



EXPLANATORY NOTE

BY-LAW 2013-65

A By-law to amend By-law 2004-196, as amended

Markham Suites Nominee Inc.

8500 Warden Ave

CON 4 PT LT 10 PT RDAL BTN LTS 10 AND 11 65R24140 PTS 1 2 5 AND 6

Lands Affected

The proposed By-law amendment applies to a 2.92 ha (7.2 acre) parcel of land at the south-west corner of Highway 7 and Warden Avenue. The property is occupied by a hotel and associated convention centre (Hilton Suites Markham/Toronto Conference Centre and Spa).

Existing Zoning

The subject lands are zoned Select Industrial and Limited Commercial – M.C.(90%) by By-law 165-80, as amended. The lands have been deleted from the designated area of By-law 165-80 by a previous by-law amendment.

Purpose and Effect

The purpose of this by-law amendment is to incorporate the subject lands into the designated area of the Markham Centre Zoning By-law No. 2004-196, as amended, and zone those lands Markham Centre Downtown Two – MC-D2, incorporating site specific use permissions and development standards.

The effect of the By-law is to permit the conversion of the long-term stay wing of the hotel (the lower building adjoining Warden Avenue with an overhead connection to the main hotel building) to residential use.



BY-LAW 2013-65

A By-law to amend the Markham Centre
Zoning By-law 2004-196, as amended

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

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 2004-196, as amended, to include those lands comprising Part of Lot 10, Concession 4, as more particularly outlined on Schedule 'A' hereto.
 - 1.2 By zoning the lands:

Markham Centre Downtown Two *20 (Hold) - MC-D2*20 (H10)

As shown on Schedule 'H1' attached hereto;
 - 1.3 By amending Section 1.2 of By-law 2004-196, as amended, by deleting the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4, and G1 to G4..." and replacing them with the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4 and G1 to G4, and H1 to H4. ..."
 - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by replacing the words "Schedules A1, B1, C1, D1, E1, F1, G1...." and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1, G1, H1"
 - 1.5 By amending Sections 2.6, 2.6.1 and 2.6.2 of By-law 2004-196, as amended, by replacing all references to "Schedules X1, X2, X3, X4, X5...." with "Schedules X1, X2, X3, X4, X5, X6"
 - 1.6 By adding the following new subsection 2.6.10 to Section 2.6 – Holding Provisions to By-law 2004-196:

2.6.10 Holding Provisions (H10)

Lands that are subject to this Holding provision are denoted by the symbol (H10) on Schedule X6 to this By-law. This Holding provision shall only be lifted when Council is satisfied that the following criteria have been met:

- i. Appropriate water supplies and sewage capacity are available, and have been allocated by Council to support the development.
- ii. A site plan agreement has been entered into between the City and the Owner to the satisfaction of the City.

- iii. A developers' group agreement or other alternative cost sharing arrangements for required municipal infrastructure, as supported by legislation, has been entered into to the satisfaction of the City.
- iv. A Section 37 Agreement pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, has been entered into between the City and the Owner to the satisfaction of the City.

- 1.7 By adding the following new subsection 6.20 (*20) to Section 6 – Exceptions to By-law 2004-196:

6.20 MC-D2 zoned lands at the south-west corner of Highway 7 and Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *20 (Exception 20) 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.

6.20.1 Special Use Provisions

The following special use provisions shall apply:

- a) The following additional use is permitted:

Retirement homes and associated accessory uses.

6.20.2 Special Site Provisions

The following special site provisions shall apply:

- a) *Dwelling units and retirement home rooms/units are permitted on any storey, including the first storey, of an apartment building.*
- b) Special Provision (2) to Table A1 shall not apply.
- c) In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating minimum and maximum *setbacks* from *streetlines*. Notwithstanding the above, in no case shall any *building* or *structure* extend into the *public street* right of way.
- d) Awnings are permitted to extend to any *streetline* or *lot line*.

- e) Adjoining Warden Avenue, a strip of land having a minimum depth of 3 metres immediately abutting the *streetline* shall be used only for *landscaping*. *Buildings, structures* and awnings may encroach into the required *landscaping* provided they comply with the setback requirements of the by-law. *Driveways* may cross the required *landscaping* provided they are more or less perpendicular to the *streetline*.

6.20.3 Special Parking Provisions

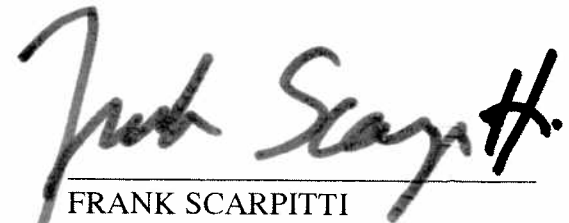
The following special parking provision shall apply:

- a) The *parking space* requirement for *apartment dwellings* and *multiple dwellings* shall be as follows:
A minimum of 0.8 *parking space* per *dwelling unit* and a maximum of 1 *parking space* per *dwelling unit* plus 0.2 *parking spaces* per *dwelling unit* for visitors. The provision of additional *parking spaces* is not permitted.
- b) The *parking space* requirement for *retirement homes* shall be as follows:
A maximum of 0.4 *parking spaces* per *retirement home room/unit*. The provision of additional *parking spaces* is not permitted.
- c) Where development of a *lot* is phased, the number of *parking spaces* provided in a *parking garage* on the *lot* during the earlier phase(s) may exceed the maximum number permitted under Section 6.20.2 a) and b), provided that the total number of *parking spaces* on the *lot* shall at no time exceed the maximum number that would be permitted if all approved *dwelling units* and/or *retirement home rooms/units* were constructed in a single phase.
- d) Notwithstanding the provisions of Section 4.14.1 and 4.14.2, there is no limit on the number of *parking spaces* to be established for *hotel* and *trade and convention centre* uses.
- e) Notwithstanding Section 4.14.8, there is no restriction on the location of any surface *parking spaces*.

- 1.8 By adding the following schedules to By-law 2004-196, as amended Schedule H1, H2, H3, H4 and X6.
- 1.9 This By-law shall apply collectively to the lands identified on Schedule 'A' to this By-law notwithstanding their division into two or more parcels;
2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

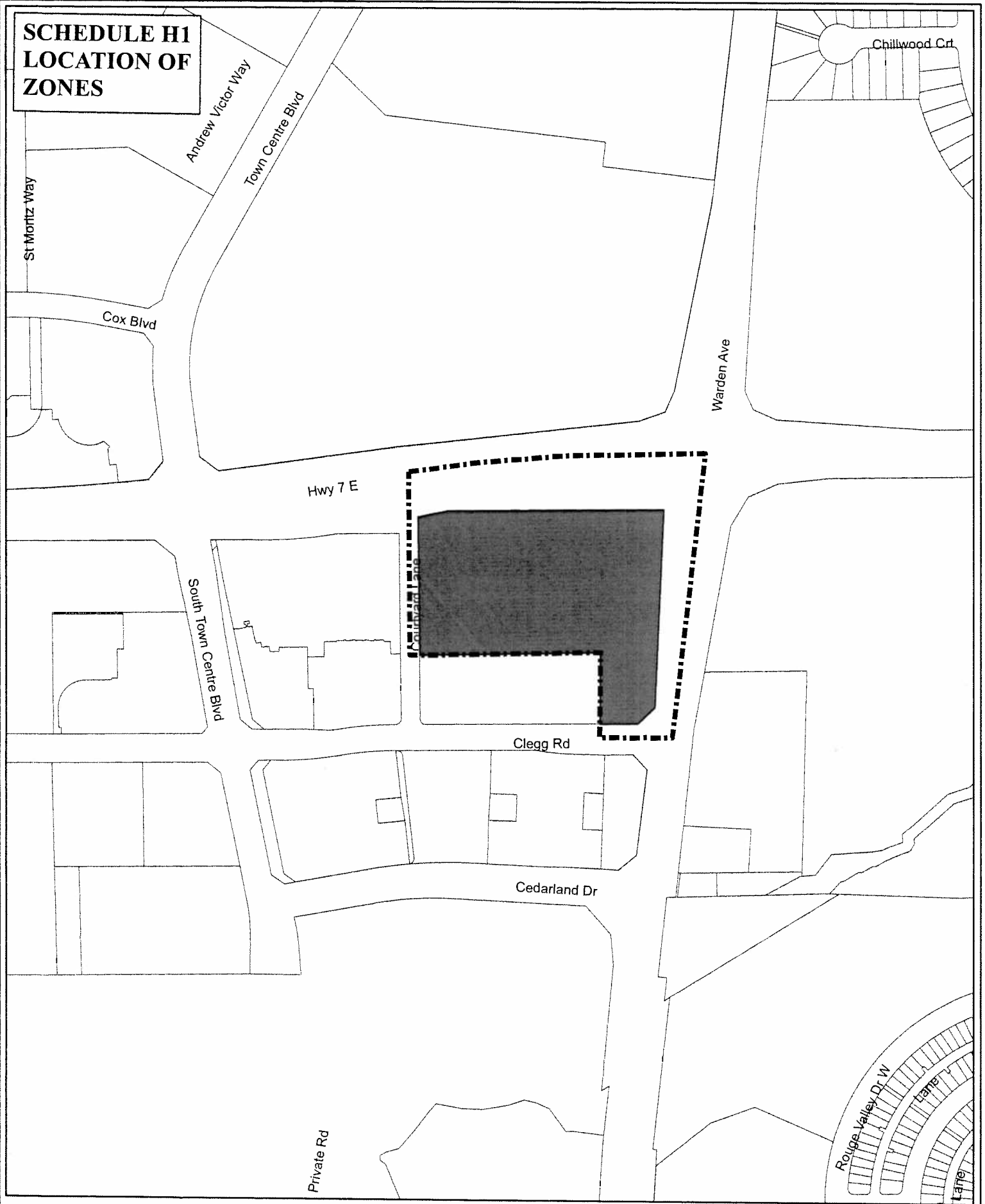
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
13TH DAY OF MAY, 2013.



KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR


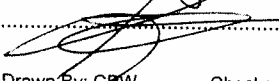
SCHEDULE H1 LOCATION OF ZONES



SCHEDULE 'H1' TO BY-LAW 2013 -65 , AMENDING BY-LAW 2004-196

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
 MC-D2*20

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BY-LAW AMENDMENT No. 2013-65 PASSED May 13, 2013
 (MAYOR)  (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

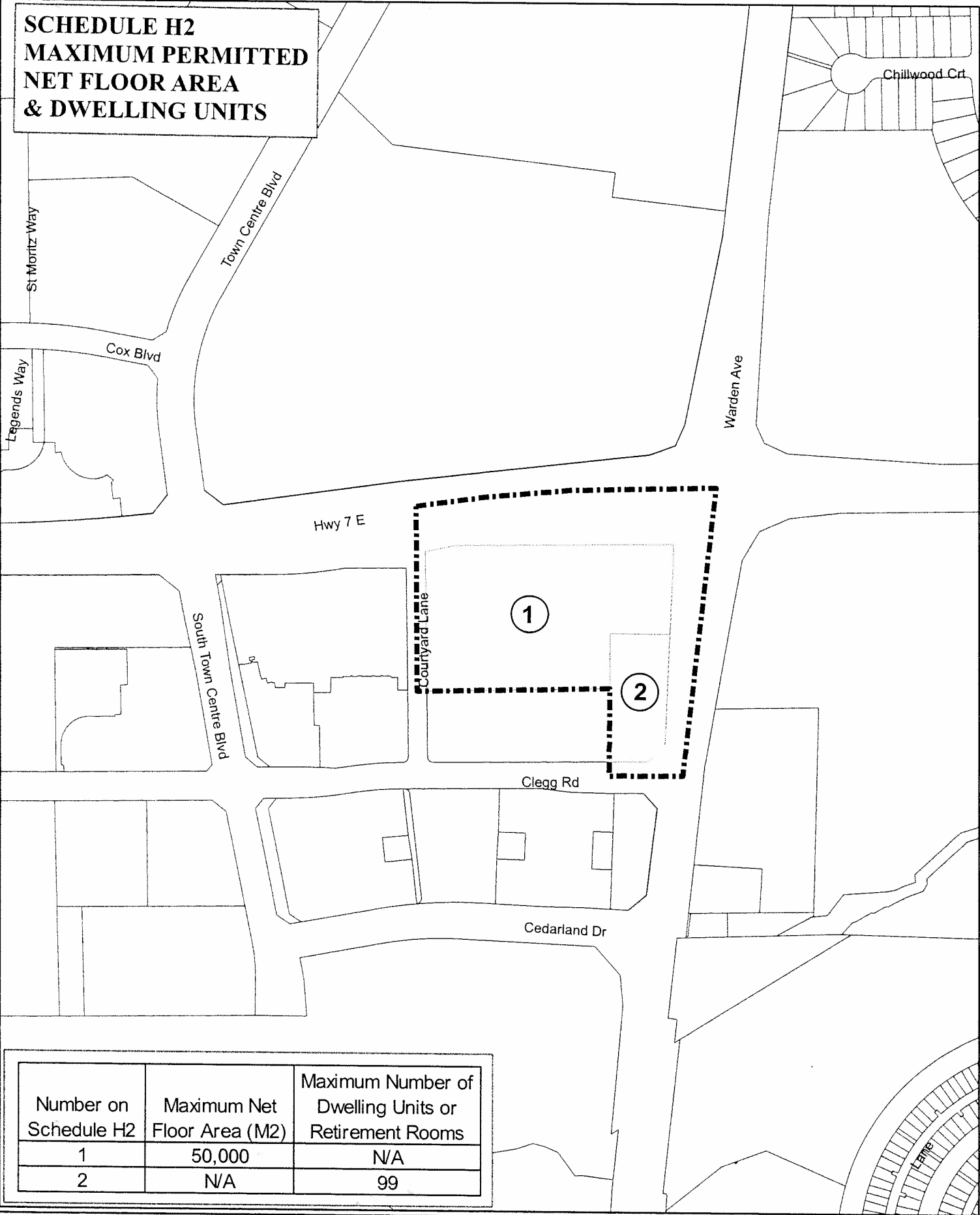
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DATE: 02/05/2013

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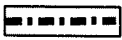
NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

**SCHEDULE H2
MAXIMUM PERMITTED
NET FLOOR AREA
& DWELLING UNITS**



Number on Schedule H2	Maximum Net Floor Area (M2)	Maximum Number of Dwelling Units or Retirement Rooms
1	50,000	N/A
2	N/A	99

SCHEDULE 'H2' TO BY-LAW 2013 -65 , AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



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BY-LAW AMENDMENT No. 2013-65 PASSED May 13, 2013
[Signature] (MAYOR) [Signature] (CLERK)

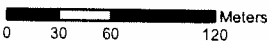


DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 02/05/2013

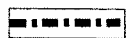




NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

**SCHEDULE H3
MINIMUM &
MAXIMUM HEIGHTS**





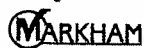
SCHEDULE 'H3' TO BY-LAW 2013 - 65 , AMENDING BY-LAW 2004-196

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
-  Min 6.0m - Max 30m
-  Min 6.0m - Max 60m

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BY-LAW AMENDMENT No. 2013-65 PASSED May 13, 2013

 (MAYOR)  (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

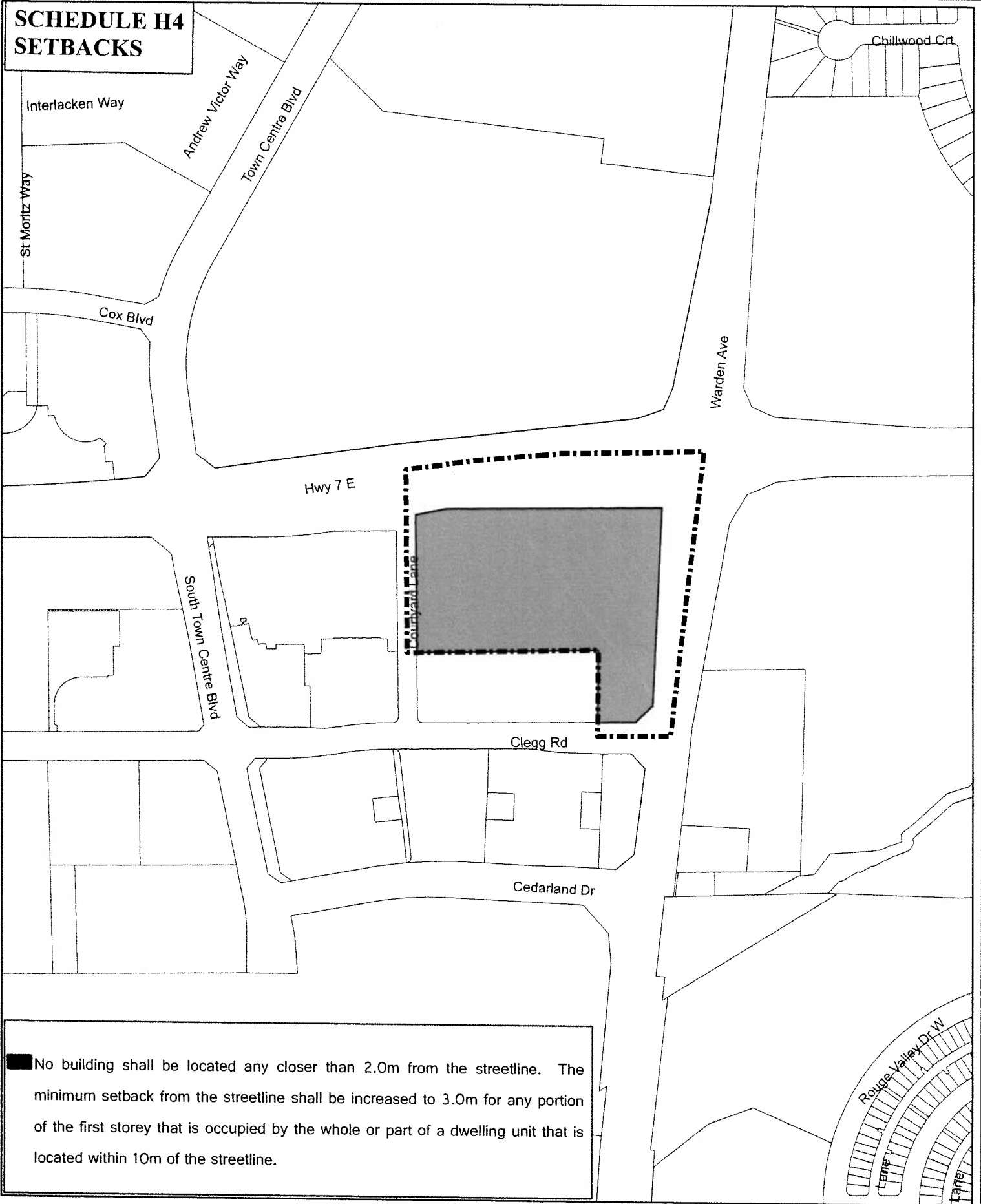
Checked By: SH

DATE: 02/05/2013

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SCHEDULE H4 SETBACKS



■ No building shall be located any closer than 2.0m from the streetline. The minimum setback from the streetline shall be increased to 3.0m for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10m of the streetline.

SCHEDULE 'H4' TO BY-LAW 2013-65, AMENDING BY-LAW 2004-196

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



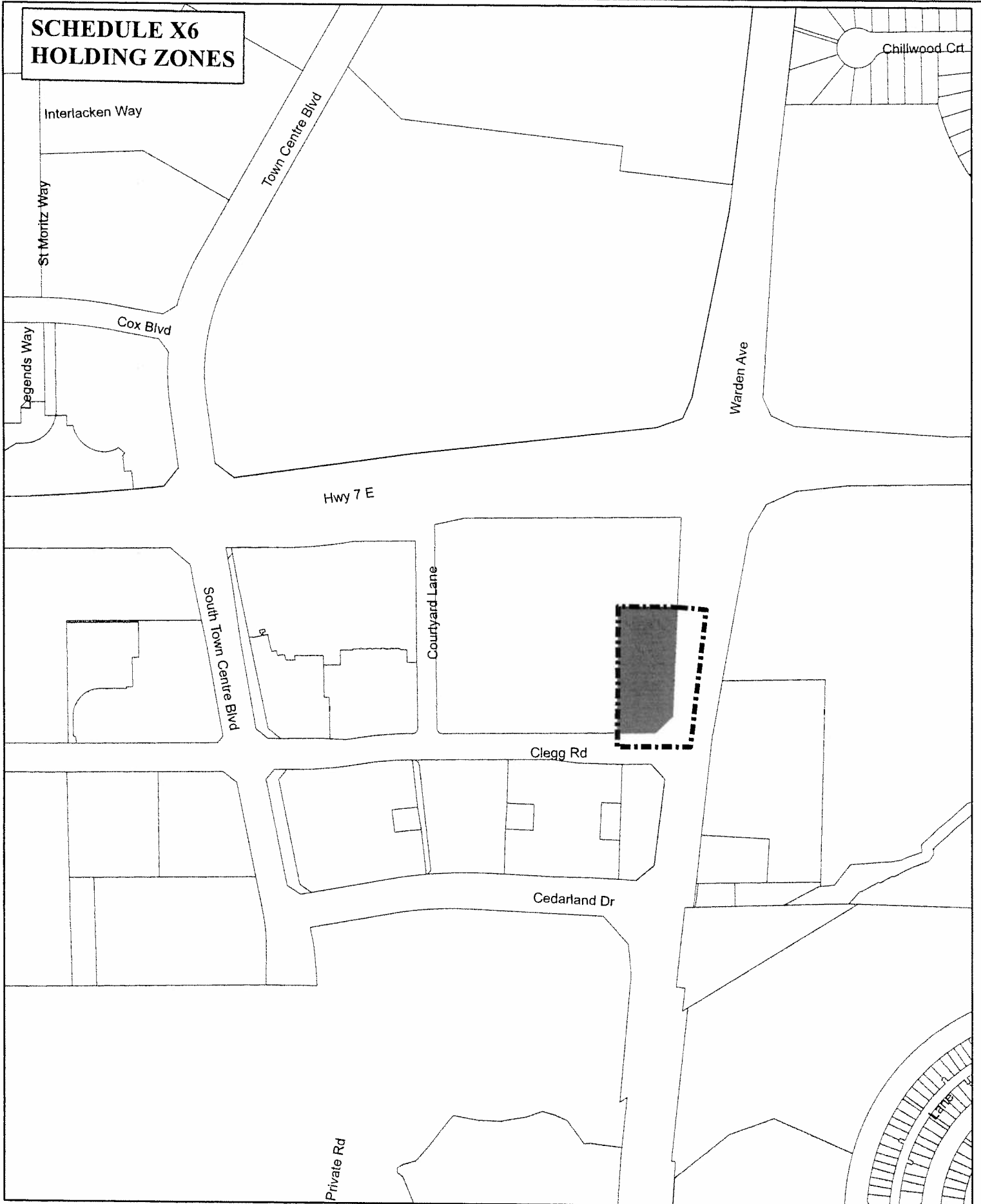
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BY-LAW AMENDMENT No. 2013-65 PASSED May 13, 2013
[Signature] (MAYOR) [Signature] (CLERK)

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: CPW Checked By: SH DATE: 02/05/2013 0 30 60 120 Meters

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

SCHEDULE X6 HOLDING ZONES



SCHEDULE 'X6' TO BY-LAW 2013 -65 , AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



H10



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BY-LAW AMENDMENT NO. 2013-65 PASSED May 13, 2013
Mark Scarpitta (MAYOR) [Signature] (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 02/05/2013

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office