

SECTION 2 - GENERAL POLICIES

2.1 General Development

a) Goals

- i) To accommodate the population and development anticipated for the Town in the planning period.
- ii) To provide the necessary services and facilities required by the present and future population.
- iii) To maintain and strengthen individual community identities and the identity of the Town community as a whole.
- iv) To provide for anticipated future growth within the confines of a compact urban envelope.

b) Objectives

- i) To manage the timing of development of areas designated for development so that:
 - the anticipated population and its supporting uses can be accommodated in appropriate stages,
 - the Town and other responsible agencies can efficiently provide the public utilities and support services,
 - employment areas can be developed to complement the residential areas,
 - new development can be integrated into the existing expanding community and social fabric of the Town, or be self-sufficient, and,
 - urbanization of agricultural lands and encroachment on natural areas is minimized, natural features are protected, and the restoration and enhancement of natural features is encouraged.
- ii) To encourage the provision of a range of housing to meet the needs of the existing and anticipated population of the Town.
- iii) To ensure that the needs of the new and existing residents with regard to community services and facilities are provided for.

2.1.1 Policies

- a) This Plan provides for sufficient land within the Urban Service Area and Future Urban Service Area as shown on Schedule 'D' - URBAN SERVICE AREA to accommodate a future population of approximately 260,000 and approximately 167,000 employment opportunities for the Town as a whole.

In the rural area (lands designated AGRICULTURE, RURAL RESIDENTIAL, and HAMLET) only minor additions to the existing population are provided for through development such as infilling in HAMLETS and accessory apartments. It is estimated that only 185,000 people can be accommodated within the Urban Service Area as identified on Schedule 'D' - URBAN SERVICE AREA based on the servicing standards employed at the time that this Plan was adopted. Additional lands shall be incorporated into the Urban Service Area from the area identified as Future Urban Service Area on Schedule 'D' - URBAN SERVICE AREA to accommodate future population and employment, as well as to provide for an adequate range of choice and the proper functioning of the housing and

employment markets. [Note: At the time of preparation of the consolidation of this Plan in 2005, most of the lands identified in Official Plan Amendment No. 5 as Future Urban Area had been designated for Urban use and incorporated within the Urban Service Area, identified on Schedule 'D' - URBAN SERVICE AREA.]

The boundary of the Future Urban Service Area, in proximity to the Little Rouge Creek, shall extend to the limit of the Rouge Park corridor as defined in the Province's Rouge Park Management Plan (May 1994).

*
The additional lands will be added to the Urban Service Area through incorporation of Secondary Plans, by Official Plan Amendment, subject to confirmation that sufficient water, sanitary sewer and transportation system capacity is available and subwatershed plans are completed.

- b) Urban development shall only occur within the urban envelope as established and defined by the Urban Service Area in order to economize on servicing costs and minimize development in the agricultural area.
- c) Lands identified as Future Urban Area on Schedule 'A' - LAND USE may be considered for urban development in the future. Any such development shall be preceded by an amendment to this Plan to redesignate the lands for urban purposes subject to the process outlined below.

Urban development of lands identified as Future Urban Area shall only be permitted following the preparation of a strategy for the staging of development based on comprehensive technical studies. These studies shall include all the lands identified as Future Urban Area and other lands as may be required for the purposes of these studies. These studies shall determine a sewer and water servicing plan, a subwatershed management plan(s), a transportation master plan and development charges schedule(s). In addition, prior to release for urban development of any lands identified as Future Urban Area, a Secondary Plan shall be prepared for the appropriate Planning District and incorporated into this Plan by amendment.

Secondary Plans shall generally be consistent with the recommendations of the Town of Markham Natural Features Study, and shall be in accordance with those provisions of the Study incorporated into this Plan. Secondary Plans shall require that the Development Staging Strategy be adopted by the Town for the Future Urban Area prior to the release of any lands for urban development. Secondary Plans shall also require an internal Development Phasing Plan for lands within the Secondary Plan area, prior to the release of lands for development.

- d) The Town shall endeavour to maintain and improve the physical character and appearance of existing communities.
- e) It will be an objective of Council to foster the development of an environment that will enhance the state of well being and the quality of life for residents of the Town and to pursue human services policies that will meet people's changing needs and promote and maintain a healthy community in keeping with the economic resources of the Town.

* 103-116 APPEALED TO THE OMB

- f) Prior to the approval of new developments, the Town may require detailed impact studies with respect to such matters as environment, traffic, Town finance, and community services.
The Town shall ensure that the 'Environment and Natural Resources' policies are satisfied prior to giving any planning approvals.

2.1.2 Implementation

- a) Council may periodically review and assess population projections and growth rates and, in the event of any major deviation, may revise the policies of this Plan by amendment, if necessary, consistent with the relevant Provincial and Regional policies, and in accordance with the provisions of Section 2.13.1 (Supply of Land) and Section 2.13.2 (Monitoring) and Section 3.14.3a) (Boundaries and Development Approval Process).
- b) Council will study ways and means of improving existing communities.
- c) The Town shall, in co-operation with the Regional Municipality of York and other responsible agencies, from time to time, review the emerging human services and welfare needs of the residents and make provision and plans for the fulfillment of these needs and services.
- d) Any detailed human services policies which may be formulated by the Town shall be developed in direct consultation with the Social Policy Field Ministries and/or other agencies. Such policies, when developed and implemented, should respect existing legislative and other jurisdictional limitations and should be consistent with any other relevant policies in this Plan. However, the detailed human services policies shall not form part of this Plan.

2.2 *Environment and Natural Resources*

a) Goals

- i) To protect, preserve and improve the natural environment.
- ii) To protect residents and workers from nuisance and dangers due to environmental pollution and the misuse of land.
- iii) To promote an awareness of the natural resources and to encourage an appreciation and responsibility for the natural ecosystems among residents and owners in Markham.

b) Objectives

- i) To ensure the preservation, protection and management of forests, hedge rows, natural vegetation, watercourses and wetlands.
- ii) To ensure that new development, including intensification, shall have a minimum impact on the established natural environment.
- iii) To ensure that no inappropriate development occurs on hazard lands.
- iv) To ensure that the population and development in Markham are protected from unacceptable levels of pollution and from sources of nuisance.
- v) To avoid unnecessary disturbance to the natural topography. If the topography must be altered, there should be no increase in stormwater runoff or disturbance to existing drainage patterns resulting from the alterations.
- vi) To pursue sound stormwater management practices which will ensure adequate protection from flooding and erosion, will maintain and/or improve water quality and will enhance the environmental, aesthetic and recreational potential of watercourses.
- vii) To ensure long term accessibility to mineral aggregate resources.
- viii) To ensure the preservation of flora and fauna reserves.
- ix) To ensure the maintenance and protection of the Oak Ridges Moraine, and of the quality and quantity of its ground water resources.

c) Policies - General

- i) Every effort will be made to enhance urban amenity through appropriate location of various land uses, performance standards, and site plan control approval.
- ii) The effects of noise, odour, dust, fumes, vibration, inappropriate lighting or signs, refuse matter or waste, invasion of privacy, unnecessary overshadowing, interference with radio or television reception, unsightly appearance, unsightly outside storage or display or other obnoxious features of land use will be controlled to ensure public health and safety, and to minimize incompatibility between land uses.
- iii) In considering applications for land use changes or development adjacent to existing and proposed major arterial roads, highways, railway lines, electric power transformer stations and other uses generating significant levels of noise, the Town may require impact studies to be undertaken by a qualified professional and to be completed prior to approval of a development application, to determine existing and future anticipated noise levels and appropriate attenuation or mitigation measures.
- iv) **Oak Ridges Moraine**
The Town of Markham recognizes the Oak Ridges Moraine as an important recharge area, and in its review of development applications, will ensure that significant environmental features are maintained and enhanced.

2.2.1 Environmental Constraints

Certain existing conditions and uses of land impose constraints on development. These include airports, mineral aggregate resources, former waste disposal sites, various forms of transportation, particularly relative to noise and vibration, and lands subject to the risk of flooding, erosion and slope instability. The policies of this Section must be read in conjunction with the applicable land use policies and will be understood to restrict development unless the conditions of development, where permissible, are met.

a) Policies Regarding Lands Adjacent to Major Arterial Roads, Highways, Railway Lines and Transformer Stations

- i) Changes in land use designations in areas adjacent to existing or proposed major arterial roads, highways, railway lines, and transformer stations shall only be permitted if the proposed land use can be shown to be compatible, in terms of approved Provincial standards or guidelines, with the predicted noise levels for the site.
- ii) Residential uses close to major arterial roads, highways or railway lines and transformer stations shall only be permitted if appropriate noise and vibration abatement measures, satisfactory to the Town, in consultation with the Ministry of the Environment and/or Canadian National and Canadian Pacific Railways and any other concerned and/or responsible public agency, are provided.
- iii) It is recognized that the impact of noise will vary, depending on the transportation or utility facility and the elevation of the noise source in relation to the site grade and to the receiver. The noise abatement measures required for indoor and outdoor spaces will vary accordingly.
Noise and vibration abatement measures will involve one or more of the following, depending on the physical circumstances of the specific locations:
 - increased setbacks;
 - sound barriers such as landscaped berms, walls, buildings and fences;
 - building siting to provide protected outdoor recreational space;
 - building design including special attention to height, massing, internal layout and fenestration;
 - building construction including materials for acoustical insulation, glazing, ventilation; and,
 - other appropriate attenuation measures.
- iv) Development adjacent to railways shall ensure that appropriate safety measures such as setbacks berms and security fencing are provided, to the satisfaction of the Town in consultation with the appropriate railways.

b) Policies Regarding Lands Adjacent to Existing and Proposed Airports

- i) Notwithstanding any other provisions in this Plan to the contrary, no new residential development or other sensitive land uses will be permitted in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) approved by Transport Canada.
- ii) Subject to conformity with other policies of this Plan, redevelopment of existing residential uses and other sensitive land uses or infilling of residential uses and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long term function of an airport and that the proposed development complies with the relevant noise abatement measures established by Canada Mortgage and Housing Corporation.

- iii) Subject to the proposed development conforming to the Provincial land use compatibility guidelines, as revised from time to time, new nonresidential development may be permitted in areas defined by the appropriate Provincial and/or Federal agencies as likely to experience noise levels up to and including 40 NEF.
 - iv) All new development adjacent to the Buttonville Airport is subject to the Federal Zoning Regulations for the Buttonville Airport.
- c) **Aircraft Noise Mitigation for Urban Lands**
- i) Notwithstanding the provisions of Section 2.2.1b)ii), where lands are identified as Future Urban Area, or designated for urban development, on Schedule 'A' - LAND USE, and are forecast to be subject to aircraft noise levels above 28 NEF, final subdivision approval or final site plan control approval of new residential development shall be deferred, pending the preparation and approval by Transport Canada of an update of the 1987 Noise Exposure Forecast for the Pickering Airport site [(see Section 2.2.1d)]. Such deferral shall not extend beyond June 30, 1996.
 - ii) Upon approval by Transport Canada of the updated Noise Exposure Forecast for Pickering, approval of residential development subject to aircraft noise levels above 28 NEF shall be subject to noise mitigation measures, in conformance with:
 - standards established by the Canada Mortgage and Housing Corporation in "New Housing and Airport Noise (1981)"; and,
 - Provincial standards contained in "Land-Use Policy Near Airports (March, 1978)"; and,
 - Transport Canada guidelines contained in "Land Use in the Vicinity of Airports - TP 1247", except as provided for in Section 2.2.1d)ii).
 - iii) Agreements imposed as a condition to the approval of plans of subdivision or condominium declarations, in respect of lands to be used for residential purposes that are forecast to be subject to aircraft noise levels equal to or greater than 28 NEF, will require that agreements of purchase and sale contain a noise impact warning clause. The wording of such clause is to be prepared in consultation with Transport Canada and the Ministry of Municipal Affairs and Housing.
 - iv) In the event of applications to remove urban lands from the designated area of Provincial Zoning Order 104/72 (Airport), as amended, Town support for such applications shall be contingent on assurance that development and building standards to address noise mitigation measures as identified in Section 2.2.1c)ii) are secured through appropriate agreements, satisfactory to the Town, Transport Canada and the Ministry of Municipal Affairs and Housing.
- d) i) Forecast aircraft noise levels for the Pickering Airport site are presently established based on the NEF contours prepared in 1987 and reprinted on a drawing dated May 6, 1992 prepared by Transport Canada. These contours are scheduled to be replaced by a new "Noise Exposure Forecast for Pickering" (the Pickering Airport site) to be prepared and approved by Transport Canada, which may be subsequently updated from time to time.
- ii) In the event of future updates to the "Noise Exposure Forecast for Pickering" that would have the effect of making additional lands subject to the provisions of Section 2.2.1c)i), these provisions shall not apply if the lands have received final subdivision approval or final site plan control approval.

- e) **Mineral Aggregate Resources - Pits and Quarries**
- i) No new commercial pits and quarries, including the removal of topsoil, sand and gravel are permitted except by amendment to this Plan and subject to the provisions of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended.
 - ii) Notwithstanding the provision of Section 2.2.2e)i), wayside pits and quarries and portable asphalt plants used on public authority contracts will be permitted, without the need for an official plan amendment, rezoning or development permit under the *Planning Act* in all areas, except those of existing development or particular environmental sensitivity which has been determined to be incompatible with extraction and associated activities.
 - iii) In considering an application to amend this Plan to permit the establishment of a commercial pit or quarry, Council shall have regard for the following matters:
 - The proposed pit or quarry may only be located in an area presently designated OAK RIDGES MORaine, AGRICULTURE or INDUSTRIAL on Schedule 'A' - LAND USE of this Plan, which, should the application be supported, will be redesignated to an appropriate category, such as 'Extractive Industrial'.
 - The operations of the pit or quarry shall not be detrimental to the public interest nor adversely affect surrounding land use or the environment including adverse effects upon the water table, and the operations shall be conducted in accordance with Provincial, Regional and Town regulations in regard thereto.
 - Consideration shall be given to the adequacy and suitability of access points from pits and quarries on a public road or roads, together with the impact of the resulting truck traffic upon the public road system, and the installation of adequate and appropriate signs and traffic controls in the interests of public safety.
 - Applications shall be accompanied by supporting studies prepared by qualified professionals, that provide evidence of the quality of material to be extracted and also the soil capability for agriculture of the site for future rehabilitation. The studies shall also include an evaluation of the impact of development and the operation of the pit or quarry on the natural environment, including surface and ground water, on the surrounding land uses, on the transportation system and on heritage and archaeological resources.
 - Adequate and appropriate setbacks shall be established for all pit and quarry workings and for the storage of materials and equipment from public roads, watercourses, lakes, and adjacent land uses, together with requirements for landscaping, screening, buffering and berms.
 - Drainage works shall be provided to the satisfaction of the appropriate authority including, where necessary, treatment of the runoff prior to discharge from the property.
 - Satisfactory measures shall be taken in the operation and rehabilitation of pits and quarries to ensure public safety and to minimize hazards.
 - Satisfactory provisions shall be made for the rehabilitation of the lands upon conclusion of pit or quarry operations, including preservation and replacement of top soil, removal of all buildings, machinery and equipment, and appropriate grading and the elimination of all unsightly conditions.
 - iv) It is the intention of Council that all types of pits and quarries shall be rehabilitated for eventual use (or uses) compatible with the surrounding area. Notwithstanding the above, the after-use of pits and quarries on good agricultural land (Classes 1 to 4) established following approval of this Plan shall be agriculture and rehabilitation shall

ensure substantially the same acreage and average soil capability as existed before extraction occurred.

- v) New mineral aggregate operations and wayside pits may be permitted on the lands designated OAK RIDGES MORaine on Schedule 'A' – LAND USE subject to meeting the requirements of Section 35 and 36 of the Oak Ridges Moraine Conservation Plan, 2001 (Ontario Regulation 140/02) and the policies of this Official Plan.

2.2.2 Environmental Management

2.2.2.1 General

This Section provides a Plan for the Environment and a framework for achieving ecologically linked, healthy and diverse natural features. The Plan provides for a “greener” urban environment and expanded aesthetic and recreational opportunities throughout the Town for the benefit of all residents. The greater importance accorded to natural features through the policies of this Section establishes an appropriate balance of social, economic and environmental concerns in the long range planning for the Town, and makes a significant contribution to a healthy community.

a) Goals

- i) To prevent any further losses of significant natural features, functions and landforms and to minimize losses of other natural features;
- ii) To address the improvement of the remaining natural features and ecological resources; and,
- iii) To create a sustainable linked open space system within the Town with opportunities for connections with regional and inter-regional systems.

b) Objectives

- i) To encourage an increased awareness of the responsibilities for maintenance and improvement of natural and environmental resources among all residents, employees and landowners in Markham;
- ii) To require development to acknowledge and respect, and to address methods to improve and integrate, the environmental and recreational resources of Markham's urban area;
- iii) To protect and to address the enhancement of existing natural features associated with public recreational uses within the urban area;
- iv) To facilitate a safe and healthy environment for the residents of Markham by identifying various hazards and constraints on land and related resources by requiring protection of natural features, and addressing effective mitigation and/or improvement measures as a condition of development;
- v) To improve public accessibility to important natural features and recreational facilities of the Town, having regard for their individual sensitivities;
- vi) To integrate the Town's Greenway System with broader inter-regional systems, performing a similar function; and,
- vii) To strive toward achievement of the following:
 - to retain and improve existing wetlands;
 - to retain and re-establish lowland vegetation at key locations within the valley system;

- to retain existing cold water fisheries and other fisheries, where feasible, and restore riparian communities to prevent degradation arising from new development and to regenerate degraded areas;
- to protect and rehabilitate rivers and streams and their catchment areas such that their fisheries potential (either cold or warm water fisheries) is optimized; and,
- to protect and rehabilitate valleyland while providing suitable opportunities for recreation.

Application of Environmental Management Policies

The policies contained within Section 2.2.2 are intended to be applied to the lands within the boundary identified as Urban Development Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS. * The current Official Plan policies relative to Trees and Woodlots, Wetlands, Watercourses, Open Space System and Implementation for the rural area are located in Section 2.2.3. These policies are intended to function as an interim measure until a natural features amendment for the rural area is adopted by Council.

2.2.2.2 Subwatershed Studies

- a) In planning for new development, the Town will require, as the basis for preparation of new Secondary Plans and other land use plans for significant growth areas, that a Subwatershed Study be undertaken to the satisfaction of the Town, in consultation with the Ministry of Natural Resources and the Toronto and Region Conservation Authority and other authorized agencies. Alternatives to the Subwatershed Study such as Environmental Management Plans, may be considered by the Town in lieu of the Subwatershed Study provided that the purpose and objectives of this Section are achieved, and subject to approval by the Town and other authorized agencies.
- b) In the event that an alternative study referred to in a) is acceptable to the Town, any additional matters or more detailed investigation or analysis to meet the requirements of a Subwatershed Study will be addressed in the preparation of Plans of Subdivision or other plans for development.
- c) The study boundaries will be based on the delineation of subwatersheds as shown on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS, with any necessary modifications satisfactory to the Town and other authorized agencies.
- d) The Subwatershed Study shall include an inventory and evaluation of existing natural features and functions and recommendations on measures to protect, and to address the enhancement and restoration of the natural features and functions in the context of urban development.
- e) The inventory and evaluations in the Natural Features Study and the environmental protection and enhancement objectives and policies in Section 2.2.2 of this Plan shall be used as primary input to the Subwatershed Study. Additional technical work may be required by the Town or other regulatory agency to achieve the necessary level of detail or to address specific environmental concerns.

* 103-116 APPEALED TO THE OMB

- f) The Subwatershed Study, where required, shall be undertaken in accordance with terms of reference approved by the Town, the Toronto and Region Conservation Authority and the Ministry of Natural Resources, and shall generally adhere to recognized Provincial guidelines for such studies and the Town's Stormwater Management Guidelines.

2.2.2.3 Greenway System

- a) The Town supports the development of a linked Greenway system to:
- support ecological functions;
 - provide access to natural areas; and
 - provide continuous trails linking the Town's Greenway System with the Rouge Park, the Oak Ridges Moraine and the Don River Valley south of Steeles Avenue.
- b) The Greenway System is shown conceptually on Appendix Map 1 - GREENWAY SYSTEM and comprises lands identified as Environmental Protection Areas on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS and activity linkages and parks as shown conceptually on Appendix Map 1- GREENWAY SYSTEM.
- c) Greenland areas comprising the Greenway system shall be protected and enhanced where applicable, in accordance with Sections 2.2.2.4 to 2.2.2.13, Section 3.9 Open Space and 3.10 Hazard Lands of this Plan.

2.2.2.4 Environmental Protection Area

- a) Environmental Protection Areas are shown on Schedule 'A' - LAND USE and Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS. Lands designated ENVIRONMENTAL PROTECTION AREA on Schedule 'A' - LAND USE are secured for long term protection subject to the applicable policies contained hereto. Lands identified as Environmental Protection Area on Schedule 'I' -ENVIRONMENTAL PROTECTION AREAS are intended to be secured for long term protection and may be designated ENVIRONMENTAL PROTECTION AREA on Schedule 'A' - LAND USE by Amendment to this Plan. Lands identified as Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS are subject to the applicable policies contained hereto.
- b) The Town shall periodically review and assess the appropriateness of amending Schedule 'A' - LAND USE to include natural features identified as Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS as ENVIRONMENTAL PROTECTION AREA on Schedule 'A'.
- c) Environmental Protection Area identifies lands and water bodies containing natural features and/or ecological functions of such significance to the Town or sensitivity to disturbance as to warrant long term protection. Corresponding objectives for their preservation will be implemented through detailed policies which address specific subcategories as follows:
- Locally Significant Area Complexes;
 - Valleylands including HAZARD LANDS designated on Schedule 'A' - LAND USE; and
 - Woodlots and other Significant Vegetation Communities.

- d) Existing hedgerows make a significant contribution to the natural landscape and shall be conserved and protected wherever practical and feasible. Hedgerows shall be subject to the specific policies of Section 2.2.2.4.4.
- e) The boundaries of lands identified as Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS are approximate and where adjoining lands are proposed for development, the boundary of the Environmental Protection Area shall be the Limit of Development as defined by the Town in consultation with the Toronto and Region Conservation Authority plus the applicable buffer as defined in Section 2.2.2.9. In defining the Limit of Development, regard may be had to the Community Design Plan process defined in Section 2.2.2.11 where a Secondary Plan is required, and/or an Environmental Impact Study (Section 2.2.2.10) where applicable.
- f) The lands shown as ENVIRONMENTAL PROTECTION AREA on Schedules 'A' LAND USE and 'I' - ENVIRONMENTAL PROTECTION AREAS, are deemed to include a buffer area, as applicable, subject to the provisions of Section 2.2.2.9.
- g) No adjustment to the boundary or removal of the identification Environmental Protection Area on Schedules 'A' - LAND USE and 'I' - ENVIRONMENTAL PROTECTION AREAS will be considered by Council if the environmental features are willfully damaged or destroyed. In such an event, Council may require the replacement or rehabilitation of the features and landforms.
- h) In recognition of natural changes that occur over time, Council may, in exceptional cases, consider the removal of an Environmental Protection Area identification if an Environmental Impact Study subject to Section 2.2.2.10, or other environmental study, determines, to the satisfaction of Council, that the feature is of inferior quality, limited sustainability and no longer worthy of preservation.
- i) Council may adjust the boundaries of lands identified Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS to accurately reflect the size and configuration of the feature, in recognition of natural changes that occur over time, without the necessity of an amendment to this Plan.
- j) The Town shall require that those portions of lands identified as Environmental Protection Area on Schedules 'A' - LAND USE and 'I' - ENVIRONMENTAL PROTECTION AREAS which are also designated HAZARD LANDS on Schedule 'A' - LAND USE be conveyed to the Town or other authorized public agencies as a condition of development approval on adjacent lands.
- k) The Town will require that Valleylands (not designated HAZARD LANDS), Locally Significant Area Complexes and Woodlots and other Vegetation Communities identified on Schedules 'A' - LAND USE and 'I' - ENVIRONMENTAL PROTECTION AREAS be set aside for environmental protection purposes. The Town will encourage public conveyance of these lands through the development approval process, land trusts, easements, development agreements or other means at its disposal.

- l) To assist in the public acquisition of natural features on tableland, the Town may consider acquiring Locally Significant Area Complexes, Woodlots and other Vegetation Communities as part of the parkland dedication if all needs for recreation facilities are satisfied, or may include the land area of the natural feature in the calculation of permitted development density on adjacent development lands. Other public agencies will also be encouraged to include and protect natural features, where appropriate, on lands to be conveyed to or acquired by them for community use purposes.
- m) The conveyance of Environmental Protection Areas shall generally include an Environmental Buffer in accordance with Section 2.2.2.9c).
- n) As a practical alternative to public ownership of natural features on tableland, the Town may consider the retention of such features in private ownership, where appropriate, subject to agreements or other arrangements satisfactory to the Town, to ensure their long term protection and management.
- o) Where lands identified in Section 2.2.2.4 are under private ownership, the identification does not infer a commitment on the part of the Town to purchase such areas or imply that they are accessible to the general public.
- p) Golf courses may be permitted on certain lands identified as Environmental Protection Area, except on lands identified as Locally Significant Area Complexes on Schedule 'I' – ENVIRONMENTAL PROTECTION AREAS, subject to an Official Plan Amendment, and all other applicable policies of this Plan.
As applicable, golf courses will only be permitted if it can be demonstrated to the satisfaction of the Town and other authorized agencies that the design, development and operation of the golf course will:
 - i) preserve and protect the Environmental Protection Area and will retain woodlots, hedgerows and valleylands;
 - ii) not result in additional nutrient or pollutant loading to streams or rivers;
 - iii) provide public paths or trails required to achieve linkages through the Greenway System; and
 - iv) retain or restore vegetation in the riparian zone adjacent to streams.
- q) Higher levels of public recreation uses may be associated with lands identified as Environmental Protection Areas adjacent to urban development. The purpose of this Section is not to alter existing recreational systems, unless specifically directed by the Town. Public recreation uses shall be permitted on lands identified as Environmental Protection Area where appropriate, as may be further defined in Secondary Plans and detailed studies.
- r) Municipal infrastructure including roads, utilities, sewers, watermains, and stormwater management facilities may be permitted on lands identified as Environmental Protection Area subject to an Environmental Impact Study, or other environmental assessment report approved by the Town and other authorized agencies. Where there is a need for more than one type of infrastructure, the rights-of-way shall be combined, wherever feasible, to reduce the extent of the intrusion in an Environmental Protection Area.

- s) An Environmental Impact Study may be required for development adjacent to lands identified as Environmental Protection Area in accordance with Section 2.2.2.10.
- t) The applicable policies of Section 2.2.2.4 shall apply to the OPEN SPACE - ENVIRONMENTALLY SIGNIFICANT AREA and HAZARD LANDS - ENVIRONMENTALLY SIGNIFICANT AREA provisions of approved Secondary Plans.

2.2.2.4.1 Locally Significant Area Complexes

- a) Locally Significant Area Complexes identified on Schedules 'A' - LAND USE and 'I' - ENVIRONMENTAL PROTECTION AREAS are those which have exceptional biological, physiographic or hydrologic attributes and warrant the highest order of protection.
- b) Permitted uses will be limited to conservation, environmental management, flood and erosion control, compatible outdoor recreational uses and existing legal uses. In recognition that many Locally Significant Areas are in private ownership, the Plan allows for the continuation and expansion of existing uses, particularly passive recreational activities. Golf courses, pits and quarries and waste disposal facilities are prohibited.
- c) Recreation will generally be restricted to low impact sports (eg. hiking, cross country skiing) that require low level maintenance and as further defined in Secondary Plans and other recreation studies. Nothing shall prohibit the existing and approved recreational uses at the Locally Significant Area Complexes #1 (Toogood Pond), #2 (Milne Park) and #A (Reesor Pond).
- d) New buildings or structures on tablelands will generally not be permitted except those which are necessary for recreational and conservation activities or existing legal uses. Any new or expanded building or structure shall be designed and located in a manner which addresses and responds to the sensitivity of the area and minimizes the impact on existing vegetation.
- e) The Town, through its Stewardship Programs, shall prepare educational material to advise owners of lands identified Locally Significant Area Complex of the environmental value of these natural features and systems and appropriate management practices including principles to guide the location of buildings.
- f) Locally Significant Area Complexes which are also wetlands shall be subject to the policies of Section 2.2.2.8.
- g) Additional areas may be identified as Locally Significant Area Complexes by amendment to this Plan if they meet one or more of the following criteria:
 - the area contains a distinctive and/or unusual landform or water feature that is unusual within Markham and is sensitive to disturbance; or
 - the area is at least a Class 7 wetland according to the Provincial Wetland Classification System; or
 - the plant or animal communities are identified as high quality within Markham; or
 - the area provides habitat for rare, threatened, vulnerable or endangered species identified as such Regionally, Provincially or Nationally; or
 - the area is extensive and/or contains a diversity of biological communities and associated plants and animals.

- h) The Town will endeavor to locate municipal infrastructure outside of Locally Significant Area Complexes wherever practical and feasible. Any necessary encroachment of municipal infrastructure on a Locally Significant Area Complex will avoid disturbance to significant vegetation and will include restoration of disturbed areas to ensure no net loss of natural areas, functions or species in accordance with the detailed recommendations of the Environmental Impact Study, or other environmental study, as required.
- i) The provisions of this Section apply to a small portion of the Little Rouge Creek – [identified as Locally Significant Area Complex 3B on Schedule ‘I’ - ENVIRONMENTAL PROTECTION AREAS], which is the most significant natural area in the Town of Markham, and is of inter-regional importance as part of a continuous green link between the Oak Ridges Moraine and Lake Ontario. In recognition of its exceptional environmental quality, and the Provincial and Municipal interest to extend the Rouge Park along the Little Rouge Creek through Markham, the Town will work cooperatively with the Province, other appropriate agencies, landowners and Park Partners to develop plans and programs to protect, restore and enhance the Little Rouge Locally Significant Area Complex while providing opportunities for public enjoyment.

2.2.2.4.2 Valleylands

- a) Valleylands identified on Schedule ‘I’ - ENVIRONMENTAL PROTECTION AREAS include lands designated HAZARD LANDS on Schedule ‘A’ - LAND USE to this Plan and minor tributaries. It is the intent of Council to protect the landforms, features and ecological functions within the river valley systems and prohibit development on HAZARD LANDS. The additional policies of Section 3.10 apply to those portions of the valleylands which are designated HAZARD LANDS on Schedule ‘A’ - LAND USE.
- b) The Valleylands draining areas of less than 125 hectares shown on Schedule ‘I’ - ENVIRONMENTAL PROTECTION AREAS [i.e. those not designated HAZARD LANDS on Schedule ‘A’ - LAND USE of this Plan] shall generally remain open and in their natural state. These lands shall generally be set aside for environmental protection as a condition of development approval and public conveyance will be encouraged. Incorporation of these valleylands into corridors, linkages, public parks and community facility sites will also be encouraged.
- c) Notwithstanding the generality of subsection b), alterations to these valleylands including enclosures of watercourses may be considered as part of a comprehensive environmental management strategy within an urban area in the context of Subwatershed Studies or major Stormwater Management Studies prepared in support of Secondary Plans or development applications. Any alterations proposed must ensure that there is no negative impact on significant natural features and/or functions within or adjacent to the valleyland.
- d) Proposed alterations to valleylands shall be subject to approval of the Town and the Toronto and Region Conservation Authority. Proposed watercourse alterations and enclosures are subject to approval under the *Federal Fisheries Act* and the *Lakes and River Improvement Act*.
- e) For those portions of flood prone areas which are identified as Special Policy Area on Schedule ‘F’ - SPECIAL POLICY AREA to this Plan, the policies of Section 3.10.2 shall take precedence over the policies of Section 2.2.2.4 in the event of a conflict.

- f) Crossings of valleys and streams, where necessary, shall minimize disruption to flood and erosion control, public accessibility and significant or sensitive vegetation, shall utilize common rights-of-way for multiple services and shall be subject to approval by the Town and the Toronto and Region Conservation Authority. The timing of construction shall be restricted in order to protect fish spawning and migration.
- g) The Rouge Park Management Plan for portions of the Rouge River and the Little Rouge, Berczy, Bruce and Morningside Creeks in the Town, once completed and endorsed by Council, may be implemented by further amendments to this Plan, where required.
- h) An environmental buffer will be provided adjacent to the edge of the valley slope or adjacent to the watercourse in accordance with the criteria and policies in Section 2.2.2.9.
- i) The Town may require an Environmental Impact Study in accordance with the provisions of Section 2.2.2.10.

2.2.2.4.3 Woodlots and Other Significant Vegetation Communities

- a) Woodlots and Other Significant Vegetation Communities designated on Schedule 'A' - LAND USE as ENVIRONMENTAL PROTECTION AREA shall be conserved and protected. The Town shall designate woodlots identified on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS as ENVIRONMENTAL PROTECTION AREA on Schedule 'A' - LAND USE through the Secondary Plan process and through separate Amendments as appropriate.
- b) Woodlots and Other Significant Vegetation Communities, identified on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS, shall be conserved and protected, wherever feasible. In accordance with Section 2.2.2.10, opportunities for ecological enhancement shall be identified where appropriate and feasible.
- c) Public conveyance of woodlots and other significant vegetation communities on tableland will be encouraged, including conveyance to the Town as a condition of development approval, land trusts, easements, agreements and bequests. Where lands are conveyed, the woodlot (and buffer area) may be credited against the required parkland dedication where it is demonstrated that the Town's needs for active recreational facilities are satisfied, or the woodlot (and buffer area) may be included in the calculation of permitted development density on adjacent development lands.
- d) Woodlots and Other Significant Vegetation Communities may be incorporated into public parks as areas for passive recreation in addition to lands required for active recreational facilities (see Section 3.9.3).
- e) The Town may also consider the retention of Woodlots and Other Significant Vegetation Communities in private ownership, where appropriate, as a practical alternative to conveyance to the Town, subject to agreements or other arrangements satisfactory to the Town, to ensure appropriate protection and management of these resources.

- f) Where it is agreed through an Environmental Impact Study or other environmental study, that certain trees can be removed, plans for replacement must provide natural groupings of native species, preferably in locations which contribute to the restoration and enhancement of existing natural features and areas. Street trees alone will not be acceptable to meet this requirement.
- g) The Town shall prepare and distribute educational material as part of its Stewardship Programs to increase public awareness of the environmental value of woodlots, as well as other natural features on private property and to provide information on management, technical and other resources available.
- h) An environmental buffer will be provided adjacent to the edge of Woodlots or Other Significant Vegetation Communities in accordance with Section 2.2.2.9.
- i) The Town may require an Environmental Impact Study in accordance with the provisions of Section 2.2.2.10 for any development within 30 metres of lands identified as Woodlots and Other Significant Vegetation Communities.
- j) The woodlot located at the southeast corner of Highway 404 and Elgin Mills Road is further designated Transportation and Utilities in OPA No. 42 (Cathedral Secondary Plan). This designation is intended to accommodate an access ramp to Highway 404. The Town shall work with the Ministry of Transportation to ensure the protection of this woodlot, to the extent practical, through detailed ramp design.

2.2.2.4.4 Hedgerows

- a) Existing hedgerows identified on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS make a significant contribution to the natural landscape and provide wildlife habitat and microclimatic benefits. Hedgerows shall be conserved and protected wherever practical and feasible.
- b) Where hedgerows are within a development proposal, they shall be evaluated with Woodlots and Other Significant Vegetation Communities in the context of an Environmental Impact Study, if applicable. In cases where a hedgerow cannot be retained, the Study must include recommendations for tree replacement, satisfactory to the Town.
- c) Hedgerows shall be evaluated in the context of Tree Conservation Plans where an Environmental Impact Study is not required.

2.2.2.5 Specific Policies for Urban Restoration Sites

- a) Several areas throughout the Town, currently committed to existing or future urban uses, are identified as suitable for restoration efforts to achieve greater natural diversity and facilitate links to the urban environment. Site specific urban restoration policies have been included for the following lands:
 - i) **Public Parks and Rights-of-Way**
The Town supports restoration on a broader scale and will plant or naturalize public parks and public rights-of-way to the maximum extent feasible while maintaining other public services and will encourage other public agencies to do the same. Specifically, the Town supports a municipal street tree boulevard planting program along Denison Street to enhance and support an east/west activity linkage through the

south portion of the Town and renaturalization efforts at Milne Dam Park, Cedar Valley and Study Area 2.

ii) Parkway Transformer Station

At the time of preparing this Consolidation, a transformer station was under construction by Hydro One on its lands north of 14th Avenue and west of Warden Avenue. The Town supports opportunities for naturalized planting and will work with Ontario Hydro to ensure natural areas and communities are incorporated upon construction of the future station.

iii) Miller Pit

The Town supports and encourages landscape restoration efforts at the Miller Pit site at Woodbine Avenue south of Highway 407.

iv) Private Land Holdings and Golf Courses

Private landowners, including owners of existing golf courses, will be encouraged to undertake restoration measures, and in particular to establish and retain riparian buffer plantings adjacent to watercourses and to utilize natural maintenance techniques.

v) Utility Corridors

The Town encourages the long term enhancement of utility corridors with naturalized plantings complementary to the operation of the utility and other priorities for the use of the land.

2.2.2.6 Fisheries And Aquatic Habitat

- a) The streams and rivers in Markham support both cold water and warm water fisheries. It is the Town's intent to prevent any degradation of existing fisheries and aquatic habitat wherever feasible and to address the improvement of fisheries conditions.
- b) Subwatershed Studies undertaken to support Secondary Plans will be required to evaluate fisheries resources and recommend measures to protect them in accordance with Section 2.2.2.2.
- c) Where an environmental buffer has been provided adjacent to rivers and streams in accordance with Section 2.2.2.9, an Environmental Impact Study shall generally not be required. However, where proposed development would encroach on the lands identified as Environmental Protection Area adjacent to watercourses or the associated environmental buffer as outlined in Sections 2.2.2.4 and 2.2.2.9, an Environmental Impact Study will generally be required to evaluate potential impacts of the development on the fisheries and aquatic habitat, and to recommend measures to avoid or mitigate these impacts. The Environmental Impact Study may include plans and programs to regenerate degraded areas and to improve the aquatic habitat, where practical.
- d) Aquatic habitat shall be protected with riparian vegetated buffers measuring 10 metres from the low flow channel of the watercourse in accordance with the requirements of the Toronto and Region Conservation Authority and other authorized agencies. Plans and programs for riparian planting or restoration and other forms of rehabilitation shall have regard for the recommendations of the Ministry of Natural Resources and the Toronto and Region Conservation Authority's Rouge River Fisheries Management Plan and other provincially approved Watershed Fisheries Management Plans. Pathways and other forms of development shall generally be prohibited in the riparian vegetated buffer

- e) Habitat alterations may be considered where mitigation is not achievable, subject to Federal policy.
- f) Construction practices, particularly relative to the removal of topsoil, and control of run-off and sedimentation, shall conform with the Town of Markham Stormwater Management Guidelines and the Topsoil By-law.

2.2.2.7 *Stormwater Management*

- a) Stormwater management systems shall be planned and designed to satisfy the requirements for both quantity and quality control on a subwatershed basis. These systems shall conform with the recommendations of Watershed Plans or Strategies approved by the Town in consultation with the Toronto and Region Conservation Authority and the Ministry of Natural Resources and, in the absence of more detailed recommendations, will limit the post development stormwater run-off flows to a level at or below pre-development flows for the two year through one hundred year events.
- b) In considering options for stormwater management, the following principles shall apply:
 - stormwater will be considered as a resource, not a waste product;
 - stormwater facilities will be designed to maintain environmental and ecological integrity and to provide a net benefit to the environment, if feasible;
 - where existing streams are to be retained this will be done in naturalized, open channels to maintain and, if feasible, to improve stream corridor integrity; and
 - stormwater facilities will be designed, wherever practical, to provide community amenities and functioning wildlife habitat, recognizing that necessary periodic maintenance may temporarily disrupt these functions.
- c) Prior to the approval of development applications, Stormwater Management studies and plans will be prepared in conformity with Subwatershed Plans and shall be subject to approval by the Town in consultation with the Toronto and Region Conservation Authority.
- d) Stormwater management plans shall also conform with the standards, criteria and procedures in the Town of Markham Stormwater Management Guidelines, as revised from time to time.
- e) Stormwater discharge from new development to the outlet watercourses shall be consistent with the requirements of the appropriate Provincial Ministries or agencies having jurisdiction relative to water quality for fishing and swimming (see also policies on construction practices in Section 2.2.2.6).
- f) The Town will require a combination of Best Management (stormwater) Practices including such components as infiltration, source control and detention facilities where practical and acceptable to the Town, to manage the quality, and control of quantity of urban run-off. In areas of identified groundwater recharge capabilities, on-site filtration will be required to the maximum extent feasible where development is permitted.
- g) Stormwater management facilities will generally be permitted on tablelands in all land use designations on Schedule 'A' - LAND USE except on lands identified as Woodlots and Other Significant Vegetation Communities on Schedule 'I' -ENVIRONMENTAL PROTECTION AREAS.

- h) In order to achieve the appropriate balance between social, economic, urban design and environmental objectives in the Official Plan, stormwater management facilities may also be considered in valleylands, subject to designs which provide a net environmental benefit and approval of the Town and the Toronto and Region Conservation Authority.
- i) The Town will ensure that stormwater facilities located in valleylands will have a minimum impact on the natural features, functions and land forms and will be naturalized to complement the surroundings.
- j) Opportunities for creating wetland areas will be explored and encouraged where appropriate, in the design of new stormwater facilities and the rehabilitation of existing facilities.
Notwithstanding that certain stormwater facilities may provide functions similar to a wetland area, the wetland policies of Section 2.2.2.8 shall not apply.
- k) Parks or portions thereof may be designed to include water quantity or quality control features subject to approval of the Town in consultation with the Toronto and Region Conservation Authority. In instances where grading or other changes required for water quality/quantity control, or the presence of water, precludes the use of a portion of the park area for the required park purposes, then such stormwater management features shall not be accepted as part of the parkland dedication.
- l) Due to natural drainage patterns, it is recognized that reciprocal arrangements between the Town and adjacent municipalities are necessary to accommodate the flow of stormwater across municipal boundaries. Stormwater flows crossing municipal boundaries shall be subject to review and acceptance by the receiving municipality, and appropriate agencies, of (a) master drainage plan(s) and agreement(s) to address, among other things, the quality of quantity of water received.
A master drainage agreement for the watershed in which development is proposed, but not individual project drainage agreements, shall be required as a condition of development approval.

2.2.2.8 Wetlands

- a) There is one Provincially Significant Wetland in the Town of Markham, which is referred to as Toogood Pond (Unionville Marsh) and is identified as Locally Significant Area Complex No. 1 on Schedule 'I' – ENVIRONMENTAL PROTECTION AREAS and designated ENVIRONMENTAL PROTECTION AREA on Schedule 'A' - LAND USE.
- b) The Town will require an Environmental Impact Study for any new development adjacent to a Provincially Significant Wetland in accordance with the policies and requirements of Section 2.2.2.10. The Study will be approved by the Town in consultation with the Toronto and Region Conservation Authority and authorized agencies.
- c) The Town will encourage public conveyance of wetlands, and associated environmental buffers, as a condition of development approval.

2.2.2.9 Environmental Buffers

- a) Buffers serve to protect and enhance the ecological function and integrity of natural features and shall generally be required around or adjacent to all features and complexes

identified as Valleylands, Locally Significant Area Complexes and Woodlots and Other Significant Vegetation Communities on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS and ENVIRONMENTAL PROTECTION AREA and HAZARD LANDS on Schedule 'A' - LAND USE.

- b) The environmental buffer shall be deemed to be an integral part of the Environmental Protection Area and thereby subject to the policies of Section 2.2.2.4 as well as the policies of this Section.
- c) The minimum width of the buffer shall be the greater of the following for valleys and streams and associated corridors designated as HAZARD LANDS on Schedule 'A' - LAND USE and associated corridors identified as Valleylands on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS:
 - 10 metres from the stable top of bank or predicted stable top of bank; or
 - 10 metres from the Regulatory Flood Line.Where significant woodlot and vegetated communities form an integral part of the valley system, the Town may require the environmental buffer to include such woodlot and/or vegetated community.
The buffer area may be adjusted based on the results of an Environmental Impact Study to the satisfaction of the Town in consultation with the Toronto and Region Conservation Authority.
- d) Notwithstanding the requirements in subsection c) of this section, a buffer will generally not be required on lands identified as Special Policy Area on Schedule 'A' - LAND USE of this Plan. However, buildings, structures and parking areas will be set back from the stream, the stable top of bank or predicted stable top of bank to the maximum extent feasible where the full requirements of c) cannot be met.
- e) In addition to the environmental buffer requirement in subsection c) of this section, a riparian vegetated buffer shall also be required adjacent to all watercourses subject to Section 2.2.2.6 d).
- f) The minimum width of the environmental buffer around lands identified as Woodlot and Significant Vegetation Communities on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS and the corresponding ENVIRONMENTAL PROTECTION AREA designation on Schedule 'A' - LAND USE, isolated from valley systems, shall generally be 10 metres from the drip line of the trees or the edge of the Vegetation Communities, or as defined by an Environmental Impact Study.
- g) The minimum width of the environmental buffer around lands identified as Locally Significant Area Complexes on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS and the corresponding ENVIRONMENTAL PROTECTION AREA designation on Schedule 'A' - LAND USE shall be defined by subsection f) for woodlot portions, subsection c) for valleylands and subsection h) for wetland portions.
- h) An environmental buffer of a minimum of 10 metres will be required adjacent to the Provincially Significant wetland identified in Section 2.2.2.8 and will be left in a natural state or revegetated to protect the integrity of the wetland.

- i) Environmental buffers shall be left in their naturally vegetated state or, if disturbed, shall be replanted with native plant species to create a naturalized area. Public paths shall be permitted within the buffer. Where greater public recreation use of natural features is permitted, the design and management of the environmental buffer may be modified to accommodate higher volumes of activity.
- j) Fencing on the developable lands adjacent to the environmental buffer may be required as a condition of development approval to protect the integrity of the Environmental Protection Area.
- k) The Town will generally require as a condition of development approval that the environmental buffer be set aside for environmental protection purposes. Where lands in the environmental buffer are conveyed to the Town, the buffer area may be included in the calculation of permitted development density, or the buffer may be accepted as part of the parkland dedication where it is suitable for open space or recreational uses in conjunction with adjacent parkland and it is demonstrated that the Town's needs for active recreational facilities are satisfied.
- l) The Town will encourage buffer planting on private property, adjacent to lands identified as Environmental Protection Area through the Stewardship programs.
- m) Notwithstanding the environmental buffer provisions of Section 2.2.2.9, where Secondary Plans have been adopted prior to the approval of Official Plan Amendment No. 52 to this Plan, the buffering requirements within the Secondary Plan shall prevail.

2.2.2.10 *Environmental Impact Study*

- a) The Town will not permit any new development (including services and utilities) adjacent to or encroaching upon lands identified as Environmental Protection Areas on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS which would have a significant detrimental impact on the ecological integrity of the natural feature(s).
- b) Where an environmental buffer has been provided adjacent to lands identified as Environmental Protection Area on Schedule 'I' – ENVIRONMENTAL PROTECTION AREAS, in accordance with Section 2.2.2.9c),f), g) and h) an Environmental Impact Study shall generally not be required. An Environmental Impact Study shall be required for:
 - proposals which would encroach on the valleylands, locally significant area complexes and woodlots and other vegetative communities as identified on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS;
 - proposals which would encroach on the required Environmental Buffer as defined by Section 2.2.2.9;
 - proposals within 120 metres of a Provincially Significant Wetland; and,
 - for stream crossings and alterations for roads and servicing including sewers, watermains, stormwater management facilities and utilities in or adjacent to an Environmental Protection Area.
- c) A comprehensive Environmental Impact Study, where required by the Town, must demonstrate that the proposed development will avoid or mitigate any negative effects on the identified feature(s) and, where feasible, will result in a net benefit to the environment, and shall include:

- determination of the boundaries, including the environmental buffer, of the identified feature shown conceptually on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS;
 - an inventory of the natural features and resources which may be affected directly or indirectly, and which may include vegetation, fisheries, wildlife, groundwater, and any other considerations as determined by the Town or other authorized agency to be relevant to the evaluation;
 - the interrelationships of the natural features with the proposed development and to adjacent lands;
 - an assessment of the impacts of the proposed development on existing conditions of the natural features and their surroundings;
 - sufficient detail to facilitate proper implementation of recommendations; and, a description of the manner in which negative impacts will be avoided or mitigated and how the ecological integrity of the natural features and functions will be maintained and, if feasible, improved.
- d) Notwithstanding the requirements of Section 2.2.2.10 c) an Environmental Impact Study, where required by the Town, may be scoped to address site specific environmental issues where the negative impacts can be easily ascertained and where mitigation requirements are well understood. Scoped Environmental Impact Studies shall be approved by the Town in consultation with affected agencies.
- e) Notwithstanding that hedgerows alone will not require an Environmental Impact Study, hedgerows will be evaluated and recommendations regarding retention will be prepared where comprehensive Environmental Impact Studies are required for larger areas containing one or more Environmental Protection Areas.
- f) Environmental Impact Studies will be prepared by qualified professionals with expertise in environmental sciences to the satisfaction of the Town, in consultation with the Toronto and Region Conservation Authority where associated with valleylands, and will be submitted in conjunction with development applications.
- g) In cases where a Subwatershed Study, Federal or Provincial environmental assessment, detailed Environmental Master Drainage Plan or equivalent or other broader scale environmental study has been completed in advance of a development proposal affecting Environmental Protection Area lands, the Town may reduce or modify the environmental study requirements provided the study satisfactorily addresses the environmental matters of municipal concern.
- h) The Town may require an Environmental Impact Study for any development proposal which is not identified in subsection b), but in the opinion of Council may have an impact on lands identified Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS.
- i) An Environmental Impact Study will not be required for emergency or maintenance work on services, utilities and other municipal infrastructure. In such cases, every effort will be made to minimize disturbance and to restore the affected areas.

2.2.2.11 Community Design

- a) The Town intends that lands identified as Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS will be protected and integrated, wherever possible, in connected open space systems. To this end, a Community Design Plan which includes an Open Space Master Plan Component will be required for Secondary Plan areas and may be required for major development proposals. Community Design Plans shall generally form a component of the study requirements as identified in applicable Secondary Plans.
- b) The Community Design Plan will include an Open Space Master Plan component which will address, among other matters, the park and open space needs relative standards of the Official Plan and the applicable Secondary Plan, the protection of significant environmental features, the design of a linked open space system including pedestrian and bicycle paths and accessibility and public enjoyment of the greenland areas. The Community Design Plan shall have regard for the Greenway System identified in Appendix Map 1 - GREENWAY SYSTEM. Where required, the Community Design Plan may also include detailed recommendations on the management of natural features and other open space elements.
- c) The Community Design Plan shall be implemented through park development plans, plans of subdivision, zoning by-laws, and site plan control approval applications.
- d) Developers and builders will be encouraged to provide prospective buyers with brochures and educational materials on the Open Space Master Plan component of the Community Design Plan to promote an understanding of the importance of linked open space systems and the necessity for sharing responsibility for environmental management.

2.2.2.12 Activity Linkages

- a) It is the long term intent of the Town to develop a linked trail system to provide continuous pedestrian movement throughout the Town and to link significant natural features and areas of local, regional and inter-regional significance. In the urban area, existing parks and public open spaces shall be utilized and, where feasible, enhanced to create a linked trail system.
- b) The trail system, identified as Activity Linkages, is shown schematically on Appendix Map 1 - GREENWAY SYSTEM. Detailed routes will be subject to further study in the context of the preparation of Secondary Plans, Community Design Plans, Plans of Subdivision and special trail studies.
- c) Trails on lands identified as Environmental Protection Area will be located and designed to have minimal impact on existing significant vegetation and ecological functions, and to be an integral component of restoration plans.
- d) Where naturalized trails are not feasible, through urban areas, Activity Linkages may be comprised of sidewalks, roads and walkways, and incorporate public uses and facilities all appropriately designed to facilitate pedestrian movement as part of a linked greenway system.

- e) The Town will cooperate with and seek the assistance of the Province and the Rouge Park Partners in determining appropriate trail systems in the implementation of a Plan for the Rouge Park in Markham.
- f) Lands required for trails shall generally be provided for through conditions of development approval including the setting aside of lands for public acquisition where required. [see also Section 3.9.3f)vii)].
- g) The Town encourages and will work cooperatively with Ontario Hydro to gradually establish trail links on sections of the Hydro rights-of-way, taking into account other priorities for secondary uses of the rights-of-way.

2.2.2.13 Stewardship Programs

- a) The Town will initiate and work cooperatively with the Toronto and Region Conservation Authority, the Ministry of Natural Resources, the Rouge Park Alliance, York Region, the Federal Government, property owners, non-profit environmental groups and the business community to establish Stewardship Programs as the primary means to achieve ecological restoration on privately owned lands, and to generally increase public understanding of and responsibility for environmental protection and improvement.
- b) The Town will investigate and make recommendations on the appropriateness of various stewardship options and programs. In this process the Town will consult with affected landowners, the Town's Environmental Advisory Committees and environmental groups experienced in land stewardship.
- c) The Town encourages and supports private initiatives to establish a Land Trust as a key component of the Stewardship Programs which would, among other things, receive land through donations, purchase lands with funds raised through the community, undertake educational programs on natural heritage protection and provide guidance and assistance to property owners.

2.2.2.14 Implementation

- a) The Town will request York Region to amend Schedule 'A' of the Regional Trees By-law to include the lands identified as Valleylands, Locally Significant Area Complexes and Woodlot and Other Significant Vegetation Communities on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS.
- b) The Town will prepare and adopt Stewardship Programs which will encourage and promote partnerships with the Toronto and Region Conservation Authority, the Ministry of Natural Resources, the Federal Government, York Region, the Rouge Park Alliance, non-profit environmental groups, property owners and the business community to implement environmental conservation, enhancement and restoration plans.
- c) The Town will encourage the Federal and Provincial Governments and agencies, and private utility companies, to protect, conserve, enhance and restore lands in their ownership or jurisdiction consistent with the policies in Section 2.2.2 of this Plan.
- d) Appropriate measures shall be required, satisfactory to the Town in consultation with authorized agencies, to protect natural features and areas, and to address their enhancement

and restoration, in conformity with the policies of Section 2.2.2, as a condition of Official Plan, Secondary Plan, Subdivision, Zoning By-law, Condominium, Consent, Minor Variance and Site Plan Control approval.

- e) The Toronto and Region Conservation Authority will be requested to consult with the Town, on applications pertaining to valleylands, in regard to the potential impact of the proposed changes relative to the protection and restoration objectives of this Plan.
- f) In the process of developing Stewardship Programs and restoration and enhancement plans for specific areas and features, the Town may allocate funds for the acquisition of key properties and properties at risk, if deemed appropriate.
- g) In order to facilitate and achieve consistency in the approval of development applications, the Town will prepare and distribute Environmental Impact Study Guidelines to advise applicants of the environmental objectives, standards and study requirements arising from the policies of Section 2.2.2.
- h) The Town will document protection, restoration and naturalization efforts to monitor progress relative to the environmental objectives and policies of this Plan and to evaluate the impacts of development and effectiveness of environmental techniques and programs.
- i) Sites and their natural features and functions are to remain in their predevelopment state unless or until approval is granted by the Town or other authorized agency for changes to occur. The Town will consider passing a by-law to regulate placing of fill and alterations to grades and the cutting of trees pursuant to the *Municipal Act*, 2001, S.O 2001, c.25, as amended,, to assist in the enforcement of this policy.
- j) Natural features and areas will be protected from damage or destruction during construction through protective devices such as fencing, filtration barriers, controls on storage of materials and machinery and restrictions on timing of topsoil removal relative to fisheries.
- k) Letters of credit may be required, in conjunction with legal agreements and development approvals, to guarantee compliance with the specific environmental protection measures spelled out in the agreement or approval, particularly measures to protect natural features that will remain in private ownership.
- l) The review by Town Departments of environmental considerations relative to applications for Official Plan, Secondary Plan, Subdivision, Zoning, Condominium, Consent, Minor Variance and Site Plan Control approval will be undertaken in such a manner as to ensure coordinated and effective solutions and implementation of environmental protection and restoration.

2.2.2.15 Studies

- a) The Town may require certain environmental studies to be undertaken, and plans to be prepared, by applicants for development, to address the Town's environmental concerns, as follows:
 - Subwatershed Studies for new Planning Districts and other growth areas of significant size, to address potential impacts on the Subwatershed. Subwatershed Studies shall be undertaken in accordance with terms of reference prepared by the Town and the

Town's Stormwater Management Guidelines, and shall be subject to approval by the Town in consultation with the Toronto and Region Conservation Authority and the Ministry of Natural Resources;

- Stormwater Management Studies for Secondary Plans, Subdivisions and Site Plans, if not addressed in other levels of studies covering Stormwater issues. Stormwater Management Studies shall be subject to approval by the Town in consultation with the Toronto and Region Conservation Authority and other authorized agencies;
 - Environmental Impact Studies for lands encroaching and/or adjacent to natural features. An Environmental Assessment required under Provincial or Federal regulations may be deemed to satisfy the Environmental Impact Study requirement for the development/works covered by the assessment;
 - Tree Conservation Studies for development applications where there are no other environmental concerns requiring additional studies outlined in this Section; and,
 - A Community Design Plan which includes an open space master plan component for Secondary Plans and other large development areas.
- b) A Comprehensive Study to deal with the requirements of individual studies identified in a) may be considered, subject to approval by the Town in consultation with other authorized agencies.
- c) Agreements or other arrangements, satisfactory to the Town, will be required as a condition of development approval to ensure implementation of study recommendations.

2.2.3 Rural Areas

The policies contained within Section 2.2.3 are intended to be applied to the lands outside of the Urban Development Area boundary shown on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS.

a) Trees and Woodlots

- i) The Town of Markham supports the programs of the Ministry of Natural Resources to manage the existing forest reserves and to sponsor new planting on land not suitable for agriculture in the rural area.
- ii) The Town of Markham shall encourage the preservation of good quality woodlots and tree stands.
- iii) Development approvals in and adjacent to woodlots and tree stands will only be granted if it can be demonstrated that adequate long-term protection can be afforded to the woodlot or tree stand.
- iv) The Town recognizes the aesthetic and environmental value of individual trees in the urban landscape and will pay due regard to the following principles in approving development applications:
 - long term retention of good quality trees, as feasible;
 - new tree planting or other suitable landscaping to replace trees which cannot be retained;
 - incorporation of major tree stands and woodlots into the public park and open space system.

b) Wetlands

Wetlands are lands that are seasonally or permanently covered by shallow water as well as lands where the water table is close to or at the surface; in either case, the presence of

abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants.

- i) The Town shall have regard for wetlands identified by the Ministry of Natural Resources in the planning process and the impact of development on or adjacent to wetlands.
- ii) Stormwater management plans in the vicinity of a wetland shall give due consideration to the protection of the extent, water volume and integrity of the wetland to the satisfaction of the Town of Markham and the Ministry of Natural Resources.

c) Watercourses

The following general policies shall apply to any development which may have an impact on rivers, valleys, or their banks and verges. Additional, specific policies relating to areas which are flood vulnerable and subject to Provincial regulation are found under the HAZARD LANDS designation:

- i) In considering applications for amendments to this Plan or Zoning By-laws and approval of development proposals, Council shall encourage:
 - retention of the natural course of rivers and their tributaries; retention of, or adequate replacement of, natural, undisturbed vegetation on both sides of the watercourse to assist in the absorption of stormwater and soil stabilization and thereby to protect the quality of the water;
 - the maintenance of water quality through stormwater management measures, including erosion and siltation control;
 - protection of wildlife habitats and corridors on both sides of the watercourse;
 - protection of environmentally sensitive areas;
 - protection of fisheries resources including special measures relating to construction and underground servicing to minimize negative effects on cold water fisheries; and,
 - the provision and maintenance of public access to the rivers for recreational fishing.
- ii) New developments in the Town of Markham shall be designed in such a way as to minimize the need for channelization of watercourses.
- iii) Stormwater management studies and plans, as deemed appropriate, including requirements for erosion and sediment control, and with particular emphasis on on-site detention and absorption, shall be submitted with development applications including plans of subdivision and major Zoning By-law and Official Plan amendments. Stormwater management studies and plans shall conform with the standards and criteria of the Town including the Town's Stormwater Management Policies and shall be approved by the Toronto and Region Conservation Authority, the Ministry of Natural Resources and all other appropriate agencies as a condition of development approval. Stormwater discharge from new development shall be consistent with the requirements of the appropriate provincial ministries or agencies having jurisdiction relative to water quality as it relates to fishing and swimming.
- iv) If major outfall watercourses in the Town have inadequate capacity to handle further urban development, any new development shall be conditional upon downstream channelization if it is required and improvement of the watercourse. Any proposals to alter a watercourse are subject to the review and approval of the Toronto and Region Conservation Authority. Efforts must be made in any area, to create off-line or by-pass storage ponds and porous areas and thereby reduce the stormwater flow to the outlet watercourse.
- v) Due to natural drainage patterns, it is recognized that reciprocal arrangements between the Town and adjacent municipalities are necessary to accommodate the flow of

stormwater across municipal boundaries. Stormwater flows crossing municipal boundaries shall be subject to review and acceptance by the receiving municipality, and appropriate agencies, of (a) master drainage plan(s) and agreement(s) to address, among other things, the quality and quantity of water received.

A master drainage agreement for the watershed in which development is proposed, but not individual project drainage agreements, shall be required as a condition of development approval.

d) Open Space System

The Town shall endeavour to develop a linked open space system, incorporating conservation areas and valleylands. This will include a system of neighbourhood, community and Town parks as well as natural areas. As far as possible, the open space system shall contain continuous walkways for pedestrians and a system of separate trails for the use of non-motorized bicycles. These pedestrian and bicycle systems shall be designed to link homes to parks, open spaces, schools, recreation and shopping facilities and transit stops.

e) Implementation

- i) The Town encourages rural property owners to participate in the Managed Forest Tax Incentive Program as coordinated through the Ministry of Natural Resources (or other similar programs) to achieve forest management and new plantings in the rural area.
- ii) Preservation of tree stands and forested areas is to be provided by enactment of a by-law regulating the cutting of trees, under the provision of Section 62 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended.
- iii) Council may require tree preservation plans in connection with applications for Subdivision Approval and Site Plan Control approval.
- iv) Under the provisions of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, an Environmental Assessment may be required prior to certain undertakings being permitted to proceed.

2.3 Visual Appearance

a) Goal

To ensure the best possible appearance for all existing and future development in the communities and in the Town at large within the context of the natural landscape.

b) Objectives

- i) To encourage good building and landscape design in sympathy with the distinct character of the communities and with the natural features of the landscape.
- ii) To restrict and prohibit development which is inappropriate to the surrounding area.
- iii) To control and regulate signs, fences, equipment housings, lighting and other such elements.
- iv) To set an example of good design by requiring and providing well designed Town and public facilities, services, works and appurtenances.

2.3.1 Policies

- a) The Town shall assess and may recommend revisions or amendments to proposals for any development with respect to:
 - i) Its appropriateness in terms of the emerging character of the surrounding area and the location characteristics of the site;
 - ii) The preservation and use of the natural contours and features such as trees, watercourses, hills, etc.; and
 - iii) The appearance, bulk and height of the buildings, landscaping and site improvements.
- b) The Town may undertake studies and assist or co-operate in programs for the improvement of existing areas and may establish design objectives and guidelines for any part of the urban area.
- c) The Town shall exercise control over property maintenance and may control, as appropriate, walls, fences, trees and other landscaping, external lighting and illumination, storage, loading, parking and pedestrian amenities and other similar features.
- d) Approval of new developments shall be subject to provision of suitable landscaping and treatment of parking areas and similar other matters as may be required by Council.
- e) Landscaped buffers may be required by the Town for purposes of screening or separating adjacent land uses.
- f) Wiring shall be provided underground for hydro-electric, telephone, cable television and other transmission lines in all new urban development.
- g) Floodlights, security lighting and illuminated signs shall be located so that no direct light or glare affects adjoining land uses or the safety of traffic on adjacent roads.
- h) Development shall generally be designed in harmonious relationship to the natural topography. Existing trees shall be preserved where possible and additional trees planted.

- i) Particular consideration shall be given to ensure that all development, particularly in highly visible locations at entrances and exits to the Town, along freeways and arterial roads, in the vicinity of the Civic Centre and at other strategic locations, is visually attractive.
- j) Subdivisions and development projects shall be designed to achieve a distinctive and attractive identity through special attention to road design, retention and enhancement of natural features, landscaping and massing of buildings.
- k) Subdivisions and development design shall take account of varying land contours and the visual effects of existing and proposed vegetation.
- l) Commercial and industrial areas, Heritage Conservation Districts, and other areas may be reviewed periodically to ascertain what improvements may be made to enhance their appearance and implement such improvements as feasible.

2.3.2 *Implementation*

- a) The policies set out in this subsection shall be implemented during the processing of plans of subdivision and development applications, or by other appropriate Town action.
- b) In applying the policies of this subsection in any given area, the Town may consult or seek the co-operation of local residents, ratepayers' associations, local business associations, etc. as appropriate.
- c) The Town may pass by-laws to control signs, fences, lighting and similar features.
- d) The Town shall designate areas of Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to implement any of the policies outlined in this section.

2.4 Maintenance and Occupancy Controls

a) Goal

To ensure the maintenance of properties for the safety, health, and welfare of those living and working in Markham and a uniformly good appearance of the community.

b) Objective

To prescribe standards for the maintenance and occupancy of properties within the Town.

2.4.1 Policies

- a) Council may enact and from time to time amend a maintenance and occupancy standards by-law in respect of properties within the Town or within any defined area or areas thereof.

2.4.2 Implementation

- a) A Property Standards By-law has been passed in accordance with Section 31 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, which by-law:
 - i) Prescribes standards for the maintenance and occupancy of property within the municipality and prohibits the occupancy or use of such property that does not conform to the standards.
 - ii) Requires a property that does not conform to the standards to be repaired and maintained to conform to the standards or requires the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition.
 - iii) Prohibits the removal from any premises of any sign, notice or placard placed thereon pursuant to the Property Standards By-law.

2.5 *Heritage Conservation*

a) **Goal**

To preserve and continue the distinctive tradition, history and heritage of Markham's communities in coordination with the comprehensive planning needs and requirements of the Town.

b) **Objectives**

- i) To ensure the protection, preservation and/or continued use of historically and/or architecturally significant buildings, areas and sites.
- ii) To assemble and collect historical artifacts and buildings in a protected environment for the purpose of preservation and interpretation.
- iii) To promote an understanding and appreciation of the historical resources of the Town to both residents and visitors.

2.5.1 *Policies*

a) **Heritage Markham**

Council has established a municipal heritage committee, pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, called Heritage Markham.

- i) Council shall consult with Heritage Markham prior to designating individual heritage properties or specific areas under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended.
- ii) Heritage Markham shall comment on all applications for development approval, building permit and for demolition permit affecting any building listed in the Inventory referred to in Section 2.5.1b).
- iii) Heritage Markham shall assist Council on matters relating to the conservation of buildings and heritage conservation districts as well as to promote heritage conservation within Markham and advise property owners of appropriate conservation/maintenance practices.

b) **Markham Inventory of Heritage Buildings**

- i) The Town has compiled an "Inventory of Heritage Buildings". Additional buildings of historical and/or architectural merit may be added to the inventory.
- ii) Council shall encourage the preservation of heritage buildings, identified in the Inventory, and their integration into new development proposals through the development approval process and other appropriate mechanisms (i.e. Letter of Credit, Heritage Easement Agreements, Demolition Control By-law).

c) **Individual Designation**

- i) Council may designate selected buildings listed in the Inventory referred to in Section 2.5.1b) pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, to afford protection from alteration where such alteration is likely to affect the reason for designation.
- ii) In determining candidates for designation, Council shall consider the following criteria:
 - the building or property is associated with the life of a person important in the history of the Town, the Province or the Nation; or
 - the building or property is the location of, or is associated in a significant way with an historic event; or the building embodies the distinctive visible characteristics of an architectural style, period or method of construction, or the work of an important building designer or architect; or

- the building is an integral part of a distinctive area of the community or is considered to be a landmark of special value which contributes to the distinctive quality or identity of the Town.
 - iii) The Town shall not restrict the right of the owner to make alterations to any building designated under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, provided that such alterations do not affect the reasons for the designation and provided that such alterations are in keeping with the policies of this Plan, and meet the requirements of the Zoning By-law and Building Code.
 - iv) The Town shall not restrict the use to which designated buildings are put provided that such use conforms to the policies of this Plan and the requirements of the Zoning By-law.
 - v) Any person proposing to erect, demolish or make alterations to any individual building designated by municipal by-law pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, will require a Heritage Permit in addition to the normal municipal permit requirements.
- d) **Heritage Conservation District Study Areas**
 - i) Council may, by by-law passed pursuant to Section 40 (Part V) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, define the municipality or one or more areas thereof as an area to be examined for future designation as a Heritage Conservation District.
 - ii) Council may undertake Heritage Conservation District Studies to examine the character of the study area and to assist in the delineation of a boundary for the proposed district. District planning guidelines may also be included in the study to provide a framework for consideration of applications for new development and alterations.
 - iii) The Heritage Conservation District Study Areas may include buildings of no present architectural or historical interest.
 - iv) The approximate limits of the Heritage Conservation District Study Area within the boundaries of the former Hamlet of Buttonville is shown on 'E' - HERITAGE CONSERVATION AREAS. Other Heritage Conservation District Study Areas in the Town may be defined from time to time.
 - v) In planning and designing public works and landscaping in areas designated as a Heritage Conservation District Study Area, Council will have regard for the conservation and enhancement of existing roads and streetscapes, and the impact of such improvements on historical, architectural, scenic or archaeological resources. Every effort shall be made in undertaking road improvements to retain existing pavement widths where they are a major contributor to the character of the District.
- e) **Heritage Conservation District Designation**
 - i) Council may, after examination, prepare and adopt a Heritage Conservation District Plan containing policies, guidelines and relevant information which will enhance the historical character of the area and provide a framework for renovation and redevelopment.
 - ii) Any person proposing to erect, demolish or make alterations to any individual building designated by municipal by-law pursuant to the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, will require a Heritage Permit in addition to the normal municipal permit requirements.

- iii) Within a designated District, it is the intent of Council to conserve and enhance the unique heritage character of the area. Council, in consultation with Heritage Markham, will encourage property owners to maintain and repair heritage buildings and seek appropriate grants and loans for eligible conservation work.
- iv) In reviewing proposals for the construction, demolition or removal of buildings and structures or the alteration of existing buildings, the Town will be guided by the applicable Heritage Conservation District Plan and the following general principles:
 - heritage buildings should be protected from adverse effects of development;
 - heritage building fabric and architectural features on heritage buildings should be retained and repaired;
 - new additions and features should generally be no higher than the existing heritage building and wherever possible be placed to the rear of the building or set back substantially from the principle facade;
 - new construction and/or infilling should complement the immediate physical context and streetscape by: being generally of the same height, width and orientation of adjacent buildings; being of similar setback; of like materials and colours; and using similarly proportioned windows, doors and roof shape.
- v) In planning and designing public works and landscaping in areas designated as a Heritage Conservation District, Council will have regard for the conservation and enhancement of existing roads and streetscapes, and the impact of such improvements on historical, architectural, scenic or archaeological resources.
Every effort shall be made in undertaking road improvement to retain existing pavement widths where they are a major contributor to the character of the District.
- vi) The Thornhill-Markham Heritage Conservation District, the Markham Village Heritage Conservation District and the Unionville Heritage Conservation District have been designated under the *Ontario Heritage Act*, R.S.O.1990, c.O.18, as amended, and are shown on Schedule 'E' – HERITAGE CONSERVATION AREAS. Lands and buildings within these Districts shall be subject to the policies, guidelines and procedures of the Thornhill-Markham Heritage Conservation District Plan, the Markham Village Heritage Conservation District Plan and the Unionville Heritage Conservation District Plan.

f) Signage

- i) Signs on designated buildings and on buildings in Heritage Conservation Districts and Heritage Conservation District Study Areas shall be subject to the approval of Council.
- ii) The Town will encourage signs which are compatible with a heritage building and/or District and which conform with the Town's signage guidelines for heritage buildings and areas. These guidelines address illumination, colour, materials, typography and design.

g) Retention/Relocation/Demolition of Heritage Buildings

- i) The Town shall endeavour to prevent the demolition of all buildings of architectural and/or historical significance listed in the Inventory referred to in Section 2.5.1b) and shall actively encourage the conservation, and where appropriate, the restoration of these buildings.
The Town, under Section 34 of the *Ontario Heritage Act*, R.S.O.1990, c.O.18, as amended, may withhold a demolition permit for an individually designated heritage building or a building in a designated Heritage District for 180 days and until a building permit for the redevelopment of the site has been issued by the Town.

- ii) Through the use of Zoning By-laws, Sign By-laws, Site Plan Agreements and other controls, the Town will ensure that development within or adjacent to heritage buildings is designed, sited or regulated in such a manner so as not to conflict with or destroy such features whenever possible.
- iii) Council shall encourage the retention of buildings of architectural and/or historical merit in their original locations whenever possible. Before such a building is approved for relocation to any other site, all options for on-site retention shall be investigated. The following alternatives, in order of priority, shall be examined prior to approval for relocation:
 - Retention of the building on-site in its original use. In a residential subdivision, a heritage dwelling could be retained on its own lot for integration into the residential community.
 - Retention of the building on-site in an adaptive re-use, e.g. in a residential subdivision, a heritage dwelling could be retained for a community centre or a day care centre.
 - Relocation of the building on the development site. A heritage building, if of significant historical, architectural or contextual importance, could be relocated to another location within the proposed development.
 - Relocation of the building to a sympathetic site. If interest is demonstrated, the heritage building could be relocated to an available lot at a sympathetic site within the Town. Consideration may be given to the relocation of significant heritage buildings to the Markham Heritage Estates, subject to the policies of Section 3.3.4.
- iv) The Town shall preserve, wherever feasible, heritage buildings and structures that are in its ownership.
- v) The Town will endeavour to conform to and further the heritage objectives and policies, where feasible, through its by-laws, programs and public works.
- vi) The Town, in commenting to the Committee of Adjustment on applications for severance or minor variance affecting properties designated under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, will support such applications only if the proposed severance or minor variance is compatible with the objectives and policies of this Section.

h) Pioneer Cemeteries

- i) Council shall encourage the retention of pioneer cemeteries in their original location.
- ii) Council shall discourage the closure and relocation of small cemeteries.

i) Archaeological Resources

- i) The Town has undertaken a survey in order to identify the location of known registered and unregistered archaeological sites. It is intended that if these sites are threatened by development, an archaeological consultant licensed under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, will be retained by the proponent in order to determine the most appropriate method of treating the archaeological resource. In all cases requiring archaeological assessments, the Ministry of Culture will be consulted.
- ii) Development applications which may affect those areas where the potential presence of an archaeological resource has been identified, in consultation with the Ministry of Culture, will result in an appropriate clause in the development agreement requiring the owner to secure the services of an archaeological consultant licensed under the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended, to undertake an archaeological

assessment of the property and to mitigate and/or excavate any significant archaeological resources.

- iii) The Town shall ensure that identified burial sites are treated with respect and that mitigative measures are taken to protect human remains prior to the commencement of any development.
 - iv) In order to protect archaeological resources from vandalism and intentional disturbance, the Town will not publish or release information from archaeological inventories or registries except to appropriate agencies or property owners on a need-to-know basis.
- j) **Vegetation**
Council shall encourage the preservation of mature trees and other vegetation of heritage significance. Existing landmark trees and tree and hedge lines shall be an essential consideration in the design of any development. The preservation of trees along streets and roads shall be encouraged by Council, except where removal is necessary because of disease, damage or to ensure public health and safety.
- k) **Funding and Advocacy**
- i) The Town may assist in efforts to obtain funding for the conservation and restoration of buildings, for archaeological surveys and for the implementation of Heritage Conservation District programs with the assistance of the Ministry of Culture and other appropriate authorities.
 - ii) The Town may provide loans and/or grants to property owners or groups undertaking restoration or rehabilitation of designated or significant heritage properties. Other forms of financial assistance will be investigated, developed and utilized wherever appropriate.
 - iii) The Town will encourage public awareness and the provision of information concerning heritage issues.
 - iv) The Town will encourage the consultation with and involvement of local residents in heritage planning matters.
 - v) The Town will encourage senior levels of government to take actions consistent with the policies of this Section.
- l) **Markham Museum and Other Historical Bodies**
- i) The Town will endeavour to assist appropriate authorities or agencies such as the Markham District Historical Museum in the collection, preservation and display of historical artifacts and in the relocation, preservation and interpretation of historical buildings.

2.6 Economic and Financial

a) Goals

- i) To develop the Town to its fullest economic potential within the policies established by the Town and in conformity with the policies of the Regional and Provincial governments and the guidelines of the Ontario Municipal Board.
- ii) To provide the maximum level of required municipal services at minimum public cost within the constraints of the Town's fiscal capabilities.

b) Objectives

- i) To provide for expansion and diversification of the Town's economic base.
- ii) To develop and maintain a five year Capital Works Program for all municipal services.
- iii) To control the rate and type of growth to ensure that the residents are not burdened by excessive tax increases or by decreased quality and level of services.
- iv) To maintain and strengthen the Town's assessment per capita.
- v) To ensure that any new long term debenture liabilities if required, including the Town's share of liabilities of York Region do not exceed the limits established by the Ontario Municipal Board.
- vi) To ensure that the mill rate to service the General Municipal Debt shall be carefully controlled within the criteria established by the Ontario Municipal Board and in any event shall not exceed twenty-five (25%) percent of the General Municipal Mill Rate.

2.6.1 Policies

- a) The Town shall establish a monitoring process and Financial Plan to ensure that the appropriate policies adopted under this Section are adhered to.
- b) Council may defer any residential development proposal, or part thereof, which would create an appreciable increase in the demand for municipal services and facilities unless it can be demonstrated that the overall ratio of all municipal debt to taxable assessment will not be adversely affected. Offsetting commercial, industrial, or prime residential assessment will be encouraged. Any residential development proposals so deferred will be released when the overall ratio is more favourable.

2.7 Land Severance

2.7.1 General Policies

- a) Limited development through land division by consent, pursuant to Section 53 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, may be permitted by the Committee of Adjustment provided it is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Land division by plan of subdivision, rather than by consent, shall generally be deemed necessary in the following cases:

- i) where the number of new lots proposed to be created is greater than three (3) for any one (1) ownership; or,
 - ii) where the extension of a public road is required or a new road allowance is required; or,
 - iii) where the extension of municipal services is required; or,
 - iv) where agreements or conditions are required by the Town with regard to any part of the remaining lands if consent were granted; or,
 - v) where land division by consent is not conducive to the proper and orderly development of the entire holding according to the objectives and policies of this Plan.
- b) In addition to matters under the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Committee of Adjustment, in determining whether a consent is to be given shall have regard to the following matters in consultation with the appropriate departments and agencies:
- i) **Adjacent Uses**
Regard shall be had to the compatibility of the size, shape and proposed use of the lot to be created with the present and proposed uses in the adjacent areas.
 - ii) **Access**
The recommendation of the engineer of the appropriate agency shall be sought before conditions of approval are applied, but consideration shall be given to the following guidelines:
 - Consent to sever a lot shall be permitted only when both the lot and the remaining parcel front on an existing, open, public road allowance which is improved and serviced if necessary at a standard appropriate to the proposed use. If the site fronts on an unimproved or improved but unserviced road allowance, the severance will be granted only if the appropriate authorities are satisfied that the applicant will improve or arrange for the servicing of the road to an approved standard from the last point of servicing or maintenance up to and including the entire frontage of the newly created lot and remaining parcel, and the Committee is satisfied that a plan of subdivision is not necessary to ensure compliance with the conditions intended to be imposed by the Town.
 - If the proposed lot or remaining parcel has frontage on a Provincial highway, any consent shall be subject to the requirements of the Ministry of Transportation. Access permit approval by the Ministry of Transportation is required for any lot or parcel for which access to a Provincial Highway is contemplated. If the proposed lot or remaining parcel has frontage on a Regional or Town road, any consent shall be subject to the requirements of the appropriate Regional authorities or the Town. Consent shall be conditional on the dedication of required road widenings, free of all costs or encumbrances, approval of access driveway locations, or other requirements to the satisfaction of the appropriate authorities.

- Creation of lots having frontage on designated Provincial Highways and major and minor arterial roads shall be discouraged, particularly when granting of an entrance permit to serve a new lot would have the effect of interfering with the smooth flow of traffic.
- Lands at road intersections may be required to be dedicated in order to improve visibility for traffic movement at the intersections.

iii) **Services**

All proposed lots shall have available either a public water supply or other adequate supply of potable water, and either a connection to a public sanitary sewer system or provision for another sanitary waste treatment facility on the site appropriate to the proposed use, approved by the Medical Officer of Health. Where a proposed lot is located in an area serviced by a municipal water system and/or sanitary sewer, the Committee of Adjustment shall seek evidence from the appropriate local and/or Regional authorities that servicing capacity can be allocated to the proposed use without straining the capacity of the present system or jeopardizing anticipated development by plan of subdivision.

Where a consent has been applied for to create a lot which would be dependent upon an individual water supply, approval shall be conditional upon the Medical Officer of Health being satisfied that an adequate potable water supply can be made available, and that the location of the well in relation to the septic tank is acceptable. The Medical Officer of Health may require a hydrology report from a qualified professional engineer in regard to the adequacy of the potable water supply that can be made available. If the Medical Officer of Health is not satisfied that sanitary waste treatment facilities can be accommodated on the proposed lot, the consent shall not be granted. Where drainage works are necessary, consent shall be conditional upon the necessary works being carried out to the satisfaction of the appropriate authority.

2.7.2 Special Provisions for Urban Areas

- a) For the purpose of this section, “urban areas” shall mean all of the lands in the Town within the Urban Service Area as shown on Schedule ‘D’ - URBAN SERVICE AREA.
- b) Severances will be considered for the purpose of infilling in an existing urban area, but shall not extend the existing urbanized area. Infilling which economizes the use of urban space without disturbing the pattern of the existing development, or perpetuating an undesirable pattern of development or prejudicing the pattern of future development, shall be considered acceptable.
- c) In particular, where a parcel of land is within an existing settlement, or designated by this Plan for development or redevelopment and the size of the parcel is large, and it is apparent that an application for a severance is a forerunner of other similar applications on the original parcel, such individual severances from that parcel will be discouraged in favour of development by means of a plan of subdivision.
- d) Where existing developed lots have the potential for comprehensive redevelopment on a more intensive scale, proposed severances which would have the effect of blocking potential points of access or further fragmenting ownership of these lands, shall not be approved, pending study of the area and approval of an overall redevelopment plan.

Generally, a comprehensively designed plan of subdivision in conformity with an approved redevelopment plan shall be required in such cases.

2.7.3 Special Provisions for Rural Areas

- a) For the purpose of this section, “rural areas” shall mean all lands in the Town not within the Urban Service Area as shown on Schedule ‘D’ - URBAN SERVICE AREA.
- b) Decisions of the Committee of Adjustment shall reflect the intent of this Plan and any other Town policies affecting development in the rural area. Notwithstanding the generality of the foregoing, the Committee of Adjustment shall ensure that its decisions provide for:
 - i) the preservation of good agricultural lands (Classes 1,2,3 and 4 in the Canada Land Inventory); and
 - ii) the maintenance and protection of viability for agricultural activity, and particularly the avoidance of conflicts between agricultural activity and uses incompatible with agriculture. In this regard the Committee of Adjustment shall take into account the Provincial Foodland Guidelines, and the requirements of the Agricultural Code of Practice, including the appropriate Minimum Distance Separation Formula(e); and
 - iii) the protection of lands in and adjacent to watercourses, in defined floodplains, and significant areas of water recharge; and
 - iv) the protection of lands with a high potential for recreation or aggregate extraction; and
 - v) the protection of all significant natural assets, including woodlots, fisheries and wildlife habitats.
- c) **Agricultural Lots**
 - i) Severances which are necessary for normal agricultural operations and which do not hinder or jeopardize the viability of such operations, particularly consents which serve to enlarge agricultural holdings, shall be given favourable consideration provided any remaining parcel is of suitable size for agricultural activities.
 - ii) It is considered inappropriate to permit the severance of separate residential lots for working or retired members of a farm family or for farm workers or for the disposal of a residence in the event of farm consolidation. A new second dwelling on a farm property for working or retired members of a farm family or for farm workers shall be considered acceptable, provided access is by an internal private road and provided a separate lot is not created. Favourable consideration shall be given to permit such additional dwelling on the property by appropriate provisions in the Zoning By-law or any amendment thereto.
 - iii) Very careful consideration shall be given to proposals which would result in the severance of land which is being farmed or which has good soil capability for agriculture (Classes 1, 2, 3 and 4 in the Canada Land Inventory). Such applications should not normally be granted unless the land to be severed and the remaining parcel could be operated as viable agricultural units. Just cause must be shown for any change of use associated with the severance of land for other than agricultural activity. All lots created for agricultural purposes shall be of such a size that the proposed farm operations can meet the requirements of The Agricultural Code of Practice.

d) **Non-Farm Residential**

Applications for the creation of non-farm residential lots shall be considered, having regard to the following criteria:

- i) Lots for non-farm residential use will be considered favourably only within areas designated as HAMLET or RURAL RESIDENTIAL, in the form of infilling. Severances for non-farm residential use outside of, or which extend the boundaries of, the defined hamlets or rural residential areas shall be discouraged.
- ii) Non-farm residential uses in the AGRICULTURE designation shall require an Official Plan Amendment. Approval of applications for an amendment will be conditional upon justification of a non-agricultural use, as required in Section 3.7.7 of this Plan, satisfactory to Council, and in consultation with the Ministry of Agriculture and Food.
- iii) The granting of any severance for non-farm residential uses shall take into account the following criteria:
 - lots to be created shall be limited to a size commensurate with their intended use and be appropriate relative to the surrounding area;
 - where conflicting land uses could result from the granting of a severance, the maintenance and protection of existing or future agricultural uses shall be favoured;
 - strip development of residential lots along Concession roads, other than on lands designated HAMLET, shall generally not be permitted. The existence of contiguous severed lots shall generally not be deemed to be an adequate justification for additional severances;
 - severance for non-farm residential uses shall generally not be permitted on good agricultural land (Classes 1, 2, 3 and 4 in the Canada Land Inventory); and,
 - regard shall be had for the relevant Minimum Distance Separation Formula(e) of the Agricultural Code of Practice.

2.7.4 Special Provisions for Oak Ridges Moraine

- a) Decisions of the Committee of Adjustment on the lands designated OAK RIDGES MORAINE shall reflect the intent of this Plan and the Oak Ridges Moraine Secondary Plan (PD 43-1).

2.7.5 Implementation

- a) When new lots are created by consent of the Committee of Adjustment, such consents shall be subject to the payment by the applicant for the provision of any or all of the necessary services as applicable, such as roads, sewers, waterlines or extensions thereof, stormwater management facilities, watercourse improvement charges, road improvement charges, fees, levies and other similar charges as may from time to time be established by Council.
- b) As a condition of approval of a consent, the Town may require that lands be dedicated to the Town or other public agency for the following purposes:
 - i) for park purposes to an amount not exceeding five (5%) percent of the total land area, or alternatively payment of cash-in-lieu of park dedication; and,
 - ii) for widening of existing roads, and improvements of road intersections; and,
 - iii) for other authorized requirements of municipal departments and public agencies.

- c) Approvals of applications for land division by consent shall be subject to a condition requiring registration of a Reference Plan showing the parcels of land created, and other conditions as deemed appropriate by the Committee of Adjustment.
- d) Any lot(s) to be severed and the remaining parcel shall conform with this Plan and the Zoning By-law. In the case of a non-conformity, any consent granted shall be conditional upon the approval of an amendment to this Plan, and/or Zoning By-law or minor variance, as required.

2.8 *Non-Conforming Uses*

2.8.1 *Policies*

- a) As a general rule, any legally existing land use at the date of approval of this Plan which does not conform with the land use designation shown on Schedule 'A' -LAND USE, is termed a "non-conforming use".
- b) The policies of this Section relate to uses which are non-conforming in respect of their basic function related to the principles and policies of this Plan, and/or nonconforming in respect of standards and regulations laid down in a Zoning By-law which implements this Plan.
- c) In principle, non-conforming uses within the Planning Area shall not be extended and should eventually cease to exist. The land affected should revert to a use that conforms to this Plan, and to the provisions of the Zoning By-law. However, there are cases where refusal to permit the expansion of a non-conforming use may be construed as undue hardship and, provided that in other respects the non-conforming use is consistent with the policies of this Plan, a limited extension or enlargement of such a use may be permitted.
- d) Such extensions or enlargements shall be dealt with through the use of Section 34 (10) or Section 44 of The *Planning Act*, R.S.O. 1990, c.P.13, as amended.
- e) In accordance with Section 34 (8) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, Council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and any vacant land having a frontage or depth less than the minimum prescribed in the by-law for the erection of a building or structure in the defined area of the by-law, and Council may dispose of any such land, building or structure or may exchange any of such land for other land within the Town.
- f) In accordance with Section 34 (10) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the Town may amend a by-law passed under Section 34 so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law and/or which does not conform to the provisions of this Plan, provided:
 - i) That such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.
 - ii) That the extension or enlargement of the non-conforming use will not adversely affect the welfare of the community in which it is located.
- g) In considering an application for the extension or enlargement of a non-conforming use, the Town shall be satisfied that it is not possible to relocate such a use in a place where it will conform to the designated land use. Council may then consider passing a Zoning By-law pursuant to Section 34 (10) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Such a by-law may then be passed without an amendment to this Plan, provided it complies with the policies of Section 2.8.1h) hereof.
- h) Before making any decision on an application, Council will refer such application to the Planning Committee for a report on the various aspects of the matter for the information of Council. Before passing such a by-law, Council shall be satisfied that the following

requirements and any others considered relevant to a specific application, will be fulfilled in order to safeguard the wider interests of the general public:

- i) That the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the requirements of the Zoning By-law applying to the area.
- ii) That the proposed extension or enlargement shall be minor in relation to the existing buildings and development on the site.
- iii) That the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting, and traffic generating capacity. No amendment to the Zoning By-law shall be approved if one or more of such nuisance factors will be created or increased so as to add to the incompatibility of the use with the surrounding area.
- iv) That the neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, where feasible, shall also be extended to the established non-conforming use in order to improve its compatibility with the surrounding area.
- v) That traffic and parking conditions in the vicinity will not be adversely affected by the approval of the application and traffic hazards will be kept to a minimum by appropriate design of entrance and exit points to and from the site, and improvement of sight lines particularly near intersections.
- vi) That adequate provisions have been or will be made for parking and loading facilities.
- vii) That the water supply, sewage disposal facilities, storm drainage, roads and other necessary municipal services, are adequate or can be made adequate.
- viii) That in all cases where an existing non-conforming use seriously affects the amenity of the surrounding area, measures to ameliorate these negative impacts shall be a condition of approval of an application for extension or enlargement of the non-conforming use, especially where public health and welfare are directly affected.

2.8.2 Implementation

- a) Council will not pass an amending by-law with respect to the application pursuant to Section 34 (10) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, before it is satisfied in regard to the policies of Sections 2.8.1c) to 2.8.1h) hereof.
- b) An application which would affect the boundary between areas of different land use designations on Schedule 'A' - LAND USE, will only be processed under these policies if it is deemed to be a "minor adjustment" not requiring an amendment, as set forth in Section 8 - INTERPRETATION. Major variances will require an amendment to this Plan.

2.9 *Lots of Record*

For the purposes of this Plan, a “lot of record” shall be defined as a lot which was legally in existence as of the date when Council adopted this Plan. Building permits will not be issued unless the following criteria are met:

- a) The lot shall front on an existing improved public road.
- b) When applicable, prior approvals shall have been obtained from the Medical Officer of Health for the installation of an individual well and septic tank disposal system.
- c) The lot conforms to the policies of this Plan and the provisions of the Zoning By-law.
- d) The proposed development conforms with the Minimum Distance Separation Formula(e) of the Agricultural Code of Practice.

2.10 Former Waste Disposal Sites

2.10.1 Former waste disposal sites and their potential influence areas, which are subject to the policies of this Section, are identified by a symbol and are shown on Schedule 'A' - LAND USE. The location and size of the symbol are approximate and may be modified, without amending this Plan, as a result of the studies required by Section 2.10.2ii). Until these studies are completed, the radius of the potential influence area shall be determined in consultation with the Ministry of the Environment, but shall not be greater than 500 metres.

Notwithstanding the above, the potential influence area of the former waste disposal site in Lots 8, 9 and 10, Concession 4, shall be as shown on Schedule 'A' - LAND USE.

2.10.2 The Town will circulate applications for development within the potential influence area to the Ministry of the Environment for comments. Approval of development on the former waste site and within its area of influence may be considered, subject to the provisions of the underlying land use designation(s) shown on Schedule 'A' - LAND USE and the following additional requirements:

- i) Written confirmation from the Ministry of the Environment that the proposed development satisfies the provisions of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended; and
- ii) Completion of studies, satisfactory to the Town and the Ministry of the Environment, to address gas, leachate, hydrogeology structural stability and safety and other matters as may be required, confirming that the proposed development is compatible and can safely take place. Where lands contain waste, these studies shall also determine the location and extent of the waste and its actual influence area; and
- iii) Confirmation that mitigative measures have been or can be undertaken, to the satisfaction of the Town and the Ministry of the Environment, to control all problems identified in the engineering studies described above in subsection ii); and
- iv) Notwithstanding the provisions of subsections i), ii) and iii) and the underlying land use designation (s) on Schedule 'A' - LAND USE, development will not be allowed to proceed on lands identified by the studies required in subsection 2.10.2ii) as containing waste until all the requirements of the Town and the Ministry of the Environment are met, which may include removal of the waste.

2.10.3 Policies to regulate new waste disposal sites will be incorporated into this Plan, when required. New waste disposal sites will not be considered until such policies have been adopted by Council.

2.10.4 Certain lands in part of Lots 16 and 17, Concession 8 are part of a former waste disposal site, as identified by the symbol on Schedule 'A' - LAND USE and pursuant to the provision of Section 2.10 of this Plan. The proponents of development of lands which are affected by the former disposal of waste are required to decommission and rehabilitate these lands to the satisfaction of the Town and the Ministry of the Environment prior to their approval for development. Recognizing that the rehabilitation of all affected lands may not proceed and be completed concurrently, the symbol and policies pertaining to the former waste disposal site shall remain in effect until all affected lands have been satisfactorily rehabilitated. Zoning for development on affected lands may proceed in phases, however, zoning shall not be finally approved by the Town until written

confirmation of the rehabilitation of each phase by the owners, subject to the provisions of the *Environmental Protection Act*, R.S.O 1990, c.E.19, as amended, has been provided by the Ministry of the Environment, and the Town is satisfied that further development approval for each phase is appropriate.

Subsequent to confirmation from the Ministry of the Environment that all affected lands have been satisfactorily decommissioned and rehabilitated, the symbol on Schedule 'A' - LAND USE denoting the former Waste Disposal Site may be deleted by a technical amendment to this Plan, pursuant to the provisions of Section 7.13 of this Plan.

2.11 Day Care Centres

- a) For the purpose of this Plan, a day care centre shall mean a day nursery as defined in the *Day Nurseries Act*, R.S.O. 1990, c. D.2, as amended.
- b) Notwithstanding any other provisions of this Plan, day care centres shall be permitted in the following land use designations as shown on Schedule 'A' - LAND USE - URBAN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, HAMLET, OPEN SPACE, and PARKWAY BELT WEST, subject to the policies of Section 2.11(c) to f) inclusive and to the relevant policies under the specific land use designation within which the day care centre is located.
- c) In considering an application to amend a Zoning By-law to permit the establishment of a day care centre, Council shall be satisfied that the following requirements or any of them, as considered relevant to each specific application, will be fulfilled:
 - i) That the proposed day care centre shall generally be located on a collector or arterial road and shall generally not be permitted to locate on local roads in the interior of residential neighbourhoods.
 - ii) That the proposed day care centre will be designed so as not to seriously impact on the amenity of the surrounding area. In this regard, consideration shall be given to matters such as the noise, traffic and exterior lighting generated by the proposed facility.
 - iii) That where applications involve the renovation of an existing residential dwelling in an area designated URBAN RESIDENTIAL by this Plan, the proposed day care centre should not substantially alter the residential appearance of the property.
 - iv) That the site of the proposed day care centre is of appropriate size and shape to accommodate on-site parking, pick-up and drop-off facilities and outdoor play areas.
 - v) That neighbouring uses to the proposed day care centre pose no threat to the health and welfare of the occupants of the proposed facility. In this regard, consideration shall be given to the noise, odour, vibration and traffic generated by neighbouring uses.
- d) Consideration may be given to preventing an undue concentration of day care centres in specific areas of the Town.
- e) Day care centres shall be subject to site plan control approval pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
- f) A day care centre shall be licensed under the *Day Nurseries Act*, R.S.O. 1990, c.D.2, as amended and Regulations of the Ministry of Community and Social Services.

2.12 Community Improvement

a) **Goals**

Community Improvement provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permit the establishment of Community Improvement Project Areas which are intended to be a mechanism for offering incentives to encourage the type, form and quality of development and redevelopment that advance community interests and the objectives of this Plan. In the Markham Planning Area, Community Improvement Plans for Community Improvement Areas will be prepared to promote the following goals:

- maintaining and revitalizing established areas
- rehabilitating brownfield areas
- conserving and enhancing the historic character of heritage areas
- encouraging new development and redevelopment, which is supportive of the goals and objectives of this Plan.

b) **Area Selection Criteria**

Community Improvement Project Areas may be designated at any location within the Town, by by-law, without further amendment to this Plan, for areas exhibiting the following:

- physical, functional or economic decline of the building stock
- land use conflicts
- deficient or deteriorated public infrastructure, or amenities such as parks, open spaces, community facilities and streetscapes
- transportation constraints, such as traffic circulation, parking, site access
- vacant and underutilized lands or buildings, such as lands containing or characterized by contaminated soil, fragmented ownership, and other similar impediments to development
- the need for appropriate investment, growth and development incentives to achieve the goals and objectives of this Plan.

c) **Phasing of Improvements**

Community Improvement Plans are intended to be phased and co-ordinated to occur without unnecessary hardship on the residents and business community.

d) **Strategic Direction**

Community Improvement Plans will be prepared to direct public and private investments, as well as public actions and incentives, for one or more of the following:

- restoring the condition of building stock
- mitigating land use conflicts
- repairing and upgrading deficient or deteriorated public infrastructure and amenities
- acquiring lands or buildings and any subsequent clearing, rehabilitation, redevelopment or resale of these properties
- facilitating the establishment of Business Improvement Areas, or similar associations

- stimulating and directing growth and development that advances the community interest and supports the objectives of this Plan.

e) **Implementation**

This Plan recognizes Main Street, Unionville and Main Street, Markham, as existing Community Improvement Project Areas, as identified on Figures CIA1 and CIA2 to Section 2.12 of this Plan.

New Community Improvement Project Areas which meet the criteria established in subsection 2.12 b) will be designated by by-law, within the Markham Planning Area, without further amendment to this Plan. Community Improvement Plans will be prepared according to the requirements of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

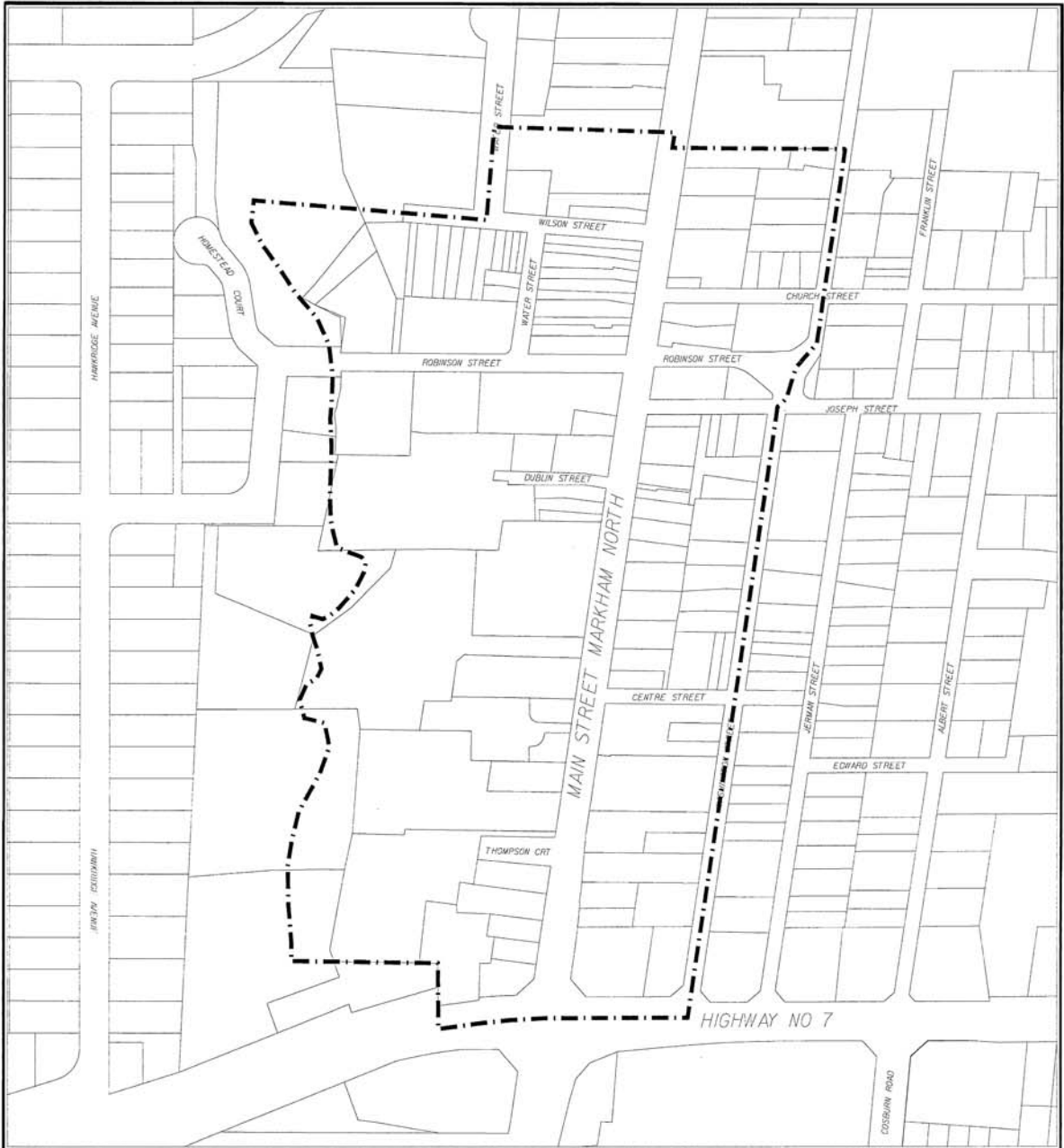



FIGURE CIA1
COMMUNITY IMPROVEMENT PROJECT AREA 1
TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED


 Boundary of Community Improvement Area covered by the policies in Section 2.12-Community Improvement

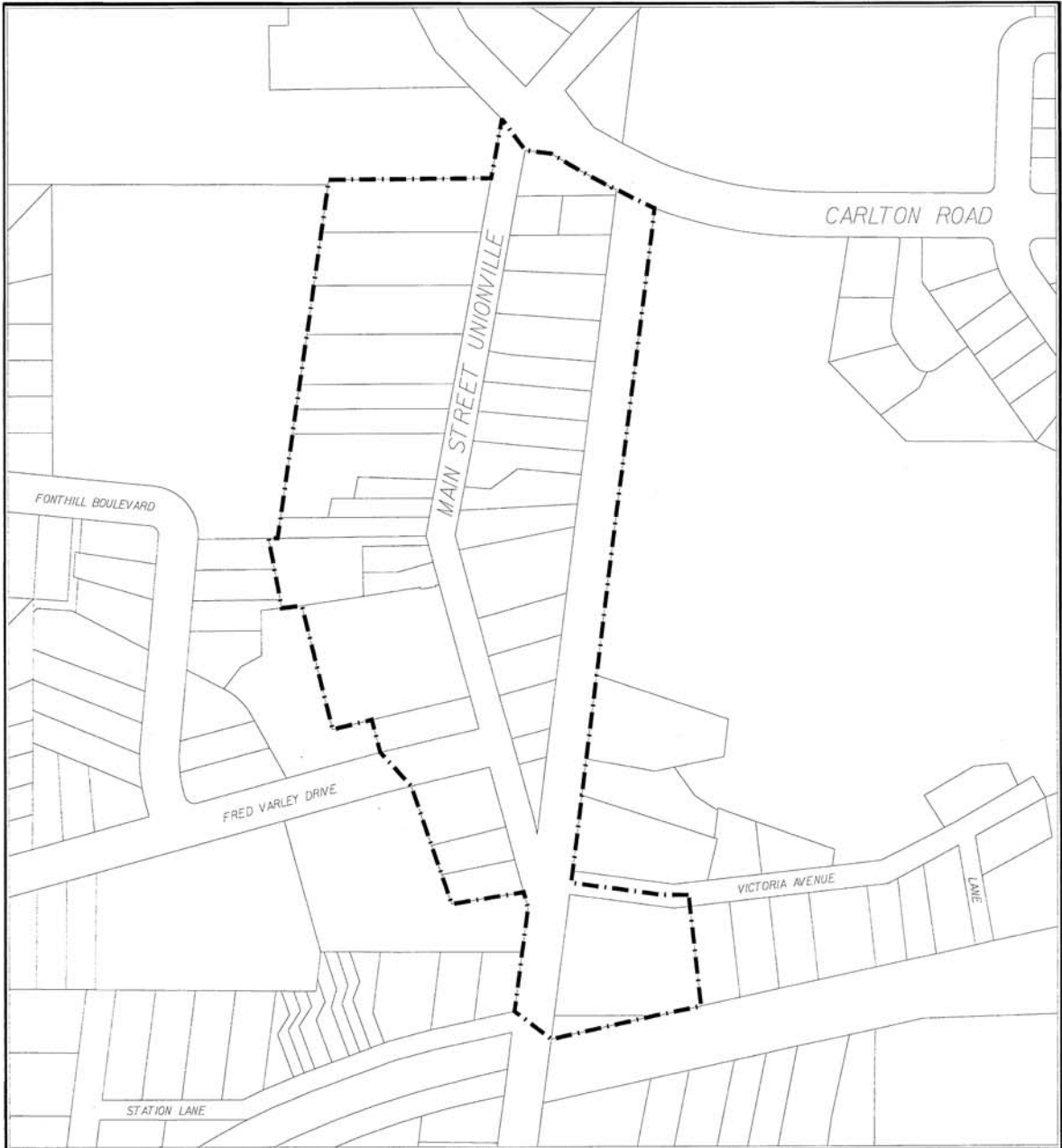



FIGURE CIA2
 COMMUNITY IMPROVEMENT PROJECT AREA 2
 TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED


 Boundary of Community Improvement Area covered by the policies in Section 2.12-
 Community Improvement

2.13 Housing

a) Goals

- i) To encourage the provision of a sufficient supply and a range of housing, adequate and appropriate to the existing and anticipated housing needs in Markham including housing which is accessible and affordable to low and moderate income households, seniors, and the physically and mentally challenged.
- ii) To encourage new housing development which assists in achieving the goals and objectives of this Plan, including those related to heritage preservation and protecting, and encouraging the enhancement of natural features, as well as meeting municipal standards for urban design, environmental protection, transportation services and municipal services.
- iii) To encourage land use planning practices which are responsive to the existing and anticipated housing needs in Markham.

b) Objectives

- i) To ensure that the Town's policies and regulations will permit the development of a full range of housing in accordance with municipal goals, objectives and standards.
- ii) To ensure that there is a sufficient supply of land designated for residential development on an on-going basis, as well as opportunities for redevelopment in existing serviced areas, to satisfy demands for a full range of housing.
- iii) To encourage the location of new housing projects in existing serviced areas subject to meeting locational and other criteria in this Plan, in order to diversify the existing housing stock and to maximize the use of existing community services and facilities, buildings and serviced sites.
- iv) To streamline the planning approval process in the interests of reducing the cost of housing.
- v) To take an active role in identifying housing needs in the Town and informing the public, proponents of development and agencies about housing needs and supply, as well as other housing issues.
- vi) To monitor housing demand and supply conditions and to update the Town's approach to housing issues based on information derived from the monitoring process, taking into account the goals, objectives and policies of this Section.
- vii) To use federal and provincial government programs where available and appropriate to assist in meeting the Town's housing goals and objectives.

2.13.1 Policies

Supply of Land

- a) The Town shall designate lands in this Plan for future residential development and employment growth for the planning period to the year 2011, while protecting, and encouraging the restoration and enhancement of, natural features.
The amount of land to be designated will reflect the requirement of the private market to meet the projected demand during the Plan's time frame, and to provide sufficient flexibility to ensure the proper functioning of the housing and employment land markets. The amount of land designated shall be monitored on a regular basis in accordance with the provisions of Section 2.13.2c) to ensure that this target is achieved and that it reflects:
 - i) projections of urban population and employment for the year 2011; and,

- ii) existing and future planned servicing and transportation capacity; and,
 - iii) provision of a range of housing and residential densities; and,
 - iv) the potential for, and rate of residential intensification in existing serviced areas; and,
 - v) the provision of sufficient employment lands including a land reserve to ensure adequate choice of sites.
- b) The Town shall establish, as a target, the maintenance of a continuous three year supply of a combination of draft approved and/or registered residential lots and blocks on plans of subdivision, where development has not previously taken place. The target will be based on the targets for the mix of housing required for the Town of Markham between 1991 and 2011 in Appendix 1. In conjunction with this, the Town will monitor other available information on the approval and construction of housing to assist in meeting the Town's supply objectives. The number of dwelling units and mix of housing on draft approved and registered plans of subdivision shall be monitored on a regular basis, in accordance with the provisions of Section 2.13.2c), recognizing that the Town does not control the initiation of subdivision applications on private land.
- c) The Town will work with York Region and the Province of Ontario to develop and maintain a servicing and transportation strategy to meet future needs for residential and employment lands.

Range of Housing

- d) A range of housing which is adequate and appropriate to the existing and anticipated housing needs in Markham shall be encouraged throughout the Urban Service Area and the Future Urban Service Area as identified on Schedule 'D' - URBAN SERVICE AREA to this Plan, in conformity with the policies of this Plan.
- e) The Town shall establish, as a target, the development of a mix of housing, expressed in terms of density categories, for the Town as a whole, as set out in Appendix 1. The density categories, although historically associated with certain dwelling types, shall not be interpreted to restrict new or innovative forms of housing or to restrict a particular dwelling type to one density category. A specific relationship between density and dwelling type can be established in a Secondary Plan.
 Notwithstanding the provisions of Section 3.3.2 of this Plan, for the purposes of determining housing mix on the lands shown as Future Urban Area in Official Plan Amendment No. 5, the total number of dwelling units assigned to each density category shall have an average net site density within the following ranges:

<i>Density Category</i>	<i>Range Requirements for Average Net Site Density</i>
Low Density	17.0 to 37.0 units per hectare
Medium Density	37.1 to 79.9 units per hectare
High Density	80.0 to 148.0 units per hectare

- f) In the preparation of new Secondary Plans for urban expansion lands within the Future Urban Service Area identified in Official Plan Amendment No. 5, the range of housing provided on lands designated for residential purposes shall reflect the target for the Town as a whole (Appendix 1). The housing mix requirements will generally be met in each individual Secondary Plan area, the exception being Secondary Plan areas that are constrained by size or location, such as those that are of an infill nature. Notwithstanding the above, if certain Secondary Plans adopted by Council include a higher proportion of

medium and high density housing, Council may choose to adjust the mix in other Secondary Plans accordingly.

- g) In developed areas, where residential intensification is proposed, appropriate densities and forms of development shall be determined consistent with the provisions of this Plan.
- h) The Town shall review each proposal for new residential development of 100 units or more in size, regardless of its location, to ensure that wherever feasible the Town's objectives for a mix of unit types are achieved.
- i) An appropriate proportion of the housing component of new Secondary Plans should include units designed to meet the needs of special groups such as seniors and the physically and mentally challenged and smaller households.
- j) In developed areas, where residential intensification is proposed, the Town will encourage the incorporation of a range of housing types and units designed to meet the needs of special groups such as seniors and the physically and mentally challenged and smaller households in new larger scale residential developments.
- k) The Town shall co-operate with housing proponents, co-operative and non-profit housing groups and the federal and provincial governments to facilitate the development of housing for those with special needs such as seniors and the physically and mentally challenged and smaller households in the municipality including such measures as:
 - i) working with non-profit and co-operative housing proponents to identify potential sites and appropriate development standards; and,
 - ii) examining the feasibility of mechanisms to encourage the development of special needs housing; and,
 - iii) possible participation in federal and provincial housing programs applicable to the Town.
- l) The Town shall support local initiatives to provide housing options for those with special needs such as seniors and the physically and mentally challenged. In particular, the Town will:
 - i) encourage non-profit and co-operative housing developments to provide a minimum of 5% of their units for those with special needs; and,
 - ii) encourage developments designed to provide a wide variety of housing options for seniors including development which provides for "aging in place" (e.g. the provision of residential accommodation in one location which meets the needs of seniors at different stages of the aging process), while recognizing the Town's inability to establish occupancy restrictions; and,
 - iii) consider permitting "garden suites" on sufficiently large lots in rural and urban areas on a demonstration basis using a temporary use by-law; and,
 - iv) permit Group Homes in accordance with the provisions of this Plan.

Residential Intensification

- m) The Town supports the principle of residential intensification in developed areas within the Urban Service Area as identified on Schedule 'D' - URBAN SERVICE AREA to this Plan at appropriate locations and of a type, size and scale compatible with adjacent development and, subject to review in accordance with the policies of this Plan. Intensification options may include the following, subject to review of specific proposals:
 - i) the modification of existing dwellings or construction of new dwellings to include accessory apartments in accordance with the policies of Section 3.3.2a)i) of this Plan; and,
 - ii) the conversion of existing dwellings to rooming or boarding houses or the construction of new rooming or boarding houses subject to the policies of Section 3.3.5 of this Plan; and,
 - iii) infill development and residential development of vacant land or under-utilized land in existing residential neighbourhoods; and,
 - iv) redevelopment, which includes the replacement of existing residential uses with compatible new residential developments at a higher density or the replacement of non-residential uses with compatible residential or mixed use developments with a residential component and which may also include conversion of non-residential buildings (e.g. schools, commercial facilities) to residential use.

- n) Infill development and redevelopment of sites and buildings, will be considered based on the following criteria:
 - i) the proposed development meets locational and other criteria of this Plan; and,
 - ii) the type, size and scale of the proposed development is compatible with adjacent development; and,
 - iii) the existing hard infrastructure, including sewer and water services, can support additional development; and,
 - iv) the existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand; and,
 - v) the required parking can be accommodated; and,
 - vi) the local road network can accommodate any additional traffic.

- n) Intensification of a heritage building or a building in a Heritage Conservation District shall be subject to the protection and preservation of the heritage character of the building or area in accordance with the policies of Section 2.5.

- o) To ensure the better use of existing resources, and to enable or facilitate intensification, the Town will support the maintenance, rehabilitation and renewal of housing in existing developed areas through such means as:
 - i) the regular maintenance and/or improvement of the existing hard infrastructure;
 - ii) the regular maintenance and/or improvement of existing community and recreational facilities;
 - iii) the use of federal and provincial programs to fund improvements to existing communities; and,
 - iv) the enforcement of the Property Standards By-law.

- q) In areas outside the Urban Service Area and the Future Urban Service Area identified on Schedule 'D' - URBAN SERVICE AREA to this Plan, intensification shall generally be limited to accessory apartments and "garden suites", in accordance with the policies of Sections 3.7, 3.8 and 3.12, recognizing the constraints imposed by the limitations on the amount of development permitted and the use of private services.

2.13.2 Implementation

Streamlining the Planning Process

- a) The Town is committed to process all applications for planning approval, including applications relating to the approval of residential development, in the most efficient manner possible. In addition, the Town will encourage other levels of government to streamline their review process.
- b) The Town shall develop, and generally adhere to, a guideline for the processing of applications dealing with residential applications outlining timeframes and procedures at each stage of the application review process. This guideline shall be adopted by Council.

Monitoring

- c) The Town shall establish a monitoring program and provide information to Council on a regular basis on population growth, housing, and land for residential and employment growth. In particular, the following matters will be monitored:
 - i) the adequacy of the lands designated for residential use in this Plan at least every five years; and,
 - ii) the adequacy of the lands designated for employment use in this Plan; and,
 - iii) the amount and range of housing resulting from municipal approvals of new residential development and residential intensification annually; and,
 - iv) the processing time of applications for planning approval in relation to the guideline established in conformity with Section 2.13.2b), every two years; and,
 - v) the pattern of development arising from the Development Staging Strategy, and the adequacy of the staging strategy in relation to the goals and objectives of this Plan.
- d) It is intended that a report outlining the results of the monitoring program will be prepared on a regular basis and submitted to Council. Based on this information, Council will review planning documents and planning approvals procedures relative to residential development, and modify them as required, to better reflect the objectives of this Plan regarding housing needs of the municipality.

Provision of Information

- e) The Town will make available information to residents, public agencies and proponents of development about the housing needs of residents and those seeking to locate in Markham and about the various housing options available to address these needs.

2.14 *Financial Impacts of Residential Development in the Future Urban Area and Markham Centre*

a) Goal

To ensure that the capital costs of development, both hard and soft, will be borne by development, and that the mill rate will not be adversely impacted by growth in the Future Urban Area as established by Official Plan Amendment No. 5 and all lands within the Central Area Planning District No. 33 as established by Official Plan Amendment No. 21.

b) Objectives

- i) To enable Council to restrict, revise or rescind in accordance with the *Planning Act* R.S.O. 1990, c.P.13, as amended, any development approvals for lands in the affected areas which may adversely affect the financial well-being of the Town.
- ii) To enable Council to require proponents of development to conduct financial impact studies to demonstrate that the tax revenue generated by the proposed development will have no adverse effect on the future mill rate of the Town.

2.14.1 *Policies*

- a) Council may restrict, revise or rescind in accordance with the *Planning Act* R.S.O. 1990, c.P.13, as amended, any development approvals for lands in the affected areas, if in the opinion of Council the proposed development will adversely affect the financial well-being of the Town.
- b) Council may require proponents of development to conduct financial impact studies to demonstrate to the satisfaction of the Town that the tax revenue generated by the proposed development will have no adverse effect on the future mill rate of the Town.

Section 2.15 formed part of OPA97 to the 1976 Official Plan which was repealed by Council on July 1, 2004.

2.15

2.16 Rouge North Management Area

The Town of Markham supports the following vision, goal and objectives for *Rouge Park North* in Markham consistent with the Rouge North Management Plan.

2.16.1 Vision

Rouge Park North lands are intended to be a special place of outstanding natural features and diverse cultural heritage, in urban and rural settings protected and flourishing as a diverse and healthy ecosystem. Human activities are intended to exist in harmony with the natural environment. *Rouge Park North* is intended to be a sanctuary for nature and the human spirit.

2.16.2 Goal

The Town of Markham, in partnership with the Rouge Park Alliance, supports the goal of the Rouge North Management Plan (2001) to protect, restore and enhance the natural, scenic and cultural features of *Rouge Park North* in an ecosystem context, and to promote public responsibility, understanding, appreciation and enjoyment of this heritage.

2.16.3 Objectives

The objectives of this Plan with respect to *Rouge Park North* are:

Natural Heritage

- To protect, restore and enhance the natural ecosystem of *Rouge Park North* by ensuring the health and diversity of its native species, habitats, landscapes and ecological processes.

Cultural Heritage

- To identify, protect and conserve the cultural heritage features within *Rouge Park North* for their inherent value and depiction of the historic long-term human use and occupancy of the area.

Land Use

- To ensure protection of the ecological integrity and cultural heritage features within *Rouge Park North* through innovative planning, management and land use in *Rouge Park North* and surrounding area.

Management

- To manage *Rouge Park North* to ensure the achievement of all the objectives for *Rouge Park North* identified in this Plan and provide for ongoing public involvement in park planning and management.

Interpretation

- To promote knowledge and understanding of the natural, ecological and cultural attributes of *Rouge Park North*, their protection and management requirements, as well as their significance, sensitivities and interrelationships.

Recreation

- To provide opportunities for appropriate recreational uses and human enjoyment where consistent with all the other objectives for *Rouge Park North*.

Securement

- To identify and secure and/or protect those lands within the *Rouge North Management Area* identified as *Rouge Park North* through the development approvals process and using other land securement options as opportunities arise.

2.16.4 Definitions

The following definitions apply to Section 2.16 of this Plan:

"Rouge Park" and *"Rouge Park North"* refers to lands secured in public ownership and identified by the landowner for *Rouge Park* purposes. The "North" reference refers to *Rouge Park* lands within the municipality of Markham.

"Rouge North" refers to lands located on the tributaries of the *Rouge River* currently in private ownership but which are intended over time to be secured and/or protected for *Rouge Park North* through the development approvals process and/or other land securement options provided for in this Plan.

"Rouge North Management Area" refers to the *Rouge River* watershed boundary and encompasses both *"Rouge Park North"* and the *"Rouge North"* lands.

2.16.5 Planning Approach

- a) To implement the vision, goal and objectives for the *Rouge North Management Area* within the Town of Markham, a series of Policy Area overlays are utilized. Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan identifies the boundary of the Rouge River watershed where the policies of the *Rouge North Management Area* articulated in this Plan shall apply. The *Rouge North Management Area* policies are further articulated by a series of more specific overlays that are intended to provide more detailed policy direction based on the varying circumstances found within the broader Rouge North Management Area. The more detailed Policy Areas, which are identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan, include:
 - Urban Policy Area;
 - Middle Reaches Policy Area; and,
 - Little Rouge Creek Policy Area.
- b) Within the Policy Areas, identified in subsection a) the Alternate Rouge Park Corridor and Special Management Sites have been identified symbolically on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan.
- c) The planning regime for implementing *Rouge Park North* and *Rouge North* is based on the use of Policy Area overlays. The intent of this approach is to augment current planning policy by adding an additional layer of policy to the current land use designations included in this Plan. All existing land use designations and policies continue to apply.
- d) Where there is a conflict between the policies of the land use designations identified on Schedule 'A' - LAND USE of this Plan, and the policies of any of the Policy Areas identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan, the policies that best support the objectives of Rouge Park North shall apply.

2.16.6 General Policies

- a) The *Rouge North Management Area* identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan includes all lands within the Town of Markham that are located within the Rouge River watershed, excluding lands within the Oak Ridges Moraine boundary as defined by Ontario Regulation 01/02.
- b) *Rouge Park North* lands shall be comprised of lands in public ownership within and adjacent to the valley and stream corridors of the tributaries

of the Rouge River that are identified by the public landowner for *Rouge Park North* purposes. It is the intent of the Town to identify its publicly owned lands as *Rouge Park North* and to acquire new *Rouge Park North* lands through the application of the policies of this Plan. Publicly owned lands adjacent to the Rouge River and its tributaries of the Rouge River may also be considered for *Rouge Park North* purposes subject to agreement by the public landowner without the need for an amendment to this Plan.

c) Within the Rouge North Management Area, a series of manuals, guidelines and maps will be prepared that are intended to assist in the implementation and management of *Rouge Park North* over time. These shall include a Rouge North Implementation Manual, Community Interface and Infrastructure Guidelines and a *Rouge Park North* Lands map. It is the intent of the Town of Markham to establish the boundaries of *Rouge Park North* by application of the boundary delineation criteria identified in the Rouge North Implementation Manual and the policies of this Plan.

d) The Town shall have regard for the Rouge North Management Plan (2001) in regard for planning approvals affecting the *Rouge Park North* or lands identified by Council for *Rouge Park North* purposes.

e) *Rouge Park North* lands may include any of the OPEN SPACE, HAZARD LANDS, ENVIRONMENTAL PROTECTION AREAS, URBAN RESIDENTIAL, PARKWAY BELT WEST, AGRICULTURE A1, AGRICULTURE A2, AGRICULTURE A3 designation, and/or lands identified as Special Policy Area on Schedule 'A' - LAND USE of this Plan.

f) Notwithstanding the land uses provided for on Schedule 'A' - LAND USE, in each designation, publicly owned *Rouge Park North* lands shall generally be used for environmental protection and conservation, passive recreation and compatible agricultural uses, interpretation and education uses and may also include active municipal parkland and compatible active recreation where appropriately integrated with the Rouge River valley in a manner consistent with the management objectives of *Rouge Park North* and the parkland standards of the Town. Structures associated with passive recreational uses shall be permitted in *Rouge Park North* subject to approval by the Town in consultation with the Toronto and Region Conservation Authority, where required, and having regard for *Rouge Park North* objectives.

- g) Existing and future municipal parkland located on tableland contiguous with or within *Rouge Park North* shall be planned and managed in accordance with the parkland standards and policies of this Plan and having regard for the *Rouge Park North* objectives and Urban Interface and Infrastructure Guidelines.
- h) Municipal infrastructure, including stormwater management, transportation and servicing facilities may be permitted in *Rouge Park North* and *Rouge North*, but shall be minimized where possible, having regard for the Community Interface and Infrastructure Guidelines and subject to other applicable planning and environmental review processes including *Planning Act* and *Environmental Assessment Act* review procedures. All new municipal infrastructure shall be planned in a manner which provides opportunities for enhanced environmental benefits which support the goal and objectives for *Rouge Park North*.
- i) Any lands designated OPEN SPACE, HAZARD LANDS, ENVIRONMENTAL PROTECTION AREAS, PARKWAY BELT WEST, URBAN RESIDENTIAL AGRICULTURE 1, AGRICULTURE 3, and/or lands identified as Special Policy Area on Schedule 'A' - LAND USE of this Plan that are in public ownership and identified for *Rouge Park North* purposes by the public landowner, may be incorporated into *Rouge Park North* at any time, without the need for an amendment to this Plan.
- j) Zoning by-laws passed to implement *Rouge Park North* shall be consistent with *Rouge Park North* objectives and have regard for any Management or Restoration Plans identified in section 2.16.10.
- k) A public process is required to update or revise the Rouge North Management Plan prior to endorsement of the proposed changes by Markham Council. The Town shall participate, as necessary, with the Rouge Park Alliance and its partners in a process to amend the Rouge North Management Plan from time to time as necessary to reflect the acquisition of lands for *Rouge Park North* purposes and to ensure the management policies remain current and relevant.
- l) Urban Interface and Infrastructure Guidelines shall be prepared to the satisfaction the Town of Markham which shall be generally consistent with the guidelines identified in the Rouge North Management Plan (2001).

The Urban Interface and Infrastructure Guidelines shall guide the development of lands adjacent to *Rouge Park North*. The Guidelines will be considered in the preparation of all future Secondary Plans, Community Design Plans, Servicing Plans and in the review of all development applications adjacent to the Rouge River tributaries within the Middle Reaches and Little Rouge Creek Policy Areas identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA. The Town shall also have regard for the Urban Interface and Infrastructure Guidelines for development applications within the Urban Area Policy Area, where opportunities exist on larger development or redevelopment sites.

- m) The Town, in consultation with the Toronto and Region Conservation Authority, shall implement a monitoring program to record the implementation of *Rouge Park North* in the Town of Markham. Lands secured for *Rouge Park North* purposes shall be identified on a map included within a monitoring report to be prepared by the Town of Markham. *Rouge Park North* lands map will be updated regularly to identify newly secured *Rouge Park North* lands.

If the monitoring program undertaken by the Town, or ecological monitoring undertaken by the Toronto Region Conservation Authority, identifies conditions or trends that do not support the goal and objectives of this Plan, the Town will work cooperatively with the Rouge Park Alliance and Toronto and Region Conservation Authority to review opportunities for amendments to the implementation measures of the Rouge North Management Plan (2001) to improve the overall success of *Rouge Park North*.

- n) The Toronto and Region Conservation Authority has initiated the preparation of a comprehensive Watershed Strategy for the Rouge River watershed. The Watershed Strategy will be prepared in consultation with the Town of Markham and other public agencies, and will include a process of public consultation. Future initiatives to extend the Urban Service Area as shown on Schedule 'D' - Urban Service Area, with, the exception of initiatives requiring extension of the Urban Service Area to incorporate additional lands identified in amendments to this Plan already adopted by Council or the Eastern Markham Strategic Review process, should only be considered by Council following appropriate justification and consultation with the Toronto Region Conservation Authority in regard to technical

requirements arising from the Watershed Strategy, including a water budget. The Town of Markham encourages the Toronto Region Conservation Authority to complete the Watershed Strategy by the summer of 2006, in order that any new policies and requirements, to the satisfaction of the Town and Toronto Region Conservation Authority, can be in place to guide and regulate development arising from any future expansion of the urban service area of the Town of Markham.

2.16.7 Urban Policy Area

- a) The Urban Policy Area overlay generally includes lands within the Town of Markham that are both within the Urban Service Area identified on Schedule 'D' - URBAN SERVICE AREA of this Plan and also within the Rouge River watershed boundary, identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan. The extent of the Urban Policy Area overlay is shown on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan.
- b) The Urban Policy Area overlay is intended to ensure that all lands in public ownership protect and enhance the aquatic resources of the tributaries of the Rouge River and recognize and permit uses within *Rouge Park North* consistent with the Park objectives and policies of this Plan.
- c) *Rouge Park North* within the Urban Policy Area overlay shall include all lands within and adjoining the Rouge River and its tributaries that are owned by York Region, Town of Markham, Toronto and Region Conservation Authority and other senior levels of government, and that are identified for *Rouge Park North* purposes.
- d) Lands within or adjacent to the tributaries of the Rouge River which come into public ownership through the development approvals process and/or land securement measures, and are identified specifically by Council for *Rouge Park North* purposes shall form part of *Rouge Park North*.
- e) The policies of this Plan, including approved Secondary Plans, plans of subdivision, implementing zoning by-laws, site plan approvals and other planning approvals with respect to delineation of limits of development and associated buffers adjacent to the tributaries of the Rouge River shall continue to apply, as approved.

- f) Where opportunities exist through required planning approvals, the Town shall undertake discussions and negotiations with landowners, the Toronto and Region Conservation Authority and/or other public agencies, as appropriate, in an effort to protect additional natural features which contribute to the significance of the Rouge Park, within the land base of *Rouge North* within the Urban Policy Area. The Town shall pursue opportunities to increase the lands intended for *Rouge Park North* purposes using any or all of the land securement options provided for in this Plan.

2.16.8 Middle Reaches Policy Area

- a) The Middle Reaches Policy Area overlay generally includes all lands within the Town of Markham that are outside of the Urban Service Area identified on Schedule 'D' - URBAN SERVICE AREA of this Plan and are within the Rouge River watershed, excluding the sub-watershed area of the Little Rouge Creek. The extent of the Middle Reaches Policy Area overlay is shown on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Official Plan.
- b) The Middle Reaches Policy Area overlay is intended to protect and enhance the natural and cultural heritage resources of the Rouge River on lands encompassed within the Middle Reaches Policy Area; permit uses in *Rouge Park North* consistent with the Park objectives and policies of this Plan; and, ensure that all lands that meet the boundary delineation criteria in the Rouge North Implementation Manual are identified and conveyed in public ownership.
- c) The boundaries of *Rouge Park North* will be determined along the Rouge River tributaries within the Middle Reaches Policy Area by the application of the Study Area Boundary followed by the Boundary Delineation Criteria in the Rouge North Implementation Manual, to the satisfaction of the Town of Markham in cooperation with the Toronto and Region Conservation Authority.
- d) Prior to the determination of a *Rouge Park North* boundary, a Rouge Park Boundary Study Area shall be established in accordance with the Study Area Boundary as outlined in the Rouge North Implementation Manual. The Study Area Boundary shall generally comprise a study area of 130 m from the stable top of bank, or 130 metres from the centerline of the tributary

where there is no defined top of bank along the length of both sides of the tributary, plus an additional study area setback of 100 metres from any significant natural features which intersect with the primary study area boundary as identified in the Rouge North Implementation Manual including:

- i) Wetlands and wetlands complexes that have not been classified or designated as Provincially Significant by the Ministry of Natural Resources, designated Provincially Significant Wetlands, Environmentally Significant areas, Areas of National and Scientific Interest and Locally Significant Areas;
- ii) Woodland and vegetation communities;
- iii) Seepage zones and groundwater discharge;
- iv) Habitats or locations of rare, vulnerable, threatened and endangered plant communities or wildlife species;
- v) Watercourses as defined by the TRCA;
- vi) Sites of archaeological or historic importance; and,
- vii) Habitat for location of species of concern.

e) Within the Rouge Park Boundary Study Area identified in subsection (d) the following boundary delineation criteria as detailed in the Rouge North Implementation Manual, shall be applied to determine a *Rouge Park North* boundary:

- i) Watercourses and Existing Regulatory Floodplain to protect form, function, ecological health and floodplain function of the watercourses;
- ii) Meander Belt to provide for the natural evolution of stream morphology and minimize long-term risk to life and property;
- iii) Valley and Stream Corridor Features to preserve the stability and integrity of the valley stream corridors and to preserve and enhance valley and stream corridors consistent with the intent of the TRCA policy;
- iv) Natural Vegetation Communities and Riparian Vegetation Communities and Interior Forest Conditions to preserve and protect existing natural vegetation, riparian zones, aquatic habitats, woodlands and interior forest condition consistent with TRCA programs;
- v) Wetlands, Evaluated Wetlands, Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs) and

Locally Significant Areas (LSAs) to preserve and protect wetlands, ESAs, ANSIs, and LSAs in accordance with Town, TRCA and Provincial policy and regulations;

vi) Habitat for Vulnerable, Threatened and Endangered Species and Species of Concern to protect habitats for vulnerable, threatened and endangered species and species of concern as identified by TRCA, provincial and federal governments;

vii) Terrestrial Corridor Habitat Function and Woodland Restoration Requirement to provide, maintain and enhance corridors required for species movement, maintain appropriate biodiversity consistent with TRCA policy and programs and to provide for the enhancement of natural vegetation communities and interior forest conditions and to enhance woodland connectivity and reduce fragmentation;

viii) Seepage Areas and Areas Exhibiting Groundwater Discharge to ensure maintenance of baseflow for habitat for aquatic and wetland species and maintain and enhance water quality, consistent with TRCA programs;

ix) Vegetation Community Maintenance Area to protect riparian zones; to protect vegetation communities, species and habitats from edge effects; to protect from invasive species colonization; to achieve TRCA restoration targets; to protect interior forest habitat; to accommodate access; to protect adjacent properties from damage, and to accommodate recreational uses; and,

x) Cultural and Archaeological Resources to identify and protect cultural heritage and archaeological resources and to provide for cultural heritage interpretation.

f) The Rouge North Implementation Manual (2003), as it applies to Markham, shall outline and detail the application of the boundary delineation criteria identified in subsection e). The Rouge North Implementation Manual (2003) has been prepared by the Rouge Park Alliance to assist with the *Rouge Park North* boundary delineation policies and shall be endorsed by Council. The Rouge North Implementation Manual may be modified from time to time, to reflect emerging policies and programs, however, prior to modifications to the Manual, Council shall consult with all interested stakeholders, the Rouge Park Alliance and TRCA. In the event that changes to the Manual are made and approved by Council any necessary modifications to subsection e) shall require an amendment to the Official Plan.

g) As a condition of approval of development applications, on lands identified Middle Reaches Policy Area on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA, the delineation of the lands that meet the boundary delineation criteria and arrangements made for their dedication into public ownership shall be completed to the satisfaction of the Town in consultation with the Toronto and Region Conservation Authority prior to, or concurrent with, adjacent lands being designated for urban development.

h) The delineation and designation of lands that meet the Boundary Delineation Criteria for inclusion within *Rouge Park North* shall be implemented through an Official Plan Amendment supported by an Urban Service Area Expansion Study and a Subwatershed Study, or in the case of small-scale development or land severances, justification in accordance with the policies of this Plan.

These supporting documents shall be prepared to the satisfaction of the Town of Markham in consultation with the Toronto and Region Conservation Authority. All new Secondary Plans for lands within the Middle Reaches Policy Area shall contain policies implementing the policies of this Plan.

2.16.9 Little Rouge Creek Policy Area

a) The Little Rouge Creek Policy Area overlay identifies all lands within the Town of Markham that are outside of the Urban Service Area identified on Schedule 'D' - URBAN SERVICES AREA of this Plan, and within the subwatershed area of the Little Rouge Creek. The extent of the Little Rouge Creek Policy Area overlay is shown on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Plan.

b) It is the intent of the Town to establish the *Rouge Park North* boundary along the Little Rouge Creek including a corridor of a minimum 600 metres generally centred along the main branch of the Little Rouge Creek. Until the lands are secured in public ownership or where privately owned lands are protected for *Rouge Park North* purposes through easements and/or other agreements, the lands within the 600 metre corridor shall be used in accordance with the HAZARD LANDS, HAMLET, OPEN SPACE and AGRICULTURAL designations of this Plan. Once secured and/or protected for *Rouge Park North* purposes, the Little Rouge Corridor may be used for *Rouge Park North* purposes including ecological enhancements, recreation and interpretation uses, consistent with the objectives of this Plan,

notwithstanding the AGRICULTURAL, HAMLET, OPEN SPACE and HAZARD LANDS designation.

- c) The delineation of the Little Rouge Creek corridor comprising the *Rouge Park North* boundary along the Little Rouge Creek corridor shall be undertaken using the boundary delineation criteria identified in Section 2.16.8 e), plus the additional requirement for a corridor width of 600 metres to support the interior forest objectives along the main branch of Little Rouge Creek.
- d) The long-term vision for the Little Rouge Creek corridor will be further articulated through the preparation of a Little Rouge Creek Management Plan, as identified in Section 2.16.11 of this Plan. The Little Rouge Creek Management Plan will reflect the priority to establish a functional and sustainable terrestrial corridor with interior forest habitat conditions and will generally comprise:
 - i) a 400 metre forested area, generally centred on the main branch of the Little Rouge Creek; and,
 - ii) 200 metres including approximately 100 metres adjacent to each edge of the 400 metre forested corridor intended for compatible open space uses which may include stormwater management ponds, recreation uses and other uses which support both an urban interface and park related uses. _
- e) Notwithstanding the policies of Section 2.16.9, the boundary of *Rouge Park North* along the Little Rouge Creek, south of Major Mackenzie Drive, shall be determined in accordance with Section 3.14.3a) iii) of this Plan.
- f) Where lands within the Little Rouge Creek corridor remain in private ownership, severance and plan of subdivision applications shall only be permitted in accordance with the justification policies in the Official Plan for lands designated "AGRICULTURE" and "HAMLET" and where the severance or plan of subdivision application contributes to the long-term vision for a publicly owned and continuous forested Little Rouge Corridor.
- g) The Town, in considering future Urban Service Area expansions shall require that the boundary of the Little Rouge Creek corridor is delineated in accordance with the boundary delineation criteria identified in Section 2.16.8e). It is the intent that lands which fall into the Middle Reaches

boundary delineation criteria identified in Section 2.16.8e) shall be secured in public ownership to the satisfaction of the Town and Toronto and Region Conservation Authority prior to, or concurrent with, adjacent lands being designated for urban development. In addition, arrangements shall be secured for the dedication and/or protection of lands within the remaining 600 metre corridor to the satisfaction of the Town and Toronto and Region Conservation Authority

- h) It is recognized that the successful achievement of the long-term vision may require that the majority of the lands be in public ownership. However, securement of the entire Little Rouge Corridor into public ownership may not be possible or appropriate in all circumstances. Where public ownership of lands within the 600 metre corridor is not immediately achievable, the Town, in cooperation with the Rouge Park Alliance and its partners, will work with the landowners to achieve the environmental objectives of *Rouge Park North* using the land securement tools identified in Section 2.16.12. Nothing in this Plan obligates the Town to purchase lands within the 600 metre corridor.
- i) Once the Town has made the appropriate arrangements to secure and/or protect for the long-term vision for the Little Rouge Creek corridor in accordance with the policies of this Plan, an amendment shall not be required to establish the interior forest habitat and compatible open space uses for the lands designated "AGRICULTURE", "OPEN SPACE", "HAMLET" or "HAZARD LANDS" within the defined corridor.
- j) The Government of Canada (Transport Canada) has identified a Green Space Strategy to protect Federal Lands identified for *Rouge Park North* purposes and the Oak Ridges Moraine.

It is the intent of the Town to work cooperatively with the Federal Government to establish a comprehensive Master Plan for the Alternate *Rouge Park North Corridor* identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA and an environmental protection strategy for the remainder of the Federal lands comprising the tributaries of the Rouge River within the Little Rouge Creek Policy Area overlay.

- k) Where lands are owned by the Government of Ontario, the Government of Canada, or any other public agency, and are also within the Little Rouge Creek Policy Area overlay, they shall be encouraged to support the objectives and policies of this Plan.

2.16.10 Oak Ridges Moraine

The southern boundary of the Oak Ridges Moraine as defined by the *Oak Ridges Moraine Conservation Act, 2001* is identified on Schedule 'J' - ROUGE NORTH MANAGEMENT PLAN of this Plan. These lands are subject to the *Oak Ridges Moraine Conservation Act, 2001* and shall be subject to detailed policies implementing the Oak Ridges Moraine Conservation Plan. The Ministry of Municipal Affairs and Housing is the approval authority.

2.16.11 Policies for Special Management Sites

- a) The Special Management Sites are identified symbolically on Schedule 'J' - ROUGE NORTH MANAGEMENT PLAN. They include:
- Milne Park Conservation Area;
 - Markham Centre;
 - Little Rouge Creek Corridor including Cedarena and Cedar Grove Community Park;
 - Berczy Creek through historic Unionville and Toogood Pond;
 - Beaver Creek; and,
 - Alternate Rouge Park Corridor (Federal Greenspace Lands Initiative)
- b) Special Management Sites are areas in the Town which are either historically more actively used, require naturalization, restoration and management efforts or are subject to approved Secondary Plans. These areas may require further design and use consideration reflecting their historic context, natural features, existing circumstances, recreational functions and/or planning approvals.
- c) Special Management Sites may be subject to area specific Management Plans or Restoration Plans prepared by the landowners to the satisfaction of the Town of Markham, in collaboration with the Toronto and Region Conservation Authority and Rouge Park Alliance. The purpose of these management plans or restoration plans is to identify and manage the distinct characteristics of each Special Management Site. It is recognized that Special Management Sites may accommodate more intensive uses and

active recreation and/or accommodate intense reforestation or ecological enhancements. Management or Restoration Plans shall have regard for the Rouge North Management Plan (2001).

2.16.12 Land Securement Strategy

- a) The Town shall work cooperatively with the Rouge Park Alliance, the Toronto and Region Conservation Authority, York Region, the Town of Richmond Hill, the Town of Whitchurch-Stouffville, the Province of Ontario and the Government of Canada to establish ongoing financial, policy and legislative support for the implementation of *Rouge Park North* in the Town of Markham.
- b) The Town shall work cooperatively with the Government of Canada, Province of Ontario, York Region, Toronto and Region Conservation Authority and the Rouge Park Alliance to establish a funding program with sufficient funds and long-term commitment to secure the lands identified by the boundary delineation criteria in Section 2.16.8 e) and for the securement/protection of the 600 metre Little Rouge Creek Corridor.
- c) Notwithstanding any other policy of this Plan, it shall be a requirement of approval of an expansion of the Town's Urban Service Area, as identified on Schedule 'D' - URBAN SERVICE AREA of this Plan, that all lands meeting the Boundary Delineation Criteria for inclusion within *Rouge Park North*, be identified for *Rouge Park North* and conveyed into public ownership. Where urban expansion is proposed along the Little Rouge Creek arrangements shall be made for the securement or protection of the 600 m corridor to the satisfaction of the Town and Toronto and Region Conservation Authority.
- d) Mechanisms to secure lands through the development approvals or other processes include:
 - i) land dedications/conveyance;
 - ii) voluntary sale and public purchase through funds allocated in the Town's budget or from funds raised through the cash-in-lieu of parkland dedications, where appropriate;
 - iii) land swaps/exchanges;
 - iv) donations, gifts, bequests from individuals and/or corporations;
 - v) density transfers and/or bonuses;

vi) through any applicable requirement relating to parkland or environmental resource area acquisition in the Town's Development Charges By-law; and/or,

vii) other appropriate land acquisition methods.

e) The Town of Markham, in cooperation with its partners, shall establish an Environmental Land Securement Fund that may be used to contribute to the costs of acquisitions for specific properties that meet *Rouge Park North* objectives and/or boundary delineation criteria for inclusion within *Rouge Park North*.

f) Council may consider an annual budget allocation for the Environmental Land Securement Fund and may authorize staff to pursue funding partners and other funding opportunities to achieve the objectives for *Rouge Park North* identified in this Plan.

g) The Town of Markham includes substantial land areas that are owned by various public agencies and senior levels of government. The Town shall enter into negotiations with these public agencies to have the lands that meet the *Rouge North* objectives and/or boundary delineation criteria, to remain in public ownership and be managed or conveyed for *Rouge North* purposes.

h) It is recognized that the Town of Markham may not be able to secure in public ownership all of the lands that meet the Boundary Delineation Criterion for inclusion within *Rouge Park North*. Where substantial efforts have been undertaken in accordance with the land securement policies of this Plan, the Town will negotiate with the landowners in an effort to protect the identified natural, environmental and cultural features and functions in private ownership and enhance environmental features and/or functions on private lands. In these instances, the Town shall consider the following stewardship techniques to ensure the appropriate level of protection and, where appropriate, public access to the privately owned lands that would otherwise meet the Boundary Delineation Criteria:

i) Municipal land use controls including zoning;

ii) Information and education programs;

iii) Stewardship agreements;

iv) Charitable tax receipts;

v) Conservation easements; and/or,

vi) Any other appropriate agreements with the landowners.

i) The Town, in consultation with the Rouge Park Alliance and the TRCA, shall support and work cooperatively with private landowners to meet the objectives of this Plan on privately owned lands within or adjacent to the Rouge River tributaries.*

* 103-116 APPEALED BY THE OMB

2.17 Places of Worship

2.17.1 Policies

a) Permitted Uses

Notwithstanding any other provisions of this Plan:

- i) Places of worship shall be permitted to locate only in the following land use designations: URBAN RESIDENTIAL, INSTITUTIONAL, COMMERCIAL (Major Commercial Area, Community Amenity Area, Heritage Main Street Area, Commercial Corridor Area, Retail Warehouse Area), INDUSTRIAL (Business Corridor Area, General Industrial Area), and HAMLET, subject to the policies of Section 2.17 and other relevant policies of this Plan;
- ii) Only existing places of worship, and expansions permitted by the zoning by-law, as of the date of adoption of Amendment No. 115, may be permitted in other land use designations, subject to the provisions of Section 2.17 and other relevant policies of this Plan.

b) Planning Approvals Required to Permit Places of Worship

The following planning approvals are required to permit a place of worship:

- i) For sites within the URBAN RESIDENTIAL and COMMERCIAL (Community Amenity Area) designations:
 - Official Plan amendment and zoning approval for all sites greater than 2.5 hectares;
 - Official Plan amendment and zoning approval for all sites greater than 2.0 hectares which are not located on an arterial road or identified in an approved Secondary Plan as a large place of worship site;
 - Hold removal for sites zoned with a “hold” and set aside for a place of worship through Council’s site reservation policy;
 - Zoning approval for all other sites; or,
- ii) For sites within the HAMLET designation:
 - Official Plan amendment, and zoning approval for all sites greater than 2.0 hectares;
 - Zoning approval for all other sites; or,
- iii) For sites in the COMMERCIAL (Major Commercial Area, Commercial Corridor Area, Retail Warehouse Area), INDUSTRIAL (Business Corridor Area, General Industrial Area) and INSTITUTIONAL designations:
 - Official Plan amendment and zoning approval for all sites greater than 2.5 hectares;
 - Zoning approval for all other sites; and,
- iv) Notwithstanding the provisions of Section 2.17.1 b) i) to iii) above, for sites within the areas identified as Heritage Conservation Districts and Heritage Conservation District Study Areas, on Schedule ‘E’ – HERITAGE CONSERVATION AREAS of this Plan:
 - Official Plan amendment and zoning approval for all sites greater than 0.4 hectare, unless otherwise specifically permitted by the Secondary Plan for the area;
 - Zoning approval for all other sites: and,

- v) In addition to the approvals required pursuant to Section 2.17.1b) i) to iv) above all new places of worship or expansions of existing places of worship shall require site plan approval, in accordance with the provisions of Section 7.12 of this Plan; and,
 - vi) Proposals for places of worship that are not consistent with the provisions of the applicable Secondary Plan, where these are more restrictive than this Plan, shall require an amendment to the applicable Secondary Plan; and,
 - vii) Proposals for places of worship that do not comply with the locational criteria identified in Section 2.17.1 c) i) to iii) shall require an amendment to this Plan.
- c) **Criteria for Evaluating Applications for Place of Worship Approval**
 An application for an Official Plan amendment, zoning approval or site plan approval for the establishment, or major expansion, of a place of worship, or an auxiliary use associated with a place of worship, as defined in subsection 2.17.1e) shall be evaluated in accordance with each of the following criteria:
- i) Where the place of worship site is located in the URBAN RESIDENTIAL or COMMERCIAL (Community Amenity Area) designation it shall be located:
 - on an arterial road or Provincial Highway at the intersection with another public road; or,
 - on a major collector road at the intersection with an arterial road; or
 - on a major collector road at the intersection with a collector road and at a location which is in proximity to other institutional, commercial, mixed use or higher density residential uses; or,
 - at a location specifically identified in this Plan or an approved implementing Secondary Plan;
 - ii) Where the place of worship site is located in the COMMERCIAL (Heritage Main Street Area) or HAMLET designations it shall be located on an arterial or major collector road or on Reesor Road in the Hamlet of Cedar Grove;
 - iii) Where the place of worship site is located in an INSTITUTIONAL, COMMERCIAL (Major Commercial Area, Commercial Corridor Area, Retail Warehouse Area), or INDUSTRIAL (Business Corridor Area, General Industrial Area) designation, it shall be located on a Provincial Highway, an arterial road or a major collector road with the exception that a place of worship may be located on a collector or local road in areas designated INDUSTRIAL (General Industrial Area);
 - iv) The impact of the proposed place of worship can be effectively managed to mitigate any negative effects on the amenity of the surrounding area to an acceptable level, having regard for the type and character of surrounding uses and the possible impacts of the proposal on these uses with respect to factors such as noise and light, traffic and parking;
 - v) The place of worship site has adequate and appropriate access for vehicles and is accessible by pedestrians, and there is existing or future availability of public transit, within short walking distance;
 - vi) The impact of the traffic generated by the proposed place of worship on the surrounding uses can be effectively managed to mitigate any negative impacts;
 - vii) Off-street parking and internal traffic circulation on the place of worship site is consistent with the Town's requirements or is justified to the Town's satisfaction based on submission of a traffic study and a parking study;
 - viii) The proponent has developed a plan to provide for off-site parking, if required for special events held at the place of worship, to the Town's satisfaction;

- ix) Proposed landscaping, including planting, grading and screening, is appropriate to complement the proposed place of worship and surrounding uses;
 - x) Buffering, including visual screening, planting and/or fencing, between the place of worship use and any adjacent residential uses is appropriate;
 - xi) The place of worship building and site are designed, both in terms of form and scale, to complement adjacent heritage features; and,
 - xii) The place of worship site design minimizes impacts on adjacent uses and is in keeping with the policies of the Plan with respect to visual appearance (Section 2.3); and, any urban design plans or guidelines approved by the Town that are applicable to the site.
- d) **Study Requirements in Support of Applications for Place of Worship Approval**
 The following studies, plans and assessments shall be completed to the satisfaction of the Town, where relevant, as part of the evaluation of the criteria in Section 2.17. 1 c):
- i) **Detailed Conceptual Plan or Site Plan**
 Detailed plans shall be required for a site plan application for a place of worship in accordance with the requirements of the Town. In addition, for all other applications relating to approval of a place of worship, the Town shall require the submission of a detailed conceptual site plan, which, among other things, illustrates the relationship of the proposed development on the place of worship site to the adjacent lands, buildings, and street(s).
 - ii) **Parking Study**
 A parking study shall be undertaken for any place of worship that seeks a reduction in the By-law parking standard. The parking study will, among other matters, address the capacity of the place of worship relative to the various planned functions, the parking requirements for any auxiliary uses, proposed provisions for the sharing of parking with adjacent uses, and the provision of off-site parking for special events.
 - iii) **Traffic Impact Study**
 The need for, and the requirements of a traffic impact study shall be determined in accordance with the guidelines of York Region, where applicable, and the Town.
 - iv) **Acoustic/Lighting Studies**
 Where a new place of worship or expansion of an existing place of worship is proposed abutting or adjacent to residential development, a study or studies to determine the need for noise and/or lighting attenuation measures shall be required.
 - v) **Tree Conservation Plan**
 Where a place of worship site contains significant vegetation, the preparation of a tree conservation plan shall be required, including an implementation program.
 - vi) **Functional Servicing Plan**
 Where the Town identifies an issue with services, a functional servicing plan to address the provision of sanitary, storm and water services for the place of worship site, shall be required.
 - vii) **Archaeological Resource Assessment**
 Where the place of worship site may contain an archaeological resource, an assessment shall be carried out, and through avoidance or excavation/documentation, development impacts on significant heritage resources shall be mitigated, to the satisfaction of the Ministry of Culture and the Town.

- viii) **Heritage Buildings, Structure and Features**
Where the place of worship site, or the buildings, structures, features or uses located on it, are of architectural and/or historical merit, the Town shall seek the retention and conservation of such sites, buildings, structures, features or uses, designation under the *Ontario Heritage Act*, and promote the integration of such resources into new development proposals for places of worship. Council will obtain the recommendation of Heritage Markham as to the appropriate approach to be used for such sites, buildings, structures, features and uses. Council may also require the applicant to provide an assessment of the site, buildings, structures, features or uses by a qualified heritage consultant.
 - ix) **Other Studies**
Other studies deemed necessary by the Town in response to specific circumstances.
- e) **Accessory and Auxiliary Uses**
- i) The premises of a place of worship shall be used primarily for the practice of religious rites, and may include accessory uses that are subordinate and incidental to the practice of religious rites. Examples of accessory uses include, but shall not be limited to, classrooms, assembly areas, a kitchen, a residence for the faith group leader, and offices subordinate and incidental to the principal place of worship use, but shall exclude any assembly areas with potential occupancy greater than the worship area(s).
 - ii) Auxiliary uses to place of worship shall require specific zoning and Official Plan approval in accordance with the provisions of this Plan. Examples of auxiliary uses, (which are associated with but not accessory to the principal place of worship use), include, but shall not be limited to, cemeteries, day care centers, schools, and assembly areas with potential occupancy greater than the worship area(s), such as banquet halls or recreation facilities. Applications for auxiliary uses shall be evaluated in accordance with the criteria set out in Section 2.17.1 c) and any required studies set out in Section 2.17.1 d), and any other policies relating to the proposed use. (Where a new or expanded cemetery is proposed as an auxiliary use in association with a place of worship, such a use shall also be subject to the policies of Section 3.6.3 of this Plan.)
 - iii) Parking shall be separately assessed for auxiliary uses.

2.17.2 Implementation and Interpretation

- a) The Town recognizes the significance of places of worship to the residents of Markham. The Town will continue to work with faith communities to enable the establishment of their places of worship including:
 - i) identifying sites for places of worship in new Secondary Plans;
 - ii) establishing a Council policy for the reservation of place of worship sites in new Secondary Plan areas;
 - iii) developing a data base for reserved sites to assist faith communities wishing to identify a new place of worship site in Markham; and,
 - iv) rental of Town facilities, where appropriate.

b) Secondary Plans

- i) New Secondary Plans for residential areas shall identify the locations of proposed place of worship sites, and require that the sites be set aside in accordance with Council's site reservation policy. Where place of worship site locations are shown in the Secondary Plans, these will be indicative of the preferred locations, although the sites may be modified or relocated to the satisfaction of the Town, without further amendment to the Secondary Plan, provided the site size and location are consistent with the policies of this Plan and the structural and other objectives of the applicable Secondary Plan.
- ii) The place of worship policies of this Plan will be introduced into existing Secondary Plans through comprehensive reviews and subsequent amendments, or modification, and into new Secondary Plans to be adopted by Council. In the interim, the Official Plan policies take precedence over those in existing Secondary Plans, except where the Secondary Plan policies are more restrictive.
- iii) Notwithstanding existing Secondary Plan policies requiring that sites be set aside for a minimum of 5 years from the date of registration of the plan of subdivision, new sites shall be set aside for the period of time established by the current Council site reservation policy.
- iv) Notwithstanding the provisions of Section 2.17.2 b) ii), the locational criteria of Section 2.17.1 c) i) to iii) shall not apply to existing vacant sites zoned specifically to permit a place of worship pursuant to an approved Secondary Plan, as of the date of passing of Official Plan Amendment No. 115.

c) Plans of Subdivision

- i) Place of worship sites identified in Secondary Plans will be incorporated into implementing plans of subdivision, or other appropriate development plans, at locations consistent with the policies of this Plan and the applicable Secondary Plan.
- ii) Provisions relating to the disposition of place of worship sites, including sites set aside in accordance with Council's site reservation policy, shall be incorporated into subdivision or other appropriate agreements.

d) Zoning By-laws

- i) Development standards for places of worship shall be specified in Zoning By-laws.
- ii) The Town shall implement a parking standard for places of worship that addresses, among other matters, the parking required to serve the person capacity for which the worship area is designed and the parking requirements for accessory and auxiliary uses. This parking standard shall not be applied to place of worship uses existing prior to the date of adopting Amendment No. 115 to this Plan, except where changes are proposed to the place of worship such as increasing the capacity of the worship area to accommodate additional worshippers, increasing the net floor area of the place of worship, or changing the mix of uses within the place of worship building.

e) Site Plan Control

- i) Places of worship shall be subject to site plan control approval pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and Section 7.12 of this Plan.

f) **Other**

- i) For the purposes of Section 2.17, the land use designations referred to shall be as shown on Schedule 'A' – LAND USE, and where applicable, the categories of designation shown on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES.ii) For the purposes of Section 2.17, the road designations referred to shall be as shown on Schedule 'C' – TRANSPORTATION, and where applicable, the transportation schedule of an implementing Secondary Plan.