



Report to: Development Services Committee

Report Date: July 8, 2021

SUBJECT: City of Markham Comments to the Province on a Minister's Zoning Order (MZO) request by Tung Kee Investment Limited Partnership representing SOW Capital Limited ("the Owner") to the Minister of Municipal Affairs and Housing ("MMAH") to permit a 332,149.85m2 employment development at 3143 19th Avenue (Ward 2)

File No.: MZO 21 121854

PREPARED BY: Special Projects Team

REVIEWED BY: Brad Roberts broberts@markham.ca Manager, Zoning & Special Projects
Marg Wouters, R.P.P., M.C.I.P., Senior Manager, Policy & Research
mwouter@markham.ca

RECOMMENDATION:

- 1) That the report titled, "City of Markham Comments to the Province on a Minister's Zoning Order (MZO) request by Tung Kee Investment Limited Partnership representing SOW Capital Limited ("the Owner") to the Minister of Municipal Affairs and Housing ("MMAH") to permit a 332,149.85m2 employment development at 3143 19th Avenue (Ward 2), File No.: MZO 21 121854", dated July 8, 2021, be received;
- 2) That the City of Markham support the Minister's Zoning Order request, by Tung Kee Investment Limited Partnership representing SOW Capital Limited, subject to the recommended revisions to the Order, attached in Appendix 'B' to this Staff report;
- 3) That this report be forwarded to the Minister of Municipal Affairs and Housing, as the City of Markham's comments on the MZO request by Tung Kee Investment Limited Partnership representing SOW Capital Limited for the lands at 3143 19th Avenue; and,
- 4) And further that staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

The purpose of this report is to provide comments to the Ministry of Municipal Affairs and Housing on a Minister's Zoning Order application submitted by Tung Kee Investment Limited Partnership representing SOW Capital Limited, on the property known as 3143 19th Avenue (the subject property).

The applicant is proposing to advance zoning permissions through the MZO process to secure a production studio (film studio) and other employment uses, along with limited ancillary uses on the subject property. The lands in question are located within a Future Employment Area, as outlined in Markham's 2014 Official Plan, and the applicant is seeking land use permissions in advance of the Secondary Plan process.

Production studios, employment uses, and the ancillary uses proposed within the recommended revised draft MZO are consistent with the direction of the Official Plan related to Business Park and limited Service Employment uses, and are consistent with other uses in the employment designations. The revised draft MZO does not encroach into any lands regulated under the Greenbelt Plan, and excludes lands abutting Woodbine Ave. that are part of the City's Greenway system.

A number of technical details including servicing and the associated road network, will need to be addressed by the applicant through the subdivision and/or site plan process or other municipal processes as appropriate. The applicant has not requested that site plan approval authority be retained by MMAH, and therefore site plan approval remains with the City.

Staff do not object to the proposed land uses as outlined in the revised draft MZO, subject to the applicant resolving the technical details through subsequent application to the City.

PURPOSE:

This report provides City of Markham comments on a MZO application submitted by Tung Kee Investment Limited Partnership representing SOW Capital Limited to permit the development of a Production Studio (film studio), ancillary uses as well as other supportive employment uses totaling 332,149.85m² at 3143 19th Avenue.

Process to date:

Tung Kee Investment Limited Partnership is requesting City of Markham's support for a MZO request

Section 47 of the [Planning Act](#) authorizes MMAH to issue MZOs to control the use of land anywhere in Ontario. MZOs prevail over local Official Plans and zoning by-laws, and are intended to be used to protect matters of provincial interest.

On May 17, 2021, an application for Markham Council support of an anticipated MZO request to the Minister was submitted to the City by MHBC Planning on behalf of Tung Kee Investment Limited Partnership. The MZO request to the Minister was to permit the development of a production (film) studio in the eastern portion of the property, with additional uses, including office, hotel, and other ancillary uses, proposed in the western portion of the property closer to Woodbine Ave.

The initial MZO proposal to Markham on May 17, 2021 also contained residential, seniors living and long-term care uses. In staff's opinion the MZO should be to permit the film production studio, ancillary uses and other supportive employment uses. Therefore, further to discussions with Staff, on June 14, 2021, MHBC Planning submitted a revised MZO proposal to the City removing the residential, seniors living and long-term care facility components. (See Figures 7 and 8).

MHBC Planning advised City Staff that an MZO request, reflecting the revised proposal, was filed with the MMAH on June 15, 2021. As of July 2, 2021, a formal request for City comments by MMAH on the MZO had not yet been received.

Since the MZO request was made to the Ministry, Staff and the applicant have continued to review the proposal for appropriate employment and ancillary uses as well as development standards. The current proposal, including all of the changes agreed to with Staff is the subject of this report.

Next Steps:

If the recommended revisions to the MZO request to the Ministry, attached as Appendix 'B', are supported by Committee/Council, this report can be forwarded to MMAH once a formal request for comments from the Province has been received. Future development of the subject lands will first require subdivision approval and/or site plan approval by the City.

BACKGROUND

Site and Area Context

The 40.3 ha (99.6 ac) subject lands are located on the south-east corner of 19th Avenue and Woodbine Avenue, municipally known as 3143 19th Avenue, as shown on Figure 1. Berczy Creek, bisects the subject lands. The watercourse and valleylands are designated Greenbelt Area in the Greenbelt Plan (Figure 5). A second watercourse running north-south along the Woodbine Avenue frontage is also designated Greenway System in the Official Plan but is not within the Greenbelt. Both the Greenbelt lands and the Greenway System lands adjacent to Woodbine Avenue have been excluded from the MZO.

Surrounding land uses are currently predominantly agricultural in nature (Figure 3), although all of the lands are designated for employment uses in the Official Plan through either the in-effect 404 North Secondary Plan (west of Woodbine Ave) or 'Future Employment Area' (to the north, south and east of the subject lands). The subject lands and surrounding area are not presently serviced by municipal water and wastewater treatment services. The Trans Canada pipeline runs east-west immediately to the south of the subject property.

Proposal

The MZO application is in support of a development concept consisting of five primary development blocks as outlined in Table 1 and shown on Figures 7 and 8.

Table 1

	PRELIMINARY BLOCK AREAS	PROPOSED USES	GFA
Block 1	4.24ha 10.48ac	Office, Food & Beverage, Retail	144,281.25m ² (1,553,028.95ft ²)
Block 2	4.77ha 11.79ac	Hotel, Food & Beverage, Retail, Office	114,359.6m ² (1,230,955.3ft ²)
Block 3	0.57ha 1.4ac	SWM and surface parking	N/A

Block 4A	4.27ha 10.55ac	Creative Employment (Office and Film Production)	13,950m ² (150,156.41ft ²)
Block 4B	4.13ha 10.2ac	Film Production Studio	15,043m ² (161,921.35ft ²)
Block 5	8.19ha 20.24ac	Film Production Studios, Office	44,516m ² (479,165.77ft ²)

The primary use being sought through the MZO application is a film production studio. The production studio component is proposed to the east of a proposed north-south public road (shown in orange on Figure 8) and further to the east across the Greenbelt area that is bounded by 19th Avenue to the north and the eastern limits of the subject property (shown in blue on Figure 8). In terms of phasing, as identified in the applicant's vision document (Appendix 'C'), the production studio component on Block 5 in the easterly portion of the site, east of the Berczy Creek Greenbelt lands is intended to proceed first, with a proposed total GFA of approximately 59,000 m² (635,092ft²) in the initial phase.

Of the total 332,150m² (3,575,350ft²) GFA proposed for the lands, approximately 273,000 m² (2,938,644ft²) of office, food and beverage, retail, hotel, and other supportive uses are proposed to be located generally within the western portion of the subject property and bounded to the east by the proposed public road. The revised MZO restricts ancillary uses to a maximum of 15% of the gross floor area of the employment uses.

The maximum FSI proposed is 1.5x lot coverage. The applicant's current proposal includes the following employment and ancillary uses:

Table 2

EMPLOYMENT USES	ANCILLARY USES
Business Offices Financial Institutions Hotels Limited Industrial and Warehousing Uses Medical Offices Parking Garages Parks, Public Parks, Private Production Studios (film studios) Trade and Convention Centres	Art Galleries Child Care Centres Commercial Fitness Centres Nightclubs Personal Service Shops Places of Amusement Places of Entertainment Indoor Recreational Establishments Retail Stores Restaurants Restaurants, Take-out Theatres

City of Markham's 2014 Official Plan

The subject lands were included in Markham's Urban Area through the 2014 Official Plan. The lands are identified as 'Future Urban Area' and more specifically designated 'Future Employment Area' on Map 3 – Land Use (see Figure 4). The 'Future Employment Area' designation applies to the majority of the concession block east of Woodbine Ave and north of Elgin Mills Road and is intended to accommodate employment area uses. Although the Urban Area boundary is in effect, the 'Future Employment Area' designation on the subject lands is still under appeal.

Section 8.12 of the Official Plan provides guidance on planning for the entirety of the Future Urban Area in north Markham including the subject lands. Among the requirements prior to development approval are a non-statutory master planning exercise [i.e, the Conceptual Master Plan (CMP) which was endorsed by Council in October 2017], to be followed by secondary plans which would determine specific land use designations. Section 8.12 of the Official Plan is also currently under appeal.

Zoning

The subject lands are zoned A1 (Agriculture) and O1 (Open Space) under zoning By-law 304-87, as amended (Figure 2). The proposed development is not permitted by the Zoning By-law.

DISCUSSION:**Consistency with the FUA Conceptual Master Plan and timing of secondary plan for the 'Future Employment Area' (Employment Block)**

The 2017 endorsed CMP, which was City-led, provided a comprehensive planning and servicing framework for the entire FUA lands, including the subject lands (see Community Structure Plan on Figure 6). The framework was informed by a Subwatershed Study that was undertaken concurrently. It was intended that development proponents would prepare secondary plans based on the CMP. A secondary plan has not yet been initiated for the 'Future Employment Area' lands. Funding for a City-led secondary plan study is being requested as part of the 2022 Capital Budget.

The applicant's Master Plan and Concept Plan for 3143 19th Avenue are generally consistent with the Community Structure Plan in terms of land use and road pattern (with the exception of the Donald Cousens Parkway which is discussed in detail below). The alignments of these rights-of-way are subject to further review through a Municipal Class EA Study that is required for the collector roads. Additional details on the implementation processes involved are discussed later in this report.

The applicant's Vision Statement document (Appendix 'C'), speaks to the owner's vision that the office building components will provide cutting edge sustainable design, modelled after local and internationally renowned projects. The majority, if not all of the office buildings will be net-zero, green high-rise office buildings that intend on incorporating sustainable design practices. Many, if not all of these buildings will provide advanced sustainability features, such as green roof spaces for urban agriculture, and rooftop solar panels to advance the sustainability

policies of the Official Plan.

In order to assist in achieving the applicant's vision for this development; ensure that appropriate and predictable development standards are included; ensure that ancillary uses remain limited in size, area and location in relation to the employment uses; and, ensure the general intent of the 2014 Official Plan is maintained, Staff worked with the applicant to make key changes to the proposed MZO with regard to development standard matters such as landscaping, building setbacks, electric vehicle parking and charging stations, bicycle parking requirements etc. as well as the following:

1. Capping ancillary uses to not exceed 15% of the gross floor area of all employment uses.
2. Requiring that 90% of the floor areas of all ancillary uses be located within multi-storey buildings and be located within 400 metres of Woodbine Avenue.

These modifications would require the majority of ancillary uses to be integrated into multiple storey buildings that likely would contain multiple uses; limit stand-alone ancillary use buildings; and, direct the majority of the ancillary uses to the western portion of the subject lands which in turn, would protect the remainder of the employment area from the proliferation of any substantial ancillary use development.

3. Permitting maximum building heights of 20 storeys for buildings located up to 400 metres from the centreline of Woodbine Avenue and, restricting the heights of all other buildings beyond 400 metres from the centreline of Woodbine Avenue to 6 storeys.

These modified standards would direct the bulk and massing of the site to the block(s) on the western portion of the subject lands and ensure that view corridors and vistas of the Greenbelt lands are not negatively impacted.

Servicing

As indicated above, the subject lands and surrounding area are not presently serviced by municipal sanitary or water services. In developing the Community Structure Plan for the FUA, a Class Environmental Assessment (Class EA), using a Master Plan approach, was completed to identify the recommended water and wastewater systems for the FUA.

The applicant has provided a Conceptual Servicing Design Brief in support of the MZO submission which outlined options to service the east and west blocks of the subject lands. The brief focused on a phased development approach with the initial phase contemplating the film production studio component. The servicing options provided are as follows:

1. Construction of Water and Wastewater Systems to serve the FUA
2. Connection to municipal servicing within the Highway 404 North Secondary Plan System
3. Provision of Interim Private Water and Sewage Systems

While options 1 and 2 would provide full municipal servicing to the eastern portion of the site (lands from Woodbine Avenue to the Greenbelt boundary), the applicant is advancing interim

private water and sewage systems to predominantly accommodate the film production studio use on Block 5. It is noted that the lands to the west of the Greenbelt on Block 4, also proposed for the film production studio uses, are intended to be serviced by private water and sewage systems for the foreseeable future.

The applicant is aware that the 'Future Urban Area' is ultimately required to be serviced by full municipal water and wastewater treatment systems and understands that the full buildout of the site would likely require such connections. However, in the interim, at the required draft plan stage, the applicant will be required to submit for approval, a Functional Servicing Report (FSR) and either a Master Environmental Servicing Plan (MESP) or an Environmental Impact Study (EIS) (to be determined by the City).

Public Road Network

York Region's Official Plan and Transportation Master Plan (TMP) as well as the City's Official Plan (2014) identify a conceptual alignment of the Donald Cousens Parkway (DCP) extension from Highway 48 to Highway 404. When this conceptual alignment was initially identified its need within the 2041 planning horizon was not tested, particularly in relation to the existing road grid in north Markham and potential improvements to that grid. In view of development plans in the Future Urban Area, in 2019, the City and York Region initiated a joint transportation planning study to re-assess the Regional function of DCP Extension. A key finding of the joint study was that, without the DCP Extension, improvements and extension of the existing road network would be sufficient to accommodate projected growth in north Markham. Furthermore, the study found that preliminary analysis of capital construction costs and environmental impacts do not support the DCP Extension. These findings were presented to Development Services Committee on December 8, 2020, and staff recommended that the DCP Extension be eliminated by formally removing it from the City and York Region Official Plans. Development Services Committee deferred their decision until further information is presented. The Engineering Department has advised that further analysis with respect to the DCP extension is expected to be undertaken once the Region has finalized its 2051 growth forecasts and that such analysis is still expected to confirm the findings of the initial joint study with the Region. Further, the Engineering Department has noted that even if an extension of the DCP is determined to be needed, there are multiple alignment options that can locate the extension of the DCP outside the subject property, which will be subject to a future EA, if necessary.

Further, the CMP and York Region Transportation Master Plan (TMP) identified a widening of 19th Avenue and Woodbine Avenue (from Victoria Square Blvd. to 19th Avenue) from two lanes to four lanes within 43 metre ROW widths. Additional lands may also be required to accommodate turn lanes at the intersection of Woodbine Avenue and 19th Avenue. The applicant has advised that these improvements to the major road system can be accommodated.

Moreover, the applicant's Masterplan and Block Plan for the subject lands appear to have contemplated the FUA CMP road network, namely the north-south right-of-way off of 19th Avenue and the east-west right-of-way off of Woodbine Avenue. It is further noted that the east-west right-of-way is required to align with the corresponding east-west collector road in the Highway 404 North Planning District (OPA 149) which was identified through a Municipal Class EA Study, completed in March 2021.

Infrastructure requirements and road alignments must be confirmed through the appropriate subdivision and EA processes.

Should the Minister determine it appropriate to issue a MZO, it is recommended that the Minister consider the revised MZO attached hereto as Appendix “B” to this report

Based on comments provided in this report, in consultation with the applicant, the City recommends that the Minister be requested to consider the revised MZO attached hereto as Appendix “B”, should the Minister determine it appropriate to issue a MZO for the subject lands.

CONCLUSION:

Approval of this MZO would provide the owner with development rights that do not presently exist on the subject lands. However, having zoning in place is only one of a number of components of the development approval process. As indicated in this Staff report, in order for the owner’s vision to be realized, approval of studies and reports would be required to support any proposed development, prior to the building permit stage. In the opinion of Staff, the revised MZO has regard for the 2014 Official Plan by ensuring that the uses proposed are consistent with, yet scaled back from, those identified in Section 8.5 “Employment Lands” section of the Official Plan. Although Section 7.2.1.6 of the Official Plan requires full municipal water and wastewater treatment systems in the FUA, the applicant has clearly indicated their intent on servicing the lands by municipal means in the future and understands that this infrastructure is required in order to achieve the full development opportunities for the site. The proposed internal public roads are generally consistent with the locations identified in the endorsed CMP and such infrastructure requirements and road alignments are to be confirmed through the appropriate subdivision and/or EA process.

Other levels of government including, but not limited to, the Regional Municipality of York and the TRCA will be involved in any future Planning Act applications associated with these lands. Planning Act applications including Draft Plan of Subdivision(s) and Site Plan Approval(s), are optimal tools to thoroughly evaluate a development proposal and secure matters of interest to the City and external agencies. In addition, these processes ensure that the public is fully engaged and consulted throughout the planning process.

Staff support, in principle, the MZO subject to the revisions contained in (Appendix “B”) and recommend that this report be forwarded to the Ministry of Municipal Affairs and Housing, as the City’s comments once a formal MZO request by MMAH to the City has been received for the subject lands.

FINANCIAL CONSIDERATIONS AND TEMPLATE

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Should the Minister determine it appropriate to issue a MZO for the subject lands, the proposed development would be evaluated in the context of growth management, environmental, and

strategic priorities of Council through the subdivision and site plan approval processes.

BUSINESS UNITS CONSULTED AND AFFECTED:

Policy Planning, Planning and Urban Design, Engineering and Economic Development were consulted on this report.

RECOMMENDED BY:

Ron Blake, M.C.I.P, R.P.P

Senior Development Manager, Planning
and Urban Design

Biju Karumanchery, M.C.I.P, R.P.P

Acting Commissioner of Development
Services

ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Area Context - Zoning
- Figure 3: Aerial Photo
- Figure 4: 2014 Official Plan Map 3 - Land Use
- Figure 5: 2014 Official Plan Map 4 - Greenway System
- Figure 6: Community Structure Plan (CSP)
- Figure 7: Master Plan
- Figure 8: Block Plan

Appendix 'A': Draft Minister's Zoning Order (as submitted on June 14, 2021)

Appendix 'B': Revised Draft Minister's Zoning Order

Appendix 'C': Vision Document One Markham a Unique Employment Ecosystem

Figure 1

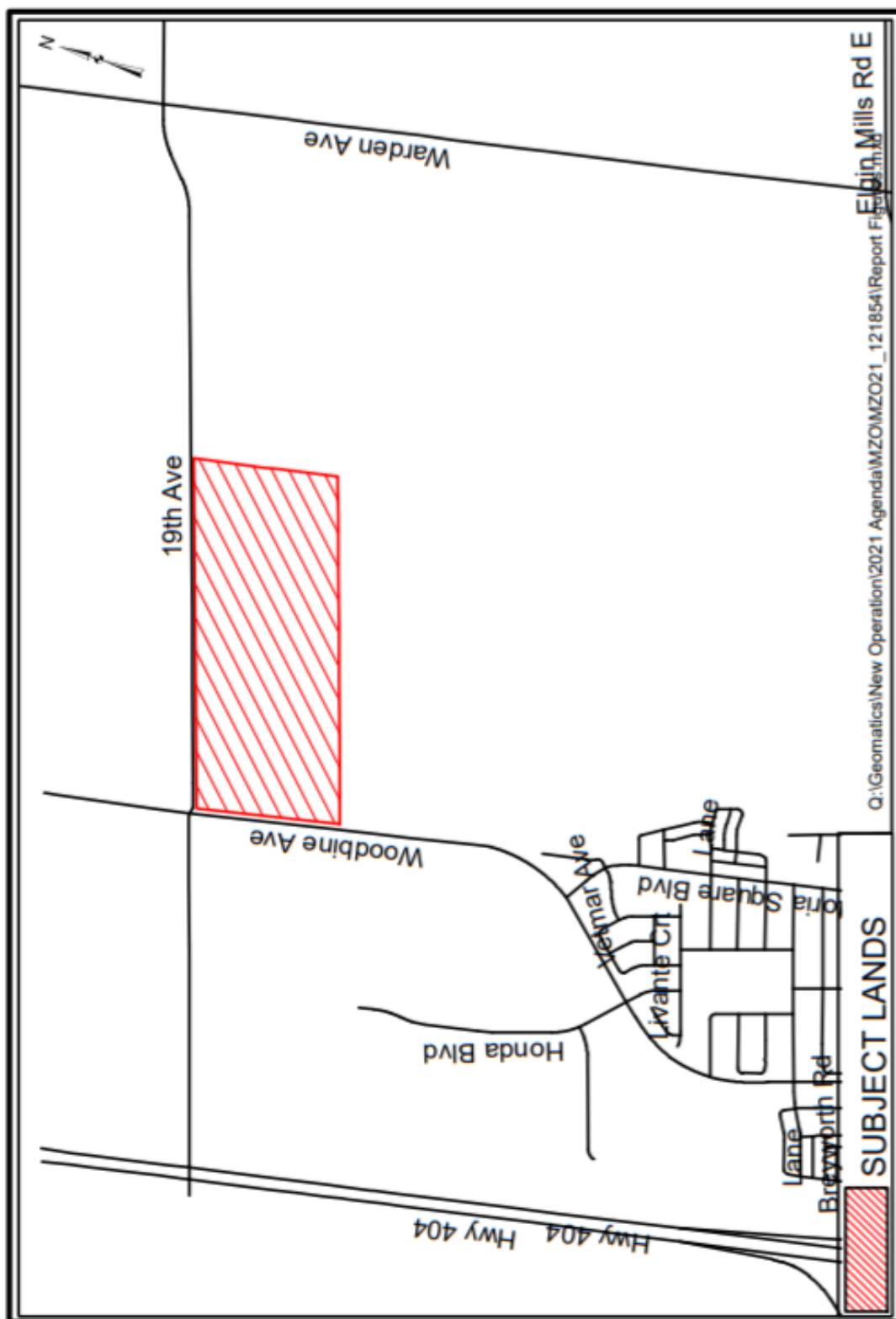


Figure 2

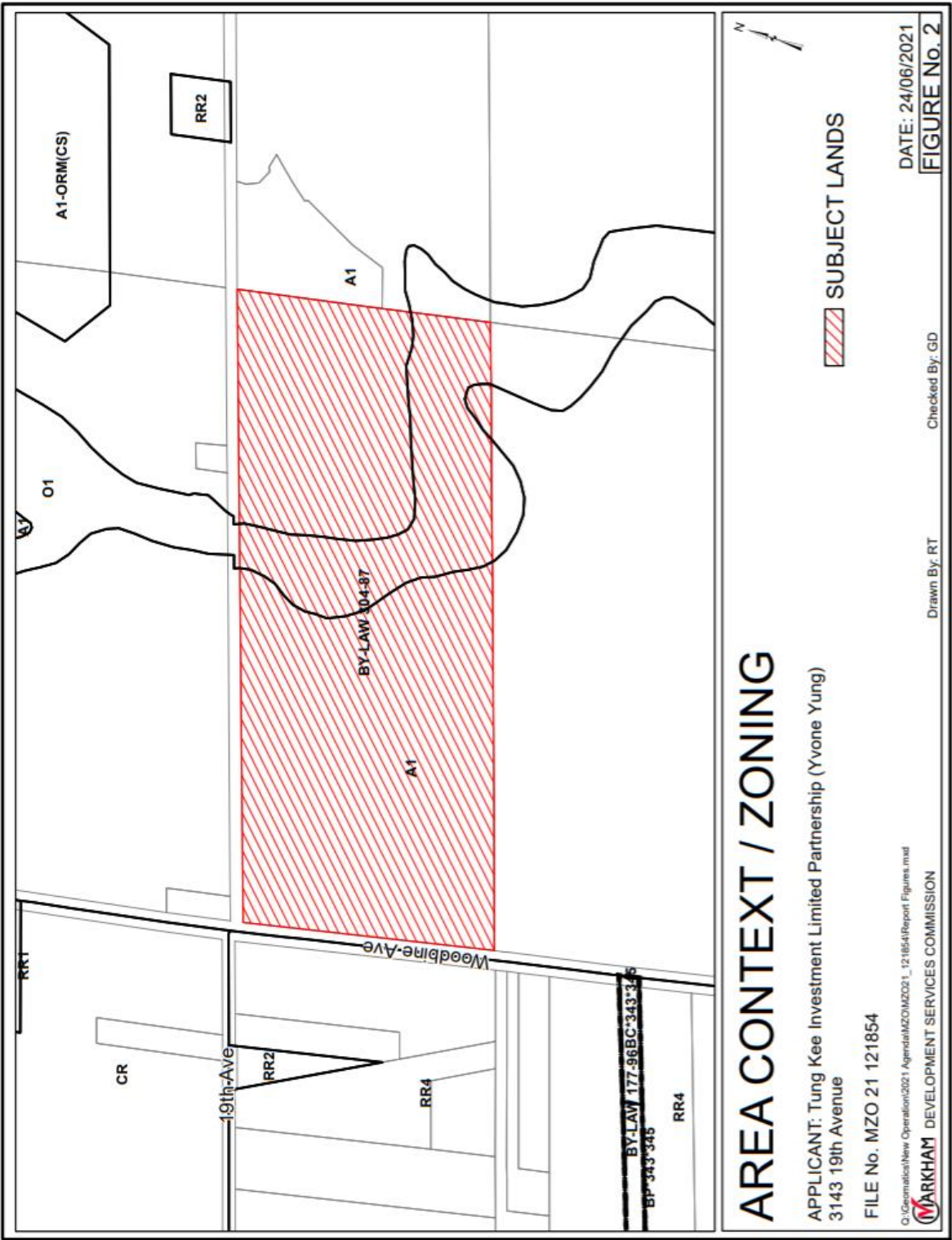


Figure 3



Figure 4

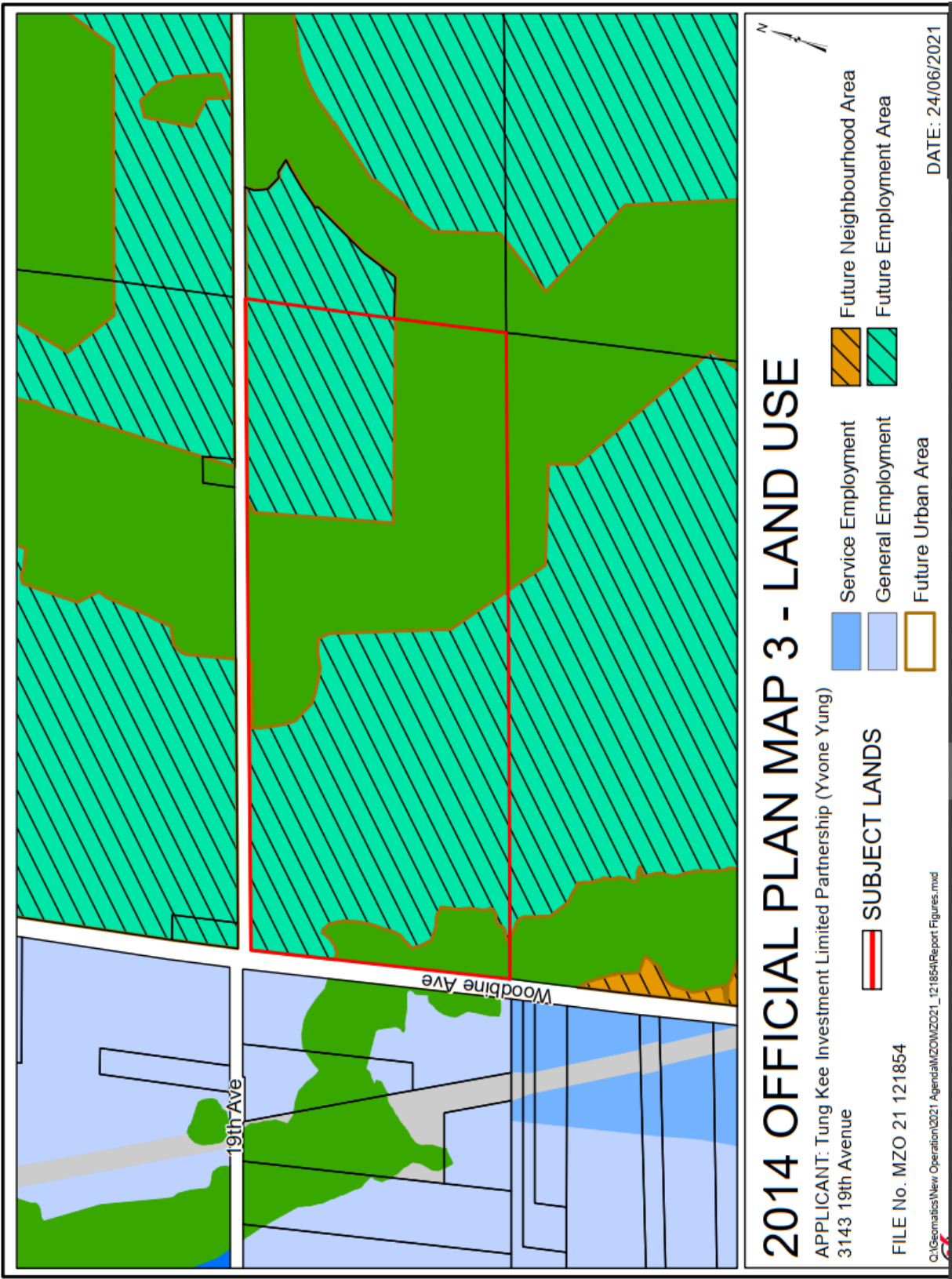


Figure 5

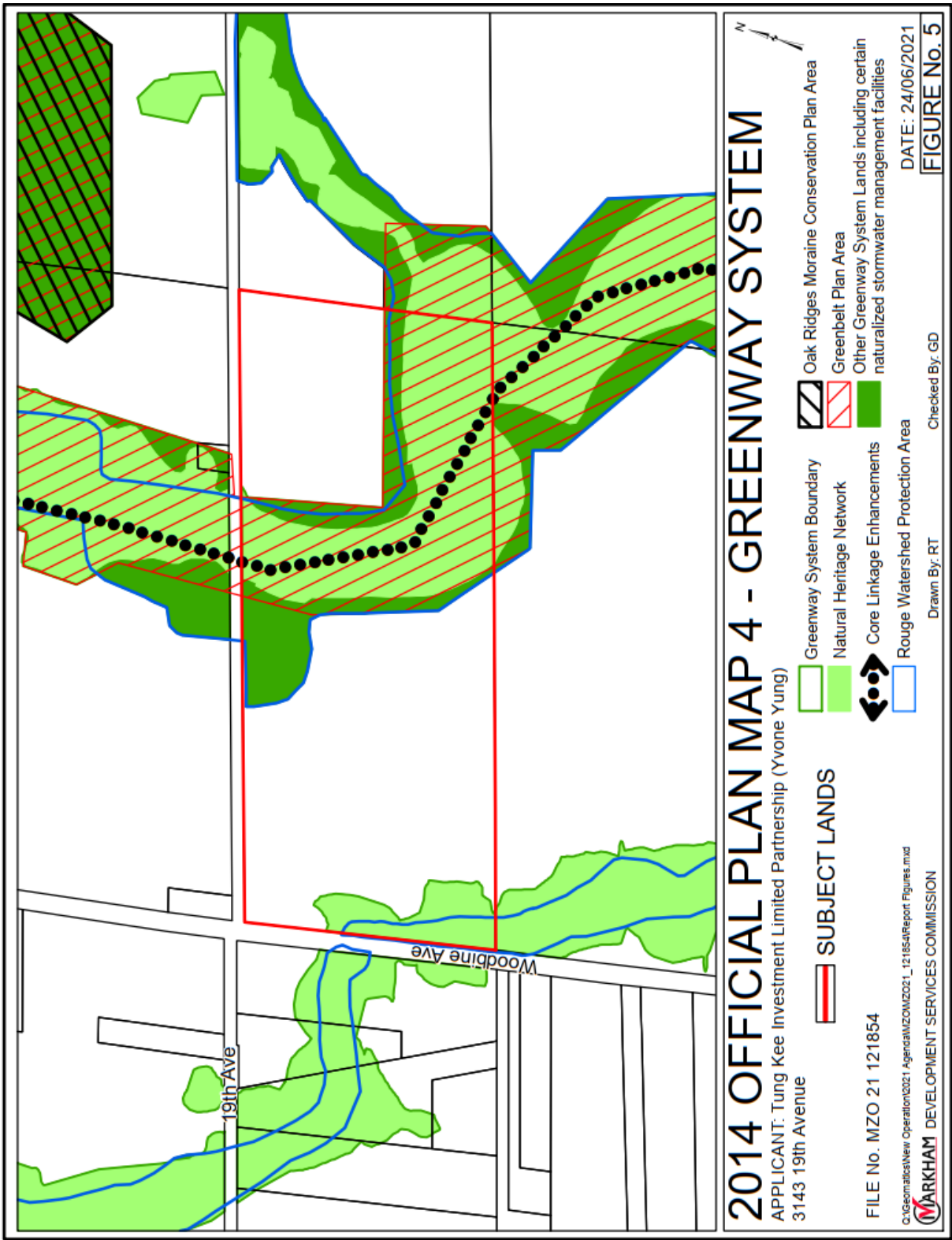


Figure 6

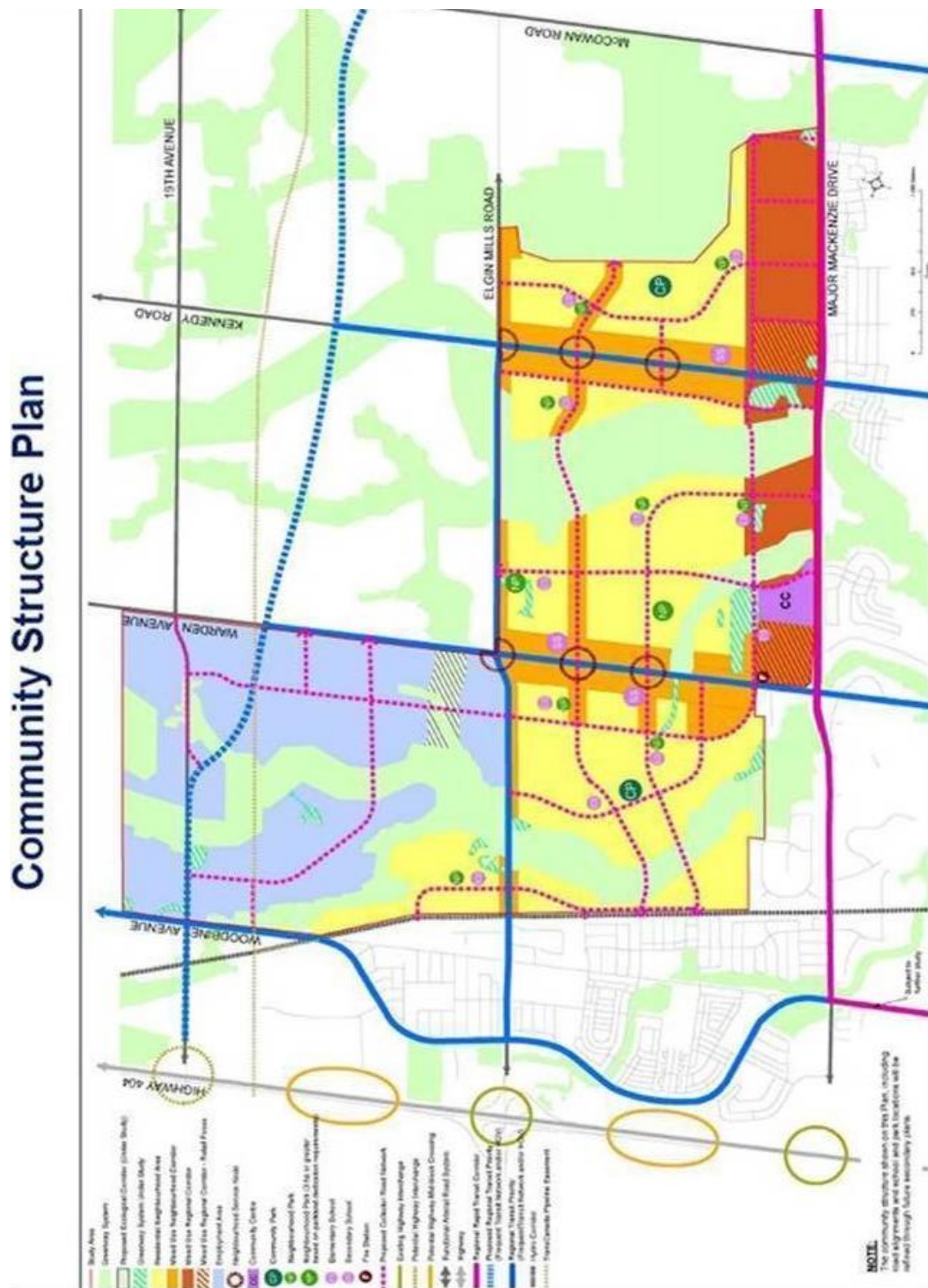


Figure 7

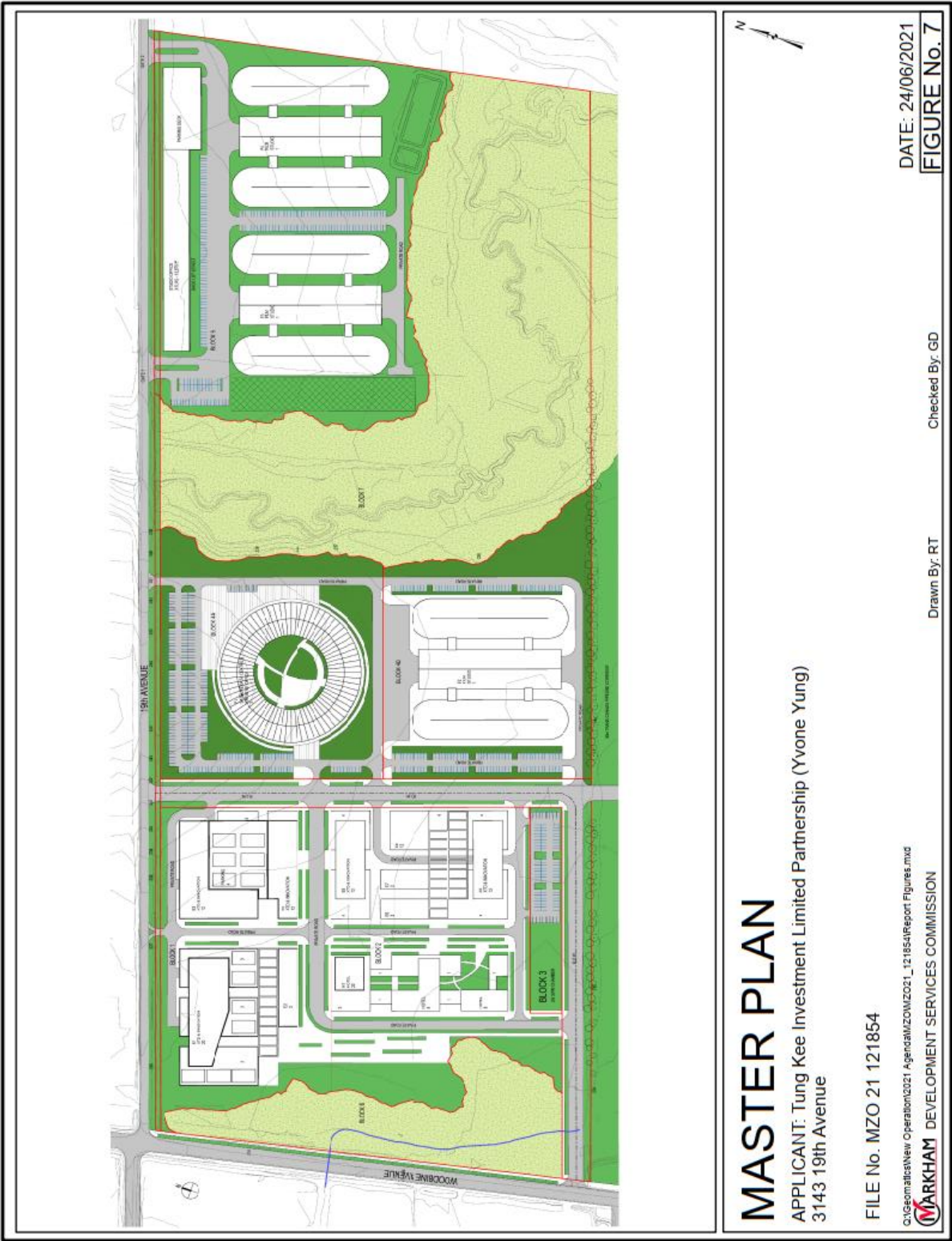
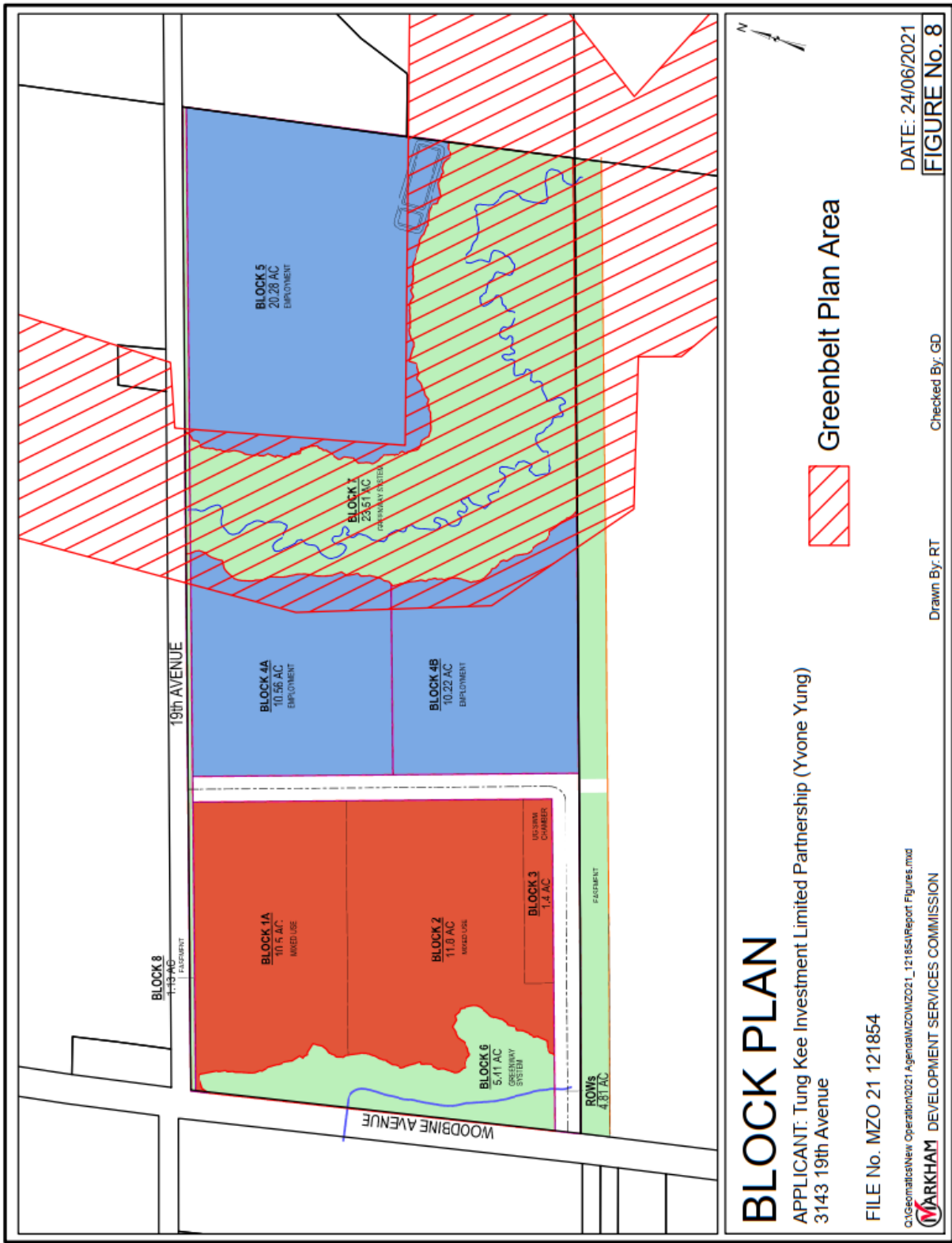


Figure 8



Appendix 'A'

Draft Minister's Zoning Order (as submitted by the applicant on June 14, 2021)

ONTARIO REGULATION

made under the

PLANNING ACT

ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,

"accessory", when used to describe a use, building or structure on the lands described in section 2 means a use, building or structure that is normally incidental or subordinate to a principal use, building or structure located on the same lot, including but not limited to,

- (a) administrative offices
- (b) community centres
- (c) private clubs

"ancillary", when used to describe a use, building or structure on the lands described in section 2, means retail and commercial uses that primarily serve the business functions on employment lands, including but not limited to,

- (a) art galleries
- (b) assembly halls
- (c) child care centres
- (d) commercial fitness centres
- (e) day nurseries
- (f) museums
- (g) non-profit fitness centres
- (h) nightclubs
- (i) places of amusement
- (j) places of entertainment
- (k) places of worship
- (l) private clubs
- (m) recreational establishments
- (n) retail stores
- (o) restaurants
- (p) restaurants, take-out
- (q) repair shops
- (r) theatres

"extended stay hotels" means a hotel in which provisions for cooking are made in individual

rooms or suites, and in which guests stay for more than 30, but less than 180, days.

"production studio" means a building or structure, or part thereof, including outdoor activities, used for and associated with producing live broadcasts, motion pictures or audio or video recordings or transmissions, including, but not limited to: sound stages; costume & set decorating, construction, manufacturing, mill, workshops and assembly activities; storage of costumes, props, sets and other production materials; laundry rooms; paint rooms; creative work spaces; offices; dressing and make-up rooms; automotive detailing; fitness / wellness services; restaurants, catering / food services, food court and food trucks; personal service establishments; mailing and shipping services; equipment, material, and transportation services and storage; security and safety services; medical offices; and on-site short term accommodations.

"software development and processing" means a building or structure or part thereof used for software development and testing, or for the collection, analysis, processing, storage or distribution of electronic data

"zoning by-law" means Zoning By-law 177-96 of the City of Markham.

Application

2. This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands outlined in red on the map numbered ___ and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described as Business Park in section 2, except for,

- (a) All uses permitted in the BP Zone
- (b) Accessory uses
- (c) Ancillary uses
- (d) Extended Stay Hotels
- (e) Production Studio
- (f) Software Development and Processing
- (g) Veterinary Clinics

4. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described as Open Space in section 2, except for,

- (a) All uses permitted in the G Zone
- (b) Park, Private;

Zoning requirements

5. The zoning requirements in the Business Park (BP) Zone in the zoning by-law apply to the uses, buildings and structures permitted under section 3 with the following exceptions:

1. The minimum required yard setback to a street is 3.0 metres.
 2. The maximum depth of parking area in front yard shall not apply.
 3. The minimum depth of parking area in exterior side yard shall not apply.
 4. The minimum required yard setback to any other lot line shall not apply.
 5. The minimum required width of landscaping adjacent to front lot line shall not apply.
 6. The minimum required yard setback to any lot line for below grade parking shall be 0.0m.
 7. The maximum floor space index shall be 1.5 measured over the entirety of the lands described as Business Park in section 2.
 8. Ancillary uses shall not exceed 15% of the maximum floor space index.
 9. The minimum required yard setbacks for an accessory parking garages integrated with a building shall not apply.
 10. The maximum height of a building is 20 storeys.
 11. The minimum parking rate of 1.5 for each 100 square metres of gross floor area shall apply to Production Studios.
 12. The minimum parking rate for Software Development and Processing shall be the same rate as a business office.
6. The zoning requirements in the Greenway (G) Zone in the zoning by-law apply to the uses, buildings and structures permitted under sections 4.

Terms of use

7. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

8. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

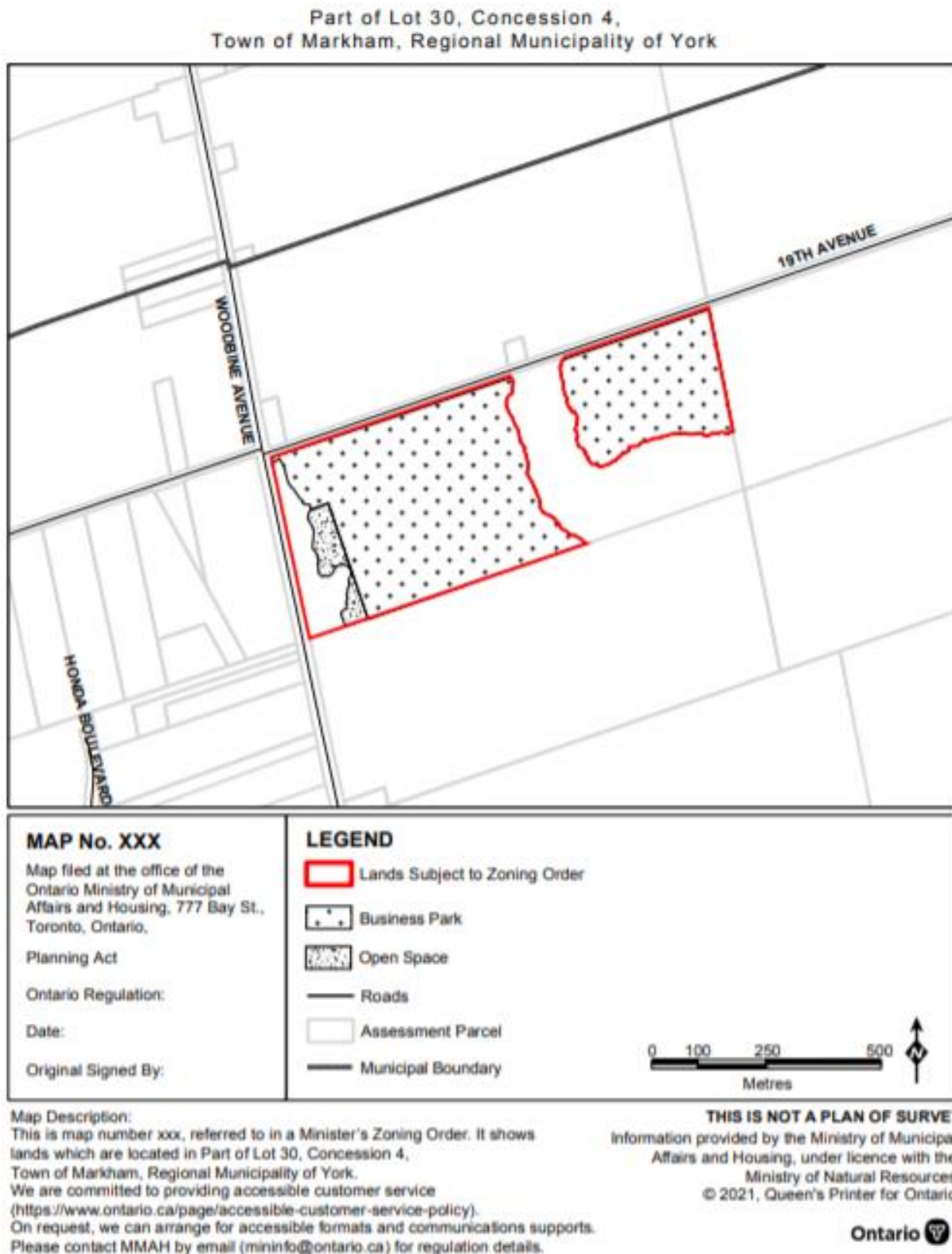
Commencement

9. **This Regulation comes into force on the day it is filed.**

Made by:

.....
Signature (Blue Ink)
*Minister of Municipal Affairs and
Housing*

Date made:



Appendix 'B'
Revised Draft Minister's Zoning Order

ONTARIO REGULATION
made under the
PLANNING ACT
ZONING ORDER - CITY OF MARKHAM, REGIONAL MUNICIPALITY OF YORK

Definitions

1. In this Order,

"Ancillary use", when used to describe a use, building or structure on the lands described in Section 2 of this Order, means a use that primarily serves the business functions on employment lands, including:

- (a) art galleries
- (b) child care centres
- (c) commercial fitness centres
- (d) nightclubs
- (e) personal service shops
- (f) places of amusement
- (g) places of entertainment
- (h) indoor recreational establishments
- (i) retail stores
- (j) restaurants
- (k) restaurants, take-out
- (l) theatres

"Bicycle Parking Space" means an area that is provided and maintained for the purpose of temporary storage of a bicycle or motor assisted bicycle as defined under the Highway Traffic Act. A bicycle parking space shall have the following minimum dimensions: length 1.8m; width 0.6m; and, height 1.2m.

"Electric Vehicle" means a battery electric vehicle that runs only on a battery and an electric drivetrain, or a plug-in hybrid electric vehicle that runs on a battery and an electric drivetrain, and also uses an internal combustion engine.

"Electric Vehicle Level 2 Charging Ready" means a connected point in an electrical wiring installation at which Level 2 charging service can be taken to supply utilization equipment in accordance with the Ontario Electrical Safety Code.

"Electric Vehicle Charging Station" means a publicly or privately owned parking space that provides a minimum of Level 2 charging power transfer and information exchange between a branch electric circuit and an electric vehicle and in accordance with the Ontario Electrical Safety Code.

“Employment use” when used to describe a use, includes the following:

- (a) Industrial Use
- (b) Business Office
- (c) Medical Office
- (d) Trade and Convention Centre
- (e) Production Studio

“Hotel” means a non-residential establishment for temporary overnight accommodation to the public, held in common ownership. A hotel may include accessory meeting facilities, recreation facilities, restaurants, a banquet hall, and retail stores, all of which are accessory and exclusively devoted to the primary temporary overnight accommodation function, and located on the same lot. Individual hotel rooms may include cooking facilities provided individual occupancies do not exceed 180 consecutive days. A hotel shall not contain dwelling units.

“Podium” means the base or lower portion of a multistorey building, which is located above average grade level, and is measured from average grade level to the maximum podium height as set out in Section 5 of this Order. A podium may or may not have a point tower projecting above it.

“Point Tower” means portions of a building that projects above a podium.

"Production Studio" means the use of land, buildings or structures where live broadcasts, motion pictures or audio or video recordings or transmissions are filmed, produced or edited and includes other similar uses, accessory uses or activities necessary for the production of live broadcasts, motion pictures or audio or video recordings or transmissions.

“Stepback” means a portion of a building that is set back further from a lot line than any other portion of a building.

"Zoning By-law" means Zoning By-law 177-96 of the City of Markham, as amended.

Application

2. This Order applies to lands in the City of Markham in the Regional Municipality of York, in the Province of Ontario, being the lands outlined in red on the map numbered ____ and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands described as Business Park in Section 2 of this Order, except for:
 - (a) All uses permitted in the BP Zone
 - (b) All uses permitted in the G Zone
 - (c) Hotels
 - (d) Production Studio
 - (e) Park, Private
 - (f) Ancillary uses

Zoning requirements

4. The zoning requirements in the Business Park (BP) Zone in the zoning by-law apply to the uses, buildings and structures permitted under Section 3 of this Order, with the following exceptions:
1. The minimum required yard setback to a street is 3.0 metres.
 2. The maximum depth of parking area in front yard shall not apply.
 3. The minimum depth of parking area in exterior side yard shall not apply.
 4. The minimum required yard setback to any other lot line shall not apply.
 5. The minimum required width of landscaping adjacent to front lot line shall be 1.5 metres.
 6. Underground parking garages are permitted to be located to 0.6 metres from any lot line.
 7. Notwithstanding any setback provision identified in Section 5 of this Order, a minimum 7.0m setback is required for all main buildings or structures, roads, driveways, parking spaces and parking areas from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way.
 8. All accessory buildings or structures shall be located a minimum of 3.0m from the edge of the TransCanada PipeLines Limited (TCPL) right-of-way.
 9. The maximum floor space index shall be 1.5 measured over the entirety of the lands described as Business Park in Section 2 of this Order.
 10. Ancillary uses shall not exceed 15% of the gross floor area of all employment and hotel uses.
 11. 90% of the floor areas of all ancillary uses shall be located within multi-storey buildings.
 12. All Hotel and ancillary uses shall be located within 400 metres of Woodbine Avenue.
 13. Stepback for accessory parking garages integrated within a building to any other portion of a building is 3.0 metres.
 14. The maximum height of buildings located up to 400 metres from the centreline of Woodbine Avenue is 20 storeys.
 15. The maximum height of buildings beyond 400 metres from the centreline of Woodbine Avenue is 6 storeys.
 16. A podium shall have a maximum height of 6 storeys.
 17. Minimum stepback of a point tower from a podium is 1.8 metres.
 18. The minimum parking rate of 1.5 for each 100 square metres of gross floor area shall apply to production studios.
 19. 10% of the required number of parking spaces shall be electric vehicle charging station parking spaces.
 20. An additional 10% of the required parking spaces shall be available for use as electric vehicle level 2 charging ready parking spaces.
 21. For all uses permitted under Section 3 of this Order, the minimum number of bicycle parking spaces required shall be 1 space per 670m² of gross floor area. Hotel uses are exempt from the requirement of providing bicycle parking spaces.
 22. Where a road widening is taken for by a Public Authority to expand Woodbine Avenue or 19th Avenues prior to the development of the site, any required setback,

or landscape requirement shall be deemed to be measured to the lot line abutting Woodbine Avenue or 19th Avenue, as it exists on the date of the passing of this Order.

- 23. Warehouse uses are only permitted accessory to a permitted employment use.
- 24. Warehouse uses are limited to 50% of the GFA of permitted employment use.
- 25. Any individual industrial uses shall have a minimum GFA of 450 square metres
- 26. Outdoor storage is not permitted.
- 27. Obnoxious uses as defined within by-law 177-96 are not permitted

Terms of use

5. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

6. This Order is deemed for all purposes, except the purposes of Section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Markham.

Commencement

7. **This Regulation comes into force on the day it is filed.**

Made by:

.....
Signature (Blue Ink)

*Minister of Municipal Affairs and
Housing*

Date made:

