

EXPLANATORY NOTE

BY-LAW NO. 2012-152

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

Markham Centre Development Corporation

North side of Enterprise Drive between Ravis Road and the GO Rail line

LANDS AFFECTED

This by-law applies to a 2.1 ha (5.2 acre) parcel of land on the north side of Enterprise Drive between Ravis Road and the GO Rail line. The north part of the lands is occupied by a woodlot. The remainder is vacant.

EXISTING ZONING

The lands were previously zoned “Rural Residential; Four” (RR4) by By-law 122-72, as amended. The lands were deleted from the designated area of By-law 122-72 by a previous by-law amendment.

PURPOSE OF THE BY-LAW

The purpose of this by-law amendment is to incorporate the lands into the designated area of the Markham Centre Zoning By-law No. 2004-196 and zone them “Markham Centre Public Space Two” (woodlot area) and “Markham Centre Downtown Two” (remainder of lands), incorporating site specific use permissions and development standards.

EFFECT OF THE BY-LAW

The effect of this by-law amendment is permit a proposed high density residential development accommodating up to 981 apartment units in buildings ranging in height from 10 to 29 storeys.



BY-LAW 2012-152

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

THE COUNCIL OF THE CORPORATION OF THE TOWN 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 9, Concession 5, as more particularly outlined on Schedule 'A' hereto.

- 1.2 By zoning the lands:

Markham Centre Downtown Two *19 (Hold)
- MC-D2*19 (H)
Markham Centre Public Space Two – MC-PS2

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, 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 and G1" and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1, G1 and 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 and X6"

- 1.6 By adding the following new subsection 6.19 (*19) to Section 6 – Exceptions to By-law 2004-196:

6.19 MC-D2 zoned lands on the north side of Enterprise Boulevard between Ravis Road and the GO Rail line.

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *19 (Exception 19) 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.

6.19.1 Special Site Provisions

The following special site provisions shall apply:

- a) *Dwelling 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*.

6.19.2 Special Parking Provision

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. A maximum of 10 of the *parking spaces* required shall be located in a surface parking area.
- b) 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 6.19.2(a), 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* were constructed in a single phase.

6.19.3 Special Holding Provisions

The following special holding provisions shall apply:

Holding provision 'H' shall only be lifted on all or part of the lands shown on Schedule 'X6' hereto when all of the following criteria have been met:

- i. A scoped Environmental Impact Study confirming the boundaries of the woodlot which occupies the north portion of the lands has been approved by the Town.

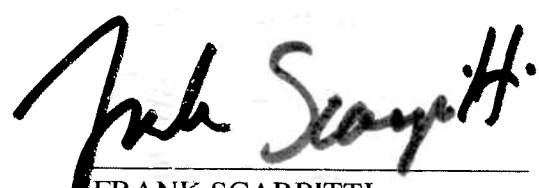
- ii. Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the Developers Group to support the development.
- iii. Any other agreement identified as being required by Council has been entered into that satisfies all of the conditions of the Town.
- iv. Site Plan Approval has been granted by the Town.
- v. A developers group agreement or other cost sharing arrangement for community infrastructure and facilities has been entered into to the satisfaction of the Town's Commissioner of Development Services and the Town Solicitor.
- vi. Execution of a Section 37 Agreement between the Town and the Owner pursuant to Section 37 of the Planning Act and in accordance with the Town's Official Plan policies regarding Section 37 contributions, to the satisfaction of the Town.
- vii. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the Town within the prior 6 months for the lands from which the holding provision is to be removed.

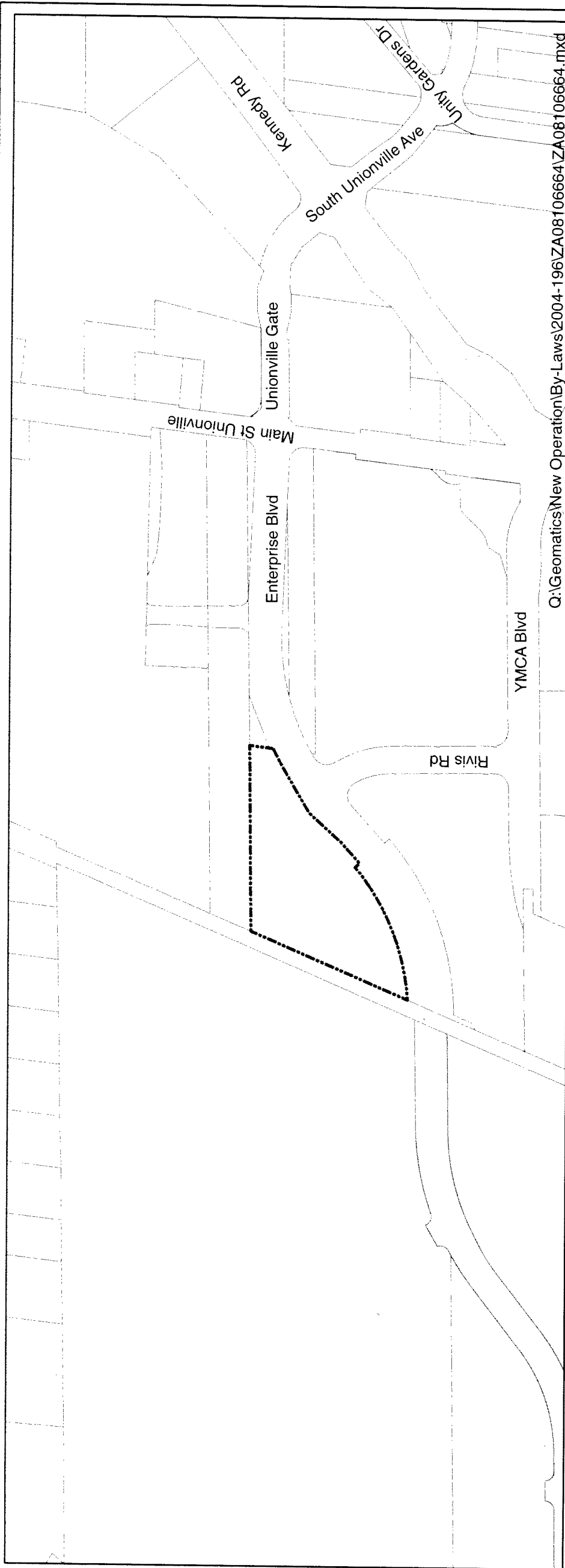
Driveways and underground *parking garages* are permitted to be constructed prior to the removal of Holding provision H provided that criteria i. and ii., above, have been met.

- 1.7 By adding the following schedules to By-law 2004-196, as amended Schedule H1, H2, H3, H4 and X6.
- 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
26TH AND 27TH DAY OF JUNE, 2012.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



BY-LAW SCHEDULE "A" TO AMEND BY-LAW 2004-196

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

MARKHAM DEVELOPMENT SERVICES COMMISSION

BY-LAW AMENDMENT No. 2012-152 PASSED JUNE 26th AND 27th, 2012

Pat Serpiti

(MAYOR)

(CLERK)

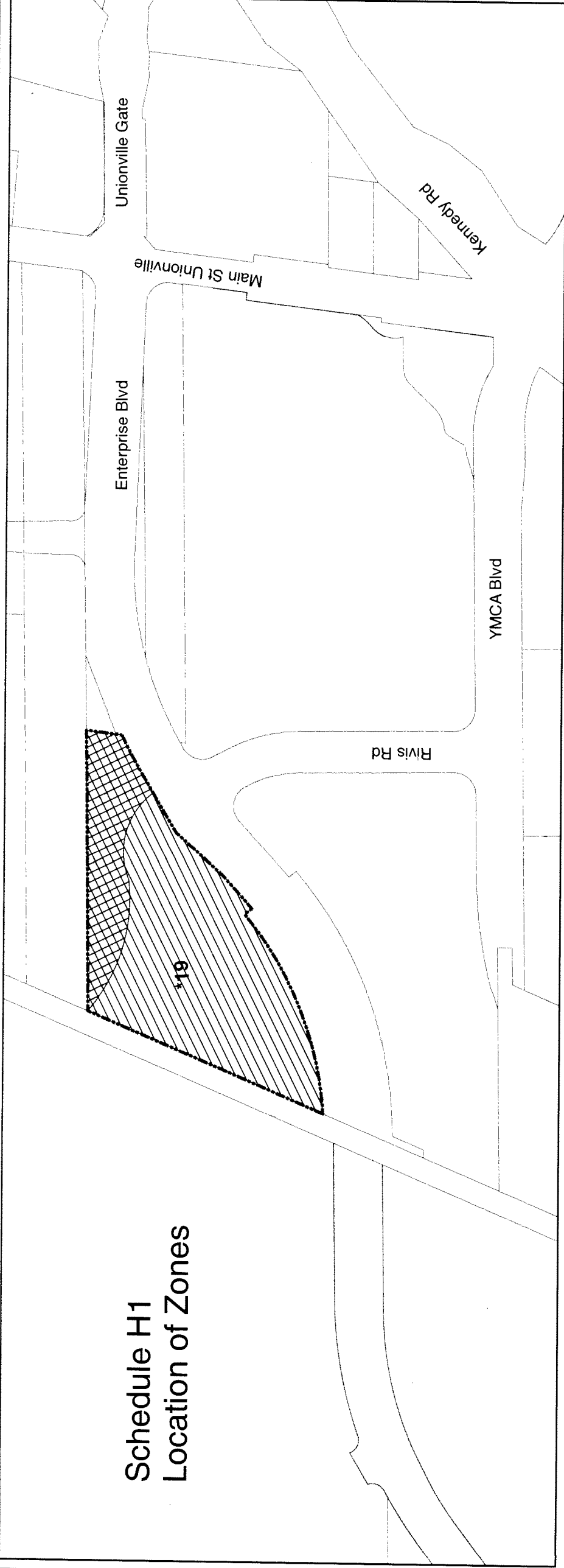
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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

Schedule H1
Location of Zones



BY-LAW TO AMEND BY-LAW 2004-196

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

MC-PS2 ZONE

MC-D2 ZONE

*19 REFER TO SECTION 6.19 OF THE BY-LAW

Paul Scarpitti

BY-LAW AMENDMENT No. 2012-152 PASSED JUNE 26TH AND 27TH, 2012

(MAYOR)

(CLERK)

DEVELOPMENT SERVICES COMMISSION

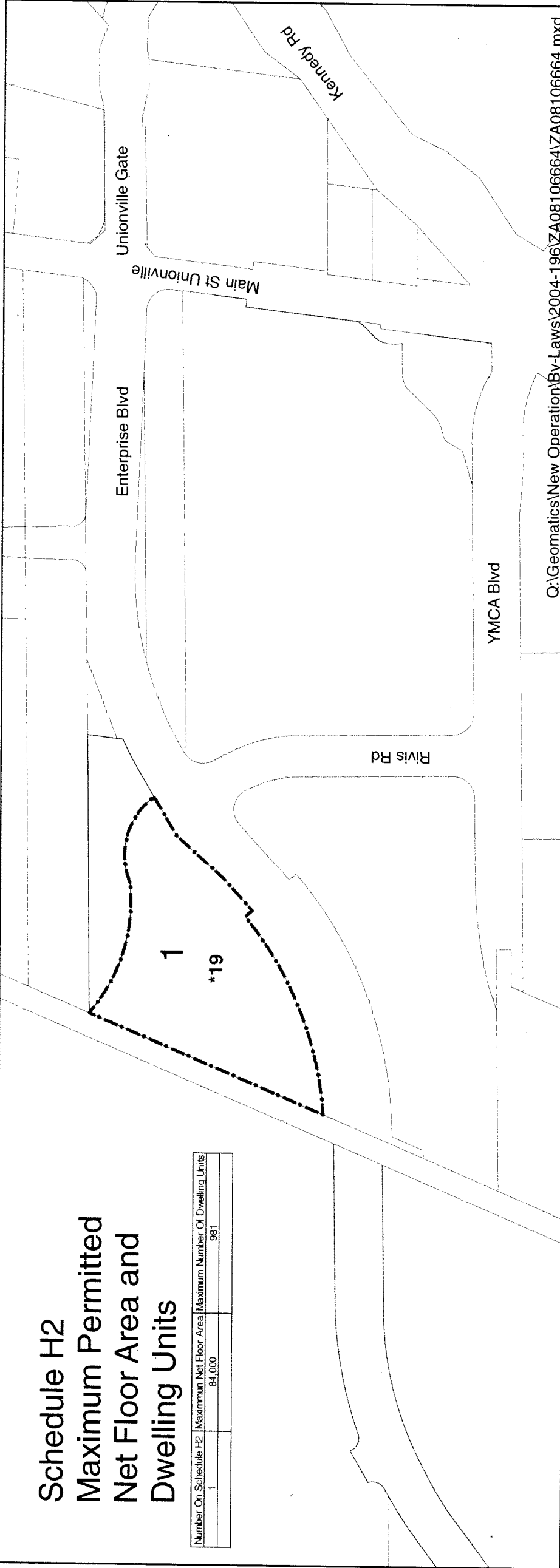
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DATE:06/22/12

Schedule H2
Maximum Permitted
Net Floor Area and
Dwelling Units

Number On Schedule H2	Maximum Net Floor Area	Maximum Number Of Dwelling Units
1	84,000	981



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BY-LAW TO AMEND BY-LAW 2004-196

☐ BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

☐ *19 REFER TO SECTION 6.19 OF THE BY-LAW

BY-LAW AMENDMENT No. 2012-152

PASSED JUNE 26th AND 27th, 2012

(CLERK)

MARKHAM DEVELOPMENT SERVICES COMMISSION

Paul Scrymgeour

(MAYOR)

Drawn By:DD

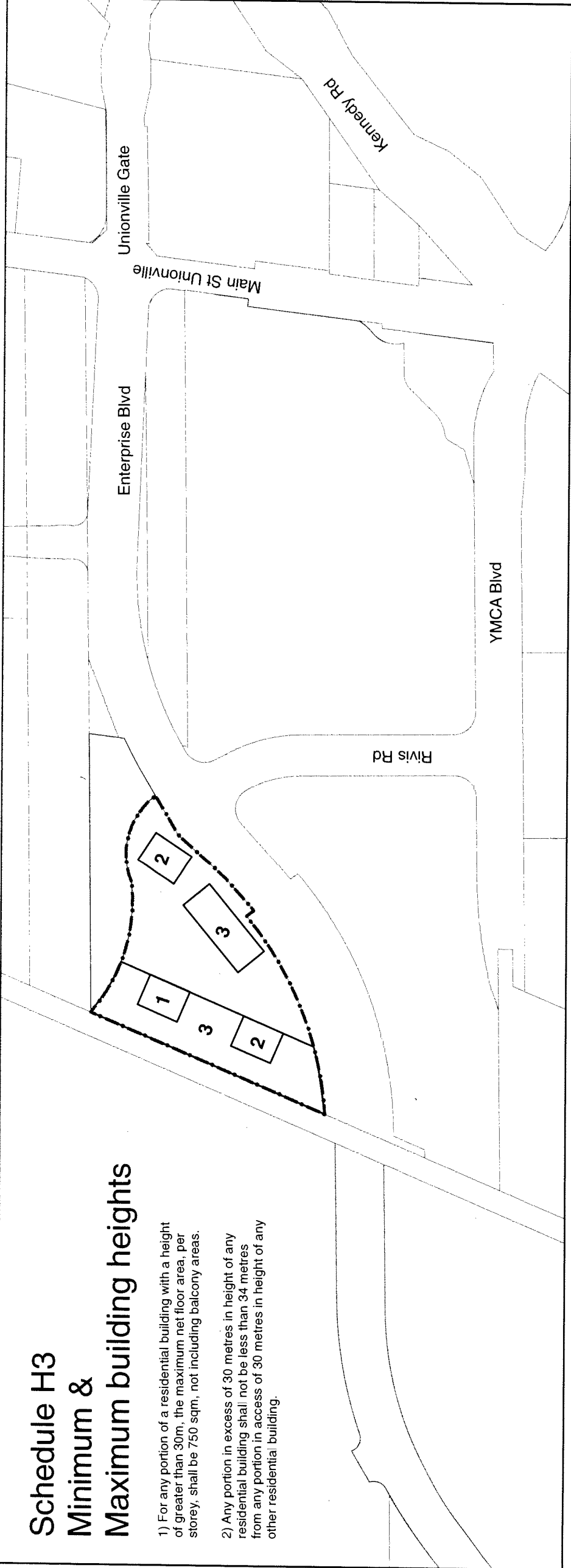
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Schedule H3 Minimum & Maximum building heights

- 1) For any portion of a residential building with a height of greater than 30m, the maximum net floor area, per storey, shall be 750 sqm, 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 portion in access of 30 metres in height of any other residential building.



BY-LAW TO AMEND BY-LAW 2004-196

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

1	MIN 5.0m - MAX 100m
2	MIN 5.0m - MAX 97m
3	MIN 5.0m - MAX 35m



Paul Scapellato (MAYOR)
Checked By: SH

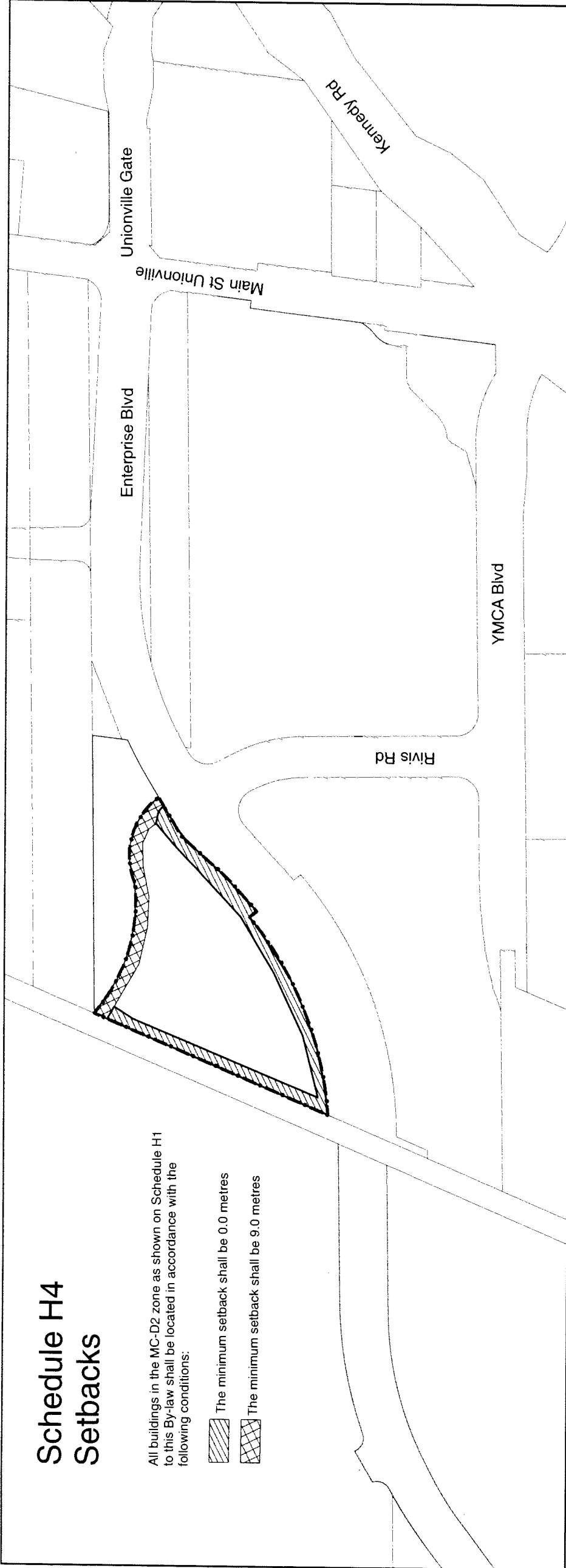
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Schedule H4 Setbacks

All buildings in the MC-D2 zone as shown on Schedule H1 to this By-law shall be located in accordance with the following conditions:

-  The minimum setback shall be 0.0 metres
-  The minimum setback shall be 9.0 metres



BY-LAW TO AMEND BY-LAW 2004-196

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



BY-LAW AMENDMENT No. 2012-152 PASSED JUNE 26TH AND 27TH, 2012

MARKHAM DEVELOPMENT SERVICES COMMISSION

Paul Serpinski

(MAYOR)

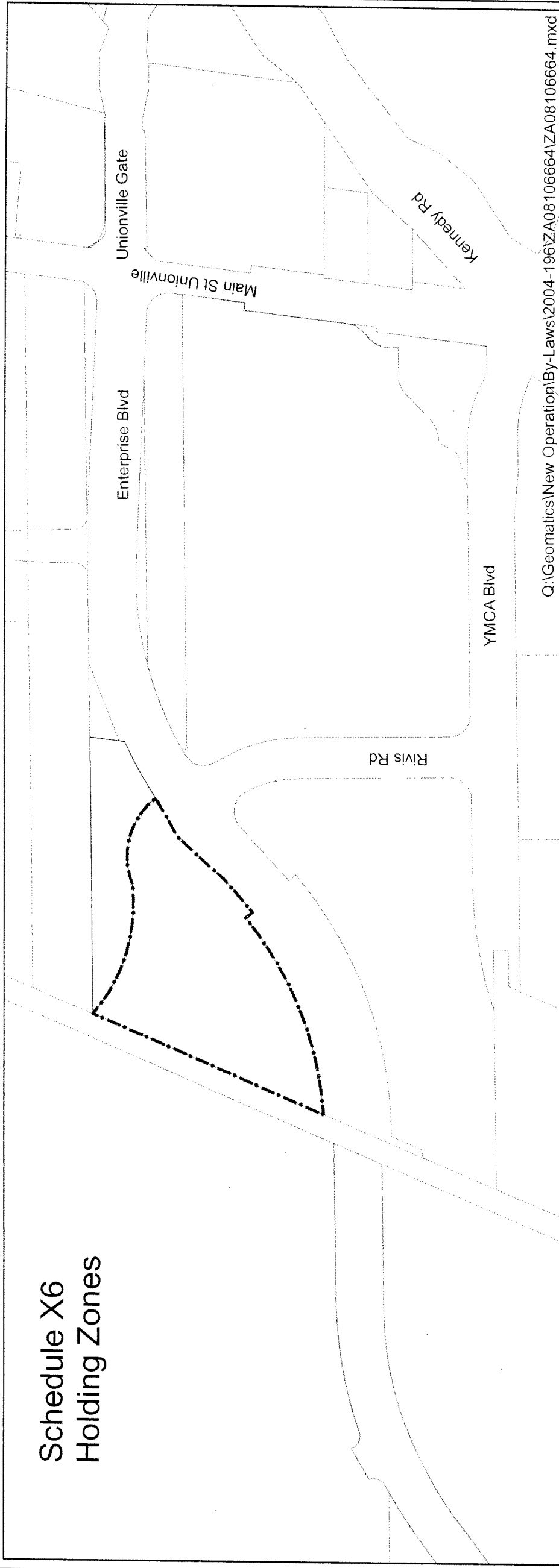
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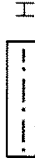
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Schedule X6
Holding Zones



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Paul Serjith

(MAYOR)

(CLERK)

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