

EXPLANATORY NOTE

BY-LAW NO. 2007-178

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

Times Markham Centre

North-west corner of South Town Centre Boulevard and Clegg Road

LANDS AFFECTED

This by-law applies to a 1.46 ha (3.6 acre) parcel of land located at the north-west corner of South Town Centre Boulevard and Clegg Road.

EXISTING ZONING

The property is currently zoned “Markham Centre Downtown Two” (MC-D2) by the Markham Centre Zoning By-law (#2004-196).

PURPOSE AND EFFECT

The purpose of this proposed zoning by-law amendment is to:

- Increase the maximum permitted building height from 10 storeys to 14 storeys for the portion of the building facing Clegg Road, and from 12 storeys to 16 storeys for the portion of the building facing South Town Centre Boulevard.
- Increase the maximum permitted number of dwelling units from 400 to 532.
- Rezone the north-west portion of the property, approximately 0.45 ha (1.1 acres), to “Markham Centre Public Space Two” (MC-PS2) to facilitate the potential conveyance of these lands to the Town of Markham for a public park.

The effect of this proposed zoning by-law amendment is to permit an increase in the height and the number of residential units of the apartment building currently under construction on the subject lands, and the potential conveyance of a portion of the lands to the Town of Markham for use as a public park.



BY-LAW 2007-178

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. THAT By-law 2004-196, as amended, is hereby further amended, as it applies to the lands outlined on Schedule 'A', attached hereto, as follows:

- 1.1 By rezoning a portion of the lands from Markham Centre Downtown Two (Hold) [MC-D2 (H2)] to Markham Centre Public Space Two (Hold) [MC-PS2 (H7)] as shown on Schedule 'A'.

- 1.2 By adding the following new subsection 6.6 (*6) to **Section 6 – Exceptions:**

**“6.6 MC-PS2 and MC-PS2 (H7) zoned lands west of South
Town Centre Boulevard and north of Clegg Road**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *6 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.

6.6.1 Special Site Provisions

The following additional use is permitted:

- a) *Underground parking garages.”*

- 1.3 By amending **Section 2.6 HOLDING PROVISIONS** of By-law 2004-196, as amended, by adding a new subsection as follows:

“2.6.7 Holding Provision (H7)

Lands that are subject to this Holding provision are denoted by the symbol (H7) on **Schedule X3** to this By-law. This Holding provision shall only be lifted when Council is satisfied that all of the criteria below have been met:

- a) An amended precinct plan incorporating a public park has been approved by Council.
- b) The owner of the subject lands containing the park has entered into a development agreement with the Town to secure the following:
- The arrangements for providing public access and exposure to the park in the context of the amended precinct plan.
 - The arrangements for the design and development of the park, including special features and upgrades, to the satisfaction of the Town.

Once this Holding provision (H7) is lifted, the subject lands can be used in accordance with the provisions of this By-law provided all other applicable Holding provisions have also been lifted."

- 1.3 By deleting Schedules C1, C2, C3, C4 and X3 and replacing them with Schedules C1, C2, C3, C4 and X3 attached hereto.
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
26TH DAY OF JUNE, 2007.


SHEILA BIRRELL, TOWN CLERK


FRANK SCARPITTI, MAYOR

HIGHWAY #7

FROM MC-D2 H2
TO MC-PS2 H7

SOUTH TOWN CENTRE BOULEVARD

CLEGG ROAD



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A' TO BY-LAW 2007-178

PASSED June 26, 2007

Paul Scarpitta MAYOR
Debra Barnett CLERK



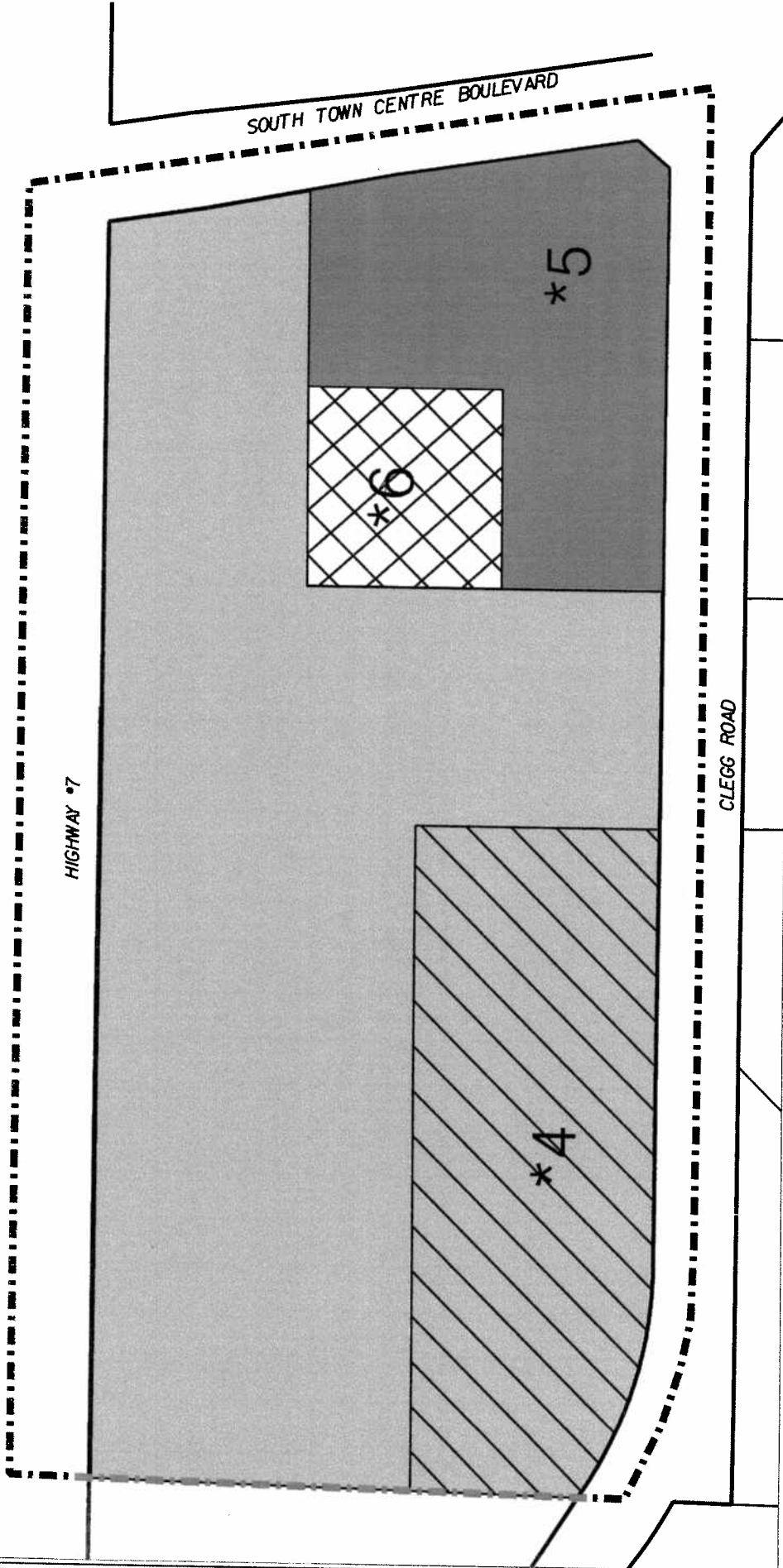
BOUNDARY OF AREA COVERED BY THIS BY-LAW

- ☒ MC-D2 MARKHAM CENTRE DOWNTOWN TWO
- ☒ MC-PS2 MARKHAM CENTRE PUBLIC SPACE TWO
- ☐ H HOLDING PROVISION

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



Schedule C1 Location of Zones



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'C1' TO BY-LAW 2007-178

PASSED June 26, 2007

Paul Szabo MAYOR
David Bessie CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

MC-D1 ZONE

*4

REFER TO SECTION 6.4 OF THE BY-LAW

MC-D2 ZONE

*5

REFER TO SECTION 6.5 OF THE BY-LAW

MC-PS2 ZONE

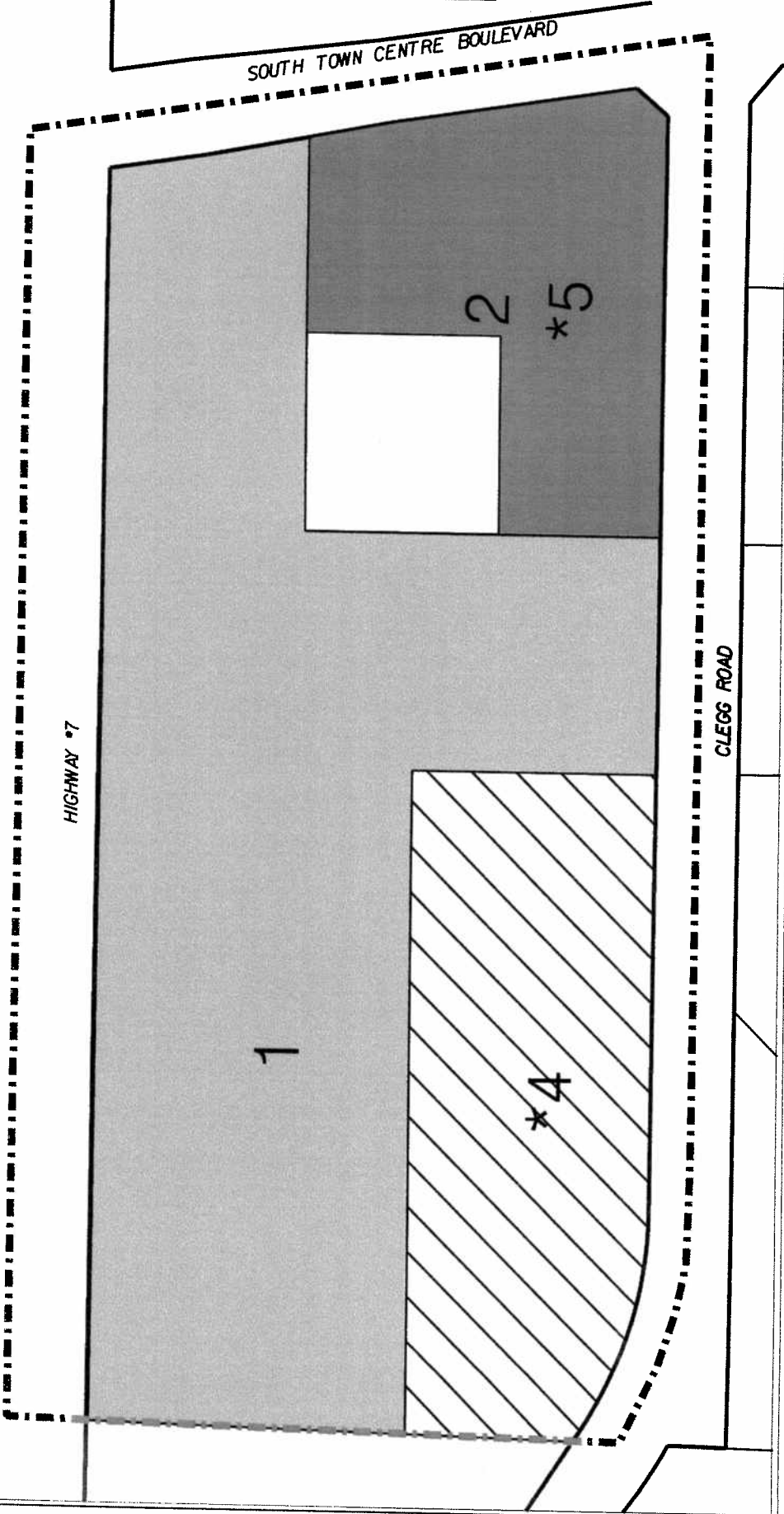
*6

REFER TO SECTION 6.6 OF THE BY-LAW

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



Schedule C2
Maximum Permitted
Net Floor Area and
Dwelling Units



Number on Schedule C2	Maximum Combined Net Floor Area	Maximum Number of Dwelling Unit
1	Non-Residential 105,000(A) (B)	0
2	Residential and/or Non-Residential - 48,000m ² -including a maximum 980m ² of Retail Stores	532 units

Note: Special Provisions on the table above, are denoted by a letter in parentheses and are described below.
(A) Uses subject to Special Provisions 1 on Table A1 - Use Permissions shall have a maximum combined Net floor Area of 5,000m²
(B) Subject to the Holding Provision



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO BY-LAW 2004-196

THIS IS SCHEDULE 'C2' TO BY-LAW 2007-178

PASSED June 26, 2007

Frank Scarpitta MAYOR

John B. Bannick CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

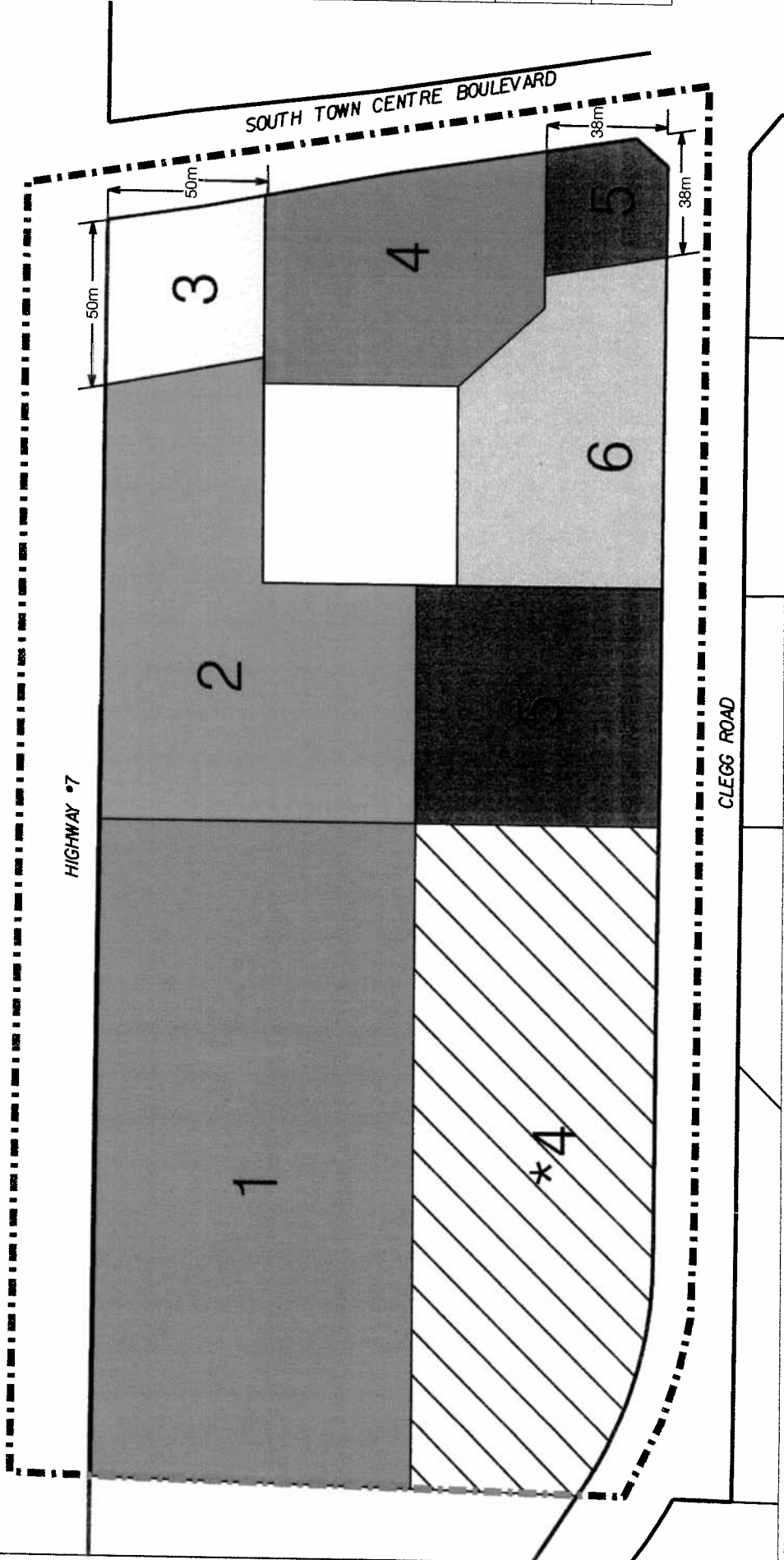
*4 REFER TO SECTION 6.4 OF THE BY-LAW

*5 REFER TO SECTION 6.5 OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
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Schedule C3
Minimum and
Maximum Heights



Number on Schedule C3	
1	a) 90% of the building footprint within 30 metres of Highway 7 streetline shall comply with the minimum height provision; and b) Maximum height applies to entire area subject to this provision.
2	a) 80% of the building footprint within 30 metres of Highway 7 streetline shall comply with the minimum height provision; and b) Maximum height of applies to entire area subject to this provision.
3	a) 90% of the building footprint within 50 metres of the South Town Centre Boulevard and Highway 7 streetlines shall comply with the minimum height provision; and b) Maximum height applies to entire area subject to this provision.
4	a) 90% of the building footprint within 23 metres of the South Town Centre Boulevard streetline shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.
5	a) 90% of the building footprint within 38 metres of the South Town Centre Boulevard and/or Clegg Road streetlines shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.
6	a) 90% of the building footprint within 23 metres of the Clegg Road streetline shall comply with the minimum height provision; and b) Maximum height provision applies to entire area subject to this provision.

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 'C3' TO BY-LAW 2007-178

PASSED June 26, 2007

Paul S. ... MAYOR
Debbie ... CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

1	MINIMUM 15m - MAXIMUM 30m	4	MINIMUM 29m - MAXIMUM 48m
2	MINIMUM 15m - MAXIMUM 40m	5	MINIMUM 9m - MAXIMUM 25.2m
3	MINIMUM 35m - MAXIMUM 49m	6	MINIMUM 24m - MAXIMUM 43m

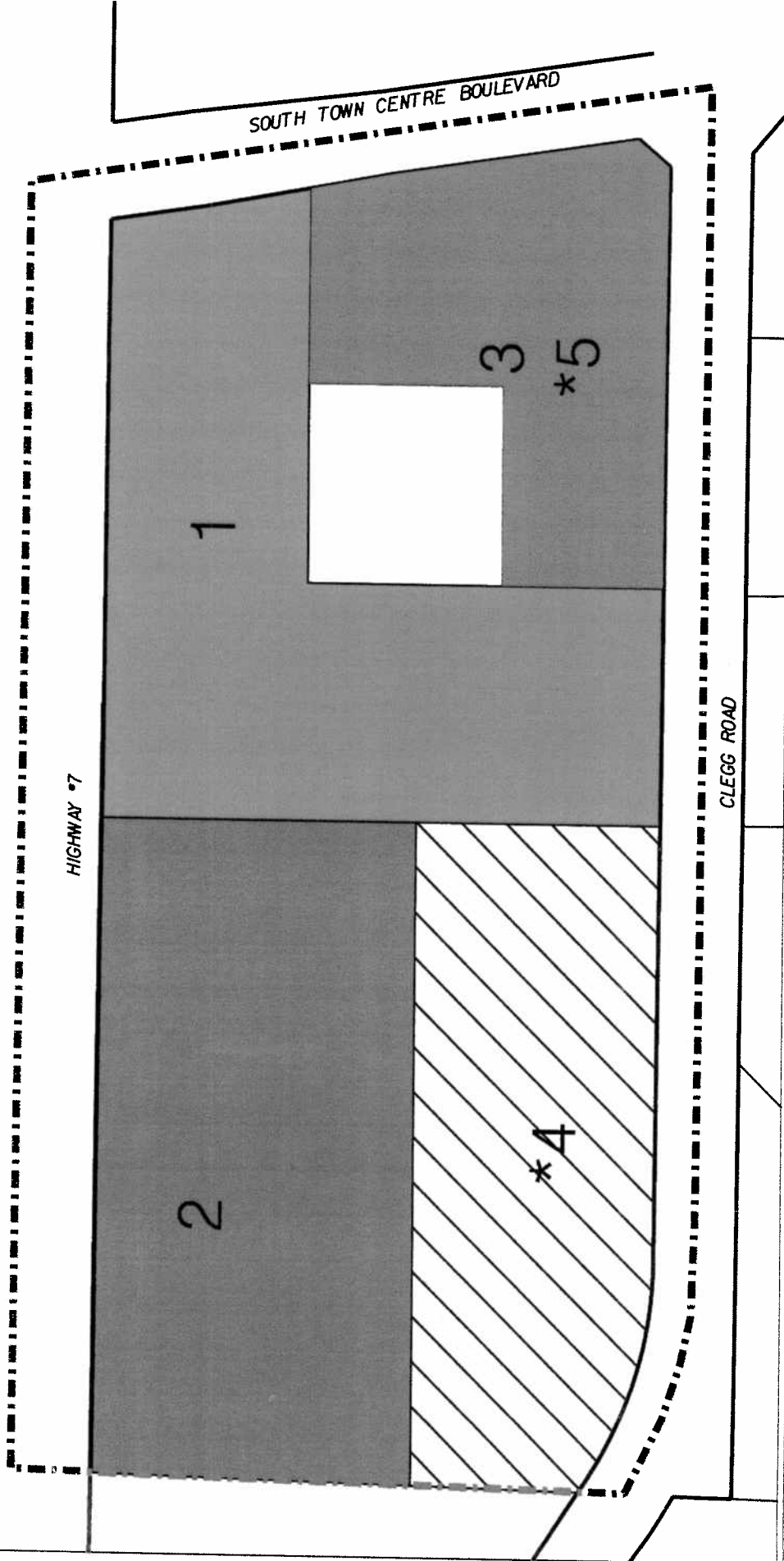
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Schedule C4 Setbacks

All buildings in the MC-D1 and MC-D2 Zones as shown on Schedule C1 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 main wall facing the streetline shall be located no further than 6.0 metres from the streetline. On those lands shown as being subject to Condition 1, on this schedule, the length of the main wall facing the Highway 7 streetline shall be equal to at least 80% of the length of the Highway 7 lot line. On those lands shown as being subject to Condition 1, on this schedule, surface parking is permitted to within 6 metres of the Clegg Road streetline.
Condition 2:	On those lands shown as being subject to Condition 2, on this schedule, 70% of any main wall facing the streetline shall be located no further than 6.0 metres from the streetline. On those lands shown as being subject to Condition 2, on this schedule, the length of the main wall facing the Highway 7 streetline shall be equal to at least 70% of the length of the Highway 7 lot line.
Condition 3:	On those lands shown as being subject to Condition 3 on this schedule 80% of any wall facing South Town Centre Boulevard shall be located no further than 9.0 metres from the South Town Centre Boulevard streetline. On those lands shown as being subject to Condition 3 on this schedule 80% of any wall facing Clegg Road shall be located no further than 7.0 metres from the Clegg Road streetline. On those lands shown as being subject to Condition 3, on this schedule, the length of the main wall facing the South Town Centre Boulevard streetline shall be equal to at least 70% of the length of the South Town Centre Boulevard lot line. On those lands shown as being subject to Condition 3, on this schedule, the length of the main wall facing the Clegg Road streetline shall be equal to at least 70% of the length of the Clegg Road lot line.

Notwithstanding Conditions 1, 2 and 3 above the maximum building setback does not apply to the portion of the building above the minimum building height as noted on Schedule C3.



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'C4' TO BY-LAW 2007-178.

PASSED June 26, 2007

Paul Smith MAYOR
Paul Smith CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

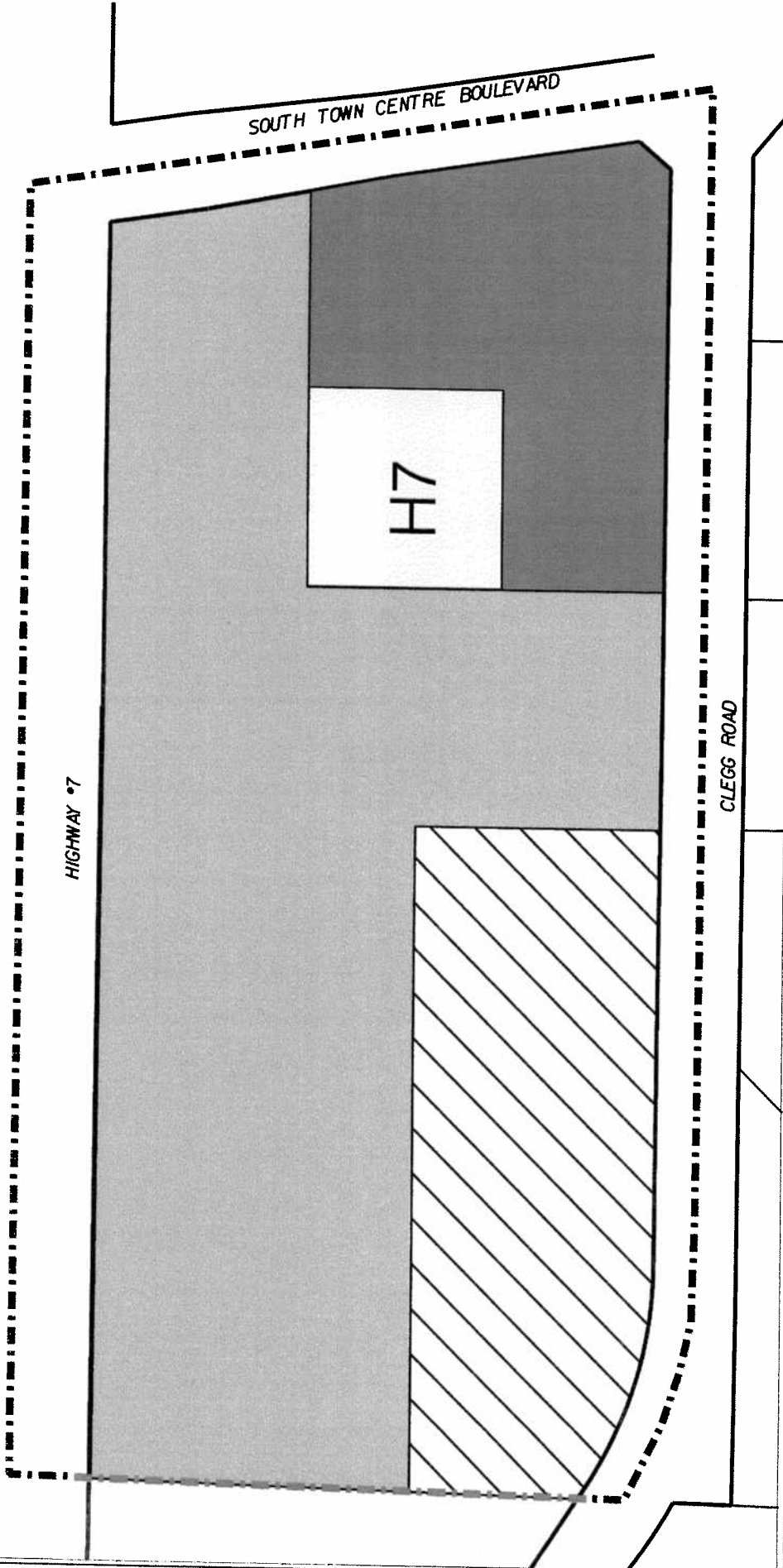
CONDITION 1
CONDITION 2
CONDITION 3

*4 REFER TO SECTION 6.4 OF THE BY-LAW
*5 REFER TO SECTION 6.5 OF THE BY-LAW

NOTE: REFERENCE SHOULD BE MADE TO
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THE OFFICE OF THE CLERK



Schedule X3
Holding Zones



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'X3' TO BY-LAW 2007-178

BOUNDARY OF AREA COVERED BY THIS BY-LAW

PASSED June 26, 2007

Park Sanyith MAYOR
Debra Baird CLERK

H1, H2, & H6 H2 H7

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

