

**SUBJECT:** Request to Remove Restrictions on the Approval of Additional Restaurant Floor Space within the Commercial Core Area of Historic Unionville- Unionville Business Improvement Area (Amendments to Unionville Core Area Secondary Plan and Zoning By-law)  
File 14 107181

**PREPARED BY:** Regan Hutcheson, Manager, Heritage Planning, ext 2080

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**RECOMMENDATION:**

- 1) That the report entitled “Request to Remove Restrictions on the Approval of Additional Restaurant Floor Space within the Commercial Core Area of Historic Unionville – Unionville Business Improvement Area, (Amendment to Unionville Core Area Secondary Plan and Zoning By-law)”, dated February 25, 2014, be received;
- 2) That the Record of the Public Meeting held on February 4, 2014 with respect to the proposed amendments to the Official Plan (Unionville Core Area Secondary Plan) and Zoning By-law 122-72, as amended, be received;
- 3) That the proposed Official Plan Amendment (OP14 107181) and Zoning By-law Amendment (ZA 14 107181) initiated by the City of Markham, be approved, and the draft Official Plan and Zoning By-law amendments be finalized and enacted.
- 4) That the amendment to the Official Plan (Revised 1987) be forwarded to the Region of York as modifications to the new Official Plan adopted by Council on December 10, 2013.
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide additional information on matters raised at the statutory Public Meeting on February 4, 2014, and to recommend changes to the Unionville Core Area Secondary Plan (OPA 107) and Zoning By-law 122-72, as amended. The proposed amendments remove the restrictions on the approval of certain types of restaurant floor space within the commercial area of historic Unionville, and permit additional retail uses.

**BACKGROUND:**

For the last ten years, there has been a restriction on introducing additional restaurant space within the Heritage Main Street zone of Main Street Unionville. 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 in 2002-03 was that Main Street Unionville could become a restaurant campus. A number of local business representative 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 (these issues are once again discussed in this report).

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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 which was main street focused on specialty retail. In response, Council amended the Secondary Plan and applicable zoning by-law to put in place the related restrictions.

In December 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. The issue was referred to the consultants who are currently undertaking the Main Street Unionville Precinct Master Plan study as it was seen to be one component of the broader study.

In April 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 unique neighbourhood commercial district primarily serving Markham, and to permit a wider variety of retail and service uses rather than treating the area merely 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 tavern/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 have been suggested with a focus on convenience, neighbourhood-oriented retail.

Staff has explored a number of options for consideration including Option 1- no change to the existing policy, Option 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 Option 3 - remove the policy completely, re-introduce specific restaurants as permitted uses, and allow a greater diversity of neighbourhood oriented retail uses.

### **Statutory Public Meeting**

On December 3, 2013 Council authorized a statutory public meeting to review the proposed amendments based upon Option 3 (above) plus allowing for food consumption associated with certain retail operations, and notice was given on that basis. The meeting was held on February 4, 2014. Notice was posted in the January 16, 2014 edition of the local newspaper with two follow up notices in the newspaper on January 23 and 30, 2014. The Unionville BIA and local ratepayer associations were also individually notified and 139 notices were mailed to surrounding property owners. The Manager, Heritage Planning also presented a comprehensive overview of the proposed amendments to the Unionville BIA Annual General Meeting on January 28, 2014 and obtained feedback.

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Overall, the proposed amendments to the Secondary Plan and zoning by-law were well received and supported by those in attendance at the statutory Public Meeting. There were no written submissions prior to the meeting. The Unionville Ratepayers Association (URA) and the Unionville Villagers Association (UVA) provided written comments at the meeting (see Appendix 'E').

Matters which were identified as needing further clarification included the definitions of specific restaurant types (especially related to fast food restaurants), finding the correct balance or mix of uses for the area to support the proposed revised planned function, the need for ongoing monitoring and the desire to retain professional services to assist with target marketing and implementation.

Development Services Committee referred the proposed amendments back to staff for a report and a recommendation to Development Services Committee on February 25, for Option 3 plus allowing for food consumption associated with certain retail operations, and clarification on the definitions from the Legal Department.

## **OPTIONS/ DISCUSSION:**

### **Statutory Public Meeting Feedback**

Further clarification was requested at the public meeting on the following issues. A number of these issues were identified in the correspondence received at the meeting from the Unionville Ratepayers Association (URA) and the Unionville Villagers Association (UVA). See Appendix 'D'. Staff comments are provided where appropriate.

#### **1. Re-introduction of Restaurant Uses**

- the general consensus is that specific restaurant uses should be re-introduced in the zoning by-law as permitted uses.
- the URA supports the removal of restrictions and agrees with the changes recommended by City staff albeit with an annual review of restaurant expansion to ensure a balanced shopping, dining and cultural experience is achieved.
- the UVA supports the loosening of restrictions, but recommends prohibiting "hybrid restaurants" (further discussed below)

#### **2. Introduction of Additional Retail Uses**

- the general consensus is that the identified additional retail uses are appropriate especially those retail uses that would permit food consumption opportunities.
- the URA supported the expansion of retail uses as a first step in the new vision for the street.
- the UVA is more cautionary in its support preferring a combination of niche retail uses where Unionville can compete and some convenience retail.

#### **Staff Comment**

- the proposed amendments allow specialty retail, retail with food consumption opportunities and a broader range of retail uses that would traditionally be found on a typical main street.

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- a number of people spoke of the desire to return Main Street to an area where local people can once again shop and noted the street used to have stores commonly found on a traditional main street such as hardware, dry-goods, etc. The proposed by-law amendment would accommodate this desire and market potential.

### 3. Planned Function of the Core Area

- in response to the consultants' recommendation that the area re-focus on providing more community/neighbourhood retail choices, comments from the public included a need to find the correct balance between serving the local neighbourhood and attracting a broader audience including tourists (i.e. day trip market, visiting friends/family).
- UVA notes the planned function vision proposed in the Secondary Plan is too generic. Instead, UVA suggests identifying a small range of niches where Unionville can compete and acknowledges that this can also include some convenience retail.

#### Staff Comment

- the proposed planned function for the Unionville commercial core area provides the necessary flexibility for a broader shopping, dining and cultural experience which should appeal to both locals and the wider Markham community as well as a certain segment of the tourist market. A large part of the appeal will continue to be the fact that the shopping and dining experience is offered in a unique setting and is enhanced due to the intact, well preserved and protected historic village. In addition, there is also nothing to prevent specialty or niche retailers from setting up shop in the area.
- As the study retail consultant has noted, to focus the planned function on one specific theme would require a very restrictive zoning by-law and would severely limit the leasing/rental opportunities for property owners. Staff concurs with this assessment. For the last 24 years, the focus has been on specialty retail uses, which was successful for a period of time, but has been problematic for the last 10 years as competition has grown and retail experiences have evolved.
- The proposed planned function policy being added should also be read in conjunction with existing Secondary Plan policies in section 5.1 and 5.4.5 and 5.4.6 which speak to the uniqueness of the area, the desired types of uses and the value of small, independent commercial establishments.

### 4. Types of Restaurants Permitted/Prohibited

- clarification is requested on the types of restaurant uses to be permitted and those to be prohibited, as well as whether chain or franchise operations are permitted.

#### Staff Comment

- The following restaurant uses are proposed to be permitted:
  - *Restaurant* (table service) – would include both independent operators such as Jakes on Main and chain operators such as Kelsey's or The Keg.
  - *Café Restaurant* – would include both independent operators such as the former Toogood Café and chain operators such as Starbucks and Timothy's.
- The following restaurant uses are proposed to be prohibited:
  - *Fast Food Restaurants* (service counter, disposable containers) – would include independent operators such as Frank's Burgers or chain operators such as Harvey's or Subway.

- *Take-Out Restaurant* (stand-alone establishment) – would include independent operators such as Joe’s Ice Cream or a chain operator such as Pizza Nova or Ho Lee Chow.

## 5. Restaurant, Fast Food

- UVA recommends further clarification in the definition to prevent “a proliferation of the chains we typically associate with this sort of restaurant”.
- Council asked staff to confirm that the definition would apply to all forms of fast food restaurants.

### Staff Comment

- *Fast Food Restaurants* are prohibited in the proposed by-law (as well as in the Secondary Plan). The definition as proposed in the by-law would prohibit both independent (local) and chain/franchise fast food restaurants if they maintain a business model whereby service/ordering is provided at a counter and the product is served in disposable containers. This would include typical chain restaurants such as McDonalds, Wendy’s, Burger King, Subway, KFC, Quiznos, Harvey’s A&W, Arby’s, Mr. Sub, Pita Pit, Extreme Pita, Hero Burgers, Ho Lee Chow, and Teriyaki Experience ( examples based on current business model; “Fast Food Chains of Canada”, Wikipedia).
- *Take-Out Restaurants* which could include any of the above restaurants, but without seating, are also proposed to be prohibited in the zoning by-law to prevent both independent and chain/franchise operations. This would mean that in the future, if someone wanted to open an ice cream take out establishment, they would need to amend the zoning by-law at a substantial cost as the use is “prohibited”.

## 6. Restaurant, Café

- a *café restaurant* is defined as an establishment serving primarily hot beverages such as coffees and teas, and accessory thereto may offer associated food products.
- the issue of *café restaurants* that are part of chains or franchised operations was raised at the meeting with some individuals supporting cafes such a Starbucks or Timothy’s as positive contributors to the village while others would prefer to exclude this type of restaurant if it is associated with a chain.

### Staff Comment

- the current proposal and staff recommendation advocates retaining the existing definition of *café restaurant* which would allow both independent and chain operators. Therefore, other chain restaurants that primarily serve hot beverages such as Tim Horton’s, Coffee Time, Country Style, etc. would be permitted.
- if Council wanted to only permit independent *café restaurants* that have no affiliation with a chain or franchise operation, the existing definition could be changed to the following:
  - “an establishment serving primarily hot beverages such as coffees and teas, and accessory thereto may offer associated food products, but excludes an establishment which by contractual or other arrangement, established or recognized business practice, or membership affiliation, maintains any of the following:
    - business name common to a similar business located elsewhere

- Standardized menus, ingredients, food/beverage preparation, uniforms or other standardized features common to a restaurant elsewhere
- A name, appearance, or food presentation format, which causes it to be substantially identical to another restaurant within or outside Markham.”
- Any existing café restaurants that are part of a chain would become legal non-conforming.
- staff could not find an Ontario precedent for singling out chain restaurants and the suggested definition is based on municipal experience in the US.
- the planning rationale for excluding a chain café restaurant, but permitting a non-chain café would be to preserve the unique and historic character of historic Unionville, enhance the development of the scenic and aesthetic qualities of the community and to lessen congestion in the streets. Formula fast food, take-out and café operations do not support the unique and historic village setting. This area attracts thousands of visitors each year, many of whom come to enjoy the unique character of the village as opposed to fast service, chain restaurants which are contractually required to be virtually identical to restaurants found throughout the municipality in commercial plazas and along major traffic routes as well as in many other cities.

#### **7. Restaurants versus Bars (Hybrids)**

- the UVA expressed a concern about restaurants that transform into bars at specific times of the day and refer to these establishments at “hybrid restaurant/bars” (they identify operations such as Ambiyān and the Village Pub, Five Lamps Chophouse & Tavern, The Planing Mill Sports Bar and Grill, Unionville Arms and Jakes on Main). The UVA has suggested that these existing establishments be grandfathered and any future hybrid establishments of this nature be prohibited.
- their concern is “motivated by the fact that at closing and some other times the current establishments already generate a low level of rowdy behaviour and vandalism” which can affect nearby residential properties.

#### Staff Comment

- staff understands the concern raised by the UVA and the Master Plan study’s retail consultant did note that too many liquor serving/focused restaurants can lead to an entertainment district with negative impacts.
- However, it would be very problematic and challenging to create a definition to prohibit a “hybrid restaurant” that would be both easily understood by the public and enforceable by City officials. Many restaurants have changing ratios of food sale to alcohol sales throughout the day.
- The Alcohol and Gaming Commission of Ontario (AGCO) regulates liquor license requirements, not the local municipality. The Province establishes the conditions of license approval. The municipality has no authority to regulate hours of operations in a zoning by-law. The only way to address the concern would be to prohibit any restaurant that wanted a liquor license.
- A bar/tavern establishment in Ontario must offer some limited food service. The difference between a restaurant and a bar/tavern is that the primary function of a restaurant is to serve food with accessory alcohol sales whereas the primary function of a bar is to serve alcohol with accessory/minimal food services.
- staff do not support the UVA proposal to prohibit restaurants that include a liquor or bar component:

- notwithstanding that the identified restaurants may attract primarily drinking patrons at specific times, all of these type of establishments still function as table service restaurants where menu food is available and is the primary function.
- it is unrealistic for a new restaurant which may wish to move to the area to not have the ability to be licensed.

### **8. Ground Floor Prohibition**

- UVA has requested that ground floor offices, commercial schools and health centres be prohibited in the by-law rather than “not permitted”. The Association does not support the flexibility proposed in the by-law that would possibly permit these uses on the ground floor of properties through a variance process subject to the caveat in the Secondary Plan that:
  - if the building fronts onto Main Street, those uses must be set back a minimum of 10m from the front wall of the structure and have a clearly defined separation between uses in order to maintain animation and pedestrian activity/interest at street level.

#### Staff Comment

- the staff proposal would allow the potential for these type of uses on the ground floor in locations that are not prime retail areas (new buildings in behind Main Street and in buildings on Main Street, but not at the front of the buildings) subject to a variance application.
- Staff has examined two possible setback scenarios for Main Street properties: 1) a 10m setback from the property line and 2) a 10m setback from the front of each commercial building fronting onto Main Street to determine the impact of the specific properties. See Appendix ‘C’.

Using the property line approach, approximately five existing buildings which are set back on the property could be totally used for these non-retail uses. Using the front wall of the structure setback approach, all buildings on Main Street would be required to have some retail/restaurant component with a few shallow depth buildings having no opportunity for these alternate uses (unless the buildings are extended or enlarged in the future) .
- Previously staff suggested using the property line approach, but is now recommending a set back of 10m from the front wall of each structure be used for properties fronting onto Main Street (see Appendix “C”)
- Any variance to allow these ground floor uses would have to be obtained through the Committee of Adjustment which involves obtaining public input into the decision-making.

### **9. Less Restrictive Policy for Restaurant Parking Relief**

- UVA has expressed a concern regarding the proposed change to the Secondary Plan policy that guides the Committee of Adjustment to limit any parking variance for restaurants to a maximum of 10% of the parking space requirement. The proposed policy removes the specific percentage. The UVA’s concern is the possibility of increased parking variances and the potential of more on-street parking in surrounding neighbourhoods due to parking variances.

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**Staff Comment**

- staff believe that there needs to be greater flexibility and not limit the Committee of Adjustment to just a 10% variance. For example, if an applicant was required to provide 20 spaces, a 10% variance would be 2 parking spaces. If the applicant could only provide 17 spaces, the Committee could not grant the variance and an official plan amendment would be required at a substantial cost and potential delay. The proposed change to the policy provides more flexibility, but with the understanding that there are parking challenges in the area.

**10. Adult Video Outlets/ Adult Goods**

- UVA objects to the allowance of up to 17 m<sup>2</sup> of *Adult Goods* (video, DVD) in a video/DVD store that is not defined as an *Adult Video Outlet*. UVA has suggested rather than identifying a specific amount of floor area, to allow a maximum of 5-10% of floor space. The concern was that with smaller stores in Unionville, the identified allowance could occupy a large portion of the floor area.

**Staff Comment**

- the definitions of *Adult Goods* and *Adult Video Outlet* provided in the by-law are consistent with other City by-laws.
- the permission for a small area of *adult goods* in other retail outlets addresses the reality that a mainstream video/DVD store or convenience store may offer these type of products.
- Using a percentage could be a concern if the store currently (or through expansion in the future) has a large floor plate.
- Staff recommends retaining the proposed definition which includes the 17m<sup>2</sup> reference.

**11. Health Centre**

- UVA is concerned that there is no definition provided for this term and a fear that it could include a body rub parlour

**Staff Comment**

- the definition for Health Centre is provide in By-law 122-72, as amended (the parent by-law) and means a building or part thereof which is used for the purpose of a gymnasium, massage room, steam room or swimming pool. The inclusion of this use reflects the expressed desire of interested parties who wish to open yoga or pilates studios in this area. This use does not include a body rub parlour which is a defined term and requires a license through By-law Enforcement.

**12. Marketing Main Street/ Need for a Retail Specialist**

- a number of people noted the need for a strong marketing plan for Unionville to attract the correct retail mix.
- URA noted that any marketing effort “needs to be lead by a highly skilled individual with strong connections to the retail and developer communities, who can work effectively with property owners and the City”.
- UVA noted the need for “a real estate advisor with top level commercial, retail and residential expertise to lead the implementation of the Master Plan...and implement the retail vision”.



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**Staff Comment**

- individual property owners will need to work cooperatively together (perhaps similar to a mall environment) if success is to be achieved in this endeavour.
- the role of the City, the UBIA and individual property owners, as well as a funding model for any future marketing plan and acquiring a retail/real estate specialist, would need further investigation and discussion.
- consideration of these type of proposals could be addressed in a future staff report once the complete Precinct Master Plan recommendations are released in the Spring.

**13. Future Role for the Main Street Unionville Committee (MSU)**

- the URA has recommended that the study steering committee (MSU) be kept in place after the Main Street Unionville Precinct Master Plan study is completed with a new mandate. The three core functions suggested by URA for this new committee are:
  - to oversee progress/ implementation of the Master Plan
  - to annually review the impact of the Secondary Plan and Zoning by-law to ensure they are functioning effectively and are advancing short term business improvements consistent with the Master Plan
  - to review the implementation of a marketing plan and whether it is meeting stated objectives
- the UVA also has suggested that the future Master Plan and supporting by-laws need to reviewed annually against pre-determined criteria or metrics which would help ensure the regulatory structure stays current.

**Staff Comment**

- to some extent, the suggested functions of the proposed Main Street Unionville committee are similar to the role of a BIA Board of Directors.
- the proposed mandate of the Main Street Unionville Committee also appears to be somewhat similar to that of the Main Street Markham Committee created by Council in 1999 to ensure that recommendations from a variety of study documents would be addressed and a vision plan developed for the area implemented.
- consideration of the creation of such a committee should be addressed in the future staff report prepared on the Precinct Master Plan, and would be at the discretion of Council.

**14. Timing of the Proposed Amendments**

- some apprehension was expressed that the proposed land use changes were occurring prior to the final consultant recommendations and community input on the Main Street Unionville Precinct Master Plan.

**Staff Comment**

- the Master Plan is focused on a long-term vision for the Unionville Heritage Conservation District which includes suggested physical improvements and redevelopment opportunities. It also acknowledges local market conditions and commercial business opportunities and constraints. The consultant has provided its recommendations on appropriate uses and market opportunities.
- the consulting team, including the retail consultant, support and recommended the proposed amendments, and indicated at the public meeting that the changes are in no way detrimental to the proposed vision for the area.

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- Community input concerning the proposed land use changes has been obtained from a number of sources including the UBIA and through the community consultation meeting (April 2013) and at the statutory public meeting (Feb 4<sup>th</sup>)

### **Changes made to OPA and Zoning By-law**

Based on the feedback provided to date, minor changes have been made to the draft amendments of the Unionville Core Area Secondary Plan and the zoning by-law. See Appendix 'A' and 'B'.

Council should provide direction to staff on the appropriate definition it wishes to use for **Restaurant, café** as it relates to chain/franchise operators. The current zoning by-law proposal would permit both independent and chain operators.

### **Summary of recommended amendments**

The proposed amendments reflect Option 3a and part of Option 2a as described in the staff report of December 2013. Basically, these options involve the removal of general policies in the Secondary Plan related to restrictions on restaurant use, the introduction of additional permitted uses for properties zoned Heritage Main Street to allow further diversification with a focus on convenience, neighbourhood-oriented retail, and would allow food consumption opportunities associated with a retail operation such as a deli, bakery, tea/coffee store in the form of a specialty food store.

### Overview of Secondary Plan Amendments

- removal of policies in the Secondary Plan related to restrictions on certain restaurant types
- removal of the requirement for 50% ground floor retail space within the defined boundary prior to allowing additional restaurants.
- provision of a new planned function for the commercial area.
- requirement for a specific setback for main floor offices, fitness centres and commercial schools on the ground floor of properties that front onto Main Street to maintain retail/restaurant animation of the street.
- modification to the list of permitted uses (i.e. retail vs specialty retail, the addition of certain types of restaurants and hotels/inns).
- removal of the policies related to the addition of restaurants and hotels as they would now be permitted.
- modification to prohibited uses by removing 'private and commercial schools' and adding in 'taverns/bars'.
- modification to policy to be less restrictive in giving parking relief for restaurants.

### Overview of Zoning By-law Amendments

- replacement of section 14 of By-law 112-72, as amended in its entirety with new provisions
- introduction of the following new permitted uses: retail store, specialty food store, supermarket, restaurant and café restaurant, bake shop, hotel, and office/commercial school/health centre (but not on the ground floor).

- Permission for a bake shop, supermarket and specialty food store to have seating for up to 24 persons as an accessory use.
- Prohibition of fast food restaurants, take-out restaurants, drive-through service facilities, taverns/bars and adult video outlet.
- Modifications to or new definitions: restaurant, tavern/bar, fast food restaurant, take-out restaurant, drive-through service facility, specialty food store, adult goods and adult video outlet.

Based on a review of the feedback received from the UBIA and the general public, and the recommendations from the retail consultant associated with the Main Street Unionville Precinct Master Plan study, staff is recommending that the proposed Official Plan Amendment (Unionville Core Area Secondary Plan) and Zoning By-law Amendment initiated by the City of Markham, be approved, and the draft implementing Official Plan and Zoning By-law amendments be finalized and enacted.

Further, the amendment to the Official Plan (Revised 1987) be forwarded to the Region of York as modifications to the new Official Plan approved by Council on December 10, 2013.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not Applicable

**HUMAN RESOURCES CONSIDERATIONS**

Not Applicable

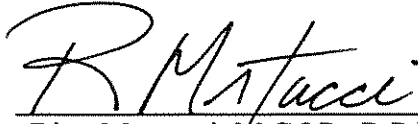
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Addresses matters relating to Growth Management.

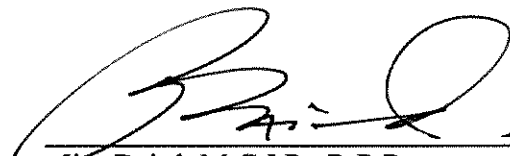
**BUSINESS UNITS CONSULTED AND AFFECTED:**

Legal Department and Zoning Section of the Building Department were consulted

**RECOMMENDED BY:**



Rino Mostacci, M.C.I.P., R.P.P.  
Director, Planning & Urban Design



Jim Baird, M.C.I.P., R.P.P.  
Commissioner of Development Services

**ATTACHMENTS:**

- |              |  |
|--------------|--|
| Appendix 'A' | Amendment to the Official Plan (Unionville Core Area Secondary Plan) |
| Appendix 'B' | Amendment to Zoning By-law 122-72, as amended                        |
| Appendix 'C' | Review of 10m Setback Options  |
| Appendix 'D' | Unionville Ratepayers Association Submission from Public Meeting     |
| Appendix 'E' | Unionville Villagers Association Submission from Public Meeting      |

**File**

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

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*

*February 2014*

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

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. \_\_\_\_\_ - \_\_\_\_ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_\_\_ st OR nd OR rd OR th day of (month) , 2014.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

**THE CORPORATION OF THE CITY OF MARKHAM**

**BY-LAW NO. \_\_\_\_\_**

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

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. XXX 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 THIS \_\_\_\_\_ *st OR*  
*nd OR rd OR th* DAY OF (month), 2014.

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

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**PART I - INTRODUCTION**

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

## **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. XXX 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, as well as throughout the study process.

DRAFT

**PART II - THE OFFICIAL PLAN AMENDMENT**

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

## **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 the addition of the number *XXX* 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 *XXX* 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.

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**PART III - THE SECONDARY PLAN AMENDMENT (PD 1-12-3)**  
(This is an operative part of Official Plan Amendment No. XXX)

## 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.

February 5, 2014

Q:\Development\Heritage\SUBJECT\Unionville OPA Zoning review 2013\Sec Plan Amendment.doc



## BY-LAW 2014-XX

A By-law to amend By-law 122-72, as amended

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

- 1.0 By-law 122-72 as amended by 2003-167 be and the same is hereby further amended as follows:
- 1.1 By adding, amending or replacing the following definitions in Section 1.4 of By-law 2003-167:
- The definition of RESTAURANT is replaced with the following definition:  
“RESTAURANT means an establishment for the preparation and sale of food and beverages served by a restaurant employee to a table located in an area inside or outside the building where the food is prepared and, as an accessory use thereto, such establishment may offer take-out service. Such establishment may include a licensed dining lounge and a pub-style restaurant.”
  - The definition of RESTAURANT, FAST FOOD is replaced with the following definition:  
“RESTAURANT, FAST FOOD means an establishment for the preparation and sale of food and beverages in a self serve/counter format for consumption both inside and outside the building(s) on the premises and serves or delivers its food and beverages in disposable containers, and as accessory thereto may offer drive-in, drive-through, take-out, or packaged fast food service.”
  - The definition of RESTAURANT, TAVERN is deleted and replaced with the following:  
“TAVERN/BAR means a building or part thereof where, liquor, beer or wine or any combination thereof are served for consumption on the premises, primarily without food.”
  - The following definition of DRIVE-THROUGH SERVICE FACILITY is added:  
“DRIVE-THROUGH SERVICE FACILITY means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or services are exchanged.”
  - The following definition of SPECIALTY FOOD STORE is added:  
“SPECIALTY FOOD STORE means a retail premise primarily for the sale of packaged food products for consumption off site with accessory sales of prepared foods and refreshments for on-site and/or off-site consumption.”
  - The following definition of ADULT GOODS is added:

“ADULT GOODS means slides, films, videotape, DVD, pre-recorded magnetic tape and computerized or electronically generated images, the container or contents of which are designed or held out as designed to appeal to erotic or sexual appetites or inclinations through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in actual or simulated sexual intercourse, ejaculation, sodomy, including anal intercourse, oral sexual intercourse or direct physical stimulation of unclothed genital organs or through depiction of the anus or genitals.”

- The following definition of ADULT VIDEO OUTLET is added:  
“ADULT VIDEO OUTLET means any premise in which the principal business is the sale or rental of “adult goods” or in respect of which the advertisements refer to ‘adult’, X-rated’, ‘XXX’ or similar description in reference to the goods offered or provided in the premise, but shall not include any screening or viewing facilities, incidental or otherwise, for the adult goods within the premises. Without limiting the generality of the foregoing, the provision of “adult goods” shall not be accessory to any other business except in circumstances where “adult goods” are provided in conjunction with the sale or rental of videotape/DVD and the area from which adult goods are provided or the total area occupied by adult goods does not exceed 17.0 square metres.”

- 1.2 By deleting Section 14 – HERITAGE MAIN STREET (HMS) ZONE of By-law 122-72, as amended in its entirety, and substituting the following:

**“SECTION 14 – HERITAGE MAIN STREET (HMS) ZONE**

**14.1 HMS USES PERMITTED**

No person shall hereafter change the use of any BUILDING, STRUCTURE or land, nor ERECT and use any BUILDING or STRUCTURE in a HERITAGE MAIN STREET (HMS) ZONE except for one or more of the following uses:

- RETAIL STORE which without limiting the generality of the definition thereof, may include a CONVENIENCE RETAIL STORE, HOME FURNISHING STORE and a wine, liquor and/or beer store.
- SPECIALTY FOOD STORE which without limiting the generality of the definition thereof, may include a confectionery store, a delicatessen, a fish and/or meat market, a wine and/or beer making store, a tea/coffee store, or other similar retail establishment.
- PERSONAL SERVICE SHOP
- SUPERMARKET
- RESTAURANT, CAFÉ RESTAURANT, TAKE-OUT RESTAURANT
- BAKE SHOP
- Display, storage and sale of objects of art and craft work such as an antique shop
- CUSTOM WORKSHOP for the production, repair and storage of art and craft work as accessory to the commercial sale of such objects in the same building
- Outdoor display, exhibition and kiosk, and open air market

- Photographer's Studio
- HOTEL
- BED AND BREAKFAST INN
- Historical museum, library, art gallery
- Amateur and semi-professional theatre and the like
- BUSINESS AND PROFESSIONAL OFFICE, COMMERCIAL SCHOOL and HEALTH CENTRE provided that such uses shall not be located on the ground floor of buildings
- DWELLING UNIT in the same BUILDING as any of the above permitted uses
- SINGLE DETACHED DWELLING

The following provisions shall apply to a BAKE SHOP, SUPERMARKET and SPECIALTY FOOD STORE offering the sale of grocery or food type merchandise:

- (i) a seating area for up to 24 persons for on-site consumption shall be permitted as an accessory use.

#### 14.2 PROHIBITED USES

In addition to the uses prohibited by Subsection 5.19 of By-law 122-72, as amended, the following uses shall also be prohibited in the HERITAGE MAIN STREET (HMS) ZONE:

- FAST FOOD RESTAURANT
- TAKE-OUT RESTAURANT
- DRIVE-IN RESTAURANT
- DRIVE-THROUGH SERVICE FACILITY
- TAVERN/BAR
- ADULT VIDEO OUTLET

#### 14.3 SITE SPECIFIC EXCEPTIONS

- (a) Notwithstanding the provisions of Subsection 14.1 and 14.2 above, the following additional uses shall be permitted/prohibited on a site specific exception basis for the properties noted:

- (i) 141, 143 and 145 Main Street, Unionville

TAKE OUT RESTAURANTS, take-out service accessory to a RESTAURANT, and outdoor garbage storage facilities associated with a RESTAURANT shall be prohibited on the lands municipally known as 141, 143 and 145 Main Street as shown on Schedule 'B' which properties are zoned Heritage Main Street (HMS). In addition, the following prohibition or restriction of outdoor patios or decks accessory to a RESTAURANT shall apply to the aforementioned properties:

- 143 and 145 Main Street- outdoor patios and decks associated with a RESTAURANT shall be prohibited.
- 141 Main Street – one (1) outdoor patio or deck accessory to a RESTAURANT shall be permitted, having a maximum floor area of 100 square metres, and shall be located in the FRONT YARD only and set back a minimum distance from the LOT LINES as follows:

LOT LINE	MINIMUM SETBACK
EAST	58.0 metres

NORTH	14.0 metres
SOUTH	8.0 metres
WEST	3.0 metres

Any portion of the outdoor patio or deck projecting south of the south wall of the MAIN BUILDING shall be required to be visually screened in relation to the abutting residential ZONE to the east, through a combination of landscaping and privacy screen fencing.

- (ii) 136, 141, 143 and 145 Main Street, 2 and 4 Station Lane, Unionville  
Business and professional OFFICES shall be permitted on the GROUND FLOOR of BUILDINGS on the lands known as 136, 141, 143 and 145 Main Street, and 2 and 4 Station Lane as shown on Schedule 'B'.
- (b) 141 and 143 Main Street, Unionville  
Notwithstanding the provisions of Section 14.4(d)(i) of By-law 122-72, as amended, in the case of the two properties municipally known as 141 and 143 Main Street as shown on Schedule 'B', which properties are zoned HERITAGE MAIN STREET (HMS), the continuous LANDSCAPED OPEN SPACE buffer required along the REAR (east) LOT LINE of these properties where abutting a residential ZONE shall be subject to the following special requirements:
- (i) a total buffer width of not less than 13 metres measured from the west LOT LINE of the adjacent property in a residential ZONE (i.e. Part 2, Plan 65R-8342, municipally known as 12 Victoria Avenue);
- (ii) the easterly 7 metres of such buffer shall be landscaped to achieve both high and low level landscape screening consisting of evergreen and deciduous plantings, and is also to include privacy screen fencing;
- (iii) the westerly 6 metres of such buffer is to be sodded;
- (iv) any existing vegetation on the lands within the 13 metre wide buffer is to be preserved and maintained to the extent possible;
- (v) in the 13 metre wide buffer, no person shall hereafter ERECT any BUILDING or STRUCTURE of any kind, or construct or use any PARKING LOT or PARKING SPACE, excepting a privacy screen fence as required by paragraph (ii) above; and
- (vi) as a condition of any use of the lands at 141 Main Street for commercial purposes, the existing garage at the southeast corner of the property shall be removed and the area used for LANDSCAPED OPEN SPACE in accordance with all the provisions of this subsection.
- (c) Municipally-Controlled Parking Lot

Notwithstanding the provisions of subsection 14.1 and 16.1 of By-law 122-72, as amended, a MUNICIPALLY CONTROLLED PARKING LOT shall be permitted on the lands zoned HERITAGE MAIN STREET (HMS) and OPEN SPACE (O1) east of Main Street between Carlton Road and Victoria Avenue.

14.4 ZONE REQUIREMENTS

In the HERITAGE MAIN STREET (HMS) ZONE, no PERSON shall hereafter ERECT or use a BUILDING or STRUCTURE except in compliance with the following requirements:

- (a) MAXIMUM LOT COVERAGE: thirty-five percent (35%)
- (b) MAXIMUM HEIGHT of a BUILDING or STRUCTURE: 10.7 metres
- (c) EXEMPTION FROM LOADING SPACE REQUIREMENTS:  
Notwithstanding the provisions of Subsection 5.13 of By-law 122-72, as amended, LOADING SPACE shall not be required for permitted uses in the HERITAGE MAIN STREET (HMS) ZONE
- (d) LANDSCAPED OPEN SPACE BUFFER REQUIREMENTS:
  - (i) Where a property in the HERITAGE MAIN STREET (HMS) ZONE abuts a residential ZONE, a continuous LANDSCAPED OPEN SPACE buffer not less than 3 metres in width shall be provided and maintained on the commercially zone property adjoining the ZONE boundary. Such LANDSCAPED OPEN SPACE shall provide both high and low level visual screening and consist of evergreen and deciduous plantings
  - (ii) The provisions of Subsection 5.14 (b) and (c) of By-law 122-72, as amended, shall not apply.”

3.0 All other provisions of By-law 122-72, 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  
\*\* DAY OF \*\*\*, 2014.

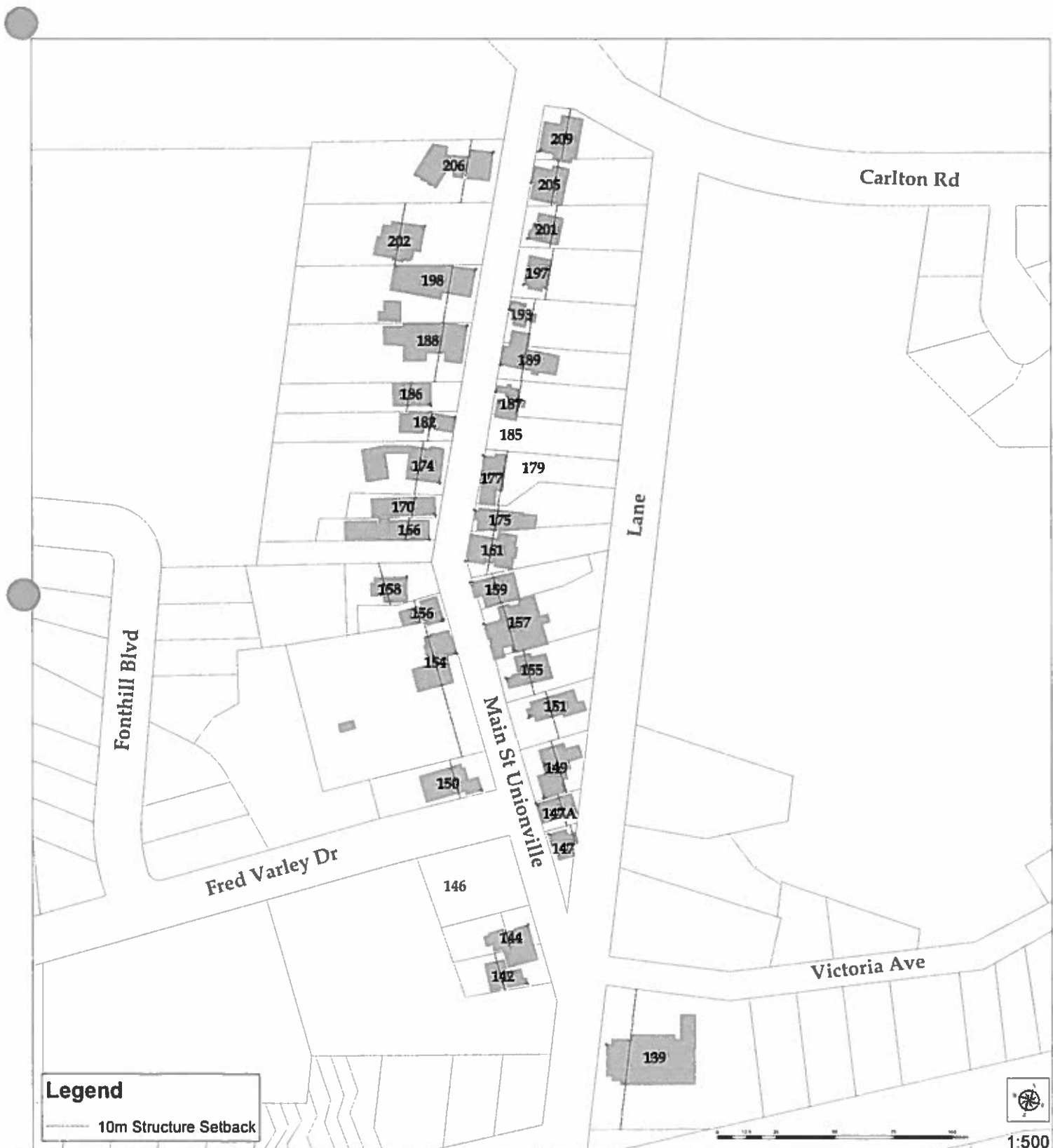
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KIMBERLEY KITTERINGHAM  
CITY CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR









**Legend**  
----- 10m Structure Setback



1:500

## APPENDIX 'D'

**URA DEPUTATION ON PROPOSED LAND USE POLICY CHANGES**

At a members meeting last night the Unionville Ratepayers Association reviewed the proposed changes to the Unionville Core Secondary Plan and the related Zoning By-law.

We note that the proposed revisions cover two broad changes:

***Restaurant Expansion***

The first major change eliminates the current restrictions on restaurant and food service outlets on the street.

- o We support the UBIA and the Main Street property owners in their desire to have these restrictions lifted, and we agree with the changes recommended by City staff.
- o In supporting these changes, we caution that both the retail consultant and City Staff have indicated that there is a tipping point where the number of restaurants could over-power retail uses on the street,
- o Over time this could change the image of the street to that of a "restaurant campus" or "entertainment district" which would detract from the Master Plan vision of a neighbourhood street providing a balanced shopping, dining and cultural experience.
- o To ensure that this does not happen, we recommend that the Unionville Main Street Committee remain in place, and be mandated with completing an annual review of restaurant expansion to ensure that it is in balance with the long term plans for the street.

**Retail Expansion**

The second major change is to broadly expand the types of retail establishments that are allowed to operate on Main Street.

- o We support this expanded definition of permitted retail uses. *as a first step in an expanded vision for the street.*

However, we also express concern that both the lifting of restaurant restrictions and the expansion of permitted retail uses are being put forward prior to final consultant recommendations and community input on the Master Plan.

- o As the consultants and the community fine tune the vision for what the Unionville Main Street "Brand" is going to be, we have some concern that if not carefully managed, the new definition of permitted uses could result in retail expansion which does not fit the final vision of the retail experience that the street is intended to provide.

As the consultants complete their final recommendations, we believe the following three actions are needed:

1. Torti Gallas have made it clear that as the Master Plan moves to implementation a strong marketing effort will be needed to attract the right mix of retail to the Heritage District and to sell the Main Street vision and "Brand" to retailers and developers. We would ask for more discussion on this topic as the consultants complete their recommendations
2. Once this vision for the desired mix of retailers is understood, we believe the City, the UBIA, and the Consultants need to work together to establish and implement a detailed marketing plan focused on actively working to attract retailers and developers who fit the retail vision we are trying to establish.

by-law - who is allowed  
 marketing pl.  
 - what is desired and then go source it

We believe this marketing effort needs to be led by a highly skilled individual, with strong connections to the retail and developer communities, who can work effectively with property owners and the City.

3. We recommend that the Main Street Unionville Committee be kept in place indefinitely with three core functions:
  - o To over-see progress towards the Main Street Master Plan vision
  - o To review on an annual basis whether the new Secondary Plan and Zoning by-laws are functioning effectively and are driving short term business improvements that are consistent with the Master Plan Vision.
  - o To review the implementation of the detailed marketing plan and ensure it is meeting its stated objectives.

In conclusion, we want to thank Regan Hutcheson and all the members of City Staff for listening to the community and working diligently to create an excellent set of recommendations. We very much appreciate the work and the very thoughtful end product.

- deep discount general merchandise

REID McALPINE

SUBMITTED TO OSC P.M.  
FEB. 4, 2014



APPENDIX E

**Deputation to Markham City Council – Development Services Committee**

**4 February 2014**

**Re: Request to Remove Restrictions on the Approval of Additional Restaurant Floor Space within the Commercial Core Area of Historic Unionville**

Please note that this deputation has been developed by a dedicated committee of the Unionville Villagers Association and the issues presented here have been discussed informally by many members of the UVA.

However, these issues are important enough that they should be formally addressed by our full membership. The UVA will do that at our next full membership meeting on February 10. After that meeting, if necessary we will forward a revised deputation.

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The UVA has no objection to the proposed amendment of zoning By-law 122-72, or the related Official Plan and Secondary Plan Amendments, provided that the following concerns are addressed in a final draft of the bylaws and in the follow-up actions of the UBIA and the City.

Re: Section 1.1 of the proposed zoning by-law,

1. The definition of "Restaurant, Fast Food" must be clarified to prevent a proliferation of the chains we typically associate with this sort of restaurant. This may however mean grandfathering some of the establishments currently on the street.
2. The distinction between the permitted use "Restaurant" and the not permitted use "Tavern/Bar" is not clear. Since there are no site-specific exemptions in the new by-law, we presume that establishments like Ambiyon and The Village Pub, the Five Lamps Chophouse & Tavern, The Planing Mill Sports Bar & Grill, the Unionville Arms Pub & Grill, and Jakes on Main would be classed as Restaurants not as Taverns or Bars. However they do in fact include features of bars as well as restaurants. We suggest that the bylaw grandfather these particular establishments and include future hybrid restaurant/bars among the prohibited categories of businesses.

This concern is motivated by the fact that at closing and some other times the current establishments already generate a low level of rowdy behaviour and vandalism. The residents of the heritage district do not want this situation to escalate in any way so as to disturb the quiet enjoyment of our homes.

We are also concerned that a mix of restaurants too heavily weighted toward hybrid establishments will not allow for a commercially healthy mix of businesses.

3. Regarding "Adult Video Outlets", we object to the allowance for the sale of Adult Goods in up to 17 m<sup>2</sup> of another shop. With the small floor space of many of the shops on Main Street, 17m<sup>2</sup> could be a very significant portion of some shops. If we cannot simply exclude Adult Goods from Main Street (perhaps protected by free-speech provisions of the constitution?) the allowance should be for a percentage of the floor space of another shop – something in the neighbourhood of 5 to 10%. Also the definition of "Adult Goods" should be expanded to include items commonly known as "sex toys".

Re: Section 1.2 of the proposed zoning by-law,

4. There is no definition of a "Health Centre", although this is a permitted use in Section 1.2. The UVA is concerned that Health Centre could be interpreted to include body rub parlors. If there is already a generally accepted legal definition of Health Centre that excludes body rub parlors, we have no objection. If that is not the case, this term must be defined in Section 1.1 so as to exclude body rub parlors.
- ✓ 5. Business and Professional Offices, Commercial Schools and Health Centres are not permitted on the ground floors of buildings. However, in paragraph 1.3 of the proposed Secondary Plan Amendment such businesses are allowed on the ground floor as long as there is a 10m setback from the front property boundary.

Our understanding, though it may be flawed, is that the difference between the two provisions is designed to allow the Committee of Adjustment to make decisions in favour of ground floor offices etc. via a minor variance to the zoning bylaw. We have been down this road before, all the way to the OMB. There is no need to leave open the option of ground floor offices. We oppose paragraph 1.3 of the proposed Secondary Plan Amendment and believe that the two by-laws must be brought into alignment to conclusively prohibit these uses on the ground floors of buildings.

Pe: Proposed amendment of Section 5.6.3 of the Secondary Plan,

6. We are concerned by the proposal to loosen restrictions on parking requirements for Restaurants. While we do not oppose more Restaurants on Main Street we note the potential for this to lead to more on-street parking in the surrounding neighbourhoods. It may be that the *current* wording of Section 5.6.3 is too restrictive, however a loosening of the restrictions must ensure that parking required for the businesses of Main Street is, in normal circumstances, accommodated within the commercial zone and not on primarily residential streets.

#### General Comments:

The UVA has long been concerned by the poor commercial health of Main Street. A vibrant and commercially healthy Main Street contributes significantly to the quality of our lives and to the value of our homes. Financially healthy businesses are also more likely to appreciate and invest in the maintenance and restoration of their heritage properties.

We are here to support well-researched, evidence-based, thoughtful, and creative solutions to the current retail decline of the street. It is our view that the change to the 50/50 bylaw is only one small part of that revitalisation. It is not a panacea. The decline of the street is likely caused primarily by the growth of competition in the retail market across Markham and the GTA and has less to do with the restrictions on restaurants.

While we support loosening those restrictions, we believe that in fact we have the cart before the horse. Removing the 50/50 restrictions is risky without a properly articulated retail vision and the full regulatory structure and community commitment to support it. That vision must now be defined and the relevant framework put in place as quickly as possible.

Such a vision will be a significant part of the final Master Plan for Unionville. Of course the current draft of the revised by-laws does in fact include such a vision. But frankly it is so generic and unenforceable as to be meaningless. And it is not based on any real community discussion or consensus.

*or a planned function.*

It is also risky to change the regulatory structure without understanding the final architectural vision for the street. If the average floor plates of the retail buildings are to increase significantly, eventually creating a critical mass of retail space, including anchor stores and stronger retailers (as was suggested last Thursday evening), the appropriate retail mix is likely to be much different than what is currently possible.

That said, a restaurant row is not sustainable in any circumstance and should not be part of any vision. The Main Street Master Plan retail consultant Bob Gibbs made that clear. We are all well aware that some restaurants on Main Street seem to struggle almost as much as the retailers. There is no need to go much further in that direction.

However we also question the vision proposed by Gibbs. Were Unionville to focus on restaurants and convenience retail aimed at a purely local market, it would be in competition with every strip mall in Markham, and would be much less convenient than most.

However we also understand that Unionville can never compete with Markville Mall, Pacific Mall or the various power malls in the region. The visioning process must include work to identify the target market – local, Markham-wide, GTA and/or tourists – and a small range of niches where Unionville *can* compete. This must be followed by steps to identify and recruit professional, experienced and well-capitalised retailers, bakers, grocers, craftsmen, artists, restaurateurs and others to fill those niches. Of course this can include some convenience retail, but a complete reliance on that niche would be foolish.

We believe that the City and perhaps the BIA should engage a real-estate advisor with top level commercial, retail and residential expertise to lead the implementation of the Master Plan in all its facets, beginning with further work on defining and implementing the retail vision.

We also believe that the vision and supporting bylaws in question tonight, as well as the complete Master Plan itself when finalised, should be reviewed annually against pre-determined criteria or metrics so that if a restaurant row does begin to emerge, or the current decline continues or accelerates, it can be addressed in a timely manner. This would also help to ensure that the regulatory structure stays current as the architectural vision for the street is implemented over time.

These steps of course will require a high level of cooperation, involvement, strategic thinking and leadership by all property owners in Unionville. With the removal of the 50/50 restrictions there will be few if any municipal policies to blame for the problems on the street. Success or failure is now up to us. Again, removal of the 50/50 restrictions is no panacea. The UVA challenges the City and property owners, particularly the commercial property owners, to do the hard work together to rebuild Unionville, not only so that our lifestyle and heritage can be protected, but so that we can all earn healthy returns on our financial investments. The UVA is here to support that work in any way we can.