

EXPLANATORY NOTE

BY-LAW 2010-35

A By-law to amend By-law 177-96, as amended

1027174 Ont. Ltd. and 1482058 Ont. Ltd.

Part of Lot 20, Concession 8

Greensborough Community

Lands Affected

The proposed by-law amendment applies to 2 ha. (5 acres) of land, consisting of two properties, located south of Major Mackenzie Drive, east of Donald Cousens Parkway, within the Greensborough community.

Existing Zoning

The lands are presently zoned Rural Residential (RR4) by By-law 304-87, as amended.

Purpose and Effect

The purpose of the by-law amendment is to incorporate the lands into By-law 177-96, as amended and zone them Neighbourhood Commercial One *412 Hold [NC1*412 (H)] and Neighbourhood Commercial One *417 Hold [NC1*417 (H)] which will permit the development of a gas bar and retail plaza.

Conditions required to be met for lifting the Hold (H) provision include the following:

- That the owner obtain site plan approval;
 - That the owner enter into the Greensborough Developers' Group Agreement; and
 - That the owner submit a traffic study for review and approval by the Region of York and the Town.
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BY-LAW 2010-35

A by-law to amend the New Urban Area By-law 177-96, as amended
(*To incorporate lands into the designated area of this By-law*)

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

1. THAT By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96, as amended, to include the lands in Lot 20, Concession 8, as shown on Schedule 'A' attached hereto.

- 1.2 By zoning the lands:

Neighbourhood Commercial One*412 Hold [NC1*412 (H)],
and
Neighbourhood Commercial One*417 Hold [NC1*417 (H)]

as shown on Schedule 'A' attached hereto.

- 1.3 By adding the following Subsections 7.412 and 7.417 to Section 7 – EXCEPTIONS:

“7.412 Neighbourhood Commercial

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *412 on the Schedule to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.412.1 Additional Permitted Uses

The following additional uses are permitted:

- a) *gas bar;*
- b) *motor vehicle service station; and*
- c) *restaurant*

7.412.2 Prohibited Uses

The following uses are prohibited:

- a) *outdoor storage;*
- b) *drive-through service facility*

7.412.3 Zone Standards

The following specific Zone Standards apply:

- a) Maximum *lot area* - 2.0 hectares

- b) Minimum *lot frontage* - 0 metres
- c) Minimum required *yard* from the Major Mackenzie Drive *streetline* - 6.0 metres
- d) Minimum required *yard* from the Donald Cousens Parkway *streetline* - 3.0 metres
- e) Minimum required *yard* from the easterly *lot line* – 1.5 metres
- f) Minimum required *yard* from the northwest *streetline* adjacent to the intersection of Major Mackenzie Drive and Donald Cousens Parkway - 12.0 metres
- g) Minimum width of *landscaping* abutting all *lot lines*, except for the easterly *lot line* - 3.0 metres
- h) Minimum width of *landscaping* abutting the easterly *lot line*- 1.5 metres
- i) Minimum required distance of *parking spaces* from all *lot lines*, except for the easterly *lot line* – 6.0 metres
- j) Maximum front yard – 0 metres

7.412.4 Special Site Provisions

The following additional provisions apply:

- a) The maximum *net floor area* of any individual *premises* shall be 300 square metres;
- b) An *accessory retail store* is permitted within a *gas bar building* provided the maximum *net floor area* for the *accessory retail store* does not exceed 120 square metres.”

“7. 417 Neighbourhood Commercial

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *417 on the Schedule to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.417.1 Additional Permitted Uses

The following additional use is permitted:

- a) *restaurant*

7. 417.2 Prohibited Uses

The following uses are prohibited:

- a) *outdoor storage*;
- b) *drive-through service facility*

7. 417.3 Zone Standards

The following specific Zone Standards apply:

- a) Maximum *lot area* - 2.0 hectares
- b) Minimum *lot frontage* - 0 metres
- c) Minimum required *yard* from the Major Mackenzie Drive *streetline* - 6.0 metres
- d) Minimum required *yard* from the Donald Cousens Parkway *streetline* - 3.0 metres
- e) Minimum required *yard* from the easterly *lot line* - 6.0 metres
- f) Minimum required *yard* from the westerly *lot line* – 1.5 metres
- g) Minimum width of *landscaping* abutting all *lot lines*, except for the westerly *lot line* - 3.0 metres
- h) Minimum width of *landscaping* abutting the westerly *lot line* – 1.5 metres
- i) Minimum required distance of *parking spaces* from all *lot lines*, except for the westerly *lot line* – 6.0 metres
- j) Maximum front yard – 0 metres

7. 417.4 Special Site Provisions

The following additional provision applies:

- a) The maximum *net floor area* of any individual *premises* shall be 300 square metres, except that one *retail store* with a maximum *net floor area* of 1450 square metres is permitted.”

1.4 HOLDING PROVISION:

For the purpose of this By-law, a Holding ‘(H)’ *zone* is hereby established and is identified on Schedule ‘A’ attached hereto by the letter ‘(H)’ in parenthesis following the zoning symbol.


No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to the ‘(H)’ provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter ‘(H)’ has come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the ‘(H)’ Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

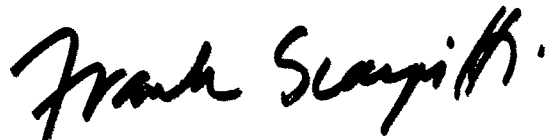
- That the Owner obtain Site Plan Approval in compliance with the provisions of the Upper Greensborough Community Design Plan, to the satisfaction of the Town;

- That the Owner enter into the Greensborough Developers' Group Agreement(s) to ensure the provision of community and common facilities such as municipal services, parks and public roads in the Greensborough Secondary Plan area, to the satisfaction of the Town (Commissioner of Development Services and Town Solicitor), and that the Trustee of the Greensborough Developers' Group shall deliver a release to the Town indicating the Owner has satisfied all conditions of the Group agreement; and
 - That the Owner submit a Traffic Impact Study prepared by a qualified transportation engineer for review and approval, to the satisfaction of the Town and the Region of York.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
24TH DAY OF MARCH, 2010.



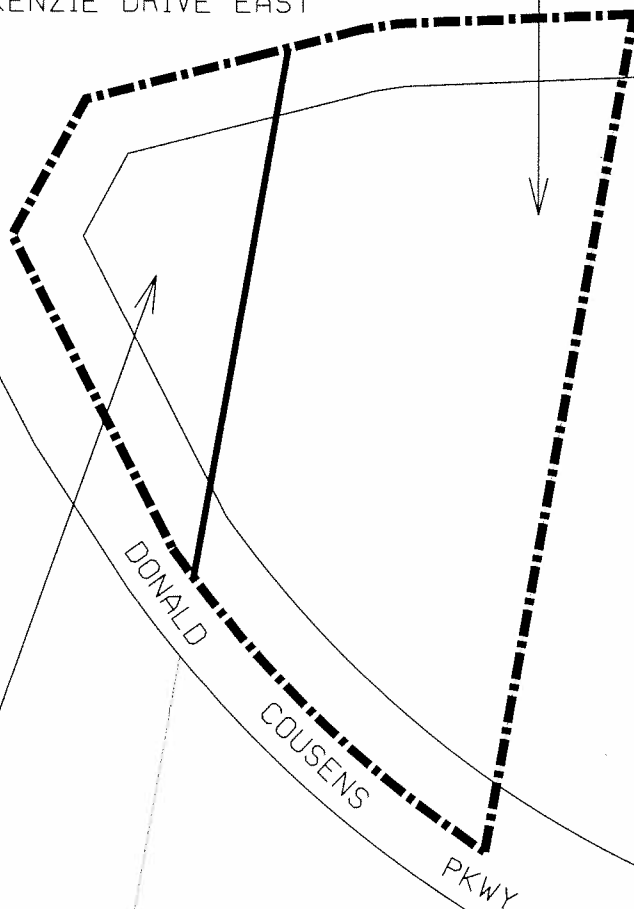
KIMBERLEY KITTERINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR

FROM RR4 (BL 304-87)
TO NC1*417(H) BL 177-96)

MAJOR MacKENZIE DRIVE EAST



FROM RR4 (BL 304-87)
TO NC1*412(H) (BL 177-96)



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

— ZONE BOUNDARY

RR4 RURAL RESIDENTIAL FOUR

NC1 NEIGHBOURHOOD COMMERCIAL ONE

(H) HOLDING PROVISION

*No EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2010-35
PASSED THIS 24TH DAY MARCH, 2010

Paul Scarpitta MAYOR

[Signature] CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 2200