

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 58

BYLAW NO. 2014-75

A bylaw to adopt Amendment No. 71  
to the Official Plan for The Regional Municipality of York

WHEREAS the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits The Regional Municipality of York to adopt an Official Plan or amendments thereto;

The Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. Regional Official Plan Amendment No. 71 to the Official Plan of The Regional Municipality of York (1994) (ROPA No. 71) consisting of text and figures attached hereto as Schedule “A” is hereby adopted.
2. ROPA No. 71, by virtue of Ontario Regulation 525/97, is exempt from approval by the Minister of Municipal Affairs and Housing.
3. Schedule “A” attached hereto shall form part of this Bylaw.

ENACTED AND PASSED on September 11, 2014.

Denis Kelly  
\_\_\_\_\_  
Regional Clerk

Bill Fisch  
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Regional Chair

*Authorized by Clause 8, Report 13 of the Committee of the Whole, adopted by Regional Council at its meeting on September 11, 2014.*

SCHEDULE "A"

**Amendment 71**  
**to the**  
**Official Plan**  
**for the**  
**Regional Municipality**  
**of York**

**AMENDMENT 71  
TO THE OFFICIAL PLAN  
FOR  
THE REGIONAL MUNICIPALITY OF YORK**

PART A – THE PREAMBLE

1. Purpose of the Amendment:

The purpose of the Amendment is to add a site specific provision to permit a place of worship use up to a maximum of 860 m<sup>2</sup> on the subject lands.

2. Location:

The lands comprising Official Plan Amendment No. 71 are located on the east side of Kennedy Road, midway between Elgin Mills Road and 19<sup>th</sup> Avenue, and are municipally known as 11175 Kennedy Road, in the City of Markham.

3. Basis:

The Agricultural Policy Area policies of the 1994 York Region Official Plan direct institutional uses to the Urban Areas and the Towns and Villages. The subject lands are currently being used for a place of worship, which is not a permitted use.

Regional Official Plan policy 5.8.4 states that new commercial, industrial, institutional and recreational uses shall be directed to hamlets, villages, towns and urban areas. Further, Regional Official Plan policy 5.8.7 states that proposals for non-farm land use in the Agricultural Policy Area will require an amendment to the Plan and will be evaluated in accordance with the Provincial Policy Statement, the Oak Ridges Moraine Conservation Plan or the Greenbelt Plan, whichever has applicability and is more restrictive.

The Agricultural policies of the Provincial Policy Statement 2014 (PPS) provide direction for non-agricultural uses in the Agricultural area. The PPS, which came into effect on April 30, 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides guidance for appropriate development while protecting resources of provincial interest, public health and safety and quality of the natural environment. In accordance with the *Planning Act*, decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The subject lands are subject to the policies contained in Section 2.3 (Agriculture) of the PPS. It is the intent of the PPS to protect prime agricultural areas for long-term use for agriculture. Specialty crop areas shall be given the highest priority for protection. Permitted uses and activities are agricultural and agricultural-related uses.

As per Section 2.3.6.1 b) of the PPS, planning authorities may only permit non-agricultural uses in agricultural areas, provided that:

1. The land does not compromise a specialty crop area;
2. The proposed use complies with the minimum distance separation formulae;

3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional lands to be designated to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
  - i) There are no reasonable alternative locations which avoid prime agricultural areas; and
  - ii) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

The applicant submitted studies in support of the proposal indicating the site is ideally situated to meet the needs of its members, providing a quiet setting for meditation while being accessible to devotees for travel and to provide sustenance to the monks and participation in programs. The south half of the site, where the existing residence is located, is zoned rural residential and the site has not been farmed for decades.

The Region's Peer Review of the applicant's Agricultural Impact Assessment, indicates that due to the relatively small size of the property (0.8 ha/2acres) and the number of non-farm uses surrounding it, the utilization of the property for non-agricultural use will not adversely impact the existing agricultural land base. The land does not comprise a specialty crop area and the proposed use complies with the minimum distance formulae.

The small site would not be viable on its own for agricultural purposes, and would not result in a loss of significant agricultural land or have an adverse impact of agricultural uses in the surrounding area. The proposal generally satisfies Provincial and Regional Official Plan policies for non-agricultural uses on agricultural lands.

A Public Meeting was held on January 9, 2013 to obtain input from members of the public and from the Regional Planning and Economic Development Committee. On September 4, 2014, the Region's Committee of the Whole recommended approval of the applicant's amendment to the Regional Official Plan (ROPA 71) to permit the place of worship use up to 860 m<sup>2</sup> on the subject lands.

## PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the following text change constitutes Amendment 71 to the Official Plan for the Regional Municipality of York.

The Official Plan for the Regional Municipality of York is hereby amended as follows:

Section 5.8 – Agricultural Policy Area is amended by adding the following new policy 5.8.15:

- “5.8.15 “Notwithstanding the policies of this section, a place of worship with a maximum gross floor area of 860 m<sup>2</sup> may also be permitted on a 0.8 ha property legally described as Part of Lots 28 and 29, Concession 6, and municipally known as 11175 Kennedy Road, in the City of Markham.”

# Part C – Location Map

(not an operative part of this amendment)

