

## **EXPLANATORY NOTE**

### **BY-LAW 2009-116**

#### **A By-law to amend By-law 165-80, as amended**

Woodbine International Centre Corporation  
9390 Woodbine Avenue

#### **LANDS AFFECTED**

The By-law applies to lands located at the northwest corner of Woodbine Avenue and Markland Street, in the Woodbine North employment area, comprising Blocks 1 and 2 of Plan 65M-3925 and known municipally as 9390 Woodbine Avenue. The subject lands comprise 4.64 ha (11.5 acres).

#### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Select Industrial with Limited Commercial [M.C. 107%] and [M.C. 60%] by By-law 165-80, as amended.

#### **PURPOSE AND EFFECT**

The purpose and effect of this by-law amendment is to rezone the subject lands to permit a mixed use hotel, retail, office and convention/trade centre on the subject lands, subject to holding (H) provisions. The zoning by-law amendment widens the range of permitted uses on the subject lands to include health centres, personal service shops, restaurants, retail stores and trade and convention centre; increases the maximum floor area ratio on the subject lands from 107% and 60% to 170%; establishes a maximum building height of 36 metres; provides that the gross floor area of retail stores, personal service shops and restaurants shall not exceed the gross floor area of offices, trade and convention centre, and hotel uses; provides that retail stores, personal service shops and restaurants can only be part of a mixed use development; limits individual retail stores to a maximum floor area of 1,000 m<sup>2</sup>; and provides for cooking facilities in hotel suites.

The following conditions apply to the removal of the (H) provision:

- i) Approval of municipal servicing and transportation impact studies, to the satisfaction of the Director of Engineering in consultation with York Region;
  - ii) Execution of a site plan agreement between the Town and the owner;
  - iii) Submission of either: a) a detailed phasing plan (including detailed transportation analysis and strategy for delivering the required transportation infrastructure); or b) a strategy for delivering required transportation infrastructure if the development is to be built in a single phase, to the satisfaction of the Director of Engineering in consultation with York Region;
  - iv) Execution of one or more Development Agreement(s), between the Town and the Owner and, where required York Region, relating to the construction, financing and implementation of off-site servicing and transportation infrastructure improvements, and including financial securities to the satisfaction of the Town.
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## BY-LAW 2009-116

*A by-law to amend Zoning By-law 165-80, as amended, to permit a mixed-use hotel, convention centre, office and retail centre at 9390 Woodbine Avenue*

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

1. That By-law 165-80, as amended, be and the same is hereby further amended as follows:

- 1.1 By zoning the lands identified on Schedule "A" attached hereto

from Select Industrial with Limited Commercial [M.C. 107%] and  
from Select Industrial with Limited commercial [M.C. 60%]

to Select Industrial with Limited Commercial [M.C. 170%].

- 1.2 By adding to Section 7 – Exceptions the following new subsection:

**7.111** Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to Blocks 1 and 2 Plan 65M-3925, municipally known as 9390 Woodbine Avenue, as shown on Schedule 'A' attached to By-law 2009-116. All other provisions of this by-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

**7.111.1 Permitted Uses**

The following additional uses are permitted:

- a) *Health Centres*
- b) *Personal Service Shops*
- c) *Business Offices*
- d) *Restaurants*
- e) *Restaurants, Take-out*
- f) *Retail Stores*
- g) *Trade and Convention Centres*

**7.111.2 Zone Standards**

- a) For the purposes of this exception, the following definitions shall apply:

**"Trade and Convention Centre"** means a *premises* where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

- b) **Setbacks**

Provisions relating to the setbacks of *buildings* from the centre line of any arterial road or Provincial Highway shall not apply

- c) **Yards**

i) *Minimum Front Yard* – 9.3 m

d) **Maximum Height**

Maximum *height* shall be 36 metres.

**7.111.3 Special Site Provisions**

The following special site provisions shall apply:

- a) The combined *gross floor area* of *Retail Stores, Personal Service Shops, Restaurants and Take-out Restaurants* shall not exceed the combined *gross floor area* of *Business Offices, Trade and Convention Centres* and *Hotels* on the site.
- b) *Retail Stores, Personal Service Shops, Restaurants and Take-out Restaurants* are only permitted in a mixed-use development containing *Business Offices, Trade and Convention Centres* and *Hotels*.
- c) The maximum *net floor area* of a *Retail Store* premises shall be 1,000 m<sup>2</sup>.
- d) Individual private cooking facilities are permitted in *Hotels*.
- e) The general provisions that regulate *Restaurants, Retail Stores, and Personal Service Shops*, do not apply.
- f) For the purposes of applying the zone standards, Block 1 and Block 2, Plan 65M-3925 shall be considered as one *lot*.

**7.111.4 Holding Provisions**

The Hold (H) zone is shown on Schedule 'A' attached to this By-law.

**a) Uses Permitted Prior to the Lifting of a Holding Provision**

Only the uses and floor area that existed on the effective date of this By-law are permitted prior to the removal of the H provision.

**b) Conditions for Removing the H Provision**

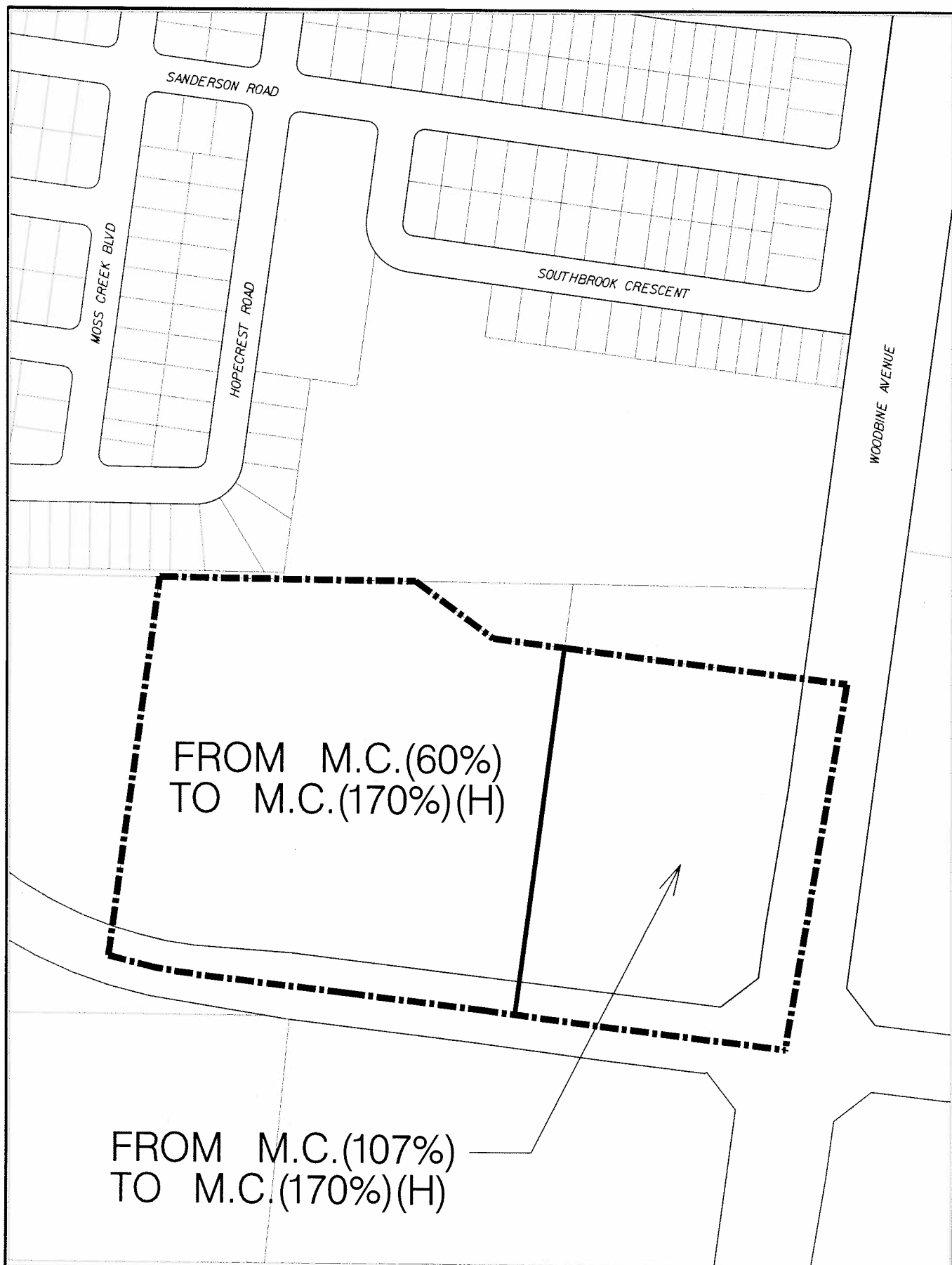
The Hold (H) Provision shall not be lifted until the following conditions have been met to the satisfaction of the Town of Markham, in consultation with the Region of York:

- i) Submission of municipal servicing and transportation impact studies to the satisfaction of Director of Engineering in consultation with York Region;
- ii) Execution of a site plan agreement between the Town and the owner;
- iii) Submission, to the satisfaction of the Director of Engineering in consultation with York Region, of either:

- a detailed phasing plan for the proposed development, supported by a transportation impact study, identifying the amount of development that can be supported by existing transportation infrastructure, plus a detailed strategy for delivering the additional transportation infrastructure required for full build-out of the development; or,
  - a detailed strategy for delivering the additional transportation infrastructure required to support full build-out of the development in a single phase;
- iv) Execution of one or more Development Agreement(s) between the Town, the Owner and, where applicable, York Region, relating to the construction, financing and implementation of required off-site servicing and transportation infrastructure improvements, and including financial securities to the satisfaction of the Town.
2. All other provisions of By-law 165-80, 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



DEVELOPMENT SERVICES COMMISSION

## A BY-LAW TO AMEND BY-LAW 165-80



BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

M.C.

SELECT INDUSTRIAL WITH --  
LIMITED COMMERCIAL

\*No.

EXCEPTION SECTION NUMBER

(H)

HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW 2009-116  
PASSED THIS 23<sup>RD</sup> DAY JUNE, 2009

*John Scarpitti*  
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: 2400