



Explanatory Note

By-law 2019-5

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

Ruland Properties – The Remington Group Inc.

North side of Enterprise Boulevard, east of Birchmount Road

Lands Affected

The proposed by-law amendment applies to three parcels of land located on the east side of Birchmount Road, north of Enterprise Boulevard, and on the north side of Enterprise Boulevard, west of Andre De Grasse Street, in Markham Centre.

Existing Zoning

The lands are zoned “Markham Centre – Downtown Two” (DC – D2) by By-law 2004-196.

Purpose and Effect

The purpose of this by-law amendment is to amend the “Markham Centre - Downtown Two” zone standards to accommodate two proposed mixed use developments comprised of three buildings and approximately 20,150 square metres of retail uses. The by-law introduces Holding (H) provisions and site specific development standards related to parking, height and setbacks.



By-law 2019-5

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

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

1. That By-law 2004-196, as amended, is hereby further amended as it relates to lands identified on Schedule 'A' attached hereto, as follows:
 - 1.1 By rezoning the lands identified as Parcel A on Schedule 'A' from Markham Centre – Downtown Two (MC-D2) to Markham Centre – Downtown Two *30 (MC-D2*30).
 - 1.2 By rezoning the lands identified as Parcels B and C on Schedule 'A' from Markham Centre – Downtown Two (MC-D2) to Markham Centre – Downtown Two *30 (Hold 12) (MC-D2*30 H12).
 - 1.3 By adding the following new subsection 6.30 (*30) to Section Exceptions to By-law 2004-196:

**6.30 Ruland Properties – The Remington Group Inc.
Lands Zoned MC-D2 – North of Enterprise Boulevard,
east of Birchmount Road**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *30 (Exception 30) on the schedules to this By-law. All other provisions, unless specifically amended by this section, continue to apply to the lands subject to this section.

6.30.1 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) With the exception of Hotels, Places of Worship, Private Schools, Public Schools and Theatres, the maximum gross floor area for the uses listed in Section 4.14.1 of By-law 2004-196 on Parcels A and B on Schedule 'A' shall

be 17,150 square metres and on Parcel C on Schedule 'A' of this By-law shall be 3,000 square metres.

- e) The floor areas identified in Section d) above shall be exclusive of the provisions contained on Schedule 'A2' of By-law 2004-196.
- f) No setbacks or yards shall be required for any portion of the structure, above or below grade.
- g) Notwithstanding the geodetic height datum requirement of Schedule 'A3' of By-law 2004-196, the maximum and minimum heights for structures located on the lands identified on Schedule 'A' attached hereto is:

	Minimum	Maximum
Parcel A	7.0 metres	57 metres
Parcel B	20.0 metres	127 metres
Parcel C	11.0 metres	117 metres

6.30.2 Special Parking Provisions

The following special parking provisions shall apply:

- a) The *parking space* requirement for *Apartment 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 0.15 *parking spaces* per *dwelling unit* for visitors. The provision of additional residential *parking spaces* is not permitted.

- b) Subject to Section 6.30.1 d) above, 250 Parking spaces shall be provided for uses listed in Section 4.14.1 of By-law 2004-196 on Parcels A and B on Schedule 'A', and no additional parking shall be required for the uses listed in Section 4.14.1 of By-law 2004-196 on Parcel C on Schedule 'A' of this By-law.
- c) A minimum of 70 parking spaces shall be shared between the floor areas and uses identified on Parcels A and B in Section 6.30.1 d) above and the visitor parking required in Section a) above. All of the visitor parking associated with Parcel C shall be shared with the uses identified in Section 6.30.1 d) above.

The provision of additional *parking spaces* for the uses listed in Section 6.30.1 d) above is permitted.

- d) 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 6.30.2, 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 other uses were constructed in a single phase.

6.30.3 Special Holding Provisions

The following Special Holding Provisions shall apply to Parcels B and C on Schedule 'A':

Holding provision 'H12' shall only be lifted on all or part of the lands shown on Schedule 'A' attached hereto when all of the following criteria have been met:

- i. Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the Developers Group to support the development.
- ii. The Toronto/Buttonville Airport Zoning Regulations (SOR/88-148) have been repealed and/or an exemption has been granted thereto in respect of the lands shown on Schedule 'A' attached hereto. In the event the buildings to be built on the lands shown in schedule 'A' are below the geodetic datum of 238m, then this provision shall not apply.
- iii. A developers group agreement or other cost sharing arrangement for community infrastructure and facilities has been entered into to the satisfaction of the City's Commissioner of Development Services and the City Solicitor.
- iv. The Owner has entered into a Section 37 Agreement with the City pursuant to Section 37 of the Planning Act and in accordance with the City's Official plan policies regarding Section 37 contributions, to the satisfaction of the City.
- v. The Owner has entered into a site plan agreement with the City, and Site Plan Approval has been granted by the City.

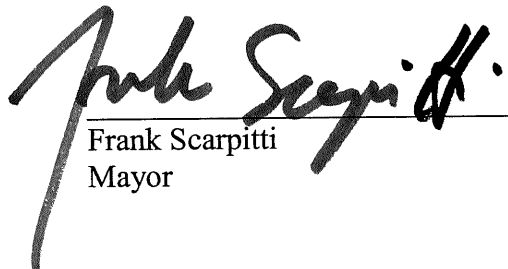
Driveways and underground parking garages are permitted to be constructed prior to the removal of the Holding provision 'H12'.

2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

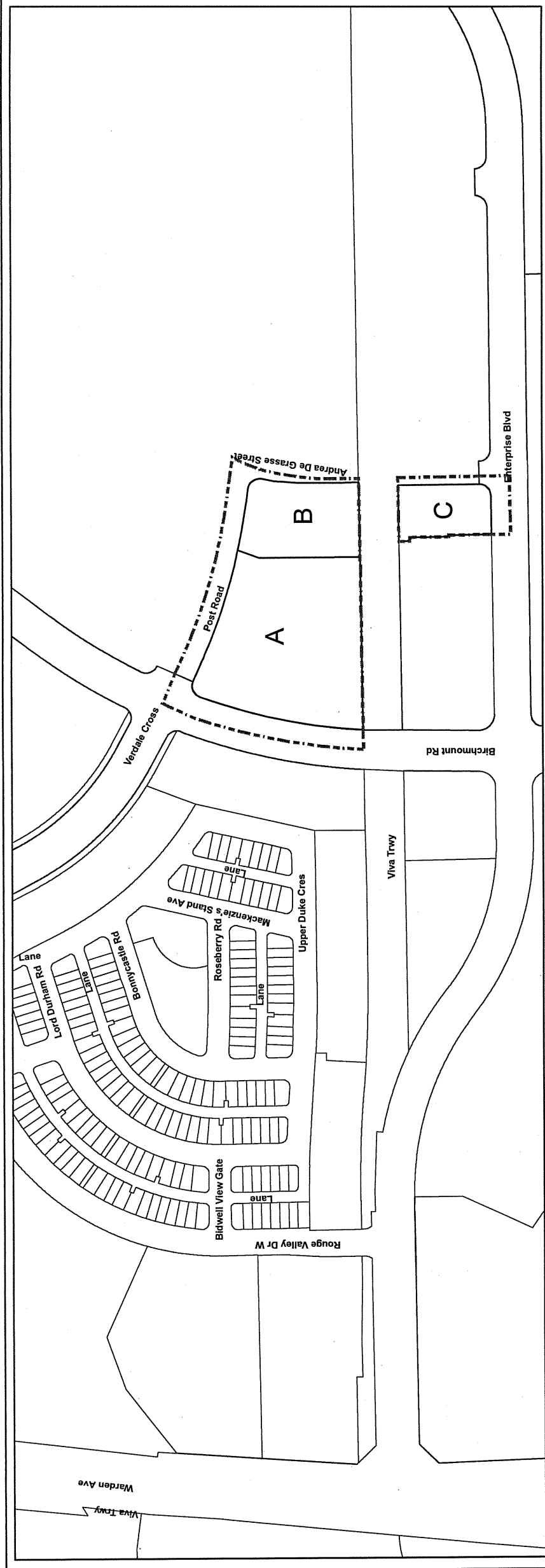
Read a first, second and third time and passed this 12th, day of December, 2018.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor



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BY-LAW SCHEDULE "A" TO BY-LAW 2019-5

AMENDING BY-LAW 2004-196 DATED DECEMBER 12, 2018

BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



Drawn By:DD Checked By:RK DATE:11/07/18

DEVELOPMENT SERVICES COMMISSION

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

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