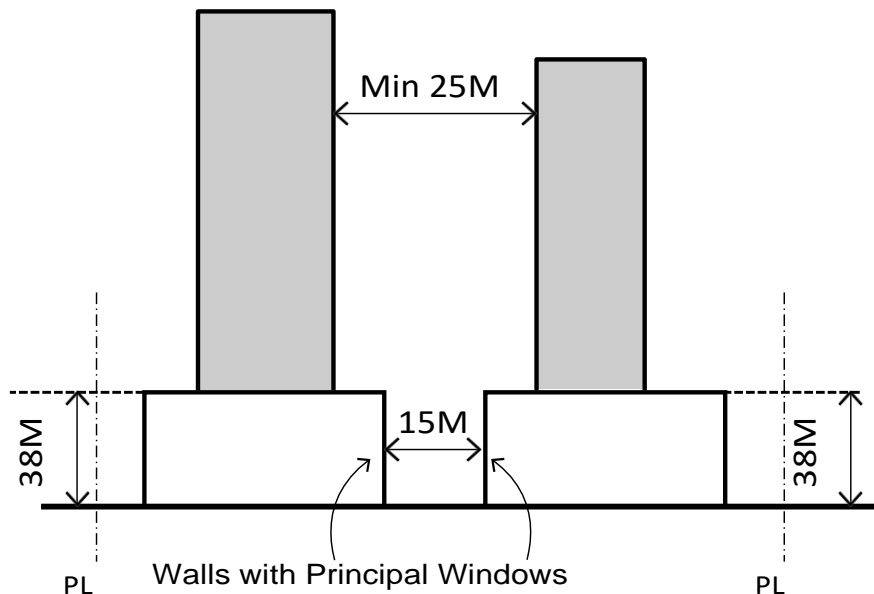


Diagram 6–6. Separation Distance Example

6.2.4.8. Landscaped Buffers

- i) **Landscaped buffers** shall be provided adjacent to surface **Parking Lots** and residential **zones** under By-law 2010-40 in accordance with Section 4.10 of this By-law.

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6.2.4.9. Parking and Access to Lot

- i) No vehicular access may be located along the Davis Drive or Yonge Street frontage of a **lot** adjacent to another Public street or public lane, with access to Davis Drive or Yonge Street.
- ii) Parking may be provided within a **building or structure** or on the surface, but shall only be located in a side **yard** or **rear yard** on **lots** that front onto Davis Drive or Yonge Street (By-law 2021-29).
- iii) Parking for motorized vehicles shall not be permitted in the **yard** that abuts Davis Drive or Yonge Street (By-law 2021-29).
- iv) Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the **yard** that abuts Davis Drive or Yonge Street if access to the **lot** is only from Davis Drive or Yonge Street (By-law 2021-29).
- v) A minimum of 10% of any surface **parking area** or exposed roof of a **parking garage** shall be dedicated to soft landscaping.

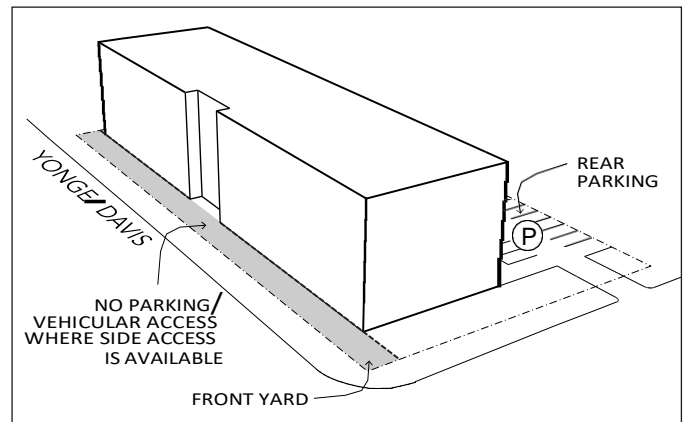


Illustration 6-7. Example of Areas where Parking is Restricted

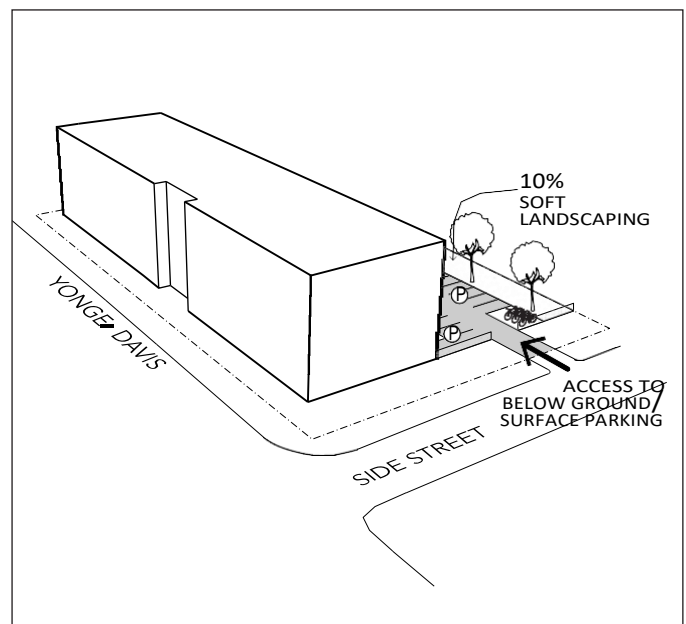


Illustration 6-8. Example of where Parking Access is permitted

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6.2.4.10. Loading and Garbage Containment

- i) All **loading spaces** shall be wholly enclosed in the main **building** on the **lot**.
- ii) On **lots** that abut a rear lane or side street, all **loading spaces** shall be accessed only from a rear lane or side street.
- iii) Garbage containment shall be located within either the main **building** on the **lot**, or a garbage containment **structure**. For clarity, a garbage compactor shall be considered to be a garbage containment **structure**.
- iv) A garbage containment **structure** shall not be located:
 - a) In a **front yard**;
 - b) In an **exterior side yard**;
 - c) In any minimum **yard** abutting any residential **zone** under By-law 2010-40; or
 - d) Within any required **landscaped buffer**.

6.2.4.11. Technology

Each development block or **building** must provide a dedicated broadband fibre optic conduit from the municipal right of way to each development block or **building**.

6.2.5. Site Specific Exceptions to the Mixed Use Zone Regulations

All of the regulations of Section 6 of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal **zone** provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

MU-1 (1) – Part Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710 – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to allow a maximum **building** height of 30 metres.

MU-1 (3) – Southwest corner of Yonge and Mulock (Plan 65M3648 BLK 133) - See MU-3 (2)

MU-1 (4) – 17725 Yonge Street - See MU-3 (3)

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MU-1 (5) – 17750, 17760-17780 Yonge Street – In addition to the Sections of this By-law exempted by Section 6.2.1.2, interim development shall not be subject to Sections 6.2.4.9 ii), 6.2.4.9 iii), and 6.2.4.10 iv) of this By-law.

MU-1 (6) – 460 Davis Drive – Notwithstanding the provisions set out in this by-law, a setback of 7.5 metres shall be provided from the northern boundary of the MU-1 (6) Zone as shown on Schedule A Map 5 to this By-law and that no buildings or structures shall be erected within the setback area (By-law 2021-29).

MU-1(7) – 201 Davis Drive (By-law 2021-64)

- a) Notwithstanding Sections 4.10.1 and 4.10.2, the minimum width of the landscape buffer between the parking lot and the lot line abutting Penn Ave is 1.1m. The minimum width of the landscape buffer between the parking lot and the east property line (abutting 188 Penn Ave) is 1.5m.
- b) Notwithstanding Section 5.4.1, the minimum setback from the parking lot to the lot line abutting Penn Ave shall be 1.1m and the minimum setback from the parking lot to the east property line shall be 1.5m.
- c) Section 5.2.2.1 relating to Obstructions to parking spaces shall not apply.
- d) Notwithstanding Section 5.5 the minimum driveway entrance is 6m and three entrances are permitted.
- e) Notwithstanding Section 5.6.1 only one loading space is required. Section 5.6.2 does not apply.
- f) Notwithstanding Section 6.2.2.3, commercial, residential or institutional uses are not required along the Above Grade Parking Garage that faces Davis Drive.
- g) Notwithstanding Section 6.2.4.2.i) the maximum permitted building height is 20.6m.
- h) Section 6.2.4.2 (ii) (c) relating to podium heights adjacent to existing residential development does not apply.
- i) Section 6.2.4.2 (iii) (c) relating to mechanical penthouses setbacks does not apply.
- j) Notwithstanding Section 6.2.4.3. Floor Space Index, the subject lands shall have a maximum permitted FSI of 2.42.
- k) Notwithstanding Section 6.2.4.5 iii) the minimum setback for a wall with windows is 4m to a lot line that is not adjacent to a public street.
- l) Notwithstanding Section 6.2.4.6 the angular plane calculation shall not apply to the side yard of 188 Penn Ave and roof top mechanical can extend 4.5m into the angular plane measured from the Penn Avenue property line.

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- m) Notwithstanding Section 6.2.4.9, the subject lands may have one access to Davis Drive and two accesses onto Penn Avenue.
- n) Notwithstanding Section 6.2.4.10, the single loading space may be located outside the building.
- o) A 2.4m high opaque and/or board fence shall be provided on the east property line, adjacent to 188 Penn Ave.
- p) Notwithstanding Section 45 (1.3) of the Planning Act, the Owner does not require a resolution from Council, as per Section 45 (1.4), to apply for a minor variance before the second anniversary of the day on which this by-law is passed.
- q) All other aspects of the Zoning By-law remain applicable.

MU-1(8) – 49 Charles Street PT LT UNNAMED AKA LANE PL 125 NEWMARKET AS IN R724223; TOWN OF NEWMARKET (By-law 2022-24)

- a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking is to be shared with 55 & 59 Charles Street and 52 Prospect Street.
- b) Notwithstanding Section 5.5, driveway access may be provided from an entrance/exit a minimum width of 6.0 metres and may be provided from a lane.
- c) Notwithstanding Section 5.4.5, snow storage shall not be required.
- d) Notwithstanding Section 6.2.4.5 ii), the part of a **building wall** containing windows may be located a minimum 2.3 m from a **lot line** that is not adjacent to a **public street** or **public lane**.
- e) Notwithstanding Section 5.6.1, one (1) **loading space** shall be required.
- f) Notwithstanding Section 5.6.3, the setback of the **loading space** shall be a minimum of 1.3 metres.
- g) Notwithstanding Section 6.2.4.4, a minimum 70.0 m² outdoor rooftop amenity shall be required. No indoor amenity is required.
- h) Notwithstanding the requirements of Section 6.2.4.6, Angular Planes - shall not apply to this **lot**.
- i) Notwithstanding Section 6.2.4.10, the **loading space** is not required to be located in a wholly enclosed building, and may be accessed from Charles Street.
- j) Notwithstanding Section 3, Floor Space Area shall mean: the **gross floor area** of all Buildings on a **lot** divided by the **lot** area, excluding parkland or floodplain lands.

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MU-1-(9) – 52 Prospect Street LT 30 PL 125 NEWMARKET; NEWMARKET (By-law 2022-24)

- a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking are to be shared with 49 and 55 & 59 Charles Street.
- b) Notwithstanding Section 5.5, driveway access may be provided from an entrance/exit a minimum width of 6.0 metres and may be provided from a lane.
- c) Notwithstanding Section 6.2.4.5.ii, the part of a **building wall** containing windows may be located a minimum 2.3 m away from a **lot line** that is not adjacent to a **public street** or **public lane**.
- d) Notwithstanding Section 5.4.5, snow storage shall not be required.
- e) Notwithstanding Section 5.6.1, one (1) **loading space** shall be required.
- f) Notwithstanding Section 5.6.3, the setback of the **loading space** shall be a minimum of 0.70 metres.
- g) Notwithstanding Section 6.2.4.4, a minimum 70.0 m² outdoor rooftop amenity shall be required. No indoor amenity is required.
- h) Notwithstanding Section 6.2.4.10, the **loading space** is not required to be located in a wholly enclosed building, and may be accessed from Prospect Street.
- i) Definitions: Notwithstanding Section 3, Floor Space Area shall mean: the **gross floor area** of all Buildings on a **lot** divided by the **lot** area, excluding parkland or floodplain lands.

MU-1-(10) & OS-2 – 55 Charles Street LT 27 PL 125 NEWMARKET; TOWN OF NEWMARKET and 59 Charles Street LT 26 PL 125 NEWMARKET; NEWMARKET (By-law 2022-24)

- a) Notwithstanding Section 5.3.1.1, 5 Visitor Parking are to be shared with 49 Charles Street and 52 Prospect Street.
- b) Notwithstanding Section 4.2, balconies are permitted up to the **lot line**.
- c) The requirements of Section 4.10.1, Landscape Buffers in Parking Lots shall not apply to this **lot**.
- d) Notwithstanding Section 5.4.5, snow storage shall not be required
- e) Notwithstanding Section 6.2.4.5.ii, the part of a **building wall** containing windows may be located a minimum 0.70 m away from a **lot line** that is not adjacent to a **public street** or **public lane**.
- f) Notwithstanding Section 5.3.3, Barrier Free Parking Spaces shall not be required.
- g) Notwithstanding Section 5.6.1, **Loading Spaces** shall not be required.

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- h) Definitions: Notwithstanding Section 3, Floor Space Area shall mean: the **gross floor area** of all Buildings on a **lot** divided by the **lot** area, excluding parkland or floodplain lands.

(H)MU-1-(11) 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue, TOWN OF NEWMARKET (By-law 2022-70)

- a) Bolton Avenue is the front lot line.
- b) Notwithstanding Sections 5.6, 5.6.1, 5.6.2, and 6.2.4.10.i), only one (1) *loading space* shall be required and may be located exterior of the building and may be accessed by a *driveway* that is a minimum 4.0 metres wide.
- c) Notwithstanding the requirements of Section 6.2.4.6, Angular Planes - shall not apply to the south (35 Lundy's Lane) and east (Bolton) boundaries of this *lot*.

MU-1 (12) 17046 Yonge Street (Minster's Zoning Order, Nov 4, 2022)

Every use of land and every erection, location or use of any building or structure is prohibited on the lands described above, other than the following uses:

- a) The uses permitted by the zoning by-law.
- b) Emergency shelters that provide temporary accommodation to individuals who are in immediate need of emergency accommodation and food, including spaces for programs administration, health care, counselling and social support services.
- c) Transitional housing that offers accommodation to individuals who access on-site social supports.
- d) Accessory buildings and structures that are incidental or subordinate to the principal use building or structure located on the same lot, including temporary trailers used for community events and other programming.

The zoning requirements set out in section 6.2.2 (Permitted Uses and Permitted Uses with Conditions) of the zoning by-law apply to the lands described in section 2 of this Order, with the following exceptions:

- a) The minimum width of the landscape buffer between the parking lot and the north property line is one metre.
- b) The minimum width of the landscape buffer between the parking lot and the south property line is 0.25 metres.
- c) The landscape buffer referred to in paragraph 2 shall be bordered by a fence and shall not have other uses encroach onto it.
- d) A parking space is not obstructed if a fence is situated within 0.3 metres of one side of the parking space.
- e) A minimum of five parking spaces are required, including one Type A barrier free parking space in accordance with section 5.3.3 of the zoning by-law.
- f) A minimum of four outdoor bicycle parking spaces and two indoor bicycle parking spaces are required.

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- g) Despite section 5.3.4 of the zoning by-law, bicycle parking spaces are permitted in the basement.
- h) The minimum setback from the parking lot to the north property line is one metre.
- i) The minimum setback from the parking lot to the south property line is 0.25 metres.
- j) Despite paragraph 3, snow storage is permitted anywhere on the lands described in section 2.
- k) The minimum driveway width is 6.0 metres.
- l) Despite section 5.5 of the zoning by-law, one driveway entrance is permitted.
- m) One loading space with a minimum length of 5.5 metres is required.
- n) Despite sections 5.6.2, 6.2.4.10 (i) and 6.2.4.10 (ii) of the zoning by-law, the required loading space may be located outside the building and accessed from the parking lot.
- o) There is no minimum required floor space index.
- p) The maximum floor space index is 2.0.
- q) Section 6.2.4.2 (iii) (c) of the zoning by-law does not apply to this Order.
- r) Section 6.2.4.5 (ii) and (iii) of the zoning by-law does not apply to this Order.
- s) Section 6.2.4.9 (v) of the zoning by-law does not apply to this Order.

MU-2 (1) – 693-713 Davis Dr & the southern 21m of 35 Patterson Street –

Notwithstanding Section 6.2.4.3. Floor Space Index, the subject lands shall have a maximum permitted FSI of 3.0. The maximum permitted height shall be in accordance with the maximum shown on Map 12 (Height): 15-4 7m.

Section 37 Provisions - Pursuant to Section 37 of the Planning Act, and subject to compliance with By-laws 2019-06 & 2020-69, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 3 of By-law 2020-69, 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. Where By-law 2020-69 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. 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 this By-law 2020-69 are satisfied (By-law 2020-69).

MU-3 (1) – 39 Davis Drive – Establishes development standards for the property. Established by site specific By-law 2009-63 (formerly UC-P-92).

MU-3 (2) – Southwest corner of Yonge and Mulock (Plan 65M3648 BLK 133) - Notwithstanding the permitted uses and zone standards for the MU-1 and MU-3

Section 6 – Zone Provisions

Zones, commercial Building(s) that do not meet the minimum required Height and density are permitted, provided that the total residential gross floor area on the lot does not exceed 20,000.0 square metres.

MU-3 (3) – 17725 Yonge Street – Notwithstanding the provisions set out in this By-law, the subject land will be permitted to expand up to 40% above the total gross Ground Floor Area comprised of the aggregate of all the ground floors of all the Buildings present on the site at the time of approval of this Plan provided:

- i) the development is not intended to be long-term and is considered appropriate over the short to medium term;
- ii) the development does not preclude the long-term re- development of the site as envisioned by this Plan;
- iii) the development does not preclude the achievement of a compact, pedestrian oriented and transit- supportive urban form; and,
- iv) the development does not include residential uses or underground parking Structures.

Notwithstanding Section 6.2.4.11, the subject land shall require a dedicated broadband fibre optic conduit to be installed from the municipal right-of-way to each development block or Building(s) associated with the build-out of the site. It is encouraged that appropriately sized conduits and wiring be distributed internally to each unit within the Building(s) in order to ensure access to advanced communication technology, when it becomes available.

MU-3 (4) – 20 Davis Drive – In addition to the Sections of this By- law exempted by Section 6.2.1.2, interim development shall not be subject to Sections 6.2.4.9 ii), 6.2.4.9 iii), and 6.2.4.10 iv) of this By-law.

Section 6 – Zone Provisions

6.3. Institutional Zones

6.3.1. General

6.3.1.1. General

No person shall use any land or erect, alter or use any **Building** or **Structure** in any Institutional **Zone** except in accordance with Sections 6.3.2 through 6.3.5 of this By-law.

6.3.1.2. Interim Development Exception

Interim Development is permitted in this **Zone** in accordance with Section 6.2.1.2 of this By-law.

6.3.2. Permitted Uses and Permitted Uses with Conditions

6.3.2.1. List of Uses

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

Table 6.3.2.1: Institutional Zone Permitted Uses (By-law 2021-29)	
	I 1-2
Shared Housing/Residences	
Long Term Care Facility	P
Dormitory	P
Offices	
Office	P
Medical and Dental Laboratories	P
Medical Office	P
Sole Medical Practitioner	P
Retail and Service Uses	
Restaurant (*1)	PC
Retail Store (*1)	PC
Automobile Related Uses	
Parking Garage	P
Parking Lot (*2)	P
General Institutions	
Hospital	P
Medical Clinic	P
Medical and Dental Laboratories	P
Place of Worship	P
Post-Secondary School	P
Transportation and Public Services	
Passenger Transportation Terminal	P

P = Permitted

PC = Permitted, subject to certain conditions noted:

(*1) Permitted as an **accessory use** up to a maximum combined **gross floor area** of 3000.0 square metres.

(*2) A **parking lot** is subject to the provisions of Section 6.3.4.4 of this By-law.

6.3.3. Lot Requirements

6.3.3.1. Lot Frontage

Table 6.3.3.1: Institutional Zones Lot Frontage	
	I 1-2
Minimum Lot Frontage	40.0 metres

6.3.4. Building Requirements

6.3.4.1. Height

i) Permitted **Height**

Buildings shall be within the minimum and maximum **heights** in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

6.3.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each **zone** in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

Table 6.3.4.2: Institutional Zones Floor Space Index		
	I 1-2	I 1-2
Minimum Total Floor Space Index	1.5	2.0
Maximum Total Floor Space Index	2.0	2.5

6.3.4.3. Setbacks

Table 6.3.4.3: Institutional Zones Setbacks		
	I 1-2	I 1-2
Minimum Front Yard Setback (m)	9.0	9.0
Minimum Rear Yard Setback (m)	9.0	9.0
Minimum Exterior Side Yard Setback (m)	3.6	3.6
Minimum Interior Side Yard Setback - 1 side (m)	3.6	3.6
Minimum Interior Side Yard Setback - Other side (m)	3.6	3.6

Section 6 – Zone Provisions

6.3.4.4. Loading and Garbage Containment

- i) All **loading spaces** shall be wholly enclosed in the main **building** on the **lot**.
- ii) On **lots** that abut a rear lane or side street, all **loading spaces** shall be accessed only from a rear lane or side street.
- iii) Garbage containment shall be located within either the main **building** on the **lot**, or a garbage containment **structure**. For clarity, a garbage compactor shall be considered to be a garbage containment **structure**.
- iv) A garbage containment **structure** shall not be located:
 - a) In a **front yard**;
 - b) In an **exterior side yard**;
 - c) In any minimum **yard** abutting any residential **zone** under By-law 2010-40; or
 - d) Within any required **landscaped buffer**.

6.3.5. Site Specific Exceptions to the Institutional Zone Regulations

6.4. Open Space Zones

6.4.1. General

6.4.1.1. General

No person shall use any land or erect, alter or use any **Building** or **Structure** in any Open Space **Zone** except in accordance with Sections 6.4.2 through 6.4.5 of this By-law.

6.4.1.2. Interim Development Exception

Interim Development is permitted in this **Zone** in accordance with Section 6.2.1.2 of this By-law.

6.4.2. Permitted Uses and Permitted Uses with Conditions

6.4.2.1. List of Uses

The following table establishes the **uses** permitted in the Open Space **Zones**:

Table 6.4.2.1: Open Space Zone Permitted Uses			
	OS-1	OS-2	OS-3
Park & Recreation Related Uses			
Agricultural Use	P	P	P
Conservation Use	P	P	P
Park	P	P	
Private Park		P	
Outdoor Recreation Facility	P	P	
Recreational Trails	P	P	P
Accessory Refreshment Pavilion	P	P	
Accessory Buildings & Structures (*1)	PC	PC	PC
Community Services / Cultural Facilities			
Community Centre	P		

P = Permitted

PC = Permitted, subject to certain conditions noted:

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

6.4.3. Lot Requirements

6.4.3.1. Lot Coverage

Table 6.4.3.1: Open Space Zone Lot Coverage		
	OS-1	OS-2
Maximum Lot Coverage	20	20

6.4.4. Building Requirements

6.4.4.1. Height

i) Permitted **Height**

Buildings shall be within minimum and maximum **heights** in metres as identified in Schedule “B,” Maps 7 through 12, forming part of this By-law.

6.4.4.2. Floor Space Index

Buildings shall be within density ranges identified on the chart below for each **zone** in accordance with Schedule “A,” Maps 1 through 6, forming part of this By-law.

6.4.4.3. Setbacks

Table 6.4.4.3: Open Space Setbacks		
	OS-1	OS-2
Minimum Front Yard Setback (m)	9.0	9.0
Minimum Rear Yard Setback (m)	9.0	9.0
Minimum Interior Side Yard Setback - 1 side (m)	9.0	9.0
Minimum Interior Side Yard Setback - Other side (m)	9.0	9.0

6.4.5. Open Space Zoning Exception Properties:

OS-1 - 16780 Yonge Street (Mulock Estate)

- i) The property at 16780 Yonge Street, Newmarket is designated as Newmarket Urban Centres Secondary Plan Area under the Town of Newmarket Official Plan.
- ii) The said property is proposed to be designated as **Parks** and Open Space by Official Plan Amendment #10 being the Town of Newmarket Urban Centres Secondary Plan which is not yet in full force and effect over this property.
- iii) Pursuant to Section 24(2) of the Planning Act, this Urban Centres Zoning By-law will be in conformity with Official Plan Amendment #10 if the said amendment comes into full force and effect.

OS-2 (1) – 56, 58, 60 Roxborough Road; 674, 678, 682, 684, 685,

691 Queen Street – Allows a particular **driveway** and establishes parking requirements for **Hospital** and non-Hospital associated units and other development standards. Also includes specific setbacks from watercourses. Established by site specific By-law 2009-90 (formerly OS-2-93).

Section 7– Overlay Zones

7.1. Parking Reduction Areas

Refer to Section 5.3.1.3 for Reduced Parking Standards Requirements. See Schedule “F”.

7.2. Priority Commercial Areas

Refer to Section 6.2.2.2 for **commercial use** requirements in Priority Commercial Areas. See Schedule “D”.

7.3. 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 7.3.1, 7.3.2, and 7.3.3 of this By-law, and the applicable sections of this By-law relating to the underlying **zone** category(s). See Schedule “E”.

7.3.1. Non-permitted 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:

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

7.3.2. 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 7.3.1 shall prevail where there is conflict with this section.

7.3.3. 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– Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

8.1. Site Specific Exceptions

All regulations of this By-law shall apply to the following other than what is specified in the site specific exception as follows. All other normal **zone** provisions and sections shall continue to apply as stated in by-law 2010-40 as of September 17, 2018.

SS(1) – Deleted (By-law 2021-29)

SS(2) – 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 45, 49, 51, 53 Orchid Gardens, 3, 5, 7, 9, 11, 13, 15 Carr Circle, 2, 4, 6, 8, 12, 14, 16, 18 McConnell Lane, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 79, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108 Emerson Way – Permits residential development as allowed under the R4- CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(3) – 164 to 233, 260 to 294, 194 to 228 Tom Taylor Crescent and 17046 Yonge Street – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(4) – 20 William Roe Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(5) – 40 William Row Boulevard – Permits residential development as allowed under the RS-5 Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(6)– 5 to 171 Brandy Lane Way – Permits residential development as allowed under the R4-CP Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40

SS(7) – 415 Davis Drive – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(8) – 33 & 37 Franklin Street – Permits residential development as allowed under the R3-K Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

SS(9) – 29 Bolton Avenue – Permits residential development as allowed under the R1-D Zone of Section 4, Section 5 and Section 6.2 of Zoning By-law 2010-40.

8.2. Holding Provisions

8.2.1. Holding Zones and Exceptions to Permit Development

For any **lot** that is subject to a Holding **Zone** (H) on Maps 13 through 18 of this By-law (for example (H)-1), **uses** permitted by this By-law shall be permitted prior to the removal of the Holding **Zone** (H) and the provision under Section 6.2.1.2, Section 6.2.5, Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5, and Section 8.1 shall prevail (By-law 2021-29).

8.2.2. Requirement to Remove the (H) Symbol

Notwithstanding Section 8.2.1, for any **lot** that is subject to a Holding **Zone** (H), no development as defined by the Planning Act and/or Site Plan Application Process Manual may occur without an application to remove the (H) symbol from the **lot** (By-law 2021-29).

The removal of an (H) symbol from a **lot** will be considered after a plan of **Subdivision** application, consent application and/or site plan application has been approved by the municipality to identify the location of a Proposed Road or Park as set out on Maps 13 through 18, as it pertains to the **lot**. After removal of an (H) symbol from a **lot** on Maps 13 through 18, the **lot** may develop under the applicable provisions of this By-law.

The removal of the (H) Symbol is not required for **interim development** as per Section 6.2.1.2. and Section 6.2.5.

8.2.3. Requirement to Remove the (H) Holding Provision from 43 Lundy's Lane, 592 Watson Avenue, 40, 36, and 32 Bolton Avenue (By-law 2022-70)

No person within these lands shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of By-law 2022-70.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2022-70 shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and the By-law comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to 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.

Section 8 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

Section 8.2.3.i Conditions for Removal of the Holding Provision

1. A Site Plan Agreement to permit the development as proposed has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.
2. That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.

8.2.4. Requirement to Remove the (H) Holding Provision 201 Davis Drive (as shown on Schedule C Map 17) (By-law 2021-64).

No person within these lands shall erect, alter or use any land, buildings or structures for any purpose except for those uses which existed on the date of passing of By-law 2021-64.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2021-64 shall occur unless an amendment to this By-law or removal of the '(H)' prefix, as per the Conditions of Removal listed below, is approved by Town Council and the By-law comes into full force and effect.

However, the Holding provision will not prevent any remediation or testing, or any testing related to 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.

Furthermore the Holding provision will not prevent any work associated with fulfillment of the conditions in Section 8.2.4.i below.

Section 8.2.4.i Conditions for Removal of the Holding Provision

3. That Servicing Allocation has been granted in accordance with the Town's Servicing Allocation Policy.
4. That all downstream sanitary sewer improvements are completed and all other servicing matters have been addressed to the satisfaction of the Director of Engineering.
5. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.
6. The Site Plan Agreement contains provisions relating to the placing of warning clauses in all offers of purchase and sale and/or any lease agreements as per the recommended findings of the Town accepted Noise Study, to the satisfaction of the Town.
7. The Site Plan Agreement contains provisions relating to the carrying out of de-watering in accordance with Town and Region requirements, to the satisfaction of the Town.
8. A Noise and Vibration Study and a Zone of Vibration Influence Report be completed to the satisfaction of the Town and shall be carried out including the requirement of pre-condition surveys, effective monitoring and data reporting, resident and owner notifications and a process for complaint handling, to the satisfaction of the Town.

Section 8 – Site Specific Provisions, Holding Provisions, Temporary Use Zones and Interim Control Zones

9. That a Construction Management Plan (CMP) has been completed, to the satisfaction of the Town.

8.2.5. Deleted by By-law 2023-16

8.2.6. Deleted by By-law 2023-16

8.2.7. Deleted by By-law 2022-52

8.3. Temporary Use Zones

Where on Maps 1 through 6 of this By-law, a **zone** symbol is shown followed by a dash and the letter “T” (for example MU-1-T), one or more additional **uses** are permitted on the lands noted until the permission granted by the site specific By-law expires.

8.4. Interim Control Zones

Where on Maps 1 through 6 of this By-law, a **zone** symbol is followed by a dash and the letters “IC” (for example MU-1-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.

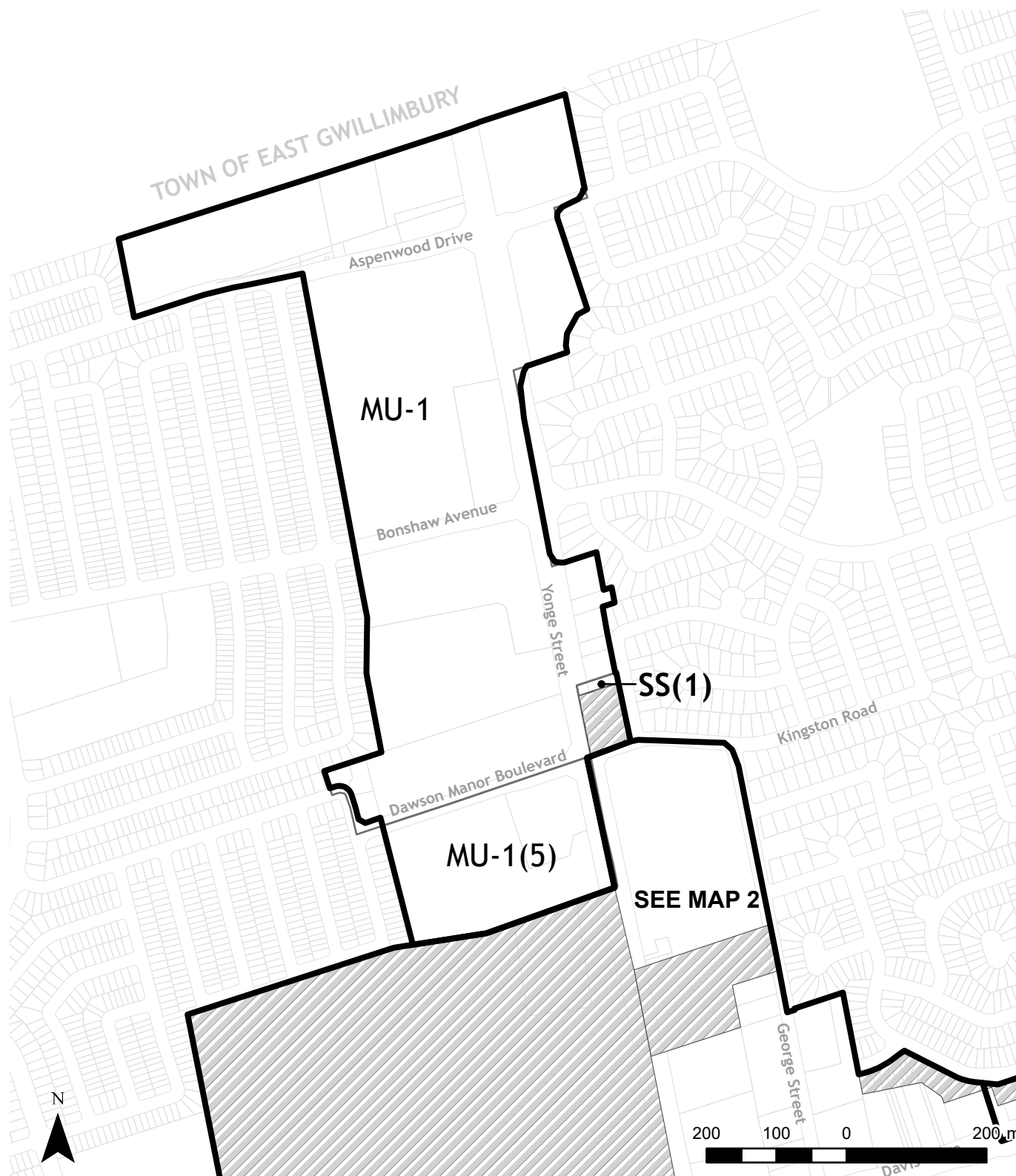
Section 9– Enactment

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.

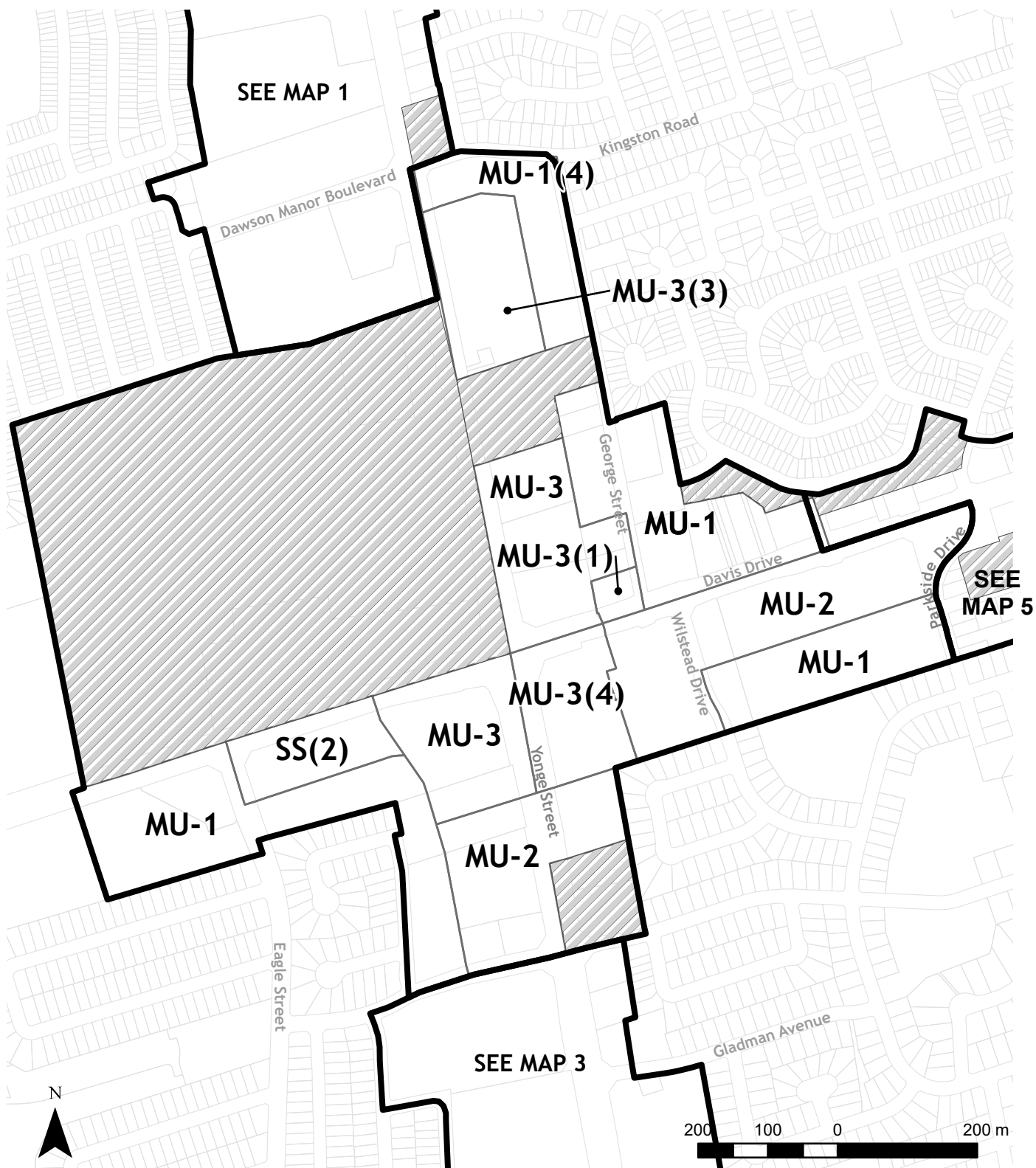
Despite the wording of this Section, By-law 2018-48 originally adopted by Council on September 24, 2018 was repealed by the Local Planning Appeal Tribunal and replaced with By-law 2019-06 which came into force on June 10, 2019 all of which arose from an Order of the Local Planning Appeal Tribunal of the same date under Appeal No. PL180854.

YONGE NORTH ZONING MAP



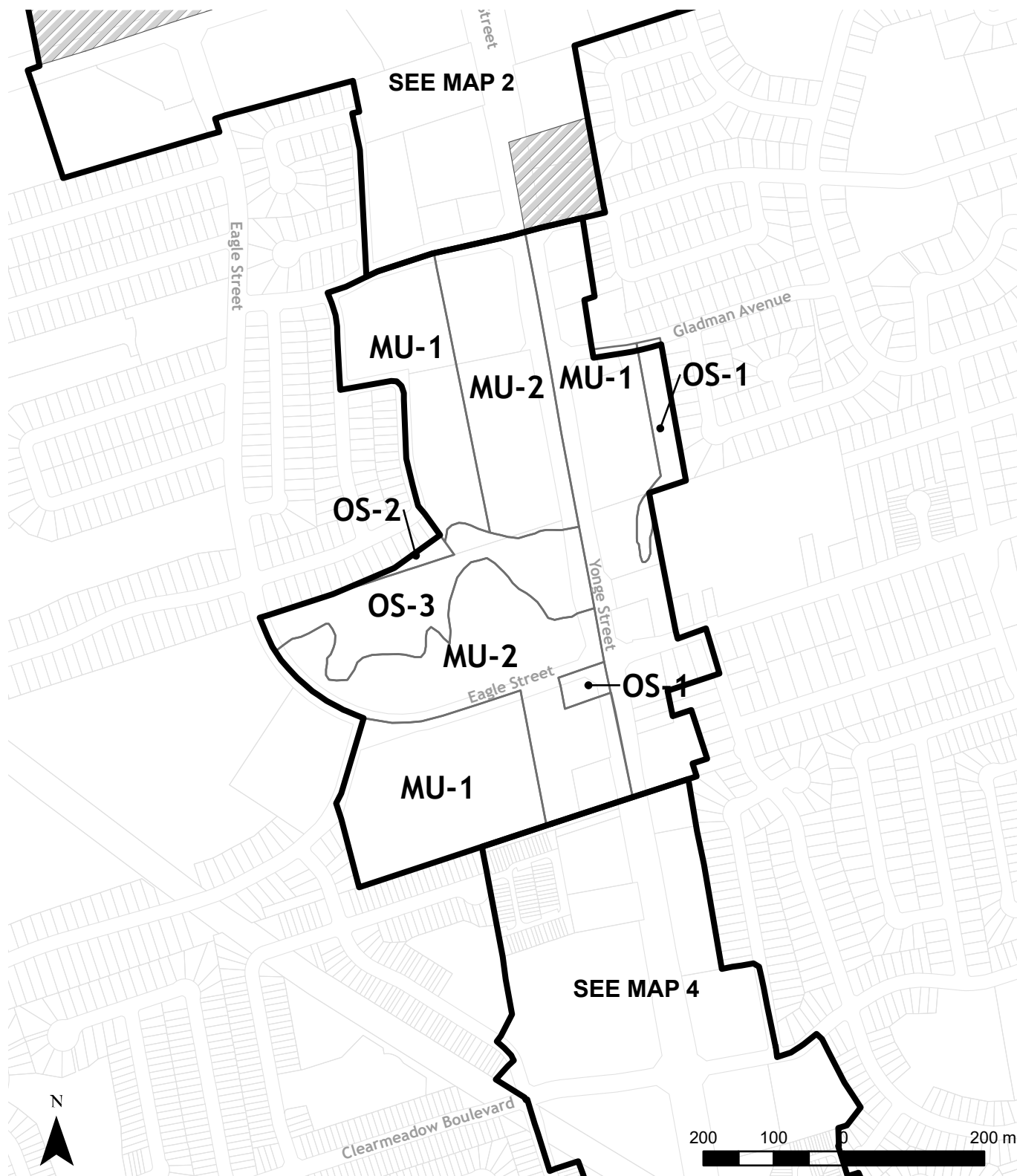
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS ZONING MAP



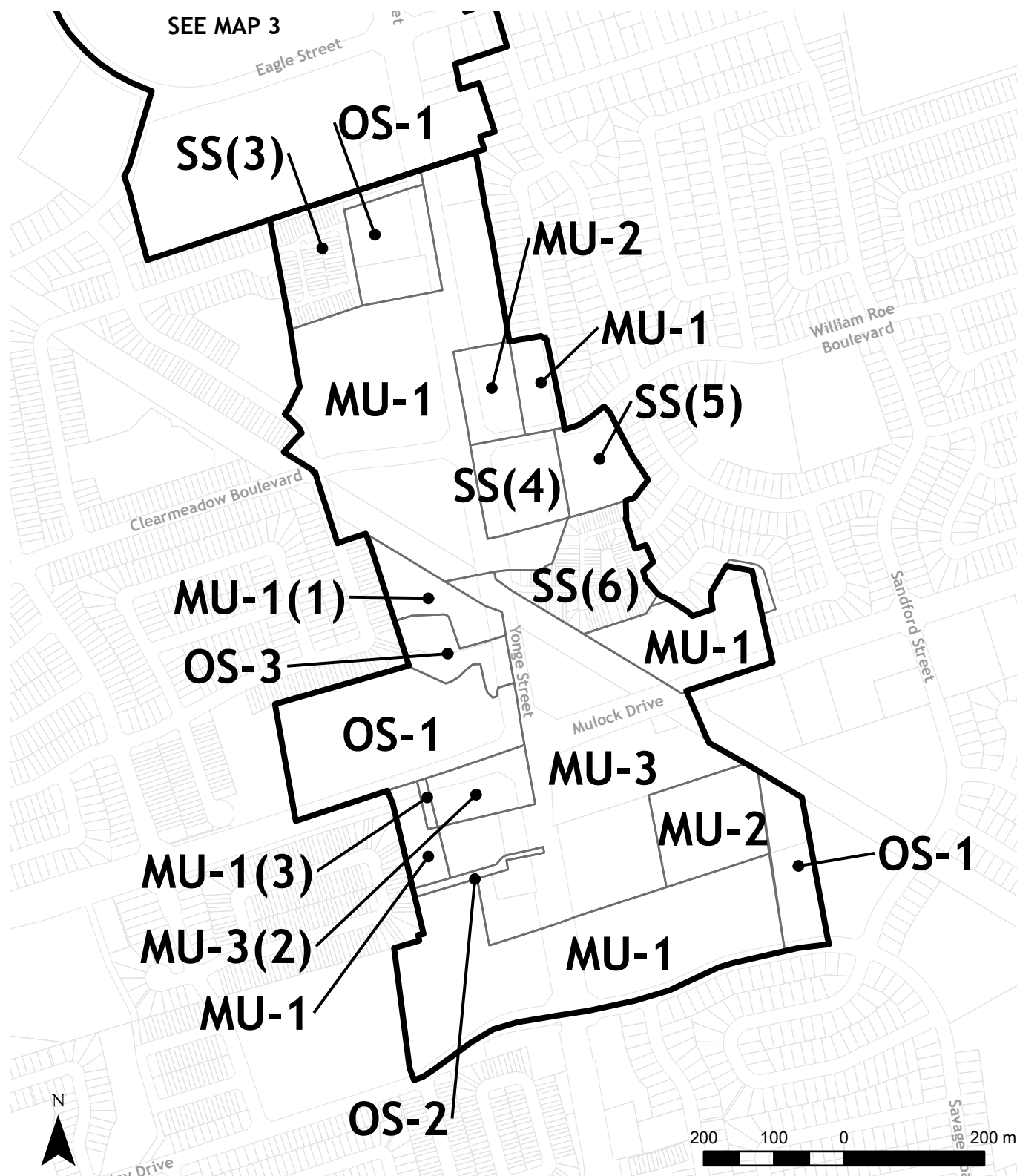
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC ZONING MAP



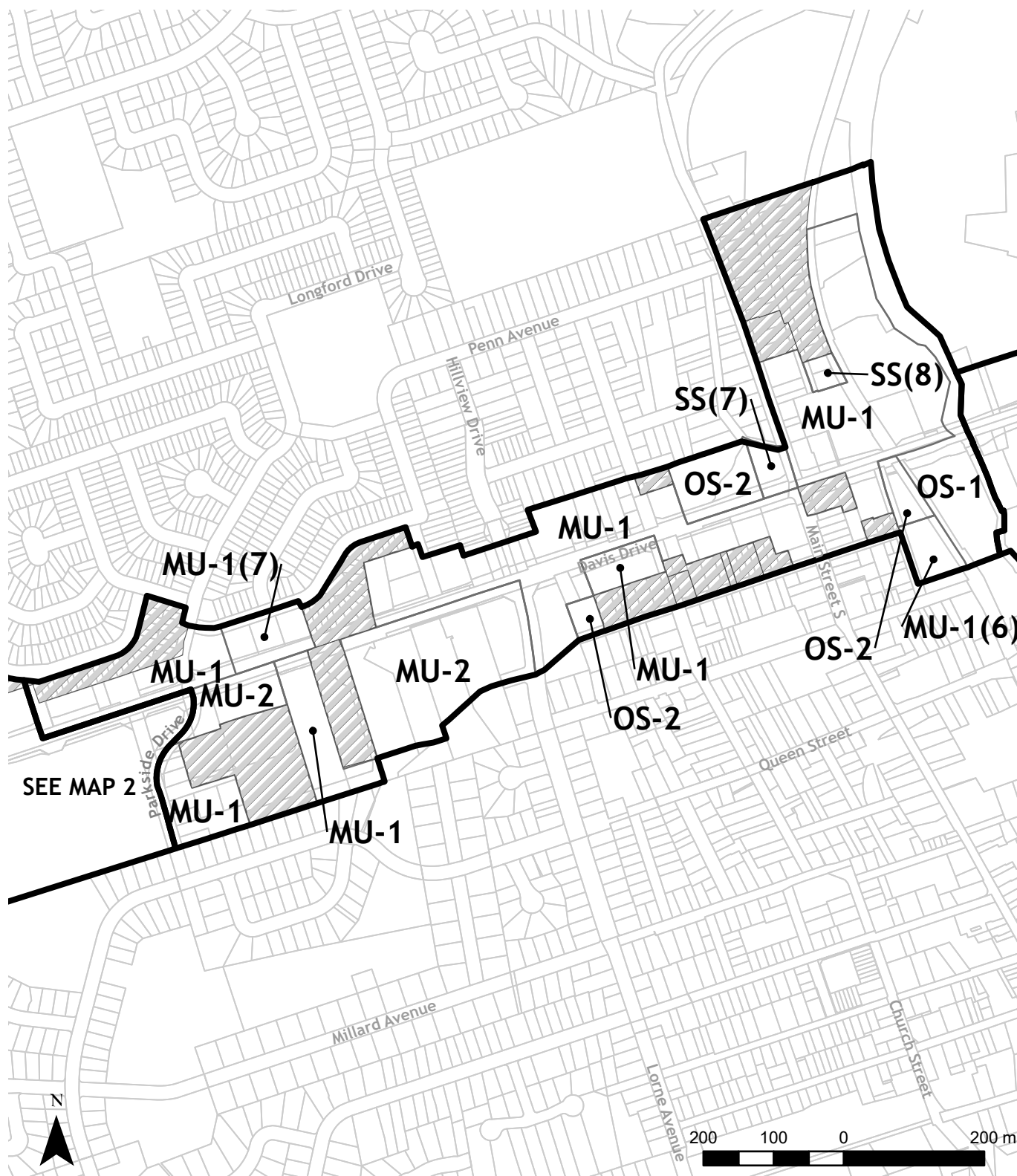
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE SOUTH ZONING MAP



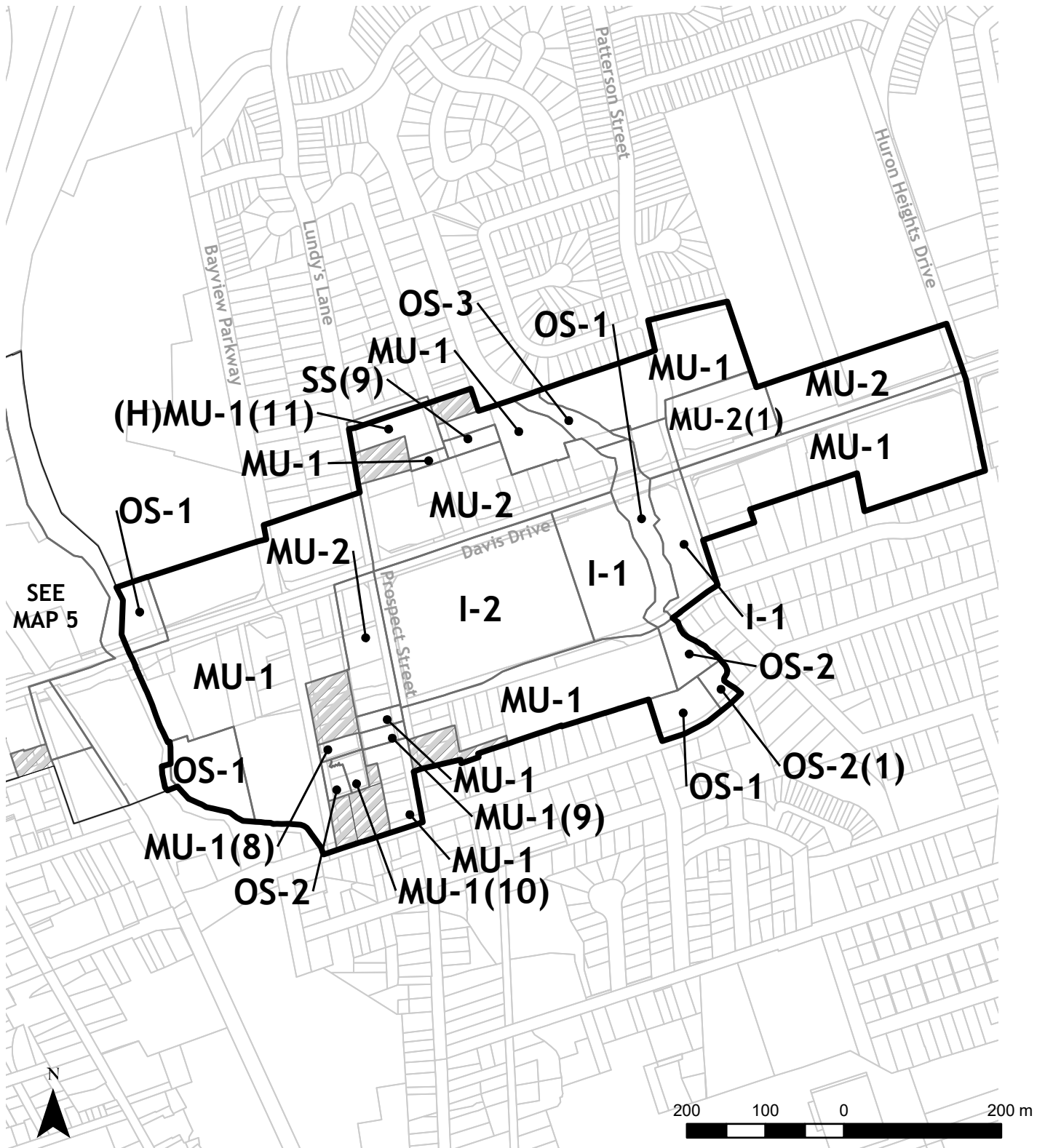
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE ZONING MAP



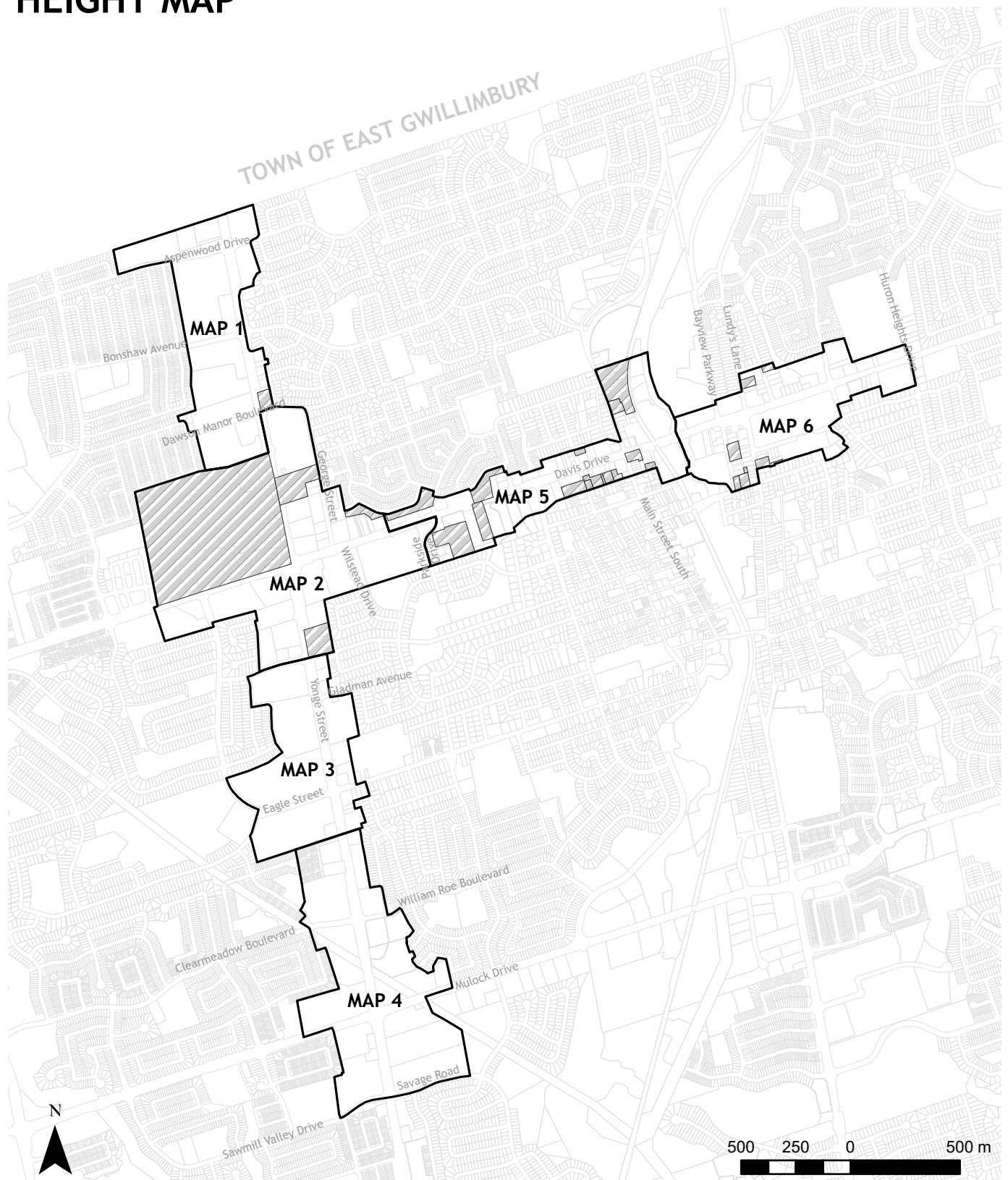
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE ZONING MAP



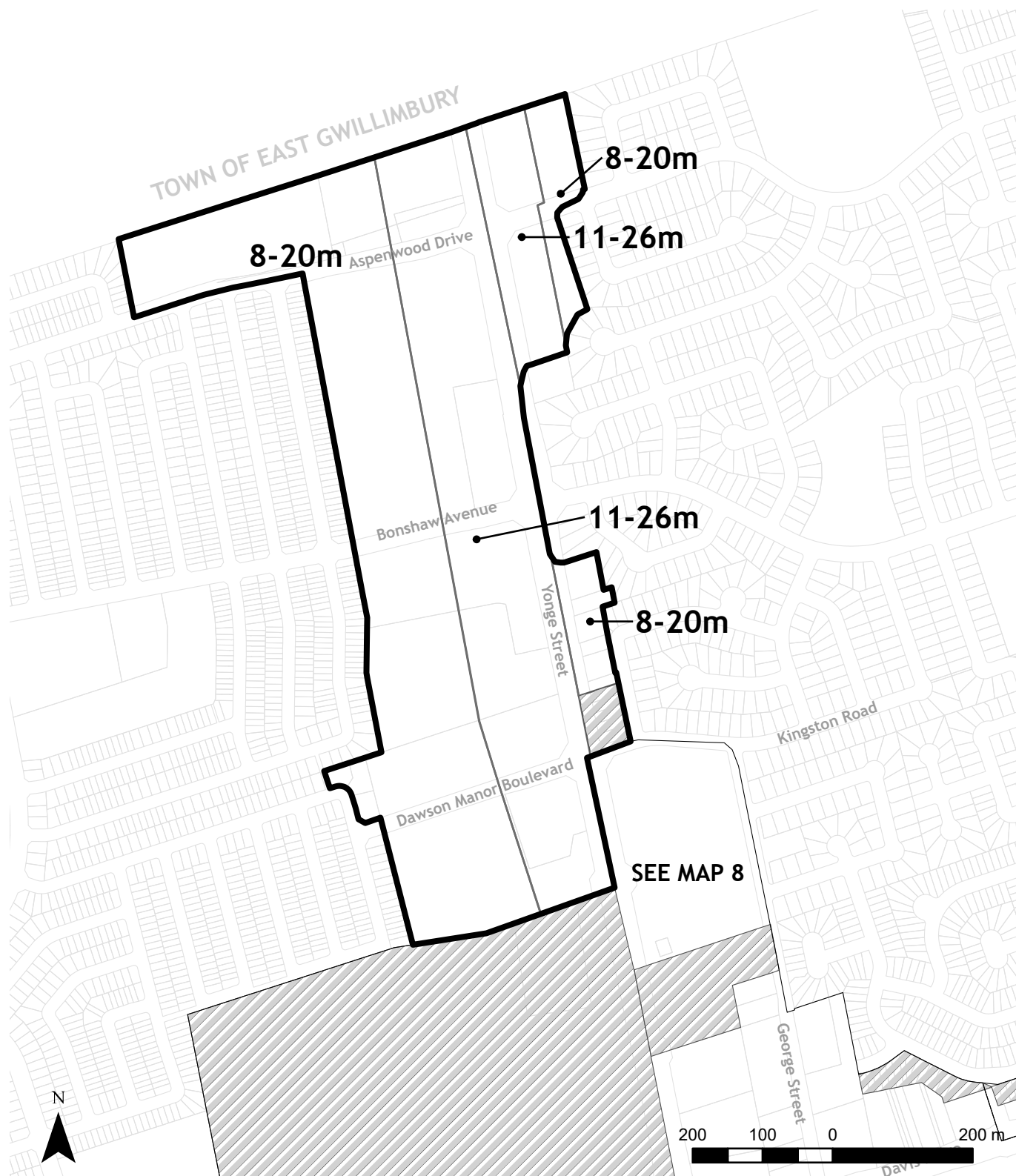
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

HEIGHT MAP



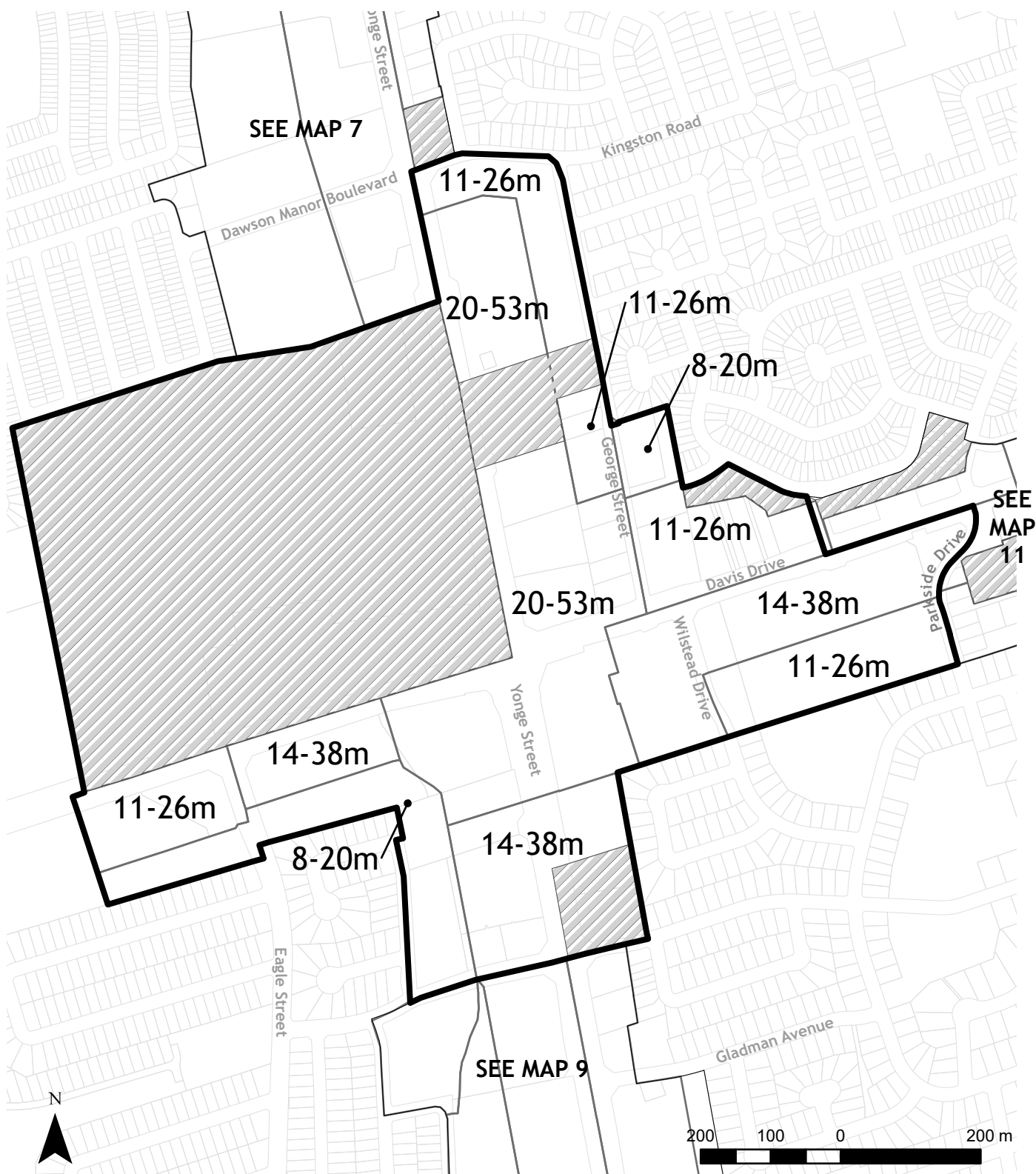
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE NORTH HEIGHT MAP



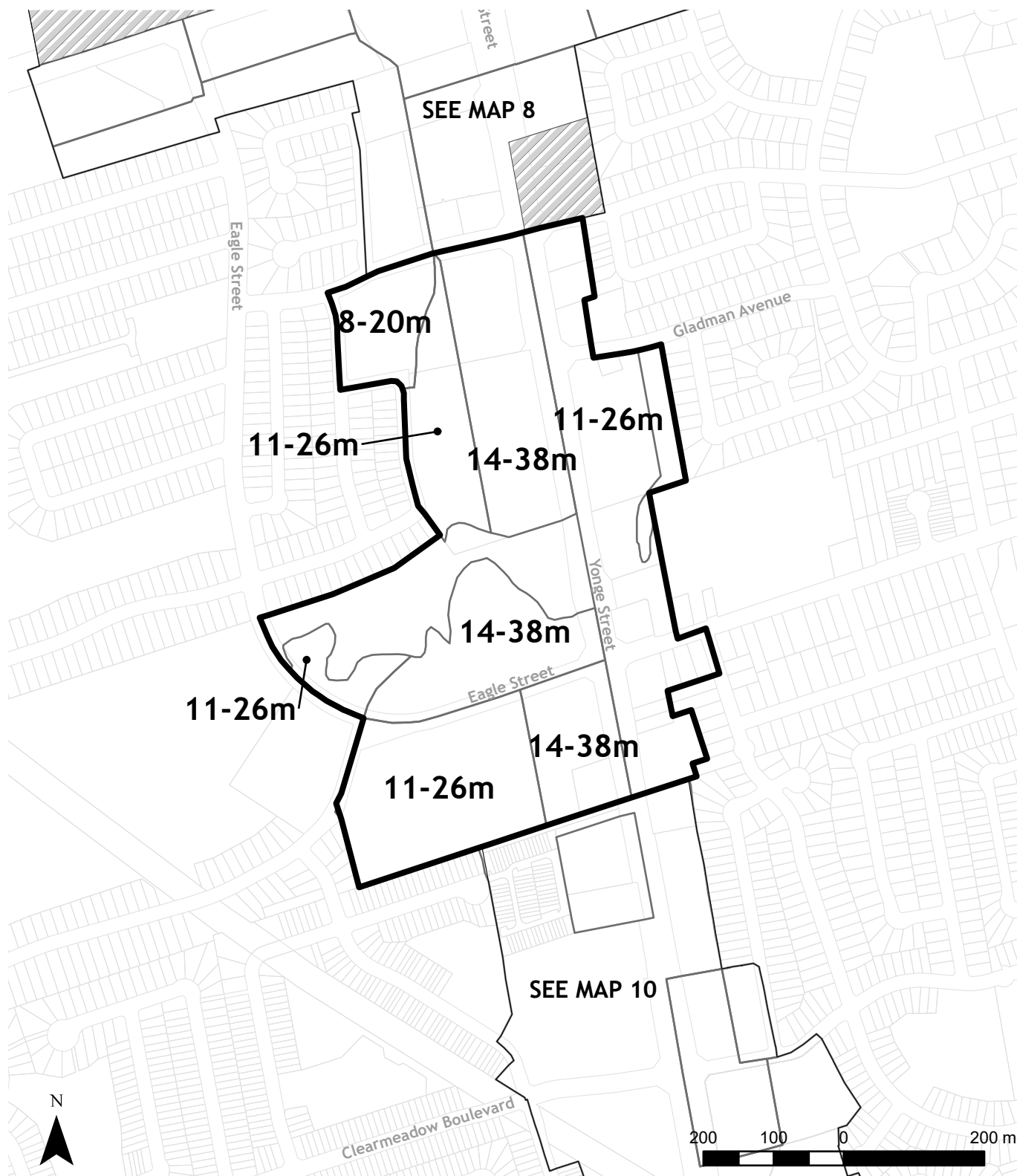
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS HEIGHT MAP



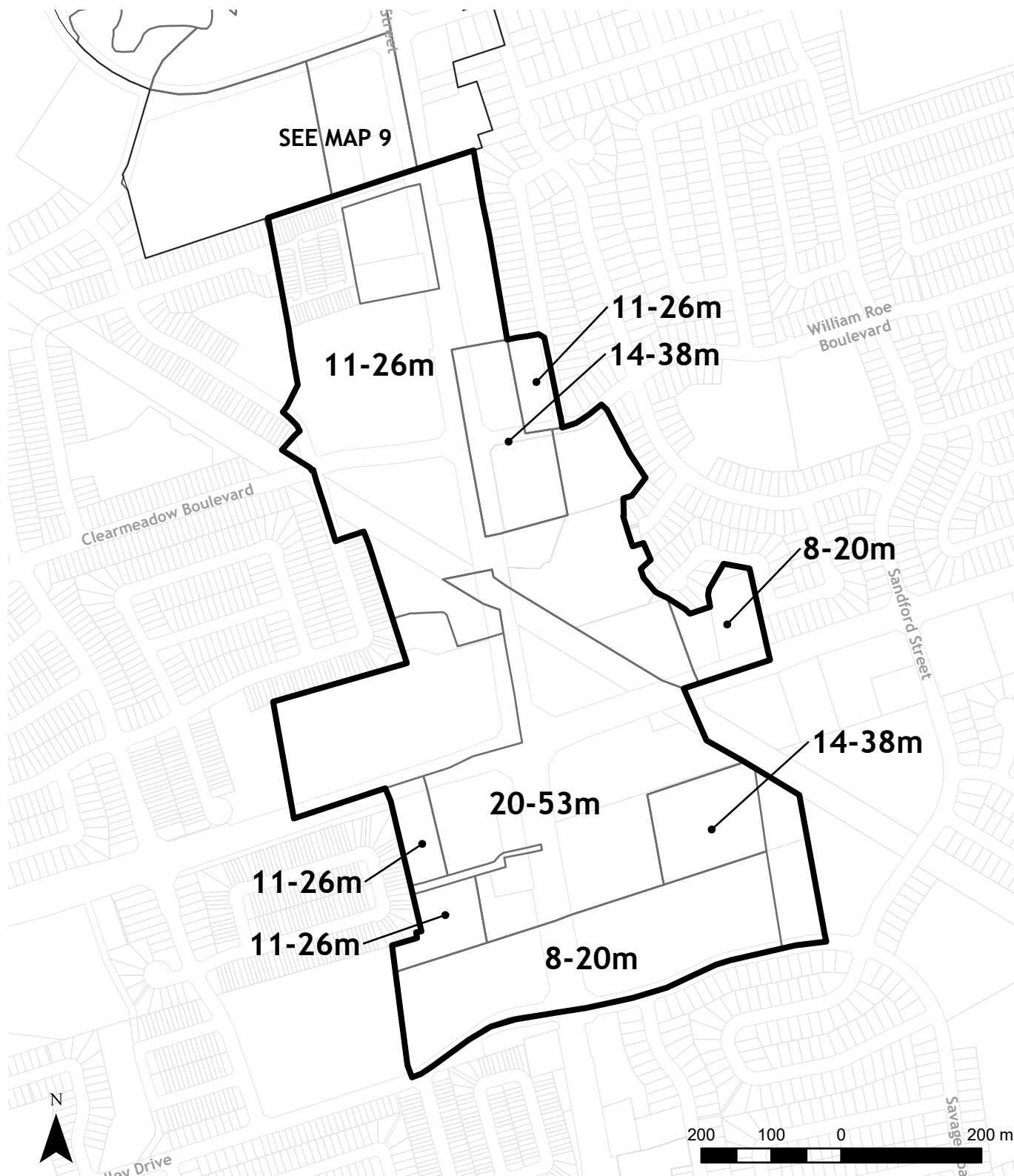
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC HEIGHT MAP



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

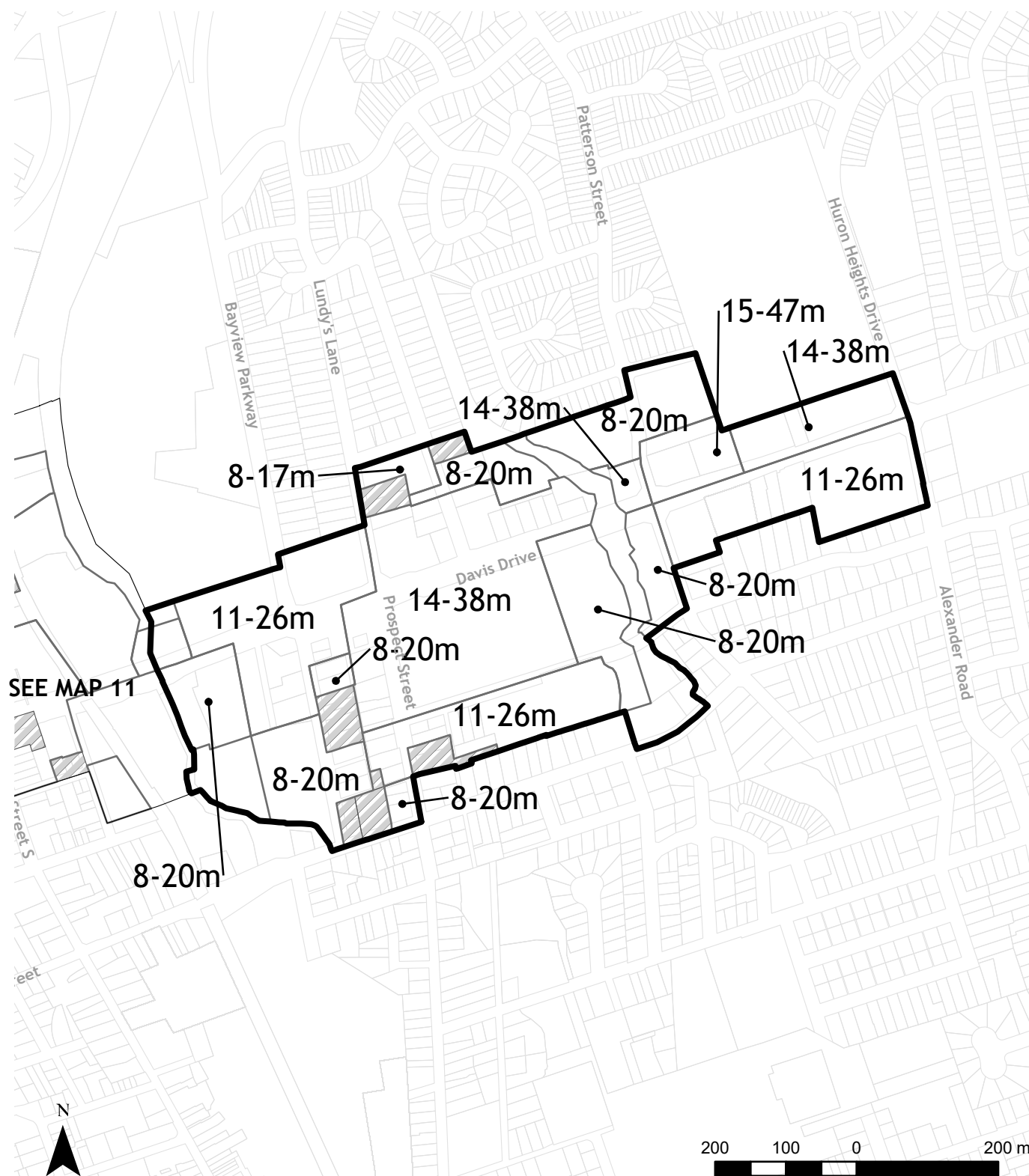
YONGE SOUTH HEIGHT MAP



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

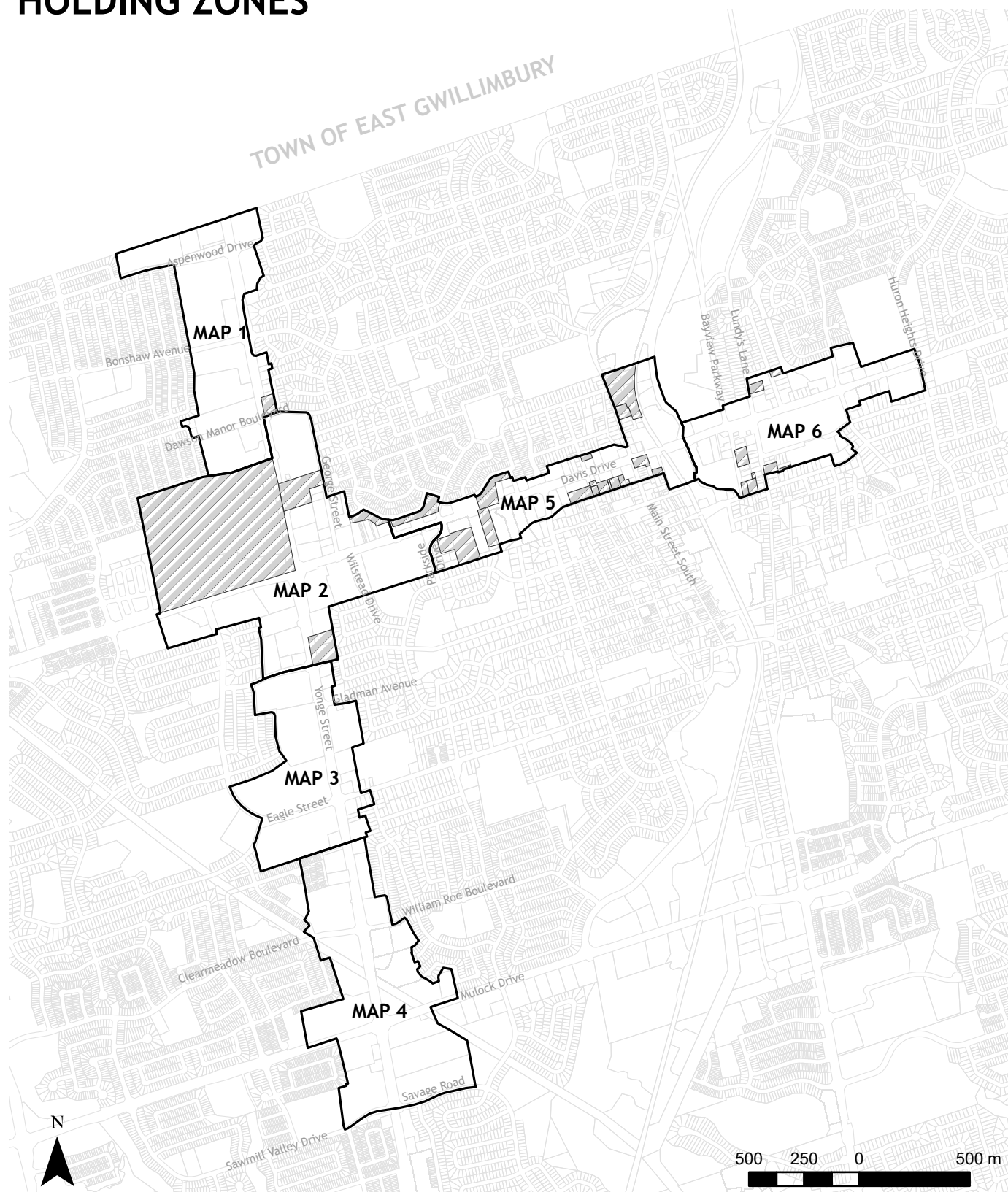


REGIONAL HEALTHCARE CENTRE HEIGHT MAP



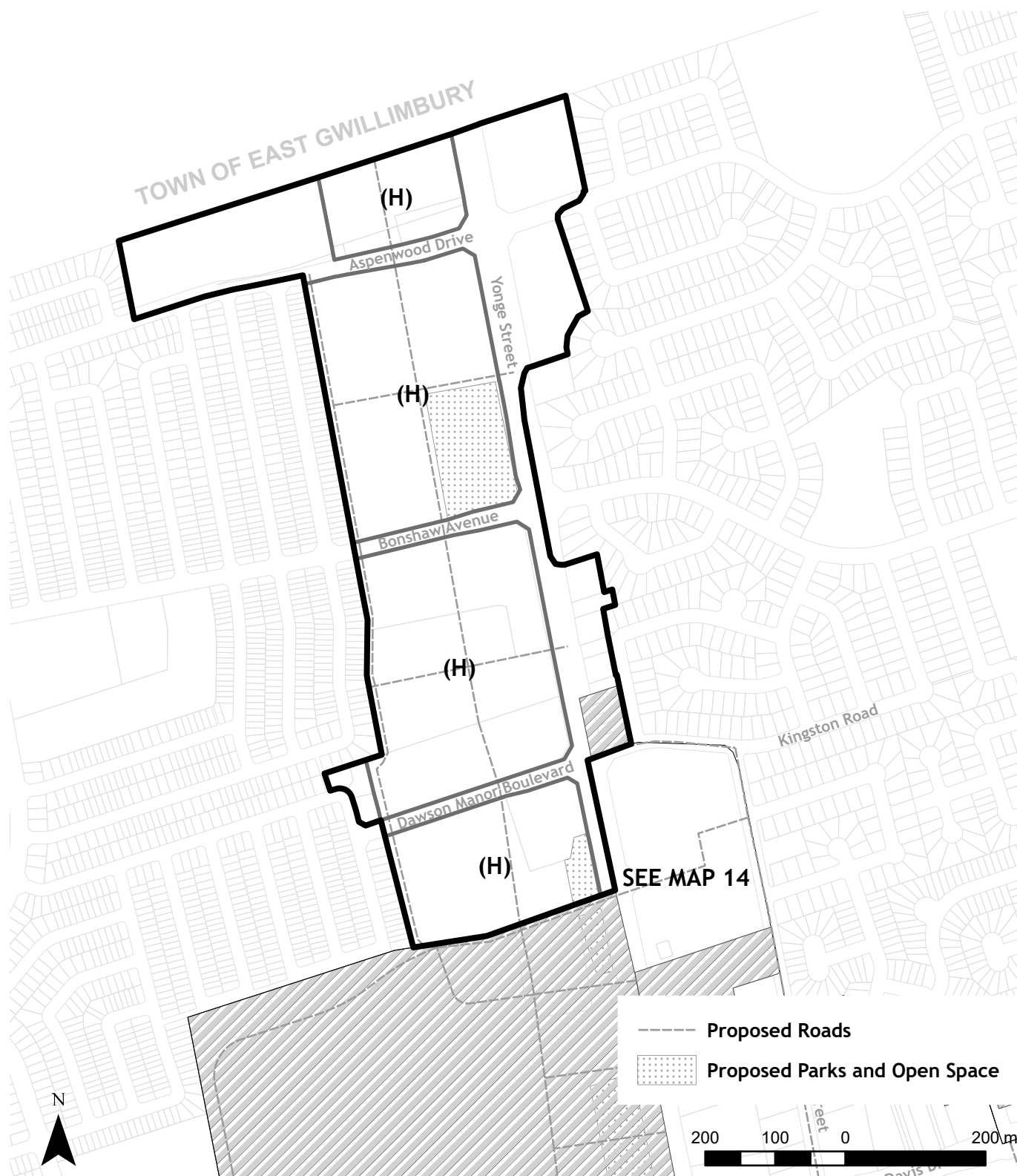
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

HOLDING ZONES



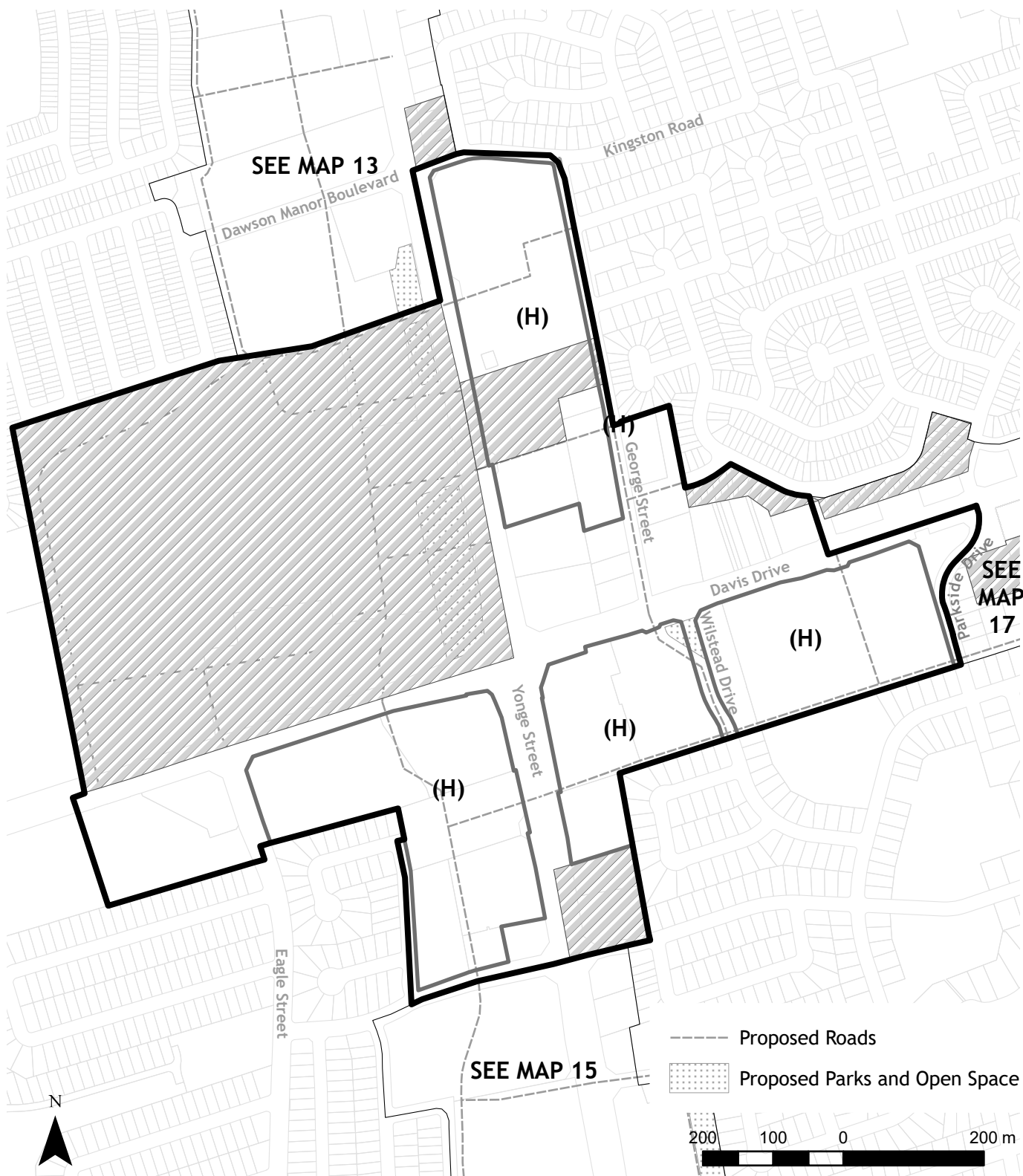
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YONGE NORTH HOLDING ZONES



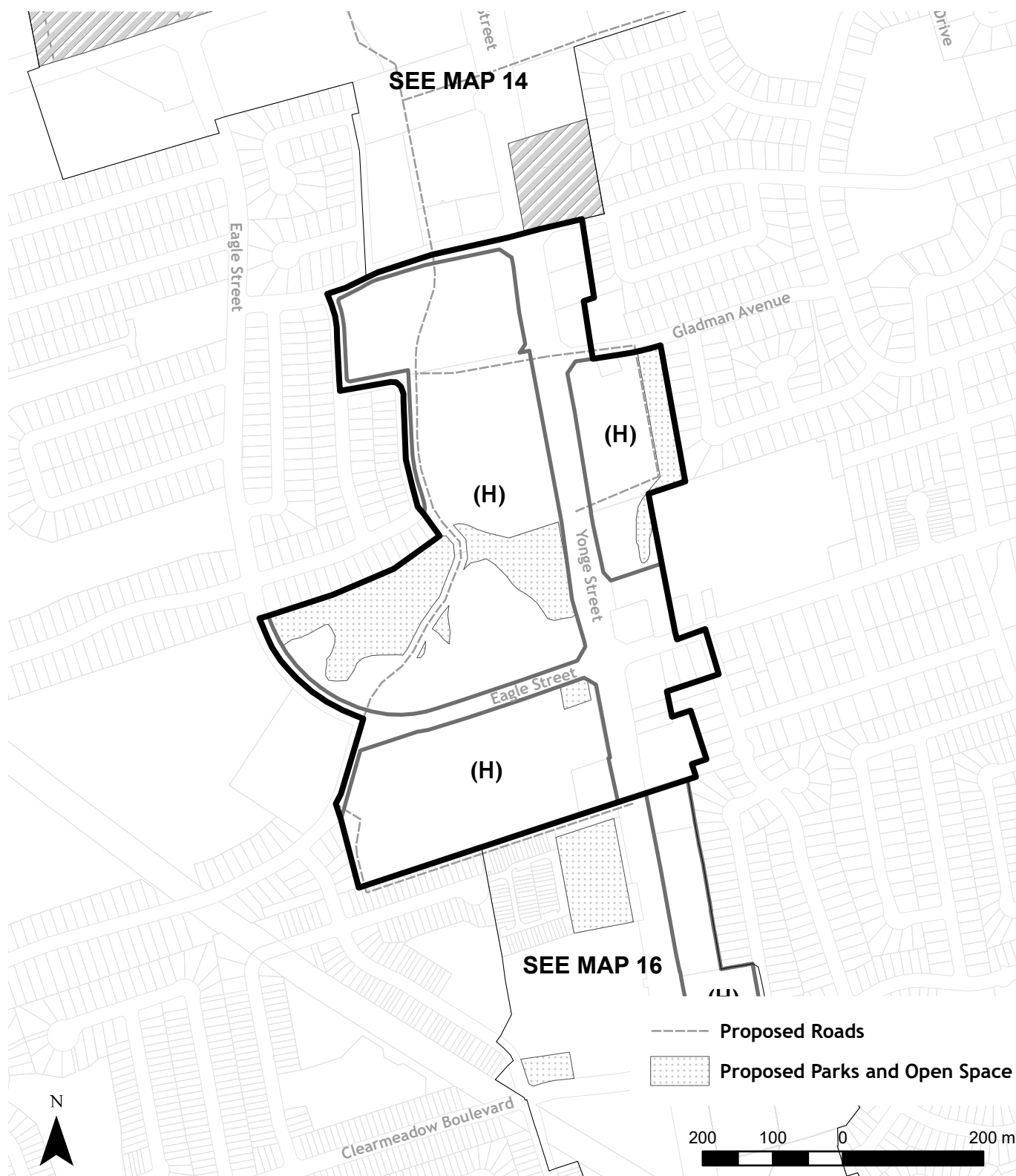
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE AND DAVIS HOLDING ZONES



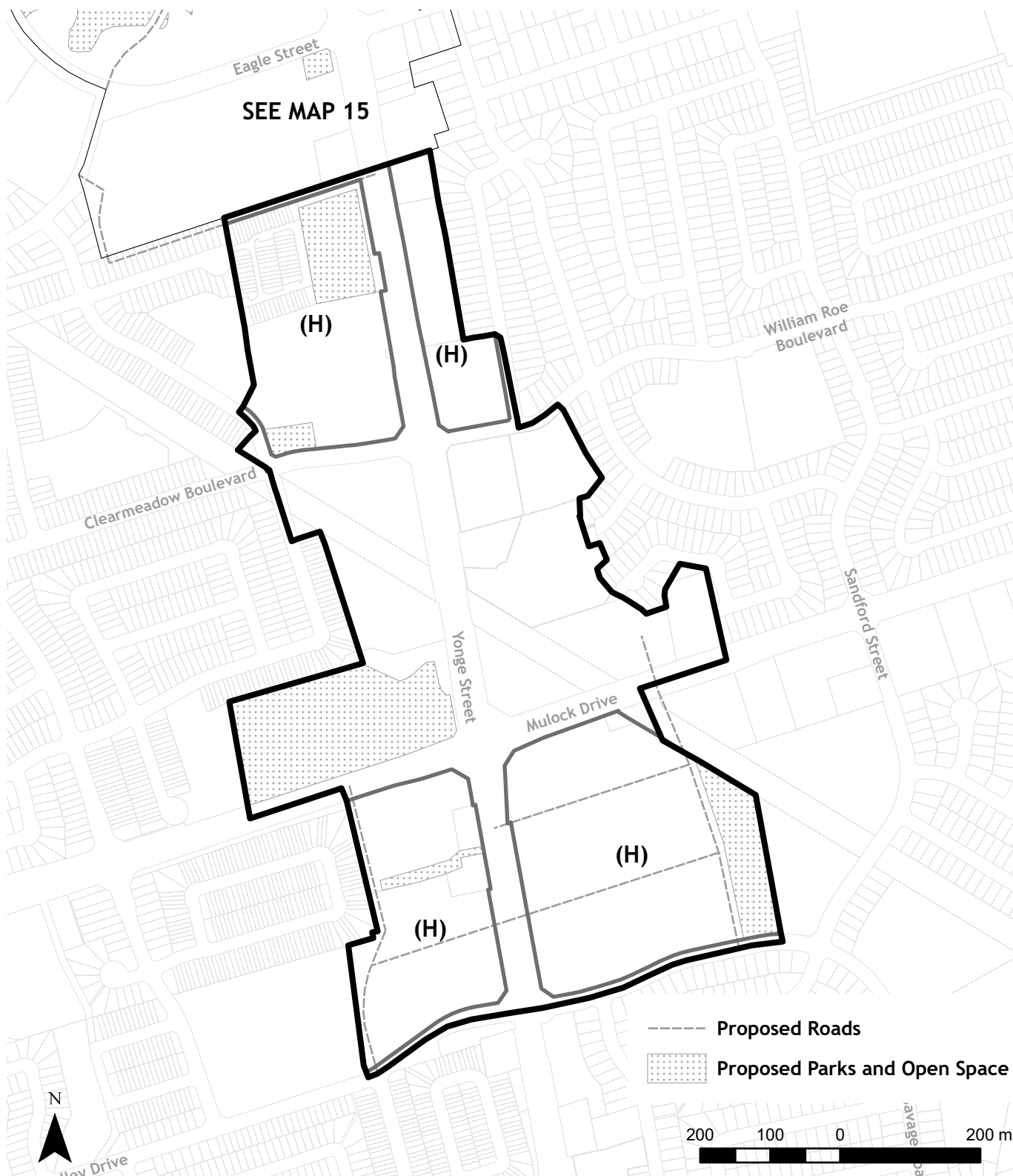
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE CIVIC HOLDING ZONES



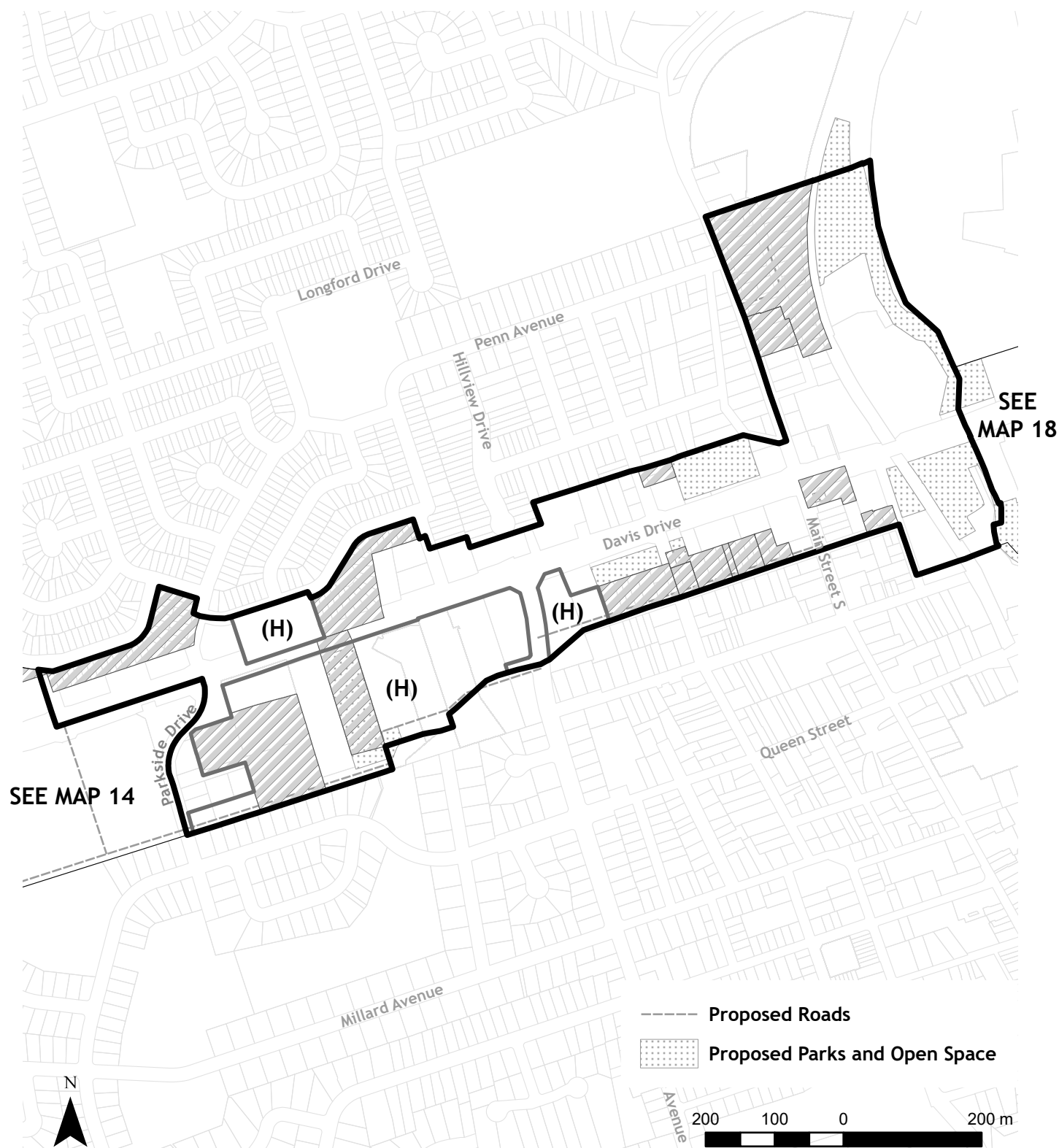
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

YONGE SOUTH HOLDING MAP



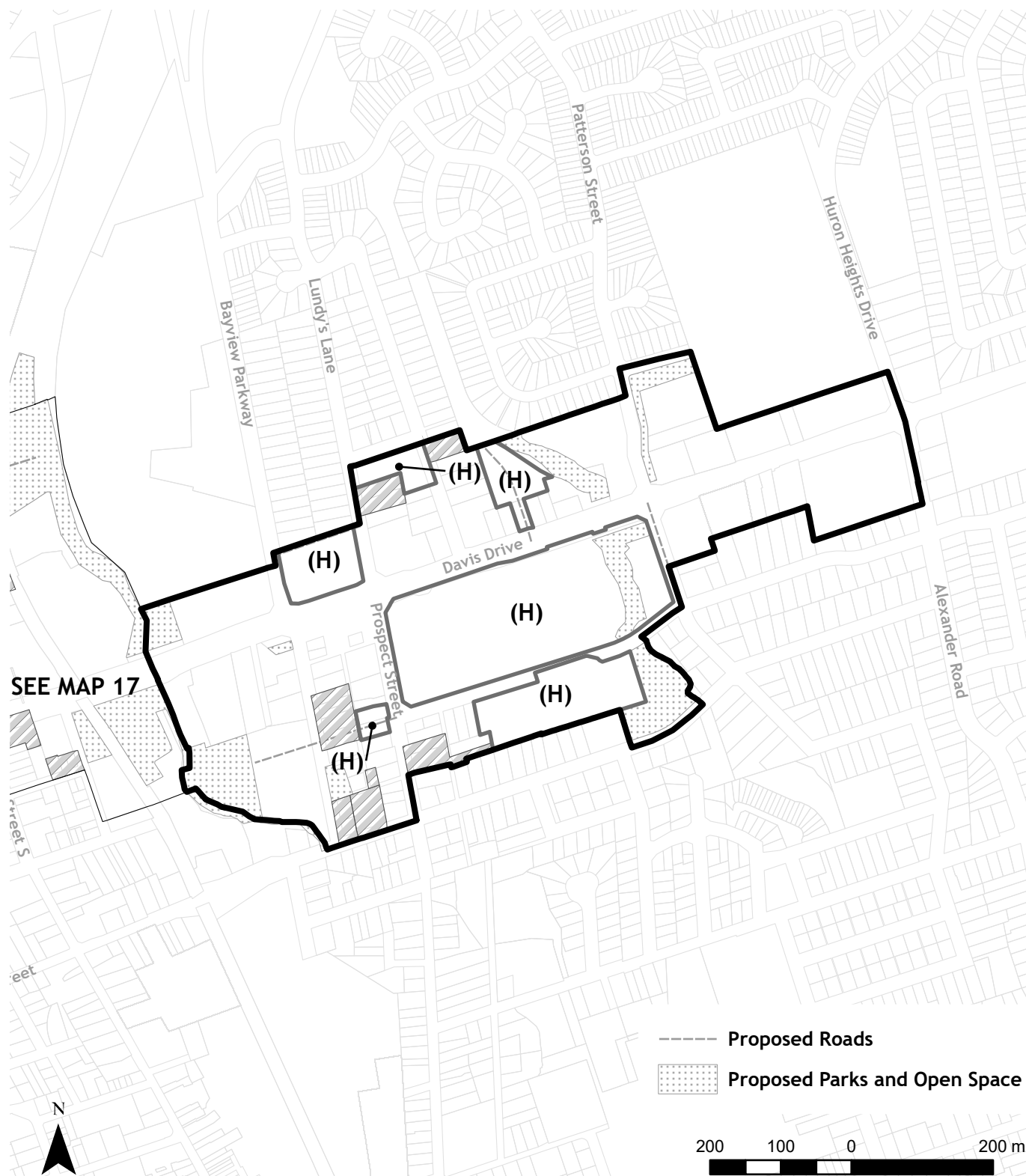
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

DAVIS DRIVE HOLDING ZONES

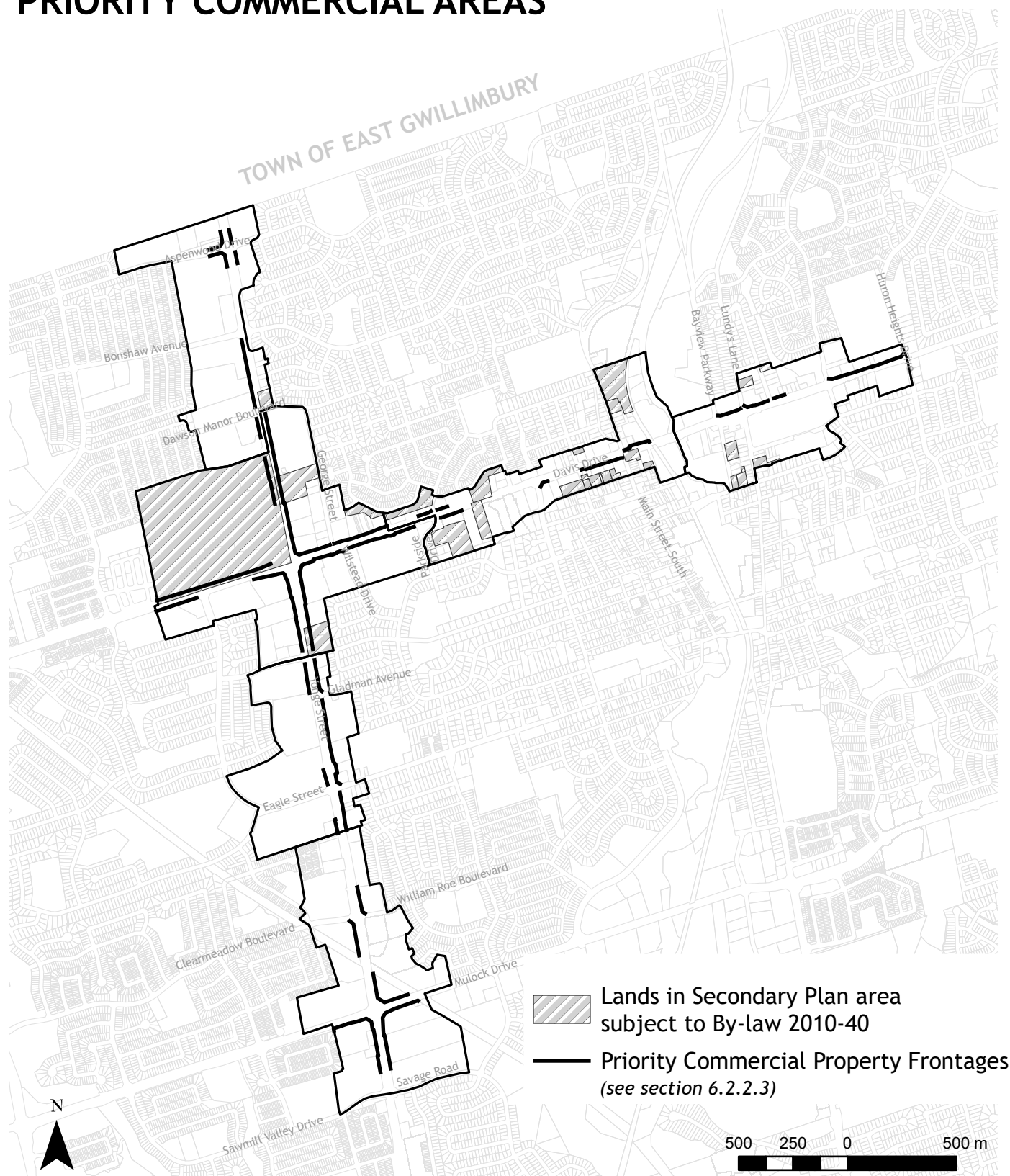


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

REGIONAL HEALTHCARE CENTRE HOLDING ZONES

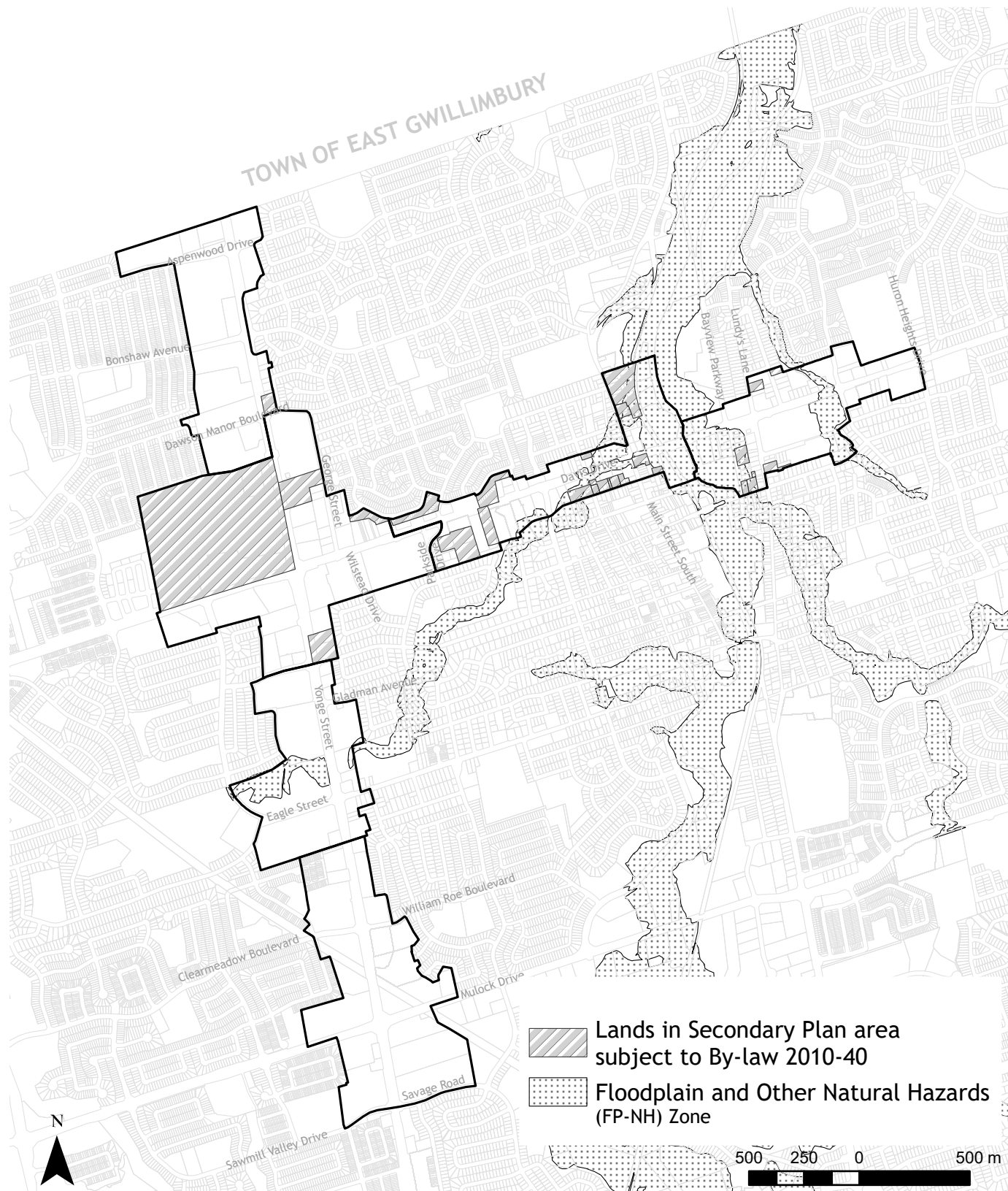


PRIORITY COMMERCIAL AREAS



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

FLOODPLAIN AND OTHER NATURAL HAZARDS



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

PARKING REDUCTION AREAS



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