



By-law 2017-54

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 *26 (Hold)
- MC-D2*26 (H)
Markham Centre Public Space One *27 – MC-PS1*27

As shown on Schedule 'A' attached hereto;
 - 1.3 By amending Section 1.2 of By-law 2004-196, as amended, by adding the symbols "L1 to L4" at the end of the sentence "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4, G1 to G4, H1 to H4, I1 to I4, J1 to J4, K1 to J4, K1 to K4".
 - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by adding the symbol "L1" at the end of the sentence "Schedules A1, B1, C1, D1, E1, F1, G1, H1, I1, J1, K1"
 - 1.5 By amending Sections 2.6, 2.6.1 and 2.6.2 of By-law 2004-196, as amended, by adding the symbol "X9" at the end of the sentence "Schedules X1, X2, X3, X4, X5, X6, X7, X8"
 - 1.6 By adding the following new subsection 6.26 (*26) to Section 6 – Exceptions to By-law 2004-196:

6.26 MC-D2 zoned lands at the south-east corner of Warden Avenue and Rouge Side Promenade.

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *26 (Exception 26) 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.

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

6.26.2 Special Parking Provision

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* required shall be located in a surface parking area.
- b) 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 6.15.2(a), 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* were constructed in a single phase.

6.26.3 Special Holding Provisions

The following special holding provisions shall apply:

Holding provision H shall only be lifted on all or part of the lands shown on Schedule 'X9' hereto when all of the following criteria have been met:

- i. A subdivision agreement, and any other agreement identified as being required in that Subdivision Agreement or by Council has been entered into that satisfies all of the conditions of the City.
- ii. Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the Developers Group to support the development.
- iii. Site Plan Approval has been granted by the City.

- iv. A developers' group agreement or other alternative cost sharing arrangements for required municipal infrastructure, as supported by legislation, has been entered into, to the satisfaction of the City.
- v. Execution of a Section 37 Agreement between the City and the Owner regarding a contribution of \$706,490 by the Owner 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.
- vi. Execution of an amendment to the existing Heritage Easement Agreement, to the satisfaction of the City.
- vii. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City within the prior 6 months for the lands from which the holding provision is to be removed.

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

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

6.27 Public park blocks on the north and south sides of RougeSide Promenade, east of Warden Avenue.

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *27 (Exception 27) 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.

6.27.1 Special Site Provision

The following additional use is permitted:

Parking garages constructed completely below the *established grade*, including associated ventilation shafts and housings, stairways and other similar facilities associated with below grade *parking garages* that extend from below *established grade*.

- 1.10 By adding the following schedules to By-law 2004-196, as amended Schedule L1, L2, L3, L4 and X9.
2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

EXPLANATORY NOTE

BY-LAW NO. 2017-54

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

Aryeh Construction Limited
8293 and 8303 Warden Avenue

LANDS AFFECTED

This by-law applies to a 1.86 ha (4.6 acre) parcel of land on the east side of Warden Avenue, south of Highway 7.

EXISTING ZONING

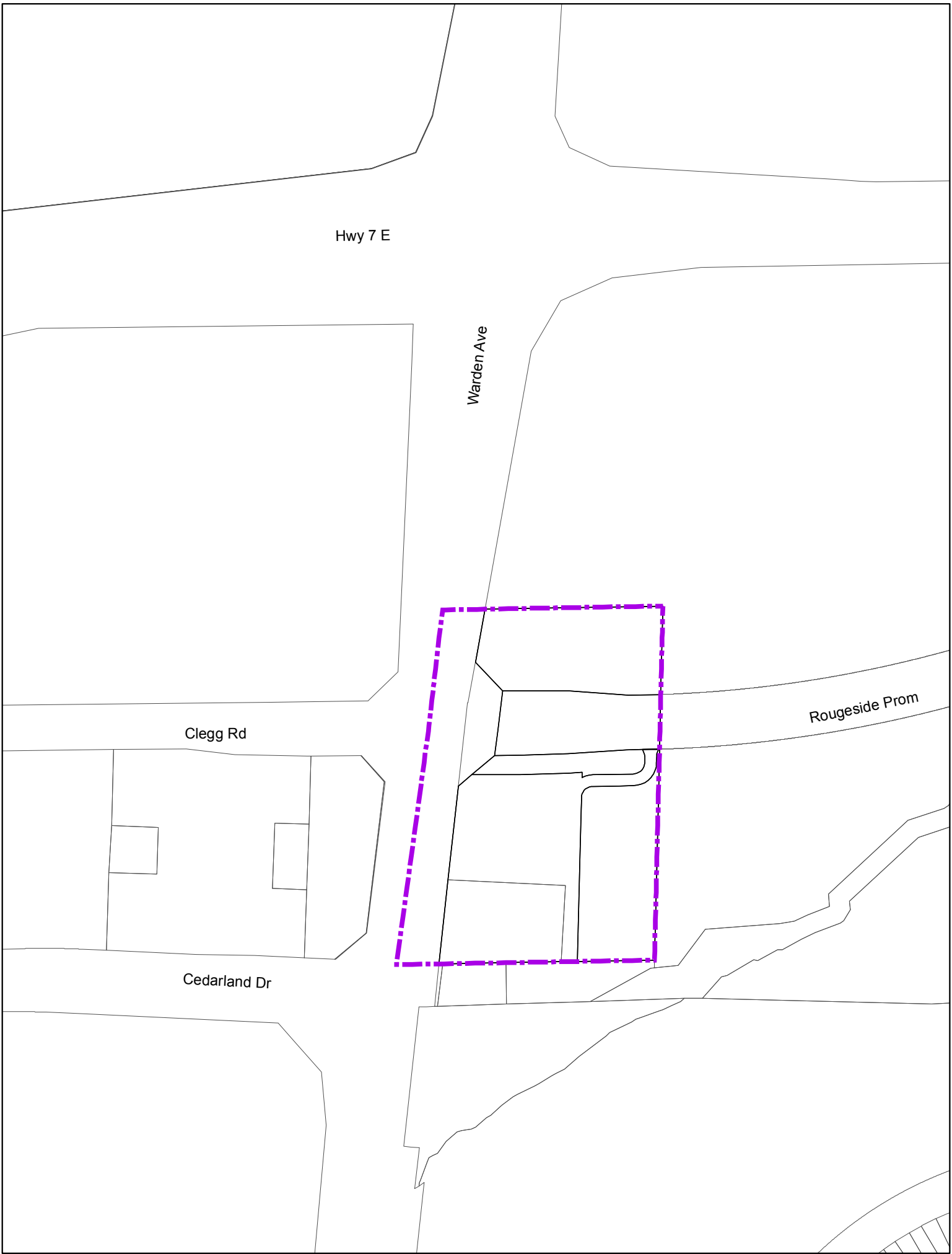
The lands were previously zoned “Rural Residential; Four” (RR2) by By-law 304-87, as amended. The lands were deleted from the designated area of By-law 304-87 by a previous by-law amendment.

PURPOSE OF THE BY-LAW

The purpose of this by-law amendment is to incorporate the lands into the designated area of the Markham Centre Zoning By-law No. 2004-196 and zone them “Markham Centre Public Space One” and “Markham Centre Downtown Two” as shown on Schedule ‘A’ to the by-law, incorporating site specific use permissions and development standards.

EFFECT OF THE BY-LAW

The effect of this by-law amendment is to permit the majority of the property to be developed with a high density residential development. The entire area north of future RougeSide Promenade and portions of the area south of RougeSide Promenade are to be conveyed to the City of Markham as public parkland.



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



Q:\Geomatics\New Operation\By-Laws\PR\2004-196\SU06135184 (Revised)\Sche 'A' (del)\Sche A.mxd

THIS IS SCHEDULE 'A' TO BY-LAW 2017-54

Approved by Ontario Municipal Board
on November 7, 2012

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




SCALE 1:3000

SCHEDULE L1
LOCATION
OF ZONES



DEVELOPMENT SERVICES COMMISSION

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

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW
-  MC-PS1*27
-  MC-D2*26

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THIS IS SCHEDULE 'L1' TO BY-LAW 2017-54

Approved by Ontario Municipal Board
on November 7, 2012

NOTE : 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGE IN
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SCALE 1:3000

SCHEDULE L2
MAXIMUM PERMITTED
NET FLOOR AREA
& DWELLING UNITS

Hwy 7 E

Warden Ave

Number on Schedule G2	Maximum net floor area (M2)	Maximum number of dwelling units
1	n/a	530

Clegg Rd

Rougeside Prom

1

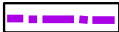
Cedarland Dr

Rouge Valley Dr W
Lane



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

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THIS IS SCHEDULE 'L2' TO BY-LAW 2017-54

Approved by Ontario Municipal Board
on November 7, 2012

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

SCALE 1:3000

SCHEDULE L3
MAXIMUM AND
MINIMUM
HEIGHTS

Hwy 7 E

Warden Ave

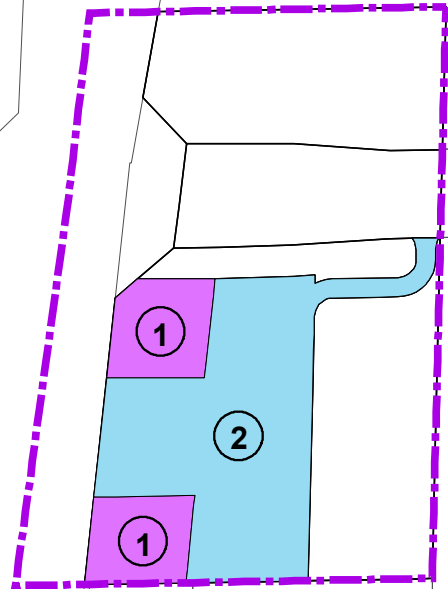
The Following provisions shall also apply:

- 1) Notwithstanding any height permission shown on this schedule, no part of any building shall have a height greater than 238.00 GSC. (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 less than 34 metres from any portion in excess in height of any other residential building.

Clegg Rd

Rougeside Prom

Cedarland Dr



DEVELOPMENT SERVICES COMMISSION

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

- BOUNDARY OF AREA COVERED BY THIS BY-LAW
- ① MIN 6.0m - MAX 60.0m
- ② MIN 6.0m - MAX 30.0m

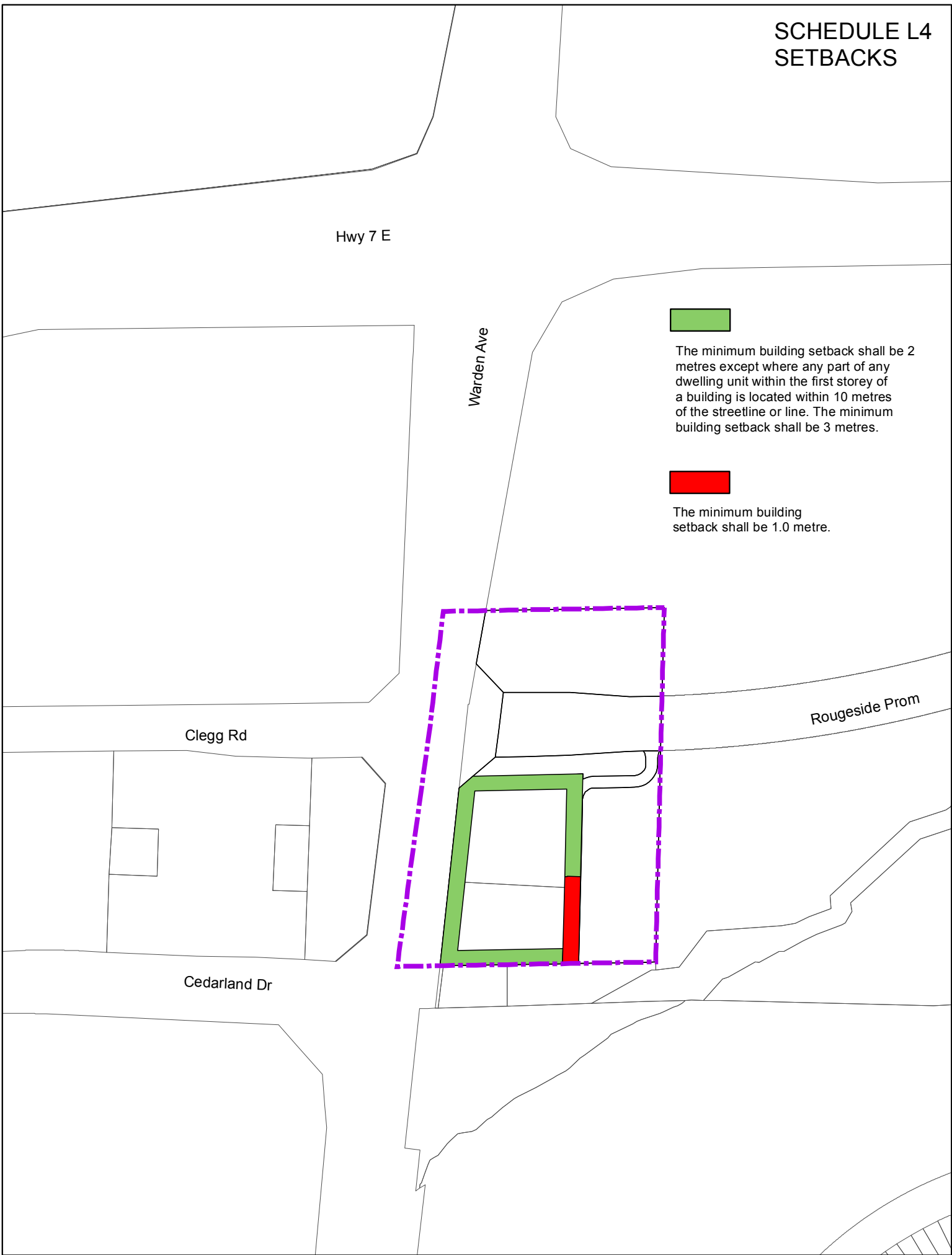
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THIS IS SCHEDULE 'L3" to By-law 2017-54
Approved by Ontario Municipal Board
on November 7, 2012

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

SCALE 1:3000

SCHEDULE L4
SETBACKS



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



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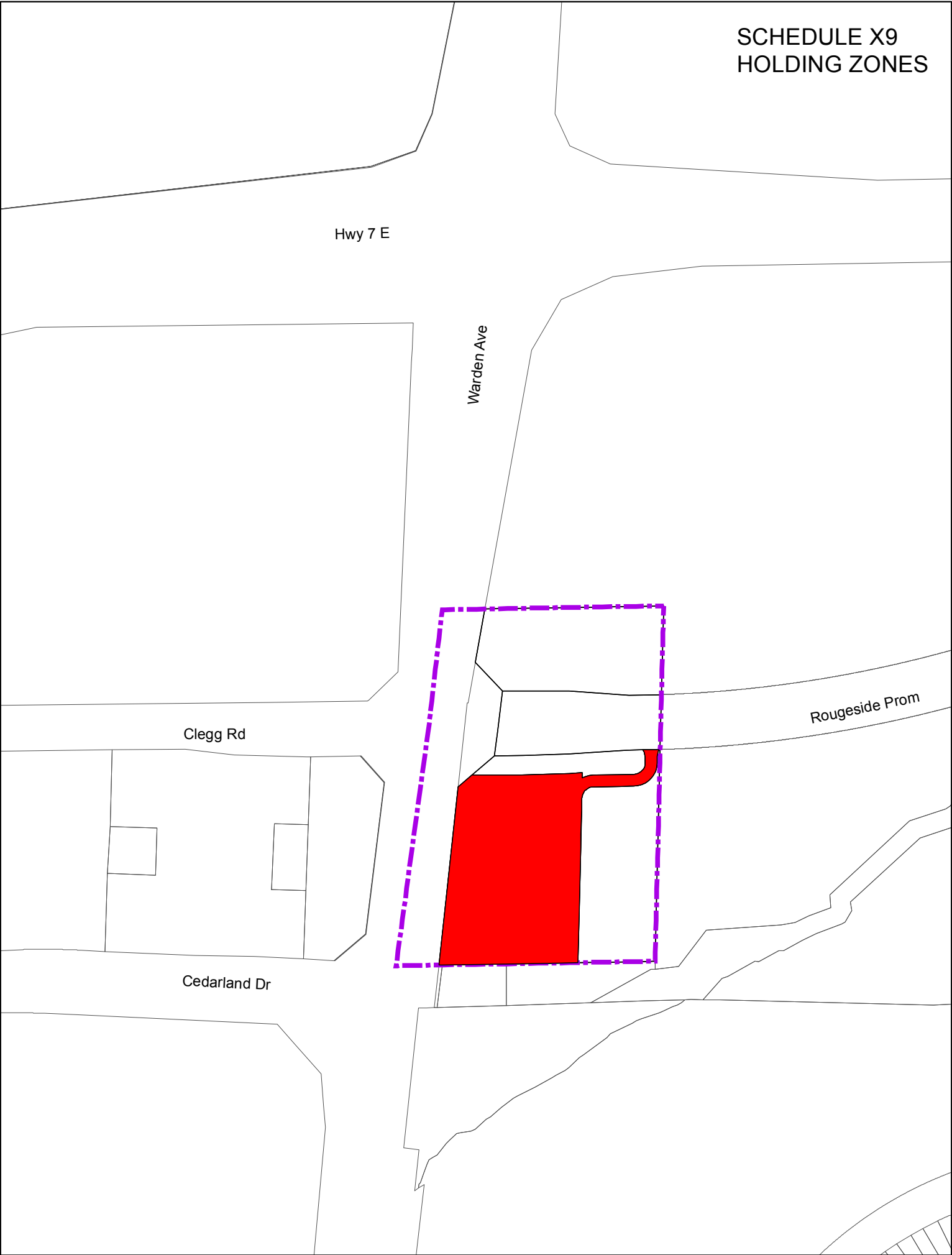
THIS IS SCHEDULE 'L4' TO BY-LAW 2017-54

Approved by Ontario Municipal Board
on November 7, 2012

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

SCALE 1:3000

SCHEDULE X9
HOLDING ZONES



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



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THIS IS SCHEDULE 'X9' TO BY-LAW 2017-54

Approved by Ontario Municipal Board
on November 7, 2012

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

SCALE 1:3000