

Date:	Tuesday, April 2, 2024		
Application Type:	Zoning By-law Amendment (the “Application”)		
Owner:	Robert and Deborah Tiberio (the "Owner")		
Agent:	Helen Lepek		
Proposal:	Temporary use by-law to permit outdoor storage, enclosed storage, and business office uses for a three-year period (the “Proposed Development”).		
Location:	196 and 198 Langstaff Road East (the “Subject Lands”)		
File Number:	PLAN 23 145149	Ward:	1
Prepared By:	Aaron Chau ext. 3279, Planner I, East Planning District		
Reviewed By:	Daniel Brutto, MCIP, RPP Senior Planner, West District	Stephen Lue, MCIP, RPP Senior Manager, Development	

PURPOSE

This preliminary information pertains to the Application submitted by the Owner and contains general information on the applicable Official Plan policies and the identified issues and should not be taken as Staff’s opinion or recommendation.

PROCESS TO DATE

Staff received the Application on October 25, 2023, with supplemental material on January 24, 2024, and deemed the Application complete on January 29, 2024. The 90-day period set out in the *Planning Act* before the Owner can appeal to the Ontario Land Tribunal for a non-decision ends on April 28, 2024.

NEXT STEPS

- Statutory Public Meeting is scheduled for April 2, 2024
- Recommendation Report for consideration by the Development Services Committee (“DSC”), if required
- In the event of an approval, enactment of the site-specific Zoning By-law Amendment

BACKGROUND

Subject Lands and Area Context

The 0.33 ha (0.82 ac) Subject Lands are located west of Bayview Avenue and south of Highway 407, within the Langstaff Gateway Secondary Plan Area. The Subject Lands operate as a landscape contracting business with associated open storage and office uses. Three structures

currently exist, two of which are residential dwellings that contain office uses. Outdoor storage is located on the remainder of the Subject Lands (see Figures 1 and 2). Figure 3 shows the surrounding land uses.

The Owner submitted a temporary use zoning by-law amendment application to permit outdoor storage, enclosed storage and business office uses on the Subject Lands for a three-year period.

The Owner does not propose new buildings on the Subject Lands.

In 2008, the Ontario Municipal Board (“OMB”) approved the first temporary use by-laws in the Langstaff Area for outdoor storage and business offices uses, including the Subject Lands

The OMB approval pertains to the properties municipally identified as 139, 195, 196, 198, 201, 203, and 205 Langstaff Road East, and 3, 5, and 21 Essex Avenue. The intent was to allow the uses for a temporary period until water and sanitary sewer services would be made available to allow the area to be redeveloped in accordance with the Langstaff Gateway Secondary Plan. The City approved numerous three-year period extensions for these properties. In 2015, the City also approved a temporary use by-law to permit outdoor storage and business office uses for a three-year period at 109 and 117 Langstaff Road East. In total, 14 properties, including the Subject Lands, within the Secondary Plan Area have been subject to temporary use by-laws since 2008, which are like the Proposed Development (see Figure 4).

In 2012 and 2015, the City approved a temporary use by-law extension on the Subject Lands

In 2008, the OMB approved a Temporary Use Zoning By-law Amendment to permit outdoor storage and business offices on the Subject Lands for a three-year period that included the following provisions:

- a) Business offices shall only locate within buildings existing on the date of the passing of the By-law
- b) Additions to existing buildings are not permitted
- c) Construction of new buildings is not permitted
- d) Outdoor storage shall be screened from Langstaff Road East
- e) The installation of additional impermeable surface material is not permitted
- f) Parking is not required for the uses

If approved, the Proposed Development would effectively extend these previously approved temporary use by-laws.

The following tables summarizes the Official Plan and Secondary Plan Information

Table 2: Markham 2014 Official Plan Information	
Current Designations:	‘Mixed Use High Rise’ and ‘Residential High Rise’

Table 2: Markham 2014 Official Plan Information

Permitted uses:	<p><u>'Mixed Use High Rise'</u>: priority areas for development where the greatest levels of intensification are intended to take place in Markham.</p> <p><u>'Residential High Rise'</u>: permits residential intensification adjacent to existing or planned transit routes along arterial and major collector roads. Dwelling forms include townhouse excluding back-to-back townhouse, stacked townhouse, apartment building, and buildings associated with day care centres, places of worship and public schools. Buildings must have a minimum height of three storeys, except for lower podium heights attached to the main building, and a maximum building height of 15 storeys, unless otherwise specified in a secondary plan or an area or site-specific policy.</p>
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Table 3: Langstaff Gateway Secondary Plan Information

Current Designations:	<p>'Residential'; 'Residential - Mixed Use'; 'Parks and Open Space'; 'Environmental Protection Area – Woodland'</p>
Permitted uses:	<p><u>'Residential'</u>: townhouses, apartments, and other multiple dwelling forms no less than three storeys</p> <p><u>'Residential - Mixed Use'</u>: apartments or other multiple dwelling forms, above the ground floor, which shall be designed to accommodate civic uses, retail, personal service, office and other non-residential uses compatible with the primary residential use. These uses may be permitted on second floors.</p> <p><u>'Parks and Open Space'</u>: a multi-use trail system, parks, parkettes, valleylands and associated buffers, a woodlot and other open space and environmental protection area features.</p> <p><u>'Environmental Protection Area – Woodland'</u>: lands containing natural features set aside for conservation including woodlot management</p>

A Zoning By-law Amendment application is required to permit the Proposed Development

The Proposed Development is subject to Zoning By-law 2551, as amended, as shown in Figure 3.

Table 4: Zoning By-law Information

Current Zones:	<p><u>196 Langstaff Road East</u>: '(Hold) Rural Industrial Zone'</p> <p><u>198 Langstaff Road East</u>: 'Residential (R1) Zone'</p>
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Table 4: Zoning By-law Information	
Permissions:	<p><u>'(Hold) Rural Industrial Zone'</u>: Wholesaling, manufacturing, processing, packaging, bottling, printing, repairing or warehousing which is conducted wholly within enclosed buildings; showrooms and offices; open storage in the rear yard only of new goods and materials; Retail sales accessory to the principal industrial use on the same lot.</p> <p><u>'Residential (R1) Zone'</u>: One single-family detached dwelling; Place of Worship; Elementary School; Parks; Public Utilities</p>
Proposal:	Outdoor storage and business office uses are not permitted within the current zone. The Owner submitted a Temporary Use Zoning By-law Amendment application to permit outdoor storage, enclosed storage and office uses within the existing buildings on the Subject Lands for a three-year period.

Staff identified the following preliminary list of matters that will be assessed through the review of the Application, including other matters and issues, and addressed in a future Recommendation Report to the DSC, if required

- a) Conformity and Consistency with Provincial, York Region and the City Official Plan**
 - i) Review of the Proposed Development in the context of the existing policy framework, specifically: Section 39 of the *Planning Act*, which authorizes Council to pass temporary use by-laws; Section 10.2.6 of the Markham 2014 Official Plan, which outlines the provisions and considerations for Temporary Use Zoning By-laws; and the Langstaff Gateway Secondary Plan.
- b) Evaluation of the compatibility with existing and planned development within the surrounding area**
- c) External Agency Review**
 - i) The Application has been circulated to York Region, the Ministry of Transportation Ontario, CN Rail, and Metrolinx, among other agencies, and any applicable requirements must be incorporated into the Proposed Development.

Accompanying Figures:

Figure 1: Location Map

Figure 2: Aerial Photo

Figure 3: Area Context and Zoning

Figure 4: Lands Where Temporary Use By-laws Have Been Approved (Since 2008)

Figure 1

Location Map



Figure 2

Aerial Photo

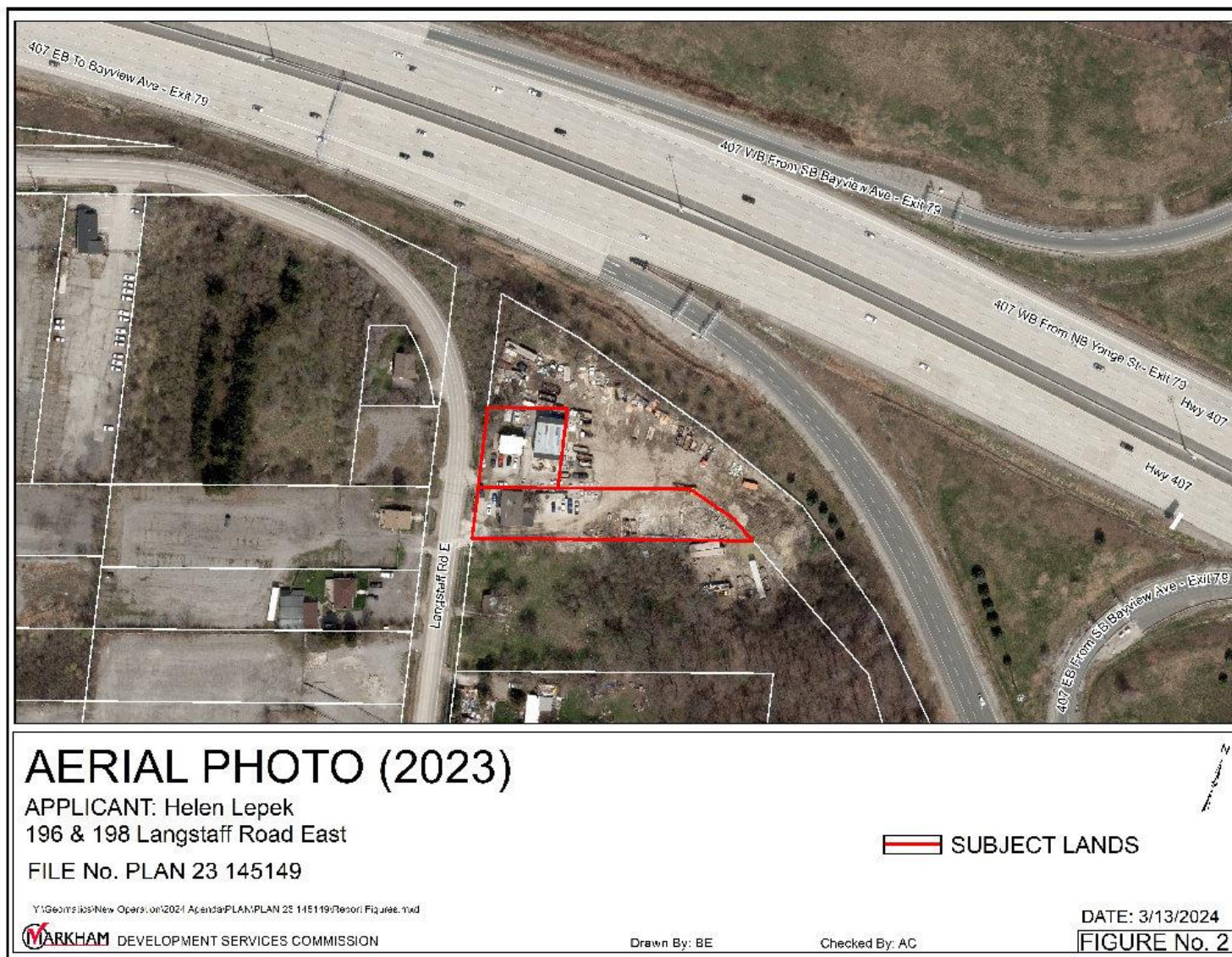


Figure 3

Area Context and Zoning

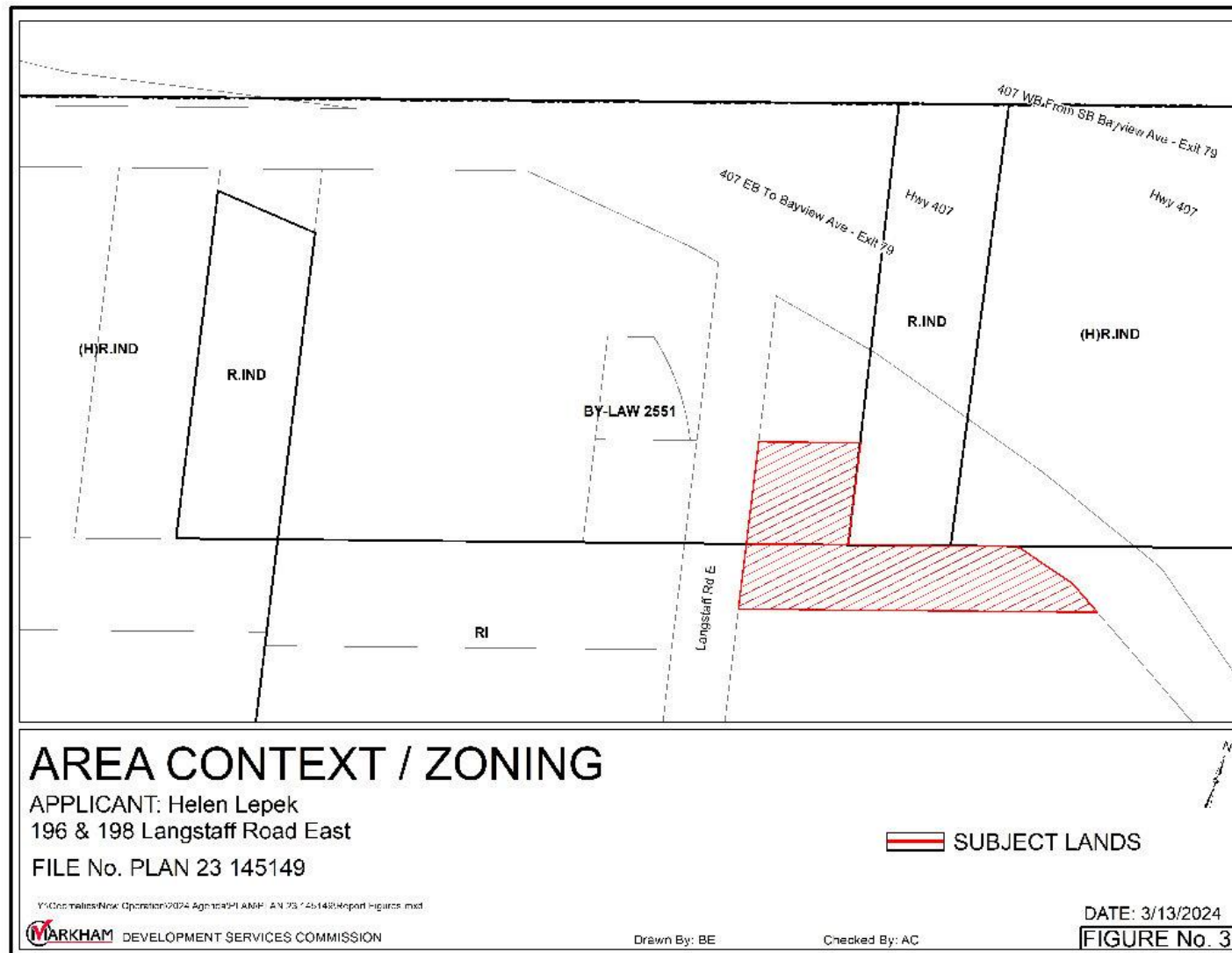


Figure 4

**Lands Where Temporary Use
By-laws Have Been Approved
(Since 2008)**

