

OFFICIAL PLAN
of the
TOWN OF MARKHAM PLANNING AREA
AMENDMENT NO. 173

To amend the Official Plan (Revised 1987), as amended,
and to incorporate Amendment No. 6 to the Secondary Plan (PD34-1)
for the South Unionville Planning District (Planning District No.34).

Jolie Home Inc.

(East side of Kennedy Road between Castan Avenue and South Unionville Avenue)

June 2008

OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. 173

To amend the Official Plan (Revised 1987), as amended and to incorporate Amendment No. 6 to the South Unionville Secondary Plan (PD 34-1).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2008-156 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the 24th day of June, 2008.



KIMBERLEY KITTINGHAM
DEPUTY CLERK



FRANK SCARPITTI
MAYOR



BY-LAW 2008-156

Being a by-law to adopt Amendment No. 173 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. 173 to the Town of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
24TH DAY OF JUNE, 2008.

KIMBERLEY KITTERINGHAM
DEPUTY CLERK

FRANK SCARPITTI
MAYOR

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 173)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, including Schedules “A” and “B”, attached thereto, constitutes Official Plan Amendment No. 173 to the Official Plan (Revised 1987), as amended and is required to enact Amendment No. 6 to the South Unionville Secondary Plan (PD 34-1). Part II is an operative part of this Official Plan Amendment.
- 1.3** PART III - THE SECONDARY PLAN AMENDMENT, including Schedule “C” and Figure 34-1-6, attached thereto, constitutes Amendment No. 6 to the South Unionville Secondary Plan (PD 34-1). This Secondary Plan Amendment may be identified by the symbol PD 34-1-6. Part III is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to approximately 2.86 hectares of land on the east side of Kennedy Road between Castan Avenue and South Unionville Avenue, as shown on Figure 34-1-6 attached to Part III.

3.0 PURPOSE

The purpose of the Official Plan Amendment is to:

- 1) amend Schedule ‘A’ – Land Use of the Official Plan to extend the “Commercial” designation across all of the subject lands.
- 2) Amend Schedule ‘H’ – Commercial / Industrial Categories of the Official Plan to extend the “Community Amenity Area” category across all of the entire subject lands.
- 3) enact Amendment No. 6 to the South Unionville Secondary Plan (PD 34-1).

The purpose of the Secondary Plan Amendment is to:

- 1) amend Schedule ‘AA’ - Detailed Land Use to extend the “Community Amenity Area” designation across all of the subject lands.
- 2) increase the maximum height of an apartment building from 5 ½ to 8 storeys, subject to a minimum setback from the east boundary.
- 3) restrict permitted uses on the easterly portion of the lands to residential only.
- 4) restrict the permitted height on the eastern portion of the lands to 4 storeys.

- 4) permit a maximum residential density of 80 units per hectare (32 units per acre), across the entire site.
- 5) incorporate design guidelines to address built form, massing, landscaped open space and other design matters.

4.0 BASIS OF THIS AMENDMENT

The Owner wants to develop the subject lands with an integrated, mixed-use development accommodating retail, service, office and residential uses consistent with the planned function of the “Community Amenity Area” designation. The development includes an 8-storey apartment building focused on the future intersection of Kennedy Road and South Unionville Avenue and 3-4 storey townhouses fronting on a proposed north-south local road which will form the eastern boundary of the development.

The extension of the “Community Amenity Area” designation across all of the subject lands will facilitate the comprehensive development of the lands with the intended mixed commercial-residential uses in a pedestrian friendly, mixed use environment. The new north-south road and the neighbourhood park on the east side of the north-south road will serve as the buffer to the low density residential community to the east.

The 8-storey height of the proposed apartment building is appropriate as this building will be oriented to Kennedy Road and away from the lower density residential community to the east.

The proposed townhouses along the easterly boundary will provide an appropriate face to the purely residential community to the east and a transition to the commercial and higher density components of the development.

The development is proposed to have a strong street edge relationship with all of the adjoining roads. The majority of the parking will be below grade, and the surface parking will be internalized and located behind the buildings.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 173)

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1** Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 173 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2** Section 1.1.3 (c) of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 173 to the list of amendments, including any required grammatical and punctuation changes in the bullet item dealing with the South Unionville Planning District (PD34-1).
- 1.3** Section 9.2.17 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 173 to the list of amendments, including any required grammatical and punctuation changes.
- 1.4** Schedule ‘A’ – LAND USE to the Official Plan (Revised 1987), as amended, is hereby amended by re-designating a portion of the subject lands from “URBAN RESIDENTIAL” to “COMMERCIAL” as shown on Schedule ‘A’ attached hereto.
- 1.5** Schedule ‘H’ – COMMERCIAL / INDUSTRIAL CATEGORIES is hereby amended by designating a portion of the subject lands COMMERCIAL (Community Amenity Area) as shown on Schedule ‘B’ attached hereto.
- 1.6** No additional changes to the text or schedules of the Official Plan (Revised 1987), as amended, are being made by this Amendment. This Amendment is also being made to incorporate changes to Schedule ‘AA’ – DETAILED LAND USE and the text of the South Unionville Secondary Plan (PD 34-1) for the South Unionville Planning District (Planning District No. 34). These changes are outlined in Part III which comprises Amendment No. 6 to the South Unionville Secondary Plan (PD34-1).

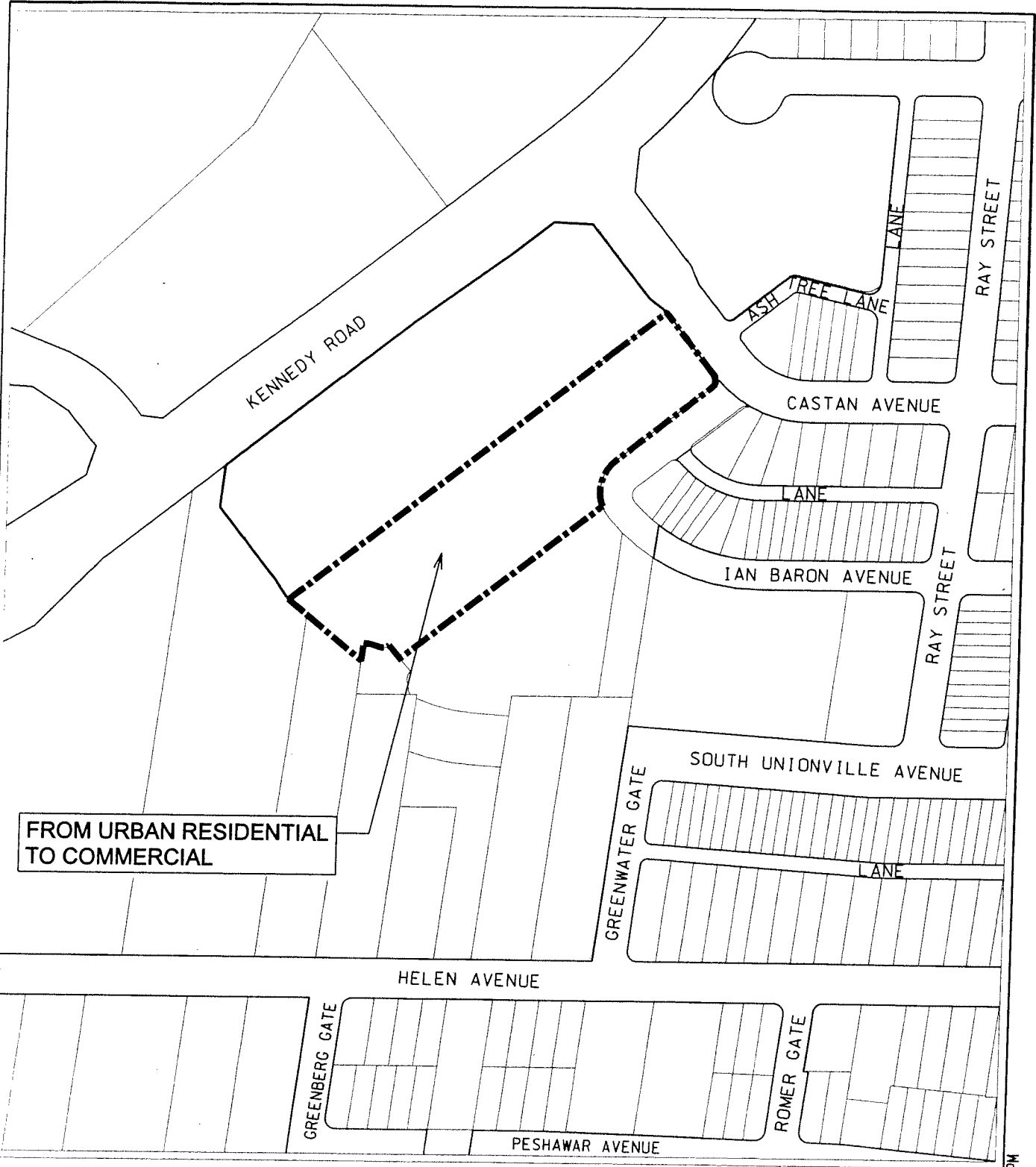
2.0 IMPLEMENTATION AND INTERPRETATION

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


This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.

This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or on the last day for filing an appeal.

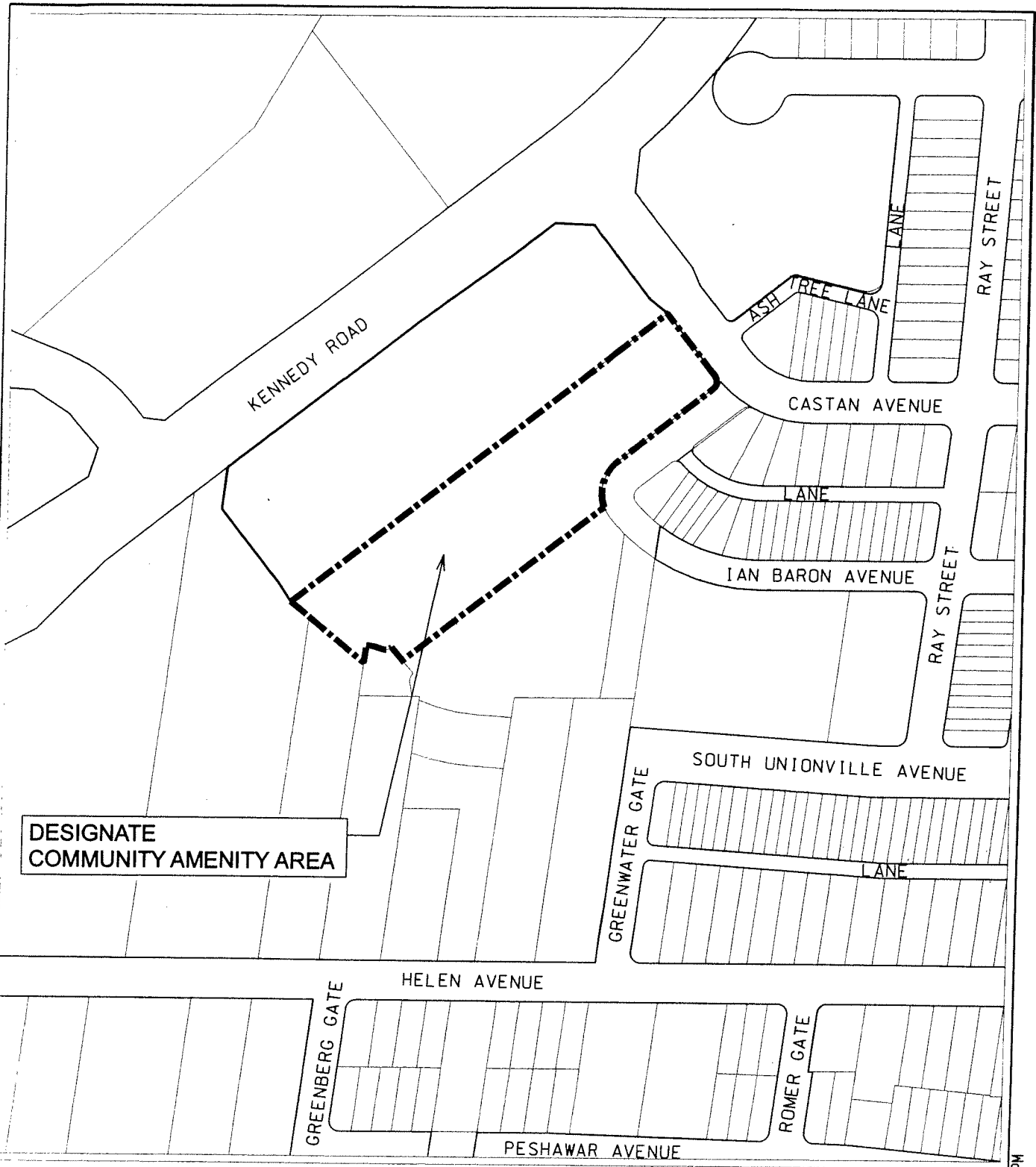
Prior to Council's decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. For such technical amendments, the notice provisions of Section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



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

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

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

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

PART III - THE SECONDARY PLAN AMENDMENT (PD 34-1-6)
(This is an operative part of Official Plan Amendment No. 173)

PART III - THE SECONDARY PLAN AMENDMENT (PD 34-1-6)

1.0 THE SECONDARY PLAN AMENDMENT

(Amendment No. 6 to the South Unionville Secondary Plan PD 34-1)

The South Unionville Secondary Plan(PD 34-1) for the South Unionville Planning District is hereby amended as follows for the designated area of this amendment:

1.1 By amending Schedule AA – “Detailed Land Use” of Secondary Plan PD 34-1, to extend the Community Amenity Area designation as shown on Schedule ‘C’ to this Amendment.

1.2 By adding a new sub-section and corresponding Figure 34-1-6 being Sub-section 6.3.2 (ix):

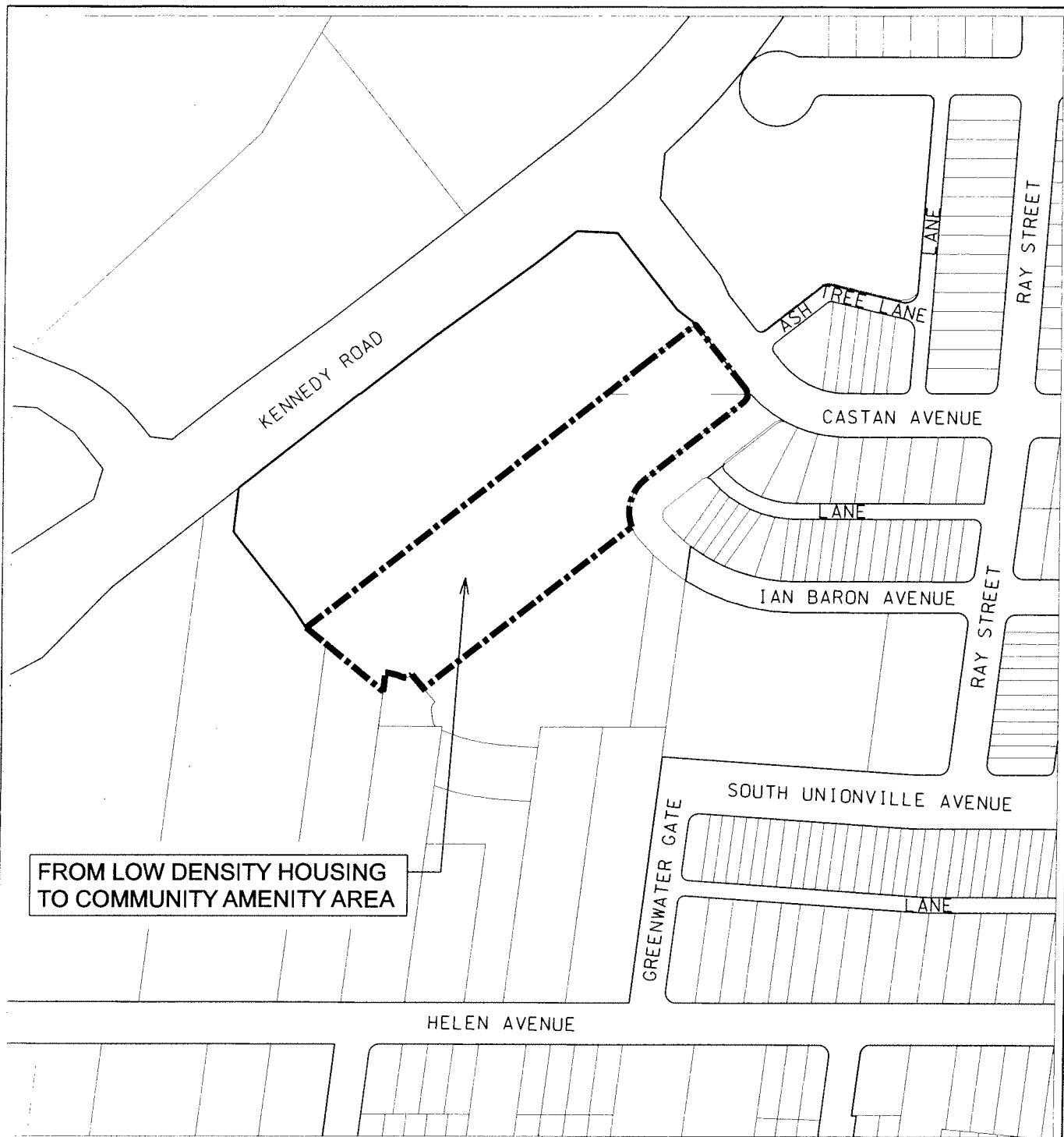
- “ix) The following additional provisions apply to the lands designated “Community Amenity Area” on the east side of Kennedy Road, between South Unionville Avenue and Castan Avenue and identified on Figure 34-1-6:
1. The maximum residential density shall be 80 units per hectare (32 units per acre).
 2. The maximum height of buildings is as follows:
4 storeys on the lands identified as Parts 1 and 2.
8 storeys on the lands identified as Part 3.
 3. Medium and high density residential uses are the only uses permitted on the lands identified as Part 2.
 4. Development shall be subject to the following specific design guidelines:
 - A minimum of 70% of the combined frontage of all adjoining streets should be occupied by buildings.
 - Building setbacks should be minimized to create an urban relationship to streets that is conducive to pedestrian activity.
 - Prominent at-grade pedestrian entrances should be provided from the buildings to the adjoining streets.
 - All building entrances to public streets should closely match the grade of the adjoining street right-of-way.
 - The majority of street frontages of buildings should contain openings providing views into the building. Blank building walls facing public streets should be minimized and where unavoidable should be mitigated by landscaping, building detailing and public art.
 - All major loading and waste management facilities should be enclosed and screened from public view.

- The height and massing of the building on Part 3 should transition down from the tallest element focused on the intersection of Kennedy Road and South Unionville Avenue to the adjoining building elements.
- The majority of all parking provided on site should be located in underground garage(s).
- Entrances to underground parking garage(s) from public streets should be minimized.
- Underground parking serving commercial uses should incorporate a high level of design including generous ceiling heights, high quality lighting, direct elevator access to all retail levels and columns (rather than sheer wall supports).
- Underground parking structures should not project above the finished grade adjoining streets.
- All surface parking should be screened from streets by buildings and landscaping.
- The principle driveway access to commercial uses should focus on South Unionville Avenue and the local road to the east, and away from Castan Avenue.
- North-south and east-west mid-block pedestrian connections should be provided at grade through the development.
- The development should incorporate sustainable design features to, among other things, reduce energy consumption, minimize the heat island effect, minimize stormwater runoff, harvest rainwater for irrigation, reduce water consumption, and maximize the use of sustainable materials and resources.
- Useable landscaped outdoor amenity space should be provided for residents.”

2.0 IMPLEMENTATION AND INTERPRETATION


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

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan Approval in conformity with the provisions of this Amendment.



FROM LOW DENSITY HOUSING
TO COMMUNITY AMENITY AREA

AMENDMENT TO SCHEDULE 'AA' – DETAILED LAND USE
OF THE SOUTH UNIONVILLE SECONDARY PLAN (PD 34-1)
FOR THE SOUTH UNIONVILLE PLANNING DISTRICT (PLANNING DISTRICT No. 34)

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



DEVELOPMENT SERVICES COMMISSION

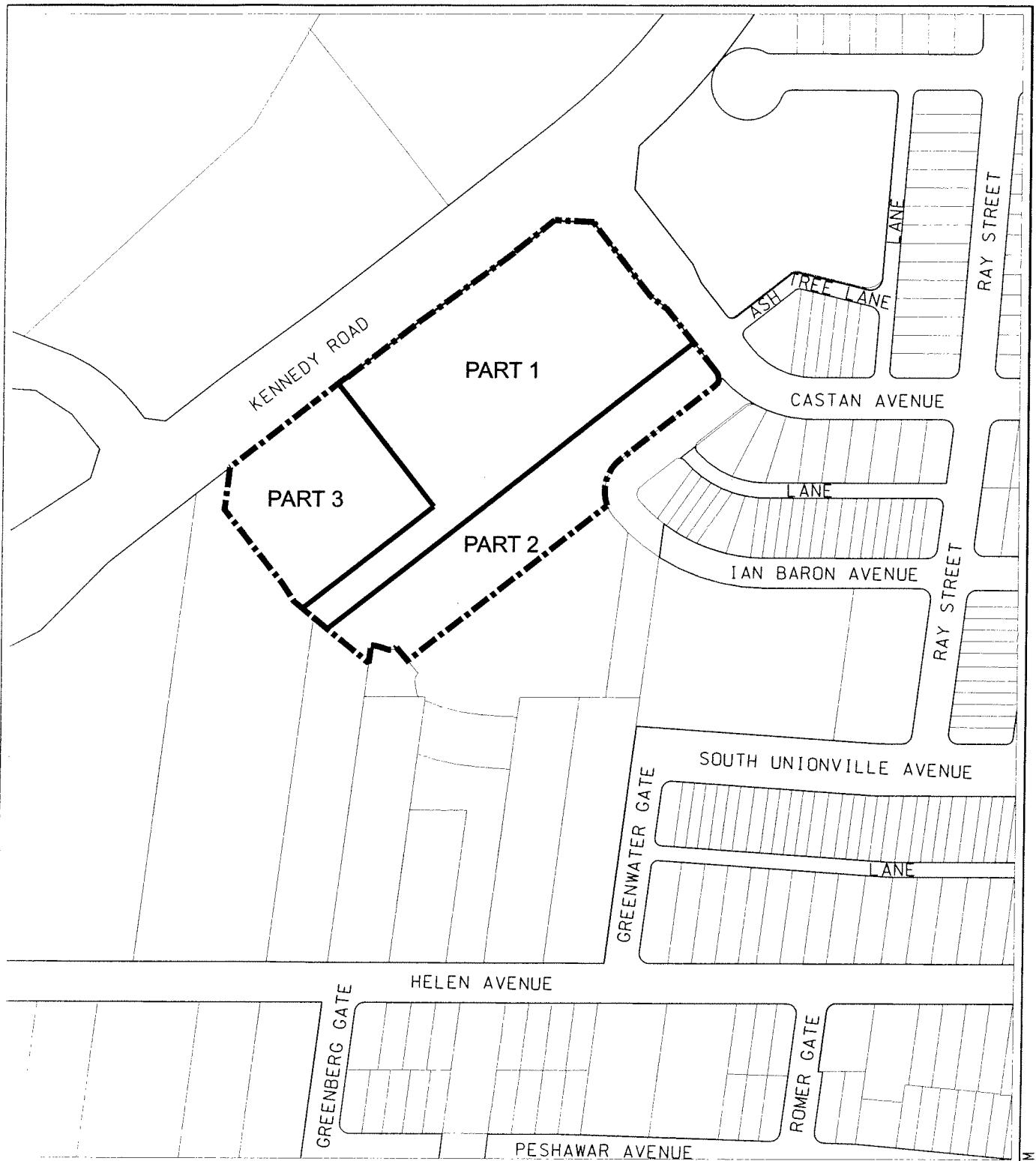
SCHEDULE 'C' TO OPA No. **133**

PD 34-1-6

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CHECKED BY: SH

SCALE:
DATE: 12/06/08

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SECONDARY PLAN AMENDMENT No.6 FOR THE SOUTH UNIONVILLE
PLANNING DISTRICT (PD.No.34) (PART III OF O.P.A. No. 173)

--- BOUNDARY OF AREA SUBJECT TO THE POLICIES IN SECTION 6.3.2(x)
OF THE SOUTH UNIONVILLE SECONDARY PLAN