

**OFFICIAL PLAN**  
**of the**  
**CITY OF MARKHAM PLANNING AREA**  
**AMENDMENT NO. 215**

To amend the Official Plan (Revised 1987), as amended  
to incorporate Amendment No. 3 to the Unionville Core Area Secondary Plan  
(PD 1-12) part of the Markham and Unionville Planning District  
(Planning District No.1).

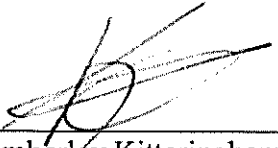
*Restaurant Policy Modifications*

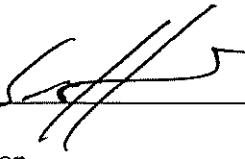
*March 2014*

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**MARKHAM PLANNING AREA**  
**AMENDMENT NO. 215**

To amend the Official Plan (Revised 1987), as amended to incorporate Amendment No. 3 to the to the Unionville Core Area Secondary Plan (PD 1-12) part of the Markham and Unionville Planning District (Planning District No.1).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2014-24 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the March 5, 2014.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Jack Heath  
Deputy Mayor



## By-law 2014-24

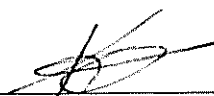
Being a by-law to adopt Amendment No. 215  
to the City of Markham Official Plan (Revised 1987), as amended

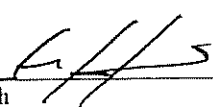
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THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. 215 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 March 5, 2014.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Jack Heath  
Deputy Mayor

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**PART I - INTRODUCTION**

(This is not an operative part of Official Plan Amendment No. 215)

## **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, constitutes Amendment No. 215 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 3 to the Unionville Core Area Secondary Plan (PD 1-12) for part of the Markham and Unionville Planning District (Planning District No.1). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III- THE SECONDARY PLAN AMENDMENT, attached thereto, constitutes Amendment No. 3 to the Unionville Core Area Secondary Plan (PD 1-12) for part of the Markham and Unionville Planning District (Planning District No. 1). This Secondary Plan Amendment may be identified by the symbol PD 1-12-3. Part III is an operative part of this Official Plan Amendment.

### **2.0 LOCATION**

The Amendment to the Secondary Plan applies to lands designated as Heritage Main Street.

### **3.0 PURPOSE**

The purpose of this Amendment is to remove the limitations on restaurant uses in the Heritage Main Street designation of the Unionville Core Area Secondary Plan as well as further refine permitted and non-permitted uses within the Secondary Plan.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

For the last ten years, there has been a restriction on introducing additional restaurant space for properties within the Heritage Main Street zone of Main Street Unionville within the Unionville Core Area Secondary Plan. Restaurants were removed as permitted uses from the zoning by-law and can only be permitted through by-law amendment when the percentage of retail floor space in the area is above 50%. The concern at the time was that Main Street Unionville could become a restaurant campus. A number of local business representatives and area ratepayers had expressed unease related to the number of restaurants on Main Street, the impact on the parking supply and the pressure

for ground floor office use. A land use and retail study undertaken by the municipality in 2002 confirmed that the proliferation of restaurants threatened to undermine the planned function of Main Street Unionville. In response, Council amended the Secondary Plan and applicable zoning by-law.

In 2012, the Unionville Business Improvement Area committee requested that the restaurant restrictions be removed due to the negative impact they were having on the economic vitality of the area, and that the marketplace should prevail. On March 5, 2013, Markham Council referred the issue to the consultants undertaking the Main Street Unionville Precinct Master Plan study as it was seen to be one component of the broader study.

On April 29, 2013, a public information meeting was held with local residents and commercial property owners to solicit input on the land use questions. Feedback included the need to re-examine the function that the "Main Street Unionville" commercial core should provide for the community and the desire of the business community for more flexibility regarding current land use restrictions.

The retail consultant associated with the Precinct Master Plan project has provided advice and recommendations on how the retail environment could be improved. The recommended direction is to re-focus Main Street Unionville as a neighbourhood commercial district primarily serving Markham, and permitting a wider variety of retail and service uses rather than as a unique shopping and leisure destination with a focus on specialty retail. The consultant also recommends that the existing restrictions on restaurants should be removed (albeit not the restriction on taverns/pubs) or at least modified to allow for specialty food retailers (such as bakeries and small grocers which allow patrons to consume some goods on site). A number of additional permitted uses were suggested with a focus on convenience, neighbourhood-oriented retail.

Staff explored a number of options for consideration including: 1) no change to the existing policy; 2) modification of the existing policy to change the retail/restaurant ratio and allow restaurants to be introduced with a lower retail percentage as the threshold as well as allow food consumption associated with certain new retail uses (i.e. deli, bakery, specialty grocer, etc); and 3) removal of the restaurant limitation policies and the re-introduction of specific restaurants as permitted uses and allowing a greater diversity of neighbourhood oriented retail uses. Staff recommended that Council consider the third option with the additional provision of allowing food consumption associated with certain retail uses, and that public notice be provided on this basis for a statutory public meeting to be held early in 2014. A statutory Public Meeting was held on February 4, 2014.

This amendment is based on a request from the Unionville Business Improvement Area Board of Directors, the study consultant's recommendations, input from Planning Department staff and consideration of submissions received from the public at the public information meeting in April 2013 and from the statutory Public Meeting in February 2014, as well as throughout the study process.



**PART II - THE OFFICIAL PLAN AMENDMENT**

(This is an operative part of Official Plan Amendment No. 215)

## **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 *215* 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 the addition of the number *215* to the list of amendments listed in the second sentence of the bullet item dealing with the Unionville Core Area Secondary Plan PD1-12, for the Markham and Unionville Planning District, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "to this Plan".
- 1.3** Section 9.2.10 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number *215* to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes prior to the words "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 is also being made to incorporate changes to Schedule BB and the text of the Unionville Core Area Secondary Plan (PD 1-12) for the Markham and Unionville Planning District (Planning District No. 1). These changes are outlined in Part III which comprises Amendment No. 3 to the Unionville Core Area Secondary Plan (PD 1-12).

### **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, 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 an amendment to the Zoning By in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the 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 a 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 or 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), as amended, shall not apply.

**PART III - THE SECONDARY PLAN AMENDMENT (PD 1-12-3)**

(This is an operative part of Official Plan Amendment No. 215)

## **PART III - THE SECONDARY PLAN AMENDMENT (PD 1-12-3)**

### **1.0 THE SECONDARY PLAN AMENDMENT**

(Amendment No. 3 to the Unionville Core Area Secondary Plan PD 1-12)

The Unionville Core Area Secondary Plan (PD 1-12) for the Markham and Unionville Planning District is hereby amended as follows:

- 1.1** Section 1 is hereby amended by deleting the word “Schedules” and replacing it with “Schedule” and deleting the following text “and ‘BB’ MAIN STREET UNIONVILLE TRADITIONAL SHOPPING AREA”.
- 1.2** Section 5.1.2 is hereby replaced in its entirety with the following new subsection:  
“The planned function of properties within the Heritage Main Street commercial designation of this Secondary Plan is to provide a pedestrian oriented, shopping/dining/cultural experience serving both the local neighbourhood and the wider Markham community in the form of a historic village commercial area.”
- 1.3** Section 5.1.3 is hereby replaced in its entirety with the following new subsection:  
“To maintain animation, and pedestrian activity and interest at street level, business and professional offices, commercial schools, and health centres situated on the ground floor of properties fronting onto Main Street shall be required to be located a minimum of 10m back from the front wall of the structure, and have a clearly defined separation between uses.”
- 1.4** Section 5.4.1 is hereby replaced in its entirety with the following new subsection:  
“Permitted uses in the Core Area shall include a diversified mixture of commercial, retail and certain forms of restaurant facilities, personal service shops, hotels/inns, business and professional offices as well as recreational, fitness and cultural facilities and residential uses. The nature and location of these uses shall be specified in the implementing zoning by-law, including the prohibition or regulation of certain forms of restaurants.”
- 1.5** Section 5.4.2 is hereby deleted in its entirety.
- 1.6** Section 5.4.3 is hereby deleted in its entirety.

- 1.7 Section 5.4.4 is hereby amended by removing the second bullet point "Private and Commercial Schools" and adding a new bullet point "Taverns/Bars".
- 1.8 Section 5.6.3 is hereby replaced in its entirety with the following new subsection:  
"Parking demand closely mirrors the available parking supply. In keeping with the planned function of Main Street and recognizing that the parking standard for restaurant uses are reduced when compared to other areas of the City, the granting of minor variance relief from the parking standards of the zoning by-law should be given careful consideration for restaurant uses. Such relief should only be granted in limited circumstances upon the applicant satisfying the City that a minor reduction of the parking requirement is necessary for the appropriate use and development of the land and that there will be other demonstrable community benefits through the granting of such a request, such as the integration of adjacent parking areas or additional landscaping."
- 1.9 Schedule 'BB' -Main Street Unionville Traditional Shopping Area is hereby deleted.

## **2.0 IMPLEMENTATION AND INTERPRETATION**

The provisions of the Official Plan, 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 an amendment to the Zoning By-law in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the 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 a 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 or 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), as amended, shall not apply.