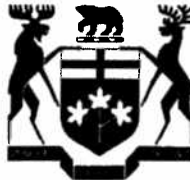


ISSUE DATE:
September 19, 2011



Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

RECEIVED

SEP 21 2011

TOWN OF MARKHAM
CLERKS DEPT.

PL091117

IN THE MATTER OF subsection 17(24) of the *Planning Act*, R.S.O. 1990, C. P. 13, as amended

Appellant: Cesaroni Holdings Limited
Appellant: Massimo Saragosa
Appellant: Gel-Don Investments Inc.
Appellant: Clarence & Mary Vallee and others
Subject: Proposed Official Plan Amendment No. 182
Municipality: Town of Markham
OMB Case No. PL091117
OMB File No. PL091117

Copy: Legal
Geoff Day
Jim Baird
Lucy

BEFORE:

N.C. JACKSON
VICE-CHAIR

) Monday, the 19th day of
)
) September, 2011

THIS MATTER having come on for a public hearing;

AND THE BOARD, in its Decision issued on November 19, 2010, having withheld its Order until this day pending receipt of the final text and mapping of Official Plan Amendment No. 182 approved by the Board;

AND THE BOARD has now received the final text and mapping, drafted and consented to by the Parties, as being in accordance with the Decision of the Board issued on November 19, 2010;

THE BOARD ORDERS that the appeals are allowed in part and Amendment No. 182 to the Official Plan for the Town of Markham is modified as set out in Attachment "1" to this Order, and as modified is approved.

A handwritten signature in black ink, appearing to read "Joanne Hage.", is centered on the page. The signature is fluid and cursive, with a period at the end.

SECRETARY

ATTACHMENT "1"

**OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. 182**

To amend the Official Plan (Revised 1987), as amended for the Victoria Square Planning District (Hamlet), (Planning District No.14).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2009-152 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 27th day of October, 2009.

**KIMBERLEY KITTINGHAM
TOWN CLERK**

**FRANK SCARPITTI
MAYOR**

BY-LAW 2009-152

Being a by-law to adopt Amendment No. 182
to the Town of Markham Official Plan (Revised 1987), as amended

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

1. THAT Amendment No. 182 to the Town 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 THIS
27TH DAY OF OCTOBER, 2009.

KIMBERLEY KITTINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR

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PART I – INTRODUCTION
(This is not an operative part of Official Plan Amendment No. 182)

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, including Figure 14.1, constitutes Official Plan Amendment No. 182 to the Official Plan (Revised 1987), as amended for the Victoria Square Planning District (Hamlet), (Planning District No. 14). Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan applies to the Hamlet of Victoria Square (Planning District No. 14).

3.0 PURPOSE

The purpose of this Amendment is to establish land use provisions and Urban Design Guidelines for all new development within the Hamlet of Victoria Square.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

In May of 2008, Council directed Staff to undertake a Land Use Review for Victoria Square, and to schedule community information meetings to review Official Plan policies applicable to the Hamlet. The purpose of the review was to ascertain if changes in planning policy and zoning and development standards would be required to protect and preserve the integrity of Victoria Square Hamlet.

On October 13, 2009, Council directed Staff to amend the Official Plan as it relates to the Hamlet to restrict all new development to single detached residential uses only; subject the Hamlet area to site plan control; and, require that all new development or redevelopment to be of compatible historical architectural styles, through specific Urban Design Guidelines.

The decision of Council was appealed to the Ontario Municipal Board by a number of landowners in the area and such appeal was granted in part.

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. 182)

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 182 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 4.3.14 is hereby amended by the addition of Section 4.3.14.2 and Figure 14.1 as follows:

“4.3.14.2 Specific Site and Area Policies

In addition to all other relevant policies and guidelines in the Plan, the following specific policies shall apply to land shown on Figure 14.1:

a) Residential Area with Non-Residential Opportunities

Notwithstanding the provisions of Section 3.8.1 of this Plan, the lands shown on Figure 14.1, as ‘Residential and Non-residential Opportunities’ and designated HAMLET, shall be subject to the following policies:

i) Planned Function of the Residential Area with Non-Residential Opportunities

To provide for small scale institutional and commercial uses, designed to serve the hamlet and surrounding area, compatible in terms of size, height and intensity with the generally residential character of the Hamlet.

ii) Permitted Uses

Lands located within this area may be zoned to only permit the following uses:

- Single Detached Dwellings in accordance with 4.3.14.2 b)i)
- Offices
- Medical Offices with a maximum of 300 m² per office
- Clinics with a maximum size of 300 m² per office
- Daycare Centres
- Bed & Breakfast establishments with a maximum of two units
- Private Schools
- Bake Shops not exceeding 300 m²
- Personal Service Shops not exceeding 300 m²
- Retail uses not exceeding 300 m²
- Mixed uses comprised of residential and the non residential uses as permitted by this policy
- Institutional uses not exceeding 300 m² provided they are compatible with the planned function and policies of the category of designation

iii) Prohibited Uses

The following uses shall be prohibited and lands within this area shall not be zoned to permit these uses:

- Commercial uses involving accessory outdoor storage
- Automobile service stations
- Car washes
- Automobile repair uses
- Autobody paint and repair
- Commercial “self storage” warehouses
- Restaurants
- Night clubs
- Banquet halls
- Entertainment uses
- Shopping Centres
- Large Scale Commercial Uses
- Other uses not consistent with the planned function and policies of the category of designation

iv) Non-residential Uses

Prior to the conversion of residential buildings or the redevelopment for non-residential uses, a concept plan is required from applicants that demonstrates the site is appropriately sized, located and configured, including addressing appropriate density and built form, access and parking, landscaping and other site plan matters. Given the relatively small and rectangular size and shape of some parcels, Council will give consideration to the appropriateness of individual site redevelopment when considering ZBLA and site plan applications and where necessary, may require coordinated development with abutting landowners.

b) Residential Area

Notwithstanding the provisions of Section 3.8.1 of this Plan, the lands shown on Figure 14.1 as ‘Single Detached dwellings, accessory home occupations and existing places of worship’ shall be subject to the following policies:

i) Permitted Uses

Lands located within this area may be zoned to only permit the following uses:

- Single detached residential uses with associated home occupations and existing places of worship/cemeteries.
- The provisions for accessory apartments and garden suites as outlined in Section 3.8.1 shall continue to apply.

c) Urban Design Guidelines

The following design guidelines shall apply to all the lands:

- i) All new development planned within the hamlet shall be appropriate to the historic features and character of the hamlet in terms of its form and scale.
- ii) The design of new buildings or additions to existing buildings on properties fronting on Woodbine Avenue, Elgin Mills Road, Royal Albert Street and Victoria Avenue shall reflect historic architectural styles which will complement the surrounding area by:
 - a. generally not to exceed two storeys in height, and of a scale and orientation compatible with adjacent buildings. For lands shown on Figure No. 14.1 as being subject to the policies of 4.3.14.2 a) and 4.3.14.2 c) "Residential and Non-residential Opportunities", additional height up to a maximum of 3 storeys only within a pitched/mansard roof may be permitted subject to demonstrating a heritage architectural style, which is compatible with adjacent lands. The implementing zoning by-law will strictly control the maximum height and form of any new non-residential buildings;
 - b. having setbacks compatible with adjacent buildings; and,
 - c. being of materials and colours consistent with the existing building stock in the area.
- iii) Heritage buildings will be preserved and integrated into new development or uses; and,
- iv) The design of new buildings or additions to existing buildings on properties fronting on Boyd Court, Mortson Street and Thomas Read Road shall reflect predominant architectural styles of those streets, which will complement the surrounding area by:
 - a. having generally the same height, scale and orientation as adjacent buildings;
 - b. having setbacks consistent with adjacent building and,
 - c. being of materials and colours consistent with the heritage building stock in the area.
- v) New development shall respect and preserve natural landforms, drainage and existing mature vegetation.
- vi) Fronts of buildings and entrances associated with non-residential uses in locations as shown on Figure 14. as being subject to the policies of 4.3.14.2 a) and 4.3.14.2 c) "Residential and Non-residential Opportunities", shall be oriented to either Woodbine Avenue or Elgin Mills Road only;

- vii) New non-residential development shall contain adequate and appropriately located on-site parking, with sufficient landscaping and screening to protect adjacent residential properties from adverse impacts from non residential uses;
- viii) Parking areas associated with non-residential uses shall not be located in the front yard between the front of the building and the front lot line; and,
- ix) Notwithstanding policy (viii) above, for the lands municipally known as 2982 Elgin Mills Road East existing lawful front yard parking areas may be utilized for non-residential uses; and
- x) Buildings to be used for non residential uses shall only be permitted one modestly sized non-illuminated identification sign.

2.0 IMPLEMENTATION AND INTERPRETATION

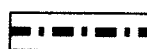

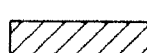
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment 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.

(September 22, 2010)



FIGURE No.14.1
SPECIFIC SITE AND AREA POLICIES
TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

-  Boundary of area subject to the policies in Section 4.3.14.2
Land use designation: HAMLET
-  Boundary of area subject to the policies in Section 4.3.14.2a & c
Residential and Non-residential Opportunities
-  Boundary of area subject to the policies in Section 4.3.14.2b & c
Single detached dwellings, accessory home occupations and existing places of worship