

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. 194

To amend the Official Plan (Revised 1987), as amended
to incorporate Amendment No. 3 to Secondary Plan (PD 1-15)
for part of the Markham and Unionville Planning District (Planning District No.1).


(Scardred 7 Company Limited)

(June 2011)

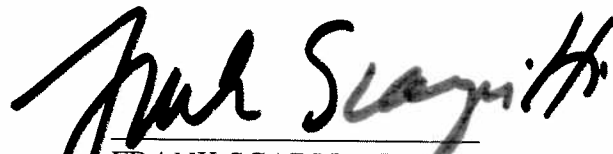
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This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2011-158 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 28th of June, 2011.



KIMBERLEY KITTERINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR



BY-LAW 2011-158

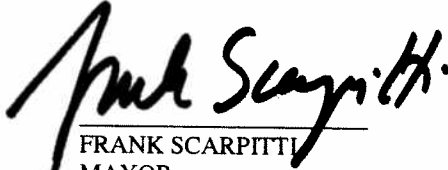
Being a by-law to adopt Amendment No. 194
to the Town of Markham Official Plan (Revised 1987), as amended

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. 194 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
28TH DAY OF JUNE, 2011.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR

CONTENTS

PART I - INTRODUCTION

1.	GENERAL	6
2.	LOCATION	6
3.	PURPOSE	6
4.	BASIS	6

PART II – THE OFFICIAL PLAN AMENDMENT

1.	THE OFFICIAL PLAN AMENDMENT	9
2.	IMPLEMENTATION AND INTERPRETATION	9

PART III - THE SECONDARY PLAN AMENDMENT

1.	THE SECONDARY PLAN AMENDMENT	11
2.	IMPLEMENTATION AND INTERPRETATION	11

PART I - INTRODUCTION
(This is not an operative part of Official Plan Amendment No. 194)

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. 194 to the Official Plan (Revised 1987), as amended, and is required to enact Amendment No. 3 to Secondary Plan (PD 1-15) 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, constitutes Amendment No. 3 to Secondary Plan (PD 1-15) for part of the Markham and Unionville Planning District (Planning District No. 1). This Secondary Plan Amendment may be identified by the symbol PD 1-15-3. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to a 2.36 hectare (5.84 acre) property located on the north side of Highway 7, east of Village Parkway, municipally known as 4038 Highway 7 East.

3.0 PURPOSE

The purpose of this Amendment is to permit additional commercial uses on the subject property.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The front portion of the subject property contains a vacant one-storey building formerly used as a garden centre. The rear portion contains a vacant one-storey building formerly used as the head office of the garden centre chain.

The property is designated "Urban Residential" in the Official Plan and Secondary Plan. A site-specific policy permitting "nurseries and garden centres" and "business offices" recognizes the long standing garden centre and associated head office uses.

The north portion of property is designated “Urban Residential-Low Density I” in Secondary Plan PD1-15 (OPA 15). This designation provides for single detached dwellings. The south portion is designated “Urban Residential - Medium Density II”, which provides for multiple dwelling units.

The Owner of the property has not been successful in securing new tenants for the buildings with the current list of permitted uses, and has applied to amend the Town’s Official Plan and zoning by-laws to broaden the list of permitted commercial uses.

Council has determined that it is appropriate to permit additional commercial uses in order to ensure that this property, which is in a high profile location along one of the Town’s primary roads, does not remain vacant for an extended period of time pending redevelopment for higher density residential use in accordance with the Town’s long term vision for lands within this portion of the Highway 7 corridor.

PART II - THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. 194)

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 *194* 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 *194* to the list of amendments listed in the second sentence of the bullet item dealing with Secondary Plan PD 1-15, for part of 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 4.3.1.2(e) including, Figure 1.5 is hereby deleted in its entirety.
- 1.4** Section 9.2.12 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number *194* 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”.
- 1.5** 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 the text of Secondary Plan (PD1-15) for part of the Markham and Unionville Planning District (Planning District No.1). These changes are outlined in Part III which comprises Amendment No. 3 to Secondary Plan (PD1-15).

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.

Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section 7.13(c) of Part II of the Official Plan (Revised 1987), as amended, shall not apply.

PART III - THE SECONDARY PLAN AMENDMENT (PD1-15-3)
(This is an operative part of Official Plan Amendment No. 194)

PART III - THE SECONDARY PLAN AMENDMENT (PD1-15-3)

1.0 THE SECONDARY PLAN AMENDMENT (Amendment No. 3 to Secondary Plan PD1-15)

Secondary Plan (PD1-15) for part of the Markham and Unionville Planning District is hereby amended as follows:

1.1 Section 5.2.8 is hereby amended by deleting everything after the first 2 paragraphs and replacing it with the following:

- “(a) The following non-residential uses shall be permitted:
 - Art Gallery
 - Library
 - Nursery and garden centres
 - Offices
- (b) The following additional commercial uses shall be permitted only within the first 52 metres of the front wall of the existing building fronting onto Highway 7 and the combined total gross floor area devoted to these uses shall not exceed 2182 m²:
 - Day nurseries
 - Commercial fitness centres
 - Restaurant and take out restaurant uses (but does not include drive-through restaurant uses)
 - Retail uses (but does not include a Supermarket)
 - Service uses
- (c) The following additional commercial uses shall be permitted only beyond 50 metres of the front wall of the existing building fronting onto Highway 7:
 - Commercial school
 - Private school
- (d) The combined total gross floor area of all uses described in sections 5.2.8 (a), (b) and (c) shall not exceed 5200 m².”

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.

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.

(June 2011)