

ISSUE DATE:

18<sup>th</sup> August, 2006

DECISION/ORDER NO:

2339



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

Geoff Day.

RECEIVED

AUG 21 2006

TOWN OF MARKHAM  
CLERKS DEPT.

PL050387

Wismer Markham Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, against Zoning By-law 2005-376 of the Town of Markham  
O.M.B. File No. R060030

BEFORE:

D.R. GRANGER  
VICE-CHAIR

) Thursday, the 17<sup>th</sup> day of  
)  
) August, 2006

**THIS MATTER** having been appealed to the Board by Wismer Markham Developments Inc. (the "Appellant");

**AND THE BOARD** having received a request from the appellant, and as consented to by the Town of Markham, for the Board to issue an order pursuant to subsection 34(31) of the *Planning Act*, providing that By-law No. 2005-376 (the "By-law") of the Town of Markham shall be deemed to come into force as of December 13, 2005, with the exception of the OS1 Zone shown on Schedule A of By-law No. 2005-376;

**THE BOARD ORDERS** that upon the consent of the appellant and the Town of Markham and pursuant to subsection 34(31) of the *Planning Act*, By-law No. 2005-376 of the Town of Markham, attached hereto as Attachment "1", shall be deemed to come into force and effect as of December 13, 2005, save and except the OS1 Zone shown on Schedule A of the By-law.

A handwritten signature in cursive script, likely belonging to the Secretary.

SECRETARY



## BY-LAW 2005-376

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 a) By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lot 17 Concession 7, shown on Schedule 'A' attached hereto.

b) By zoning the lands:

Major Commercial Area \*187 \*299 (Hold) [MJC \*187\*299(H)] and  
Open Space One (OS1)

1.2 By rezoning the lands identified as Blocks 1 & 2, Registered Plan 65M-3761, shown on Schedule 'A' attached hereto;

From Major Commercial Area \*187 (MJC \*187) to  
Major Commercial Area \*187 \*299 (Hold) [MJC \*187 \*299(H)]

1.3 By deleting Schedules 8.7 and 8.8 of By-law 177-96, as amended and replacing them with new Schedules 8.7 and 8.8 attached hereto as Schedules 'B' and 'C'.

1.4 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

**"7.299 Maximum Net Floor Area for any individual retail store or supermarket premises**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*299 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.

### **7.299.1 Zone Standards**

The following specific zone standards apply:

- a) Maximum *Net Floor Area* for any individual *retail store or supermarket premises* - 6000 m<sup>2</sup>
- b) Maximum *Net Floor Area* permitted on a *lot* - 30,000 m<sup>2</sup>

2. Holding Provisions

For the purposes of this By-law, Holding (H) Zones are hereby established and are identified on Schedule 'A' attached hereto by the zone symbol followed by the letter H in parenthesis.

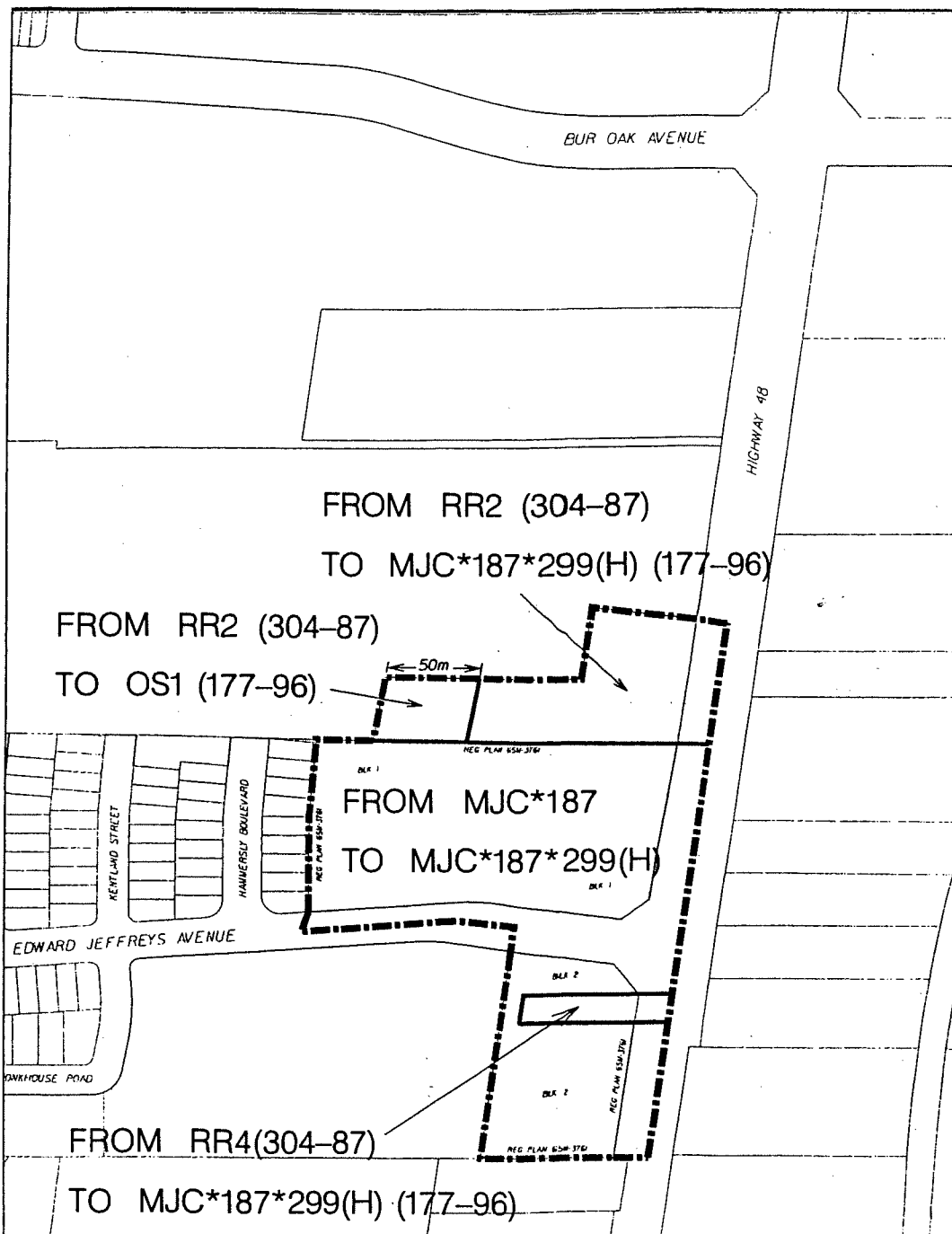
The Holding (H) provision shall not be removed until the owner has obtained site plan approval and executed a site plan agreement;

3. This By-law shall not come into force and effect until By-law No. 2005-375 amending By-law 304-87, as amended, comes into force and effect, and the subject lands of this By-law become incorporated into the designated area of By-law 177-96, as amended.
4. 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  
13<sup>TH</sup> DAY OF DECEMBER, 2005.

  
PATRICIA MILLER  
DEPUTY CLERK

  
FRANK SCARPITTI  
DEPUTY MAYOR



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW  
ZONE BOUNDARY

RR2 RURAL RESIDENTIAL TWO  
RR4 RURAL RESIDENTIAL FOUR  
MJC MAJOR COMMERCIAL

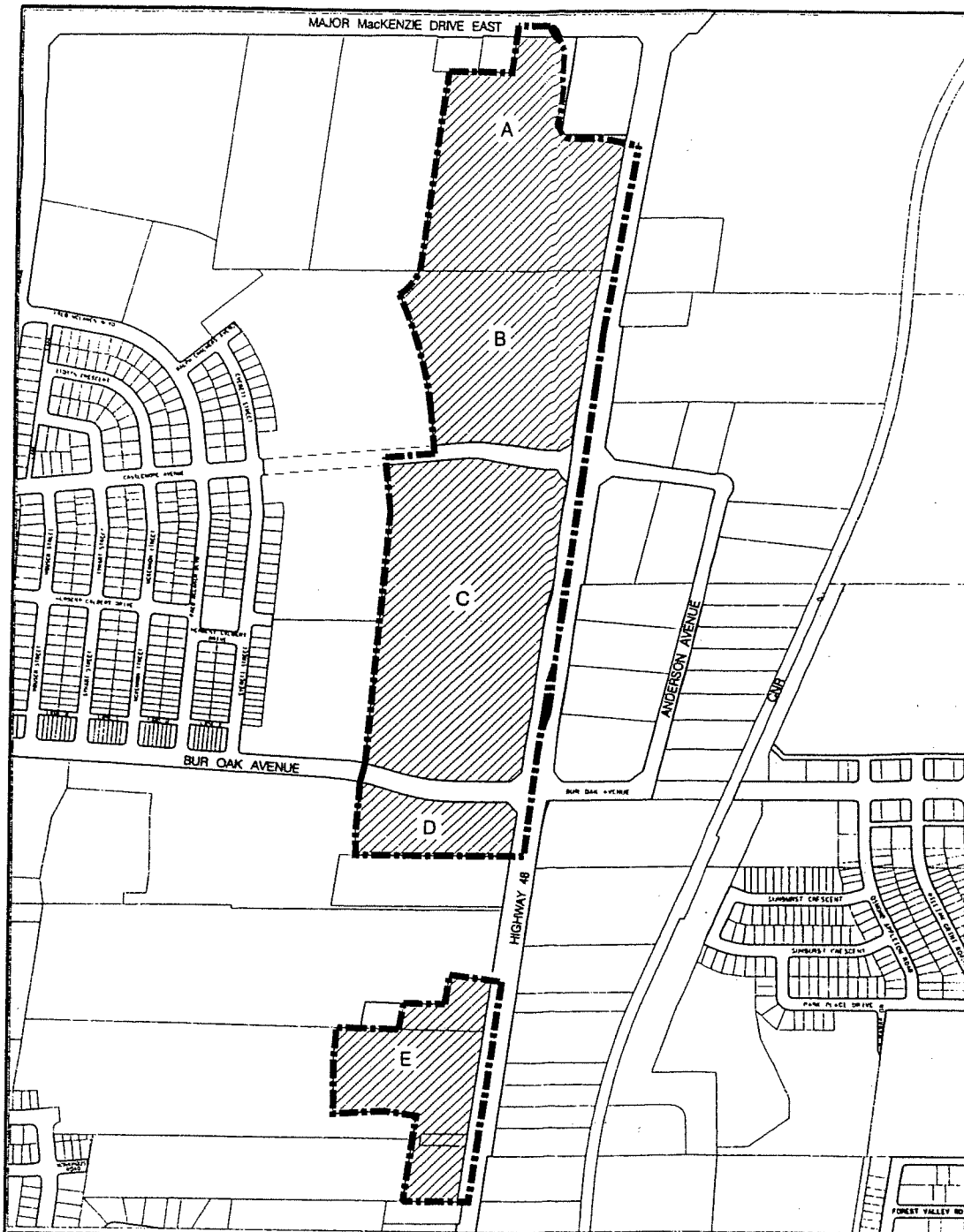
OS1 OPEN SPACE ONE  
\*(No) EXCEPTION NUMBER  
(H) HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW 2005-376  
PASSED THIS 13TH DAY DEC., 2005

*John Scarpitti* DEPUTY MAYOR  
*Miller* DEPUTY 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: 3000



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 177-96 SCHEDULE 8.7

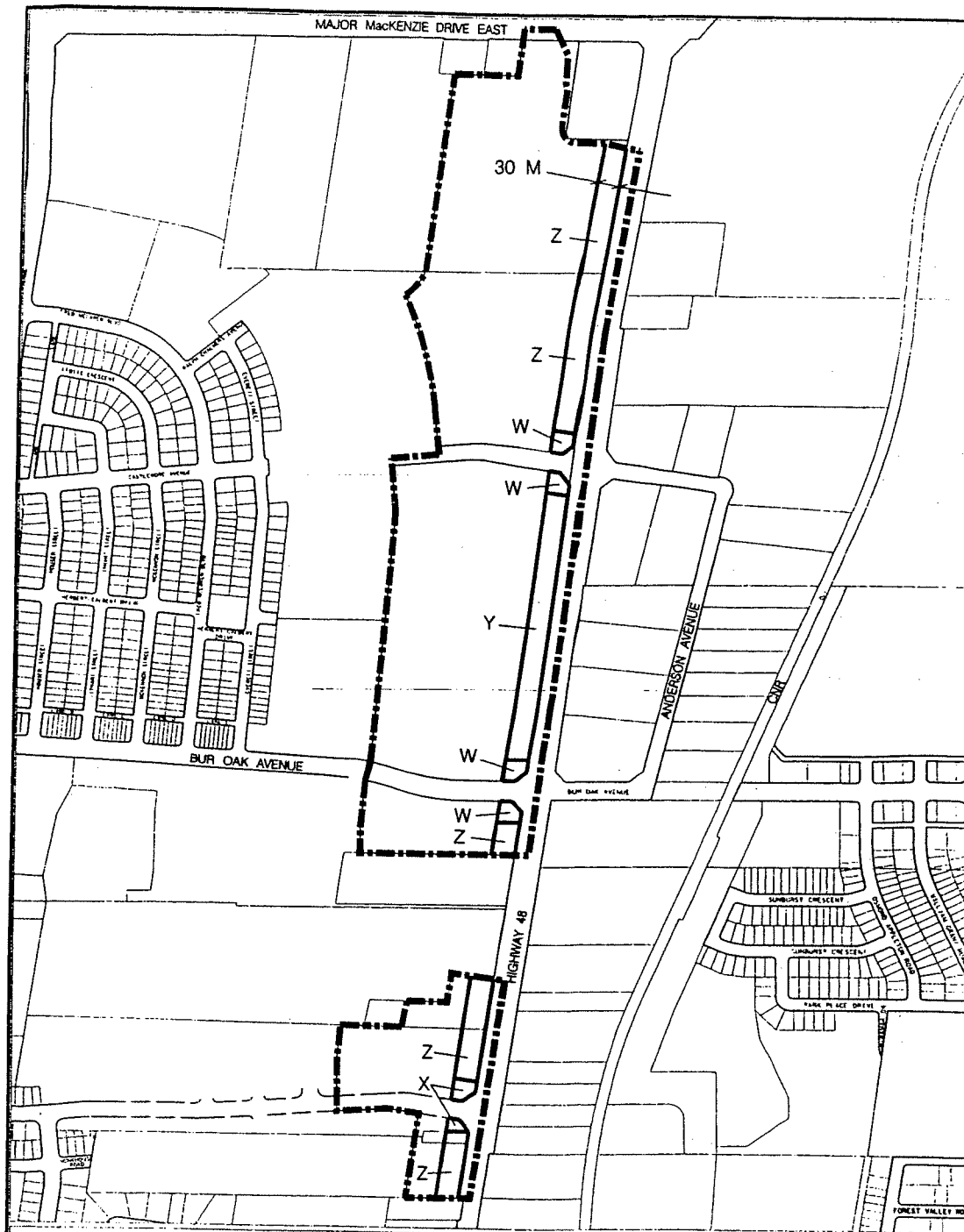
--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

/// SPECIAL PROVISION AREA

THIS IS SCHEDULE 'B' TO BY-LAW 2005-376  
PASSED THIS 13TH DAY DEC. 2005

*Zade Scarpitti* DEPUTY MAYOR  
*Miller* DEPUTY CLERK

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



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 177-96 SCHEDULE 8.8

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

□ SPECIAL PROVISION AREA

2005-376

THIS IS SCHEDULE 'C' TO BY-LAW .....  
PASSED THIS 13TH DAY DEC. 2005.....

*John Scarpitti* DEPUTY MAYOR  
*D. Miller* DEPUTY CLERK

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