

APPENDIX

A •

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

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ day of (month), 2011.

Mayor

Town Clerk

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

To amend the Official Plan (Revised 1987), as amended,
and to incorporate Amendment No. 1 to the Secondary Plan (PD 29-1)
for Cornell Planning District (Planning District No. 29).

(2218942 ONTARIO LIMITED)

(DATE)

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. _____

Being a by-law to adopt Amendment No. XXX 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. XXX 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 ____ **st OR nd OR rd OR th** DAY OF __(*month*)__, 2011.

TOWN CLERK

MAYOR

CONTENTS

PART I - INTRODUCTION

1.	GENERAL	<i>I</i>
2.	LOCATION	<i>X</i>
3.	PURPOSE	<i>X</i>
4.	BASIS	<i>X</i>

PART II - THE OFFICIAL PLAN AMENDMENT

1.	THE OFFICIAL PLAN AMENDMENT	<i>X</i>
2.	IMPLEMENTATION AND INTERPRETATION	<i>X</i>
3.	SCHEDULE(S)	
	i) Schedule 'A'	
	ii) Schedule 'B'	

PART III - THE SECONDARY PLAN AMENDMENT

1.	THE SECONDARY PLAN AMENDMENT	<i>X</i>
2.	IMPLEMENTATION AND INTERPRETATION	<i>X</i>
3.	SCHEDULE(S)	
	i) Schedule 'C'	

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, including Schedule 'A' – Land Use and Schedule 'H' – Commercial/Industrial Categories, attached hereto, constitutes Official Plan Amendment No. XXX to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for the Cornell Planning District (Planning District No.29). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, AA, attached thereto, constitutes Amendment No. 1 to the Cornell Secondary Plan (PD 29-1) for Cornell Planning District (Planning District No. 29). This Secondary Plan Amendment may be identified by the symbol PD 29-1-1. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment to the Official Plan and to the Cornell Secondary Plan (PD 29-1) applies to Part of Lot 16, Concession 9, Part 13 of Plan 65R-27384 now in the Town of Markham, located south of 16th Avenue on the east side of 9th Line, municipally known as 9225 9th Line in the community of Cornell.

3.0 PURPOSE

The purpose of this Amendment is to redesignate the lands: (i) from 'Urban Residential' to 'Commercial' on Schedule 'A' – LAND USE and designate the lands 'Community Amenity Area' on Schedule 'H'- COMMERCIAL AND INDUSTRIAL LAND USES in the Official Plan (Revised 1987), as amended; and (ii) from 'Residential Neighbourhood' to 'Community Amenity Area – Financial Institution' on Schedule 'AA' – DETAILED LAND USE of the Secondary Plan for the Cornell Planning District. The site will be subject to a site-specific provision to permit a financial institution with a drive-through facility on the subject lands.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The existing 'Urban Residential' and 'Residential Neighbourhood' designations do not permit a financial institution with a drive-through facility. The proposed Amendment would

allow a financial institution, together with a drive-through facility, to be developed on the subject lands. The financial institution will function as a transition between the service station to the north and existing residential to the south. Commercial uses have already been established on an adjoining parcel of land, at the southeast corner of 16th Avenue and 9th Line (Petro Canada service station).

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 1 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 adding the following sentence to be placed immediately after the first sentence of the bullet item dealing with the Cornell Secondary Plan PD 29-1, for the Cornell Planning District:
“This Secondary Plan was further amended by Official Plan Amendment No. XXX to this Plan.”
- 1.3** Section 9.2.13 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by adding the following text to be placed immediately after the referenced Official Plan Amendment and immediately before the end bracket.
“, as amended by Official Plan Amendment No. XXX to this Plan.”
- 1.4** Schedule ‘A’ – LAND USE of the Official Plan (Revised 1987), as amended, is hereby amended by redesignating the subject lands, as shown on Schedule ‘A’ attached hereto from ‘Urban Residential’ to ‘Commercial.
- 1.5** Schedule ‘H’ – COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan (Revised 1987), as amended, is hereby amended by expanding the existing ‘Community Amenity Area’ designation to include the subject lands, as shown on Schedule ‘B’ attached hereto.
- 1.6** 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 Schedules ‘A’ – LAND USE and ‘H’ – COMMERCIAL/INDUSTRIAL CATEGORIES and the text of the Cornell Secondary Plan (PD 29-1) for part of the Cornell Planning District (Planning District No. 29). These changes are outlined in Part III which comprises Amendment No. 1 to the Cornell Secondary Plan (PD 29-1).

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 and Site Plan Approval in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval from 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 schedules. 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.



AMENDMENT TO SCHEDULE 'A' - LAND USE TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987), AS AMENDED

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  SUBJECT LANDS TO BE REDESIGNATED FROM URBAN RESIDENTIAL TO COMMERCIAL





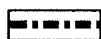
AMENDMENT TO SCHEDULE 'H' - COMMERCIAL / INDUSTRIAL CATEGORIES TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987), AS AMENDED

-  BOUNDARY OF AREA COVERED BY THIS AMENDMENT
-  SUBJECT LANDS TO BE DESIGNATED COMMUNITY AMENITY AREA

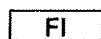




**AMENDMENT TO SCHEDULE 'AA' - DETAILED LAND USE
OF THE CORNELL SECONDARY PLAN (PD 29 -1)
FOR THE CORNELL PLANNING DISTRICT (PLANNING DISTRICT No.29)**



BOUNDARY OF AREA COVERED BY THIS AMENDMENT



SUBJECT LANDS TO BE REDESIGNATED FROM RESIDENTIAL NEIGHBOURHOOD
TO COMMUNITY AMENITY AREA - FINANCIAL INSTITUTION



PART III - THE SECONDARY PLAN AMENDMENT (PD 29-1-1)
(This is an operative part of Official Plan Amendment No. XXX)

PART III - THE SECONDARY PLAN AMENDMENT (PD29-1-1)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 1 to the Cornell Secondary Plan PD 29-1)

The Cornell Secondary Plan (PD29-1) for part of the Cornell Planning District is hereby amended as follows:

1.1 Schedule 'AA' – Detailed Land Use is hereby amended by redesignating the the subject lands from 'Residential Neighbourhood' to 'Community Amenity Area – Financial Institution', and adding the 'Community Amenity Area – Financial Institution' category to the legend, as shown on Schedule 'C', attached hereto.

1.2 Section 6.3.1 b) of the Cornell Secondary Plan (PD 29-1) is hereby amended by adding the following bullet:

- "Community Amenity Area – Financial Institution"

to be placed following the bullet item "Community Amenity Area – Automobile Service Centre"

1.3 Section 6.3 of the Cornell Secondary Plan (PD 29-1) is hereby amended by adding the following new subsection:

"6.3.7 Community Amenity Area – Financial Institution

The 'Community Amenity Area – Financial Institution' designation applies to lands situated south of 16th Avenue and on the east side of 9th Line, and described as Part Lot 16, Concession 9, Part 13, Plan 65R-27384 (geographic Township of Markham) now in the Town of Markham, municipally known as 9225 9th Line. The designation provides for a financial institution with a drive through service facility.

6.3.7.1 Development Policies

Pursuant to Section 6.3.1, the following policies apply to lands within the "Community Amenity – Financial Institution" designation

a) Permitted uses shall be limited to only:

- Financial Institution with drive-through service facility.

- Permitted uses may be contained within a one-storey, free standing building.
- b) Development shall be compatible with the development of the adjoining lands.”

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 and Site Plan Approval in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from 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.

(Date)

(File Path)



EXPLANATORY NOTE

BY-LAW 2011-XXX

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

2218942 Ontario Limited

9225 9th Line

Cornell Community

Lands Affected

The proposed by-law amendment applies to a 0.34 ha (0.84 ac) parcel of land, located south of 16th Avenue on the east side of 9th Line.

EXISTING ZONING

The lands subject to this amendment are currently zoned Residential Two*190 (Hold) [R2*190 (H)] by By-law 177-96, as amended.

Purpose and Effect

The purpose of this By-law is to rezone the lands from residential to commercial. The effect of this By-law is to permit a single storey, free standing financial service institution, and to incorporate appropriate development standards.

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

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

1.1 By rezoning the lands outlined on Schedule 'A' hereto from:

Residential Two*190 (Hold) [R2*190(H)]

to

Community Amenity One*466 (CA1*466)

1.2 By adding the following new subsection to Section 7 – EXCEPTIONS to By-law 177-96, as amended:

7.466 East side of 9th Line, south of 16th Avenue – Fineway Properties

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *466 on the Schedule of this By-law. All other provisions of the By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.466.1 Only Uses Permitted

The following uses are the only permitted uses:

- a) *Financial Institution* with a *Drive Through Service Facility*

7.466.2 Zone Standards

The following specific zone standards apply

- a) Minimum *landscaped open space* adjacent to the *rear lot line* – 3 metres.
- b) Minimum *landscaped open space* adjacent to the *south lot line* – 3 metres.
- c) Minimum *height* – not applicable
- d) Maximum *height* – 10 metres

7.466.3 Special Site Provisions

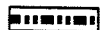
The following additional provisions apply.

- a) The provision requiring a *financial institution* to be only located on the first *storey* of an *apartment building* or on any floor of an *office building* shall not apply.
- b) A *loading space* is not required.

2. All other provisions of By-law , as amended, not inconsistent with the provisions of this by-law shall continue to apply.



BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

R2

RESIDENTIAL TWO

*No.

EXCEPTION SECTION NUMBER

CA1

COMMUNITY AMENITY ONE

(H)

HOLDING PROVISION

BY-LAW AMENDMENT No. PASSED

.....(MAYOR).....

.....(CLERK).....