

# **EXPLANATORY NOTE**

## **By-law 2009-113**

### **By-law to amend By-law 177-96**

Box Grove Developments Limited  
Concession 9 PT LOTS 6, 7 and 8  
Northwest corner of Copper Creek Drive and the future Town Arterial Road/Planned Link  
(Box Grove Planning District 18)

### **LANDS AFFECTED**

This proposed by-law amendment applies to approximately 12.62 hectares (31.2 acres) of land owned by Box Grove Developments Limited, at the north west corner of Copper Creek Drive and the future Town Arterial Road/Planned Link, south of Highway 407.

### **EXISTING ZONING**

The lands subject to this By-law are currently zoned Business Corridor (BC) under By-law 177-96 as amended.

### **PURPOSE AND EFFECT OF THE BY-LAW**

The purpose and effect of the zoning by-law amendment is to change the retail store permissions and development standards to permit a development containing employment uses including retail premises and first storey gross floor area generally limited to 4,500 m<sup>2</sup> with the exception of one retail premise exceeding the first storey gross floor area of 4,500 m<sup>2</sup> to a maximum of 18,000 m<sup>2</sup>.



## BY-LAW 2009-113

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

*(To amend the Business Corridor zone standards  
and permissions for lands at the north west corner of  
Copper Creek Drive and the Town Arterial Road / Planned Link.)*

---

### 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 zoning the lands shown on Schedule 'A' attached hereto as:

Business Corridor \*373 (BC \*373)

1.2 By adding to Section 7 – EXCEPTIONS, to the by-law 177-96, as amended the following new subsection:

**7.373      Lots 6, 7 (Parts 1 and 2) and 8, Concession 9  
Northwest of Copper Creek Drive and the Town  
Arterial Road / Planned Link  
Box Grove Developments Inc.**

Notwithstanding any other provisions of this By-law, the provisions in this section shall apply to those lands denoted by the symbol \*373 on the Schedules 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.

**7.373.1      Additional Permitted Uses**

The following additional uses are permitted:

- a) Free standing *restaurants*
- b) Free standing *restaurants, take-out*
- c) *Supermarket*

**7.373.2      Prohibited Uses**

The following uses are prohibited:

- a) *Places of worship*

**7.373.3      Zone Standards**

The following specific zone standards shall also apply:

- a) The south lot line shall be deemed to be the *front lot line*

**7.373.4      Special Parking Provisions**

The following special parking provisions apply:

- a) *Restaurant and restaurant, take-out* uses are subject to the following requirements:
  - i) 1 *parking* space per 22m<sup>2</sup> of *gross floor area* for that portion which occupies 15% or less of the total *gross floor area* of all *buildings* subject to this Exception; and
  - ii) 1 *parking* space per 9m<sup>2</sup> of *gross floor area* for that portion which occupies more than 15% of the total *gross floor area* for all *buildings* subject to this Exception.
- b) Minimum number of *parking* spaces required for all other uses – 1 space per 22 m<sup>2</sup> of *gross floor area*.

#### **7.373.5 Special Site Provisions**

The following additional provisions shall apply:

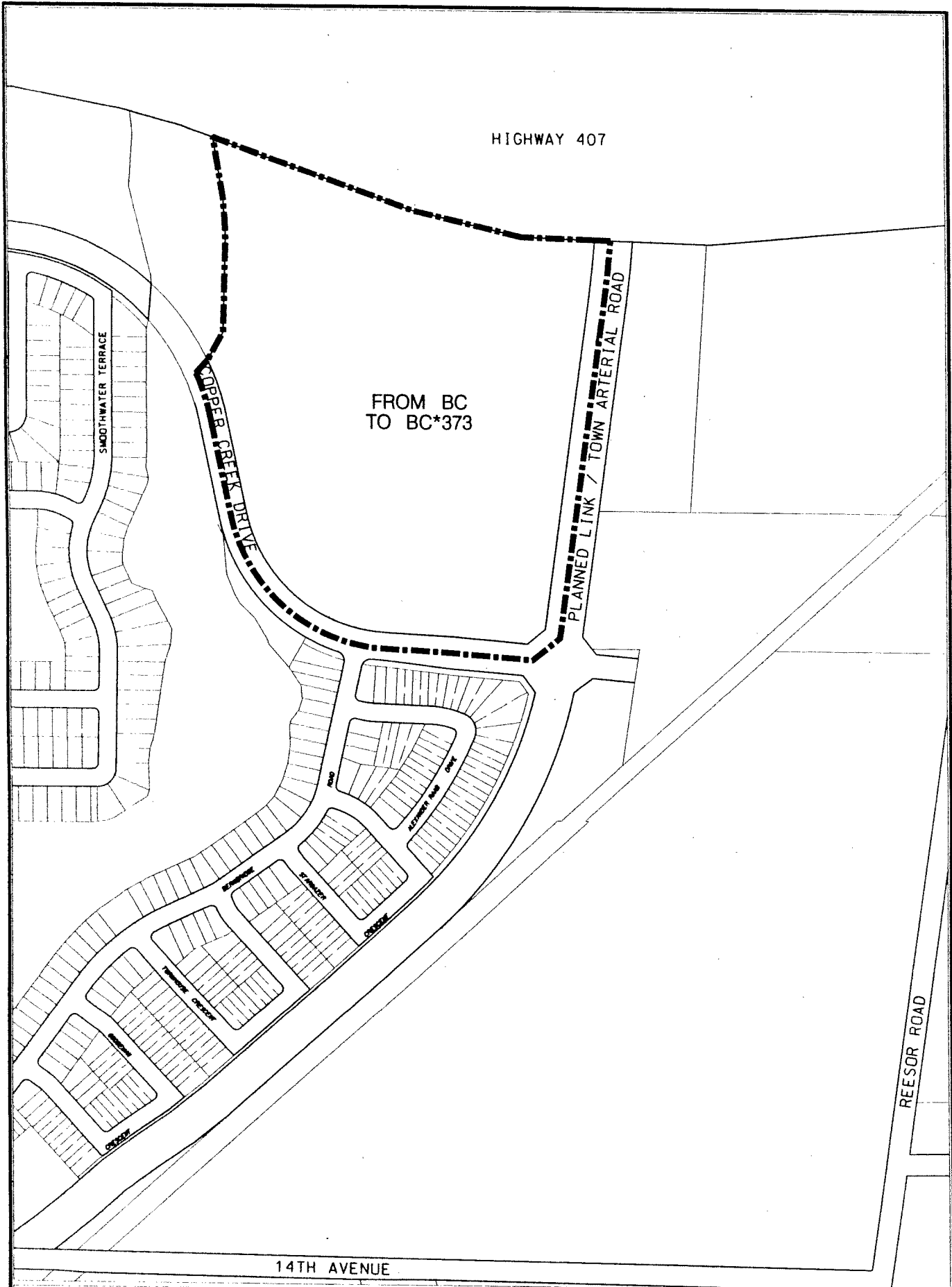
- a) *Drive through service facilities* shall only be permitted if associated with *financial institutions*.
- b) Maximum combined total *gross floor area* of the *first storeys* of all *buildings* subject to this Exception – 35,000 m<sup>2</sup>.
- c) *Multi-storey buildings*, where *business office* uses comprise 85% or more of the total *gross floor area* of a *building*, shall be exempt from the maximum permitted total *gross floor area* of the combined *first storeys* of all *buildings*.
- d) Maximum *gross floor area* of the *first storey* of any *building* shall be 4,500 m<sup>2</sup>, except that:
  - i) The *first storey* of one (1) *building* may exceed 4,500 m<sup>2</sup> *gross floor area* to a maximum of 18,000 m<sup>2</sup> *gross floor area*.
- e) Maximum *gross floor area* of an individual *retail premise* shall be 4,500 m<sup>2</sup>, except that:
  - i) One (1) *retail store premise* may exceed 4,500 m<sup>2</sup> *gross floor area* to a maximum of 18,000 m<sup>2</sup> *gross floor area*.
- f) Minimum *net floor area* for an individual *retail premise* is 300 m<sup>2</sup>, except that:
  - i) *retail store premises* may have a minimum *net floor area* of 93 m<sup>2</sup> provided the combined total *net floor area* of all *retail premises*, with *net floor areas* less than 300 m<sup>2</sup>, shall not exceed 2,500 m<sup>2</sup>.
- g) *Supermarket*:
  - i) Maximum number - one (1).
  - ii) Shall only be located within a *retail store premise*.

- iii) Shall only be located in the *retail store premise* with a *first storey gross floor area* greater than 4,500 m<sup>2</sup>.
  - h) Outdoor storage is not permitted.
  - i) Garden centre for the outdoor storage, display and sales of merchandise, is permitted subject to the following provisions:
    - i) Shall only be associated with the *retail store premise* with a total *first storey gross floor area* greater than 4,500 m<sup>2</sup>.
    - ii) Maximum area - 700 m<sup>2</sup>.
    - iii) Minimum setback from any *lot line* – 14 metres.
  - j) Maximum *exterior side yard parking area* depth provisions do not apply.
  - k) *Loading spaces* are not required for any *building* with a *gross floor area* less than 3,500 m<sup>2</sup>.
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  
23<sup>RD</sup> DAY OF JUNE, 2009.

  
KIMBERLEY KITTERINGHAM  
TOWN CLERK

  
FRANK SCARPITTI  
MAYOR



HIGHWAY 407

FROM BC  
TO BC\*373

SMOOTHWATER TERRACE

COPPER CREEK DRIVE

PLANNED LINK / TOWN ARTERIAL ROAD

REESOR ROAD

14TH AVENUE



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



BUSINESS CORRIDOR



EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2009-113  
PASSED THIS 23RD DAY JUNE, 2009

*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: NA