

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

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Angus Glen Planning District (Planning District No.31).

Kylemore Post Road Limited (Village Grocer)  
(North side of 16<sup>th</sup> Avenue, west of Kennedy Road, Part of Lot 16, Concession 5, Town of Markham, Regional Municipality of York)

(May 2009)

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**MARKHAM PLANNING AREA**  
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To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Angus Glen Planning District (Planning District No.31).

This Official Plan Amendment was adopted by the Corporation of the Town of Markham, By-law No. 2009 - XX in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the \_\_\_ day of May, 2009.

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**Frank Scarpitti, Mayor**

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**Kimberly Kitteringham, Town Clerk**

**THE CORPORATION OF THE TOWN OF MARKHAM**

**BY-LAW NO. 2009-XX**

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

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM,  
IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT,  
R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

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

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_\_  
DAY OF MAY, 2009.

\_\_\_\_\_  
KIMBERELY KITTINGHAM  
TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR

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## **PART I - INTRODUCTION**

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

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## **PART I - INTRODUCTION**

### **1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT constitutes Amendment No. XXX to the Official Plan (Revised 1987), as amended, including Schedules 'A', 'B', 'C', 'D' and Figure No. 31.2 attached hereto. Part II is the operative part of this Official Plan Amendment.

### **2.0 LOCATION**

This Amendment applies to a 0.614 hectare (1.517 acre) parcel of land located on the north side of 16<sup>th</sup> Avenue, west of Kennedy Road, municipally known as 4472 and 4476 16<sup>th</sup> Avenue.

### **3.0 PURPOSE**

The purpose of this Amendment is to:

- redesignate a portion of the subject lands from AGRICULTURE 1 to URBAN RESIDENTIAL in order to permit the proposed commercial development on the subject lands;
- delete the Future Urban Area overlay on a portion of the subject lands;
- ensure that the development of the proposed 0.614 ha (1.517 acre) commercial block is undertaken to the satisfaction of the Town.

### **4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT**

In May 2006, Council approved OPA No. 155 which designated the majority of the subject lands from AGRICULTURE 1 to URBAN RESIDENTIAL (Neighbourhood Commercial Centre). OPA No. 155 permits convenience retail and office uses, with a maximum gross floor area of 1,900 m<sup>2</sup> within one building with a maximum retail component of 1,400 m<sup>2</sup>.

The applicant recently purchased additional lands to the east of the property. The purpose of this amendment is to incorporate this acquired parcel of land into the URBAN RESIDENTIAL (Neighbourhood Commercial Centre) designation, to allow the entire site to be developed with a commercial building with a total gross floor area of 3,128 m<sup>2</sup>. The increase in gross floor area is due to the addition of a basement (1,269 m<sup>2</sup>).

## **PART II - THE OFFICIAL PLAN AMENDMENT**

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

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## **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 XXX to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
  - 1.2 Section 4.3.31.2 b) of Part II of the Official Plan (Revised 1987), as amended is hereby further amended by:
    - 1.2.1 Replacing “No. 155” under the title for this subsection with “Nos. 155 and XXX.”
    - 1.2.2 Modifying Section 4.3.31.2 b) ii) third bullet by deleting the number “1,900 square metres” and replacing it with “3,200 square meters” and deleting the number “1,400 square meters” and replacing it with “1,500 square metres.”
    - 1.2.3 Deleting the fifth, sixth and seventh bullet items under the Neighbourhood Commercial Centre part of Section 4.3.31.2 b) iii) and replacing it with the following bullet items:

“

      - Service and loading facilities related to the Neighbourhood Commercial Centre may be permitted between the building and 16<sup>th</sup> Avenue provided the service and loading facilities are enclosed within the building and suitably screened from public streets and shall be subject to the review of a specific development proposal.
      - Built form shall be designed to visually screen rooftop equipment and mechanical rooms from public streets and driveways.
      - The parking lot shall be suitably screened from public streets and shall be subject to the review of a specific development proposal.”
  - 1.3 Schedule ‘A’ – LAND USE is hereby amended by redesignating the subject lands from AGRICULTURE 1 to URBAN RESIDENTIAL and removing the Future Urban Area overlay on the subject lands as shown on Schedule ‘A’, attached hereto.
-

- 1.4 Schedule 'B' – PLANNING DISTRICTS is hereby amended by deleting the Future Urban Area overlay from the subject lands as shown on Schedule 'B' attached hereto.
- 1.5 Schedule 'C' – TRANSPORTATION is hereby amended by deleting the subject lands from the FUTURE URBAN AREA as shown in Schedule 'C', attached hereto.
- 1.6 Schedule 'D' – URBAN SERVICE AREA is hereby amended by deleting the subject lands from the FUTURE URBAN SERVICE AREA and including the subject lands into URBAN SERVICE AREA as shown in Schedule 'D', attached hereto.
- 1.7 Figure No. 31.2 is hereby replaced with a new Figure No. 31.2 as shown on Figure No. 31.2, attached hereto.

## **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.

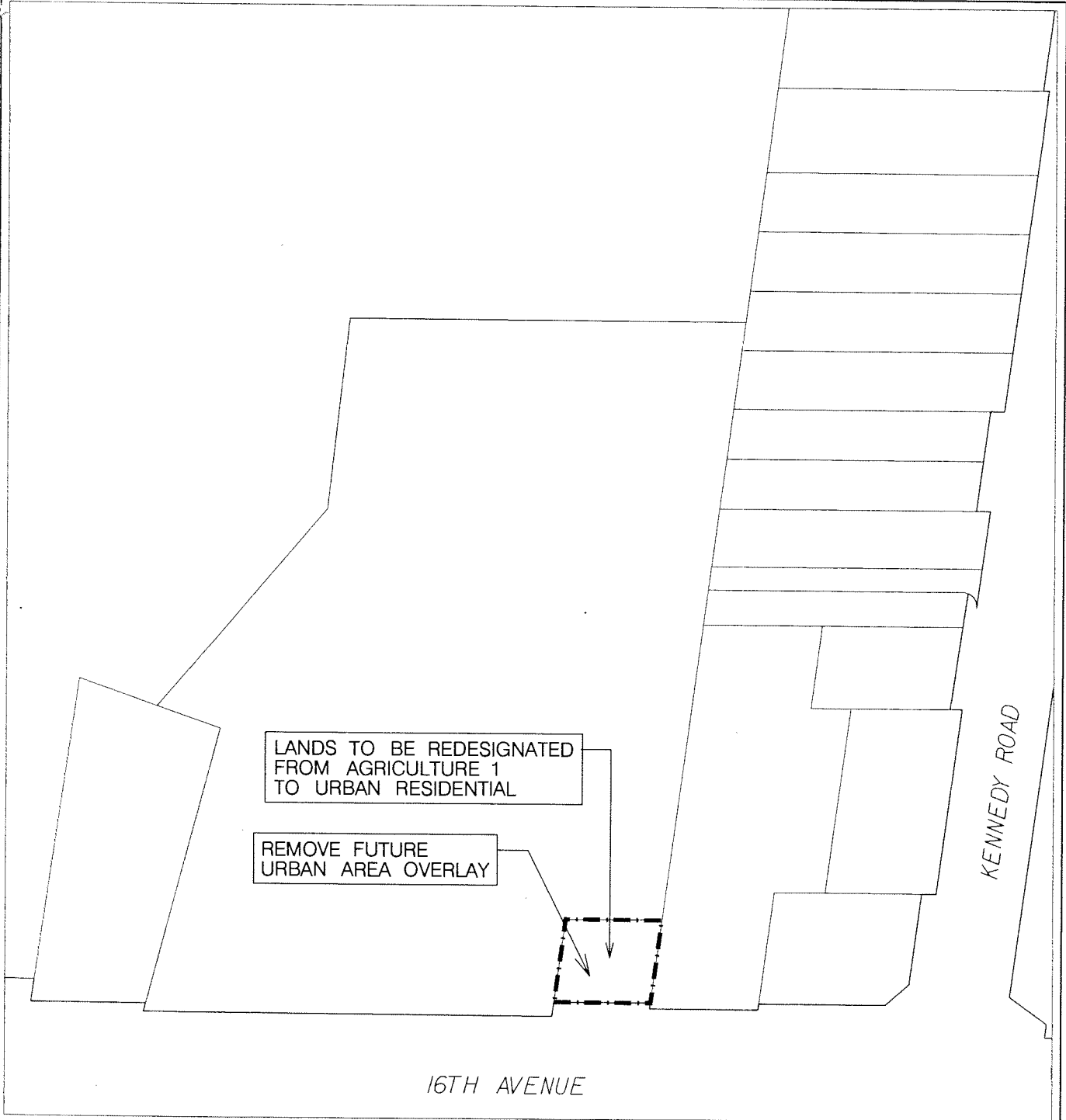
This Amendment to the Official Plan (Revised 1987), as amended, is exempt from the approval by the Region of York. Following adoption, notice of Council's decision will be given in accordance with the Planning Act, and the decision of Council is final, if a notice of appeal is not received before or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

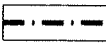
May 2009

Amanda/OP 08 129443/Documents/OPA

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

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



DEVELOPMENT SERVICES COMMISSION

SCHEDULE 'A' TO OPA No. XXX

DRAWN BY: CPW  
CHECKED BY: TK

SCALE:  
DATE: 02/02/09

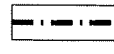
SCH 'A' . dgn 19/03/2009 3: 09: 42 PM



KENNEDY ROAD

16TH AVENUE

AMENDMENT TO SCHEDULE 'B' – PLANNING DISTRICTS  
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

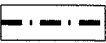
 REMOVE FUTURE URBAN AREA OVERLAY



16TH AVENUE

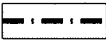
KENNEDY ROAD

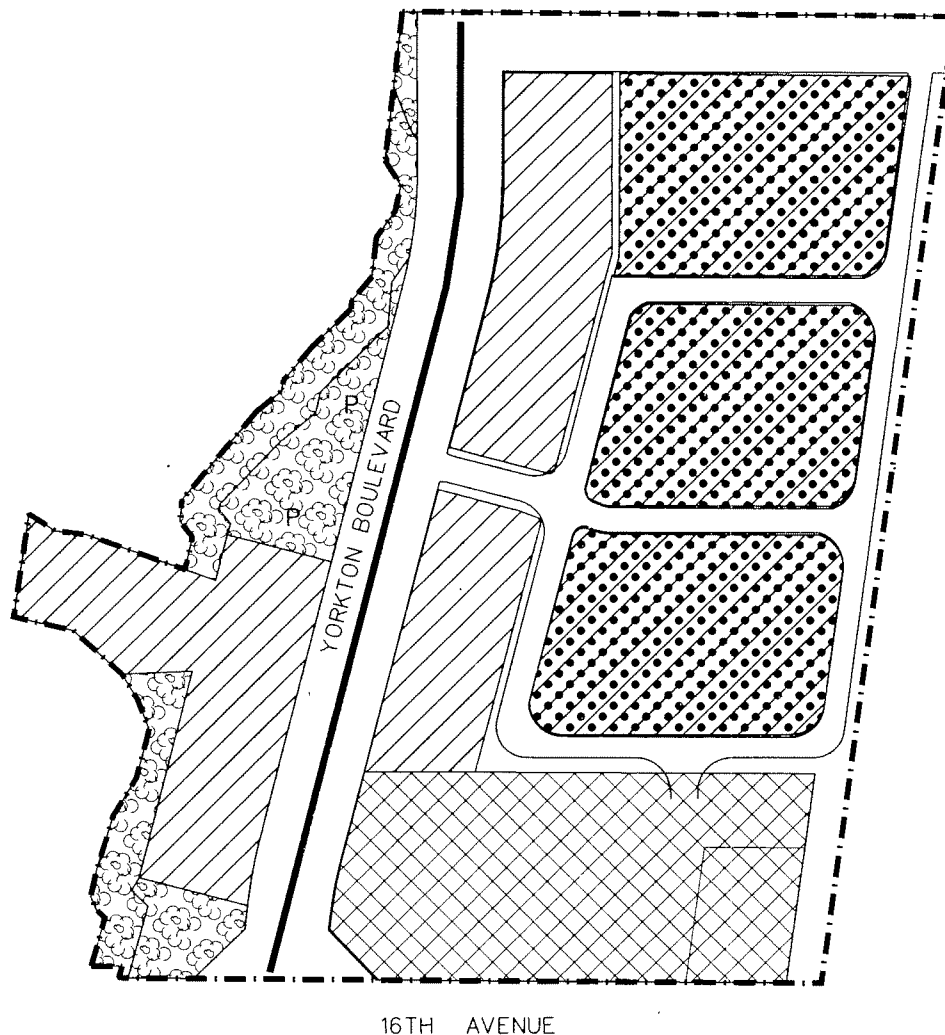
AMENDMENT TO SCHEDULE 'C' – TRANSPORTATION  
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



AMENDMENT TO SCHEDULE 'D' – URBAN SERVICE AREA  
TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT



## FIGURE No. 31.2

### SPECIFIC SITE AND AREA POLICIES TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

Boundary of area subject to the policies in Section 4.3.31.2 b)  
Land use designation: URBAN RESIDENTIAL

LOW DENSITY HOUSING

LOW DENSITY-TOWNHOUSE DWELLINGS

NEIGHBOURHOOD COMMERCIAL CENTRE

OPEN SPACE

P PARKETTE

MINOR COLLECTOR ROAD

OFFICIAL PLAN AMENDMENT Nos.155 and XXX

PLANNING DISTRICT No.31

FIGURE31.2.dgn 19/03/2009 3:09:01 PM

## **EXPLANATORY NOTE**

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

Kylemore Post Road Limited (Village Grocer)  
4472 & 4476 16<sup>th</sup> Avenue  
Concession 5, Part of Lot 16

## **LANDS AFFECTED**

The By-laws apply to the lands north of 16<sup>th</sup> Avenue, just west of Kennedy Road, municipally known as 4472 & 4476 16<sup>th</sup> Avenue.

## **EXISTING ZONING**

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) By-law 304-87, as amended.

## **PURPOSE AND EFFECT**

The purpose of this amendment is to delete the lands from Rural Residential Four (RR4) under By-law 304-87, as amended, so that the lands may be incorporated into By-law 177-96, as amended, under the Neighbourhood Commercial Three (NC3) zone, similar to the zoning on the remainder of the property to the west and north. This will allow for the construction of a supermarket with offices on the second floor.

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## **BY-LAW 2009-X**

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

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

1. By-law 304-87, as amended, is hereby further amended by deleting the lands outlined on Schedule 'A' attached hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into effect until By-law 2009-XX amending By-law 177-96, as amended comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

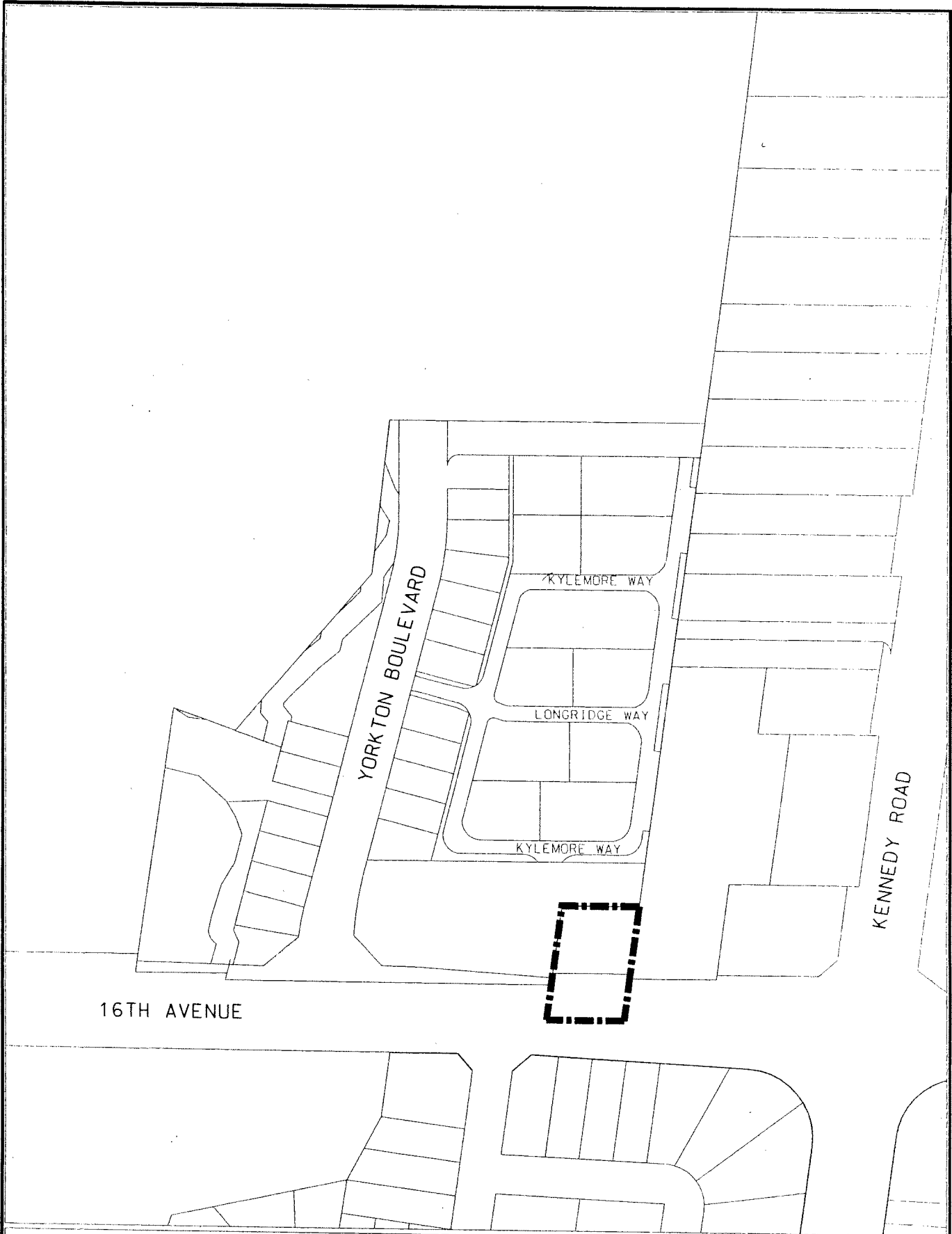
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF MAY,  
2009.

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KIMBERLEY KITTINGHAM  
TOWN CLERK

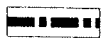
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FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY ....., 2009

.....MAYOR

.....CLERK

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

SCALE NS

## **EXPLANATORY NOTE**

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

Kylemore Post Road Limited (Village Grocer)  
4472 & 4476 16<sup>th</sup> Avenue  
Concession 5, Part of Lot 16

## **LANDS AFFECTED**

The By-laws apply to the lands north of 16<sup>th</sup> Avenue, just west of Kennedy Road, municipally known as 4472 & 4476 16<sup>th</sup> Avenue.

## **EXISTING ZONING**

The lands subject to this By-law are presently zoned Neighborhood Commercial Three \* 327 (Hold) [NC3\*327 (H)] under By-law 177-96, as amended, and Rural Residential Four (RR4) By-law 304-87, as amended.

## **PURPOSE AND EFFECT**

The purpose of this amendment is to incorporate the lands into By-law 177-96, as amended, under the Neighbourhood Commercial Three (NC3) zone, similar to the zoning on the remainder of the property. This will allow for the construction of a supermarket with offices on the second floor.

A Holding provision has been placed on the property to ensure that a site plan agreement is executed with the Town.

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## BY-LAW 2009-XX

A By-law to amend Urban Expansion Area Zoning By-law 177-96, as amended.

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

1. By-law #177-96, as amended, is hereby further amended as follows:
  - 1.1 By expanding the designated area of By-law 177-96, as amended to include those lands comprising Part of Lot 16, Concession 5 as outlined on Schedule 'A', attached hereto.

- 1.2 By zoning the lands:

Neighbourhood Commercial Three \* 327 (Hold)                      NC3 \* 327 (H)

as shown on Schedule 'A' attached hereto.

- 1.3 By deleting subsection 7.327 and replacing it with the following:

"7.327    **North side of 16<sup>th</sup> Avenue, west of Kennedy Road – Village Grocer**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*327 on the Schedules to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

### 7.327.1    **Only Permitted Uses**

The following uses are the only permitted uses:

- a) *Supermarket* with associated seasonal outdoor display
- b) *Business and professional offices*

### 7.327.2 Prohibited Uses

The following additional use is prohibited:

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a) *Drive-Through Service Facility*

7.327.3 **Zone Standards**

The following specific Zone Standards apply:

- |                                      |           |
|--------------------------------------|-----------|
| a) Minimum <i>front yard</i>         | 9 metres  |
| b) Minimum <i>exterior side yard</i> | 60 metres |
| c) Minimum <i>rear yard</i>          | 3 metres  |
| d) Minimum <i>interior side yard</i> | 3 metres  |
| e) Minimum building <i>height</i>    | 12 metres |
| f) Maximum building <i>height</i>    | 14 metres |

7.327.4 **Special Site Provisions**

The following additional provisions apply:

- a) 16<sup>th</sup> Avenue frontage shall be deemed to be the *front lot line*.
  - b) The *first storey* shall only be used for a *supermarket*.
  - c) Minimum required landscaped open space adjoining:  
*Rear and interior lot lines* – 3.0 metres  
*Exterior lot line* – 1.8 metres
  - d) 40% of the *front lot line* shall have a minimum *landscaped open space* of 5 metres adjoining the *front lot line*.
  - e) Access ramps and *driveways* that are more or less perpendicular to the *streetline*, are permitted to cross the *landscaped open space*
  - f) Stairs not used to access the *building* may encroach into any required yard.
  - g) Eaves, awnings and roof overhangs may encroach 1.5 metres into any required yard.
-

- h) A covered pedestrian walkway may encroach into the *exterior side yard* subject to the following minimum setbacks:

15 m from Yorkton Blvd.  
20 m from 16<sup>th</sup> Avenue  
20 m from north lot line  
65 m from east lot line

- i) *Loading spaces* shall be fully enclosed within a *building*.
- j) *Outdoor display and sales* is permitted subject to the following provisions:
- i) only in association with a *supermarket* with a *gross floor area* greater than 3,000 m<sup>2</sup> and less than 3,200 m<sup>2</sup>
  - ii) maximum area of outdoor display and sales – 220 m<sup>2</sup>

#### 7.327.5 **Special Parking Provisions**

The following parking provisions apply:

- (a) Minimum number of required parking spaces - 74

#### 2. **HOLDING PROVISION**

For the purpose of this By-law, a Holding (H) Zone is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

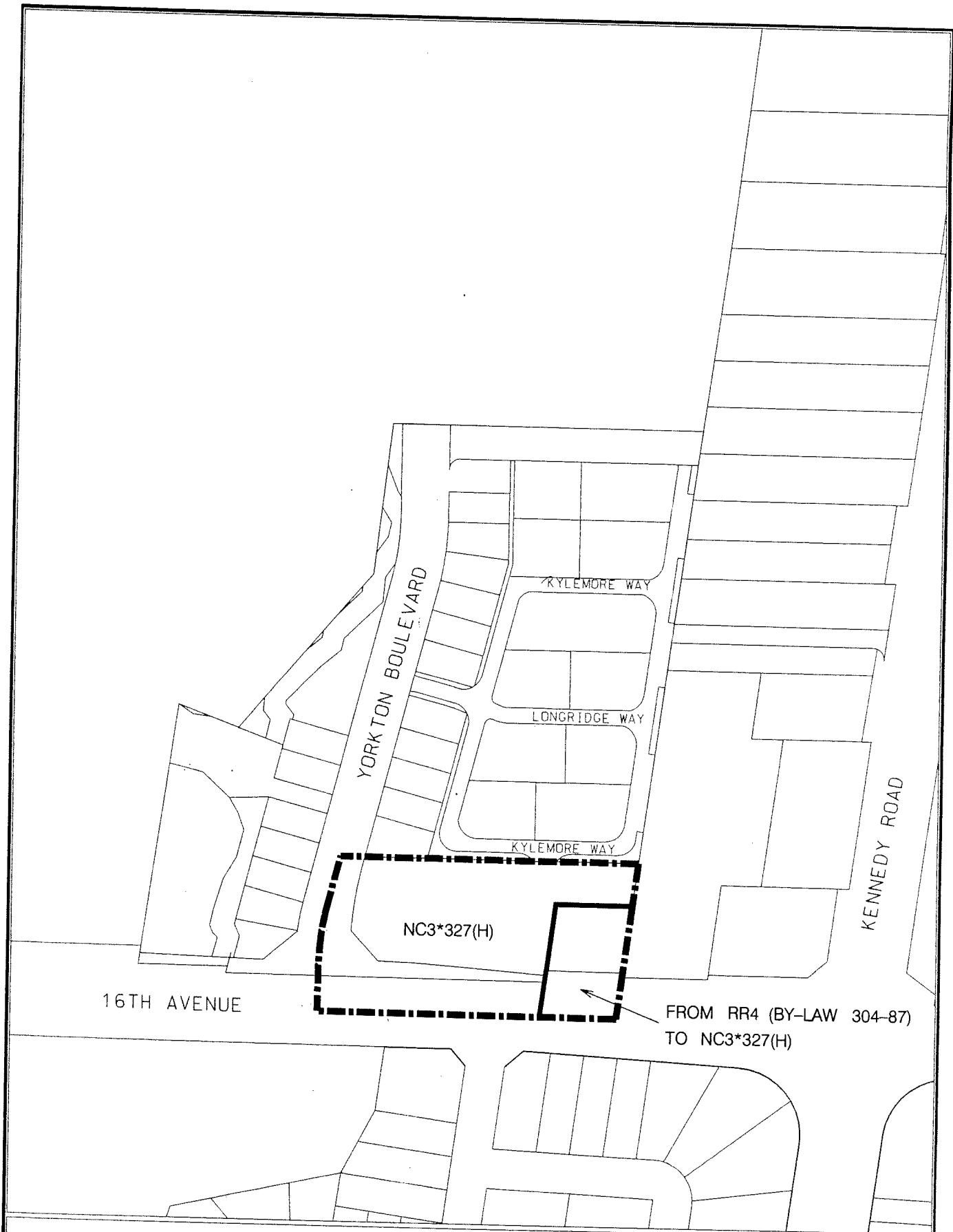
Prior to removing the Holding provision, the following conditions must be met, to the satisfaction of the Town of Markham:

- (a) A Site Plan Agreement must be executed with the Town of Markham, to the satisfaction of the Town.
3. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF MAY 2009.

\_\_\_\_\_  
KIMBERLEY KITTERINGHAM  
TOWN CLERK

\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW  
ZONE BOUNDARY

RR4 RURAL RESIDENTIAL FOUR

NC3 NEIGHBOURHOOD COMMERCIAL THREE

(H) HOLDING PROVISION

\*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY ....., 2009

.....MAYOR

.....CLERK

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

SCALE NS2000

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