



# Corporation of the Town of Newmarket

## By-law 2023-61

A By-law to adopt Amendment Number 39 to the Town of Newmarket Official Plan, Amending Official Plan Amendment Number 10, the Urban Centres Secondary Plan (315 Davis Drive – Format GP 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 39 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 20<sup>th</sup> day of November, 2023.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

**Amendment No. 39  
to the  
Town of Newmarket Official Plan**

**CONTENTS**

<b>PART A</b>	<b>THE PREAMBLE</b>	<b>PAGE</b>
1.	Purpose of the Amendment	2
2.	Location	2
3.	Basis	2
<b>PART B</b>	<b>THE AMENDMENT</b>	
1.	Format of the Amendment	5
2.	Details of the Amendment	
	Item 1 Section 15.0 Exceptions	5
	Item 2 Schedule 4: Height and Density	6
3.	Schedules	7
	Schedule A – Schedule 4: Height and Density	
4.	Implementation	8
<b>PART C</b>	<b>THE APPENDIX</b>	
	Map 1 – Location Map	9

# **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 mid-rise apartment building that exceeds the permitted maximum height and density.

## **2. Location**

The proposed amendments are made to the text and schedules of the Secondary Plan and are applied to 315 Davis Drive as shown on Map 1 to this amendment.

The subject lands are located on the north side of Davis Drive, at the terminus of Lorne Avenue. The subject lands are multiple lots known as 299 to 315 Davis Drive. Legally they are described Part Lot 3 Part Maple Street and RP 65R-31773 Parts 585962 to 64 and 69 RP R753736 Part 3 on Registered Plan 112, Town of Newmarket, Regional Municipality of York. The subject lands have an area of 0.29 hectares (0.7 acres), with approximately 81 metres of frontage along Davis Drive. The site is currently vacant, and surrounding uses include low density residential neighbourhood to the north with institutional and commercial uses to the east and west. Across Davis Dr, to the south, are apartment buildings.

## **3. Basis**

The decision to amend the maximum height and density permitted in Schedule 4 and the angular plane policies 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 Centres 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 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. 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 4.23. Therefore, an amendment is required.
6. The maximum permitted height is 6-storeys, an 8-storey building is proposed, therefore an amendment is required.
7. 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.

8. The proposed development meets the intent of the Official Plan and Secondary Plan.

Item 1 Section 15.0 Exceptions

- Adding permission for a site specific maximum permitted density and height.
- Amending the angular plane policies to allow for a 60-degree angular plane instead of 45-degrees.
- Granting permission for balconies on the 2<sup>nd</sup> and 3<sup>rd</sup> storeys of the front façade.

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. 39.

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

Official Plan Amendment No. 39 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. 39.

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

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

a) Adding the following to Section 15:

##### **8. 299 to 315 Davis Drive**

**Notwithstanding any provision of this Plan to the contrary, the property municipally known as 299-315 Davis shall be permitted to have a maximum FSI of 4.23 and a maximum permitted height of eight (8) storeys.**

**Notwithstanding any provision of this Plan to the contrary, the property municipally known as 299-315 Davis shall be subject to a 60-degree angular plane in place of the 45-degree angular plane required by Section 7.3.3.1.**

**Notwithstanding Section 7.3.5 i.v. balconies are permitted on the 2<sup>nd</sup> and 3<sup>rd</sup> storeys of the front façade.**

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

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

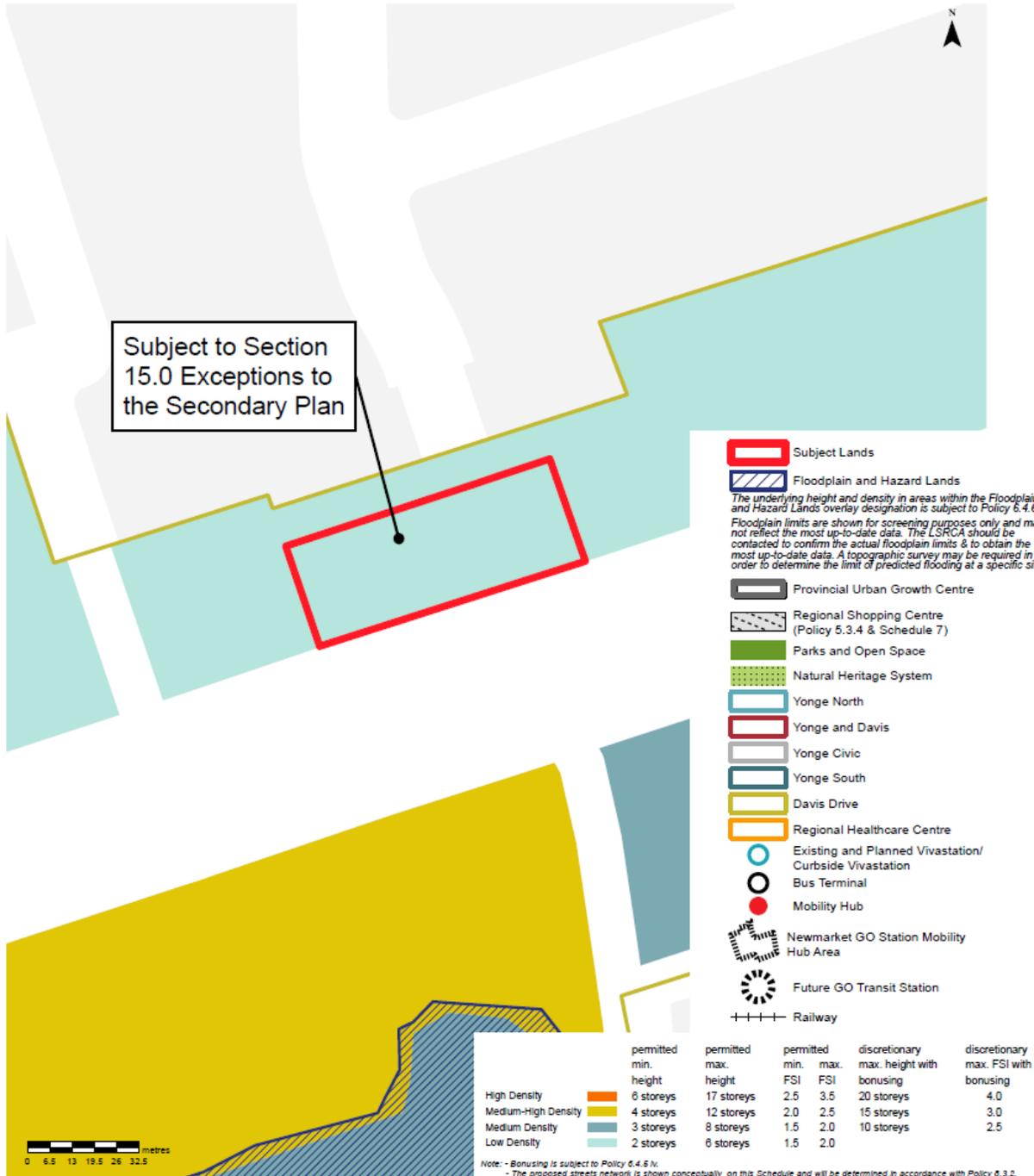
Amending Schedule 4: Height and Density to note that the subject lands are subject to Section 15.0 Exceptions as shown in Schedule A to this amendment.

### 3. Schedules

#### Schedule A – Schedule 4: Height and Density



## SCHEDULE 4: HEIGHT AND DENSITY



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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 lands is attached hereto for information purposes only.

