



## **CORPORATION OF THE TOWN OF NEWMARKET**

### **BY-LAW NUMBER 2016-62**

#### **A BY-LAW TO ADOPT AMENDMENT NUMBER 14 TO THE TOWN OF NEWMARKET OFFICIAL PLAN**

The Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Sections 17(22) and 21 of the Planning Act, RSO 1990, c.P. 13, hereby enacts as follows:

1. Amendment Number 14 to the Town of Newmarket Official Plan, consisting of the following explanatory text and attached schedule, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED                      THIS      5TH      DAY OF      DECEMBER,      2016.

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Tony Van Bynen, Mayor

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Esther Armchuk, Acting Town Clerk

**AMENDMENT NO. 14**  
**TO THE**  
**TOWN OF NEWMARKET**  
**OFFICIAL PLAN**

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## **PART A – PREAMBLE**

### **1.0 PURPOSE OF THE AMENDMENT**

The purpose of this amendment is twofold. First, to amend the policies applying to certain lands identified on Map Number 1, in the Town of Newmarket, being within the *Business Park – Mixed Employment* designation to permit outdoor storage on the lands. Second, to amend the designation of certain lands identified on Map Number 1, in the Town of Newmarket, to change them from the *Business Park – Mixed Employment* designation to the Parks & Open Space designation.

### **2.0 LOCATION**

The lands subject to this amendment are located at 1166 and 1186 Nicholson Road and is legally described as being PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket. The subject lands are located on the on the south side of Nicholson Road, west of Harry Walker Parkway South. The subject land is shown more particularly on Map Number 1, which is appended for information purposes only.

### **3.0 BASIS OF THE AMENDMENT**

Council has enacted this amendment in response to the following:

- 3.1 A request by the property owner for an official plan amendment and zoning by-law amendment to permit outdoor storage.
- 3.2 The Subject Lands are within the *Business Park – Mixed Employment* area on Schedule A, the Land Use Plan to the Newmarket Official Plan. The intent of this designation is to provide for the employment needs of the Newmarket community. The main permitted uses of the Mixed Employment designation include business and professional offices, manufacturing uses, and research and development facilities. The specific policies indicate that outdoor open storage of goods, materials, and equipment associated with any Mixed Employment use shall not be permitted.
- 3.2 The property to the east that is owned by the same owner is permitted outdoor storage by the Zoning By-law and the owner wishes to extend these permissions onto the subject lands. This may expand the marketability of the lands to encourage new development and the improvement of employment lands in the Town. Given appropriate screening and limits on the nature of outdoor storage to limit it to materials related to the principal use on the lot outdoor storage is compatible with the area, and is currently permitted for a range of lots in the area.
- 3.3 During the review of the geotechnical work associated with this application, it was determined that a setback from the top of the bank at the south of the property bordering Bogart Creek was necessary, requiring appropriate changes to the Zoning By-law and Official Plan.

- 3.4 As such the proposed development conforms to the intent, goals and strategic directions of the Official Plan. The addition of permission of outdoor storage use to the subject lands in the *Business Park – Mixed Employment* area is appropriate.

## **PART B – THE AMENDMENT**

All of this part of the document entitled “Part B – The Amendment”, consisting of the following text constitutes Amendment No. 14 to the Newmarket Official Plan.

### **1.0 POLICIES**

The Newmarket Official Plan is hereby amended as follows:

Section 6.3.2.3 of the Town of Newmarket Official Plan is hereby amended by adding to the existing *Business Park – Mixed Employment* policies:

- a) Notwithstanding Section 6.3.2.3, outdoor storage is a permitted accessory use in the area designated 1166 and 1186 Nicholson Road further described as PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket.

### **2.0 SCHEDULE**

Schedule A – Land Use Plan is amended to designate all lands in a 30 metre strip north of the top of the bank of the subject lands, with the exception of an area at the southwest of the property that lies between the stable top of the bank and the 30 metre erosional setback, to Parks & Open Space.

### **3.0 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 the Amendment, in part, 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 on an excerpt from the Town's Official Plan is for information purposes only.

