

EXPLANATORY NOTE

BY-LAW NO. 2007-150

A By-law amend By-law 2284-68 and By-law 177-96, as amended

Miller Paving Limited
7781 Woodbine Avenue
Part of Lots 6, 7 and 8, Concession 4
East side of Woodbine Avenue, north of 14th Avenue

LANDS AFFECTED

The by-law applies to a 29.4 hectares (72.7 acre) property, located on the east side of Woodbine Avenue, north of 14th Avenue, municipally known as 7781 Woodbine Avenue.

EXISTING ZONING

The lands subject to this By-law are presently zoned Industrial Four (M4) by By-law 2284-68, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law amendment is to delete the lands from By-law 2284-68 and rezone the property to Major Commercial Area (MJC), Business Corridor (BC) and General Industrial (GI) under By-law 177-96, as amended, to implement a plan of subdivision to create commercial and industrial development blocks on the east side of Woodbine Avenue, north of 14th Avenue.

The zoning by-law also includes a Hold (H) provision to ensure:

- Subdivision agreement is executed;
 - A site plan for the commercial lands has been endorsed;
 - Necessary infrastructure is in place to service the lands;
 - Adequate arrangements to implement the proposed stormwater management strategy have been completed, to the satisfaction of the Town and the TRCA;
 - Lands have been secured for right-of-ways, open space etc.;
 - Lands can be served adequately by the existing and committed transportation network
 - Real or potential contamination has been remediated;
 - Any real or potential off-site contamination has been addressed to the satisfaction of the Ministry of the Environment;
 - Development Charge By-law is enacted; and
 - Developers Group or alternative agreement is in place to address costs of development not dealt with under the Development Charge By-law
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BY-LAW 2007-150

A by-law to amend Urban Expansion Area
Zoning By-law 177-96, as amended

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

1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lots 6, 7 and 8, Concession 4, shown on Schedule 'A' attached hereto;
 - 1.2 By zoning the lands:

Business Corridor *336*337 (Hold) – [BC * 336*337(H)]
Business Corridor *338 (Hold) – [BC *338(H)]
General Industrial *341(Hold) – [GI*341 (H)]
Major Commercial Area *336*340(Hold) – [MJC*336*340(H)]

as shown on Schedule 'A' attached hereto.
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

**"7.336 Miller Paving Limited, lands east of Woodbine Avenue,
north of 14th Avenue**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *336 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.336.1 Zone Standards

The following specific Zone Standards apply:

- a) *Maximum yard* adjoining any *public street* – 6.0 metres
- b) Minimum required width of *landscaping*:
 - (i) Adjacent to a *public street* – 6.0 metres
 - (ii) Adjacent to any *lot line*, not adjacent to a *public street* – 3.0 metres
- c) Minimum *height* – 6.0 metres;
- d) Maximum *height* – 16 metres.

7.336.2 Special Site Provisions

The following special site provisions shall apply:

- (a) Within 40 metres of Woodbine Avenue *streetline*, the following additional provisions apply:
 - (i) Minimum *height* – 8.0 metres;

- (ii) A minimum of 60% of the length of the *streetline* along Woodbine Avenue within a lot/block shall be the location of a *main wall* that is setback no further than 6.0 m from the *streetline*;
 - (iii) A minimum of 50% of the surface area of each *main wall* facing the *public street* shall be comprised of openings. This provision only applies to that portion of the *main wall* that is within 3.0 metres of *established grade*. For the purpose of this provision, "openings" are spaces/perforations in walls that contain windows, doors or entrance features or any combination thereof;
 - (iv) *Parking areas* and *parking spaces* are not permitted within 6 metres of Woodbine Avenue;
- (b) Within 20 metres of Woodbine Avenue *streetline*, the following additional provisions apply:
- (i) Doors associated with *loading spaces* are not permitted; and
 - (ii) *Drive through service facilities* and *queuing lanes* are not permitted.
- (c) The following encroachments shall be permitted into the required *landscaped open space* adjoining streets:
- (i) Any part of the *main wall* may encroach into the required *landscaped open space* a distance of no more than 3.0 metres; and
 - (ii) Awnings, roof overhangs, open colonnades, canopies, uncovered platforms or stairs.
- (d) The following site specific provisions shall apply to the 14th Avenue *streetline*:
- (i) *Maximum yard* adjoining 14th Avenue – 43 metres;
 - (ii) Minimum required width of *landscaping* –15 metres.
- (e) The following encroachments shall be permitted into the required *landscaped open space* adjoining 14th Avenue:
- (i) Any part of the *main wall* may encroach into the required *landscaped open space* ; and
 - (ii) Awnings, roof overhangs, open colonnades, canopies, uncovered platforms or stairs.

7.336.3 Notwithstanding any further division or partition of lands, the development standards of By-law 177-96, as amended, shall continue to apply to the lands as shown on Schedule 'A'.

7.337 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Business Corridor)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *337 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.337.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *business offices;*
- b) *restaurants; and*
- c) *restaurants, take-out.*

7.337.2 Special Site Provisions

The following special site provisions shall apply:

- (a) *Minimum gross floor area of an office building – 2,787 m² and*
- (b) *Restaurants and Take-Out Restaurants are only permitted in an office building.*

7.338 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Business Corridor)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *338 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.338.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *art galleries;*
- b) *business offices;*
- c) *commercial fitness centers;*
- d) *day nurseries;*
- e) *financial institutions;*
- f) *hotel;*
- g) *industrial uses;*
- h) *medical offices;*
- i) *personal service shops;*
- j) *recreational establishments;*
- k) *restaurants;*
- l) *restaurant, take-out;*
- m) *retail stores;*
- n) *schools, commercial, and*
- o) *veterinary clinics.*

7.338.2 Special Site Provisions

The following special site provisions shall apply:

- (a) *Restaurants and Take-Out Restaurants are only permitted in an office building.*
- (b) *Maximum combined gross floor area devoted to retail stores and/or retail accessory to other permitted use(s) – 30%*
- (c) *Maximum gross floor area of a retail store – 300 m² to 1,000 m²*
- (d) *Maximum gross floor area of a retail store, in which the predominate products sold are computers and/or office supplies – 3,000 m²*
- (e) *Retail sales accessory to an industrial use are permitted provided:*

- (i) The retail sales are conducted within the same *premises* as a permitted *industrial use*.
- (ii) The retail sales area has a *net floor area* that does not exceed the lesser of 300 m² or 10 percent of the *net floor area* of the *premises* containing the *industrial use*.
- (f) Retail sales *accessory* to a *hotel* use are permitted.
- (g) *Outdoor storage* and *outdoor display and sales* are not permitted.

7.340 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (Major Commercial)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *340 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.340.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *art galleries*;
- b) *business offices*;
- c) *commercial fitness centers*;
- d) *day nurseries*;
- e) *financial institutions*;
- f) *medical offices*;
- g) *personal service shops*;
- h) *places of entertainment*;
- i) *restaurants*;
- j) *restaurants, take-out*;
- k) *retail stores*;
- l) *schools, commercial*;
- m) *schools, private*;
- n) *supermarket*; and
- o) *theatres*.

7.340.2 Special Site Provisions

The following special site provisions apply:

- (a) Maximum number of *retail store premises* within a fully enclosed *net floor area* greater than 4,000 m² and less than 13,200 m² - one (1)
 - (i) *Outdoor display and sales* in the form of a garden center are permitted subject to the following:
 - Only in association with a *retail store premise* with a *net floor area* greater than 10,000 m²;
 - Maximum area of a garden center partially enclosed and/or unenclosed – 3,100 m²; and
 - *Outdoor display* and sales are not permitted adjacent to a public street.
- (b) Maximum number of *retail store premises* with a fully enclosed *net floor area* greater than 4,000 m² and less than 20,000 m² - one (1)

(i) *Outdoor display* and sales in the form of a garden center are permitted subject to the following:

- Only in association with a *retail* store premise with a net floor area greater than 18,000 m²;
- Maximum area of a garden center partially enclosed and/or unenclosed – 2,000 m²; and
- Outdoor display and sales are not permitted adjacent to a public street.

(c) *Motor vehicle* tire sales and repair are permitted subject to the following provisions:

(i) Only within a *retail store building* containing a *retail store premise* with a *net floor area* of more than 18,000 m²; and

(ii) Maximum *gross floor area* – 660 m².

(d) The combined *gross floor area* of *restaurants* and *take-out restaurants* shall not exceed 20% of the total *gross floor area* of all *buildings*.

7.340.3 Special Parking Provisions

The following parking provision applies:

- (a) Parking is not required for any unenclosed portions of garden centers.
- (b) The number of parking spaces required shall be calculated at a rate of 1 space per 20 square metres of gross leasable floor area.

7.340.4 Special Landscaping Provisions

The minimum *landscaped open space* provided shall be 15%.

7.341 Miller Paving Limited, lands east of Woodbine Avenue, north of 14th Avenue (General Industrial)

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *341 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.341.1 Additional permitted uses

The following additional uses are permitted:

- (a) Any use operated and/or financed (in whole or in part) by a *public authority*

1.4 HOLDING PROVISIONS

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.

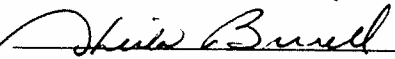
Notwithstanding any other provision in this By-law, where a *zone* symbol is followed by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan, the provisions of this Zoning By-law and any amendment to this By-law, as amended, and the Planning Act as amended.

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

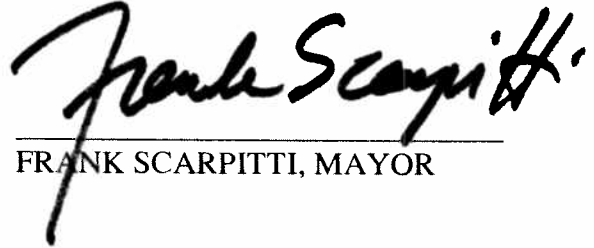
- (a) A plan of subdivision has been draft approved and related subdivision agreement between the landowner and the Town has been executed;
- (b) A site plan for the commercial lands has been endorsed;
- (c) The Town and the Toronto and Region Conservation Authority (TRCA) are satisfied with the arrangements made to implement the proposed stormwater management strategy;
- (d) The Town is satisfied that adequate water, sanitary, storm sewer and stormwater management facilities are in place to service the subject lands;
- (e) The Town is satisfied that land for required road rights-of-way, open space and other community facilities are secured;
- (f) The Town, in consultation with concerned agencies, is satisfied that the lands, proposed to be released for development, can be served adequately by the existing and committed transportation network without adverse impact to the existing road system or to other committed development and that development is not otherwise premature;
- (g) Any real or potential contamination has either been remediated to an environmental site condition which meets either the Provincial Standards as outlined in appropriate or applicable standards of the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act pursuant to O. Reg. 153/04 or risk assessment standards in accordance with O. Reg. 153/04 for the proposed land use, and will not result in any adverse affects, or that such remediation has been secured through other means, such as conditions in a subdivision agreement, or by a record of site condition prior to the issuance of a building permit.
- (h) Where there is a real or potential off-site contamination directly attributable to former on-site activities and such off-site contamination is in excess of the Provincial standards as outlined in appropriate or applicable standards of the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act pursuant to O. Reg. 153/04 or is otherwise not incorporated into risk assessment, the Town is satisfied that the Ministry of the Environment and the affected owners have been notified of such contamination; and that such contamination is addressed, to the satisfaction of the Ministry of the Environment;
- (i) A Development Charge By-law has been enacted, or the Town Solicitor has confirmed a satisfactory arrangement for the payment to the Town by the landowner(s), without recourse, of an amount equal to the applicable development charges has been made; and
- (j) The Town has been satisfied that arrangements have been made through a Developers Group or alternative agreement, to address the sharing of common costs of development within the area not included in a Development Charges By-law (including recoveries owing to area developers).

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

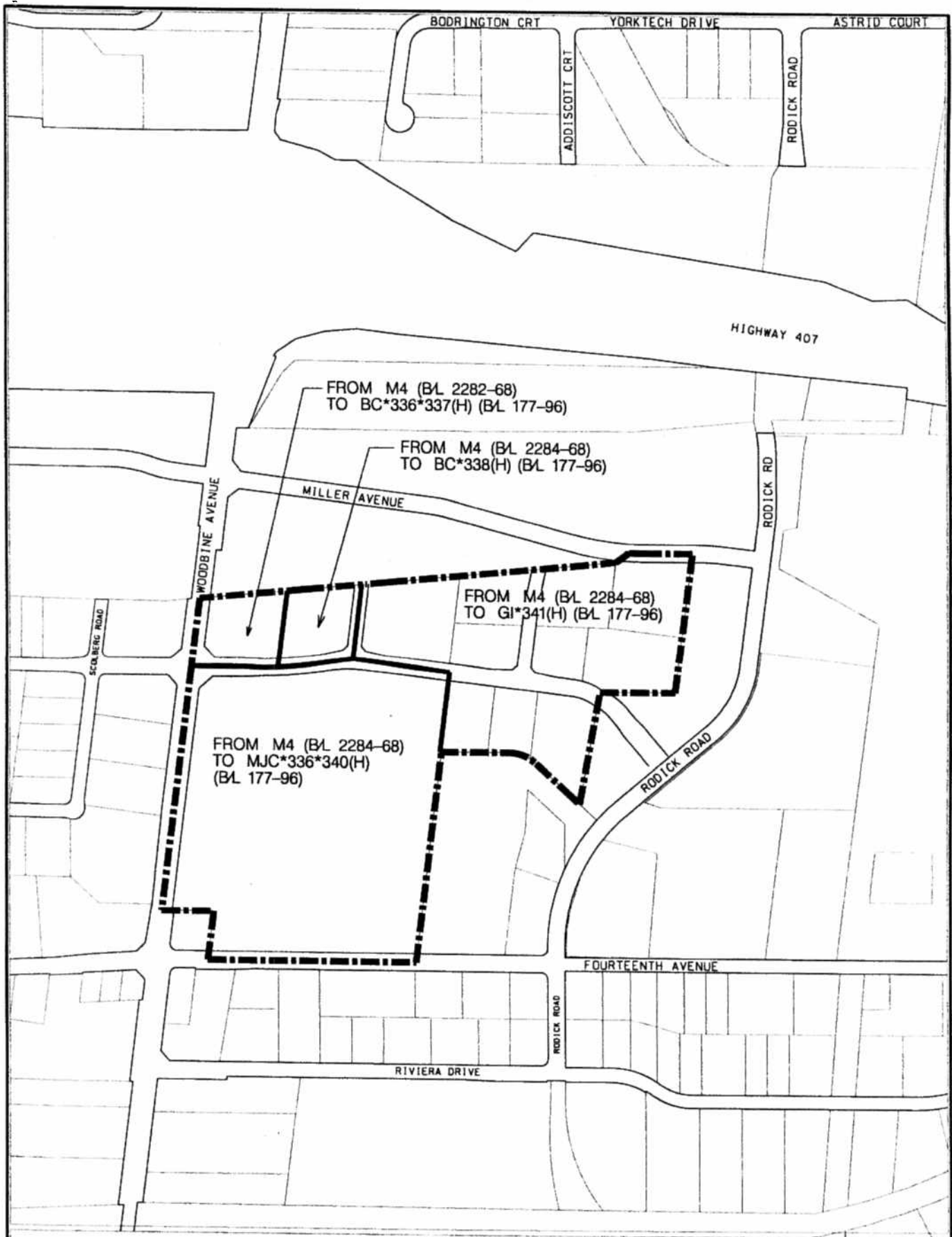
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
26TH DAY OF JUNE, 2007.



SHEILA BIRRELL, TOWN CLERK



FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

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

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

BC BUSINESS CORRIDOR	MJC MAJOR COMMERCIAL
GI GENERAL INDUSTRIAL	(H) HOLDING PROVISION
M4 RURAL INDUSTRIAL	*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2007-150
 PASSED THIS 26TH DAY JUNE, 2007

Frank Scarpitti MAYOR

Shirley Burrell 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: