

# Corporation of the Town of Newmarket

## By-law 2023-70

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (17175 Yonge Street).

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law;

And whereas it is deemed advisable to amend By-law 2019-06;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That lands subject to this amendment are illustrated on Schedules 1, 2 & 3 attached hereto.
2. And that By-law 2019-06 is hereby amended by:
  - a. Deleting from Schedule A Map 3 the Mixed-Use 1 (MU-1) Zone on the subject lands and substituting therefore the Mixed-Use 1 Site Specific Exception 13 (MU-1(13)) Zone and Open Space Three (OS-3) Zone as shown on Schedule 1.
  - b. Deleting from Schedule B Map 9 the maximum permitted height and replacing it with 36.0 m as shown on Schedule 2.
  - c. Adding to Schedule C Map 15 the subject lands with the label (H) as shown on Schedule 3 of By-law.
  - d. Amending Section 6.2.5 to add MU-1(13) as a site-specific exception as follows:

MU-1(13) – 17175 Yonge Street

Notwithstanding Sections 4.10.1, no landscape buffer is required around the periphery of the surface parking spaces.

Notwithstanding Section 5.6.1, 1 loading space is required.

Notwithstanding Section 6.2.2.2, 60% of the ground floor frontage shall be commercial uses.

Section 6.2.4.2.ii) c) shall not apply.

Notwithstanding Section 6.2.4.2 (iii)(c), rooftop mechanical equipment or telecommunications equipment may be setback 0 metres from the south wall of the building.

Notwithstanding Section 6.2.4.5 (iii), the part of any building wall containing windows must be set back a minimum of 3.0 metres from any lot line that is not adjacent to a public street.

Section 6.2.4.9 (v) shall not apply.

Notwithstanding any other provision of the By-law to the contrary, the following provisions shall apply to the lands zoned MU-1-13, shown on Schedules 1 and 2 attached hereto.

Maximum Height	36.0 metres
Maximum FSI	3.7
Minimum Setback from South Lot Line	3.0 m

All other aspects of the Zoning By-law remain applicable.

- e. Adding Section 8.2.5 Requirement to Remove the (H) Holding Provision from 17175 Yonge Street (as shown on Schedule C Map 15).

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 2023-XX.

Furthermore, no changes, extension or enlargement of the uses which existed on the date of passing of By-law 2023-XX 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.

Any Holding provision will not prevent any work associated with fulfillment of the Site Plan Control conditions. Granting of Site Plan Control Approval, with conditions, by either the Director of Planning & Building Services or the Development Coordination Committee, will indicate that the development design is sufficiently advanced to allow for a concurrent application for a Conditional Building Permit. A Holding provision will not prevent the issuance of a Conditional Building Permit. The Conditional Building Permit (along with a separately executed agreement) may be granted for any stage of construction, deemed appropriate, at the sole discretion of the Chief Building Official.

Further, 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 8.2.5.i below.

Section 8.2.5.i Conditions for Removal of the Holding Provision:

1. That Servicing Allocation has been granted in accordance with the Town’s Servicing Allocation Policy.
2. A Site Plan Agreement to permit the development as proposed has been entered into between the Town and the property owner.

3. A Noise Assessment has been completed to the satisfaction of the Town.

3. That Schedules A, B, C, D, E & F attached hereto shall form part of By-law 2023-70

Enacted this 11<sup>th</sup> day of December 2023.

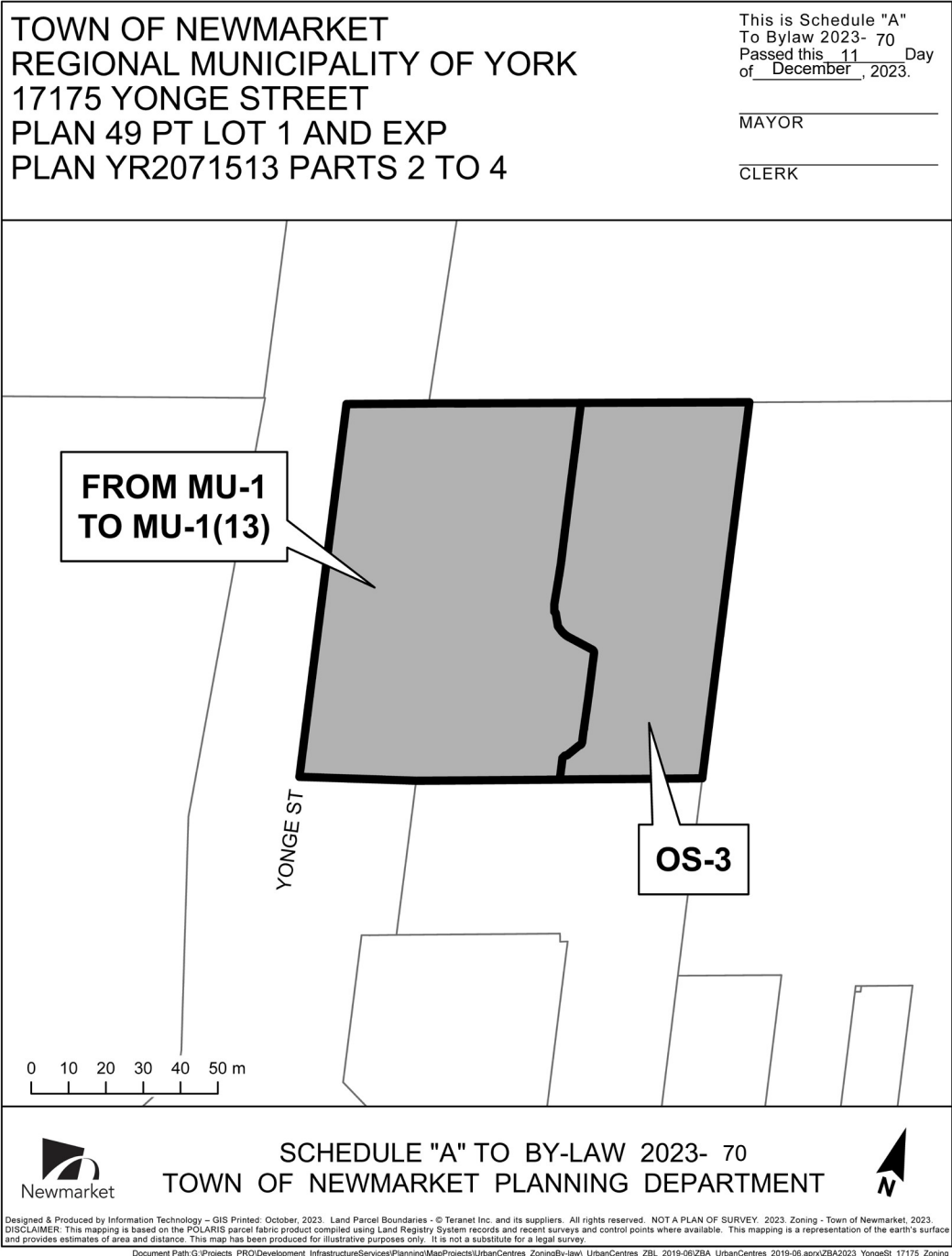
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John Taylor, Mayor

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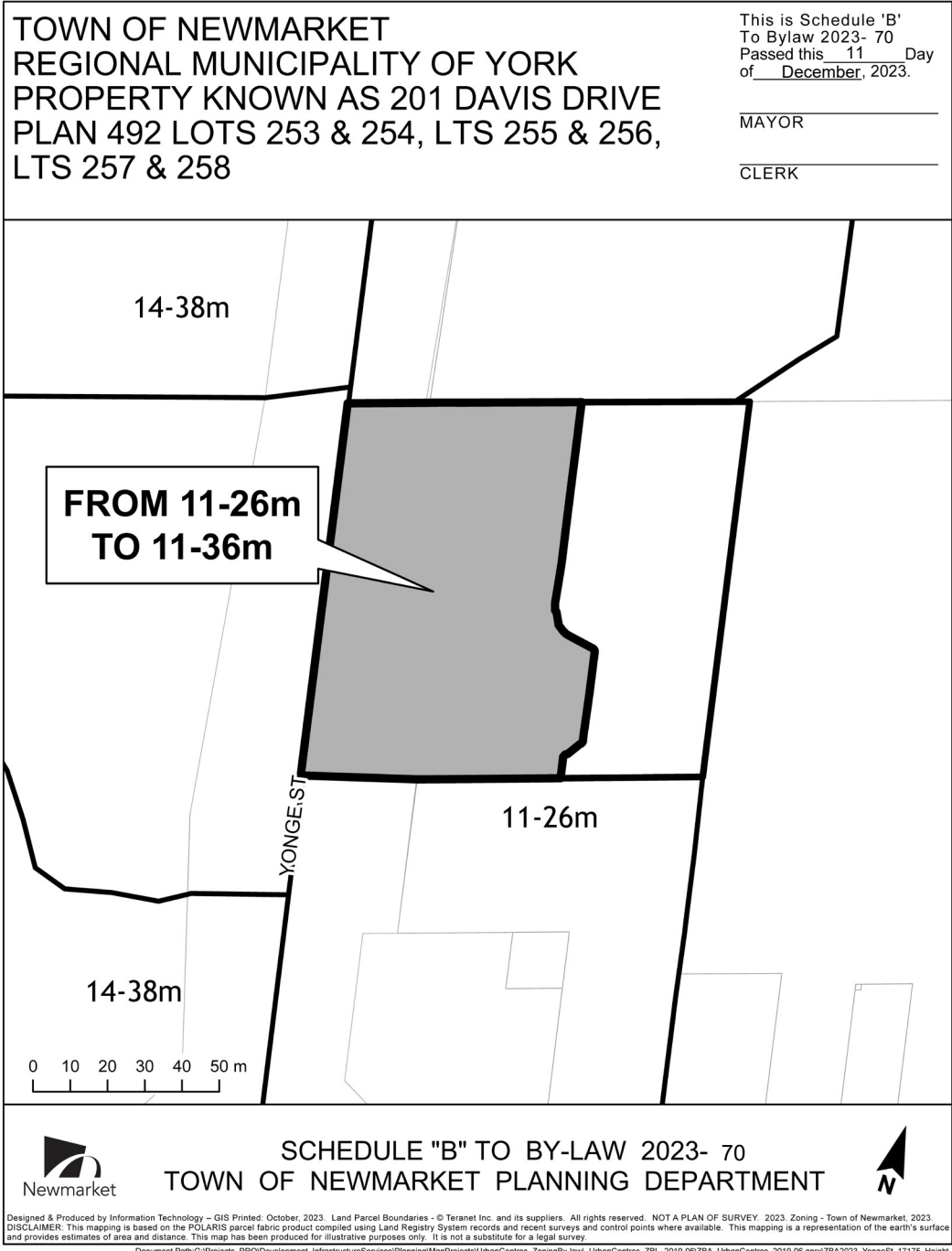
Lisa Lyons, Town Clerk

Schedule A





Schedule B



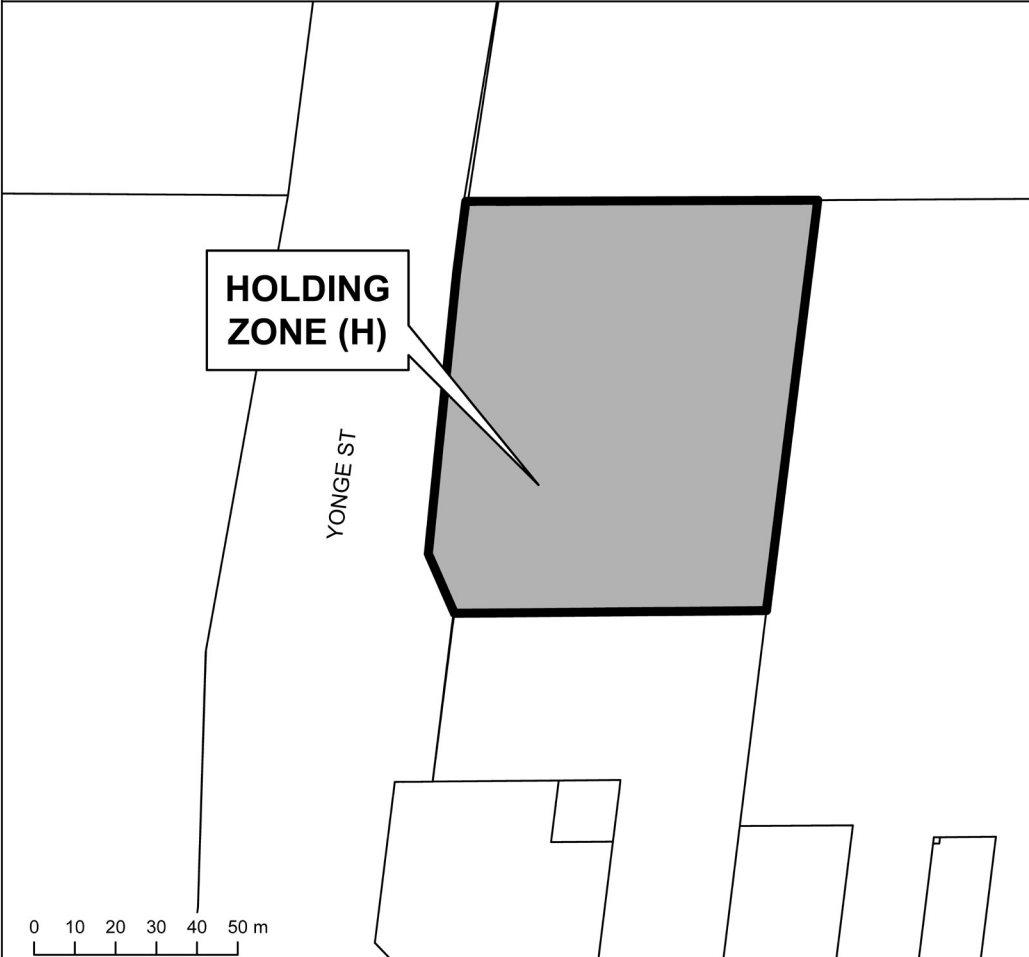
## Schedule C

TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK  
PROPERTY KNOWN AS 201 DAVIS DRIVE  
PLAN 492 LOTS 253 & 254, LTS 255 & 256,  
LTS 257 & 258

This is Schedule 'C'  
To Bylaw 2023- 70  
Passed this 11 Day  
of December, 2023.

MAYOR

CLERK



SCHEDULE "C" TO BY-LAW 2023-70  
TOWN OF NEWMARKET PLANNING DEPARTMENT



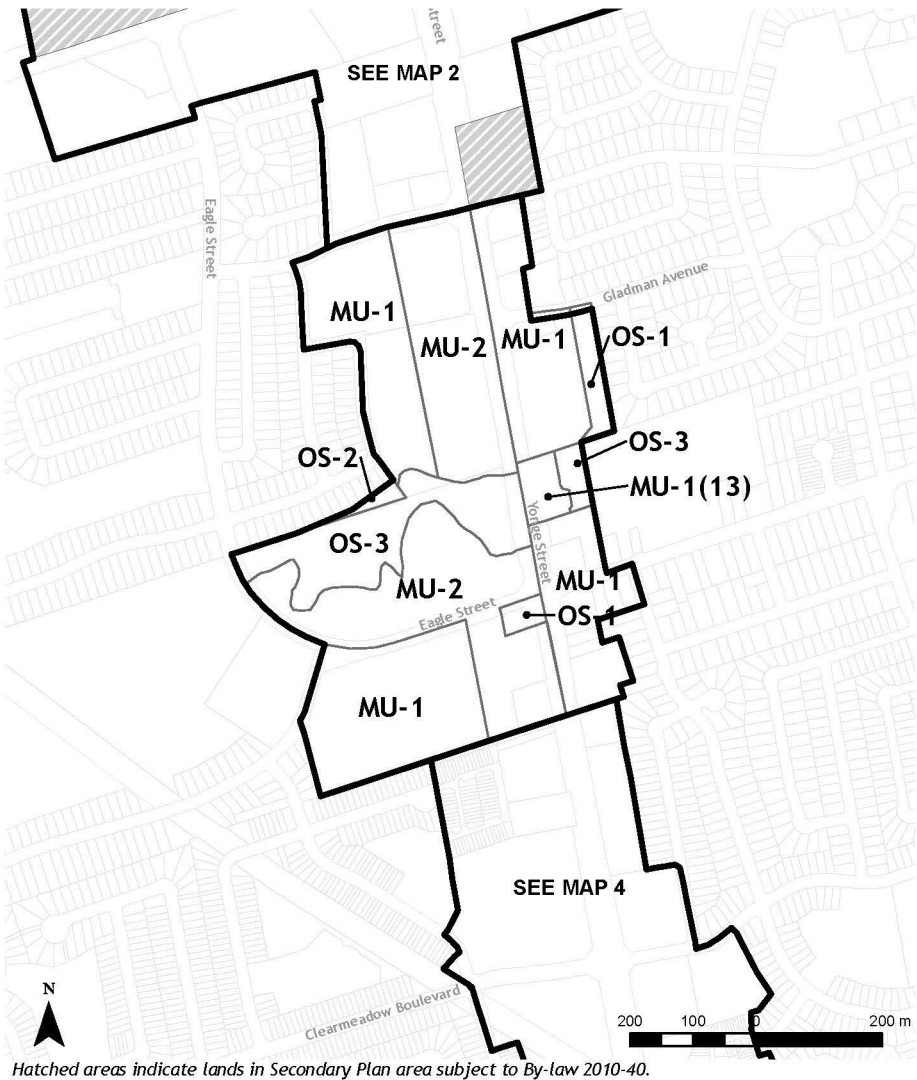
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Schedule D

By-Law: 2023-70  
Schedule: \_\_\_\_\_

ZONING MAPS AND SCHEDULES - SCHEDULE A - MAP 3 - AMENDMENT

YONGE CIVIC ZONING MAP

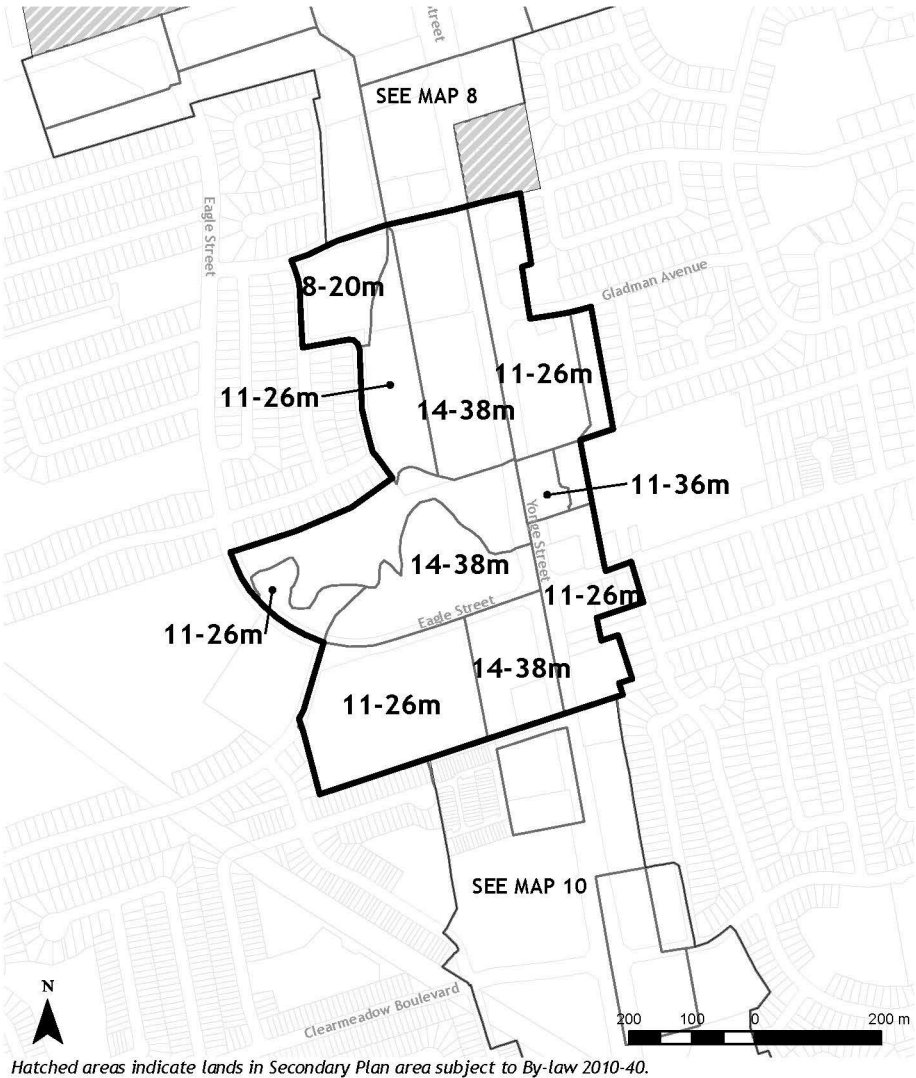


Schedule E

By-Law: 2023-70  
Schedule: \_\_\_\_\_

ZONING MAPS AND SCHEDULES - SCHEDULE B - MAP 9 - AMENDMENT

YONGE CIVIC HEIGHT MAP

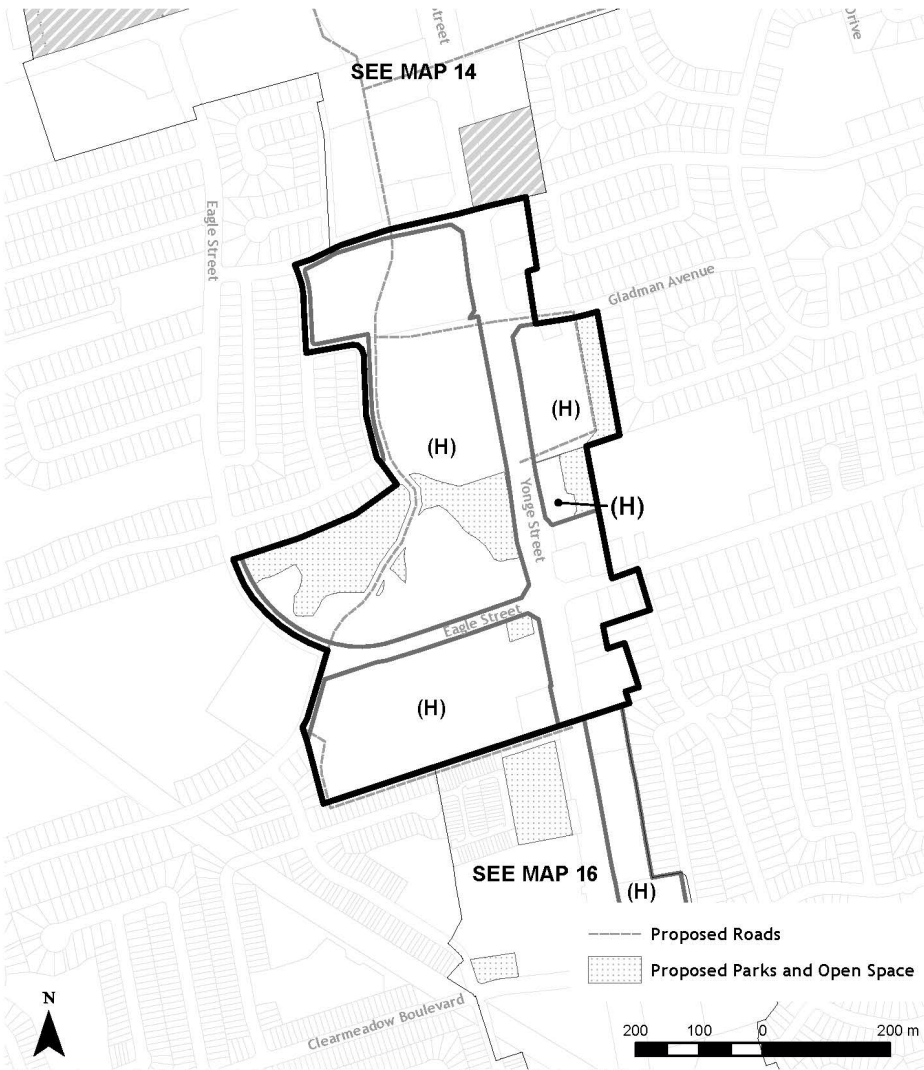


Schedule F

By-Law: 2023-70  
Schedule: \_\_\_\_\_

ZONING MAPS AND SCHEDULES - SCHEDULE C - MAP 15 - AMENDMENT

YONGE CIVIC HOLDING ZONES



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

**Amendment No. 38  
to the  
Town of Newmarket Official Plan**

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## **PART A THE PREAMBLE**

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

### **1. Purpose of the Amendment**

The purpose of this amendment is to amend policies and schedules of Section II of the Town of Newmarket Official Plan (OPA No. 10), also known as the Newmarket Urban Centres Secondary Plan (Secondary Plan) to facilitate a 10-storey mixed use development that exceeds the maximum permitted density.

### **2. Location**

The proposed amendments are made to the text and schedules of the Secondary Plan and are applied to 17175 Yonge Street as shown on Map 1 to this amendment.

The subject land is located on the east side of Yonge Street, north of Eagle Street. The subject land is known as 17175 Yonge Street. Legally it is described as PT LOT 1 PLAN 49 (W) AS IN R260408, SAVE & EXCEPT PT 1 EXPROP PLAN YR2071513; S/T A43236A & A58199A; S/T EASE OVER PTS 2 & 3 EXPROP PLAN YR2071513 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 2,3 AND 9, 65R39444 AS IN YR3329019 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 4,5,6,8 AND 10, 65R39444 AS IN YR3329020 TOWN OF NEWMARKET.

### **3. Basis**

The proposed amendment is privately initiated by the property owner and is intended to add a site-specific exception to the subject land on Schedule 4 – Height and Density and redesignate a portion of the subject land as “Natural Heritage System” on Schedule 3 – Land Use, Schedule 4 – Height and Density, and Schedule 6 – Parks, Open Space & Natural Heritage to facilitate a mixed-use development on the subject land.

1. The Amendment provides an appropriate level of intensification on an underutilized property in the Newmarket Urban Centre that is well served by existing transit and infrastructure. The subject land is located with immediate access to a Bus Rapid Transit station (Viva Blue). The Amendment provides intensified, transit supportive development in support of Provincial, Regional and local policy.
2. The Provincial Policy Statement 2020 (“PPS”) sets out the overall direction on matters of provincial interest related to land use planning and development and includes policies that encourage new growth within existing settlement areas

and areas served by existing and planning infrastructure. The PPS promotes efficient, cost-effective development and land use patterns that are based on densities which:

- a. Efficiently use land, resources, infrastructure, and public service facilities;
- b. Are appropriate for, and efficiently use, the infrastructure and public facilities which are planned or available;
- c. Minimize the length and number of vehicle trips by supporting active transportation and public transportation;
- d. Provide a mix of land uses.

The proposed Amendment is consistent with the PPS.

3. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (“Growth Plan”) is intended to guide decisions on a wide range of issues including economic development, land use planning, urban form, and housing. The Growth Plan supports transit-supportive intensification within built-up areas, with a particular focus on urban growth centres (which the site is located within). The Amendment provides appropriate development in an area that is proposed to accommodate significant intensification and will assist the Region of York and Town of Newmarket to meet their intensification targets and minimum density requirements, as outlined in the Growth Plan. The proposed Amendment will provide for the redevelopment of an underutilized site, in an area that is well-served by existing transit and will make use of existing infrastructure. The Amendment conforms with the Growth Plan.
4. The York Region Official Plan (“YROP”) identifies the Amendment area as being within an Urban Area, it is also located along a Regional Corridor. The YROP directs and encourages growth to be accommodated within the existing Urban Area and within Regional Corridors. The proposed Amendment is consistent with the YROP.
5. The Urban Centres Secondary Plan, as amended designates the subject lands Mixed Use. The Mixed Use designation permits the proposed use, however, the maximum floor space index (FSI) is 2.5, whereas the proposed FSI is up to 3.7. The proposed development meets the maximum height requirements (in storeys) and the intent of the Official Plan and Secondary Plan.
6. The subject land is subject to the Urban Centres Secondary Plan. The Plan includes the centres and corridors in Newmarket which are to be a focus for intensification. The intent of this Amendment is to conform with provincial, regional and local policies regarding intensification, and transit-supportive compact development. The proposed development builds upon the planning regime that was implemented through the adoption of the Secondary Plan.



Item 1 Section 15.0 Exceptions

- Adding permission for a site specific maximum permitted density.

Item 2 Schedule 3: Land Use

- Update mapping for Mixed Use Designation and Natural Heritage System designation on the subject land.

Item 3 Schedule 4: Height and Density

- Indicating that the subject lands are subject to Section 15.0 exceptions.
- Update mapping for Natural Heritage System designation on the subject land.

Item 4 Schedule 6: Parks, Open Space & Natural Heritage

- Update mapping for Natural Heritage System designation on the subject land.

Item 5 Vegetation Protection Zones

- Specify the size and extent of minimum vegetation protection zones.

## **PART B      THE AMENDMENT**

The Amendment describes the additions, deletions and/or modifications to Section II of the Town of Newmarket Official Plan and constitutes Official Plan Amendment No. 38.

### **1. Format of the Amendment**

Official Plan Amendment No. 38 consists of the following proposed modifications to the text and Schedules to Section II of the Town of Newmarket Official Plan, also known as Newmarket Urban Centres Secondary Plan (Secondary Plan). Sections and Schedules of the Secondary Plan proposed for modifications are identified as “**Items**”.

Where additions to the existing text are proposed, they are identified in “**bold**”. Where the text is proposed to be deleted, it is shown in “~~strikethrough~~”. Where appropriate, unchanged text has been included for context and does not constitute part of Official Plan Amendment No. 38.

### **2. Details of the Amendment**

#### **Item 1    Section 15.0 Exceptions**

- a) Adding the following to Section 15.

##### **7. 17175 Yonge Street**

**Notwithstanding any provision of this Plan to the contrary, the maximum site density and on the lands municipally known as 17175 Yonge Street (legally described as PT LOT 1 PLAN 49 (W) AS IN R260408, SAVE & EXCEPT PT 1 EXPROP PLAN YR2071513; S/T A43236A & A58199A; S/T EASE OVER PTS 2 & 3 EXPROP PLAN YR2071513; S/T EASEMENT OVER PTS 4, 5, 6, 8 AND 10 ON PLAN 65R-39444 AS IN YR3329020; S/T EASEMENT OVER PARTS 2, 3 AND 9 ON PLAN 65R-39444 AS IN YR3329019; TOWN OF NEWMARKET) shall be permitted to have a maximum FSI of 3.7 FSI.**

#### **Item 2    Schedule 3: Land Use**

Schedule 3: Land Use is revised by redesignating a portion of the Subject Land as “Natural Heritage System” as shown on Schedule “A” attached.

#### **Item 3    Schedule 4: Height and Density**

Amending Schedule 4: Height and Density to note that the Subject Land is subject to Section 15.0 Exceptions as shown on Schedule B to this amendment.

**Item 4    Schedule 6: Parks, Open Space & Natural Heritage**

Schedule 6: Parks, Open Space & Natural Heritage is revised by redesignating a portion of the Subject Land as “Natural Heritage System” as shown on Schedule “C” attached.

**Item 5    Vegetation Protection Zones**

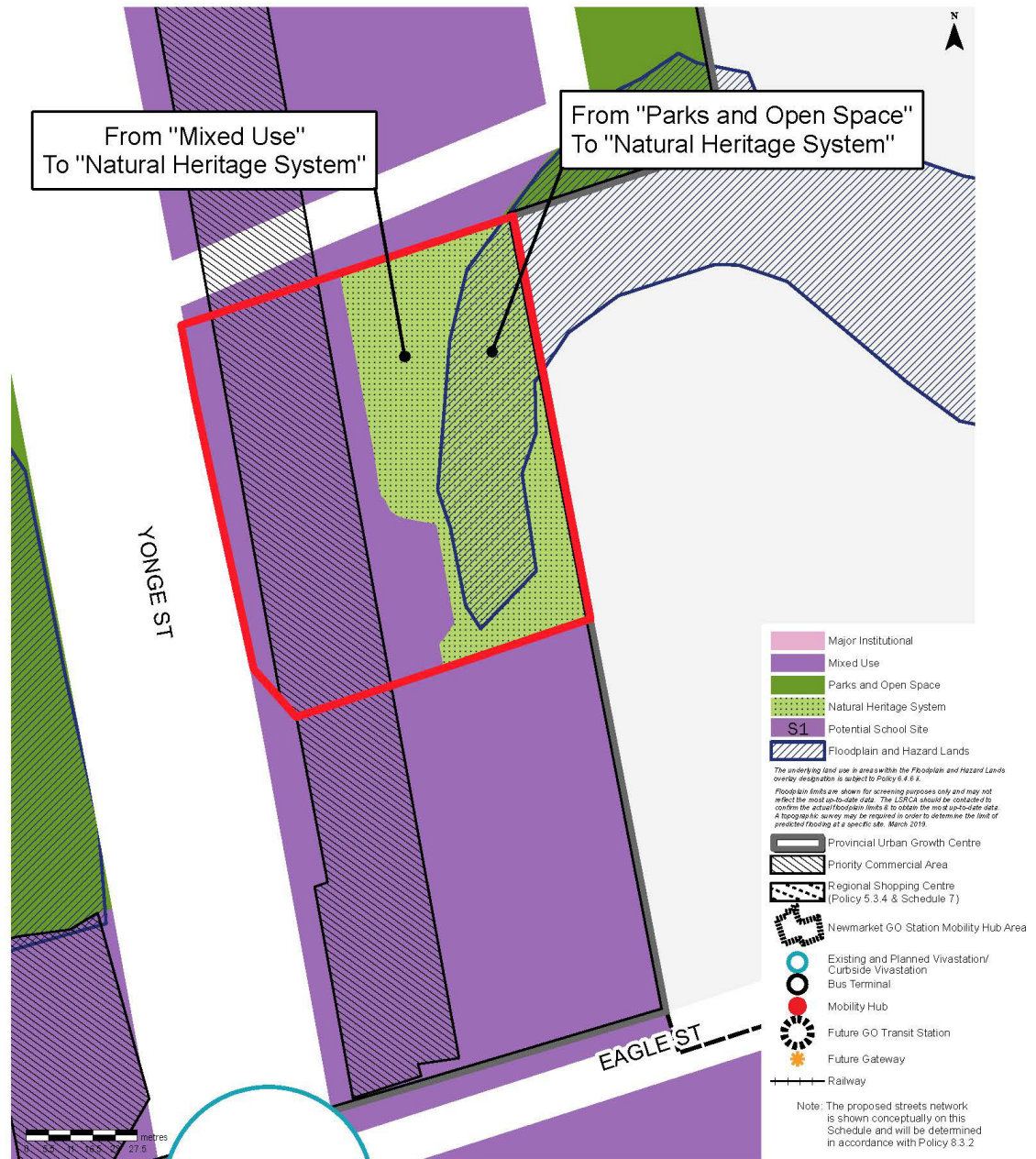
Notwithstanding Sections 9.2.3 and 9.3.2.2 of the Town’s Official Plan, the size and extent of minimum vegetation protection zones shall be in accordance with the reduced buffers as shown in Schedule “D”.

**All other requirements of the Secondary Plan remain in place.**

### 3. Schedules

Schedule A to OPA No. 38

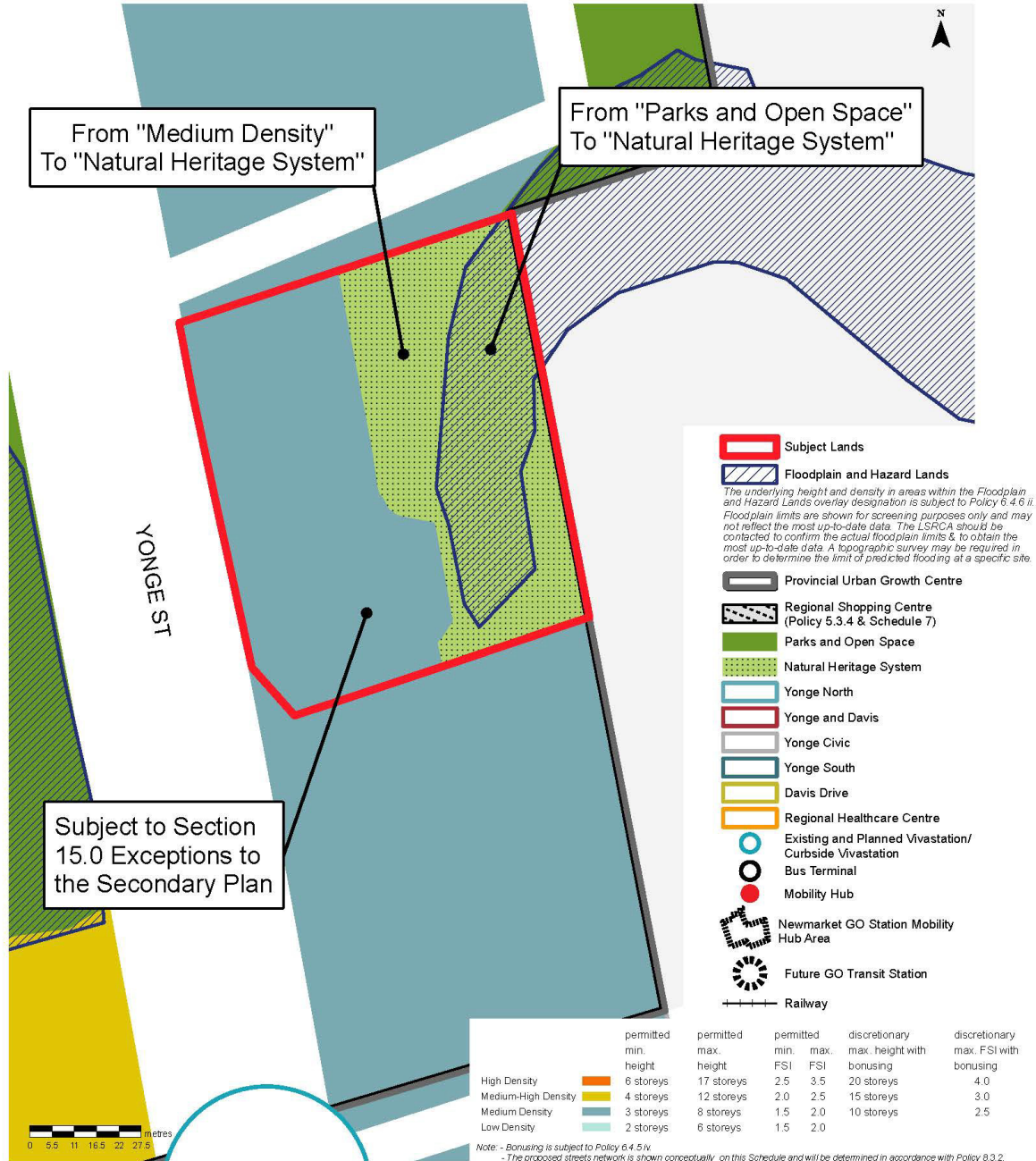
## SCHEDULE 3: LAND USE



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# SCHEDULE 4: HEIGHT AND DENSITY



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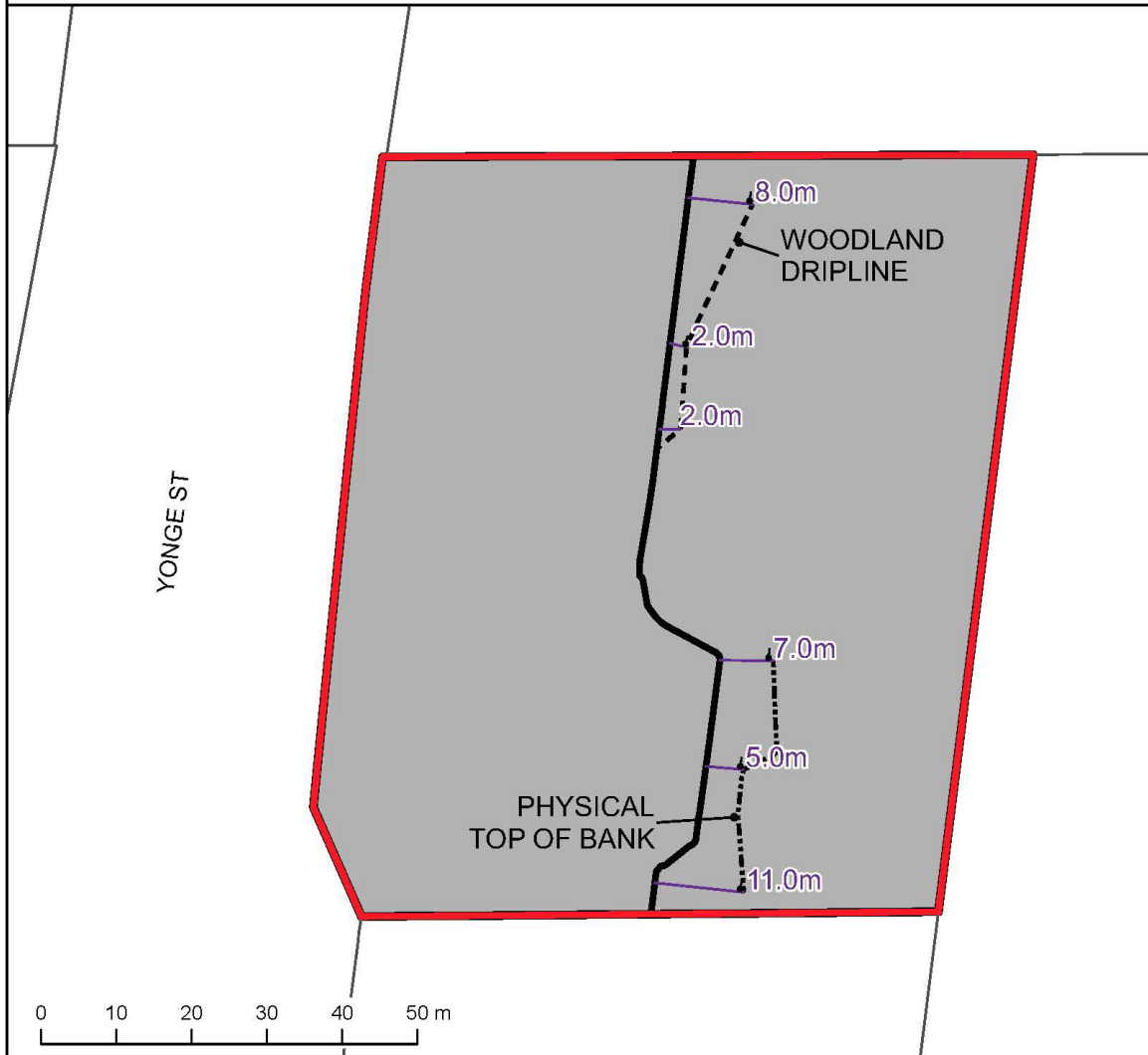
# SCHEDULE 6: PARKS, OPEN SPACE & NATURAL HERITAGE



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TOWN OF NEWMARKET  
 REGIONAL MUNICIPALITY OF YORK  
 17175 YONGE STREET  
 PLAN 49 PT LOT 1 AND EXP  
 PLAN YR2071513 PARTS 2 TO 4



Schedule "D" to OPA No. 038  
 TOWN OF NEWMARKET PLANNING DEPARTMENT



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## **4. Implementation and Interpretation**

This Amendment to the Official Plan will be implemented as follows:

a)       Zoning By-law

It is Council's intent to implement this Amendment by enacting an appropriate zoning by-law pursuant to the provisions of the Planning Act R.S.O. 1990, C.P. 13, on the lands affected by this amendment.

b)       Site Plan Approval

It is Council's intent to implement this Amendment, the land use designations and policies of this Plan, and a high standard of site layout and design by requiring site plan approval pursuant to the provisions of the Planning Act, on the Lands affected by this Amendment.

## **PART C    THE APPENDIX**

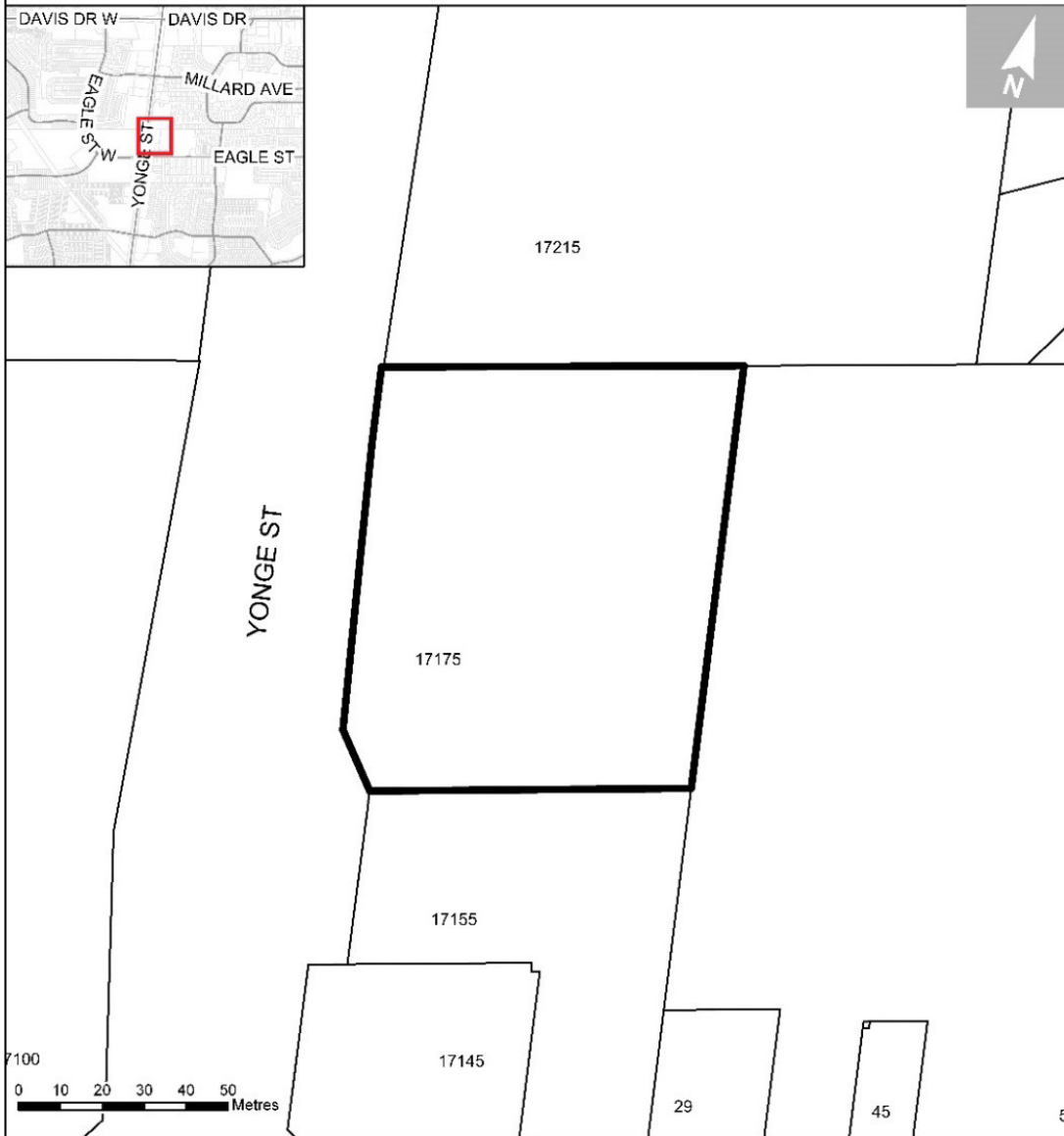
The following appendix does not constitute part of this Amendment and is included for information purposes only.

### **1. Map 1**

Map 1, which shows the location of the subject land is attached hereto for information purposes only.



# Location Map - 17175 Yonge Street



Automatically Generated  
by Staff Online GIS  
Printed: 2023-07-31.

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