

June 17, 2024

MGP File: 24-3380

**Mayor and Members of Development Services Committee**

City of Markham  
101 Town Centre Boulevard  
Markham ON, L3R 9W3

via email: [clerkspublic@markham.ca](mailto:clerkspublic@markham.ca)

**Attention: City Clerk**

Dear Mayor Scarpitti and Members of Development Services Committee:

**RE: City of Markham Development Services Public Meeting – June 18, 2024  
Item 10.3 – Recommendation Report, 1000503212 Ontario Inc.  
at 7960 Reesor Road, Application for Zoning By-law Amendment to Permit an  
Industrial Development comprised of multiple buildings and the retention of an  
existing heritage dwelling, File No. PLAN 24 163734 (Ward 7)  
Comments on behalf of Box Grove Hill Developments Inc.  
Blocks 2 and 3 on registered plan 65M-4141, City of Markham**

Malone Given Parsons Ltd. (“MGP”) is the land use planner to Box Grove Hill Developments Inc. (“Box Grove”), the registered owner of Blocks 2 and 3 on 65M-4141 located in the City of Markham (herein referred to as the “Box Grove Lands”). MGP is providing these comments on behalf of Boxgrove as the registered owner. The Box Grove Lands are located immediately north of the 7960 Reesor Road property (the “Applicant’s Lands”) (refer to Figure 1 attached).

Further to MGP’s letter dated May 10, 2024 and the deputation made at the Statutory Public Meeting on May 14, 2024, we have read staff’s Recommendation Report, reviewed the Draft Zoning By-law Amendments (177-96 and 2024-19) (“Proposed Draft ZBAs”), and have the following comments. We have met with staff and appreciate that some of our comments have been addressed however, the Recommendation Report and Proposed Draft ZBAs only partially address the concerns raised. In addition as noted below, there are inconsistencies between the Recommendation Report and the Proposed Draft ZBAs that should be corrected. Lastly, the Recommendation Report should acknowledge Bill 185 receiving Royal Assent on June 6, 2024 which eliminates the fee refunds and on this basis, releases the City from any duty to refund fees as well as the urgency to pass the Proposed Draft ZBAs within any prescribed timeframe.

**We are requesting staff prepare an Addendum to the Recommendation Report to be brought forward with the Proposed Draft ZBAs prior to approval by Council, to ensure staff’s recommendations reflect the implementing Zoning By-laws. We are also requesting the Proposed Draft ZBAs include a Holding provision to require a comprehensive development plan to be consistent with By-law 2006-171.**

1. The Proposed Draft ZBAs require the owner to submit and obtain approval of a Draft Plan of Subdivision application for the proposed development, prior to submitting a Site Plan

application. The Addendum Report should correct the “Next Steps” section (on page 2) to include a bullet that reads:

**“A Draft Plan of Subdivision application shall be submitted prior to the submission of a Site Plan Application”.**

2. The Recommendation Report also acknowledges the existing landowners’ group (ie: the Box Grove Developers Group) and that the applicant will be required to provide a Trustee Clearance prior to registration of the subdivision. It should also be noted that it is a requirement of the *Box Grove Secondary Plan, Official Plan Amendment No. 92* (“Box Grove Secondary Plan”) Section 7.1.8 c) that non-participants join the Developers Group and participate in the delivery of infrastructure to be entitled to benefit from any urban land use designation or development rights (see Attachments 1 and 2). The Addendum Report should correct Discussion Point #6 (on pages 6 &7) to read as follows:

*“A future subdivision application ~~may~~ shall be required to facilitate the alignment and conveyance of the new public road ~~if deemed necessary~~. There is an existing Box Grove Landowners Group and **if as** a future subdivision application is required, the applicant will be required to provide a Trustee Clearance prior to registration of the subdivision.”.*

3. *By-law 2006-171* zones the Box Grove Lands “Business Park (Hold)” (BP(H)) through which **“the Holding provision (H) shall not be lifted until a comprehensive development plan for the Regional Gateway in the areas has been developed, to the satisfaction of the Town”** (see Attachments 2 and 3). As drafted, the Proposed Draft ZBAs for the Applicant’s Lands do not include the same Holding provision and by excusing these lands from that obligation, it unfairly puts the onus solely on the Box Grove Lands to satisfy this condition. **We are requesting the same Holding provision be added to the Proposed Draft ZBAs.**

We trust this information is helpful. I will attend the June 18, 2024 Development Services Committee meeting to speak to this item and will be available to answer any questions.

Yours very truly,

**Malone Given Parsons Ltd.**



**Emily Grant**

Principal

egrant@mgp.ca

*Attmts: Figure 1 – Location of Box Grove Lands and Reesor Road Lands*

*Attachment 1 – Letter from Box Grove Developers Group Inc., dated May 9, 2024*

*Attachment 2 – Excerpts from the Box Grove Secondary Plan, Official Plan Amendment No. 92*

*Attachment 3 – Town of Markham By-law 2006-171*

**FIGURE 1 - LOCATION OF BOX GROVE LANDS AND REESOR ROAD LANDS**



# BOX GROVE DEVELOPERS GROUP INC.

7501 KEELE STREET  
SUITE 200  
VAUGHAN, ONTARIO  
L4K 1Y2

**DELIVERED VIA E-MAIL**

May 9, 2024

City of Markham  
Planning & Development Services  
101 City Centre Boulevard  
Markham, Ontario  
L3R 9W6

Attention: Stephen Corr

Dear Sir:

**RE: 1000503212 ONTARIO INC., 7960 REESOR ROAD, MARKHAM, CITY FILE  
NO. PLAN 24 163734- PUBLIC MEETING NOTICE**

**AND RE: BOX GROVE DEVELOPERS GROUP INC. - BOX GROVE DEVELOPMENT  
AREA**

**AND RE: BOX GROVE COST SHARING AGREEMENT DATED APRIL 30, 2004 (the  
"BOX GROVE COST SHARING AGREEMENT")**

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Further to our correspondence to the City dated September 6, 2023, the undersigned is the Trustee on behalf of the Box Grove Developers Group (the "Box Grove Developers Group") and Box Grove Developers Group Inc. (the "Trustee") pursuant to the Box Grove Community Cost Sharing Agreement dated April 30, 2004 (as amended) entered into by the Box Grove Developers Group in respect of the development of lands within the Box Grove Community.

We understand that a public meeting is scheduled for May 14, 2024 for the above-referenced owner to proceed with an Application with respect to the development of its lands and to secure the approval and/or registration of its plan of subdivision, and/or the issuance of a building permit(s) for construction on its lands, in the near future.

We are writing to remind the City that the subject lands are within the Box Grove Community development area and will benefit directly from community lands and infrastructure which have been or will be provided, constructed and/or financed by the Box Grove Developers Group pursuant to the terms of the Box Grove Cost Sharing Agreement, as well as various agreements entered into or to be entered into by the Box Grove Developers Group with the City of Markham, Regional Municipality of York, and other applicable authorities.

Accordingly, the Box Grove Developers Group requires that, as a condition of the development of any lands within the Box Grove development area, including the above-referenced lands, and in particular prior to the issuance by the City of its approval of the proposed development,

and/or final site plan approval, and/or the issuance of any building permits for construction on the said lands, the owner of such lands must be required to enter into and be a participant in good standing (to be confirmed by the Trustee) under the Box Grove Cost Sharing Agreement, and to bear its fair and equitable share of the costs and burdens related to the community lands and infrastructure from which such lands will benefit. It would otherwise be unjust to permit such owner(s) to benefit from such infrastructure and community use lands provided or to be provided by the Box Grove Developers Group without such owner(s) having to bear its proportionate share of the costs and burdens related thereto. The Box Grove Developers Group therefore requires the City's assistance in requiring all landowners within the Box Grove Community, including without limitation, the above names owner, to enter into the Box Grove Cost Sharing Agreement in order to ensure that such owner(s) bears its fair and equitable share of the costs and burdens related thereto and to secure the Trustee's clearance prior to approval and/or registration of any plan(s) of subdivision against such lands, and/or issuance of any building permit(s) in respect of such lands.

We look forward to receiving the City's confirmation in respect of the foregoing.

In addition, we continue to formally request notification of any future application or other action or procedure and/or any proposed zoning by-law amendment and/or any proposed decision of the City with respect to the proposed development or re-development of any lands within the Box Grove Community.

Should you have any questions or concerns, please feel free to contact the writer.

Yours very truly,

**BOX GROVE DEVELOPERS GROUP INC.**



Helen A. Mihailidi

HM:kiw

c.c. Box Grove Developers Group

c.c. SCS Consulting (Julie Bottos/Sherri Meiboom)

**ATTACHMENT "1"**

*purchased November  
22, 2008*

**OFFICIAL PLAN AMENDMENT  
AND  
SECONDARY PLAN  
FOR THE  
BOX GROVE PLANNING DISTRICT**

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**AMENDMENT NO. 92  
TO THE  
OFFICIAL PLAN OF THE  
TOWN OF MARKHAM  
(REVISED 1987) AS AMENDED**

**JUNE, 2002**

C. Scott M  
Legal  
Pat M.  
Elizabeth Silva  
Patty  
PL021190

ISSUE DATE:  
15<sup>th</sup> March, 2004  
DECISION/ORDER NO:  
0561



Ontario  
Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

Save the Rouge Valley System Inc., Box Grove Hill Developments Inc., Animate Construction Limited, and others have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Regional Municipality of York to approve Proposed Amendment No. 92 to the Official Plan for the Town of Markham

Approval Authority File No. D05.102.39  
O.M.B. File No. O020203

BEFORE:

S.D. ROGERS ) Thursday, the 11<sup>th</sup> day of  
MEMBER )  
 ) March, 2004

THIS MATTER having come on for public hearing and the Board having withheld its Order until this day to await the filing of Official Plan Amendment Number 92 with modifications as noted in the Board's decision issued on December 15, 2003 (Decision/Order No. 1668);

THE BOARD ORDERS that Amendment Number 92 to the Official Plan for the Town of Markham is modified in the manner set out in Attachment "1" and as so modified is hereby approved.

ACTING SECRETARY

DEVELOPMENT SERVICES  
MAR 23 2004  
RECEIVED

RECEIVED  
MAR 16 2004  
TOWN OF MARKHAM  
CLERKS DEPT.

- **The Residential Neighbourhoods** - New residential neighbourhoods will maximize accessibility to the community's open space network and community facilities. The new neighbourhoods are expected to accommodate a variety of primarily low density, ground-oriented housing as well as opportunities for appropriately scaled medium density residential, commercial and institutional uses. New residential development, including the village centre, will be integrated with the existing community of Box Grove in a sensitive and compatible manner.

The organizational elements that structure the new residential neighbourhoods include:

- environmental/open space corridors including the tributaries and significant woodlots;
- a village centre, to be located at the intersection of Fourteenth Avenue and the realigned 9<sup>th</sup> Line comprising medium density forms of housing, commercial facilities, an urban square, and institutional uses;
- an east-west landscaped pathway connection linking the urban square with the 9<sup>th</sup> Line tributary to the west and the tributaries of Little Rouge Creek to the east;
- one large community park located west of realigned 9<sup>th</sup> Line and north of Fourteenth Avenue, associated with the 9<sup>th</sup> Line Tributary;
- one neighbourhood park, centrally located within the residential community south of Fourteenth Avenue, associated with an elementary school;
- a parkette, centrally located within the residential neighborhood north of Fourteenth Avenue;
- mixed use areas at the periphery of neighbourhoods, located at major intersections, including medium density forms of housing, commercial facilities and institutional uses; and,
- a refined and expanded road network that includes a realigned 9<sup>th</sup> Line, provision for a possible extension of the Planned Link (Markham Bypass) through this Planning District and a series of other arterial and collector roads that will enhance the accessibility to, from and through the Planning District.

- **The Employment Area** - The employment area located adjacent to Highway 407 will permit a variety of job-creating land uses, will protect environmental resources and will provide for limited open space facilities. Job-creating land uses may include office and industrial development and retail and service commercial uses.

The eastern part of the employment area, east of Highway 407/Markham Bypass interchange and adjacent to the CPR Havelock Line, has been identified by the Province as the location for a potential Regional Gateway, linking the road network of east Markham with higher order transit facilities, including the proposed Highway 407 Transitway and potential Go Transit services along the CPR Havelock Line.

The design of the employment area shall capitalize on its highly visible and accessible location adjacent to Highway 407 and the proposed Regional Gateway. An appropriate interface between the job-creating land uses and the residential land uses shall be established through the use of roads, landscaping and other community design elements.

- **The Public Realm** - The Planning District shall include a high quality public realm, composed of streets, natural features, parks, schools and open spaces. Public spaces are to serve as focal points in defining the community structure and community character. Open spaces, parks, schools, community facilities and natural features are to be organized into a connected open space network.

Existing significant natural features are to be maintained, enhanced and/or restored and incorporated into the open space network, where they can remain functional and sustainable in an urban



environment. Key structuring elements of the open space include the three tributaries of the Little Rouge Creek, the 9<sup>th</sup> Line tributary and the tableland woodlot.

Schools, parks and other compatible community amenities will be encouraged to locate adjacent to the natural features as a means of expanding the environmental buffer, and may serve as buffers between the residential and employment districts.

- **The Transportation Network** - The road network will be based on a modified grid pattern that maximizes connectivity for all modes of travel. It is intended that roads will play a multi-functional role in the community, providing for a variety of activities and services to meet community needs, including cycling and pedestrians.

The Town of Markham Official Plan (Revised 1987), as amended, identifies a proposed "Markham Bypass" linking from Highway 48 north of Major Mackenzie Drive, south to an interchange with proposed Highway 407 and a proposed "Planned Link" extending south from that interchange to Steeles Avenue west of the Rouge River. The ultimate alignment of these two arterial roads is to be determined through an Environmental Assessment. The Box Grove Secondary Plan will provide an Arterial Road on the west side of the CPR Havelock Line, linking the Markham Bypass/Highway 407 interchange to existing 9<sup>th</sup> Line south of the Box Grove community. This Arterial Road, comprised of a Town Arterial Road, and a portion of the realigned 9<sup>th</sup> Line, could ultimately become a section of the "Planned Link" through the Planning District.

9<sup>th</sup> Line is to be realigned east of the existing Box Grove community and provision will be made to maintain its continuity to Steeles by way of the existing 9<sup>th</sup> Line south of the Box Grove community, or ultimately, the Planned Link. The realignment of 9<sup>th</sup> Line around the existing Box Grove community, a downgrading of existing 9<sup>th</sup> Line to a collector road which does not directly intersect with the new 9<sup>th</sup> Line, and a restriction in the Plan to a 20 metre maximum basic right-of-way width for Fourteenth Avenue through the existing community, will help to protect the existing community.

A Collector Road will link the realigned 9<sup>th</sup> Line to the Town Arterial Road, at the north end of the Planning District, separating the residential uses from the employment area. This Collector Road will provide direct access to the main entrance of the Rouge Northeast neighbourhood (Rouge Bank Drive) from the realigned 9<sup>th</sup> Line.

The community shall be designed to provide convenient access to both the local transit system and any future regional transit system. The Province has identified the south portion of the Highway 407 right-of-way as a potential future transitway, and the CPR Havelock line for potential future commuter rail service. The area east of the proposed Highway 407/Markham Bypass interchange has been identified by the Province as the location for a potential Regional Gateway and the area at the southwest corner of Hwy. 407 and 9<sup>th</sup> Line has been protected for a possible future transitway station. Development of this Planning District will ensure that appropriate access is maintained to these possible future transit stations.

## 5.0 BASIS OF THE OFFICIAL PLAN AMENDMENT

The Secondary Plan will take statutory effect through Amendments to the Town of Markham Official Plan, the Region of York Official Plan, and a Ministers Zoning Order. These Amendments are considered necessary to implement the development of the community envisioned by the Secondary Plan and will be considered through the approval processes identified in the *Planning Act*. Further, as a statutory document, all the work carried out related to this Secondary Plan will have regard for the Provincial Policy Statement approved under Section 3.0 of the *Planning Act*.

This Secondary Plan establishes policies that permit the development of a mixed use community including employment generating land uses, residential land uses and complementary and supporting land uses within the Planning District.

The basis of the Secondary Plan/Official Plan Amendment is:

- the subject lands are currently designated "Hamlet", "Agriculture 3", "Institutional - Cemetery", "Transportation and Utilities", and "Hazard Lands" by the Official Plan (Revised 1987) which was approved by the Province in April, 1993;
- a portion of the subject lands are identified as "Future Urban Area" by Official Plan Amendment 5 to the Official Plan (Revised 1987), as amended, which was approved by the Province in April 1995;
- the identification of a portion of the subject lands as "Future Urban Area" established the basis for the development of urban land uses; and,
- new development will be on the basis of full municipal sewer services, municipal water supply and storm drainage facilities.

The Official Plan Amendment and associated Secondary Plan make minor modifications to the urban boundary within the Town of Markham, which also requires an Amendment to the Region of York Official Plan. The Future Urban Area boundary established by OPA 5, which, in large part, runs through agricultural fields, does not currently create a clearly identifiable urban boundary.

In undertaking the detailed land use, transportation, servicing, noise and environmental planning studies in support of the Box Grove Secondary Plan, it was concluded that major roads and rail lines in the vicinity of Box Grove should be used as the urban area boundary. These features create a clearer, more logical, more well-defined urban envelope, within which the Town can prepare a comprehensive plan for land use, transportation, the environment and servicing. This minor adjustment to the urban boundary represents good community planning, based on the following:

- The extension of the urban boundary east and south to Reesor Road and the CPR and CNR rights of way:
  - establishes an urban boundary based on clearly identifiable features;
  - provides an opportunity to plan and implement a road which could serve as the Planned Link, as shown in the Town and the Region Official Plans, from Highway 407 to Steeles Avenue East;
  - provides for a logical rounding out of the Markham urban boundary, including all lands west of the Planned Link;
  - incorporates the potential Regional Gateway facility at the intersection of the Markham Bypass and Highway 407 within the urban area;
  - provides the opportunity to plan and implement a realignment of 9<sup>th</sup> Line to the east of the existing community; and,
  - provides the opportunity to plan for the possible rail crossing improvement at Fourteenth Avenue and CPR Havelock Line, as identified in the Region's Official Plan.
- The extension of the urban boundary to the west to encompass the existing Box Grove "Hamlet" designation:
  - is a logical expansion of the urban boundary to include lands which will ultimately be surrounded by new urban development;
  - provides the opportunity to plan for the sensitive integration of the existing community into the planned adjacent mixed use community and the urban fabric of the Town of Markham;

- enables a program to facilitate the provision of municipal water and sanitary services to existing development in Box Grove; and,
- provides the opportunity to develop and implement measures to reduce the impact of the ultimate pavement widening of Fourteenth Avenue through the existing community.
- The extension of the urban area boundary north to Highway 407:
  - is a logical rounding out of the urban boundary; and,
  - provides the opportunity to establish appropriate uses, such as employment lands, adjacent to Highway 407 corridor.

The Official Plan Amendment and Box Grove Secondary Plan make minor modifications to the Arterial road network in order to protect the existing community of Box Grove, provide for the possible future extension of the Planned Link through the Planning District and provide for future possible grade separations at the CPR Havelock Line. These modifications will require an amendment to the Regional Official Plan.

130 acres of land within the Box Grove Secondary Plan area were zoned for cemetery uses through a Ministers Zoning Order in 1983. The implementation of this Official Plan Amendment will require that the Ministers Zoning Order be rescinded, and that the corresponding Town of Markham zoning by-law also be amended accordingly.

schools. The new neighbourhoods are expected to accommodate a variety of primarily low density, ground-oriented housing as well as opportunities for appropriately scaled medium density residential, commercial and institutional uses.

- b) The organizational elements that structure the new residential neighbourhoods include:
- environmental/open space corridors including the tributaries and significant woodlots;
  - a Village Centre, to be located at the intersection of Fourteenth Avenue and the realigned 9<sup>th</sup> Line comprising medium density forms of housing, commercial facilities, an urban square, and institutional uses;
  - an east-west landscaped pathway linking the urban square to the 9<sup>th</sup> Line tributary to the west and the tributaries of the Little Rouge Creek to the east;
  - one large Community Park located west of realigned 9<sup>th</sup> Line and north of Fourteenth Avenue, associated with the 9<sup>th</sup> Line tributary;
  - one Neighbourhood Park, centrally located within the residential community south of Fourteenth Avenue, associated with an elementary school and the existing Box Grove Community Centre;
  - a parkette centrally located within the residential neighborhood north of Fourteenth Avenue;
  - mixed use areas at the periphery of neighbourhoods, located at major intersections, including medium density forms of housing, commercial facilities and institutional uses; and,
  - the network of arterial and collector roads.
- c) New residential development, including development within the Village Centre, will be integrated with the existing community in a sensitive and compatible manner.

#### **4.2.3 The Employment Area**

- a) The employment area will permit a variety of job-creating land uses, will protect environmental resources and will provide for limited open space facilities. Job-creating land uses may include office and industrial development and retail and service commercial uses.
- b) The eastern part of the employment area, adjacent to the CPR Havelock Line, has been identified by the Province as a potential location for a future Regional Gateway, linking the road network of east Markham with higher order transit facilities, including the proposed Highway 407 Transitway and potential GO Transit services along the CPR Havelock Line.
- c) The design and location of the employment area shall capitalize on its highly visible and accessible location adjacent to Highway 407.
- d) An appropriate interface between the job-creating land uses and the residential land uses shall be established.

#### **4.2.4 The Public Realm**

- a) The Planning District shall include a high quality public realm, composed of streets, natural features, parks, schools and open spaces. Public spaces are to serve as focal points in defining the community structure and community character.

- c) In addition to the land use designations, a variety of specific land uses are identified symbolically on Schedule 'AA', including:
- an Elementary School - York Catholic District School Board;
  - an Elementary School - York Region District School Board;
  - a Community Park;
  - a Neighbourhood Park;
  - a Regional Gateway; and,
  - Intersection Improvement Areas.
- d) Schedules 'AA' and 'BB' provide schematic information and may be subject to minor adjustments during the plan of subdivision and/or site plan approval processes without the need for an Amendment to this Secondary Plan, provided that the proposed change is necessary to:
- preserve natural vegetation or other environmentally significant features or functions;
  - preserve public views to parks, valleys and public features;
  - preserve a heritage resource;
  - accommodate stormwater management facilities;
  - accommodate Arterial Road improvements; and/or,
  - accommodate the building forms, land use relationships, street patterns or development requirements as established in the Community Design Plan or the findings of an Environmental Impact Study.

Notwithstanding the above requirements, minor changes to Schedule 'AA' will only be permitted without the need for an Amendment to this Secondary Plan if the general intent of the Plan and its fundamental principles are maintained to the satisfaction of the Town.

Similarly, minor changes to Schedule 'BB' will only be permitted without the need for an Amendment to this Secondary Plan provided the basic requirements of the Arterial and Collector Road pattern and the principles of connectivity and appropriate traffic accommodation and distribution are maintained to the satisfaction of the Town.

- e) The Concept Plan for the Planning District, attached to this Secondary Plan as Appendix V demonstrates a conceptual structure and general form of development, including a potential Local Road network. The Concept Plan will act as a general guide in preparing the Community Design Plan. Further refinements to the Concept Plan, desired building forms, streetscape elements, open space system and development requirements may be undertaken during the preparation of the Community Design Plan and confirmed through plans of subdivision and implementing zoning by-laws.

Further refinements to the road pattern identified on the Concept Plan may be undertaken through the completion of the Community Design Plan, Box Grove Internal Traffic Study, Environmental Assessment Studies, plans of subdivision, and other studies as identified in Section 6.1.2 a).

- b) Other land uses may include those identified in Sections 3.4.6.2 c) of the Official Plan (Revised 1987) as amended, except that the following uses shall not be permitted:
- entertainment uses;
  - night clubs;
  - funeral homes;
  - automobile repair uses; and,
  - banquet halls.
- c) All development within the 'Community Amenity Area II' designation shall be planned and zoned comprehensively, on the basis of a specific set of urban design guidelines included as part of the Community Design Plan.
- d) Development shall proceed in accordance with the policies of Section 3.4.6.2 of the Official Plan (Revised 1987) as amended, and the policies of this Secondary Plan.

### **5.3 LAND USE DESIGNATIONS - EMPLOYMENT DISTRICT**

#### **5.3.1 General Employment Area Policies**

- a) It is the intent of this Secondary Plan to ensure the development of a prestigious employment area that provides for office and industrial employment opportunities. It is also the intent to provide appropriate locations for retail, service and similar uses.
- b) This employment area shall be equal in quality and design to the many other successful business areas in the Town. The design of the employment area shall capitalize on its prominent location adjacent to Highway 407, future transit facilities and other possible future employment areas associated with the Highway 407 east extension.
- c) The total net site area for lands designated 'Business Park Area' and 'Business Corridor Area' shall be a minimum of 42.5 net hectares (105 acres). There shall be no reduction in the total net site area for lands designated 'Business Park Area' and 'Business Corridor Area' without an Amendment to this Secondary Plan.

#### **5.3.2 Business Park Area**

- a) Lands within the 'Business Park Area' designation identified on Schedule 'AA', shall be subject to the general provisions of Section 3.5 and the specific provisions of Section 3.5.6.2 of the Official Plan (Revised 1987) as amended, and to the provisions of this Secondary Plan.
- b) Permitted uses within the 'Business Park Area' designation shall include those identified in Section 3.5.6.2 c) of the Official Plan (Revised 1987) as amended, except that the following uses shall not be permitted:
- places of worship; and,
  - motels.
- c) The lands located within the area bounded by the Highway 407/Transitway right-of-way, the Town Arterial Road, Reesor Road and the CPR Havelock Line are designated 'Business Park Area' and are denoted with the Regional Gateway symbol on Schedules 'AA' and 'BB'. These lands have been identified by the Province as a potential site for a regionally scaled

transportation gateway, intended to become a transfer point among various modes of local, regional and interregional transit facilities.

Development on the subject lands will be consistent with the requirements for a Regional Gateway facility. Development of the Regional Gateway shall be integrated with, and include employment generating land uses and shall be planned on a comprehensive basis with zoning approval based on an urban design concept satisfactory to the Town. Notwithstanding required comprehensive planning, development on the subject lands may occur in phases.

Should any or all of the subject lands not be required by the Province or any other public agency for the purpose of establishing a Regional Gateway, then they may be developed in accordance with the provisions of the 'Business Park Area' designation, without the need for an amendment to this Secondary Plan.

### **5.3.3 Business Corridor Area**

- a) Lands within the 'Business Corridor Area' designation identified on Schedule 'AA', shall be subject to the general provisions of Section 3.5 and the specific provisions of Section 3.5.6.3 of the Official Plan (Revised 1987) as amended, and to the further provisions of this Secondary Plan.
- b) Permitted uses within the 'Business Corridor Area' designation may include those identified in Section 3.5.6.3 c) of the Official Plan (Revised 1987) as amended.

## **5.4 LAND USE DESIGNATIONS – TRANSPORTATION AND UTILITIES**

### **5.4.1 Transportation and Utilities**

- a) Lands within the 'Transportation and Utilities' designation, as identified on Schedule 'AA', shall be subject to the provisions of Section 3.13 of the Official Plan (Revised 1987) as amended.
- b) In addition to the uses permitted in Section 3.13 of the Official Plan (Revised 1987) as amended, the existing golf course shall be deemed to be a permitted use within the 'Transportation and Utilities' designation.
- c) To ensure that an adequate and continuous road pattern can be provided, development of lands designated 'Transportation and Utilities' and lands identified by the 'Intersection Improvement Area' symbol on Schedule 'AA' shall be prohibited until such time as an Environmental Assessment Study, or other appropriate transportation study, prepared to the satisfaction of the Town and the Region, has identified the land requirements to protect for the Planned Link and the Arterial Road on the north side of the CPR Havelock Line and their intersections with other collector and Arterial Roads within the Planning District, as well as the possible future grade separations for 14<sup>th</sup> Avenue and the Planned Link at the CPR Line. In the event that any lands designated 'Transportation and Utilities' or lands identified by the 'Intersection Improvement Area' symbol are deemed by the Town and the Region not to be required for road related purposes, land uses will be permitted in accordance with the immediately adjoining land use designation as shown on Schedule 'AA'. Such land uses may be permitted without further amendment to this Secondary Plan.

## **5.5 LAND USE DESIGNATIONS – OPEN SPACE SYSTEM**

### **5.5.1 General Open Space System Policies**

- a) The open space system shall be visible and accessible to the public. Unobstructed views and access to major components of the open space system shall be provided. Continuous road frontage adjacent to such facilities will be encouraged.

### 6.1.11 Public Transit

- a) The Town will work with other transit services, the Region and the Province to develop a system of transit service within the Planning District, pursuant to the provisions of Section 5.6 of the Official Plan (Revised 1987) as amended.
- b) This Secondary Plan has provided for the establishment of a potential Regional Gateway. The Regional Gateway is intended to become a transfer point among various modes of local, regional and interregional transit facilities. Likewise, the lands immediately west of the Box Grove Planning District, southwest of the Highway 407/ 9<sup>th</sup> Line interchange, have been identified by the Province as a potential transitway station. Development within this Planning District shall ensure that access is maintained to the proposed transitway facilities from the Arterial Road network.
- c) The introduction of transit services to the Planning District will be phased, based on acceptable operational and financial criteria.
- d) Markham Transit will determine the type and level of local transit service and stop locations to be provided, based on the type and level of development proposed.
- e) In order to encourage greater use of public transit within the community, the following guidelines shall be considered at the Community Design Plan and subdivision and/or site plan approval stage:
  - Local Road patterns should provide direct pedestrian access to transit stops;
  - reverse lotting shall be discouraged adjacent to all roads;
  - the policies and objectives of the Town's Transit Accessibility Implementation Plan; and,
  - the objectives of the 'Transit Supportive Land Use Planning Guidelines' prepared by the Province.

### 6.1.12 Cycling and Pedestrian Linkages

- a) Bikeway and pedestrian walkway systems shall be required throughout the Planning District and shall be identified in the Community Design Plan. These facilities will be designed to provide appropriate linkages among the residential neighbourhoods, the open space system, the various Community Amenity Areas, transit facilities and places of employment. The bikeway and pedestrian walkway systems shall also provide linkages to areas outside of the Planning District, pursuant to the Town of Markham Bike Study.
- b) The bikeway and pedestrian walkway systems shall utilize public streets and dedicated pathways established throughout the Planning District.
- c) The development of all roads shall include safe, convenient and attractive facilities for cyclists and pedestrians.

## 6.2 SERVICES AND UTILITIES

### 6.2.1 General Services and Utilities Policies

- a) New development within the Planning District shall be on full urban municipal services in accordance with the Town of Markham Master Servicing Study for Urban Expansion Areas, the Box Grove Master Servicing Plan, the Box Grove Functional Servicing Plan, the Box Grove Environmental Management Plan, the Box Grove Environmental Master Drainage Plan, the Development Staging Strategy, the Development Phasing Plan and the policies of the Town and the Region.



### 7.1.7 Development Charges and Financial Agreements

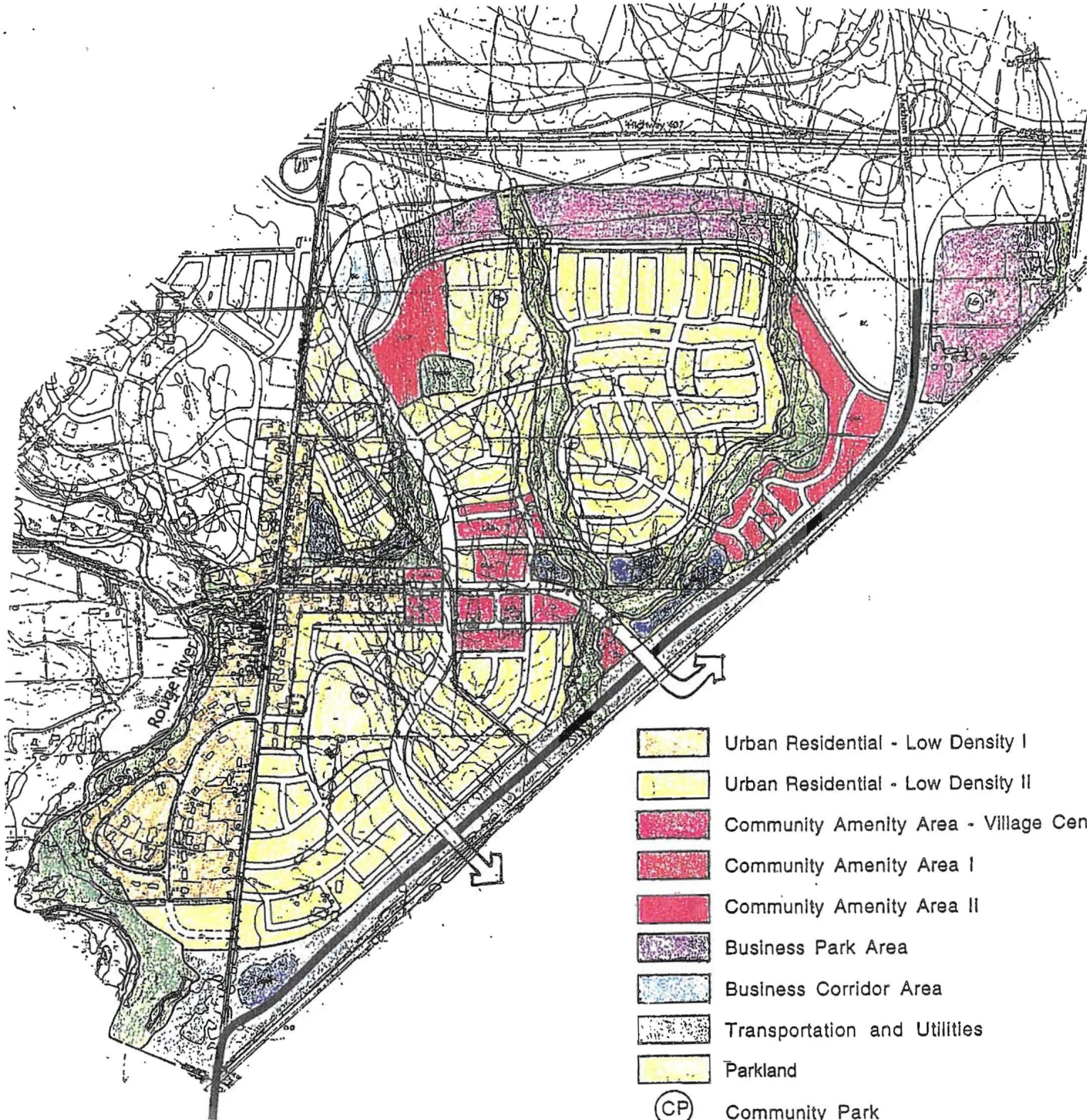
- a) Prior to the approval by the Town of any development proposal, the Town shall have enacted such development charge by-laws identifying the Town-wide and area specific development charges as may be applicable to the lands within the Planning District, and the Region shall have enacted such development charge by-laws identifying the Regional development charges which may be applicable to the infrastructure serving the Planning District
- b) Prior to the approval of any initial phase of development, the Town, in consultation with the Region, shall be satisfied as to the availability of transportation facilities, water supply and sewer capacity to accommodate the development and the securement of improvements to the Regional Road infrastructure, including the Town Arterial Road, realigned 9<sup>th</sup> Line, and the provision of water to the existing community. This may require front-end or accelerated payment agreements and limitations to be placed on the development, consistent with the Development Phasing Plan.
- c) Prior to the approval by the Town of any development proposal, an assessment of infrastructure costs and requirements to accommodate the development including development phasing, consistent with the Town's Development Staging Strategy, the Markham Transportation Planning Study, as updated, the timing of infrastructure emplacement and methods of financing, including developer front-end or accelerated payment agreements, and the Development Phasing Plan and Agreement, shall be completed in conjunction with other developments in the Markham Urban Expansion Lands to the satisfaction of the Town and the Region.

















### 7.1.8 Developers Group Agreement(s)

- a) In order to ensure that all affected property owners contribute equitably towards the provision of community and infrastructure facilities such as schools, parks, open space, enhancement and restoration of natural features, roads and road improvements, internal and external services and stormwater management facilities, property owners shall be required to enter into one or more Developers Group Agreements, as a condition of the development of their lands.
- b) These agreements shall provide for the equitable distribution of the costs (including lands) of the aforementioned community and common public facilities and associated studies where such costs are not dealt with under the *Development Charges Act, 1997*.
- c) The non-participating landowners within the proposed new development area of the Secondary Plan will not be entitled to the benefit of any urban land use designation or development rights under the provisions of the Secondary Plan until such time as they have joined the Developers Group as participating landowners, and participate in the delivery of infrastructure as required (see Map - Appendix VI).

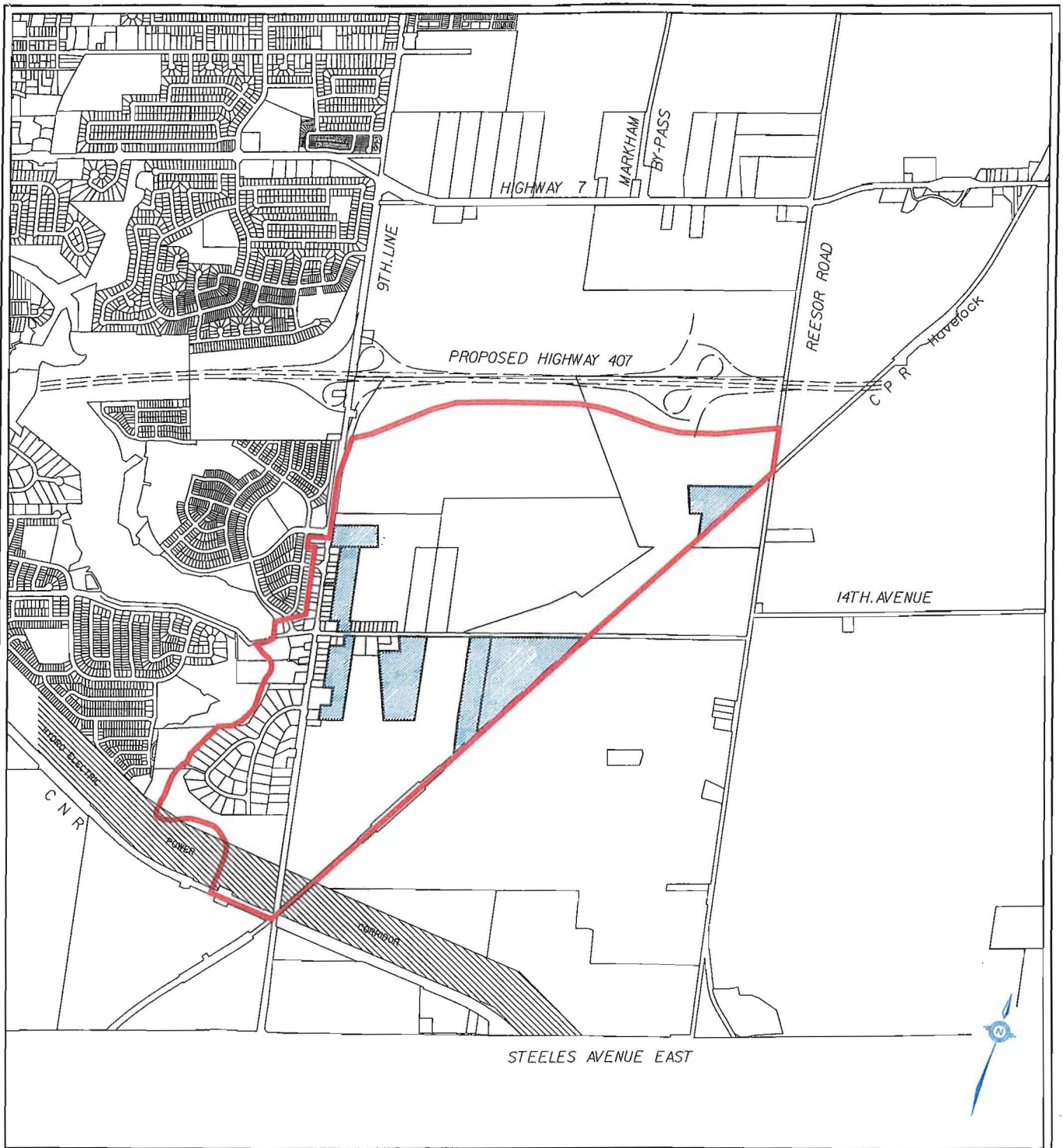
### 7.1.9 Land Dedication and Acquisition

- a) The policies of the Official Plan (Revised 1987) as amended and this Secondary Plan shall apply.
- b) Pursuant to Subsection 25(1) of the *Planning Act*, R.S.O. 1990, c. P.13, the Town or the Region of York may acquire and hold any lands required to implement any feature of this Plan. This may include the expropriation of lands required to implement the road network in the Plan, including the 9<sup>th</sup> Line realignment and the Town Arterial Road, where the property owners or the developers' group are unable to secure lands for the construction of the required road infrastructure.





-  Urban Residential - Low Density I
-  Urban Residential - Low Density II
-  Community Amenity Area - Village Centre
-  Community Amenity Area I
-  Community Amenity Area II
-  Business Park Area
-  Business Corridor Area
-  Transportation and Utilities
-  Parkland
-  Community Park
-  Neighbourhood Park
-  Environmental Protection Area - Woodlot
-  Environmental Protection Area - Hazard Lands
-  Environmental Protection Area - Minor Tributary
-  Elementary School
-  Regional Gateway


**APPENDIX V: CONCEPT PLAN**

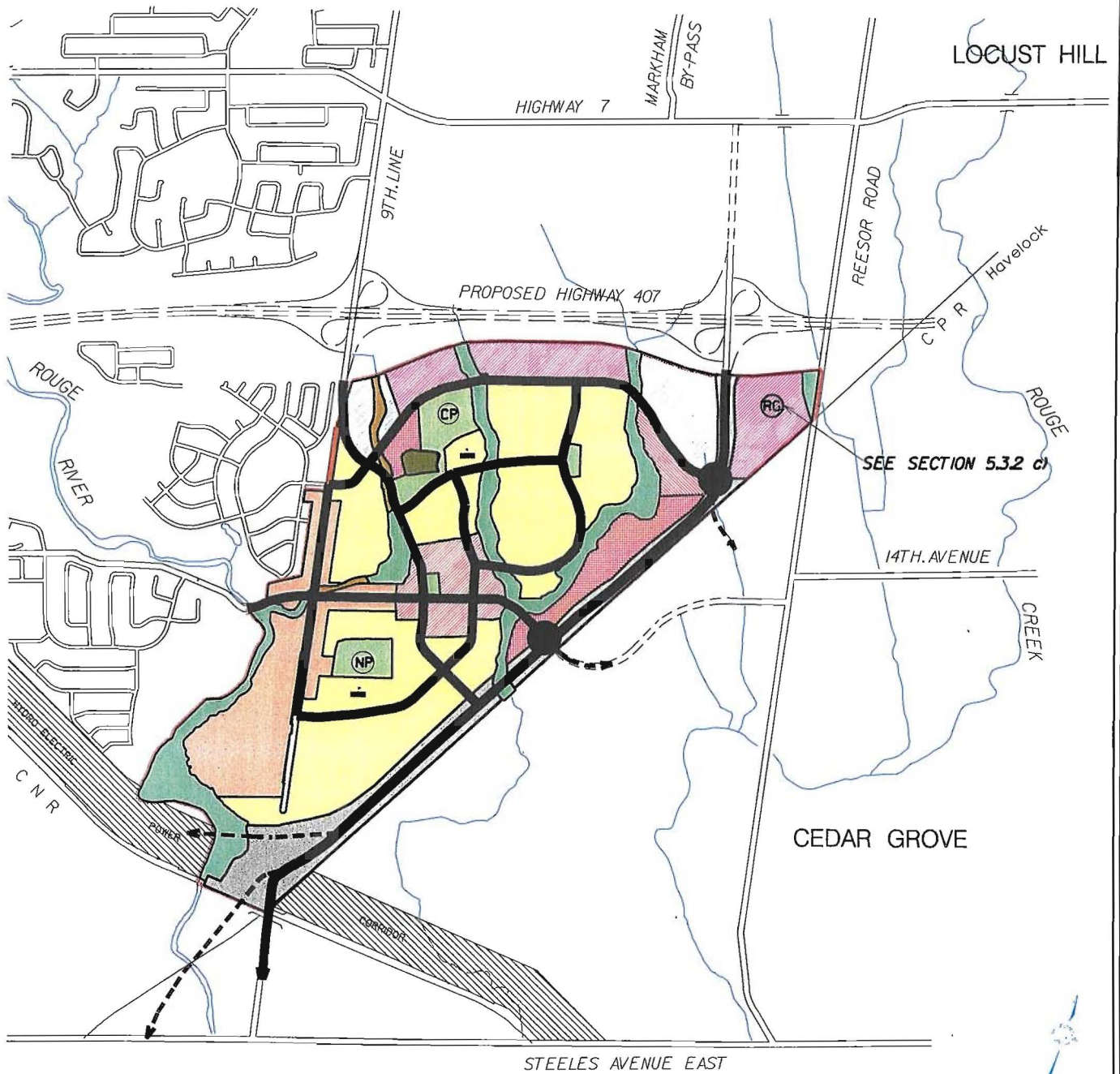


## APPENDIX VI – "NON – PARTICIPATING LANDOWNERS"

 BOUNDARY OF PLANNING DISTRICT

















 APPROXIMATE PROPERTY BOUNDARIES

 "NON-PARTICIPATING LANDOWNERS" AS OF THE DATE OF ADOPTION OF THE SECONDARY PLAN – SEE POLICY 7.1.8 C) (i.e. LANDOWNERS IN NEW DEVELOPMENT AREA WHO ARE NOT YET PARTICIPATING IN DEVELOPERS GROUP AS OF THE TIME OF ADOPTION)



## SCHEDULE "AA" – DETAILED LAND USE PLAN

### Secondary Plan for the Box Grove Planning District (P.D. 18-1)

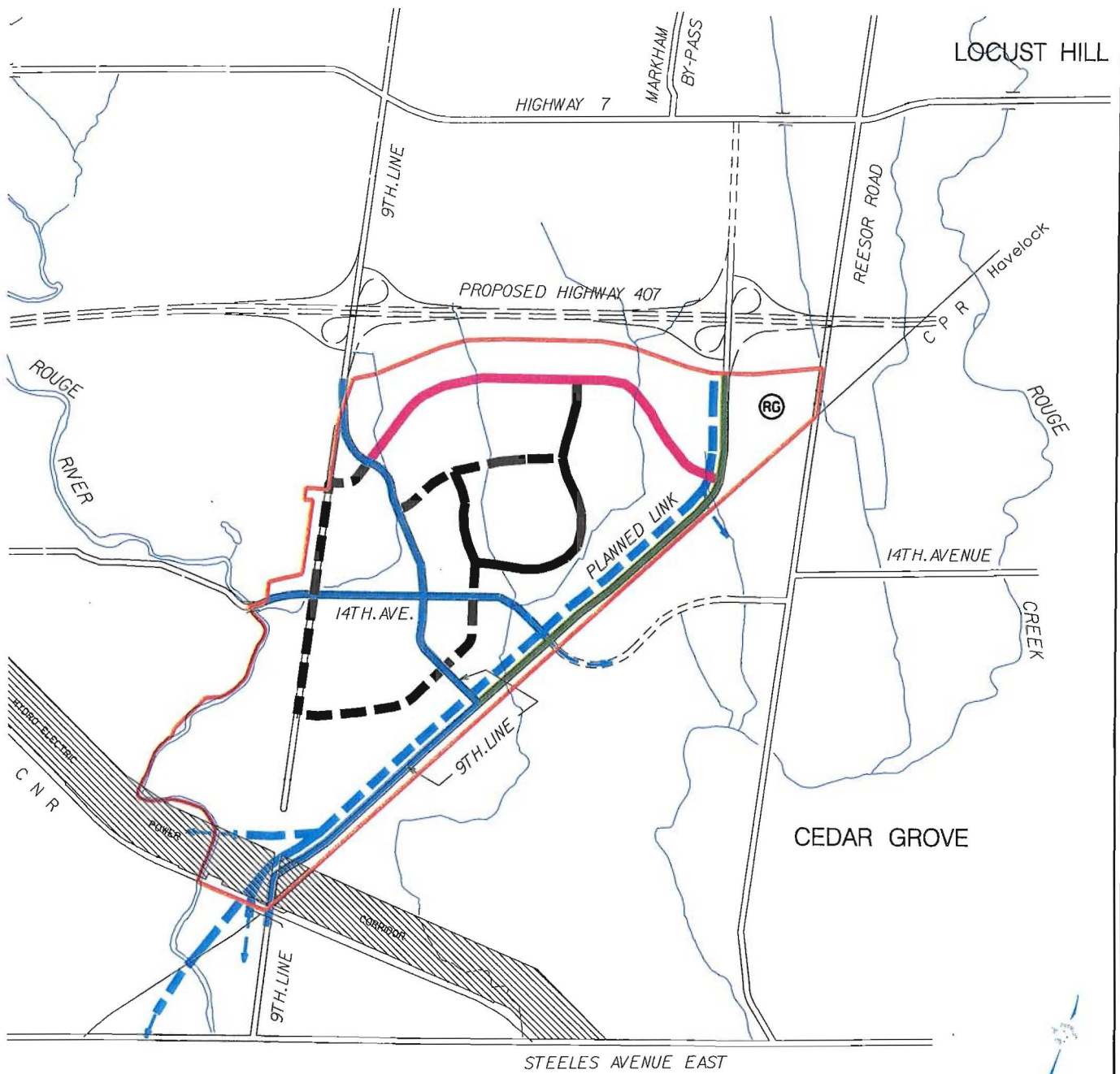
 URBAN RESIDENTIAL - LOW DENSITY HOUSING I	 COMMUNITY AMENITY AREA II	 PARKLAND	 ENVIRONMENTAL PROTECTION AREA - HAZARDOUS LANDS
 URBAN RESIDENTIAL - LOW DENSITY HOUSING II	 BUSINESS PARK AREA	 COMMUNITY PARK	 ENVIRONMENTAL PROTECTION AREA - MINOR TRIBUTARY
 COMMUNITY AMENITY AREA - VILLAGE CENTRE	 BUSINESS CORRIDOR AREA	 NEIGHBOURHOOD PARK	 ELEMENTARY SCHOOL YCDSB / YRDSB
 COMMUNITY AMENITY AREA I	 TRANSPORTATION AND UTILITIES	 ENVIRONMENTAL PROTECTION AREA - WOODLOT	 INTERSECTION IMPROVEMENT AREA



DEVELOPMENT SERVICES COMMISSION

DRAWN BY: DD CHECKED BY: LWWSH

SCALE 1 :  
DATE: June 25, 2002



## SCHEDULE "BB" – TRANSPORTATION PLAN

### Secondary Plan for the Box Grove Planning District (P.D. 18-1)

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></span> MINOR COLLECTOR ROAD</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: pink; border: 1px solid black;"></span> MAJOR COLLECTOR ROAD</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> ARTERIAL ROAD (REGION OF YORK)</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> MAJOR ARTERIAL ROAD (TOWN OF MARKHAM)</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px dashed blue;"></span> POSSIBLE ALIGNMENTS OF THE PLANNED LINK</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; border-radius: 50%; text-align: center; line-height: 15px;">RG</span> REGIONAL GATEWAY</li> </ul> |
|--|--|



DEVELOPMENT SERVICES COMMISSION

DRAWN BY: DD CHECKED BY: LWSH

SCALE 1 :  
DATE: June 25, 2002

# ATTACHMENT 3

## EXPLANATORY NOTE

### BY-LAW 2006-171

#### A by-law to amend By-law 177-96, as amended

Box Grove Hill Developments Inc., Box Grove North Inc., Box Grove Centre Inc.  
 19TM030012  
 Part of Lots 6, 7 and 8, Concession 9

### LANDS AFFECTED

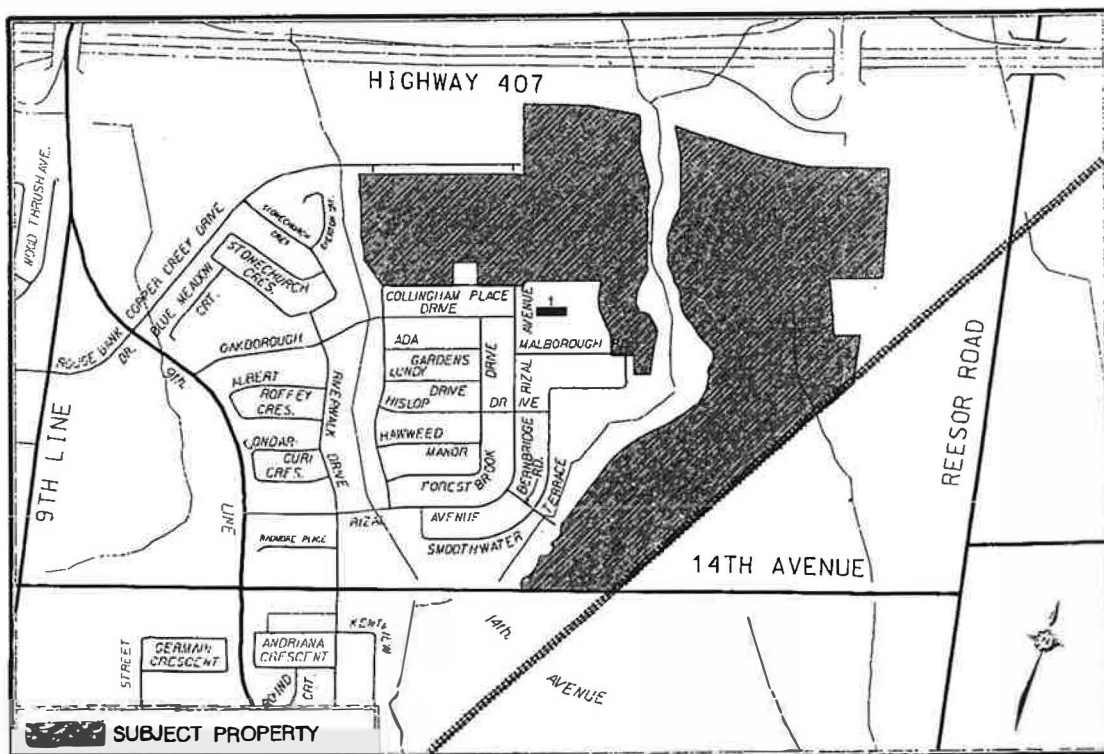
The by-law applies to a 54.689 hectares (135.13 acres) property, located north of 14<sup>th</sup> Avenue, east of 9<sup>th</sup> Line, in the Box Grove Secondary Plan Area.

### EXISTING ZONING

The lands subject to this By-law are presently zoned Agricultural One (A1) and Institutional (INST) by By-law 304-87, as amended.

### PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone category within By-law 177-96, as amended. The proposed zoning designation is Residential Two (R2), with exceptions, Residential Two (Hold) (R2(H1) and R2 (H2)) with exceptions, Open Space (OS1), Business Park (BP), Business Park Hold (BP(H)), and Business Corridor (BC) which will permit the proposed 527 residential units, open space and employment uses.



Clause 9, Report No. 24, 2006



# BY-LAW 2006-171

A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended  
(To incorporate Draft Plan 19TM030012 into the Box Grove Community)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. By-law # 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lots 6,7 and 8, Concession 9 as more particularly outlined on Schedule 'A' attached hereto;

1.2 By zoning the lands;

Residential Two*222*224*322	R2*222*224*322
Residential Two*222*224*322 (Hold1)	R2*222*224*322 (H1)
Residential Two*222*224*322 (Hold2)	R2*222*224*322 (H2)
Open Space One	OS1
Business Park	BP
Business Park (Hold)	BP(H)
Business Corridor	BC

As shown on Schedule 'A' hereto;

1.3 By adding subsection 7.322 to Section 7 – EXCEPTIONS;

"7.322 North of 14<sup>th</sup> Avenue, east of 9<sup>th</sup> Line, Box Grove Secondary Plan Area – Box Grove Hill Developments Inc., Box Grove North Inc., Box Grove Centre Inc.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*322 on the Schedules to this By-law. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.322.1 Special Site Provisions

The following special site provisions shall apply:

a) The wall of the *first storey* of the *main building* or *porch* facing the *front lot line* shall not be located more than 3.0 metres farther from the *front lot line* than the wall of the attached garage facing the *front lot line*.

b) Window bays are not required to be cantilevered."

1.4 HOLDING PROVISIONS:

By-law 2006 171  
Page 2

For the purpose of this By-law, Holding (H, H1 and H2) zones are hereby established and are identified on Schedule 'A' attached hereto by the symbol (H, H1 and H2) in parenthesis following the zoning symbol.


No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to an '(H, H1 or H2)' provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter '(H, H1 or H2)' has come into effect pursuant to the provisions of Section 36 of the Planning Act.

The following Holding provisions shall apply to the lands zoned Business Park (H) – BP (H), Residential Two\*222\*224\*322 (Hold One) - R2\*222\*224\*322 (H1) and Residential Two\*222\*224\*322 (Hold Two) - R2\*222\*224\*322 (H2) as more particularly outlined on Schedule 'A' hereto;

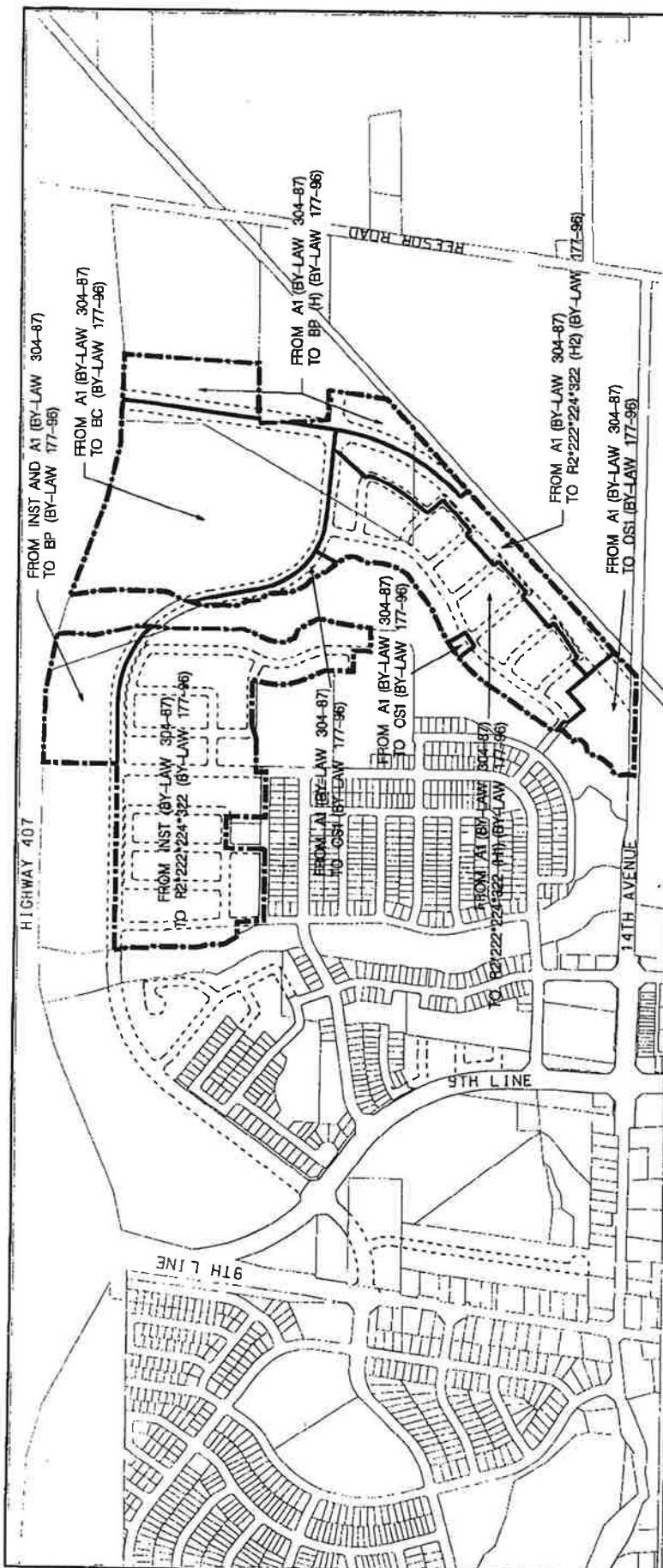
- a) The Holding provision (H) shall not be lifted until a comprehensive development plan for the Regional Gateway in the area has been developed, to the satisfaction of the Town.
  - b) The Holding provision (H1) shall not be lifted until the Markham By-pass link has been constructed, to the satisfaction of the Town;
  - c) The Holding provision (H2) shall not be lifted until the Markham By-pass link has been constructed, to the satisfaction of the Town and the following conditions have been addressed to the satisfaction of the Region of York:
    - i) the detailed design for the Markham By-pass (including the completion of the Reference Plan) has been completed; and,
    - ii) a revised draft plan, if required, has been approved by the Town of Markham in consultation with York Region, which incorporates the detailed design of the Markham By-pass, as surveyed
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
13<sup>TH</sup> DAY OF JUNE, 2006.

  
KIMBERLEY RITTERINGHAM  
DEPUTY CLERK

  
DON COUSENS  
MAYOR





# A BY-LAW TO AMEND BY-LAW 177-96



DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE A TO BY-LAW 2006-17  
 PASSED THIS 13TH DAY OF JUNE, 2006

*[Signature]* MAYOR

*[Signature]* DEPUTY CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

- R2 RESIDENTIAL TWO
- BP BUSINESS PARK
- BC BUSINESS CORRIDOR

- OS1 OPEN SPACE ONE
- No. EXCEPTION SECTION NUMBER
- (H) HOLDING PROVISION
- (H1) (H2) HOLDING PROVISION 1 & 2

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

SCALE MS