

## EXPLANATORY NOTE

### **BY-LAW NO. 2010-205**

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

H & W Development Corporation  
South Town Centre Boulevard  
Markham Centre

## LANDS AFFECTED

This by-law applies to approximately 1.3 hectares (3 acres) of land on the east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive. The lands are vacant.

## EXISTING ZONING

The lands are zoned “Markham Centre – Downtown One” (MC-D1) and “Markham Centre – Public Space One” (MC-PS1) by By-law 2004-196, as amended.

## PURPOSE AND EFFECT

The purpose of this by-law is to consolidate the zoning of the lands under the “Markham Centre – Downtown One” zone, increase the maximum permitted number of dwelling units from 623 to 663, and adjust the building height, building setback and permitted use regulations of the by-law.

The effect of this by-law is to permit a proposed residential development consisting of four towers ranging in height from 11 to 16 storeys, with commercial uses within portions of the ground floor level.

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## BY-LAW 2010-205

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

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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 it applies to the lands outlined on Schedule 'A,' attached hereto, as follows:
  - 1.1 By rezoning the lands from Markham Centre Downtown Two Exception 3 (Hold 1 Hold 2) and Markham Centre Public Space 1 to Markham Centre Downtown 2 Exception 16 (Hold 1 Hold 2), as shown on Schedule 'A' attached hereto.
  - 1.2 By deleting Schedules B1, B2, B3, B4 and X2 and replacing them with Schedules B1, B2, B3, B4 and X2 attached hereto.
  - 1.3 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:
    - 6.16 Lands on east side of South Town Centre Boulevard between Clegg Road and Cedarland Drive

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*16 (Exception 16) 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.

### 6.16.1 Special Site Provisions

The following special site provisions shall apply:

- a) Dwelling units are permitted within any *storey*, including the first *storey*, of an *apartment building*.
- b) *Premises* containing commercial uses are only permitted within the first and second *storeys*.
- c) Special Provision (2) to Table A1 shall not apply.
- d) 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.

- e) Awnings are permitted to extend to any *streetline* or *lot line*.

#### 6.16.2 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. A maximum of 5% of the parking spaces, or a maximum of 10 (whichever is the lesser) required shall be located in a *surface parking area*.
- b) A *premises* that includes both residential and commercial *uses* shall provide parking at the residential rate only provided that the commercial component does not exceed 50% of the *floor area* of the *premises*.
- c) Parking is not required for commercial uses in *premises* with *floor areas* of less than 100 square metres up to a maximum combined *floor area* of 300 square metres.

#### 6.16.3 Special Holding Provision

The following special holding provision shall apply:

- a) Holding provision H1 shall only be lifted when the applicable criteria outlined in Section 2.6.1 and the following provision has been met:
  - Execution of a Section 37 Agreement between the Town and the Owner regarding a contribution by the Owner pursuant to Section 37 of the Planning Act and in accordance with the Town's Official Plan policies regarding Section 37 contribution to the satisfaction of the Town.
  - Confirmation, to the satisfaction of the Town, that the local Town of Markham sanitary sewer system has sufficient capacity for the proposed development or that arrangements have been made to connect the development directly to the York Region sanitary sewer on South Town Centre Boulevard.

- b) Parking garages are permitted to be constructed prior to the removal of Holding Provision H1.

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

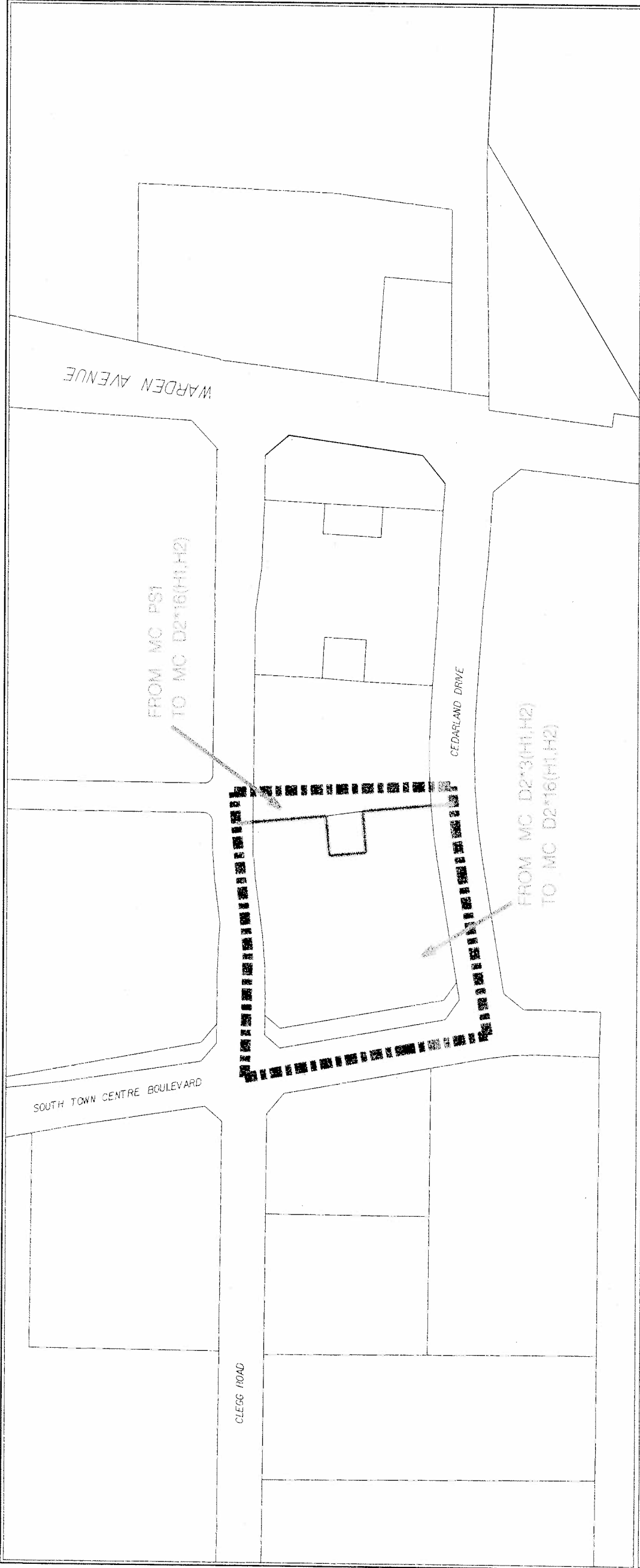
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
24<sup>TH</sup> DAY OF NOVEMBER, 2010.



ANDREW BROUWER  
DEPUTY TOWN CLERK



FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW

2004-196

THIS IS SCHEDULE 'A' TO BY-LAW 2010-205  
PASSED NOV. 24<sup>TH</sup> 2010  
*Paul Syme* MAYOR  
*Paul Syme* DEPUTY CLERK

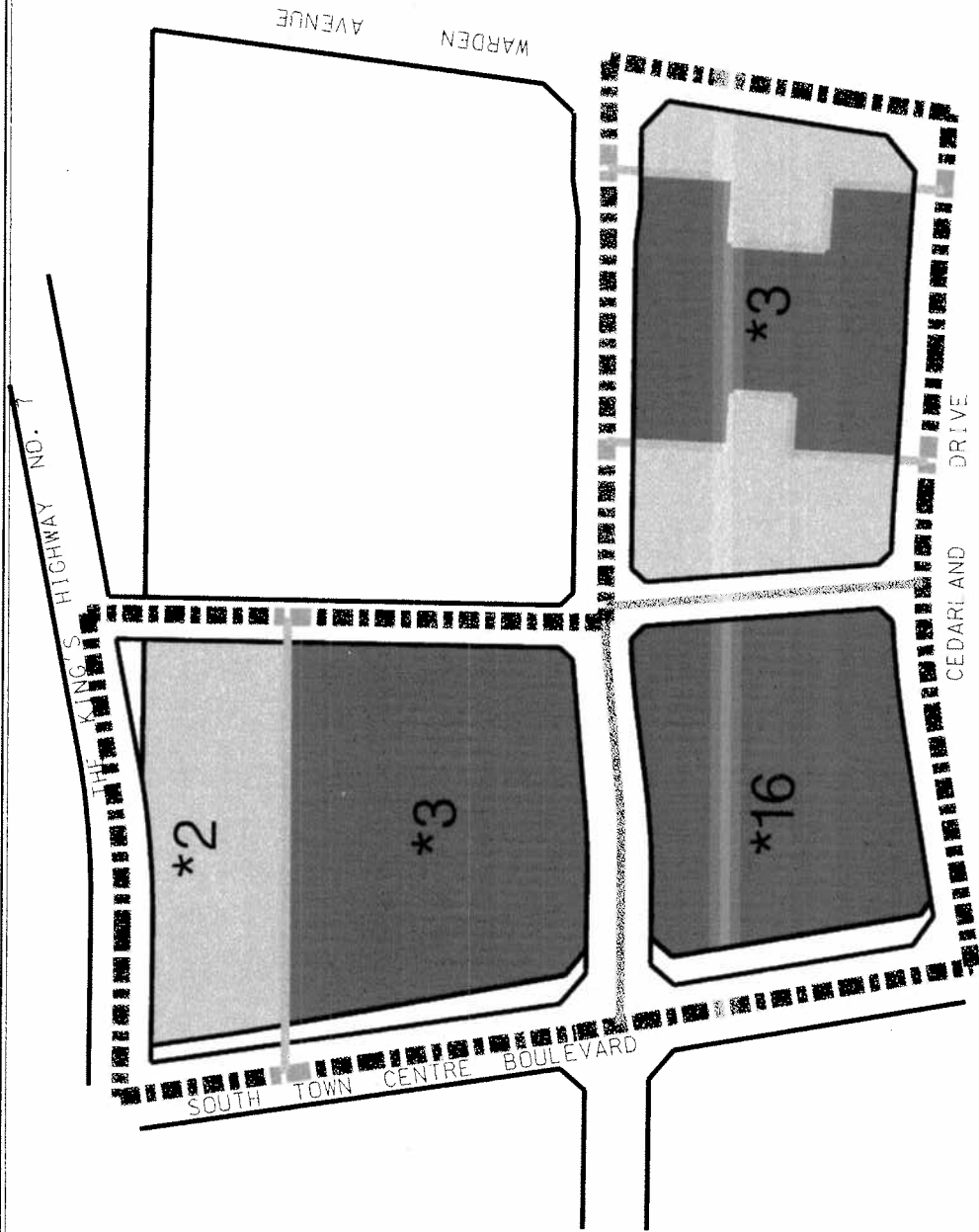
 BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK



Schedule B1  
Location of Zones

Note: Use permissions for each zone  
are contained on Table A1



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'B1' TO BY-LAW 2010-205

PASSED NOV. 24<sup>TH</sup> 2010

*Paul Smith* MAYOR

*Paul Smith* DEPUTY CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY



MC-D1 ZONE

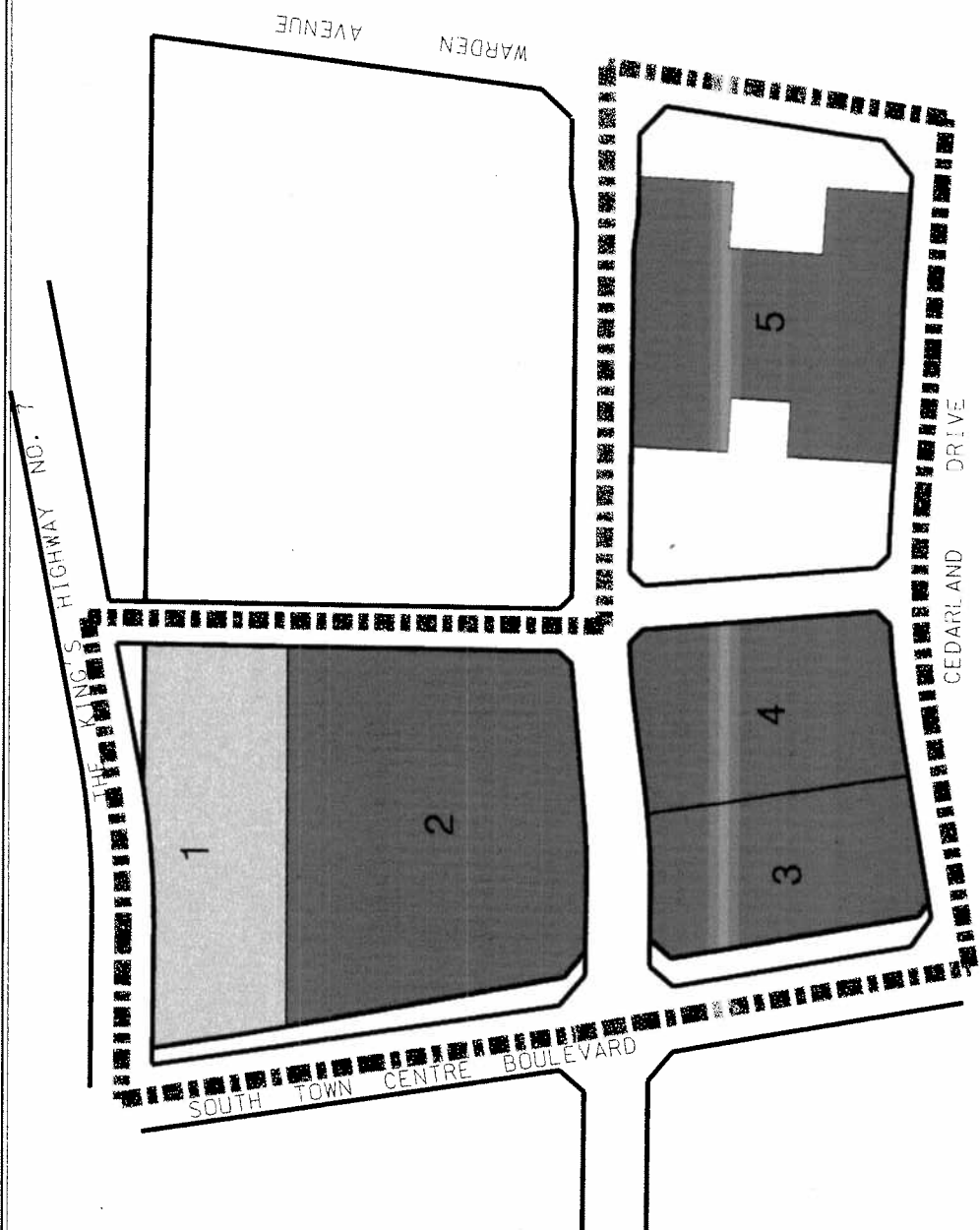
MC-D2 ZONE

MC-PS1

REFER TO SECTION 6 OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK





Schedule B2  
Maximum Permitted  
Net Floor Area and  
Dwelling Units

Number on Schedule B2	Maximum Net Floor Area (m2)	Maximum Number of Dwelling Units
1	-business offices - 23,150 -retail and other - 3,470 (A)	n/a
2	-retail and other - 1,940	640
3	- retail and other -200(C)	400(B)
4	- retail and other -200(C)	325(B)
5	n/a	535

Note - Special provisions on the table above denoted by a letter in brackets are described below:

- (A) This includes all non-business office uses listed as being permitted uses on Table A1.
- (B) The maximum number of dwelling units in areas 3 and 4 combined shall be 663.
- (C) This provision does not apply to premises that include both residential and commercial uses.



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'B2' TO BY-LAW 2010-205  
PASSED Nov 24 TH 2010  
John Scarpitti MAYOR  
Deputy Clerk

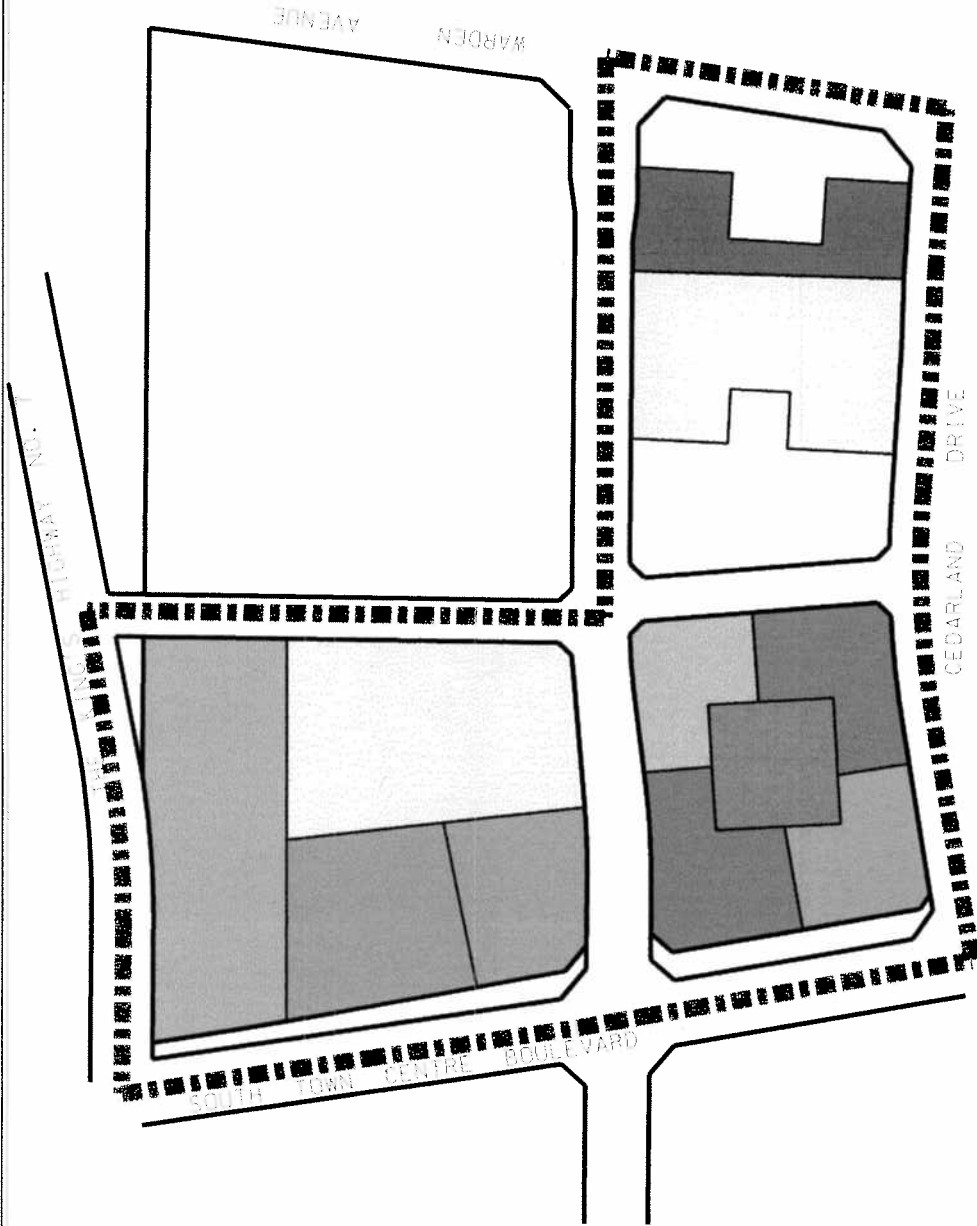
BOUNDARY OF AREA COVERED BY THIS BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK



Schedule B3  
Minimum and  
Maximum Heights

NOTE: Notwithstanding any of the height permissions shown on this schedule, no part of any building or structure shall have a height greater than 233.00 G.S.C. (Geological Survey of Canada)











DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW

2004-196

THIS IS SCHEDULE 'B3' TO BY-LAW 2010-205  
PASSED MAY 24<sup>TH</sup> 2010  
*John Sargis* MAYOR  
*John Sargis* DEPUTY CLERK

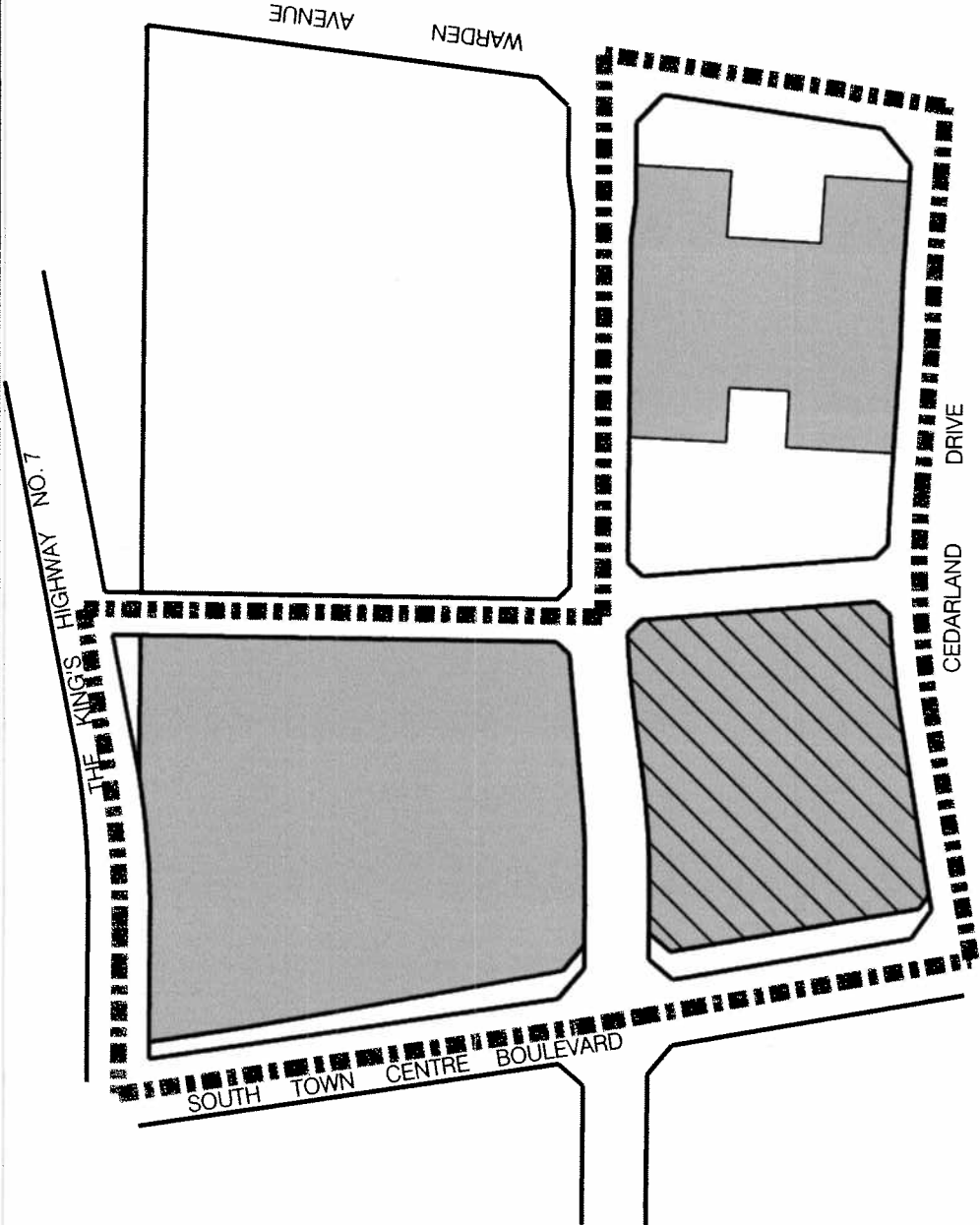
BOUNDARY OF AREA COVERED BY THIS BY-LAW

	MAXIMUM 6.0m		MINIMUM 6.0m	MAXIMUM 40.0 m
	MINIMUM 6.0m		MAXIMUM 30.0m	MAXIMUM 45.0 m
	MINIMUM 6.0m		MAXIMUM 35.0m	MAXIMUM 49.0 m
	MINIMUM 6.0m		MAXIMUM 39.0m	MAXIMUM 55.0 m

NOTE: REFERENCE SHOULD BE MADE TO  
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# Schedule B4 Setbacks

All main buildings in the MC-D1, and MC-D2 Zones as shown on Schedule B1 to this By-law shall be located in accordance with the following conditions:

Condition #1 On those lands shown as being subject to Condition #1 on this schedule, 80% of any wall facing the streetline or a public park on each lot shall be located no further than 1.0 metres from the streetline or public park. The remaining 20% of the wall shall be located no further than 2.5 metres from the streetline or public park.

The maximum setback for all buildings from a transitway right-of-way is 7.5 metres.

Condition #2 The minimum setbacks of a building from a streetline is 2 metres.



DEVELOPMENT SERVICES COMMISSION

## A BY-LAW TO AMEND BY-LAW 2004-196

THIS IS SCHEDULE 'B4' TO BY-LAW 2010-2015

PASSED... Nov. 24<sup>TH</sup> 2010  
*Paul Smith* MAYOR  
*Paul Smith* DEPUTY CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

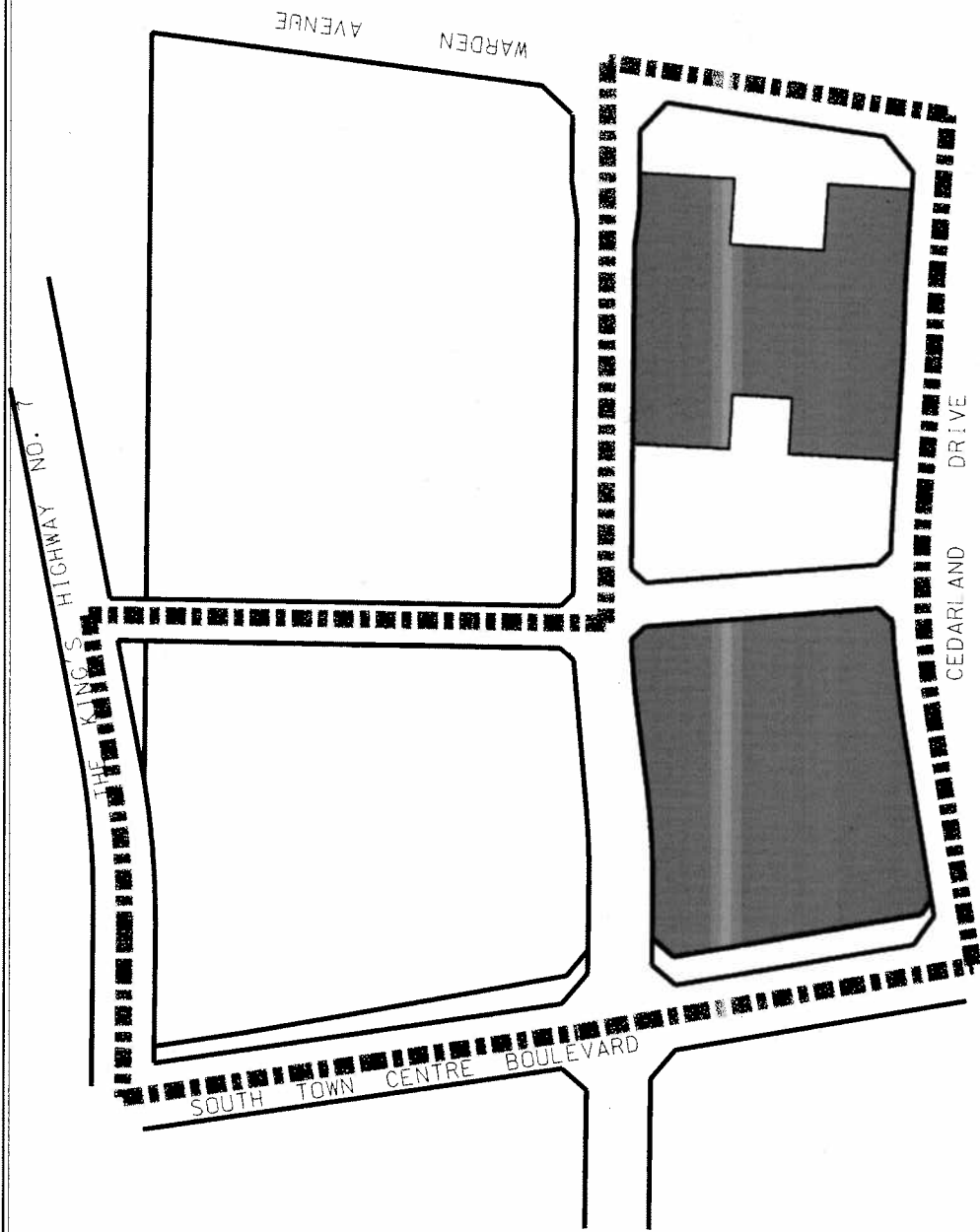
CONDITION #1

CONDITION #2

NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK



Schedule X2  
Holding Zones



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW

2004-196



THIS IS SCHEDULE 'X2' TO BY-LAW 2004-196

PASSED NOV. 24<sup>TH</sup>, 2010

MAYOR

DEPUTY CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW



H1 & H2



NOTE: REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

