



PUBLIC MEETING

NOTICE OF MEETING

You are invited to attend a Public Meeting to be held by the Development Services Committee of the Town of Markham to consider a proposal by the Town to amend the Official Plan (Revised 1987), as amended.

DATE: Tuesday, March 7, 2006

TIME: 7:00 p.m.

PLACE: Council Chambers
Anthony Roman Centre
101 Town Centre Boulevard
Markham, Ontario, L3R 9W3

BACKGROUND

In June 2003 Council adopted Official Plan Amendment No 113 to establish the Highway 404 North Planning District. The Amendment also established general land use designations and requirements for further implementation of the Amendment, including the adoption of a Secondary Plan, as a further amendment to the Official Plan. Official Plan Amendment No. 113 was approved by the Region of York in July 2005.

PROPOSAL

The proposed Secondary Plan establishes land use, transportation and environmental planning policies and requirements applying to the approval of new development within the Planning District. The Secondary Plan:

- incorporates the approved alignment of the Woodbine Avenue Bypass of Victoria Square;
- pursuant to OPA No. 113, designates lands west of the Bypass primarily for development as a new business park and lands east of the Bypass primarily for compatible residential development and establishes policies to govern the development of these lands;
- establishes a conceptual road pattern to serve the Planning District and requirements to further study and refine this road pattern;
- establishes policies regarding the tributary of the Berczy Creek, and wooded features within the Planning District; and,
- establishes requirements for studies to be completed to further determine how approval of development may proceed.

PURPOSE AND EFFECT OF THE PROPOSED AMENDMENT

The proposed Amendment to the Official Plan will establish a new Secondary Plan for Planning District 42 (boundary shown on reverse) and incorporate it into the Official Plan.

NOTE REGARDING OFFICIAL PLAN AMENDMENT

If a person or public body that requests a referral of a proposed decision in respect of the proposed official plan amendment to the Ontario Municipal Board does not make oral submissions at a public meeting or does not make written submissions before the proposed official plan amendment is adopted then, the Region of York, as the approval authority, may refuse the request to refer all or part of its proposed decision to the Ontario Municipal Board, and the Ontario Municipal Board may dismiss all or part of the referral of the proposed decision.

If you wish to be notified of the adoption of the proposed official plan amendment, you must make a written request to the Clerk of the Town of Markham at the address noted above.

ADDITIONAL INFORMATION

A copy of the proposed Official Plan Amendment will be available for public viewing on February 15, 2006, at the Development Services Counter of the Town Municipal Offices between the hours of 8:30 a.m. and 4:30 p.m.

Additional information is available from Tim Lambe (ext.2910) of the Town's Planning Department, tel. (905) 477-7000, quoting file number MI 459.

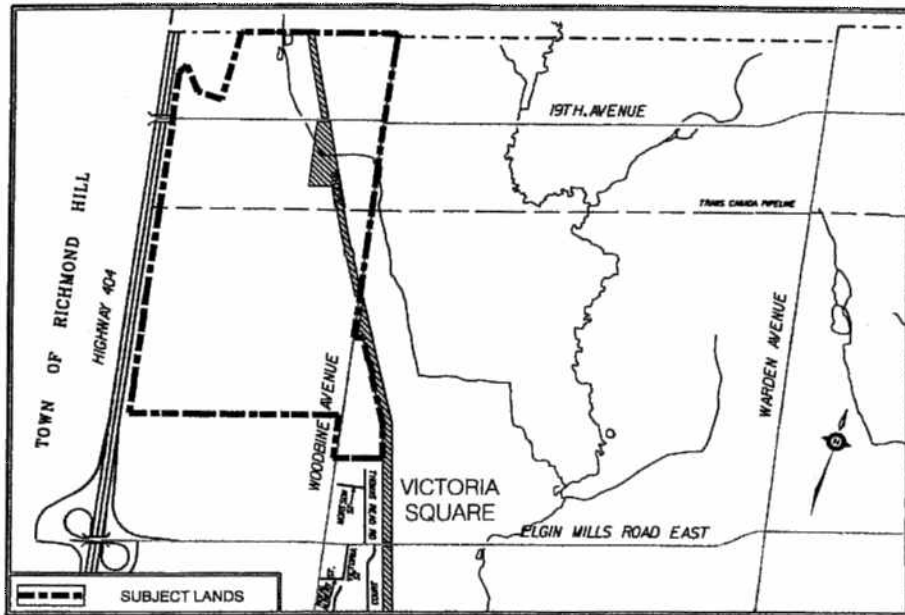
Written submissions may be mailed or personally delivered to the Clerk's Department at the address noted above or by e-mail to atari@markham.ca by not later than 4:30 p.m. March 2, 2006.

Personal information collected in response to this planning notice will be used to assist Town staff and Council to process this application and will be made public.

DATED February 15, 2006.

Jim Baird, MCIP, RPP
Commissioner of Development Services

George McKelvey
Chair
Development Services Committee



Notice of the public meeting was sent to all assessed owners within 120 metres of the area covered by the proposed application.

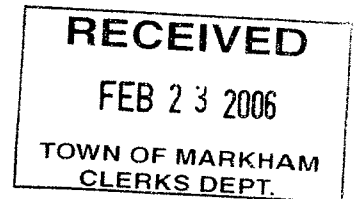
Woodbine Ave	Odd Side	10871 to 11251
	Even Side	10978 to 11648
Thomas Reid Rd	Odd Side	23 to 31
	Even Side	28, 32
19 th Ave	Odd Side	2705 to 3143
	Even Side	2780 to 3196
Elgin Mills Rd	RP65R18987 Pt 1 and 2	
	RP65R18986 Pt 1 and 2	

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DELIVERED

February 15, 2006
File No.: 010340-1002

The Corporation of The Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: T. J. Lambe, Manager, Policy and Research Division,
Planning and Urban Design Department

Dear Mr. Lambe:

Re: Highway 404 North Secondary Plan
2705 - 19th Avenue, Markham, Ontario (the "Property")

We are the solicitors for the owners of the Property, the Romanovich Family Trust ("**Romanovich**").

On behalf of our client, we have reviewed the proposed amendments to the Highway 404 North Secondary Plan (the "**Amendment**"). Upon review of the Amendment, and given the Property's proximity to Highway 404 and Markham's expressed desire to develop an interchange between Highway 404 and 19th Avenue (the "**Interchange Development**"), it appears that a majority of the Property will be re-designated for Transportation and Utility uses with the remainder being re-designated for Business Park uses. While our client has no problem with the latter re-designation, the former re-designation (the "**Transportation Re-designation**") is a cause for major concern.

The Transportation Re-designation will have a number of detrimental effects, namely:

1. it will prohibit all future development of the Property other than for public purposes, resulting effectively in an expropriation of our client's land use rights without compensation;

TORONTO

MONTREAL

OTTAWA

CALGARY

VANCOUVER

NEW YORK

LONDON

SYDNEY

2. it will render the Property almost valueless for anyone except for a public body; and
3. it will artificially depress the value of the Property so that a public body may acquire it at a reduced value.

This situation is further exacerbated by the additional requirements for the Interchange Development which are contained in the Amendment. Based on the Amendment, a re-designation of the Property would likely occur substantially before any steps are taken by Markham to assess the land requirements for, and begin construction of, the Interchange Development.

For example, 4.3.42.1 of the Official Plan is to be amended by adding that "The configuration of the proposed interchange at Highway 404 and 19th Avenue ... shown on Schedule 'C' - TRANSPORTATION, are schematic only and will be subject to further study and determination of final location, land and design requirements through Environmental Assessments, or other appropriate studies." The Amendment also calls the proposed interchange at Highway 404 and 19th Avenue "conceptual" and shall that it be subject to further review through an Environmental Assessment. Environmental Assessments are time consuming and costly. As such studies will not be commenced until there is demand for the improvement and Markham has devised a way to finance such a project (i.e. through development charges or provincial infrastructure grants, etc.). Consequentially, the Property may remain in its re-designated state for some time before Markham proceeds with the Interchange Development.

Furthermore, as the Amendment contains no deadline by which a public body must acquire the Property for the Interchange Development or any other public purpose, if re-designated "Transportation and Utility", the Property's real estate value will be dramatically reduced and may remain "frozen" in such a state for an indefinite number of years.

The Amendment does not contemplate Markham expropriating lands needed for the Interchange Development. Thus, it appears that Markham intends to rely on having the Property, or the necessary portion thereof, donated by a developer through the development approval process. Unfortunately, it is unlikely that events will unfold in this manner.

If the Property is designated "Transportation and Utility", it is unlikely that any developer, unless required, would ever purchase the Property as a majority of the Property will (likely) have to be donated to Markham prior to receiving necessary development approvals.

Thus, given the above-noted expected delays in commencing the Interchange Development, in the interim, Markham should grant the Property the same designation as its neighbours to the east thereby allowing the Property to match the land use designation of its neighbours to the east.

Furthermore, Markham should not be allowed to re-designate the Property for "Transportation and Utility" (thereby setting a new lower price for the Property) and later acquire the Property at a reduced price resulting from the Transportation Re-designation.

However, if Markham chooses not to re-designate the Property "Transportation and Utility", it will not foreclose on its ability to plan for the Interchange Development. A transportation map or mapping overlay could be incorporated as a schedule to the Amendment which could identify the Property as a potential site for the desired interchange. This would allow the Property to carry the same land use designation, "Business Park", that is proposed for the lands to the east while permitting Markham to plan appropriately for the Interchange Development.

This technique will (i) preserve the Property's the real estate value prior to its donation, (ii) maintain the vicinity's homogenous zoning designation, and (iii) protect Markham's ability to plan for the Interchange Development in the manner best suited to its needs.

Based on the above, it is not clear why Markham requires that the Property be re-designated "Transportation and Utility" before any formal steps are taken to commence the Interchange Development.

As such, Markham should re-designate the Property "Business Park" and incorporate the transportation planning requirements of the Amendment as a separate schedule to the Amendment, for example, a transportation map or mapping overlay.

If you have any questions about any of the foregoing, please feel free to contact the undersigned directly at the number or address listed above.

Yours truly,



Aaron Platt

AP/

cc: Larry & Colleen Romanovich, *Romanovich Family Trust*
Jim Harbell, *Stikeman Elliott LLP*

Public Meeting re Official Plan Amendment and Secondary Plan
for the Highway 404 North Planning District
March 7 2006

Suggested Draft Resolutions for Consideration
by the Development Services Committee

Option 1 – if the DSC wishes to recommend adoption of the proposed OPA and Secondary Plan to Council

THAT the record of the Public Meeting held on March 7 2006 with respect to the proposed Official Plan Amendment incorporating the Highway 404 North Secondary Plan be received;

THAT staff finalize the proposed Official Plan Amendment incorporating the Highway 404 North Secondary Plan and submit it to Council for adoption;

AND THAT the adopted Official Plan Amendment be submitted to the Region of York and that the Region be requested to approve the Amendment.

Option 2 – if the DSC wishes to refer the draft OPA and Secondary Plan to Staff

THAT the record of the Public Meeting held on March 7 2006 with respect to the proposed Official Plan Amendment for the Highway 404 North Secondary Plan be received;

AND THAT the proposed Official Plan Amendment incorporating the Highway 404 North Secondary Plan be referred to Staff for a further report to the Development Services Committee.

DEVELOPMENT SERVICES COMMITTEE
JANUARY 10, 2006
EXTRACT

To: Manager of Administration
 Manager, Policy and Research (T. Lambe)

22. DRAFT SECONDARY PLAN
FOR THE 404 NORTH PLANNING DISTRICT (10.3)

Moved by: Councillor A. Chiu
Seconded by: Councillor J. Virgilio

That the report entitled "Draft Secondary Plan for the 404 North Planning District" and the draft Secondary Plan attached as Appendix 'A' to the staff report dated January 10, 2006, be received;

And that the draft Secondary Plan be circulated to agencies and to landowners within the Planning District and be made available to the public;

And further that staff be authorized to schedule a Public Meeting to consider the Official Plan Amendment to adopt the draft Secondary Plan, following a community public information meeting, early in 2006.

CARRIED



TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director, Planning & Urban Design

PREPARED BY: T. J. Lambe, Manager, Policy and Research Division

DATE OF MEETING: January 10, 2006

SUBJECT: Draft Secondary Plan for the 404 North Planning District

RECOMMENDATION:

That the report entitled “Draft Secondary Plan for the 404 North Planning District” and the draft Secondary Plan attached as Appendix ‘A’ be received;

And That the draft Secondary Plan be circulated to agencies and to landowners within the Planning District and be made available to the public;

And Further That staff be authorized to schedule a Public Meeting to consider the Official Plan Amendment to adopt the draft Secondary Plan, following a community public information meeting, early in 2006.

PURPOSE:

This report provides the Committee with a copy of the draft Secondary Plan for the Highway 404 North Planning District (Appendix ‘A’) and requests authorization to schedule a Public Meeting under the Planning Act to consider the required Official Plan Amendment to adopt the draft Secondary Plan, following a community public information meeting, early in 2006.

EXECUTIVE SUMMARY:

The Town has been engaged in studies and consultation relating to approval of lands in the Highway 404 North Planning District since 2000. Council has established a commitment to ensuring that a significant area of land within the District be designated for business park employment, in support of Town objectives relating to economic development and growth management. OPA No. 113 for the District, which established the requirement for an implementing secondary plan was approved in July, 2005. During the last five years the Town also addressed its interests relating to the Woodbine Avenue Bypass, the Oak Ridges Moraine and the Rouge North Management Area, which are reflected in the draft Secondary Plan.

The draft Secondary Plan:

- delivers a significant area of high quality, well-located business park land within the Highway 404 corridor supporting the Town’s role as a key employment centre for prestige, knowledge-based industries within the GTA;

- provides for completion of the northern section of the Woodbine Avenue Bypass; and
- establishes an appropriate residential interface with the Hamlet of Victoria Square.

The draft Secondary Plan has been circulated for review by interested agencies, departments and landowners within the District. The draft has been discussed with agencies and landowners and incorporates certain revisions responding to comments received. It is now appropriate to finalize and consider the approval of the draft Secondary Plan. An opportunity for public review and comment should be provided prior to further consideration by the Development Services Committee.

BACKGROUND:

Following completion of the Highway 404 North Land Use Study, OPA No. 113 for the Highway 404 North Planning District was adopted by Council on June 24, 2003, and submitted to the Region of York for approval. OPA No. 113 incorporated the lands in the Planning District into the urban area, established primary land use designations and elements of the transportation system, identified key environmental features and required the adoption of an implementing Secondary Plan.

Prior to approval of OPA No. 113 the Region needed to consider and adopt an amendment to the Regional Official Plan, to incorporate the lands into the Regional urban settlement area. This consideration was delayed by the introduction of the Greenbelt Protection Act in December, 2003, which placed a moratorium on municipal planning approvals involving lands outside approved urban settlement areas pending completion of the Provincial Greenbelt Plan. In March, 2005, the Provincial moratorium on municipal planning approvals was discontinued, and the Region was able to initiate the process for consideration of approval of OPA No. 113. In July, 2005 OPA No. 113 was approved by the Region of York, following approval of ROPA No. 46 to the Region of York Official Plan, for the same lands.

In January, 2004, the Development Services Committee authorized staff to prepare a draft Secondary Plan to implement OPA No. 113, in anticipation of the end of the Greenbelt moratorium by the end of 2004. In May, 2005, following the Public Meeting on ROPA No. 46, the Committee authorized staff to circulate the draft Secondary Plan to agencies and landowners for comment. Subsequent to circulation of the draft in May, staff met with interested agency representatives and landowners. Some written comments were received, and Staff has incorporated some revisions to the draft Secondary Plan.

DISCUSSION:

The purpose of the draft Secondary Plan is to implement OPA No. 113, by establishing land use designations and policies to guide development in Planning District No. 42. The industrially designated land within the Planning District represents the last opportunity to establish a new business park in the Highway 404 corridor in Markham. The provisions of the draft Secondary Plan have been prepared to maximize the potential for the development of new business park uses.

In accordance with the direction of Council, the draft Secondary Plan also provides for rounding out of the residential community in Victoria Square and the planned residential development in the adjoining Cathedral Community with compatible residential development, for the delineation of the Rouge Park North adjoining a tributary of the Berczy Creek and for the classification and management of small stream features.

The draft Secondary Plan delineates a schematic transportation system addressing District and Town system requirements, and provides for further definition of transportation and servicing systems through Environmental Assessments and technical studies. Finally, the draft Secondary Plan establishes requirements for a series of sequenced, comprehensive and site specific studies to be completed prior to development approval. The content of the draft Secondary Plan is briefly summarized in the following Sections.

1. Land Use

1.1 Business Park Lands

The majority of the lands within the Planning District (+/- 181 net hectares) have been identified for the establishment of a new business park. Approximately 121 hectares comprising the business park are located between Highway 404 and the Woodbine Avenue By-pass and have been designated Business Park Area and Business Corridor Area, consistent with the provisions of the Industrial designation established by OPA No. 113. Permitted uses include those identified in the Official Plan, with some further restrictions to ensure development that is most consistent with the planned functions of the designations. Prohibited uses include transportation terminals, entertainment uses, nightclubs and funeral homes. The Business Corridor Area designation also incorporates the provisions of OPA No. 132 adopted by Council in March 2005, and approved in August 2005.

The Business Corridor Area designation has been reserved for an area of land adjoining the Woodbine Avenue By-pass which is also accessible from several interior roads serving the larger business park. The designation is also located to the north of the residential lands on the opposite side of the Woodbine Avenue By-pass, to minimize possible land use conflicts arising from certain service and retail uses that may occur in the Business Corridor Area designation, but are less likely to occur in the more restricted Business Park Area designation.

1.2 Residential Lands

Residential lands, comprising approximately 13.5 hectares, are located east of the Woodbine Avenue By-pass, adjoining the Hamlet of Victoria Square and residential lands in the Cathedral Community. These lands also adjoin 'Old' Woodbine Avenue, where it extends north from the Hamlet and will be realigned to intersect with the By-pass. The residential lands have been assigned a Low Density designation, consistent with the Official Plan, but with some specific policy exceptions identified in the following sub-sections. The provisions of the Low Density designation are intended to ensure a development pattern and housing stock compatible with existing and planned development on adjoining lands to the south. Provisions also address the requirement for street and pedestrian connections with planned residential lands in the adjoining Cathedral Community and for a possible extension of a planned Neighbourhood Park.

1.2.1 Specific Policies for Residential Lands West of "Old Woodbine Avenue"

For the lands in this area, the Low Density designation permitting single and semi-detached dwellings and townhouse units with direct frontage on a public street is supplemented with an additional permission for townhouse units, without direct frontage on a public street (ie. block townhouse units), subject to certain conditions. These conditions include meeting the overall density provisions of the Low Density designation and locating the townhouse units on sites adjoining the Woodbine Avenue By-pass. The permission for this unit type is intended to encourage a more diversified housing stock.

1.2.2 Specific Policies for Residential Lands East of "Old Woodbine Avenue"

Three specific policy exceptions apply to the residential lands in this area. The first relates to lands adjoining the north limit of Victoria Square. The policy requires lot sizes equivalent to those adjoining in the Hamlet and the development of single detached dwellings only, to ensure compatibility with the existing residential development in the Hamlet. Building height and the location of detached garages is also addressed.

The second policy relates to the residential lands adjoining the Hydro One transmission corridor. It is based on a recommendation of the Medical Officer of Health for the Region of York that all residents practice prudent avoidance and limit exposure to all sources of electromagnetic fields where economically and reasonably feasible. In May, 2005, the Development Services Committee confirmed that it is prudent to have regard for possible health implications in the context of planning and approving new development in the vicinity of hydro-electric transmission facilities. The policy requires that prior to approval of new residential development within 56 metres of the hydro corridor centreline, a study shall be required to address potential impacts from the transmission of electricity, and appropriate measures to mitigate impacts, including requirements for setback of dwellings from the transmission facilities. The policy also provides that public or private elementary and secondary schools and day care centres shall not be permitted in this area.

The third policy establishes permission for a place of worship site subject to certain conditions, including a maximum site size of 2 hectares.

1.3 Commercial Lands

Commercially designated lands are located east of "Old Woodbine Avenue" at the point where it will intersect with the Woodbine Avenue By-pass. The lands include an existing automobile service station and restaurant. Council determined that the lands should be designated Commercial in October, 2003 and requested the Region to modify OPA No. 113 to incorporate the Commercial designation. At that time it was identified that the location of the lands would be accessible to both the residential area to the south and the business park to the west and that the appropriate uses for the lands would be established through the implementing Secondary Plan. The designation was incorporated into OPA No. 113 in the Region's approval in July, 2005. In the draft Secondary Plan the lands are designated Community Amenity Area. This designation accommodates the existing service uses and permits a range of new uses appropriate to meeting the convenience retail and service needs of residents and workers within, and in proximity to, the Planning District. Several uses, considered to be potentially incompatible with the adjacent low

density residential development, or not required to meet localized retail and service needs, are not permitted. Uses not permitted include entertainment uses, hotels and motels, night clubs, banquet halls, funeral homes and schools. The provisions for the designation also require that if dwelling units are proposed these shall be incorporated into mixed-use developments above ground-related commercial uses.

Because the designated Community Amenity Area lands extend over several ownerships and include a portion of the Woodbine Avenue right-of-way that is anticipated to be closed, the draft Secondary Plan specifies that approval of new development on the lands shall be based on a comprehensive development concept, prepared on behalf of the property owners, acceptable to the Town.

1.4 Cultural Heritage

The draft Secondary Plan identifies several heritage buildings, building sites and barns of cultural value and incorporates provisions to address the retention and conservation of buildings of architectural or historical merit. A requirement to complete an Archaeological Assessment is also established.

1.5 Parkland

The draft Secondary Plan provides for the determination of parkland requirements through the Open Space component of the Community Design Plan. In the residential area this is anticipated to include an extension to the neighbourhood park, proposed on the adjoining lands to the south in the Cathedral Community. Relative to the business park it is anticipated that the parkland requirement will be addressed via cash-in-lieu contributions. As requested by the Development Services Committee, Staff has considered the suggestion that the Fletchers Fields rugby complex might, if it ceased to function, be considered for acquisition as parkland and has consulted with staff in the Community Services Commission. The facility was not identified in the Town's Recreation Master Plan and it has been determined that there is no requirement for parkland at this location within the context of a business park. Staff is also aware that if the rugby facility were to relocate, the club would seek to maximize its sale revenues to fund an alternate facility. Consequently, the facility has been given an appropriate Business Park Area designation, consistent with OPA No. 113.

2. Environment

2.1 Oak Ridges Moraine

The boundary of the Oak Ridges Moraine adjoins the northwest corner of the Planning District. The Moraine lands did not form part of OPA No. 113 and were subsequently incorporated into OPA No. 117 and Secondary Plan PD 43-1 for the Oak Ridges Moraine Planning District. OPA No. 117 was adopted by Council on October 21, 2003, and approved by the Minister on October 21, 2004. Consequently, the Moraine lands do not form part of this draft Secondary Plan.

2.2 Provincial Greenbelt Plan

Certain lands at the north limit of the Planning District have been included within the boundary of the Provincial Greenbelt by Ontario Regulation 59/05. The lands are shown in the Provincial

Greenbelt Plan dated February, 2005, as Protected Countryside - Natural Heritage System. However, Ontario Regulation 61/05, pursuant to the Greenbelt Act (Bill 135), and the Greenbelt Plan, provide that lands subject to an official plan amendment decision made prior to December 16, 2004, shall not be subject to the provisions of the Greenbelt Plan and that further approvals, required to implement the original amendment, are not required to conform to the Plan. As the lands referred to above form part of O.P.A. No. 113, adopted by Council in June, 2003, planning approvals relating to the lands, are not required to conform to the Greenbelt Plan. These lands will therefore continue to be subject to the provisions of the Official Plan and the implementing Secondary Plan.

2.3 Rouge North Management Area Policies Apply to Berczy Creek Tributary

O.P.A. No. 116 for the Rouge North Management Area was adopted by Council on September 30, 2003, and approved by the Region of York on March 25, 2004. The amendment establishes boundary delineation criteria for the Rouge Park North and policies to secure Rouge Valley lands and associated tablelands as Rouge Park North lands. The provisions of OPA No. 116 were intended to apply to the tributary of the Berczy Creek located in the northeast quadrant of the Planning District. Although OPA No. 116 was not yet approved by the OMB, Council had instructed in 2002 that the planning for the Highway 404 North Study Area should proceed on the basis that provision for the Rouge Park North be addressed. Provision for the Rouge Park North was incorporated into OPA No. 113 and has been incorporated into the draft Secondary Plan.

On October 25, 2005, Council passed a bylaw to rescind OPA No. 116, effective upon approval of OPA No. 140 by the Region, also adopted on that date. OPA No. 140 incorporates the same policy framework for the Rouge North Management Area as OPA No. 116. It also includes additional policies to achieve conformity with the Provincial Greenbelt Plan relative to the major watercourses within the Rouge watershed addressed in both the Greenbelt Plan and OPA No. 116. The portion of the tributary of the Berczy Creek within the Planning District is not one of these watercourses. Consequently, the additional policies of OPA No. 140 relating to the Greenbelt Plan do not apply to the tributary, whereas the policies carried forward from OPA No. 116 relating to the Rouge North Management Area continue to apply.

The draft Secondary Plan designates lands within and adjoining the valley of the tributary of the Berczy Creek as Environmental Protection Area and establishes the requirement to delineate the boundary of the Rouge Park North lands and to address the implementation of the Rouge North Management Plan Urban Interface and Infrastructure Guidelines as part of the required Environmental Management Study.

2.4 Woodlot and Hedgerows

A large woodlot located in the Cathedral Community adjoins the southern limit of the Planning District. The draft Secondary Plan incorporates a requirement to establish a buffer adjoining the woodlot. The Plan also establishes requirements for evaluating the health and sustainability of several identified hedgerows, and their potential for incorporation into the future development pattern.

2.5 Small Streams

Small streams within the Planning District have been classified by the Town's consultant in accordance with the draft Small Streams Study. The Study was received by Committee in December, 2004, and is under review. The stream classification is incorporated into the draft Secondary Plan with a requirement to identify proposals for the management of these features in the Environmental Management Study to be approved by the Town.

3. Transportation

The draft Secondary Plan delineates a schematic transportation system addressing District and Town system requirements, and provides for further definition of the internal street system through more detailed technical studies. Certain components of the transportation system will also be subject to Environmental Assessments that may result in revisions to the schematic system delineated.

3.1 Transportation Planning Report

A report has been completed by iTRANS Consulting Inc. who form part of the consulting team retained by the Town to assist in preparing OPA No. 113 and the draft Secondary Plan. The report summarises the results of an analysis of three transportation system scenarios serving the Planning District and surrounding area. Based on current development forecasts and scenario modelling to 2021 the report recommends a schematic road network which has been incorporated into the draft Secondary Plan. Key elements of the network include:

- arterial road components - the new Woodbine Avenue Bypass and 19th Avenue;
- collector road components within the Planning District, including industrial collector roads, and a section of existing Woodbine Avenue;
- a mid-block flyover of Highway 404, connecting to an internal collector road that may be extended east of Woodbine Avenue, in the future; and,
- an interchange at Highway 404 and 19th Avenue.

The Report identifies lane requirements, and potential intersection and traffic signal locations for the road system. It also recognizes that certain details of the road system within the District will be confirmed through required Environmental Assessments, further detailed traffic studies reflecting a more detailed development pattern within the Planning District and future decisions relating to development and the road system external to the District. Provision to incorporate the findings and recommendations of further study is incorporated into the draft Secondary Plan.

3.2 Woodbine Avenue Bypass

The alignment for the Woodbine Avenue Bypass, a Regional Arterial Road was confirmed through an Environmental Assessment completed in May 2004, and is reflected in the draft Secondary Plan. The Bypass is currently scheduled in the Region's 10 Year Capital Plan for construction in 2012. In June 2005, the Town requested the Region to expedite arrangements for the construction of the Bypass by 2009. An RFQ has been issued by the Town for the design of the Bypass with the work to be initiated in 2006. Negotiations between the Town, the Region of York and Cathedral area landowners are ongoing, to advance the timing of construction of the Bypass.

3.3 Highway 404 Flyover

The draft Secondary Plan identifies a schematic location for a flyover of Highway 404 providing a mid-block connection between north-south arterial roads in Markham and Richmond Hill. Protection for mid-block flyovers of 400 series Highways, has been identified as a priority in the York Region Transportation Master Plan and the Markham Transportation Planning Study. The schematic location shown is central to the Elgin Mills/19th Avenue block and reflects the current appreciation of environmental conditions to be addressed in the Town of Richmond Hill. However, the final design and location of the flyover, and the alignment of the connecting collector road within the Planning District, will be determined through a joint Region and Towns Environmental Assessment, scheduled to commence in 2006.

3.4 19th Avenue and the Interchange with Highway 404

In the draft Secondary Plan 19th Avenue is designated as a Town Major Arterial Road between Highway 404 and Woodbine Avenue. The final right-of-way and design for 19th Avenue will be subject to an Environmental Assessment to be undertaken by the Town. Where 19th Avenue intersects with Woodbine Avenue the right-of-way of 19th Avenue is not directly aligned on either side of Woodbine Avenue. An intersection improvement symbol identifies the need to provide for improvement of the intersection. The requirements for improvement will be addressed in the Environmental Assessment for 19th Avenue. The proposed interchange of Highway 404 and 19th Avenue is shown schematically in the draft Secondary Plan. Its final configuration and design shall be the subject of a future Environmental Assessment.

3.5 Collector Roads

The draft Secondary Plan establishes a system of collector roads providing access from development areas to the arterial road system. It establishes right-of-way standards for individual roads based on the function and design required. This includes a standard of 23 metres for an Industrial Collector Road, to accommodate bicycles, parking bays and boulevards.

3.5.1 "Old Woodbine Avenue"

A portion of Woodbine Avenue within the Planning District will be replaced by the Woodbine Avenue By-pass and will no longer be required to serve as a Regional arterial road. This portion, and the short, new connection to the Woodbine Avenue By-pass is distinguished in the draft Secondary Plan by the name "Old Woodbine Avenue", and is designated as a Major Collector Road. It is anticipated that this portion will become a Town road and that its revised function and design will be defined through an Environmental Assessment, other required transportation and urban design studies and implementing development approvals.

3.5.1 Traffic Movements - Victoria Square to Flyover of Highway 404

On May 17, 2005, some Development Services Committee members inquired regarding the origins of trips likely to use the flyover of Highway 404 and particularly the volume of trips originating in the Hamlet of Victoria Square. iTRANS Consulting Inc. has undertaken an analysis of trip origins based on the modelling undertaken for the Traffic Planning Report. The analysis shows that approximately 77% of the trips crossing the flyover from Markham will

originate from the north (51%) and south (26%) on the Woodbine Avenue Bypass and will access the flyover using the collector road system west of the Bypass.

This proportion of the total trips compares to 16% of the trips originating from east of Old Woodbine Avenue and 4% that will originate from the residential area south and east of the Bypass excluding the Hamlet of Victoria Square. Only 1% of the total trips are expected to originate within the Hamlet. These trips could be expected to connect to the flyover through the residential area using Old Woodbine Avenue.

The system of collector roads west of the Woodbine Avenue Bypass, is designed to provide several routes to access the flyover for the predominant number of trips originating from the Bypass. The road connections east of the Bypass provide access to the flyover, principally along Old Woodbine Avenue. It is considered desirable however, to discourage trips originating outside the residential area from travelling through the residential area. Trips from the east will ultimately have direct access to the mid-block collector road connecting to the flyover when this collector is extended to the east of the Woodbine Avenue Bypass and offers a more direct route to the flyover. No alteration of the schematic collector road system identified in the draft Secondary Plan is supported by the trip analysis.

4. Municipal Servicing

The draft Secondary Plan provides that new development within the Planning District will be fully serviced. The Planning District is addressed in the Region's Long Term Water Master Plan and York-Durham Sewerage System Master Plan. Arrangements are being made to install trunk services for the District as part of the servicing for the adjoining Cathedral Community.

Servicing requirements within the District are to be determined through a Master Servicing Study to be completed prior to development approval. The location of stormwater management facilities is to be addressed first in the Environmental Management Study and finalized through the Master Servicing Study to ensure that solutions are consistent with environmental priorities.

TransCanada Pipe Lines Limited operates three high-pressure natural gas pipelines within its right-of-way crossing the Planning District. The draft Plan recognizes the pipeline right-of-way through the District and establishes policies dealing with the treatment and development of adjoining lands.

5. Implementation

The draft Secondary Plan establishes requirements for several comprehensive and application-specific studies to be completed to the satisfaction of the Town, prior to development approval. The principal comprehensive studies required include:

- Environmental Management Study;
- Master Servicing Study;
- Traffic Impact Assessment;
- Community Design Plan; and
- Development Phasing Plan.

The provisions of the draft Plan also incorporate sequencing for the completion of studies, to ensure that the information and recommendations these provide will be available on a timely basis to inform other studies and decisions regarding development approval.

6. Public Consultation

In considering new Secondary Plans, it has sometimes been the practice to hold a public information meeting for the local community prior to a statutory Public Meeting under the Planning Act. If the Committee would like to proceed in this manner, staff will consult with the local Councillor to arrange such a meeting. The resolution accompanying this report includes authorization to schedule these meetings early in 2006.

FINANCIAL CONSIDERATIONS:

The adoption and approval of the draft Secondary Plan will guide the development of a significant new business park that will contribute new jobs and revenue to the Town's economy.

ENVIRONMENTAL CONSIDERATIONS:

The draft Secondary Plan incorporates policies to address the environmental features within the Planning District, the Rouge North Management Area and small streams. The Plan requires that these matters be addressed through an Environmental Management Study and other required comprehensive studies to be completed prior to any development approval.

ACCESSIBILITY CONSIDERATIONS:

None.

ENGAGE 21ST CONSIDERATIONS:


The adoption and approval of the draft Secondary Plan is consistent with corporate goals relating to Managed Growth, Environmental Focus, Infrastructure Management and Economic Development.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Engineering and Legal Departments were consulted in the preparation of the draft Secondary Plan. Several Town Departments have been provided with a copy of the draft for review and comment.

ATTACHMENTS:

Appendix 'A' - Draft Secondary Plan for the Highway 404 North Planning District



Valerie Shuttleworth, M.C.I.P., R.P.P.
Director of Planning & Urban Design



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

Draft - December 6 2005

OFFICIAL PLAN

of the

TOWN OF MARKHAM PLANNING AREA

AMENDMENT NO. XXX

To amend the Official Plan (Revised 1987), as amended.

OFFICIAL PLAN AMENDMENT

and

SECONDARY PLAN

for the

HIGHWAY 404 NORTH PLANNING DISTRICT

(Planning District No. 42)

OFFICIAL PLAN

and

SECONDARY PLAN

for the

HIGHWAY 404 NORTH PLANNING DISTRICT

AMENDMENT NO. XXX

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, by By-law No. _____ - _____ in accordance with Sections 17 and 21 of the Planning Act, R.S.O., 1990 c.P.13, as amended, on the _____ day of _____, 2006.

Mayor

Town Clerk

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) 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 _____, 2006.

TOWN 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.

PART II - THE OFFICIAL AMENDMENT, including text and Schedules "A", "B", "C", "D" and "E" attached thereto, constitutes Amendment No. XXX. Part II is an operative part of this Official Plan Amendment.

PART III – THE SECONDARY PLAN, including text and Schedules "AA" and "BB" attached thereto, constitutes the Secondary Plan for the Highway 404 North Planning District, Planning District No. 42. Part III is an operative part of this Official Plan Amendment.

PART IV – THE APPENDICES, is included for information purposes only and is not an operative part of this Official Plan Amendment.

2.0 LOCATION AND DESCRIPTION OF AMENDMENT AREA

The Amendment applies to lands within the Highway 404 North Planning District, Planning District No. 42, which is described as Part of Lots 27 to 32, Concession 3, and Part of Lots 26 and 27, Concession 2. The Planning District is bounded on the west by Highway 404, on the north by the southern boundary of the Oak Ridges Moraine and the Markham – Whitchurch-Stouffville municipal boundary, on the east by Woodbine Avenue and a portion of the Hydro One transmission corridor where it runs east of Woodbine Avenue, and on the south by the northerly limit of Planning District No. 39 (Cathedral Planning District) and the northerly limit of Planning District No. 14 (Victoria Square Planning District).

The Amendment area currently accommodates a mix of land uses, including agriculture, such as market gardening and sod farming, recreational uses, such as a golf driving range and rugby playing fields and associated facilities, industrial and outdoor storage activities, gas pipeline and hydro-electric transmission facilities and several rural residences. A tributary of the Berczy Creek is located in the northern portion of the Planning District. A significant woodlot adjoins a portion of the southern boundary of the District, east of Highway 404. The Hamlet of Victoria Square is located southeast of the area subject to this Amendment. The Amendment and Secondary Plan apply to approximately 181 hectares of land.

3.0 PURPOSE

In June 2003, Council adopted Official Plan Amendment No. 113 to:

- establish Planning District No. 42, the Woodbine North Planning District;
- designate the majority of lands within the District as Industrial, and a small area of land adjoining the hamlet of Victoria Square as Urban Residential;
- incorporate the lands in the Planning District into the Urban Service Area;

- identify the approximate locations of proposed future roads and other elements of the transportation system; and,
- require the preparation of a Secondary Plan to refine the Amendment and establish policies to further guide future land use and development within the District.

The purpose of this Official Plan Amendment is to incorporate into the Official Plan, the Highway 404 North Secondary Plan which further refines and designates lands in the Highway 404 North Planning District for higher order industrial and office uses, urban residential uses, community amenity uses, and establishes appropriate policies to guide the future development of the area. In addition, the Secondary Plan designates lands for environmental protection and transportation and utility purposes and further defines the transportation system for the Planning District. The Secondary Plan implements Official Plan Amendment No. 113 and reflects the results of the Highway 404 North Land Use Study.

4.0 CONTEXT

Town of Markham Official Plan and Strategic Plan

It is a goal of the Official Plan to plan for a pattern of industrial development at appropriate locations. It is an objective of the Plan to identify locations to accommodate, and to establish policies to guide industrial development, in support of planned growth in the Town and surrounding region. The Town is a significant employment centre within York Region. Based on current forecasts for employment growth the Town will continue to be a significant employment centre, in which the growth in industrial employment will predominate.

Markham's Strategic Plan identifies a Corporate Goal of establishing and supporting the Town as the best location for a high-technology, knowledge-based industries. Markham's growth in employment will remain slightly ahead of population growth. Consistent with this goal is the continued attraction of high-multiplier jobs, balancing live-work opportunities, and a diversity of opportunities to accommodate new employment including multiple tenant and industrial buildings that can serve as business incubators.

Employment Lands Strategy Study

In 1999 the Town initiated the Employment Lands Strategy Study (ELSS) to address the supply of land to accommodate forecast growth in industrial employment to 2021. The Study concluded that the Town needed more land to accommodate the forecast growth to 2021. The Study identified several possible locations to consider for designation in the Official Plan to accommodate additional industrial employment, both within and outside the Town's urban boundary. In March, 2000, Council endorsed the Study as the basis for initiating a process to amend the Official Plan to provide for additional employment land.

Employment Lands Technical Study

Based on recommendations of the ELSS, in May, 2000, the Town initiated the Employment Lands Technical Study (ELTS) to identify potential lands for possible future industrial use at two locations outside the urban boundary of the Town. One of these locations was the northwest quadrant of the Town adjoining the Highway 404 Corridor, north and east of the established urban area of the Town. The background phase of the ELTS was nearing

completion, when it was terminated by Council in May, 2001. However, Council did subsequently decide to proceed with further study of a smaller area of land in the vicinity of Highway 404 in June, 2002.

Highway 404 North Land Use Study

The Highway 404 North Land Use Study (404LUS) was initiated in August 2002. The purpose of the Study was to determine the requirements for an amendment to the Official Plan to designate lands in the study area for industrial use, and should Council determine that lands should be so designated, to prepare and adopt an official plan amendment and an implementing secondary plan. Several component studies were completed by the consultant team for the study including:

- Background Report for the Highway 404 North Land Use Study;
- Natural Environment/Stormwater Management Background Report;
- Water and Sanitary Servicing Background Report; and,
- Transportation Background Report.

The findings of these studies were reviewed with concerned agencies, landowners, and the public through a series of scheduled information meetings in 2002 and 2003, and the progress of the 404LUS was periodically reported to the Development Services Committee. In March 2003, the Development Services Committee authorized staff to prepare a draft official plan amendment for the study area and in May, to schedule a Public Meeting regarding the amendment. This Public Meeting was held in June, 2003.

Official Plan Amendment No. 113 for the Highway 404 North Planning District

Following the Public Meeting in June 2003, Council adopted Official Plan Amendment No. 113 for the Highway 404 North Planning District on June 24 2003, and submitted the Amendment to the Region of York for approval. Prior to consideration of approval of OPA No. 113 the Region needed to consider and adopt an amendment to the Regional Official Plan, to incorporate the lands into the urban settlement area. This consideration was delayed by the introduction of Bill 27 by the Province in December, 2003 which placed a moratorium on municipal planning approvals involving lands outside approved urban settlement areas pending completion of the Provincial Greenbelt Plan. In March, 2005 the Provincial moratorium on municipal planning approvals was discontinued, and the Region was able to initiate the process for consideration of approval of OPA No. 113. In January, 2004, Council authorized the preparation of a Secondary Plan to implement OPA No.113. In July 2005 OPA No. 113 was approved by the Region of York, following approval of OPA No. 46 to the Region of York Official Plan.

Environmental Assessment for the Woodbine Avenue Realignment

Concurrent with work by the Town on the 404LUS, the Region of York, in October 2002, initiated an Environmental Assessment (EA) for the realignment of Woodbine Avenue (Woodbine By-Pass) around the Hamlet of Victoria Square in order to implement the provisions of Regional Official Plan Amendment No.31, adopted in November 2001. At the time of adoption of OPA No. 113 by Council, in June 2003, the preferred alignment for the By-Pass had been identified, but the Environmental Study Report (ESR) for the EA had not been finalized. OPA No. 113 incorporated the preferred alignment identified in the EA, but

recognized that this alignment might be revised based on the final outcome of the EA. The preferred alignment was ultimately confirmed through the EA and identified in the ESR dated September, 2003. The preferred alignment for the Woodbine Avenue By-Pass, identified through the EA, and as described in the ESR, was confirmed by the Minister in May, 2004.

Official Plan Amendment No. 117 for the Oak Ridges Moraine

A portion of the original 404LUS Study Area was identified by the Province in Ontario Regulation 01/02 as being within the Oak Ridges Moraine. These lands did not form part of OPA No. 113 and were subsequently incorporated into OPA No. 117 and Secondary Plan PD 43-1 for the Oak Ridges Moraine. OPA No. 117 was adopted by Council on October 21, 2003 and approved by the Minister on October 21, 2004. Consequently, these lands do not form part of the Highway 404 North Secondary Plan.

Official Plan Amendments No. 116 and No. 140 for the Rouge North Management Area

Official Plan Amendment No. 116 for the Rouge North Management Area was adopted by Council on September 30 2003 and approved by the Region of York on March 25 2004. The amendment establishes boundary delineation criteria for the Rouge Park North and policies to secure Rouge Valley lands and associated tablelands as Rouge Park North lands. The provisions of OPA No. 116 were intended to apply to the tributary of the Berczy Creek located in the northeast quadrant of the Planning District. Although OPA No. 116 was not approved, Council instructed in 2002, that the planning for the Highway 404 North Study Area should proceed on the basis that provision for the Rouge Park North be addressed. Provision for this was incorporated into OPA No. 113 and has been incorporated into this Secondary Plan.

On October 25 2005, Council passed a bylaw to rescind OPA No. 116, effective upon approval of OPA No. 140 by the Region, also adopted on that date. OPA No. 140 incorporates the same policy framework for the Rouge North Management Area as OPA No. 116. It also includes additional policies to achieve conformity with the Provincial Greenbelt Plan (see following section) relative to the major watercourses within the Rouge watershed addressed in both the Greenbelt Plan and OPA No. 116. The portion of the tributary of the Berczy Creek located in the northeast quadrant of the Planning District is not one of these watercourses. Consequently, the additional policies incorporated into OPA No. 140 relating to the Greenbelt Plan would not apply to the tributary, whereas the policies carried forward from OPA No. 116 relating to the Rouge North Management Area would continue to apply.

Provincial Greenbelt Plan

Certain lands within Planning District No. 42 have been incorporated into the boundary of the Provincial Greenbelt by Ontario Regulation 59/05. The lands are also shown in the Provincial Greenbelt Plan dated February, 2005 and assigned a designation of Protected Countryside - Natural Heritage System. However, Ontario Regulation 61/05, pursuant to the Greenbelt Act (Bill 135), and the Greenbelt Plan, provide that lands subject to an official plan amendment decision made prior to December 16, 2004 shall not be subject to the provisions of the Greenbelt Plan and that further approvals, required to implement the original amendment, are not required to conform to the Plan. As the lands referred to above form part of Official Plan Amendment No. 113, which was adopted by Council in June, 2003, planning approvals

relating to the lands, although within the boundary of the Provincial Greenbelt, are not required to conform to the Greenbelt Plan. These lands will therefore continue to be subject to the provisions of the Official Plan and the implementing Secondary Plan.

Provincial Policy Statement

The Provincial Policy Statement establishes the principle of efficient patterns of development and land use to sustain the financial well-being, economic development and competitiveness of municipalities, and requires that sufficient land be designated for employment to meet projected needs for up to 20 years. It further requires that municipalities shall provide for diversity and choice in accommodating employment needs, ensure that employment areas are protected and preserved and that the infrastructure, essential to supporting development, is provided. Council's adoption of OPA No. 113 and direction to prepare a Secondary Plan for Planning District No. 42 conforms to the Provincial Policy Statement and is consistent with a program of action initiated by Council in 2000 to identify, designate and preserve additional lands for office and industrial development.

5.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

Markham is a key employment centre within the GTA with an economic base supporting a diversity of employment including prestige, knowledge-based industries. The Town's total employment was approximately 119000 in 2001 of which 85000 comprised jobs in the office and industrial sectors. Current forecasts indicate a further increase of nearly 50000 office and industrial jobs over the next 20 years of which 70% will seek industrial settings.

Based on employment forecasts in the Region of York Official Plan, the Town has identified a need to designate additional land to accommodate forecast growth in industrial employment and in order to maintain Markham's competitive economic position. The potential land supply is also not sufficient to meet a requirement of up to 20 years, as identified in the Provincial Policy Statement. This need was initially identified in the 2000 Employment Lands Strategy Study, and confirmed in subsequent analysis by staff. The Town has been actively engaged in a program to identify and designate additional industrial land since 2000.

Industrial development plays a central role in the economic health of the municipality:

- Industrial development and employment plays a key role in achieving many of the economic development objectives set out in the Markham Official Plan. These include the expansion and diversification of the Town's economic base and the maintenance of the fiscal health of the community through the development of non-residential lands;
- Employment lands accommodate large numbers of jobs, many of which may serve Town residents, generate significant assessment for the Town and are often the preferred location for the incubation of new enterprises;
- A mutually supportive relationship exists between office and industrial development. Industrial employment provides a range of production and service business and support activities to the office and commercial sectors. Offices provide the sales, legal, tax and other professional services that firms located on industrial lands require; and,

- A variety of employment creates a beneficial relationship between jobs and the resident labour force, providing opportunities to reduce journey-to-work distances; development of employment land contributes to a favourable residential to non-residential assessment ratio.

As part of the Town's commitment to designate and preserve lands for industrial use, Council adopted Official Plan Amendment No.113 in 2003, identifying lands in the Highway 404 corridor for industrial use. There is a high demand for industrial space in Markham. The pace of new development in Markham is lagging behind the "GTA North" market, due to a short supply of industrial land and the fact that there are few large land parcels available for sale. To maintain competitiveness, Markham must increase its industrial land supply. The Highway 404 corridor is one of the most successful employment areas in the GTA. The addition of viable industrial land within the Highway 404/Woodbine Avenue corridor is consistent with the Town's Economic Development Strategy to establish, promote and support Markham as the best location for diverse high-tech and related businesses.

Emerging Provincial policy confirms the need to secure viable industrial lands and to assure that opportunities for infill, and the redevelopment of underutilized lands, are actively pursued in managing new growth. In February 2005, the Province released the final version of the Provincial Policy Statement (PPS), which came into effect on March 1, 2005. Also, in February 2005, the Province released the Draft Growth Plan for the Greater Golden Horseshoe (GGH). The Growth Plan's policies elaborate on the policies of the PPS. Both these documents establish the importance of industrial lands within the GGH context, where such lands should be located, and how they should be protected. It is important to understand that the Provincial policies are consistent with, and reinforce, the provisions of Markham's Official Plan, and that the decisions by the Town, in support of designating industrial land, including the adoption of OPA No.113, are consistent with the Provincial strategy.

This Amendment implements Official Plan Amendment No.113 by incorporating into the Official Plan a new Secondary Plan for Planning District No. 42. This Secondary Plan establishes land use designations and policies that will permit development of office and industrial uses on the majority of the lands comprising Planning District No. 42, provides for a minor extension of the residential communities in the adjoining Cathedral and Victoria Square Planning Districts and establishes policies for the protection for identified environmental features. It is anticipated that the Planning District will accommodate 121 net hectares of industrial employment lands and 13 net hectares of urban residential lands when the development is completed. The Secondary Plan:

- provides a detailed land use plan and policies for the regulation of land use and development of lands within the Planning District in accordance with the designations and applicable policies of the Official Plan (Revised 1987) as amended;
- provides for the development of an appropriate transportation network to accommodate travel within and passing, the Planning District;
- provides for the delivery of municipal water and sewer infrastructure and effective stormwater management facilities, concurrent with the new development;
- establishes urban design objectives and policies; and,
- provides for the protection of significant environmental features and functions.

PART II - THE AMENDMENT

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

PART II - THE AMENDMENT

1. The following text and Schedules “A”, “B”, “C”, “D”, and “E”, attached hereto constitute Amendment No. XXX to the Town of Markham Official Plan (Revised 1987), as amended.
 - 1.1 Schedule “A” - LAND USE of the Official Plan (Revised 1987) as amended, is hereby amended by designating certain lands as shown on Schedule “A” attached hereto.
 - 1.2 Schedule “C” - TRANSPORTATION of the Official Plan (Revised 1987) as amended, is hereby amended by amending the pattern and designation of Arterial and Major Collector Roads as shown on Schedule “B” attached hereto.
 - 1.3 Schedule “G” - SITE PLAN CONTROL of the Official Plan (Revised 1987) as amended, is hereby amended by identifying the right-of-way requirements for Arterial and Major Collector Roads as shown on Schedule “C” attached hereto.
 - 1.4 Schedule “H” – COMMERCIAL/INDUSTRIAL CATEGORIES of the Official Plan (Revised 1987) as amended is hereby amended to identify the categories of commercial and industrial land use for certain lands designated as INDUSTRIAL and COMMERCIAL as shown on Schedule “D” attached hereto.
 - 1.5 Schedule “I” – ENVIRONMENTAL PROTECTION AREAS is hereby amended to amend the boundary of the Valleylands designation as shown on Schedule “E” attached hereto.
 - 1.6 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 punctuation.
 - 1.7 Section 4.3.42 of the Official Plan (Revised 1987) as amended, is hereby deleted and replaced with the following:

“4.3.42 Highway 404 North Planning District (Planning District No.42)

4.3.42.1 General Policies

- a) A Secondary Plan shall be prepared and adopted as an Official Plan Amendment and incorporated into this Plan for the area identified as Planning District No. 42. This Amendment shall also include any required amendments to the text or Schedules of the Official Plan to ensure the necessary context for, and consistency of, the Secondary Plan, and to reflect planning requirements identified subsequent to the adoption and approval of Official Plan Amendment No. 113.

The Secondary Plan shall provide for the development of an attractive, high quality business park containing an appropriate mix of employment uses and demonstrating appropriate standards of development. The policies of the Secondary Plan shall emphasize the priority to accommodate office and industrial development in the business park, rather than other types of employment, ensuring that the land designated as Industrial is used and retained to the greatest extent possible for industrial purposes.

It is intended that complimentary and compatible development will occur in the area east of the Woodbine Avenue By-Pass, adjacent to Planning District Nos. 14 and 39. The Secondary Plan will establish more detailed policies regarding the land uses, housing mix and unit types, particularly adjoining the Hamlet of Victoria Square, and the realigned Woodbine Avenue.

The Official Plan Amendment to incorporate the Secondary Plan for Planning District No. 42 shall also include an amendment to Schedule 'H' – COMMERCIAL/INDUSTRIAL CATEGORIES to establish the categories of designation for the lands designated as INDUSTRIAL and COMMERCIAL on Schedule 'A' LAND USE.

- b) The configuration of the proposed interchange at Highway 404 and 19th Avenue, and the location and configuration of the proposed overpass of Highway 404 shown on Schedule 'C' - TRANSPORTATION, are schematic only and will be subject to further study and a determination of final location, land and design requirements through Environmental Assessments, or other appropriate studies. The Secondary Plan for the Planning District will incorporate more detailed policies regarding transportation facilities and will identify required studies and any restrictions on development approval pending study completion. Adjustments in the alignment of roads or the boundaries of land use designations associated with the recommendations or requirements of completed Environmental Assessments may be shown in this Plan and the implementing Secondary Plan, without further amendment.
- c) The Secondary Plan for the Planning District may further define the classification, function and design requirements for the roads and other components of the transportation system, based on more detailed transportation, planning or design studies.
- d) The Secondary Plan shall establish that the staging and approval of development in the Planning District shall be subject to the completion and approval by the Town and concerned agencies of a comprehensive set of technical studies. Detailed technical studies that will form the basis

for development approval to implement the Secondary Plan shall address, but not be limited to:

- municipal servicing requirements;
- environmental and stormwater management;
- transportation system design and traffic management;
- natural and cultural heritage;
- community design; and,
- development phasing.

In addition to studies to address the foregoing matters, Environmental Assessments may also be required to permit the approval of certain infrastructure and may be identified in the Secondary Plan.

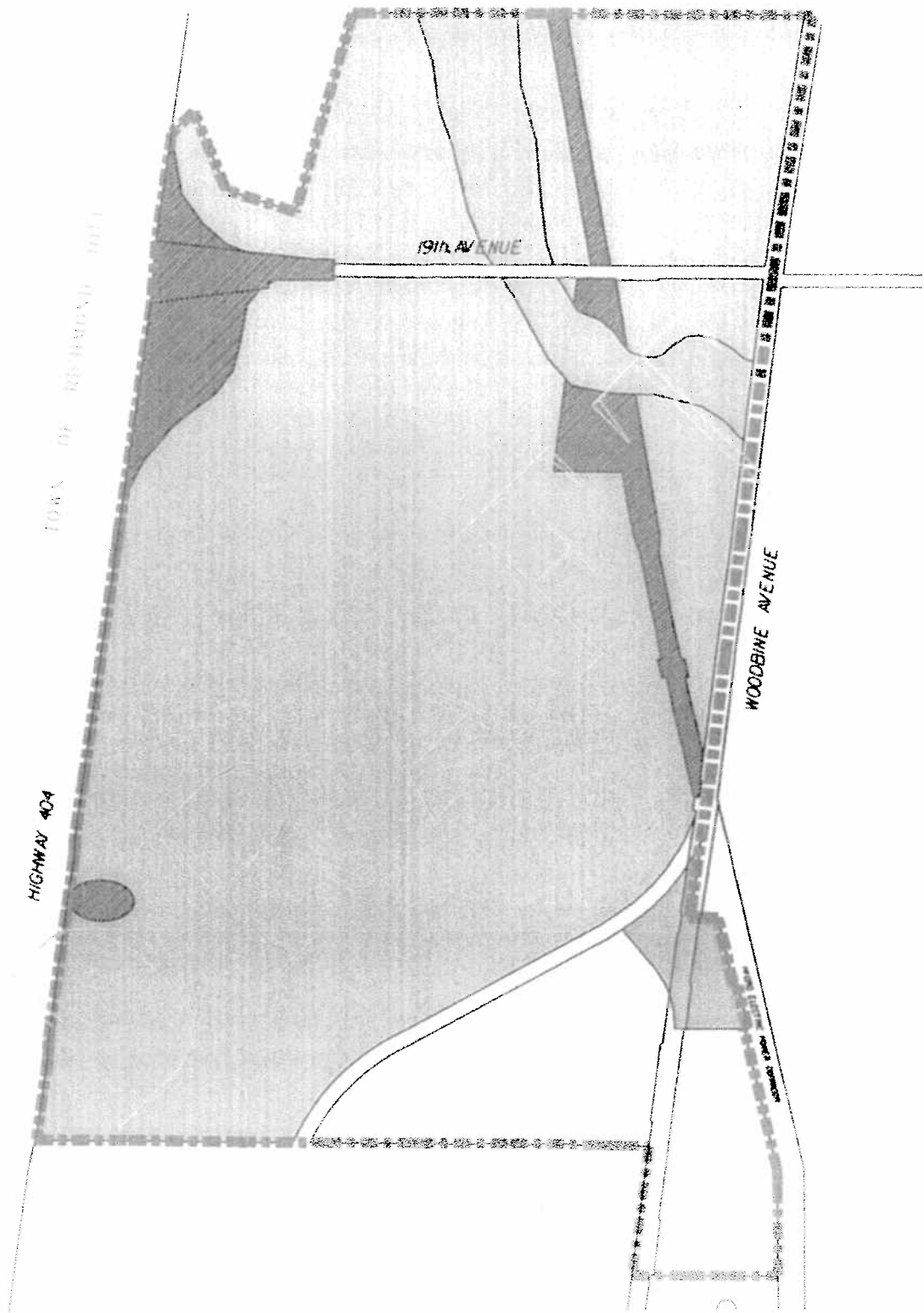
- g) Certain lands within Planning District No. 42 have been incorporated into the boundary of the Provincial Greenbelt by Ontario Regulation 59/05. The lands are also shown in the Provincial Greenbelt Plan dated February, 2005 and assigned a designation of Protected Countryside - Natural Heritage System. However, Ontario Regulation 61/05, pursuant to the Greenbelt Act (Bill 135), and the Greenbelt Plan, provide that lands subject to an official plan amendment decision made prior to December 16, 2004 shall not be subject to the provisions of the Greenbelt Plan and that further approvals, required to implement the original amendment, are not required to conform to the Plan. As the lands referred to above form part of Official Plan Amendment No. 113, which was adopted by Council in June, 2003, planning approvals relating to the lands, although within the boundary of the Provincial Greenbelt, are not required to conform to the Greenbelt Plan. These lands will therefore continue to be subject to the provisions of this Plan and the implementing Secondary Plan.”

- 1.8 Section 9 – SECONDARY PLANS of Part II of the Official Plan (Revised 1987) as amended, is hereby amended by inserting a new sub-section 9.2.27 immediately following sub-section 9.2.26 as follows:

“9.2.27. Secondary Plan PD 42 for the Highway 404 North Planning District (Official Plan Amendment No. XXX)”

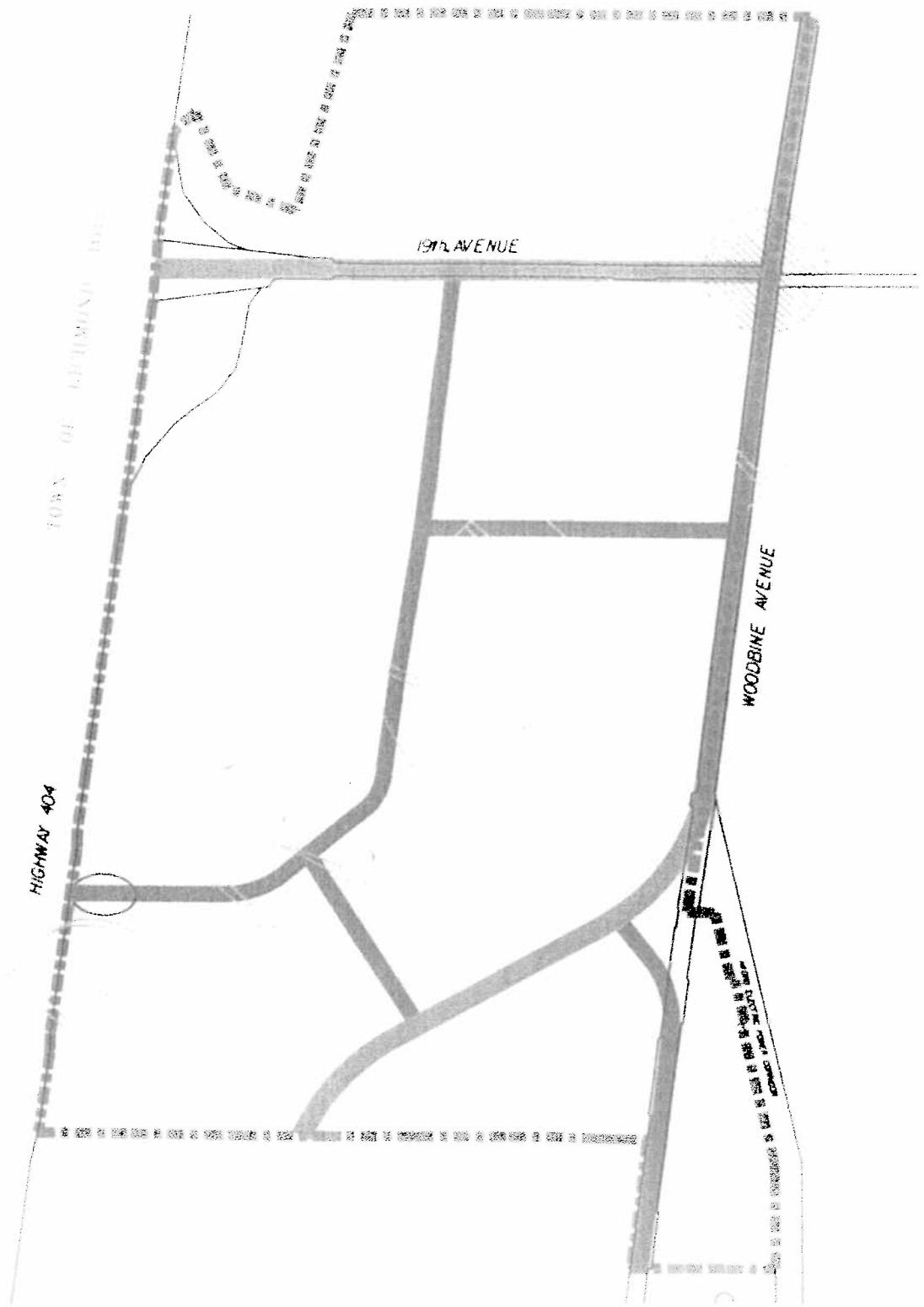
2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan (Revised 1987), as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as otherwise specifically provided for in this Amendment.



OFFICIAL PLAN AMENDMENT No. XXX
AMENDMENT TO SCHEDULE A - LAND USE
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

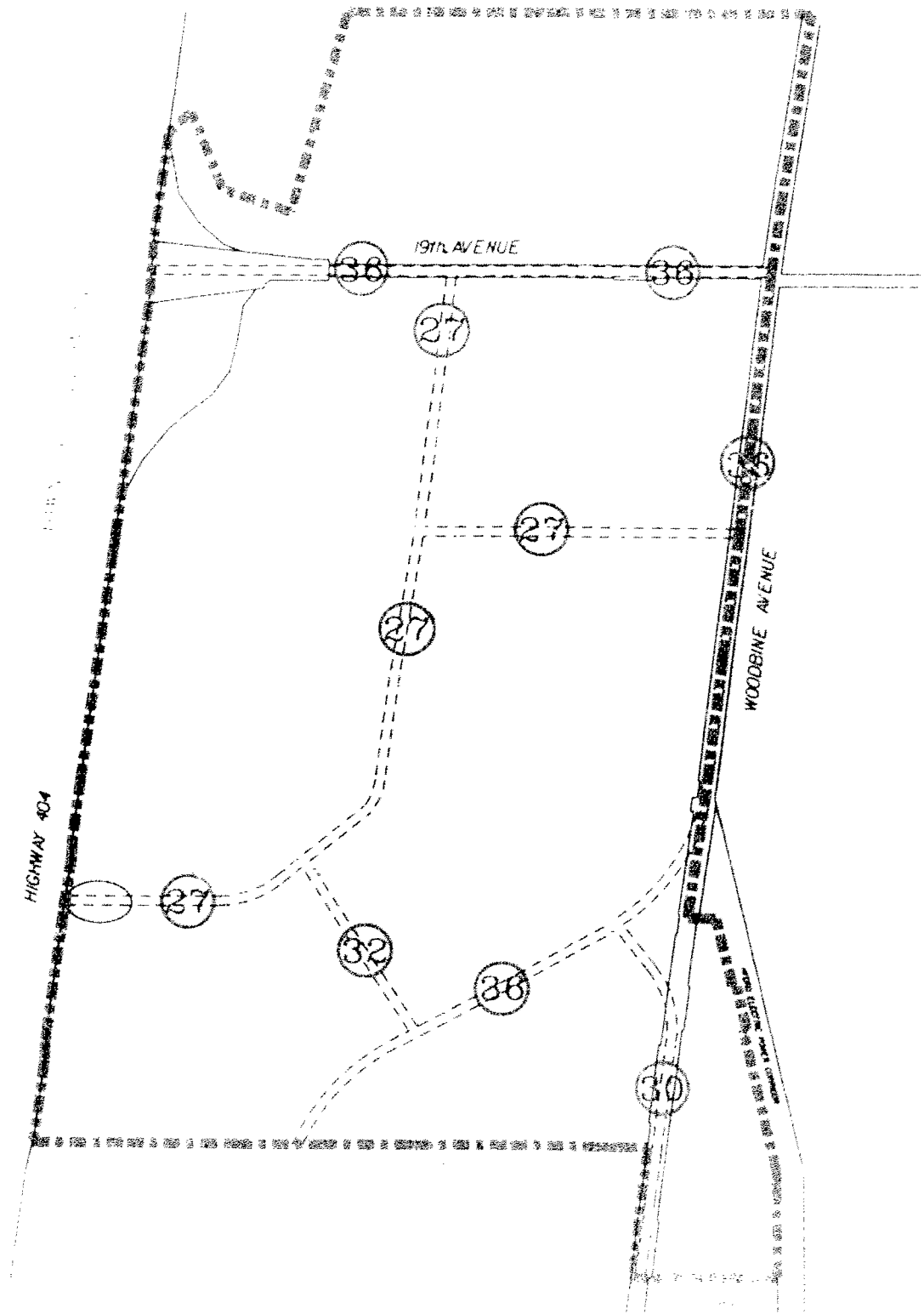




OFFICIAL PLAN AMENDMENT No. XXX
 AMENDMENT TO SCHEDULE C -TRANSPORTATION
 TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

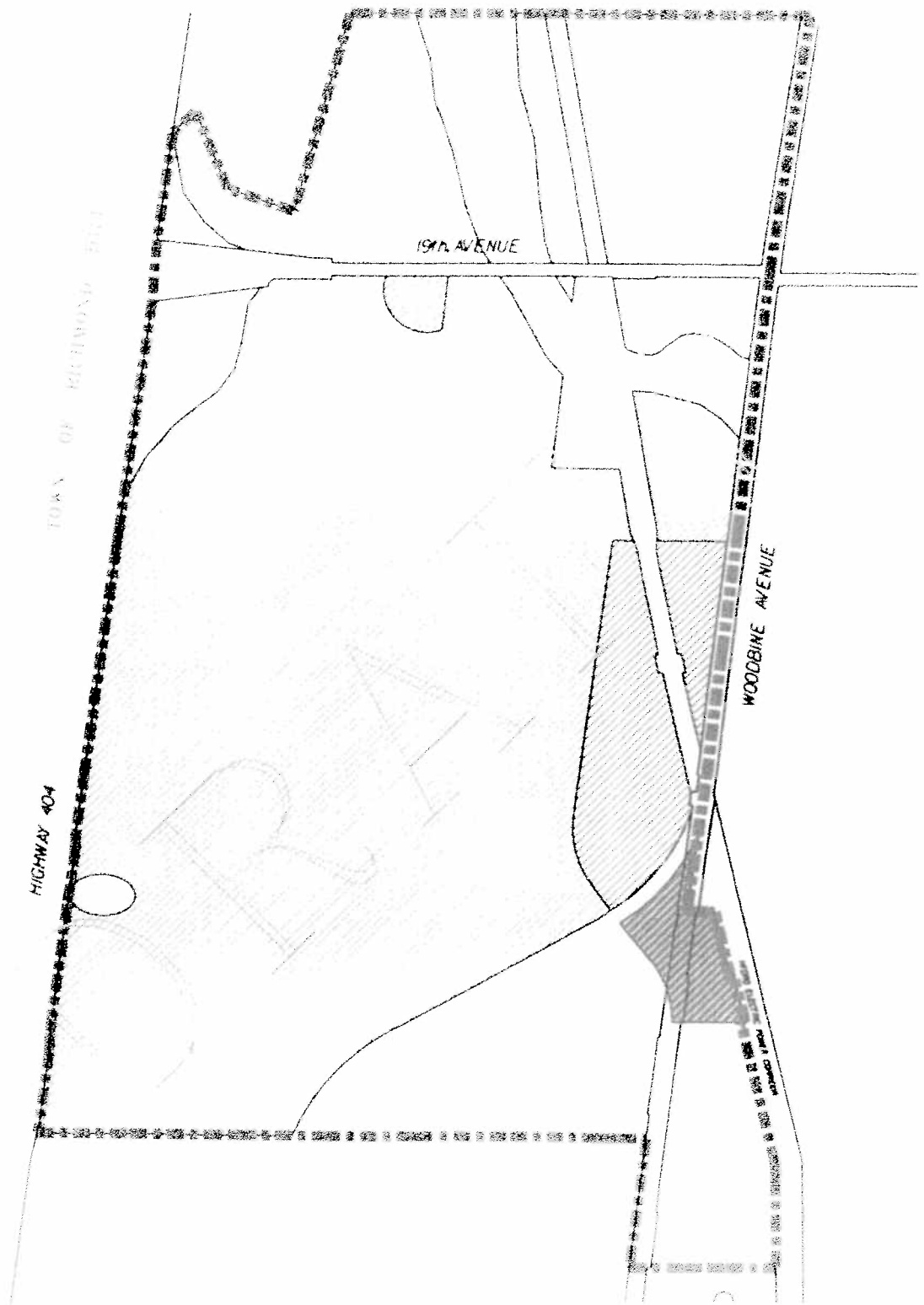
100% OF THE TOTAL AREA OF THE TOWN OF MARKHAM IS COVERED BY THE OFFICIAL PLAN.

NORTH



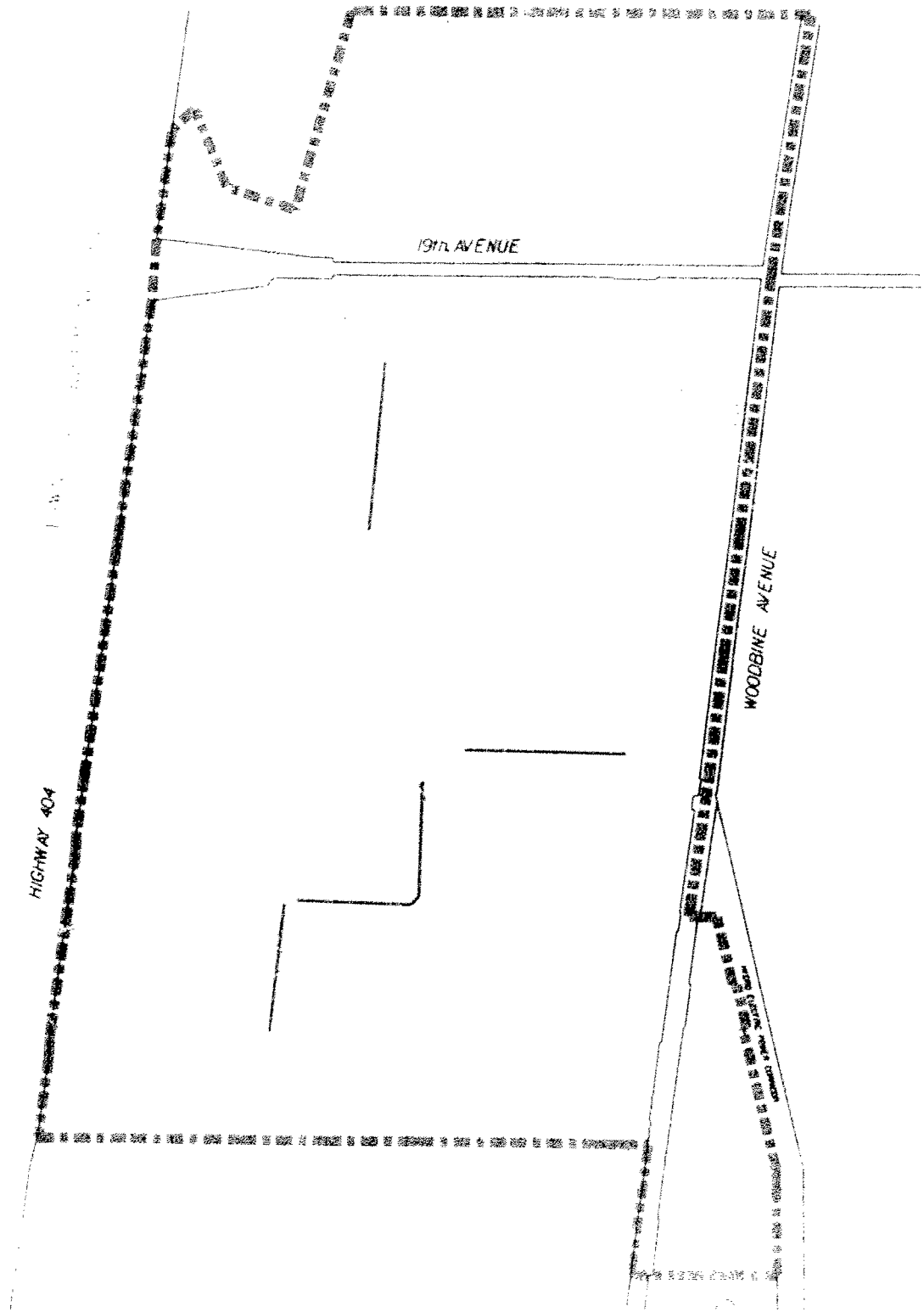
OFFICIAL PLAN AMENDMENT No. XXX

AMENDMENT TO SCHEDULE G - SITE PLAN CONTROL
 OF THE MUNICIPAL OFFICIAL PLAN (REVISED) AS AMENDED



OFFICIAL PLAN AMENDMENT No. XXX
 SCHEDULE H - COMMERCIAL/INDUSTRIAL CATEGORIES
 TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

PREPARED BY: [illegible] ENGINEERING LTD.



OFFICIAL PLAN AMENDMENT No. XXX
 AMENDMENT TO SCHEDULE I ENVIRONMENTAL PROTECTION /
 AREA
 TOWN OF MARKHAM, ONTARIO

PART III - THE SECONDARY PLAN

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

SECONDARY PLAN PD 42-1 - HIGHWAY 404 NORTH PLANNING DISTRICT

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1.0 INTRODUCTION

The following text and Schedule “AA” - Detailed Land Use and Schedule “BB” - Transportation, attached hereto, constitute the Secondary Plan for Highway 404 North Planning District (PD No. 42) as established and adopted by Amendment No. 113 to the Official Plan (Revised 1987) as amended.

2.0 PURPOSE OF THE SECONDARY PLAN

The purpose of this Secondary Plan is to establish land use designations and policies that will provide for development of office and industrial uses on the majority of the lands comprising Planning District No. 42, provide for a minor extension of the residential communities in the adjoining Cathedral and Victoria Square Planning Districts and ensure protection for identified environmental features. It is intended that the Planning District will accommodate 123 net hectares of employment lands and 13 net hectares of urban residential lands when the development is completed. The Secondary Plan:

- a) provides a detailed land use plan and policies for the regulation of land use and development of lands within the Planning District in accordance with the designations and applicable policies of the Official Plan (Revised 1987) as amended;
- b) provides for the establishment of an appropriate transportation network to accommodate travel within and passing, the Planning District;
- c) provides for the delivery of municipal water and sewer infrastructure and effective stormwater management facilities, concurrent with the new development;
- d) establishes urban design objectives and policies; and,
- e) provides for the protection of significant environmental features and functions.

3.0 LOCATION AND DESCRIPTION OF THE PLANNING DISTRICT

The Secondary Plan applies to lands within the Highway 404 North Planning District, Planning District No. 42, which is described as Part of Lots 27 to 32, Concession 3, and Part of Lots 26 and 27, Concession 2. The Planning District is bounded on the west by Highway 404, on the north by the southern boundary of the Oak Ridges Moraine and the Markham-Whitchurch-Stouffville municipal boundary, on the east by Woodbine Avenue and a portion of the Hydro One transmission corridor where it runs east of Woodbine Avenue, and on the south by the northerly limit of Planning District No. 39 (Cathedral PD) and the northerly limit of Planning District No. 14 (Victoria Square PD). The hamlet of Victoria Square is located southeast of the area that is subject to this Secondary Plan.

The Planning District accommodates a mix of land uses including agriculture, such as market gardening and sod farming, recreational uses, such as a golf driving range and rugby playing fields and associated facilities, industrial and outdoor storage activities, gas pipeline and hydro-electric transmission facilities and several rural residences. A tributary of the Berczy Creek is located in the northern portion of the Planning District. A significant woodlot adjoins a portion of the southern boundary of the District, east of Highway 404. The Hamlet of Victoria Square is located southeast of the Planning District. The Planning District includes approximately 181 hectares of land.

4.0 GOAL AND OBJECTIVES

4.1 Introduction

The goal and objectives of the Town for Secondary Plan PD 42-1 are described in the following sections. Together with the provisions of the Official Plan, the goal and objectives provide the framework for the future development of the Planning District. The goal and objectives will be implemented in accordance with the policies of the Official Plan and this Secondary Plan.

4.2 Goal

The goal of this Secondary Plan is to provide for the development of a significant business park area while accommodating a minor extension of the planned residential development in the Cathedral Community that will result in:

- a) Additional industrial land to accommodate near term growth in industrial and complementary office employment;
- b) Integration of new residential development with the proposed Cathedral Community residential neighbourhoods and the existing residential development in the Hamlet of Victoria Square;
- c) Opportunities to accommodate limited retail and service activities of an appropriate type and scale to serve the employees and residents of the Planning District;
- d) Provision for a transportation system that meets the needs of development within the Planning District, but also providing for longer term network improvements to serve travel movements within and in the vicinity of the District;
- e) Provision for new development to take place on full municipal services and with appropriate stormwater management;
- f) Provision for new development in accordance with community design and built form standards; and,
- g) The identification and protection of natural and cultural heritage features.

4.3 Objectives

The following objectives are established for the use and development of the lands within the Planning District:

4.3.1 General

- a) To require all development within the Planning District to be in compliance with the Official Plan and applicable senior government regulations.

4.3.2 Industrial Development

- a) To establish and maintain a large business park having a minimum area of 120 net hectares adjoining and accessible to Highway 404 and neighbouring arterial roads, providing a significant contiguous area of new industrial land to accommodate a wide range of high performance industrial and office employment;

- b) To contribute to meeting the Town's forecast targets for industrial employment through the designation of additional industrial lands; and,
- c) To support, through the accommodation of new employment, goals of the Town's Strategic Plan and Economic Development Strategy and the well-being of the Town's economy.

4.3.3 Residential and Commercial Development

- a) To establish and integrate a minor extension of the planned residential development in the Cathedral Community and the existing hamlet of Victoria Square incorporating compatible residential development at locations and in forms appropriate to the adjoining and planned land uses and transportation and transmission facilities; and,
- b) To accommodate a limited amount of complementary retail and service activities at specified locations adjoining the Woodbine Avenue Bypass that are compatible with, and serve, the planned industrial and residential development in the Planning District.

4.3.4 Transportation

- a) To provide for and develop, a transportation system that is consistent with the Markham Transportation Planning Study, and its updates;
- b) To develop a road network that meets the requirements of a high quality business park;
- c) To ensure that the planned road network provides for:
 - the new Woodbine Avenue By-pass;
 - a future interchange of Highway 404 with 19th Avenue
 - a future mid-block overpass of Highway 404;
 - a future easterly extension of the mid-block collector road serving the Planning District;
 - the incorporation of "Old Woodbine Avenue" into the new land use plan;
- d) To ensure that the road network accommodates the provision of transit services and bicycle routes;
- e) To ensure that development in the Planning District is linked to the delivery of the major components of the planned transportation infrastructure and supportive of transit use in the area; and,
- f) To establish road rights-of-way based on standards approved by the Region of York or the Town.

4.3.5 Urban Design

- a) To establish a design framework that provides for the development of an attractive and distinctive business park and a new residential neighbourhood integrated with adjoining communities;
- b) To provide development parcels that may accommodate a variety of business park building types, including large floor plate, single and multiple occupant and single and multi-storey forms. Parcel sizes should allow flexible site planning and the potential for expansion; and,
- c) To promote a pedestrian friendly environment and pedestrian accessibility through a variety of treatments including sidewalks, feature paving, lighting, signs, street planting and landscaping.

4.3.6 Environmental Protection and Heritage Conservation

- a) To preserve and enhance natural features and their functions and cultural heritage resources wherever feasible, including significant vegetation, aquatic resources, heritage buildings and archaeological sites;
- b) To identify, protect and preserve valley lands and associated natural features of the tributary to the Berczy Creek consistent with the Town's policies and programs to establish the Rouge Park North;
- c) To ensure that development avoids or mitigates negative impacts on natural features and functions, including small streams within the Planning District and where feasible, results in a net benefit to the environment; and,
- d) To require any existing site contamination to be identified and remediated to ensure there will be no adverse effects on human health or the environment.

4.3.7 Municipal Services and Utilities

- a) To ensure that all required municipal services and utilities are designed, constructed and operational, with sufficient approved capacity, prior to, or coincident with, new development, and in accordance with the design criteria of the Town and Region of York and the policies of this Secondary Plan;
- b) To establish a stormwater management system that is based on the policies of the Town, in consultation with the Toronto and Region Conservation Authority, and meets agency quality and quantity requirements and standards; and,
- c) To ensure that the costs of services, public facilities, utilities and infrastructure required for the development of the lands within the Planning District are not a financial burden to the Town and are provided in accordance with:
 - the provisions of the Development Charges Act;
 - the provisions of the Planning Act, the Region of York Official Plan, and the Town of Markham Official Plan;

- the required Development Phasing Plan and Development Charges By-laws; and,
- any agreements required by the Town or the Region of York.

5.0 LAND USE DESIGNATIONS AND POLICIES

5.1 General Policies

- a) The provisions of Section 5.1 apply to lands in all land use designations.
- b) Approval of development within the Planning District shall comply with the provisions of the Official Plan and this Secondary Plan.
- c) Provisions and development standards to control the density and distribution of development within the Planning District shall be incorporated into the implementing zoning by-law. Higher development densities shall be encouraged at appropriate locations adjoining public transit routes. Provisions and standards shall be based on the conclusions and recommendations of the Traffic Impact Assessment, and the distribution and phasing of development established in the Development Phasing Plan.
- d) This Secondary Plan provides for the preparation, for approval by the Town, of a number of studies, reports and plans, subject to the provisions of the Plan including Section 10.10. The findings and recommendations of these studies, reports and plans will be used to guide decisions relating to the approval of infrastructure and development within the Planning District to implement this Secondary Plan.

5.1.1 Schedules

- a) The proposed land use structure and the schematic transportation network are identified on Schedule 'AA' – Detailed Land Use and Schedule 'BB' - Transportation to this Secondary Plan. The location and approval for development of land uses and transportation infrastructure within the Planning District shall be subject to the provisions of the Official Plan and this Secondary Plan.
- b) In accordance with the provisions of the Official Plan, the following land use designations are established and applied to lands within the Planning District, as shown on Schedule 'AA' – Detailed Land Use:
 - "Business Park Area";
 - "Business Corridor Area";
 - "Community Amenity Area";
 - "Urban Residential – Low Density";
 - "Transportation and Utilities";
 - "Environmental Protection Area – Valleylands"; and,
 - "Environmental Protection Area – Hazard Lands".

- c) In addition to the land use designations, a number of specific land uses, facilities or regulated areas are identified specifically, schematically or by text on Schedule 'AA' –Detailed Land Use, including:

- Provincial Greenbelt Boundary (Ontario Regulation 59/05)
- proposed future Highway 404 interchange;
- proposed future Highway 404 overpass;
- Trans Canada Pipelines right-of-way;
- Hydro One right-of-way;
- potential locations of stormwater management facilities, automobile service stations and a place of worship site.

The locations of stormwater management facilities shown symbolically on Schedule 'AA' – Detailed Land Use will be subject to further study and confirmation regarding location and design in the Master Servicing Study and stormwater management reports.

- d) In accordance with the provisions of the Official Plan, Schedule "BB" - Transportation identifies a proposed system of arterial and collector roads, adjoining and internal to the Planning District, and other proposed transportation infrastructure facilities and improvements relating to the transportation system serving the Planning District.
- e) Minor changes to the land use structure set out on Schedule "AA" - Detailed Land Use will only be permitted without the need for an amendment to this Secondary Plan if the general intent of the Plan and its fundamental goal and objectives are maintained to the satisfaction of the Town. Similarly, minor changes to the transportation system shown on Schedule "BB" - Transportation will only be permitted without the need for an amendment to this Secondary Plan if the requirements for the transportation system are maintained to the satisfaction of the Town, in consultation with the Region of York.
- f) The Town is committed to ensuring that an adequate supply of land for industrial and office employment is provided in order to:
- accomodate these forms of development;
 - accommodate industrial and office employment growth;
 - sustain the Town's economic base and competitive position; and,
 - ensure an appropriate balance between population and employment.

The Town shall not approve applications to change the designation of lands, or to create exceptions to the land use provisions of the Official Plan and this Secondary Plan, for lands within the "Business Park Area" and "Business Corridor Area" categories of designation that involve or rely upon challenges to the overall supply of designated employment land within the Town, including arguments of scale, other than in the context of a comprehensive growth management, or Official Plan, review process.

5.1.2 Pickering Airport Site Zoning Regulations

- a) Certain lands within the Planning District are subject to the provisions of the Pickering Airport Site Zoning Regulations, established in accordance with the Aeronautics Act. Owners of these lands are responsible for ensuring that all land use and development proposed on the lands subject to the Regulations will be in compliance with the Regulations. The Town may require property owners and proponents of development to demonstrate compliance with the Pickering Airport Site Zoning Regulations as a requirement or condition of development approval.
- b) In the event that the Pickering Airport Site Zoning Regulations are amended to delete certain lands within the Planning District from the designated area of the Regulations, the provisions of Section 5.1.2 a) and related provisions of this Secondary Plan dealing with compliance with the Regulations, shall no longer apply to the deleted lands, without further amendment to this Secondary Plan.

5.1.3 Provincial Greenbelt Plan

- a) Certain lands within the Planning District have been incorporated into the boundary of the Provincial Greenbelt by Ontario Regulation 59/05. The lands are also shown in the Provincial Greenbelt Plan dated February, 2005 and assigned a designation of Protected Countryside - Natural Heritage System. However, Ontario Regulation 61/05, pursuant to the Greenbelt Act (Bill 135), and the Greenbelt Plan, provide that lands subject to an official plan amendment decision made prior to December 16, 2004 shall not be subject to the provisions of the Greenbelt Plan and that further approvals, required to implement the original amendment, are not required to conform to the Plan. As the lands referred to above form part of Official Plan Amendment No. 113, which was adopted by Council in June, 2003, planning approvals relating to the lands, although within the boundary of the Provincial Greenbelt, are not required to conform to the Greenbelt Plan. These lands will therefore continue to be subject to the provisions of the Official Plan and this Secondary Plan.

5.1.4 Existing Land Uses

- a) There a number of existing legally established uses located in the Planning District. It is the intent of this Secondary Plan that over time many of these uses will be replaced by uses contemplated in accordance with the land use designations and provisions of this Plan. Notwithstanding any other provisions of this Plan, it is not intended that existing, legally established and permitted uses should be required to cease until replaced by approved alternate uses.

5.1.5 Definitions

- a) For the purposes of this Secondary Plan, "Official Plan" means the Town of Markham Official Plan (Revised 1987), as amended.

- b) For the purposes of this Secondary Plan, “the Secondary Plan” or “this Secondary Plan” or “this Plan” means Secondary Plan PD 42-1 for the Highway 404 North Planning District.
- c) For the purposes of this Secondary Plan, “development approval” or “approval of development” means approval of a draft plan of subdivision, a consent, site plan approval or the passing of any implementing zoning by-law by the Town of Markham, pursuant to the provisions of the Planning Act R.S.O., 1990 c.P.13, as amended, the Official Plan and this Secondary Plan. Council may choose to exempt approval of a consent from this definition if the consent is determined to further a Town interest, and approval of the consent does not prejudice the Town’s ability to secure all required conditions of development approval.
- d) For the purposes of this Secondary Plan, “the Planning District” or “this Planning District” means the area to which the provisions of this Secondary Plan apply, Planning District No. 42, as shown on Schedule “B” – PLANNING DISTRICTS & COMMUNITY IMPROVEMENT AREAS to the Official Plan.
- e) For the purposes of this Secondary Plan, “Old Woodbine Avenue” refers to the portion of Woodbine Avenue that is proposed to cease functioning as a Regional Arterial Road when this function is replaced by the Woodbine Avenue Bypass (of Victoria Square) and to become a Major Collector Road, together with the new connection to be constructed between “Old Woodbine Avenue” and the Woodbine Avenue Bypass, and which is proposed to be incorporated into the residential area of the Planning District.

5.2 Land Use Designations - Industrial

5.2.1 General Policies

- a) It is the intent of this Secondary Plan to provide for the development of a business park accommodating a range of compatible high performance industrial and office employment activities. It is also the intent to provide only limited opportunities, at appropriate locations, for retail and service uses that are complementary and supportive of the primary employment activities.
- b) It is intended that the development in the business park shall reflect the quality and design of similar successful business areas in the Town and shall capitalize on its location within the Highway 404 Corridor as a natural extension of other Corridor business parks to the south. Development approval on lands adjacent to Highway 404, 19th Avenue and Woodbine Avenue shall be subject to the recommendations and requirements of the Community Design Plan and any related development guidelines and standards approved by the Town.
- c) The “Business Park Area” and “Business Corridor Area” categories of designation established in Sections 3.5.6.2 and 3.5.6.3 of the Official Plan are

applied to certain lands within the Planning District as shown on Schedule “AA” – Detailed Land Use.

5.2.2 Business Park Area Policies

- a) Lands within the “Business Park Area” designation identified on Schedule “AA” – Detailed Land Use, shall be subject to the general provisions of Section 3.5 and the specific provisions of Section 3.5.6.2 of the Official Plan, and the provisions of this Secondary Plan.
- b) Permitted uses within the “Business Park Area” designation may include those uses identified in Section 3.5.6.2 c) of the Official Plan.
- c) Notwithstanding the provisions Section 3.5.4.3 of the Official Plan, transportation terminals shall not be permitted on lands designated “Business Park Area” within the Planning District.

5.2.3 Business Corridor Area Policies

- a) Lands within the “Business Corridor Area” designation identified on Schedule “AA” - Detailed Land Use, shall be subject to the general provisions of Section 3.5 and the specific provisions of Section 3.5.6.3 of the Official Plan, and the provisions of this Secondary Plan. Development approval of lands within the “Business Corridor Area” designation shall have regard for the Business Corridor Area Urban Design Guidelines, August 1995.
- b) Permitted uses within the “Business Corridor Area” designation may include those uses identified in Section 3.5.6.3 c) of the Official Plan.
- c) Notwithstanding the provisions of Sections 3.5.4.3 and 3.5.6.3 c) of the Official Plan, and Sections 5.2.3 a) and b) of this Secondary Plan, the following uses shall not be permitted on lands designated “Business Corridor Area” within the Planning District:
 - transportation terminals, excluding transit loops or transit transfer stations;
 - entertainment uses;
 - nightclubs; and,
 - funeral homes.
- d) i) Notwithstanding the provisions of Section 3.5.6.3 c) ii) of the Official Plan, automobile service stations shall only be considered for approval on lands designated “Business Corridor Area” at the locations identified by the symbol “A” on Schedule “AA”- Detailed Land Use. Automobile service stations shall be subject to the relevant provisions of the Official Plan, including Section 3.5.5.1, and to the provisions of this Secondary Plan. A proposal to establish an automobile service station at a location other than a location identified on Schedule “AA” will require an amendment to this Secondary Plan to relocate or

introduce an “A” symbol which shall only be considered in the context of a site specific application.

- ii) Notwithstanding any other provisions of Section 5.2.3 the lands designated Business Corridor Area and identified with the symbol “A” on Schedule “AA”- Detailed Land Use located on the south side of 19th Avenue shall be zoned only for an automobile service station. In the event that the lands are not, or cease to be, used for an automobile service station, the lands shall only be used in accordance with the provisions of Section 5.2.2 and 5.2.3 of this Secondary Plan.

5.3 Land Use Designations – Commercial

5.3.1 General Policies

- a) The “Community Amenity Area” category of designation established in Section 3.4.6.2 of the Official Plan is applied to certain lands within the Planning District as shown on Schedule “AA” – Detailed Land Use.

5.3.2 Community Amenity Area Policies

- a) Lands within the “Community Amenity Area” designation shall be subject to the general provisions of Section 3.4 and the specific provisions of Section 3.4.6.2. of the Official Plan and the provisions of this Secondary Plan.

Permitted uses in the “Community Amenity Area” designation may include those uses identified in Section 3.4.6.2 c) of the Official Plan. In determining the appropriate uses for lands in the “Community Amenity Area” designation, the Town shall give priority to the convenience retail and service needs of residents and workers within the Planning District, and to the compatibility and scale of uses relative to adjacent low density residential development. Where dwelling units are also permitted, the Town will require these units to be incorporated into mixed-use developments above ground-related commercial uses.

- b) i) Notwithstanding the provisions of Section 3.4.6.2 c) of the Official Plan, and Sections 5.3.2 a) of this Secondary Plan the following uses shall not be permitted on lands designated “Community Amenity Area” in the Planning District:
 - entertainment uses;
 - hotels and motels;
 - night clubs;
 - public or private elementary and secondary schools;
 - banquet halls, except when a banquet hall is accessory and subsidiary to a permitted restaurant use; and,
 - funeral homes.

- ii) In addition to the provisions of Section 5.3.2 b) i), the following uses shall also not be permitted on lands in the “Community Amenity Area” designation that are located east of the “Old Woodbine Avenue” right-of-way, or located within the “Old Woodbine Avenue” right-of-way where it adjoins the Hydro One transmission corridor:
 - new residential uses; and,
 - day care centres.
- c) Notwithstanding the provisions of Section 3.4.6.2.c) iii) of the Official Plan and Sections 5.3.2 a) and b) of this Secondary Plan, retail and service uses permitted on lands designated “Community Amenity Area” shall be limited to individual premises having not more than 1,000 square metres of gross floor area.
- d) i) Notwithstanding the provisions of Section 3.4.6.2 c) of the Official Plan, an automobile service station shall only be permitted on lands designated “Community Amenity Area” at the location identified by the symbol “A” on Schedule “AA” - Detailed Land Use. Where permitted, an automobile service station shall be subject to the provisions of the Official Plan, including Section 3.4.5.1, and the provisions of this Secondary Plan.
- ii) In the event that the existing service station at the location identified by the symbol “A” on Schedule “AA” - Detailed Land Use ceases to operate, and another service station is proposed to replace the existing service station, at an alternate location on lands designated “Community Amenity” Area, Council may consider the approval of an alternate location without amendment to this Secondary Plan, only in the context of a site specific application and subject to the provisions of this Secondary Plan.
- e) A portion of the “Old Woodbine Avenue” right-of-way, anticipated to be closed subsequent to the construction of the Woodbine Avenue By-Pass, is designated “Community Amenity Area” on Schedule “AA”- Detailed Land Use. It is intended that this portion of the right-of-way should be incorporated into a comprehensive development concept for the lands designated “Community Amenity Area”. Approval of new development on the lands designated “Community Amenity Area” shall be based on a comprehensive development concept, prepared on behalf of the affected property owners, acceptable to the Town.

5.4 Land Use Designations - Urban Residential

5.4.1 General Policies

- a) In accordance with the provisions of Section 3.3.2 of the Official Plan, the housing category “Urban Residential - Low Density” is established and incorporated as a designation on Schedule ‘AA’ –Detailed Land Use. This housing category is subject to the provisions of Sections 5.4.2 and 5.4.3 of this Secondary Plan.

5.4.2 Urban Residential -- Low Density Policies

- a) Notwithstanding the density provisions of Section 3.3.2 and Section 2.13.1 e) of the Official Plan, the average net residential density of the total number of units on lands designated "Urban Residential - Low Density" shall be within the range of 17.0 to 37.0 units per hectare (6.88 to 14.97 units per acre). The application of this policy shall be subject to the provisions of Section 5.4.3 of this Secondary Plan.
- b) For the purposes of this Secondary Plan, net residential density is calculated on the basis of total developable residential lands exclusive of lands intended for parks purposes, hazard lands, environmental protection, open space, stormwater management, schools, places of worship, commercial uses and public highways.
- c) Permitted dwelling unit types on lands designated "Urban Residential - Low Density" shall include single detached, semi-detached, linked, duplex and street townhouse units with direct frontage on a public street, subject to the provisions of Section 5.4.3 of this Secondary Plan.
- d) Notwithstanding the provisions of Section 3.3.2 a) i) of the Official Plan and Section 5.4.2 c) of this Secondary Plan, townhouse units, without direct frontage on a public street, may also be permitted on lands designated "Urban Residential - Low Density", located west of "Old Woodbine Avenue", subject to all of the following:
 - the density provisions of Section 5.4.2 a);
 - the townhouse units shall not comprise a significant proportion of the total number of dwelling units approved to be developed on lands designated "Urban Residential - Low Density" located west of "Old Woodbine Avenue";
 - the site(s) on which the townhouse units are located shall adjoin the Woodbine Avenue Bypass, and shall have been identified in the approved Community Design Plan prior to development approval;
 - the townhouse units shall not be located more than 90 metres from the Woodbine Avenue Bypass right-of-way, but shall also not be located within 30 metres of the southern boundary of the Planning District; and,
 - the townhouse units shall have a maximum height of 3 storeys.
- e) Notwithstanding the provisions of Section 2.13 of the Official Plan, coach houses may be permitted on lots in the "Urban Residential - Low Density" designation in accordance with the policies of this Secondary Plan, the provisions of the implementing zoning bylaw, detailed engineering requirements established as a condition of a plan of subdivision, subject to the following:
 - i) a coach house is a small, independent building, physically detached from the principal dwelling unit with which it is associated and which may be used as a self-contained dwelling unit or for activities accessory to those permitted in the principal dwelling unit;
 - ii) a coach house shall only be permitted in association with a principal street related single detached or semi-detached dwelling unit on a lot with access

- from a rear lane and with minimum development criteria as set out in the Zoning By-law. The development standards for lots that may accommodate a coach house will be determined through the Community Design Plan and specified in the implementing zoning bylaw;
- iii) for the purpose of interpreting Section 3.3.2 a) of the Official Plan, a coach house shall be regarded as an accessory apartment. Implementing zoning shall ensure that a coach house used for residential purposes shall not be permitted on a lot at the same time that there is an occupied accessory apartment within the principal dwelling unit;
 - iv) a coach house shall not be conveyed separately from its associated principal dwelling unit; and,
 - v) a coach house will not be included in the determination of permitted densities of residential development and shall be regarded as part of its associated principal dwelling unit for the purposes of determining development charges. A coach house may be included in calculating housing mix and may be included in calculating requirements for on-site parking. here
- f) As a condition of development approval of low density housing proposals, proponents shall be required to engage the services of a qualified architect acceptable to the Town who shall review all housing plans for dwellings on lands in the “Urban Residential - Low Density” designation and certify their compatibility with design guidelines to be established as part of the Community Design Plan and addressing at least, the following matters:
- appropriate siting of dwellings, fencing and accessory structures;
 - control of garage location, width and extent of garage protrusion;
 - establishment of a variety of building setbacks, or where appropriate, establishment of a consistent setback;
 - control of model and front and flankage elevation repetition;
 - the provision of front porches;
 - appropriate siting of coach houses;
 - establishment of special treatment for dwellings on corner lots, or at T-intersections, and for dwellings on lots adjoining arterial roads, open spaces and at landmark locations; and,
 - identification of minimum building design performance standards relating to such matters as minimum roof pitch and treatment of utility connections.
- g) The details of the housing mix, lot sizes and distribution of housing types are to be demonstrated to the satisfaction of the Town through the review and approval of plans of subdivision and implementing zoning by-laws.
- h) Lands designated “Urban Residential - Low Density” located between Woodbine Avenue (By-pass) and “Old Woodbine Avenue” are contiguous to similarly designated lands in the adjoining Cathedral Community. It is intended that there shall be connections of the local road system and pedestrian

connections incorporated into the contiguous plans of subdivision, at appropriate locations, as a condition of development approval.

- i) In accordance with the provisions of Section 6.1.6 f), no direct access from Woodbine Avenue (By-Pass) shall be permitted for individual lots on lands designated "Urban Residential - Low Density".

5.4.3 Special Development Control Area

Notwithstanding the provisions of Section 5.4.2 of this Secondary Plan, lands designated "Urban Residential - Low Density" on Schedule "A" - Detailed Land Use, located between "Old Woodbine Avenue" and the Hydro One transmission corridor, shall comprise a Special Development Control Area and shall also be subject to the following policies:

- a) i) The Town of Markham is aware that there is public interest regarding possible negative implications for human health from extended proximity to electromagnetic fields associated with the transmission of electric power. The Medical Officer of Health for the Region of York has recommended that all residents practice prudent avoidance and limit exposure to all sources of electromagnetic fields where economically and reasonably feasible. The Town considers that it is prudent to have regard for the possible health implications in the context of planning and approving new development in the vicinity of hydro-electric transmission facilities.

Prior to approval of new residential development on lands within 56 metres of the centreline of the Hydro One transmission corridor, the Town will require a study to be completed by a qualified consultant identifying the current and anticipated future electromagnetic fields generated by the transmission of electricity to which residents in dwellings located at various distances from the corridor may be exposed, and recommending the appropriate setback of dwellings from transmission facilities within the corridor, or such other means as may be prudent, to mitigate possible negative implications for human health associated with residency in proximity to the transmission facilities.

- ii) Based on the findings and recommendations of the study identified in Section 5.4.3 a) i), the Town will determine whether the approval of new residential development is appropriate, and if appropriate, the requirements, restrictions and standards to be applied as conditions of approval.
- iii) The Town may require that prior to approval of new residential development the study identified above shall be subject to a peer review and that funding for a peer review shall be provided by proponents of development.
- iv) As a condition of development approval the Town may require that notice be included in offers of purchase and sale for certain new residential properties and that notice be placed on the title of certain new residential properties advising

purchasers of the proximity of a property to the Hydro One transmission corridor and of the need to exercise prudent avoidance in limiting exposure to sources of electromagnetic fields associated with the transmission of electricity.

- b) Notwithstanding any provisions of the Official Plan, or other provisions of this Secondary Plan, the following uses shall not be permitted on lands designated “Urban Residential – Low Density” located between “Old Woodbine Avenue” and the Hydro One transmission corridor:
 - public or private elementary and secondary schools; and,
 - day care centres.
- c) Notwithstanding the provisions of Section 2.17.1 c) i) of the Official Plan, a place of worship will be considered for approval on the east side of “Old Woodbine Avenue”, south of the “Community Amenity Area” designation, at the location identified by the symbol “W” on Schedule “AA” - Detailed Land Use. Approval for this use shall be subject to the following requirements:
 - i) review of a specific development proposal acceptable to the Town and zoning approval;
 - ii) review of the potential impact of the proposal on the existing residential community in the Hamlet of Victoria Square, including identification of appropriate means to minimize the potential impact, including controls to permit an appropriate floor area size and parking area, if required;
 - iii) a maximum site size of 2.0 ha;
 - iv) compliance with other relevant policies of the Official Plan, including the provisions of Section 2.17, with the exception that the provisions of Section 2.17.2 b) iii) of the Official Plan shall not apply, and
 - v) compliance with the provisions of this Secondary Plan including Section 5.4.3 b) of this Secondary Plan.
- d) Notwithstanding any other provisions of this Secondary Plan new residential development on lots adjoining the northern boundary of the Hamlet of Victoria Square shall be subject to the following provisions:
 - i) only single detached dwellings, of not more than two storeys, on lots having a minimum area equivalent to adjoining lots within the Hamlet, shall be permitted;
 - ii) coach houses shall not be permitted; and,
 - iii) detached garages shall not be permitted in any side or rear yard located between the principal dwelling unit and the Hamlet boundary.

5.5 Land Use Designations -Transportation and Utilities

- a) Lands within the “Transportation and Utilities” designation, as identified on Schedule “AA” - Detailed Land Use, shall be subject to the provisions of Section 3.13 of the Official Plan and this Secondary Plan.

- b) Lands within the "Transportation and Utilities" designation include:
 - i) all lands comprising part of the Highway 404 right-of-way and associated interchanges;
 - ii) all lands comprising the right-of-way of the Hydro One transmission corridor; and,
 - iii) all lands associated with the proposed Major Collector Road overpass of Highway 404. These lands are shown symbolically on Schedule 'AA', Detailed Land Use. The location and configuration of the lands to be designated may be adjusted, once determined through the required Environmental Assessment, without further amendment to this Secondary Plan.
- c) Certain lands within the Planning District are devoted to the transmission and distribution of natural gas. These lands may be owned by, or subject to easements in favour of, TransCanada Pipelines Limited or local distributors. Generally, these lands are located within the "Business Park Area" and "Business Corridor Area" designations on Schedule "AA"- Detailed Land Use. These designations are not meant to preclude the use of the lands for their current utility uses, which are intended to continue and be incorporated into the planned land use structure of the Planning District, in accordance with the provisions of Section 6.2.2.5.
- d) Residential development on lands adjacent to the Hydro One transmission corridor shall also be subject to the policies of Sections 5.3.2 b) ii) and 5.4.3 of this Secondary Plan.
- e) Lands within, and in the vicinity of, the right-of-way of Highway 404, the associated proposed interchange and overpass shall also be subject to the provisions of Sections 6.1.3, 6.1.4 and 6.1.5 of this Secondary Plan.

5.6 Land Use Designations - Environmental Protection Area

5.6.1 General Policies

- a) Lands designated "Environmental Protection Area" on Schedule 'AA' – Detailed Land Use shall be subject to the provisions of Section 2.2.2 of the Official Plan and the specific policies of this Secondary Plan. Decisions regarding lands designated "Environmental Protection Area" will be guided by goals and objectives of the Rouge North Management Plan (2001).
- b) Lands designated "Environmental Protection Area" are further organized and identified in two categories of designation:
 - "Environmental Protection Area - Valleylands"; and,
 - "Environmental Protection Area - Hazard Lands".
- c) It is intended that lands designated "Environmental Protection Area", including any associated buffers, are to be set aside for environmental protection and

conveyed to the Town or other public agency in accordance with the provisions of Section 2.2.2.4 of the Official Plan.

- d) Lands designated “Environmental Protection Area” including associated tablelands contiguous with the feature identified for protection within this designation, shall be zoned in an appropriate environmental protection or open space zone category.

5.6.2 Infrastructure Requirements

- a) Road crossings and other public utilities and services may be permitted within the “Environmental Protection Area” designation, subject to approval by the Town of appropriate studies, in consultation with the Toronto and Region Conservation Authority and having regard for the Rouge North Management Plan (2001). In this regard the provisions of Section 6.2.2.4. c) shall also apply.
- b) The assessment of impacts and the rationale for the determination of the most appropriate location for a road or other public utilities within the “Environmental Protection Area” designation shall be addressed in the Environmental Management Study and reflected in the Master Servicing Study and the Traffic Impact Assessment.
- c) Where lands within the “Environmental Protection Area” designation are impacted by infrastructure requirements, an Environmental Impact Study may also be required in accordance with Section 2.2.2.10 of the Official Plan to assess the impacts and recommend mitigative measures to ensure an overall net environmental benefit to the Rouge watershed.

5.6.3 Rouge Park North Policies

- a) The lands designated “Environmental Protection Area - Valleylands” and “Environmental Protection Area - Hazard Lands” on Schedule ‘AA’ - Detailed Land Use are intended, in combination, to become part of the Rouge Park North. Prior to development approval on adjoining lands, the Rouge Park North boundary shall be established through the Environmental Management Study in accordance with the ecological criteria identified in the Rouge North Implementation Manual (2001), to the satisfaction of the Town in consultation with the Toronto and Region Conservation Authority.

Once the final boundary for the Rouge Park North has been confirmed, adjustments to the boundaries of the “Environmental Protection Area” components identified on Schedule ‘AA’ - Detailed Land Use may be made without further amendment to this Secondary Plan.

Provided the boundary of the “Environmental Protection Area - Valleylands” is established using the ecological criteria identified in the Rouge North Implementation Manual, 2001, the provisions of Section 2.2.2.9 of the Official Plan relating to environmental buffers shall not apply.

- b) In the event an agreement cannot be reached regarding the delineation of the Rouge Park North boundary, a peer review of the boundary proposed in the Environmental Management Study may be undertaken to determine that the application of the ecological criteria is consistent with the Rouge North Implementation Manual. The peer review process shall include the participation of the Town and the Toronto and Region Conservation Authority.

5.6.4 Environmental Protection Area – Hazards Lands

- a) Lands designated “Environmental Protection Area - Hazard Lands” on Schedule “AA” - Detailed Land Use are subject to the provisions of Section 2.2.2 and 3.10 of the Official Plan and the provisions of this Secondary Plan.
- b) The boundary of the lands designated “Environmental Protection Area – Hazard Lands” on Schedule “AA” - Detailed Land Use is approximate and may be adjusted based on detailed technical study, without amendment to this Plan, to the satisfaction of the Town in consultation with the Toronto and Region Conservation Authority. The boundary shall be confirmed through detailed study and delineated through the Environmental Management Study to correspond to the regulatory floodplain, or predicted stable top-of-bank, whichever is greater, and approved by the Toronto and Region Conservation Authority.

5.6.5 Environmental Protection Area – Valleylands

- a) Lands designated “Environmental Protection Area - Valleylands” on Schedule “AA” - Detailed Land Use, are subject to the provisions of Section 2.2.2.4.2 of the Official Plan and the provisions of this Secondary Plan.
- b) The zoning by-law for the lands designated as “Environmental Protection Area - Valleylands”, may include permission for the transfer of density to adjoining lands, in instances where the designated lands are dedicated to the Town.

6.0 INFRASTRUCTURE POLICIES

The provisions of Section 6.0 apply to lands in all land use designations.

6.1 Transportation

6.1.1 General Policies

The proposed transportation network servicing the Planning District shall include public roads, private road accesses and driveways, pedestrian and bicycle pathways and transit routes and facilities. The proposed network of arterial and collector roads within the Planning District is shown schematically on Schedule “BB” - Transportation.

- a) All components of the transportation system shall be planned and provided in accordance with the policies of the Official Plan, the policies of this Secondary

Plan, and where applicable, the policies of the Regional Official Plan. The location, function and detailed design of each road and its associated intersections will be confirmed through required studies and implementing development approvals and will require the approval of the Town and/or the Region of York. Certain components of the transportation system may require an Environmental Assessment.

- b) The major components of the proposed road networks within and adjacent to the Planning District include:
 - Highway 404 and a proposed interchange at 19th Avenue;
 - the realignment of a portion of Woodbine Avenue to by-pass the Hamlet of Victoria Square ("Woodbine Avenue By-pass") as a Regional Arterial Road;
 - the upgrading of 19th Avenue between Highway 404 and Woodbine Avenue to a Town Major Arterial Road;
 - the proposed mid-block Major Collector Road overpass over Highway 404;
 - the proposed Major Collector Roads connecting to Woodbine Avenue and 19th Avenue; and,
 - a series of Industrial Collector Roads and local roads providing internal access to the lands to be developed.
- d) Prior to development approval within the Planning District, satisfactory arrangements between the Developers' Group, the Town and the Region of York shall be established to ensure timely delivery of the key components of the transportation infrastructure for the Planning District. These arrangements shall be reflected in the Development Phasing Plan that shall be approved by Council prior to granting development approval in accordance with Section 10.10.1.
- e) The required rights-of-way of all roads within the Planning District shall be dedicated in accordance with requirements of the Town and the Region of York. The right-of-way requirements for Town roads shall be in accordance with Schedule "G" - SITE PLAN CONTROL of the Official Plan, and Schedule "BB" - Transportation, and the provisions of this Secondary Plan.
- f) In addition to the basic right-of-way width of roads identified on Schedule "BB" - Transportation, additional right-of-way width may be required and shall be dedicated to the Town and the Region for sight triangles, cuts, fills, extra lanes at intersections, high occupancy vehicle lanes and for accommodating bicycles, sidewalks, and landscaping where appropriate in accordance with the specifications and requirements of the Region of York and the Town. Determination of final right-of-way requirements shall be made through the completion of the assessments and studies identified in this Secondary Plan and the implementing development approval processes.
- g) Construction access shall be designed to ensure that the impact on existing residential areas is minimized. Construction access arrangements for lands designated for residential and non-residential development shall be identified in

the Development Phasing Plan and confirmed through subdivision and site plan control agreements.

6.1.2 Traffic Study Requirements

- a) A comprehensive Traffic Impact Assessment of the internal and external road network shall be completed, to the satisfaction of the Town, prior to development approval. The study will confirm that the road network identified in this Secondary Plan is appropriate in terms of the development proposed by the landowners within the Planning District and will identify any required changes to the road network to ensure that it will accommodate the anticipated traffic movements.

This Assessment shall be completed in accordance with the Town's Traffic Impact Assessment Guidelines, and shall be consistent with the findings and recommendations of the Markham Transportation Planning Study and the Highway 404 North Transportation Planning Study. The Traffic Impact Assessment shall be approved by the Town and the final approved transportation system identified in the Assessment shall be reflected in the Internal Functional Traffic Design Study, the Master Servicing Study, the Environmental Management Study, the Community Design Plan and the Development Phasing Plan.

- b) An Internal Functional Traffic Design Study shall be completed, to the satisfaction of the Town, prior to development approval. The study shall identify detailed infrastructure and right-of-way designs required to accommodate auto, truck, transit, bicycle, and pedestrian route requirements, and traffic calming measures in the Planning District.

This study shall be completed in accordance with the Town's Internal Functional Traffic Design Study Guidelines. An Internal Functional Traffic Design Study may deal with a portion of the Planning District, however, with the agreement of the landowners it is the preference of the Town, that one comprehensive study should be prepared for the entire Planning District. An Internal Functional Traffic Design Study shall be consistent with the findings and recommendations of the Traffic Impact Assessment and shall not receive final approval prior to the approval of the Traffic Impact Assessment.

- c) The Traffic Impact Assessment and a comprehensive Internal Functional Traffic Design Study shall be completed and approved prior to the approval of the Development Phasing Plan in order to inform that Plan.
- d) Site specific Traffic Impact Studies may be required for applications for development approval within the Planning District. A site specific Traffic Impact Study will determine the traffic impact of the proposed development and the feasible and practical means available to accommodate traffic from the proposed development. These studies may include analysis of items such as:

turning movements, storage length, internal circulation, fire access, driveway design and grading, gap studies and the traffic impact of any proposed change in use. Site specific Traffic Impact Studies shall be subject to the approval of the Town in consultation with the Region of York, as required, and must be consistent with the findings and recommendations of the Markham Transportation Planning Study, the Traffic Impact Assessment and the Internal Functional Traffic Design Study and such other studies or analyses as the Town may identify.

- e) Final designs, functions and requirements for roads and other components of the transportation system shall be established based on the findings and recommendations of the following studies:

- Markham Transportation Planning Study and its updates;
- Town of Markham Bicycle Study;
- Traffic Impact Assessment;
- Internal Functional Traffic Design Study;
- Environmental Assessment studies;
- Community Design Plan;
- Environmental Management Study;
- Environmental Impact Statements; and,
- Site Specific Traffic Impact Studies.

These studies shall be completed, where applicable, and the requirements for all transportation system components confirmed to the satisfaction of the Town, the Region and other authorized agencies, prior to any development approval.

6.1.3 Highway 404

- a) Ministry of Transportation approval is required for all development applications locating within 46 metres of the Highway 404 property line. Setback requirements, established by, or in consultation with the Ministry of Transportation, shall be required from the Highway 404 property line for all above and below-ground buildings and structures, and detention ponds.

6.1.4 Highway 404 and 19th Avenue Arterial Road Interchange

- a) The proposed Highway 404 and 19th Avenue interchange shown on Schedule “BB” -Transportation is conceptual and shall be the subject to further review through an Environmental Assessment to be undertaken by the Town. Notwithstanding this, the Town shall require that sufficient lands shall be reserved to accommodate the interchange through development approval processes for lands in the area of the interchange.
- b) Development of lands north and south of 19th Avenue, within the vicinity of the Highway 404 interchange, may only receive development approval following determination of land and design requirements for the interchange, or if the proponent of the development can demonstrate, to the satisfaction of the Province and the Town, that sufficient lands to accommodate the interchange

have been provided or reserved through the development approval process, and that development on adjacent lands will not compromise the potential for future construction of a full interchange at Highway 404 and 19th Avenue.

6.1.5 Highway 404 Overpass

- a) The general area in which the proposed mid-block overpass of Highway 404 is proposed to be located is shown schematically on Schedule “BB” – Transportation. The proposed overpass will be subject to further study and determination of final location, land and design requirements through an Environmental Assessment to be undertaken jointly by the Region of York and the Towns of Markham and Richmond Hill. The Environmental Assessment may determine that the final overpass location will be within, or outside, the general area shown. The final alignment of the east-west Major Collector Road connecting Woodbine Avenue to the proposed overpass will also be subject to the aforementioned Environmental Assessment. The Town shall require that sufficient lands be reserved and dedicated to the Town to accommodate the overpass and the east-west Major Collector Road through development approval processes for lands in the area of the overpass.
- b) Development of lands within the vicinity of the overpass, may only receive approval following determination of the final overpass location and the alignment of the connecting east-west Major Collector Road, or if the proponent of the development can demonstrate, to the satisfaction of the Province, Region, and the Town, that sufficient lands to accommodate the overpass, at an appropriate location, and the Major Collector Road have been provided or reserved through the development approval process and that development on adjacent lands will not compromise the potential for future construction of the overpass.
- c) In the event that the Environmental Assessment for the proposed overpass necessitates revisions to the alignment of the east-west Major Collector Road, and consequently, to the pattern of other roads within the Planning District as depicted on Schedule “BB” – Transportation, the road pattern may be revised, as required, without further amendment to this Secondary Plan. The Town may require revisions to completed transportation studies, or a further study, in support of such revisions.

6.1.6 Arterial Roads

- a) Woodbine Avenue, including:
 - the portion of Woodbine Avenue realigned to by-pass Victoria Square, and,
 - the portion of Woodbine Avenue, north of the realigned portion, in its original alignment, is designated as a Regional Arterial Road and shall have a basic right-of-way width of 36 metres, through and adjoining, the Planning District. The design of Woodbine Avenue shall be subject to requirements and approval of the Region of York.

- b) The alignment of Woodbine Avenue as a Regional Arterial Road shall be in accordance with the final recommended alignment identified in the “Environmental Study Report for the Woodbine Avenue Transportation and Class Environmental Assessment Study”, September, 2003. Transportation studies, required to implement this Secondary Plan shall reflect this alignment.
- c) Where the realigned portion of Woodbine Avenue connects with the existing Woodbine Avenue alignment, a section of Woodbine Avenue in its current alignment, south of this connection, will be closed. South of this closed section, “Old Woodbine Avenue” will be connected at a new intersection to the by-pass portion of Woodbine Avenue, in its realigned location. (also see Section 6.1.7 b)).
- d) 19th Avenue is designated as a Town Major Arterial Road between Highway 404 and Woodbine Avenue and shall have a basic right-of-way width of 36 metres through the Planning District. The final right-of-way and design for 19th Avenue will be subject to an Environmental Assessment to be undertaken by the Town.
- e) Where 19th Avenue intersects with Woodbine Avenue the right-of-way of 19th Avenue is not directly aligned on either side of Woodbine Avenue. In accordance with the provisions of Section 5.3.6 of the Official Plan an intersection improvement symbol on Schedule “BB” – Transportation identifies the need to provide for improvement of the intersection. The requirements for improvement will be addressed in the Environmental Assessment for 19th Avenue, and the Internal Functional Traffic Design Study, and will be incorporated, as required, into the approval of development for lands adjoining the intersection.
- f) Direct vehicular access from individual new residential lots and blocks to Arterial Roads shall not be permitted. Access to new residential lots and blocks shall be provided from Local Roads, and where appropriate, Collector Roads. Direct vehicular access from individual non-residential properties to Arterial Roads shall not be permitted where there is an available alternate access to a Collector Road, unless approved by the Town or the Region of York.

6.1.7 Collector Roads

- a) Notwithstanding the provisions of Section 5.3.4 of the Official Plan, collector roads within the Planning District may have a right-of-way width of up to 32 metres and a category of collector road identified as “Industrial Collector Road” is established for this Planning District.

The proposed system of Major and Industrial Collector Roads is shown on Schedule “BB” - Transportation. The typical mid-block right-of-way for collector roads shall be as indicated below, unless noted otherwise on Schedule

“G” - SITE PLAN CONTROL to the Official Plan or Schedule “BB” - Transportation to this Secondary Plan:

- Major Collector Road - 27 metre right-of-way consisting of four travel lanes, bike lanes, and boulevards;
- Major Collector Road - 32 metre right-of-way consisting of four travel lanes, bike lanes, a centre turn lane and boulevards;
- Major Collector Road - “Old Woodbine Avenue” – 30 metre right-of-way which may consist of two travel lanes, bike lanes, parking bays on both sides, turning lanes at intersections, and boulevards, subject to the Environmental Assessment noted in Section 6.1.7 c);
- Industrial Collector Road – 23 metre right-of-way consisting of two travel lanes, bike lanes, parking bays on one side and boulevards.

b) “Old Woodbine Avenue”

A portion of Woodbine Avenue within the Planning District will be replaced by the Woodbine Avenue By-pass and will no longer be required to serve as a Regional Arterial Road. This portion, and the short, new connection to the Woodbine Avenue By-pass is designated as “Old Woodbine Avenue”, a Major Collector Road. The basic right-of-way for this portion of Woodbine Avenue shall be 30 metres. It is anticipated that this portion will become a Town road and that its revised function and design will be defined through an Environmental Assessment, other required studies and implementing development approvals. The functional and design requirements for “Old Woodbine Avenue” will be addressed in the Environmental Assessment, the Internal Functional Traffic Design Study and the Community Design Plan. The designation and right-of-way may be revised following further study, without further amendment to this Plan.

6.1.8 Local Roads

- a) Local roads will be established within the residential portion of the Planning District and shall be subject to the provisions of Section 5.3.5 of the Official Plan and the recommendations of the Traffic Impact Assessment and the Internal Functional Traffic Design Study. Provision shall be made through development approval, for at least one local road connection from the residential area west of “Old Woodbine Avenue” to the contiguous residential area in the Cathedral Community to the south.
- b) The design requirements of local roads shall be determined in accordance with the findings and recommendations of the Internal Functional Traffic Design Study and shall be consistent with the Town’s Design Criteria and Standard Drawings. Routes will be confirmed through the approval of plans of subdivision.

6.1.9 Public Transit

- a) The Town will work with the applicable transit providers, the Region of York and the Province, to develop a transit system in accordance with the Markham

Transportation Planning Study, and pursuant to the provisions of Section 5.6 of the Official Plan.

- b) The introduction of transit services to the Secondary Plan area will be phased and based on acceptable operational and financial criteria.
- c) The transit providers, in consultation with the Town, will determine the type and level of transit service and stop locations to be provided, based on the type and level of development proposed. The components and characteristics of local transit services and facilities will be determined based on the transit analysis forming part of the Internal Functional Traffic Design Study.

6.2 Services and Utilities

6.2.1 General Policies

- a) New development within the Planning District shall be on full urban municipal services. Servicing requirements for the development of lands in the Planning District shall be based on the land use structure and designations and the transportation system identified in this Secondary Plan and shall be determined through the Master Servicing Study and the Environmental Management Study.
- b) New development within the Planning District will be serviced by sanitary sewers extended from the York-Durham Sewage System. The assignment of a sewage capacity allocation to the lands in the District will be determined by the Town, in consultation with the Region of York, at the subdivision approval stage or site plan approval stage, in accordance with the approved Master Servicing Study and the approved Development Phasing Plan. Sewage allocation assigned to a subdivision or other approved development may be revoked and reallocated by the Town if the subdivision or other approved development does not proceed in a timely manner.
- c) A piped municipal water supply will be provided from the York Water Supply System. The allocation of water supply to the lands in the District will be determined by the Town, in consultation with the Region of York, at the subdivision approval or site plan approval stage in accordance with the approved Master Servicing Study and the approved Development Phasing Plan. Water allocation assigned to a subdivision or other approved development may be revoked and reallocated by the Town if the subdivision or other approved development does not proceed in a timely manner.
- d) Prior to development approval within the Planning District, satisfactory arrangements between the Developers' Group, the Town and the Region of York shall be established to ensure timely delivery of the key components of the servicing infrastructure for the Planning District. These arrangements shall be reflected in the Development Phasing Plan that shall be approved by Council prior to granting development approval in accordance with Section 10.9.1.

- e) As a condition of approval of development, proponents of development or the Developers Group, may be required to contribute to the Well Monitoring Program for the Hamlet of Victoria Square established pursuant to Section 5.10.1 of the Cathedral Community Secondary Plan.

6.2.2 Servicing Study Requirements

6.2.2.1 Master Servicing Study

- a) Prior to the approval of development within the Planning District, the landowners shall prepare to the satisfaction of the Town, in consultation with the Region of York and concerned agencies and utilities, a Master Servicing Study. The Study shall identify all technical requirements and anticipated costs to provide infrastructure services for the development of the lands within the Planning District. Among other matters, the Master Servicing Study will address all requirements for the following services:

- sanitary sewers;
- watermains;
- stormwater management facilities;
- major roads, bridges and interchanges;
- utility and telecommunication services; and
- preliminary grading.

The Master Servicing Study will take account of the 404 Corridor Study -Water and Sanitary Sewer Servicing Background Report (MacViro 2003). Where the provision of infrastructure services required to support development in the Planning District necessitates changes to infrastructure external to the Planning District, these changes shall also be identified in the Master Servicing Study. The Study will also identify circumstances that may require phasing the delivery of services and infrastructure and recommend appropriate solutions. Information essential to understanding the provision and delivery of infrastructure services to inform the Development Phasing Plan, the Town's Development Charges Study and developers' group agreements shall also be included in the Master Servicing Study.

- b) The Master Servicing Study will identify the specific requirements relating to the design, construction and phasing of roads, piped services, utilities or other required infrastructure crossing or in proximity to the TransCanada pipeline in accordance with the provisions of Section 6.2.4 of this Secondary Plan.
- c) The Master Servicing Study shall be approved by the Town, in consultation with the Region of York, affected agencies and utilities, following, or concurrently with, the approval of the Environmental Management Study.
- d) With regard to stormwater management, the Master Servicing Study and the Stormwater Management Reports shall incorporate the findings and recommendations of the approved Environmental Management Study.

6.2.2.2 Functional Servicing Report

- a) Prior to development approval a proponent shall submit a Functional Servicing Report for a plan of subdivision or other development proposal for review and approval by the Town. This report shall reflect the findings and recommendations of the approved Master Servicing Study and support the detailed design of the plan of subdivision and shall address, but not be limited to, lot grading, sewer and watermain works, road cross sections and utility requirements. Engineering drawings are to be prepared in accordance with this report and shall be submitted for review and approval by the Town. All municipal services shall be designed in accordance with the current policies and standards of the Town, and where applicable, affected agencies and utilities.

6.2.2.3 Stormwater Management Report

- a) Prior to development approval, and based on the findings and recommendations of the approved Environmental Management Study and the approved Master Servicing Study, a proponent shall submit a Stormwater Management Report for review and approval by the Town in consultation with the Toronto and Region Conservation Authority. The Report shall provide detailed information regarding the provision of water quality and quantity management facilities, including hydraulic gradelines, overland flow routes, and erosion and siltation controls for the plan of subdivision or other development proposal.

6.2.2.4 Utilities and Telecommunications

- a) Requirements for all new local utility and telecommunication services required in the Planning District shall be identified in the Master Servicing Study, the Development Phasing Plan and the Functional Servicing Reports. Utility and telecommunication service providers will be consulted in the preparation and review of these reports.
- b) The Town will require that to the greatest extent possible, public and private utilities shall be planned and constructed in a coordinated manner. Utility and telecommunication services shall be planned to be located underground and shall be grouped wherever possible within public road allowances or appropriate easements. Where required, above ground utility fixtures shall be located, and grouped when feasible, to minimize visual impact and designed in accordance with Town policies and the requirements of the Master Servicing Study, the Community Design Plan. Utility providers will be encouraged to be innovative in containing utility and telecommunication services, including joint use of streetscape features and furniture.
- c) Utility and telecommunication services shall be permitted in all land use designations subject to the requirements of the Environmental Management Study and the Master Servicing Study and detailed engineering designs to be approved by the Town. Services located within the "Environmental Protection Area" land use designations as shown on Schedule "AA"- Detailed Land Use.

shall be minimized, and shall coincide with required road rights-of-way wherever possible. In the event that a single loaded road is approved to adjoin lands designated "Environmental Protection Area", services should be confined to the edge of the road right-of-way farthest from the "Environmental Protection Area" designation, wherever possible.

- d) Prior to development approval, utility and telecommunications providers shall be requested to confirm that existing, upgraded or new services will be available to support proposed development, at appropriate locations within the Planning District.

6.2.4 TransCanada Pipeline

- a) TransCanada Pipe Lines Limited (TCPLL) operates three high-pressure natural gas pipelines within its right-of-way crossing the Planning District and identified on Schedule "AA", Detailed Land Use to this Secondary Plan. Any development within 200 metres of a TCPLL pipeline right-of-way or related facility may affect the safety and integrity of the pipeline/facility. Proponents of development on lands adjacent to the pipeline facility will be required to demonstrate that requirements of TCPLL have, or will be met, prior to development approval by the Town.
- b) TransCanada Pipe Lines Limited is regulated by the National Energy Board that, in addition to TCPLL, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment. Therefore, the Town shall require early consultation with TCPLL, or its designated representative with regard to any requested development approval relating to lands within 200 metres of its pipeline right-of-way/facilities.
- c) A setback of at least 10 metres shall be maintained from the limits of the TransCanada Pipe Lines Limited right-of-way for all permanent structures and excavations. A reduction in the minimum 10-metre setback will only be considered if it is demonstrated, to the satisfaction of TCPLL, that the structure or excavation will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.
- d) Proponents of development on lands adjoining the TCPLL pipeline right-of-way and facilities shall ensure that applications for development approval and related works reflect the provisions of this Secondary Plan.

7.0 ENVIRONMENTAL POLICIES

- a) The policies of Section 7.0 apply to lands in all land use designations.

- b) Certain lands within the Planning District are designated “Environmental Protection Area” as shown on Schedule “AA” - Detailed Land Use. These lands are also subject to the provisions of Section 5.6 of this Secondary Plan.

7.1 Environmental Management Study

- a) Prior to the approval of development within the Planning District, the landowners shall prepare an Environmental Management Study to the satisfaction of the Town, in consultation with the Toronto and Region Conservation Authority, and affected agencies and utilities. The Environmental Management Study will identify and evaluate all potential environmental impacts arising from the development of the lands within the Planning District, and propose appropriate solutions to mitigate these impacts in accordance with the provisions of the Official Plan, this Secondary Plan and agency and Town guidelines and standards. The Environmental Management Study will have regard for the Rouge Park North and for the Rouge Watershed Plan, once completed and endorsed by the Town.
- b) The Environmental Management Study will include, but not be limited to, the following:
- identification and evaluation of natural heritage features, including landforms, valleylands, watercourses, flora and fauna, hedgerows, woodlots, natural linkages and the function of such features in aquatic and terrestrial systems;
 - recommendations regarding the mitigation of potential impacts associated with infrastructure and development on natural features, particularly woodlots, hedgerows and watercourses identified for protection and retention;
 - delineation of subwatershed boundaries;
 - delineation of the regulatory floodline of watercourses, and boundaries of Rouge Park North lands, woodlots and appropriate associated buffers;
 - recommendations regarding implementation of the Rouge North Management Plan Urban Interface and Infrastructure Guidelines;
 - identification and assessment of potential impacts to existing natural features from urbanization, including road and utility locations relative to lands designated “Environmental Protection Area”;
 - within the context of a Hydrogeological Analysis forming part of the Environmental Management Study, identification and assessment of ground water resources including wetlands, source protection measures, wellhead protection areas and recharge and discharge areas and specific recommendations for dealing with the potential impacts of development on water quality, quantity, balance, erosion, flooding, groundwater and baseflow;
 - recommendations for the location and design of stormwater management facilities for incorporation into the Master Servicing Study;

- identification of soil conditions and small drainage features; small drainage features/streams will be classified in terms of their function and a strategy identified to manage each feature in accordance with Town criteria;
 - completion of a preliminary screening for potential soil contamination or an Environmental Site Assessment as provide for in Section 7.2.2 a); and,
 - completion of a preliminary assessment of potential sources of noise and vibration and recommendations for mitigation and further detailed study prior to development approval.
- c) The Environmental Management Study shall be approved by the Town, in consultation with the Toronto and Region Conservation Authority, affected agencies and utilities, prior to, or concurrently with, the approval of the Master Servicing Study. The findings and recommendations of the Environmental Management Study shall be reflected in the Master Servicing Study, the Community Design Plan and subsequent reports relating to specific development approvals.

7.1.1 Stormwater Management

- a) With regard to stormwater management, the Environmental Management Study and subsequent Stormwater Management Reports shall:
- i) ensure that stormwater management facilities are designed to serve as a community resource, and to maintain environmental and ecological integrity to the greatest extent possible;
 - ii) confirm appropriate best stormwater management practices, relating to the appropriate location, design and sizing of stormwater management facilities in accordance with the current policies and criteria of the Town, the Ministry of the Environment, and the Toronto and Region Conservation Authority. In developing options for stormwater management, the recommendations of the Background Environmental and Stormwater Management Report (Ecoplans May 2003) shall be considered;
- b) Designs for all stormwater management facilities are to be reviewed and approved by the Town, in consultation with the Ministry of the Environment and the Toronto and Region Conservation Authority.

7.2 Potential Contamination

7.2.1 General Policies

- a) Given the history of industrial open storage, and agricultural uses in the Planning District, there is potential for existing site contamination. Prior to development approval, a proponent must demonstrate to the satisfaction of the Town, in consultation with other affected agencies, that the environmental condition of the subject property is suitable for the proposed land use and will not result in adverse effects to human health or the natural environment.

- b) In response to the recent amendments to the Environmental Protection Act regarding Records of Site Condition, and the municipal responsibility to ensure that contaminated sites are remediated prior to development such that there will be no adverse effect, it is anticipated that the Town will develop a protocol for the review of development applications on potentially contaminated sites. Once approved by Council, development applications relating to lands within the Planning District shall be subject to the provisions of that protocol, as well as the provisions of this Secondary Plan.
- c) If it is determined by a qualified person through an Environmental Site Assessment process that a property or portion thereof cannot be appropriately remediated to a condition suitable for the uses proposed in the approved land use designation identified in this Secondary Plan, then the Town may withhold development approvals and review the land use designation.

7.2.2 Required Studies

- a) A preliminary environmental screening of lands within and adjacent to the Planning District shall be undertaken by a qualified person (as defined by the Environmental Protection Act) to the satisfaction of the Town prior to submission of any development applications. The Town encourages this screening to be undertaken early in the development process, as a Phase I Environmental Site Assessment for the whole Planning District, as part of the Environmental Management Study required by this Secondary Plan. Alternatively, a preliminary environmental screening, undertaken by a qualified person, shall be required to be submitted with each development application.
- b) Where a preliminary environmental screening suggests a potential for contamination on a property, appropriate environmental site assessments shall be undertaken by qualified persons, prior to development approval, to the satisfaction of the Town in consultation with other concerned agencies, which shall address the potential for contamination both on site and off site. Remediation of the property shall be undertaken as necessary to ensure that the environmental condition meets or exceeds Provincially approved standards for the proposed use. To confirm that the property is suitable for the proposed use, the Town may require that a Record of Site Condition be filed with, and acknowledged by, the Environmental Site Registry office of the Ministry of the Environment.

7.3 Pollution Prevention and Reduction

- a) Noxious uses shall not be permitted within any land use designation within the Planning District.
- b) Proposed industrial uses shall be required to comply with Provincial environmental laws to ensure that there is no adverse effect as defined in the Environmental Protection Act.

7.4 Noise and Vibration Attenuation

7.4.1 General Policies

- a) In accordance with the provisions of Sections 2.2 c), 2.2.1 a) and 3.3.3 d) of the Official Plan, appropriate noise mitigation measures shall be incorporated into proposed development to minimize any incompatibility between land uses.

7.4.2 Required Studies

- a) Prior to development approval, and based on the findings and recommendations of the Environmental Management Study a proponent shall submit a Noise and Vibration Analysis Report, for review and approval by the Town. The Report will identify sources and levels of noise and vibration from traffic and stationary sources within and adjacent to the Planning District and recommend appropriate mitigation measures for residential and non-residential development. The Report is to be prepared to the satisfaction of the Town, in consultation with the Region of York.

7.5 Natural Features

7.5.1 Hedgerows and Trees

- a) It is the intent of the Town to preserve and incorporate into the pattern of development within the Planning District as many existing, healthy trees as possible.
- b) Hedgerows located within the Planning District shall be subject to the provisions of Section 2.2.2.4.4. of the Official Plan and shall be evaluated in the Environmental Management Study. Those hedgerow features determined to be in good health and considered sustainable over the long-term, shall be identified for protection and retention, and shall be further addressed in the Master Servicing Study, the Traffic Impact Assessment and the Community Design Plan. Hedgerow features, confirmed for protection and retention through these studies, may be further evaluated at the development approval stage, and where hedgerow features cannot be incorporated into a specific development proposal, at least the equivalent quality and calibre of tree cover shall be planted at an alternate location within the Planning District to the satisfaction of the Town.
- c) Prior to development approval the Town will require the preparation of a Tree Inventory and Conservation Plan identifying all existing trees, including those in hedgerows, their type, size and condition, trees proposed to be retained and removed, and the methods to be used to ensure the preservation and health of trees to be retained.

7.5.2 Woodlot at Southern Boundary of the Planning District

- a) A portion of the southern boundary of the Planning District corresponds to the edge of a mature woodlot identified for protection in the Cathedral Secondary

Plan (PD 39-1). The extent of this woodlot feature and an associated buffer shall be identified in the Environmental Management Study.

- b) The protection of the woodlot and an environmental buffer shall be provided in accordance with the Section 2.2.2.4.3 and Section 2.2.2.9 of the Official Plan. The woodlot boundary and environmental buffer shall be identified in the Community Design Plan and finally delineated prior to development approval.
- c) The woodlot and buffer shall be set aside for environmental protection purposes. The Town will require the woodlot and associated buffer to be zoned in an environmental protection zone category. The zoning by-law for the woodlot and buffer may include permission for the transfer of density to adjoining lands, if the woodlot and associated buffer are dedicated to the Town.

7.5.3 Lands Adjacent to the Rouge Park North

- a) The development of lands adjacent to the lands identified as Environmental Protection Area – Valleylands on Schedule ‘AA’ – Detailed Land Use, shall have regard for the Urban Interface and Infrastructure Guidelines contained within the Rouge North Management Plan (2001). These guidelines shall be addressed in the Master Servicing Study, the Environmental Management Study, and the Community Design Plan.

7.5.4 Small Streams

- a) The Town has identified a management program for small streams and intermittent drainage features that do not meet the definition of “watercourse” as a goal to be achieved during the development of the Planning District. The objective is to ensure the long-term sustainability of the watersheds associated with these small streams and drainage features, along with their associated ecosystems. The classification system is outlined in the Markham Small Streams Study, Draft Final Report, December, 2004.
- b) The Town has classified the small streams within the Planning District. The classification is attached as Appendix 3, and shows the Class 2 and Class 3 drainage features located within the Planning District. This classification, and when endorsed by Council, the Small Streams Study, will act as a guide for management strategies with respect to these features. Proposals for the management of these small stream features will be identified in the Environmental Management Study, to be approved by the Town, in consultation with the Toronto and Region Conservation Authority and reflected in the Master Servicing Study and the Community Design Plan.

7.6 Sustainable Design and Energy Conservation

- a) The Town will encourage sustainable community and building design in the development of the Planning District.

- b) The Town will encourage development within the Planning District that is consistent with programs to reduce energy consumption, to promote waste reduction and support district energy delivery.
- c) Energy conservation will be encouraged through appropriate site planning, urban design, building design, and the use of energy efficient materials, systems and landscaping.

8.0 CULTURAL HERITAGE POLICIES

- a) The provisions of Section 8.0 apply to lands in all land use designations.
- b) Conservation of cultural heritage resources shall be consistent with the provisions of Section 2.5 of the Official Plan and this Secondary Plan.
- c) A number of buildings having cultural heritage value or interest have been identified by the Town within this Planning District. Their approximate locations are identified in Appendix 2.
- d) It is the intent of this Secondary Plan to facilitate the retention and conservation of buildings of cultural heritage value, or of architectural or historical merit, on their original sites, and to promote the integration of these resources into new development proposals in their original use or an appropriate adaptive re-use. The retention and preservation of barns is encouraged, however it is acknowledged that this may prove difficult. The listing of barns is primarily to allow future documentation and potential commemoration or interpretation.
- e) Prior to the approval of the Community Design Plan, Council shall obtain a recommendation from the municipal heritage committee (Heritage Markham) as to whether any existing heritage buildings should be retained on their original sites, relocated to other sites within the Planning District, relocated to other sites within the Town, or can be demolished.
- f) As a condition of development approval, the Town will ensure the protection and preservation of those heritage buildings identified to be retained through means such as:
 - securing designation of the property pursuant to the Ontario Heritage Act;
 - securing a Heritage Easement Agreement for the property;
 - securing satisfactory financial and/or other guarantees to fully restore or reconstruct any heritage structures damaged or demolished as a result of new development;
 - obtaining site plan approval and a Site Plan Agreement for the heritage building including the implementation of a restoration plan for the building; and,
 - requiring notice provisions and commemoration of the heritage building through a heritage notice in offers of purchase and sale, and through the

installation of an interpretive plaque for the building at a location on the property, visible to the public (ie the 'Markham Remembered' Program).

- g) All development adjacent to or incorporating a heritage resource must, from an urban design perspective, be respectful of the resource, having regard for scale, massing, setbacks, building materials and design features. The strategy for integrating heritage resources shall be outlined in the Community Design Plan.
- h) To comply with heritage conservation policies of the Provincial Policy Statement, the Town may require a Heritage Impact Assessment and/or a Heritage Conservation Plan as a condition of development approval and site alteration applications.
- i) Where a known cultural heritage resource has been lost or is permitted to be demolished, the Town may require some form of commemoration or interpretation as a condition of approval for development and site alteration applications (i.e "Markham Remembered" plaque).
- j) Prior to construction of infrastructure or development approval, an Archaeological Assessment shall be completed to the satisfaction of the Town and the Archaeology and Heritage Planning Unit of the Ministry of Culture. No grading or other disturbance shall take place on any site within the Planning District prior to the issuance of a letter of clearance from the Ministry of Culture. Given prior evidence of archaeological sites in this Planning District, the Town encourages landowners in this Planning District to undertake a Phase I Archaeological Assessment as soon as possible in the development process.

9.0 COMMUNITY DESIGN PLAN

- a) The provisions of Section 9.0 apply to lands in all land use designations.

9.1 General Policies

- a) A Community Design Plan shall be approved by the Town, prior to any implementing development approvals. The purpose of the Community Design Plan is to articulate and refine the community design and built form concepts for the Planning District within the context of the land use, environmental protection, heritage and transportation related objectives and policies of the Official Plan and this Secondary Plan.
- b) The Community Design Plan will address the entire Planning District and will establish design principles and guidelines for the treatment of lands in the following designations as shown on Schedule "AA" - Detailed Land Use:
 - Community Amenity Area;
 - Urban Residential – Low Density;
 - Environmental Protection Area;

- Business Corridor Area; and,
 - Business Park Area.
- c) The Community Design Plan shall include the following components as described below:
- Built Form and Landscape Guidelines
 - Streetscape Design Guidelines; and,
 - Implementation Strategy.

9.2 Built Form and Landscape Guidelines

- a) The Built Form and Landscape Guidelines component of the Community Design Plan will establish principles, guidelines and requirements addressing, but not be limited to, the following matters:
- building height, massing and relationship to adjoining primary and secondary streets, with particular attention to lands adjoining, or visible from, Highway 404, 19th Avenue, Woodbine Avenue and “Old Woodbine Avenue”;
 - appropriate on-site location and design requirements for parking lots, parking structures, loading areas and utilities infrastructure;
 - building locations, building entrances and pedestrian connections to buildings in relation to streets and sidewalks, particularly in relation to ensuring ease of access from transit routes and stops;
 - screening to minimize the visibility of loading areas and rooftop equipment;
 - quality and design standards for all non-residential buildings;
 - built form guidelines for industrial, commercial, and residential development within the Planning District and recommendations relating to the application of development control mechanisms, which may include architectural guidelines and control, having regard for related general Town urban design guidelines, and which shall include the requirements identified in Section 5.4.2 f);
 - standards and requirements for residential lots that can accommodate a coach house;
 - location(s) and design requirements for townhouse units without direct frontage on a public street and the relationship of such units to adjoining roads and low density housing;
 - particular design requirements at the interface between areas of residential and non-residential development;
 - appropriate building placement and setbacks, and landscaping treatment on lands adjoining the gas pipeline and hydro transmission facilities;
 - approaches to the integration of heritage buildings from an urban design perspective having regard for the scale, massing, setbacks, building materials and design features of adjoining development and the relationship of heritage buildings to the proposed street system;
 - alternatives to development using reverse frontage;

- the integration of required noise attenuation features, including berms, acoustical walls and fences;
- the appropriate configuration of residential lots, the height and placement of buildings and landscaping treatment adjoining the Hamlet of Victoria Square;
- the appropriate amount and location of parkland required to serve the Planning District and the appropriate application of a cash-in-lieu option;
- requirements for the condition of parkland to be dedicated to the Town;
- on-site landscaping requirements and standards for non-residential development;
- landscaping or other planting requirements in buffers/setbacks adjoining natural features including revegetation where this requirement is identified; and,
- any other design or landscaping requirement identified in a study or plan required by this Secondary Plan.

9.3 Streetscape Design Guidelines

- a) The Streetscape Design Guidelines are intended to ensure that the treatment of the rights-of-way of public streets is consistent in quality and design throughout the Planning District and in general conformity with the Town's Design Implementation Guidelines, July 1998, as revised. The Streetscape Design Guidelines component of the Community Design Plan will reflect the road design requirements for traffic management and transit service identified in the Internal Functional Traffic Design Study and establish principles, guidelines and requirements addressing, but not be limited to, matters such as:
 - defining a hierarchy of primary and secondary streets, and based on their functional requirements to identify appropriate and consistent treatments for each street type including standards for sidewalks, lighting, landscaping and street furniture;
 - appropriate locations and innovative designs for required above ground utility and telecommunications infrastructure;
 - design requirements for the provision of a continuous pedestrian and bicycle route network including the relationship to proposed transit services;
 - design requirements for streets on which transit services are to be located including sidewalk requirements, pedestrian connections between buildings and sidewalks and transit stop shelter locations;
 - a streetscape improvement program for the portion of "Old Woodbine Avenue" within the Planning District;
 - preferred streetscape designs at the interface between residential and non-residential land uses;
 - streetscape treatments relating to requirements for traffic calming and on-street parking, including measures consistent with ensuring efficient transit service for streets on which transit service is to be provided ; and,

- any other streetscaping requirement identified in a study or plan required by this Secondary Plan.

9.4 Implementation Strategy

- a) It is the intent of the Implementation Strategy to ensure that all development, both public and private sector, is consistent with the principles and objectives of this Secondary Plan and the Community Design Plan. The Implementation Strategy will:
 - provide a framework that will ensure a consistent and reasonable approach in the review and approval for all development within the Planning District;
 - provide a framework that will ensure consistent consideration and application of design principles and requirements identified in the Community Design Plan throughout the Planning District;
 - provide a framework for the implementation of measures to protect, enhance and restore significant natural features, including recommended measures for the management of natural features and other open space elements; and,
 - identify the applicable development control mechanisms, which may include architectural guidelines, to achieve the objectives of the Community Design Plan.

10.0 IMPLEMENTATION

- a) The provisions of Section 10.0 apply to lands in all land use designations.

10.1 General Policies

- a) The provisions of the Official Plan regarding implementation shall apply with regard to this Secondary Plan, except as set out herein.

10.2 Plan of Subdivision/Condominium

- a) Plans of subdivision/condominium shall only be recommended for approval if the plans:
 - conform with the policies and designations of the Official Plan and this Secondary Plan;
 - are consistent with the final and approved recommendations of all the additional studies required by this Secondary Plan; and,
 - are not premature and are in the public interest.

10.3 Consents

- a) Subdivision of land shall generally take place by way of plan of subdivision. Consents may be permitted in accordance with the provisions of Section 2.7 of the Official Plan, and the applicable provisions of this Secondary Plan, and the implementing zoning by-law.

10.4 Parkland Dedication

- a) Public parkland shall be provided in accordance with the provisions of the Planning Act, the policies and standards of Section 3.9.3 of the Official Plan, and this Secondary Plan.
- b) A Neighbourhood Park may be required at the location shown by symbol on Schedule 'AA' - Detailed Land Use. Details of requirements for parkland dedication or cash-in-lieu of parkland dedication, and park location(s) shall be confirmed in the Community Design Plan, without further amendment to this Secondary Plan.
- c) Lands dedicated to the Town shall be prepared and landscaped as required by the Town in accordance with the recommendations of the Community Design Plan.

10.5 Zoning

10.5.1 Zoning By-law

- a) All development within the Planning District shall be planned and zoned on a comprehensive basis, shall consider relationships to natural features and shall be compatible with adjacent developments. The implementing zoning shall incorporate provisions relating to setbacks, height, density and building form and placement based on the provisions of this Secondary Plan and the recommendations of the Environmental Management Study, the Community Design Plan and any design concepts or guidelines adopted by the Town.
- b) This Secondary Plan shall be implemented by an appropriate zoning by-law or by-laws to zone the lands in accordance with the designations and provisions herein. Zoning shall be established at the time of development approval, and may reflect the recommendations and requirements of studies and plans required to be completed in accordance with the provisions of the Secondary Plan.

10.5.2 Holding Zone

- 10.5.2.1. The lands within this Planning District may be zoned with an "H" symbol, preceding the land use category in accordance with Section 7.3 c) of the Official Plan.
- 10.5.2.2. A holding symbol may be applied to part or all of the lands within the Planning District, to ensure that adequate infrastructure and/or servicing capacity is available to serve the lands and/or that development of the lands for their intended use is not premature. No development shall occur on any lands zoned with a (H) holding symbol until the (H) holding symbol has been removed by an amendment to the zoning by-law. A by-law amendment to remove the (H)

holding symbol shall not be passed until certain requirements and conditions, as appropriate, have been met, which may include the following:

- a) either:
 - i) a plan of subdivision has been draft approved and a related subdivision agreement between the landowner and the Town has been executed; or,
 - ii) a consent has been granted by the Committee of Adjustment and a Development Agreement between the landowner and the Town has been executed; and,
- b) the following conditions have been satisfied:
 - i) the Town has granted site plan approval and a Site Plan Control Agreement between the landowner and the Town has been executed; or,
 - ii) the Town has approved a comprehensive development concept for a phase of development confirming that the implementing zoning satisfactorily achieves the required development standards; and,
- c) the Town, in consultation with concerned agencies, is satisfied that adequate water and sanitary sewer facilities and stormwater management facilities are available to service the subject lands, pursuant to a Town approved Development Phasing Plan for the Planning District; and,
- d) the Town, in consultation with concerned agencies, is satisfied that the lands proposed to be released for development can be adequately served by the existing and committed transportation network without adverse impact on the transportation system or to other committed development, and that construction timing and/or financing for elements of the transportation system required to serve the development has been satisfactorily secured and that development is not otherwise premature; and,
- e) the Town, in consultation with concerned agencies, is satisfied that any potential site contamination has either been remediated to an environmental site condition which meets appropriate Provincial standards for the proposed land use and will not result in any adverse effects, or that such remediation can be secured through other means, such as conditions in a subdivision agreement, or securement of a Record of Site Condition prior to issuance of a building permit; and,
- f) an applicable development charges by-law has been enacted.

10.6 Site Plan Control

- a) All lands within the Planning District shall be subject to the Site Plan Control provisions of Section 7.12 of the Official Plan, and to the provisions of this Secondary Plan.

10.7 Development Charges and Financial Agreements

- a) Prior to any development approval by the Town, the Town shall have enacted development charge by-laws identifying the Town-wide and area specific development charges that may be applicable to the land within the Planning District, and the Region shall have enacted such development charge by-law(s) as may be applicable identifying the Regional development charges that may be applicable to the provision of infrastructure serving the lands in the Planning District.
- b) Prior to approval of development the Town, in consultation with the Region, shall be satisfied as to the availability of transportation facilities, water supply and sewer capacity to accommodate the development and with provisions, including any required agreements, to secure improvements to the Regional Road system, including the realignment of a portion of Woodbine Avenue. In this regard, the Town may require front-end or accelerated payment agreements and limitations to be placed on development, consistent with the approved Development Phasing Plan.

10.8 Developers' Group Agreement(s)

- a) The locations of proposed public infrastructure such as roads, stormwater management facilities or the provision of other community facilities identified in this Secondary Plan have been incorporated without regard to property ownership. In order to ensure that all affected property owners contribute equitably towards the provision of community and infrastructure facilities such as parks, enhancement and restoration of natural features, roads and road improvements, internal and external services and stormwater management facilities, the Town may require that property owners enter into one or more Developers' Group Agreements, to address the sharing of the common costs of development as a condition of development approval for their lands.
- b) These agreements shall provide for the equitable distribution of the costs, including lands, of the aforementioned community and common public facilities and associated studies where such costs are not dealt with under the Development Charges Act, 1997.

10.9 Development Phasing Plan

- 10.9.1 Prior to the approval of development a Development Phasing Plan dealing with all the lands to be developed within the Planning District shall be prepared to the satisfaction of the Town, in consultation with the Region of York and concerned agencies and utilities and approved by the Town.
- 10.9.2 The Development Phasing Plan shall be consistent with required supporting studies identified in this Secondary Plan, and applicable Provincial, Regional

Town, and Toronto and Region Conservation Authority policies, and shall describe the intended sequence of development within the Planning District, both geographically and chronologically, including the provision of necessary supporting infrastructure, servicing and transportation connections with existing and approved development, community facilities and the treatment of significant natural features.

- 10.9.3 Among other matters, the Development Phasing Plan will address the following:
- the proposed schedule for approval, and the planned distribution of housing by density and mix of dwelling types;
 - the development potential and proposed schedule for approval of lands designated for employment use;
 - the proposed schedule to provide the necessary community and public facilities relative to the construction and occupancy of dwellings;
 - the proposed schedule relative to development for the construction and operation of major infrastructure for servicing new development including the planned trunk routes and any interim servicing approved by the Town prior to alternate servicing being in place. In the case of storm water management facilities, the schedule of construction, including interim facilities and the mitigation of environmental impacts will also be identified;
 - the proposed schedule for the construction or reconstruction of major internal and boundary roads and traffic management measures and the schedule for construction and operation of routes intended for construction equipment and deliveries;
 - the proposed schedule for the construction and operation of major utilities including all telecommunications services;
 - the proposed schedule for delivery of infrastructure including the Woodbine Avenue By-pass and facilities necessary to support the proposed development;
 - the proposed schedule relative to undertaking work to preserve or enhance significant environmental features, and where applicable, to dedicate such features and associated buffers to the Town;
 - the proposed schedule for implementing any recommendations of the required studies that logically relates to the phasing, sequencing and timely construction and operation of infrastructure, services, utilities, remedial measures or other facilities planned to support the development of lands within the Planning District; and,
 - such other matters as may be identified by the Town to be addressed in the Development Phasing Plan.

10.10 Required Studies, Reports and Plans

- a) This Secondary Plan provides for the preparation for approval by the Town of a number of studies, reports and plans that will be used to determine in greater detail the necessary requirements and controls to permit development to proceed

within the Planning District. Typically, these studies, reports and plans are prepared and funded by proponents of development. It is intended that, at a minimum, the following studies shall be completed on a comprehensive basis, addressing the entire Planning District:

- Environmental Management Study
- Master Servicing Study
- Traffic Impact Assessment
- Community Design Plan
- Development Phasing Plan.

Landowners or proponents of development will be encouraged to undertake other studies on a comprehensive basis, when appropriate. The Town reserves the option to initiate any study, assessment, report or plan required by this Secondary Plan and to recover the associated costs as a condition of development approval.

- b) The Terms of Reference for all studies, reports and plans etc. required to be prepared in accordance with the provisions of this Secondary Plan, shall be prepared or approved by the Town, prior to initiating each study, report or plan.
- c) Studies, reports and plans required by this Secondary Plan shall be completed to the satisfaction of the Town, by qualified professionals, who, where applicable, are licensed to practice in Ontario, and who are recognized and accepted by the Town as having the appropriate technical knowledge and experience to complete the required work specified in the related study Terms of Reference.
- d) The Town may require a peer review of any study, report or plan required by this Secondary Plan, or submitted in support of an application for development approval relating to lands within the Planning District. Proponents of development may be required to provide funding for a peer review.
- e) Development approval on lands within the Planning District shall be subject to the recommendations and requirements of all studies, reports and plans required to be completed in accordance with the provisions of this Secondary Plan. Where required by this Secondary Plan, a study, report or plan shall be approved by the Town, prior to development approval.
- f) The following studies, reports and plans are among those identified in this Secondary Plan to be prepared to the satisfaction of the Town and submitted for Town approval:
 - Master Servicing Study
 - Environmental Management Study
 - Traffic Impact Assessment
 - Internal Functional Traffic Design Study
 - Community Design Plan

Section 6.2.2.1
Section 7.1
Section 6.1.2 a)
Section 6.1.2 b)
Section 9

• Development Phasing Plan	Section 10.9
• Phase I Environmental Site Assessment	Section 7.2.1 a)
• Archaeological Assessment	Section 8 i)
• Heritage Impact Assessment	Section 8 g)
• Heritage Conservation Plan	Section 8 g)
• Noise and Vibration Analysis Report	Section 7.4.2
• Tree Inventory and Conservation Plan	Section 7.5.1 c)
• Functional Servicing Report	Section 6.2.2.2
• Stormwater Management Report	Section 6.2.2.3
• Environmental Impact Study	Section 5.6.2 c)
• Well Monitoring Program	Section 6.2.1 e)

In addition to these studies, reports and plans, there may be other specific study requirements identified in this Secondary Plan and not listed above, that are also subject to the provisions of Section 10.10.

10.11 Public Sector Agreement to Comply

- a) It is the intent of this Secondary Plan to achieve the agreement of all public agencies involved in any aspect of development in the Planning District, to comply with the policies of this Secondary Plan, regulations in the Zoning By-law, and the findings and recommendations of principal studies in order to achieve the goal, objectives and policies of this Secondary Plan.

10.12 Land Dedication and Acquisition

- a) The policies of Section 7.7 of the Official Plan shall apply.
- b) Where the Town is to be deeded land for public highways, road widenings, parkland, stormwater management facilities or any other public use, the Town will require, as a condition of the transfer, an environmental clearance, in a form satisfactory to the Town, to ensure that the condition of the land is suitable for the proposed use. The Town may require that a Record of Site Condition be filed with, and acknowledged by, the Environmental Site Registry office of the Ministry of the Environment.

11.0 INTERPRETATION

The provisions of the Official Plan, as amended from time to time, regarding the interpretation of that Plan shall apply in regard to this Secondary Plan insofar as they affect the subject area, except as set out herein.