



EXPLANATORY NOTE

BY-LAW 2016-79

A By-law to amend By-law 108-81, as amended

HS Nouvel Developments Inc.

235 and 265 Hood Road

PLAN M1738 LOTS 1 & 2

Lands Affected

The proposed by-law amendment applies to approximately 1.94 hectares of land municipally known as 235 and 265 Hood Road. The lands are located on the west side of Warden Avenue, south of Denison Street.

Existing Zoning

The subject lands are currently zoned Select Industrial (M) and Select Industrial and Limited Commercial [M.C(40%)] by By-law 108-81, as amended.

Purpose and Effect

The purpose and effect of this By-law amendment is to rezone the subject lands from Select Industrial (M) Zone and Select Industrial and Limited Commercial (M.C[40%]) under By-law 108-81, as amended to Hold Business Corridor [(H)B.C] Zone under By-law 108-81, as amended, with site-specific development standards to implement a commercial development.

The lands are subject to a (H) Hold zone which may not be removed until the following conditions have been met:

- a) A Section 37 Agreement has been entered into between the City and the Owner pursuant to Section 37 of the Planning Act, to secure provision of public art to the City;
- b) Submission of a Functional Signal Design to the satisfaction of the City's Director of Engineering to determine whether buildings or structures may be permitted within all or portions of the lands identified as Part 2 on Schedule 'A'; and,
- c) Execution of a site plan agreement between the Owner, the City of Markham and York Region providing for, among other matters, any necessary easements to secure daylight triangle requirements as determined through the Functional Signal Design.



By-law 2016-79

A By-law to amend By-law 108-81, as amended

The Council of The Corporation of the City of Markham hereby enacts as follows:

1.0 That By-law 108-81, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

1.1 By rezoning the lands outlined on Schedule 'A' attached hereto from

**Select Industrial (M) Zone and
Select Industrial and Limited Commercial [M.C(40%)]
to
Hold Business Corridor [(H)B.C] Zone**

1.2 By adding the following subsection to Section 8 - Exceptions:

**"8.92 HS Nouvel Developments Inc.
 235 and 265 Hood Road**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands outlined on Schedule 'A' attached to this by-law:

8.92.1 Permitted Uses:

The following are the only uses permitted:

- a) PERSONAL SERVICE SHOPS
- b) *Financial Institutions*
- c) Convention Centres
- d) HOTELS
- e) BANQUET HALLS
- f) RESTAURANTS
- g) BUSINESS OFFICES
- h) COMMERCIAL SCHOOLS
- i) HEALTH CENTRES
- j) RETAIL STORES

8.92.2 Zone Standards

The following specific zone standards apply:

a) MINIMUM SETBACKS:

- i. Minimum SETBACK adjoining a street or highway -
2 metres
- ii. Minimum SETBACK adjoining any other LOT LINE -
3 metres

- b) Maximum HEIGHT and number of STOREYS per BUILDING or STRUCTURE:

- i. the lesser of 18 metres or 2 STOREYS, except that any BUILDING located within Part 1 shall be the lesser of – 30 metres or 8 STOREYS

c) LANDSCAPING:

- i. Abutting Warden Avenue and Hood Road, a strip of land having a minimum width of 2 metres shall be used only for LANDSCAPED OPEN SPACE, *Driveways* and STAIRS.

- d) Notwithstanding any further division or partition of lands, all lands subject to this Section shall be deemed to be one lot for the purposes of this By-law.

8.92.3 Special Site Provisions

The following additional provisions shall apply:

- a) The total GROSS FLOOR AREA of all BUILDINGS shall not exceed 18,500 square metres;
- b) The total GROSS FLOOR AREA devoted to all RESTAURANTS, RETAIL STORES and PERSONAL SERVICE SHOPS shall not exceed 25% of the total GROSS FLOOR AREA of all BUILDINGS;
- c) A RETAIL STORE shall not be greater than 1,000 square metres of GROSS FLOOR AREA per PREMISES, unless a RETAIL STORE is an office supply or computer supply store which may have up to 3,000 square metres of GROSS FLOOR AREA per PREMISES;
- d) The total GROSS FLOOR AREA devoted to all RETAIL STORES shall not exceed 3,000 square metres;
- e) The total GROSS FLOOR AREA devoted to all BUSINESS OFFICES shall not be less than 25% of the total GROSS FLOOR AREA of all BUILDINGS; and,
- f) Underground parking garage and structures shall maintain a minimum SETBACK of 1 metre from any LOT LINE.

8.92.4 Special Parking Provision

- a) Maximum number of surface PARKING SPACES - 127.”

2.0 Hold Provision

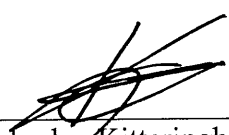
For the purposes of this By-law, a Hold (H) provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.


No person shall hereafter erect or alter any building or structure on lands subject to the Hold (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the Hold (H) provision the following conditions must be met to the satisfaction of the City of Markham:

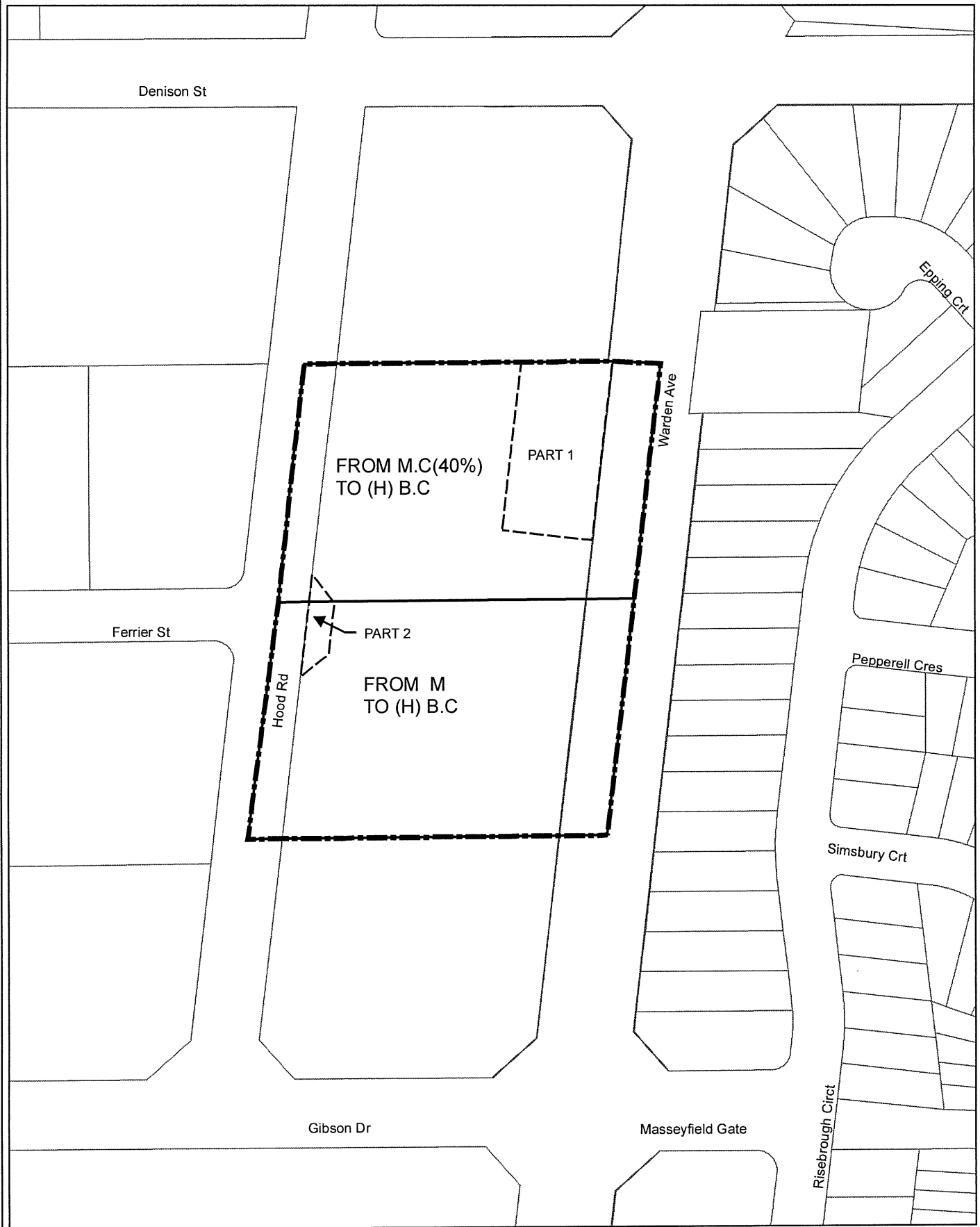
- a) A Section 37 Agreement has been entered into between the City and the Owner pursuant to Section 37 of the Planning Act, to secure provision of public art to the City;
- b) Submission of a Functional Signal Design to the satisfaction of the City's Director of Engineering to determine whether BUILDINGS or STRUCTURES may be permitted within all or portions of the lands identified as Part 2 on Schedule 'A'; and,
- c) Execution of a Site Plan Agreement between the Owner, the City of Markham and York Region providing for, among other matters, any necessary easements to secure daylight triangle requirements as determined through the Functional Signal Design.

Read a first, second, and third time and passed on June 28, 2016.



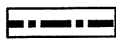
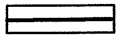
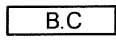
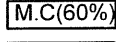
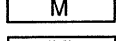
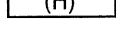
Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2016-79

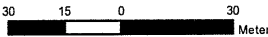
AMENDING BY-LAW 108-81 DATED June 28, 2016

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
-  BOUNDARY OF ZONE DESIGNATION(S)
-  BUSINESS CORRIDOR
-  SELECT INDUSTRIAL AND LIMITED COMMERCIAL
-  INDUSTRIAL
-  HOLDING PROVISION

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DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW

Checked By: DB

DATE: 17/11/2015

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office