

EXPLANATORY NOTE

BY-LAW NO. 2009-203

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

11160 Woodbine Avenue Limited and 11258 Woodbine Avenue Limited (Rice Group)

LANDS AFFECTED

This by-law amendment applies to a 19.519 ha (48.23 ac.) site located within the Highway 404 North Planning District, on the west side of Woodbine Avenue, north of the Cathedral Community and south of 19th Avenue and municipally known as 11160 Woodbine Avenue and 11258 Woodbine Avenue

EXISTING ZONING

The lands subject to this By-law are presently zoned Agricultural (A1).

PURPOSE AND EFFECT

The purpose of this by-law is to incorporate the lands into the appropriate Business Park (BP), Business Corridor (BC), Community Amenity Area (CA1) and Open Space (OS1) zones within By-law 177-96, as amended.

The effect would be to allow for an Industrial Draft Plan of Subdivision within the Highway 404 North Planning District.

HOLD PROVISIONS

The following are the conditions for lifting the Hold (H) Zone:

1.
 - i) A Feasibility Study/Class Environmental Assessment confirming the need and justification for the potential crossing of Highway 404 has been established and approved by the Region of York, the Town of Richmond Hill, the Town of Markham and the Ministry of the Environment and the appeal period has expired without a Part 2 Order (Bump-up);
 - ii) The preliminary alignment of the Highway 404 crossing and applicable right-of-way has been established by the Town of Markham in consultation with the Region of York;
 - iii) The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Class Environmental Assessment, to the Town's satisfaction.

Or

2.
 - i) Written confirmation from the Region of York that the Feasibility Study/Class Environmental Assessment referred to Section 1.3.1.i) of this By-law has not established the need and justification for a Highway 404 crossing in this location.

Or

3.
 - i) Should the Feasibility Study/Class Environmental Assessment Study not be approved by December 31, 2011, the Hold provision may be lifted.



BY-LAW 2009-203

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

1. By-laws 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96 to include those lands comprising Part of Lot 28, Concession 3, shown on Schedules 'A & B' attached hereto;

- 1.2 By zoning the lands:

Community Amenity Area One [CA1]
Business Park [BP]
Business Corridor [BC]
Business Park Hold [BP (H)]
Business Corridor Hold [BC (H)]
Open Space One [OS1]

- 1.3 HOLD PROVISION

For the purpose of this By-law, a Hold (H) provision is hereby established and is identified on Schedules 'A & B' attached hereto by the letter (H) in parenthesis following the zoning symbol.

Only uses existing on the date of passing of this by-law shall be permitted until the Hold provision (H) has been lifted.

No person shall hereafter erect or alter any building or structure on lands subject to '(H)' provisions for the purposes permitted under this By-law until amendments to this By-law to remove the letter '(H)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the '(H)' Hold provision, condition 1. or 2. or 3. must be met to the satisfaction of the Town of Markham:

- 1
 - i) A Feasibility Study/Class Environmental Assessment confirming the need and justification for the potential crossing of Highway 404 has been established and approved by the Region of York, the Town of Richmond Hill, the Town of Markham and the Ministry of the Environment and the appeal period has expired without a Part 2 Order (Bump-up);
 - ii) The preliminary alignment of the Highway 404 crossing and applicable right-of-way has been established by the Town of Markham in consultation with the Region of York;
 - iii) The draft plan of subdivision has been revised to incorporate any changes relating to the Highway 404 Flyover right-of-way and adjacent blocks resulting from the approved Class Environmental Assessment, to the Town's satisfaction.

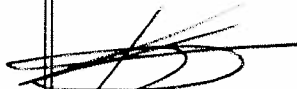
Or

2. i) Written confirmation from the Region of York that the Feasibility Study/Class Environmental Assessment referred to Section 1.3.1.i) of this By-law has not established the need and justification for a Highway 404 crossing in this location.

Or

3. i) Should the Feasibility Study/Class Environmental Assessment Study not be approved by December 31, 2011, the Hold provision may be lifted.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

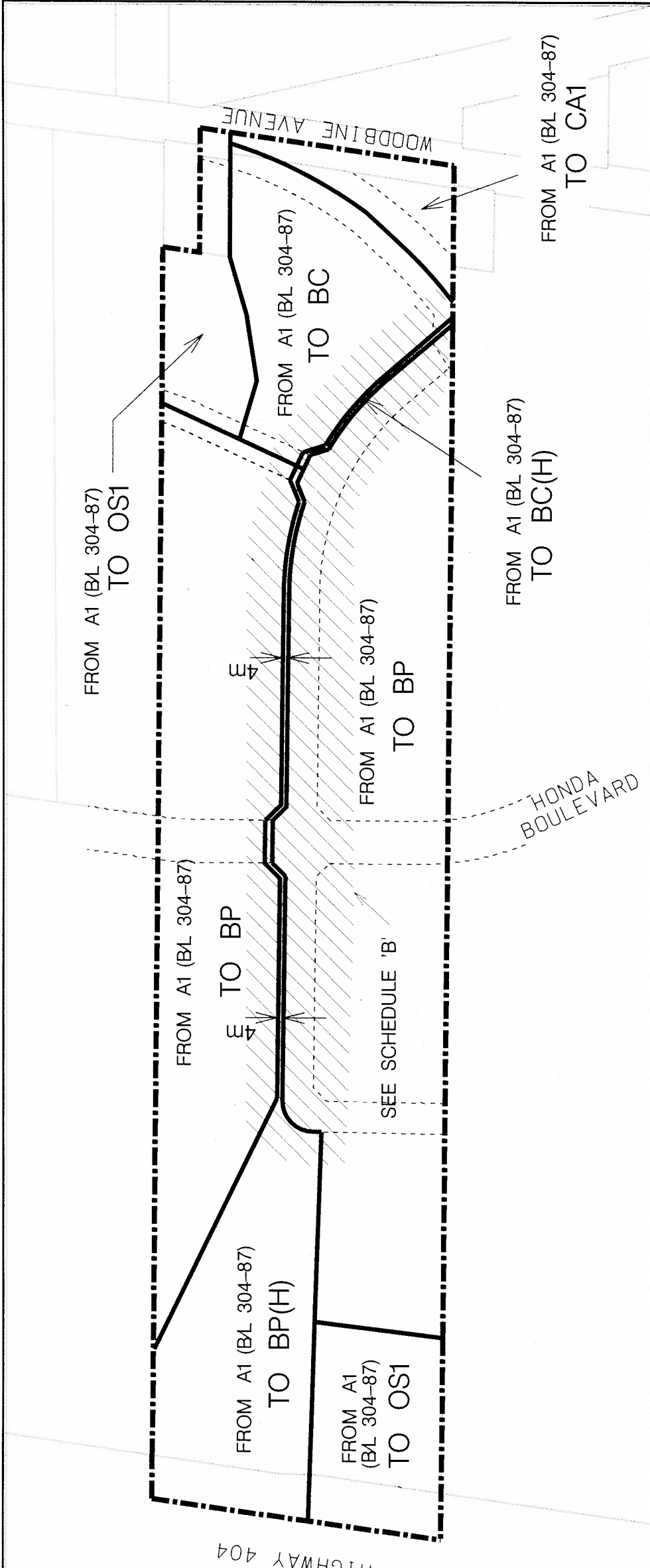
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF DECEMBER, 2009.




KIMBERLEY KITTINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR

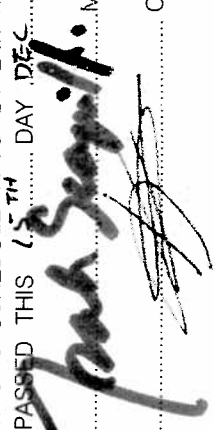





MARKHAM
CITY OF EXCELLENCE

DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW 2009-203
PASSED THIS 15TH DAY DEC 2009





Paul Scarpelli
MAYOR





CLERK


BOUNDARY OF AREA COVERED BY THIS BY-LAW


 A1 AGRICULTURE ONE

 BP BUSINESS PARK AREA

 BC BUSSINESS CORRIDOR AREA

 CA1 COMMUNITY AMENITY ONE

 OS1 OPEN SPACE ONE

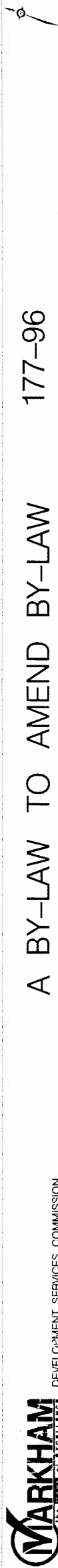
 (H) HOLDING PROVISION

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:

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

177-96



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|----------------|--------------------|
| A1 | AGRICULTURE ONE |
| B ^P | BUSINESS PARK AREA |
| BC | BUSINESS CORRIDOR |
| (H) | HOLDING PROVISION |

CLERK