

EXPLANATORY NOTE

By-law No. 2010-48

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

34 Main Street South, Unionville
Part of Lot 9, Concession 5
Markham Centre

LANDS AFFECTED

This proposed By-law amendment applies to a 1.41 hectare (3.5 acre) parcel of land municipally known as 34 Main Street South, Unionville, within Markham Centre.

EXISTING ZONING

The lands are zoned Rural Residential One (RR1) under By-law 122-72, as amended. The subject lands are to be deleted from the designated area of By-law 122-72, as amended.

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose and effect of this By-law amendment is to incorporate the subject lands into the appropriate designated area of By-law 2004-196, as amended. The proposed zoning designations are Markham Centre Downtown Two *8 (Hold 8) [MC-D2 (H8)], Markham Centre Downtown Two *9 (Hold 9) [MC-D2 (H9)], and Markham Centre Public Space Two (MC-PS2), which will permit the development of three retirement apartment buildings.

HOLD PROVISIONS

The following are the conditions for lifting the Hold 8 (H8) Symbol:

- a) Execution of a site plan agreement for Phases 1 and 2;
- b) Execution of an agreement with the Town, including financial securities, for the construction of Street 'A' within the subject property; and
- c) Granting of any necessary easements and/or arrangements for dedication of any required lands to the satisfaction of the Town.

The following are the conditions for lifting the Hold 9 (H9) Symbol:

- a) Execution of a site plan agreement for Phase 3;
 - b) Confirmation that servicing allocation is available (if required);
 - c) Arrangements for site servicing including any external services to the satisfaction of the Town and at no cost to the Town; and
 - d) Construction and dedication of Street 'A' to the satisfaction of the Town.
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BY-LAW 2010-48

A by-law to amend 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 as follows:
 - 1.1 By expanding the designated area of By-law 2004-196 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 *8 (Hold 8)	MC-D2*8 (H8)
Markham Centre Downtown Two *9 (Hold 9)	MC-D2*9(H9)
Markham Centre Public Space Two	MC-PS2
 - 1.3 By amending Section 1.2 of By-law 2004-196, as amended, by replacing the words "Schedules A1 to A4, B1 to B4, C1 to C4 and Schedules D1 to D4" with the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4 and E1 to E4".
 - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by replacing the words "Schedules A1, B1, C1 and D1" with the words "Schedules A1, B1, C1, D1 and E1".
 - 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 and X3" with "Schedules X1, X2, X3 and X4".
 - 1.6 By adding the following new subsection to **Section 6 – Exceptions** to By-law 2004-196:

**6.8 RETIREMENT DEVELOPMENT IN MC-D2 ZONE –
PART OF LOT 9, CONCESSION 5, KNOWN
MUNICIPALLY AS 34 MAIN STREET SOUTH.**

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *8 (Phases 1 and 2) on Schedule E2 to this By-law. All other provisions, unless specifically modified/ amended by this Section, continue to apply to the lands subject to this Section.

6.8.1 Only Uses Permitted

The following uses are the only uses permitted in the Markham Centre – Downtown Two * 8 (MC – D2*8) zone:

- a) *Retirement home and associated accessory uses.*

6.8.2 Zone Standards

The following specific zone standards apply:

- a) Minimum width of landscaped strip along southerly *lot line* – 3m

6.8.3 Special Parking Provisions

The following parking provisions apply:

- a) A maximum of 0.4 parking spaces per retirement room is permitted.
- b) A maximum of 18 surface parking spaces is permitted.

6.8.4 Special Site Provisions

- a) *Dwelling units* are not permitted.
- b) Retirement rooms are permitted on any floor including the *first storey*, of a *retirement home*.
- c) No portion of the main building and underground parking garage shall encroach on the Markham Centre Public Space Two (MC – PS2) zone.

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

6.9 RETIREMENT DEVELOPMENT IN MC-D2 ZONE – PART OF LOT 9, CONCESSION 5, KNOWN MUNICIPALLY AS 34 MAIN STREET SOUTH.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *9 (Phase 3) on Schedule E2 to this By-law. All other provisions, unless specifically modified/ amended by this Section, continue to apply to the lands subject to this Section.

6.9.1 Only Uses Permitted

The following uses are the only uses permitted in the Markham Centre – Downtown Two *9 (MC - *9) zone:

- a) *Retirement home* and associated *accessory uses*.

6.9.2 Zone Standards

The following specific zone standards apply:

- a) Minimum width of landscaped strip along southerly *lot line* – 3m

6.9.3 Special Parking Provisions

- a) A maximum of 0.4 spaces per retirement room is permitted.
- b) A maximum of 5 surface parking spaces.

6.9.4 Special Site Provisions

- a) *Dwelling units* are not permitted.
- b) Retirement rooms are permitted on any floor, including the *first storey* of a *retirement home*.

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

6.10 MC - PS2 PART OF LOT 9, CONCESSION 5, KNOWN MUNICIPALLY AS 34 MAIN STREET SOUTH.

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands zoned Markham Centre – Public Space Two, on Schedule E2 to this By-law. All other provisions unless specifically modified/amended by this Section, continue to apply to those lands subject to this Section.

6.10.1 Only Uses Permitted

The following uses are the only uses permitted in the Markham Centre – Public Space Two (MC-PS2) zone:

- a) Soft and hard landscaping including terraces and walkways
- b) Pathways and trails
- c) Amenity Space

6.10.2 Special Site Provisions

- a) No portion of any building, structure, or underground parking garage shall encroach into this zone.
- b) This MC – PS2 zone consists of all of the following; valley slope, top-of-bank, and limit of the regional flood plain, as determined by the Toronto and Region Conservation Authority.

- 1.9 By amending **Section 2.6 – Holding Provisions** of By-law 2004-196, as amended, by adding the new subsection as follows:

2.6.8 Holding Provision (H8) – Phases 1 and 2

Notwithstanding the provision on Schedule E2 of By-law 2004-196, as amended, that permits a *retirement home* with a maximum *net floor area* of 22,615 square metres and a maximum of 283 retirement rooms, the only use permitted on those lands subject to this Holding provision denoted by symbol (H8) on Schedule X4 to By-law 2004-196, as amended, is temporary parking, in accordance with Section 4.19 of By-law 2004-196, as amended, prior to this Holding provision (H8) being removed by Council of the Town of Markham, the following conditions shall be fulfilled to the satisfaction of the Town:

- a) Execution of a site plan agreement for Phases 1 and 2;
- b) Execution of an agreement with the Town, including financial securities, for the construction of Street 'A' within the subject property; and
- c) Granting of any necessary easements and/ or arrangements for dedication of any required lands to the satisfaction of the Town.

The Holding provision shall only be removed by amendment to this By-law pursuant to Section 36 of the Planning Act, R.S.O.1990.

2.6.9 Holding Provision (H9) – Phase 3

Notwithstanding the provision on Schedule E2 of By-law 2004-196, as amended, that permits a *retirement home* with a maximum net floor area of 9,120 square metres and a maximum of 110 retirement rooms, the only use permitted on the lands subject to this Holding provision denoted by the symbol (H9) on Schedule X4 to By-law 2004-196, as amended, is temporary parking, in accordance with Section 4.19 of By-law 2004-196, as amended, prior to the Holding provision (H9) being removed by Council of the Town of Markham, the following conditions shall be fulfilled to the satisfaction of the Town:

- a) Execution of a site plan agreement for Phase 3;
- b) Confirmation that servicing allocation is available (if required);
- c) Arrangements for site servicing including any external services to the satisfaction of the Town, and at no cost to the Town; and
- d) Construction and dedication of Street 'A' to the satisfaction of the Town.

The Holding provision shall only be removed by amendment to this By-law pursuant to Section 36 of the Planning Act, R.S.O. 1990.

- 1.10 By adding the following schedules to By-law 2004-196, as amended:
Schedules E1, E2, E3, E4 and X4.


1.11 By adding the following to Section 5 Permitted Uses and Standards:

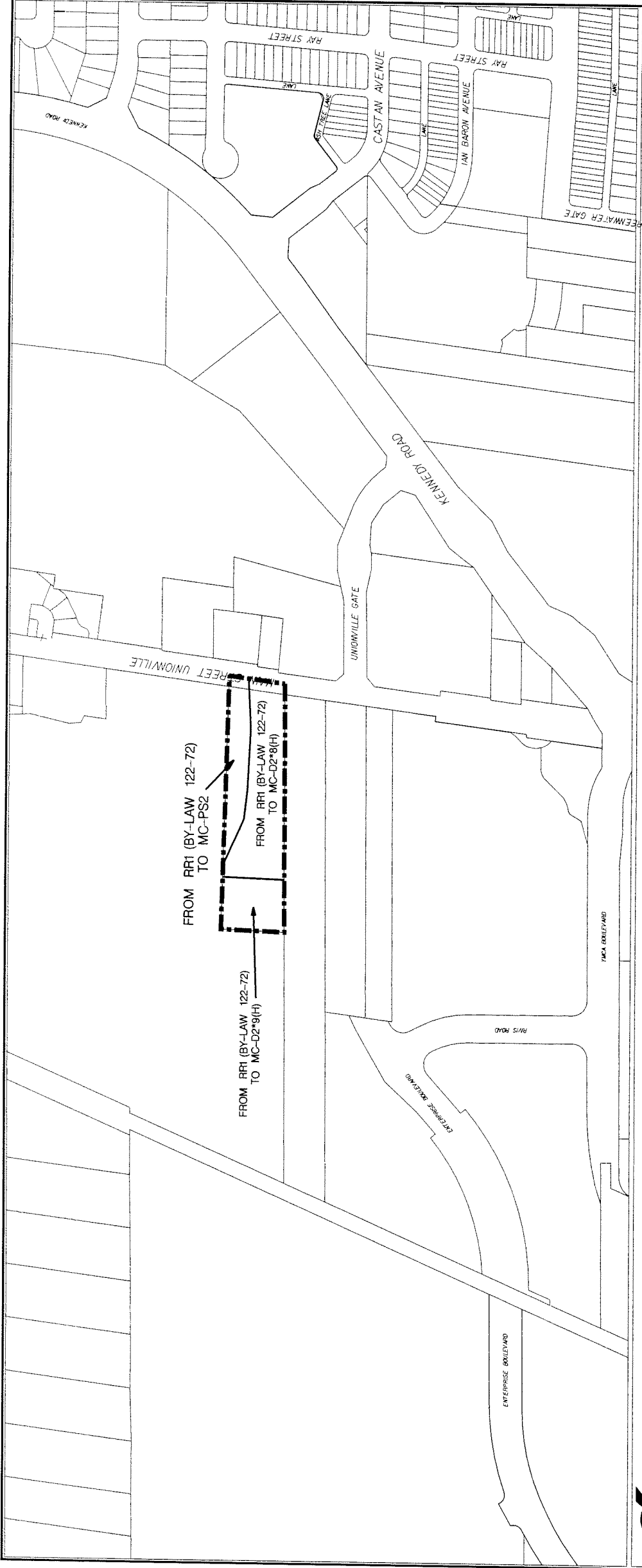
“Schedule E1 -	Location of Zones
Schedule E2 -	Maximum Permitted Net Floor Area and Number of Retirement Rooms
Schedule E3 -	Minimum and Maximum Heights
Schedule E4 -	Setbacks

2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this By-law shall continue to apply.
3. All the provisions of By-law 122-72, as amended, are repealed in so far as they affect the lands subject to this By-law.
4. Notwithstanding the division of the parts, the provisions of this By-law shall still apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
24TH DAY OF MARCH, 2010.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A' TO BY-LAW 2010-48
PASSED THIS 24TH DAY MARCH, 2010.

James Sargis
MAYOR

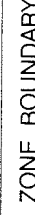
[Signature]
CLERK



RR1



BOUNDARY OF AREA COVERED BY THIS BY-LAW



ZONE BOUNDARY

RURAL RESIDENTIAL ONE

MC-D2

MARKHAM CENTRE DOWNTOWN TWO

MARKHAM CENTRE PUBLIC SPACE TWO

(H)

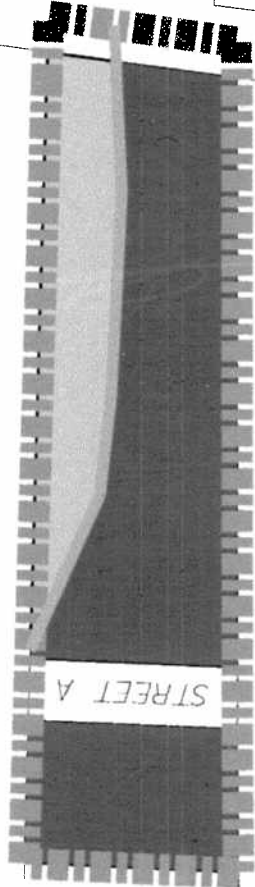
HOLDING PROVISION

NOTE: 1) DIMENSIONS ARE IN METRES

2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1:

Schedule E1
Location of Zones



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'E1' TO BY-LAW 2004-196
PASSED THIS 24TH DAY OF MARCH, 2010
..... MAYOR
..... CLERK

Paul S. Smith



BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY



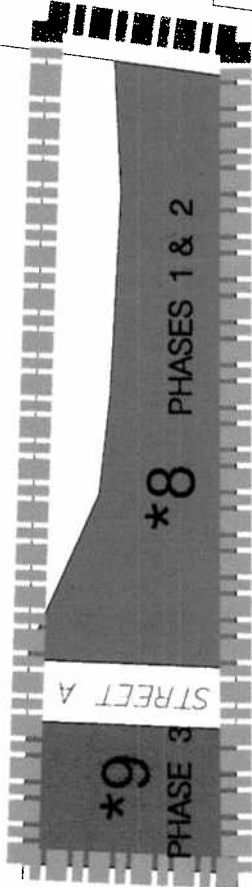
MC-D2 ZONE
MC-PS2

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



Schedule E2
Maximum Permitted
Net Floor Area and
Retirement Rooms

NUMBER ON SCHEDULE E2	MAXIMUM NET FLOOR AREA (m2)	MAXIMUM NUMBER OF RETIREMENT ROOMS
8	22,615	283
9	9,120	110



MAIN STREET UNIONVILLE

UNIONVILLE GATE

KENNEDY ROAD

ENTERPRISE BOULEVARD



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'E2' TO BY-LAW 2004-196
PASSED THIS 24TH DAY OF MARCH, 2010
..... MAYOR
..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

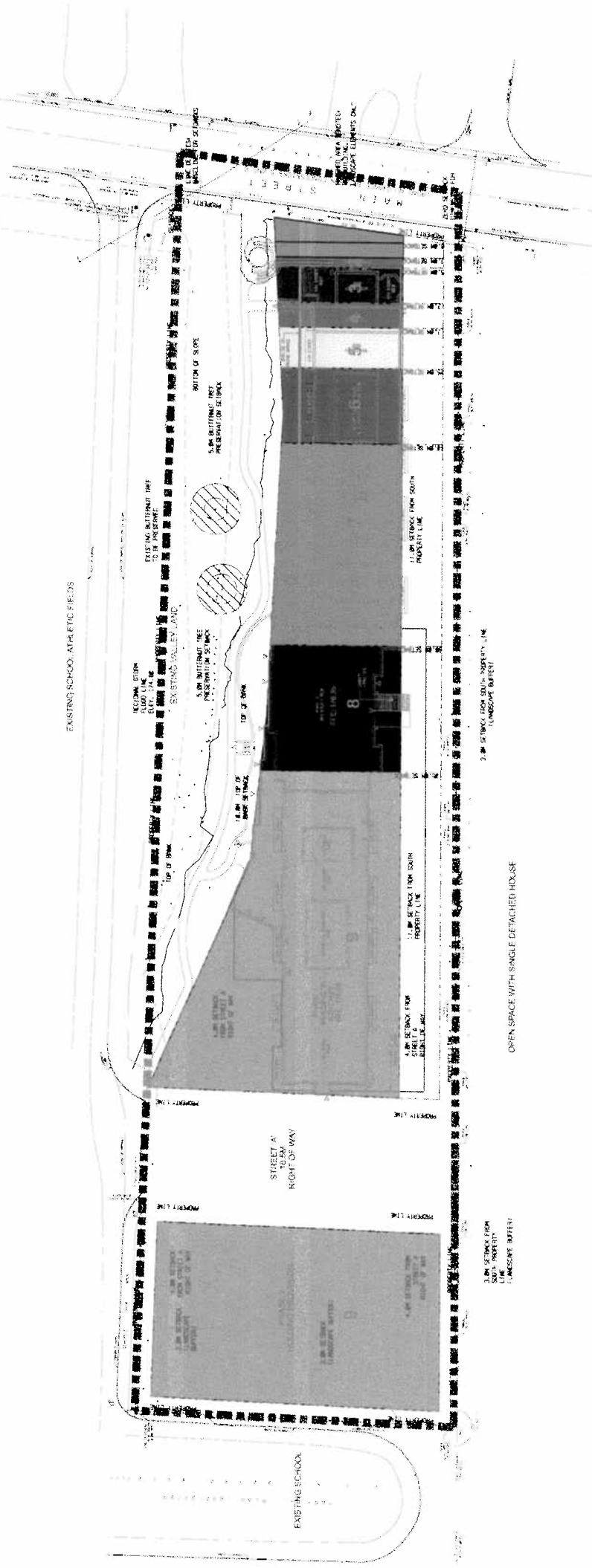
*8 REFER TO SECTION 6.8 OF THE BY-LAW

*9 REFER TO SECTION 6.9 OF THE BY-LAW

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



Schedule E3
Minimum and Maximum
Heights



SCHEDULE PLAN AND MEASUREMENTS SUPPLIED BY APPLICANT AND PRESENTED AS SUBMITTED



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'E3' TO BY-LAW 2004-196
PASSED THIS 24TH DAY MARCH, 2010
Paul Scarpitta MAYOR
..... CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

1	MAX 3.0M
2	MAX 11.3M
	MAX 17.3M

4	MAX 26.3M
5	MAXIMUM 33.3M
6	MAXIMUM 37.3M

7	MAXIMUM 37.3M
	MAXIMUM 12.3M
9	MAXIMUM 37.3M

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



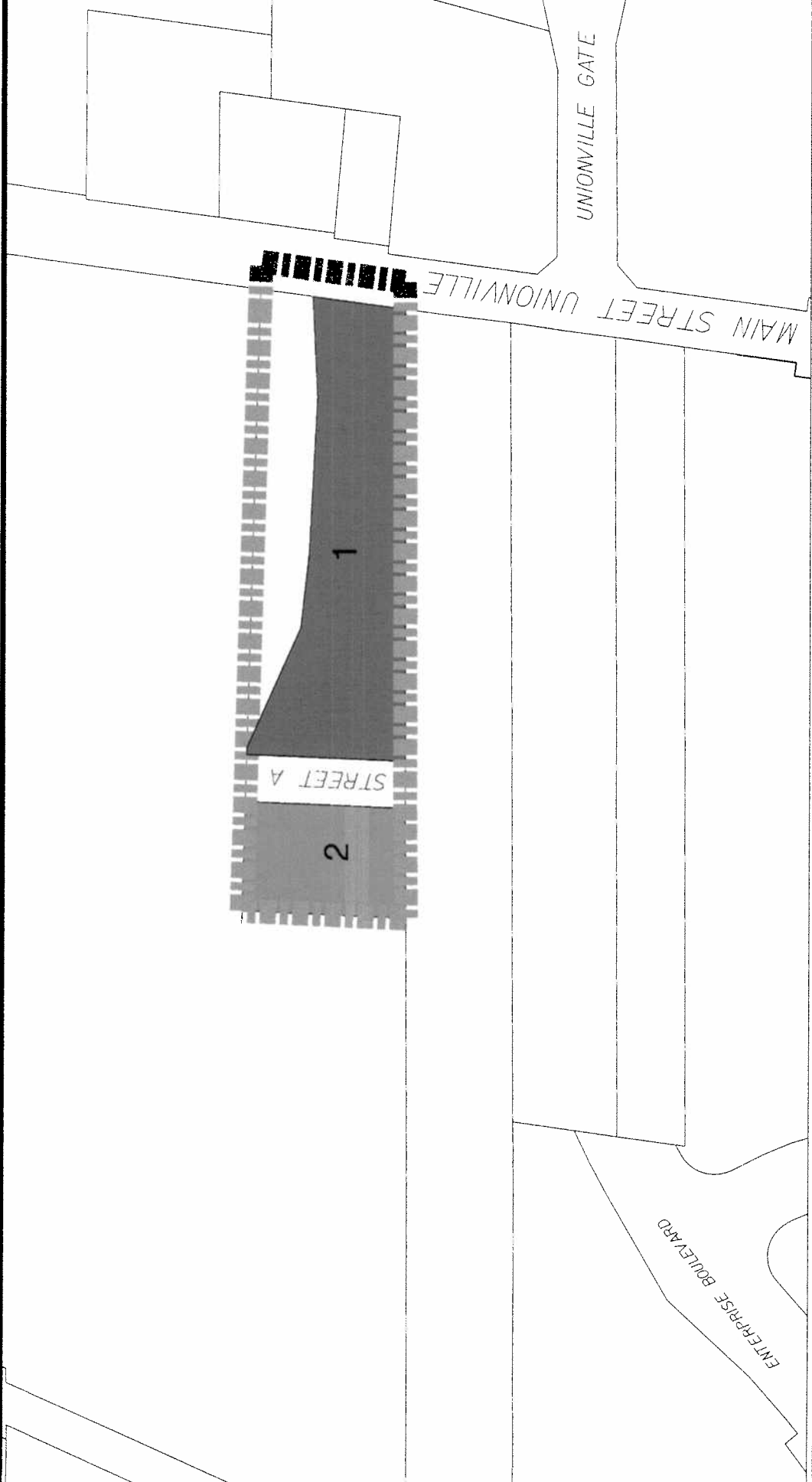
Schedule E4
Setbacks

ALL BUILDINGS IN THE MCD-2 ZONE AS SHOWN ON SCHEDULE E4 TO THIS BY-LAW SHALL BE LOCATED IN ACCORDANCE WITH THE FOLLOWING CONDITIONS	
Condition 1	<ul style="list-style-type: none">Minimum setback from Main Street - 3m(*15)Minimum setback from the south lot line - 11m(*2)(3)(4)Minimum setback from Street A - 4m(*2)Minimum setback from top-of-bank - 10mMinimum north building setback from Regional Flood Line - 7m (*1)(2)
Condition 2	<ul style="list-style-type: none">Minimum setback from the west lot line - 4m(*2)(5)Minimum setback from Street A - 4m(*2)(5)Minimum setback from the north and south lot lines - 3m(*2)(5)

NOTE: All setbacks shall apply to both above and below grade structures.

EXCEPTIONS:

- *1 The minimum north building setback from the Regional floodline (TRCA) shall be at 4.5m at a location 88.5m to 79.5m west from the existing Main Street lot line, measured perpendicular to the property line.
- *2 Balconies can encroach a maximum of 2m into the property line setback.
- *3 Entry canopy can encroach a maximum of 9.2m into the south property line setback.
- *4 Underground parking garage can encroach a maximum of 6m into the south property line setback.
- *5 Stairs and ramps are permitted to encroach into the property line setbacks.



DEVELOPMENT SERVICES COMMISSION

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

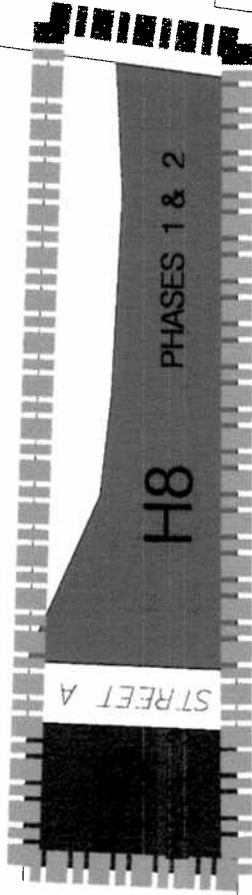
THIS IS SCHEDULE 'E4' TO BY-LAW 2004-196
PASSED THIS 14TH DAY MARCH, 2010
MAYOR
CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW
1 CONDITION ONE 2 CONDITION TWO

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



Schedule X4
Holding Zones



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'X4' TO BY-LAW 2010-48
PASSED THIS 24TH DAY MARCH, 2010
Paul Smith MAYOR
[Signature] CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW



H9

H8

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

