

**Amendment Number 37
to the
Town of Newmarket Official Plan**

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PART A THE PREAMBLE

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

1. Purpose of the Amendment

The purpose of this amendment is to amend policies 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-laws and to remove holding provisions to Town staff.

2. Location

The proposed amendments are made to the text of the Town of Newmarket Official Plan and are applied to all lands within the boundaries of the Town of Newmarket.

3. Basis

The *Supporting People and Businesses Act, 2021* (Bill 13) received Royal Assent on December 2, 2021. Bill 13 amended several pieces of legislation including the *Planning Act*. Specifically, it added a new section to the *Planning Act*, which provides municipal councils the ability to delegate authorities to pass minor zoning by-laws such as temporary use by-laws and removal of holding provisions, to a committee of council or an individual who is an officer, employee or agent of the municipality, provided that the official plan contains such policies.

The *More Homes for Everyone Act, 2022* (Bill 109) received Royal Assent on April 14, 2022. Bill 109 amended several pieces of legislation including the *Planning Act*. One of the changes to the *Planning Act* includes adding rules respecting consultations with municipalities before plans and drawings are submitted for site plan approval, and requiring official plan policy to identify completeness of site plan approval applications.

PART B THE AMENDMENT

PART B – THE AMENDMENT describes the additions, deletions and/or modifications to the Town of Newmarket Official Plan and constitutes Official Plan Amendment Number 37.

a) Format of the Amendment

Official Plan Amendment Number 37 consists of the following proposed modifications to the text to the Town of Newmarket Official Plan. Sections of the Town of Newmarket Official Plan proposed for modifications are identified as “**Items**”.

Where additions to the existing text are proposed, they are identified in “**bold**”. Where the text is proposed to be deleted, it is shown in “~~strike through~~”. Where appropriate, unchanged text has been included for context and does not constitute part of Official Plan Amendment Number 37.

b) Details of the Amendment

Item 1 Section 16.1.6 Complete Application

- a) Amend the first paragraph of Section 16.1.6 as follows:

“Subsections 22(5), 34(10.2), **41(3.4)**, and 51(18) 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**, a 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 the *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.”

- b) Delete Table 3: Mandatory Reports/Studies/Drawings Required for a Complete Application and replace it with the following table:

Table 3: Mandatory Reports/Studies/Drawings Required for a Complete Application

Report/Studies/Drawings Requirements	Official Plan or Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Application
Construction, Sediment, and Erosion Control				
Construction & Traffic Management Report			•	•
Erosion & Sediment Control Plan			•	•
Development Standards Checklist				
Development Standards Checklist			•	•
Site Plan Accessibility Checklist			•	•
Detailed Architectural Design Plans				
Elevation Plans			•	•
Floor Plans			•	•
Environmental Reports				
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	•	•	•	•

Report/Studies/Drawings Requirements	Official Plan or Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Application
Detailed Stormwater Management Report			•	•
Source Water Impact Assessment and Mitigation Plan			•	•
Grading				
High Level Grading Plan	•	•		
Detailed Grading Plan			•	•
Landscape Plans				
High Level Concept Landscape Plan	•	•		
Detailed Landscape Plan			•	•
Landscape Details			•	•
Planting Plan			•	•
Electrical				
Lighting/Photometric Plan			•	•
Planning				
Planning Justification Report (PJR)	•	•		
Zoning Matrix	•	•	•	•
Servicing				
High Level Servicing Plan	•			

Report/Studies/Drawings Requirements	Official Plan or Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Application
Detailed Servicing Plan			•	•
Functional Servicing Report with Stormwater Management Report and LID	•	•	•	•
Site Plan				
Detailed Site Plan with Ontario Building Code Data Matrix			•	•
Concept Site Plan	•	•		
Survey				
Up-to-date Plan of Survey	•	•	•	•
Transportation Reports				
Traffic/Transportation Impact Report/Statement with Parking Study and Vehicular and Pedestrian Connectivity	•	•	•	•
Tree Preservation, Protection & Replacement Plan				
Arborist Report with Tree Survey	•	•	•	•
Tree Inventory Map/Plan	•	•	•	•
Tree Report Form	•	•	•	•
Utilities				

Report/Studies/Drawings Requirements	Official Plan or Zoning By-law Amendment	Plan of Subdivision	Plan of Condominium	Site Plan Application
Full Size Composite Utility Plan		•	•	•

- c) Delete 16.1.6(3) and replace it with the following:

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.

- d) Add the following text and Table 4: Other Reports/Studies Required for a Complete Application after Table 3.

In addition to the mandatory requirements listed in Table 3: Mandatory Reports/Studies/Drawings Required for a Complete Application, the Town may, when identified in pre-consultation, require any of the following reports, studies, or drawings in Table 4 Other Reports/Studies/Drawings Required for a Complete Application to be submitted for a complete application.

Table 4: Other Reports/Studies/Drawings Required for a Complete Application

Other Reports/Studies/Drawings	Official Plan and Zoning By-Law Amendment	Plan of Subdivision	Plan of Condo	Site Plan Application
Construction, Sediment, and Erosion Control				
Erosion & Sediment Control Plan		•		
Detailed Architectural Design Plans				

Other Reports/Studies/Drawings	Official Plan and Zoning By-Law Amendment	Plan of Subdivision	Plan of Condo	Site Plan Application
Concept elevations and/or renderings	•	•	•	•
Parking Structure Plans			•	•
Environmental Reports				
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		•		
Grading				
Detailed Grading Plan		•		
Electrical				
Electric Site Plan			•	•
Lighting Impact Study		•	•	•
Electric Vehicle Charging Station Brief		•	•	•

Other Reports/Studies/Drawings	Official Plan and Zoning By-Law Amendment	Plan of Subdivision	Plan of Condo	Site Plan Application
Urban Design				
Building Mass Model	•	•	•	•
Checklist from Urban Design Guidelines		•	•	•
Shadow Study	•	•	•	•
Streetscape Plan	•	•	•	•
Transitional Angular Plane Analysis (in accordance with the Urban Centres Secondary Plan)	•	•	•	•
Urban Design and Landscaping Plan		•	•	•
Viewshed Analysis	•	•	•	•
Planning				
Communication Implementation Plan (in accordance with the Urban Centres Secondary Plan) (can be included within PJR)	•			
Compatibility Analysis, including a neighbourhood cross section	•	•	•	•
Survey				
Topographical Survey extending 5m beyond property lines		•	•	•
Transportation Reports				
Drive-through Air Quality and Stacking and Queueing Report			•	•

Other Reports/Studies/Drawings	Official Plan and Zoning By-Law Amendment	Plan of Subdivision	Plan of Condo	Site Plan Application
Parking Report and/or Justification Study	•	•	•	•
Sign Inventory and Pavement Marking Plans			•	•
Transportation Demand Management Strategy	•	•	•	•
Tree Preservation, Protection & Replacement Plan				
Vegetation Enhancement Strategy			•	•
Other Reports				
Air Quality Impact Study	•	•	•	•
Archaeological Assessment	•	•		
Cultural Heritage Impact Assessment	•	•		
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		•	•	•

Other Reports/Studies/Drawings	Official Plan and Zoning By-Law Amendment	Plan of Subdivision	Plan of Condo	Site Plan Application
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	•	•	•	•

Item 2 Section 16.2.1 Holding By-laws

- a) Amend the first sentence of Policy 16.2.1(4) as follows:
“Prior to removing the holding provision, Council **or its designate** shall be satisfied that:”
- b) Add the following policy to Section 16.2.1 after Policy 16.2.1(4):
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.”**

Item 3 Section 16.2.4 Temporary Use By-laws

- a) Amend Policy 16.2.4(1) as follows:
“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.”
- b) Amend the first sentence of Policy 16.2.4(2) as follows:
“*In considering temporary use by-laws, Council* **or its designate** shall be satisfied that:”

- c) Add the following policy to Section 16.2.1 after Policy 16.2.4(2):
 - 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.”**