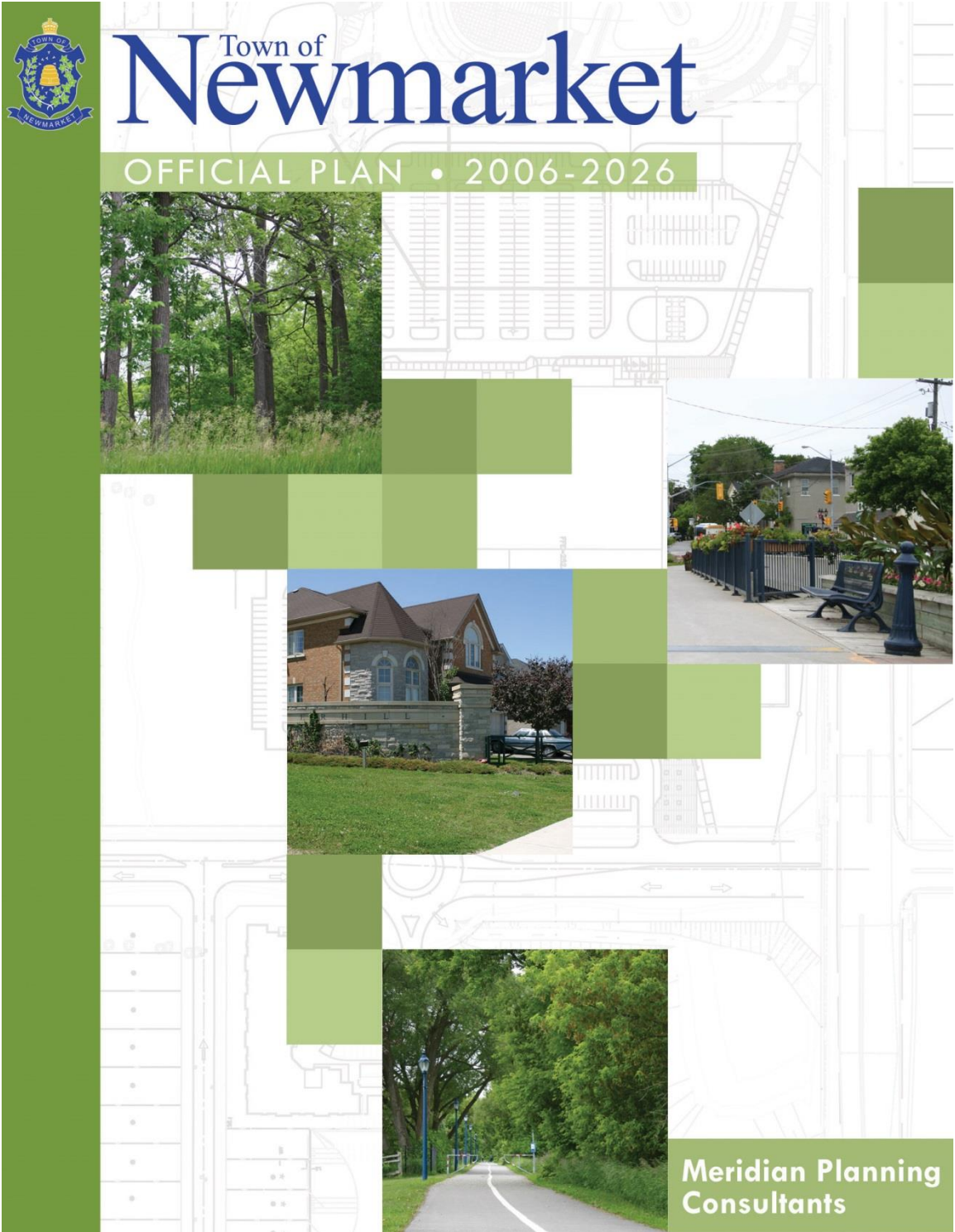




August 2025 - Office Consolidation

## Explanatory Note

This plan is an Office Consolidation of the approved Newmarket Official Plan approved in April 2008 and includes all subsequent amendments made up to August 2025. It has been compiled for information purposes only. For official documentation, reference should be made to the original amendments.

Town of Newmarket Council Adoption – October 10, 2006  
Region of York Planning and Economic Development Committee Recommendation for  
Approval – April 9, 2008  
Office Consolidation – August 2025

This document can be made available in accessible formats as soon as practicable and upon request. Please contact the Planning Department for further information at [planning@newmarket.ca](mailto:planning@newmarket.ca).

**Note:** This Official Plan replaces the former 1996 Official Plan except for the lands subject to the Oak Ridges Moraine Act. Official Plan Amendment 28 of the Town of Newmarket Official Plan and all relevant sections of the 1996 Official Plan remain in force and govern land use in this area.

The following Official Plan Amendments (OPA's), orders, and administrative changes have been added to the 2008 approved Official Plan and constitute a consolidation of the Official Plan and any subsequent amendments up to August 2025.

### List of Town of Newmarket Official Plan Amendments

| OPA # | By-law # | Description                                                                                                                                                 | Date Adopted       |
|-------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 28    | 2003-120 | Official Plan Amendment No. 28 to the 1996 Official Plan to implement the Oak Ridges Moraine Conservation Plan and provided as Section III of this document | September 23, 2003 |
| 1     | 2008-45  | 873 Gorham Street                                                                                                                                           | June 23, 2008      |
| 2     | 2009-44  | 372 Eagle Street                                                                                                                                            | May 11, 2009       |
| 3     | 2009-89  | Northwest corner of Queen Street and Roxborough Road                                                                                                        | November 2, 2009   |
| 4     | 2010-13  | To update various sections of the OP to better clarify Policy intent and 22 and 28 Main Street                                                              | February 16, 2010  |
| 5     | 2010-55  | OMB Decision 1588 – Leslie Street and Stackhouse Road, municipally know as 17285, 17295, 17315, 17305, 17325, 17335 Leslie Street                           | September 7, 2010  |
| 6     | 2010-70  | Southlake Regional Health Centre Hospice – 649, 653 and 657 Queen Street                                                                                    | September 7, 2010  |
| 7     | 2012-42  | Housekeeping and Technical Amendments                                                                                                                       | June 18, 2012      |
| 8     | 2012-22  | Northeast corner of Bayview and Stonehaven Avenues and municipally known as 665, 675, 688, 695 Stonehaven Ave.                                              | April 16, 2012     |

| <b>OPA #</b> | <b>By-law #</b>                                                                             | <b>Description</b>                                                                                                                                                                                                                     | <b>Date Adopted</b> |
|--------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 9            | 2012-78                                                                                     | West Side of Leslie, north of Srigley, and municipally known as 17310 Leslie Street                                                                                                                                                    | December 17, 2012   |
| 10           | 2014-39a<br>2014-39b                                                                        | Urban Centres Secondary Plan                                                                                                                                                                                                           | June 23, 2014       |
| 11           | 2014-40                                                                                     | Active Transportation Network                                                                                                                                                                                                          | June 23, 2014       |
| 12           | 2015-60                                                                                     | 955 & 995 Mulock Drive                                                                                                                                                                                                                 | December 14, 2015   |
| 13           | 2016-18                                                                                     | 429 and 445 Harry Walker Parkway South, York Region<br>Snow Storage - Outdoor Storage                                                                                                                                                  | April 25, 2016      |
| 14           | 2016-62                                                                                     | 1166 and 1186 Nicholson Road,<br>HOOP Realty - Outdoor Storage                                                                                                                                                                         | December 5, 2016    |
| 15           | OMB<br>Decision<br><br>Case/File No<br>PL140952 &<br>PL140953                               | 536 & 550 Mulock Court, Mulock Medical                                                                                                                                                                                                 | April 21, 2015      |
| 16           | OMB<br>Decision<br><br>Case/File<br>Nos.<br>PL130413,<br>PL130414,<br>PL130415,<br>PL100685 | Parts of the former Glenway Golf Club lands: Part of Lots 60, 61, 64, 65, 66, 67, Block 92, RP 65M-2261; and all of Block 91, RP65M-2263; Block 155 RP65M-2205; Blocks 144, RP65M-2261, Block 89 RP 65M-2263; and Block 73 RP 65M-2284 | November 28, 2014   |
| 17           | 2015-68                                                                                     | Terminus of Silken Laumann Drive – Emerging Residential, Cougs/292145 Ont Ltd.                                                                                                                                                         | April 11, 2017      |
| 18           | 2017-27                                                                                     | 400 Park Avenue, 405 and 407 Botsford Street, Rose Corp                                                                                                                                                                                | May 15, 2017        |
| 19           | 2017-43                                                                                     | 260 Eagle Street, Oxford Homes                                                                                                                                                                                                         | June 26, 2017       |
| 20           | 2018-08                                                                                     | 17645 Yonge Street, Redwood on Yonge                                                                                                                                                                                                   | March 5, 2018       |

| <b>OPA #</b> | <b>By-law #</b>    | <b>Description</b>                                                                     | <b>Date Adopted</b>                  |
|--------------|--------------------|----------------------------------------------------------------------------------------|--------------------------------------|
| 21           | 2018-16            | 16200 and 16250 Yonge Street, Shining Hill                                             | April 16, 2018                       |
| 22           | 2019-23            | Old Main Street Tertiary Plan                                                          | April 15, 2019                       |
| 23           | 2019-30            | Community Improvement Plans                                                            | May 27, 2019                         |
| 24           | 2019-53            | Stickwood Walker, 900 Mulock Drive, 605 Fernbank Road                                  | September 9, 2019                    |
| 25           | 2020-68            | Urban Centres Secondary Plan                                                           | December 14, 2020                    |
| 26           | 2020-39            | Glenway Country Club                                                                   | June 29, 2020                        |
| 27           | 2022-48            | 16920 and 16860 Leslie Street (Forest Green Homes)                                     | July 11, 2022                        |
| 28           |                    | Left intentionally blank.                                                              |                                      |
| 29           | 2020-64            | Town-wide: Established Neighbourhoods Study Amends town-wide residential designations. | December 14, 2020                    |
| 30           | 2021-60            | Upper Canada Mall, 17600 Yonge Street                                                  | November 22, 2021                    |
| 31           | 2021-63            | 201 Davis Drive (Mosiak Davis Inc.)                                                    | December 13, 2021                    |
| 32           | 2022-07<br>2023-02 | Shining Hill Estates Inc.                                                              | February 7, 2022<br>January 23, 2023 |
| 33           | 2022-31            | Glenway West                                                                           | May 9, 2022                          |
| 34           | 2024-40            | 55 Eagle Street (OLT Decision)                                                         | September 15, 2023                   |
| 35           | 2023-43            | 415 Pickering Crescent                                                                 | June 26, 2023                        |
| 36           | 2023-48            | 600 Stonehaven Avenue                                                                  | September 18, 2023                   |
| 37           | 2023-67            | Bill 109, Bill 23 Conformity                                                           | December 11, 2023                    |

| <b>OPA #</b> | <b>By-law #</b> | <b>Description</b>                                                                                  | <b>Date Adopted</b> |
|--------------|-----------------|-----------------------------------------------------------------------------------------------------|---------------------|
| 38           | 2023-71         | Urban Centres Secondary Plan (17175 Yonge Street – St. Maurice & St. Verena Coptic Orthodox Church) | December 11, 2023   |
| 39           | 2023-61         | Urban Centres Secondary Plan (315 Davis Drive – Format GP Davis Inc.)                               | November 20, 2023   |
| 40           | 2023-23         | 16756 and 16764 Bayview Avenue                                                                      | June 3, 2024        |
| 41           | 2024-34         | 615, 625, 631 Davis Drive and 23, 29, 33, 39 Bolton Avenue                                          | June 24, 2024       |
| 42           | 2024-33         | 201 Davis Drive – Mosiak Davis Inc.                                                                 | June 24, 2024       |
| 43           | 2024-56         | 1041, 1051 Davis Drive and 15, 23 Hamilton Drive                                                    | November 18, 2024   |
| 44           | 2024-59         | 514 Davis Drive                                                                                     | November 18, 2024   |
| 45           | 2025-62         | 230 Davis Drive                                                                                     | April 14, 2025      |
| 46           | 2025-81         | 62 Bayview Parkway                                                                                  | July 14, 2025       |

## **Official Plan Amendment # 28 to the 1996 Official Plan** – Regarding the Oak Ridges Moraine Conservation Plan

Official Plan Amendment # 28 constitutes Section III of this Official Plan. The purpose of this amendment is to bring the Town of Newmarket Official Plan into Conformity with the Oak Ridges Moraine Conservation Plan.

**Note:** The 2006 Official Plan replaces the former 1996 Official Plan except for the lands subject to the Oak Ridges Moraine Act. Official Plan Amendment 28 to the Town of Newmarket Official Plan and all relevant sections of the 1996 Official Plan remain in force and govern land use in this area.

### **OPA # 1:**

The purpose of Official Plan Amendment Number 1 is to permit a location, other than at an intersection for the Convenience Commercial use under section 3.8.2(a), at 873 Gorham Street. The specific amendment will be comprised of modifications to Policy 3.8.2(a) and Schedule A – Land Use Plan.

### **OPA # 2:**

The purpose of Official Plan Amendment Number 2 is to amend policies applying to Lots 12 and 13, Registered Plan 85, in the Town of Newmarket – municipally known as 372 Eagle Street. The amendment permits the use of business and professional offices, including a medical office, and other accessory and related uses and for residential apartments on the second floor of a commercial building on the lands identified as Lot 13, Plan 85. The purpose of the amendment is to also permit the use of business and professional offices, excluding medical, and other accessory and related uses on Lot 12, Plan 85 in the Town of Newmarket. The specific amendment will exclude Lots 12 and 13, Plan 85 – 372 Eagle Street – from Policy 3.8.2a.

### **OPA #3:**

The purpose of Official Plan Amendment Number 3 is to delete from Schedule A, the *Regional Healthcare Centre – South Transition Area* designation and replace it with the *Regional Healthcare Centre – Complementary Use Area* designation and the *Parks and Open Space* designation. The purpose of the amendment is also to permit a 17,637 square metre (189,843 sq. ft.) 3 to 6 storey tiered Retirement Residence and Assisted Living Facility on the lands bounded by Queen Street to the south, Roxborough Road to the east, Grace Street to the north, and Sunnyhill Park and the hospital to the west.

### **OPA # 4:**

The purpose of Official Plan Amendment Number 4 is to update various sections of the Official Plan to better clarify policy intent and to delete from Schedule A the “Parks and Open Space” designation and replace it with the “Commercial” designation on the lands

municipally known as 22 and 28 Main Street North and legally described as Lots 33 and 34 on Plan 11A. The lands subject to the Schedule A amendment are bounded by Main Street North to the east, Charlotte Street North to the south and the west.

#### **OPA # 5:**

The purpose of Official Plan Amendment Number 5 is to delete from Schedule A the Business Park – Mixed Employment designation and replace it with the Commercial designation. The lands subject to Official Plan Amendment Number 5 are located at the northeast corner of Leslie Street and Stackhouse Road – described as Block 1, Registered Plan 65M-3871 and municipally known as 17285, 17295, 17315, 17305, 17325, 17335 Leslie Street and Legally described as Block 1, Registered Plan 65M-3871.

#### **OPA # 6:**

The purpose of Official Plan Amendment Number 6 is to amend the policies applying to certain lands within the *Regional Healthcare Centre – South Transition Area* designation by adding a Residential Hospice as a permitted use for the lands. The lands subject to this amendment are located at 649, 653 & 657 Queen Street and legally described as Lot 36 and Part of Lot 37, Registered Plan 344 in the Town of Newmarket.

#### **OPA # 7:**

The purpose of Official Plan Amendment Number 7 is to update and clarify specific sections of the Official Plans, specifically:

- Replace Section 10.4 – Contaminated Lands;
- Revise Section 16.1.6 – Complete Applications to include additional studies;
- Add Section 10.6 – Wellhead Protection policies and new Schedule G Wellhead Protection Areas;
- Refine Section 11.2 Cultural Heritage Resources in accordance with the Provincial Policy Statement;
- Include the following technical amendments:
  - Update Schedule C – Transportation Plan to include the Future Rail Station at Mulock Drive in accordance with the Region of York Transportation Master Plan Update (November 2009);
  - Refine wording of Section 9.2.2 General Natural Heritage System Policies to more accurately reflect the provisions of the PPS;
  - Amend Table 1: Urban Centre Densities to provide a density range from 60-200 for Approximate Persons and Employees per hectare for the Historic Downtown Centre; and
- Revise Section 8.2.2 the Parks and Open Space Policy to include specific policies for alternate parkland conveyance for residential units in accordance with the provisions of the *Planning Act*.



The amendments are made to the text and Schedules of the Official Plan and apply Town wide.

**OPA # 8:**

The purpose of Official Plan Amendment Number 8 is to delete from Schedule A, the *Emerging Residential* designation and replace it with *Commercial*.

**OPA # 9:**

The purpose of Official Plan Amendment Number 9 is to delete from Schedule A, the “*Stable Residential*” designation and replace it with the “*Commercial*” designation on the west side of Leslie Street, north of Srigley Street and municipally know as 17310 Leslie Street.

**OPA # 10:**

The purpose of Official Plan Amendment Number 10 is to replace the current land use policies and revise the schedule for the Urban Centres identified on Schedule A to the Town of Newmarket Official Plan, as the Yonge-Davis Provincial Urban Growth Centre, the Yonge Street Regional Centre (located on both Yonge Street and Davis Drive) and the Regional Healthcare Centre with the Newmarket Urban Centres Secondary Plan. This Amendment does not include the Historic Downtown with the exception of that portion fronting on Davis Drive as identified in this Amendment.

The Amendment implements the provisions of provincial policies and plans, the York Region Official Plan and the policy direction as contained in Part II, Policy 4.0 of the Town of Newmarket Official Plan.

**OPA # 11:**

The purpose of Official Plan Amendment Number 11 is to replace Schedule D (On-Street Bike Lane Plan) with a new Schedule D - Active Transportation Network, which identifies the Primary and Secondary Active Transportation Network for facilities both within the street right-of-way and off-road. OPA 11 also amends some policies to include appropriate references to the Active Transportation Network.

**OPA # 12:**

The purpose of Official Plan Amendment Number 12 is to amend the policies applying to 955 & 995 Mulock Drive, within the Stable Residential designation, by adding Townhouse Units on a Private Road as a permitted use and to re-designate the existing woodlot from the Stable Residential to the Natural Heritage designation.

**OPA # 13:**

The purpose of Official Plan Amendment Number 13 is to amend the policies applying to 429 and 445 Harry Walker Parkway South to permit outdoor storage on the lands.

**OPA # 14:**

The purpose of Official Plan Amendment Number 14 is to amend the policies applying to 1166 and 1186 Nicholson Road to permit outdoor storage on the lands and to change the land use designation shown on Schedule A from Business Park – Mixed Employment to Parks and Open Space.

**OPA # 15:**

The purpose of Official Plan Amendment Number 15 is to implement the OMB decision changing the land use designation shown on Schedule A of 536 & 550 Mulock Court from Stable Residential to Commercial.

**OPA # 16:**

The purpose of Official Plan Amendment Number 12 is to implement the OMB decision changing the land use designations shown on Schedule A of parts of the former Glenway Golf Club from Parks and Open Space to Stable Residential, Emerging Residential and Commercial and to add a special policy to Section 3.3 Emerging Residential Areas.

**OPA # 17:**

The purpose of Official Plan Amendment Number 17 is to change the designation of the subject land, located on the west side of the Hydro One Corridor at the terminus of Silken Laumann Drive, from Natural Heritage System (Meadows) to Emerging Residential, to permit development of the lands for 28 at-grade townhomes and related uses including a stormwater management pond and private road.

**OPA # 18:**

The purpose of Official Plan Amendment Number 18 is to amend the policies applying to the lands municipally known as 400 Park Avenue and 405 and 407 Botsford Street, currently being within the Stable Residential designation by adding Townhouse Units on a Private Lane and apartment units within the Historic former King George School Building as a Permitted Use on the subject lands.

**OPA # 19:**

The purpose of Official Plan Amendment Number 19 is to amend the policies applying to 260 Eagle Street, currently being within the Stable Residential designation by adding Townhouse Units on a Private Road as a Permitted Use.

**OPA # 20:**

The purpose of Official Plan Amendment Number 20 is to amend the policies applying to 17645 Yonge Street, currently being within the Yonge Davis Provincial Urban Growth Centre designation by permitting heights in excess of those provided for in the Secondary Plan.

**OPA # 21:**

The purpose of Official Plan Amendment Number 21 is to re-designate a portion of existing woodlot located at 16200/16250 Yonge Street from Natural Heritage System designation to Emerging Residential designation, and re-designate a nearby area from Emerging Residential and Open Space designation to Natural Heritage System Designation. The amendment also removes the Woodlot designation from the area previously designated as Natural Heritage System, and adds the Woodlot designation on the lands newly designated as Natural Heritage system.

**OPA # 22:**

The purpose of Official Plan Amendment Number 22 is to implement the Old Main Street Tertiary Plan by adding Section 3.11 to the Official Plan to add the Tertiary Plan to the Official Plan for lands generally on either side of Old Main Street, between Bexhill Road and Main Street North; re-designating an existing designations to corresponding Tertiary Plan designations, as identified in the Old Main Street Tertiary Plan.

**OPA # 23:**

The purpose of Official Plan Amendment Number 23 is to enable the Town to participate in Community Improvement Plans in partnership with the Regional Municipality of York.

**OPA # 24:**

The purpose of Official Plan Amendment Number 24 is to add the uses of day nursery and related administrative uses, and accessory community uses to the Stickwood Walker property (900 Mulock Drive, 605 Fernbank Road).

#### **OPA # 25:**

The purpose of Official Plan Amendment Number 25 is to amend policies and schedules of Section II of the Town of Newmarket Official Plan (OPA # 10), also known as the Newmarket Urban Centres Secondary Plan (Secondary Plan) to:

- Clarify the original intent of the policies;
- Implement recommendations of recently approved planning documents;
- Update land use permissions or requirements to address inconsistency between policies; and
- Resolve mapping inconsistencies.

#### **OPA # 26:**

The purpose of Official Plan Amendment Number 26 is to amend Section 3.2.4 Emerging Residential Areas Permitted Uses related to part of the former Glenway Country Club lands, being a portion of the lands subject to the Ontario Municipal Board order for the lands dated November 18, 2014.

#### **OPA # 27:**

The purpose of Official Plan Amendment Number 27 is to amend Schedule A – Land Use, to re-designate the subject lands from Natural Heritage System and Major Institutional, to Residential Areas, Parks and Open Space and Natural Heritage System.

Official Plan Amendment Number 27 also looks to amend Residential Areas Permitted Uses related to the subject lands, by adding additional land use permission policies.

#### **OPA # 28:**

Intentionally left blank.

#### **OPA # 29:**

The purpose of Official Plan Amendment Number 29 is to amend policies and schedules of the Town of Newmarket Official Plan to combine Stable and Emerging Residential Areas to a single Residential designation; establish four Residential Character Areas: Historic Core Character Area, Traditional Suburban Character Area, Contemporary Suburban Character Area, and Estate Character Area; and propose a defined list of predominant characteristics for each, requiring development in Residential Areas to be compatible with existing built form and public realm standards.

#### **OPA # 30:**

Refer to Urban Centres Secondary Plan.

### **OPA # 31:**

Refer to Urban Centres Secondary Plan.

### **OPA # 32:**

The purpose of this amendment is to amend policies and schedules of OPA 28 to Town of Newmarket Official Plan 1996, also known as the Oak Ridges Moraine Conformity Official Plan Amendment (OPA 28) and the policies and schedules of the Town of Newmarket Official Plan 2006 to establish permissions for urban land uses on the subject lands and to set the policy framework for future development of a new community through a Secondary Plan.

### **OPA # 33:**

The purpose of this amendment is to amend schedules of OPA 28 to Town of Newmarket Official Plan 1996, also known as the Oak Ridges Moraine Conformity Official Plan Amendment (OPA 28) and the schedules of the Town of Newmarket Official Plan 2006 as they relate to parts of the former Glenway Country Club lands, as shown on Schedules 1 to 4 of this Amendment.

### **OPA # 34:**

The purpose of this amendment is to redesignate portions of the subject lands from “Natural Heritage System” and “Parks and Open Space” to “Residential”, from “Residential” to “Natural Heritage System”, and from “Parks and Open Space” to “Natural Heritage System” on Schedule A Land Use. In addition, the amendment revises the extent and location of the “Woodlot” as identified on Schedule B Natural Heritage System on the Subject Lands. The mapping amendments result in land use designations that reflect the location of natural features on the Subject Lands and define a development limit which is consistent with the location of the surveyed top of bank of the valleyland. Furthermore, the amendment adds townhouse, back-to-back townhouse, stacked townhouse and multi-plex type buildings as Permitted Uses on the entirety of the Subject Lands and additionally up to six-storey apartment buildings as a Permitted Use on the western third side of the Subject Lands only.

### **OPA # 35:**

The purpose of the Official Plan Amendment Number 35 to the Town of Newmarket Official Plan 2006 is to amend Schedule A Land Use, to re-designate the subject lands identified on Location Map attached hereto from ‘*Major Institutional*’ to ‘*Residential Areas*’, to permit the development of 24 three-storey townhouse dwelling units and four single detached dwellings.

**OPA # 36:**

The purpose of Official Plan Amendment Number 36 is to amend Schedule A - Land Use Designation as it relates to the property located at 600 Stonehaven Avenue. OPA 36 redesignates a portion of the subject property from “Parks and Open Space” to “Residential Areas” to facilitate the redevelopment of lands for 199 residential units, to be comprised of 57 single-detached dwellings, 16 freehold townhouse units, and two blocks for 126 future condominium townhouse dwellings.

**OPA #37:**

The purpose of this amendment is to amend policies of the Town of Newmarket Official Plan to:

- Identify submission requirements for a complete Site Plan application;
- Update the list of required studies for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium applications; and,
- Include policies that will permit Council to delegate its authority to approve temporary zoning by-law and removal of holding provisions to the Town staff.

**OPA # 38:**

Refer to Urban Centres Secondary Plan.

**OPA # 39:**

Refer to Urban Centres Secondary Plan.

**OPA # 40:**

The purpose of the Official Plan Amendment Number 40 to the Town of Newmarket Official Plan 2006 is to amend the policies applying to the lands municipally known as 16756 and 16764 Bayview Avenue currently being within the Residential Areas designation by adding an apartment building up to 5 storeys as a permitted use on the subject land.

**OPA # 41:**

Refer to Urban Centres Secondary Plan.

**OPA # 42:**

Refer to Urban Centres Secondary Plan.

**OPA # 43:**

The purpose of Official Plan Amendment Number is to amend Schedule A Land Use, to re-designate the subject lands from “Commercial” to ‘Residential Areas’, to permit the development of 24 three-storey townhouse dwelling units.

**OPA # 44:**

Refer to Urban Centres Secondary Plan.

**OPA # 45:**

Refer to Urban Centres Secondary Plan.

**OPA # 46:**

The purpose of the Official Plan Amendment Number 46 is to amend Schedule A Land Use, to re-designate the subject lands from 'Major Institutional' to 'Residential Areas', and re-defining the boundaries of 'Natural Heritage System' to permit the development of a mid-rise apartment building. Also to amend Schedule B Natural Heritage System, to modify the 'Natural Heritage System, Woodlot' on the subject lands.

## **Section I – Parent Official Plan (August 2025 Consolidation)**

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## **Section II – Newmarket Urban Centres Secondary Plan**

Available online at [www.newmarket.ca/SecondaryPlan](http://www.newmarket.ca/SecondaryPlan)



## Preamble

The Town of Newmarket was originally founded in 1801 as a Quaker settlement where a dam and grist mill was constructed on the Holland River near the ancient Rouge Trail by Joseph Hill. During the first quarter of the nineteenth century, Newmarket became a centre for the fur trade and in time evolved as a market. It is believed that while York was the “old market”, this new centre of commerce became the “New Market”, hence giving the Town its namesake.

In 1853 Ontario’s first railway, the Ontario, Simcoe and Huron Railroad, reached Newmarket and spurred development. Newmarket was incorporated as a village in 1857 with a population of 700. Schools were built, many small industries were started, dry goods and grocery stores flourished. In 1880, with a population of 2,000, Newmarket became a Town.

The Town had several major fires over the years which destroyed most of the original frame structures on Main Street. In 1878 a flood demolished 10 bridges crossing the Holland River. Although these disasters halted progress in the Town for a time, the ultimate result was improvements in building construction, street lighting, fire-fighting services, water supply, and health and sanitation measures.

An electric railway connecting the Town to Toronto opened in 1902. This link initiated a growth period that lasted until the onset of the Great Depression in the 1930s. The Town’s third major period of growth occurred after the Second World War. Between 1950 and 1970 Newmarket’s population more than doubled, growing from 5,000 to 11,000.

County Government was replaced by the Regional Government in 1971. As with more recent government restructurings, the rural Townships were combined with villages and towns to create a sufficiently large green area around urban centres to allow for growth and easy access to the countryside. The combination of Townships and Towns also ensured that each municipality had urban services and could provide a balanced tax base. As a result, Newmarket acquired a portion of lands on its north boundary from the Township of East Gwillimbury, on its west boundary from the Township of King and on the south and east boundary from the Township of Whitchurch.

Since 1971 the Town has proceeded to plan, service and develop the majority of the lands within the urban boundary. The Town’s population in 2006 is approximately 77,000. From the perspective of the municipal corporation, the efforts of staff and Council have been devoted to planning, servicing, and managing this growth – ensuring that residents have sufficient recreational facilities, a growing road network and additional open space and walkways. Commercial areas have also been expanded to meet the growing demands of the residents in Newmarket and the surrounding region. New industries in Newmarket have also brought increased job opportunities.

It is forecast that within the next five to ten years the remaining lands which are suitable for development, some of which have been approved for development for some time, will

become the new residential areas and home to various employment uses. This means that the Town will no longer be growing outward as growth and change will be focused in specific areas of the Town that currently serve as the commercial centres and employment areas. Managing this form of change will be the challenge for Newmarket's future.

Provincial legislation such as the Greenbelt Plan, Provincial Policy Statement and the Provincial Growth Plan has the potential to dramatically affect the form and nature of development throughout the GTA. This Plan incorporates the urban growth centre designation within the Provincial Growth Plan, *Places to Grow*.

This Plan identifies the areas of the Newmarket Urban Centres Secondary Plan and the Historic Downtown Centres as the two areas where intensification will be directed. (OPA #10) It is the Town's intent that they will collectively serve as the focal areas for employment and population growth over the next several decades. Similar to Newmarket's expansion in the early 1970's to provide a balanced tax base, in order to achieve an appropriate jobs-to-population ratio as expressed in this Plan, additional lands beyond the current municipal boundaries may be required. The current land base may not be sufficient to provide for adequate employment growth that is balanced with forecasted population growth consistent with the Provincial Growth Plan's objectives of intensification. Boundary adjustments pursuant to the Municipal Act may need to be considered to help achieve a balanced and complete community.

## **Part I – The Basis Of The Official Plan**

### **1.0 Introduction**

This Official Plan consists of the following parts:

#### **Part I – The Basis**

The Basis explains the context and vision of the Plan and its general goals and strategic directions.

#### **Part II – Building A Strong Community**

The objectives, policies and programs of the Official Plan's land use designations are found in Sections 2.0 to 10.0. The Schedules of the Plan show the desired urban form for the Town and the key features of the Natural Heritage System that are to be enhanced and protected. Sections 11.0 to 13.0 incorporate policies for the protection of heritage resources, urban design and community improvement.

#### **Part III – Urban Systems**

Part III – Urban Systems establishes the objectives, policies and programs for the use and development of infrastructure, including the transportation network and sewer and water services. The Schedules of the Plan also show the elements of the transportation network that will serve the Town over the next twenty years.

#### **Part IV – Implementation**

The planning tools used to implement the policies and programs of the Plan are described in Part IV – Implementation.

### **1.1 Purpose of the Official Plan**

According to the *Planning Act* of the Province of Ontario, an Official Plan “shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality.” The preparation of Newmarket's Official Plan has focused on four essential roles:

1. Establishing the basic land use pattern and permitted uses for all land in the municipality through a high level vision of the desired urban structure (*OPA #10*);
2. Planning the coordination of land use and infrastructure requirements to ensure that the Town can accommodate anticipated growth;
3. Establishing the Town's priorities for the financial resources and staff energies; and,

4. Providing a framework for private investment through land use policies that will achieve the Town's vision for the future.

The policies of this Plan promote the sustainability of the Town, both as an organization and as a community, incorporating concepts and actions that are intended to achieve social well-being, economic vitality and environmental protection.

In October of 2004, the Council of Town of Newmarket adopted its first Community Strategic Plan. The Community Strategic Plan is intended to serve as a roadmap, providing a vision that will guide the human and financial resources of the Town. The Official Plan is an important part of implementing the Strategic Plan in that it will manage growth and change.

The Official Plan for the Town of Newmarket provides a framework for decision-making that provides certainty to the planning approval process. Council is required by the *Planning Act* to conform to the Official Plan in any by-laws or capital works. This Plan establishes the criteria for evaluating proposals for change and growth based on a "policy-led" approach that focuses on long-term objectives rather than short-term impacts.

As communities mature, the planning process moves from one that designs future neighborhoods and ensures the adequacy of services to one that focuses on specific proposals for change that almost always involve competing interests. This Plan anticipates a process involving Council and residents evaluating proposals for change, based on a common understanding of community values and a shared vision of the future. This Plan is the first step in the common effort to understand the type of changes that will occur and the choices that need to be made.

## **1.2 Basis of the Official Plan**

As Newmarket enters the next phase of growth and change, a new basis for the Official Plan is required. Previously, the efforts of staff and Council were devoted to planning the expansion of the community. Now the challenge will be to maintain and enhance the quality of life by managing change within the existing developed areas.

The growth phase of the past two centuries is being replaced by a "change" phase. There will be increasing pressure for redevelopment, infill and intensification throughout the Town. This is not a new trend or phenomenon, but rather a common occurrence in communities that reach a physical limit to their growth, while still experiencing a strong economy and demand for housing.

Families will still want housing so that their children can work and live in Newmarket and their parents can retire to appropriate forms of housing in the Town. New housing will be needed, new jobs will be important, but the land base is not expected to change. This is the challenge that Newmarket will face.

In order to develop a Plan to meet this challenge, it is first necessary to describe a future for Newmarket. This description comes from the Strategic Plan's vision for Newmarket. This vision takes into consideration environmental, demographic, economic, servicing, and transportation issues that are anticipated to change. The vision statement is as follows:

A community *well*. . . beyond the ordinary

Shaping our future and realizing our vision of a Town that is '*well* beyond the ordinary' means pursuing five key strategic directions to ensure that Newmarket is:

Living *Well* and is:

- ❖ *Well* Equipped and Managed
- ❖ *Well* Planned and Connected
- ❖ *Well* Balanced
- ❖ *Well* Respected

Each of these directions can be described as follows:

### **1. Living *Well***

Health, safety and the environment will be a focus of this Plan. Emphasis on health education, wellness services and state-of-the-art medical facilities are a part of Newmarket's vision. This healthy community ideal will also be promoted through the development of recreational opportunities and the protection of the Town's natural heritage. Newmarket will integrate environmental considerations into economic and social planning.

### **2. *Well* Equipped & Managed**

Providing exceptional community, recreational and cultural opportunities to encourage personal interest and development, promote activity and enrich lives. Implementing policy and decision-making processes that reflect sound governance and accountability through the efficient management of capital assets and municipal services will help meet existing and future operational demands. Ensuring that an appropriate mix of jobs and housing types are available in Newmarket will produce the ideal community in which to live and work.

### **3. *Well* Planned & Connected**

Planning for Newmarket's future will include improving information access and exchange and enhancing travel to, from and within the community. Revitalization of neighbourhoods and the provision of a variety of transit options and linkages are an important part of a well-planned community.

#### **4. Well Balanced**

This Plan encourages a strong sense of community through an appropriate mix of land uses and amenities. Meeting the needs of all the Town's residents in terms of facilities and programs, and promoting events that help shape identity and contribute to community spirit, culture and heritage are essential for Newmarket's approach to planning.

#### **5. Well Respected**

A well-respected community must inspire partnerships and co-operation that revolve around well-being, synergy and balanced living for all of its stakeholders. Effective working relationships and joint planning initiatives with municipal neighbours are necessary to discover innovative and creative solutions for the future well-being of the Town. Being a champion for co-operation and collaboration will ensure that Newmarket continues to be well-respected and valued for its judgment and insight.

These strategic directions state the priorities and the implicit values of the community. They describe an approach to living and the lifestyle to be achieved. They are the context and rationale for the Official Plan.

### **1.3 Goals and Strategic Directions**

This Official Plan is developed in a structure and format that will effectively carry forward the strategic vision for the Town, making the Plan a living document. The Plan provides a general direction and objectives for the Town activities and land uses.

It will be important to ensure that the anticipated change is well managed and contributes to the strong sense of community that exists today in Newmarket. The Official Plan is focused on managing this form of change in a way that allows a continuation of the lifestyle currently enjoyed by Newmarket residents.

The Official Plan is structured around seven core goals that build on the Community Strategic Plan. (*OPA #10*) These goals respond to the anticipated economic, social and demographic context of Newmarket in translating the broader values and vision of the Strategic Plan into principles that can be implemented through land use policies. These principles are interrelated and should be considered as a collective expression of the future to be achieved.

This section provides the fundamental basis for the policies in the Plan. The goals and objectives are not intended to be direct statements of planning policy but rather the basis for the policy framework. More specific objectives are established in each section of the Official Plan. The seven core goals that provide the basis from which effective planning decisions can be made are:

1. Maintain and Promote a Healthy Community;
2. Protect and Enhance the Natural and Cultural Heritage;

3. Encourage Growth in Support of a Sustainable Community;
4. Develop Sustainable Transportation Improvements;
5. Achieve Economic Wellbeing;
6. Revitalize the Historic Downtown; and,
7. Intensify within the Urban Centres. (*OPA #10*)

### **1.3.1 A Healthy Community**

Newmarket will provide support for health education, wellness services, state of the art medical facilities, and other sustainable health-oriented practices that will contribute to the community's overall well-being. Policies in this Plan are to be developed with the health of the community in mind. Alternative transportation choices, trails and recreation opportunities, anti-idling regulations and tree preservation initiatives are examples of municipal actions to achieve the goal of a healthy community.

The Southlake Regional Health Centre makes the Town a significant centre for health-oriented employment serving the population of York Region and surrounding areas. It is anticipated that the area centered on the Southlake Regional Health Centre will see a continuing demand for expansion of both the hospital and related services. This Plan provides for that expansion and ensures that the necessary transportation and other public infrastructure are available to permit this growth in a manner that minimizes impacts on the surrounding residential community.

### **1.3.2 Protection and Enhancement of Natural and Cultural Heritage**

Providing recreational opportunities in a manner balanced with the preservation and enhancement of the natural heritage system is a key direction for the Plan. Managing growth in a manner that respects and preserves the Town's cultural heritage is equally important.

There are few new opportunities to protect additional elements of the natural heritage system. The Plan looks rather at re-naturalization through planting and operational policies. Providing walking and cycling trails, open spaces, parks and playing fields will not only protect the environment, but add to the community's visual attractiveness and overall health.

The protection of the Town's cultural heritage will be an equal priority for the Plan. Promoting cultural achievements, fostering civic pride and enhancing the quality of life for Newmarket residents through the preservation, restoration and utilization of the Town's heritage resources is vital for the retention of the Town's cultural identity.

### **1.3.3 Encourage Growth in Support of a Sustainable Community**

As the need and pressure for change increases in developed areas, managing and directing positive change will be a key direction. The Plan recognizes that change is a part of the Town's life and that a reasonable balance must be struck between the stability of a neighbourhood and the changing demands for forms of housing support services. In a sustainable community a stable neighbourhood is not necessarily a static neighbourhood but is one where existing lifestyles can be maintained while sustaining the opportunities for new housing and employment.

A sustainable community meets its current needs while also ensuring the needs of future generations. Growth should occur in a way that not only increases the quality of life for existing residents but also provides a functional environment for the future by protecting and enhancing existing natural features and systems, minimizing waste and pollution, and increasing efficiency and equity. Utilizing local resources and participating in local events helps to revitalize the local economy and create a rich civic life. Increasing the opportunities for self-reliance also turns a sustainable community into a healthy community whereby walking and biking become popular modes of travel not just for recreation. A sustainable community provides opportunities to live, work, and play for all members of its society today without compromising those same opportunities tomorrow.

### **1.3.4 Sustainable Transportation Improvements**

The overwhelming majority of residents of Newmarket rely on the automobile as their primary means of transportation. In order to provide choice in transportation, the Town will undertake every effort to provide walking and cycling trails and transit facilities. The development of the rapid transit system on Yonge Street and Davis Drive in Newmarket and York Region is strongly supported by this Plan. Land use changes around potential station areas will be planned for in order to provide the necessary support to make such a transit system viable.

It is a fundamental element of planning that land use and transportation infrastructure support each other. Newmarket, because of its location, is subject to traffic demands generated outside of its boundaries. This Plan ensures that all proposals for land use change within the Town have sufficient traffic and transit capacity. The Town will also have regard for proposals for land use change outside of its boundaries and the possible impacts they may have on traffic and transit capacity.

### **1.3.5 Employment and Economic Wellbeing**

The Town has a variety, but a limited number of opportunities to provide land for additional employment purposes, be it commercial, office, manufacturing or other employment which, by potentially reducing commuting distances would support the sustainability goals of this Plan. In addition to the lands adjacent to Highway 404, additional employment opportunities may be found along Yonge Street and Davis Drive on underused properties as well as in the Historic Downtown. The area identified by this Plan as the Regional



Healthcare Centre also has a significant opportunity to provide facilities and services that will generate additional employment for the Town.

### **1.3.6 Revitalization of the Historic Downtown**

The Historic Downtown is the traditional Central Business District of Newmarket. It has a significant opportunity for growth and change that would facilitate the achievement of all of the Plan's strategic directions. Additional development in the Historic Downtown would achieve the sustainability goal by providing an opportunity to live close to services without the need to burden the road system. Revitalization of the Historic Downtown will also assist in achieving additional recreational, arts, culture, entertainment and fine dining facilities in the appropriate location.

Even with the additional development, the rich history of the area will be protected for the enjoyment of Town residents and visitors to Newmarket as this Plan builds on the Newmarket Historic Downtown Community Improvement Plan. The mix and design of retail and service, office, institutional, entertainment, recreational and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown at an urban scale in harmony with the rich heritage of the surrounding residential neighbourhoods.

### **1.3.7 Intensification within the Newmarket Urban Centres (OPA #10)**

The Newmarket Urban Centres, located along Yonge Street and Davis Drive, are identified as the focus for intensification. The Town of Newmarket Urban Centres will be planned as integrated, compact, complete and vibrant communities, with a diverse mix of residential, commercial, employment and institutional uses. They will be sensitively integrated with existing adjacent neighbourhoods.

## **1.4 Summary**

Newmarket is very much a community with a small town spirit and strong sense of place. Through its diversity of housing, expanding employment opportunities, variety of recreation and community facilities, ample open spaces, and proximity/accessibility to the Greater Toronto Area and cottage country, Newmarket will continue to be an exceptional community to live, work and play. The policies in this Official Plan will ensure that Newmarket continues to be one of the most dynamic and liveable communities in Ontario.

## **Part II – Building A Strong Community**

### **2.0 Urban Structure**

Newmarket's urban structure reflects its origin as an agricultural service and trading centre, the geographic context of the Oak Ridges Moraine and Holland River and the traditional trails and access roads. Today's north south routes include remnants of the ancient Rouge Trail, the Yonge Street military and colonization road, the Canadian National Railway and Highway 404. These routes together with the grid of former township roads today define the edges of Newmarket's neighbourhoods, employment areas and shopping districts across its 39 square kilometers. The Holland River and its tributaries form a pattern of north to south green corridors connecting most of the Town's neighbourhoods. The community is relatively compact and functions well with major activity centres at Yonge Street and Davis Drive, the Southlake Regional Health Centre and the Historic Downtown. Industrial areas primarily lie adjacent to Highway 404, providing excellent access to and from the Town.

The primary land use categories established by this Plan to recognize and foster the urban structure are:

#### **Residential Areas**

Encompassing the majority of lands throughout the Town of Newmarket, Residential Areas are predominantly low-rise residential neighbourhoods which accommodate a range of housing and tenure types, interspersed with ancillary convenience commercial and institutional uses. (OPA #29)

#### **Urban Centres**

Urban Centres are areas where a mix of jobs, housing and services will be focused. Two Urban Centres are established in this Plan – the area of the Newmarket Urban Centres Secondary Plan and the Historic Downtown Centre. (OPA #10)

#### **Commercial**

The Commercial designation provides land for retail and service commercial uses.

#### **Business Parks**

Business Parks contain concentrations of industrial activities and mixed office uses. This Plan ensures these areas will be a stable environment for employment.

#### **Major Institutional Areas**

Major Institutional Areas are major community facilities such as secondary schools and community centres. To help provide a sustainable and healthy community these uses are dispersed throughout the Town.

## **Parks and Open Space System**

The Parks and Open Space System recognizes Newmarket's greenlands. These areas play an important role in maintaining the ecological health of the Town and Region and provide opportunities for passive and active recreation.

## **Natural Heritage System**

The Natural Heritage System is made up of locally significant Meadows, Woodlots and Wetlands and the network of watercourses and floodplains feeding the Holland River.

## **2.1 Managing Growth and Change**

A key principle reinforced throughout this Plan is the commitment to protect and strengthen existing neighbourhoods. Residential Areas are intended to remain stable. However, they may accommodate contextually-sensitive infill development and intensification, provided it contributes towards the establishment of a desirable urban structure, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood. (*OPA #29*)

The policies of this Plan designate sufficient residential land to provide for a range of residential accommodation by housing type, tenure, size, location and price ranges, thus satisfying the Town's housing needs. The provision of a range of innovative and affordable housing types, zoning standards and subdivision designs are also encouraged.

The policies of this Plan provide a framework for the Town to grow to a target population of 98,000 persons by 2026, directing the majority of the new growth to the Urban Centres. (*OPA #10*) Intensification policies specific to Residential Areas and Urban Centres are found in Sections 3.9 and 4.4. Additional intensification policies for the Yonge-Davis Provincial Urban Growth Centre, the Yonge Street Regional Centre, the Regional Healthcare Centre and the Historic Downtown Centre are provided in Sections 4.3.1, 4.3.2, 4.3.3 and 4.3.4 respectively.

The Plan also establishes compatibility policies in Section 12 to further reinforce the principle of managing growth and change in a sustainable manner. The use of buffering, innovative design and complementary building orientations are some of the mechanisms required to achieve compatibility in both function and form.

This Plan implements the Provincial Growth Plan for the Greater Golden Horseshoe to the greatest degree possible at the time of its approval. The three "Centres" designated by this Plan constitutes the Town's interpretation of its "Urban Growth Centre". At such time as the Growth Plan is implemented the Town will amend this Plan accordingly and as necessary.

The Town of Newmarket will work with York Region to develop a detailed local intensification strategy in support of the Growth Plan's 40% intensification target that will include the identification of intensification areas and appropriate type, scale and form of development.

### **3.0 Residential Areas (OPA # 29)**

As the supply of greenfield lands becomes exhausted, residential development trends in Newmarket are shifting from suburban growth to urban intensification and redevelopment of existing built-up areas to accommodate current and projected population growth.

While the majority of this growth is directed to the Urban Centres, a limited amount of development that is compatible with the character of existing residential neighbourhoods is anticipated to occur throughout Residential Areas as shown on Schedule A: Land Use.

Development in Residential Areas must be undertaken in a manner which acknowledges, respects, and is compatible with the existing physical neighbourhood character.

### **3.1 Residential Areas Policies (OPA # 29)**

#### **3.1.1 Objectives**

- a) Provide for a range of residential accommodation by housing type, tenure, size and location to help satisfy the Town of Newmarket's housing needs in a context sensitive manner.
- b) Maintain the stability of Residential Areas by establishing zoning standards that acknowledge and respect the existing physical character of the surrounding neighbourhood.
- c) Recognize the desirability of gradual ongoing change by allowing for contextually-sensitive development through *Planning Act* applications, to permit development which contributes to a desirable urban structure, diversifies housing stock, optimizes the use of existing municipal services and infrastructure, and is compatible with and complementary to the surrounding neighbourhood.
- d) Encourage a range of innovative and affordable housing types, zoning standards and subdivision designs where it can be demonstrated that the existing physical character of the Residential Area will be maintained.

#### **3.1.2 Permitted Uses**

#### **Policies**

- 1. The predominant use of land in Residential Areas shall be residential in the form of single-detached and semi-detached dwellings.
- 2. Rowhouses, townhouses, duplex, triplex, and quadruplex are also permitted provided that the applicant can demonstrate to the satisfaction of the Town, how the proposed development is compatible with the existing character of the neighbourhood through a Compatibility Analysis Study.

2.1 For the purpose of Policy 3.1.2.2, a Compatibility Analysis study, which may form part of a Planning Justification Report, shall at a minimum, address policies of Section 12.4 Compatibility.

3. Secondary and/or complementary permitted uses include local institutional uses serving the immediate area such as elementary schools, group homes and special needs housing. In addition, home occupations, accessory dwelling units in single-detached and semi-detached dwellings, and convenience commercial uses are permitted. Conservation uses, parks and open space areas are also permitted in the Residential Areas (*OPA #4*).
4. Townhouse units on a Private Road shall be a permitted use in the Residential Area for the lands subject to Official Plan Amendment No. 12. (*OPA #12*) (955 & 995 Mulock Drive).
5. Within the lands subject to OPA 16, located on Davis Drive, immediately west of the Newmarket Bus Terminal, permitted uses shall also include stacked townhouses, 4 to 6 storey apartment buildings and mixed use "live-work" units. (*OPA #26*)
6. At grade townhouses and related support uses shall be permitted on the land shown as Subject Land on Schedule 1 to Amendment Number 17 to the Newmarket Official Plan provided that the maximum number of residential units shall be 28 (*OPA #17*).
7. Townhouse Units on a Private Lane and apartment units within the existing former King George School building shall be a permitted use in the "Stable Residential Area" for the lands shown as "Subject Lands – Stable Residential" on Schedule 1 to Official Plan Amendment No. 18. (*OPA #18*) (400 Park Avenue, 166-180 Church Street, 401-411 Botsford Street)
8. Townhouse Units on a Private Road shall be a permitted use in the "Stable Residential Area" for the lands shown as "Subject Lands – Stable Residential" on Schedule 1 to Official Plan Amendment No. 19. (*OPA #19*) (260 Eagle Street)
9. Within the lands known municipally as 16920 and 16860 Leslie Street, permitted uses shall also include apartment buildings up to four storeys on the lands located directly west of Leslie Street and north of Street 'A', as per Schedule 1 of OPA #27. (*OPA #27*)
10. Townhouse, Back-to-back Townhouse, Stacked Townhouse, Triplex, Fourplex, Quadplex, and Maisonette shall be permitted throughout the Subject Lands shown on Schedule "1" to Official Plan Amendment No. 34, to be implemented through the zoning by-law. Up to six-storey Apartment Buildings shall also be permitted within the western portion of the Subject Lands on Schedule "1" to Official Plan Amendment No. 34, to be implemented through the zoning by-law. (*OPA #34*)

11. Townhouse Units on a Private Road shall be a permitted use in the 'Residential Area' designation for the lands located at 15 and 23 Hamilton Drive and 1041 and 1051 Davis Drive further described as: Lot 13 and Part of Lots 10, 11, and 12." (OPA #43)

### **3.1.3 Development Criteria**

#### **Policies**

1. Development in the Residential Areas shall be compatible with the existing physical character of the surrounding neighbourhood, with consideration for the following:
  - Lot dimensions;
  - Lot frontage;
  - Front, side and rear yard setbacks;
  - Siting and orientation;
  - Lot coverage;
  - Building entrance location;
  - Private landscaping;
  - Building height, massing, and depth; and,
  - Ground floor height.
2. Development in Residential Areas shall acknowledge and respect the existing physical character of the surrounding properties, particularly those properties with frontage along the same street segment, subject to the Urban Design and Compatibility policies of Section 12.
3. When considering development proposals in Residential Areas, the Town will:
  - a. Assess the compatibility of the proposed development as it relates to the existing built form so that it enhances and builds upon desirable established patterns of built form and open spaces, and
  - b. Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles.
4. All Residential Areas shall be developed or maintained on full municipal sanitary sewer, water supply and storm sewer services, with the exception of the existing Kingdale Road, Old Bathurst Estates and Premier Place Estate Neighbourhoods.

## **3.2 Residential Character Areas (OPA # 29)**

### **3.2.1 Objective**

The Residential Character Area boundaries are illustrated in Schedule I: Residential Character Areas. It is the objective of the Residential Area policies to maintain the stability and unique quality of Residential Character Areas, while allowing for contextually-

sensitive development, which demonstrates compatibility with the prevailing built form and public realm features of the surrounding neighbourhood.

### **3.2.2 Policies**

1. Development in Residential Character Area as identified on Schedule I:  
Residential Character Areas shall acknowledge and respect the predominant physical characteristics of the applicable Residential Character Area, while responding to unique site and contextual conditions, and demonstrating compatibility with the existing neighbourhood.



### **3.2.3 Historic Core Character Area**

Newmarket's Historic Core Character Area was developed prior to the 1940's, and the advent of subdivision-based planning. The Historic Core Character Area is situated within and surrounding the historic core of the Town of Newmarket, and is generally bounded by properties fronting Davis Drive to the north, Leslie Street to the east, Gorham Street and Eagle Street to the south, and properties fronting onto Yonge Street to the west.

Newmarket's Historic Core Character Area is generally characterized by:

- Traditional street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and an extensive canopy of established mature trees;
- Continuous sidewalks on one or both sides of the street;
- Building heights of 1 to 2-storeys;
- A range of architectural expressions and styles, with a significant focus on Victorian-era Architecture; and,
- A significant concentration of Listed and Designated Heritage Properties.

#### **Policy**

1. The area identified as "Old Main Street Tertiary Plan" on Schedule A Land Use shall be subject to the policies of The Old Main Street Tertiary Plan.

### **3.2.4 Traditional Suburban Character Area**

Newmarket's Traditional Suburban Character Area was developed between the 1940's and 1990's, following the advent of subdivision-based planning. The Traditional Suburban Character Area is generally situated between the historic core of the Town of Newmarket, and the Contemporary Suburban Character Area, which traverse the periphery of the Town.

Newmarket's Traditional Suburban Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long blocks with few intersections;
- Landscaped boulevards and a moderate and evolving canopy of maturing street trees;
- Discontinuous sidewalks on one side of the street, with the exception of cul-de-sacs, many of which are absent of sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, of a moderate to significant size;
- Consistent front and side yard setbacks;
- Building heights between 1 and 2-storeys; and
- A limited range of architectural expressions and styles.

### **3.2.5 Contemporary Suburban Character Area**

Newmarket's Contemporary Suburban Character Area was developed following the 1990's, and is generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Estate Character Area.

Newmarket's Contemporary Suburban Character Area is generally characterized by:

- Modified street grid patterns;
- Short blocks with many intersections;
- Landscaped boulevards and a minimal canopy of newly established street trees;
- Continuous sidewalks on one or both sides of the street;
- Rectangular and pie-shaped lots, with consistent dimensions, of a small to moderate size;
- Consistent front and side yard setbacks, of a shallow to moderate depth;
- Consistent building heights of 2-storeys; and
- A limited range of architectural expressions and styles.

### **3.2.6 Estate Character Area**

Newmarket's Estate Character Areas were developed between the 1940's and 1990's, and are scattered throughout Newmarket, but are generally situated at the periphery of the Town, beyond the Traditional Suburban Character Area, and adjacent to the Contemporary Suburban Character Area.

Newmarket's Estate Character Area is generally characterized by:

- Curvilinear street patterns, including crescent streets and cul-de-sacs;
- Long and often undefined discontinuous blocks;
- Landscaped boulevards with paved or gravel shoulders, swales and moderate and evolving canopy of maturing street trees;
- No sidewalks;
- Rectangular and pie-shaped lots, with consistent dimensions, or a significant size;
- Consistent front yard setbacks, of a significant depth;
- Consistent side yard setbacks, of a moderate to significant depth;
- Building heights between 1 and 2-storeys; and
- Significant range of architectural expressions and styles.

### **Policies**

1. Within Estate Character Area, no new residential lot shall be created through consent until such time as municipal services are provided throughout the neighbourhood.
2. Nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services, if deemed appropriate and/or necessary, by the Region of York or the Town of Newmarket.

### 3.3 Local Institutional Uses

#### Policies

1. Libraries, places of worship, day nurseries, retirement homes and other neighbourhood-based institutions that are compatible with the residential function of neighbourhoods are permitted in Residential Areas. Existing local institutional uses will be recognized in the implementing Zoning By-law. New local institutional uses will require an amendment to the Zoning By-law.
2. Public and private elementary schools are permitted in Residential Areas provided that:
  - a. where a vacant school site is not required by a Board of Education or by a private school, and the Town has determined that the lands are not needed for recreational purposes, the lands may be developed in accordance with the underlying land use designation without an amendment to this Plan;
  - b. where an existing school is determined to be surplus to a Board of Education's or a private school's requirements, or is to be relocated, the lands may be developed in accordance with the underlying land use designation without an amendment to this Plan, provided that the Town has determined that the lands are not needed for recreational purposes; and,
  - c. Council shall:
    - i. review all proposed, vacant and surplus school sites that are no longer required by a Board of Education with the intent of investigating if they are appropriate for recreational uses before considering any other forms of development on the lands; and,
    - ii. Council shall require that all subdivision agreements which contain conditions for new school sites contain provisions that require the land owners to provide first right of refusal to the Town to purchase proposed school sites where the subject lands are no longer deemed necessary by the relevant Board of Education.
3. Group Homes are permitted in Residential Areas and Urban Centres provided that no Group Home shall be permitted within:
  - a. 300 metres of another property containing another Group Home; and/or,
  - b. 400 metres of property containing a Special Needs Facility.

Group homes are defined as a residence licensed or funded under a federal or provincial statute for the accommodation of three to eight persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, require a group living arrangement for their wellbeing, but does not include a halfway house.

4. Special Needs Facilities are permitted in Residential Areas, Urban Centres and Major Institutional Areas, subject to a site-specific Zoning By-law amendment to permit the Special Needs Facility and provided that no Special Needs Facility shall be located within 400 metres of a property containing another Special Needs Facility and/or Group Home. Special Needs Facilities are defined as a facility licensed or funded under a federal or provincial statute for the accommodation of more than eight persons, exclusive of staff, living under supervision in a single unit, who by reason of their emotional, mental, social or physical condition, require a group living arrangement for their well-being, and shall include a halfway house.
5. Special Needs Facilities shall generally only be permitted if located on a Collector or Arterial Road as shown on Schedule C, Transportation Plan.
6. Group Homes and Special Needs Facilities are not permitted on land that is subject to flooding under the Regional Storm conditions as defined by the Lake Simcoe Region Conservation Authority.

### **3.4 Home Occupations**

#### **Policy**

1. Home occupation uses are permitted in Residential Areas and Urban Centres as they foster the creation of employment and reduce the demand on the transportation network. The implementing Zoning By-law will establish standards to ensure the character of the residential area is maintained and that any potential impacts are minimized.

### **3.5 Bed and Breakfast**

#### **Policy**

1. Bed and Breakfast uses are permitted in Residential Areas and Urban Centres. The implementing Zoning By-law will establish standards to ensure the character of the surrounding area is maintained and that any potential impacts are minimized.

### **3.6 Accessory Dwelling Units**

#### **Policy**

1. Accessory dwelling units are permitted as of right in single-detached and semi-detached residential dwellings subject to the following criteria:
  - a. one accessory unit per dwelling unit;
  - b. compliance with the provisions of the Ontario Building Code, Fire Code, Town of Newmarket Zoning By-law, Town of Newmarket Property

Standards By-law, Regional Municipality of York Health Standards By-law and all other relevant government standards;

- c. shall be secondary to the main/primary dwelling unit; and,
- d. the property is registered in accordance with the Town of Newmarket's By-law for the Registration of Two Unit Houses.

### **3.7 Convenience Commercial Uses**

#### **Policies**

1. Convenience commercial uses may include small retail stores, service commercial uses and business and professional offices. The total maximum gross leasable commercial floor area of a building that contains multiple convenience commercial uses should generally not exceed 850 square metres, with no one use larger than approximately 375 square metres. Residential uses above the ground floor commercial uses are permitted and encouraged by this Plan. Outside storage of goods or materials is not permitted.
2. New convenience commercial uses will require an amendment to the Zoning By-law. Applications will be reviewed on the basis of conformity with the following policies:
  - a. the property must be located at the intersection of any:
    - i. Minor Collector and Primary Collector;
    - ii. Minor Collector and Arterial Road;
    - iii. Primary Collector and Primary Collector;
    - iv. Primary Collector and Arterial Road; or
    - v. Arterial Road and Arterial Road
  - b. notwithstanding the provisions of Section 3.8.2(a), a Convenience Commercial use is permitted at 873 Gorham Street for the lands subject to Amendment 1 of the Newmarket Official Plan.  
(OPA #1)
  - c. policy 3.8.2(a) shall not apply to the subject lands identified as lots 12 and 13, Plan 85 and shown on Schedule "A" Land Use, Town of Newmarket.  
(OPA #2)
  - d. The Policies contained herein shall be implemented by way of site specific zoning by-law. (OPA #2)
  - e. the access to and traffic generated by the site shall not create traffic hazards;

- f. the site area is adequate to incorporate all necessary screening or buffering in order to minimize potential impacts on surrounding residences, in accordance with the provisions in Section 12, Urban Design and Compatibility; and,
- g. the design of the building shall be consistent with the existing built form of the surrounding neighbourhood and will be regulated through Site Plan Control.

### **3.8 Intensification (OPA # 29)**

#### **Policies**

1. Throughout Residential Areas, intensification is permitted through the introduction of the following:
  - A range of building and unit types including accessory dwelling units, single detached dwellings and semi-detached dwellings.
  - A range of building and units types including townhouses and rowhouses on a site-specific basis.
  - Infill development through the construction of new residential dwellings and buildings on vacant land, additions and structural alterations to existing dwellings, and the demolition and redevelopment of existing dwellings.
  - The consent of lands resulting in the introduction of additional residential dwellings, where appropriate and subject to other policies of this Plan.
2. Standards for accessory dwelling units will be established in the Zoning By-law and shall be consistent with Section 3.6, Accessory Dwelling Units.
3. Limited intensification through consents will be permitted subject to the zoning by-law and compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill or intensification, availability of services and road access requirements.

### **3.9 Housing**

#### **3.9.1 Programs**

1. Council shall support:
  - a. the utilization of available Federal, Provincial and Regional programs for the supply of housing, wherever appropriate; and,
  - b. the promotion of programs for the preservation, rehabilitation or renewal of existing housing stock.
2. The Town will work towards achieving the affordable housing targets set by the Region.

3. A high standard of housing in Stable Residential Areas shall be preserved and maintained through the prevention of physical deterioration of property, and the elimination of rubbish, lumber, derelict automobiles and other unsightly objects in the yards, together with the use of zoning standards and applying the provisions of the Property Maintenance and Occupancy Standards By-law in respect of the foregoing.

### **3.9.2 Affordable Housing (OPA #10)**

1. A minimum of 25 % of new housing development outside the Urban Centres Secondary Plan will be affordable to low and moderate income households.
2. A portion of these units should be accessible to people with disabilities and include a range of types, unit size, tenures to provide opportunities for all household types, including larger families, seniors and persons with special needs.

### **3.9.3 Rental Housing (OPA #10)**

1. New rental accommodation will be promoted and the retention of existing medium and high density rental housing stock will be encouraged in order to provide choices for residents, including affordable rental housing.
2. The Town, in conjunction with York Region, may establish a rental accommodation target.
3. Conversion of rental apartment buildings to ownership housing, or demolition of rental housing containing six or more dwelling units, will be prohibited if the rental vacancy rate is below 3%.
4. Conversion of rental apartments to ownership or demolition of rental apartments shall require the approval of Council. When considering such applications, Council will consider the following:
  - a) the rental vacancy rate at the time of application;
  - b) the number of units proposed in the conversion application;
  - c) the number of rental units under construction at the time of the application;
  - and
  - d) the impact of the loss on the rental vacancy rate.
5. The Town may enter into agreements with the proponents of rental conversions, setting out the specific standards and conditions to be met.

### **3.9.4 Accessibility (OPA #10)**

1. New Housing shall be designed to meet accessibility standards in accordance with Accessibility for Ontarians with Disabilities Act.

### **3.10 Old Main Street Tertiary Plan (OPA #22)**

The lands identified on Schedule H are subject to the policies of the Old Main Street Tertiary Plan which forms part of the Town of Newmarket Official Plan.

The Old Main Street Tertiary Plan must be read in conjunction with the policies of this Plan.

The Old Main Street Tertiary Plan is available online: [www.newmarket.ca/OldMain](http://www.newmarket.ca/OldMain)



## 4.0 Urban Centres (OPA #10)

The Provincial Growth Plan, *Places to Grow*, informs decision-making regarding growth management in the Greater Golden Horseshoe (GGH) of Ontario. Newmarket is the location of one of twenty-five urban growth centres identified by the Growth Plan. Urban growth centres are the areas where future growth and intensification will be directed. The Growth Plan's vision focuses on ensuring that the GGH is a great place to live and work in 2031. This vision is guided by a series of principles and policies. The Growth Plan and the York Region Official Plan contains specific density targets for each of the urban growth centres along with other policies on how they are to be planned and designated in Official Plans. The Yonge-Davis Provincial Urban Growth Centre designation as shown on Schedule A and on Schedule 1 of the Newmarket Urban Centre Secondary Plan attached as Section II represents the Growth Plan's Places to Grow Urban Growth Centre within Newmarket and the Regional Centre, as identified in the York Region Official Plan.

There are two Urban Centres in Newmarket each with difference characteristics and roles:

1. The Newmarket Urban Centres Secondary Plan area; and
2. The Historic Downtown Centre.

In addition there is a small transitional area located north of Queen Street adjacent to the Regional Healthcare Centre identified as:

The Queen Street Complementary Use Area and Transitional Area on Schedule A  
– Inset A

The area of the Newmarket Urban Centres Secondary Plan Area consists of:

- Yonge Davis Provincial Urban Growth Centre;
- Yonge Street and Davis Drive Regional Corridors Centres; and
- Regional Healthcare Centre; as identified on Schedule A, Land Use Plan

The Town has prepared a detailed Secondary Plan to guide development within the Newmarket Urban Centres Secondary Plan area. The Newmarket Urban Centres Secondary Plan is appended to this Official Plan as Section II.

### **The Historic Downtown Centre**

**The Historic Downtown Centre is focused on Main Street and is also identified for intensification.**

The Yonge-Davis *Provincial Urban Growth Centre* is intended to be a focal area for investment in institutional and region-wide services. The remainder of the Newmarket Urban Growth Centres serve the general regional market, while the Historic Downtown Centre serves a more local area.

The Queen Street Complementary Use and Transitional Area are located adjacent to the Regional Healthcare Urban Centres and provides an opportunity for complementary uses adjacent to the stable residential area that respect the scale and general character of the adjacent uses south and east of Queen Street.

## **General**

The purpose of the Urban Centres is to accommodate the broadest diversity of use, greatest level of activity and highest quality of design in the Town of Newmarket.

### **Use**

A broad range of commercial, office, institutional, residential and open space uses are permitted in the Urban Centres. Achieving the desired mix of uses will occur through the intensification of all uses in Urban Centres.

### **Activity**

Not all of the Urban Centres will experience the same scale or intensity of development. This Plan anticipates the majority of the integration and intensification occurring in the Yonge Street Regional Centre. The other Urban Centres will develop at differing scales and at densities as set out in the Zoning By-law and the appropriate Secondary Plans, District Plans, or other appropriate studies.

### **Design**

Given the high visibility of the Urban Centres, special attention to sound urban design principles will be essential. Siting buildings to create a sense of street enclosure, locating parking lots in the rear of buildings, screening service and storage areas and effective landscaping are all means to enhance the experience and appearance of the Town's Urban Centres. In order to attract viable, high quality residential development, emphasis will be placed on creating a safe and attractive pedestrian environment, with an amenity characterized by attractive vistas and sunlight. Convenient access to public transit and open space are important locational and site design objectives.

## **4.1 Objectives**

It is the objective of the Urban Centres policies to:

- a. promote and maintain the Town as a major government, administrative, health commercial and regional service centre in York Region;
- b. provide for a wide range of commercial uses and employment opportunities to meet the needs of Town residents;
- c. plan for the Yonge-Davis Provincial Urban Growth Centre in conformity with the Provincial Growth Plan, *Places to Grow*;

- d. provide support for the further development and intensification of the Newmarket Urban Centres Secondary Plan as a major retail and service commercial, office, institutional, entertainment, cultural and higher density residential area for the Town;
- e. achieve a balance between persons and jobs of 1:1 in the area of the Newmarket Urban Centres Secondary Plan and 2:1 on a Town-wide basis;
- f. ensure that the Regional Healthcare Centre provides the opportunity for adequate health and medical facilities to meet the evolving needs of residents of all ages and physical capabilities;
- g. provide support for the Historic Downtown Centre as the cultural and community focus of historic Newmarket; and,
- h. contribute to the range of housing options.

## 4.2 General Urban Centres Policies

### Policies

1. A broad mix of retail and service commercial uses are permitted in the Urban Centres subject to their specific designations. Permitted uses may include major and local institutional uses, entertainment, educational and accommodation facilities, business and professional offices, residential uses, conservation uses, parks and open space areas (**OPA #4**). In addition, Group Homes and Special Needs Facilities are also permitted in the Urban Centres subject to the policies found in Section 3.4. Residential densities for each Urban Centre are established in Table 1.
2. The densities for Newmarket Urban Centres Secondary Plan Area are established in Section II, while the densities for the Historic Downtown Centre are established in Table 1.
3. Permitted uses in Urban Centres will:
  - a. encourage a balance of high quality commercial, office, institutional and residential uses to maximize the opportunities for the use of public transit;
  - b. provide a transition between uses and buildings of different intensity and scale, particularly providing setbacks from and a stepping down of heights towards Stable Residential Areas;
  - c. provide an attractive, comfortable and safe pedestrian environment; and,
  - d. provide good site access and circulation and a supply of parking adequate for the area.
4. A high standard of building design and landscaping will be encouraged in all Urban Centres, particularly where those developments are adjacent to residential development, through the requirements of the Implementing By-law, and site plan approval in accordance with the provisions in Section 12, Urban Design and

Compatibility of this Plan and within the area of the Newmarket Urban Centres Secondary Plan, the provisions of the Secondary Plan.

5. Developments in Urban Centres shall provide maximum pedestrian, bicycle, vehicular connectivity and route choices, and facilitate access to existing and proposed transit services.
6. Council may accept cash-in-lieu of parking in the Urban Centres where residential and non-residential development is in close proximity to and can be accommodated by municipal parking facilities.
7. Minimum and maximum parking requirements may be implemented through the Zoning By-Law to achieve the objectives of the Plan.
8. The Town of Newmarket will work with the Region of York to develop implementation strategies for the Yonge Street Regional Centre Secondary Plan, which may include:
  - Providing opportunities for joint development between the transit agency and land developers to encourage and facilitate transit-supportive development and/or transit infrastructure;
  - Promoting transit ridership through controlled parking standards within the area of the Newmarket Urban Centres Secondary including the implementation of minimum and maximum parking standards, parking authorities and cash-in-lieu of parking under the Planning Act; and,
  - Developing Transportation Demand Management measures, including the further establishment of Transportation Management Associations.

## **4.3 Specific Urban Centres Policies**

### **4.3.1 Newmarket Urban Centres Secondary Plan**

The Newmarket Urban Centres Secondary Plan Area includes the Yonge Davis Provincial Urban Growth Centre; the Yonge Street and Davis Drive Regional Corridors Centres; and the Regional Healthcare Centre as identified on Schedule A, and is subject to the detailed policies of the Newmarket Urban Centres Secondary Plan appended as Section II to this Plan.

The Secondary Plan must be read in conjunction with the policies of this Plan.

#### **4.3.2 District Plans**

Detailed District Plans may be prepared for each of the Character Areas as identified on Schedule 2 of the Newmarket Urban Centres Secondary Plan to further guide the redevelopment of these area. The District Plans may address, among other matters, the following:

- a. availability of infrastructure;
- b. parking availability and traffic access;
- c. compatibility with the surrounding Stable Residential Areas;
- d. urban design and landscaping;
- e. phasing and timing of the fine grid street network in conjunction with development or redevelopment; and,
- f. any environmental constraints in the area.

#### **4.3.3 Historic Downtown Centre**

The Historic Downtown Centre is intended to be the heart of historic Newmarket and the cultural and community focus of the Town. One of this Plan's primary goals is to revitalize the Historic Downtown. Appropriate developments in the Historic Downtown Centre will help facilitate the achievement of all of the Plan's strategic directions. The rich history of the area will be protected and enhanced. A portion of the Historic Downtown Centre is recognized as a Community Improvement Policy Area on Schedule F, Community Improvement Policy Area Plan and is subject to an approved Community Improvement Plan. Council will continue to follow the goals, objectives and policies of the Community Improvement Plan for the Historic Downtown when making decisions on improvements to the area.

#### **Policies**

1. Permitted uses in the Historic Downtown Centre include retail and service commercial uses, institutional uses, business and professional offices, and entertainment, educational and accommodation facilities. Residential uses up to 80 units per net hectare are also permitted.
2. On-site parking requirements for specific non-residential development/ redevelopment proposals in the Historic Downtown may be satisfied through off-street communal, municipally or privately owned parking areas located elsewhere in the Centre.
3. Council shall encourage the improvement of the streetscape and facades along Main Street from Water Street to Davis Drive. Such improvements may include:
  - a. the co-ordination of signs, fascias, lighting, landscaping and general maintenance by business-owners or other collective associations;

- b. the acquisition by public and/or private action of centralized communal parking areas in the Historic Downtown and the suitable landscaping of these facilities;
  - c. the effort of the Town to use small spaces for amenities such as benches and planting and by the improvement of the design of street lighting and other street furniture;
  - d. the provision of sufficient spaces and the improvement of lanes for off-street loading and deliveries to businesses; and,
  - e. the improvement of access to the Historic Downtown and circulation within it by a program of pavement widening and resurfacing on important access roads and internal streets.
- 4. Landmark features, streetscape improvements, landscaping and significant building forms shall be encouraged at the Water Street and Davis Drive entranceways into the Historic Downtown.
- 5. Council shall encourage the upgrading, rehabilitation and redevelopment of the buildings and/or facades along Main Street from Millard Avenue to Davis Drive to achieve a more consistent streetscape. New development shall complement the form and scale of existing buildings along Main Street and the surrounding residential area.
- 6. Retail, service commercial and office uses along Main Street shall be encouraged to be grade-related in order to preserve and enhance the rich heritage of the area. The frontage on Main Street from Millard Avenue to Water Street shall be restricted to retail and service commercial uses, office uses, entertainment, educational, and institutional uses, and shall not be used for parking lots or areas. Residential uses shall be encouraged on the upper floors of all buildings in the Historic Downtown.
- 7. Pedestrian activity shall be encouraged in the Historic Downtown through the provision of adequate pedestrian links to Main Street and landscaped sidewalks wherever possible.
- 8. Improvements to the Historic Downtown in the form of infill development, upgrading and rehabilitation shall be encouraged, including the rear of buildings which are visible from adjacent streets, at a scale that retains the historic character of the area.
- 9. Improvements along Cedar Street which increase pedestrian activity and allow for additional commercial and retail uses such as outdoor cafes will be encouraged.
- 10. Conversions of existing residential dwellings for business and professional offices may be permitted subject to an amendment to the Zoning By-law. In considering an amendment to the Zoning By-law, Council shall be satisfied that:
  - a. no change occurs to the existing superstructure of the host building;

- b. the building and site design is compatible with the character of the surrounding residential area; and,
  - c. adequate on-site parking is provided.
11. Wherever possible, rear service access shall be provided.

#### **4.3.4 Queen Street Complementary Use and Transitional Areas**

The Queen Street Complementary Use and Transitional Areas are identified on Schedule A - Inset Map A and is subject to the following policies and the density provisions of Table 1.

##### **4.3.4.1 Complementary Use Area**

It is anticipated that the Complementary Use Area will be the primary location for other public or private uses related to or supporting the operations of the hospital. This area is not limited to medical uses. Office and retail and service commercial uses that provide services to the broader community are also permitted.

##### **Policy**

1. Permitted uses in the Complementary Use Area may include medical and medical related uses, business and professional offices, retail, convenience and service commercial uses, accommodation facilities, and institutional uses such as nursing homes, retirement homes, and convalescent homes.

##### **4.3.4.2 Transition Area**

In order to foster a gradual, appropriate and planned transition where change is anticipated to occur, this Plan establishes the Transition Area sub-designation, applying to existing residential uses in the southern portion of the Regional Healthcare Centre designation north of Queen Street. Many of the existing houses in the Transition Area are primarily residences. There is also a range of smaller individual medical practices and residential apartments in the area. The Transition Area will provide a suitable interface with the Stable Residential Areas further south of the hospital in the short term. Medical related facilities and offices are permitted in this sub-designation provided they occur primarily in a structure existing as of the date of adoption of this Plan.

##### **Policies**

1. The existing residential use of lands is permitted in the Transition Area. Existing and new medical offices are also permitted.

2. The conversion of property to a non-residential use in the Transition Area will require a rezoning. In considering an amendment to the Zoning By-law to permit a non-residential use, Council will consider:
  - a. the compatibility with surrounding land uses;
  - b. the degree to which the residential character of the building can be maintained; and,
  - c. the adequacy of parking at the rear of the subject property.
3. Rear access parking is to be the primary or only access to parking in the Transition Area.

#### **4.4 Intensification**

The Provincial Policy Statement (PPS) requires that planning authorities establish and implement minimum targets for intensification and redevelopment. However, the PPS also states that where intensification targets are set in provincial plans, such as the Growth Plan, that target shall apply. This Plan will be amended, from time to time as necessary, when the Growth Plan and Regional Plan establish intensification targets for Newmarket.

Urban Centres have a high potential for redevelopment and will be the focus for the intensification of residential and employment uses. Higher density housing and employment uses in Urban Centres are encouraged as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile. Intensification will occur predominantly in the Urban Centres as they are able to provide the broadest mix of uses at different densities.

Redevelopment, infill and intensification in the Urban Centres can result in reduced infrastructure costs, more efficient land use, the preservation of natural areas, revitalization of central urban areas and the creation of more transportation choices through easier access to daily destinations. Intensification policies specific to the Newmarket Urban Centres Secondary Plan and for the Historic Downtown Centre are contained in Sections 4.3.3.

The Newmarket Urban Centres Secondary Plan Area will be the focus of intensification, providing the highest concentration and intensity of residential and employment uses in the Town. Intensification in the Regional Healthcare Centre will be focused on employment uses directly related to or complementary to the Southlake Regional Health Centre. Council will support appropriate Provincial infrastructure in conjunction with the expansion of health care facilities that is expected to result from the intensification policies of the Province and this Plan. The Historic Downtown Centre will provide for intensification of both residential and employment uses at a scale appropriate to the area.



The commitment to intensification will be realized through a focus on community design and the primary objective of ensuring that development complements the qualities that make Newmarket's neighbourhoods unique and contribute to their identity.

## Policies

1. New development within the Historic Downtown Centre is subject to the specific density policies found in Table 1. UPH or units per hectare is the number of residential dwelling units divided by the lot area measured in hectares.

**Table 1: Urban Centres Densities (OPA #10)**

| Urban Centres Subcategory                          | Net Residential Density (units per hectare)                                                                                                             | Maximum <i>Floor Space Index (FSI)</i> | Approximate Persons and Employees per Hectare Target |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------|
| <b>Newmarket Urban Centres Secondary Plan Area</b> | <b>Development shall be in accordance with the provisions of the Newmarket Urban Centres Secondary Plan included as Section II of the Official Plan</b> |                                        |                                                      |
| Complementary Use Area                             | Residential development is not located in the Complementary Use Area.                                                                                   | Up to and including 1.0 <i>FSI</i>     | 200                                                  |
| Transition Area                                    |                                                                                                                                                         | Determined by site-specific zoning     | 80                                                   |
| Historic Downtown Centre                           | Maximum - 80                                                                                                                                            | Up to and including 1.0 <i>FSI</i>     | 60 - 200<br><b>(OPA #7)</b>                          |

2. Development applications for development beyond the above noted density provisions for the Historic Downtown Centre and the Complementary Use Area and the Transitional Area may be permitted without an amendment to the Official Plan provided the supporting background studies demonstrate, to the satisfaction of the Town, that the proposed development will not create an unacceptable level of traffic, and will be compatible with the existing surrounding development. Required studies are outlined in Policy 16.1.6, Complete Applications and include:

- Transportation Impact Study;
- Shadow Study;
- Urban Design and Landscaping Plan
- Built Form Compatibility Study;
- Transitional and Angular Plane Analysis in accordance with the policy provisions of the Newmarket Urban Centres Secondary Plan
- Noise Study;
- Energy Efficiency Plan; and
- Servicing and Infrastructure Capacity Analysis.

3. Council shall also examine the applicability of the Density Bonusing provisions within Section 16.2.2. and those contained in the Bonusing provisions of the Newmarket Urban Centres Secondary Plan for development applications proposing a F.S.I. greater than those permitted in Table 1, within the Historic Downtown Centre.
4. Density Bonusing within the area of the Newmarket Urban Centres Secondary Plan shall be subject to the bonusing provisions as set out of the Secondary Plan.
5. In order to ensure compatibility between land use, and appropriate intensity and scale, a basic set of principles and urban design policies will be used by Council in assessing any applications for redevelopment, infill and intensification in the Urban Centres. General urban design policies on the use of buffering, setbacks, complementary building orientations, innovative design, and circulation systems are established in Section 12, Urban Design and Compatibility. Detailed urban design and built form policies for the Newmarket Urban Centre Secondary Plan Area are contained in the Secondary Plan. The guiding principles are:
  - a. Different scales of intensification and intensities of development are permitted by this Plan, with the overall intent of achieving compatible physical relationships between uses. Therefore, to reduce conflicts between activities and to promote a compatible relationship between different scales of development, a transition will be provided where possible between areas where significantly different intensities of development are allowed; and,
  - b. Densities and building heights will balance the opportunity to support and build the desired urban structure while ensuring that a compatible scale and intensity of development can be maintained with adjacent uses.

#### **4.5 Urban Land Use Designation (OPA #32)**

The following policies consider the establishment of a new urban community. The lands are designated for urban uses in the York Region Official Plan. Town Council through an Official Plan Amendment process have determined that these lands are, in principle, suitable for development subject to further detailed study, as required in the policies below.

There is increasing evidence of the linkage between public health and community design. Communities built around the automobile eliminate regular physical activity, particularly walking, from daily life. Designing neighbourhoods around pedestrian activity with numerous destinations within walking distance can create better health outcomes and reduce automobile dependence.

Community design should also have regard for increasing levels of resiliency, anticipating increased risks to community infrastructure due to increases in temperature and extreme weather events.

Providing affordable housing means diversifying the options of housing forms available to residents. This requires providing housing that is suitable as an entry into the housing market, but also meets the needs of residents at all ages and stages of life.

## **Policies**

4.5.1 No new development or lot creation will be permitted until an approved Secondary Plan has been prepared in accordance with the policies of Section 4.5 and based on these three Guiding Principles:

- 1. Housing Affordability by providing for a mix of unit types, sizes, ownership models and tenures.**
- 2. Addressing Climate Change through environmentally progressive housing and sustainable design.**
- 3. Community Focused Design to reduce car dependency.**

4.5.2 A Secondary Plan for the subject lands will guide the development of a complete, sustainable new community in Newmarket. The Secondary Plan will provide more specific land use policies and greater detail relating to land use, housing, infrastructure, transportation, community services, environment, etc.

4.5.3 The Secondary Plan shall be prepared by a multi-disciplinary team of experts and include innovative and comprehensive approaches to address both the goals and principles defined below and community engagement.

### **4.5.4 Protecting and enhancing the natural environment**

The Secondary Plan will:

- a) Confirm and refine the boundaries of the Natural Heritage System and determine the appropriate minimum vegetation protection zone to ensure that natural heritage features, functions and water resources are protected and enhanced where possible.
- b) Incorporate a community design approach that works with the Natural Heritage System (i.e. placing sensitive uses adjacent to, additional open space areas, minimizes impact to topography and soils) and enhances the tree canopy.
- c) Implement relevant recommendations of a comprehensive Master Environmental Servicing Plan that addresses:

- i. applicable watershed and subwatershed studies;
  - ii. natural heritage and natural hazard requirements;
  - iii. municipal servicing in the context of urban development;
  - iv. water systems efficiencies and water conservation; and
  - v. best practices in stormwater management.
- d) Permit complementary uses to co-locate such as stormwater management facilities and parkland or other public uses, as appropriate.
- e) Promote restoration and enhancement opportunities in and adjacent to the Natural Heritage System and to the tree canopy, where appropriate.

#### **4.5.5 Building a compact complete and diverse community**

The Secondary Plan will:

- a) Promote efficient development patterns that provide for the daily needs of residents by locating residential neighbourhoods within easy access to a mixed-use community core and an interconnected system of parks and open space.
- b) Identify a housing mix that provides for a range of housing types and tenure, including opportunities for affordable and shared housing.
- c) Investigate the appropriateness of the whole range of mid to low density housing, including consideration of walk-up apartments and/or timber-framed buildings and identify opportunities for multi-plex dwellings and accessory units including but not limited to duplexes, triplexes, quadruplexes, coach houses, laneway housing and secondary suites to provide for more affordable housing opportunities.
- d) Consider a maximum percentage for single detached dwellings and consider setting minimum targets for other forms of housing.
- e) Identify appropriate locations for a community core area that provides a focus for the community and includes retail and community services within reasonable walking distance from the majority of the population and is accessible by transit.
- f) Permit opportunities for live-work units that would allow for the transition of ground floor use as market demand changes and as the community matures over time.
- g) Identify an interconnected parks and open space system Natural Heritage Features, as one of the main organizing elements of the community that will include active and passive parks, and multi-use trails and pathways.

- h) Identify the community infrastructure (public facility and service) needs of the community through a Community Infrastructure Plan, as well as opportunities for places of worship.
- i) Plan to meet or exceed the minimum density targets set out by the Growth Plan and the Region.
- j) Plan for public community uses.
- k) Address the test for development within the ORMCP Settlement Area designations.
- l) Address the York Region Official Plan New Community Area policies.

#### **4.5.6 Promote efficient development patterns and standards**

The Secondary Plan will:

- a) Ensure that appropriate densities within the Secondary Plan area are strategically located to promote cost efficient construction of new infrastructure.
- b) Design streets in a manner that encourages transit ridership and locate land uses within convenient walking and cycling distances to transit stops.
- c) Design the road network in a manner that enables transit routes within the Secondary Plan area to be located near and intersect with key destinations such as schools, parks and the Community Core.
- d) Plan the phasing of future development to ensure a logical and sequential extension of infrastructure that is both cost effective and minimizes disruption of existing transportation routes, residential, and employment uses.

#### **4.5.7 Strive for design excellence through intentional place-making and urban design**

The Secondary Plan will:

- a) Ensure the innovative planning and design of the public realm, built form and site development that is accessible by all, regardless of age or physical ability.
- b) Create a community identity through the establishment of a high-quality public realm, creative placemaking, and a high standard of urban design (i.e. distinctive architectural style, high quality building materials, well designed streetscapes, interactive parks and open space, landmarks and views, public art, etc.).
- c) Plan for and locate community amenities, such as schools, parks and open space, to provide a variety of focal points for the community and a range of passive and active uses within walking distances to most residents.

- d) Prepare a Community Design Plan that includes specific urban design guidelines based on the Town's Urban Design Guidelines and best development practices for community-building and site design. The Community Design Plan will include a comprehensive street and block plan; streetscape design guidelines; and will provide direction on built form, height and massing.
- e) Ensure that built form relates to the human scale and buildings are oriented to the street to frame streetscapes, enhance the public realm and encourage pedestrian activity.
- f) Provide for a grid-based road network that maximizes opportunities for sidewalks on both sides of the street, room for street trees and on-street parking, and minimized traffic lane widths; thus creating traffic calmed streets through good design.
- g) Ensure that the Natural Heritage System is integrated into the fabric of the community and are both visible and accessible.

#### **4.5.8 Plan for active mobility options through the provision of complete streets**

The Secondary Plan will:

- a) Develop a comprehensive transportation system that emphasizes walking, cycling and transit as increasingly viable and attractive alternatives to the automobile.
- b) Design complete streets that support a variety of users including pedestrians, cyclists, transit riders and motorists and accommodate all ages and abilities.
- c) Design public space in accordance with the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11 Part IV.1 Design of Public Spaces Standards (Accessibility Standards for the Built Environment).
- d) Plan for a connected grid pattern of streets and blocks that provide multiple direct routes for improved pedestrian and cyclist movements.
- e) Provide for a hierarchy of street types with appropriate and integrated facilities that increase opportunities for walking and cycling.
- f) Plan for an extensive and connected system of trails through the Natural Heritage System, as appropriate.
- g) Implement minimal street widths to create an urban space that is walkable and at a pedestrian scale.
- h) Utilize Green Street designs.

#### **4.5.9 Set a high standard of sustainability, waste reduction, and energy and water efficiency.**

The Secondary Plan will:

- a) Identify best management practices and approaches to stormwater management systems/facilities, water and wastewater systems, and the transportation network to maximize water and energy conservation and resilience at the community level.
- b) Encourage the use of underground stormwater management facilities, where appropriate.
- c) Identify best management practices for green buildings to reduce demands on energy, water and waste systems.
- d) Have a Community Energy and Sustainable Development Plan completed with consideration for a pilot program to showcase innovative and environmentally-progressive housing options.
- e) Utilize, wherever possible through street alignments and building placement, opportunities to capture solar energy.
- f) Ensure streetscape design incorporates appropriate resilient tree species and spacing to maximize heat island reduction.
- g) Encourage environmental building design standards that employ building design and materials to reduce energy, water, and waste and the production of greenhouse gas emissions.
- h) Incorporate Low Impact Development (LIDs) best practices and green infrastructure, wherever feasible to minimize runoff, reduce water pollution, and protect groundwater resources.
- i) Encourage advancement of communication and information technologies such as coordinated communications utility placement and fiber optic ready buildings and homes.

#### **4.5.10 Implementation**

- a) Ensure public engagement in the planning and development of the community and encourage involvement of all stakeholders. Utilize innovative techniques and going beyond statutory requirements.
- b) Identify a general phasing plan that includes details regarding the sequencing of development.

## **5.0 Commercial**

The predominant use of land in areas designated as Commercial on Schedule A, Land Use Plan, will be for retail and service commercial activities. Commercial Areas are intended to provide locations for commercial uses that do not usually locate within Urban Centres.

### **5.1 Objectives**

It is the objective of the Commercial designation policies to:

- a. accommodate retail and service commercial uses which would not be appropriate for the Urban Centre designations; and,
- b. ensure that a broad range of commercial opportunities are provided for residents.

### **5.2 Policies**

1. The main permitted uses are land extensive retail and service commercial uses, including retail warehouses, vehicle sales and service centres, business and professional offices, accommodation facilities and places of assembly and worship.
2. Permitted uses may store or display merchandise only where its exposure would be visually acceptable and would not impact on the area's character.
3. Comprehensive block development of lands that are in separate ownership will be encouraged through the provisions of the Zoning By-law and site plan approval. Comprehensive block planning is intended to achieve:
  - a. integrated internal circulation systems;
  - b. coordinated access points, in order to minimize the total number of access points to abutting roads;
  - c. compatible building design and location, in order to achieve a consistent streetscape;
  - d. complementary landscaping plans;
  - e. integrated parking areas of sufficient size; and,
  - f. consistent signage and lighting facilities.
4. Applications for new development shall indicate how development on an individual property may be coordinated and integrated with other properties within the surrounding Commercial designation, in accordance with the provisions outlined above.



5. Environment Assessment, a Health Impact Assessment and an amendment to this Plan will be required for any electricity generation facility generating more than 10 mw of power.

## **6.0 Business Park**

Business Parks strive to help sufficiently provide for employment needs of a sustainable community. The Business Park areas are well located, primarily contained to the areas northeast of Leslie Street and Mulock Drive to the northern Town boundary. This area provides good access to Highway 404 while being appropriately located from residential areas. Other Business Park locations also have good access to arterial roads and provide additional employment opportunities throughout the Town. Business Parks are employment lands that include industrial and business uses.

### **6.1 Objectives**

It is the objective of the Business Park policies to:

- a. encourage the provision of an adequate and appropriate supply of employment lands to accommodate opportunities for economic development in the Town, particularly the Highway 404 Corridor;
- b. contribute to the employment portion of the Town's population to employment ratio target of 2:1;
- c. support and encourage a wide range of industrial operations which are important to the economic health of the Town; and,
- d. encourage the use of alternative and renewable energy sources for production and manufacturing.

### **6.2 General Business Park Policies**

#### **Policies**

1. Uses incidental to the primary permitted uses are allowed in all Business Park designations.
2. All necessary parking, loading, garbage collection/storage, and other required facilities shall be provided on-site.
3. Permitted uses in Business Park shall be serviced with full municipal sanitary sewer, water supply and storm sewer services, except as otherwise permitted on an interim basis in this Plan.

### **6.3 Specific Business Park Policies**

Two designations are established under Business Park – General Employment and Mixed Employment. The General Employment designation permits an extensive range of industrial activities such as manufacturing, assembling, processing, servicing and warehousing of goods and materials. The Mixed Employment designation includes business and professional offices and industrial activities where the storage of goods and operating facilities occurs within wholly enclosed buildings. A high standard of building

and site design, landscaping and signage is required in the Zoning By-law and through site plan approval.

### **6.3.1 General Employment**

#### **Policies**

1. Permitted uses in the General Employment designation include the manufacturing, processing, assembling, storage, warehousing, fabricating and wholesaling (except to the general public) of goods and materials. Transportation terminals, bulk fuel storage and distribution, motor vehicle uses, municipal work yards and business and professional offices are also permitted.
2. Outdoor storage of goods, materials and equipment may be permitted in accordance with the following policies:
  - a. all storage areas shall be located away from adjacent designated residential areas, or have adequate buffering, in accordance with the provisions in Section 12, Urban Design and Compatibility to visually screen the storage areas from adjacent areas;
  - b. all buffering, fencing and screening shall visually enhance the site and be of a permanent nature; and,
  - c. where natural landscaping is utilized as part of the buffering, it shall be adequate in size and nature to screen the outdoor storage.

### **6.3.2 Mixed Employment**

#### **Policies**

1. Permitted uses in the Mixed Employment designation include business and professional offices and research and development facilities, including data processing and communications establishments and any manufacturing within wholly enclosed buildings. Service commercial uses, motor vehicle uses, commercial schools, accommodation facilities, conference centres, private clubs and private recreational uses are also permitted.
2. A high standard of building and site design, landscaping and signage shall be encouraged in the Zoning By-law and through site plan approval.
3. Outdoor open storage of goods, materials and equipment associated with any Mixed Employment use shall not be permitted.
4. Only existing sensitive land uses such as nursery schools, day nurseries and places of worship are permitted in the Mixed Employment designation. The Zoning By-law will implement controls for sensitive land uses in the Mixed Employment designation to ensure that conflicts between uses are minimized with the priority being given to office and industrial uses.

5. Notwithstanding Section 6.3.2.3, outdoor storage is a permitted use in the area designated as Business Park – Mixed Employment on the lands located at 429 and 445 Harry Walker Parkway South further described as Parts 7, 8, 9, and 10 of Part Lot 31, Concession 3, PIN 03619-0055, PIN 03619-0089, PIN 03619-0117; Parts 1 and 2 of Lot 3, Plan 65M-3804, PIN 03619-0123; and Part 6 of Block 6, Plan 65M-3804, PIN 03619-0216. (*OPA #13*)
6. 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 PL65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket. (*OPA #14*)

### **6.3.3 Conversion of Employment Lands**

Council will not consider conversion of employment lands except as part of a comprehensive growth management exercise.

## **7.0 Major Institutional**

The important contribution of the Town's institutions and their role in community-based initiatives is acknowledged by the Major Institutional designation on Schedule A, Land Use Plan. The primary use of land will be for institutional uses that are of a community or regional nature, such as postsecondary educational facilities, long-term care facilities and social, cultural and administrative facilities.

Small-scale local institutional uses compatible with surrounding uses such as public and private elementary schools, libraries, day care centres, and places of assembly and worship are not shown on Schedule A, Land Use Plan as they are permitted in the Emerging and Stable Residential Areas and Urban Centres. All small-scale institutional uses are also permitted in the Major Institutional designation.

### **7.1 Objectives**

It is the objective of the Major Institutional policies to provide sufficient lands for institutional, educational, social, cultural and administrative uses to meet the needs of both Town residents and residents of neighbouring communities.

### **7.2 Policies**

1. Permitted uses in the Major Institutional designation include secondary schools, colleges, universities, and other postsecondary educational facilities, recreation and cultural facilities, hospitals, long-term care facilities, major health care facilities and special needs facilities (subject to the relevant policies in Section 3.4). In addition, places of assembly and worship, cemeteries and associated facilities, such as mausoleums and crematoriums are permitted. Community service facilities which directly serve or are complementary to the main permitted uses are also allowed.
2. The location of future secondary school sites in the Town on vacant land designated for urban development are subject to negotiations with all of the School Boards, the Region of York and various other government authorities. The specific location of those sites shall be defined through the draft plan of subdivision process. The location of those sites may be changed without amendment to this Plan, subject to the following policies:
  - a. the location and extent of those school sites shall be fixed prior to final approval of the plan of subdivision within which the school site is located; and,
  - b. the final location of the school site shall be defined in the Zoning By-law.

## **8.0 Parks and Open Space System**

The Parks and Open Space System consists of major parks, conservation areas, trail systems, and river corridors in Newmarket. The Parks and Open Space System provides opportunities for active and passive recreation and physical linkages for the movement of people. Certain elements of the Open Space System are meant to act as buffers between developments and provide pathway-oriented recreational activities.

Lands that are owned and managed by the Lake Simcoe Region Conservation Authority are also recognized as part of the Open Space System. Conservation Areas are established to leave the land in its natural state, provide recreational and educational opportunities for the public and natural habitat areas for various forms of vegetation and wildlife.

The Parks and Open Space System is shown on Schedule A, Land Use Plan.

The Parks and Open Space system within the Newmarket Urban Centres Secondary Plan Area is identified in Section II - Newmarket Urban Centres Secondary Plan. (*OPA #10*)

### **8.1 Objectives**

It is the objective of the Parks and Open Space policies to:

- a. encourage a system of parks, recreational facilities and open spaces that provide a wide range of recreational and leisure opportunities to meet the needs of existing and future Town residents;
- b. encourage the protection, management and enhancement of all areas of natural, environmental and recreational value;
- c. provide for the reasonable and safe use of lands within the East Holland River Floodplain and tributaries commensurate with Lake Simcoe Region Conservation Authority requirements;
- d. provide connectivity between both passive and active recreational areas or other natural features, where possible;
- e. provide for the creation of a continuous public trail in the East Holland River and Bogart Creek valleylands linking the Historic Downtown Centre with the various neighbourhoods in the Town; and,
- f. protect and enhance linkages for the movement of wildlife.

## 8.2 Policies

1. The main permitted uses in the Parks and Open Space System are those that support the natural, open and recreational use of the land, including a complete range of public recreational uses, private outdoor recreational facilities, existing golf courses and associated uses, and conservation uses. In addition, all activities associated with storm water management, erosion or flood control as approved by Council, the Lake Simcoe Region Conservation Authority and other appropriate agencies are permitted, as are other public works of the Town as approved by other appropriate agencies and buildings and structures accessory to the permitted uses. Limited commercial uses which serve the main permitted uses, such as concession stands may also be permitted.
  - a. Notwithstanding the provisions of Section 8.2.1, a day nursery and related administrative uses, and accessory community uses are also permitted on a portion of 605 Fernbank Road outlined in Schedule A of Amendment Number 24 of the Newmarket Official Plan. (OPA #24)
2. Park and Open Space lands shall be provided by conveyance or by payment of cash in lieu of parkland in accordance with the provisions of the *Planning Act* and through other actions by public authorities (OPA #7). Residential development may be subject to alternative parkland conveyance provided for in the *Planning Act* based on a rate of one hectare for each 300 dwelling units, or at such lesser rate as may be specified in the by-law or alternatively payment equivalent to the value of land in lieu of the conveyance (OPA #7). All lands conveyed as part of parkland dedication must be suitable for public recreational uses and acceptable to the Town in accordance with the *Planning Act* (OPA #7).
3. New development may be required to incorporate an integrated walkway and bicycle path and trail system, interconnecting residential neighbourhoods, commercial areas, schools, public buildings, and major recreation facilities.
4. Where the Parks and Open Space designation is applied to privately owned lands, it shall not imply that the lands are free and open to the general public. There shall be no obligation for the Town, or any other public agency, to purchase the lands.
5. A system of pedestrian and bicycle trails shall be developed providing internal circulation within residential neighbourhoods, as well as to the larger community and the Historic Downtown Centre. Trail design elements shall be sympathetic to the surrounding environment. The Trail System will connect Open Space areas, parks, schools, shopping, valleylands and other community facilities and provide an alternative means of access than the automobile. New development and redevelopment shall include provision for the establishment of a system of walkways and/or bikeways in accordance with the conceptual Network shown on Schedule D, Active Transportation Network, and Schedule E, Off-Street Trails Plan. Changes to the trail system may occur without amendment to this Plan. (OPA #11)

6. The Parks and Open Space System may include lands having inherent environmental hazards, such as poor drainage, flood susceptibility, erosion, steep slopes or other physical conditions which might lead to the deterioration or degradation of the environment. Section 10, Protecting Public Health and Safety, contains policies specific to such environmental hazards.



## **9.0 Natural Heritage System**

Protection and enhancement of the Natural Heritage System is one of the Plan's core goals. The Natural Heritage System, which includes meadows, woodlots, watercourses and wetlands is shown on Schedule B, Natural Heritage System. These features are considered locally significant and will be protected. The policies for floodplains in this Plan along with the regulations of the Lake Simcoe Region Conservation Authority shall also apply as part of the Natural Heritage System.

To protect the Natural Heritage System, land use decisions will be required to consider the cumulative impacts beyond a subject site. Any development adjacent to a Natural Heritage feature will require an Environmental Impact Study (EIS) to ensure that there are no negative impacts on the natural feature and its functions.

The Natural Heritage System policies provide a local context for the Regional Greenlands System.

The Natural Heritage System within the Newmarket Urban Centres Secondary Plan Area is identified in Section II - Newmarket Urban Centres Secondary Plan. (*OPA #10*)

### **9.1 Objectives**

It is the objective of the Natural Heritage System policies to:

- a. preserve the Town's woodlots as they are part of the Town's cultural heritage and a valuable resource, providing wildlife habitat and recreational opportunities;
- b. use the valleylands and Floodplain areas of the East Holland River and its tributaries to provide a linked natural open space system for residents and wildlife connecting many parts of the Town;
- c. preserve and enhance all elements of the Natural Heritage System, including those on the south and west boundaries of the Town that are intended to serve as natural separators between the Town and neighbouring communities;
- d. maintain and enhance the ecological functions of the Natural Heritage System, and encourage the restoration and enhancement of its functions where possible;
- e. preserve the cultural heritage aspects of the Natural Heritage System in addition to the ecological functions; and
- f. protect the Natural Heritage System from the negative effects of development through the use of appropriate management and mitigative techniques.

## 9.2 General Natural Heritage System Policies

1. The Natural Heritage System is made up of three designations – Meadows, Woodlots and Wetlands, as shown on Schedule B, Natural Heritage System. These features shall be protected and, where possible, enhanced. In addition to the policies of this Plan regarding Floodplains, the Floodplain is also subject to the regulations of the Lake Simcoe Region Conservation Authority.
2. Development and site alteration shall not be permitted within a Meadow, Woodlot or Wetland identified within the Natural Heritage System identified on Schedule B, except as provided for in Section 9.3 (*OPA #7*). In addition, development and site alteration shall not be permitted on lands adjacent to a Meadow, Woodlot or Wetland as depicted on Schedule B, Natural Heritage System, unless the ecological attributes and function(s) of the adjacent lands have been evaluated through an EIS and it has been demonstrated that there will be no negative impacts on natural features or ecological functions (*OPA #7*). Adjacent lands are considered to be those lands within 50 metres of a Meadow, Woodlot or Wetland. The requirements for an EIS are found in Section 9.4.
3. Watercourses shall require the establishment and maintenance of a natural vegetative buffer measuring, at a minimum, 15 metres from a warm water stream and 30 metres from a cold water stream, adjacent either side of the watercourse. As the presence of the Floodplain or a steep slope may influence the width of the setback (as opposed to the buffer) from the watercourse, the Town and/or proponent will consult with the LSRCA to establish the top-of-bank or Floodplain boundary and may require different buffer widths than specified above.
4. Restrictions shall be applied through the provisions of the Municipal Act, as well as zoning, subdivision agreements and/or site plan approval to prevent the removal of trees, sod, turf and soil, as well as the depositing of fill in areas designated as part of the Natural Heritage System and/or Parks and Open Space. The disturbance of natural topographic features shall be minimal.
5. Should Areas of Natural or Scientific Interest (ANSIs) or the significant habitat of endangered or threatened species be identified in the future by the Ministry of Natural Resources, development and site alteration will not be permitted on those lands.
6. Public access facilities such as paved and unpaved trails, walkways and boardwalks are permitted in all features provided they are constructed and placed in a manner that has no negative impact on the function of the feature.
7. In accordance with the Town's Tree Preservation, Protection, Replacement and Enhancement Policy, tree planting and tree preservation will occur so that all areas of the Town are provided with a sufficient number of trees to maintain a high standard of amenity and appearance. Specifically, in new subdivisions, the

program will ensure that there is “no net loss” of trees through the preservation of existing trees and the planting of replacement trees.

8. The Holland River acts as a connection between the provincial Greenbelt Plan’s Natural System and the local, regional and broader scale natural heritage systems and is a key component of the long-term health of the Natural Heritage System. Any development and site alteration in or abutting the Holland River valley shall be in accordance with Policy 3.2.5 of the Provincial Greenbelt Plan.

## **9.3 Specific Natural Heritage System Policies**

### **9.3.1 Meadows**

Meadows in the Town of Newmarket are patches of land that were once either fields in agricultural production or open areas adjacent to watercourses. These Meadows are predominantly inhabited by grasses and low herbaceous plant species, interspersed with scattered shrubs and small trees. These areas provide habitat for grassland and open community bird species and many small mammals.

There are two types of Meadows designated by this Plan – Meadow 1 and Meadow 2. Meadow 1 represents areas that are completely located within existing Floodplain boundaries. Meadow 2 represents areas outside of the Floodplain.

#### **Policies**

1. Development and site alteration are not permitted in any Meadow 1 designation identified on Schedule B, Natural Heritage System.
2. Limited development and site alteration may be permitted in any Meadow 2 designation identified on Schedule B if it can be demonstrated through an EIS that there will be no negative impacts on the feature or no loss of function. The requirements for an EIS are found in Section 9.4.

### **9.3.2 Woodlots**

Woodlots are an important natural heritage feature in Newmarket. As the existing forest cover is relatively low, and with the Town planning for intensification, it is important to protect the existing Woodlots. (*OPA #10*) They provide habitat for forest-dependent plants and animals, help regulate temperature, reduce air pollutants, reduce soil erosion, contribute to the aesthetic value of the Town and offer passive recreational opportunities.

#### **Policies**

1. Development and site alteration are not permitted in Woodlots identified on Schedule B, Natural Heritage System.
2. Development adjacent to any Woodlot shall be carried out in a manner that encourages the protection and management of the Woodlot. Special design and

siting practices for buildings and structures will be employed that maximize the protection of Woodlots. A minimum 10 metre buffer will be provided between all Woodlots and any proposed development. This buffer will be comprised of a 3 metre wide strip from the tree dripline to rear lot line, to be maintained in a naturally vegetated state, plus a 7 m setback (within the lot) to the nearest building or structure. No grading is to occur within 3 metres of the dripline. Where an EIS concludes that a greater buffer be established, that buffer shall apply.

3. Notwithstanding Section 9.3.2 Woodlots, subsection 2 of the Town of Newmarket Official Plan, a minimum of 3 metres woodlot buffer will be provided from the woodlot edge and will remain unaltered and undisturbed on the land located at 415 Pickering Crescent further described as Block 34 on Plan 65M-2836, PIN 03613-0285.
4. Notwithstanding Policy 9.3.2.2, to required minimum buffer from the woodlot has been achieved within the portion of land redesignated as “Natural Heritage System” on the Subject Lands subject to Official Plan Amendment No.34. No additional woodlot buffer shall be required from the lands designated “Natural Heritage System” within the lands designated “Residential” on the Subject Lands as shown on Schedule “1” to Official Plan Amendment No.34.

## **Programs**

1. Council may enact a Tree By-law to ensure compatibility with the Regional Tree By-law.
2. Council shall promote reforestation and naturalization in all private and public lands where appropriate.
3. Council shall promote and establish programs to increase the tree cover of the entire Town from its current level of 9% to 12%. The means to achieve this target include:
  - a. active tree planting, particularly within Town-owned parks and undeveloped portions of the East Holland River and Bogart Creek Floodplains;
  - b. infilling gaps within and between existing woodlots; and,
  - c. allowing natural vegetation succession to occur selectively within undeveloped areas.
  - d. continue to contribute to the environmental protection of Lake Simcoe and the East Holland River Watershed by maintaining partnerships with the Lake Simcoe Region Conservation Authority (LSRCA) and non-government organizations; and,
  - e. encourage a program of tree planting and tree preservation in accordance with the Town’s Tree Preservation, Protection, Replacement and

Enhancement Policy so that all residential areas are provided with a sufficient number of trees to maintain a high standard of amenity and appearance.

### **9.3.3 Wetlands**

Wetlands require protection from development as they provide important water- related functions. Wetlands filter pollutants and sediments and reduce shoreline erosion, thereby helping to keep the Town's and Region's waterways clean. Wetlands also reduce flooding hazards, assist in groundwater discharge and provide habitat for a variety of fish, wildlife and plant species.

## **Policies**

1. Development and site alteration are not permitted in any Wetland identified on Schedule B, Natural Heritage System.
2. A minimum 15 metre buffer will be provided between all wetlands and any proposed development. This buffer will be measured from the edge of the wetland to the lot line and will be maintained in a naturally vegetated state. Where an EIS concludes that a greater buffer be established, that buffer shall apply.
3. Notwithstanding Section 9.3.3 Wetlands, subsection 2 of the Town of Newmarket Official Plan, a minimum of 10 metres buffer will be provided between the wetland and the proposed development on the land located at 415 Pickering Crescent further described as Block 34 on Plan 65M-2836, PIN 03613-0285.

## **9.4 Environmental Impact Studies**

Environmental Impact Studies (EIS) will be prepared in accordance with the policies of this section. An EIS should document and evaluate all the appropriate information in order to obtain a complete understanding of the boundaries, attributes and functions of the Natural Heritage feature.

Two types of EIS exist: the full-site EIS and the scoped-site EIS. The Town, in consultation with the Lake Simcoe Region Conservation Authority, will determine the appropriate type of EIS for any proposed development based on the complexity of the application and the significance/sensitivity of the potentially affected natural heritage feature.

A full-site EIS is prepared for development proposals where the scoped-site EIS is insufficient to address potential impacts. For a full-site EIS, a greater level of detail appropriate to the scale of the proposed development is required. A qualified professional acceptable to the Town will prepare the full-site EIS.

A scoped-site EIS addresses the EIS requirements in an abbreviated report form or checklist prepared by the development proponent and/or a qualified environmental professional acceptable to the Town. A scoped-site EIS will be applied to developments where negative impacts are known or anticipated to be minor based on experience with local conditions. The exact requirements of the scoped-site EIS will be established through consultation with municipal staff.

## **Policies**

1. It is policy of this Plan that a full-site EIS include, at a minimum, the following elements:
  - a. a map showing the location of the study area, including the location and extent of any Natural Heritage feature and the location of the proposed development;
  - b. a description of the Natural Heritage features and their ecological functions in the study area;
  - c. a description of the proposed development;
  - d. a description of the expected impacts of the proposed development on the Natural Heritage System and its associated features and ecological functions (this should consider all phases of the proposed development, including post-construction);
  - e. a description of the actions/measures that may be required to avoid, prevent, change, minimize or mitigate impacts on the Natural Heritage features and functions as a result of the proposed development;
  - f. an evaluation of cumulative effects that the proposed development, in light of existing development and activities in the area, may have after mitigation on Natural Heritage features and ecological functions; and,
  - g. a description of monitoring activities to be undertaken (and identification of those responsible for implementation of the monitoring program) to ensure that the mitigative measures are having the desired effect.
2. The Town may conduct a professional peer review of an EIS at the expense of the applicant.

## **9.5 Oak Ridges Moraine**

The Official Plan replaces the former Plan except for the lands subject to the Oak Ridges Moraine Act. Official Plan Amendment 28 of the Town of Newmarket and the relevant policies of the 1996 Official Plan remain in force and govern land use in this area.



## 10.0 Protecting Public Health and Safety

Flood-prone areas, former waste disposal areas and contaminated lands can result in hazards to human health and safety, and damage or loss of value to property. It is the intent of this Plan to monitor and manage development in areas that are susceptible to such hazards. Floodplains and Waste Disposal Assessment Areas are shown on Schedule A, Land Use Plan. While contaminated lands are not shown on any schedule, they may be identified during the initial development stages. Additional policies in this section address issues related to noise, vibration and air quality.

### 10.1 Objectives

It is the objective of these policies to:

- a. identify potential hazards that are constraints to development and pose threats to human life and property;
- b. protect Town residents from natural and human-made hazards;
- c. ensure that developments on or near natural and human-made hazards recognize and mitigate the potential adverse impacts those sites may have;
- d. provide the Town's requirements for site assessment and clean-up prior to the granting of planning approvals;
- e. ensure that impacts associated with noise, vibration and air quality are minimized; and
- f. to ensure that existing and future sources of drinking water are protected in accordance with *The Clean Water Act* (OPA #7).

### 10.2 Floodplain and Hazard Lands (OPA #4)

The Flood Plain and Hazard lands include all lands that are subject to erosion, steep slopes, unstable soils as well as flooding, commonly referred to as the floodplain. The regulation mapping of the Lake Simcoe Region Conservation Authority reflects the combination of these natural hazards and should be used for detailed mapping purposes. (OPA #4)

#### Policies

1. The lands shown as Floodplain and Hazard Lands shall constitute the area adjoining a watercourse defined by the Regulatory Flood and other natural hazards. The Regulatory Flood is the flood produced by Hurricane Hazel. The remaining natural hazards are based on the combined influence of:

- a. toe erosion allowance;
- b. stable slope allowance;
- c. erosion access allowance; and,
- d. meander allowance.

The regulation mapping of the Lake Simcoe Region Conservation Authority identifies the precise location of these hazardous areas being the combination of the floodplain and hazard lands. Alternatively, these hazardous areas can be delineated through site specific studies as part of a development application. (OPA #4)

- 2. Development will generally be directed to areas outside of the Floodplain and Hazard Lands. Development or re-development within these hazardous areas shall be regulated in accordance with Provincial hazard land policies and the regulations of the Lake Simcoe Region Conservation Authority. (OPA #4)
- 3. Limited development, site alteration, and essential infrastructure and structures that are necessary for flood or erosion control, conservation purposes and uses of a passive non-structural nature may be permitted on a site specific basis within the floodplain where the proposed use or alteration conforms to the applicable provincial plans and policies and the regulations of the Lake Simcoe Region Conservation Authority and where prior written approval is received from the Lake Simcoe Region Conservation Authority. (OPA #10)
- 4. An Amendment to this Plan shall not be required for minor adjustments to Floodplain boundaries that are deemed advisable by Council, in consultation with the Lake Simcoe Region Conservation Authority.
- 5. Where a request is made to develop lands within the Floodplain, Council shall consider the following: (OPA #4)
  - a. the nature and severity of existing environmental hazards;
  - b. the potential impact of those hazards;
  - c. the proposed methods by which any potential impact may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
  - d. the costs and benefits in monetary terms of any engineering works and/or resource management practices needed to overcome any potential impact;
  - e. the recommendations of the Lake Simcoe Region Conservation Authority; and,
  - f. the Provincial Policy Statement as it relates to floodplain development. (OPA #4)

6. There shall be no obligation on the part of the Town to acquire private lands within the Floodplain or Hazard Lands. *(OPA #4)*
7. The Zoning By-law shall provide for adequate setbacks for new buildings and structures within, or adjacent to the Floodplain and/or Hazard Lands. The setbacks shall be established from the boundaries of the Floodplain and/or Hazard Lands in accordance with the guidelines established in the Natural Hazards Technical Guide prepared by the Ontario Ministry of Natural Resources and the regulations of the Lake Simcoe Region Conservation Authority.  
*(OPA #4)*
8. Council shall recognize existing non-conforming uses within the Floodplain and/or Hazard lands. Council shall discourage the expansion of any existing non-conforming uses within the Floodplain and/or Hazard Lands. *(OPA #4)* All proposals for an expansion or addition to an existing non-conforming use shall require prior written approval from the Lake Simcoe Region Conservation Authority. *(OPA #10)*
9. Minor alterations to existing structures in the Floodplain may be permitted in accordance with Lake Simcoe Region Conservation Authority approval under the Provincial Policy Statement and Ontario Regulation 179/06.

### **10.3 Waste Disposal Assessment Areas**

The prior use of lands for the disposal of waste may have effects on future uses of these lands and adjacent lands. In recognition of this, Waste Disposal Assessment Areas as shown on Schedule A, Land Use Plan, identify lands that are within the 500 metre area of influence from the fill area of a closed site. The Town may utilize a peer review program at the expense of the applicant prior to approving development in these areas and to ensure that all development occurs cognizant of the prior use in the area so as to safeguard all future uses.

#### **Policies**

1. New development within the assessment area may be permitted provided the following requirements are met:
  - a. studies of gas, leachate, hydrogeology and structural stability, soil and surface and groundwater contamination, presence of hazardous wastes and safety are completed which demonstrate to the satisfaction of the Town, the Ministry of Environment and other relevant agencies that the development is compatible and can safely take place;
  - b. written approval is received from the Ministry of the Environment that the provisions of the relevant legislation are met; and,
  - c. measures are taken to the satisfaction of the Province in consultation with the Town to control and mitigate any problems identified in the study.

2. In areas subject to these policies, only uses compatible with the potential impacts of waste disposal sites or their engineered controls will be permitted and may have to be determined by amendment to the Zoning By-law as supported by the results of studies conducted under this Section.

## 10.4 Contaminated Lands

The Objectives are: (OPA #7)

- a. To ensure that potentially contaminated lands are identified and remediated or certified suitable for defined development in accordance with provincial standards prior to development, redevelopment and associated site alteration;
- b. To require safe redevelopment of contaminated sites; and
- c. To facilitate clean-up of contaminated sites through the initiation of programs provided for through the *Planning Act*, at the discretion of Council.

The policy applies to all applications subject to development, redevelopment and associated site alteration identified in Sections 10.4.2 to 10.4.3 that may have had a past or occurring potentially contaminating activity on the subject lands or within the *Phase One Study Area* (OPA #7).

### Policies

#### Environmental Site Assessment

1. Proponents of applications for development identified in Section 10.4.2 to 10.4.3 shall document, through an Environmental Site Assessment, prepared in accordance with Ontario Regulation 153/04, as amended, previous uses of the property and uses within the *Phase One Study Area* that are currently or were previously used for a *potentially contaminating activity*, including, but not limited to activities such as: (OPA #7)
  - i. Manufacturing, processing or storage of potentially *contaminating materials*;
  - ii. Activities involving the importation, or disposal of waste or other materials including fill material, waste disposal sites and recycling facilities;
  - iii. Any activities involving the storage or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints, solvents, etc; and
  - iv. Any use with the potential for site contamination, such as: dry cleaning facilities, gas stations, cosmetic and dye manufacturing, processing and bulk storage, etc.

2. The following applications shall require a Phase One Environmental Site Assessment (ESA), prior to consideration of, or as part of the complete application, as applicable, unless specifically exempted under Section 10.4.12: (*OPA #7*)
  - a. An Official Plan Amendment application;
  - b. A Zoning By-law Amendment application;
  - c. A Draft Plan of Subdivision application;
  - d. An amendment to a Draft Plan of Subdivision unless a Phase One ESA has been completed within 18 months of the application for amendment, and the amendment does not constitute an expansion to the area of the proposed plan of subdivision;
  - e. A Plan of Condominium application, where a Site Plan application is not required;
  - f. A Site Plan application, excluding applications where:
    - i. A Phase One ESA has been prepared within 18 months of the application; and
    - ii. Where the Site Plan is of a minor nature, as determined by the Director of Planning and Building Services, such as:
      - The application is for a minor modification to a site plan e.g., changes to a parking lot or landscaped area;
      - Minor additions such as a vestibule or stairwell; and
      - Detached commercial and industrial accessory structures not exceeding 37 square metres (400 sq.ft.) and intended for storage only.
  - g. A private conveyance of land to a municipality, or a conveyance of an easement to a municipality for parkland purposes, as part of, or separate from a *Planning Act* application. (*OPA #7*)
2. A Phase One ESA may also be required under the Environmental Protection Act where the filing of a Record of Site Condition is mandatory as a result of a change in use to a more sensitive use. In any such case, a Phase One and the filing of a record of Site Condition will also be required before the Town can approve an application for Minor Variance, Consent and Building Permit (*OPA #7*).
3. Where a Qualified Person has conducted a Phase One ESA and has determined that a Phase TWO ESA is required, a Phase Two ESA shall be required in accordance with Ontario Regulation 153/04 under the *Environmental Protection*

*Act* and submitted to the Town, prior consideration of the above application(s) (*OPA #7*).

4. A Phase One ESA, and where a Phase Two ESA is required in accordance with Section 10.4.4, shall be conducted and submitted in support of an application at the earliest point in the planning process applicable to the application under consideration, e.g., submitted at the official plan application stage, notwithstanding the need for a zoning by-law and site plan application (*OPA #7*).
5. The Phase One and Phase Two ESA shall be conducted in accordance with Part XV.1 of the *Environmental Protection Act* and Ontario Regulation 153/04, as amended from time to time, by or under the supervision of a Qualified Person, to determine the location and concentration of contaminants affecting the site proposed for development and recommended remediation measures, as required. At the discretion of the Town, the Phase One and Phase Two ESA may be subject to a peer review, at the proponent's expense (*OPA #7*).

### **Record of Site Condition**

6. Subject to Section 10.4.9, where a Phase One and Phase Two ESA have been conducted, no decision for development, redevelopment or site alteration (other than the necessary site alteration required to remediate the property) or private conveyance of land or conveyance of an easement for parkland purposes to a municipality as listed below shall occur until the Town has received a copy of the written acknowledgement that a Record of Site Condition has been filed in the Environmental Site Registry in accordance with the *Environmental Protection Act* demonstrating that the site has been made suitable for the proposed use by meeting the Soil, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011, as amended from time to time (*OPA #7*):
  - a. the approval of the Zoning By-law amendment or the removal of the "H" prefix where the holding provision of Section 16.2.1 has been applied as a condition of approval of a Zoning B-law application;
  - b. clearance of conditions of a draft plan of subdivision or plan of condominium;
  - c. the final approval of a Site Plan;
  - d. private conveyance of land to a municipality for parkland, stormwater management, road widening or other public purpose as part of a *Planning Act* application; and
  - e. a private conveyance of land to a municipality, or a conveyance of an easement to a municipality for parkland purposes, separate from a *Planning Act* application, unless otherwise exempted by the Town in accordance with Section 10.4.12.

7. Where a record of Site Condition is mandatory under the *Environmental Protection Act* for applications for a minor Variance, Consent or for the issuance of a Building Permit, the Town will not make a decision or issue a Building Permit until the Town has received a copy of the written acknowledgement that a Record of Site Condition has been filed in the Environmental Site Registry in accordance with the *Environmental Protection Act* (OPA #7).

## **Risk Assessment**

8. A Risk Assessment approach may be applied where it is not feasible to meet any of the Soil, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011, as amended from time to time (OPA #7).
9. Where a Risk Assessment or a Modified Generic Risk Assessment approach has been applied and a risk Management Plan (EPA) has been prepared and approved by the Ministry, the approved Risk Management Plan (EPA) and Record of Site Condition shall be filed with the Town prior to the approval of applications identified in Section 10.4.7 and 10.4.8 (OPA #7).
10. Where a Risk Assessment or a Modified Generic Risk Assessment has been applied, development will be permitted to proceed in accordance with the risk Management Plan (EPA) and Record of Site Condition filed by the Ministry of the Environment on the Environmental Site Registry, and provided to the Town (OPA #7).

## **Exemptions**

11. The Director of Planning and Building Services, in conjunction with the Director of Engineering Services, may waive the requirement for a Phase Two ESA and/or requirement for a Record of Site Condition where the following provisions are met: (OPA #7)
  - a. there is no legislative or other regulatory requirements for a Phase Two ESA and/or Record of Site Condition; or
  - b. a Qualified Person has prepared a Phase One ESA for the subject property and the Qualified Person has recommended that a Phase Two ESA is not required; and
    - i. the Town is satisfied that site conditions and/or the recommendations of a peer review of the Phase One ESA, prepared at the proponent's expense, do not warrant the preparation of a Phase 2 ESA and/or the filing of a record of Site Condition.
12. In the event that any unforeseen contamination or contaminating activity is discovered in the course of construction of approved development or site alteration, the Town may implement the tools available under the *Planning Act*,

such as development agreements or conditions of approval to address unforeseen remediation (*OPA #7*).

13. For the purposes of this section, the following definitions apply: (*OPA #7*)

Record of Site Condition – A Record of Site Condition (RSC) is a statement filed by a Qualified Person (QP) to protect property owners and it must be filed whenever a property changes to a more sensitive property use. In order to file a RSC, the property must have been properly assessed and shown to meet the Soil, Ground Water and Sediment Standards for use under Part XV.1 of the *Environmental Protection Act*, dated April 15, 2011, as amended from time to time, for the use proposed to take place on the property. The Record of Site Condition Regulation (Ont. Reg. 153/04) details the requirements related to site assessment and clean up.

Potentially Contaminating Activity – A use defined in Ontario Regulation 153/04 of the *Environmental Protection Act*.

Phase One Study Area – Means an area defined by Ontario Regulation 153/04 that includes a Phase One property, any other property that is located, wholly or partly, within 250 metres from the nearest point on a boundary of the Phase One property and any property that the Qualified Person determines should be included as part of the Phase One Study Area, in consultation with the Town.

Risk Management Plan (EPA) – Means a Risk Management Plan filed in accordance with the *Environmental Protection Act*.

Risk Management Plan (CWA) – Means a Risk Management Plan filed in accordance with the *Clean Water Act*.

## **10.5 Noise, Vibration and Air Quality**

Depending on the type, purpose and location of a development application, a supporting study that addresses potential noise, vibration and air quality impacts may be required. The study may recommend various measures that must be implemented by the proponent of a development as a condition of approval.

### **Policies**

1. Incompatible land uses will be appropriately buffered from each other in order to prevent adverse effects from noise, vibration and air quality. Potential sources may include major roads, railways and industrial operations.
2. To assist in identifying the necessary mitigation measures, a development proponent may be required to conduct a study in accordance with the Ministry of the Environment guidelines established for this purpose. The Town may conduct a peer review of such studies at the expense of the applicant.



## 10.6 Wellhead Protection Areas (OPA #7)

1. Wellhead Protection Areas (WHPA's) are identified on Schedule G and identify five (5) categories as follows:
  - a. 100 metre Wellhead Protection Area;
  - b. WHPA –A 0-2 year Time of Travel Zone Wellhead Protection Area;
  - c. WHPA –B 2-5 year Time of Travel Wellhead Protection Area;
  - d. WHPA –C 5-10 year Time of Travel Wellhead Protection Area; and
  - e. WHPA –D 10-25 year Time of Travel Wellhead Protection Area.
2. Source Water Protection Study shall be required in support of planning applications for development, redevelopment or site alteration and demonstrate to the satisfaction of the Town and the Region that the proposed use will not pose a risk to existing and future water supplies.
3. The Town encourages landowners to take advantage of the funding provided through the *Clean Water Act* for the purposes of decommissioning off-line wells and the removal of old septic systems/beds that are no longer in use in order to mitigate potential threats.

## **11.0 Cultural Heritage Resources**

Protecting and enhancing Newmarket's cultural heritage resources is a strategic direction of this Plan. Cultural heritage policies provide a framework for the long-term sustainability of the Town's cultural heritage resources. Ensuring that present and future generations can share in the unique history and culture of Newmarket contributes to the Town's sense of place.

The Historic Downtown Centre is the focal point of the Town's cultural heritage. The Plan's policies anticipate additional development that will enhance the rich history of the Historic Downtown Centre. The mix and design of commercial, institutional and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown Centre at a scale in harmony with the rich cultural heritage of the surrounding residential neighbourhoods.

Archaeological resources are also protected by this Plan. They may include the remains of any building, structure, activity, place or cultural feature or object, which are on or below the surface of land or water and are of significance to the understanding of the history of a people or place.

Tools designed to promote and support designations are essential to the success of any cultural heritage preservation program. The transfer of surplus density rights and financial programs such as grants can assist in the long-term preservation of the Town's cultural heritage resources. These tools are intended to alleviate the financial burden placed upon property owners in the maintenance and conservation of cultural heritage assets.

### **11.1 Objectives**

It is the objective of the cultural heritage resources policies to:

- a. conserve significant built heritage resources and significant cultural heritage landscapes;
- b. ensure that all new development has regard for cultural heritage resources and appropriately accommodates such resources in development and redevelopment proposals;
- c. ensure that cultural heritage resources are appropriately recognized through designation pursuant to the Ontario Heritage Act; and,
- d. ensure that the cultural heritage of the Historic Downtown Centre is protected for the enjoyment and edification of existing and future Town residents and visitors.

### **11.2 Heritage Structures, Districts and Landscapes**

The Ontario Heritage Act is the principal legislative tool under which the Town of Newmarket can identify and conserve heritage buildings, structures, districts, landscapes

and archaeological sites. The Ontario Heritage Act establishes a comprehensive process and criteria for designations, as well as the decision framework for the alteration and demolition of designated properties as determined by Council.

## **Policies**

1. The Town will maintain a municipal heritage committee, known as Heritage Newmarket, composed of citizens to advise and assist Council on cultural heritage matters under the Ontario Heritage Act and on other cultural heritage matters.
2. Designated cultural heritage structures involved in planning applications shall be carefully and sensitively retained as part of any new development or redevelopment to ensure that the cultural heritage value of the building or lands is not compromised. If it is not possible to maintain structures in their original location, consideration may be given for the relocation of the structure.
3. The Town may permit the transfer of surplus density rights from sites with cultural heritage buildings to adjacent or nearby properties in order to facilitate the preservation, retention or adaptive reuse of a particular cultural heritage resource. Unused density may be transferred to another site provided that the relevant property is designated under the Ontario Heritage Act.
4. In order to examine an area's cultural heritage potential, Council may wish to establish a Heritage Conservation Study Area.
5. Studies of the Heritage Conservation Study Areas undertaken as part of the preparation of a Heritage Conservation District Plan should address the following:
  - a. land use;
  - b. pedestrian and vehicular movement systems;
  - c. the historical and/or architectural significance of individual buildings, structures, or sites within the Study Area;
  - d. ownership patterns;
  - e. the visual environment;
  - f. the physical condition of the buildings, structures, or sites;
  - g. the socio-economic conditions of the Study Area; and,
  - h. present and potential development proposals within the Study Area.
6. Where an area is designated as a Heritage Conservation District, partial demolition, alterations, renovations, repairs, or additions may be allowed provided that the proposed changes are compatible and consistent with the building and its heritage attributes. Infill buildings must also be compatible with the surrounding buildings and streetscape. In both cases, compatibility may include building materials, colour, height, scale and design.

7. Cultural heritage landscapes will be preserved, enhanced and incorporated, specifically through the regulation of uses that may detract from the traditional landscape.
8. Development and site alteration on adjacent lands to a protected heritage property designated under Parts IV, V and VI of the *Ontario Heritage Act* may require, at the discretion of Council, or as provided for in an approved Heritage District Plan, a Cultural Heritage Impact Assessment to evaluate and demonstrate, to the satisfaction of the Town, in consultation with Heritage Newmarket, that the heritage attributed of the designated heritage property will be conserved (OPA #7).
9. Development and site alteration adjacent to a protected heritage property shall be designed to conserve, be compatible with, and minimize the impact on the identified heritage attributes of the designated heritage property (OPA #7).
10. Council may consider the use of heritage design guidelines specific to areas of historic significance such as the Historic Downtown Centre. The guidelines will assist in the design and review of adaptive reuse proposals.

### **11.3 Archaeological Resources**

Preservation of archaeological resources ensures a continuing link to information about Newmarket's past inhabitants. The policies of this Plan preserve, maintain and protect, to the greatest degree possible, archaeological resources.

#### **Policies**

1. Disturbance of known archaeological sites is discouraged by this Plan. This Plan encourages mapping of inventories of all cultural heritage resources potential and sites, including built heritage and cultural heritage landscapes, within the Town of Newmarket, where feasible, in order to better determine where an archaeological resource assessment will need to be conducted by a licensed archaeologist.
2. Where a development may cause an impact to archaeological resources or areas of archaeological potential, an assessment by a qualified professional will be required in accordance with provincial standards and guidelines. Such an assessment shall be at the expense of the applicant. Archaeological resources that are located on a proposed development site will be conserved either through removal and documentation or on-site preservation. Only developments that maintain the heritage integrity of the site will be permitted where archaeological resources are preserved on-site.

## 12.0 Urban Design and Compatibility

Living *well* is one of this Plan's fundamental principles. Urban design policies that ensure a high-quality built environment are essential in order for the Town to function as an urban area that maintains its 'small town' feel and strong sense of place.

Furthermore, to be *well*-respected, the Town must contribute to the enhancement of the streets, parks and open spaces, and public buildings. The private sector can contribute by building structures and places that complement the public areas and utilize this Plan's innovative land use policies for intensification.

This Plan requires that both the public and private sector commit to building structures and communities that are safe, accessible and reflect the Town's values.

In keeping with the vision for a *well*-connected community, the majority of new development will be directed to areas that are well served by transit, and which maximize public safety and security and pedestrian convenience, particularly in the Urban Centres. In recognition of the development of a higher-order transit service in Newmarket and throughout York Region, these urban design policies are transit-supportive and will assist in the achievement of high quality pedestrian and transit-user environments.

Urban design in Newmarket should emphasize the public qualities of buildings and the creation of places that reflect the Town's collective history.

Additional Urban Design policies for the Newmarket Urban Centres Secondary Plan Area are included in Section II - Newmarket Urban Centres Secondary Plan. (*OPA #10*)

### 12.1 Objectives

It is the objective of the urban design and compatibility policies to:

- a. encourage the adoption and application of high urban design standards for public and private developments;
- b. create an attractive, accessible, comfortable, safe and healthy built environment;
- c. create a livable, attractive community with a built-form that enhances the Town's sense of place;
- d. minimize conflicts between adjacent land uses and ensure that new developments minimize impacts on the amenity and functioning of adjacent land uses; and,
- e. promote and require site design that maximizes the sustainable nature of development.

## 12.2 Urban Design Principles

The following six key design principles apply to all types of development:

**Design in context with the natural and built environments;**

**Connectivity;**

**Pedestrian Amenities;**

**Usable Common areas;**

**Safety; and,**

**Visual Quality and Aesthetics.**

They support each other, and together promote development of high quality urban places.

### 12.2.1 Design in Context with the Natural and Built Environments

Design should respond to the context of Newmarket including the functions of neighbourhoods, key destinations and urban centres. Planning and design of a site should take into consideration the size, scale and orientation of buildings, as well as circulation and landscaping, in relation to surrounding conditions. Design should minimize the impact of development on all aspects of the natural environment in both a local and global context.

### 12.2.2 Connectivity

The principle of connectivity promotes a transportation system accommodating a variety of needs and choices; easing travel throughout the community for pedestrians, bicycles and automobiles; and recognizing the unique needs of children, the elderly, and residents of all abilities. Designing for connectivity should be informed by the following:

- Design practices should incorporate physical and visual connections between individual sites and surrounding areas. This will help people find their way pleasantly, safely and conveniently;
- The size and location of buildings within a site should emphasize these connections by creating identifiable edges and framing access points and pathways; and,
- Direct and convenient access to transit stations and stops should be provided.

### 12.2.3 Pedestrian Amenities

Places that are designed for pedestrian safety and convenience and that incorporate interesting and inviting spaces, will foster social contact and support neighbourhood activity. Designing for pedestrian amenities should be informed by the following:

- Designs integrating landscape, plants and building materials will create enjoyable environments for people of all abilities;
- Wide sidewalks with ample shade trees create more comfortable pedestrian spaces along streets and within parking lots;
- Materials and textures can help differentiate pedestrian areas from vehicular areas;
- Limiting and consolidating driveways and vehicular access makes a more pedestrian-friendly environment;
- Buildings identify and frame pedestrian areas when located near sidewalks and crosswalks. This orientation strengthens the prominence and sense of place of major intersections;
- Comfortable outdoor gathering places, particularly in work and entertainment centres, can be created by designing for human scale and providing shelter and shade.

#### **12.2.4 Usable Common Areas**

Common areas such as plazas, parks, recreation areas and other outdoor spaces, create "breathing room" – areas for rest and relaxation in our urban environment. Common areas are also critical for community activities and public gatherings. These places help build a sense of civic and community identity. Well-defined edges, attractive landscaping and amenities and complementary surrounding uses all contribute to inviting, animated and dynamic outdoor places.

#### **12.2.5 Safety**

New development and redevelopment shall be encouraged to incorporate a "Safe by Design" approach, which promotes safer, more livable environments. Specifically:

- Building orientation, lighting, landscape design and landscaping maintenance and the use of common areas shall be situated so that people engaged in their routine activities can observe the space around them. Crime deterrence can be achieved by using design techniques which encourage increased visibility throughout an area.
- Activity areas (i.e. playgrounds, porches and balconies etc.) should be designed so that people using them will be able to observe their surroundings and become a part of the natural surveillance system.
- Access and entry should be discouraged to private and semi-private areas, and access points should be made conspicuous and observable, to reinforce a sense of ownership and to increase visibility. Controlling access can work with connectivity to help define common areas by providing easy access for intended users.

- Design techniques should be used which create a sense of ownership and responsibility for residents. Designing both private and common areas with an inherent sense of control helps to create an environment where 'strangers' or intruders stand out and are more easily identified.

#### **12.2.6 Visual Quality and Aesthetics**

Development should create pleasant and coherent places. Building mass, scale and placement can improve the attractiveness of a site by emphasizing architecture, landscaping, and views rather than parking lots or perimeter walls. Well-designed buildings are critical for improving visual quality. This includes attention to architectural detail and craft, the use of appealing and appropriate materials and colours and making all sides of a building visually interesting.

#### **12.2.7 Public Art (*OPA #10*)**

All development applications outside the Newmarket Urban Centres Secondary Plan will be subject to Public Art contributions in the form of public art installations or contribution to the Public Art Reserve Fund in accordance with the Public Art policy as contained in the Newmarket Urban Centres Secondary Plan.

### **12.3 Sustainability in Design**

Innovative energy producing options, green industry and green building designs and construction practices will be supported and encouraged in building renovation and redevelopment through the site plan process. Specific sustainability features sought by the Town may include:

- a. innovative methods of reducing stormwater flows;
- b. advanced water conservation and efficiency measures;
- c. designs that facilitate waste reduction and recycling and other innovative waste management technologies and practices;
- d. establishing and extending wind and solar power installations and other renewable energy systems;
- e. the use of advanced energy-efficient technologies that are consistent with high energy efficiency standards, design features and construction practices; and
- f. the development of innovative green spaces such as green roofs, and designs that will reduce the urban heat island effect.



## 12.4 Compatibility

### Policies

1. Development will be compatible with the existing built form by relating to and enhancing the area's existing physical character, qualities and scale. When reviewing development proposals, Council will consider the appropriateness of the development for the area based on how buildings respond to:
  - The existing character of the area;
  - The Policies of the Residential Character Area, if applicable;
  - The nature of fenestration and sun reflection impacts;
  - The nature of shadow impacts; and,
  - The existing and emerging built-form elements such as height, massing, setbacks, materials and finishes that are incorporated into surrounding buildings. (*OPA #29*)
2. Development will be required to demonstrate how its design fits with the existing character of the surrounding area in the context of:
  - Setbacks, heights and transition;
  - Façade and roofline articulation;
  - Colours and materials;
  - Architectural elements, including windows, doors and projections;
  - Pre- and post-construction grades on site; and
  - Incorporating elements and details of common characteristics of the area. (*OPA #29*)
3. Building heights of mid-rise and high-rise buildings immediately adjacent to a Residential Area should provide an appropriate transition and achieve suitable visual angular planes. Where a building height greater than the existing adjacent context, or where a building is proposed adjacent to a public open space, the development shall demonstrate that an effective transition in height and massing, such as a stepping down or variation in building form has been incorporated into the design. (*OPA #29*)
4. The Zoning By-law will include regulations that promote compatibility in built form by means of appropriate height, setbacks, massing and screening guidelines.

## 12.5 Buffering

Buffering will be required to achieve compatibility where the following forms of development are adjacent to a Stable or Emerging Residential Area:

1. an Urban Centre use;
2. a Commercial use;

3. a Major Institutional use;
4. a Business Park use;
5. any land use characterized by heavy pedestrian or automobile traffic, truck transportation, noise, fumes or other factors affecting the residential amenity;
6. active open space;
7. stormwater management facilities; or
8. railways.

Developments will provide appropriate buffers to reduce the impact of activities that may not be compatible with adjacent uses. The typical impacts of activities include noise, vibration and odour as well as loss of privacy. Any facility that concentrates the location of impacts must be buffered. Examples of such facilities include outdoor storage and parking areas, loading facilities and garbage collection/storage facilities.

Buffering may occur through the provision of solid or perforated screens, fences, walls, trellises or other appropriate structures that are integrated with and complementary to the materials and design of the buffering structures and the primary building on the parcel. Alternative high quality landscaping treatments may serve the same purpose.

Buffering requirements shall be implemented through the provisions of the Zoning By-law and site plan approval.

## **12.6 Transit Amenities and Linkages**

The configuration of public streets and a building's relation to those streets is one of the most direct ways to improve accessibility and circulation for pedestrians, transit users and motorists. With the implementation of higher order transit in Newmarket, development should provide for pedestrian access to public transit stops and stations.

To encourage higher pedestrian circulation, the Town, and where appropriate in conjunction with the Region, shall provide a full range of pedestrian amenities that are coordinated with one another, including lighting, street furniture, signage, weather protection and special paving. Historical and cultural references, including public art, where appropriate, will be used to promote a sense of place.

Transit stops will be designed as important public spaces in convenient locations with appropriate paved surfaces for pedestrian access.

Transit stops will be located in close proximity to areas that generate activity and will include shelters for weather protection and other amenities such as seating, lighting, and bike parking.

The Streetscaping Policies in Section 15.8 shall also apply.

## **12.7 Parking Design**

1. Parking areas should be located underground wherever possible in the Urban Centres. If it is not possible to locate parking underground, the Town will encourage structured parking rather than surface parking. In conjunction with the urban design principles in Section 12.2, parking within a structure should be screened from view at sidewalk level, and the street-level wall should be enhanced by architectural detailing, landscaping, or an appropriate treatment that will add visual interest. The general design of the structure should be visually compatible with other structures in Newmarket of a similar height. The general objective is to mask the parking function.
2. Surface parking should be limited to reduce its visual mass and where possible, located at the rear and/or side of buildings.
3. Surface-parking areas should incorporate landscaped islands at the end of all parking aisles and pedestrian walkways, or such other locations deemed appropriate and bordered with landscaping.

## **12.8 Urban Centre Character**

In order to promote the importance and function of the Urban Centres, the Town will, where practical and feasible, contribute to creating an identifiable image for the area through the use of characteristic streetscape treatments composed of landscaping, lighting, street furniture, signage, special paving and public art.

Detailed plans may be required for development proposals in an Urban Centre in order to illustrate the relationship of the proposal's built form to the existing natural and built environment. The plans will address phasing the physical integration of the project with surrounding areas and encourage the creation of a safe and pedestrian friendly environment. The streetscaping policies of Section 15.8 of this Plan should also be considered in the development of these plans.

The urban design standards and policies for the Newmarket Urban Centres Secondary Plan Area have been expanded upon within the Newmarket Urban Centres Secondary Plan contained in Section II. (*OPA #10*)

### **12.8.1 Historic Downtown Centre**

#### **Policies**

1. A set of Urban Design Guidelines were created to implement the Community Improvement Plan and help create a distinct and consistent image for the area

through streetscape treatments and explain the design intent of Newmarket with respect to future development in the Historic Downtown. Council will continue to refine and refer to the design guidelines in order to assist them in their evaluation of development proposals in the area and the implementation of the Community Improvement Plan.

2. Visually interesting and human-scaled building façades shall prevail in the Historic Downtown Centre.
3. New buildings shall reflect the traditional qualities and visual character of the Historic Downtown Centre, but do not have to imitate historical styles.

## **13.0 Community Improvement**

Community improvement within Newmarket includes a variety of initiatives and activities, such as the comprehensive improvement of a designated area, single purpose improvement projects, and improvements to individual buildings, structures or sites.

Community improvement is encouraged throughout the Town. It is through the identification of Community Improvement Areas that Community Improvement Plans are developed. Community Improvement Plans provide for the preservation, rehabilitation, renewal, and redevelopment of certain areas of the Town in order to improve the safety and quality of buildings, structures and facilities, and create safe, attractive, pleasant and people oriented urban streetscapes and open public places.

Community Improvement Plans will be developed in conjunction with the community affected, and may include specific policies which will be inserted by amendment into the Official Plan. Community Improvement Policy Areas are shown on Schedule F, Community Improvement Policy Area Plan.

### **13.1 Objectives**

It is the objective of the community improvement policies to:

- a. identify areas of the Town that require improvement;
- b. enhance the quality of the physical and social environment through various improvements; and,
- c. encourage new investment in areas identified for community improvement.

### **13.2 Community Improvement Policy Areas**

#### **Policies**

1. A portion of the Historic Downtown Centre is a Community Improvement Area, as shown on Schedule F, Community Improvement Policy Area Plan. Council will continue to follow the goals, objectives and policies of the Community Improvement Plan for the Historic Downtown when making decisions on improvements to the area.
2. Additional Community Improvement Policy Areas may be established in the Town and will be identified utilizing the following criteria:
  - a. the lands within the subject area are substantially developed and large parcels of vacant undeveloped lands are not available;
  - b. there are inadequacies in municipal services, including roads, sanitary sewer, water supply, storm sewer, sidewalk and street lighting facilities;

- c. the area exhibits other constraints to community improvement such as flood susceptibility, incompatible land uses or poor aesthetic qualities;
  - d. the area contains a large portion of commercial and/or residential uses which do not meet the Town's maintenance and occupancy standards;
  - e. the area has inadequacies in neighbourhood facilities or amenities;
  - f. the area is an established commercial area which needs an improved commercial streetscape or contains a large number of commercial buildings that require interior or exterior renovation, are vacant or underutilized, are declining in value and/or have insufficient parking; and/or
  - g. the area is physically suited for redevelopment.
3. Council may, by By-law, designate the whole or any portion of an area meeting the above criteria as a Community Improvement Policy Area.
4. Council may establish additional Community Improvement Plan Areas in conformity with the above criteria without amendment to this Plan.

### **13.3 Community Improvement Plans**

#### **Policies**

1. Council may initiate the preparation of Community Improvement Plans for Community Improvement Policy Areas. Community Improvement Plans shall be prepared in conformity with this Plan and shall serve as the basis for community improvement upon their approval by Council and the Minister of Municipal Affairs.
2. Council shall encourage the participation of residents and property owners in the preparation of Community Improvement Plans through the establishment of citizen's committees, holding of public meetings and other methods as may be appropriate.
3. Community Improvement Plans may provide direction regarding the following actions:
- a. the acquisition of land for parks and open space or redevelopment of parks and open space;
  - b. the provision of community or recreational facilities;
  - c. the relocation of incompatible land uses;
  - d. aesthetic improvements such as landscaping, street furniture, and lighting;
  - e. land acquisition for community uses;
  - f. the improvement of streets and sidewalks;
  - g. the provision or replacement of sewer, water and other services; and/or,
  - h. any other improvements determined to be appropriate.

4. The phasing of community improvement projects shall be determined by:
  - a. the implementation budget established in association with the Community Improvement Plan;
  - b. availability of funding from the Town's capital and operating budgets and forecasts; and,
  - c. the availability of funding from the Provincial government.

## 13.4 Implementation

### Policies

1. Community improvement policies shall be implemented through the following means:
  - a. the preparation of an inventory of the lands within the Community Improvement Policy Area in order to assist Council in evaluating the requirements for community improvements;
  - b. the preparation and adoption of Community Improvement Plans pursuant to the *Planning Act*;
  - c. encouraging community organizations and individuals to participate in community improvement projects, wherever possible;
  - d. the establishment of an implementation budget identifying the financial requirements associated with the implementation of the Community Improvement Plan;
  - e. ensuring that Council can satisfy the financial requirements for its share of the costs associated with any community improvement projects;
  - f. participation in Federal and Provincial programs for funding of community improvement projects; and,
  - g. participation in Regional Community Improvement Plans. (*OPA # 23*)

The Council of the Town of Newmarket will determine whether to participate in Community Improvement Plans adopted by the Regional Municipality of York. Grants and loans made through such programs will be on such terms as to security and otherwise as the Council considers appropriate.
2. Council shall utilize, wherever possible, Provincial programs to facilitate community improvement.

## **Part III – Urban Systems**

### **14.0 Servicing**

The network of infrastructure serving the Town of Newmarket must be able to meet current demands and be planned in conjunction with the anticipated scale and rate of growth. Municipal sewer and water services are the required form of servicing for all new development. Sewer and water systems will be provided in a manner that is sustainable from the perspective of the water resources upon which the services rely, is financially sound, complies with all regulatory requirements, and protects human health and the natural environment.

Energy and communications services will also be provided in coordination with the responsible private and publicly-regulated agencies in order to service existing and proposed developments.

#### **14.1 Objectives**

It is the objective of the servicing policies to:

- a. permit new development only on lands that can be served with full municipal services;
- b. ensure that all development has a safe and adequate water supply, sewage services and stormwater management practices;
- c. encourage the progressive extension and economic utilization of municipal sewer and water services;
- c. promote water and energy conservation and water and energy use efficiency across all sectors;
- d. implement innovative concepts relating to energy use conservation through various means, such as site planning, building design and renewable energy sources; and,
- e. implement leading edge communication technologies as a means of enhancing the Town's capacity to attract and maintain a vibrant economy. (OPA #10)

#### **14.2 General Requirements for all Developments**

##### **Policies**

- 1. As of September 2005, the population of Newmarket was approximately 77,000 people. Intensification within the Newmarket Urban Centres Secondary Plan Area forecasts a population of approximately 33,000 people by full build-out. (OPA #10)



2. Services, including water supply, sanitary sewage disposal, stormwater management, hydro and other communications facilities, will be provided to all development in accordance with the Region of York and the Town's standards for servicing.
3. Council shall enter into agreements with developers as a condition to the approval of a plan of subdivision or any redevelopment, infill or intensification project to facilitate the necessary internal and external services being provided in accordance with applicable legislation including the *Planning Act* and the *Development Charges Act*.
4. Notwithstanding any other provisions of this Plan, public services and utilities, including water supply and storage facilities, pumping stations, communications facilities, sanitary and storm sewers, and local hydro, cable, gas, and oil distribution lines may be permitted within any land use designation on Schedule A, Land Use Plan but will be directed away from conservation areas and the Natural Heritage System where possible.
5. In the existing Estate Residential subdivisions, development will continue to be serviced by private individual water supply and sanitary sewage disposal facilities. Notwithstanding the above, nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services if deemed appropriate and/or necessary by the Region of York and the Town. Council shall only approve new residential development on the basis of full municipal services being available to serve such developments.
6. Council shall encourage new development by registered plans of subdivision rather than by consent. Except in the most extenuating circumstances, the division of land shall be by registered plan of subdivision where more than three new residential lots are created, or where a new street or street extension is necessary.

### **14.3 Sewer and Water**

The Region of York and the Town of Newmarket share the responsibility for the sewer and water services in the Town. All development will be provided with municipal sewer and water services, unless otherwise exempted by this Plan.

#### **Policies**

1. It is the intention of this Plan that the entire Town will be fully serviced, with the exception of the area covered by Official Plan Amendment 28 and the three estate residential subdivisions known as Kingdale Road, Old Bathurst Estates and Premier Place. Nothing in this Plan shall prevent the Kingdale Road, Old Bathurst Estates and Premier Place Estate Residential subdivisions from being provided with full municipal services if deemed appropriate and/or necessary by the Region of York and the Town.

2. In the case of redevelopment, infill or intensification, the Town shall be satisfied that no additional trunk water or sewer mains are required to serve that development. If those services are required, then Council shall ensure that the appropriate agreements are entered into between the developer, the Region of York and the Town regarding the provision of those services.

## **14.4 Stormwater Management**

Proper stormwater management eliminates or reduces the risk flooding, erosion, pollution of streams, rivers and lakes and possible impairment of drinking water resources. By controlling the quantity and quality of stormwater runoff the Town's streams, rivers, lakes and groundwater can be improved.

Proper stormwater management will involve the preparation of subwatershed planning studies and stormwater management studies. These studies assist in identifying measures for stormwater management for all development within individual subwatersheds.

### **Policies**

1. New developments will provide appropriate stormwater management facilities as approved by Council and, where necessary, the Lake Simcoe Region Conservation Authority.
2. Stormwater drainage facilities will be designed and constructed so as to protect receiving watercourses and adjacent land uses from any potential adverse impacts of stormwater runoff.
3. Stormwater management facilities shall maintain natural stream geometry wherever possible and control the quantity and protect and enhance the quality of stormwater runoff entering the receiving watercourses, including the control of erosion and sedimentation during the after construction.
4. Council may prepare comprehensive subwatershed planning studies for specific subwatersheds or development areas within the Town.
5. Council will require the preparation of stormwater management studies in support of any development proposal. Stormwater management studies will identify:
  - a. the facilities required, including their size, location, and capacity, for controlling the quantity and quality of stormwater runoff, including:
    - i. storm sewers and/or channels;
    - ii. culverts;
    - iii. detention or retention ponds;
    - iv. upstream stormwater diversions; and,

- v. the use of rooftop, parking lot, or parks and open space as temporary detention areas;
  - b. the measures necessary to control erosion, sedimentation and stream bank stability during and after construction;
  - c. the storm sewer and outfalls to the receiving watercourses; and,
  - d. the environmental impacts of stormwater management facilities on fisheries, forest and wildlife resources.
6. Stormwater management studies shall be prepared in accordance with subwatershed planning studies. For areas where a subwatershed planning study has not been prepared, the stormwater management study shall be prepared using engineering and hydrologic models acceptable to the Town and those other authorities with jurisdiction.
7. The size of stormwater management facilities shall be based on the ultimate development pattern within the subwatershed or development area.
8. All stormwater management facilities shall be designed to the satisfaction of the Town and those other authorities with jurisdiction.

## **14.5 Energy and Communications**

### **Policies**

1. Where feasible, existing and new utility and transmissions lines are to be installed underground so as to minimize their visual impact on the area.
2. Construction of hydro, telephone, and other communication services shall be encouraged to locate in the road right-of-way. Where facilities cannot be located in the right-of-way, the provision of easements shall be permitted provided that their location does not detract from the function, amenity or safety of adjacent land uses.
3. All existing electric power facilities and the development of any new electric power facilities including all works as defined in the Power Corporation Act and/or the Electricity Act, 1998, such as transmission lines and transformer stations, shall be permitted throughout the Town without an amendment to this Plan, provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act and any other relevant statutes. Power generation facilities/providers shall consult with the Town on the location of any new electric power facilities. Notwithstanding the above, any new power facilities or proposed expansions to existing power facilities with a cumulative generating capacity in excess of 10 megawatts shall require an amendment to this Plan.

4. Gas and oil distribution pipelines will be encouraged to locate in a manner that will not impact on the function, amenity or safety of adjacent land uses. Where possible, gas and oil distribution pipelines will locate within road rights-of-way.
5. The Town and proponents of development/redevelopment shall work with energy and communication providers early in the planning process to ensure that services can be provided and phased in a cost-effective manner to adequately serve anticipated development.
6. All development will be designed to provide, where feasible, for the implementation of leading edge communication technologies, including but not limited to broadband fibre optics. (OPA #10)

## **14.6 Wind Power**

Wind power is an emerging energy source and land use. In order to accommodate sustainable technologies, this Plan establishes policies aimed at facilitating wind power in Newmarket.

### **14.6.1 Individual Generating Systems**

Individual generating systems are wind turbines used to generate electricity that are small-scale in size and used to produce energy for the property owner. They are permitted in all designations and will be subject to regulations found in the Zoning By-law.

#### **Policies**

1. Small-scale individual generating systems are permitted as an accessory structure for on-site domestic use in any designation without amendment to the Zoning By-law.
2. The Zoning By-law will provide definitions and regulations for small-scale individual generating systems regarding size and setbacks from lot lines, structures and road allowances and maximum height provisions.

### **14.6.2 Generating Systems Serving Businesses**

Generating systems serving businesses are larger-scale turbines used to produce energy for a business operation or a group of businesses. These systems are generally located on the same property.

#### **Policies**

1. Generating systems servicing businesses are permitted in the Commercial, General Employment and Mixed Office/Light Employment designations.
2. The Town will evaluate the suitability of the location and land use compatibility of the proposed commercial generating system and require the following:

- a. a site plan illustrating the location of the proposed turbine(s), as well as the location and height of all existing buildings and structures on and within 500 metres of the subject property;
  - b. diagrams illustrating the impacts on site lines from surrounding areas; and,
  - c. a noise and vibration study to determine noise and vibration impacts.
3. The Zoning By-law will provide regulations for generating systems serving businesses regarding setbacks from lot lines, structures and road allowances and maximum height provisions.

## **14.7 Energy Conservation**

### **Policies**

1. The practical application of energy conservation will be encouraged throughout the Town through site planning, building design, renewable energy sources, alternative energy sources, and efficient equipment and operations.
2. Development will encourage energy conservation through appropriate community planning and design principles, a compact and contiguous urban form, infilling and redevelopment within existing developed areas and orderly, phased growth.
3. Compact, mixed use and infill developments which concentrate complementary land uses as a means of conserving energy shall be encouraged.
4. Council may consider incentives such as reduced Development Charges to encourage innovative zoning and subdivision designs which incorporate energy conserving principles.

## **14.8 Environmentally Progressive Services**

Environmentally progressive services will help reduce current resource inputs and outputs to and from homes and buildings. Such practices will help decrease impacts on the environment, water cycle, and climate. Environmentally progressive services are encouraged to be incorporated into developments and may include:

- reduced stormwater flows;
- reduced use of water;
- reduced waste production and increased recycling;
- use of renewable energy systems and energy efficient technologies; and,
- creation of innovative green spaces such as green roofs.

## 15.0 Transportation Network

Newmarket is served by an extensive road and rail network that connects to the Greater Toronto Area and other parts of the Province. Highways 404, 400, Yonge Street, Bathurst Street and the existing rail line are the primary north/south transportation links. Davis Drive and Mulock Drive are the primary east/west transportation links. Several arterial roads serve as important inter and intra-regional transportation routes. Residents are also served by York Region's public transit services and GO Transit's train and bus services.

A well-developed transportation network that is integrated with the larger Provincial and Regional systems is crucial to the continued prosperity of the Town and in promoting future economic development and population growth.

The pedestrian and bicycle network, which includes sidewalks, trails, walkways and bike paths, are important components of the transportation network. All components of the network will be maintained and expanded to serve all areas of the Town.

### 15.1 Objectives

It is the objective of the transportation policies to:

- a. provide for a transportation system that will allow for the safe and convenient movement of persons and goods within and through the Town and which is consistent with Newmarket's land use pattern;
- b. encourage Provincial and/or Regional initiatives to develop roadways that facilitate the bypassing of Newmarket by flow-through traffic;
- c. provide for the establishment of a functional classification of roads to accommodate existing and future traffic flows;
- d. provide for the establishment of a road system which assists in the efficient distribution and utilization of municipal services;
- e. provide for the protection of the proper functioning of major roads within the transportation system through the control of adjacent land uses;
- f. support the incorporation of facilities for pedestrian and bicycle movement within the Town's transportation system;
- g. encourage the provision of an efficient transit system for new development through the planning and design of roads and communities and to encourage improvement of the existing transit system;
- h. encourage the continued provision of public transit services throughout Newmarket and York Region, including barrier free transit;

- i. encourage the continued provision of full GO Transit commuter rail services between the Town, the rest of York Region and the Greater Toronto Area; and,
- j. encourage public transit linkages with secondary school sites.

## **15.2 Road System**

The road system is the main component of the Transportation Network. There are five categories of roads recognized by this Plan:

- a. Freeways;
- b. Arterial Roads;
- c. Primary Collector Roads;
- d. Minor Collector Roads; and,
- e. Local Roads.

The roads are classified based on the function of the road, access, right-of-way width and daily traffic volume. The road classifications are shown on Table 2. The functional classifications of roads within the Town are shown on Schedule C, Transportation Plan. Incorporation of new roads, excluding local roads or the reclassification of existing roads, shall require an amendment to this Plan. A list of road widenings is also shown on Schedule C, Transportation Plan. Planned new or upgraded intersections based on planned road improvements or new roads, intersection improvements and railway crossing improvements are shown on Schedule C, Transportation Plan.

### **Policies**

- 1. The Town in conjunction with the Ministry of Transportation, Region of York and the private sector shall endeavour to provide an integrated transportation system that facilitates travel within and through the Town while minimizing economic costs, and disruption to natural and social environments.
- 2. Council shall encourage the development of the road plan shown on Schedule C, Transportation Plan. The road pattern complements the land use pattern shown on Schedule A, Land Use Plan.
- 3. The road pattern in the Town is based on the following principles:
  - a. the overall road network shall be compatible with the existing and proposed road pattern of the adjoining municipalities, the Regional road system, and the Provincial highway system;
  - b. the local residential neighbourhoods shall be protected by discouraging the flow of non-residential and through traffic and encouraging safe and convenient internal pedestrian movement;

- c. the overall road plan shall be economically and physically feasible;
  - d. the overall road network shall provide for adequate integration of newly developed and proposed residential areas into the existing transportation network;
  - e. the arterial roads shall accommodate the movement of large volumes of traffic to and from the major traffic generating areas;
  - f. the primary collector roads shall accommodate the movement of medium volumes of traffic between arterial and local roads;
  - g. the minor collector roads shall accommodate the movement of low to medium volumes of traffic between local roads and primary collector roads;
  - h. the local roads shall generally provide access only to the areas in which the roads are located and not serve major traffic generating areas;
  - i. where road reconstruction takes place in developed areas, discretion shall be used in the roadway design and the removal of trees and vegetation to minimize the impact on the local neighbourhood, and wherever possible, trees and vegetation shall be replaced; and,
  - j. residential streets should not carry commercial traffic except for traffic directly serving the neighbourhood.
4. All intersections will be spaced to provide for optimum traffic movement.
  5. For Arterial, Primary Collector, Minor Collector and Local Roads, additional right-of-way widths may be required for such works as intersection improvements, site triangles, drainage culverts, bridges and underpass construction, cuts, fills, extra lanes at intersections, transit priority measures including high-occupancy vehicle (HOV) lanes, and accommodating bicycles, sidewalks and landscaping where appropriate and feasible.
  6. For Primary Collector and Minor Collector roads, the Town will determine if it is appropriate to provide sidewalks on one or both sides of the road.
  7. While minimum right-of-way widths are established for the various road classifications, it is recognized that roads of less than the required standard right-of-way width may presently exist and widenings to achieve the standard may not be practical because of existing setbacks. In those instances, the design of the roads should minimize the extent of the deficiency but the classification will not change.



**Table 2: Road Classifications**

| <b>Road Class</b>        | <b>Jurisdiction</b>       | <b>Function</b>                                                                                                                                                                                                                    | <b>Access</b>                                                                                                                                                                       | <b>Right-of-Way Width</b>                                                                              | <b>Other Regulations</b>                                                                                                                                                                                        |
|--------------------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Freeway</b>           | Province                  | Carry large volumes of traffic moving at high speeds under free flowing conditions.                                                                                                                                                | Full access control, with access only permitted at interchanges.                                                                                                                    | Widths and design standards for Freeways are under the jurisdiction of the Ministry of Transportation. | No parking, unloading of goods or pedestrian traffic is permitted.                                                                                                                                              |
| <b>Arterial Road</b>     | Province, Region and Town | Designed to carry large volumes of traffic or inter-regional and intra-municipal traffic.<br><br>Connect major traffic generators, provide connections with the collector road system and provide for movement of through traffic. | Direct access to Arterial Roads shall be controlled whenever possible so as to minimize traffic hazards and avoid interference with the primary function of moving through traffic. | Minimum right-of-way width ranging from 26 to 45 metres.                                               | No on-street parking shall be permitted.<br><br>Sidewalks shall be provided on both sides of Arterial Roads.                                                                                                    |
| <b>Primary Collector</b> | Region and Town           | Designed to carry medium volumes of traffic between Arterial Roads, Minor Collector Roads and Local Roads.                                                                                                                         | Access from abutting properties shall be permitted where access does not result in traffic hazards.                                                                                 | Minimum right-of-way widths for shall generally be 26metres and shall not be less than 20 metres.      | Primary Collector Roads shall be designed to discourage through traffic onto Local Roads. No long term parking shall be permitted.<br><br>Sidewalks shall be provided on both sides of Primary Collector Roads. |
| <b>Minor Collector</b>   | Town                      | Perform a collector function that do not meet the standards of a Primary Collector Road and would not be economically feasible to reconstruct to a higher standard.                                                                | Access to Minor Collector Roads from abutting properties shall be permitted.                                                                                                        | Minimum width of 23 metres.                                                                            | No long term parking shall be permitted.<br><br>Sidewalks shall be provided on both sides of Minor Collector Roads.                                                                                             |
| <b>Local</b>             | Town                      | Carry low volumes of traffic                                                                                                                                                                                                       | Access to Local Roads from                                                                                                                                                          | Minimum width of 18 metres.                                                                            | Sidewalks shall be provided on at                                                                                                                                                                               |

| Road Class | Jurisdiction | Function                                                                     | Access                                  | Right-of-Way Width | Other Regulations                                                                                                              |
|------------|--------------|------------------------------------------------------------------------------|-----------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------|
|            |              | at low speed from abutting properties to Collector Roads and Arterial Roads. | abutting properties shall be permitted. |                    | least one side of new Local Roads and shall be added to existing Local Roads where necessary subject to financial constraints. |

## 15.3 Public Transit

York Region Transit (YRT) and York Region Rapid Transit, known as VIVA, provide public transportation for the residents of Newmarket and the Region of York. These services link the residential areas, major shopping areas, industrial areas and community facilities as well as provide interconnections to other regional scale transportation facilities, such as GO Transit.

With the new emphasis on intensification in Newmarket's Urban Centres, the expansion of transit services is essential to reducing car-dependency. Newmarket supports the continued development of the integrated regional transit system throughout York Region and will continue to participate in all regional transit initiatives.

### Policies

1. Council will support the maintenance, improvement and continued expansion of York Region Transit and VIVA in order to further develop the public transit system.
2. Council will encourage increased public transit usage and shall support measures designed to increase ridership within the context of providing an efficient public transit service, including requiring *Transportation Demand Management* measures in conjunction with new development applications. (OPA #10)
3. Subdivision design will be supportive of the public transit system through such means as adequate road rights-of-way, street patterns, pedestrian walkways, bus bays, bus shelters, and exclusive bus lanes where warranted.
4. Council shall encourage the expansion of GO Transit services (both bus and rail) to the Town, in recognition of the need for a fast and efficient commuter service from Newmarket to municipalities in the Greater Toronto Area.

## 15.4 Rail

Newmarket functions as a commuter terminal for GO Transit in York Region. While the construction, maintenance and design of the existing rail lines are not subject to the requirements of this Plan, Council will provide comments to the appropriate authorities on

any proposed changes or additions to the rail network or developments that are adjacent to a rail corridor.

### **Policies**

1. Conflicts between rail facilities and adjacent land uses shall be minimized, wherever possible. Where conflicts arise, noise abatement measures will be in accordance with Ministry of the Environment standards and the appropriate rail company requirements.
2. The location of the “Conceptual Future Rail Station” at Mulock Drive is not intended to be specific and the identification of the final location will be subject to the applicable process and will not require an amendment to this Plan (*OPA #7*).
3. Any development proposal within 300 metres of a railway corridor may be required to undertake a noise study and any development within 75 metres of a railway corridor may be required to undertake a vibration study. Measures to mitigate any adverse effects from noise and vibration that are identified in the approved studies shall be implemented at the applicant’s expense, through the implementing subdivision or site plan agreements.
4. Any development adjacent to a railway corridor will ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the Town and in consultation with the appropriate rail company.
5. Council shall cooperate with the appropriate agencies and rail companies regarding the location, planning, design, construction and safety of the rail facilities.
6. Council shall cooperate with appropriate agencies and the appropriate rail line authorities to provide grade-separated rail crossings where feasible.
7. The provision of rail facilities to industrial areas on the west side of Bayview Avenue at Mulock Drive shall be permitted wherever such facilities do not create a negative impact on surrounding areas.

## **15.5 Parking**

Parking facilities are provided by the Town and private operators, and include metered and unmetered on-street parking facilities and general purpose off-street parking facilities.

### **Policies**

1. Parking standards, including facilities for persons with disabilities, and reduced standards for senior citizens housing, in areas of frequent transit service and/or where the mix of uses enables parking to be shared, will be established for all land

uses in the Zoning By-law. Adequate off-street parking shall be provided for all new development or redevelopment in accordance with the Town's standards.

2. On-street parking facilities will only be permitted where such facilities do not interfere with traffic flows or create traffic hazards.
3. Parking areas will have adequate buffering in accordance with the provisions in Section 12, Urban Design and Compatibility of this Plan.

## **15.6 Active Transportation Network (OPA #11)**

### **Policies**

1. In all new development and redevelopment, implementation of the Active Transportation Network, identified on Schedule D, shall be a priority.
2. A system of safe and secure pedestrian walkways and/or bicycle facilities within the Urban Centres, as well as linkages between the Urban Centres and the existing residential neighbourhoods in the Town shall be encouraged.
3. Sidewalks shall be provided on public road right-of-ways, to encourage walking and to create a safe and accessible pedestrian environment throughout the Town.
4. Bicycle facilities and pedestrian trails and walkways shall be provided throughout the parks and open space system in accordance with the conceptual linkages shown on Schedule D, Active Transportation Network and Schedule E, Off-Street Trails Plan.
5. Where appropriate and feasible, as existing streets are upgraded and/or maintained and new streets are developed, the Town may secure additional right-of-way width to accommodate bike facilities and sidewalks. The following widths shall generally be required for cycling facilities within the road right-of-way:
  - 1.2 to 2.0 metres.
6. The off-road network conceptually identified on Schedule D, Active Transportation Network and on Schedule E, Off-Street Trails Plan will be developed by the Town as funding is available. The following widths will generally be required for local trails through to multi-use paths:
  - 1 to 5 metre.

Where appropriate, or where physical space is limited, cycling and pedestrian facilities may be separated. (OPA #11)

7. The Primary Active Transportation Network will be the highest priority for completion, with the Secondary Active Transportation Network as the second highest priority. (OPA #11)

8. The Primary Active Transportation Network is designed to complement the Regional cycling network and assist residents and employees of Newmarket to quickly and efficiently access local neighbourhood and community attractors and generators as well as transit stations. (OPA #11)
9. Corridors identified as comprising part of the Primary Active Transportation Network within the road ROW within the Urban Centres identified on Schedule D will incorporate dedicated bike facilities that are separated from mixed traffic, preferably by grade separation or physical barriers, for the majority of their length. (OPA #11)
10. The Secondary Active Transportation Network is designed to further increase accessibility to all Newmarket neighbourhoods and provide direct connections to the Primary Network. The Secondary Active Transportation Network will be the second highest priority for completion. Corridors identified as comprising part of the Secondary Active Transportation Network within the road ROW within the Urban Centres identified on Schedule D will incorporate, at a minimum, on-street bike facilities. (OPA #11)
11. For properties within the Urban Centres, rights-of-way required for the completion of the active transportation network identified on Schedule D shall be conveyed to the Town of Newmarket as a condition of the applicable *Planning Act* application or, in some cases, may be acquired by the Town and the cost of acquisition recovered through cost sharing agreement with the benefiting landowner(s). (OPA #11)
12. Pedestrian and bicycle facilities will provide appropriate widths that allow accessibility for person with disabilities, where feasible. (OPA #11)
13. In addition to designing for accessibility devices, consideration will be given in the design of the Active Transportation Network to accommodate emerging modes of transportation, including, but not limited to Segway's, kick bikes, long boards and other similar modes. (OPA #11)
14. A Detailed Trail Implementation Plan will be developed to build upon the recommendations of the Town's Park Policy Development Manual. (OPA #11)
15. A detailed Active Transportation Plan within the Street Right of Way will be developed to prioritize the network, undertake design considerations, including the desired street cross-section(s). (OPA #11)
16. Minor changes to the location or alignment of the Active Transportation Network identified on Schedule D or the Off Street Trails Plan, identified on Schedule E will not require an amendment to the Plan provided the general intent and purpose of the route is maintained. (OPA #11)

## **15.7 Accessibility**

Accessibility issues are found in all aspects of daily living, making it essential to the planning and development of Newmarket that the built form provides for easy access by persons with disabilities. Safe and accessible streets, sidewalks, parks, public transit and community facilities are among the key issues that must be addressed in order to ensure that Newmarket is a fully accessible community.

### **Policies**

1. Council will support the development of integrated, accessible services, programs and facilities that improve the mobility of persons with disabilities.
2. Council will consult with the Newmarket Accessibility Advisory Committee to ensure that accessibility issues and priorities are reviewed and policy, program and service direction is provided to Town departments and area businesses.

## **15.8 Streetscaping**

Providing additional opportunities for alternative transportation choices helps to support a healthy and sustainable community, while beautification of the public realm helps to enhance the Town's cultural heritage. Effective streetscaping can help facilitate use of alternative transportation modes that may further benefits for a healthy community while also instilling a sense of civic pride. Creating and incorporating pedestrian and transit oriented designs for redevelopment opportunities, particularly within Urban Centres, can be influenced by streetscaping elements. Streetscaping elements such as trees, landscaping, lamp posts, pavers, benches, banners and other street furniture contributes to the aesthetics of streets reflecting the character of the adjacent built form. As the main entry points into the Town, streetscaping also is an important component in the development of streets into gateways that may be based on a particular principle, idea or theme. Streetscaping shall primarily occur on arterial roads and collector roads as shown on Schedule C – Transportation Plan.

### **15.8.1 Class A Sections**

Urban Centres are meant to accommodate the broadest diversity of use, greatest level of activity and highest quality of design. Streetscaping along the highest traffic arterials within Urban Centres should reflect and support the surrounding form and function in addition to encouraging alternative transportation modes. Class A streetscaping sections are then those portions of Yonge Street and Davis Drive that are within Urban Centres, as shown on Schedule C – Transportation Plan. The policies of Section 12.6 shall also apply in addition to the Class "A" policies of this section.

### **Policies**

1. Streetscaping along Class A sections shall reflect and support the form and function of the Urban Centres.

2. Streetscaping elements may include but are not limited to softscape and hardscape items, such as trees, plantings, lamp posts, pavers, benches, banners and other street furniture.
3. Streetscaping shall encourage the use of alternative transportation modes and promote pedestrian-oriented and transit-oriented development within the Urban Centres. Design particulars should concentrate on user safety while incorporating superior and unique design elements that complements the Urban Centres.
4. Streetscaping shall be prominent at Gateway locations to help establish a higher sense of awareness and arrival into the Town that uniquely reflects the form and function of the Urban Centres. Similarly, streetscaping elements should also be arranged to highlight entrances and connections to trails as shown on Schedule E – Off-Street Trails Plan.
5. Council may establish a program, in cooperation with the Region of York, that further details streetscaping implementation along Class A sections.
6. Streetscaping along Class A sections shall be coordinated with the Region of York.

#### **15.8.2 Class B Sections**

Highly traveled portions and entry points into the Town are ideal locations to provide for alternative transportation choices while also contributing to civic pride. Class B streetscaping sections are then those arterial roads outside of Urban Centres and local municipal collector roads, as shown on Schedule C – Transportation Plan. The policies of Section 12.6 shall also apply in addition to the Class “B” policies of this section.

#### **Policies**

1. Streetscaping elements may include but are not limited to softscape and hardscape items, such as trees, plantings, lamp posts, pavers, benches, banners and other street furniture.
2. Streetscaping shall encourage the use of alternative transportation modes. Design particulars should concentrate on user safety while incorporating uniform design elements that are reflective of the surrounding neighbourhood.
3. Streetscaping shall be prominent at Gateway locations to help establish a higher sense of awareness and arrival into the Town that is unique to the surrounding neighbourhood. Similarly, streetscaping elements should also be arranged to highlight entrances and connections to trails as shown on Schedule E – Off-Street Trails Plan.
4. Council may establish a program further detailing streetscaping implementation along Class B sections.

5. Streetscaping along arterial roads in Class B sections shall be coordinated with the Region of York.

### **15.8.3 Special Study Area**

A Special Study Area requires further design analysis as a prominent location to the Northwest Newmarket community, located generally northwest of Yonge Street and Davis Drive. The Special Study Area is shown on Schedule C – Transportation Plan.

### **Policy**

1. In addition to Class 'A' and Class 'B' streetscaping policies, and prior to the approval of subdivision and/or site plans for lands which abut Davis Drive and the western property boundary of Upper Canada Mall, a design analysis shall be undertaken to the satisfaction of the Town, in consultation with other agencies, which addresses the following:
  - The interface between the development lands, Davis Drive and Upper Canada Mall;
  - The entrance into the Town of Newmarket at Davis Drive and Bathurst Street;
  - Urban design elements such as landscape treatments, built form, preservation of vistas, and pedestrian access.



## Part IV – Implementation

### 16.0 Implementation

The Implementation Section of the Plan provides a description of the tools that Newmarket can use to implement its Official Plan. Basic planning tools, including zoning by-laws and subdivision control, along with more specialized planning tools, such as holding by-laws and bonus by-laws will ensure that Newmarket can achieve its planning goals and objectives. Policies for non-conforming uses, monitoring and review of the Plan and interpretation are also established in this section.

#### 16.1 Basic Planning Tools

The *Planning Act* provides a variety of tools to help municipalities deal with the development approval process. These basic tools are zoning by-laws, subdivision control, minor variances, site plan control and consents.

##### 16.1.1 Zoning By-laws

###### Policies

1. This Official Plan shall be implemented through the enactment of Zoning By-laws in conformity with the provisions of this Plan and pursuant to the *Planning Act*.
2. A Zoning By-law may impose conditions on the use of land or the erection, location or use of buildings or structures as prescribed in a Regulation to the *Planning Act*.
3. In considering an amendment to the Zoning By-law, Council shall be satisfied that:
  - a. the proposed change is in conformity with this Plan;
  - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c. potential nuisance effects upon adjacent uses are mitigated;
  - d. adequate municipal services are available;
  - e. the size of the lot is appropriate for the proposed use;
  - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
  - g. the on-site parking, loading and circulation facilities are adequate; and,
  - h. public notice has been given in accordance with the *Planning Act*.

### **16.1.2 Subdivision Control**

#### **Policies**

1. All lands within the Town shall be subject to subdivision control pursuant to the *Planning Act*.
2. The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of layout and design is maintained in all development.
3. Council shall recommend for approval only those plans of subdivision which conform to the following criteria:
  - a. the plan of subdivision conforms with the policies of this Plan;
  - b. adequate servicing, including water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, and roads can be provided; and,
  - c. the Town is able to provide necessary municipal services without imposing undue increases in taxation on all residents.

### **16.1.3 Minor Variances**

#### **Policy**

1. Applications for minor variances shall be considered by the Committee of Adjustment on the basis of compliance with the *Planning Act* and general intent and purpose of this Plan and the Zoning By-law.

### **16.1.4 Site Plan Control**

#### **Policies**

1. Site Plan Control may be used by Council to ensure that:
  - a. the land use designations and policies of this Plan are implemented; and,
  - b. a high standard of site layout and design is achieved in all development.
2. The entire Town is defined as a Site Plan Control Area pursuant to the *Planning Act*. Council may:
  - a. exempt development which would otherwise be subject to site plan approval where it considers such approval to be unnecessary due to the type or scale of development proposed;
  - b. require site plan approval as a condition of subdivision agreement; and,
  - c. require site plan approval as a condition of any decision of the Committee of Adjustment.

4. Applications for site plan approval shall contain plans and drawings in accordance with the *Planning Act*.
5. Rights-of-way required for future road widenings that should be acquired under the site plan control provisions of the *Planning Act* are shown on Schedule C, Transportation Plan.
6. Council may also require road widenings and reserves in addition to those specified on Schedule C, Transportation Plan, in order to provide appropriate turning lanes and daylighting triangles at intersections. Those widenings shall generally be acquired through the development approvals process involving the affected lands.

#### **16.1.5 Consents**

##### **Policies**

1. Consents may be permitted for reasons of the creation of a new lot, boundary adjustments, rights-of-way, easements, long term leases and to convey additional lands to an abutting lot, provided an undersized lot is not created.
2. Applications for consents shall only be granted where:
  - a. the severance is for the purpose of infilling within existing development;
  - b. a plan of subdivision is not necessary;
  - c. the number of lots created is three or less;
  - d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
  - e. no extension, improvement or assumption of municipal services is required;
  - f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
  - g. the lot will not restrict the ultimate development of adjacent lands;
  - h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
  - i. the consent complies with all relevant provisions of this Plan.

#### **16.1.6 Complete Applications**

Subsections 22(5), 34(10.2) and 41(3.4) of the *Planning Act* and subsection 9(2) of the *Condominium Act* provides that Council may require a person or public body that requests an amendment to the Town's Official Plan or Zoning By-law, or has applied for Site Plan Control, Plan of Subdivision or Plan of Condominium, to provide any other information or material that Council considers it may need. To be considered a complete

application under the *Planning Act* or *Condominium Act*, the following documentation, information and/or reports are required, to the standards of the Terms of Reference provided by the Town, with the submission of a completed application form and the receipt of applicable fees unless specifically exempted by the Director of Planning and Building Services, through the pre-consultation process. (OPA #7) (OPA #10) (OPA #37)

**Table 3: Reports/Studies/Drawings Required for a Complete Application**  
(OPA #37)

| Report/Studies/Drawings Requirements                                                | Official Plan or Zoning By-law Amendment | Plan of Subdivision | Plan of Condominium | Site Plan Application |
|-------------------------------------------------------------------------------------|------------------------------------------|---------------------|---------------------|-----------------------|
| <b>Construction, Sediment, and Erosion Control</b>                                  |                                          |                     |                     |                       |
| Construction & Traffic Management Report                                            |                                          |                     | •                   | •                     |
| Erosion & Sediment Control Plan                                                     |                                          |                     | •                   | •                     |
| <b>Development Standards Checklist</b>                                              |                                          |                     |                     |                       |
| Development Standards Checklist                                                     |                                          |                     | •                   | •                     |
| Site Plan Accessibility Checklist                                                   |                                          |                     | •                   | •                     |
| <b>Detailed Architectural Design Plans</b>                                          |                                          |                     |                     |                       |
| Elevation Plans                                                                     |                                          |                     | •                   | •                     |
| Floor Plans                                                                         |                                          |                     | •                   | •                     |
| <b>Environmental Reports</b>                                                        |                                          |                     |                     |                       |
| Geotechnical Investigation Report, including how to address Town's Vibration Policy |                                          |                     | •                   | •                     |
| Noise & Vibration Assessment Study                                                  |                                          |                     | •                   | •                     |
| Phase One Environmental Site Assessment to O. Reg 153/04                            | •                                        | •                   | •                   | •                     |
| Detailed Stormwater Management Report                                               |                                          |                     | •                   | •                     |

| Report/Studies/Drawings Requirements                                  | Official Plan or Zoning By-law Amendment | Plan of Subdivision | Plan of Condominium | Site Plan Application |
|-----------------------------------------------------------------------|------------------------------------------|---------------------|---------------------|-----------------------|
| Source Water Impact Assessment and Mitigation Plan                    |                                          |                     | •                   | •                     |
| <b>Grading</b>                                                        |                                          |                     |                     |                       |
| High Level Grading Plan                                               | •                                        | •                   |                     |                       |
| Detailed Grading Plan                                                 |                                          |                     | •                   | •                     |
| <b>Landscape Plans</b>                                                |                                          |                     |                     |                       |
| High Level Concept Landscape Plan                                     | •                                        | •                   |                     |                       |
| Detailed Landscape Plan                                               |                                          |                     | •                   | •                     |
| Landscape Details                                                     |                                          |                     | •                   | •                     |
| Planting Plan                                                         |                                          |                     | •                   | •                     |
| <b>Electrical</b>                                                     |                                          |                     |                     |                       |
| Lighting/Photometric Plan                                             |                                          |                     | •                   | •                     |
| <b>Planning</b>                                                       |                                          |                     |                     |                       |
| Planning Justification Report (PJR)                                   | •                                        | •                   |                     |                       |
| Zoning Matrix                                                         | •                                        | •                   | •                   | •                     |
| <b>Servicing</b>                                                      |                                          |                     |                     |                       |
| High Level Servicing Plan                                             | •                                        |                     |                     |                       |
| Detailed Servicing Plan                                               |                                          |                     | •                   | •                     |
| Functional Servicing Report with Stormwater Management Report and LID | •                                        | •                   | •                   | •                     |
| <b>Site Plan</b>                                                      |                                          |                     |                     |                       |
| Detailed Site Plan with Ontario Building Code Data Matrix             |                                          |                     | •                   | •                     |
| Concept Site Plan                                                     | •                                        | •                   |                     |                       |
| <b>Survey</b>                                                         |                                          |                     |                     |                       |

| Report/Studies/Drawings Requirements                                                                        | Official Plan or Zoning By-law Amendment | Plan of Subdivision | Plan of Condominium | Site Plan Application |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------|---------------------|-----------------------|
| Up-to-date Plan of Survey                                                                                   | •                                        | •                   | •                   | •                     |
| <b>Transportation Reports</b>                                                                               |                                          |                     |                     |                       |
| Traffic/Transportation Impact Report/Statement with Parking Study and Vehicular and Pedestrian Connectivity | •                                        | •                   | •                   | •                     |
| <b>Tree Preservation, Protection &amp; Replacement Plan</b>                                                 |                                          |                     |                     |                       |
| Arborist Report with Tree Survey                                                                            | •                                        | •                   | •                   | •                     |
| Tree Inventory Map/Plan                                                                                     | •                                        | •                   | •                   | •                     |
| Tree Report Form                                                                                            | •                                        | •                   | •                   | •                     |
| <b>Utilities</b>                                                                                            |                                          |                     |                     |                       |
| Full Size Composite Utility Plan                                                                            |                                          | •                   | •                   | •                     |

1. The reports identified above shall be submitted in support of an application at the earliest point in the planning process as is applicable to the application under consideration, e.g., submitted at the official plan application stage, notwithstanding the need for a zoning by-law and site plan application.
2. Where appropriate, the Town may waive or vary the information required to accompany a development application.
3. The materials marked by “•” in Table 3 Mandatory Reports/Studies/Drawings Required for a Complete Application shall accompany a development application for complete submission. However, this is not intended to preclude the Town from requiring additional reports, studies or drawings that may be identified in pre-consultation, the review of the application, or as a result of any updates to legislation, plans or policies and where such information is needed by the Town to inform the decision-making process.

In addition to the mandatory requirements listed in Table 3: Mandatory Reports/Studies Required for a Complete Application, the Town may, when identified in pre-consultation, require any of the following reports, studies, or drawings to be submitted for a complete application.

**Table 4: Other Reports/Studies/Drawings Required for a Complete Application** (OPA #37)

| Other Reports/Studies/Drawings                                                                                | Official Plan and Zoning By-Law Amendment | Plan of Subdivision | Plan of Condo | Site Plan Application |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------|---------------|-----------------------|
| <b>Construction, Sediment, and Erosion Control</b>                                                            |                                           |                     |               |                       |
| Erosion & Sediment Control Plan                                                                               |                                           | •                   |               |                       |
| <b>Detailed Architectural Design Plans</b>                                                                    |                                           |                     |               |                       |
| Concept elevations and/or renderings                                                                          | •                                         | •                   | •             | •                     |
| Parking Structure Plans                                                                                       |                                           |                     | •             | •                     |
| <b>Environmental Reports</b>                                                                                  |                                           |                     |               |                       |
| Environmental Impact Assessment                                                                               | •                                         | •                   | •             | •                     |
| Phase Two Environmental Site Assessment (if required)                                                         | •                                         | •                   | •             | •                     |
| Record of Site Condition (if required)                                                                        | •                                         | •                   | •             | •                     |
| Section 59 (Sourcewater protection) Notice, requirement confirmed by the Region                               | •                                         | •                   | •             | •                     |
| Sustainable Development Report (in accordance with the Urban Centres Secondary Plan) (can be included in PJR) | •                                         | •                   |               |                       |
| Noise & Vibration Assessment Study                                                                            |                                           | •                   |               |                       |
| <b>Grading</b>                                                                                                |                                           |                     |               |                       |
| Detailed Grading Plan                                                                                         |                                           | •                   |               |                       |
| <b>Electrical</b>                                                                                             |                                           |                     |               |                       |
| Electric Site Plan                                                                                            |                                           |                     | •             | •                     |
| Lighting Impact Study                                                                                         |                                           | •                   | •             | •                     |
| Electric Vehicle Charging Station Brief                                                                       |                                           | •                   | •             | •                     |
| <b>Urban Design</b>                                                                                           |                                           |                     |               |                       |
| Building Mass Model                                                                                           | •                                         | •                   | •             | •                     |
| Checklist from <a href="#">Urban Design Guidelines</a>                                                        |                                           | •                   | •             | •                     |
| Shadow Study                                                                                                  | •                                         | •                   | •             | •                     |

| Other Reports/Studies/Drawings                                                                                       | Official Plan and Zoning By-Law Amendment | Plan of Subdivision | Plan of Condo | Site Plan Application |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------|---------------|-----------------------|
| Streetscape Plan                                                                                                     | •                                         | •                   | •             | •                     |
| Transitional Angular Plane Analysis (in accordance with the Urban Centres Secondary Plan)                            | •                                         | •                   | •             | •                     |
| Urban Design and Landscaping Plan                                                                                    |                                           | •                   | •             | •                     |
| Viewshed Analysis                                                                                                    | •                                         | •                   | •             | •                     |
| <b>Planning</b>                                                                                                      |                                           |                     |               |                       |
| Communication Implementation Plan (in accordance with the Urban Centres Secondary Plan) (can be included within PJR) | •                                         |                     |               |                       |
| Compatibility Analysis, including a neighbourhood cross section                                                      | •                                         | •                   | •             | •                     |
| <b>Survey</b>                                                                                                        |                                           |                     |               |                       |
| Topographical Survey extending 5m beyond property lines                                                              |                                           | •                   | •             | •                     |
| <b>Transportation Reports</b>                                                                                        |                                           |                     |               |                       |
| Drive-through Air Quality and Stacking and Queueing Report                                                           |                                           |                     | •             | •                     |
| Parking Report and/or Justification Study                                                                            | •                                         | •                   | •             | •                     |
| Sign Inventory and Pavement Marking Plans                                                                            |                                           |                     | •             | •                     |
| Transportation Demand Management Strategy                                                                            | •                                         | •                   | •             | •                     |
| <b>Tree Preservation, Protection &amp; Replacement Plan</b>                                                          |                                           |                     |               |                       |
| Vegetation Enhancement Strategy                                                                                      |                                           |                     | •             | •                     |
| <b>Other Reports</b>                                                                                                 |                                           |                     |               |                       |
| Air Quality Impact Study                                                                                             | •                                         | •                   | •             | •                     |
| Archaeological Assessment                                                                                            | •                                         | •                   |               |                       |
| Cultural Heritage Impact Assessment                                                                                  | •                                         | •                   |               |                       |



| Other Reports/Studies/Drawings                                                                                   | Official Plan and Zoning By-Law Amendment | Plan of Subdivision | Plan of Condo | Site Plan Application |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------|---------------|-----------------------|
| Hydrogeological Study (if required by Geotechnical Report) and Hydrological Study                                | •                                         | •                   | •             | •                     |
| Geotechnical Report                                                                                              |                                           | •                   |               |                       |
| Letter of Reliance                                                                                               |                                           | •                   | •             | •                     |
| Market Impact Study                                                                                              | •                                         | •                   |               |                       |
| Pedestrian-level Wind Study                                                                                      |                                           |                     | •             | •                     |
| Soil Management Report                                                                                           |                                           |                     | •             | •                     |
| Soils, Slope Stability, Erosion and Flood Risk Study                                                             | •                                         | •                   | •             | •                     |
| Solar Design Strategy                                                                                            |                                           | •                   | •             | •                     |
| Source Water Protection Study including a Risk Assessment and conceptual and Detailed Risk Management Plan (CWA) | •                                         | •                   | •             | •                     |
| Waste Disposal Site Impact Assessment in accordance with Section 10.3 of this Plan                               | •                                         | •                   | •             | •                     |
| Risk Assessment/Rail Safety Report                                                                               | •                                         | •                   | •             | •                     |

## 16.2 Specialized Planning Tools

In addition to the basic planning tools, the *Planning Act* permits the use of more specialized mechanism that contribute to the growth and development of the Town. These more specialized measures include:

- Holding By-laws;
- Bonus By-laws;
- Interim Control By-laws;
- Temporary Use By-laws;
- Property Standards;
- Land Acquisition; and,
- Demolition Control.

### 16.2.1 Holding By-laws

## Policies

1. Council may enact holding by-laws in accordance with the *Planning Act*, in order to limit or prevent the use of certain lands until such time as Council is satisfied with the provisions of this Plan.
2. Holding by-laws shall identify the future use of lands in accordance with this Plan and shall identify the holding restriction by affixing an "H" prefix to the zoning category applicable to the lands.
3. Holding by-laws shall specify the uses (and any additional applicable regulations) which will be permitted while the holding provision is in effect, provided that such interim uses do not conflict with the future use of the lands.
4. Prior to removing the holding provision, Council or its designate shall be satisfied that:
  - a. adequate servicing, and transportation improvements are provided;
  - b. all requirements of the Town have been satisfied;
  - c. all necessary subdivision or development agreements have been entered into, and that the conditions of these agreements have been, or will be met; and,
  - d. the development satisfies all other relevant policies of this Plan.
5. Council may by by-law delegate its authority to remove holding provisions to the Director of Planning and Building Services or his or her designate.

### 16.2.2 Bonus By-laws

## Policies

1. Development standards may be incorporated into the Zoning By-law to permit increases in the height and/or density of development, where such development provides community benefits above and beyond what would otherwise be required under the Provisions of the *Planning Act* or *Development Charges Act*, including:
  - a. housing for low and moderate income groups, senior citizens, handicapped or other special needs groups, beyond that required by the York Region Official Plan; (*OPA #10*)
  - b. the preservation of areas, sites, buildings or structures of historical, architectural or archaeological merit;
  - c. community or open space facilities such as community centres, parks, pedestrian/bicycle linkages and day care centres;
  - d. streetscape improvements; or,

- e. other local improvements that contribute to achieving the building, landscape, and urban design objectives of Council as set out in this Plan and supporting guideline documents.
- 2. Increased height and/or density provisions enacted in the Zoning By-law as outlined above shall specify the development standards that would apply where increases are to be permitted in accordance with this Plan.
- 3. Council shall require the execution of agreements for developments which include increased height and/or density.

### **16.2.3 Interim Control By-laws**

#### **Policy**

- 1. Council may enact interim control by-laws in accordance with the *Planning Act*, in order to limit or prohibit the use of certain lands until a review or study of the land use planning policies affecting those lands has been undertaken.

#### **16.2.4 Temporary Use By-laws**

##### **Policies**

1. Council or its designate may enact temporary use by-laws in accordance with the *Planning Act*, in order to allow lands to be zoned for uses otherwise prohibited in the Zoning By-law, on a temporary basis.
2. In considering temporary use by-laws, Council or its designate shall be satisfied that:
  - a. the proposed development or redevelopment is consistent with the temporary nature of the use;
  - b. the proposed use is compatible with adjacent uses and, where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c. the size of the lot and/or building is appropriate for the proposed use; and,
  - d. adequate services are available.
3. Council may by by-law delegate its authority to permit temporary use to the Director of Planning and Building Services or his or her designate.

#### **16.2.5 Property Standards**

##### **Policies**

1. The safety and maintenance of all properties in the Town will occur through the enforcement of the Town's Property Maintenance and Occupancy Standards By-law passed under the *Building Code Act*.
2. Council may require, with the Property Maintenance and Occupancy Standards By-law, that a property that does not conform to that by-law be repaired and maintained to the standards of the By-law, or prohibit occupancy of that property, or may order the property to be cleared and graded.

##### **Program**

1. Council may make or grant loans to owners for the repair or demolition of properties in accordance with the *Planning Act*.

#### **16.2.6 Land Acquisition**

##### **Policy**

1. Council may acquire and hold lands within the Town for the purposes of implementing this Plan in accordance with the provisions of the *Planning Act*.

### **16.2.7 Demolition Control**

#### **Policy**

1. Where a Property Maintenance and Occupancy Standards By-law identified by this Plan is in effect, Council may enact a by-law creating an area(s) of demolition control pursuant to the *Planning Act*.

### **16.3 Non-conforming Uses**

#### **Policies**

1. In accordance with the *Planning Act*, the following uses which are not in conformity with the land use designations of this Plan may be recognized as legal non-conforming uses:
  - a. any land, building or structure lawfully in existence on the date of passage of any Zoning By-law to implement this Plan, provided that it continues to be used for that purpose; or,
  - b. any building or structure for which a building permit has been issued under the *Building Code Act* prior to the date of passage of any Zoning By-law to implement this Plan, provided that it is erected and used for that purpose, and that the building permit is not otherwise revoked.
2. Non-conforming uses shall be encouraged to relocate or redevelop so that the land may be developed in conformity with this Plan and the Zoning By-law.
3. Council may consider the feasibility and desirability of acquiring any legal non-conforming use and disposing, exchanging or holding such use in accordance with the *Planning Act*.
4. Applications for the extension or enlargement of a legal non-conforming use may be permitted by amendment to the Zoning By-law, or by application to the Committee of Adjustment, in accordance with the *Planning Act*.
5. An established use that existed prior to the passing of a Zoning By-law and that does not conform to the land use policies and designations of this Plan, may be zoned in accordance with the existing non-conforming use provided that:
  - a. the zoning of such non-conforming use will not permit any significant change of use that will be detrimental to any existing conforming uses;
  - b. the non-conforming use does not constitute a danger to surrounding uses by virtue of their hazardous nature or the traffic they generate;
  - c. the non-conforming use does not pollute the environment to the extent of interfering in the natural use of the property; and,

- d. the non-conforming use does not interfere with the continued development of adjacent conforming uses.

## **16.4 Monitoring and Review**

Policies in this section provide the framework necessary to ensure that the Official Plan will remain effective over the long-term.

### **Policies**

1. This Plan will undergo a comprehensive review within a minimum of five years, the purpose of which shall be to measure the achievement of the Official Plan's policies against its goals and to revise the goals, policies and methods of implementation where necessary.
2. The review will ensure that the goals and policies of this Plan remain realistic and shall determine how well the policies are being implemented.
3. As a result of the monitoring and review process, this Plan may be amended.

## **16.5 Interpretation**

The policies in this section provide guidance for the interpretation of the text, schedules and tables of this Plan.

### **Policies**

1. The Town of Newmarket Official Plan is comprised of Sections 1 to 16 and Schedules A to F inclusive. This Plan should be read as a whole to understand its intent as a policy guide for priority setting and decision making.
2. This Official Plan is intended to serve as a guideline for the planning and development of the Town and should be interpreted on that basis.
3. All numbers and quantities shown in this Official Plan shall be considered to be approximate. Technical revisions to this Official Plan are permitted without Official Plan amendments provided they do not change the intent of the Plan.

Technical Amendments include:

- a. Changing the numbering, cross-referencing and arrangement of the text, tables, schedules and maps;
- b. altering punctuation or language for consistency;
- c. correcting grammatical, dimensional and boundary, mathematical or typographical errors;
- d. adding technical information to maps or schedules.

4. An amendment to this Official Plan shall be required where a policy, designation, schedule or principle is added, deleted or significantly altered.
5. The boundaries of the land use designations on Schedule A, Land Use Plan, shall be considered approximate, except where they coincide with roads, railways, lot and concession lines, or other definitive features.
6. Where the general intent of this Official Plan is maintained, minor boundary adjustments shall not require an amendment.
7. Where the land use designations shown on Schedule A, Land Use Plan, are delineated by symbols, their extent and location in specific development applications may be considered flexible, in accordance with the other policies and the general intent of this Official Plan, and shall not require an amendment.
8. For the exact delineation and location of water features and Floodplain boundaries shown on the Schedules of this Official Plan, reference should be made to the Lake Simcoe Region Conservation Authority mapping and regulations.
9. Permitted uses included in this Official Plan are intended to illustrate the range of activities in each respective land use designation rather than a complete list of uses. Specific uses shall be defined in the implementing Zoning By-law.
10. The delineation of land uses, roads and other features on the Schedules of this Official Plan, or textual references to such features, shall not be interpreted as a commitment by Council to provide roads or services at the location indicated in a certain period of time.
11. References to any legislation, authority or agency which ceases to exist subsequent to the preparation of this Official Plan, and to whom responsibilities relating to this Plan or its implementation are charged, shall be transferred to any subsequent legislation, authority or agency which assume responsibility without requiring an amendment to this Plan.
12. Where definitions are not provided, the definitions of the Provincial Policy Statement shall apply to interpret policies of the Plan.
13. This Official Plan shall be referred to as the Town of Newmarket Official Plan.

## **16.6 Transition (OPA # 29)**

### **Policies**

1. Notwithstanding the policies of OPA No. 29, applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium approval or Site Plan approval which were deemed complete and

still in process prior to approval of OPA No. 29, or which were approved by the Town or the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal), are required to conform only with the policies in force at the time of the complete application or approval until the date OPA No. 29 is approved.

2. Where an application for Official Plan Amendment or Zoning By-law Amendment referenced in Policy 16.6.1 was approved by Council before or after OPA 29 comes into effect, any further applications required under the Planning Act or the Condominium Act, 1998 to implement the approved Official Plan Amendment or Zoning By-law Amendment referenced in Policy 16.6.1 are not subject to OPA 29.



# Schedules A to I

Schedule A – Land Use Plan

Schedule B – Natural Heritage System

Schedule C – Transportation Plan

Schedule D – Active Transportation Network

Schedule E – Off-Street Trails Plan

Schedule F – Community Improvement Policy Area Plan

Schedule G – Wellhead Protection Areas

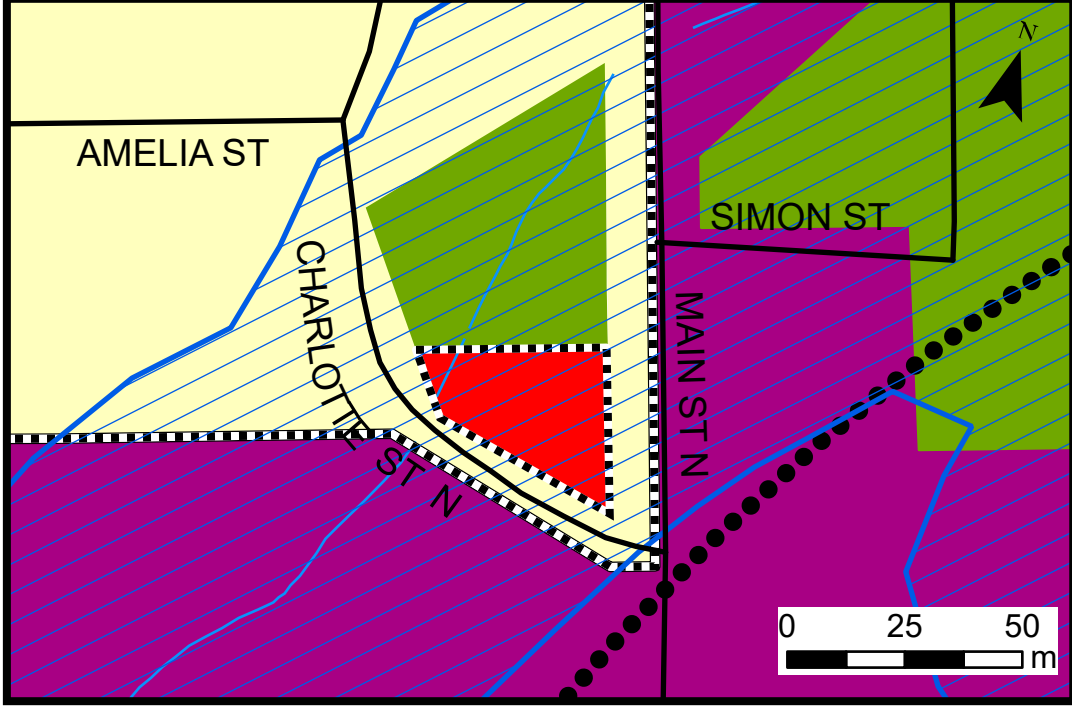
Schedule H – Old Main Street Tertiary Plan Area (*OPA # 22*)

Schedule I – Residential Character Areas

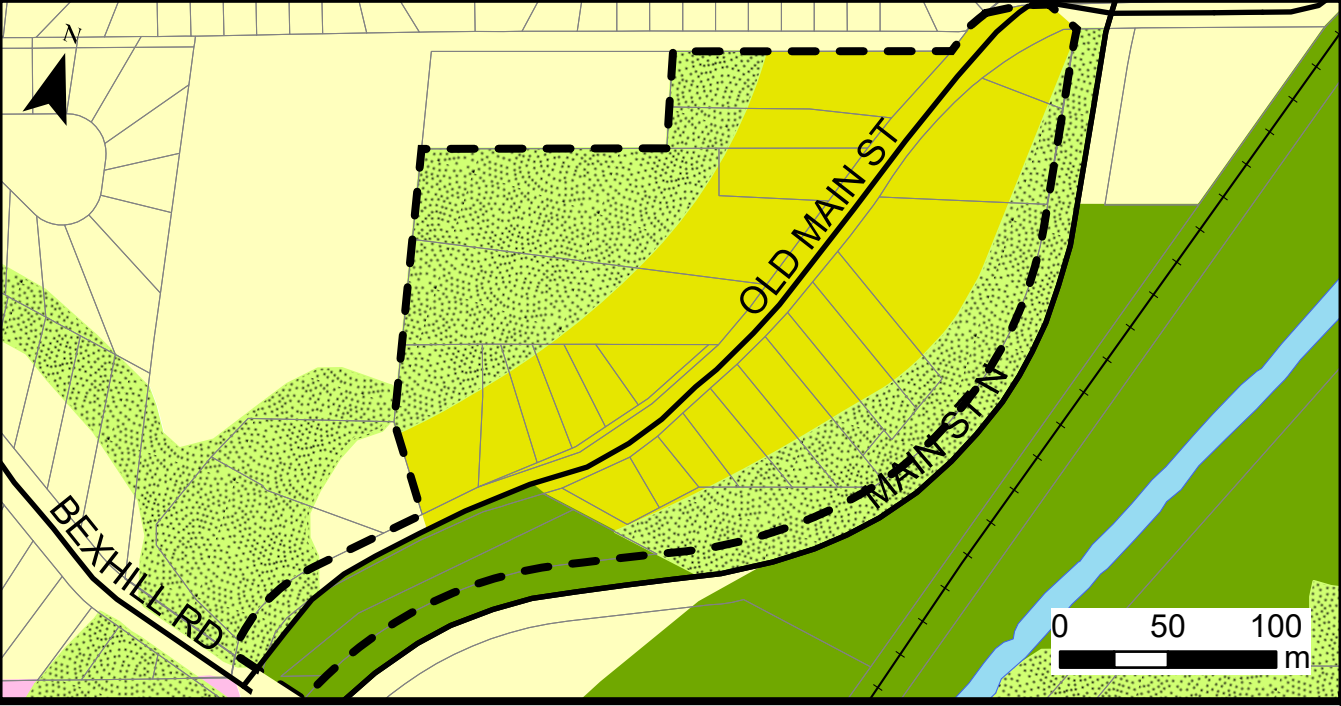
Oak Ridges Moraine (*OPA # 28*)



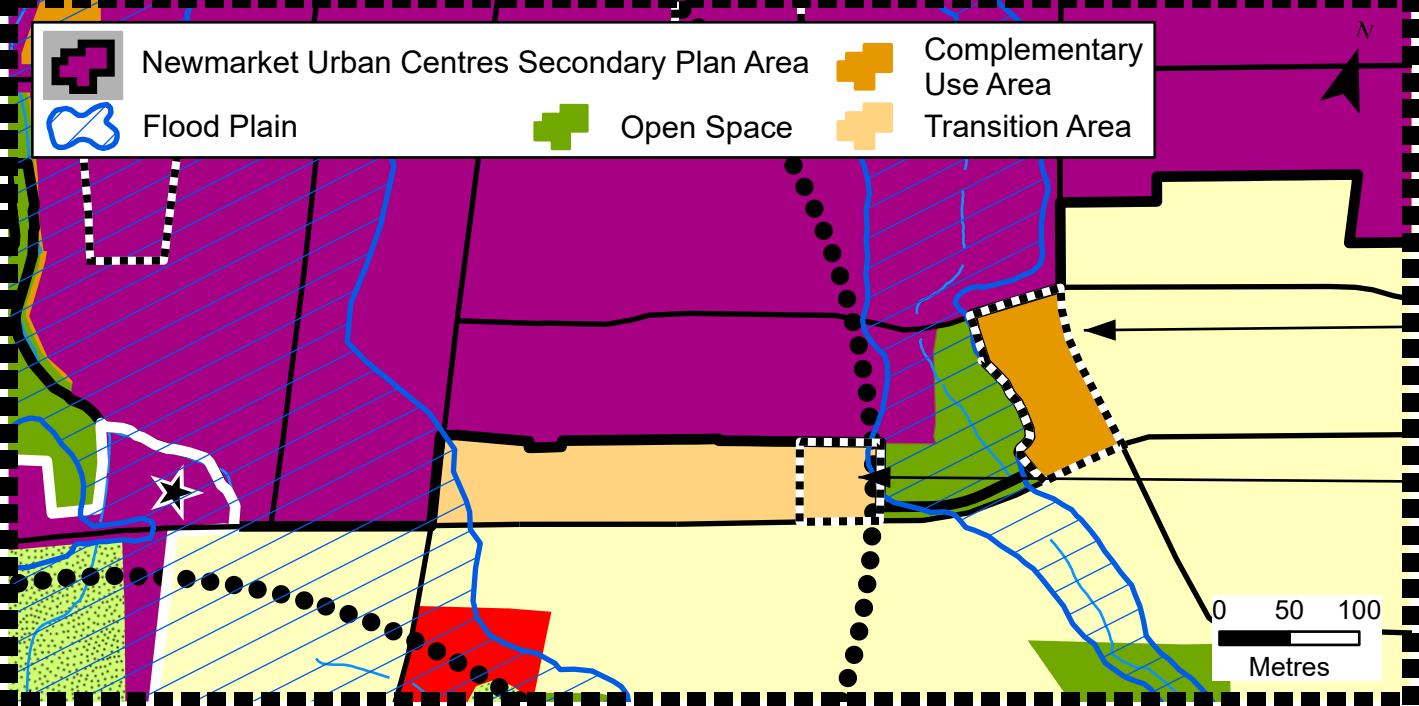
OPA # 4 - 22 and 28 Main St N



OPA # 22 - Old Main Street Tertiary Plan

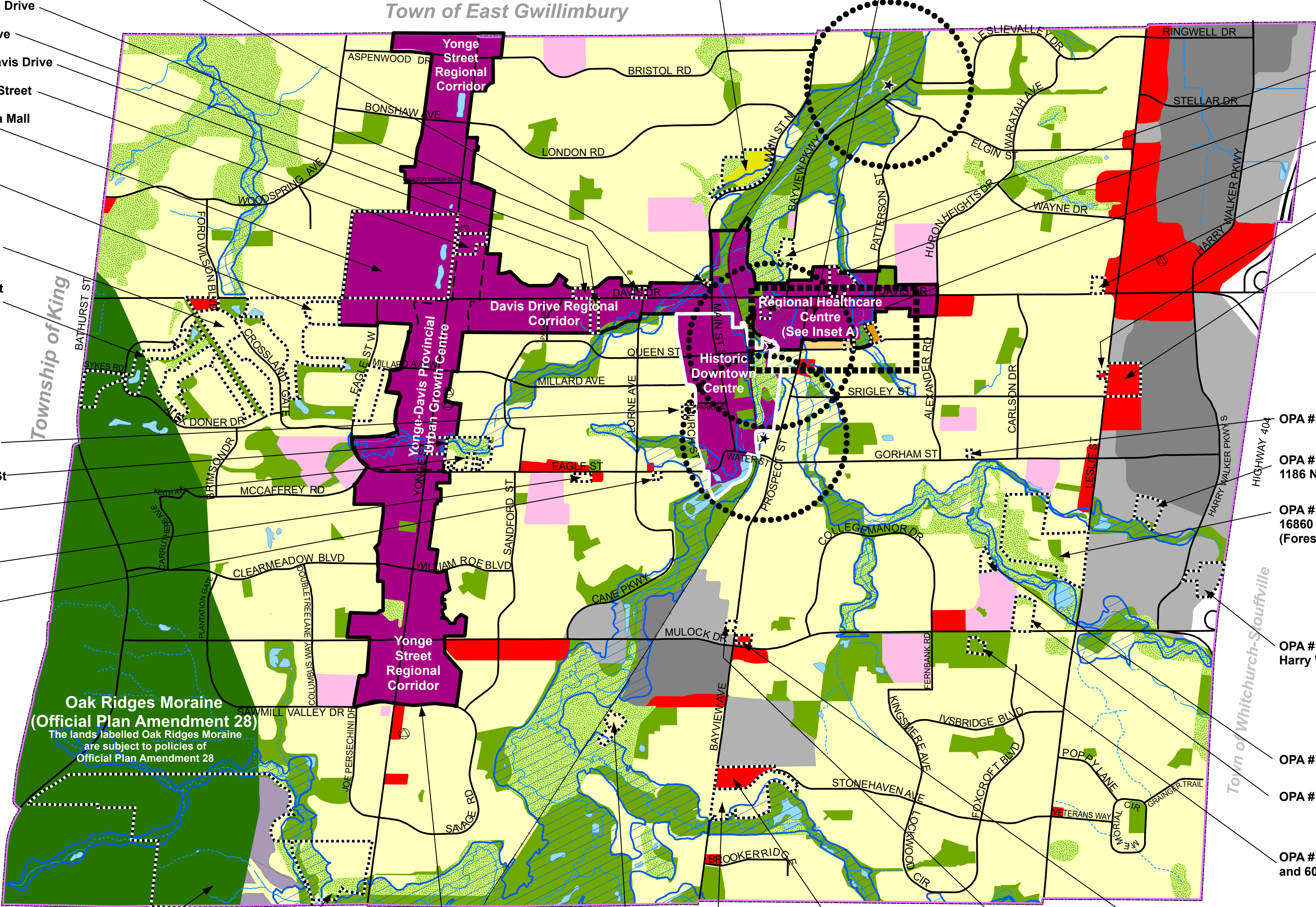


Inset A: Complementary Use Area & Transitional Area



# Schedule A Land Use Town of Newmarket

- OPA # 39 - 299-315 Davis Drive
- OPA # 45 - 230 Davis Drive
- OPA # 31 and 42 - 201 Davis Drive
- OPA # 20 - 17645 Yonge Street
- OPA # 30 - Upper Canada Mall
- OPA # 26 - Marianneville Developments Block 164 and 165
- OPA # 16 - Marianneville Developments - former Glenway Golf Course
- OPA # 33 - Glenway West - former Glenway Golf Course
- OPA # 18 - 400 Park Ave, 405 and 407 Botsford St
- OPA # 38 - 17175 Yonge St
- Area Referred to the Ontario Municipal Board (OPA # 34)
- OPA # 19 - 260 Eagle St
- OPA # 2 - 372 Eagle St



- OPA # 3 - Northwest corner of Roxborough Rd and Queen St
- OPA # 6 - 649, 693, 657 Queen St
- OPA # 46 - 62 Bayview Pkwy
- OPA # 41 - 615, 625, 631 Davis Dr and 23, 29, 33, 39 Bolton Ave
- OPA # 44 - 514 Davis Dr
- OPA # 43 - 1041, 1051 Davis Dr and 15, 23 Hamilton Dr
- OPA # 9 - 17310 Leslie St
- OPA # 5 - Northeast corner of Leslie St and Stackhouse Rd
- OPA # 1 - 873 Gorham St
- OPA # 14 - 1166 and 1186 Nicholson Rd
- OPA # 27 - 16920 and 16860 Leslie St (Forest Green Homes)
- OPA # 13 - 429 and 445 Harry Walker Parkway
- OPA # 35 - 415 Pickering Cres
- OPA # 12 - 955 and 995 Mulock Dr
- OPA # 24 - 900 Mulock Drive and 605 Fernbank Road

**Oak Ridges Moraine**  
(Official Plan Amendment 28)  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28

- OPA # 32 - 16250, 16356, 16450 Yonge St (Shining Hill Estates)
- OPA # 21 - 16200 - 16250 Yonge St
- OPA # 10, 25 - Urban Centres Secondary Plan
- OPA # 17 - Silken Laumann Drive
- OPA # 36 - 600 Stonehaven Ave
- OPA # 8 - 665, 675, 688, 695 Stonehaven Ave
- OPA # 40 - 16756 and 16764 Bayview Ave
- OPA # 15 - 536 and 550 Mulock Crt

- Town-wide Official Plan Amendments**
- OPA # 7 - Housekeeping and Technical Amend.
  - OPA # 11 - Active Transportation Network
  - OPA # 23 - Community Improvement Plans
  - OPA # 29 - Established Neighbourhoods
  - OPA # 37 - Bill 109 and Bill 23 Conformity

Town of Aurora

Scale 1:15,000



- Residential Area
- Residential Area - Old Main Street Tertiary Plan
- Major Institutional
- Business Park - General Employment
- Business Park - Mixed Employment
- Commercial
- Urban
- Urban Centres & Corridors
- Historic Downtown Centre
- Newmarket Urban Centres Secondary Plan Area
- Parks & Open Space
- Natural Heritage System
- Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28
- Flood Plain  
Floodplain limits are shown for screening purposes only and may not reflect the most up-to-date data. The LSRCA should be contacted to confirm the actual floodplain limits & to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specific site.
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Waste Disposal Assessment Area
- 500m Waste Disposal Area of Influence
- Inset A: Complementary Use & Transitional Areas
- Site Specific Amendments/OMB Referrals
- Yonge-Davis Provincial Urban Growth Centre Boundary
- Regional Water Wells
- Municipal Boundary
- Railway
- Roads

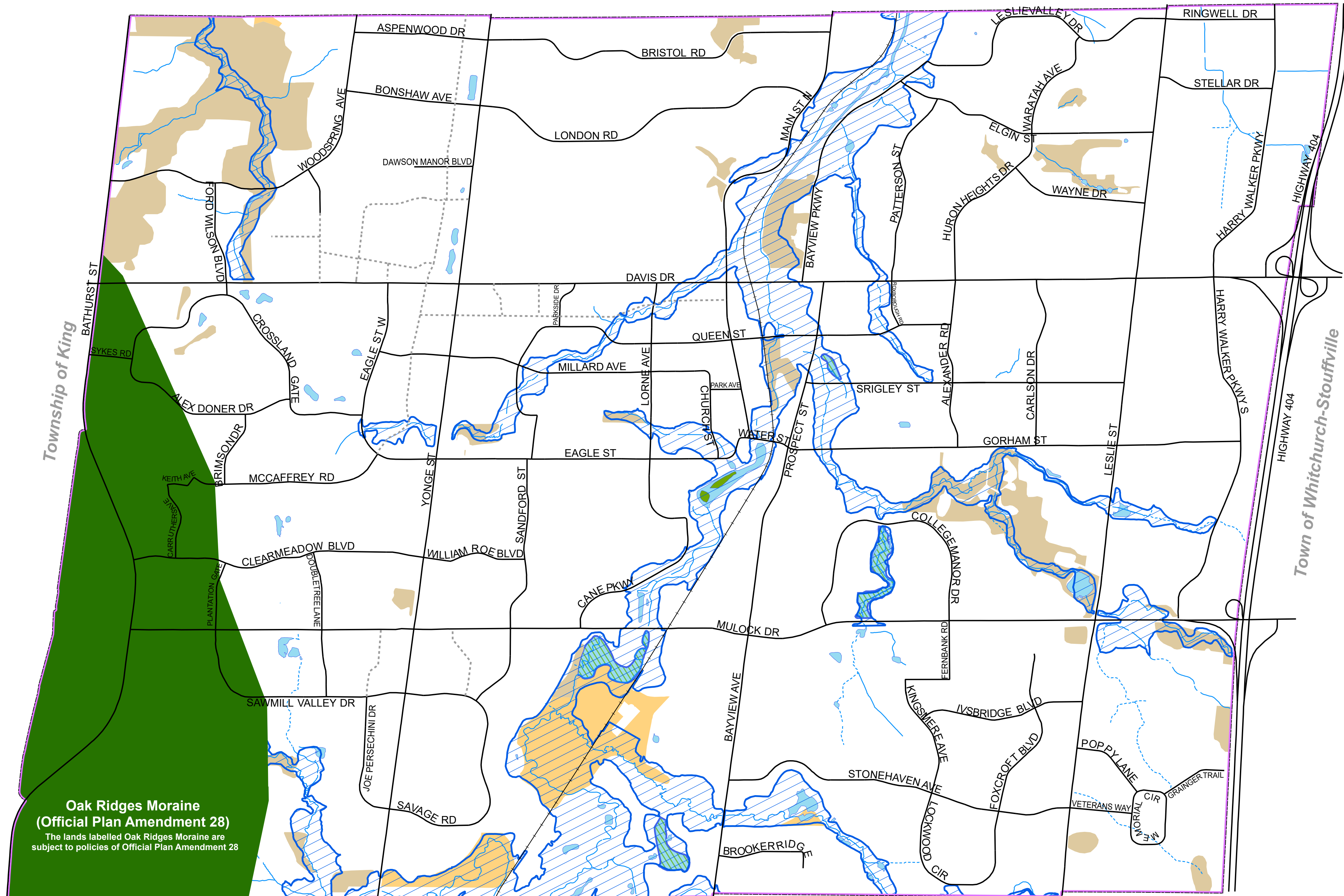


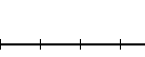




Schedule B  
Natural Heritage System  
**Town of Newmarket**

Town of East Gwillimbury



-  Meadow
-  Wetland
-  Woodlot
-  Flood Plain  
Floodplain limits are schematic and are for screening purposes only and may not reflect the most up-to-date data. The LSRCA should be contacted to confirm the actual floodplain limits and to obtain the most up-to-date data. A topographic survey may be required in order to determine the limit of predicted flooding at a specific site.
-  Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28
-  Waterbodies
-  Watercourse
-  Watercourse - Intermittent
-  Roads
-  Future Roads
-  Railway
-  Municipal Boundary

Town of Aurora

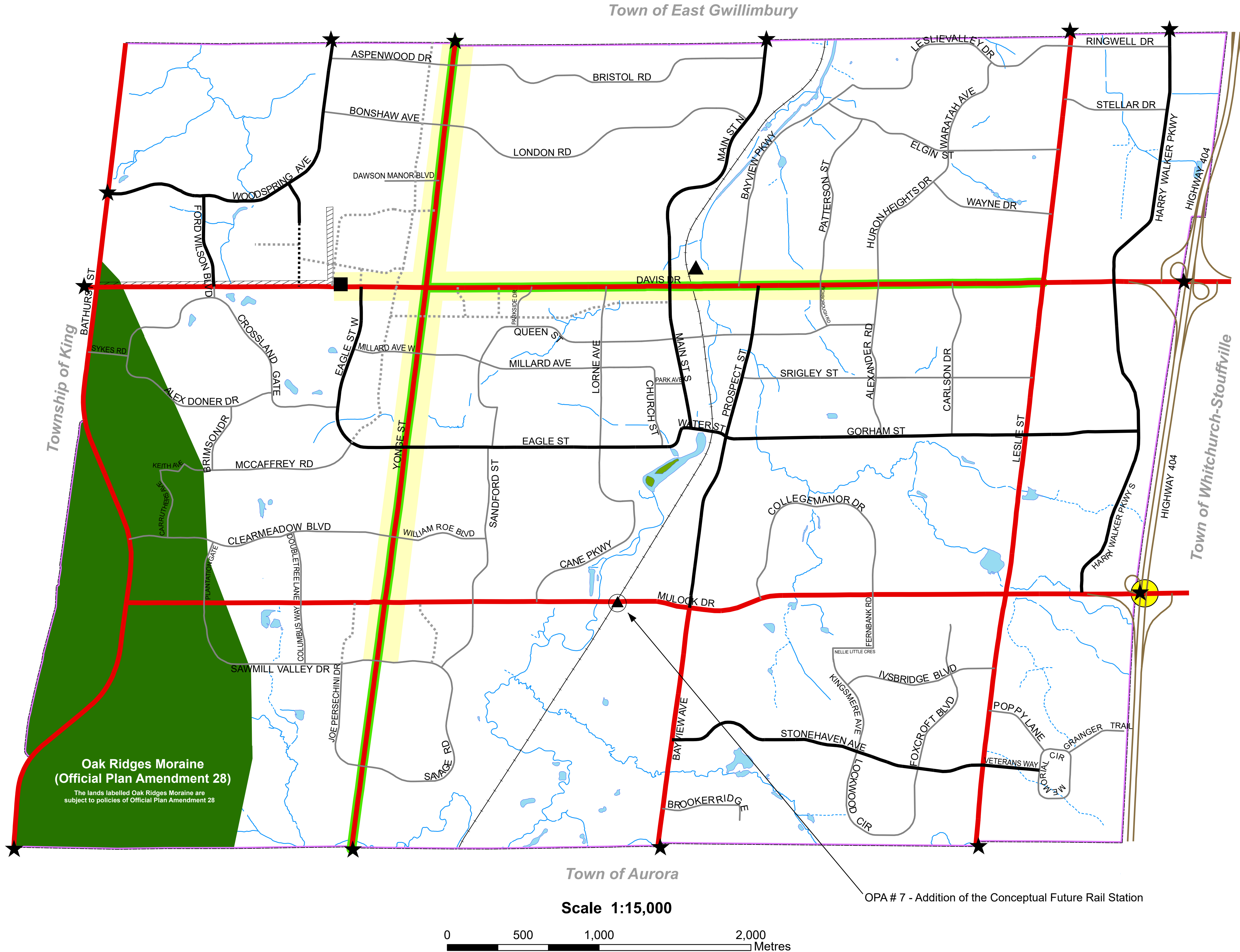
Scale 1:15,000



Newmarket



Schedule C  
Transportation Plan  
**Town of Newmarket**

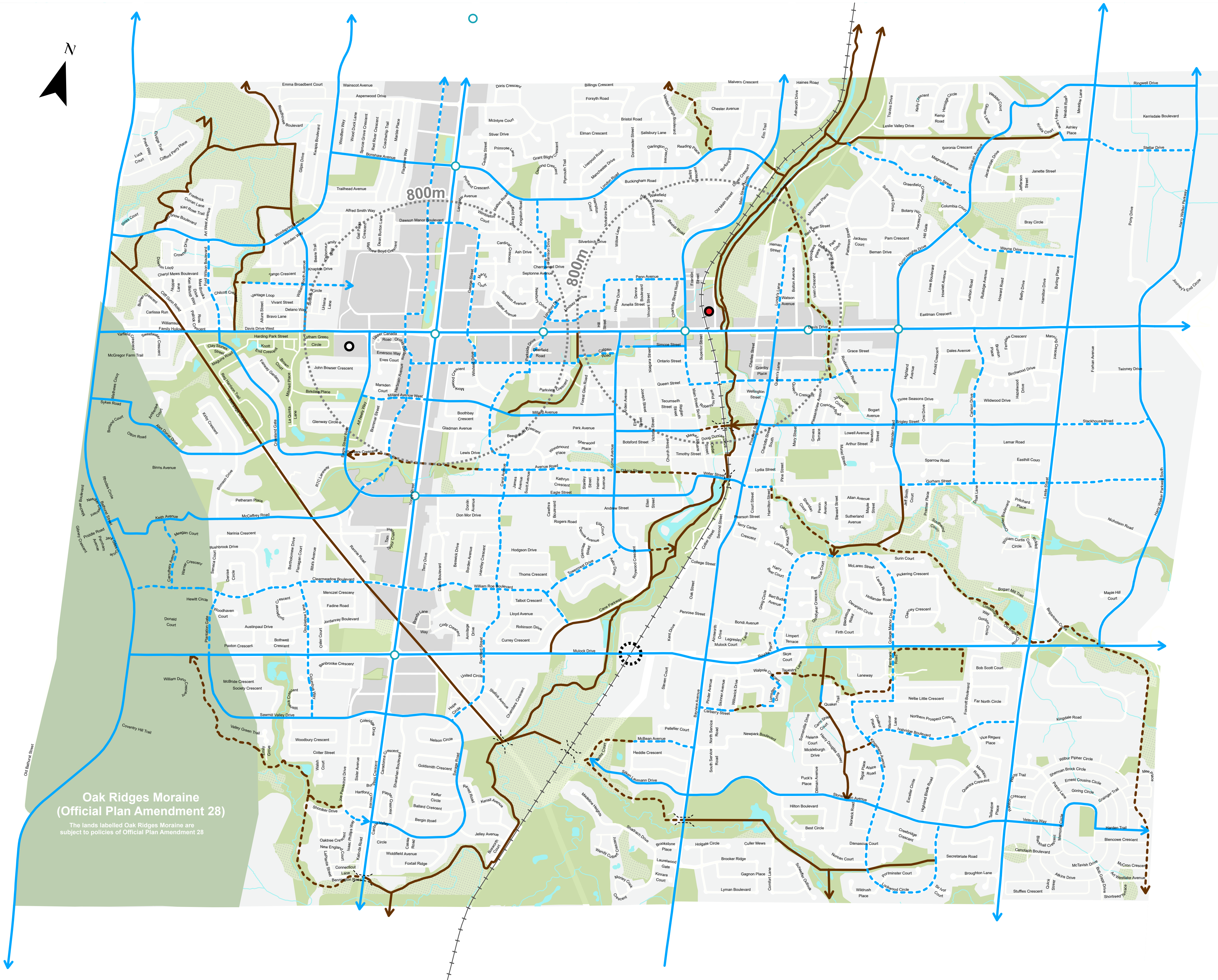


- Freeway
  - Arterial Road
  - Primary Collector Road
  - Future Primary Collector Road
  - Minor Collector Road
  - Future Minor Collector Road
  - Railway
  - Intersection Improvement  
Intersection Improvement will be determined by a future study.
  - Transit Station
  - Rail Station
  - Conceptual Future Rail Station
  - Gateway Locations
- Streetscaping**
- Class A
  - Class B - Arterial Roads outside of Urban Centres. All Collectors.
  - Special Study Area
  - Conceptual Regional Rapid Transit Corridor
  - Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28
  - Waterbodies
  - Watercourse
  - Watercourse - Intermittent
  - Municipal Boundary





Schedule D  
Active Transportation Network  
**Town of Newmarket**



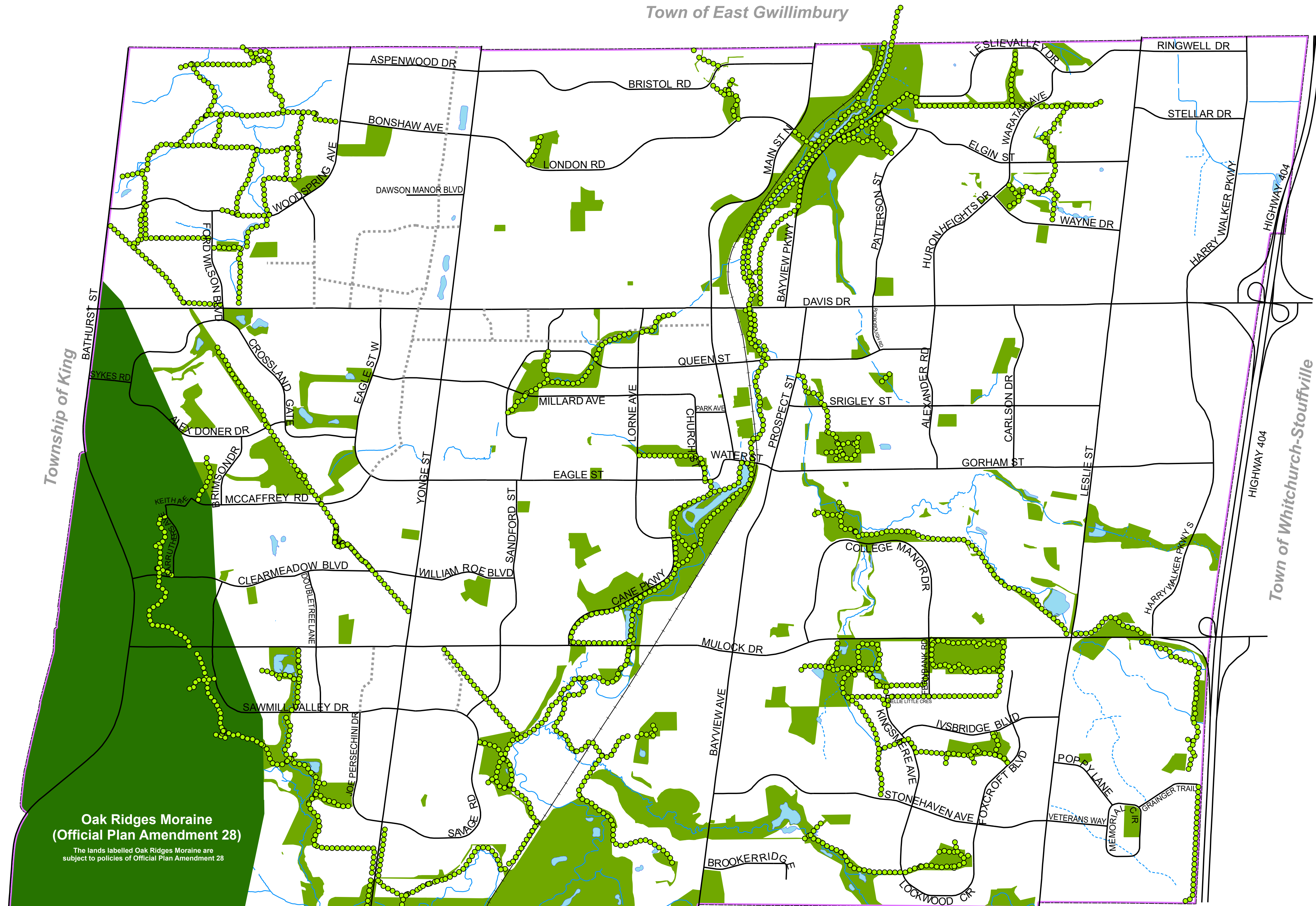
- Primary Active Transportation Network (Within the Road ROW)
- Secondary Active Transportation Network (Within the Road ROW)
- Primary Active Transportation Network (Off-Road)
- Secondary Active Transportation Network (Off-Road)
- Go Transit Station
- Planned VIVA Rapidway Station
- Mobility Hub
- Future Go Transit Station
- Railway
- Potential Future Pedestrian Bridge Underpass
- Waterbodies/Watercourse







# Schedule E Off-Street Trails Plan Town of Newmarket

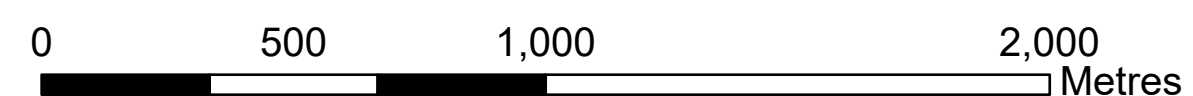


- Conceptual Trail System
- Parks & Open Space
- Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Roads
- Future Roads
- Railway
- Municipal Boundary



Town of Aurora

Scale 1:15,000





Schedule F

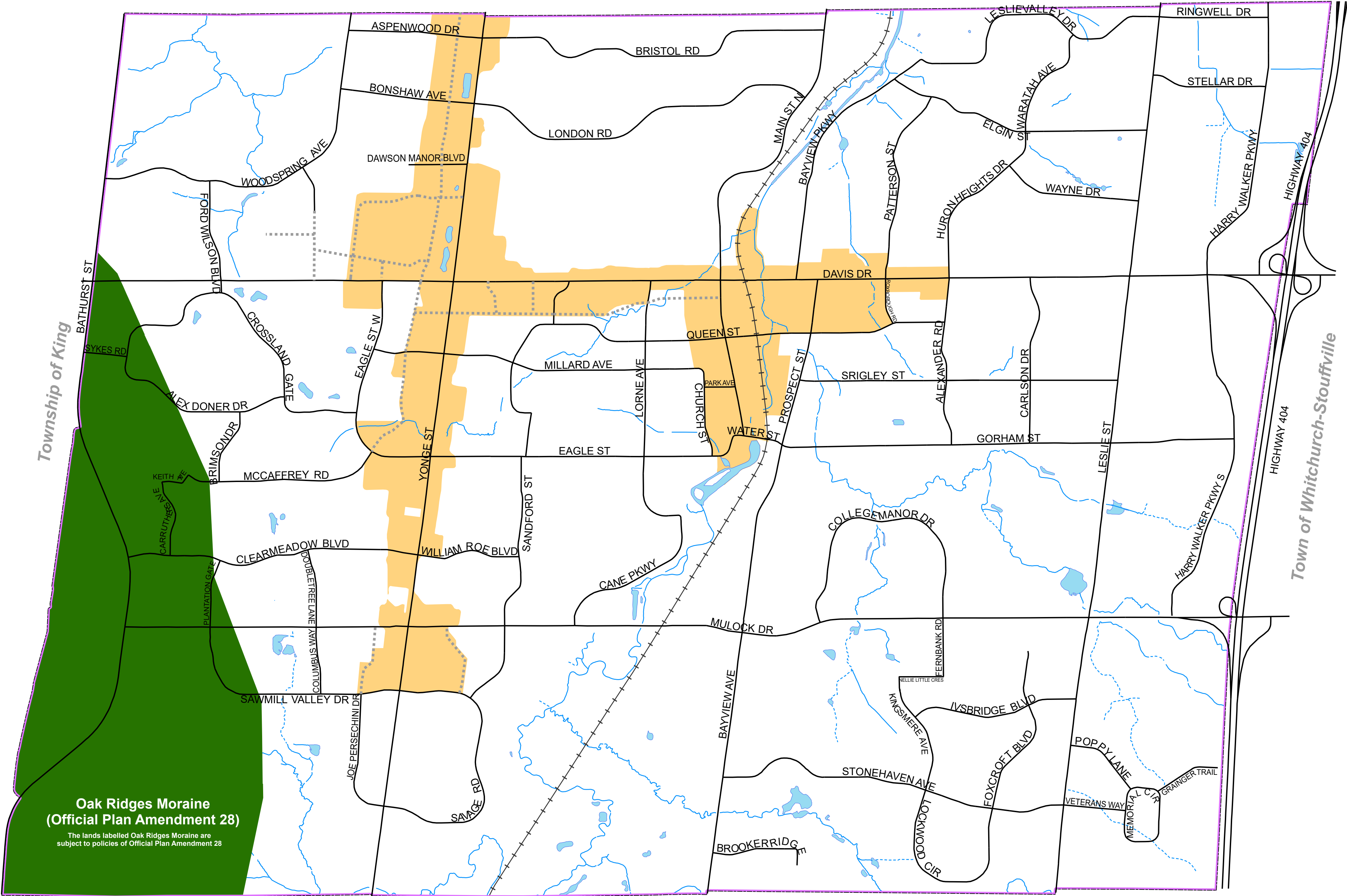
Community Improvement Policy

Area Plan

Town of Newmarket



Town of East Gwillimbury

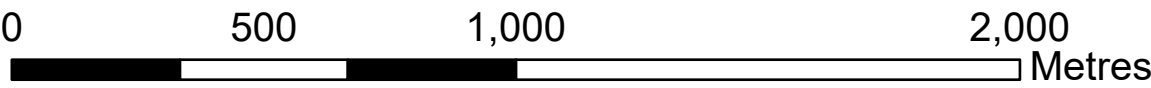


- Community Improvement Policy Area
- Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
- Municipal Boundary
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Railway
- Roads
- Future Roads

Oak Ridges Moraine  
(Official Plan Amendment 28)  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28

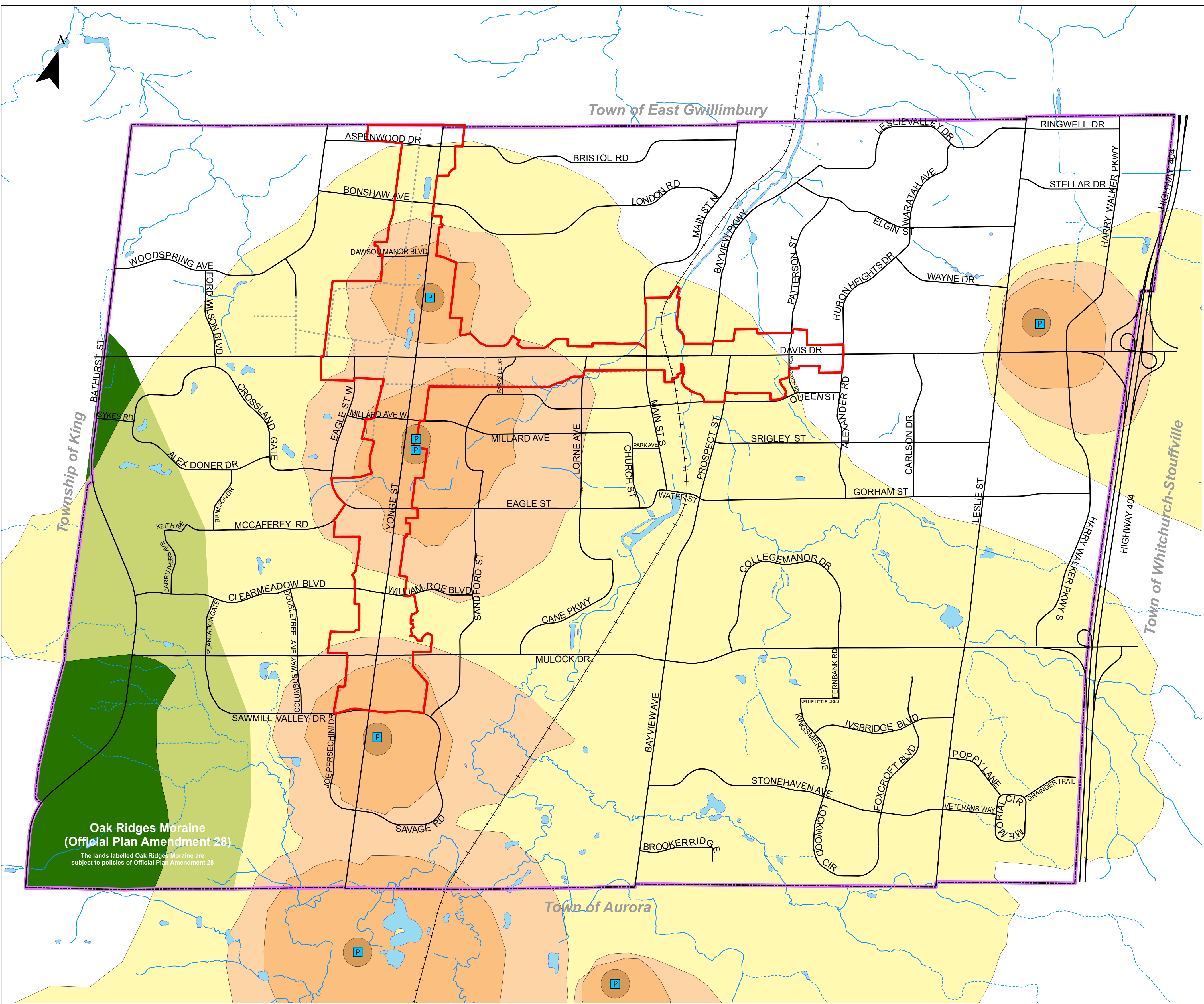
Town of Aurora

Scale 1:15,000





Schedule G  
Wellhead Protection Areas  
**Town of Newmarket**



- Wellhead
- Wellhead Protection Areas**
  - WHPA-A
  - WHPA-B
  - WHPA-C
  - WHPA-D
- Newmarket Urban Centres Secondary Plan Boundary
- Roads
- Future Roads
- Railway
- Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
- Waterbodies
- Watercourse
- Watercourse - Intermittent
- Municipal Boundary

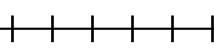
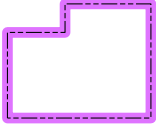
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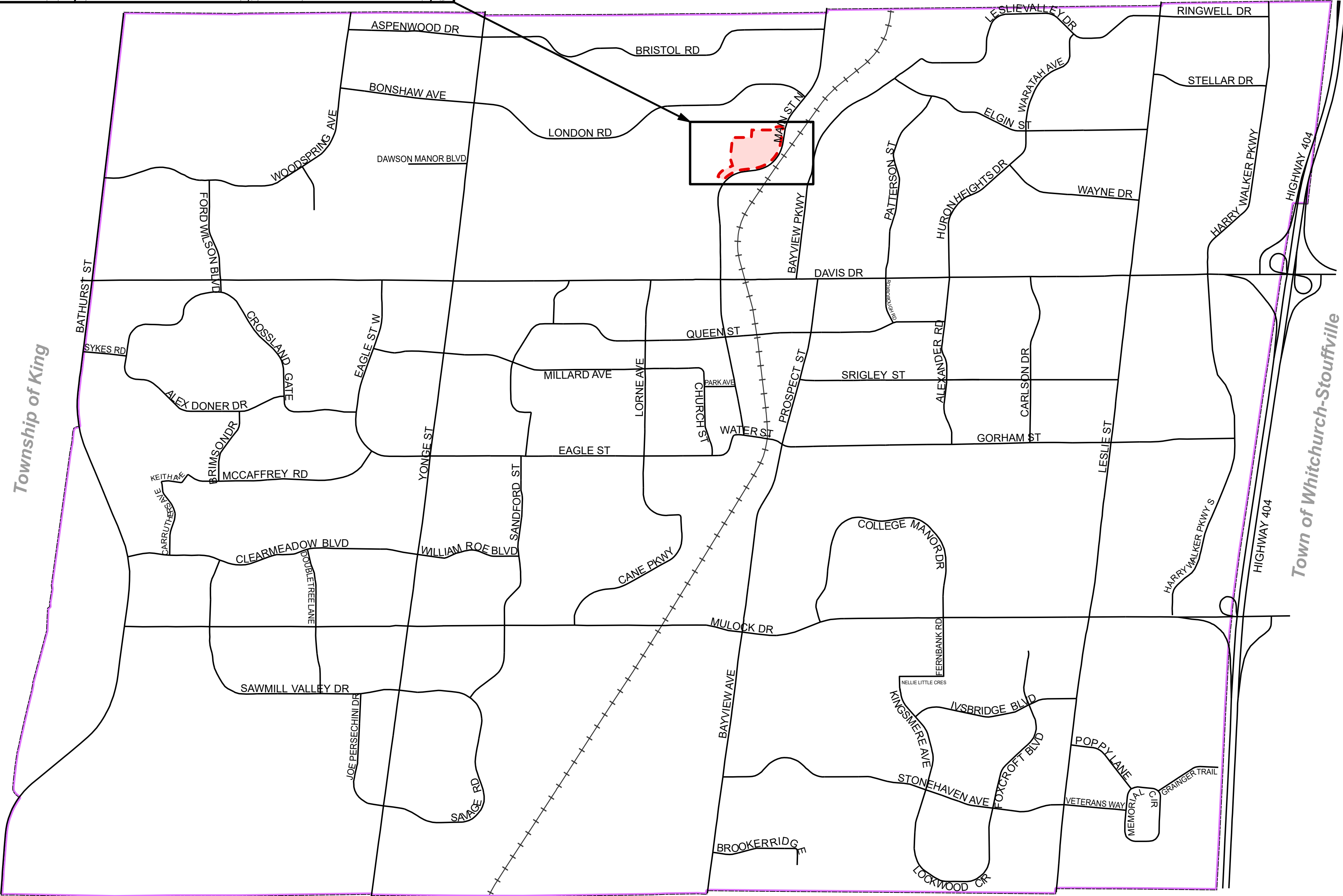
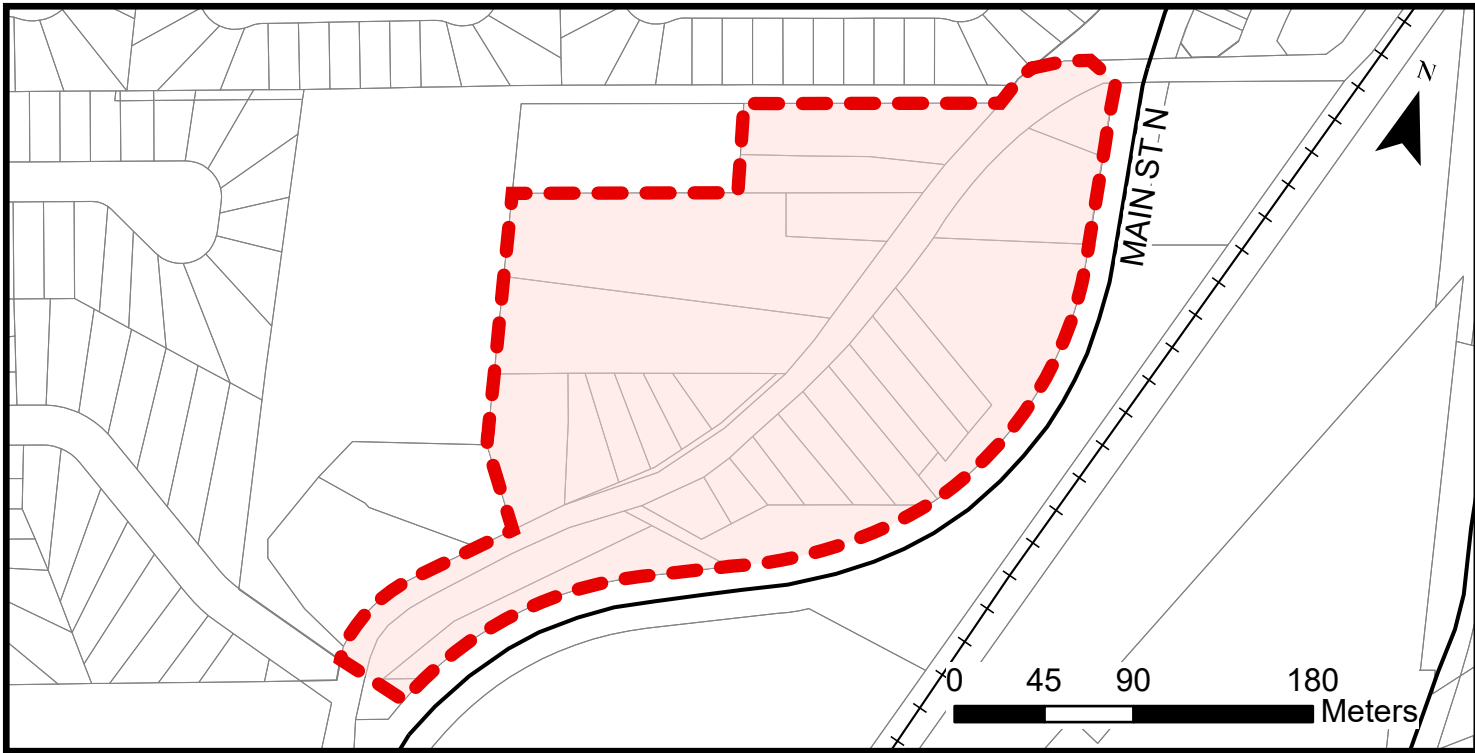
0 500 1,000 2,000 Metres





Schedule H  
Tertiary Plan Area  
**Town of Newmarket**

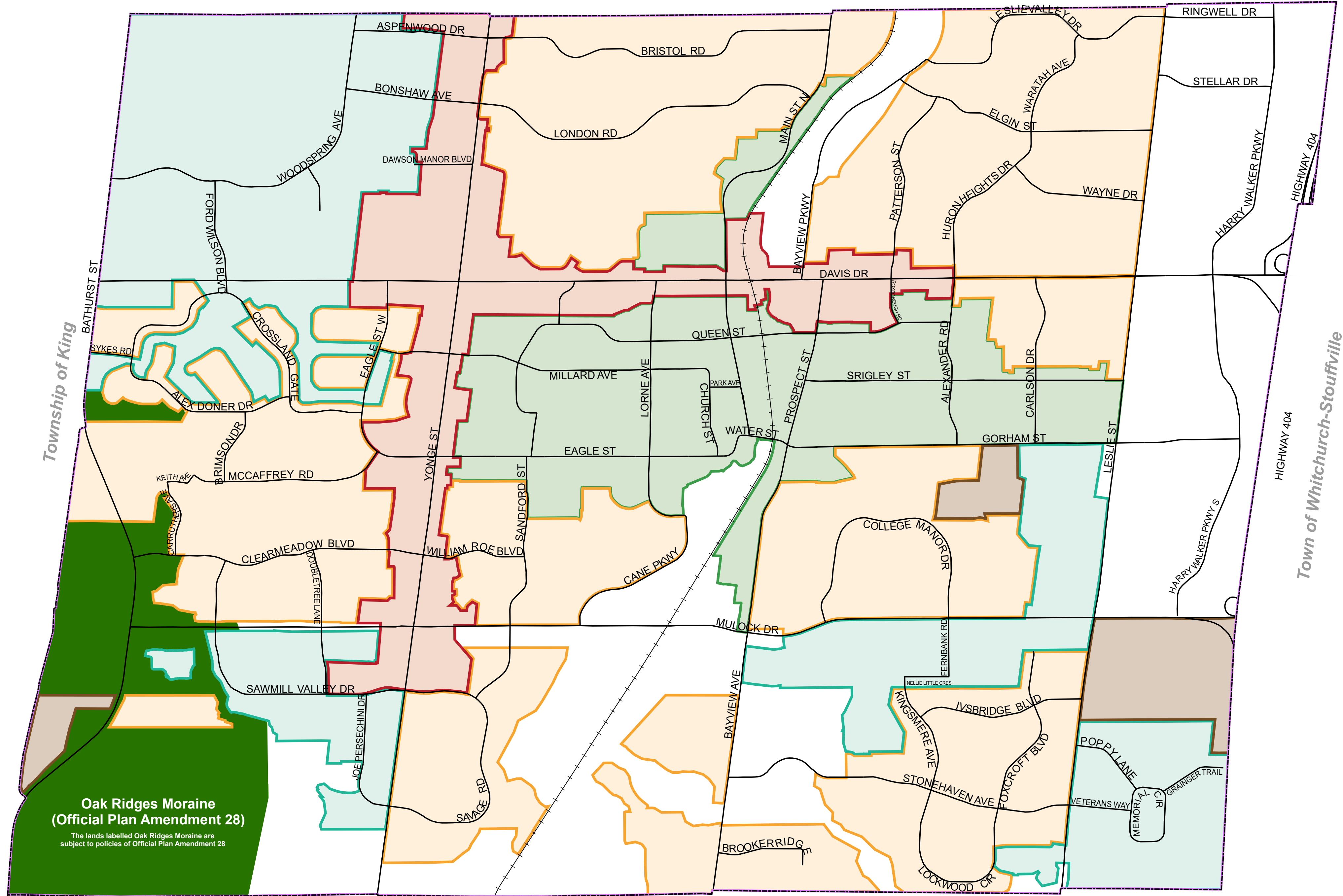
-  Tertiary Plan Area
-  Roads
-  Railway
-  Municipal Boundary

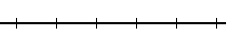
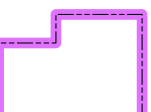




Schedule I  
Residential Character Areas  
**Town of Newmarket**

*Town of East Gwillimbury*

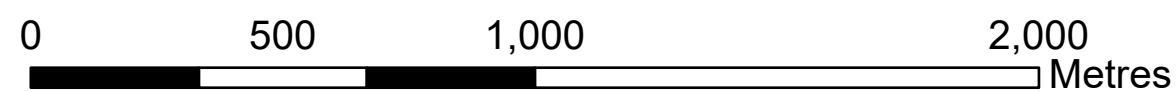


-  Historic Core Character Area
-  Traditional Suburban Character Area
-  Contemporary Suburban Character Area
-  Urban Centres
-  Estate Character Area
-  Oak Ridges Moraine Area  
The lands labelled Oak Ridges Moraine are subject to policies outside of this Official Plan
-  Roads
-  Railway
-  Municipal Boundary

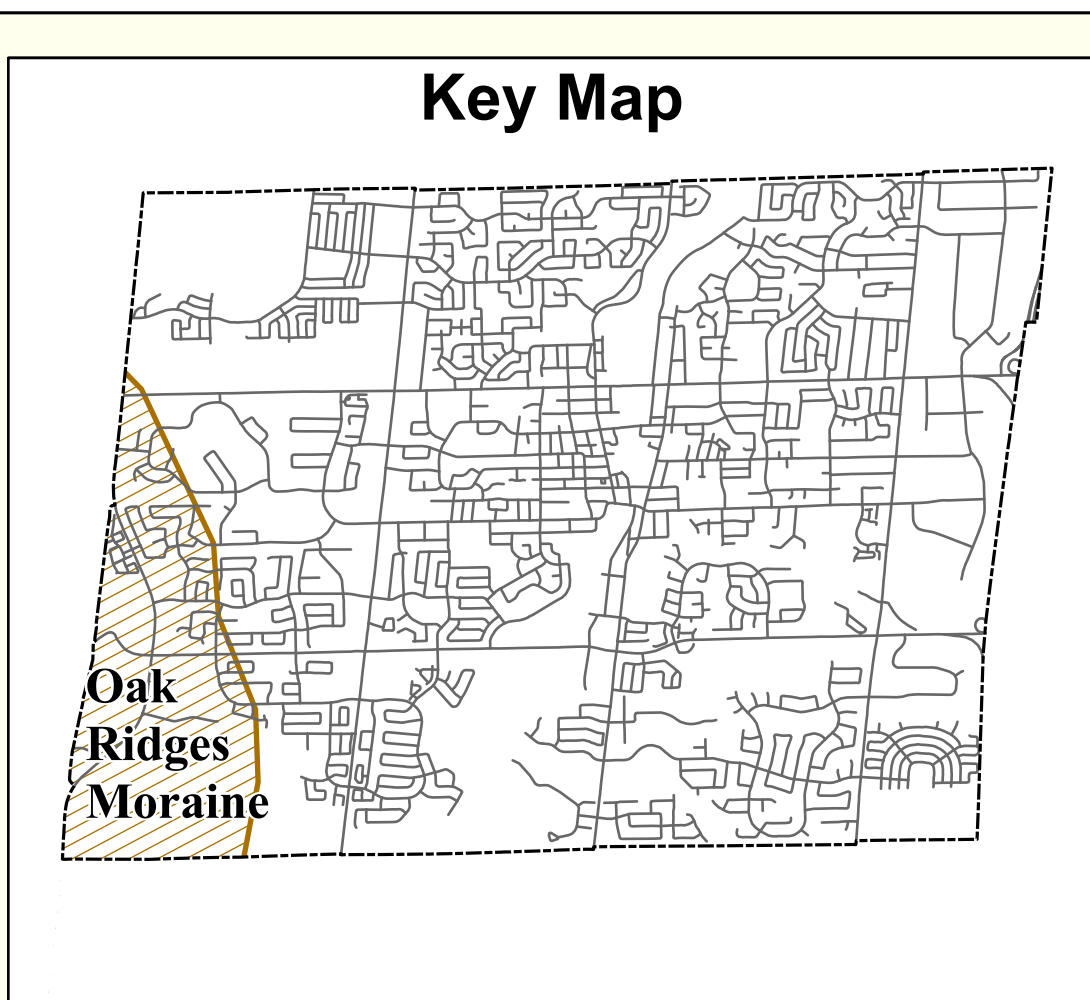
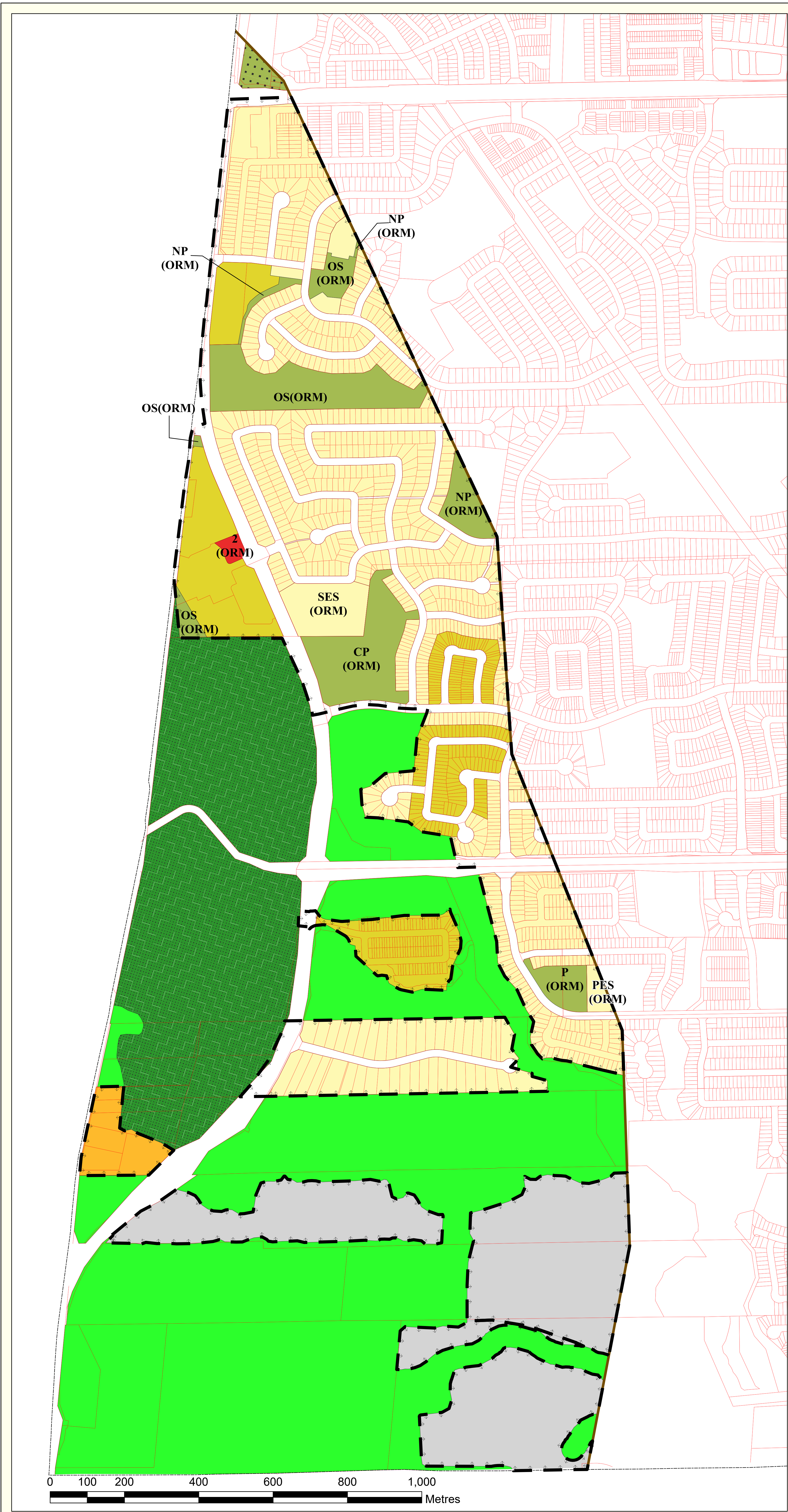
**Oak Ridges Moraine**  
**(Official Plan Amendment 28)**  
The lands labelled Oak Ridges Moraine are subject to policies of Official Plan Amendment 28

*Town of Aurora*

**Scale 1:15,000**



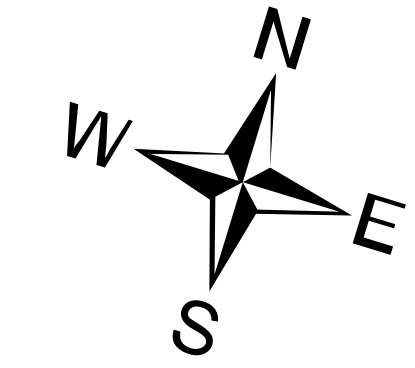




Schedule 1  
Land Use Plan  
Official Plan  
Amendment No. 28  
to the Official Plan  
for the  
Town of Newmarket



Designed & produced by  
Information Technology - GIS  
Originally Printed: November 2004  
Updated: August 2025 Consolidation



| Land Use Legend                 |                                                    |                                                          |                                                      |
|---------------------------------|----------------------------------------------------|----------------------------------------------------------|------------------------------------------------------|
| Oak Ridges Moraine Boundary     | Natural Core Area - Oak Ridges Moraine             | Estate Residential (Oak Ridges Moraine)                  | 2(ORM) Neighbourhood Commercial (Oak Ridges Moraine) |
| Urban Area - Oak Ridges Moraine | Environmental Protection Area - Oak Ridges Moraine | Low Density Residential (Oak Ridges Moraine)             | OS(ORM) Open Space (Oak Ridges Moraine)              |
| Municipal Boundary              | Special Study Area - Oak Ridges Moraine            | PES(ORM) Public elementary School (Oak Ridges Moraine)   | NP(ORM) Neighbourhood Park (Oak Ridges Moraine)      |
| Land Parcel Boundary            |                                                    | SES(ORM) Separate Elementary School (Oak Ridges Moraine) | CP(ORM) Community Park (Oak Ridges Moraine)          |
|                                 |                                                    | P(ORM) Medium Density Residential (Oak Ridges Moraine)   | P(ORM) Park (Oak Ridges Moraine)                     |
|                                 |                                                    | Urban Area (Oak Ridges Moraine) Exception 1              |                                                      |

Sources:  
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Natural Core Area, Settlement Area and Oak Ridges Moraine Boundary - Reproduced by The Town of Newmarket, dated August, 2003 under Licence with the Ontario Minister of Municipal Affairs and Housing © 2002; Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services © The Regional Municipality of York, 2025. All other data - © Town of Newmarket, 2025.

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