

SECTION 3 - LAND USE

3.1 General Land Use

a) Goals

- i) To ensure optimum use of the land for all necessary purposes within environmental constraints, while protecting, and encouraging the restoration and enhancement of, natural features.
- ii) To ensure flexibility for future possible changes in land use.

b) Objectives

- i) To designate land for its optimum use and to accommodate future changes in land use needs and directions.
- ii) To obtain the most desirable, orderly and efficient pattern of land uses possible for the Town.
- iii) To provide adequate land for the anticipated future population and its supporting uses and employment areas including the more efficient use of developed land through the process of intensification.
- iv) To protect, and to encourage the restoration and enhancement of, natural features, and manage hazardous areas.

3.1.1 Policies

- a) Schedule 'A' - LAND USE to this Plan establishes the pattern of land use in accordance with the following main categories and an overlay, Future Urban Area:

- URBAN RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- INSTITUTIONAL
- AGRICULTURE (1,2 or 3)
- HAMLET
- OPEN SPACE
- HAZARD LANDS
- TRANSPORTATION AND UTILITIES
- PARKWAY BELT WEST
- RURAL RESIDENTIAL
- STUDY AREA
- ENVIRONMENTAL PROTECTION AREA
- OAK RIDGES MORaine

b) Land Use Categories

- i) **URBAN RESIDENTIAL**, shall mean lands used primarily for housing, with limited allocations for uses that are complementary to or serve basic residential uses.
- ii) **COMMERCIAL**, shall mean lands used primarily for a full range of business establishments, including shopping facilities, personal and service commercial facilities, offices and mixed use developments.
- iii) **INDUSTRIAL** shall mean lands used primarily for manufacturing, assembly, processing, warehousing, or storage, with associated commercial uses allowed.

- iv) **INSTITUTIONAL**, shall mean lands, the predominant use of which is for community, educational, health care, governmental or religious purposes. Land used for the interment of the dead also falls within a sub-category of the INSTITUTIONAL designation.
 - v) **AGRICULTURE** (1,2 or 3) shall mean lands used primarily for farming. Limited amounts of non-farm housing and recreational uses may be permitted, subject to the policies of the specific sub-categories of the AGRICULTURE designation.
 - vi) **HAMLET** shall mean lands associated with small rural settlements for housing with some minor commercial, small scale institutional and minor craft industrial uses.
 - vii) **OPEN SPACE** shall mean lands set aside for conservation, active and passive recreation, wherein farming or woodlot management may also be permitted.
 - viii) **HAZARD LANDS** are lands having qualities that make them dangerous or unsuitable for development and include:
 - lands within the Regulatory Flood as defined by the Toronto and Region Conservation Authority; and
 - areas with excessively high water table, steep slopes, erosion susceptibility or other physical limitations to development.

Lands where the Town, the Toronto and Region Conservation Authority and the Province have determined that a greater level of risk is acceptable for development, have been approved, and are identified, as a Special Policy Area and are subject to the policies of Section 3.10.2.
 - ix) **TRANSPORTATION AND UTILITIES** shall mean lands used for major transportation and utility corridors and facilities including highways, railways, hydro electric transmission, gas and oil pipelines, telephone and other cabled services and airports.
 - x) **PARKWAY BELT WEST** shall mean lands within the Parkway Belt West, used in accordance with the provisions of the Parkway Belt West Plan, July, 1978. The land uses and facilities in the Parkway Belt West are grouped into two general categories, Public Use Area and Complementary Use Area.
 - xi) **RURAL RESIDENTIAL** shall mean lands used primarily for single detached houses on large lots with a private water supply and private sewage disposal system.
 - xii) **STUDY AREA** shall mean lands designated for study, prior to a determination of their ultimate land use.
 - xiii) **ENVIRONMENTAL PROTECTION AREA** shall mean lands containing natural features set aside for conservation including woodlot management
 - xiv) **OAK RIDGES MORaine** shall mean lands comprising the Oak Ridges Moraine as defined by the Oak Ridges Moraine Conservation Plan, 2001 (Ontario Regulation 140/02) and shall reflect the boundary as defined by Ontario Regulation 01/02.
- c) **Land Use Overlay**
 Future Urban Area shall mean lands intended for future urban development. Urban development of lands in the Future Urban Area shall only be permitted following the adoption by the Town of a Development Staging Strategy based on comprehensive technical studies to determine a sewer and water servicing plan, (a) sub-watershed management plan(s), a transportation master plan and (a) development charges schedule(s).

In addition, prior to development of any lands identified as Future Urban Area, a

Secondary Plan shall be prepared for the appropriate Planning District and incorporated into this Plan by amendment. Such Secondary Plans shall generally be consistent with the recommendations of the Town of Markham Natural Features Study, and shall be in accordance with those provisions of the Study incorporated into this Plan. Secondary Plans shall require that the Development Staging Strategy be adopted by the Town for the Future Urban Area prior to the release of any lands for urban development. Secondary Plans shall also require an internal Development Phasing Plan for lands within the Secondary Plan area, prior to the release of lands for development.

- d) The provisions for the use of land in each category are outlined in greater detail in the following subsections dealing with each type of use, with the exception of Transportation and Utilities which is detailed in Section 6 - SERVICES AND UTILITIES and Environmental Protection Area which is detailed in Section 2.2.2 - Environmental Management. Examples of permitted uses are included to indicate the range of land uses in each category. Subject to Sections 3.9.2i) and 3.10.1h), Town and public utility uses are permitted in any land use category.

3.2 Study Areas

3.2.1 General

- a) The purpose of this Section is to provide for the designation of certain areas of the Town as Study Areas. These are areas of special concern because of the complexities of land use and other problems associated with their use or development, which may require further investigation and detailed planning studies.
- b) The detailed planning studies referred to in Section 3.2.1a) may take the form of Secondary Plans, or tertiary plans and may result in further detailed policies being incorporated by amendment into this Plan.
- c) Council may amend the existing Zoning By-laws to allow development in accordance with the land uses permitted in Section 3.2.3 – Study Area 2 of this Plan and, where necessary, to restrict development which could prejudice the orderly future development of lands within this study area.
- d) The area described in Section 3.2.3 is hereby designated STUDY AREA and is shown on Schedule ‘A’ – LAND USE.

3.2.2 Study Areas 1A, 1B and 1C

The 1976 Official Plan designated Study Areas 1A, 1B and 1C with the intention that an overall study would be undertaken to determine the potential for industrial development in each. On the basis of studies undertaken by the Town, Study Areas 1A and 1C were subsequently redesignated for industrial and residential uses. Study Area 1B was re-designated for urban uses through the approval of Official Plan Amendment Nos. 37, 51, 82, 100 and 102 to this Plan.

3.2.3 Study Area 2

- a) This Study Area consists of lands in an area south of John Street, adjacent to and primarily west of German Mills Creek. A portion of the lands within Study Area 2 is owned by the Town of Markham and is currently being developed for a community park. The STUDY AREA designation has been established to ensure consideration of the land use designations within the area. A portion of these lands was formerly used as a waste disposal site. This site, which is known as the Sabiston Landfill Site, is recognized by the Ministry of the Environment as a source of methane gas. Methane gas is a combustible by-product of the decomposition of organic wastes and may pose a possible fire or explosion threat to structures within its zone of influence. A gas collection and burning system has been installed within the area to dispose of methane gas. The declining concentration of methane gas present in the subsurface water is monitored on a regular basis. The future use of the lands will depend on the concentration of gas present, and will be subject to the approval of the Ministry of the Environment.

- b) The precise land use designations for all lands within this Study Area will be determined based on continued monitoring and further studies as required, carried out in consultation with the Ministry of the Environment. The Ministry of the Environment has approved of the use of a portion of the lands within the Study Area for a community park. This use shall be regarded as a permitted use within Study Area 2.

It is anticipated that when the appropriate designations for all lands within the Study Area have been determined, the portion of the area devoted to the community park will be designated OPEN SPACE.

Land use designations for the lands in the Study Area will be incorporated into this Plan by amendment, as and when, appropriate.

3.3 Urban Residential

3.3.1 Permitted Uses

- a) Where lands have been designated URBAN RESIDENTIAL on Schedule 'A' -LAND USE, the predominant use shall be for housing and related purposes including accessory apartments subject to the provisions of Section 3.3.2a)i) and rooming and boarding houses subject to the provisions of Section 3.3.5.
- b) Public, institutional and recreational uses which are compatible with and which serve the basic residential uses such as schools operated by the York Region Board of Education and the York Region Roman Catholic Separate School Board, parks, libraries, fire stations, day care centres, and places of worship may also be permitted. Group homes or other similar residential facilities may also be permitted where such uses are in keeping with the general size, appearance and character of the surrounding residential neighbourhoods. Places of worship shall be subject to the provisions of Section 2.17.
- c) Neighbourhood Commercial Centres may be permitted on lands designated as URBAN RESIDENTIAL; their locations shall be indicated in Secondary Plans.
- d) An URBAN RESIDENTIAL (Heritage) designation is hereby established, and is identified on Schedule 'A' - LAND USE by the symbol 'HR' superimposed on the URBAN RESIDENTIAL land use category. This specific designation is identified as a distinct sub-category of the URBAN RESIDENTIAL designation and is hereby applied to a property on the north side of 16th Avenue, west of Highway 48, immediately west of the Markham Museum lands. The lands designated URBAN RESIDENTIAL (Heritage) shall be subject to the URBAN RESIDENTIAL policies of Section 3.3 of this Plan, including the specific policies of Section 3.3.4.

3.3.2 Housing Categories

- a) The following housing categories are intended for incorporation into Secondary Plans but they may be modified or refined in such Plans without the necessity of an amendment to this section:
 - i) **Low Density Housing**

Low Density Housing shall consist of single detached dwellings, semi-detached dwellings and single-attached dwellings with direct frontage on a public street such as street townhouse and linkhouse dwellings.

Accessory apartments may also be permitted in association with single detached or semi-detached dwellings provided that:

 - not more than one accessory apartment unit be permitted in association with each principal dwelling on the same lot; and,
 - all the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,
 - it has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.

The Town will also study the feasibility of using licensing to register and inspect accessory apartments to ensure that health, safety and construction standards are met.

In addition, the Town may permit, on a demonstration basis only, a small self contained dwelling known as a “garden suite” on the same lot as an existing single detached dwelling provided that it is:

- located on a sufficiently large lot to ensure appropriate siting and buffering of the “garden suite”; and,
- located where municipal or private services and community facilities are adequate to meet the demand; and,
- anticipated that the occupancy will generally be for the elderly relatives of the owners/occupants of the main dwelling; and,
- permitted on a temporary basis through a site specific temporary use by-law. The dwelling unit types comprising the Low Density Housing category shall be so distributed as to achieve an appropriate housing mix. This housing mix shall generally not exceed a gross residential density of 14.8 units per hectare (6 units per acre), or as otherwise specified in the relevant Secondary Plan. Street townhouses, linkhouses or similar types of permitted single attached dwellings shall, as far as possible, be dispersed throughout the areas designated for Low Density Housing. The number of such dwelling units occurring in one group or block shall be controlled and limited in order to achieve the desired low density character of the Low Density Housing category.

ii) **Medium Density I Housing**

Medium Density I Housing shall consist of multiple dwelling types such as townhouses, street townhouses, terrace houses, duplexes, triplexes, fourplexes, maisonettes, etc., at an overall net site density not exceeding 31 units per hectare (12.5 dwelling units per acre), and a maximum height of three storeys. In certain circumstances a higher density up to a maximum of 35 units per hectare (14 units per acre) may be permitted in specific locations provided appropriate policies are incorporated into the relevant Secondary Plans.

iii) **Medium Density II Housing**

Medium Density II Housing shall consist of multiple dwelling types such as stacked townhouses, stacked maisonettes, garden court apartments, at a net site density of 32 to 62 units per hectare (13 to 25 units per acre).

iv) **High Density I Housing**

High Density I Housing shall consist of apartments and other forms of multiple housing at a net site density of 64 to 96 units per hectare (26 to 39 units per acre).

v) **High Density II Housing**

High Density II Housing shall consist of apartments and other forms of multiple housing at a net site density of 99 to 148 units per hectare (40 to 60 units per acre).

b) The locations of Medium Density I, Medium Density II, High Density I and High Density II Housing categories shall be indicated on the map schedules of the Secondary Plans. In general, the medium density and high density housing shall only be permitted:

- i) in proximity to major shopping districts, commercial areas or centres; or,
- ii) in proximity to major open space areas and areas of natural amenity or other community and recreation services and facilities; or,

- iii) adjacent to arterial roads or highways or public transit routes to which access is readily available; and,
- iv) where it has been established that the schools, parks, roads, sewers, and watermains, and other municipal services are adequate to accommodate the proposed medium or high density development; and,
- v) where it has been established that the traffic generated by the proposed medium or high density development can be adequately and safely handled by the road system and can be directed away from adjacent local streets; and,
- vi) where it has been established that the proposed site is of a suitable size and shape to provide adequate landscaping and amenity features, space for vehicular movement and parking and setbacks internal to and appropriate to the proposed density of development.

3.3.3 General Urban Residential Policies

- a) The Town shall seek to maintain and improve the quality of the existing residential development in areas which are designated for continued residential use in this Plan.
- b) Where feasible, places of worship, commercial areas, schools and other similar permitted facilities serving residential communities shall be grouped together to serve as focal points for the communities and to encourage the integration of open space, parking and other facilities. Places of worship shall be subject to the provisions of Section 2.17.
- c) Lands designated as URBAN RESIDENTIAL shall develop on the basis of full municipal services; piped water supply, storm drainage and sanitary sewer systems shall be available at the time of completion of the development.
- d) Residential development will not be permitted in areas where pollution from noise, air or water exceeds Provincially recommended limits, unless appropriate mitigating measures can be incorporated into the proposed development. In determining the appropriate spatial separation and mitigating measures between land uses that may be incompatible, the Town shall have regard for the guidelines of the Ministry of the Environment and the comments of authorized agencies.
- e) Gradation of densities will be used, where feasible, in order to avoid possible conflicts between residential development of different densities. Where medium or high density residential uses abut residential development of a lower density, all necessary measures shall be provided to protect the amenities of the lower density residential development. Where residential areas, existing at the time of adoption of this Plan, are extended into new contiguous areas, the proposed dwellings in the new areas immediately adjoining the existing residences shall be of a compatible character and type.

Departures from this policy may be permitted, where appropriate, for “infill” locations in residential areas within the urban area of the Town, existing at the time of adoption of this Plan.

- f) All low density URBAN RESIDENTIAL uses located adjacent to arterial roads and Provincial highways will be required to develop in a manner that will not require frontage, or direct access to, such roads or highways. Direct access from medium and high density urban residential uses to arterial roads or Provincial highways shall be

restricted, and shall only be permitted subject to the approval of the Town of Markham, the Regional Municipality of York or the Ministry of Transportation, as appropriate.

- g) Standards and regulations relating to building height and setbacks, lot size, landscaping and parking, etc. will be set forth in the Town's Zoning By-laws. However, such standards and regulations shall be designed to permit development of a range of housing in accordance with the policies of Section 2.13 Housing of this Plan.
- h) A range of housing which is adequate and appropriate to the existing and anticipated housing needs in Markham shall be provided on lands designated URBAN RESIDENTIAL. The actual proportions of housing by density category will be established in conformity with the policies of this Section and of Section 2.13 Housing and will be shown in Secondary Plans.
- i) Major concentrations of medium and high density housing projects shall be avoided, and where feasible, provision of mixed density developments shall be encouraged to reduce the potential for such concentrations to occur.
- j) The Town will support private and non-profit housing developments designed to provide a variety of housing options for seniors including small ownership dwellings, higher density condominium dwellings, permit "aging in place" and "garden suites" while recognizing the Town's inability to establish occupancy restrictions.
- k) Monotonous uniformity of residential areas is to be avoided by the introduction of distinctive architectural design and variety in subdivision design to suit the particular physical and natural features of an area.
- l) Residential lots backing on to, or flanking upon, arterial roads, or exposed to railway or freeway facilities or adjacent to industrial or commercial uses shall have ample depth or width to provide for buffering and berming to minimize possible adverse environmental effects on the residential properties.
- m) Appropriate fencing, landscaping and berming shall be provided on residential properties backing on to or flanking upon arterial or collector roads, highways and railways to provide an attractive appearance along such transportation routes.
- n) Development approvals for residential uses in areas adjacent to freeways, major arterial roads or railway facilities shall not be granted until the Town, in consultation with the Ministry of the Environment and, where appropriate, the Canadian National Railway, GO Transit or Canadian Pacific Railway and any other concerned public agencies, has determined that the proposed residential development will provide an appropriate and satisfactory residential environment. Having particular regard to conditions of noise, odour, dust and vibration, appropriate mitigative measures will be provided as a condition of development approval.

3.3.4 Urban Residential (Heritage) - Specific Policies

- a) The Town of Markham has developed a plan of subdivision, on lands designated URBAN RESIDENTIAL (Heritage), for the purpose of receiving buildings of architectural and/or historical interest which are judged by Council to be under serious

threat of loss and cannot be retained at their present locations. The subdivision shall hereinafter be referred to as the Markham Heritage Estates.

- b) The Markham Heritage Estates shall comprise residential lots for single detached dwellings in an environment capable of accommodating contemporary living within a framework of established heritage conservation principles and practices. The lands within the subdivision shall be developed on full municipal services, including watermains, sanitary sewers and storm sewers. The interior roads of the subdivision shall be designed to accommodate the practical needs of moving and installing houses being relocated to the subject lands.
- c) **Permitted Uses**
The lands within the Markham Heritage Estates shall be used for the relocation of single detached dwellings which have been deemed by Council to be of architectural and/or historical interest and judged to be under serious threat of loss.
Existing buildings which are relocated to the Markham Heritage Estates may be restored, enlarged or modified, and new or existing accessory buildings may be permitted on the subject lands, in accordance with established heritage conservation principles and practice and according to guidelines adopted by the Town.
- d) Development of the Markham Heritage Estates shall be by registered plan of subdivision in accordance with Section 50 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and by amendment to the *Zoning By-law* in conformity with the policies of this Plan.
- e) Development within the Markham Heritage Estates shall be subject to the Site Plan Control provisions of Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
- f) The Council of the Town of Markham shall adopt design guidelines for the development of the Markham Heritage Estates. The purpose and effect of the design guidelines will be to ensure that the architecturally and/or historically significant features of the individual buildings being relocated to the subdivision will be preserved and restored, and that building designs and surroundings will be coordinated across the entire subdivision. The design guidelines will be applied through agreements between the purchasers of the lots within the plan of subdivision and the Town, and through other authorized requirements of the Town.
- g) A Secondary Plan shall not be required prior to development on lands designated URBAN RESIDENTIAL (Heritage).

3.3.5 Rooming, Lodging and Boarding Houses

- a) Rooming, lodging or boarding houses are dwellings where lodging for four, or more persons, is provided in return for remuneration or the provision of services or both, and where the lodging units do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.
- b) The Property Standards By-law shall be amended to incorporate minimum standards for this form of development. In addition, such uses shall be subject to a licensing procedure established by the Town and they shall be permitted subject to Zoning approval and on condition that the following criteria can be met:

- the use shall be located in a detached residential building where adequate municipal services are available; and,
 - the site has both frontage on and access to an Arterial or Collector Road or Provincial Highway; and,
 - the site is easily accessible to public transit; and,
 - the site has an appropriate private outdoor amenity area; and,
 - all the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied.
- c) The Town will encourage rooming and boarding houses to be sponsored and administered by charitable, co-operative and non-profit organizations.

3.3.6 Implementation

- a) Approval of any development on lands designated for residential use within the Urban Service Area will be conditional upon the availability of, or the ability to provide, municipal services, park and school facilities and such other services as are deemed necessary.
- b) Approval of any development on lands designated for residential use within the Urban Service Area will be conditional on the Town being satisfied that the contributions by proponents of development towards the provision of municipal services including stormwater management and parkland is secured in accordance with municipal and provincial policies and the provisions of the *Development Charges Act, 1997, S.O. 1997, c.27*, as amended.
- c) All new residential development as well as major redevelopment involving relotting of existing residential subdivisions shall be on the basis of plans of subdivision or severances to be approved by the Town and other appropriate authorities. Plans of subdivision shall be designed by qualified professionals.
- d) The implementing Zoning By-law will specify regulations, including standards, for minimum lot frontage and lot area. Where an existing lot does not meet these standards, the Town may permit the erection of a dwelling subject to the approval of the Committee of Adjustment of the appropriate variance. Council, in its comments to the Committee of Adjustment on applications for variance, shall consider the following criteria:
- i) that the applicant cannot acquire sufficient property to comply with the minimum requirements without undue hardship;
 - ii) that there is sufficient space for adequate yards to ensure light and air, both for the subject lot and for adjoining lots;
 - iii) that adequate provision is made for vehicular access and off-street parking on the lot;
 - iv) that the proposed building coverage is not excessive, leaving insufficient space for adequate outdoor area and landscaping on the lot;
 - v) that the lot size and design of the proposed dwelling are in keeping with adjacent development and with the general intent of the provisions in the implementing Zoning By-law;

- vi) that the proposed dwelling is sited and designed in such a manner that a reduction in lot size does not adversely affect the amenity of the surrounding properties.
- e) Council, in its comments to the Committee of Adjustment on applications for the extension or enlargement of non-conforming uses, will take into account the provisions of Section 2.8 of this Plan.
- f) The implementing Zoning By-laws of the Town shall incorporate zoning categories and development standards for non-residential uses, permitted on lands designated as URBAN RESIDENTIAL.
- g) The Town will develop detailed design guidelines for high and medium density residential development to provide direction with respect to the evaluation of specific applications. In particular, the guidelines will address the issue of compatibility with surrounding development, and natural features where passive recreation occurs, in areas where redevelopment and intensification is proposed.

3.4 Commercial

3.4.1 Goals

- a) To plan for a pattern of commercial development that provides for a full range of commercial goods and services, at appropriate locations, to meet the needs of the Town's residents, employees and businesses.
- b) To anticipate and accommodate emerging trends in the commercial sector, consistent with the Town's goals and objectives for development.
- c) To encourage transit and pedestrian supportive commercial development wherever possible, while also providing for auto-oriented commercial development at certain appropriate locations.
- d) To preserve and enhance the unique character and distinctive commercial role of the Heritage Main Street Areas.
- e) To encourage the mixing of compatible commercial, residential and other land uses at appropriate locations.
- f) To ensure that the built form of commercial development is consistent with the Town's urban design objectives and policies.

3.4.2 Objectives

- a) To identify locations, and to establish policies, to guide commercial development resulting from growth within the Town and the surrounding region, and from emerging trends in the commercial sector.
- b) To provide opportunities for comprehensively planned, mixed-use developments incorporating complementary and compatible commercial and non-commercial uses.
- c) To develop and implement urban design guidelines to guide commercial development.
- d) To establish a harmonious interface between commercial and other land uses.
- e) To facilitate the safe and efficient movement of pedestrians and vehicles within commercial areas, and on adjacent roads.
- f) To promote and maintain high aesthetic, urban design and functional standards for commercial development.
- g) To encourage aesthetic and functional improvements in the Heritage Main Street Commercial Areas in accordance with Heritage District Plans.
- h) To encourage pedestrian-oriented, transit-supportive commercial development and/or redevelopment, and in particular at nodes and along corridors.

3.4.3 Commercial Land Use Categories

- a) Lands designated COMMERCIAL on Schedule 'A' - LAND USE to this Plan are further organized into categories of designation reflecting the policies of this Plan, especially those of Section 3.4. These categories, as shown on Schedule 'H' – COMMERCIAL/INDUSTRIAL CATEGORIES, are:
 - Major Commercial Area;
 - Community Amenity Area;
 - Heritage Main Street Area;
 - Commercial Corridor Area; and,
 - Retail Warehouse Area.
- b) The category of Neighbourhood Commercial Centre is also provided. This category of commercial land use is intended for application in the case of lands designated URBAN RESIDENTIAL on Schedule 'A' - LAND USE; the category is not identified on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES, but is intended to be identified within implementing Secondary Plans.
- c) It is intended that the categories of commercial land use identified in Sections 3.4.3a) and b) will be introduced into existing Secondary Plans through subsequent amendments and reviews or modification, and into new Secondary Plans to be adopted by Council as amendments to this Plan.

In the interim, the policies of this Plan, as amended, shall take precedence over those in existing Secondary Plans in regard to commercial land use. Site specific policies providing further policy definition are incorporated into Section 4 of this Plan.
- d) The categories of commercial land use identified in Sections 3.4.3a) and b) provide for certain additional non-commercial uses that may be developed so as to be compatible and complementary to the primary retail and service functions. These may include residential, institutional, recreational, cultural and entertainment uses.

The opportunity to incorporate the additional uses is established recognizing the positive and supportive interrelationship and vibrancy that may occur through the mixing of complementary and compatible uses.
- e) It is not the intention of this Plan that all uses contemplated under the COMMERCIAL designation should necessarily be permitted on each site so designated. For this reason, this Plan provides for a series of categories of designation that define the planned function, potential use profile and development requirements of lands within each category. In order to ensure orderly and appropriate development and compatibility with existing and proposed uses in the vicinity, the Town may choose to further limit the range of uses and control the built form to be permitted in a specific area or at a specific location. Policies with regard to restrictions or conditions applicable to uses and urban design requirements for development may be established in this Plan, Secondary Plans, implementing Zoning By-laws, and urban design guidelines.
- f) In assigning the categories of land use designation identified in Sections 3.4.3a) and b), Council shall:
 - i) consider existing patterns of commercial development, the planned function and urban design requirements of the categories, and the locational attributes of sites, while ensuring compatibility with adjacent uses; and,

- ii) ensure, having regard for the planned function, use profile and urban design requirements of each commercial land use category, that the categories are appropriately located within the Town to adequately serve the needs of residents, employees and businesses.
- g) Consideration of applications to amend this Plan to delete, change or extend an assigned commercial land use category shall, as appropriate, have regard for the following:
 - i) the availability of other designated lands to accommodate the uses proposed, and the effect of a change in designation on the supply of land in the categories affected;
 - ii) the policies and urban design guidelines applicable to the uses and category proposed including:
 - locational attributes;
 - compatibility and complementarity of uses;
 - development impacts on adjacent uses, particularly residential development;
 - traffic impacts; and,
 - the character of existing and planned development in the immediate area;
 - iii) limiting the extension or introduction of strip retail development in favour of infilling and mixing of uses in comprehensively designed and developed projects; and,
 - iv) consistency with the goals and objectives for commercial development and related policies of this Plan.

Applications will be assessed having regard for the above matters and the impacts of the change in category on the surrounding area. Council may require the applicant to submit planning or related studies to address any of the above matters. In order to assist in the planning of new urban areas, Council may undertake or require submission of studies to determine the type, location, and extent of intended commercial land use categories in order to adequately serve the anticipated resident and employee populations in the surrounding area.

- h) Approval of rezoning to permit a specific land use or activity shall be conditional upon review of a specific proposal demonstrating that the use and development are:
 - in compliance with the planned function and consistent with the applicable urban design guidelines of the pertinent commercial land use category;
 - compatible with uses on adjacent lands;
 - capable of being adequately served by the transportation system, and that site access is safe, appropriate and sufficient; and,
 - in all other respects, consistent with the policies of this Plan, and any implementing Secondary Plan.
- i) Public service uses shall generally be permitted in any category, subject to the provisions of this Plan and any implementing Secondary Plan or Zoning By-law.

3.4.4 General Policies

The following general policies shall apply in regard to all uses associated with the categories of commercial land use identified in Sections 3.4.3a) and b). Further policies specific to the categories are contained in Section 3.4.6.

3.4.4.1 *Land Use Compatibility*

- a) Commercial development shall be compatible with uses on adjoining lands and in the vicinity. In determining compatibility, regard shall be had to possible detrimental impacts on neighbouring uses by virtue of noise, odour, dust, fumes, vibration, lighting, signs, refuse or waste, hazards, shadowing, unsightly appearance, unsightly storage or display or any similar features contributing to a detrimental impact.
- b) Land uses which by their nature are considered to be a noxious trade, business or manufacture shall generally not be permitted.

3.4.4.2 *Outdoor Storage and Display*

- a) The outdoor storage of goods, materials and equipment, and display of merchandise on a continuing basis, shall not be permitted except as specified for each category of commercial land use. Such storage shall be accessory to a permitted use, shall be restricted through zoning by type, amount, location and other regulations, and shall generally only be permitted by a zoning amendment having regard for the nature of the principal use, the planned function of the affected land use category and compatibility with adjacent land uses.
- b) Accessory outdoor storage and display of merchandise on a continuing basis shall be in locations where visual exposure is acceptable, or is limited and screened, and where it does not detract from the character of the surrounding area.
- c) Occasional outdoor display of merchandise may be permitted in pedestrian-oriented settings where this is appropriate and incidental to the permitted uses, and consistent with the planned function of the land use category.
- d) Approval of development involving outdoor storage of goods, materials and equipment or display of merchandise shall be conditional upon the use of appropriate mitigating measures to address visual impacts.

3.4.4.3 *Transportation and Parking*

- a) Sufficient capacity shall be available in the transportation system to serve commercial development, which shall be planned in accordance with the findings and recommendations of applicable transportation studies/plans to the satisfaction of the Town in consultation with other authorized agencies.
- b) Commercial development shall generally be designed to support and encourage the use of public transit, including such measures as orienting building entrances and providing prominent direct pedestrian connections to transit stops and routes.
- c) Adequate parking shall be provided on-site to serve commercial development. Where appropriate, in situations such as “main street” shopping areas and at transit stations, the Town may agree to permit development served by off-site parking pursuant to the provisions of Section 5.4b).

3.4.4.4 *Urban Design*

- a) The Town regards good urban design as essential to ensuring attractive, compatible, functional and successful commercial development. Urban design considerations including the quality of the public realm, the siting, scale and massing of built form elements, the creation of safe and attractive pedestrian environments, the use of complementary landscaping and the appropriate integration of parking and servicing facilities are key factors in determining the acceptability of commercial development and its approval.
- b) Recognizing the importance of urban design, the Town shall adopt and implement urban design guidelines to establish specific design criteria, which commercial development and redevelopment shall be required to be consistent with.
- c) The urban design guidelines shall establish criteria for matters such as:
 - built form, massing and appearance,
 - building placement, setbacks and encroachments,
 - vehicular circulation, parking access and servicing,
 - pedestrian access, circulation and amenity areas,
 - connectivity or integration of adjacent developments
 - handicapped accessibility,
 - landscaping requirements, tree preservation,
 - streetscape treatments with site edge conditions,
 - signage, and,
 - lighting.
- d) In circumstances where the urban design issues associated with a development proposal are particularly significant, or require detailed consideration of matters beyond the content of the design guidelines, Council may require the preparation of specific design studies in support of the proposal.

3.4.4.5 *Large Scale Retail Development*

- a) In addition to all requirements regarding retail development established through this Plan, Council, in consideration of a development proposal, may at its discretion require the preparation of a study to assess the impact of the proposal on the capability of the Town's planned commercial structure to provide a full range of retailing activity at convenient locations to serve the Town's residents, employees, and businesses, in instances where:
 - i) the proposal involves an amendment to this Plan, or a Zoning By-law, to permit one or more retail premises each in excess of 10,000 square metres gross leasable area; or,
 - ii) the proposal involves amendment to this Plan, or a Zoning By-law, to permit a retail development, or a group of concurrently proposed retail developments in the same vicinity, where the total gross leasable area of retail premises is in excess of 30,000 square metres; or,
 - iii) the proposal is of such a significant scale in the context of the planned function of the affected category of commercial use that Council deems a study to be appropriate.

Impact on existing retail development is to be considered only to the extent that it affects the capability of the Town's commercial structure to adequately and conveniently fulfill consumer needs, and not as relates to the market share of individual businesses.

- b) Where a study similar to that identified in Section 3.4.4.5a) relating to large scale retail development is also required by York Region, the Town may require that all study requirements be met concurrently, so that study findings and recommendations are concurrently available for review.

3.4.5 Specific Use Policies

3.4.5.1 Automobile Service Stations

a) Permitted Uses

- i) Facilities generally on sites of not more than 0.6 hectare in area, primarily for the retail sale of automotive fuels.
- ii) The following accessory uses may be permitted within the principal building or gas bar kiosk:
 - retail sale of automotive parts and accessories,
 - retail and personal service uses for the convenience of the travelling public,
 - rental of automobiles.
- iii) The following accessory uses may be permitted from within wholly enclosed buildings:
 - servicing and minor repairing essential to the operation of automobiles,
 - car washes.

b) Prohibited Uses

The following uses shall be prohibited:

- the sale or leasing of automobiles,
 - major mechanical repairs of automobiles,
 - automobile body repairs or painting of automobiles,
 - outside storage except that which is minor and incidental to the rental of automobiles,
 - outside repair or outside servicing of automobiles.
- c) Access to automobile service stations shall generally be from Provincial highways, arterial or collector roads. Access points shall be limited in number and designed to minimize danger to vehicular and pedestrian traffic.
 - d) Not more than two automobile service stations shall be located at any one road intersection. Preference shall be given to locating the stations on diagonally opposed corners.
 - e) The principal building or gas bar kiosk shall generally be oriented to the intersection with the pump islands to the rear, to reduce the visual impact of the canopies and pump islands and to provide a more pedestrian-oriented environment at the intersection.
 - f) Extensive landscaping shall be provided to improve aesthetics and to buffer adjoining properties from the activities of the automobile service station.

- g) The location, orientation, and massing of buildings and structures shall conform with the relevant urban design guidelines, and any other specific requirements as may be established in the applicable Secondary Plan, Zoning By-law or through the Site Plan Control Approval process.

3.4.5.2 Adult Entertainment Parlours

Adult entertainment parlours shall be prohibited in all commercial land use categories identified in Section 3.4.3 a) and b), except as otherwise provided for in Section 4.3.1.2a) of this Plan and Section 14.4.5 of the Thornhill Secondary Plan.

3.4.5.3 Funeral Homes

Funeral homes shall be considered for approval in all COMMERCIAL categories of land use designations, with the exception of the Neighbourhood Commercial Centre land use category, subject to the review of a specific development proposal and zoning approval; and pursuant to the provisions of this Plan and any implementing Secondary Plan; and provided that the application conforms with the following criteria:

- a) the site shall have frontage on an Arterial or major collector road, and direct access by a driveway to an Arterial or Major Collector road or to an intersecting side street that provides close, direct access to an Arterial or Major Collector road;
Where a site has frontage on both a Regional arterial road and a major collector road, access shall be to the major collector road. Access to the Regional arterial road may be considered if there is a proven benefit to the site without compromising the operations of the Regional road. Any access to the Regional arterial road shall be subject to the review and approval of the Regional Transportation and Works Department and may be subject to coordination with adjacent sites;
- b) a limitation on the maximum number of funeral homes on lands in both the COMMERCIAL and INDUSTRIAL land use designations shown on Schedule 'H' – COMMERCIAL/INDUSTRIAL CATEGORIES, in each defined community area of the Town, as identified on Figure FH of this Section to this Plan, in addition to any funeral homes permitted in large regional cemeteries greater than 40 ha (100ac), as follows:
 - i) one each in Community Areas 1 and 2,
 - ii) two each in Community Areas 3 and 4, and
 - iii) one in Community Area 5;
- c) provision of the minimum number of parking spaces required by the Town zoning by-law, on-site;
- d) submission of a traffic study, where required by the Town and/or Region, particularly where the use is located adjacent to other major traffic generating activities with similar off-peak operating characteristics that demonstrates, to the satisfaction of the Town and/or Region, that the funeral home use will not result in significant traffic impacts on the adjacent development;
- e) submission of a conceptual site plan with an application for zoning approval, that demonstrates to the satisfaction of the Town and/or Region, the functionality of the site for the funeral home use and the compatibility of the proposed development with

adjacent uses, including provision of buffering particularly where adjacent to residential development (e.g. setbacks, landscaping);

- f) submission of a traffic management plan demonstrating how major or special circumstance funerals are to be addressed; and,
- g) submission of any other studies deemed necessary by the Town and/or Region to complete a full evaluation of the requested approvals.

Further, where more than one funeral home is permitted in a defined community area as described in this Section, Council will encourage the permitted funeral homes to locate in a manner which ensures maximum accessibility for residents to funeral homes throughout the defined community areas.

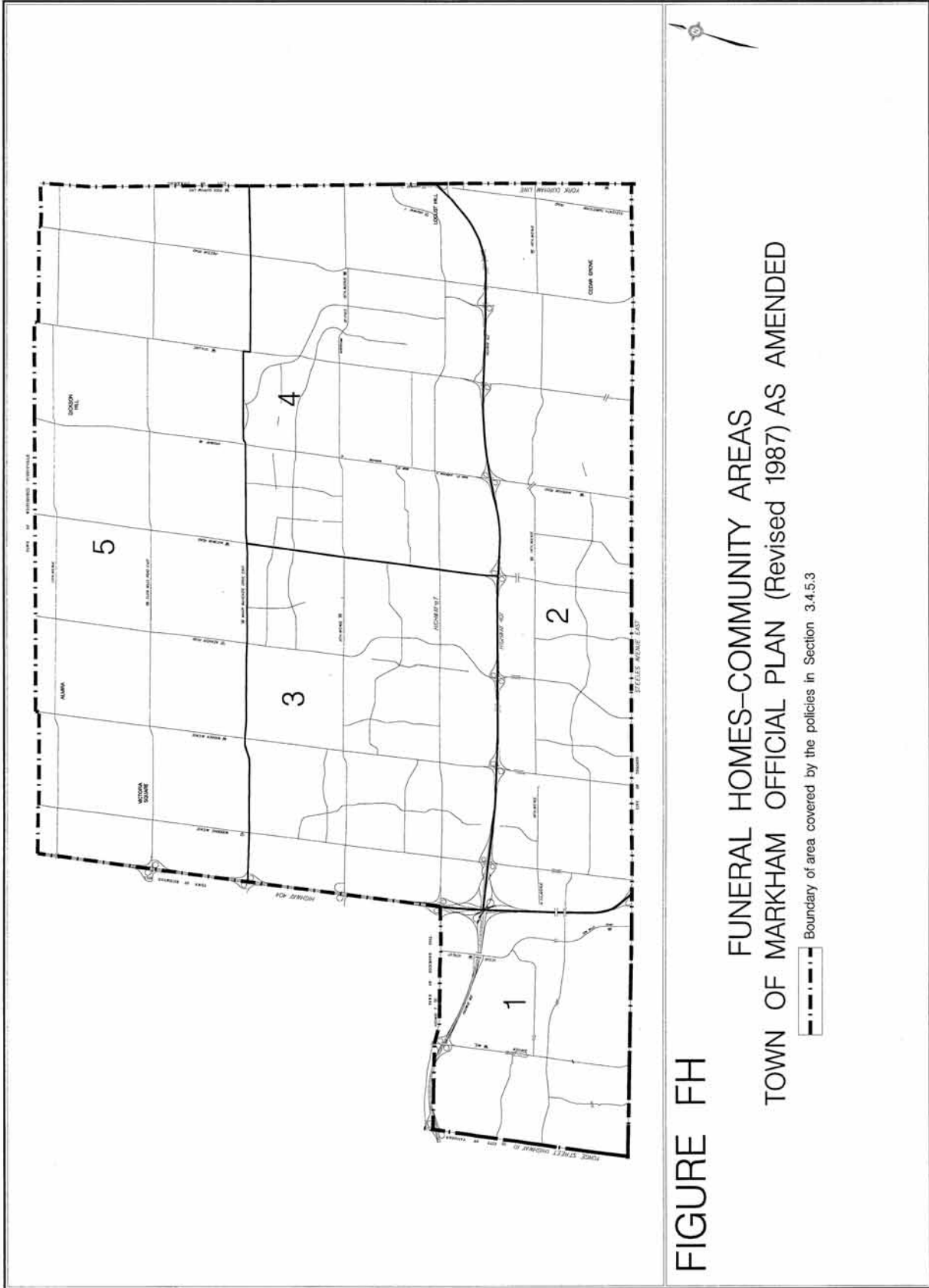


FIGURE FH

FUNERAL HOMES-COMMUNITY AREAS
 TOWN OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED

Boundary of area covered by the policies in Section 3.4.5.3

3.4.6 Specific Category Policies

3.4.6.1 Major Commercial Area

a) **Planned Function**

To provide for a large scale multi-use, multi-purpose centre or area offering a diverse range of retail, service, community, institutional and recreational uses serving a major portion of the municipality and/or a broader regional market. Major Commercial Areas shall serve as identifiable destinations for major shopping needs, recreation, entertainment and hospitality uses. This category of designation is also intended to accommodate office development and medium and high density housing at appropriate locations.

b) **Location**

- i) Development shall be concentrated at key intersections of arterial roads and/or Provincial highways to conveniently serve many residential and business communities.
- ii) Sites shall be served by principal transit routes, and preferably be at an intersection with other public transit routes to provide the greatest possible accessibility to the wider community. Integration of transit transfer facilities with the development shall be encouraged.

c) **Land Uses**

- i) Lands designated COMMERCIAL (Major Commercial Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - retail uses;
 - service uses;
 - offices;
 - banks and financial institutions;
 - hotels and motels;
 - sports, health and fitness recreational uses;
 - entertainment uses consistent with the planned function and policies of the category of designation;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - private and commercial schools;
 - restaurants;
 - trade and convention centres;
 - other similar uses consistent with the planned function and policies of the category of designation.
- ii) Lands designated COMMERCIAL (Major Commercial Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, and pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - automobile service stations;
 - car washes;
 - automobile repair uses (excluding autobody paint and repair);

- retail uses involving accessory outdoor storage and/or display of merchandise;
 - commercial “self-storage” warehouses;
 - funeral homes;
 - night clubs;
 - banquet halls;
 - medium and high density residential uses, subject to ensuring that the planned function of the lands is maintained, that the location is appropriate and that the applicable provisions of Section 2.13 of this Plan are met;
 - places of worship, subject to the provisions of Section 2.17.
- iii) The following uses shall be prohibited on lands designated COMMERCIAL (Major Commercial Area):
- autobody paint and repair;
 - industrial uses.
- iv) Notwithstanding the provisions of Section 3.4.6.1c)i), ii), and iii), light industrial uses may also be permitted on the lands designated COMMERCIAL (Major Commercial Area) located on the east side of Highway 48 north of Anderson Avenue, and east of McCowan Road in the Bullock Drive/Heritage Road/Laidlaw Boulevard area, in consideration of the established pattern of industrial use in these areas.
- d) **Development Requirements**
- i) Siting, massing and scale of development, and landscaping, shall contribute to and reinforce the importance of these lands as a major multi-purpose focus in the Town.
 - ii) Development and redevelopment shall contribute to an attractive, pedestrian-friendly streetscape that is not dominated by large surface parking areas.
 - iii) Attractive, safe, convenient and easily-accessible pedestrian connections shall be provided to all adjoining streets and transit facilities and, where appropriate, between on-site facilities and uses.

3.4.6.2 *Community Amenity Area*

- a) **Planned Function**
- To provide for a multi-use, multi-purpose centre offering a diverse range of retail, service, community, institutional and recreational uses serving several nearby residential and/or business areas. Community Amenity Areas shall function as significant and identifiable focal points for the areas served. This category of designation is also intended to accommodate office development and medium and high density housing at appropriate locations.
- b) **Location**
- i) Development shall be concentrated at an intersection of an arterial road and/or Provincial highway with an arterial or collector road.
 - ii) Where appropriate, the category of designation may also be in a linear manner adjoining major roads, or where mixed use development is contemplated.
 - iii) This category of designation shall be applied to maximize accessibility and convenience for the areas served.
 - iv) Designated locations shall be well served by public transit.
 - v) Where appropriate, this category of designation should be integrated with existing or planned major community, institutional, recreational and office uses, and higher density housing.

c) Land Uses

- i) Lands designated COMMERCIAL (Community Amenity Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
- retail uses;
 - service uses;
 - offices;
 - banks and financial institutions;
 - sports, health and fitness recreational uses;
 - entertainment uses consistent with the planned function and policies of the category of designation;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - private and commercial schools;
 - places of worship zoned with a ‘hold’ and set aside for a place of worship in accordance with Council’s site reservation policy;
 - restaurants;
 - other similar uses consistent with the planned function and policies of the category of designation.
- ii) Lands designated COMMERCIAL (Community Amenity Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, and pursuant to the provisions of this Plan and any implementing Secondary Plan:
- medium and high density residential uses, subject to ensuring that the planned function of the lands is maintained, that the location is appropriate and that the applicable provisions of Section 2.13 of this Plan are met;
 - hotels and motels;
 - night clubs;
 - automobile service stations;
 - car washes;
 - automobile repair uses (excluding autobody paint and repair);
 - banquet halls;
 - funeral homes;
 - places of worship, subject to the provisions of Section 2.17.
- iii) Retail uses permitted within the COMMERCIAL (Community Amenity Area) designation shall generally be limited to individual premises of not more than 6,000 square metres of gross floor area.
- iv) The following uses shall be prohibited on lands designated COMMERCIAL (Community Amenity Area):
- autobody paint and repair;
 - industrial uses;
 - retail uses involving accessory outdoor storage and/or display of merchandise;
 - commercial “self-storage” warehouses.

d) Development Requirements

- i) Siting, massing and scale of development, and landscaping, shall contribute to and reinforce the function of these lands as a focal point and multi purpose centre for residential and/or business areas served.

- ii) Development and redevelopment shall contribute to an attractive pedestrian-friendly streetscape that is not dominated by large surface parking lots.
 - iii) Attractive, safe, convenient and easily-accessible pedestrian connections shall be provided to all adjoining streets and transit facilities and, where appropriate, between on-site facilities and uses.
- e) Notwithstanding the provisions of Section 3.6 Institutional of this Plan, where Town owned lands designated INSTITUTIONAL as shown on Schedule 'A' - LAND USE are adjacent to lands designated COMMERCIAL (Community Amenity Area) as shown on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES, such Town owned lands may also be used in accordance with the provisions of the Community Amenity Area category of designation, specifically Sections 3.4.6.2 a) to d) of this Plan.

3.4.6.3 Neighbourhood Commercial Centre

a) **Planned Function**

To provide locations for convenience commercial uses that primarily serve the surrounding residential area.

b) **Location**

- i) Sites shall be located on residentially designated lands and identified in Secondary Plans.
- ii) Sites may front onto local, collector or arterial roads, and shall be highly accessible to the residential area served. Sites shall be located to be accessible by pedestrian, transit and auto routes.
- iii) Sites will preferably be located:
 - at an intersection; and,
 - at a transit stop; and,
 - in conjunction with open space, community amenities and higher density residential development to form a localized focal point for the residential area served.

c) **Land Uses**

- i) Lands designated COMMERCIAL (Neighbourhood Commercial Centre) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - retail uses consistent with the planned function and policies of the category of designation;
 - service uses consistent with the planned function and policies of the category of designation;
 - offices;
 - banks and financial institutions;
 - institutional uses including community facilities and government services compatible with and complimentary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - other similar uses consistent with the planned function and policies of the category of designation.

- ii) Lands designated COMMERCIAL (Neighbourhood Commercial Centre) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - private and commercial schools;
 - sports, health and fitness recreational uses;
 - restaurants subject to appropriate location in relation to residential uses in the vicinity;
 - residential uses, subject to a location above the ground floor, or as otherwise specified in the Secondary Plan.
 - iii) It is intended that permitted uses shall serve the convenience retail and service needs primarily of residents in the surrounding residential area served. Such uses shall be compatible in range and scale with adjacent residential uses. Uses shall generally be limited to individual premises of 300 square metres, or less, of gross floor area.
 - iv) The following uses shall be prohibited on lands designated COMMERCIAL (Neighbourhood Commercial Centre):
 - automobile service stations;
 - car washes;
 - automobile repair uses;
 - autobody paint and repair;
 - industrial uses;
 - places of worship;
 - funeral homes;
 - night clubs;
 - entertainment uses;
 - hotels and motels;
 - banquet halls;
 - retail uses involving accessory outdoor storage and/or display of merchandise;
 - commercial “self-storage” warehouses.
- d) **Development Requirements**
- i) Scale, massing and siting of development should be compatible and consistent with development on adjoining lands.
 - ii) Measures to ensure on-site pedestrian accessibility, convenience and safety shall be provided.
 - iii) On-site measures to maintain the residential amenity of adjacent properties shall be required.

3.4.6.4 Heritage Main Street Area

- a) **Planned Function**
 - i) To provide a traditional shopping experience in the form of an historic commercial area where the at-grade uses are predominately retail;
 - ii) To provide a unique shopping and leisure destination for both residents and visitors, not normally found in modern commercial development;
 - iii) To provide residents in the Town with a symbolic and historic community focal point and an identifiable sense of place that celebrates the past and belongs to the entire community; and,
 - iv) To provide for pedestrian-oriented uses at-grade that will contribute to animation of the historic commercial area.

b) **Location**

This category of development applies to the historic, commercial main streets of Thornhill, Unionville, and Markham Village, as shown on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES. The boundaries of the category of designation may be further defined by Secondary Plans.

c) **Land Uses**

- i) Lands designated COMMERCIAL (Heritage Main Street Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - retail uses;
 - service uses;
 - offices;
 - banks and financial institutions;
 - hotels and bed and breakfast inns;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function of the category of designation, but not including places of worship;
 - day care centres;
 - private and commercial schools;
 - full service restaurants;
 - residential uses, subject to ensuring that the planned function of the lands is maintained, that the location is appropriate and that the applicable provisions of Section 2.13 of this Plan are met;
 - other similar uses consistent with the planned function and policies of the category of designation.
- ii) Lands designated COMMERCIAL (Heritage Main Street Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - entertainment uses;
 - motels;
 - funeral homes;
 - sports, health and fitness recreational uses;
 - banquet halls;
 - night clubs;
 - take out and fast food restaurants;
 - places of worship, subject to the provisions of Section 2.17.
- iii) A diversified mix of commercial uses in small establishments is encouraged to provide animation and pedestrian activity at street level. In order to maintain the integrity of heritage buildings, and in keeping with the planned function and policies of this category of designation, certain uses, if permitted, may be further restricted by size in the implementing Secondary Plan or Zoning By-law.
- iv) The following uses shall be prohibited on lands designated COMMERCIAL (Heritage Main Street Area):
 - retail uses involving accessory outdoor storage;
 - industrial uses;

- automobile service stations;
- car washes;
- automobile repair uses;
- autobody paint and repair;
- commercial “self-storage” warehouses.

d) **Development Requirements**

All development shall be consistent with the objectives and policies related to urban design and development matters as set out in the relevant Secondary Plans and Heritage Conservation District Plans.

3.4.6.5 *Commercial Corridor Area*

a) **Planned Function**

To recognize, where appropriate, the existing linear commercial development that has occurred along major roads, that can be appropriately retained in order to accommodate retail and other uses that primarily serve the traveling public or whose operating characteristics require a location with direct exposure to traffic on major roads. Certain of these uses may require accessory outdoor storage and display of products for sale.

b) **Location**

- i) Generally adjoining major roads where linear commercial development presently exists.
- ii) Where considered appropriate, in newly developing areas along major arterial roads or highways that function as arterial roads.

c) **Land Uses**

- i) Lands designated COMMERCIAL (Commercial Corridor Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - retail uses;
 - service uses;
 - offices;
 - banks and financial institutions;
 - hotels and motels;
 - entertainment uses consistent with the planned function and policies of the category of designation;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - private and commercial schools;
 - sports, health and fitness recreation uses;
 - restaurants;
 - light industrial uses, in locations adjacent to existing industrial areas;
 - retail uses accessory and incidental to permitted light industrial uses;
 - trade and convention centres;
 - other similar uses consistent with the planned function and policies of the category of designation.

- ii) Lands designated COMMERCIAL (Commercial Corridor Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - retail uses involving accessory outdoor storage and/or display of merchandise;
 - funeral homes;
 - night clubs;
 - banquet halls;
 - automobile service stations;
 - car washes;
 - automobile repair uses (excluding autobody paint and repair);
 - medium and high density residential uses;
 - places of worship, subject to the provisions of Section 2.17.
 - iii) Retail uses permitted within the COMMERCIAL (Commercial Corridor Area) designation shall generally be limited to individual premises not more than 6,000 square metres of gross floor area.
 - iv) The following uses shall be prohibited on lands designated COMMERCIAL (Commercial Corridor Area):
 - autobody paint and repair;
 - commercial “self-storage” warehouses.
- d) **Development Requirements**
- i) Siting, massing and scale of development, and landscaping, shall contribute to a unified and cohesive streetscape.
 - ii) The defining element of the streetscape shall be buildings complemented by attractive landscaping located in close proximity to the property line adjoining the public street.
 - iii) Large surface parking areas shall not dominate the streetscape.

3.4.6.6 Retail Warehouse Area

- a) **Planned Function**
 - i) To accommodate medium to large format retail stores, often referred to as “retail warehouses” and large scale, “themed” retail development. Such development serves as a regional destination and may accommodate single or multiple purpose sites.
 - ii) The locational attributes of these sites lend themselves to the accommodation of certain other complementary uses such as offices, large recreational facilities, hotels, light industry and restaurants, which uses are also contemplated under this category of designation.
 - iii) To provide a reasonable opportunity to accommodate uses in smaller scale premises that complement and enhance the “destination” uses.
- b) **Location**
 - i) Adjacent to major arterial roads or highways, maximizing accessibility and exposure.
 - ii) Shall be readily accessible to a high capacity road system.
 - iii) Generally, shall be at the edge of an industrial area, and not in locations that will negatively impact on residential areas.
- c) **Land Uses**
 - i) Lands designated COMMERCIAL (Retail Warehouse Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:

- retail uses with individual premises generally not less than 300 square metres gross floor area;
 - service uses;
 - offices;
 - banks and financial institutions;
 - light industrial uses;
 - retail uses accessory and incidental to permitted light industrial uses;
 - restaurants;
 - banquet halls;
 - night clubs;
 - trade and convention centres;
 - hotels and motels;
 - sports, health and fitness recreational uses;
 - entertainment uses consistent with the planned function and policies of the category of designation;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - private and commercial schools;
 - other similar uses consistent with the planned function of the category of designation.
- ii) Lands designated COMMERCIAL (Retail Warehouse Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
- a mixed-use centre combining multiple unit retail development containing individual retail premises of less than 300 square metres gross floor area with other permitted uses, subject to all of the following:
 - the centre shall generally be a multi-storey building;
 - the centre shall generally be located on a site adjoining an intersection with an arterial or collector road;
 - the total gross floor area devoted to retail uses shall generally not exceed the total gross floor area devoted to other permitted uses.
 - retail uses involving accessory outdoor storage and/or display of merchandise;
 - commercial “self-storage” warehouses;
 - automobile service stations;
 - car washes;
 - automobile repair uses (excluding autobody paint and repair);
 - funeral homes;
 - places of worship, subject to the provisions of Section 2.17.
- iii) The following uses shall be prohibited on lands designated COMMERCIAL (Retail Warehouse Area):
- residential uses;
 - autobody paint and repair.

d) Development Requirements

- i) Siting, massing and scale of development, and landscaping, shall contribute to a unified and cohesive streetscape.

- ii) The defining element of the streetscape shall be buildings complemented by attractive landscaping located in close proximity to the property line adjoining the public street.
- iii) Large surface parking areas shall not dominate the streetscape.

3.4.7 Implementation

3.4.7.1 Secondary Plans

- a) The categories of the COMMERCIAL land use designation identified in Sections 3.4.3a) and b) will be introduced into existing Secondary Plans through comprehensive reviews and subsequent amendments or modification, and into new Secondary Plans to be adopted by Council. In the interim, the provisions of this Plan, as amended, shall take precedence over those in existing Secondary Plans as relates to commercial uses.
- b) Provisions relating to the categories of the COMMERCIAL land use designation may be further detailed and refined in Secondary Plans, including the establishment of additional development requirements and restrictions on land use.

3.4.7.2 Zoning By-laws

- a) The provisions of this Plan and/or implementing Secondary Plans shall be reflected and refined in implementing Zoning By-laws, through comprehensive or site specific amendments.
- b) Development standards may be incorporated into Zoning By-laws addressing the provisions of this Plan, implementing Secondary Plans, and urban design guidelines established by the Town.

3.4.7.3 Site Plan Control

- a) All development on lands designated COMMERCIAL on Schedule 'A' - LAND USE shall be subject to the provisions of Section 7.12 of this Plan and the Town's Site Plan Control By-law.
- b) Applications for site plan control approval shall be considered in the context of relevant urban design guidelines established by the Town.

3.4.7.4 Urban Design Guidelines

It is intended that the Town shall adopt and implement urban design guidelines to guide the approval of development on lands designated COMMERCIAL. These guidelines will be introduced and adopted by Council on a priority basis. Where such guidelines are adopted, development and redevelopment shall be consistent with their intent and requirements.

3.4.7.5 Specific Use Policies

The Town may establish, and incorporate into this Plan or implementing Secondary Plans, detailed policies to guide and control the development of specific land uses or activities contemplated under the COMMERCIAL designation.

3.5 Industrial

3.5.1 Goals

- a) To plan for a pattern of industrial development and commercial uses in industrial areas that provides for a range of business activities at appropriate locations.
- b) To anticipate and accommodate emerging trends in the industrial and commercial sectors, consistent with the Town's goals and objectives for development.
- c) To encourage transit and pedestrian supportive industrial development and improved transit services for riders traveling to industrial areas.
- d) To encourage the mixing of compatible uses with industrial uses at appropriate locations.
- e) To ensure that the built form of development is consistent with the Town's urban design policies and guidelines.

3.5.2 Objectives

- a) To identify locations to accommodate, and to establish policies to guide industrial development, and commercial uses in industrial areas, resulting from planned growth within the Town of Markham and the surrounding region, and emerging trends in the industrial and commercial sectors.
- b) To develop and implement urban design and land use compatibility criteria to guide industrial development and commercial uses in industrial areas.
- c) To implement the Town's strategy for economic development in the Town.
- d) To establish a harmonious interface between industrial and other land uses.
- e) To facilitate the safe and efficient movement of pedestrians and vehicles within industrial areas, and on adjacent roads.

3.5.3 Industrial Land Use Categories

- a) Lands designated INDUSTRIAL on Schedule 'A' - LAND USE to this Plan are further organized into categories of designation reflecting the policies of this Plan, especially those of Section 3.5. These categories, as shown on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES, are:
 - General Industrial Area;
 - Business Park Area;
 - Business Corridor Area.
- b) It is intended that the categories of industrial land use identified in Section 3.5.3a) will be introduced into existing Secondary Plans through subsequent amendments and reviews or modification, and into new Secondary Plans to be adopted by Council as amendments to this Plan.

In the interim, the policies of this Plan, as amended, shall take precedence over those in existing Secondary Plans in regard to industrial land use and commercial uses in industrial areas. Site specific policies providing further policy definition are incorporated into Section 4 of this Plan.

- c) The categories of industrial land use identified in Sections 3.5.3a) provide for certain additional non-industrial uses that may be developed so as to be compatible and complementary to the primary industrial and office functions. These may include retail, institutional, recreational, cultural and entertainment uses. The opportunity to incorporate the additional uses is established recognizing the positive and supportive interrelationship and vibrancy that may occur through the mixing of complementary and compatible uses.
- d) It is not the intention of this Plan that all uses contemplated under the INDUSTRIAL designation should necessarily be permitted on each site so designated. For this reason, this Plan provides for a series of categories of designation that define the planned function, potential use profile and development requirements of lands within each category. In order to ensure orderly and appropriate development and compatibility with existing and proposed uses in the vicinity, the Town may choose to further limit the range of uses and control the built form to be permitted in a specific area or at a specific location. Policies with regard to restrictions or conditions applicable to uses and urban design requirements for development may be established in this Plan, Secondary Plans, implementing Zoning By-laws, and urban design guidelines.
- e) In assigning the categories of land use designation identified in Section 3.5.3a) Council shall:
 - i) consider existing patterns of industrial development, the planned function and urban design requirements of the categories, and the locational attributes of sites, while ensuring compatibility with adjacent uses; and,
 - ii) ensure, having regard for the planned function, use profile and urban design requirements of each industrial category, that the categories are appropriately located within the Town to adequately serve the needs of residents, employees and businesses.
- f) Consideration of applications to amend this Plan to delete, change or extend an assigned industrial land use category shall, as appropriate, have regard for the following:
 - i) the availability of other designated lands to accommodate the uses proposed, and the effect of a change in designation on the supply of land in the categories affected;
 - ii) the policies and urban design guidelines applicable to the uses and category proposed including:
 - locational attributes;
 - compatibility and complementarity of uses;
 - development impacts on adjacent uses, particularly residential development;
 - traffic impacts; and,
 - the character of existing and planned development in the immediate area;
 - iii) limiting the extension or introduction of strip retail development in favour of infilling and mixing of uses in comprehensively designed and developed projects;

- iv) consistency with the goals and objectives for industrial and commercial development and related policies of this Plan.

Applications will be assessed on a comprehensive basis for the relevant surrounding area having regard for the above matters. Council may require the applicant to submit planning or related studies to address any of the above matters.

In order to assist in the planning of new urban areas, Council may undertake or require submission of studies to determine the type, location, and extent of intended industrial land use categories in order to ensure that Town objectives and requirements for industrial land, and commercial uses in industrial areas, are adequately served.

- g) Approval of rezoning to permit a specific land use or activity shall be conditional upon review of a specific proposal demonstrating that the use and development are:
 - in compliance with the planned function and consistent with the applicable urban design guidelines of the pertinent industrial land use category;
 - compatible with uses on adjacent lands;
 - capable of being adequately served by the transportation system, and that site access is safe, appropriate and sufficient; and,
 - in all other respects, consistent with the policies of this Plan, and any implementing Secondary Plan.
- h) Public service uses shall generally be permitted in any category, subject to the provisions of this Plan and any implementing Secondary Plan or Zoning By-law.

3.5.4 General Policies

The following general policies shall apply in regard to all uses associated with the categories of industrial land use identified in Section 3.5.3a). Further policies specific to the categories are contained in Section 3.5.6.

3.5.4.1 Land Use Compatibility

- a) Industrial development, and commercial uses in industrial areas, shall be compatible with uses on adjoining lands and in the vicinity. In determining compatibility, regard shall be had to possible detrimental impacts on neighbouring uses by virtue of noise, odour, dust, fumes, vibration, lighting, signs, refuse or waste, hazards, shadowing, unsightly appearance, unsightly storage or display or any similar features contributing to a detrimental impact.
- b) Industrial and commercial development shall be subject to the approved standards and requirements of the authorized Provincial Ministries.
- c) Land uses which by their nature are considered to be a noxious trade, business or manufacture shall generally not be permitted.

3.5.4.2 Outdoor Storage and Display

- a) The outdoor storage of goods, materials and equipment, and display of merchandise on a continuing basis, shall not be permitted except as specified for each category of industrial land use. Such storage shall be accessory to a permitted use, shall be restricted through

zoning by type, amount, location and other regulations, and shall generally only be permitted by a zoning amendment having regard for the nature of the principal use, the planned function of the affected land use category and compatibility with adjacent land uses.

- b) Accessory outdoor storage and display of merchandise shall be in locations where visual exposure is acceptable, or is limited and screened, and where it does not detract from the character of the surrounding area.
- c) Occasional outdoor display of merchandise may be permitted in pedestrian-oriented settings where this is appropriate and incidental to the permitted uses, and consistent with the planned function of the land use category.
- d) Approval of development involving outdoor storage of goods, materials and equipment or display of merchandise shall be conditional upon the use of appropriate mitigating measures to address visual impacts.

3.5.4.3 *Transportation Terminals*

Transportation terminals shall not be located adjacent to lands intended for residential use. Where permitted, transportation terminals shall be close to arterial roads and shall incorporate appropriate screening of the parking and vehicle storage areas. Vehicle storage shall generally be located to the rear of the on-site buildings.

3.5.4.4 *Transportation and Parking*

- a) Sufficient capacity shall be available in the transportation system to serve industrial development, which shall be planned in accordance with the findings and recommendations of applicable transportation studies/plans to the satisfaction of the Town in consultation with other authorized agencies.
- b) Industrial development shall generally be designed to support and encourage the use of public transit, including such measures as orienting building entrances and providing prominent direct pedestrian connections to transit stops and routes.
- c) Adequate parking shall be provided on-site to serve industrial development. Where non-industrial uses are to be permitted they shall satisfy the on-site parking requirements established in the zoning by-law for such uses and shall not diminish the required parking for industrial uses.

3.5.4.5 *Urban Design*

- a) The Town regards good urban design as essential to ensuring attractive, compatible, functional and successful industrial development and commercial uses in industrial areas. Urban design considerations including the quality of the public realm, the siting, scale and massing of built form elements, the creation of safe and attractive pedestrian environments, the use of complementary landscaping and the appropriate integration of parking and servicing facilities are key factors in determining the acceptability of industrial and commercial development and its approval.

- b) Recognizing the importance of urban design, the Town shall adopt and implement urban design guidelines to establish specific design criteria, which industrial and commercial development and redevelopment shall be required to be consistent with.
- c) The urban design guidelines shall establish criteria for matters such as:
 - built form, massing and appearance;
 - building placement, setbacks and encroachments;
 - vehicular circulation, parking access and servicing;
 - pedestrian access, circulation and amenity areas;
 - connectivity or integration of adjacent developments;
 - handicapped accessibility;
 - landscaping requirements, tree preservation;
 - streetscape treatments with site edge conditions;
 - signage; and,
 - lighting.
- d) In circumstances where the urban design issues associated with a development proposal are particularly significant, or require detailed consideration of matters beyond the content of the design guidelines, Council may require the preparation of specific design studies in support of the proposal.

3.5.4.6 *Large Scale Retail Development*

- a) In addition to all requirements regarding retail development established through this Plan, Council, in consideration of a development proposal, may at its discretion require the preparation of a study to assess the impact of the proposal on the capability of the Town's planned commercial structure to provide a full range of retailing activity at convenient locations to serve the Town's residents, employees, and businesses, in instances where:
 - i) the proposal involves amendment to this Plan, or a Zoning By-law, to permit one or more retail premises each in excess of 10,000 square metres of gross leasable area; or,
 - ii) the proposal involves amendment to this Plan, or a Zoning By-law, to permit a retail development, or a group of concurrently proposed retail developments in the same vicinity, where the total gross leasable area of retail is in excess of 30,000 square metres; or,
 - iii) the proposal is of such a significant scale in the context of the planned function of the affected category of industrial use that Council deems a study to be appropriate.

Impact on existing retail development is to be considered only to the extent that it affects the capability of the Town's commercial structure to adequately and conveniently fulfill consumer needs, and not as relates to the market share of individual businesses.
- b) Where a study similar to that identified in Section 3.5.4.6a) relating to large scale retail development is also required by York Region, the Town may require that all study requirements be met concurrently, so that study findings and recommendations are concurrently available for review.

3.5.5 Specific Use Policies

3.5.5.1 Automobile Service Stations

a) **Permitted Uses**

- i) Facilities generally on sites of not more than 0.6 hectare in area, primarily for the retail sale of automotive fuels.
- ii) The following accessory uses may be permitted within the principal building or gas bar kiosk:
 - retail sale of automotive parts and accessories,
 - retail and personal service uses for the convenience of the travelling public,
 - rental of automobiles.
- iii) The following accessory uses may be permitted from within wholly enclosed buildings:
 - servicing and minor repairing essential to the operation of automobiles,
 - car washes.

b) **Prohibited Uses**

The following uses shall be prohibited:

- the sale or leasing of automobiles,
 - major mechanical repairs of automobiles,
 - automobile body repairs or painting of automobiles,
 - outside storage except that which is minor and incidental to the rental of automobiles, and
 - outside repair or outside servicing of automobiles.
- c) Access to automobile service stations shall generally be from Provincial highways, arterial or collector roads. Access points shall be limited in number and designed to minimize danger to vehicular and pedestrian traffic.
 - d) Not more than two automobile service stations shall be located at any one road intersection. Preference shall be given to locating the stations on diagonally opposed corners.
 - e) The principal building or gas bar kiosk shall generally be oriented to the intersection with the pump islands to the rear, to reduce the visual impact of the canopies and pump islands and to provide a more pedestrian-oriented environment at the streets.
 - f) Extensive landscaping shall be provided to improve aesthetics and to buffer adjoining properties from the activities of the automobile service station.
 - g) The location, orientation, and massing of buildings and structures shall conform with the relevant urban design guidelines, and other specific requirements as may be established in the applicable Secondary Plan, Zoning By-law or through the Site Plan Control Approval process.

3.5.5.2 *Adult Entertainment Parlours*

Adult entertainment parlours shall be prohibited in industrial land use categories identified in Section 3.5.3a).

3.5.5.3 *Funeral Homes*

Funeral homes shall be considered for approval only in the Business Corridor Area category of land use designation, subject to the review of a specific development proposal and zoning approval; and pursuant to the provisions of this Plan including the criteria of Section 3.4.5.3 and any implementing Secondary Plan.

3.5.6 *Specific Category Policies*

3.5.6.1 *General Industrial Area*

a) *Planned Function*

To accommodate industrial activities related to manufacturing, processing, repair and servicing, warehousing, and similar such uses. In recognition of changes that are occurring and will continue to occur in the industrial sector, the category also provides for complementary uses to serve employees and business needs. Certain forms of accessory retailing and other commercial activities can also be accommodated.

b) *Location*

The category of designation is applied to areas where industrial activity is intended to predominate, generally at interior locations in industrial areas.

c) *Land Uses*

- i) Lands designated INDUSTRIAL(General Industrial Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - industrial uses;
 - data processing and related uses;
 - commercial “self-storage” warehouses;
 - office uses ancillary to a permitted primary use, subject to the provisions of Section 3.5.6.lc)iii);
 - accessory factory sales/service outlets; accessory retailing shall be within an enclosed building; retail uses shall be clearly accessory and incidental to a permitted industrial use and shall not be permitted as a primary use;
 - service uses consistent with the planned function and policies of the category of designation;
 - research and training facilities;
 - institutional uses including community facilities and government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - restaurants;
 - sports, health and fitness recreational uses;
 - other similar uses consistent with the planned function and policies of the category of designation.

- ii) Lands designated INDUSTRIAL(General Industrial Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
 - day care centres;
 - banquet halls;
 - automobile service stations;
 - car washes;
 - places of worship, subject to the provisions of Section 2.17;
 - private and commercial schools;
 - trade and convention centres;
 - the following uses provided they are on sites which do not abut lands intended for residential use or Business Park Areas, and subject to appropriate development standards relating to the location of any required outdoor storage:
 - automobile repair uses;
 - autobody paint and repair;
 - contractor's yards;
 - controlled outdoor storage accessory to permitted industrial uses.
- iii) In circumstances where current zoning permits offices as a primary use, such permission shall continue.
- iv) The following uses shall be prohibited on lands designated INDUSTRIAL(General Industrial Area):
 - retail uses;
 - funeral homes;
 - entertainment uses;
 - night clubs;
 - residential uses.

3.5.6.2 Business Park Area

a) Planned Function

The Business Park Area category applies to office/industrial business parks characterized by development displaying high design standards including corporate head offices and research facilities. The visual attractiveness and consistent image of such areas is of prime importance. Retail and service commercial activities will be strictly controlled.

b) Location

- i) Areas which exhibit a clear business park image with extensive landscaping, high quality building design and comprehensive area planning.
- ii) Generally, lands having exposure to Provincial highways or major arterial roads, good access to major roads and of sufficient overall size to enable comprehensive planning. Areas should be served by public transit.

c) Land Uses

- i) Lands designated INDUSTRIAL(Business Park Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:
 - offices;
 - light industrial uses consistent with the planned function and policies of the category of designation;

- accessory and incidental retail uses to permitted light industrial uses;
 - hotels;
 - ancillary retail and service uses and restaurants, where internally integrated as a component of an office building and clearly intended for the convenience use of local businesses and employees; ancillary retail and service uses and restaurants where internally integrated as a component of a hotel, as customarily provided to cater to the needs of hotel patrons;
 - research and training facilities;
 - data processing and related facilities;
 - institutional uses including government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
 - day care centres;
 - banks and financial institutions;
 - trade and convention centres;
 - other similar uses consistent with the planned function and policies of the category of designation.
- ii) Lands designated INDUSTRIAL(Business Park Area) may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:
- private and commercial schools;
 - community facilities;
 - motels;
 - sports, health and fitness recreational uses;
 - banquet halls;
 - entertainment uses and night clubs, where internally integrated as a component of an office building or hotel.
- iii) The following commercial uses shall be prohibited on lands designated INDUSTRIAL(Business Park Area):
- funeral homes;
 - commercial “self-storage” warehouses;
 - outdoor storage accessory to a permitted industrial use;
 - automobile service stations;
 - car washes;
 - automobile repair uses;
 - autobody paint and repair;
 - retail uses involving accessory outdoor storage and/or display of merchandise.
- d) **Development Requirements**
- i) Siting, massing, scale and extensive, complementary landscaping shall contribute to a visually attractive streetscape.
 - ii) Pedestrian accessibility, convenience, safety and provision of amenity areas shall be a primary consideration in development and redevelopment.
 - iii) Large surface parking areas should not be highly visible from public streets.

3.5.6.3 *Business Corridor Area*

a) **Planned Function**

This category identifies locations for a mix of high quality business activities primarily in corridors along major road frontages, adjacent to industrial areas. Business Corridor Areas are intended for industrial and office uses that require the exposure offered by such locations in order to accommodate the business and service needs of the nearby companies and employees they serve, and to accommodate, at appropriate locations, certain uses that also serve the general public. Retail uses are not intended to accommodate the needs of the general public as their primary function. A high level of urban design is required to maintain the positive business image of the industrial area.

b) **Location**

Generally, this category will be applied to locations along major roads within, or at the periphery of, industrial areas.

c) **Land Uses**

i) Lands designated INDUSTRIAL(Business Corridor Area) may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:

- offices;
- light industrial uses;
- banks and financial institutions;
- hotels and motels;
- trade and convention centres;
- ancillary retail uses where internally integrated as a component of an office building or hotel;
- service uses consistent with the planned function and policies of the category of designation;
- accessory and incidental retail uses associated with permitted light industrial uses;
- sports, health and fitness recreational uses;
- day care centres;
- restaurants, where integrated with other uses as a component of a larger building;
- research and training centres;
- data processing and related facilities;
- commercial schools;
- other similar uses consistent with the planned function and policies of the category of designation.

ii) Lands designated INDUSTRIAL(Business Corridor Area) may be approved to also permit the following uses, if demonstrated to be consistent with the planned function, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:

- a mixed-use centre combining multiple unit retail development containing individual retail premises of less than 300 square metres gross floor area with other permitted uses, subject to all of the following:
 - the centre shall generally be a multi-storey building;

- the centre shall generally be located on a site adjoining an intersection with an arterial or collector road;
 - the total gross floor area devoted to retail uses shall generally not exceed the total gross floor area devoted to other permitted uses.
- retail uses, subject to section 3.5.6.3c)iii);
 - entertainment uses;
 - institutional uses including government services;
 - private schools;
 - nightclubs;
 - banquet halls;
 - automobile service stations;
 - car washes;
 - free standing restaurants;
 - funeral homes;
 - places of worship, subject to the provisions of Section 2.17.
- iii) Retail uses permitted within the INDUSTRIAL(Business Corridor Area) shall be limited to individual premises having generally not less than 300 square metres of gross floor area and having not more than 1,000 square metres of gross floor area with the exception of computer and office supply stores which may be up to a maximum of 3,000 square metres gross floor area.
- iv) The following uses shall be prohibited on lands designated INDUSTRIAL(Business Corridor Area):
- autobody paint and repair;
 - automobile repair uses;
 - commercial “self-storage” warehouses;
 - retail and industrial uses involving accessory outdoor storage and/or display of merchandise.

d) Development Requirements

- i) Siting, massing and scale of built form elements, and the complementary landscaping, shall contribute to the development of a streetscape that projects an image of a quality business environment.
- ii) Development and redevelopment on lands fronting onto or adjoining major arterial roads shall generally consist of multi-storey buildings located in close proximity to the property line adjoining the public street.
- iii) Pedestrian accessibility, convenience and safety shall be a primary consideration in development and redevelopment.
- iv) Large surface parking areas should not be highly visible from public streets.”

3.5.6.3.1 Interim Site Specific Policies

- a) Notwithstanding the provisions of Section 3.5.6.3, the following policies apply to the lands designated INDUSTRIAL (Business Corridor Area) and shown on Figures BCA1, BCA2 and BCA3:

i) **Planned Function**

This category identifies locations for a mix of high quality business activities in corridors along major road frontages, primarily adjacent to industrial areas. Business Corridor Areas are intended for industrial and commercial uses that require the exposure offered by such locations in order to accommodate the business and service needs of companies and employees, and to accommodate at appropriate locations certain businesses that may also serve the general public. A high level of urban design is required to maintain the positive business image of the industrial area.

ii) **Location**

Generally, this category will be applied to locations along major roads within, or at the periphery of, industrial areas.

iii) **Land Uses**

Lands designated INDUSTRIAL(Business Corridor Area) and shown on Figures BCA1, BCA2 and BCA3 may be zoned to permit the following uses, subject to the provisions of this Plan and any implementing Secondary Plan:

- offices;
- light industrial uses;
- banks and financial institutions;
- hotels and motels;
- trade and convention centres;
- retail uses, with individual premises having generally not less than 300 square metres of gross floor area;
- ancillary retail uses where internally integrated as a component of an office building or hotel;
- service uses consistent with the planned function and policies of the category of designation;
- accessory and incidental retail uses associated with permitted light industrial uses;
- sports, health and fitness recreational uses;
- entertainment uses consistent with the planned function and policies of the category of designation;
- day care centres;
- institutional uses including government services compatible with and complementary to the planned function and policies of the category of designation, but not including places of worship;
- restaurants, where integrated with other uses as a component of a larger building;
- research and training centres;
- data processing and related facilities;
- private and commercial schools;
- other similar uses consistent with the planned function and policies of the category of designation.

Lands designated INDUSTRIAL(Business Corridor Area) and shown on Figures BCA1, BCA2 and BCA3 may be approved to also permit the following uses, subject to the review of a specific development proposal and rezoning, pursuant to the provisions of this Plan and any implementing Secondary Plan:

- a mixed-use centre combining multiple unit retail development containing individual retail premises of less than 300 square metres gross floor area with other permitted uses, subject to all of the following:
 - the centre shall generally be a multi-storey building;
 - the centre shall generally be located on a site adjoining an intersection with an arterial or collector road;
 - the total gross floor area devoted to retail uses shall generally not exceed the total gross floor area devoted to other permitted uses.
- nightclubs;
- banquet halls;
- automobile service stations;
- car washes;
- free standing restaurants;
- funeral homes;
- places of worship, subject to the provisions of Section 2.17.

Retail uses permitted within the INDUSTRIAL (Business Corridor Area) and shown on Figures BCA1, BCA2 and BCA3 shall generally be limited to individual premises of not more than 6,000 square metres of gross floor area.

The following uses shall be prohibited on lands designated INDUSTRIAL (Business Corridor Area) and shown on Figures BCA1, BCA2 and BCA3:

- autobody paint and repair;
- automobile repair uses;
- commercial “self-storage” warehouses;
- retail and industrial uses involving accessory outdoor storage and/or display of merchandise.

iv) Development Requirements

- Siting, massing and scale of built form elements, and the complementary landscaping, shall contribute to the development of a streetscape that projects an image of a quality business environment.
- Development and redevelopment on lands fronting onto or adjoining major arterial roads shall generally consist of multi-storey buildings located in close proximity to the property line adjoining the public street.
- Pedestrian accessibility, convenience and safety shall be a primary consideration in development and redevelopment.
- Large surface parking areas should not be highly visible from public streets.

- b) The sites identified on Figures BCA1, BCA2 and BCA3 are the subject of applications for planning approval and will be subject to the provisions of Section 3.5.6.3.1 until further amendment to this Plan.

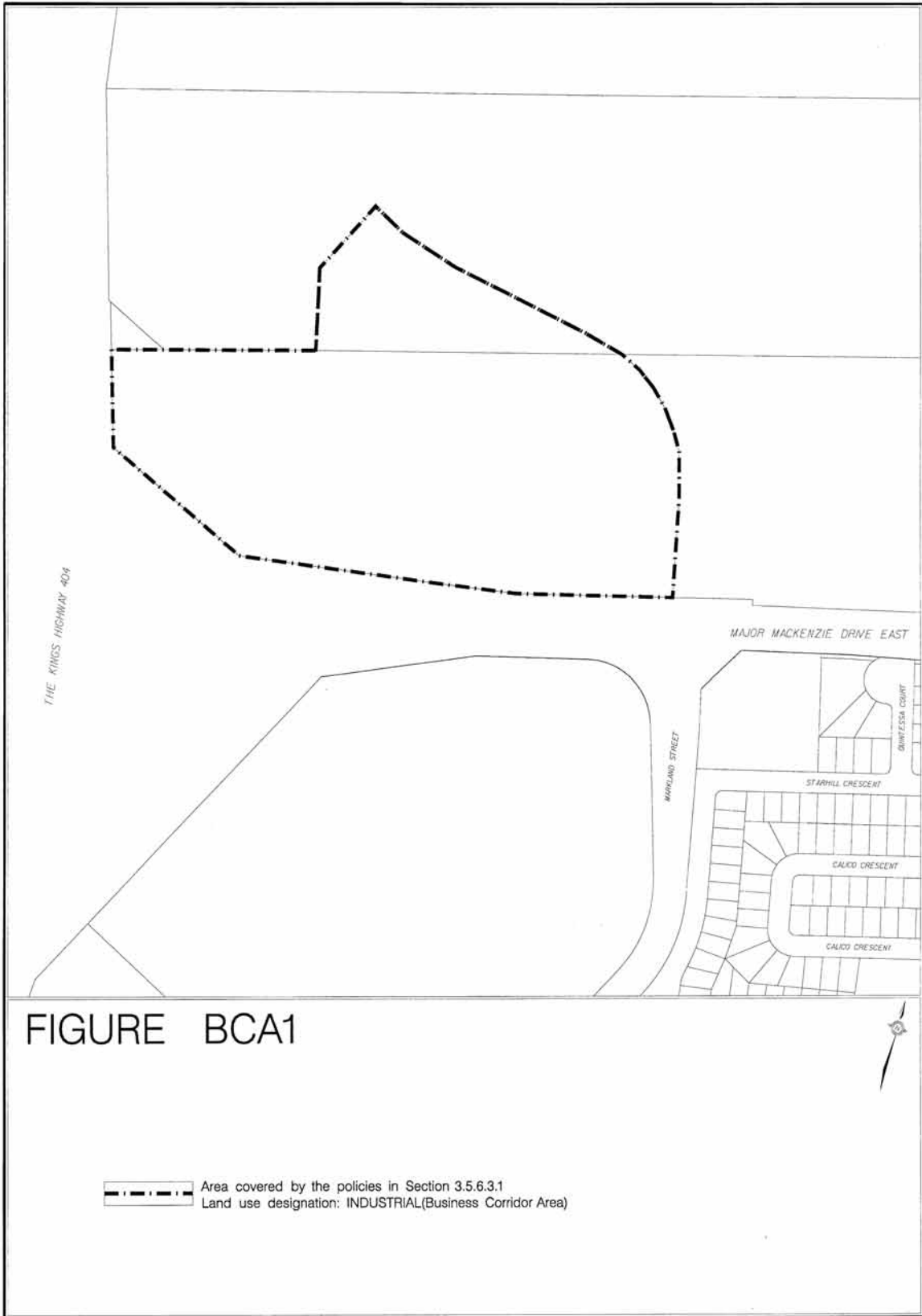





FIGURE BCA2



 Area covered by the policies in Section 3.5.6.3.1
Land use designation: INDUSTRIAL(Business Corridor Area)

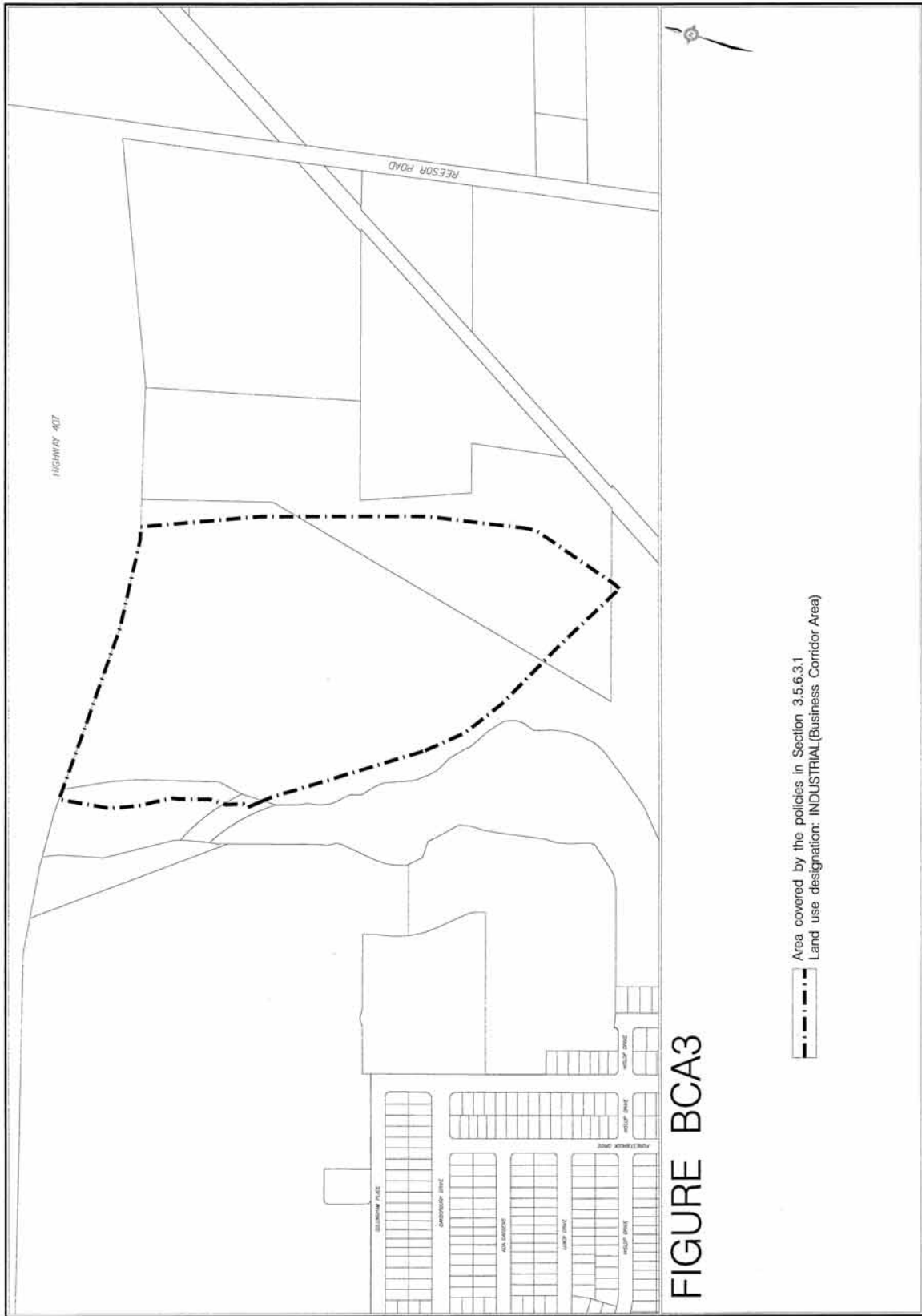


FIGURE BCA3

3.5.7 Implementation

3.5.7.1 Secondary Plans

- a) The categories of the INDUSTRIAL land use designation identified in Section 3.5.3 a) will be introduced into existing Secondary Plans through comprehensive reviews and subsequent amendments or modification, and into new Secondary Plans to be adopted by Council. In the interim, the provisions of this Plan, as amended, shall take precedence over those in existing Secondary Plans as relates to industrial uses and commercial uses in industrial areas.
- b) Provisions relating to the categories of the INDUSTRIAL land use designation may be further detailed and refined in Secondary Plans, including the establishment of additional development requirements and restrictions on land use.

3.5.7.2 Zoning By-laws

- a) The provisions of this Plan and/or implementing Secondary Plans shall be reflected and refined in implementing zoning by-laws, through comprehensive or site specific amendments.
- b) Development standards incorporated into zoning by-laws may address the provisions of this Plan, implementing Secondary Plans, and urban design guidelines established by the Town.

3.5.7.3 Site Plan Control

- a) All development on lands designated INDUSTRIAL on Schedule 'A' - LAND USE shall be subject to the provisions of Section 7.12 of this Plan and the Town's Site Plan Control By-law.
- b) Applications for site plan control approval shall be considered in the context of relevant urban design guidelines established by the Town.

3.5.7.4 Urban Design Guidelines

It is intended that the Town shall adopt and implement urban design guidelines to guide the approval of development on lands designated INDUSTRIAL. These guidelines will be introduced and adopted by Council on a priority basis. Where such guidelines are adopted, development and redevelopment shall be consistent with their intent and requirements.

3.5.7.5 Specific Use Policies

The Town may establish, and incorporate into this Plan or implementing Secondary Plans, detailed policies to guide and control the development of specific land uses or activities contemplated under the INDUSTRIAL designation.

3.6 Institutional

3.6.1 Permitted Uses

- a) Where land is designated on Schedule 'A' - LAND USE, as INSTITUTIONAL, the principal use of the land shall be for community, educational, health care, governmental or religious purposes, and may include uses which are limited in scale and accessory to the principal use. Where land is designated as INSTITUTIONAL (Cemetery) on Schedule 'A' - LAND USE, the use of the land shall be for the interment of the dead.
- Uses permitted under the INSTITUTIONAL designation are categorized as follows:
- i) Community institutional uses shall include uses such as community centres, civic arenas, libraries, publicly operated museums, art galleries and theatres or similar cultural centres, and day care centres. Community institutional uses serving the general public may be associated with areas of open space.
 - ii) Educational institutional uses shall include elementary and secondary schools including those operated by the York Region Board of Education and the York Region Roman Catholic Separate School Board, and uses such as post secondary schools, seminaries and religious colleges.
 - iii) Health care institutional uses shall include uses such as hospitals and sanitariums, centres for the disabled, nursing homes, homes for the aged, or similar residential health care facilities.
 - iv) Government institutional uses shall include offices and facilities operated by federal, provincial or local governments and may include government services such as postal, fire, ambulance and police stations, and research establishments.
 - v) Religious institutional uses shall include places of worship and the homes of religious orders such as monasteries and convents.
- b) Cemeteries, columbaria, mausolea, funeral homes (subject to Provincial legislation) and crematoria shall be permitted on lands designated as INSTITUTIONAL (Cemetery) in accordance with the policies in Section 3.6.3 of this Plan.
- c) Certain institutional uses may be permitted on lands designated on Schedule 'A' -LAND USE for other purposes, as follows:
- i) Elementary and secondary schools operated by the York Region Board of Education and the York Region Roman Catholic Separate School Board, government institutional uses such as police and fire stations and compatible community institutional uses may also be located on lands designated as URBAN RESIDENTIAL and HAMLET.
 - ii) Places of worship shall be permitted in accordance with the provisions of Section 2.17.
 - iii) Day care centres shall also be a permitted use on lands designated URBAN RESIDENTIAL, COMMERCIAL, INDUSTRIAL, HAMLET, OPEN SPACE, and PARKWAY BELT WEST subject to the policies of Section 2.11 and to the relevant policies of a more specific category of land use designation within which the day care centre is to be located.
 - iv) Community institutional uses may be permitted to locate on lands designated OPEN SPACE, in particular Community or Town Parks, subject to the availability of sufficient land.
 - v) Community facilities, including community and government institutional uses and schools operated by the York Region Board of Education and the York Region

Roman Catholic Separate School Board may be permitted on lands designated COMMERCIAL and INDUSTRIAL where provided for by, and subject to, the provisions applicable to the specific category of land use comprising these designations.

- vi) Notwithstanding the provisions of Section 3.6 Institutional of this Plan, where Town owned lands designated INSTITUTIONAL as shown on Schedule 'A' - LAND USE are adjacent to lands designated COMMERCIAL (Community Amenity Area) as shown on Schedule 'H' - COMMERCIAL/INDUSTRIAL CATEGORIES, such Town owned lands may also be used in accordance with the provisions of the Community Amenity Area category of designation, specifically Sections 3.4.6.2a) to d) of this Plan.
- d) It is not the intention of this Plan that all institutional uses should necessarily be permitted on any land designated INSTITUTIONAL. In order to ensure orderly development and compatibility with existing and proposed uses in the vicinity, the Town may choose to limit the range of institutional uses to be permitted on land at certain locations. Policies with regard to the institutional uses to be permitted may be incorporated into Secondary Plans. An implementing Zoning By-law may therefore, restrict the range of institutional uses permitted on a specific site.

3.6.2 General Institutional Policies

- a) Uses such as post secondary educational institutions or hospitals, which require large or extensive buildings or sites, may locate on any suitable site only after appropriate studies regarding location and the possible impacts of the use on surrounding land uses have been completed, and after an amendment to this Plan has been approved.
- b) Notwithstanding the provisions of Section 3.6.1c), no institutional use, with the exception of schools operated by the York Region Board of Education and the York Region Roman Catholic Separate School Board, or a place of worship established in accordance with the provisions of Section 2.17, shall be permitted on a site of 2 hectares or more in area without a specific amendment to this Plan.
- c) Institutional uses shall be located only where they are complementary to adjacent land uses.
- d) Places of worship shall be subject to the provisions of Section 2.17.
- e) The Town will encourage the shared use of facilities for community and educational uses.
- f) At the time of approval of plans of subdivision the location of elementary and secondary school sites required therein, will be determined in consultation with the York Region Board of Education and the York Region Roman Catholic Separate School Board.
- g) Where elementary and secondary school site locations are shown in Secondary Plans, these will be indicative of the preferred locations, although the sites may be modified or relocated without the necessity of an amendment to the respective Secondary Plan.
- h) Elementary and secondary schools shall, where feasible, be located adjacent to areas of public open space and generally shall not be located near railways, major roads or highways, or large shopping centres.

- i) Appropriate visual screening, planting and/or fencing shall be provided between institutional uses and adjacent residential uses.
- j) Parking areas for institutional uses shall be adequate in size, and access to the sites of such uses shall be designed to minimize danger to pedestrian and vehicular traffic.
- k) The existing and future availability of public transit shall be considered in the location of institutional uses that involve extensive public use or employment.
- l) The implementing Zoning By-laws shall incorporate zoning and development standards appropriate for specific institutional uses.

3.6.3 Cemeteries

a) Introduction

It is the intention of this Plan that cemeteries shall be established or expanded only by amendment to this Plan. This Plan therefore incorporates the specific designation of INSTITUTIONAL (Cemetery) to be applied to lands set aside or used for cemeteries. This specific designation is identified as a distinct sub-category of the INSTITUTIONAL designation and is to be applied to lands which are used, or intended to be used for cemetery purposes, or for similar uses customarily associated with the interment of the dead, as described in Section 3.6.3b).

b) Permitted Uses

Permitted uses within the INSTITUTIONAL (Cemetery) designation shall include cemeteries, and mausolea, columbaria and crematoria in conjunction with a cemetery. A chapel and buildings to house functions relating to the operation of the cemetery shall also be permitted. A place of worship shall not be permitted. A funeral home may also be considered for approval on a large cemetery in excess of 40 hectares in area, provided the use is permitted by provincial legislation. Approval of a funeral home use shall be subject to the review of a specific development proposal and zoning approval; and pursuant to the provisions of this Plan including criteria c) through g) of Section 3.4.5.3 and any implementing Secondary Plan.

Lands which are designated INSTITUTIONAL (Cemetery) and located outside the urban area, may be used for compatible farming activities on an interim basis, pending their use for cemetery purposes.

3.6.4 General Policies Relating to Cemeteries

The following policies shall apply to cemeteries:

- a) i) Existing cemeteries shall generally be designated INSTITUTIONAL (Cemetery). Exceptions may include existing cemeteries located on lands designated by this Plan as HAZARD LANDS, PARKWAY BELT WEST and HAMLET; existing cemeteries associated with an existing place of worship, on the same property as the place of worship, will unless expanded, retain the designation of the associated place of worship.
- ii) Notwithstanding the fact that an existing cemetery may not be designated as INSTITUTIONAL (Cemetery) on Schedule 'A' - LAND USE, all cemeteries shall be subject to the policies contained in Sections 3.6.3, 3.6.4 and 3.6.5 of this Plan.

- b) The establishment of a new cemetery, or the expansion of an existing cemetery shall require an amendment to this Plan to designate the subject lands as INSTITUTIONAL (Cemetery).
- c) In considering an amendment to this Plan to permit the establishment or expansion of a cemetery, the Town will have regard for the following matters:
 - i) the need for the proposed use and the appropriateness and suitability of the proposed location;
 - ii) the type and character of uses on surrounding properties and the possible impacts of the proposal on these uses;
 - iii) accessibility, and points of access to the subject lands, and the impact of traffic generated by the proposed use on other uses in the surrounding area;
 - iv) adequate off-street parking and internal traffic circulation;
 - v) landscaping including planting, grading, and screening as appropriate, to complement the proposed and adjacent uses; and,
 - vi) the geophysical and environmental conditions in the general area including soil and sub-soil conditions.

Proponents of cemeteries may be required to furnish studies or similar information, prepared by qualified professionals in respect of matters such as those noted above. All requirements of the Ministry of Consumer and Business Services shall be satisfied.
- d) Soils and hydrological tests and reports shall be required to be undertaken by a qualified professional prior to approval of an amendment to this Plan to permit the establishment or expansion of a cemetery. Such tests and reports shall be prepared to the satisfaction of interested and responsible government agencies, including the Town of Markham, the Medical Officer of Health and other authorized agencies.
- e) i) Graves located in a cemetery shall be adequately set back from any wells, watercourses or streams on the subject or adjacent lands, such setback requirements to be determined in consultation with the Medical Officer of Health and other authorized agencies.
 ii) Graves shall have sufficient separation of unsaturated soil between the bottom of the excavation and the water table, and in no event shall the separation be less than any existing standards that may be adopted by the Medical Officer of Health and other authorized agencies.
- f) A stormwater management study if required by the Town shall be undertaken by a qualified professional and shall be submitted for the approval of the Town of Markham, the Toronto and Region Conservation Authority, and for the information of other authorized agencies prior to site plan control approval for any development.
- g) i) Cemeteries shall be permitted only where there is direct access from the property to an arterial road or Provincial highway.
 ii) A landscaped strip of land shall be provided on cemetery property adjacent to any arterial road or Provincial highway, within which no graves or burial structures shall be located.
- h) All abandoned wells on a cemetery property shall be capped in accordance with the regulations of the Medical Officer of Health and other authorized agencies.

- i) A crematorium shall be permitted only in association with a cemetery, preferably a larger regional cemetery, and shall be subject to the approval of the Medical Officer of Health and other authorized agencies.

3.6.5 Implementation

- a) Policies relating to the uses permitted on any lands designated INSTITUTIONAL may be included in Secondary Plans.
- b) The range of uses permitted on lands designated INSTITUTIONAL, and the development standards pertaining to such uses, shall be specified in the implementing Zoning By-laws.
- c) The policies of this Plan regarding cemeteries shall be implemented by appropriate amendments to the relevant Zoning By-law(s). The Zoning By-law shall incorporate appropriate development standards as well as other standards related to the location, setback, and separation requirements for graves, buildings and other structures.
- d) All buildings and structures shall be subject to site plan control approval, pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Prior to the commencement of the operation of a cemetery the owners shall enter into a Site Plan Control Agreement with the Town which will contain, inter alia, an approved site plan, landscaping plan, tree preservation plan and drawings of building and structure elevations.

3.7 *Agriculture*

3.7.1 *Introduction*

The Town of Markham contains a significant area of land which has historically been, and remains, devoted primarily to agriculture. This area lies to the north and east of the urban area of the Town. The majority of soils within this area are of high capability (Classes 1, 2, 3 and 4 in the Canada Land Inventory), and the majority of the lands within the area continue to be actively farmed.

To assist in providing for a healthy and productive agricultural community within Markham in the future, the Town is seeking to preserve a large, continuous area of prime land, to be available for agriculture over the long term, and within which farming activity can take place with a minimum of disruption from competing or incompatible land uses. Additionally, a greater degree of certainty regarding the use of these prime agricultural lands for farming on a long term basis should encourage the farming community to maintain long range farm planning and soils management.

Concurrently, the Town recognizes a possible need to accommodate certain types of outdoor recreational uses, requiring extensive areas of land or a location outside the urban area, and is seeking to ensure suitable locations for such uses, which will not generate competition or conflict with agricultural activity.

Finally, the Town recognizes that there are certain non-agricultural uses already established outside the urban area which need to be addressed in this Plan.

3.7.2 *Permitted Uses*

- a) Where land is designated as AGRICULTURE (1,2 or 3) on Schedule 'A' - LAND USE, the primary and predominant use of the land shall be for farming activity. Farming activity is activity associated with the farm unit, which shall include the farm land, the farm residence, and the accessory farm buildings or structures used for the storage of the farm products, animal feeds and farm machinery, and accommodation of the farm animals. Farming activity may include the production of field crops, animal husbandry including the keeping of poultry and of animals raised or kept for purposes other than food, and specialty farming including activities such as fruit farming, market gardening, horticulture, sod farming, plant nurseries, greenhouse production, forestry and beekeeping. Farming activity shall not include activities of an industrial nature related to the processing of the products of the permitted farming activity. Existing rural residential uses are also permitted. Accessory apartments may also be permitted in association with a farm residence or a rural residential dwelling provided that:
- not more than one accessory apartment unit be permitted in association with each principal dwelling on the same lot; and,
 - all the requirements of the Zoning By-law, including the provision of adequate parking, of the Medical Officer of Health with respect to sanitary and water services, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,
 - it has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.

The Town will also study the feasibility of using licensing to register and inspect accessory apartments to ensure that health and safety standards are met. In addition, the Town may permit, on a demonstration basis only, a small self contained, free standing dwelling known as a “garden suite” on the same lot as an existing single detached dwelling provided that it is:

- located on a sufficiently large lot to ensure appropriate siting and buffering of the “garden suite”; and,
 - located where municipal or private services and community facilities are adequate to meet the demand; and,
 - anticipated that the occupancy will generally be for the elderly relatives of the owners/occupants of the main dwelling; and,
 - permitted on a temporary basis through a site specific temporary use by-law.
- b) Within the designation AGRICULTURE (1, 2 or 3), three (3) categories of designation are identified which provide for differentiation in the land uses permitted and related planning policies. These categories of designation are addressed in Sections 3.7.4, 3.7.5 and 3.7.6.

3.7.3 General Policies Relating to Lands Designated AGRICULTURE

- a) New, non-farm residential development shall be strongly discouraged. Proposals for the severance of residential lots shall be subject to the policies of Section 2.7 and shall not be permitted without an Official Plan Amendment. Proposals for estate residential development shall be subject to the policies of Section 3.12.
- b) A proposal to amend this Plan to permit a use other than those uses permitted under the respective AGRICULTURE 1, AGRICULTURE 2 and AGRICULTURE 3 categories of designation shall be required to be justified by the proponent in accordance with the requirements of Section 3.7.7 unless the proposal meets the following criteria:
- i) the proposal is on an existing lot, not greater than 2 ha. in area; and
 - ii) the lot is isolated from larger agricultural holdings by a natural feature such as a river, woodlot, or wetland or a man-made feature such as a railway, or a hydro corridor and has frontage on a public road;
 - iii) the proposal is for rural residential or another rural type of use that is complementary to and compatible in scale and character with the rural surroundings.
- c) Low intensity, space extensive, outdoor recreational uses, such as golf courses and sports fields shall not be permitted on lands designated AGRICULTURE 1 and AGRICULTURE 3, but shall be directed to lands designated AGRICULTURE 2.
- d) All forms of development shall be serviced by private wells and by septic tanks or other means acceptable to the Medical Officer of Health. No development shall be permitted that will require municipal water, sanitary sewers or storm sewers.
- e) All forms of development shall take into account the presence of, and impacts upon, natural resources and shall not be permitted if impacts on these resources cannot be adequately and appropriately mitigated.

- f) No new industrial development shall be permitted. No form of open storage shall be permitted unless such storage is associated with a permitted farming activity and is located on the same farm unit on which the activity takes place.
- g) In order to provide an adequate buffer zone between urban development and agricultural activities, all new farming operations shall comply, as appropriate, with the Minimum Distance Separation Formula(e) of the Agricultural Code of Practice or the zoning provisions of the Town, whichever are more stringent.

3.7.4 Specific Policies for Lands Designated AGRICULTURE 1

- a) Where land is designated AGRICULTURE 1 on Schedule 'A' - LAND USE, the primary and predominant use of land shall be for agriculture. Uses permitted under the AGRICULTURE 1 category of designation include:
 - i) farming activity as described in Section 3.7.2a); and,
 - ii) land uses related to and supportive of farming activity or the farming community, or compatible with farming activity subject to justification of such uses, acceptable to Council, as described in Section 3.7.7; and
 - iii) existing rural residential uses.

3.7.5 Specific Policies for Lands Designated AGRICULTURE 2

- a) Where land is designated AGRICULTURE 2 on Schedule 'A' - LAND USE, the primary and predominant use of land shall be for agriculture. Uses permitted under the AGRICULTURE 2 category of designation include:
 - i) all land uses permitted under the AGRICULTURE 1 category of designation; and,
 - ii) low intensity, outdoor recreational uses which satisfy the criteria set out in Section 3.7.5b); and
 - iii) existing rural residential uses.
- b) **Criteria for Low Intensity Outdoor Recreational Uses**

Low intensity, outdoor recreational uses shall mean uses which require extensive areas of land, such as golf courses and sports fields, and which satisfy the following criteria:

 - i) the principal activity or pastime shall be conducted out-of-doors and extend over the major part of the subject property;
 - ii) the principal activity or any accessory activity, shall not require the use of motorized vehicles or equipment;
 - iii) buildings and other structures accessory to the principal activity shall be primarily for the use of persons engaged in the principal activity, and shall be small in scale and occupy a relatively small portion of the subject property;
 - iv) the principal activity, including associated buildings and structures shall be compatible with uses on surrounding lands, and shall not result in any noise, odour, fumes, lighting or similar effect, detrimental to the activity, amenity or general rural character on surrounding lands.

- c) Proponents of proposals for outdoor recreational uses on the lands designated as AGRICULTURE 2 shall provide the following:
 - i) a detailed site plan, indicating the location of activity areas including proposed buildings and structures, roadways, parking areas, landscaping and the treatment of existing natural features such as trees, hedgerows, watercourses and wetlands;
 - ii) an assessment of the effects of the proposed use on existing and potential farming operations on surrounding lands, and of the effects of such farming operations on the proposed use; and the means to be employed to mitigate these effects; and,
 - iii) an assessment of the number of persons anticipated to be associated with the proposed use, and an analysis of the amount and impacts of traffic generated by the use.

3.7.6 Specific Policies for Lands Designated AGRICULTURE 3

- a) Where land is designated AGRICULTURE 3 on Schedule 'A' - LAND USE, the primary and predominant use of land shall be for agriculture. Uses permitted under the AGRICULTURE 3 category of designation include:
 - i) all land uses permitted under the AGRICULTURE 1 category of designation; and
 - ii) existing rural residential uses.
- b)
 - i) The AGRICULTURE 3 category of designation recognizes that the Province of Ontario owns a substantial portion of the lands generally east of the 9th Line and south of the proposed route of Highway 407. The intentions of the Province of Ontario with regard to the disposition of its holdings and any plans prepared in the future for these lands, will have significant bearing on their long term use for agriculture. Studies will be undertaken to determine the long term suitability of these lands for agriculture and other appropriate uses, and the land use options for these lands, within the context of the intentions of the Province of Ontario relating to the lands in its ownership.
 - ii) Certain lands north of 16th Avenue and south of 16th Avenue east of the Little Rouge Creek owned by the Province of Ontario are not designated AGRICULTURE 3. Notwithstanding the AGRICULTURE 1 category of designation of these lands, they may be included amongst the lands requiring further study, referred to above.

3.7.7 Justification of Non-Agricultural Uses

- a) Proposals for uses other than farming activities, to be located on lands designated AGRICULTURE (1, 2 or 3) shall be required to be justified to the satisfaction of Council in consultation with the Ministry of Agriculture and Food. The exception shall be low intensity, outdoor recreational uses, to be located on lands designated AGRICULTURE 2. Documented justification prepared by qualified professionals shall be provided, relating to the need, location and impacts of the proposed use. The documentation provided by proponents shall include the requirements noted in Section 3.7.7, (as outlined in the following four sub-sections), and such other information as Council may deem appropriate to ensure a complete and informed evaluation of the proposal.

b) **Need for the Proposed Use**

The proponent shall be required to demonstrate the need for the proposed use, at the proposed location.

Justification shall include an evaluation of the proposed use indicating the need and demand for the use relative to the locations and scale of similar uses in the area or region, as appropriate, an explanation of who the use is intended to serve and where the users live or work and an analysis of possible advantages and disadvantages to the Town of the proposed use.

c) **Location of the Proposed Use**

The proponent will be required to substantiate that the amount of land is necessary for the proposed use and that the location is suitable in terms of minimal impacts on the surrounding agricultural area compared with alternative, available sites and the locational requirements of the proposed use.

d) **Impact on Agricultural Land and Farming Activities**

The proponent shall be required to identify, evaluate and justify potential impacts of the proposed use on the agricultural land base and on farming activity in the surrounding area that may be affected by the use. Justification shall include the following:

- i) a soils analysis of the site to indicate the capability for agriculture and a hydrological analysis to identify any effects of the proposed use on the quality and quantity of ground water and surface water;
- ii) a detailed site plan indicating features such as proposed buildings, structures, roadways, parking areas, landscaping and the treatment of natural features;
- iii) an assessment of the effects of the proposed use on surrounding farming activities and recommendations on measures to ensure that there are no negative impacts on these farming operations or agricultural capabilities (including soils, water supply, drainage, access to farm units);
- iv) confirmation that the proposal is in compliance with the Minimum Distance Separation Formulae of the Provincial Agricultural Code of Practice; and
- v) an evaluation of the compliance of the proposed use with the Provincial Foodland Guidelines and relative to the Minimum Distance Separation Formulae of the Agricultural Code of Practice. The latter evaluation shall also indicate any restrictions which the proposed use, if established, would result in relative to the use of adjacent lands for farming activities.

e) **Impact on Natural Resources**

The proponent shall identify, evaluate and justify potential impacts of the proposed use on natural resources affected by the proposed use. Such resources may be present on the lands proposed for the use or on lands in the immediate area and shall include watercourses, wetlands, ground water systems, fisheries, woodlots, hedgerows, trees, existing mineral aggregate and recreational resources and floodplains. Potential impacts of the proposed use on the visual character of the surrounding area shall also be considered.

3.7.8 Implementation

- a) The Town shall investigate measures with the Provincial and Federal authorities, intended to encourage the continuance of farming activities on the lands designated AGRICULTURE (1, 2 or 3).

- b) On lands designated AGRICULTURE (1, 2 or 3), the implementing Zoning By-law shall take into account existing lots approved for residential use by earlier Zoning By-laws, if such residential use complies with the provisions of the Agricultural Code of Practice.
- c) All non-agricultural uses locating on lands designated AGRICULTURE (1, 2 or 3) shall require a specific amendment to the Zoning By-law.
- d) All non-agricultural uses, except single and semi-detached residential dwellings, on lands designated AGRICULTURE (1, 2 or 3) shall require site plan approval pursuant to the *Planning Act*, RS.O. 1990, c.P.13, as amended.
- e) All new development on lands designated AGRICULTURE (1, 2 or 3) shall be required to comply with the Minimum Distance Separation Formulae of The Agricultural Code of Practice.
- f) On lands designated AGRICULTURE (1, 2 or 3) the general implementing Zoning By-law shall not include mushroom farms as a permitted use. Mushroom farms may be permitted by a specific amendment to the Zoning By-law.
- g) Provisions have been and, as required in the future, will be incorporated in the relevant Zoning by-law to restrict incompatible agricultural activities within 610 metres (2000 feet) of lands designated URBAN RESIDENTIAL on Schedule 'A' - LAND USE.

3.8 *Hamlets*

3.8.1 *Policies*

- a) Where lands are designated HAMLET on Schedule 'A' - LAND USE, the predominant use of land shall be for housing within the confines of small rural settlements. Other permitted uses shall include small scale institutional and commercial uses designed to serve the hamlet and the surrounding rural area. Limited craft and home based industries will be permitted provided they are compatible with the overall character of the hamlet. Day care centres will also be permitted subject to the policies in Section 2.11 of this Plan. New or expanded places of worship shall be permitted subject to the provisions of Section 2.17. Accessory apartments may also be permitted in association with a single detached or semi-detached dwelling provided that:
- not more than one accessory apartment unit be permitted in association with each principal dwelling on the same lot; and,
 - all the requirements of the Zoning By-law, including the provision of adequate parking, of the Medical Officer of Health with respect to sanitary and water services, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,
 - it has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.
- The Town will also study the feasibility of using licensing to register and inspect accessory apartments to ensure that health and safety standards are met. In addition, the Town may permit, on a demonstration basis only, a small self contained dwelling known as a "garden suite" on the same lot as an existing detached dwelling provided that it is:
- located on a sufficiently large lot to ensure appropriate siting and buffering of the "garden suite"; and,
 - located where municipal or private services and community facilities are adequate to meet the demand; and,
 - anticipated that the occupancy will generally be for the elderly relatives of the owners/occupants of the main dwelling; and,
 - permitted on a temporary basis through a site specific temporary use by-law.
- b) Development in the hamlets shall be confined to their respective planning districts as indicated on Schedule 'B' - PLANNING DISTRICTS.
- c) Where new housing is planned within a hamlet, its form and setting should be appropriate to the historic features and character of the hamlet.
- d) Existing public institutional uses within the hamlets, including places of worship, schools, post offices and community halls should be retained where possible to fulfill present or anticipated needs.
- e) The scale of new development in hamlet areas shall generally be such that no significant demand for additional Town or Regional services will be required.
- f) Large scale commercial uses which do not primarily serve the hamlet and its surrounding rural area shall be discouraged.

- g) Residential subdivisions that would form an extension to a hamlet planning district as shown on Schedule 'B' - PLANNING DISTRICTS shall not be permitted.
- h) Hamlets should develop slowly by land severance, rather than by plans of subdivision. In general, new lots which economize on the use of land without disturbing the existing pattern of development or prejudicing the layout of future development shall be considered acceptable.
- i) Where existing developed lots have the potential for redevelopment on a more comprehensive basis, proposed severances which would have the effect of blocking potential points of access or further fragmenting ownership of lands, may be refused pending study of the area and approval of an overall redevelopment plan.
- j) Uses rendered obnoxious by reason of noise, odour, dust, fumes, vibration, inappropriate lighting or signs, refuse matter or waste, hazards, invasion of privacy, unnecessary overshadowing, interference with radio and television reception, unsightly appearance, unsightly outside storage or display, or other incompatible features, shall not be permitted in the hamlets.
- k) No new residential development shall be permitted within the noise zones of any existing or proposed airport except in accordance with the guidelines of the appropriate Provincial or Federal Authority.
- l) Development within hamlets shall be serviced by private wells and septic tanks or other acceptable means.

3.9 Open Space

3.9.1 Permitted Uses

- a) Where lands are designated OPEN SPACE on Schedule 'A' - LAND USE, the predominant use shall be for conservation and outdoor recreation purposes. Such uses as farming as defined in Section 3.7.2a), garden plots, golf courses, managed woodlots, and similar compatible uses shall also be permitted.
- b) The use of lands designated OPEN SPACE on Schedule 'A' - LAND USE may also include the following:
 - the public parks system and accessory buildings including community centers and libraries;
 - significant landscaped and natural features;
 - open space recreational areas and other lands containing uses compatible with the open space system; and,
 - pedestrian walkways and links.
- c) Limited small scale retail sales may be permitted in conjunction with the above uses, provided that the general intent and spirit of the OPEN SPACE designation is maintained, with the exception of locations in or adjacent to natural features and lands identified as Environmental Protection Area.

3.9.2 General Policies

- a) The Town shall develop a linked open space system which shall include existing natural features, public parks and open space and connecting trails. Lands comprising the linked open space network - the Greenway System - are shown conceptually on Appendix Map 1 - GREENWAY SYSTEM and include lands identified as Environmental Protection Area (except Hedgerows) on Schedule 'I' - ENVIRONMENTAL PROTECTION AREAS and certain lands designated OPEN SPACE on Schedule 'A' - LAND USE of this Plan. The policies of Section 2.2.2 shall apply to these lands, in addition to the policies of Section 3.9.
- b) It is the intent of Council to prepare a Parks and Recreation Master Plan for the urban and rural areas of the Town as a guide to short and long term open space and recreation facility planning.
- c) Only buildings and structures accessory to the permitted uses shall be located on lands designated OPEN SPACE on Schedule 'A' - LAND USE.
- d) Where lands are designated OPEN SPACE on Schedule 'A' - LAND USE and are under private ownership, this Plan does not indicate that the lands will necessarily remain as open space indefinitely, nor shall it be construed as implying that open space areas are free and open to the general public or will be purchased by the Town. At any particular time, if proposals to develop such lands that are in private ownership are made and the Town does not wish to purchase such lands in order to maintain the open space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Town consistent with the policies of this Plan. There is no public obligation to redesignate or to purchase any such land if there is an existing or potential environmental and/or physical hazard that is difficult or costly to overcome.

- e) Reforestation and improvement of existing natural woodland areas shall be encouraged. Reforestation programs may be undertaken jointly by the Town or other appropriate authorities and the owners. Development will be discouraged in areas that are presently wooded, and which should be preserved because of the desirable visual and microclimatic benefits derived there from throughout the Town.
- f) The Town, in co-operation with the authority having jurisdiction, shall develop a program to examine future locations for conservation areas and valleyland acquisition. The Toronto and Region Conservation Authority acquires lands for flood control and conservation purposes and its priorities in the land acquisition program will be respected.
- g) Safe, well signposted access points shall be provided for all public recreation areas to the satisfaction of Council.
- h) The Town will undertake naturalization of public parks where practical and feasible while maintaining sufficient lands for active recreation. In particular, opportunities for naturalization will be examined on steep slopes, in wet areas, adjacent to watercourses, in and around clusters of trees and around woodlots. [See also Section 2.2.2.5].
- i) Municipal utilities may be permitted in the open space system, subject to any required approvals by authorized agencies.

3.9.3 Public Parks System Specific Policies

- a) The public parks system shall incorporate the following types of parks and other open space areas and links:
 - i) Parkettes generally of 0.4 to 1.6 ha (1 to 4 acres) to provide passive recreational space to serve local neighbourhoods.
 - ii) Neighbourhood Parks which will generally be 1.6 to 4.9 ha (4 to 12 acres), designed and intended to provide space for field sports, playgrounds and the recreational needs of a local residential area. Neighbourhood design shall ensure that the majority of all residences served shall be within approximately 0.8 km (0.5 mile) of the nearest neighbourhood park. Neighbourhood parks need not be designated in this Plan.
 - iii) Community Parks, preferably not less than 6 ha (15 acres), designed and intended to provide space for active and passive recreation for all age groups including organized sporting activities. Secondary Plans shall ensure that the majority of all residences served shall be within approximately 2.4 km (1.5 miles) of community parks.
 - iv) Town Parks, generally of not less than 12 ha (30 acres), which provide space for active and passive recreation for all age groups including a wide range of specialized facilities such as arenas, stadiums, camp grounds, swimming pools and boating areas and similar other facilities which serve a number of communities.
 - v) Natural Features, such as woodlots, watercourses and wetlands may be incorporated into the parks system.
 - vi) Pathways
A pathway system shall be provided through the parkland and open space system.
- b) Where applicable, neighbourhood, community and town parks shall be shown in preferred locations on Secondary Plans, however, their ultimate locations and acreages may vary without requiring an amendment to this Plan.

- c) Every park shall have adequate frontage on one or more public roads, preferably on a collector road, commensurate with the size and location of the park. Neighbourhood and subdivision design shall ensure that all parks are easily accessible from the residential areas served.
- d) The Town, in co-operation with the school authorities, shall ensure, insofar as it is practical, that parks will be located adjacent to elementary schools.
- e) The standards and requirements for parks as described in this Section shall not be interpreted to be rigid or inflexible. If it is felt that the general aims of this Plan with regard to park sizes and locations will be met in a particular subdivision or area, then variations from the specific standards set out in this Plan shall be permitted without amendment to this Plan, provided that the overall standards are met.
- f) Provision of public parks shall be in conformity with the following policies:
 - i) Neighbourhood Parks shall be provided at the rate of 1.2141 ha (3 acres) per one thousand (1,000) people in suitable locations in the residential areas of the Town.
 - ii) Community Parks shall be provided at the rate of 0.8094 ha (2 acres) per one thousand (1,000) people in suitable locations within the urbanized area of the Town.
 - iii) Town Parks shall be provided at the rate of 1.0118 ha (2.5 acres) per one thousand (1,000) people in suitable locations throughout the Town.
 - iv) Parkettes may be developed at entrances to neighbourhoods and other suitable locations to provide landscaped areas for residents within a radius of 0.4 km or less. Parkettes shall be designed where appropriate to include sitting areas and tot lots and to incorporate natural features.
 - v) Approximate locations of major areas of land designated OPEN SPACE both public and private are shown on Schedule 'A' - LAND USE.
 - vi) The Town may allow the provision of Community Parks and Town Parks so as to fulfill the requirements of groups of neighbourhoods without amendment to this Plan.
 - vii) The park dedications shall not include hazard lands, valleys of a type which could be regarded as conservation areas, lands identified as Environmental Protection Area on Schedule 'I' - ENVIRONMENTAL PROTECTION AREA and other areas required to provide connecting pedestrian and bicycle routes unless, in the opinion of Council, it is appropriate to do so.
 - viii) Natural features including woodlots, vegetation, rolling topography and watercourses may be incorporated in the parks and open space system and retained in their natural state wherever possible, recognizing that such features are an asset to the community.
 - ix) The system of walkways and trails shall be designed to provide attractive, efficient and convenient pedestrian and bicycle connections.
 - x) Parks or parts thereof may be designed to include stormwater detention features. In instances where grading and other changes preclude the use of that portion of the park area designed for stormwater detention for park purposes, then such stormwater detention areas shall not be accepted as part of the parkland dedication.
 - xi) Neighbourhood Parks and Parkettes will normally be provided as the areas in which they are located are developed.
 - xii) Community and Town Parks shall be provided as and when Council deems appropriate.

3.9.4 Implementation

a) Neighbourhood Parks Standard

As a condition of the subdivision, development or redevelopment of land for residential purposes, Council may require that land in the amount of 5% of the land proposed for development or redevelopment be conveyed to the Town for parks or other public recreational and cultural purposes. Alternatively, Council may require that land be conveyed to the Town for parks or other public recreational and cultural purposes at a rate of up to 1 hectare for each 300 dwelling units proposed. This is to ensure that all residential development will provide the equivalent of the neighbourhood parks standard of 1.2141 hectares (3 acres) per one thousand people.

As a condition of the subdivision, development or redevelopment of land for industrial or commercial purposes, Council will require that land in the amount of 2% of the land proposed for development be conveyed to the Town for park or other public recreational purposes.

The actual rate of dedication will vary by density designation, and the actual rates of dedication will be established in the Parkland Dedication By-law. In all cases the amount of land to be conveyed shall be a minimum of five percent of the lands being developed or redeveloped for residential purposes. However, in no case will the equivalent of the neighbourhood parks standard dedication exceed the rate of 1.2141 hectares (3 acres) per one thousand people generated by residential development or redevelopment.

b) In imposing these requirements, Council shall have regard for the following policies:

- i) The conveyance of land for park or other public recreational and cultural purposes shall be applied equally to all types of residential development regardless of sponsorship, tenure or occupancy.
- ii) The Town may apply the alternate parkland dedication requirement to medium and high density lands or housing within plans of subdivision, provided such lands or housing are excluded from the 5% parkland calculation applied to the low density lands or housing within the plan.
- iii) Council may require cash-in-lieu of parkland, or a combination of land and cash-in-lieu under the following circumstances:
 - where the required land dedication fails to provide an area of appropriate size, configuration or location for development as public open space;
 - where the required dedication of parkland would render the remainder of the site unsuitable or impractical for development or redevelopment;
 - where existing park and recreational facilities in the vicinity of the site area are, in the opinion of Council, adequate to serve the projected population.
- iv) Funds acquired through the cash-in-lieu of parkland dedication shall be used to improve/develop open space, recreational and cultural facilities and programs in the Town of Markham. These funds may not necessarily be applied to facilities/programs in the planning area or neighbourhood in which the development generating the funds is located.
- v) In mixed use developments, the alternate parkland requirements will apply to the residential component. The commercial and/or industrial component will be subject to the 2% conveyance standard.

- vi) Where dedication of land is to be required, the calculation of density of the proposed development shall include the parcel of land which is to be dedicated for parks purposes but shall not include hazard lands, valleys of a type which could be regarded as conservation areas, environmental protection area, areas required to provide connecting pedestrian and bicycle routes unless, in the opinion of Council in consultation with the Toronto and Region Conservation Authority, it is appropriate to do so.
 - vii) Subject to the approval of Council, where land in excess of the amount of land required for dedication has been conveyed to the Town for park purposes in association with a development proposal, the excess may be applied as a credit to future development by the same proponent.
 - viii) Residential conversions or redevelopment to a higher density shall be subject to the parkland acquisition policies of this Plan. Where deintensification is proposed, the need for parkland would be assessed according to the existing supply (surplus/deficiency). Any surplus may be applied as a credit to future development by the same proponent.
- c) Public open space will be acquired by the following means:
- i) The land conveyance provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
 - ii) Funds allocated in the Town's budget.
 - iii) Donations, gifts, bequests from individuals or corporations.
 - iv) Funds allocated by any authority having jurisdiction.
 - v) Where new development or redevelopment is proposed on a property, part of which is valleylands, and such valleylands are required to be dedicated to the Town, the said valleylands shall not be accepted as part of the five (5%) percent dedication or alternate dedication requirement of 1 hectare for every 300 dwelling units proposed under the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
 - vi) Through any applicable requirement relating to parkland acquisition in the Town's Development Charges By-law.
- d) All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town. Where an open watercourse is involved, adequate space shall be provided for environmental buffers, maintenance and other related requirements.
- e) In order to conform to the overall objective of an open space system with linkages, and to allow flexibility in allocating parklands, the Town may exchange lands, accept lots in lieu, or cash-in-lieu of park dedications in individual developments. The proceeds may be applied to the acquisition of parkland in other areas if considered more appropriate to serve the needs of a coordinated open space system as envisaged in this Plan.
- f) More detailed guidelines for the overall open space system shall be provided in Secondary Plans.
- g) Specific requirements for park landscape plans and the construction of parks shall be a condition of development approval, where applicable, and be ensured through development agreements.

3.10 Hazard Lands

3.10.1 Policies

- a) For the purpose of this Plan, the HAZARD LANDS designation includes:
 - i) all lands within the Regulatory Flood Lines or the stable or predicted stable slope lines defined by the Toronto and Region Conservation Authority, whichever is greater, but excluding lands identified as Special Policy Area on Schedule 'A' - LAND USE; and,
 - ii) lands which are characterized by inherent environmental hazards such as organic soil, susceptibility to slippage, erosion, mining subsidence, extensive areas of more than fifteen percent (15%) slopes or conditions requiring uneconomic building foundation construction. These lands need not necessarily be shown on Schedule 'A' - LAND USE but, once identified through the development approval process, or other planning or research process, shall be subject to the policies of Section 3.10 of this Plan.
- b) HAZARD LANDS are intended primarily for preservation and conservation in their natural state. Such uses as farming, low intensity, outdoor recreation, golf courses, nursery gardening, forestry, the conservation of soil or wildlife, public and private parks and pathways shall be permitted where appropriate. However, outdoor recreation uses and golf courses will not be permitted in HAZARD LANDS adjacent to AGRICULTURE 1 or AGRICULTURE 3 designations.
- c) The acquisition of HAZARD LANDS by the Toronto and Region Conservation Authority shall be encouraged.
- d) Where land designated HAZARD LANDS is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the Town or other public agency. Application for the redesignation of HAZARD LANDS for other purposes may be given due consideration by the Town, in consultation with the Toronto and Region Conservation Authority, after taking into account:
 - i) the existing environmental and/or physical hazards;
 - ii) the potential impacts of these hazards;
 - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management policies; and
 - iv) the costs and benefits in monetary, social and biological values.
- e) The Town is under no obligation either to redesignate or to purchase any HAZARD LANDS that would be difficult or costly to render satisfactory for other uses.
- f) No buildings or structures shall be allowed in HAZARD LANDS other than those necessary for flood or erosion control, conservation purposes, minor buildings such as rain shelters or as provided for in Subsection 3.10.2. Minor additions to an existing flood vulnerable structure on lands designated HAZARD LANDS may be permitted subject to

the approval of the Toronto and Region Conservation Authority and any other concerned public agency, and on the condition that the extension or enlargement conforms with the policies in Section 2.8 – Non-Conforming Uses.

Adequate access shall be required by the Town for maintenance purposes including pedestrian pathways where appropriate. Adequate building setbacks shall be required from the top-of-the-bank of valleylands as defined by the Toronto and Region Conservation Authority.

- g) i) The removal of trees, sod, turf and soil, as well as the deposit of fill of any kind, shall not be permitted in areas subject to periodic flooding or physical limitations of any kind without the written consent of the Toronto and Region Conservation Authority or any other authority having jurisdiction in the area.
- ii) Streams or channels under Ontario Regulations cannot be altered without the prior written approval of the Toronto and Region Conservation Authority.
- h) Municipal utilities may be permitted on lands designated HAZARD LANDS, subject to any required approvals by authorized agencies.
- i) The planting of indigenous plant species that will stabilize the soil and attract fauna will be permitted and encouraged. This will be subject to approval of the authorities having jurisdiction in the area.
- j) Lands designated HAZARD LANDS shall be conveyed to the Town or other authorized public agency as a condition of development approval.
- k) Land adjacent to watercourses shall be planted, where required, to establish or improve riparian buffers for the protection and improvement of aquatic habitat and wildlife corridors as a condition of development approval. Opportunities for riparian restoration shall be examined and identified in Environmental Impact Studies, Open Space Master Plans or other environmental studies, where appropriate, and shall be subject to the approval of the Town and the Toronto and Region Conservation Authority, as applicable.
- l) Lands designated HAZARD LANDS on Schedule ‘A’ - LAND USE shall also be subject to the applicable policies of Section 2.2.2.4.

3.10.2 Special Policy Area

3.10.2.1 General Policies

A Special Policy Area is an area of land, located within a floodplain, on which there is existing development that forms an integral part of an existing flood prone community. The former Provincial Flood Plain Planning Policy generally prohibited development or redevelopment below the level of the Regulatory Flood as determined by the Toronto and Region Conservation Authority.

However, the former Provincial Flood Plain Planning Policy also recognized that parts of certain urban areas have historically developed within floodplains. The continued viability of these areas depends on a reasoned application of the Provincial standards for floodplain management. Therefore, the former Provincial Policy as it relates to lands identified as

Special Policy Area, made provision for permitting new development, redevelopment, rehabilitation of and extension to existing buildings and structures and also in exceptional situations, for relaxation of the Provincial standards.

The former Provincial Flood Plain Planning Policy provided for a Special Policy Area category of designation whereunder applications for development having a greater level of risk of flooding may be considered by the Toronto and Region Conservation Authority and the Town. Approval of any such development is conditional upon flood proofing measures satisfactory to the Toronto and Region Conservation Authority in consultation with the Town. The implementation of these measures will be a condition of development approval by the Town. Section 3.1.2 of the Provincial Policy Statement, February 1997, recognizes that development and site alteration may be permitted in exceptional situations where a Special Policy Area has been approved.

Lands within the Town identified as Special Policy Area are shown on Schedule 'A' -LAND USE and in more detail, on Schedule 'F' - SPECIAL POLICY AREA.

3.10.2.2 Development Policies

- a) On lands identified as Special Policy Area, as shown on Schedule 'A' - LAND USE, and in more detail, on Schedule 'F' - SPECIAL POLICY AREA, some new development, redevelopment or extensions to and rehabilitation of buildings and structures, may be permitted on condition that the proposed development is flood protected to the level of the Regulatory Flood, as defined by regulations made under Section 28 of the *Conservation Authorities Act*, R.S.O. 1990, c.C.27, as amended, and to the satisfaction of the Toronto and Region Conservation Authority, and the Town.

Council reserves the right to protect from development any lands within the area identified as Special Policy Area which are needed to achieve the open space, recreation and environmental protection objectives and policies of this Plan and any lands required by the Toronto and Region Conservation Authority and the Town for flood and/or erosion control remedial purposes.

- b) Where it is technically not feasible, or it is impractical to flood protect a building or a structure, or an addition thereto, to the level of the Regulatory Flood, then, notwithstanding the provisions of Section 3.10.2.2, the Town, in consultation with the Toronto and Region Conservation Authority, may permit a lower level of flood protection.

The specific level of flood protection to be imposed, and any flood protection measures to be implemented relative to individual development applications, shall be determined by the Toronto and Region Conservation Authority in consultation with the Town. The level of protection to be required shall be the highest level determined to be technically feasible or practical

In no case shall any building or structure be subject to a risk of flooding in excess of 25% over an assumed life of 100 years (approximately 1:350 flood - a probability of occurrence once in every 350 years). All applications for development approval on lands identified as Special Policy Area shall be accompanied by engineering studies, prepared by a qualified professional, detailing such matters as flood frequency, the velocity and depth of storm flow, soil conditions, proposed flood damage reduction measures, flood protection measures, including structural design details, stormwater management techniques, and other necessary information and studies as may be required by the Toronto and Region Conservation Authority.

- c) Ingress and egress for all buildings shall be “safe”, pursuant to the Provincial Flood Plain Planning Policy and technical studies of site specific flooding conditions.
- d) In determining the appropriate land use for a property which is wholly or partly within the area identified as Special Policy Area, Council shall take into account all relevant policies of this Plan as well as the following factors:
 - i) the existing use and existing zoning of the subject property and adjacent lands; and
 - ii) the land use designations of the lands adjoining those identified as Special Policy Area as shown on Schedule ‘A’ - LAND USE or as further detailed in a Secondary Plan; and
 - iii) the type and character of existing development within and adjoining lands identified as Special Policy Area and the long term viability of the existing development.
- e) Certain lands, identified by a dashed outline on Schedule ‘F’ - SPECIAL POLICY AREA are subject to special development policy. It is Council’s intention to develop a public parking lot on these lands to be owned or operated by the Town of Markham.

3.10.2.3 Prohibition of Development

- a) Notwithstanding the provisions of Sections 3.10.2.2a) and b), no new development shall be permitted on any parcel of land which is wholly or partly identified as Special Policy Area if:
 - i) the development would be subjected to a water velocity or depth which would create an unacceptable hazard to life; or
 - ii) the development would be susceptible to major structural damage as a result of a flood less than or equal to the Regulatory Flood; or
 - iii) the necessary flood protection measures would have a negative impact on adjacent properties.
- b) The following uses shall be prohibited on any parcel of land which is wholly or partly identified as Special Policy Area:
 - i) elementary school, day care centre, hospital, nursing home, senior citizens housing, a home for the physically or mentally handicapped, other child care, or residential care facility; and
 - ii) an automobile service station or any development, which includes the storage, handling, production or use of a chemical, flammable, explosive, toxic, corrosive, or other dangerous material and the treatment, collection or disposal of sewage; and
 - iii) a building or structure directly related to the distribution and delivery of an essential or emergency public service including police, fire, ambulance and electric power transmission.

3.10.3 Implementation

- a) It is intended that the boundaries of the HAZARD LANDS designation and lands identified as Special Policy Area on Schedules ‘A’ - LAND USE and ‘F’ - SPECIAL POLICY AREA, shall be considered as approximate. Where the general intent of this Plan is maintained, minor adjustments may be made in these boundaries to correspond with the boundaries established in the detailed mapping prepared, or as may otherwise be determined and approved, by the Toronto and Region Conservation Authority without further amendment to this Plan.

- b) Modifications to the boundaries of the Special Policy Area category of designation as shown on Schedule 'A' - LAND USE and Schedule 'F' - SPECIAL POLICY AREA may be considered, based on flood or erosion control remedial measures, approved by the Toronto and Region Conservation Authority and may be shown on Schedule 'A' - LAND USE or Schedule 'F' - SPECIAL POLICY AREA without further amendment to this Plan.
- c) The appropriate Zoning By-laws shall be amended to show lands identified as Special Policy Area on Schedule 'A' - LAND USE and further detailed on Schedule 'F' - SPECIAL POLICY AREA and to include the necessary provisions to implement the policies of Section 3.10 of this Plan.
- d) Prior to the issuance of a building permit, all proposals for development, redevelopment and external alterations to an existing building on a parcel of land, wholly or partly identified as Special Policy Area shall require the approval of the Toronto and Region Conservation Authority pursuant to the Fill, Construction and Alteration of Waterways Regulations made under the *Conservation Authorities Act*, R.S.O. 1990, c.C.27, as amended.
- e) Any Zoning By-law amendment on any parcel of land wholly or partly identified as Special Policy Area shall contain provisions, where appropriate, relating to minimum building or structure setbacks, maximum lot coverage, minimum height of any building or structure opening, and other such matters as may be determined to be necessary by the Toronto and Region Conservation Authority and the Town.
- f) The implementation of flood proofing and all other requirements of the Toronto and Region Conservation Authority shall be a condition of development approval of the Town.

3.11 Parkway Belt West

3.11.1 Introduction

The Parkway Belt West is part of a development planning area established by the Province of Ontario under the *Parkway Belt Planning and Development Act* R.S.O. 1980, c.368. Pursuant to this Act, the Province established planning regulations (Ontario Regulation 473/73) which restrict the use of land within the Parkway Belt West and adopted the Parkway Belt West Plan, July 1978, which outlines uses to be permitted within the Parkway Belt West.

Lands designated PARKWAY BELT WEST are shown on Schedule 'A' - LAND USE and incorporated as Planning District No. 21 on Schedule 'B' - PLANNING DISTRICTS.

3.11.2 Policies

- a) The development of lands within the Parkway Belt West Planning District (Planning District No. 21) shall be governed by the provisions of the Parkway Belt West Plan, July 1978, as amended, and also the policies of this Plan as applicable.
- b) In the event of a discrepancy between this Plan and the Parkway Belt West Plan, July 1978, as amended, the provisions of the latter shall prevail.

3.11.3 Implementation

- a) The use of land within the Parkway Belt West Planning District (Planning District No. 21) shall be governed by the Provincial Land Use Regulation made under the *Parkway Belt Planning and Development Act*, as amended, or Zoning By-laws passed by Council and acceptable to the Ministry of Municipal Affairs and Housing.

3.12 Rural Residential

3.12.1 Permitted Uses

- a) The predominant use of land designated RURAL RESIDENTIAL shall be for residential dwellings on lots of sufficient size as to essentially retain the rural character of the surrounding area.

Accessory apartments may also be permitted in association with a single detached or semi-detached dwelling provided that:

- not more than one accessory apartment unit be permitted in association with each principal dwelling on the same lot; and,
- all the requirements of the Zoning By-law, including the provision of adequate parking, of the Medical Officer of Health with respect to sanitary and water services, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and Provincial regulations can be satisfied; and,
- it has been determined that municipal services and community facilities are adequate to meet the anticipated demand for accessory apartments.

The Town will also study the feasibility of using licensing to register and inspect accessory apartments to ensure that health and safety standards are met. In addition, the Town may permit, on a demonstration basis only, a small self-contained dwelling known as a “garden suite” on the same lot as an existing single detached dwelling provided that it is:

- located on a sufficiently large lot to ensure appropriate siting and buffering of the “garden suite”; and,
- located where municipal or private services and community facilities are adequate to meet the demand; and,
- anticipated that the occupancy will generally be the elderly relatives of the owners/occupants of the main dwelling; and,
- permitted on a temporary basis through a site specific temporary use by-law.

3.12.2 General Rural Residential Policies

- a) Rural residential development shall only occur on the basis of retaining the rural character of the landscape and protecting the remaining wooded and scenic areas, natural habitats and unique geological formations.
- b) Rural residential development shall be permitted only in or near areas of rolling topography, or adjacent to established woodland and other scenic areas, and on lands defined as poor agricultural lands (Classes 5 to 7 in the Canada Land Inventory) and only if the proposal conforms with the policies of Section 2.2.
- c) Rural residential development on prime agricultural lands (Classes 1 to 4 in the Canada Land Inventory) shall generally not be permitted.
- d) In areas adjacent to watercourses and other groundwater recharge areas, rural residential development shall be limited and controlled to the extent necessary to ensure that the quality and quantity of water in aquifers and surface water bodies are maintained.

- e) Rural residential development shall not be permitted in areas wherein outstanding physical resources can be conserved in their natural state or otherwise preserved for open space and recreation purposes.
- f) The woodland areas in and adjacent to stream valleys and watercourses shall remain essentially in their present natural state for ecological and aesthetic reasons and particularly as flood control and soil stabilization measures.
- g) Rural residential development shall be on the basis of large lots of varying sizes to suit the topography, but shall not be less than 0.4 ha (1 acre) in area. Each lot shall be serviced by a private well and a septic tank or other acceptable means.
- h) No new rural residential development shall be permitted within the noise zones of any existing or proposed airport except in accordance with the guidelines of the appropriate Provincial or Federal Authority.
- i) Rural residential development shall comply with the Minimum Distance Separation (MDS) Formula requirements of The Agricultural Code of Practice, as amended from time to time.

3.12.3 Specific Policies for Rural Residential Plans of Subdivision

General Principles of Development

- a) The overall structure and form of a rural residential subdivision shall achieve a harmonious relationship between existing and proposed landscape features, and the design and siting of dwellings in relation to the lot, and shall be serviced by an internal street system.
- b) The following areas are considered unsuitable for the development of rural residential subdivisions:
 - i) Areas forming an extension of any hamlet planning district as shown on Schedule 'B' - PLANNING DISTRICTS;
 - ii) Areas within or adjacent to existing or future commercial or industrial lands or lands which adjoin urbanized areas and which may be required for expansion of the urban area;
 - iii) Areas in proximity to existing or future sanitary landfill sites or quarries;
 - iv) Areas liable to flooding or otherwise with a high water table and adjacent to stream valleys;
 - v) Areas which are featureless by way of being flat and treeless;
 - vi) Areas which would form an extension to an existing strip residential development along a concession road;
 - vii) Areas which are unacceptable for a residential environment because of their location in relation to major highways, airports, railways, hydro transmission lines and other surface utilities; and,
 - viii) Areas in proximity to livestock operations and other incompatible agricultural activities such as mushroom farms, commercial crop drying and commercial feedmills.

- c) The physical scale and nature of the residential development shall be such that the rural character of the area is not replaced by a built-up, urban appearance; in general the total number of lots in one contiguous development shall not exceed ten (10) lots

3.12.4 Subdivision Design Criteria

- a) The design of rural residential subdivisions shall provide for a range of lot sizes directly related to the site's topography, vegetation, soil and drainage characteristics, the governing criterion being to retain a semi-rural character in the development and discourage urban density forms. As a minimal requirement for each lot, sufficient area shall be set aside for the installation and operation of two (2) septic tile beds; additionally, no lot shall have a lot area of less than 0.4 ha (1 acre).
- b) Design of the plan of subdivision shall take into consideration the following principles:
 - i) maintenance of the land forms and physical features of the site in their natural state as far as possible to ensure that the natural, rather than man-made, character of the site predominates;
 - ii) protection of any stream, pond, marsh and woodland habitat for natural wildlife;
 - iii) maintenance of the natural characteristics of streams and watercourses consistent with sound water management practices;
 - iv) protection of the streams and groundwater recharge areas from domestic waste discharge;
 - v) protection and maintenance of the remaining trees and woodlands wherever possible;
 - vi) careful siting of dwellings, additional tree planting and provision of sodded, earthen berms;
 - vii) stream valleys and an adequate area beyond the tops of the banks shall remain essentially undisturbed and undeveloped for reasons of flood control, bank stabilization, maintenance of water quality, aesthetic appearance and the wildlife habitat function of the natural features; and,
 - viii) all lots should have access on to an internal local subdivision road and not directly on to a Regional road or Provincial highway.

3.12.5 Implementation

- a) New rural residential development will be permitted only by amendment to this Plan.
- b) Any proposed plan of rural residential subdivision shall be supported by:
 - i) a detailed landscape and environmental analysis of the site and adjacent property undertaken by a qualified professional person;
 - ii) a detailed plan indicating existing and proposed building locations, roads, utilities and landscape elements; and,
 - iii) a detailed engineering report and servicing plan relating to proposed water supply, sewage disposal and storm drainage facilities.

3.13 Transportation and Utilities

3.13.1 Permitted Uses

Where land is designated on Schedule 'A' - LAND USE as TRANSPORTATION AND UTILITIES, the principal use of the land shall be for major transportation and utility corridors and facilities including highways, railways, hydro electric transmission, gas and oil pipelines, telephone and other cabled services and airports.

3.13.2 General Policies

- a) For the detailed policies pertaining to transportation and utility planning, reference must be made to Section 5 - TRANSPORTATION, Section 6 - SERVICES AND UTILITIES, Schedule 'C' - TRANSPORTATION, Schedule 'D' - URBAN SERVICE AREA and Schedule 'G' - SITE PLAN CONTROL.
- b) Due to the limitations of scale of Schedule 'A' - LAND USE, reference should also be made to Secondary Plans and implementing Zoning By-laws to determine the details of rights-of-way that are designated TRANSPORTATION AND UTILITIES.

3.14 Future Urban Area

3.14.1 Introduction

It is the policy of the Province of Ontario that municipalities forecast and designate sufficient lands for future residential growth.

The identification of lands within the Future Urban Area recognizes the need for urban land to accommodate both population and employment growth to the year 2011. Sufficient lands are included within the Future Urban Area to accommodate projected urban growth as follows:

<i>Population, Household and Employment Projection to 2011</i>	
Projected Population	260,000
Projected Households	84,900
Projected Employment	167,000

The lands identified as Future Urban Area may be further sub-divided into Planning Districts which will be shown on Schedule 'B' - PLANNING DISTRICTS by amendment to this Plan. The boundaries of new Planning Districts will be defined through the preparation of Secondary Plans.

General policies pertaining to lands within the Future Urban Area are included in the following Section.

3.14.2 Goals and Objectives

The following goals and objectives were employed in identifying the lands shown on Schedule 'A' - LAND USE as Future Urban Area:

- a) To ensure the accommodation of projected urban growth including sufficient flexibility to adapt to changing cultural, demographic and economic circumstances in the long term.
- b) To protect, and to encourage the restoration and enhancement of, natural features, and to protect heritage resources and the agricultural community, during urban growth.
- c) To ensure a diversity of residential communities and employment districts in order to provide a variety of choice for residents, employees and investors.
- d) To maximize the efficiency of the development and delivery of urban infrastructure and other services by promoting a more compact urban form which also increases the viability of public transit and is more energy efficient.
- e) To ensure a range and mix of housing opportunities which can appropriately accommodate a resident workforce.
- f) To provide a range of employment and investment opportunities in support of a strong local economy.

- g) To make provision for a new Town Centre with a high concentration of residential and commercial development in a compact form of exceptional aesthetic and environmental quality.

3.14.3 General Policies

a) **Boundaries and Development Approval Process**

- i) The boundaries of the lands identified as Future Urban Area have been selected to provide a supply of land for projected growth in population and employment for the planning period to the year 2011.
- ii) Minor adjustments to the boundaries of lands identified as Future Urban Area may be made in the said Plans, based on detailed land use, transportation, servicing or environmental considerations.
- iii) The boundary of the Future Urban Area, in proximity to the Little Rouge Creek, shall extend to the limit of the Rouge Park corridor as defined in the Province's Rouge Park Management Plan (May 1994).

Consistent with the Rouge Park Management Plan, the Rouge Park corridor shall generally be a minimum of ± 300 metres from the watercourse on lands in public ownership. On lands in private ownership, consistent with the Rouge Park Management Plan the Rouge Park corridor shall generally be a maximum of 200 metres in width with the watercourse to be located generally around the mid point of the corridor. Urban development within the Future Urban Area, in proximity to the Little Rouge Creek, shall extend to the limit of the Rouge Park corridor as defined above. Urban open space uses shall be permitted within the Rouge Park corridor, except on lands designated HAZARD LANDS by this Plan, including stormwater management facilities subject to approval of a stormwater management study. Notwithstanding the generality of the foregoing, no large scale, space extensive open space uses, or uses involving alteration of the existing landscape, except reforestation, shall be permitted within 100 metres of the centreline of the Little Rouge Creek except as approved within the context of a plan for the proposed Rouge Park. Furthermore, in considering options in stormwater management the following principles will apply:

- stormwater will be considered as a resource, not a waste product;
 - stormwater facilities will be designed to maintain environmental and ecological integrity, and to provide a net benefit to the environment if feasible;
 - where existing streams are to be retained this will be done in naturalized, open channels to maintain and, if feasible, improve stream corridor integrity; and,
 - stormwater facilities will be designed, wherever possible, to provide community amenities and functioning wildlife habitat.
- iv) The boundaries identified as Future Urban Area on Schedule 'A' - LAND USE have been selected without regard to the possible location of a new waste disposal site within the Town. In the event that a site in Markham is selected, Council will review and revise as required, the boundary of lands identified as Future Urban Area to ensure an appropriate distance between future urban development and the proposed site, satisfactory to Council.
 - v) Any major expansion of lands identified as Future Urban Area would require a comprehensive review of urban growth requirements to be undertaken by the Town, in consultation with York Region, as part of the five year review of this Plan.
 - vi) Where land is identified as Future Urban Area on Schedule 'A' - LAND USE of this Plan, urban development shall only be permitted by Official Plan Amendment.

- vii) Prior to urban development of any land identified as Future Urban Area, a Secondary Plan shall be prepared for the appropriate Planning District(s) and incorporated into this Plan by amendment.
 - viii) Secondary Plans shall generally be consistent with the recommendations of the Town of Markham Natural Features Study, and shall be in accordance with those provisions of the Study incorporated into this Plan.
 - ix) Secondary Plans shall require that the Development Staging Strategy (Section 2.1.1c) be adopted by the Town for the Future Urban Area prior to the release of any lands for urban development. This Strategy shall be based on comprehensive technical studies which shall include all lands identified as Future Urban Area, and any other lands as may be required for the purpose of these studies. These Studies shall determine a sewer and water servicing plan, a subwatershed management plan(s), a transportation masterplan and development charges schedule(s). In addition, Secondary Plans shall also require an internal Development Phasing Plan for lands within the Secondary Plan area, prior to the release of lands for development. The Development Staging Strategy shall be reviewed by Council each fiscal year in the context of the Annual Five Year Capital Budget Forecast.
 - x) Until urban development proceeds, uses consistent with the current, underlying land use designations are permitted within the Future Urban Area. Compatible interim development, through a temporary use by-law, may be considered on condition that it will not delay or prejudice the orderly, future development of the site or the area as a whole. Consideration of the integration, replacement or similar implications of existing legal land uses, with respect to the introduction of new urban development shall be included as part of the preparation of Secondary Plans for all lands within the Future Urban Area.
- b) **Future Development Pattern**
- The urban development pattern in the Future Urban Area shall be in general conformity with the following policies:
- i) The integration of new development with existing residential areas (e.g. Hamlets) and with existing major institutional uses must be accomplished in a manner which minimizes abrupt changes and potentially incompatible land uses. Road patterns, pedestrian linkages, housing/building styles and densities of new development proposals shall be compatible with adjacent existing land uses.
 - ii) The development pattern within each Planning District will protect natural features, and the restoration and enhancement of natural features will be encouraged, in accordance with the provisions of the Town of Markham Natural Features Study as incorporated into this Plan.
 - iii) The development pattern within each Planning District will be designed to accommodate transit route and facility requirements and to maximize the use of public transit.
 - iv) The development pattern within each Planning District will be designed to maximize public safety and security and pedestrian convenience.
 - v) Commercial and community amenity areas will be located within each Planning District to provide the day-to-day goods and services for the residents and/or employees of the District. Public transit facilities should be incorporated into these areas to enhance their status as community focal points.
 - vi) Residential development within a Planning District will be designed to allow convenient pedestrian access to schools, local parks, recreational and institutional facilities, commercial centres and to public transit facilities. Non-residential

- development located within a Planning District will be designed to provide a variety of employment opportunities.
- vii) Residential development within a Planning District will be designed in accordance with a neighbourhood structure and will include a mixture of housing densities and designs. Higher density housing, specialized housing such as seniors housing, and mixed use developments, will be clustered around or have convenient access to commercial and community amenity areas and public transit facilities. Open space, schools, places of worship and recreational facilities will be integrated to assist in the creation of a community focus and to make possible the sharing of building space and amenities. Place of worship sites shall be identified in accordance with the provisions of Section 2.17 and Council's place of worship site reservation policy.
 - viii) Residential development within a Planning District will be designed to encourage a broad range of housing, by type and tenure, suitable for different age levels, lifestyles and family structures and shall be developed in conformity with the provisions of Section 2.13, Housing of this Plan.
 - ix) The development pattern, approved through the implementing Secondary Plans shall ensure that:
 - sufficient employment lands are designated throughout the Future Urban Area to accommodate the forecast employment growth and to achieve an appropriate balance between jobs and residents; and
 - sufficient employment lands are designated at appropriate locations within each Secondary Plan area, to ensure optimum potential to achieve the amount and distribution of employment appropriate to the area.
 - x) Employment uses (e.g. retail, institutional, office, industry) within a Planning District will be readily accessible to public transit and be located and designed to ensure an appropriate interface and compatibility with adjacent residential development.
 - xi) A diversity of employment opportunities will be encouraged and may be incorporated into mixed use developments subject to considerations of compatibility.

3.14.4 Implementation

- a) Where land is identified as Future Urban Area on Schedule 'A' - LAND USE, of this Plan, urban development shall only be permitted in accordance with the provisions of Section 3.14.3 and subject to amendments to Provincial Zoning Orders, where applicable.
- b) A Secondary Plan shall establish the goals and development strategy for an entire Planning District. Each Secondary Plan shall include direction with respect to key development issues which affect the Planning District including:
 - i) The overall population/employment capacity and density related to the existing and proposed municipal infrastructure;
 - ii) The staging of development in accordance with the recommendations of the Markham Transportation Planning Study (1994) and other servicing and environmental requirements;
 - iii) The mix, type and density of residential and non-residential buildings;
 - iv) The general location and area of all land uses including, schools, open space, recreation facilities, commercial and institutional uses, environmental protection areas, housing densities and employment activities;
 - v) The general alignment of roads;
 - vi) The location of the commercial and community amenity areas; and,

- vii) The linkages between elements of the natural features system, and the general areas recommended for protection, restoration, and/or enhancement, and provisions, and/or requirements for further studies, pertaining to the types and extent of restoration and enhancement activities.
- c) As a basis for the adoption of Secondary Plans, Council may require that additional detailed studies be carried out and additional plans be prepared by qualified professionals. These additional studies and plans may include, but are not limited to:
- i) Environmental Assessment/Impact Studies;
 - ii) Urban Designs/Master Plans;
 - iii) Servicing Studies;
 - iv) Subwatershed Studies;
 - v) Traffic Impact Assessments;
 - vi) Transportation Network Plans;
 - vii) Development Charges Studies;
 - viii) Development Phasing Plans; and
 - ix) Financial Impact Studies.
- Acceptance of such studies and plans by the Town as a basis for the Secondary Plan, shall be subject to the review and/or approval of other government agencies having jurisdiction. [(Note that items iii), iv), vi) and vii) above are also prerequisites to the mandatory Development Staging Strategy required prior to the release of any lands for development, in accordance with the provisions of Sections 2.1.1 c) and 3.14.3)].
- d) Secondary Plans shall generally be consistent with the recommendations of the Town of Markham Natural Features Study, including provisions pertaining to the requirement for Environmental Impact Studies when new development (including services and utilities) is proposed in or adjacent to Environmental Protection Areas, and shall be in accordance with those provisions of the Study incorporated into this Plan.

3.15 Oak Ridges Moraine

3.15.1 Introduction

The Oak Ridges Moraine is one of Ontario's most significant landforms that has been identified by the Province of Ontario as having a unique concentration of environmental, geological and hydrological features under the *Oak Ridges Moraine Conservation Act*, S.O. 2001, c.31. Pursuant to this Act, the Province established planning regulations that restrict the use of land and establish requirements that are intended to protect the ecological and hydrological integrity of the Oak Ridges Moraine. Lands designated OAK RIDGES MORaine as shown on Schedule 'A' – LAND USE are incorporated into Planning District No. 43 as shown on Schedule 'B' – PLANNING DISTRICTS.

3.15.2 Policies

- a) The development of lands within the Oak Ridges Moraine Planning District (Planning District No. 43) shall be governed by the policies of this Plan and the policies of Oak Ridges Moraine Secondary Plan (PD 43-1) as applicable.
- b) Permitted uses, servicing and management policies on the lands designated OAK RIDGES MORaine shall be identified in the Oak Ridges Moraine Secondary Plan (PD 43-1).
- c) The lands designated HAZARD LANDS on Schedule 'A' – LAND USE are provided for information purposes to denote a valleyland feature. These lands are to be used and managed in accordance with the Oak Ridges Moraine Secondary Plan (PD 43-1). In the event of a conflict, the policies of the Secondary Plan prevail.

3.15.3 Implementation

- a) The southern part of this Planning District is subject to a Minister's (Airport) Zoning Order (identified on Schedule 'B'), Ontario Regulation 104/72, as amended. In the event of a conflict between a Minister's Zoning Order and a local zoning by-law that is in effect, the Minister's Zoning Order prevails to the extent of such conflict, but in all other respects the local by-law remains in full force and effect.
- b) In accordance with the *Oak Ridges Moraine Conservation Act*, 2001, S.O. 2001, c.31, as amended, amendments to this Plan or an implementing Zoning By-law affecting lands within the Oak Ridges Moraine Planning District shall rest with the Town of Markham and the Regional Municipality of York following the approval of Official Plan, Secondary Plan and Zoning By-law amendments by the Minister of Municipal Affairs and Housing.

- c) In accordance with the *Oak Ridges Moraine Conservation Act* and Plan, the lands comprising the Oak Ridges Moraine shall be zoned in conformity with the Oak Ridges Moraine Secondary Plan (PD 43-1).