



# Corporation of the Town of Newmarket

## By-law 2021-63

A By-law to adopt Amendment Number 31 to the Town of Newmarket Official Plan, Amending Official Plan Amendment Number 10, the Urban Centres Secondary Plan (201 Davis Drive – Mosiak Davis Inc.).

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

1. That Amendment Number 31 to the Town of Newmarket Official Plan, consisting of the following explanatory text, is hereby adopted.
2. And that this By-law shall come into force and take effect on the day of the final passing thereof.

Enacted this 13<sup>th</sup> day of December, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Amendment No. 31  
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 the development of a low rise apartment building that exceeds the permitted maximum density.

### **2. Location**

The proposed amendments are made to the text and schedules of the Secondary Plan and are applied to 201 Davis Drive as shown on Map 1 to this amendment.

The subject lands are located on the north side of Davis Drive, one property east of Longford Drive. The subject lands are known as 201 Davis Drive. Legally they are described as Lots 253, 254, 255, 256, 257 & 258 on Registered Plan 492, Town of Newmarket, Regional Municipality of York. The subject lands have an area of 4984.15 m<sup>2</sup> (0.49 Ha), with approximately 119 metres (390 ft) of frontage along Davis Drive and Penn Avenue respectively. The site is currently vacant, and surrounding uses include low density residential neighbourhood to the north and east with commercial uses to the south and west.

### **3. Basis**

The decision to amend the maximum density permitted in Schedule 4 of the Secondary Plan is based on the following considerations:

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 lands are located with immediate access to a Bus Rapid Transit station (Viva Davis Drive). 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 2019 (“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 residential use, however, the maximum floor space index (FSI) is 2.0, whereas the proposed FSI is up to 2.42. This minor amendment is required. The proposed development meets the maximum height requirements and the intent of the Official Plan and Secondary Plan.
6. The subject lands are 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 4: Height and Density

- Indicating that the subject lands are subject to Section 15.0 exceptions.

## **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. 31.

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

Official Plan Amendment No. 31 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. 31.

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

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

- a) Adding the following to Section 15:

##### **6. 201 Davis Drive**

**Notwithstanding any provision of this Plan to the contrary, the property municipally known as 201 Davis (legally described as Lots 253, 254, 255, 256, 257 & 258 on Registered Plan 492) shall be permitted to have a maximum FSI of 2.42.**

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

#### **Item 2    Schedule 4: Height and Density**

Amending Schedule 4: Height and Density to note that the subject lands are subject to Section 15.0 Exceptions as shown in Schedule B to this amendment.

### **3. Schedules**

Schedule A – Schedule 4: Height and Density

## **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 lands is attached hereto for information purposes only.

