

AREA CONTEXT /ZONING

APPLICANT: THE MARKHAVEN FOUNDATION
 NE CORNER OF MAJOR MacKENZIE DRIVE & McCOWAN ROAD

FILE No: ZA. 06129536 & OP. 06129531 (NS)

SUBJECT LANDS

DATE: 060607



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: NS

SCALE 1:

FIGURE No.2

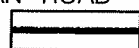
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AIR PHOTO (2005)

APPLICANT: THE MARKHAVEN FOUNDATION
NE CORNER OF MAJOR MacKENZIE DRIVE & McCOWAN ROAD

FILE No: ZA. 06129536 & OP. 06129531 (NS)

 SUBJECT LANDS

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DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW

CHK BY: NS

SCALE 1:

FIGURE No.3

N71°53'40"E
102.678

N 10°12'30"W 170.88

N 10°12'30"W 201.427

LANDS TO BE
SEVERED
2.73 ha

N 72°02'40"E 30.27

LOT 21
CONCESSION 7

LANDS TO BE RETAINED
14.79 ha

N72°02'40"E
102.641

N 10°12'30"W 226.92

N 10°12'30"W 196.648

MARKHAM
MISSIONARY
CHURCH

N 72°02'40"E 30.27

MAJOR MACKENZIE DRIVE

McCOWAN ROAD

PROPOSED SEVERANCE

APPLICANT: THE MARKHAVEN FOUNDATION
NE CORNER OF MAJOR MACKENZIE DRIVE & McCOWAN ROAD

FILE No: ZA. 06129536 & OP.06129531 (NS)



DEVELOPMENT SERVICES COMMISSION

DATE: 06/06/07

DRAWN BY: CPW CHECKED BY: NS SCALE 1:

FIGURE No.4

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

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies of the Agriculture Planning District (Planning District No. 22).

THE MARKHAVEN FOUNDATION
(On the north side of Major Mackenzie Drive, east of McCowan Road)

June 2007

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies of the Agriculture Planning District (Planning District No. 22).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2007-____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the ____ day of _____, 2007.

Mayor

Town Clerk

THE CORPORATION OF THE TOWN OF MARKHAM

BY-LAW NO. 2007-____

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) 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 ____ DAY OF _____, 2007

TOWN CLERK

MAYOR

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PART I - INTRODUCTION

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

PART - 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.

PART II - THE AMENDMENT, including Figure 22.9, attached thereto, constitutes Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

The Amendment applies to a 2.73 hectare (6.7 acre) parcel of land located on the north side of Major Mackenzie Drive, east of McCowan Road.

3.0 PURPOSE

The purpose of this Official Plan Amendment is to provide for the severance of a 2.73 hectare (6.7 acre) parcel of land in order to permit the charitable donation of the parcel to the Markhaven Foundation.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

This Official Plan Amendment introduces a site-specific policy which allows for the severance and conveyance of a 2.73 hectare (6.7 acre) parcel of land as a donation to the Markhaven Foundation. The severed parcel is intended to be developed in the future for a senior citizens' complex (which may include a continuum of care from seniors' residential units, through long-term care to nursing home), when and if the lands are brought into the Urban Serviced Area Boundary and a Secondary Plan is proposed for the area. In the interim both the lands to be severed and the remainder parcel are intended to be used for agricultural purpose.

In order to avoid creating a landlocked parcel, the parcel to be severed will be provided with direct frontage on Major Mackenzie Drive. This frontage will be provided in the form of a 30 metre (98.4 feet) wide strip with a length of approximately 227 meters (744.8 feet) extending from the subject lands to Major Mackenzie Drive along the west side of the existing church property (Markham Missionary Church). It is anticipated that, at such time as the subject lands maybe developed for seniors' uses, this strip would be dedicated to the Town for public road purposes and/or made available for development purposes in conjunction with adjacent lands.

The subject parcel is designated AGRICULTURE 1 in the Official Plan (Revised 1987), as amended, and is presently zoned Agriculture One (A1) under By-law 304-87, as amended, which only permits farming activities. The parcel is subject to Minister's Zoning Order 104/72, as amended. The effect of the Order is generally to restrict

the use of the lands to agricultural uses and associated buildings, including a residence. The site will not be rezoned to permit any development other than agricultural uses at this time. Institutional uses could be considered for the subject parcel if and when the lands on the north side of Major Mackenzie Drive East are brought into the Urban Serviced Area Boundary in the future, subject to a future amendment to the Official Plan and a Secondary Plan to accommodate such use.

The proposed Official Plan Amendment has been structured to reflect the proposed severance, as well as to ensure that there are sufficient restrictions on the land to be conveyed so as to satisfy Provincial, Regional, and Town objectives and policies with regard to severance within agricultural areas.

PART II - THE AMENDMENT

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

PART II - THE AMENDMENT

1.0 THE 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** That Section 4.3.22.2 of the Official Plan (Revised 1987), as amended, is hereby amended by adding the following new subsection j) and Figure 22.9 as follows:

“j) Part Lot 21, Concession 7
(Official Plan Amendment No. XXX)

Notwithstanding the provisions of subsections 2.7.3 (c) and (d) of this Plan, the severance of a lot approximately 2.72 hectares in size shall be permitted on lands designated AGRICULTURE 1, on the north side of Major Mackenzie Drive, east of McCowan Road, comprising Part of Lot 21, Concession 7, as shown on Figure 22.9 and shall be subject to the following:

- i) The subject parcel shall not be used for uses other than agriculture, unless a further amendment to this Plan is approved;
- ii) The subject parcel shall be in compliance with Minister's Zoning Order 104/72, as amended, and the approved Town Zoning for the parcel.”

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) 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) shall not apply.

This Official Plan Amendment shall be implemented by an amendment to Zoning By-law 304-87, as amended, in conformity with the provisions of this Amendment.

This Official Plan Amendment shall be implemented by an amendment to the Minister's Zoning Order 104/72, as amended.

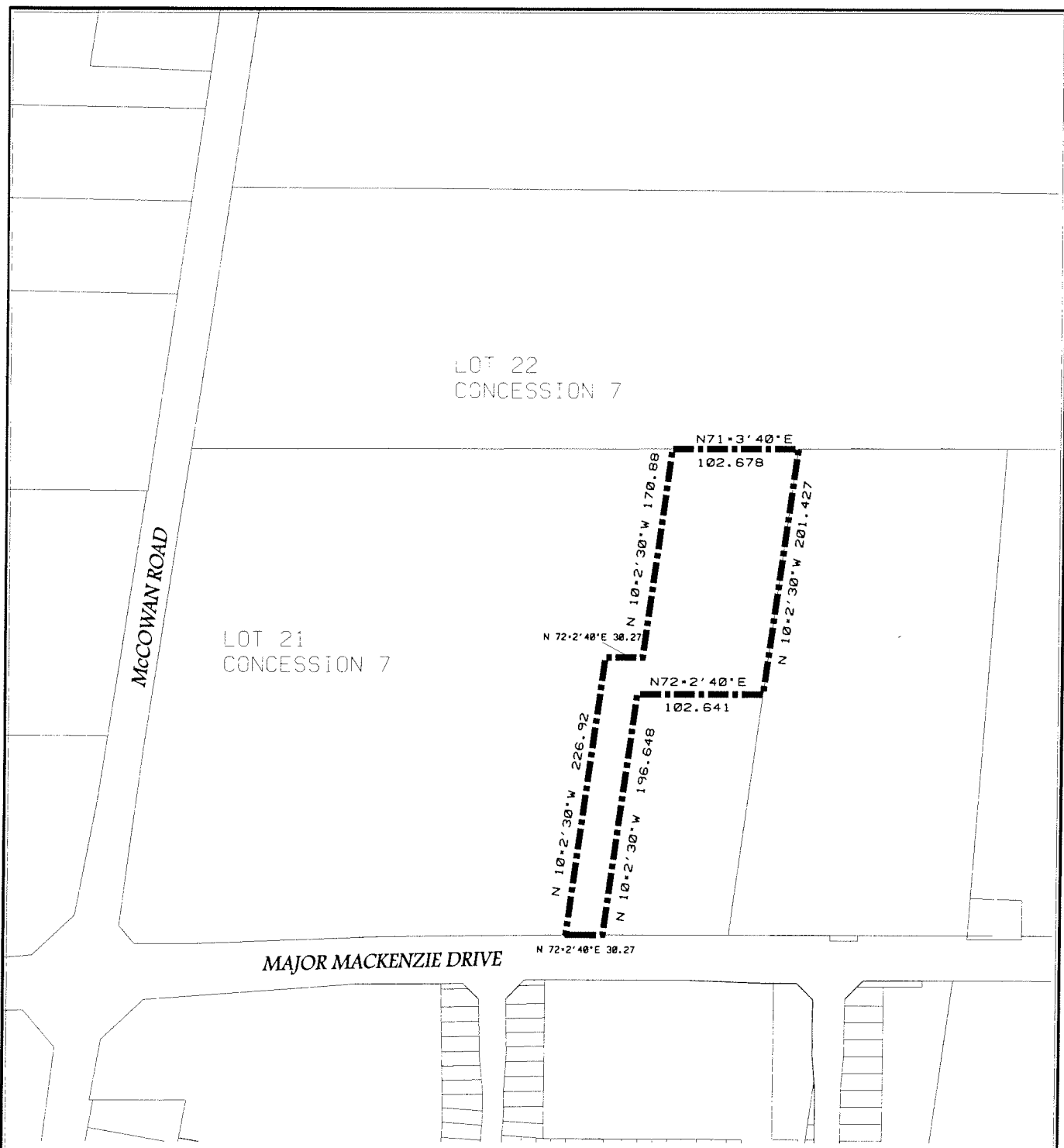


FIGURE No. 22.9
SPECIFIC SITE AND AREA POLICIES
TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

--- Boundary of area subject to the policies in Section 4.3.22.2 j)
 Land use designation: AGRICULTURE 1

APPENDIX 'B'

EXPLANATORY NOTE

BY-LAW NO. 2007 – XXX

A By-law to amend By-law 304-87, as amended.

The Markhaven Foundation

On the north side of Major Mackenzie Drive, east of McCowan Road

LANDS AFFECTED

This By-law applies to the 2.73 ha (6.7 acre) parcel of land located on the north side of Major Mackenzie Drive east of McCowan Road, legally described as Part of Lot 21 Concession 7.

EXISTING ZONING

The lands are presently zoned Agriculture One (A1) in By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this By-law Amendment is limit the uses to Agricultural uses, and to reduce the minimum lot area and lot frontage requirements for a parcel of land to be severed. The lands to be severed are intended to be donated to the Markhaven Foundation. It is intended that the lands will continue to be used for agricultural purposes at this time.



A by-law to amend By-law 304-87, as amended.

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

1. By-law 304-87, as amended, be and the same is hereby further amended as follows:

- 1.1 By adding to Section 13 – EXCEPTIONS the following:

“13.80 Notwithstanding any other provision of this By-law, the provision in this section shall apply to the lands located on the north side of Major Mackenzie Drive east of McCowan Road, legally disrupted as Part of Lot 21, Concession 7, as shown on Schedule ‘A’ attached to By-law 2007-XXX. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section:

1. Only uses permitted:

The following are the only uses permitted:

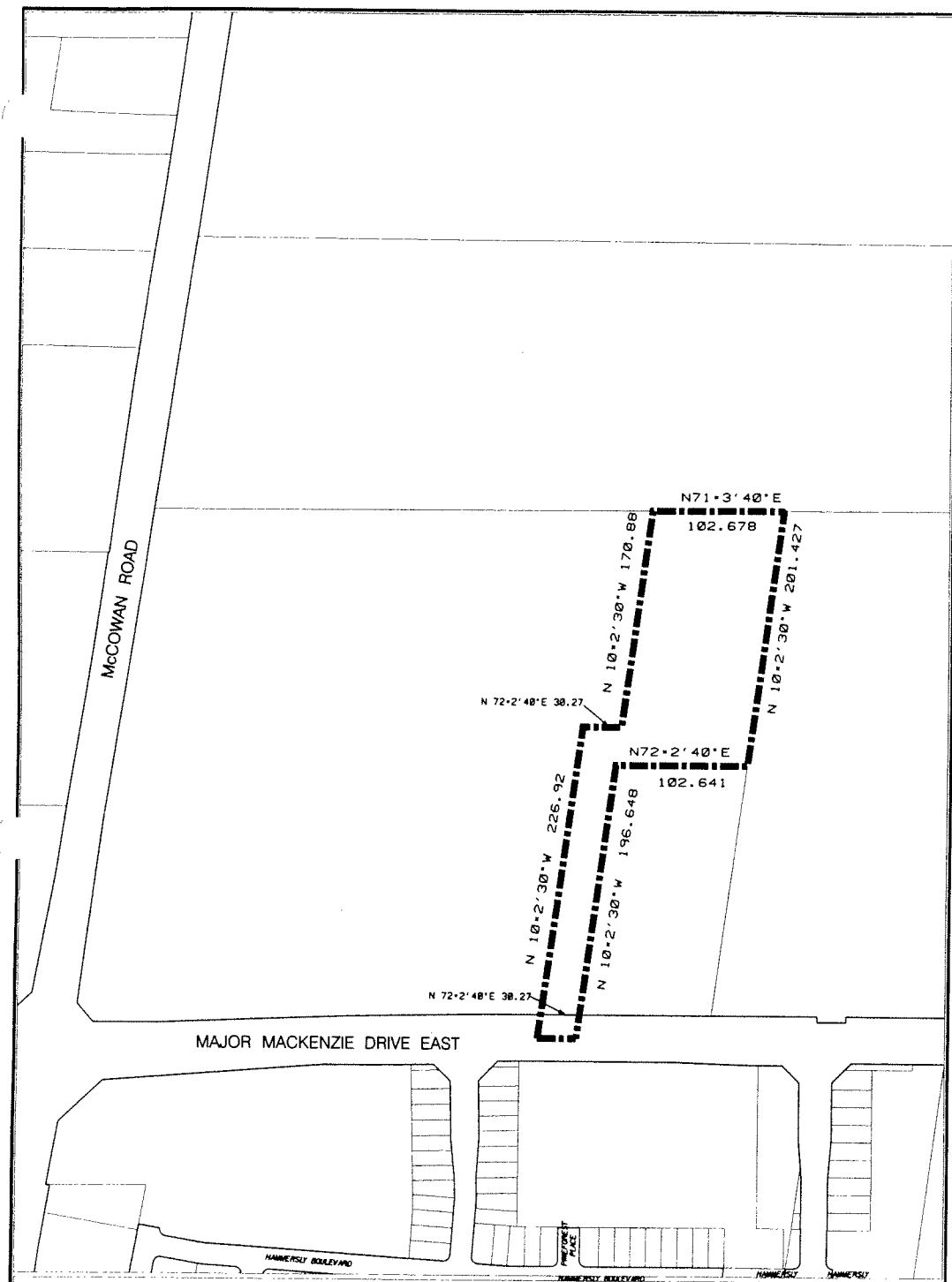
- a) AGRICULTURAL USES excluding mushroom farms.
 - b) Storage of agricultural produce as an ACCESSORY USE to a permitted AGRICULTURAL USE.
 - c) Seasonal vegetable or fruit stand in the same ownership as the abutting farm lands for the sale of produce from such lands.
 - d) Public conservation project.

2. Zoning Standards

The following specific zone standards apply:

- a) Minimum LOT AREA 2.73 ha
 - b) Minimum LOT FRONTAGE 30 m

2. All other provisions of By-law 304-97, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87



BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2007

..... MAYOR

..... CLERK

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

SCALE 1: 4000

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