



EXPLANATORY NOTE

BY-LAW 2013-67

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 0.92 ha (2.3 acre) parcel of land at the north-east corner of Clegg Road and Courtyard Lane. The property is occupied by a parking lot for the existing hotel and associated convention centre (Hilton Suites Markham/Toronto Conference Centre and Spa, located on the north and east sides of the property).

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 construction of a 475 unit condominium apartment building(s) in the south portion of the property between the main hotel and Clegg Road.



BY-LAW 2013-67

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 *21 (Hold) - MC-D2*21 (H11)

As shown on Schedule 'I1' 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, G1 to G4, and H1 to H4 ..." 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, G1 to G4, H1 to H4 and I1 to I4 ..."
 - 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...." and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1, G1, H1, I1"
 - 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, X6...." with "Schedules X1, X2, X3, X4, X5, X6, X7"
 - 1.6 By adding the following new subsection 2.6.11 to Section 2.6 – Holding Provisions to By-law 2004-196:

2.6.11 Holding Provisions (H11)

Lands that are subject to this Holding provision are denoted by the symbol (H11) on Schedule X7 to this By-law. This Holding provision shall only be lifted when Council is satisfied that the following criteria have been met:

- i. Approval by the City of an updated precinct plan for the Highway 7/Flaska Drive Precinct.
- ii. Appropriate water supplies and sewage capacity are available, and have been allocated by Council to support the development.

- iii. A site plan agreement has been entered into between the City and the Owner to the satisfaction of the City.
- iv. 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.
- v. 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.
- vi. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City within the prior 6 months for the lands from which the holding provision is to be removed.
- vii. The Owner provides to the City a Certificate from an Ontario Licensed Surveyor that the proposed development meets the height requirements of the Toronto/Buttonville Airport Zoning Regulations.

Driveways and underground *parking garages* are permitted to be constructed prior to the removal of Holding provision H.

- 1.7 By adding the following new subsection 6.21 (*21) to Section 6 – Exceptions to By-law 2004-196:

6.21 MC-D2 zoned lands at the north-east corner of Clegg Road and Courtyard Lane

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *21 (Exception 21) 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.

6.21.1 Special Use Provisions

The following special use provisions shall apply:

- a) The following additional use is permitted:

Retirement homes and associated accessory uses.

6.21.2 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 any *public street*, 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*.


6.21.3 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 6.21.2 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 Section 4.14.8, there is no restriction on the location and number of surface *parking spaces*.

- 1.8 By adding the following schedules to By-law 2004-196, as amended Schedule I1, I2, I3, I4 and X7.
- 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.

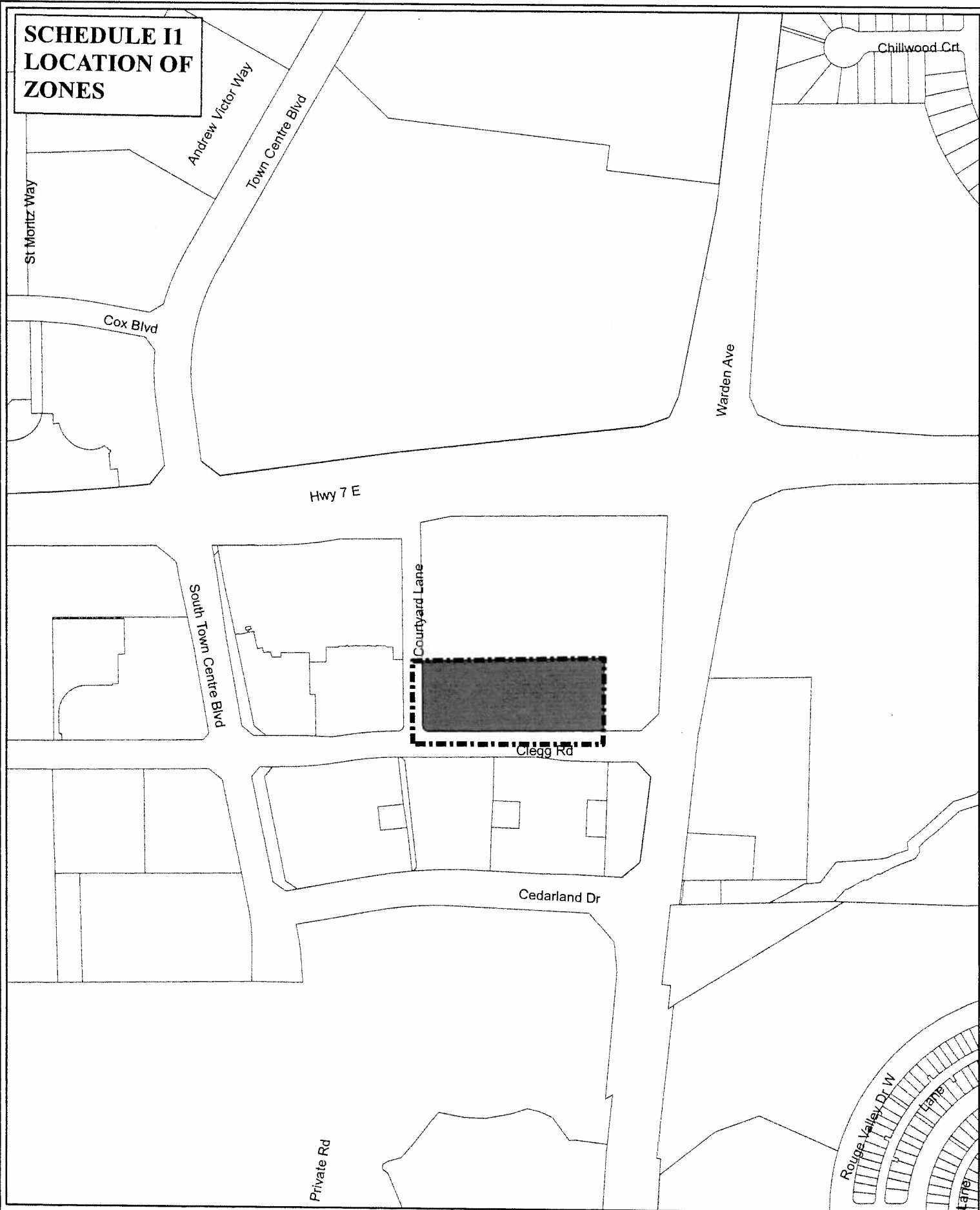


KIMBERLEY KITTERINGHAM
CITY CLERK



FRANK SCARPITTI
MAYOR



SCHEDULE I1 LOCATION OF ZONES



SCHEDULE 'I1' TO BY-LAW 2013 - 67, AMENDING BY-LAW 2004-196

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
 MC-D2*21

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BY-LAW AMENDMENT No. 2013-67 PASSED May 13, 2013
 (MAYOR)  (CLERK)



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

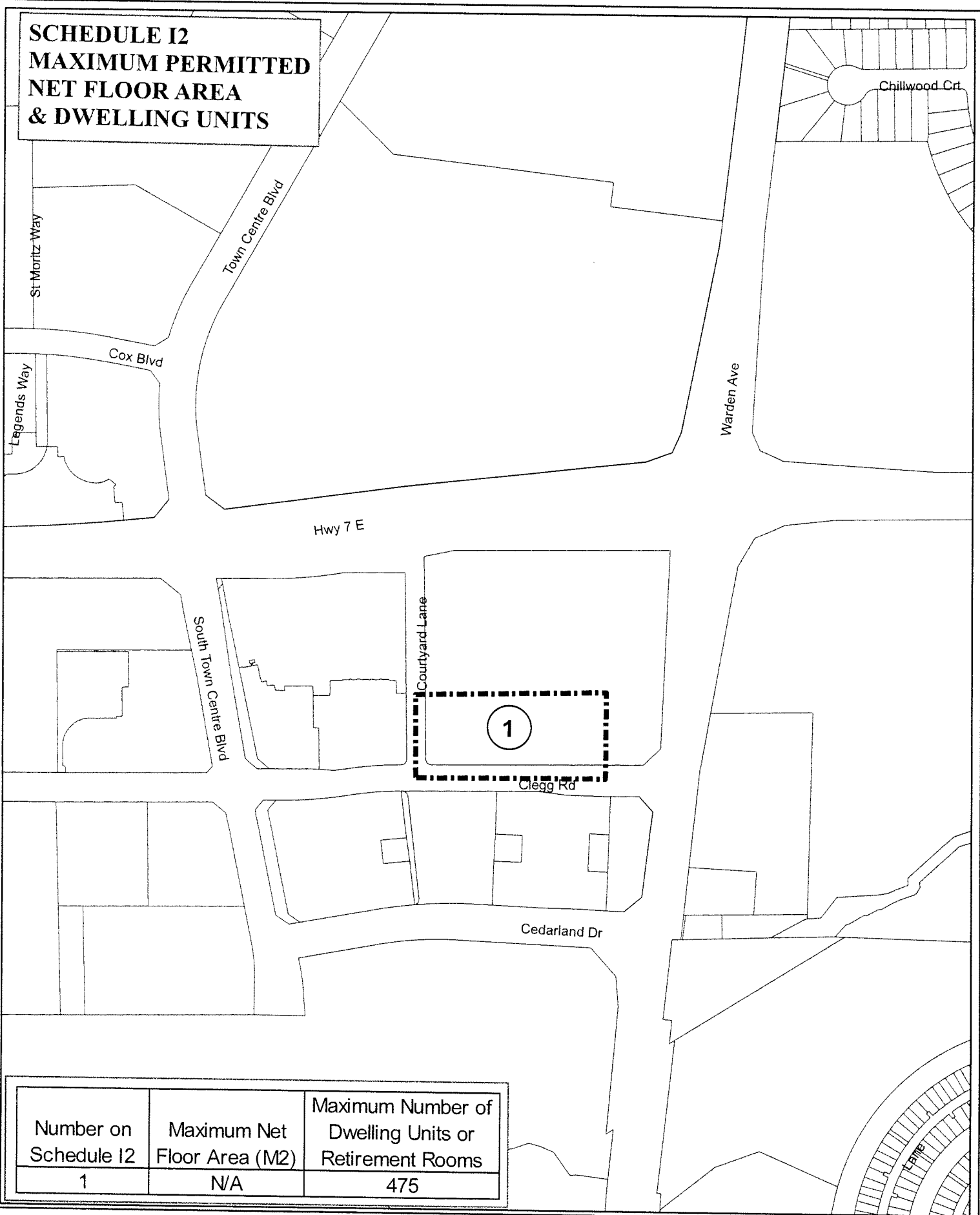
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DATE: 02/05/2013

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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 I2
MAXIMUM PERMITTED
NET FLOOR AREA
& DWELLING UNITS**



Number on Schedule I2	Maximum Net Floor Area (M2)	Maximum Number of Dwelling Units or Retirement Rooms
1	N/A	475

SCHEDULE 'I2' TO BY-LAW 2013 -67 , AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



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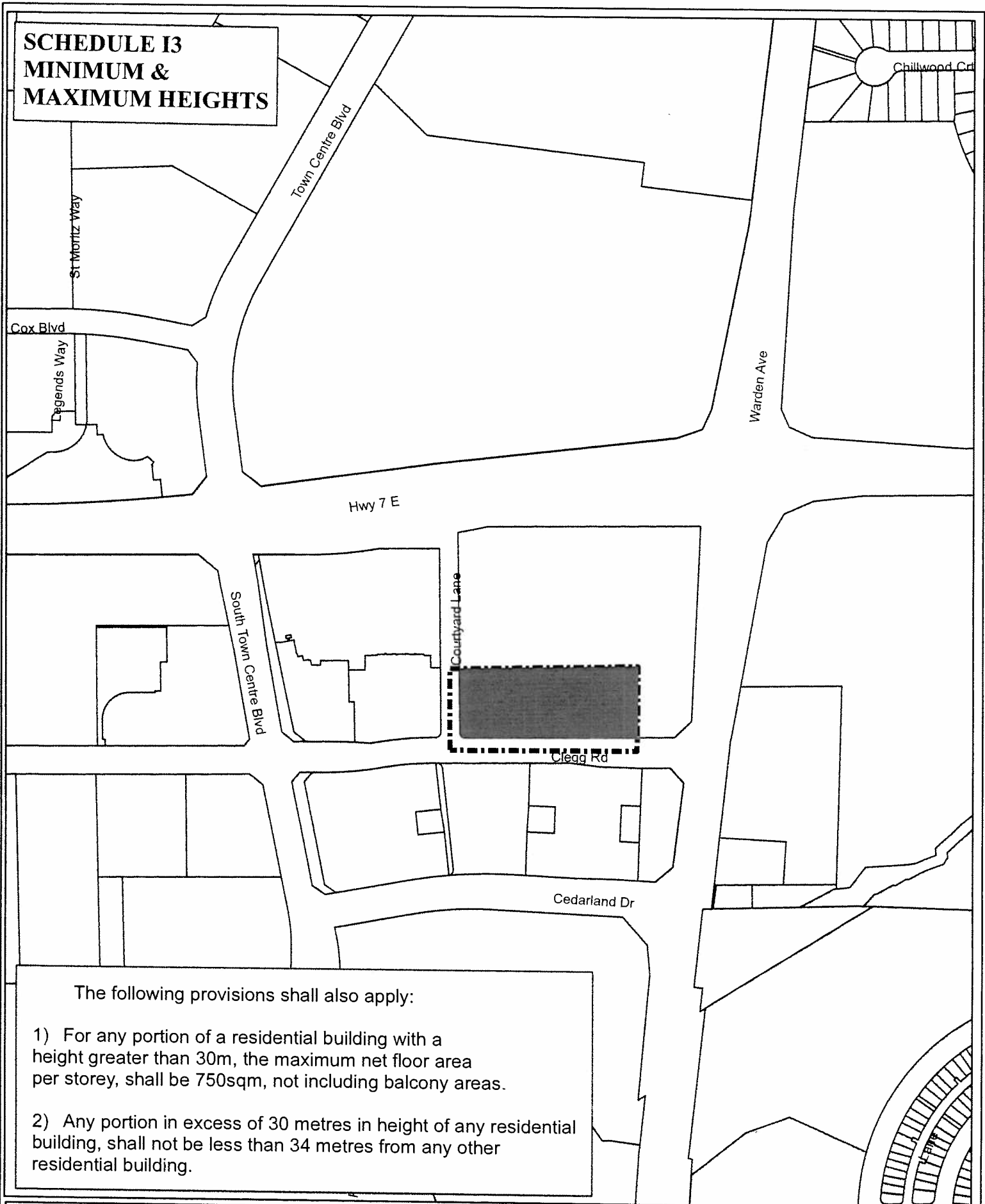
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SCHEDULE I3 MINIMUM & MAXIMUM HEIGHTS



The following provisions shall also apply:

- 1) For any portion of a residential building with a height greater than 30m, the maximum net floor area per storey, shall be 750sqm, not including balcony areas.
- 2) Any portion in excess of 30 metres in height of any residential building, shall not be less than 34 metres from any other residential building.

SCHEDULE 'I3' TO BY-LAW 2013-67, AMENDING BY-LAW 2004-196

--- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
 ■ Min 6.0m - Max 75m

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[Signature] (MAYOR) [Signature] (CLERK)



MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

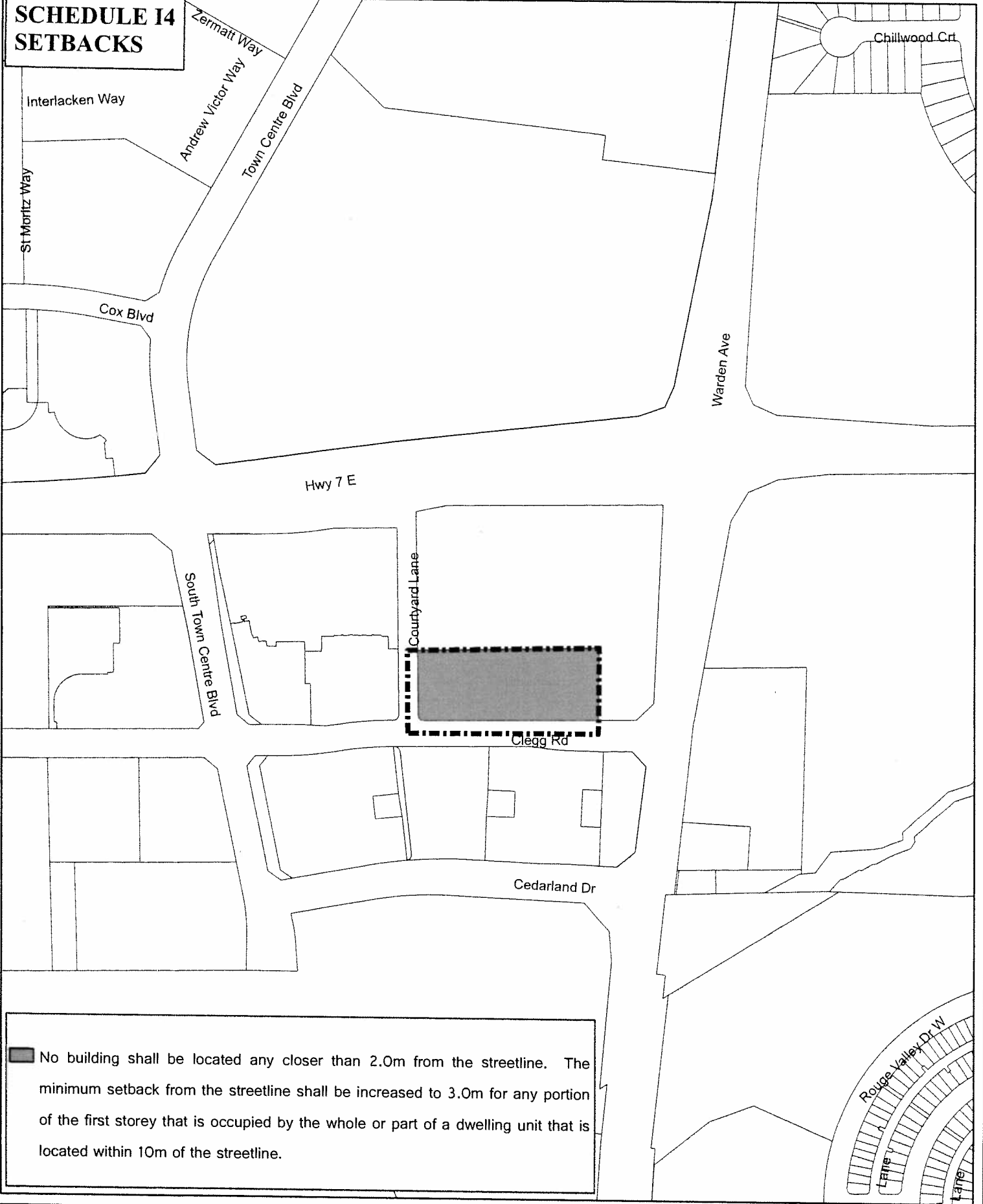
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SCHEDULE I4 SETBACKS



SCHEDULE 'I4' TO BY-LAW 2013-67, AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



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[Signature] (MAYOR) *[Signature]* (CLERK)



MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

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DATE: 02/05/2013

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SCHEDULE X7 HOLDING ZONES



SCHEDULE 'X7' TO BY-LAW 2013-67, AMENDING BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



H11



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