



Report to: Development Services Committee

Report Date: April 11, 2016

SUBJECT: 2014 City of Markham Official Plan, Part 1 – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board

PREPARED BY: Policy and Research Division, Planning & Urban Design Department

REVIEWED BY: Marg Wouters, M.C.I.P., R.P.P., Ext. 2909
Senior Manager, Policy and Research

RECOMMENDATION:

- 1) That the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated April 11, 2016, be received;
- 2) That the proposed modifications to the 2014 City of Markham Official Plan – Part 1, as outlined in Appendix ‘A’ of the report entitled “2014 City of Markham Official Plan, Part I – Proposed Further Modifications Recommended for Approval by the Ontario Municipal Board” dated April, 2016, be endorsed, and forwarded to the Ontario Municipal Board for approval;
- 3) And that staff and legal counsel be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to recommend to the Ontario Municipal Board (OMB) a number of additional modifications to the 2014 Official Plan (partially approved October 30, 2105) and to provide an update on the Official Plan appeal proceedings.

BACKGROUND:

Markham’s new Official Plan (2014 Official Plan) was approved with modifications by Regional Council on June 12, 2014 and was subsequently appealed to the OMB. 38 appeal letters were received by York Region and forwarded to the OMB in July 2014. Since that time, the OMB has received 8 requests to withdraw appeals. Markham legal counsel continues to meet with interested appellants to discuss scoping and resolution of appeals.

As issues are resolved by parties, or adjudicated by the OMB, the 2014 Official Plan, or parts thereof, will come into effect. Until an OMB decision to approve all or part of the Official Plan has been made, the current Official Plan (Revised 1987), as amended, (referred to as the 1987 Official Plan) will continue to remain in force.

At the July, 8, 2015 pre-hearing conference, Markham legal counsel brought forward a partial approval order for portions of the 2014 Official Plan that were not being appealed. On October 30, 2015 the Ontario Municipal Board issued an Order to approve certain parts of the Official Plan, save and except those policies and land use schedules which remain under appeal on a City-wide or and Area/Site specific basis.

Since July 2015, Staff and legal counsel have been meeting with appellants, on a without prejudice basis, to determine if their issues can be addressed through further discussion and/or proposed modifications to text and mapping of the 2014 Official Plan. It is proposed that the modifications outlined in this report be considered by the OMB along with the next partial approval of the Plan at the April 29, 2016 pre-hearing conference. If approved by the Board, the partial approval order would allow additional housing, community infrastructure, cultural heritage, urban design and sustainable development, and transportation polices to come into force.

Staff and legal counsel will continue to meet with appellants, on a without prejudice basis, to determine if their issues related to the environmental, employment, parkland dedication, land use and implementation policies can be resolved through further discussion and/or proposed modifications to text and mapping. Markham legal counsel has requested OMB mediation to assist in this regard.

OPTIONS/ DISCUSSION:

A consolidated appellant issues list is included in the October 30, 2015 Board Order. The consolidated appellant issues are grouped as follows:

- Group A - Appeal issues that require resolution of ROPA 3
- Group B - Appeal issues related to 404 Mid-Block Crossings/Ramp Extensions and Surrounding Land Use policies
- Group C - Appeal issues related to Environmental Systems policies
- Group D - Appeal issues related to Housing, Community Infrastructure and Cultural Heritage policies
- Group E - Appeal issues related to Intensification, Employment, Retail, and Specific Land Use policies
- Group F - Appeal issues related to Urban Design and Sustainable Development policies
- Group G - Appeal issues related to Implementation, Comprehensive Block Plan and Right of Way policies
- Group H - Appeal issues related to the Countryside policies
- Group I – Appeal issues related to Parks and Open Space policies and Parkland Dedication
- Group J – Appeal issues related to Area and Site Specific lands

The issues in Groups A through I related to City-wide appeals are proposed to be dealt with prior to the Area/Site Specific appeals in Group J.

Since the July 2015 pre-hearing conference, City and agency staff have been meeting with Groups B, C, D, F and G appellants, on a without prejudice basis, to determine if their issues can be resolved through further discussion and/or proposed modifications to text and mapping. Recommended further modifications to the 2014 Official Plan based on these discussions are provided in Appendix 'A'.

The proposed modifications are intended to address the OMB decision on the ROPA 3 lands (Future Urban Area) within Markham, the filing of Ontario Regulation 247/15 respecting the Minister's Zoning Order – Airport applying to certain restricted lands within Markham, and certain Group B, C, D, F and G issues where agreement on revised text and mapping has been reached by appellant parties.

It should be noted that while agreement has been reached on the proposed wording of the modifications listed below, certain appellants may continue to maintain an appeal on those defined terms that continue to be the subject of further discussion in other Group appellant discussions. (For example, agreement on proposed modifications to Group D and F policies containing the defined term *urban forest* will be subject to agreement on the definition of *urban forest* and the related Section 3.2 *urban forest* policies which continue to be the subject of on-going Group C discussions).

The key modifications recommended for OMB approval are outlined below. The numbering of the Proposed Modifications is consecutive to 104 Modifications previously endorsed by Council on June 23, 2015.

Ontario Municipal Board Decision on ROPA 3 lands

On November 5, 2015 the OMB issued an order to remove the restriction on the urban area designation in the Regional Official Plan for the remaining lands within Markham north of Major Mackenzie Drive and east of Woodbine Avenue.

Proposed Modification 105 provides for the deletion of the asterisk and associated note pertaining to the 'Future Urban Area' lands shown on Map 1 – Markham Structure and Map 12 – Urban Area and Built-Up Area to recognize that the FUA lands are no longer subject to the outcome of appeals to the Regional Official Plan, as the ROPA 3 appeals have now been resolved.

Ontario Regulation 247/15 – Minister's Zoning Order - Airport

On August 21, 2015, the Ministry of Municipal Affairs and Housing filed Ontario Regulation 247/15 which amends O. Reg 104/71 applying to certain restricted areas within the Minister's Zoning Order – Airport in Markham. The new regulation revokes a

number of Sections in O. Reg 104/71 and substitutes a new boundary for the Minister's Zoning Order – Airport in Markham.

Proposed Modification 106 amends the boundary of the Minister's Zoning Order – Airport shown on Map 7 – Provincial Policy Areas to be consistent with the restricted area lands contained within Ontario Regulation 247/15.

Group B – Mid Block Crossing and Major Collector Road Issues

Staff and legal counsel have been meeting with York Region and those Group B appellants with issues related to the Highway 404 Mid-Block Crossing north of Elgin Mills Road and the Major Collector Roads shown in the Highway 404 North (Employment) District. With the completion of the Class Environmental Assessment and the filing of the Environmental Study Report by York Region for the mid-block crossing and the east west major collector road, Markham and York Region staff and the appellants were able to agree on proposed modifications to road network and cycling facilities to reflect the Class EA requirements.

Proposed Modification 107 relocates the Potential Provincial 400 Series Highway Mid-Block Crossing and the related Major Collector Road shown north of Elgin Mills Road and extending east from Highway 404 to Woodbine Avenue on Map 10 – Road Network further south. It also relocates the Major Collector Road shown extending east from Honda Blvd. to the Woodbine Avenue further north.

Proposed Modifications 108 and 109 introduce a new area specific policy to clarify that the location of the mid-block crossing and the related Major Collector Road shall be subject to the requirements of the York Region approved environmental assessment study.

Proposed Modification 110 relocates the Proposed Cycling Facilities shown on Appendix D – Cycling Facilities shown extending east from Highway 404 to Woodbine Avenue further south. It also relocates the Proposed Cycling Facilities shown extending east from Honda Blvd. to Woodbine Avenue further north.

Group C – Environmental Systems Issues

Staff and legal counsel met with representatives of York Region, the TRCA and Appellant 1 - the North Markham Landowners Group and were able to agree on a modification to an area specific policy applying to lands in the Future Urban Area.

Proposed Modification 111 to Section 9.9.3 further clarifies that the *woodlands* forming part of certain lands designated 'Greenway' shown in Figure 9.9.3 may contain nursery stock.

Group D – Housing, Community Infrastructure and Cultural Heritage Issues

Staff and legal counsel have been meeting with York Region and Group D appellants to resolve certain issues related to Section 4.1 Housing, Section 4.2 Community Infrastructure and Section 4.5 Cultural Heritage Resources.

Proposed Modifications 112 -115 to Section 4.1 further clarify the role of housing impact statements and Markham's affordable and shared housing strategy.

Proposed Modifications 116 – 119 to Sections 4.2 and 11.2 further clarify the role of community infrastructure impact statements, the definition of public community infrastructure, and the public school policies.

Proposed Modifications 120 - 126 to Sections 4.5, 6.1 and 11.2 further clarify the definition of *cultural heritage resources* and *adjacent lands* and the policy references to those modified definitions. These modifications also provide for a consistent reference to Markham's Heritage Resources Evaluation System.

Group F - Urban Design and Sustainable Development Issues

Staff and legal counsel have been meeting with the TRCA and Group F appellants to resolve certain issues related to the Section 6.1 Urban Design and Sections 6.2 and 6.3 Sustainable Development policies.

Proposed Modifications 127 -139 to Sections 2.4.11 and 6.1 address specific issues related to referencing of guidelines and plans which are not an operative part of the Official Plan, policy redundancy, and the need to reference plans of subdivision and site plans as planning processes for addressing the urban design policies.

Proposed Modifications 140 – 150 to Sections 6.2 and 6.3 further clarify and recognize that the Plan as a whole is designed to ensure that future development in Markham is sustainable and that the policies apply to all Markham communities, new and established. The proposed modifications also address specific issues related to policy redundancy and consistency in terminology.

Group G - Implementation, Comprehensive Block Plan and Right of Way policies

Staff and legal counsel have been meeting with the TRCA and Group G appellants to resolve certain issues related to the Sections 7.1 and 10.8 transportation policies, and the Section 11.2 Definitions for *floor space index* and *municipal comprehensive review*.

Proposed Modifications 151-159 to Sections 7.1 and 10.8 address specific issues related to referencing transportation infrastructure in a manner consistent with the Regional

Official Plan and referencing guidelines and plans which are not an operative part of the Official Plan.

Proposed Modifications 160 and 161 to Section 11.2 further clarify the definitions of *floor space index* and *municipal comprehensive review*.

Proposed Modifications 162 to 166 amend the area and site specific policies of Section 9.5.7 to recognize the existing precinct plan for the Cathedral precinct and a revised boundary for the Cathedraltown Local Centre.

Next Steps in the 2014 Official Plan Appeal proceedings at the OMB

It is recommended that the proposed modifications to the 2014 Official Plan contained in Appendix 'A' be forwarded to the OMB for approval.

Markham legal counsel will be providing an updated consolidated issues list and an updated annotated version of the Plan cross referencing appellants and appeal issues to all parties in advance of the April 29, 2016 pre-hearing conference. At that time, a partial approval order, for portions of the Official Plan that are no longer subject to either City-wide appeal, or any appeal, will also be provided to all parties.

At the April 29, 2016 pre-hearing conference, the Board will be requested to approve those parts of the Plan that are no longer being contested as per the partial approval order.

Staff and legal counsel will continue to meet with all Group appellants, on a without prejudice basis, to determine if their issues can be resolved through further discussion and/or proposed modifications to text and mapping. Markham legal counsel has requested OMB mediation to assist in this regard.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

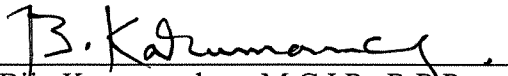
ALIGNMENT WITH STRATEGIC PRIORITIES:

The 2014 Official Plan, and the modifications identified in this report, relate to all strategic priorities of Building Markham's Future Together, and specifically address the Growth Management priority.

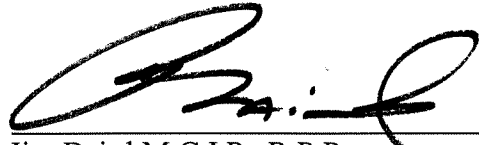
BUSINESS UNITS CONSULTED AND AFFECTED:

The recommendations of this report have been discussed with Markham's legal counsel and the Legal Department, and their comments have been incorporated.

RECOMMENDED BY:



Biju Karumanchery M.C.I.P., R.P.P.
Director of Planning and Urban Design



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

ATTACHMENTS:

Appendix 'A' Proposed Further Modifications to 2014 Official Plan, Part 1

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APPENDIX 'A' PROPOSED FURTHER MODIFICATIONS TO 2014 OFFICIAL PLAN, PART I

Note: The numbering of the Proposed Modifications is consecutive to the 104 Markham Modifications previously endorsed by Council on June 23, 2015.

Strikethrough denotes deleted text.

Underlined text denotes added text, except where "Planning Act", "Clean Water Act", etc. and Chapters, Appendices and Map headings are shown.

(Green font for Proposed Markham Modifications)

(Blue font for Markham Modifications endorsed by Council on June 23/2015)

(Red font for York Region Modifications approved by Regional Council on June 12/14)

Ontario Municipal Board Decision on ROPA 3 Lands

105. **Modify Map 1- Markham Structure and Map 12 – Urban Area and Built Boundary to delete the asterisk and note accompanying 'Future Urban Area' in the legend.**

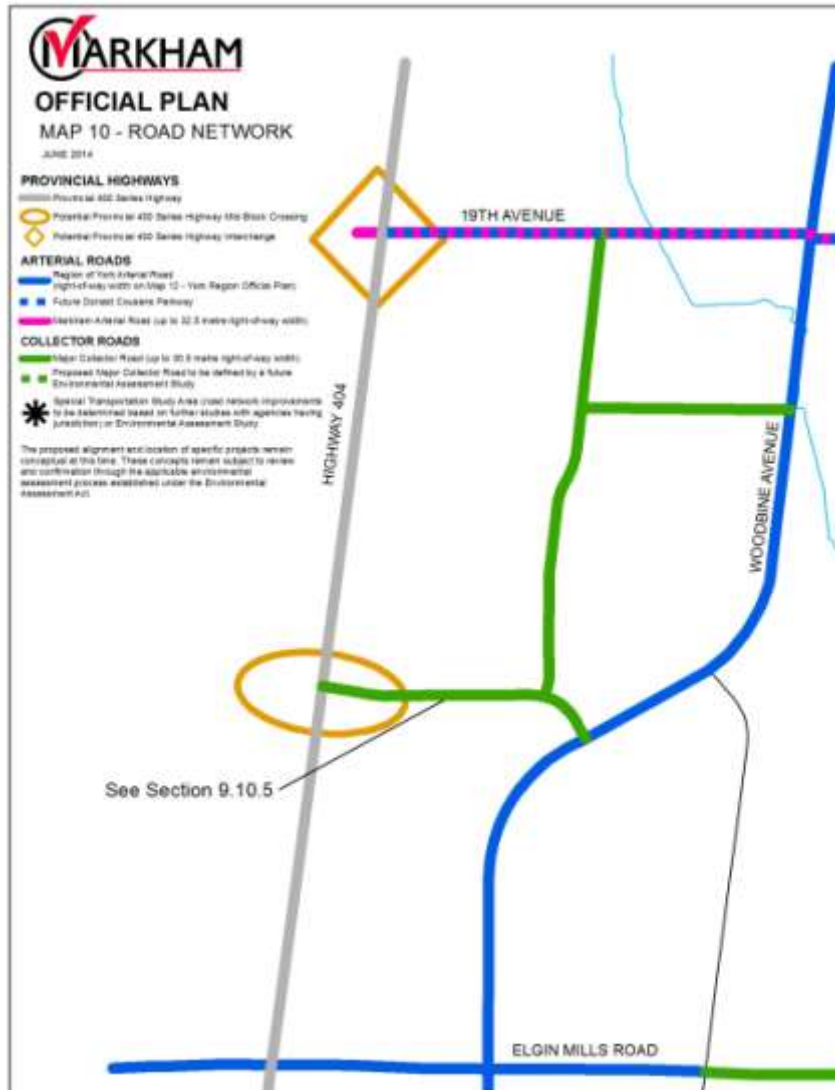
Ontario Regulation 247/15 – Minister's Zoning Order – Airport

106. **Modify Map 7 – Provincial Policy Areas to amend the boundary of the Minister's Zoning Order – Airport in accordance with the boundary shown in Ontario Regulation 247/15 to be provided by the Province.**

Group B – Mid Block Crossing and Major Collector Road Issues

107. **Modify Map 10 – Road Network to:**
- a) **relocate the Potential Provincial 400 Series Highway Mid-Block Crossing and the related Major Collector Road extending east from Highway 404 to Woodbine Avenue further south, delete the asterisk, and add a reference to "See Section 9.10.5"; and**

- b) relocate the Major Collector Road extending east from Honda Blvd. to Woodbine Avenue further north and remove the asterisk as follows:



108. Modify Section 9.10 to add a new Section 9.10.5 and a new Figure 9.10.5 as follows:

Mid-Block Crossing and related Major Collector Road

9.10.5 The Provincial 400 Series Highway Mid-Block Crossing and the related Major Collector Road, located in the Highway 404 North (Employment) district and extending east from Highway 404 to Woodbine Avenue, generally as shown with a broken line in Figure 9.10.5, shall be subject to the requirements of the York Region approved environmental assessment study.

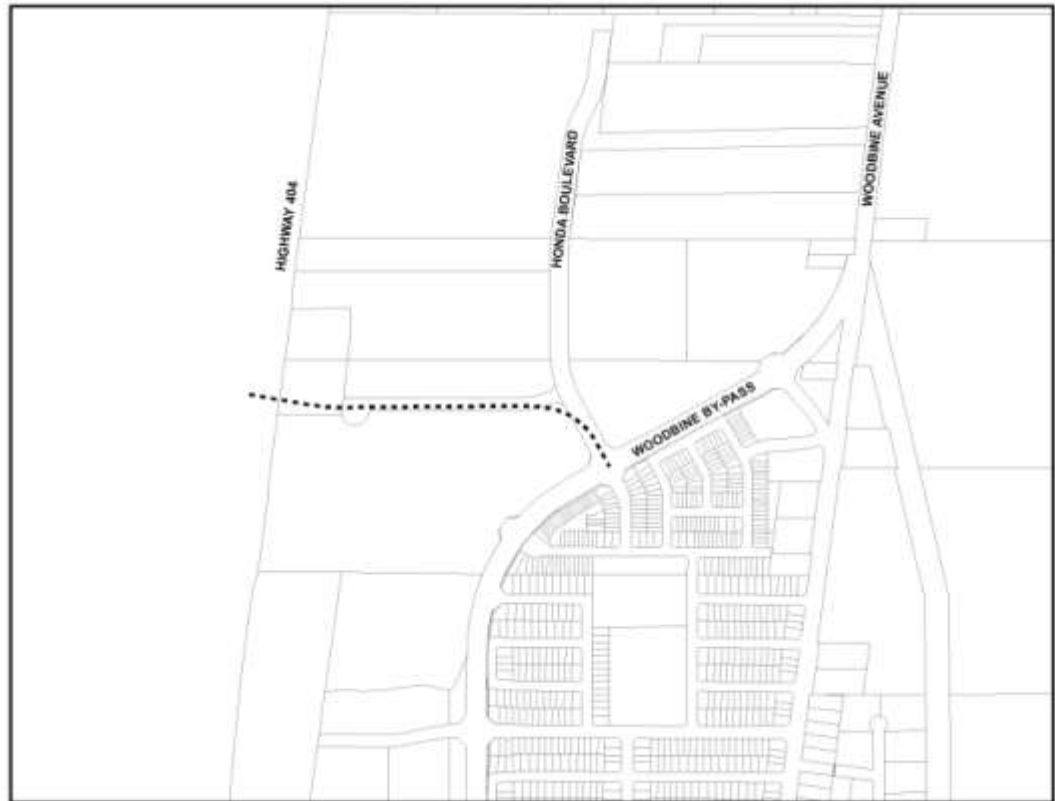


Figure 9.10.5

109. **Modify Section 9.10.1 to add a new Figure 9.10.1 referencing Section 9.10.5 as follows:**

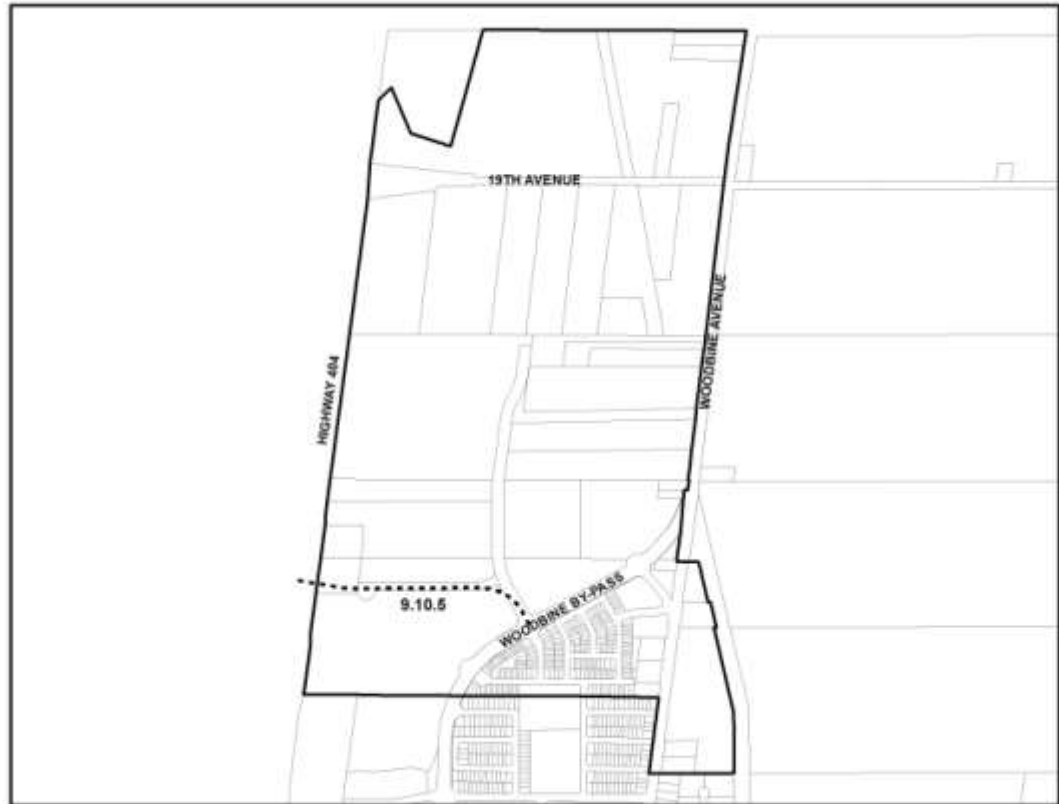


Figure 9.10.1

110. **Modify Appendix D – Cycling Facilities to relocate:**
- a) **The Proposed Cycling Facilities extending east from Highway 404 to Woodbine Avenue further south; and**
 - b) **the Proposed Cycling Facilities extending east from Honda Blvd. to the Woodbine Avenue further north;**
- as follows:**



Group C – Environmental Systems Issues

111. **Modify Section 9.9.3 to add a reference that *woodlands* forming part of the ‘Greenway’ lands, east of Warden Avenue between Major Mackenzie Drive East and Elgin Mills Road East, as shown in Figure 9.9.3 may contain ‘nursery stock’ as follows:**

9.9.3 The *woodlands* forming part of the ‘Greenway’ lands ~~within the parcels~~ shown in Figure 9.8.9.3 and more specifically on Map 5 – Natural Heritage Features and Landforms may contain ornamental plantings, nursery stock, and plantation growth and shall be further delineated upon completion of an Environmental Impact Study, Natural Heritage Evaluation or equivalent, to confirm *woodland* composition in accordance with the policies and definitions of this Plan.

Group D – Housing, Community Infrastructure and Cultural Heritage Issues

112. **Modify the preamble for Section 4.1 Housing by adding the following paragraph at the end of the preamble to clarify the role of housing impact statements as follows:**

4.1 HOUSING

Housing impact statements will be used to monitor and encourage the implementation of a diverse and affordable housing stock, but will not be used to evaluate whether a development application is approved or not. They will only be required for mid-rise and high-rise development proposals exceeding 500 dwelling units or two apartment buildings.

113. **Modify Section 4.1.2.8 to clarify the role of housing impact statements in monitoring the diversity of the housing stock as follows:**

4.1.2.8 **To ~~require monitor~~ the diversity of the housing stock by requiring** housing impact statements as referred to in Section 4.1, for mid rise and high rise development proposals exceeding 500 dwelling units or two apartment buildings, to identify the number of proposed new residential units by type, size and tenure.

114. **Modify the preamble for Section 4.1.3 Affordable and Shared Housing Strategy by adding the following paragraph at the end of the preamble to clarify the role of Markham’s affordable and shared housing strategy as follows:**

4.1.3 Affordable and Shared Housing Strategy

Markham’s affordable and shared housing strategy will establish targets for new housing units type, tenure and affordability.

115. Modify Section 4.1.3.6 to clarify the role of an affordable housing implementation framework and housing impact statements as follows:

4.1.3.6 **To work**, in collaboration with the Region, the non-profit sector, the development industry, community partners, and senior levels of government to develop an *affordable housing* implementation framework ~~to implement for~~ achieving the actions outlined in the strategy for *affordable* and *shared housing* ~~to be~~ by:

- a) identifying opportunities and optimal locations for *affordable* and *shared housing* early in the development process;
- b) increase identifying opportunities for family housing types in Markham Centre, the Langstaff Gateway and *key development areas*;
- c) requireing housing policies within all new secondary plans, and *comprehensive block plans*, where appropriate, to ~~demonstrate~~ identify how the *affordable* and *shared housing* strategy and the targets referenced in Section 4.1.3.2 will be addressed ~~met~~;
- d) encouraging implementation of the *affordable* and *shared housing* targets referenced in Section 4.1.3.2 and monitoring the progress towards achieving the targets by requireing housing impact statements referred to in Section 4.1, ~~for mid-rise and high-rise development proposals exceeding 500 dwelling units or two apartment buildings,~~ to identify:
 - i. the estimated rents and/or initial sales prices of the proposed new housing ~~affordable and shared housing~~ units by type; ~~and~~
 - ii. the relationship of the ~~number of~~ proposed new housing affordable and shared housing units to the Region's annual maximum affordable housing thresholds for Markham; ~~and~~
 - iii. where construction of the units is expected to occur in phases, information required in Sections 4.1.3.6 d) i. and ii. shall be provided for ~~regarding the number of affordable and shared housing~~ the proposed new housing units to be provided per in each phase;
- e) facilitateing the timely processing of development applications for *affordable* and *shared housing* projects;
- f) developing new approaches to the delivery of *affordable* and *shared housing* to achieve the targets outlined in the strategy;
- g) encourageing the development of intrinsically more *affordable housing*, which may include consideration of modest amenities, standard materials, minimal details and flexibility within units;
- h) supporting *affordable* and *shared housing* projects that receive funding under senior government programs; and
- i) considering financial incentives for qualifying *affordable* and *shared housing* projects.

116. **Modify Section 11.2 Definitions to add a new definition for public community infrastructure as follows:**

11.2 DEFINITIONS

Public community infrastructure as it applies to the Community Infrastructure Strategy policies referenced in Section 4.2.2 of this Plan means community services and facilities provided by the City and the Region for its residents including libraries, community centres, parks, arts and culture, and fire and emergency services as well as public schools, affordable and shared housing, social services, health services, police and other emergency services. For the purposes of this definition, it does not include community services and facilities provided by the private sector including day care centres, places of worship and affordable and shared housing.

117. **Modify the preamble to Section 4.2.2 to add a sentence to the third paragraph to clarify the role of community infrastructure impact statements as follows:**

4.2.2 Community Infrastructure Strategy

Conveniently located and accessible community services and facilities are critical to the success of Markham's programs and service delivery. The availability of community services will be assessed as part of the development planning for new mixed-use neighbourhoods and *intensification areas* to identify the range of community services and facilities to be provided in these areas. Where certain public community infrastructure is to be provided, a community infrastructure impact statement may be required from the development proponent to identify how these components of the community infrastructure plan will be achieved.

118. **Modify Section 4.2.2.2 to clarify the requirement for a community infrastructure impact statement and the provision to secure public community infrastructure as follows:**

4.2.2.2 **To work** in collaboration with the Region, the non-profit sector, the development industry, and other senior levels of government, and community infrastructure service providers, to implement the actions outlined in the community infrastructure strategy and to:

- a) require a community infrastructure plan for all new secondary plans and/or *comprehensive block plans*, where appropriate, for a major development or *redevelopment* project to identify policies, opportunities and optimal locations for community services and facilities early in the development process;
- b) develop a financial strategy for the community infrastructure plan that identifies infrastructure delivery, maintenance, rehabilitation and replacement investment requirements;
- c) require a community infrastructure impact statement, for all new precinct plans and/or *comprehensive block plans*, where appropriate, for a major development or *redevelopment* project to identify how those public community infrastructure components of the community infrastructure plan appropriate and adequate community services and facilities will be achieved at each phase of development ~~in accordance with the community infrastructure plan;~~
- d) ~~require an agreement to~~ secure the provision of public community infrastructure community services and facilities in accordance with the community infrastructure plan to the satisfaction of Markham, and the Region and other community service providers through an agreement with the development proponent, where appropriate, prior to the enactment of implementing zoning by laws for development; and
- e) establish monitoring protocols to assess the ability of Markham's community infrastructure to meet the changing needs of a diverse and growing community.

119. Modify Section 4.2.3.2 to clarify that if Council has an interest acquiring a surplus school site at fair market value, it shall consider certain alternate uses in order of priority, and that Markham shall request first right of refusal to acquire all or part of a public school site in accordance with Ontario Regulation 444/98 as follows:

- 4.2.3.2 **That** in the event that all or part of a *public school* site and/or building or a *public school* site referred to in Section 4.2.3.1 d) is not required by a School Board or other educational institutions, if Council has an interest in acquiring such sites at fair market value, Council shall consider one or more of the following alternate uses ~~shall be considered~~ in order of priority prior to any consideration of development or *redevelopment* of the site:
- a) publicly owned parkland and/or community facilities; or
 - b) compatible community infrastructure provided by York Region or other government and non-profit community infrastructure providers and *affordable* and *shared housing* where permitted by this Plan.

In considering the reuse or *redevelopment* of a *public school* site with an existing building, preference will be given to those uses that would provide opportunities for continued public access to established community services and programs.

Markham shall request first right of refusal to acquire all or part of ~~the a~~ public school site in accordance with Ontario Regulation 444/98 ~~and that government agencies and community groups with identified needs shall have the second right of refusal.~~ (YR Mod. 31)

120. **Modify the fourth paragraph of the Section 4.5 preamble, Section 4.5.2.4 and the definition of *significant cultural heritage resources* to provide a consistent reference to Markham’s Heritage Resources Evaluation System as follows:**

4.5 CULTURAL HERITAGE RESOURCES

Markham has an ongoing commitment to the protection and conservation of these heritage resources. It was one of the first municipalities in Ontario to have a municipal heritage committee, creating Heritage Markham in 1975 to advise and assist Council on heritage matters. From its first heritage inventory in 1976 to the current Markham *Register of Property of Cultural Heritage Value or Interest*, the municipality has documented its local heritage to ensure it is appropriately addressed in the development approval process. A comprehensive and consistent Heritage Building Resources Evaluation ~~s~~System has been in use since the early 1990s to assist in determining heritage value to the community.

- 4.5.2.4 **To ensure** consistency in the identification and evaluation of *cultural heritage resources* for inclusion in the *Register of Property of Cultural Heritage Value or Interest* and/or for individual property designation, by utilizing the criteria for determining *cultural heritage* value or interest established by provincial regulation under the Ontario Heritage Act and criteria included in Markham’s Heritage Resources Evaluation System ~~standardized evaluation system.~~

11.2 DEFINITIONS

Significant cultural heritage resources means *cultural heritage resources* that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. Criteria for assessing significance are provided by the Province in the form of regulations for determining cultural heritage value and interest and by Markham’s standardized ‘Evaluating Heritage Resources Evaluation System.

121. **Modify the second last paragraph of the Section 4.5 preamble, the first paragraph of Section 4.5.2 and the definition of *cultural heritage resources* to remove direct reference to intangible heritage as follows:**

4.5 CULTURAL HERITAGE RESOURCES

Markham's *cultural heritage resources* contribute to an identifiable sense of place that belongs to the entire community. It is recognized that these resources ~~may~~ include tangible features, structures, sites or landscapes that either individually or as part of a whole, are of historical, architectural, archaeological, or scenic value and ~~may~~ represent intangible heritage such as customs, ways of life, values and activities. These resources may represent local, regional, provincial or national heritage interests and values.

4.5.2 Identification and Recognition

The identification and understanding of Markham's *cultural heritage resources* is an important component of Markham's conservation strategy. *Cultural heritage resources* can be: buildings and structures; ~~cemeteries; natural heritage; cultural heritage landscapes; and~~ archaeological sites; ~~and spiritual sites; and intangible heritage such as traditions, beliefs, stories, and family histories~~. These resources do not necessarily have to be old. There are newer buildings and structures that have cultural heritage value because of their design, cultural association or contribution to a broader context.

11.2 DEFINITIONS

Cultural heritage resources means *built heritage resources, archaeological resources or cultural heritage landscapes* ~~and intangible heritage such as traditions, ceremonies, attitudes, beliefs, stories, games and language~~ that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. ~~Criteria for determining significance are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.~~

122. Modify Sections 4.5.1.1 c), 4.5.3.3, 4.5.3.4, 4.5.3.5, 4.5.3.10 and the definition of *adjacent lands* to clarify how policies will apply on adjacent lands within 60 metres of, and inclusive of, a *cultural heritage resource* as follows:

- 4.5.1.1 **To promote** *conservation* of Markham's *cultural heritage resources* by:
- c) adopting and implementing policies and programs for the protection of these resources including:
 - i. requirements for heritage impact assessments and conservation plans, heritage conservation easements and heritage permits;
 - ii. reviewing any application for *development approval*, building permit or demolition permit that directly affects a cultural heritage resources itself and adjacent lands to ensure new development, *site alteration* and additions are contextually appropriate and maintain the integrity of any all-on-site and adjacent cultural heritage resources; and
 - iii. facilitating the rehabilitation, renovation and/or restoration of *cultural heritage resources* so that they remain in active use;
- 4.5.3.3 **To use** secondary plans, zoning by-laws, subdivision and site plan control agreements, signage by-laws, and other municipal controls, to ensure that development, within or adjacent to that directly affects a cultural heritage resources itself and on adjacent lands, is designed, sited or regulated so as to protect and mitigate any negative visual and physical impact on the heritage attributes of the resource, including considerations such as scale, massing, height, building orientation and location relative to the resource.
- 4.5.3.4 **To impose** conditions of approval where on development containing a cultural heritage resources are to be affected itself and adjacent lands to ensure the continued protection of the cultural heritage resources resource.

Heritage Impact Assessments and Heritage Conservation Plans

- 4.5.3.5 **To require**, where considered appropriate, the preparation of a *heritage impact assessment* or a *heritage conservation plan*, prepared by a qualified heritage conservation professional, for any proposed alteration, construction or development, ~~on that directly affects a cultural heritage resources itself and adjacent lands, involving, adjacent to or in the immediate vicinity of a property on the Register of Property of Culture Heritage Value or Interest~~ to ensure that there will be no adverse impacts caused to the resource or its *heritage attributes*.
- 4.5.3.10 **To evaluate** each land severance and variance proposal ~~affecting that directly affects a cultural heritage resources~~ affecting that directly affects a cultural heritage resources itself and adjacent lands on its own merits and its compatibility with the heritage policies of this Plan and the objectives and policies of any applicable *heritage conservation district* plan. This shall include the preservation of the existing lot fabric or historical pattern of lot development on the specific street or in the immediate neighbourhood where it contributes to the uniqueness, and forms part of, the historical character of the area.

11.2 DEFINITIONS

Adjacent lands means those lands contiguous to a *key natural heritage feature* or *key hydrologic feature* where it is likely that development or *site alteration* can reasonably be expected to have a negative impact on the feature. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches that achieve the same objective. Generally, *adjacent lands* are considered to be within 120m from any part of the feature or as defined in the Official Plan. *Adjacent lands* also means those lands ~~contiguous with a protected heritage property or~~ within 60 metres of ~~protected heritage property~~ a cultural heritage resource.

- 123. Modify the preamble of Section 4.5.3 Protection to clarify protection options include retention of *built heritage resources* as follows:**

4.5.3 Protection

Cultural heritage resources are often a fragile gift from past generations. They are not a renewable resource. Once lost, they are gone forever. Markham understands the importance of safeguarding its *cultural heritage resources* and uses a number of mechanisms to protect them. One of the basic means to ensure protection is through a careful review of proposed alterations to all *cultural heritage resources* and to take action if protection is required.

Protection options include:

- designation under the Ontario Heritage Act;
- heritage easement agreements;
- enforcement of the policies in heritage conservation district plans; and
- retention of *built heritage resources* ~~resources~~ on original sites and incorporation into new development opportunities.

- 124. Modify 4.5.3.6 c) to clarify development of the property affecting the *heritage attributes* as follows:**

- 4.5.3.6 **To require**, where considered appropriate, the provision of a heritage conservation easement, pursuant to the Ontario Heritage Act, as a condition of certain *development approvals* or as a condition of financial assistance for the purpose of:
- a) the conservation, restoration and maintenance of the *heritage attributes* of the property in perpetuity;
 - b) the prevention of demolition, construction, alteration, addition or any other action which would adversely affect the *heritage attributes* of the property; and
 - c) the establishment of criteria for the approval of any development affecting of the property affecting the *heritage attributes*.

125. Modify 4.5.3.15 to replace the word ‘prevent’ with ‘avoid’ as follows:

- 4.5.3.15 To ~~prevent~~ **avoid** the demolition of properties of *significant cultural heritage resources* as listed in the *Register of Property of Cultural Heritage Value or Interest* by:
- a) encouraging the *conservation*, and where appropriate, the restoration of these properties; and
 - b) developing minimum standards for the maintenance of *heritage attributes* in a heritage property standards by-law.

126. Modify 4.5.3.17 to delete the reference to ‘unavoidably lost’ as follows:

- 4.5.3.17 To **require**, where a *significant cultural heritage resource* is to be ~~unavoidably lost or~~ demolished, the proponent to undertake, where appropriate, one or more of the following mitigation measures, at the expense of the proponent prior to demolition:
- a) documentation of the features that will be lost in the form of a photographic record and/or measured drawings;
 - b) advertising the availability of the resource for salvage or relocation;
 - c) preservation and display of components or fragments of the former resource’s features or landscaping;
 - d) marking the traces of former locations, shapes and circulation lines; and
 - e) displaying graphic and textual descriptions of the site’s history and former use, buildings and structures.

Group F – Urban Design and Sustainable Development Issues

127. Modify Section 2.4.11 to replace ‘incorporate’ with ‘achieve’ and add ‘where appropriate’ as follows:

- 2.4.11 That development in *intensification areas* ~~incorporate~~ **achieve** high-quality urban and sustainable development practices, and promote innovative solutions and pilot projects, **where appropriate**, in such areas as green energy, green buildings and green infrastructure technologies and practices.

- 128. Modify Sections 6.1.1.4, 6.1.4.6, 6.1.5.1, 6.2.1.3 to add reference to ‘plans of subdivision’ and ‘site plans’ as follows:**
- 6.1.1.4 **To promote** design excellence in the development of Markham’s buildings, streets, urban places and parks through the implementation of a broad framework of regulations, guidelines and incentives including secondary plans, precinct plans, and/or plans of subdivision, *comprehensive block plans*, zoning by-laws, site plans, urban design guidelines, design review panels and design excellence awards.
 - 6.1.4.6 **To require** design guidance for streetscape elements, as a component of a required secondary plan, precinct plan and/or plan of subdivision, *comprehensive block plan*, or site plan where considered appropriate, to demonstrate how the design and layout of the streetscape will be in accordance with all the policies of Section 6.1.4 of this Plan.
 - 6.1.5.1 **To identify** existing landmarks or locations for new landmarks in Markham’s neighbourhoods, *heritage conservation districts* and employment areas, and require measures in secondary plans, precinct plans, and/or plans of subdivision, *comprehensive block plans* or site plans for their protection, retention and creation where practical.
 - 6.2.1.3 **To promote** sustainable design and development of Markham’s buildings, streets, urban places and parks through the implementation of a broad framework of regulations, guidelines and incentives including, but not limited to, secondary plans, precinct plans, and/or plans of subdivision, *comprehensive block plans*, zoning by-laws, site plans, sustainable development assessment checklists, design review panels and design excellence awards.
- 129. Modify Section 6.1.1.5 a) to delete reference to ‘consistency’, g) to replace ‘possible’ with ‘appropriate’ and k) to italicize ‘cultural heritage resources’ and the addition of a new l) as follows:**
- 6.1.1.5 **To develop** comprehensive urban design guidelines including, but not limited to, streetscape design guidelines, built form, height and massing guidelines, and parks and open space guidelines, and design guidelines for specific uses and types of development, to guide new development and *redevelopment* to achieve, among other things:
 - a) ~~consistency and~~ excellence in urban design;
 - b) best practices in sustainable development in accordance with Section 6.2;

- c) a public realm consisting of streets and boulevards, open spaces and parks providing places for shared use and community interaction;
- d) a better balance of mobility and safety needs of all street users;
- e) attractive, well-designed streetscapes;
- f) landmarks, vistas and public art, view corridors and focal points that enhance a sense of place;
- g) an interconnected parks and open space system with public access to private open spaces, where appropriate possible;
- h) landscaping, and *urban forest* enhancements in accordance with Section 3.2;
- i) site development that respects and reinforces the existing and planned context in which it is situated;
- j) building height and massing that corresponds to specific site characteristics and the overall context of the development;
- k) building design that is compatible with adjacent development and land uses, including cultural heritage resources;
- l) building and site design that addresses *cultural heritage resources* and *adjacent lands* in accordance with Section 4.5;
- lm) building and site design that provides for long term adaptability;
- nn) connectivity and integration of surrounding uses;
- oo) accessibility for all users regardless of age and physical ability;
- op) public safety; and
- pq) bird friendly design.

130. Modify Sections 6.1.2.4 and 6.1.3.4 b) to add reference to ‘where appropriate’ and italicize ‘cultural heritage resources’ as follows:

6.1.2.4 **To incorporate**, where appropriate, natural ~~and cultural~~ heritage features and *cultural heritage resources*, landmark buildings and open spaces comprehensive urban design guidelines including, but not limited to, streetscapes and view corridors, and public art that contribute to the overall sense of identity of Markham’s neighbourhoods, heritage districts and business parks.

6.1.3.4 b) contributes to placemaking by giving emphasis to natural ~~and cultural~~ heritage features and *cultural heritage resources*, where appropriate, architecturally significant buildings, landscapes, parks and open spaces and public art.

131. Modify Section 6.1.2.5 f) to delete the reference to ‘public art’ as follows:

- 6.1.2.5 **To require** the design of high-quality, attractive and sustainable developments that contribute to a successful public realm and include the following elements:
- a) linkages to the street network that are accessible to people of all ages and abilities;
 - b) *streetscapes* that are safe and attractive;
 - c) enhanced views and vistas of identified landmarks;
 - d) well-designed public and private open spaces;
 - e) enhanced landscaping and tree planting; and
 - ~~f) public art that promotes a sense of place; and~~
 - ~~g)f)~~ sustainable development practices.

132. Modify Sections 6.1.3.2 and 6.1.5.3 b) and c) to italicize ‘cultural heritage resources’ as follows:

- 6.1.3.2 **To design and arrange** streets and blocks to create a sense of identity through the treatment of natural ~~/cultural~~ heritage and architectural features, *cultural heritage resources*, built form, massing, scale, site layout and orientation, and by incorporating diverse streetscape elements.
- 6.1.5.3 **To recognize** the importance of the following buildings and features and enhance their status as significant landmarks for the community:
- a) public and institutional buildings that serve the community such as places of worship, colleges and hospitals;
 - b) natural features; and
 - c) *cultural heritage resources*.

133. Modify Sections 6.1.3.5, 6.1.4.6, 6.1.6.7 (former 6.1.6.8), 6.1.8.10 to replace ‘in accordance with’ with ‘address’ as follows:

- 6.1.3.5 **To require** a streets and blocks plan, as a component of a required secondary plan, precinct plan, *comprehensive block plan*, or mobility plan ~~or~~ where considered appropriate, to demonstrate how the planning and layout of streets, lanes and blocks will ~~be in accordance with all~~ address the policies of Section 6.1.3 of this Plan.

- 6.1.4.6 **To require** design guidance for streetscape elements, as a component of a required secondary plan, precinct plan and/or plan of subdivision, comprehensive block plan, or site plan where considered appropriate, to demonstrate how the design and layout of the streetscape will address be in accordance with all the policies of Section 6.1.4 of this Plan.
- 6.1.6.~~8-7~~ **To develop** a parks and open space plan, as a component of a required secondary plan, precinct plan and/or *comprehensive block plan*, or where considered appropriate, to demonstrate how the design and layout of parks and open spaces will address be in accordance with Markham's parks and open space guidelines and ~~all~~ the policies of Section 6.1.6 of this Plan.
- 6.1.8.10 **To require** a *comprehensive block plan*, where considered appropriate, in accordance with Section 10.1.4, to demonstrate how the comprehensive design of a development site and the coordinated location of buildings in relation to other development sites on a block, or adjacent blocks will address be in accordance with Markham's built form, height and massing guidelines and ~~all applicable the~~ policies of Section 6.1.8 of this Plan.
- 134. Modify Section 6.1.6.4 a) to replace 'highlight' with 'integrate', b) to reference the defined term 'cultural heritage resources', and c) to add 'where appropriate' and delete reference to 'back lotting' as follows:**
- 6.1.6.4 **To plan and design** new parks and open spaces within the public realm to:
- a) highlight integrate natural and cultural heritage features and facilities without impacting Natural Heritage Network lands and their associated vegetation protection zones as part of the design of open spaces, while the design of new parks should complement natural heritage features and cultural heritage resources;
 - b) integrate cultural heritage resources, where appropriate;
 - ~~b~~c) create extensions and connections to existing parks and open spaces;
 - ~~e~~d) promote high visibility with prominent frontage on a public street, where appropriate and avoid back lotting;
 - ~~e~~e) improve pedestrian and cycling access within the community;
 - ~~e~~f) accommodate active and passive recreation opportunities;
 - ~~f~~g) enhance the *urban forest*; and
 - ~~g~~h) create safe and comfortable settings for community events and individual use.

135. **Modify Section 6.1.6 to delete Section 6.1.6.5 policies which are addressed elsewhere in the Plan and renumber the remaining Sections in Section 6.1.6 accordingly as follows:**

~~6.1.6.5 To ensure that development adjacent to parks and open spaces be designed to:~~
a) ~~support and enhance natural areas;~~
b) ~~reduce the potential impact of development on the open space;~~
c) ~~complement the design of the open space and enhance its use;~~
d) ~~enhance park user safety and comfort by providing appropriate microclimatic conditions and adequate sunlight;~~
e) ~~maintain adequate sunlight and sky views;~~
f) ~~provide safe and accessible pedestrian connections; and~~
g) ~~create appropriate visual and functional relationships.~~

136. **Modify Section 6.1.6.5 (former 6.1.6.6) to add ‘where appropriate’ in the first sentence and delete Section c) reference to outdoor amenity space as follows:**

6.1.6.65 **To ensure** that development be designed to incorporate private open spaces that contribute to the open space network of the immediate community, where appropriate, by:
a) including connections and through routes and features such as widened sidewalks, courtyards, plazas and places for informal community uses, where appropriate;
b) reinforcing the existing open space character or initiating a strong open space concept that can be built upon in the future;
c) ~~providing outdoor amenity spaces for the use of occupants of the development;~~

137. **Modify Section 6.1.8.4 to add ‘where appropriate’ in the first sentence, italicize ‘cultural heritage resources’ in a), delete references to ‘enhance’ in first sentence and d), and replace f) with ‘adequacy of sky views’ as follows:**

6.1.8.4 **To design and place** buildings on a site to be compatible with, ~~or enhance,~~ adjacent or abutting development, a cultural heritage resource itself and adjacent lands, streetscapes and parks and open spaces by addressing, where appropriate:

- a) ~~appropriate~~ transitions in height and massing, including the relationship to the width of the public right-of-way, and adequate setbacks between buildings, the public realm and adjacent or abutting development;
- b) safe connections to pedestrian and cycling routes and convenient access to public transit;
- c) continuity in building placement;
- d) ~~enhanced~~ views and vistas of identified landmarks;
- e) comfortable microclimatic conditions including sunlight access, ~~sky views~~ and wind conditions, public safety, and adequate privacy conditions for residential buildings and their outdoor amenity areas; and
- f) adequacy of sky views.
- ~~f) open spaces and on-site landscaping that contribute to the enhancement of the urban forest;~~

138. Modify Section 6.1.8.5 to delete reference in d) to ‘amenity areas’ , and add reference in e) to ‘minimizing the impacts’ on the urban forest as follows:

6.1.8.5 To design and place buildings on a site to achieve:

- a) adequate private open space and amenity areas;
- b) common landscaped amenity areas that are suitable for the intended users;
- c) preservation and enhancement of significant vegetation;
- d) public access to and routes through private open space ~~and amenity~~ areas, where appropriate feasible; and
- e) opportunities ~~for enhancement of~~ to minimize impacts on the urban forest in accordance with Section 3.2.1 c).

139. Modify Section 6.1.8.7 b) to replace ‘economic viability’ with ‘street related retail and service uses’ as follows:

6.1.8.7 To organize and locate on-site parking facilities, service and loading areas underground, internal to the building or at the rear of the building, including:

- b) accommodating a minimal amount of on-site parking in a front or side yard as appropriate and necessary to support street related retail and service uses, ~~only where it can be justified to support economic viability and~~ where there is a minimal negative impact on the streetscape, and pedestrian and bicycle circulation; and

140. **Modify the preamble for Section 6.2 to provide greater clarity and recognition that the Plan as a whole is designed to ensure that future development in Markham is sustainable as follows:**

6.2 SUSTAINABLE DEVELOPMENT

Sustainable development is a fundamental premise of this Plan based on a shared understanding that the essence of sustainability is balance. Chapter 2 sets out broad policy objectives for sustainability across the Official Plan. Other Chapters of this Plan address various environmental and social dimensions of sustainable development including such as the protection and enhancement of the Greenway System in Section 3.1, natural heritage areas and features, the provision of housing choices affordable housing and community infrastructure in Section 4.1 and 4.2, and the promotion of transportation demand management and active transportation in Section 7.1.4. This Section focuses on achieving greater sustainability through community design and site design and building practices in existing established and new communities, sites and buildings. It contains policies to guide the development of sustainable communities, and the application of sustainable development practices in building and site design. ~~Sustainable development in this context must be understood in tandem with the policies in this Plan intended to protect Markham's natural heritage, thus channelling new development increasingly into smaller land areas, in a concentrated and clustered form. The challenge addressed here is how to minimize the carbon footprint of development on the environment through community design and site design and building practices in new and existing communities.~~

Markham's Greenprint Community Sustainability Plan sets out key sustainability priorities and recommendations for both community development as well as operational and servicing approaches. In this regard, some of the sustainability recommendations of the Greenprint will be reflected in Markham's corporate procedures and practices while others require consideration as part of the community development process and conditions of *development approval*.

~~Chapter 2 sets out broad policy objectives for sustainability across the Official Plan whereas this Section contains policies to guide the development of sustainable communities, and the application of sustainable development practices in building and site design.~~

141. Modify Section 6.2.1.1 to replace reference to ‘by requiring’ with ‘by achieving’ as follows:

- 6.2.1.1 **To provide** leadership and excellence in achieving sustainable design of Markham’s communities by:
- a) ~~requiring~~ achieving community design based on principles of sustainable development; and
 - b) ~~requiring or encouraging~~ achieving sustainable development practices in building and site design.

142. Modify Section 6.2.1.2 to add reference to ‘other agencies or groups’ as follows:

- 6.2.1.2 **To work**, in cooperation with the Region and the Toronto and Region Conservation Authority and other agencies or groups, to develop incentive programs to encourage the development of sustainable communities, and the application of sustainable development practices in building and site design.

143. Modify the preamble to Section 6.2.2 to clarify that the Section applies to all Markham communities, new and established, and to delete the third paragraph which is redundant as follows:

6.2.2 Sustainable Communities

All of Markham’s communities, new and established, will be planned to achieve sustainable development by providing policy direction that can result in the maximization of environmental resource conservation, energy efficiency and the reduction of green house gas production, as well as improving air, soil and water quality.

~~The planning and design of new complete communities provides an~~ In particular, consideration will be give to opportunities to:

- provide an appropriate mix of jobs and range of housing and community infrastructure in close proximity;
- improve pedestrian, cycling and transit access and reduce automobile use;
- support biodiversity and ecological function including integrating natural heritage features into parks and open spaces; and

- introduce new green infrastructure technologies and best practices in sustainable community and open space design with an emphasis on air and water quality, water and energy efficiency and conservation, and efficient waste management practices.

~~As infrastructure is improved and redevelopment takes place within established communities, opportunities will be created to improve open space, community services, pedestrian and cycling systems, improve transit connections and reduce energy and water use.~~

144. Modify Section 6.2.2.1 d) and e) to clarify protection and enhancement of natural heritage features and the urban forest as outlined in Sections 3.1 and 3.2 and to delete duplicate reference to energy conservation practices which are already referred to in Sections 6.2.2.2 and 6.2.2.3 as follows:

6.2.2.1 **To support** the sustainable development of Markham's communities through the integration of land use, transportation and infrastructure planning, and building and site design to:

- a) create compact, *complete communities* that incorporate a mix of uses and improve accessibility for all users regardless of age and physical ability;
- b) increase mobility options for all users, with particular emphasis on pedestrians, cyclists and transit riders;
- ~~c) support increased biodiversity and ecological function;~~
- d) ensure that natural heritage features and the urban forest are protected and enhanced as outlined in Sections 3.1 and 3.2 to support increased biodiversity and ecological function;
- e) maximize energy conservation and reduce the production of greenhouse gases and local air pollutants; through the use of:
 - ~~i. energy efficient street patterns, site orientation, and building layout;~~
 - ~~ii. district heating and cooling systems;~~
 - ~~iii. on site renewable energy generation through solar, wind or geothermal heating and cooling; and~~
 - ~~iv. measures to increase shading, reduce heat absorption, and heat island effects;~~
- fe) require apply best practice approaches to water conservation and storm water management practices; and
- gf) encourage efficient waste and resource management practices.

145. Modify Section 6.2.2.2 to add reference 'where feasible' in first sentence and clarify wording in subsections c), d) and f) as follows:

- 6.2.2.2 **To achieve** sustainable design and development or *redevelopment* of Markham's communities by addressing, where feasible:
- a) the scale, layout, proximity to a mix of uses, quality of place, and availability of infrastructure, site context and conditions that make sites walkable, bicycle-friendly, and easily served by transit, be a primary consideration to reduce dependence on automobiles;
 - b) the orientation and alignment of streets, sites and buildings create optimum conditions for the use of passive and active solar energy;
 - c) the use of materials and plantings (eg. green or white roofs, the use of light-coloured paving materials, and plantings to provide shade) with a high level of solar reflectance be encouraged to reduce local heat-island effects;
 - d) the protection and enhancement of natural heritage and hydrologic features and the urban forest as outlined in Sections 3.1 and 3.2, be protected and enhanced including the improvement of the urban forest, to support increased biodiversity and ecological function;
 - e) community gardens be encouraged to increase opportunities for local food production;
 - f) bioswales, rain gardens, green roofs, permeable paving and rainwater harvesting be encouraged to minimize stormwater runoff and increasing infiltration and potable/municipal water conservation as outlined in Section 3.3 through such approaches as bioswales, rain gardens and rain harvesting;
 - g) community-wide approaches to waste management to reduce, reuse and recycle; and
 - h) topsoil stripping and soil compaction be minimized to support infiltration and improved growing conditions for street trees and vegetation.

146. Modify Section 6.2.2.3 to require the preparation of a Community Energy Plan in support of secondary plan areas, where appropriate, as follows:

- 6.2.2.3 **To encourage** a culture of energy conservation and promote energy-efficient practices within Markham communities by:
- a) requiring the preparation of a Community Energy Plan in support of ~~all~~ secondary plan areas, where appropriate, which will identify development and infrastructure to:

147. Modify Sections 6.2.2.4 and 6.2.2.5 to add reference to most recent Ontario Building Code O. Reg amendment as follows:

6.2.2.4 **To promote** water conservation measures in all sectors in an effort to reduce water consumption through such programs as water reuse systems, water meters and rain barrel programs and encourage that all new buildings achieve 20 percent greater water conservation than the Ontario Building Code (as amended to O. Reg. 315/11, Jan 1, 2012).

6.2.2.5 **To work** with York Region and the development industry to achieve 10 percent greater water conservation than the Ontario Building Code (as amended to O. Reg. 315/11, Jan 1, 2012) for all new buildings.

148. Modify Sections 6.2.3.1 and 6.2.3.2 to incorporate the requirements of Section 6.2.3.2 into the preamble of Section 6.2.3.1 and delete Section 6.2.3.2 as follows:

6.2.3.1 **To ~~apply~~ consider the application** of innovative sustainable design practices and technologies in site planning and building design through the *development approval* process and in particular, through the application of a sustainable development checklist as part of the site plan control application process to :

- a) encourage walking, cycling, and transit use through:
 - i. integrated on-site pedestrian, cycling and transit connections;
 - ii. site design that ensures bicycle parking and storage and facilitates car pooling;
 - iii. appropriate location and design of sidewalks, appropriately scaled building setbacks, vehicular and pedestrian access, building design and landscaping to enhance the pedestrian experience;
 - iv. measures to reduce speed and improve air quality;
- b) promote energy conservation, maximize solar gains, and include or facilitate future on-site *renewable energy systems*;
- c) reduce the urban heat-island effect of development sites and the cooling requirements of buildings by:
 - i. encouraging the use of vegetated areas and light-coloured surfaces including the provision of permeable driveways and parking areas and green or white roofs;
 - ii. encouraging tree planting and other landscaping to increase evapotranspiration and create shade;
 - iii. using architectural devices to create shade;

- d) ~~conserve~~ promote conservation of natural features such as *tree canopy*, *wetlands*, and native vegetation, and provide habitat for both plant and animal species ~~by~~ including:
 - i. ~~rehabilitation of~~ natural areas to promote support increased biodiversity; and
 - ii the use of adaptive or native vegetation for restoration and protection measures and where appropriate, to reduce the risk of bird window collisions;
- e) limit or eliminate the use of potable water, natural surface waters or subsurface water resources for landscape irrigation through recommendations for native, adaptive, or drought-tolerant plant species and the use of innovative irrigation methods;
- f) promote community-based food production by providing for growing areas and required resources such as water and storage on multiple residential sites;
- g) reduce pollution from construction activities by controlling soil erosion, waterway sedimentation, and airborne dust generation by setting standards for limiting disturbance areas during the construction period and the implementation of state of the art storm water management methods;
- h) ~~require that~~ promote efforts be made on development sites to maintain natural soil health and reduce the need for cut or fill grading to preserve the integrity of native soil for growing plants and retaining water;
- i) encourage the use of environmentally preferable building materials, high-renewable and recycled content building products, and certified sustainably harvested lumber;
- j) require that construction site waste management plans be prepared to encourage the reduction, recycling of construction waste and diversion of construction waste from landfill;
- k) minimize off-site storm water runoff and soil erosion;
- l) ~~require~~ promote window applications, use of shades, and visual markers to reduce the risk of bird window collisions with building facades; and
- m) minimize the impact of lighting from development on the nocturnal environment and night sky.

~~6.2.3.2 To consider the sustainable design practices and technologies referred to in Section 6.2.3.1 through the application of a sustainable development assessment checklist as part of the site plan control application process. (YR Mod. 39)~~

149. **Modify the preamble of Section 6.3 to provide consistency of terminology and references with other Sections and delete the second last paragraph which is redundant as follows:**

6.3 DESIGNING SUSTAINABLE NEW COMMUNITIES

Markham's new communities, in particular new neighbourhoods and mixed-use neighbourhoods including those located in *intensification areas*, will often be located adjacent to the Greenway System and established neighbourhoods and employment areas. The design of these new communities should address, among other things, compatibility with the Greenway System, and the provision of an appropriate transition to existing-established neighbourhoods and employment areas to minimize the potential adverse impact of one on the other.

Key Natural heritage features and key hydrologic features and the urban forest will require protection and enhancement as part of the Greenway System and Urban Forest System.

Innovative approaches to building construction, densities and layout of communities, dealing with infrastructure, circulation throughout and between communities, transit and active transportation, alternative energy sources, and recycling all provide opportunities to minimize the impact on the environment of future and existing development.

Accommodating new, more intense development will require transitions in scale and form that are both sensitive to established residential areas and compatible in use with existing employment areas.

Most of the new neighbourhoods and mixed-use neighbourhoods will be developed on greenfield lands or lands that have non-residential uses, which will require development of a mix and range of housing types, sizes and affordability and adequate community infrastructure such as parks and open spaces.

More immediate ~~†~~ transportation demand measures, and parking strategies, and other measures will be required to direct land use planning in support of transit use and reduced single-occupancy vehicle use and to create more attractive environments for active forms of transportation such as walking and cycling.

These challenges can be addressed if these new communities, in particular new neighbourhoods, mixed-use neighbourhoods and *intensification areas*, are created through a comprehensive secondary plan or local area study process that deals with urban design and sustainable development practices within the context of other land use and transportation matters.

~~It is the intent of this Plan that the design of new communities will occur within the context of more focused secondary plan or local area studies, with an urban design and sustainable development component referencing comprehensive urban design and sustainable development guidelines in accordance with Section 6.1.1.5, 6.2.2.2 and 6.2.3.1.~~

These studies will lead to new secondary plans, precinct plans and/or *comprehensive block plans* as determined appropriate and in accordance with Section 10.1, a zoning by-law, and comprehensive guidelines for urban design and sustainable development to guide community and/or site design and development.

150. Modify Section 6.3.1 a) to clarify the reference to the Greenway System and Urban Forest System policies in Sections 3.1 and 3.2 as follows:

- 6.3.1 **To plan and design** Markham's new communities, in particular new neighbourhoods, mixed-use neighbourhoods and *intensification areas*, within the context of more detailed secondary plan or local area studies identified in Section 10.1, which incorporate urban design and sustainable development policies specific to each community that include, but are not be limited to:
- a) the protection and enhancement of the Greenway System and Urban Forest System ~~key natural heritage features and key hydrologic features~~ in accordance with Sections ~~3.1-2.12~~ and 3.2;

151. Modify Section 7.1.2.4 to reference related transit facilities that may be required in accordance with the Regional Official Plan as follows:

- 7.1.2.4 **To work** with York Region to secure lands required for the public transit right-of-ways shown on Map 2 – Centres and Corridors and Transit Network, and for ~~other transit-related purposes~~ facilities that may be required through the *development approvals* process at no public cost in accordance with the Regional Official Plan.

152. Modify Section 7.1.3.4 to add reference to qualify conveyance of land ‘where appropriate and at no public cost’ and to ensure the necessary features listed in c) are consistent with the Regional Official Plan as follows:

7.1.3.4 **To require** ~~conveyance~~ through the *development approvals* process, ~~where appropriate and at no public cost, the conveyance of~~ additional lands needed to achieve:

- a) the designated right-of-way widths on Map 12 – Street Network of the Regional Official Plan and Map 10 – Road Network and Map 11 – Minor Collector Road Network of this Plan;
- b) the right-of-way widths as required to support the road networks identified in secondary plans ~~or area specific policies of this Plan; and where appropriate, related precinct plans and comprehensive block plans;~~ and
- c) lands beyond the right-of-way widths for necessary features, such as ~~sight triangles, cuts, fills, extra turn lanes, and intersection widenings, grading, grade separations, where there is an existing at-grade crossing of a road and a railway line, and roundabouts, ~~embankments, bicycle facilities, transit shelters, streetscape improvements and improved sightlines at no expense.~~~~

153. Modify Section 7.1.3.8 to replace the word ‘possible’ with ‘appropriate’ as follows:

7.1.3.8 **To discourage and limit**, where ~~possible~~ appropriate, direct vehicular access from new developments abutting arterial roads and heavily used major collector roads by implementing access management principles such as the use of minor streets; lanes; shared driveways, and on-site interconnections between adjacent properties.

154. Modify Section 7.2.2.3 to replace the words ‘conform to’ with ‘address’ as follows:

7.2.2.3 **To require** that applications for *development approval* shall ~~conform to~~ address Markham’s Waste Management Guidelines including matters such as loading space provision, waste storage room design, collection and storage of recycling materials, odour control and restriction on outdoor storage.

155. Modify Section 10.3.3.1 to clarify lot of record reference in a) and c) as follows:

10.3.3.1 **That** building permits will not be issued unless the following criteria are met:

- a) the lot of record shall front on an existing improved public road;
- b) when applicable, prior approval shall have been obtained from the Medical Officer of Health for the installation of a private well and individual private on-site wastewater system.
- c) the lot of record conforms to the provisions of the zoning by-law; and
- d) the proposed development conforms with the *minimum distance separation formulae* of the Agricultural Code of Practice.

156. Modify the preamble to Section 10.4 to clarify site plans are to comply with applicable by-laws and address Markham's standards and guidelines as follows:

10.4 SITE PLAN CONTROL

As authorized by the Planning Act, Council has established Markham as an area subject to site plan control. Through the site plan control application process, Markham will review the design and layout of buildings and development including building location, landscaping, parking, drainage, pedestrian and vehicular access, public realm, etc. to ensure ~~compliance with that~~ Markham standards, ~~by-laws~~ and guidelines are addressed, and compliance with applicable by-laws. Markham's requirements in regard to site plan control approval are secured through agreements.

157. Modify Section 10.4.3 to address precinct plan and comprehensive plan requirements where appropriate as follows:

10.4.3 **That** site plan control shall be used to achieve conformity with the policies of this Plan, secondary plans, ~~precinct plans, comprehensive block plans, heritage conservation district plans~~, the Oak Ridge Moraine Conservation Plan, and the Greenbelt Plan and address precinct plan and comprehensive block plan requirements, where appropriate, and established guidelines for a specific parcel or parcels of land.

158. Modify Section 10.8.1.7 to ensure the required elements are consistent with the Regional Official Plan as follows:

10.8.1.7 **That** additional lands beyond the right-of-way widths may be required for elements-necessary features such as sight triangles, cuts, fills, ~~streetscaping,~~ extra turn lanes, ~~at intersections, and enhanced pedestrian and/or cycling facilities and/or other improvements~~ grade separations where there is an existing at-grade crossing of a road and a railway line, and roundabouts at no public cost expense to Markham or the appropriate authority.

159. Modify Section 10.8.4.2 a) to replace ‘physically possible’ with ‘reasonably practical at the City’s discretion’ as follows:

10.8.4.2 **To require** that a development proponent demonstrate the following in order to qualify for cash-in-lieu of parking:
a) the provision of on-site parking is not ~~physically possible~~ reasonably practical at the City’s discretion;

160. Modify the definition of ‘floor space index’ in Section 11.2 to clarify that public parkland or lands designated ‘Greenway’ shall not be included in the calculation of FSI as follows:

11.2 DEFINITIONS

Floor space index (FSI) means the ratio of gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are being developed. Where additional public roads are proposed within a lot, the area of any additional roads shall be included in the calculation of the *floor space index*. Where a lot includes lands to be used for a *public school, place of worship, public parksland and open space*, or lands designated ‘Greenway’ includes natural heritage features and their associated vegetation protection zones, these lands shall not be included in the calculation of the *floor space index*.

161. **Modify the definition of ‘municipal comprehensive review’ to add reference to approval authority and the Provincial Policy Statement as follows:**

11.2 DEFINITIONS

Municipal comprehensive review means an official plan review or an official plan amendment, ~~initiated undertaken~~ by Markham or the Region ~~and approved by the approval authority, in consultation with, and approved by, York the Region,~~ that comprehensively applies the policies ~~and schedules of this Plan~~, the York Region Official Plan, ~~the Provincial Policy Statement~~, and the provincial Growth Plan for the Greater Golden Horseshoe, ~~and may includes a land budget analysis as determined by the City and the Region.~~ (YR Mod. 111)

162. **Modify Section 9.5.7 to replace Figure 9.5.7 as shown below to include lands designated ‘Residential Mid Rise’ and ‘Residential Low Rise’ and to replace the ‘comprehensive block plan’ requirement with a ‘precinct plan’ requirement for the lands designated ‘Mixed Use Mid Rise’ and ‘Residential Mid Rise’, to not permit a *funeral home* on certain lands in accordance with the OMB order dated dated March 23, 2015, and to reorganize the policies as follows:**

Local Centre - Cathedraltown

- 9.5.7 Cathedraltown comprises the ‘Mixed Use’ lands west of Woodbine Avenue surrounding the Cathedral of the Transfiguration of Our Lord as shown in Figure 9.5.7.

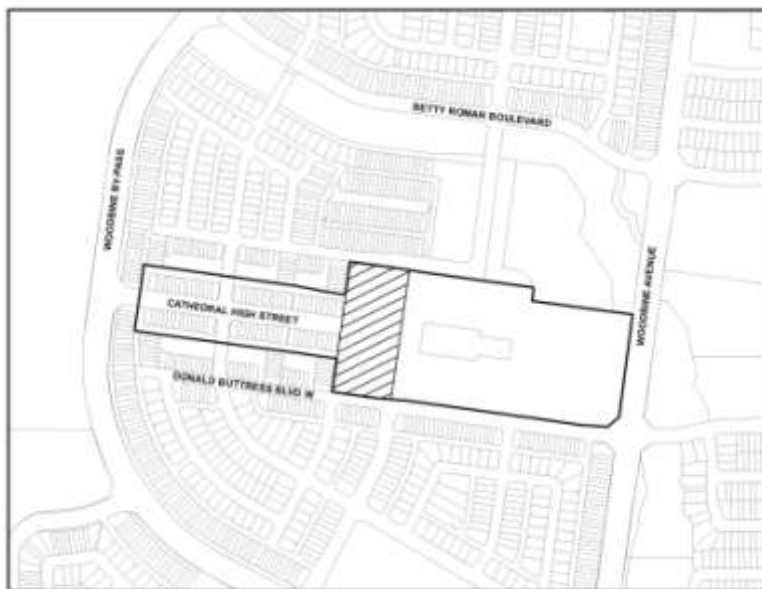


Figure 9.5.7

Land Use Objective

- 9.5.7.1 The Local Centre of Cathedraltown is intended to serve as an important focal point and 'main street' for the surrounding community providing a range of housing, employment, shopping and recreational opportunities, as well as personal and human services.
- 9.5.7.2-5 The Cathedral of the Transfiguration of Our Lord shall be recognized as a significant landmark for the Cathedraltown community and all new development shall maintain the prominence and visibility of the Cathedral.
- 9.5.7.3-2 In considering an application for *development approval* on the Local Centre – Cathedraltown lands designated 'Mixed Use Mid Rise' and 'Residential Mid Rise', a ~~comprehensive block plan~~ precinct plan shall be required in accordance with Section 10.1.4 3 of this Plan.
- 9.5.7.4-3 The following use, height and density provisions shall apply to the lands designated 'Mixed Use Mid Rise' :
- a) a banquet hall and a *funeral home* shall also be permitted, except a funeral home shall be not be permitted on the lands shown in hatching on Figure 9.5.7; and
 - b) a motor vehicle service station (including car wash) and a motor vehicle sales facility are not permitted;
- ~~9.5.7.2 The following height and density provisions shall apply to the lands:~~
- ~~c) a) building heights shall generally range from 4 to 6 storeys;~~
 - ~~d) b) single use residential or non-residential buildings shall generally not exceed a floor space index of 1.75; and~~
 - ~~e) d) mixed-use buildings which provide street related, ground floor area for retail, service, community or institutional uses shall be permitted to have a maximum floor space index of 2.0.~~

163. Modify Section 9.5.1 to replace Figure 9.5.7 reference in Figure 9.5.1 as follows:

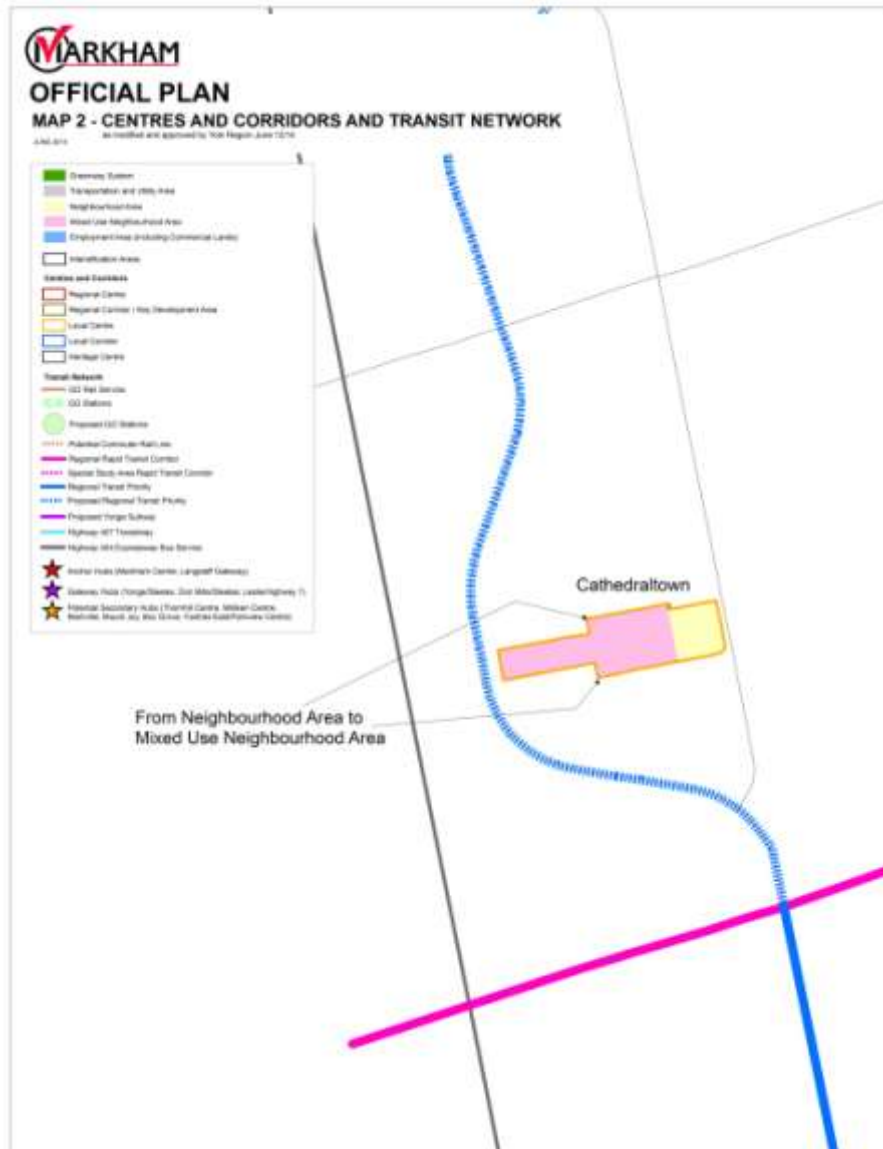


Figure 9.5.1

164. **Modify Map 1 – Markham Structure to replace the ‘Neighbourhood Area’ structural element with a ‘Mixed Use Neighbourhood Area’ structural element in accordance with the OMB Order dated March 23, 2015 as follows:**



165. **Modify Map 2 – Centres and Corridors and Transit Network to revise the boundary of the Local Centre - Cathedraltown and replace the ‘Neighbourhood Area’ structural element with a ‘Mixed Use Neighbourhood Area’ structural element in accordance with the OMB Order dated March 23, 2015 as follows:**



166. **Modify Map 3 – Land Use to replace the ‘Residential Low Rise’ land use designation with a ‘Mixed Use Mid Rise’ land use designation in accordance with the OMB Order dated March 23, 2015 as follows:**

