

EXPLANATORY NOTE

BY-LAW 2011-173

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

Cedardale Markham Inc.

Southeast corner of Highway 48 and Castlemore Avenue
Part of Blocks 6 and 7, Plan 65M-2505

LANDS AFFECTED

The proposed by-law amendment applies to 2.06 hectares (5.10 acres) located at the southeast corner of Highway 48 and Castlemore Avenue

EXISTING ZONING

The site is zoned Select Industrial and Warehousing (MI) under By-law 88-76, as amended, and commercial, retail and residential uses are currently not permitted on the lands.

PURPOSE AND EFFECT

The purpose and effect of the by-law amendment is to incorporate the lands into the designated area of By-law 177-96 and to zone the subject site to Major Commercial *425 (Hold) [MJC*425 (H)] to permit the development of high density mixed-use buildings and a single storey commercial building. A portion of the site is rezoned to Open Space One *427 [OS1*427] to provide for a neighbourhood park at this location.

The effect of the by-law amendment will be to permit the lands to be developed with two (2) 18-20 storey mixed-use buildings, a one (1) storey commercial building and a park.



BY-LAW 2011-173

A by-law to amend New Urban Area
By-law 177-96, as amended
(To incorporate lands into the designated area of this By-law)

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

1. THAT By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96 to include a portion of the lands in Concession 7, Part Lot 18, as shown on Schedule 'A' attached hereto.
 - 1.2 By zoning the lands:

Major Commercial *425 (Hold) [MJC*425 (H)]

and

Open Space One *427 (OS1*427)

as shown on Schedule 'A' attached hereto.
 - 1.3 By adding the following new subsections 7.425 to Section 7.0 – EXCEPTIONS:

“7.425 Cedardale Markham Inc .
Southeast corner of Highway 48 and Castlemore Avenue
Mixed Use – High Density Development and Commercial
Retail
Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol MJC*425 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.425.1 Prohibited Uses
The following uses are prohibited:

a) *Places of worship*

7.425.2 Additional Permitted Uses
The following additional uses are permitted:

a) *Apartment dwellings*
b) *Multiple Dwellings*
c) *Townhouse Dwellings*

7.425.3 Zone Standards
The following specific zone standards apply:

a) Minimum lot frontage (Highway 48)- 130 metres
b) Minimum lot area – 1.8 hectares

- c) Maximum residential *floor space index (FSI)* – 2
- d) Maximum non-residential *floor space index (FSI)* – 0.3
- e) Maximum *height* of *apartment building* - 70 metres
- f) Maximum number of *storeys* - 20
- g) Maximum number of *dwelling units* – 500
- h) Maximum residential *gross floor area* – 50,000 m²
- i) Maximum non-residential *gross floor area* – 4,800 m²
- j) Maximum number of surface *parking spaces* – 162
- k) Maximum *front yard* along Highway 48 – 20 metres
- l) Minimum *landscaped open space* along Highway 48 – 4.5 metres
- m) Minimum *landscaped open space* along Anderson Avenue – 6 metres
- n) Minimum *landscaped open space* along Castlemore Avenue – 0 metres
- o) Minimum *landscaped open space* along the south property line – 0 metres
- p) The *main wall* of any *storey* above the first *storey* shall be setback a minimum of 5 metres from the *main wall* of the first *storey* along Highway 48, and a minimum of 7 metres along Castlemore Avenue.
- q) Minimum *exterior side yard* along Castlemore Avenue – 0 metres
- r) Minimum *interior side yard* – 5 metres

7.425.4

Special Site Provisions

-The following additional provisions shall apply:

- a) For the purposes of this by-law the Highway 48 property line shall be deemed the front lot line.
- b) Parking for residential uses shall be provided at a rate of:
 - (i) 1.1 *parking space* per *apartment dwellings*;
 - (ii) 2 *parking spaces* per *townhouse dwellings*; and
 - (iii) 0.2 *visitor parking space* per *dwelling unit*.
- c) Maximum depth of parking area between the main building and Highway 48 – 12 metres
- d) The underground parking garage or structure can encroach into the required *yards* or a maximum of 0.6 metres from any property line.
- e) For the purposes of this by-law, the shopping centre parking rate shall not be used.
- f) Restaurants that have a combined total *net floor area* of less than 240 square metres shall provide 1 *parking space* per 30 square metres of *net floor area*.
- g) Access ramps are permitted to encroach into *landscaped open space* areas.

“7.427 Cedardale Markham Inc.

**Southeast corner of Highway 48 and Castlemore Avenue
Open Space One (OS1) Zone**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *427 on the Schedule ‘A’ to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.427.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *Public Park*

7.427.2 Zone Standards

The following specific zone standards shall apply:

- a) Minimum area of the OS1 *zone* – 0.2 hectares

7.427 .3 Special Site Provisions

The following special site provisions shall apply:

- a) For the purposes of this By-law, a *Public Park* includes land and outdoor amenity space, owned and maintained by a private entity, to which the public has access, and which may have an underground parking garage associated with the adjacent residential and commercial/ retail development.

2. HOLDING PROVISION:

For the purpose of this By-law, Holding (H) *zones* are hereby established and are identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.

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


2.1 Prior to removing the Holding ‘(H)’ provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development and/or each phase of development; or
- b) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- c) The Region’s Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.;
- d) Execution of a site plan agreement between the Town and the Owner;

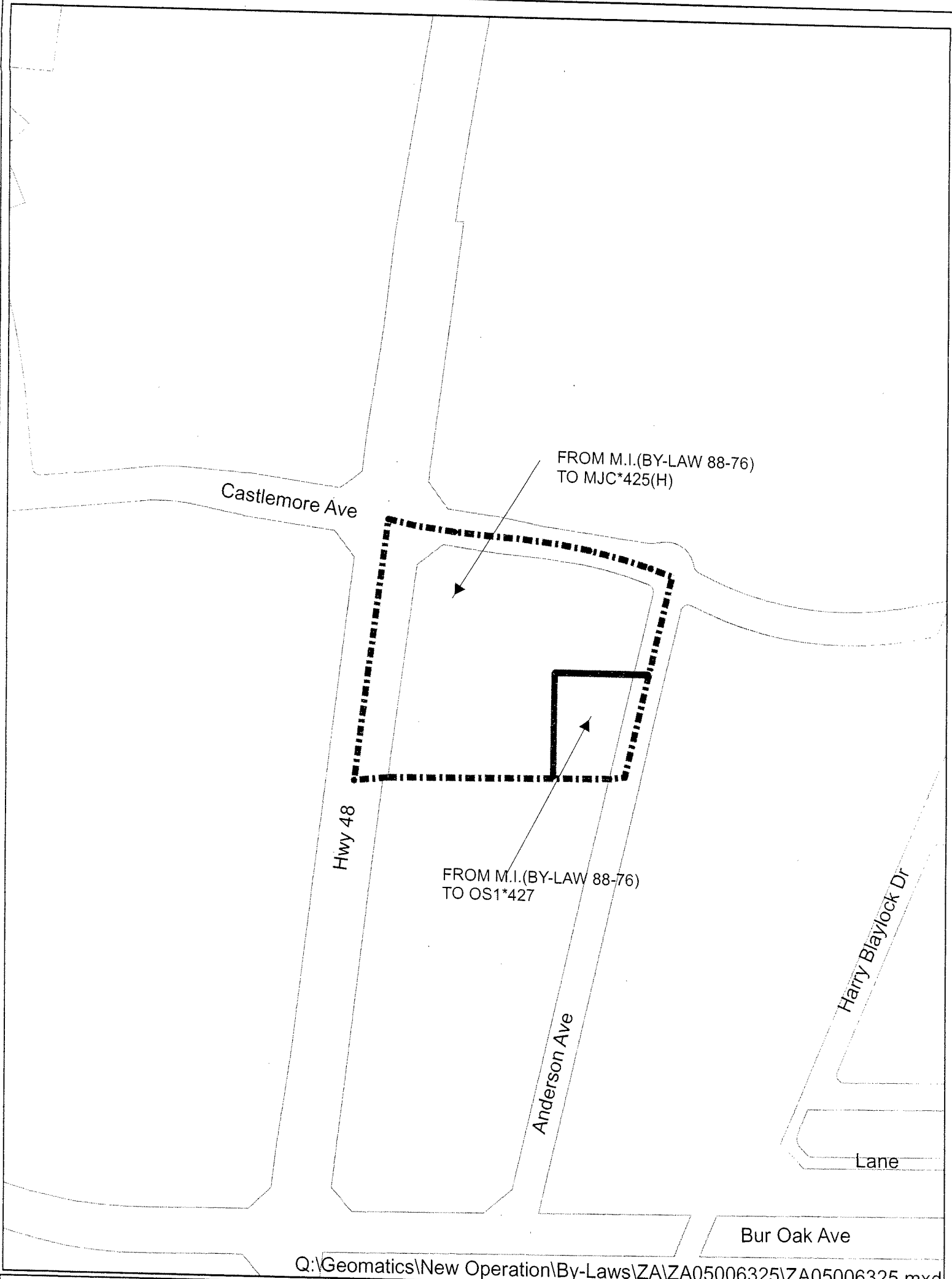
- e) Execution of a Section 37 agreement to the satisfaction of the Town;
and
 - f) Execution of a No Pre-Sales Agreement for residential development
that has not been granted servicing allocation.
3. All other provisions of By-law 177-96, as amended, not inconsistent with the
provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
28TH DAY OF JUNE, 2011.





KIMBERLEY KITTERINGHAM
TOWN CLERK

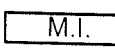
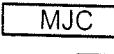
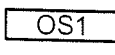
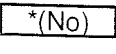
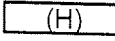
FRANK SCARPITTI
MAYOR


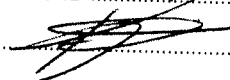


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BY-LAW SCHEDULE "A" TO AMEND BY-LAW 177-96

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
 BOUNDARY OF ZONE DESIGNATION(S)

 M.I. SELECT INDUSTRIAL AND WAREHOUSING  MJC MAJOR COMMERCIAL
 OS1 OPEN SPACE ONE  *(No) EXCEPTION NUMBER  (H) HOLDING PROVISION

BY-LAW AMENDMENT No. 2011-173 PASSED JUNE 28, 2011
 (MAYOR)  (CLERK)