



# MARKHAM

## BY-LAW 2010-184

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 10, Concession 5, as more particularly outlined on Schedule 'A' hereto.
- 1.2 By zoning the lands:

Markham Centre Downtown Two \*11 (Hold 1 Hold 2)  
- MC-D2\*11 (H1 H2)  
Markham Centre Downtown Two \*11\*14 (Hold 1 Hold 2)  
- MC-D1\*11\*14 (H1 H2)  
Markham Centre Downtown Five \*12 – MC-D5\*12  
Markham Centre Public Space One - MC-PS1  
Markham Centre Public Space One \*13 - MC-PS1\*13  
Markham Centre Public Space Two - MC-PS2

as shown on Schedule 'F1' 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 and E1 to E4" and replacing them with the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4 and F1 to F4."
- 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by replacing the words "Schedules A1, B1, C1, D1 and E1" and replacing them with the words "Schedules A1, B1, C1, D1, E1 and F1."
- 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 and X4" with "Schedules X1, X2, X3, X4 and X5."
- 1.6 By adding the following new subsection to Section 6 – Exceptions to By-law 2004-196:

**6.11 Special Provisions – Lands south side of Highway 7, east of Warden Avenue.**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*11 (Exception 11) 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.

**6.11.1 Special Uses Provisions**

The following special use provisions shall apply:

- a) The following additional uses are permitted:
  - *Schools, Public*
  - *Home occupations* within the first and second

*storeys of apartment buildings.*

#### 6.11.2 Special Site Provisions

The following additional provisions apply:

- a) *Dwelling units* are permitted on any *storey*, including the first *storey*, of an *apartment building*, except in the area shown in hatching on Schedule F2. Notwithstanding this provision, lobbies and other areas used to access residential uses are permitted within the first *storey* of *buildings* in the area shown in hatching on schedule F2.
- b) Special Provision (2) to Table A1 shall not apply.
- c) The minimum height of the first *storey* shall be 3.6 metres, with that height being measured from the floor of the first *storey* to the floor of the *storey* above.
- 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*.
- f) Notwithstanding the provisions of Section 4.6 of By-law 2004-196, a *building* or *structure* may be erected on a *lot* or parcel that fronts on and is accessed by a *private street* within a Plan of Condominium that either provides direct access to a *public street* or which connects with other *private streets* within a Plan of Condominium or other Plans of Condominium to access a *public street*.

#### 6.11.3 Special Parking Provisions

The following special parking provisions 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* required may be located in a *surface parking area*.
- b) A *premises* that includes both a 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*.

#### 6.11.4 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 provisions have been met:
  - 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.
  - Execution of a Section 37 Agreement between the Town and the Owner regarding a contribution by the Owner in the amount of \$6,000,000 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.

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

#### 6.12 School site south of Highway 7 and east of Warden Avenue

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*12 (Exception 12) 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.

##### 6.12.1 Special Site Provision

- a) Only the following uses are permitted:
  - *Schools, Public*
  - *Parks*
  - *Day Nurseries*
- b) Section 4.14.8 shall not apply.
- c) Special Provision (2) to Table A1 shall not apply.

- 1.8 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:

#### 6.13 Public parks south of Highway 7, east of Warden Avenue.

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*13 (Exception 13) 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.

6.13.1 Special Site Provision

- a) The following additional use is permitted:

*Parking garages* constructed completely below the *established grade*, including associated ventilation shafts and housing and similar facilities associated with below grade *parking garages*.

- 1.9 By adding the following new subsection 6.14 (\*14) to Section 6 – Exceptions:

**6.14 Special provisions – interim commercial development southeast of Highway 7 and Birchmount Road**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*14 (Exception 14) 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.

6.14.1 Additional Permitted Use

- a) The following additional use is permitted:

One (1) *supermarket* with a maximum permitted net floor area of 4000 square metres.

6.14.2 Special Use Provision

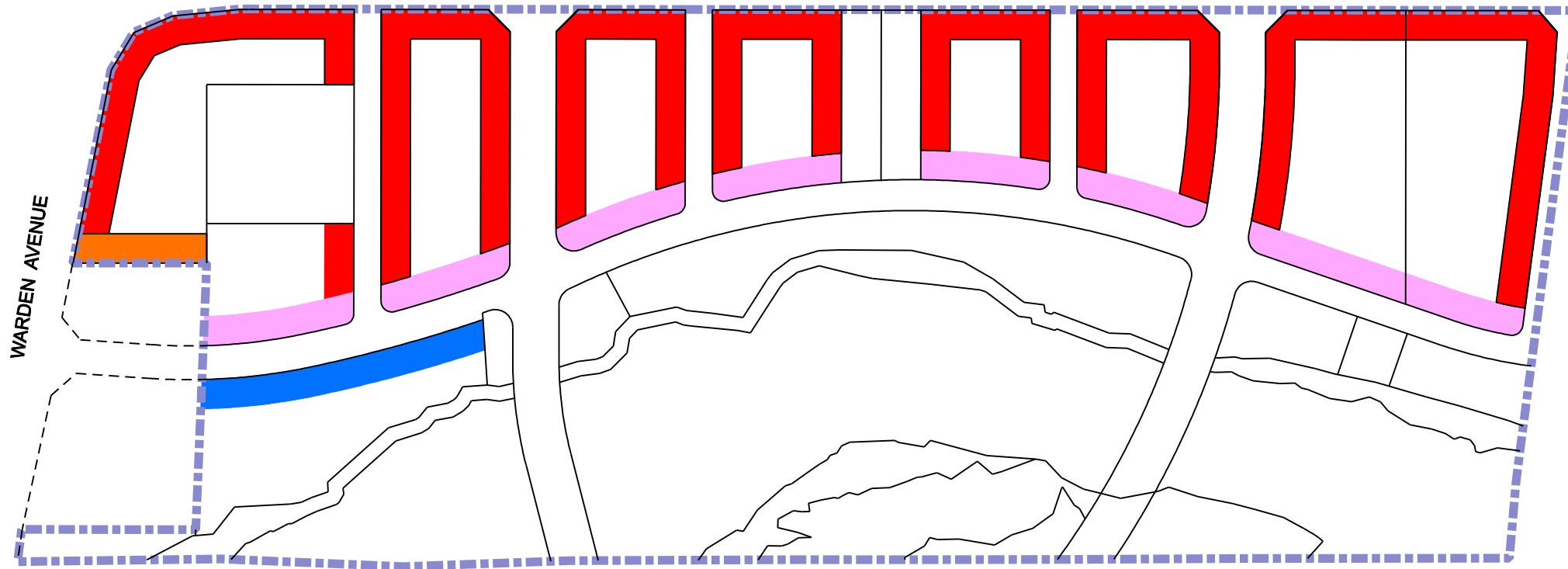
- a) Special Provision (2) to Table A1 shall not apply.
- b) The minimum *net floor area* of any *building* identified on Schedule F2 as being subject to this sub-section shall be 1670 square metres.
- c) Notwithstanding the provisions of Section 4.14.1 and 4.14.2 of By-law 2004-196, there is no limit on the number of *parking spaces* to be established, provided the minimum parking requirements for non-residential uses are met. In addition, there is no restriction on the location of *parking spaces* for non-residential uses.
- d) Section 4.14.8 shall not apply.

- 1.10 By adding the following schedules to By-law 2004-196, as amended Schedule F1, F2, F3, F4 and X5.


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


# Schedule F4 Setbacks


HIGHWAY No. 7




WARDEN AVENUE

 No building shall be located any closer than 4.0 metres from the street line. The minimum setback from the streetline shall be increased to 5.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline. If no part of a dwelling unit in the first storey is located within 10 metres of the street line, a maximum of 25% of the length of the wall facing the streetline may be located no closer than 3.0 metres from the street line.

 No building shall be located any closer than 2.0 metres from the streetline. The minimum setback from the streetline shall be increased to 3.0 metres for any portion of the first storey that is occupied by the whole or part of a dwelling unit that is located within 10 metres of the streetline.

 The minimum setback from the streetline shall be 0.0 metres.

 The minimum setback from the south lot line shall be 6 metres. Any portion in excess of 30 metres in height of any building shall be not less than 28 metres from the south lot line.



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'E' TO BY-LAW .....

PASSED .....

.....MAYOR

.....CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

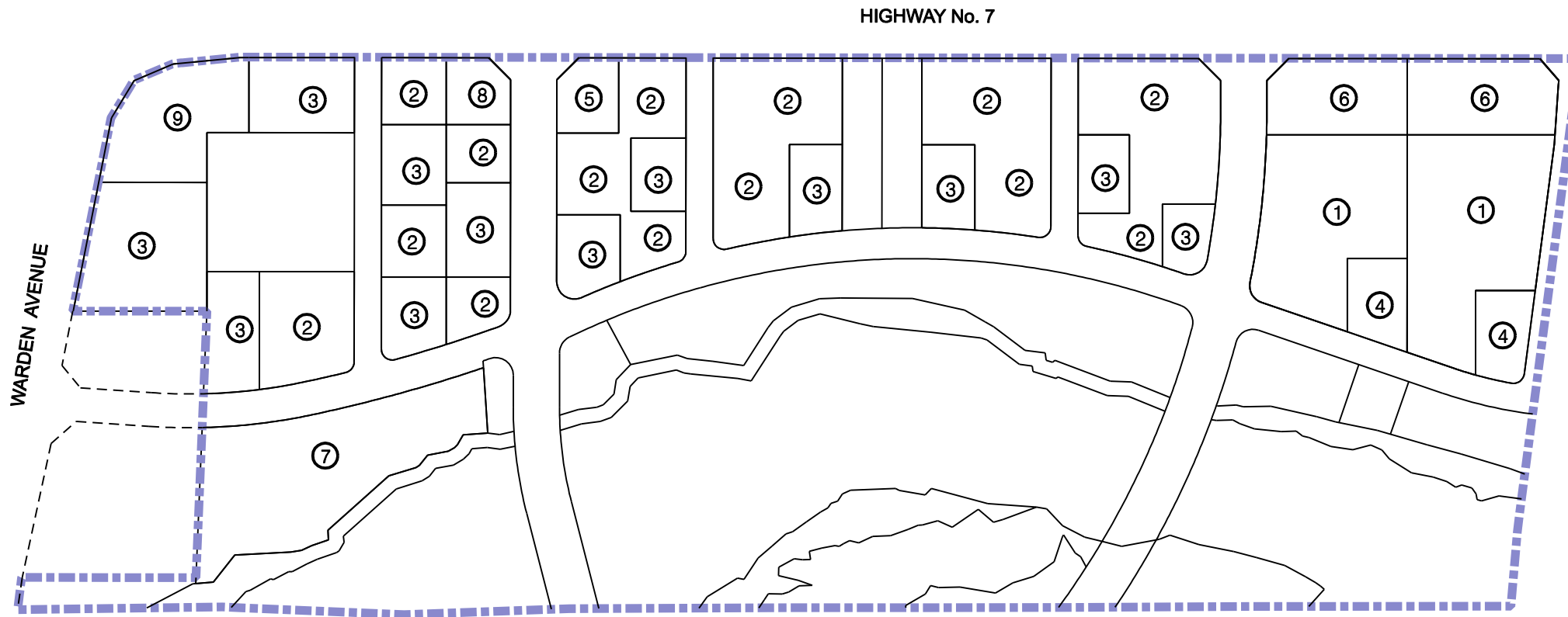
NOTE: REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK



# Schedule F3 Minimum & Maximum Building Heights

The following provisions also apply:

- 1) Notwithstanding any of the height permissions shown on this schedule, no part of any building shall have a height greater than 238.00 G.S.C. (Geological Survey of Canada)
- 2) For any portion of a residential building with a height of greater than 30m, the maximum net floor area, per storey, shall be 750 sq m, not including balcony areas.
- 3) Any portion in excess of 30 metres in height of any residential building shall be not less than 34 metres from any portion in excess of 30 metres in height of any other residential building.



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'F3' TO BY-LAW .....

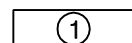
PASSED .....

.....MAYOR

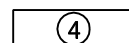
.....CLERK



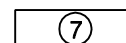
BOUNDARY OF AREA COVERED BY THIS BY-LAW



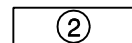
MIN 5.0 m - MAX 30.0m



MIN 5.0 m - MAX 50.0m



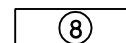
MIN 6.0m - MAX 15m



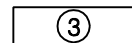
MIN 6.0 m - MAX 30.0m



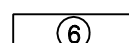
MIN 6.0 m - MAX 50.0m



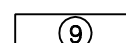
MIN 6.0 m - MAX 55.0m



MIN 6.0 m - MAX 60.0m



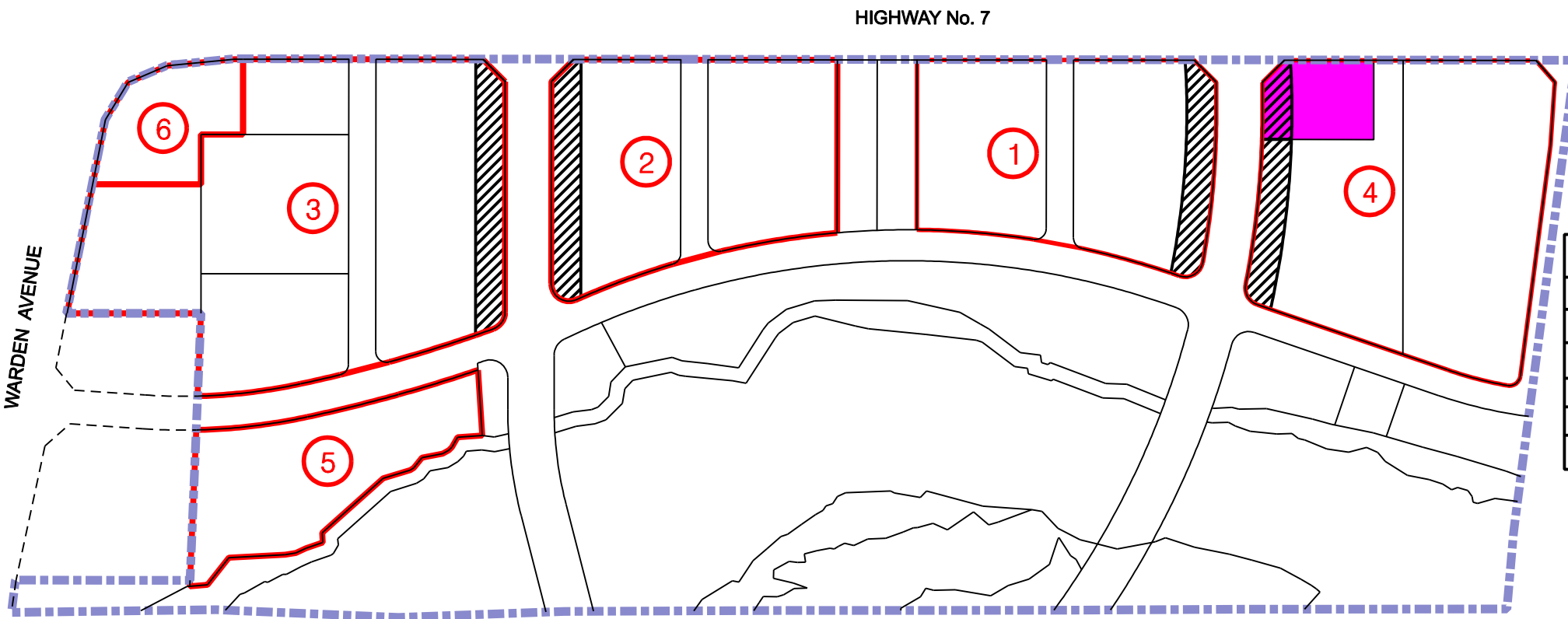
MIN 7.0 m - MAX 30.0m



MIN 30.0 m - MAX 60.0m

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





Schedule F2  
Permitted net floor  
area & dwelling  
units.

| Number on<br>Schedule F2 | Maximum Net<br>Floor Area (M2) | Maximum Number of<br>Dwelling Units |
|--------------------------|--------------------------------|-------------------------------------|
| 1                        | non-residential 2000           | 1150                                |
| 2                        | non-residential 2200           | 1300                                |
| 3                        | non-residential 4500           | 2400                                |
| 4                        | non-residential 12000          | 500                                 |
| 5                        | n\ a                           | 0                                   |
| 6                        | non-residential 50000          | 0                                   |

Note: The maximum number of dwelling units in areas 1, 2, 3 and 4 combined shall be 4500.



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



THIS IS SCHEDULE 'F2' TO BY-LAW .....

PASSED .....

.....MAYOR

.....CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW



REFER TO SECTION 6.11.2(a) OF THE BY-LAW

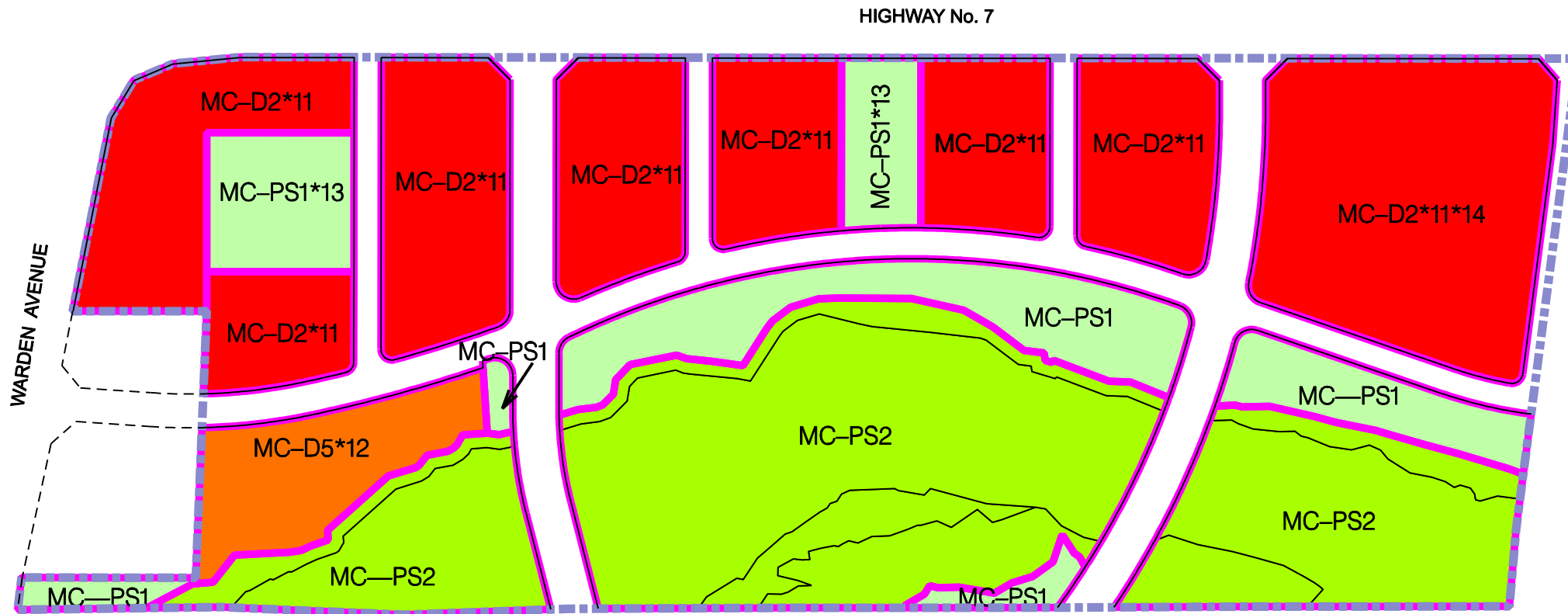


REFER TO SECTION 6.14.2(a) OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO  
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# Schedule F1 Location of Zones



DEVELOPMENT SERVICES COMMISSION

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

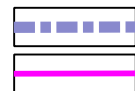


THIS IS SCHEDULE 'F1' TO BY-LAW .....

PASSED .....

.....MAYOR

.....CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY



MC-D2 ZONE



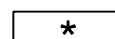
MC-D5 ZONE



MC-PS2



MC-PS1

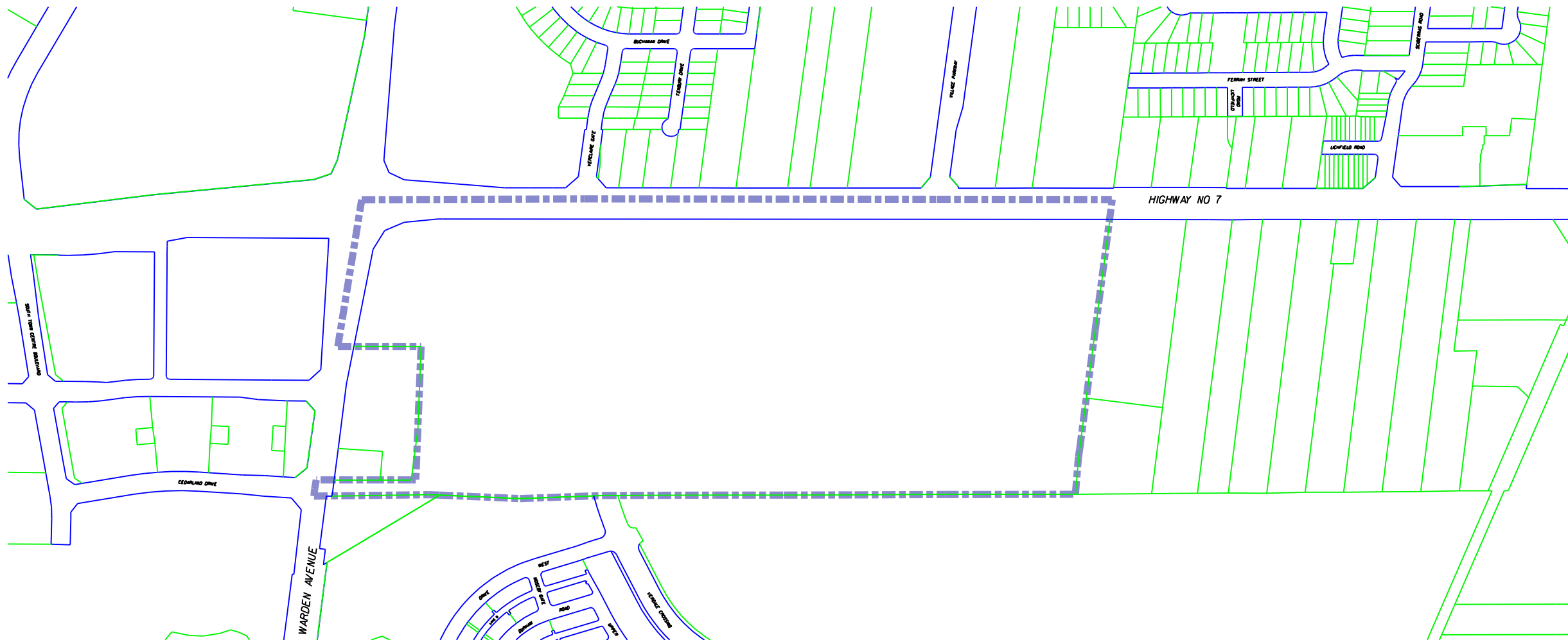


REFER TO SECTION 6 OF THE BY-LAW

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







DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW

2004-196



THIS IS SCHEDULE 'A' TO BY-LAW .....  
PASSED THIS ..... DAY .....,



BOUNDARY OF AREA COVERED BY THIS BY-LAW

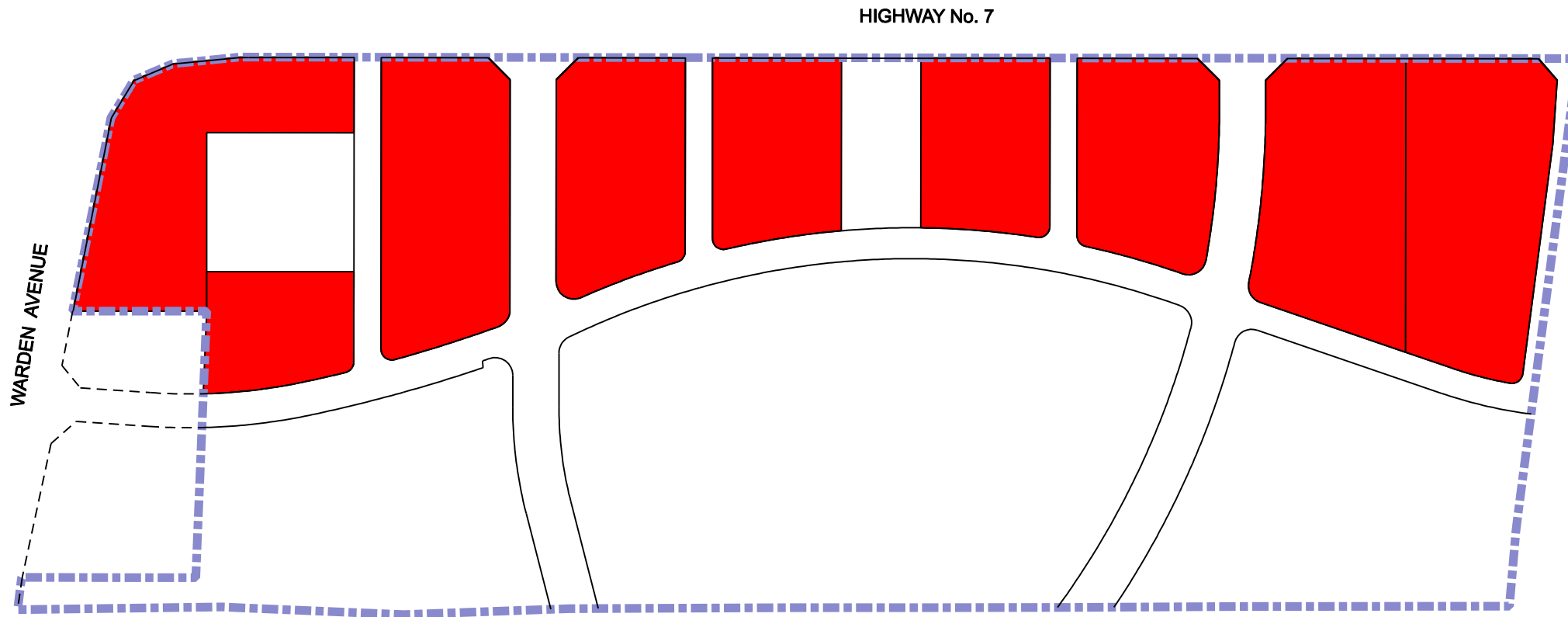
NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

.....MAYOR

..... CLERK

SCALE 1:

# Schedule X5 Holding Zones



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'X5' TO BY-LAW .....  
 PASSED .....  
 .....MAYOR  
 ..... 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

