



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2003-121

A BY-LAW TO AMEND BY-LAW NUMBER 1979-50, AS AMENDED, AND BY-LAW NUMBER 1981-96, AS AMENDED, BEING RESTRICTED AREA (ZONING) BY-LAWS.

WHEREAS it is deemed advisable to rezone those lands within the Town of Newmarket which are subject to the provisions of the Oak Ridges Moraine Conservation Plan, in order to implement the provisions of that Plan;

AND WHEREAS it is therefore deemed advisable to amend By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended;

THEREFORE be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

THAT By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended, be and the same are hereby further amended:

- 1.1 By inserting the following paragraph and title immediately following the title of "SECTION 3: DEFINITIONS":

"Part A of this section contains terms and definitions which shall apply throughout the defined area of the By-law. Part B of this section contains additional terms and definitions which shall also apply within the area designated as Oak Ridges Moraine on the maps comprising Schedules "X", "Y-1", "Y-2", "Y-3", "Z-1" and "Z-2", attached hereto and forming part of this By-law. Where there is any conflict between the definitions in Part B, and those in Part A, the definitions in Part B shall prevail.

PART 3A – GENERAL DEFINITIONS

- 1.2 By adding the following new Part B – OAK RIDGES MORaine DEFINITIONS to SECTION 3: DEFINITIONS of By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended:

"PART 3B – OAK RIDGES MORaine DEFINITIONS

3B.1 Agricultural-Related Uses:

means commercial and industrial uses that are,

- (1) small-scale,
- (2) directly related to a farm operation, and
- (3) required in close proximity to the farm operation.

3B.2 Aquifer Vulnerability:

means an aquifer's intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

3B.3 Bulk Storage Tank:

means a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a retail store or a tank for storage incidental to some other use of the premises where the such tank or container is located.

- 3B.4 **Development:**
means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the *Planning Act*, the *Environmental Assessment Act*, or the *Drainage Act*, but does not include,
- (1) the construction by a public body, of facilities for transportation, infrastructure and utilities uses, as described in Section 41, of the Oak Ridges Moraine Conservation Plan, or
 - (2) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or
 - (3) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.
- 3B.5 **Existing:**
means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful.
- 3B.6 **Forest Management:**
means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,
- (1) for the production of wood and wood products, including maple syrup,
 - (2) to provide outdoor recreation opportunities,
 - (3) to maintain, and where possible improve or restore, conditions for wildlife, and
 - (4) to protect water supplies.
- 3B.7 **Hazardous Waste:**
has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
- 3B.8 **Hydrologically Sensitive Feature:**
means land that includes permanent and intermittent streams; wetlands; kettle lakes; or seepage areas and springs.
- 3B.9 **Impervious Surface:**
means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.
- 3B.10 **Institutional Use:**
includes, without limitation, a long-term care facility, hospital, school, university or college.
- 3B.11 **Key Natural Heritage Feature:**
means land that includes wetlands; significant portions of the habitat of endangered, rare and threatened species; fish habitat; areas of natural and scientific interest (life science); significant valleylands; significant woodlands; significant wildlife habitat; or sand barrens, savannahs and tallgrass prairies.
- 3B.12 **Landform Features:**
means distinctive physical attributes of land such as slope, shape, elevation and relief.

- 3B.13 Landform Conservation Area:
means a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.
- 3B.14 Liquid Industrial Waste:
has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
- 3B.15 Major Development:
means development consisting of,
- (1) the creation of four or more lots,
 - (2) the construction of a building or buildings with a ground floor area of 500 square metres or more, or
 - (3) the establishment of a major recreational use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.
- 3B.16 Net Developable Area:
means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature;
- 3B.17 Oak Ridges Moraine:
means the area designated on zoning map Schedules "X", "Y-1", "Y-2", "Y-3", "Z-1" and "Z-2" to this By-law, in accordance with the Oak Ridges Moraine Conservation Plan and Provincial Mapping.
- 3B.18 Partial Service:
means connections linking a building to,
- (1) a communal sewage or water service or a full municipal sewage or water service, and
 - (2) an individual on-site sewage or water system.
- 3B.19 Rapid Infiltration Basin:
means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.
- 3B.20 Rapid Infiltration Column:
means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.
- 3B.21 Site:
means the land subject to an application.
- 3B.22 Site Alteration:
means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include,
- (1) the construction by a public body, of facilities for transportation, infrastructure and utilities uses, as described in Section 41, of the Oak Ridges Moraine Conservation Plan, or
 - (2) for greater certainty,

- i) the reconstruction, repair or maintenance of a drain approved under the *Drainage Act* and in existence on November 15, 2001, or
- ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

3B.23 Stormwater Management Pond:
means a detention basin that temporarily stores or treats collected stormwater runoff and releases it at a controlled rate.

3B.24 Time of Travel:
means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.

3B.25 Wellhead Protection Area:
means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.

1.3 By adding the following to the end of the list of zones in Section 4.1 of By-law Number 1979-50, as amended:

"Environmental Protection – Oak Ridges Moraine (EP-ORM)
Natural Core – Oak Ridges Moraine (NC-ORM)"

1.4 Deleting from Schedule "A", Map 6 of By-law Number 1979-50, as amended, the zone categories on those lands within the Oak Ridges Moraine Conservation Plan Area, as follows:

Rural Residential (RR1) Zone, including any applicable Exceptions thereto contained within Section 8;

Local Shopping Centre Commercial (C4) Zone including any applicable Exceptions thereto contained within Section 24;

Rural General First (RU1) Zone, including any applicable Exceptions thereto contained within Section 36;

Rural General Second (RU2) Zone, including any applicable Exceptions thereto contained within Section 37;

Open Space and Conservation (O) Zone, including any applicable Exceptions thereto contained within Section 38;

and substituting therefore the following:

Rural Residential (RR1-ORM) Zone;

Rural General First (RU1-ORM) Zone;

Rural General Second (RU2-ORM) Zone;

Environmental Protection - Oak Ridges Moraine (EP-ORM) Zone;

Natural Core - Oak Ridges Moraine (NC-ORM) Zone;

as shown more particularly on Schedule "X", attached hereto, and forming part of this By-law.

1.5 By adding to By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended the following to Section 5.3 ZONES DEFINED, as a new Subsection (8):

"(8) The boundary of the Oak Ridges Moraine Area shall be scaled from the attached Schedules."

- 1.6 By adding to By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended, the following new paragraph at the end of Section 6.1 APPLICATION OF BY-LAW:

"Furthermore, the provisions of this By-law shall not prevent the erection or use of a building or structure in the Oak Ridges Moraine Conservation Plan Area for which a permit was issued under Subsection 8(2) of the *Building Code Act, 1992* on or before November 15, 2001, if,

- a) the permit has not been revoked under Subsection 8(10) of the *Building Code Act, 1992*, and
- b) the building or structure when erected is used and continues to be used for the purpose for which it was erected."

- 1.7 By adding the following new paragraph at the beginning of Section 6.28 PUBLIC USE PERMITTED, of By-law Number 1979-50, as amended, and Section 6.25 PUBLIC USE PERMITTED of By-law Number 1981-96, as amended:

"The following provisions shall not apply to lands which include "Oak Ridges Moraine" in the title of the zone, or where the zone symbol is followed by the letters "ORM"."

- 1.8 By renumbering in By-law Number 1979-50 SECTION 40 – ADMINISTRATION to SECTION 43, by changing any other references in By-law Number 1979-50, as amended from SECTION 40 to SECTION 43 accordingly, and by adding the following new SECTION 40 – GENERAL PROVISIONS FOR THE OAK RIDGES MORAINE, and SECTION 41 - ENVIRONMENTAL PROTECTION-OAK RIDGES MORAINE (EP-ORM) ZONE, and SECTION 42 - NATURAL CORE-OAK RIDGES MORAINE (NC-ORM) ZONE:

"SECTION 40 – GENERAL PROVISIONS FOR THE OAK RIDGES MORAINE

The following general provisions shall apply to the lands located on the Oak Ridges Moraine.

40.1 PERMITTED USES

- (1) Notwithstanding any other provisions of this By-law to the contrary, where a Zone symbol is followed by the letters "ORM", no person shall use the land, (including expanding, enlarging or otherwise altering an existing use, building or structure), for any use other than a use existing as of November 15, 2001, without an amendment to this By-law, in accordance with the policies of the Official Plan, the *Oak Ridges Moraine Conservation Act* and the *Planning Act*, as amended.
- (2) Notwithstanding any other provisions of this By-law to the contrary, where lands are considered an existing lot created prior to November 15, 2001, and are located within the "Urban Area", as shown on Schedule "X" to this By-law, and said lot or a portion of said lot is located within one or more of the natural heritage and/or hydrologically sensitive features identified and shown on Schedules "Y-1", "Y-2" and "Y-3" to this By-law, then the following provisions shall apply:
 - (a) the only uses permitted shall be uses legally existing as of November 15, 2001, and conservation uses; and
 - (b) no development, including the creation of new lots, or a change in land use, or the construction of buildings or structures which require approval under the *Planning Act*, the *Environmental Assessment Act* or the *Drainage Act*, or any site alteration, including filling, grading and excavation, shall occur on lands within the zones shown on Schedules

"Y-1", "Y-2", and "Y-3", to this By-law, without an amendment to, or relief from this By-law, in accordance with the provisions of the *Planning Act*.

- (3) Furthermore, notwithstanding any other provisions of this By-law to the contrary, where a zoning By-law is passed in accordance with the provisions of Section 17(1) of the *Oak Ridges Moraine Conservation Act, 2001*, the provisions and zoning categories of said By-law, as passed under the auspices of Section 17(1) of the *Oak Ridges Moraine Conservation Act, 2001*, shall apply.

40.2 LANDFORM CONSERVATION AREAS

- (1) Notwithstanding any other provisions of this By-law to the contrary, within a Landform Conservation Area (Category 1) as indicated by the zone shown on Schedule "Z-1", attached hereto and forming part of this By-law, the following provisions shall apply:
- (a) the net developable area of the site that is disturbed shall not exceed 25 per cent of the total site area; and
 - (b) the net developable area of the site that has impervious surfaces shall not exceed 15 per cent of the total site area.
- (2) Notwithstanding any other provisions of this By-law to the contrary, within a Landform Conservation Area (Category 2) as indicated by the zone shown on Schedule "Z-1", attached hereto and forming part of this By-law, the following provisions shall apply:
- (a) the net developable area of the site that is disturbed shall not exceed 50 per cent of the total site area; and
 - (b) the net developable area of the site that has impervious surfaces shall not exceed 20 per cent of the total site area.

40.3 AREA OF HIGH AQUIFER VULNERABILITY

Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule "Z-2" attached hereto and forming part of this By-law:

- (a) generation or storage of hazardous or liquid industrial waste;
- (b) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- (c) underground or above-ground storage tanks that are not equipped with an approved secondary containment device; and
- (d) the use, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

40.4 WELLHEAD PROTECTION AREAS

Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within a Wellhead Protection Area as indicated by the corresponding zone shown on Schedule "Z-2" attached hereto, and forming part of this By-law:

- (a) storage, except by an individual for personal or family use of:
 - petroleum fuels;
 - petroleum solvents and chlorinated solvents;
 - pesticides, herbicides, and fungicides;
 - construction equipment;
 - inorganic fertilizers; and
 - road salt;
- (b) use, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990;
- (c) generation or storage of hazardous or liquid industrial waste; and
- (d) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.

40.5 RAPID INFILTRATION BASINS AND COLUMNS

New rapid infiltration basins and new rapid infiltration columns as defined in Section 3B, of this By-law are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule "X" to this By-law.

40.6 TRANSPORTATION INFRASTRUCTURE AND UTILITIES

- (1) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within a key natural heritage feature or hydrologically sensitive feature as shown on Schedules "Y-1", "Y-2" and "Y-3" to this By-law:
 - (a) public highways;
 - (b) transit lines, railways and related facilities;
 - (c) gas and oil pipelines;
 - (d) sewage and water service systems and lines and stormwater management facilities;
 - (e) power transmission lines;
 - (f) telecommunications lines and facilities, including broadcasting towers;
 - (g) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in Clauses a) to f) above; and
 - (h) rights of way required for the facilities listed in Clauses a) to g) above.
- (2) Notwithstanding any other provisions of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature, as shown on Schedules "Y-1", "Y-2" and "Y-3" of this By-law, or may be permitted within the Natural Core-Oak Ridges Moraine (NC-ORM)

Zone as shown on Schedule "X" of this By-law, in accordance with all applicable policies of the Official Plan.

40.7 OTHER GENERAL PROVISIONS

- (1) Notwithstanding any other provisions of this By-law to the contrary, lands zoned NC-ORM, or EP-ORM may be included in the calculation of any zone provisions for adjoining lands, provided that such lands used in the calculation are part of the same existing lot, which was created prior to November 15, 2001.
- (2) Notwithstanding any other provisions of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area.
- (3) Where there is a conflict between this By-law and *the Oak Ridges Moraine Conservation Act*, or the Oak Ridges Moraine Conservation Plan, the more restrictive provisions shall prevail.

SECTION 41 – ENVIRONMENTAL PROTECTION-OAK RIDGES MORaine (EP-ORM) ZONE

The following provisions shall apply to all Environmental Protection-Oak Ridges Moraine (EP-ORM) Zones.

41.1 PERMITTED USES

No person shall hereafter within an Environmental Protection-Oak Ridges Moraine (EP-ORM) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (1) uses legally existing as of November 15, 2001;
- (2) fish, wildlife and forest management;
- (3) conservation projects including flood and erosion control projects;
- (4) non-motorized trails;
- (5) publicly initiated transportation, infrastructure and utilities uses in accordance with Section 40.6 of this By-law and the applicable policies of the Official Plan;
- (6) natural heritage appreciation; and
- (7) accessory uses.

Notwithstanding any other provisions of this By-law to the contrary, new stormwater management ponds and new agricultural uses, new agriculture related uses or accessory uses thereto, are prohibited on lands within the Oak Ridges Moraine Plan Area, which are identified as a key natural heritage feature and/or a hydrologically sensitive feature, as defined in Section 3B, to this By-law.

41.2 ZONE REQUIREMENTS

No person shall hereafter within an Environmental Protection-Oak Ridges Moraine (EP-ORM) Zone, use any land, or erect, alter or use any building or structure for any purpose except in accordance with the following:

(1) Lot Specifications

Lot Area (Minimum)	Nil
Lot Frontage (Minimum)	Nil

SECTION 42 – NATURAL CORE-OAK RIDGES MORaine (NC-ORM) ZONE

The following provisions shall apply to all Natural Core-Oak Ridges Moraine (NC-ORM) Zones.

42.1 PERMITTED USES

No person shall hereafter within an Natural Core-Oak Ridges Moraine (NC-ORM) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (1) uses legally existing as of November 15, 2001;
- (2) fish, wildlife and forest management;
- (3) conservation projects including flood and erosion control projects;
- (4) non-motorized trails;
- (5) publicly initiated transportation, infrastructure and utilities uses in accordance with Section 40.6 of this By-law and the applicable policies of the Official Plan;
- (6) natural heritage appreciation; and
- (7) accessory uses.

Notwithstanding any other provisions of this By-law to the contrary, new stormwater management ponds and new agricultural uses, new agriculture related uses or accessory uses thereto, are prohibited on lands within the Oak Ridges Moraine Plan Area, which are identified as a key natural heritage feature and/or a hydrologically sensitive feature, as defined in Section 3B, to this By-law.

42.2 ZONE REQUIREMENTS

No person shall hereafter within an Natural Core-Oak Ridges Moraine (NC-ORM) Zone use any land or erect, alter or use any building or structure except in accordance with the following specifications:

(1) Lot Specifications

Lot Area (Minimum)	Nil
Lot Frontage (Minimum)	Nil

- 1.9 By renumbering in By-law Number 1981-96, as amended, SECTION 15 – ADMINISTRATION to SECTION 16, by changing any other reference in By-law Number 1981-96, as amended from SECTION 15 to SECTION 16 accordingly, and by adding the following new section:

"SECTION 16 – GENERAL PROVISIONS FOR THE OAK RIDGES MORaine

The following general provisions shall apply to the lands located on the Oak Ridges Moraine.

16.1 PERMITTED USES

- (1) Notwithstanding any other provisions of this By-law to the contrary, where a Zone symbol is followed by the letters "ORM", no person shall use the land, (including expanding, enlarging or otherwise altering an existing use, building or structure), for any use other than a use existing as of November 15, 2001, without an amendment to this By-law, in accordance with the policies of the Official Plan, the *Oak Ridges Moraine Conservation Act and the Planning Act*, as amended.

- (2) Notwithstanding any other provisions of this By-law to the contrary, where lands are considered an existing lot created prior to November 15, 2001, and are located within the "Urban Area", as shown on Schedule "X" to this By-law, and said lot or a portion of said lot is located within one or more of the natural heritage and/or hydrologically sensitive features identified and shown on Schedules "Y-1", "Y-2" and "Y-3" to this By-law, then the following provisions shall apply:
- (a) the only uses permitted shall be uses legally existing as of November 15, 2001, and conservation uses; and
 - (b) no development, including the creation of new lots, or a change in land use, or the construction of buildings or structures which require approval under the *Planning Act*, the *Environmental Assessment Act* or the *Drainage Act*; or any site alteration, including filling, grading and excavation, shall occur on lands within the zones shown on Schedules "Y-1", "Y-2", and "Y-3", to this By-law, without an amendment to, or relief from this By-law, in accordance with the provisions of the *Planning Act*.
- (3) Furthermore, notwithstanding any other provisions of this By-law to the contrary, where a zoning By-law is passed in accordance with the provisions of Section 17(1) of the *Oak Ridges Moraine Conservation Act, 2001*, the provisions and zoning categories of said By-law, as passed under the auspices of Section 17(1) of the *Oak Ridges Moraine Conservation Act, 2001*, shall apply.

16.2 LANDFORM CONSERVATION AREAS

- (1) Notwithstanding any other provisions of this By-law to the contrary, within a Landform Conservation Area (Category 1) as indicated by the zone shown on Schedule "Z-1", attached hereto and forming part of this By-law, the following provisions shall apply:
- (a) the net developable area of the site that is disturbed shall not exceed 25 per cent of the total site area; and
 - (b) the net developable area of the site that has impervious surfaces shall not exceed 15 per cent of the total site area.
- (2) Notwithstanding any other provisions of this By-law to the contrary, within a Landform Conservation Area (Category 2) as indicated by the zone shown on Schedule "Z-1", attached hereto and forming part of this By-law, the following provisions shall apply:
- (a) the net developable area of the site that is disturbed shall not exceed 50 per cent of the total site area; and
 - (b) the net developable area of the site that has impervious surfaces shall not exceed 20 per cent of the total site area.

16.3 AREA OF HIGH AQUIFER VULNERABILITY

Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule "Z-2" attached hereto and forming part of this By-law:

- (a) generation or storage of hazardous or liquid industrial waste;

- (b) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- (c) underground or above-ground storage tanks that are not equipped with an approved secondary containment device; and
- (d) the use, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

16.4 **WELLHEAD PROTECTION AREAS**

Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within a Wellhead Protection Area as indicated by the corresponding zone shown on Schedule "Z-2" attached hereto, and forming part of this By-law:

- (a) storage, except by an individual for personal or family use of:
 - petroleum fuels;
 - petroleum solvents and chlorinated solvents;
 - pesticides, herbicides, and fungicides;
 - construction equipment;
 - inorganic fertilizers; and
 - road salt.
- (b) use, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990;
- (c) generation or storage of hazardous or liquid industrial waste; and
- (d) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.

16.5 **RAPID INFILTRATION BASINS AND COLUMNS**

New rapid infiltration basins and new rapid infiltration columns as defined in Section 3B, of this By-law are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule "X" to this By-law.

16.6 **TRANSPORTATION INFRASTRUCTURE AND UTILITIES**

- (1) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within a key natural heritage feature or hydrologically sensitive feature as shown on Schedules "Y-1", "Y-2" and "Y-3" to this By-law:
 - (a) public highways;
 - (b) transit lines, railways and related facilities;
 - (c) gas and oil pipelines;

- (d) sewage and water service systems and lines and stormwater management facilities;
 - (e) power transmission lines;
 - (f) telecommunications lines and facilities, including broadcasting towers;
 - (g) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in Clauses a) to f) above; and
 - (h) rights of way required for the facilities listed in Clauses a) to g) above.
- (2) Notwithstanding any other provisions of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross a key natural heritage feature or a hydrologically sensitive feature, as shown on Schedules "Y-1", "Y-2" and "Y-3" of this By-law, in accordance with all applicable policies of the Official Plan.

16.7 OTHER GENERAL PROVISIONS

- (1) Notwithstanding any other provisions of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area.
 - (2) Where there is a conflict between this By-law and the *Oak Ridges Moraine Conservation Act*, or the Oak Ridges Moraine Conservation Plan, the more restrictive provisions shall apply."
2. All other provisions of By-law Number 1979-50, as amended, and By-law Number 1981-96, as amended shall apply to the lands subject to this By-law.
3. THAT this By-law shall come into force on the date it is passed by the Council of the Corporation of the Town of Newmarket, subject to the applicable provisions of the *Planning Act, R.S.O. 1990*, as amended.

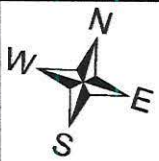
ENACTED THIS 29TH DAY OF SEPTEMBER, 2003.



 Tom Taylor, Mayor



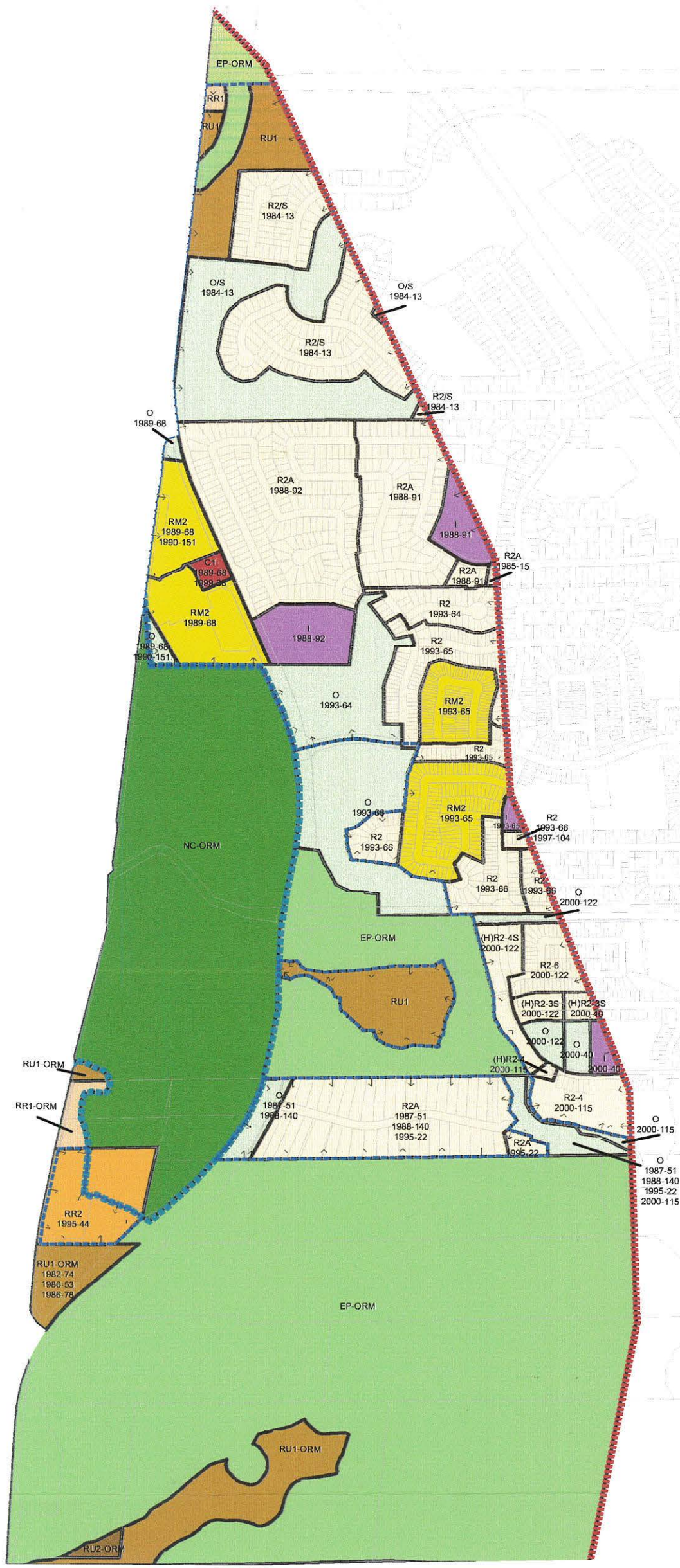
 Anita Moore, Town Clerk



THIS IS SCHEDULE 'X'
TO BYLAW 2003-121
PASSED THIS 29th
DAY OF September
2003

David Forre
MAYOR

Amore
CLERK



SCHEDULE 'X'
TO BYLAW 2003-121
TOWN OF NEWMARKET
PLANNING DEPARTMENT



Designed & produced by Information
Technology - GIS
Printed: September, 2003

Legend

- Oak Ridges Moraine Boundary
- Natural Core Area
- Urban Area
- Land Parcel Boundary

Zoning

- | | |
|---------|----------|
| RR1-ORM | (H)R2-3S |
| RR2 | R2-4 |
| R2 | (H)R2-4 |
| R2/S | (H)R2-4S |
| R2A | R2-6 |
| | RM2 |

Commercial

- C1
- Institutional**
- I
- Rural**
- RU1-ORM
 - RU2-ORM

Open Space

- O
 - O/S
- Environmental**
- EP-ORM
 - NC-ORM

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THIS IS SCHEDULE 'Y-1'
 TO BYLAW 2003-121
 PASSED THIS 29th
 DAY OF September
2003

Don dePete
 MAYOR

Amone
 CLERK

**SCHEDULE 'Y-1'
 TO BYLAW 2003-121
 TOWN OF NEWMARKET
 PLANNING DEPARTMENT**



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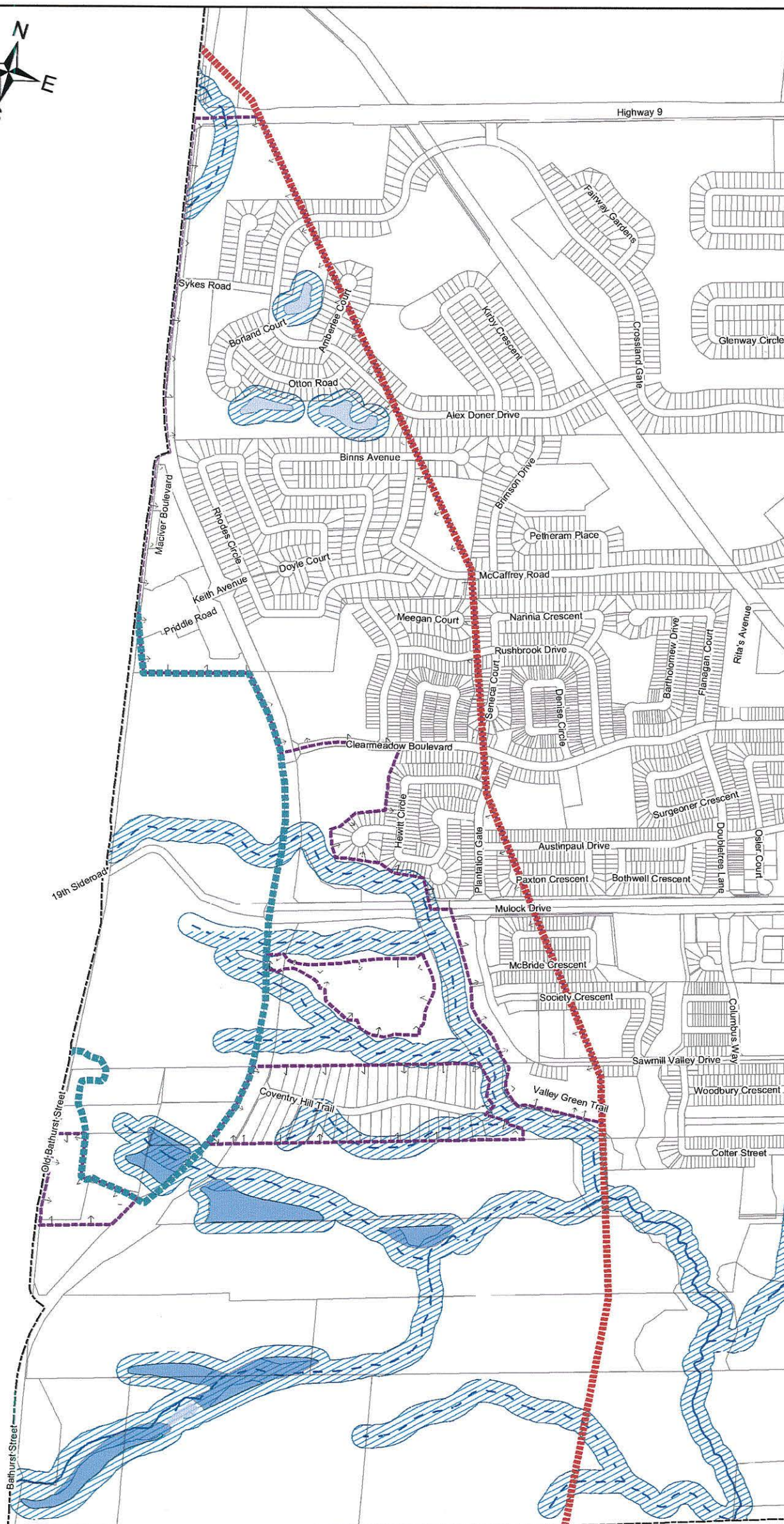


Legend

- Oak Ridges Moraine Boundary
- Significant Woodlands
- Natural Core Area
- Urban Area
- Minimum Vegetation Protection Zone (30m)
- Municipal Boundary
- Land Parcel Boundary

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Legend

- Oak Ridges Moraine Boundary
- Natural Core Area
- Urban Area
- Fish Habitat
- Significant Wetlands
- Minimum Vegetation Protection Zone (30m)
- Intermittent Streams
- Permanent Streams
- Municipal Boundary
- Land Parcel Boundary

THIS IS SCHEDULE 'Y-2'
TO BYLAW 2003-121
PASSED THIS 29th
DAY OF September
2003

Don DeFore
MAYOR

Amore
CLERK

**SCHEDULE 'Y-2'
TO BYLAW 2003-121
TOWN OF NEWMARKET
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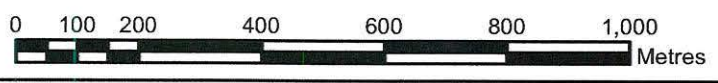
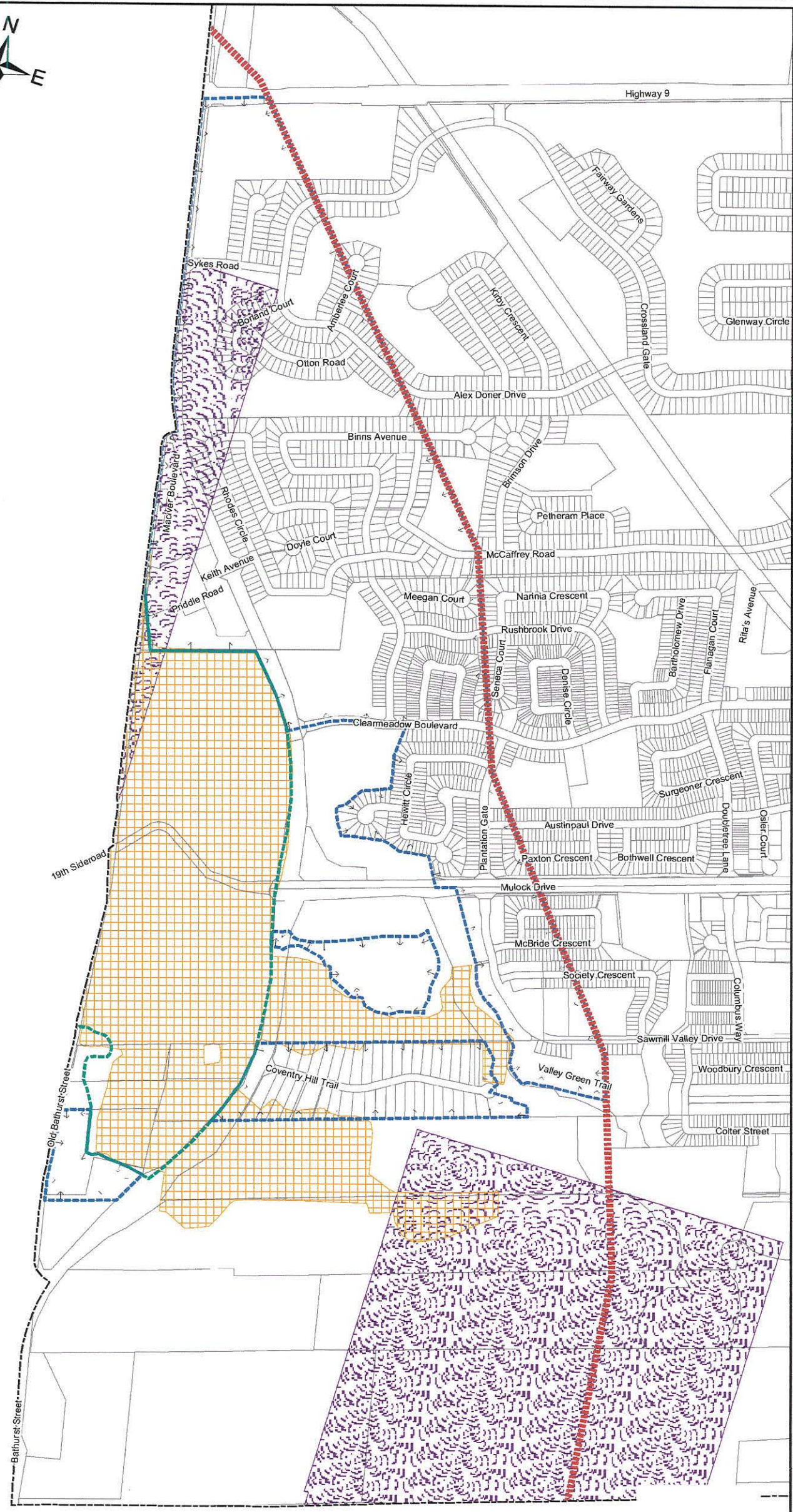
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 TO BYLAW 2003-121
 PASSED THIS 29th
 DAY OF September
2003

Don DeFoe
 MAYOR

Amone
 CLERK










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 TO BYLAW 2003-121
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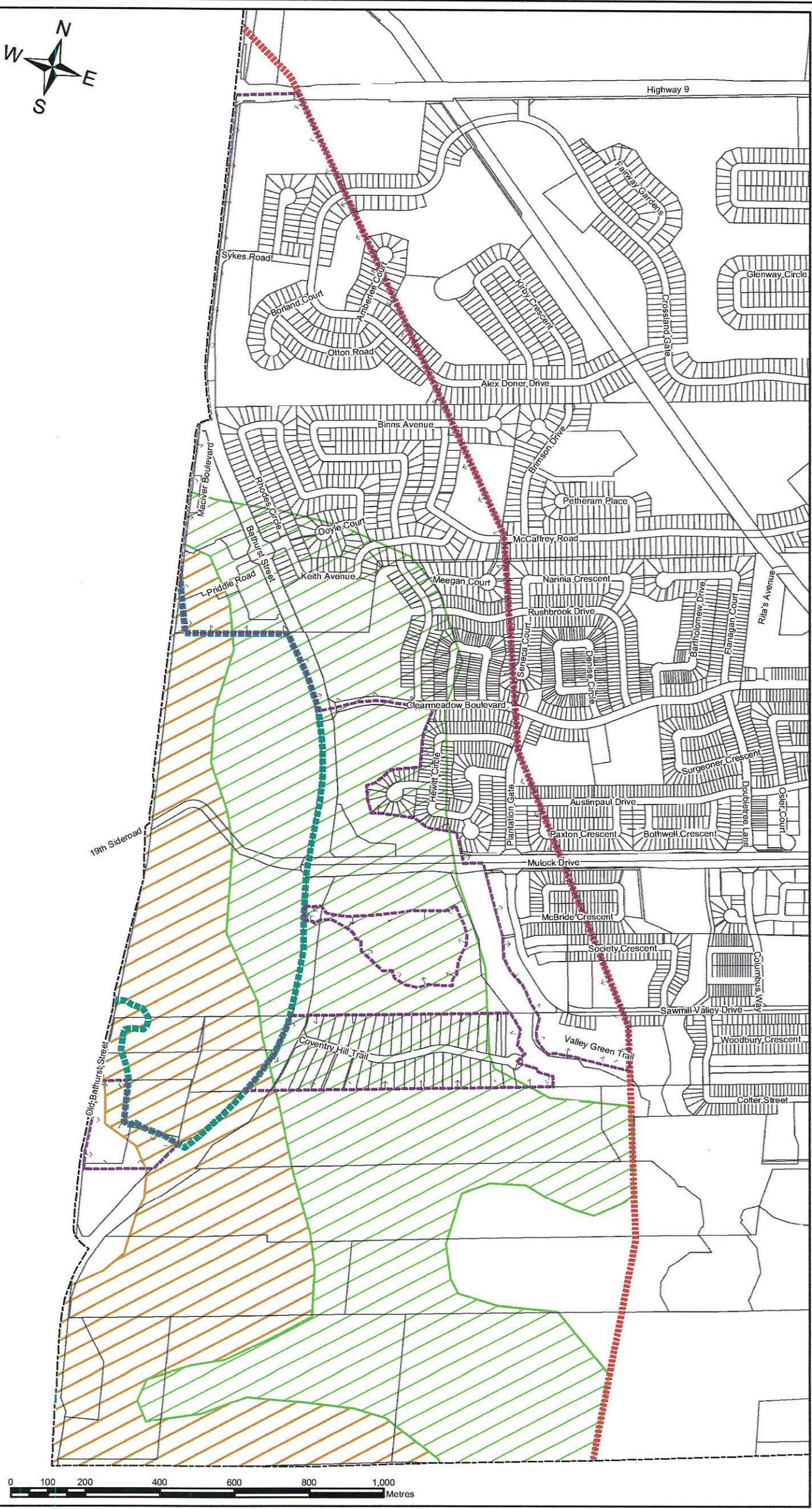
Legend

-  Oak Ridges Moraine Boundary
-  Natural Core Area
-  Urban Area
-  Areas of Natural and Scientific Interest (Life Science)
-  Significant Portions of Habitat of Endangered, Rare & Threatened Species
-  Municipal Boundary
-  Land Parcel Boundary

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THIS IS SCHEDULE 'Z-1'
 TO BYLAW 2003-121
 PASSED THIS 24th
 DAY OF September
2003

Don D'Amore
 MAYOR

Amone
 CLERK

SCHEDULE 'Z-1'
 TO BYLAW 2003-121
 TOWN OF NEWMARKET
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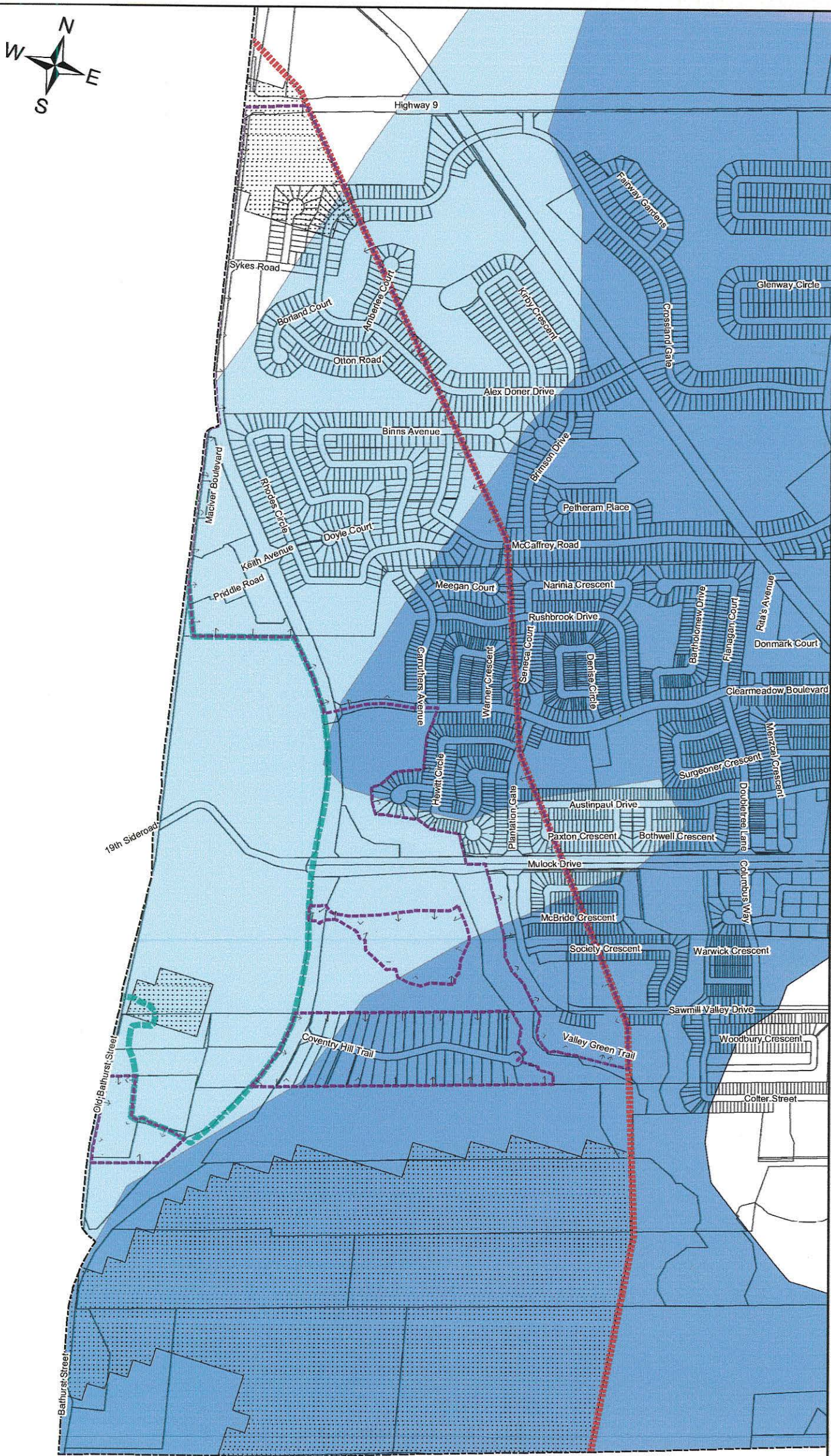
Printed: September, 2003

Legend

- | | | | | | |
|--|-----------------------------|--|--|--|----------------------|
| | Oak Ridges Moraine Boundary | | Landform Conservation Areas
Category 1 | | Municipal Boundary |
| | Natural Core Area | | Category 2 | | Land Parcel Boundary |
| | Urban Area | | | | |

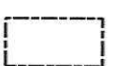
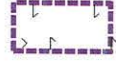
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Metres

Legend

- | | | |
|---|---|--|
|  Oak Ridges Moraine Boundary |  Areas of High Aquifer Vulnerability |  Municipal Boundary |
|  Natural Core Area | Wellhead Protection Areas |  Land Parcel Boundary |
|  Urban Area |  2-10 Years of Time of Travel | |
| |  10-25 Years of Time of Travel | |

THIS IS SCHEDULE 'Z-2'
TO BYLAW 2003-121
PASSED THIS 29th
DAY OF September
2003

Don Doyen
MAYOR

Amore
CLERK

SCHEDULE 'Z-2'
TO BYLAW 2003-121
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