

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2002-94

A BY-LAW TO AMEND BY-LAW NUMBER 1979-50 and 1981-96 AS AMENDED, BEING A RESTRICTED AREA (ZONING) BY-LAW, (Technical Amendment-Residential Accessory Structures)

WHEREAS it is deemed advisable to amend By-law Number 1979-50 and 1981-96 as amended;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows;

THAT By-law Number 1979-50 and 1981-96 as amended, be and the same is hereby further amended by:

1. Adding Section 3.1A to By-laws 1979-50 and 1981-96 as follows:

"Accessory Structures, Residential

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, a principal use or building 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 greenhouses, sheds, patio shelters and enclosed swimming pool equipment."

2. Adding Section 3.126A to By-law 1979-50 and Section 3.111A to By-law 1981-96, to provide a definition of Private Play Structure as follows:

"Private Play Structures

means a building or structure or part thereof, including apparatus and equipment for the purpose of recreational use, including but not limited to swings, slides, ladders, steps, landings, fully or partially enclosed spaces, tubes and tunnels, bridges, poles, teeter-totters, tables, benches, seats, climbers, hand-over-hand bars, sand boxes, ramps, either provided singularly or in any combination thereof, which are intended primarily for the use of the residing family of the main dwelling. Furthermore, the play structure may be constructed in combination with a deck or shed."

3. Adding to Section 8.1(6), 9.1(4), 10.1(4), 11.1(4), 12.1(4), 13.1(4), 14.1(4), 15.1(4), 16.1(4) of By-law 1979-50 the following:

"Residential Accessory Structures as defined herein"

To permit residential accessory structures as permitted uses in all residential zones.

4. Adding to Section 8.1(4), 8(A).1(4) and 11(A).1(4) of By-law 1981-96 the following:


"Residential Accessory Structures as defined herein"

To permit residential accessory structures as permitted uses in all residential zones.

5. Notwithstanding any other section of the by-law to the contrary, for the purpose of this by-law, height shall mean distance from the average finished grade to the highest point of the structure.
6. Providing that notwithstanding section 6.2(2), of By-laws 1979-50 and 1981-96, Accessory Uses, Location, Residential Accessory Structures that do not exceed a height of 2.4 metres shall have a minimum interior side and rear yard setback of 1 metre. Residential Accessory Structures that have a height between 2.4 metres and 4.6 metres shall have a minimum interior side and rear yard setback of 2.4 metres.
7. That By-law Number 1992-114 be and the same is hereby repealed.

ENACTED THIS 19<sup>TH</sup> DAY OF AUGUST, 2002.

  
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Tom Taylor, Mayor

  
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Robert M. Prentice, Acting Town Clerk  
KAREN EWART ASSISTANT CLERK.