

Appendix 'A'

**EXPLANATORY NOTE**

**BY-LAW NO: 2012-XXX**

A By-law to amend By-law 77-73, as amended.

Thornlea Industrial Area

**LANDS AFFECTED**

This proposed interim control by-law applies to all properties located within the Thornlea Industrial Area as outlined on Schedule 'A'.

**PURPOSE OF THE BY-LAW**

To enable the Thornhill Area Revitalization Working Group to complete a study of the land use policies and zoning standards for the Thornlea Industrial Area during the term of the by-law.

**EFFECT OF THE BY-LAW**

To prohibit certain land uses and/or redevelopment within the Study Area during the term of the by-law.

---

**BY-LAW 2012-XXX**

Interim Control By-law  
Section 38 of the Planning Act

A By-law to amend By-law 77-73, as amended

---

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, as amended, provides that Council of a Municipality may pass an interim control by-law to prohibit the use of land, buildings or structures within a defined area (the "Study Area"), where it has directed that a study be undertaken in respect of the land use policies and regulations for that area;

AND WHEREAS the Council of the Corporation of the Town of Markham has directed by resolution on June 24, 2008, to examine options for an updated Official Plan, Secondary Plan and Zoning By-law provisions in the Thornhill Industrial area with the goal of advancing and promoting the transition of the Thornhill Industrial Area to a higher order Business Corridor Area, including addressing issues of land use compatibility with the surrounding residential area and considering additional restrictions on potentially incompatible or obnoxious employment uses;

AND WHEREAS the Council of the Corporation of the Town of Markham further directed by resolution on March 1, 2011, that the Thornhill Area Revitalization Working Group be formed, with the intent of providing detailed and focused input from local residents and the business community into the ongoing Thornhill Employment Area Study;

AND WHEREAS Council has directed that an interim control by-law applying to the said lands within the Study Area be enacted immediately in accordance with the provisions of Section 38 of the *Planning Act, R.S.O. 1990*;

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

1. The lands shown on Schedule 'A' attached to this by-law are the lands affected by this by-law and are hereby established and declared to be an Interim Control Area;
2. The provisions of this by-law shall apply to the Interim Control Area;
3. Notwithstanding any other by-law to the contrary, no person shall, within the Interim Control Area established by this by-law, use any land, building or structure for the following uses:
  - a) The development of any new buildings or structures; or

- 
- b) Renovations, additions, alterations or changes to any existing building or structure on an existing lot of record unless it is in compliance with Section 5 a) or b) of this by-law ;
- 4. For the purposes of this by-law, “existing” means existing on the date of this by-law;
  - 5. For clarity, this by-law does not apply so as to prohibit:
    - a) The alteration and/or enlargement of an existing building or structure on an existing lot of record:
      - i. where a building permit is not required under applicable law, or
      - ii. provided an application for a building permit has been made, or a building permit has been issued and all other applicable regulations have been complied with prior to the passing of this by-law; or
      - iii. where the proposed alteration and/or enlargement does not exceed 10% of the existing building or structure and complies with all existing zoning standards and all other applicable regulations.
    - b) Interior renovations to an existing building or structure on an existing lot of record:
      - i. where a building permit is not required under applicable law, or
      - ii. provided an application for a building permit has been made, or a building permit has been issued and all other applicable regulations have been complied with prior to the passing of this by-law; or
      - iii. where the renovation complies with all existing zoning standards and all other applicable regulations.
    - c) the repair or restoration of a building that has been damaged;
    - d) an accessory building or structure, provided all applicable regulations have been complied with;
    - e) the development of a 1,760 m<sup>2</sup> (18,945 ft<sup>2</sup>) 3 storey office building and associated parking area located at 16 Harlech Court;
  - 6. This by-law shall be in effect for one (1) year from the date of its passing unless otherwise extended in accordance with the provisions of the *Planning Act*.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 20<sup>th</sup> DAY OF MARCH, 2012.

---

KIMBERELY KITTINGHAM  
TOWN CLERK

---

FRANK SCARPITTI  
MAYOR