

ISSUE DATE:

Jul. 25, 2006

DECISION/ORDER NO:

2083



PL050747

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

The City of Toronto and 2 Tang's Automotive Centre Ltd. have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Regional Municipality of York to approve Proposed Amendment No. 144 to the Official Plan for the Town of Markham for the purpose of establishing a secondary plan for the Milliken Main Street area
OMB File No: O050138

The City of Toronto and 2 Tang's Automotive Centre Ltd. have 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 2005-248 of the Town of Markham
OMB File No: R050192

The City of Toronto 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 2005-249 of the Town of Markham
OMB File No: R050193

The City of Toronto and 2 Tang's Automotive Centre Ltd. have 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 2005-250 of the Town of Markham
OMB File No: R050197

APPEARANCES:

Parties

Town of Markham

City of Toronto

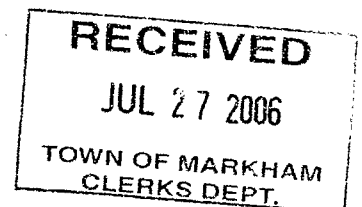
2 Tang's Automotive Centre Ltd.

Counsel

R. Boxma

B. O'Callaghan

J.R. Hart



MEMORANDUM OF ORAL DECISION DELIVERED BY R. ROSSI ON 19 JULY 2006 AND ORDER OF THE BOARD

The Parties have reached a settlement in the case at hand. Town Planner Margaret Wouters provided planning evidence in respect of the proposed amendments. Planner Wouters opined that the amendments to the Official Plan and the Zoning By-

law constitute good planning. The Board accepts this opinion and determines that the changes encourage the redevelopment of this area as a vibrant medium and high-density residential community.

The Board allows the appeals in part on Official Plan Amendment 144 and approves OPA 144 as set out in Attachment 1.

The Board allows the appeals in part on Zoning By-laws 2005-248, 2005-249 and 2005-250 and the by-laws are amended in accordance with Attachment 2.

The Board so Orders.

"R. Rossi"

R. ROSSI
MEMBER

EXPLANATORY NOTE**JULY 19, 2006****TO BY-LAW 2005-248**

A by-law to amend By-law 47-85, as amended

Town-initiated Zoning By-law Amendment
Main Street Milliken Secondary Plan Area (PD 2-4)
Risebrough Planning District (Planning District No. 2)

LANDS AFFECTED

This proposed by-law amendment applies to approximately 21 hectares (52 acres) of land on the east and west sides of Old Kennedy Road north of Steeles Avenue.

EXISTING ZONING

The lands subject to this By-law are presently zoned Special Commercial 1 (SC1), (Holding) Special Commercial 1 [(H)SC1], Special Commercial 2 (SC2), Special Commercial 3 (SC3), Special Commercial 4 (SC4), Community Amenity (CA) and (Holding) Community Amenity [(H)CA] in By-law 47-85, as amended.

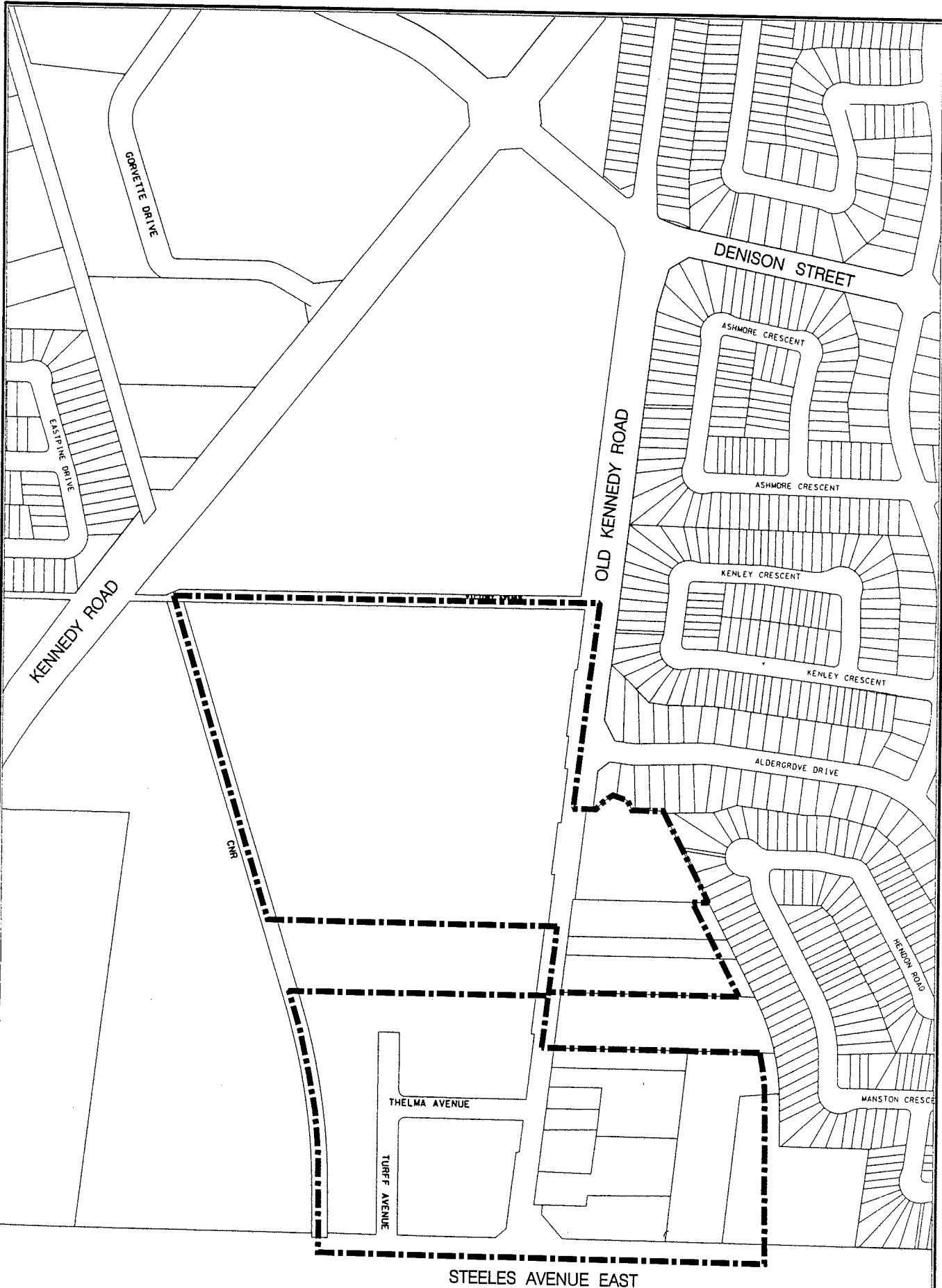
PURPOSE AND EFFECT OF THE BY-LAW

The purpose and effect of the zoning by-law amendment is to delete the subject lands from the designated area of By-law 47-85. The subject lands will be included within the designated area of By-law 177-96.

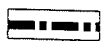
A By-law to amend By-law 47-85, as amended

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

1. By-law 47-85, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 47-85, as amended.
2. This By-law shall not come into force and effect until By-law 2005-250 amending By-law 177-96, 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.
3. All other provisions of By-law 47-85, as amended, not inconsistent with the provisions of this by-law, shall continue to apply.



A BY-LAW TO AMEND BY-LAW 47-85



BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW 2005-248
PASSED THIS DAY, 2006

.....MAYOR

.....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: 5000

EXPLANATORY NOTE

JULY 19, 2006

TO BY-LAW 2005-249

A by-law to amend By-law 90-81, as amended

Town-initiated Zoning By-law Amendment

Main Street Milliken Secondary Plan Area (PD 2-4)

Risebrough Planning District (Planning District No. 2)

LANDS AFFECTED

This proposed by-law amendment applies to approximately 10 hectares (25 acres) of land on the west side of Old Kennedy Road, north of Victory Avenue, as well as certain lands on the east side of Old Kennedy Road, within the Main Street Milliken Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are currently zoned Residential Development (RD), Special Commercial 3 (SC3), Third Density - Semi-detached Residential (RSD3), Fourth Density – Semi-detached Residential (RSD4) and Institutional and Open Space (O2) in By-law 90-81, as amended.

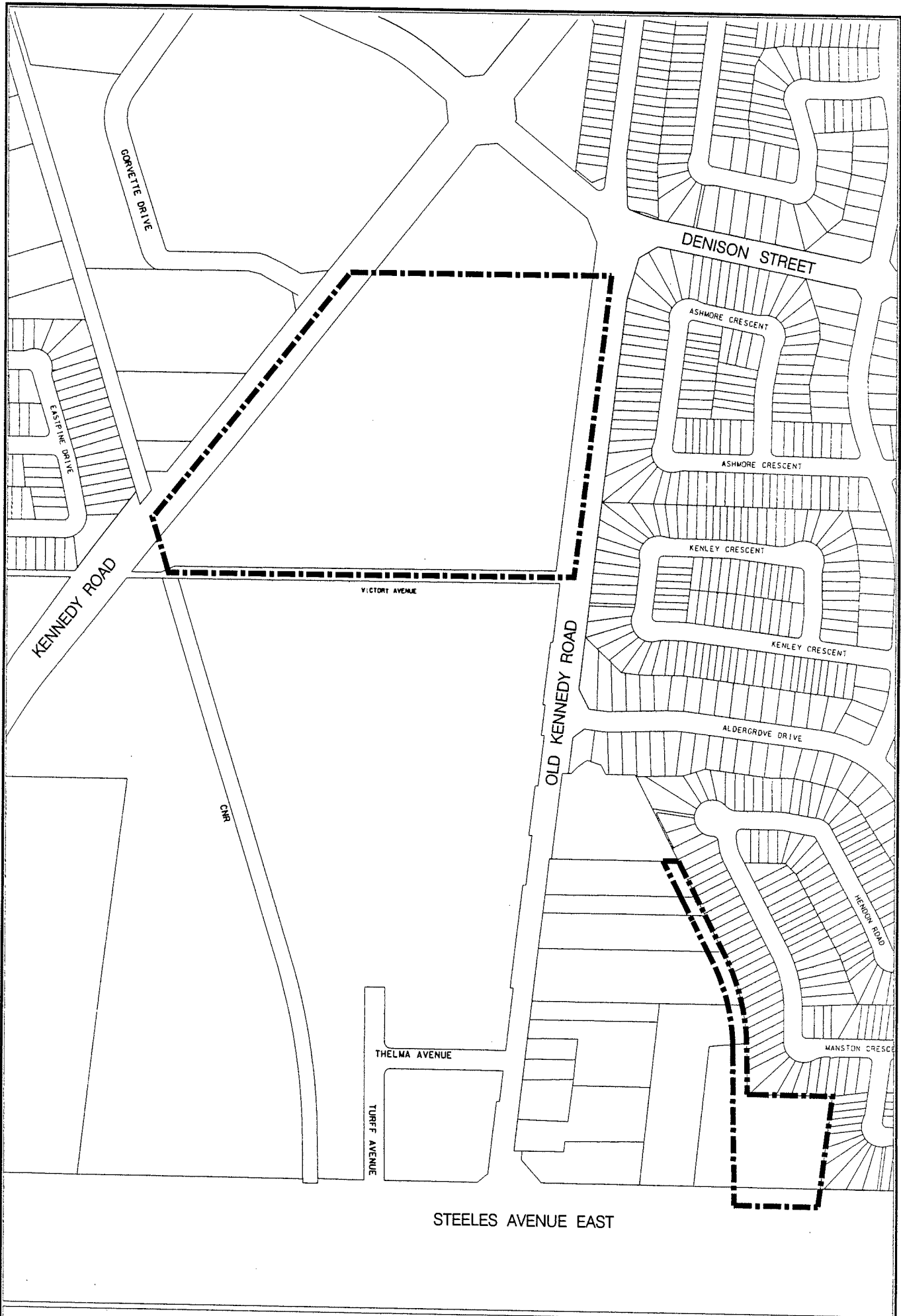
PURPOSE AND EFFECT OF THE BY-LAW

The purpose and effect of the zoning by-law amendment is to delete the subject lands from the designated area of By-law 90-81. The subject lands will be included within the designated area of By-law 177-96.

A By-law to amend By-law 90-81, as amended

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

1. By-law 90-81, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 90-81, as amended.
2. This By-law shall not come into force and effect until By-law 2005-250 amending By-law 177-96, 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.
3. All other provisions of By-law 90-81, as amended, not inconsistent with the provisions of this by-law, shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 90-81



BOUNDARY OF AREA COVERED BY THIS BY-LAW



THIS IS SCHEDULE 'A' TO BY-LAW 2005-249
PASSED THIS DAY, 2006

.....MAYOR

.....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: 5000

EXPLANATORY NOTE**JULY 19, 2006****TO BY-LAW 2005-250**

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

Town-initiated Zoning By-law Amendment

Main Street Milliken Secondary Plan Area (PD 2-4)

Risebrough Planning District (Planning District No. 2)

LANDS AFFECTED

This proposed by-law amendment applies to approximately 31 hectares (77 acres) of land within the Main Street Milliken Secondary Plan area of the Risebrough Planning District as shown on the key map.

EXISTING ZONING

The lands subject to this By-law are presently zoned for commercial and residential uses under By-law 90-81, as amended, and By-law 47-85, as amended.

PURPOSE AND EFFECT OF BY-LAW

The purpose and effect of the zoning by-law amendment is to implement the Main Street Milliken Secondary Plan.

A By-law to amend By-law 177-96, as amended
A by-law to implement the Main Street Milliken Secondary Plan

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 The designated area of By-law 177-96, as amended, is expanded to include those lands outlined on Schedule 'A1' and Schedule 'A2' attached hereto.
 - 1.2 By zoning the lands:
 - Residential Four *268 (Hold) [R4*268 (H)]
 - Residential Four *269 (Hold) [R4*269 (H)]
 - Residential Three *270 (Hold)*271 (Hold) [R3*270(H)*271(H)]
 - Residential Three *272 (Hold) [R3*272(H)]
 - Residential Three *273 (Hold) [R3*273(H)]
 - Residential Three *272 (Hold)*274(Hold 2) [R3*272(H)*274(H2)]
 - Residential Three *273 (Hold)*274(Hold 2) [R3*273(H)*274(H2)]
 - Residential Three *275 (Hold) [R3*275(H)]
 - Residential Two *276 (Hold) [R2*276(H)]
 - Residential Two *276 (Hold)*277 [R2*276(H)*277]
 - Community Amenity One *279 (Hold) [CA1*279(H)]
 - Community Amenity One *279 (Hold)*280 [CA1*279(H)*280]
 - Community Amenity One *279 (Hold)*282 [CA1*279(H)*282]
 - Community Amenity Two *283 (Hold) [CA2*283(H)]
 - Community Amenity Two *283 (Hold) *277 [CA2*283(H)*277]
 - Community Amenity Two *283 (Hold) *282 [CA2*283(H)*282]
 - Community Amenity Two *283 (Hold) *280 [CA2*283(H)*280]
 - Community Amenity Two *284 (Hold) *278 [CA2*284(H) *278]
 - Community Amenity Two *284 (Hold) *274 (Hold 2) [CA2*284(H)*274(H2)]
 - Community Amenity Four *285 (Hold) [CA4*285(H)]
 - Community Amenity Four *286 (Hold 3) [CA4*286(H3)]
 - Open Space One *271 (Hold) [OS1*271(H)]
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

7.268 APARTMENTS – EAST OF KENNEDY ROAD, SOUTH OF DENISON STREET

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *268 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.

7.268.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *home occupations*
- c) *multiple dwellings*
- d) *personal service shops*
- e) *private home daycare*
- f) *retail stores*

7.268.2 Zone Standards

The R4 zone standards in Table B6 do not apply. The following specific zone standards apply:

- a) minimum *lot area* – 1.5ha
- b) *minimum required yard* from the north *streetline* of the *public street* that forms the south limit of the *268 exception – 3.0m
- c) *minimum required yard* from the Kennedy Road *streetline* – 3.0m
- d) *minimum required yard* from the Old Kennedy Road *streetline* – 10.0m
- e) *minimum required yard* from a *lot line* not adjacent to a *public street* – 20.0m
- f) minimum required *landscaped open space* – 25%
- g) maximum number of *dwelling units* per hectare – 148
- h) minimum *height* of the *main wall* within 6.0 metres of the Kennedy Road *streetline* and of the north *streetline* of the *public street* that is the south limit of the *268 exception – 11.0m
- i) maximum *height* – 26.0m

7.268.3 Special Site Provisions

The following additional provisions apply:

- a) *Personal service shops* and *retail stores* are permitted only in the *first storey* of an *apartment building*.
- b) At least 75 percent of the *main wall* facing the *public street* that is the south limit of the *268 exception shall be located within 6.0 metres of the north *streetline* of the *public street* that is the south limit of the zone.
- c) At least 75 percent of the *main wall* facing Kennedy Road shall be located within 6.0 metres of the Kennedy Road *streetline*.

7.269 APARTMENTS/MULTIPLE DWELLINGS/TOWNHOUSES - NORTH OF VICTORY AVENUE, EAST OF KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *269 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.

7.269.1 Only Permitted Uses

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *multiple dwellings*
- c) *townhouse dwellings*
- d) *home occupations*
- e) *private home daycare*
- f) *retail stores*
- g) *personal service shops*

7.269.2 Zone Standards

The R4 zone standards in Table B6 do not apply. The following specific zone standards apply:

- a) The following standards shall apply for *apartment buildings*:
 - i) *minimum required front yard* – 3.0m
 - ii) *minimum required exterior side yard* – 3.0m
 - iii) *minimum required interior side yard* – 6.0m
 - iv) *minimum required rear yard* – 20.0m
 - v) *minimum required landscaped open space* – 25%
 - vi) *minimum height* of main wall within 6.0 metres of the *front lot line* – 11.0m
 - vii) *maximum height* – 18.0 m
 - viii) *maximum number of dwelling units* per hectare - 96
- b) The following standards shall apply for *multiple-unit buildings* and *townhouse buildings*:
 - i) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
 - ii) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.269.3 Special Site Provisions

The following additional provisions apply:

- a) *Personal service shops* and *retail stores* are permitted only in the *first storey* of an *apartment building*.
- b) A *lot* with *building* that faces the *public street* at the east limit of the *269 exception shall only be accessed from a *lane*.
- c) At least 75 percent of the *main wall* facing the *front lot line* shall be located within 6.0 metres of the *front lot line*.

7.270 MULTIPLE DWELLINGS/TOWNHOUSE DWELLINGS - NORTH OF VICTORY AVE, WEST OF OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *270 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.

7.270.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *multiple dwellings*
- b) *townhouse dwellings*
- c) *home occupations*
- d) *private home daycare*

7.270.2 Zone Standards

The following specific zone standards apply:

- a) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
- b) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.270.3 Special Site Provisions

The following additional provisions apply:

- a) A *lot* with a *building* that faces Old Kennedy Road shall only be accessed from a *lane*.
- b) A *lot* with a *building* that faces the *public street* at the west limit of the *270 exception shall only be accessed from a *lane*.

7.271 SCHOOL SITE - NORTH OF VICTORY AVENUE, WEST OF OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *271 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.

7.271.1 Additional Permitted Uses

The following additional uses are permitted:

- a) *school, public*

7.271.2 Zone Standards

The following specific zone standards shall apply:

- a) The *public school buildings* standards in Table B9 apply to *public school buildings*.

7.272 MULTIPLE DWELLINGS/TOWNHOUSE DWELLINGS – EAST OF KENNEDY ROAD, SOUTH OF VICTORY AVENUE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *272 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.

7.272.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *multiple dwellings*
- b) *townhouse dwellings*
- c) *home occupations*
- d) *private home daycare*

7.272.2 Zone Standards

The following specific zone standards shall apply:

- a) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
- b) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.272.3 Special Site Provisions

The following additional provisions apply:

- a) A *lot* with a *building* that faces the *public street* at the east limit of the *272 exception shall only be accessed from a *lane*.

7.273 MULTIPLE DWELLINGS/TOWNHOUSES DWELLINGS - WEST OF OLD KENNEDY ROAD, SOUTH OF VICTORY AVENUE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *273 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.

7.273.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *multiple dwellings*
- b) *townhouse dwellings*
- c) *home occupations*
- d) *private home daycare*

7.273.2 Zone Standards

The following specific zone standards shall apply:

- a) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
- b) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.273.3 Special Site Provisions

The following additional provisions apply:

- a) A *lot* with a *building* that faces the *public street* at the west limit of the *273 exception shall only be accessed from a *lane*.

7.274 COMMERCIAL USES - 186 OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *274 on the Schedules to this By-law, municipally known as 186 Old Kennedy Road. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.274.1 Additional Uses Permitted

The following additional uses are permitted within the *building* existing prior to the effective date of this By-law.

- a) *financial institutions*
- b) *business offices*
- c) *day nurseries*
- d) *personal service shops*

- e) *retail stores*
- f) *supermarkets*

7.274.2 Special Parking Provisions

The following parking provisions apply:

- a) A *parking area* associated with the uses permitted in 7.274.1 is permitted.

7.275 MEDIUM DENSITY RESIDENTIAL – WEST OF OLD KENNEDY ROAD, SOUTH OF ALDERGROVE DRIVE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *275 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.

7.275.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *multiple dwellings*
- b) *townhouse dwellings*
- c) *home occupations*
- d) *private home daycare*

7.275.2 Zone Standards

The following specific zone standards shall apply:

- a) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
- b) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.276 MEDIUM DENSITY RESIDENTIAL - EAST OF OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *276 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.

7.276.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *townhouse dwellings*
- b) *home occupations*
- c) *private home daycare*

7.276.2 Zone Standards

The following specific zone standards shall apply:

- a) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.

7.277 PLACE OF WORSHIP - 133 OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *277 on the Schedules to this By-law, municipally known as 133 Old Kennedy Road. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.277.1 Additional Permitted Uses

The following uses are permitted in an R2*276(H)*277 zone and in a CA2*283(H)*277 zone prior to, and subsequent to, removal of the Holding provision:

- a) *place of worship*

7.277.2 Zone Standards

The following specific zone standards shall apply to a *place of worship*.

- a) *minimum required front yard – 9.0m*
- b) *minimum required rear yard – 6.0m*
- c) *minimum required west side yard – 2.0m*
- d) *minimum required landscaped open space along the east lot line – 3.0m, except that the minimum landscaped open space between any building and the east lot line is 6.0m*

7.277.3 Special Site Provisions

The following additional provisions apply:

- a) A 15m² portion of the *building* may encroach into the required *landscaped open space* along the *east lot line* and into the north side yard setback.

7.278 COMMERCIAL USES - 210 OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *278 on the Schedules to this By-law, municipally known as 210 Old Kennedy Road. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.278.1 Additional Permitted Uses

The following use is the only use permitted in the CA2*284(H)*278 zone, prior to the removal of the Holding provision:

- a) *motor vehicle repair garage*

7.278.2 Zone Standards

The following specific zone standards shall apply for a *motor vehicle repair garage*:

- a) *minimum lot frontage* – 46.0m
- b) *minimum lot area* – 0.2 ha
- c) *minimum required front yard* – 6.0m
- d) *minimum required interior side yard* – 15.0m
- e) *minimum required exterior side yard* – 20.0m
- f) *minimum required rear yard* – 8.0m
- g) *maximum height* – 6.0m
- h) *minimum width of landscaped open space* abutting the south *lot line* – 2.0m
- i) *minimum width of landscaped open space* abutting the north, and east *lot lines* – 6.0m
- j) *minimum width of landscaped open space* abutting the west *lot line* – 3.0m
- k) *minimum number of loading spaces* – 0

7.278.3 Special Provisions

The following additional provisions apply:

- a) The *front lot line* is defined as the north *lot line*.

7.279 MIXED RESIDENTIAL AND NON-RETAIL COMMERCIAL - WEST OF OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *279 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.

7.279.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *art galleries*
- c) *business offices*
- d) *community centres*
- e) *commercial fitness centres*
- f) *financial institutions*
- g) *home occupations*
- h) *libraries*
- i) *medical offices*
- j) *multiple dwellings*
- k) *municipal parking lots*
- l) *non-profit fitness centres*
- m) *parking garages*
- n) *personal service shops*
- o) *private clubs*
- p) *private home daycare*
- q) *repair shops*
- r) *schools, commercial*
- s) *schools, private*
- t) *schools, public*
- u) *townhouse dwellings*
- v) *public transit systems*
- w) *transit stations*

7.279.2 Zone Standards

The following specific zone standards apply:

- a) The provisions of the CA4 Zone in Table B7 apply for stand-alone non-residential uses.
- b) The following specific zone standards apply for stand-alone residential uses:
 - i) The R3 *multiple-unit buildings* standards in Table B5 apply to *multiple-unit buildings*.
 - ii) The R2 *townhouse buildings* standards in Table B2 apply to *townhouse buildings*.
- c) The maximum *floor space index (FSI)* for non-residential buildings is 0.75.
- d) The maximum *floor space index (FSI)* for stand-alone residential buildings is 1.0.

7.280 RECREATIONAL USES - 146 OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *280 on the Schedules to this By-law, municipally known as 146 Old Kennedy Road. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.280.1 Additional Permitted Uses

The following uses are permitted in a CA1*279(H)*280 zone and in a CA2*283(H)*280 zone prior to, and subsequent to, removal of the Holding provision:

- a) *recreational establishments*
- b) *restaurants*

7.280.2 Special Provisions

The following additional provisions apply for *restaurants* uses:

- a) A *restaurant* with a *gross floor area* not exceeding 464.5m² within the *building* existing prior to the effective date of this By-law, is permitted.

7.282 INDUSTRIAL USE - 82 OLD KENNEDY ROAD

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *282 on the Schedules to this By-law, municipally known as 82 Old Kennedy Road. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.282.1 Additional Permitted Uses

The following uses are permitted in a CA1*279(H)*282 zone and in a CA2*283(H)*282 zone prior to, and subsequent to, removal of the Holding provision:

- a) *industrial uses*

7.282.2 Zone Standards

The following specific zone standards shall apply for *industrial uses*:

- a) *minimum required front yard* – 6.0m
- b) *maximum required front yard* – 20.0m
- c) *minimum required interior side yard* adjoining the north lot line – 0.0m
- d) *minimum required interior side yard* adjoining the south lot line – 7.0m
- e) *minimum required rear yard* – 15.0m
- f) *maximum height* – 15.0m
- g) *minimum height* of the main front wall of a main building – 8.0m
- h) *minimum width of landscaped open space* abutting all lot lines – 3.0m

7.282.3 Special Provisions

The following additional provisions apply:

- a) *Industrial uses* are limited to the manufacture of clothing, sportswear and similar products, subject to the portion of the main building facing Old Kennedy Road being used as a retail store and/or business office accessory use associated with the industrial use.
- b) A driveway may encroach into landscaped open space abutting the side and rear lot lines.
- c) A main building may encroach into the landscaped open space abutting the north interior yard to the north side lot line.

7.283 MIXED RESIDENTIAL/RETAIL/OFFICE USES – OLD KENNEDY ROAD MAIN STREET, SOUTH OF ALDERGROVE DRIVE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *283 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.

7.283.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *multiple dwellings*
- c) *townhouse dwellings*
- d) *private home daycare*
- e) *home occupations*
- f) *art galleries*
- g) *business offices*
- h) *community centres*
- i) *commercial fitness centres*
- j) *financial institutions*
- k) *libraries*
- l) *medical offices*
- m) *non-profit fitness centres*
- n) *personal service shops*
- o) *private clubs*
- p) *repair shops*
- q) *restaurants, take-out*
- r) *restaurants*

- s) *retail stores*
- t) *schools, commercial*
- u) *public transit systems*
- v) *transit stations*

7.283.2 Zone Standards

The CA2 zone standards in Table B7 do not apply. The following specific zone standards apply:

- a) *minimum lot frontage* – 19.2m
- b) *minimum required front yard* – 1.8m
- c) *minimum required exterior side yard* – 1.8m
- d) *minimum required interior side yard* – 0.0m, except that the required yard shall be increased to 6.0m if it abuts a Residential zone
- e) *minimum required rear yard* – 7.5m
- f) *minimum required landscaped open space* – 25%
- g) *maximum floor space index (FSI)* – 1.0
- h) *minimum height* – 10.5m
- i) *maximum height* – 12.0m

7.283.3 Special Site Provisions

The following additional provisions apply:

- a) *Dwelling units* are not permitted within the *first storey* of *buildings*.
- b) No less than 80% of the wall of the *first storey* facing Old Kennedy Road shall be located any further than 6m from the Old Kennedy Road *streetline*.
- c) No less than 80% of the wall of the *first storey* facing the *exterior side lot line* shall be located any further than 3.0m from the *exterior side lot line*.
- d) The maximum *gross floor area* permitted per *retail store* or *supermarket premises* is 1,000m².
- e) The establishment of a *drive-through service facility* is not permitted.

7.284 MIXED RESIDENTIAL/RETAIL/OFFICE USES – OLD KENNEDY ROAD MAIN STREET, NORTH OF ALDERGROVE DRIVE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *284 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.

7.284.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *art galleries*
- c) *business offices*
- d) *community centres*
- e) *commercial fitness centres*
- f) *day nurseries*
- g) *financial institutions*
- h) *home occupations*
- i) *libraries*
- j) *medical offices*

- k) *multiple dwellings*
- l) *non-profit fitness centres*
- m) *personal service shops*
- n) *private clubs*
- o) *private home daycare*
- p) *repair shops*
- q) *restaurants, take-out*
- r) *restaurants*
- s) *retail stores*
- t) *schools, commercial*
- u) *townhouse dwellings*

7.284.2 Zone Standards

The CA2 zone standards in Table B7 do not apply. The following specific zone standards apply:

- a) *minimum lot frontage* – 19.2m
- b) *minimum required front yard* – 1.8m, except that no less than 80% of the *main wall* of the *first storey* facing Old Kennedy Road shall be located further than 6.0m from the Old Kennedy Road *streetline*.
- c) *minimum required exterior side yard* – 1.8m, except that no less than 80% of the wall of the *first storey* facing the *exterior side lot line* shall be located further than 3.0m from the *exterior side lot line*.
- d) *minimum required interior side yard* – 0.0m, except that the *required yard* shall be increased to 6.0m if it abuts a Residential zone.
- e) *minimum required rear yard* – 7.5m
- f) *minimum required landscaped open space* – 25%
- g) *maximum floor space index (FSI)* – 1.0
- h) *minimum height* – 10.5m
- i) *maximum height* – 12m

7.284.3 Special Site Provisions

The following additional provisions apply:

- a) The maximum *gross floor area* permitted per *retail store* or *supermarket premises* is 1,000m².
- b) The establishment of a *drive-through service facility* is not permitted.

7.285 COMMERCIAL USES - STEELES AVENUE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *285 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.

7.285.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *art galleries*
- b) *business offices*
- c) *community centres*
- d) *commercial fitness centres*
- e) *financial institutions*
- f) *hotels*
- g) *libraries*
- h) *medical offices*

- i) *non-profit fitness centres*
- j) *personal service shops*
- k) *private clubs*
- l) *public transit system*
- m) *repair shops*
- n) *restaurants, take-out*
- o) *restaurants*
- p) *retail stores*
- q) *schools, commercial*
- r) *schools, private*
- s) *supermarkets*
- t) *transit stations*
- u) *veterinary clinics*

7.285.2 Zone Standards

The following specific zone standards apply:

- a) *maximum floor space index – 0.75*

7.285.3 Special Site Provisions

The following additional provisions apply:

- a) The *maximum gross floor area* permitted per *retail store* or *supermarket premises* is 6,000m².

7.286 COMMERCIAL/RESIDENTIAL - 4600 STEELES AVENUE

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by the symbol *286 on the Schedules to this By-law, municipally known as 4600 Steeles Avenue. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

7.286.1 Only Uses Permitted

The following uses are the only uses permitted:

- a) *apartment dwellings*
- b) *art galleries*
- c) *business offices*
- d) *community centres*
- e) *commercial fitness centres*
- f) *financial institutions*
- g) *libraries*
- h) *medical offices*
- i) *multiple dwellings*
- j) *non-profit fitness centres*
- k) *personal service shops*
- l) *private clubs*
- m) *repair shops*
- n) *retail stores*
- o) *schools, commercial*
- p) *schools, private*
- q) *schools, public*
- r) *supermarkets*

7.286.2 Zone Standards for a Permitted Addition to the Existing Building

The CA4 zone standards in Table B7 do not apply. The following specific zone standards apply:

- a) the *minimum required yard* from the Steeles Avenue *streetline* is equal to the distance from the Steeles Avenue *streetline* to the rear wall of the *main building* that existed prior to the effective date of this By-law.
- b) *minimum required yard* from the west *lot line* is the distance from the west *lot line* to the west wall of the *main building* that existed prior to the effective date of this By-law.
- c) *minimum required yard* from the east *lot line* is the distance from the east *lot line* to the east wall of the *main building* that existed prior to the effective date of this By-law.
- d) the maximum *height* shall not exceed the *height* of the *main building* that existed prior to the effective date of this By-law.

7.286.3 Special Site Provisions

The following additional provisions apply:

- a) The permitted uses are only allowed within the *main building* that existed on the site prior to the effective date of this By-law, and in any addition thereto of a size not exceeding the size of the *main building* that existed on the site prior to the effective date of this By-law.
- b) The establishment of a *drive-through service facility* is not permitted.

1.4 HOLDING PROVISIONS

For the purposes of this By-law, Holding (H) Zones are hereby established and are identified on Schedule 'A1' and Schedule 'A2' attached hereto by the zone symbol followed by the letter H, H2 or H3 in parenthesis.

1.4.1 The Hold (H) provision shall not be removed until the following conditions have been met:

- a) Execution of a subdivision agreement, development agreement or site plan agreement;
- b) The Town is satisfied that adequate water and sanitary facilities and stormwater management facilities are available to service the subject lands;
- c) The Town has been satisfied that land for required road rights-of-way, open space and other community facilities has been secured;
- d) The Town is satisfied that the lands proposed to be released for development can be adequately served by the existing and committed transportation network without adverse impact on the road system or to other committed development; where a traffic impact study has indicated 100 or more additional vehicle trips at any one of the Kennedy Road, Old Kennedy Road or Midland Avenue intersections with Steeles Avenue, the City of Toronto shall be consulted prior to removal of the Hold.
- e) The Town, in consultation with concerned agencies, is satisfied that any potential site contamination has either been remediated to an environmental site condition which meets appropriate Provincial standards for the proposed land use and will not result in any adverse effects, or that such remediation can be secured through other means, such as conditions in a subdivision agreement, or securement of a record of site condition prior to issuance of a building permit; and

- f) A Development Charges 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
- g) The Town is satisfied that arrangements have been made, through a Developers Group or alternative agreement, to address the sharing of common costs of development not dealt with under a Development Charges By-law.

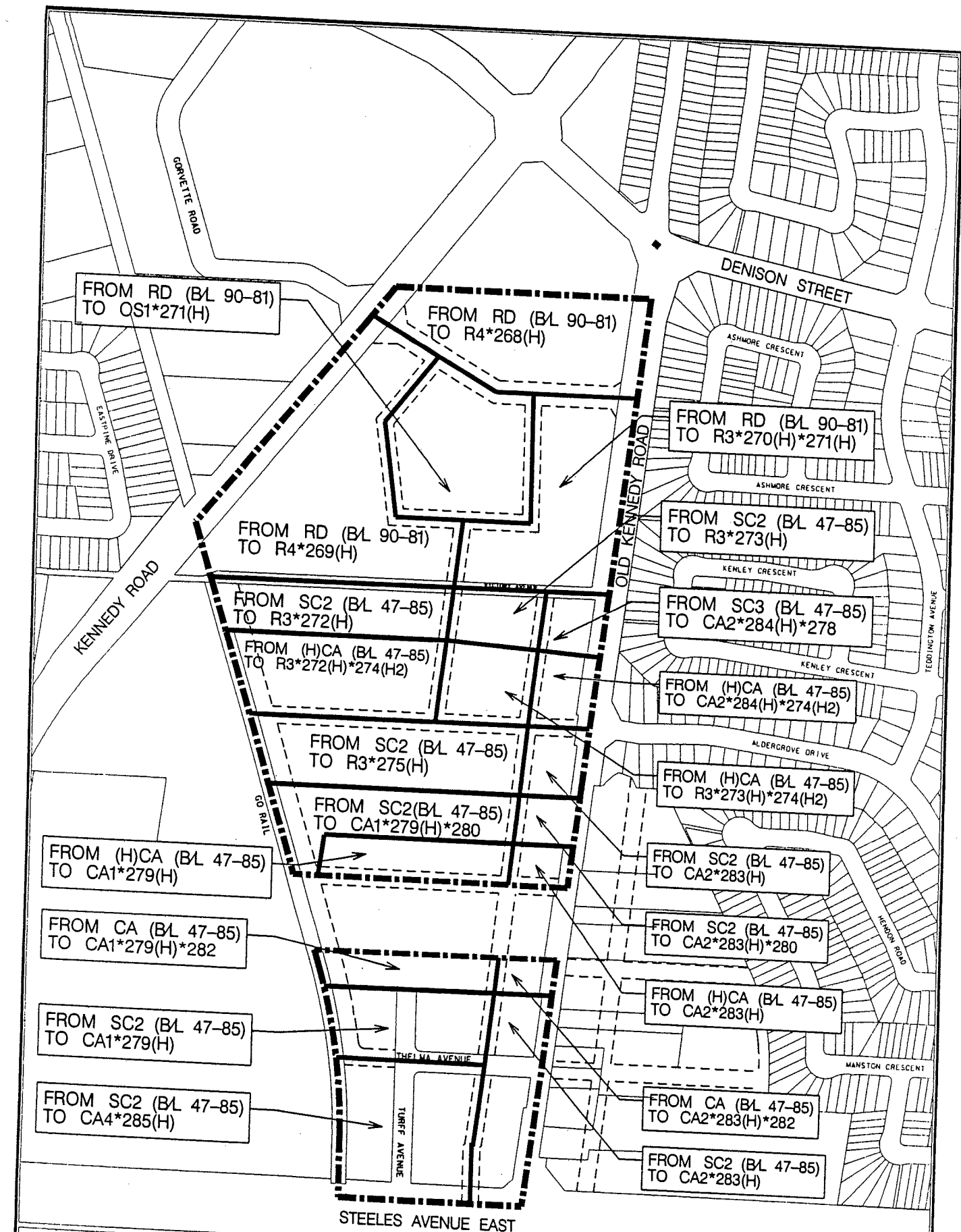
1.4.2 The following provisions apply to the lands subject to the Holding provision denoted by the symbol (H2) on Schedule 'A1' and Schedule 'A2':

- a) The following uses are the only uses permitted in the *274(H2) zone:
 - i) the uses permitted in 7.274.1, limited to a maximum combined *gross floor area* of 1,150 square metres, and within the building that existed prior to the effective date of this By-law.
- b) The Holding (H2) provision on the *274(H2) zone shall not be removed until a site plan agreement with the Town has been executed.

1.4.3 The following provisions apply to the lands subject to the Holding provision denoted by the symbol (H3) on Schedule 'A1' and Schedule 'A2':

- a) The following uses are the only uses permitted in the *286(H3) zone:
 - i) schools, private, within the building existing at the time of the passing of this by-law
 - ii) schools, public, within the building existing at the time of the passing of this by-law
- b) The Holding (H3) provision shall not be removed until the following conditions have been met:
 - i) The conditions in Section 1.4.1; and
 - ii) Execution of a heritage conservation easement agreement to ensure long-term protection of the heritage building, and
 - iii) Execution of a site plan agreement for any proposed addition to the main building existing at the time of the passing of this by-law.

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



DEVELOPMENT SERVICES COMMISSION

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

RD	RESIDENTIAL DEVELOPMENT
R3	RESIDENTIAL THREE
R4	RESIDENTIAL FOUR
CA	COMMUNITY AMENITY
CA1	COMMUNITY AMENITY ONE
CA2	COMMUNITY AMENITY TWO

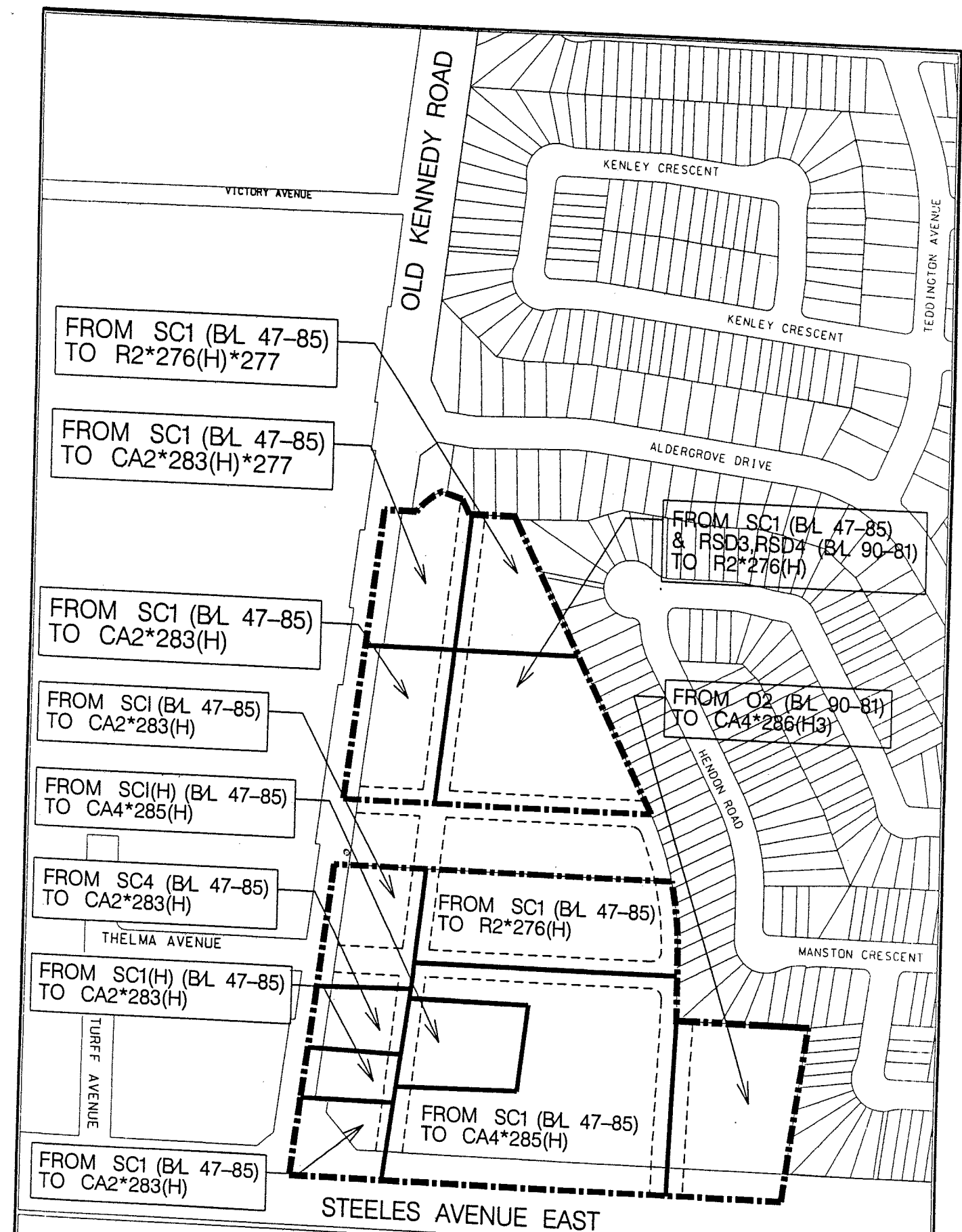
CA4	COMMUNITY AMENITY FOUR
SC2	SPECIAL COMMERCIAL TWO
SC3	SPECIAL COMMERCIAL THREE
OS1	OPEN SPACE ONE
*No.	EXCEPTION SECTION NUMBER
(H)	HOLDING PROVISION

THIS IS SCHEDULE 'A1' TO BY-LAW 2005-250
PASSED THIS DAY, 2006

.....MAYOR

.....CLERK

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



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

- BOUNDARY OF AREA COVERED BY THIS BY-LAW
- ZONE BOUNDARY
- R2 RESIDENTIAL TWO
- RSD3 THIRD DENSITY-SEMI-DETACHED RESIDENTIAL
- RSD4 FOURTH DENSITY-SEMI-DETACHED RESIDENTIAL
- CA2 COMMUNITY AMENITY TWO
- CA4 COMMUNITY AMENITY FOUR
- O2 INSTITUTIONAL AND OPEN SPACE
- SC1 SPECIAL COMMERCIAL ONE
- SC4 SPECIAL COMMERCIAL FOUR
- (H) HOLDING PROVISION
- *No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A2' TO BY-LAW 2005-250
 PASSED THIS DAY, 2006
MAYOR
CLERK

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