

OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO.

To amend the City of Markham Official Plan 1987, as amended,
and to incorporate Amendment No. X to the Highway 404 North Secondary Plan (PD 42-1) for the
Highway 404 North Planning District (Planning District No. 42)

(April 2023)

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AMENDMENT NO. _____

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. X to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2023- _____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on - _____, 2023.

Kimberly Kitteringham
City Clerk

Frank Scarpitti
Mayor



By-law 2023-_____

Being a by-law to adopt Amendment No. _____
to the City of Markham Official Plan (Revised 1987), as amended

THAT COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS

1. THAT Amendment No. ____ to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

Read a first, second and third time and passed on _____, 2023.

Kimberly Kitteringham
City Clerk

Frank Scarpitti
Mayor

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. ____)

Part I – INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III – THE SECONDARY PLAN AMENDMENT, including Schedule “A”, attached thereto, constitutes Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). This Secondary Plan Amendment may be identified by the symbol PD 42-1-1. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

The lands subject to the Official Plan and Secondary Plan Amendments (the “Amendments”) hereinafter referred to as the subject lands, are shown on “Schedule A” attached hereto as “Area Subject to Amendment ____”. The area subject to the amendment has an area of 0.440 hectares (1.087 acres), is known municipally as 11139 Victoria Square Boulevard, and is legally described as Part of Lot 28, Concession 4 in the City of Markham. The proposed amendment will accommodate the development of one hundred (100) residential units located within a 6-storey residential building).

3.0 PURPOSE

The purpose of the Amendments is to add site-specific policies to the Highway 404 North Secondary Plan that provides for a 6-storey residential apartment building with 100 dwelling units on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

- 4.1** The Amendments to the Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan are provided for under Section 17 of the *Ontario Planning Act*.
- 4.2** The Provincial Policy Statement (2020) (“PPS”) came into effect on May 1, 2020 and provides broad based policy direction on matters of provincial interest related to land use planning and development. All decisions affecting planning matters “shall be consistent with” the PPS. The purpose of this amendment is adding site specific policies within the Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan. While the policy direction under the City of Markham

Official Plan (2014) indicates these lands are envisaged for Mixed-Use Low-Rise uses, the location of the site away from the nearest major intersecting arterial road (Woodbine Avenue) within a predominantly residential setting, and having a deep boulevard separation from Victoria Square Boulevard being on the outside curve of that road, which all contribute to a context which is suited to a residential development as proposed. The amendment allows for an efficient use of land in a compact urban form.

- 4.3** The amendment to the Official Plan will permit a residential development which will contribute to the area meeting the density targets outlined in the York Region Official Plan (2022) as required by the Growth Plan. It will improve an underutilized parcel of land, and will contribute to efficient use of existing and planned infrastructure including roads, servicing and other community amenities that will be better utilized through intensification of uses on the site while at the same time being appropriate and compatible with existing surrounding uses. The Amendment conforms to the policies in the Growth Plan.
- 4.4** The York Region Official Plan 2022 (“YROP 2022”) was brought into force by the Minister of Municipal Affairs and Housing on November 4, 2022. York Region is the upper tier municipality and the YROP 2022 is the upper-tier planning document. All Amendments to the Town of Markham Official Plan (Revised 1987) and the Highway 404 (Employment) Secondary Plan shall conform to the goals, objectives and policies of the YROP 2022. The subject lands are located with the “Urban Area” and “Community Area” designations in the York Region Official Plan. The “Urban Area” “provides the focus for growth and development” and permits a wide range of residential uses through redevelopment and intensification provided it is complementary and compatible with the existing built form. The proposed development will provide an appropriate residential density in the form of apartment units on an underutilized parcel of land in a built form that is complimentary to the surrounding community. Furthermore, “Community Areas” are where “residential, population-related employment and community services are directed to accommodate concentrations of existing and future population and employment growth”. Additionally, Section 4.1.1. of the YROP describes Community Areas as places where “the majority of residents, personal services, retail, arts, culture, recreational facilities and human services needs, will be located... Community areas shall contain a wide range and mix of housing types, sizes tenures that include options that affordable to residents at all stages of life. The proposed development includes a range of unit mix and sizes, as indicated throughout this Report, which supports the intent of the Community Areas designation of the YROP 2022. The amendment conforms with the ROP 2022.
- 4.5** The lands at 11139 Victoria Street Boulevard are designated “Community Amenity Area” as indicated on “Schedule AA – Detailed Land Use” to the 404 Highway North Secondary Plan. The land use permissions under the designation lend themselves largely to the development of commercial and public uses. The site-specific provisions requested will permit residential uses in a location enabling efficient development of the lands to make use of the parcel’s unique characteristics and location. General policies of the Secondary Plan which are pertinent to the requested amendment are 5.3.2 b) ii) which does not permit new residential uses on lands in the “Community Amenity Area” designation that are located east of the “Old Woodbine Avenue” right-

of-way. Section 5.3.2 a), states that in determining the appropriate uses for lands in the “Community Amenity Area” designation, the Town shall give priority to the convenience retail and service needs of residents and workers within the Planning District, and to the compatibility and scale of uses relative to adjacent low density residential development. Where dwelling units are also permitted, the Town will require these units to be incorporated into mixed-use developments above ground-related retail. Section 5.4.3 of the Secondary Plan also requires that, prior to introduction of additional residential uses adjacent to the hydro corridor, and electromagnetic field (EMF) study must be completed to ensure possible implications to human health are mitigated. The 1987 Official Plan further requires in section 3.4.6.2. b) i) that Community Amenity Area designated lands shall be concentrated at the intersection of an arterial and collector road. The location of the site is approximately 130 metres away from the nearest major intersecting arterial road (Woodbine Avenue), and is separated from other lands in the cluster at the immediate intersection by an existing local road (Old Woodbine Avenue) within a predominantly residential setting, which contributes to a context which is suited to a residential development as proposed. Given other Community Amenity Area designated lands exist at the immediate intersection with Woodbine Avenue to the north, and additionally on the west side of Victoria Square Boulevard, opportunity exists to appropriately achieve the convenience retail and service uses contemplated by the designation to serve the community by the balance of lands with this designation. Furthermore, an EMF study was submitted as part of residential applications to the south, and it is understood that magnetic field levels at the proposed location are acceptable by the applicable standards and guidelines for general public exposure.

- 4.6** An associated Zoning By-law Amendment is also required to implement development standards, including those resultant of the proposed site-specific Official Plan Amendment and Secondary Plan Amendment. The Zoning By-law Amendment will detail permitted uses on the site, including any site-specific development standards required.

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. ____)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1.** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2.** Section 1.1.3 c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by adding the following sentence to be placed immediately after the first sentence of the bullet item dealing with the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42): “This Secondary Plan was further amended by Official Plan Amendment No. XXX to this Plan”.
- 1.3.** Section 9.2.29 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by adding “, as amended by Official Plan Amendment No. XXX to this Plan”.
- 1.4.** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment also incorporates changes to the text of the Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42). These changes are outlined in Part III, which comprises Amendment No. 1 to the Highway 404 North Secondary Plan (PD 42-1).

2.0 THE SECONDARY PLAN AMENDMENT

The Highway 404 North Secondary Plan (PD 42-1) for the Highway 404 North Planning District (Planning District No. 42) is hereby amended as follows:

- 1.1.** By adding the following new subsection to Section 5.3.2 and by adding Figure 42-1-X as shown on Schedule “A” attached hereto, to be appropriately placed on the first page following Section 5.3.2 e):
 - “f) Notwithstanding the provisions of Section 5.3.2 a) and b) ii), the following additional provisions shall apply to the lands designated “Commercial – Community Amenity Area” located at 11087 Victoria Square Boulevard, as shown on Figure 42-1-1:
 - i) A maximum of 100 residential townhouse dwellings shall also be permitted; and
 - ii) The maximum height for an apartment building shall be 6 storeys.”

3.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by a subsequent amendment to the Zoning By-law and site plan approval in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if notice of appeal is not received before or on the last day for filing an appeal.

Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13 (c) of Part II of the Official Plan (Revised, 1987) shall not apply.

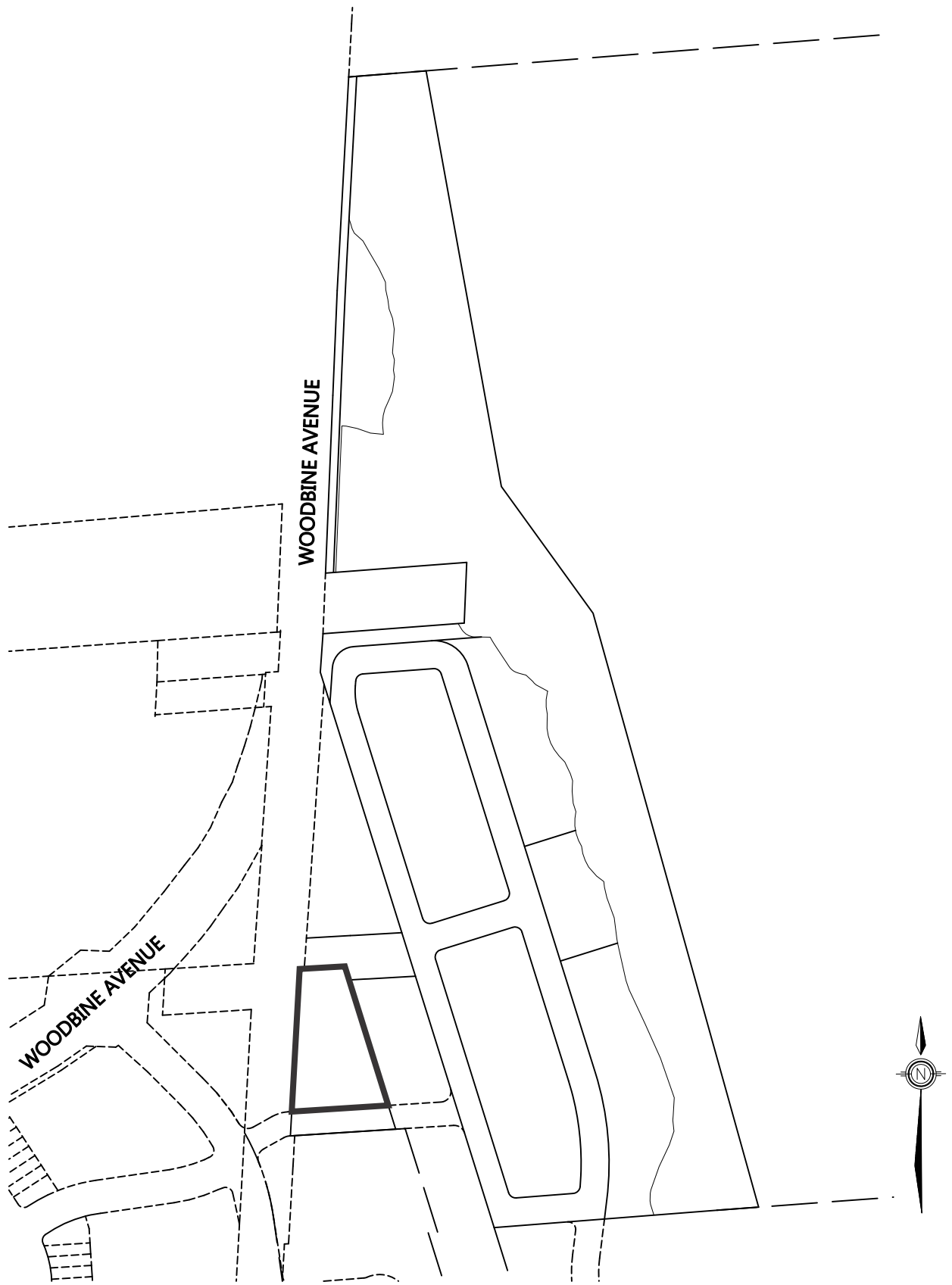


FIGURE 41-1-X TO THE HIGHWAY 404 NORTH SECONDARY PLAN
(PD-42-1)

 BOUNDARY OF LANDS SUBJECT TO THIS AMENDMENT

PASSED THIS ____ DAY ____, 2023
____ MAYOR
____ CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK
SCALE 1:1000