

EXPLANATORY NOTE

By-law No. 2009-66

A By-law to amend By-law 177-96, as amended.

Jade-Kennedy Development Corporation (South Unionville Square)
Part of Lots 8 and 9, Concession 6
South Unionville Community

LANDS AFFECTED

This by-law amendment applies to 2.66 hectares (6.6 acres) of land located on the east side of Kennedy Road between Castan Avenue and future South Unionville Avenue.

EXISTING ZONING

A portion of the lands subject to this by-law amendment was previously zoned “Rural Residential One” (RR1) and “Agricultural” (A1) by the Town of Markham Rural Area Zoning By-law No. 304-87. These lands were deleted from the designated area of By-law 304-87 by a previous by-law amendment. The remainder of the subject lands is zoned “Residential Two – Lane Access (Hold)” [R2-LA*52(H)] and “Residential Two – Special (Hold)” [R2-S*31*52(H)] by the Town of Markham Urban Expansion Area By-law No. 177-96.

PURPOSE OF THE BY-LAW

The purpose of this by-law amendment is to consolidate the zoning of the subject lands under Urban Expansion Area By-law No. 177-96, and zone them “Community Amenity Area One (CA1). The zoning includes holding provisions to ensure that certain required infrastructure is secured before the proposed development is permitted to proceed.

EFFECT OF THE BY-LAW

The effect of this by-law amendment is to facilitate a mixed-use development consisting of:

- a broad range of retail, restaurant, office, service and other commercial uses, including a food store (proposed tenant is a T and T Supermarket).
 - 28 three-storey townhouse units facing onto the local residential street to the east.
 - a future 8-storey, +/-180 unit apartment building focused on the intersection of South Unionville Avenue and Kennedy Road.
-



BY-LAW 2009-66

A By-law to amend Zoning By-law 177-96, as amended

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96, as amended, to include lands comprising part of Lots 8 and 9, Concession 6, as outlined on Schedule 'A', attached hereto.
 - 1.2 By zoning the lands:

Community Amenity Area One (Hold) [CA1*374(H1)(H2)]
 - 1.3 By rezoning lands outlined on Schedule 'A', attached hereto, as follows:

Residential Two – Lane Access (Hold) [R2-LA*52(H)] to Community Amenity One (Hold) [CA1*374(H1)(H2)]

Residential Two – Special (Hold) [R2-S*31*52(H)] to Community Amenity One (Hold) [CA1*374(H1)(H2)]

as outlined on Schedule "A" attached hereto.
- 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

**"7.374 Jade-Kennedy Development Corporation
(South Unionville Square)
East side of Kennedy Road between Castan Avenue and
South Unionville Avenue**

Notwithstanding any other provisions of this By-law, the provisions of this section shall apply to those lands denoted by the symbol *374 on the Schedules of this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.374.1 Additional Permitted Uses

 - a) One (1) *supermarket*
 - b) *Car washes*
 - c) *Hotels*
 - d) *Nightclubs*

7.374.2 Special use provisions

 - a) The special provision that permits uses only in the first storey of an apartment or office building does not apply.

- b) The special provision that permits uses only in an office building does not apply.
- c) *Multiple-unit buildings* are permitted only within 30 metres of the *streetline* of Unity Gardens Drive.
- d) *Apartment buildings* may only locate within 70 metres of the Kennedy Road and South Unionville Avenue *streetlines*.
- e) For the purposes of this by-law all dwelling units in a *multiple-unit building* may be accessed directly from the outside.
- f) Maximum number of *multiple dwellings* – 28
- g) Maximum number of *apartment dwellings* – 180
- h) Car washes are only permitted within a *parking garage*.

7.374.3 Zone standards

Only the following specific zone standards apply:

- a) minimum required *yard* adjoining any street – 0 metres
- b) minimum required *building height* - 9 metres
- c) maximum permitted *building height* – 18 metres.
 - (i) Except within 70 metres of the Kennedy Road and South Unionville Avenue *streetlines* – 31 metres
- d) maximum floor space index (FSI) – 2

7.374.4 Special Parking Provisions

- a) *Apartment dwellings* – a minimum of one (1) *parking space* per *dwelling unit* plus 0.20 *parking spaces* per unit for visitors.

1.4 HOLDING PROVISIONS

For the purposes of this By-law, Holding (H) Zones are hereby established and are identified on Schedule 'A' attached hereto by the zone symbols followed by H1 and H2, in parenthesis.

1.4.1 Notwithstanding any other provisions in this by-law, where a zone symbol is followed by (H1), no person shall use the land to which (H1) applies for any other use than the use which existed on the date this by-law was passed, until (H1) is removed in accordance with the provisions of this by-law. Holding (H1) provision shall not be removed until the following conditions have been met:

- a) the Owner has conveyed to the Town and the Region of York the lands required for South Unionville Avenue extending from Kennedy Road to the new north-south local road adjoining the east boundary of the subject lands, the lands required for the north-south local road, extending from Ian Baron Avenue to Helen Avenue, and the neighbourhood park and stormwater management lands on the east side of the north-south local road, and has entered into a development agreement with the Town to secure construction of the roads, stormwater management facility and related infrastructure.
- b) A site plan agreement has been executed for the development.

1.4.2 Notwithstanding any other provisions in this by-law, where a zone symbol is followed by (H2), no person shall construct *apartment dwellings* on the lands to which (H2) applies, until (H2) is removed in accordance with the provisions of this by-law. The Holding (H2) provision shall not be removed until the following conditions have been met:

- a) Sufficient servicing allocation has been assigned for the proposed *apartment dwellings*.
- b) A site plan agreement has been executed for the development.

Parking for the proposed apartment dwellings is permitted to be constructed prior to the removal of H2.

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

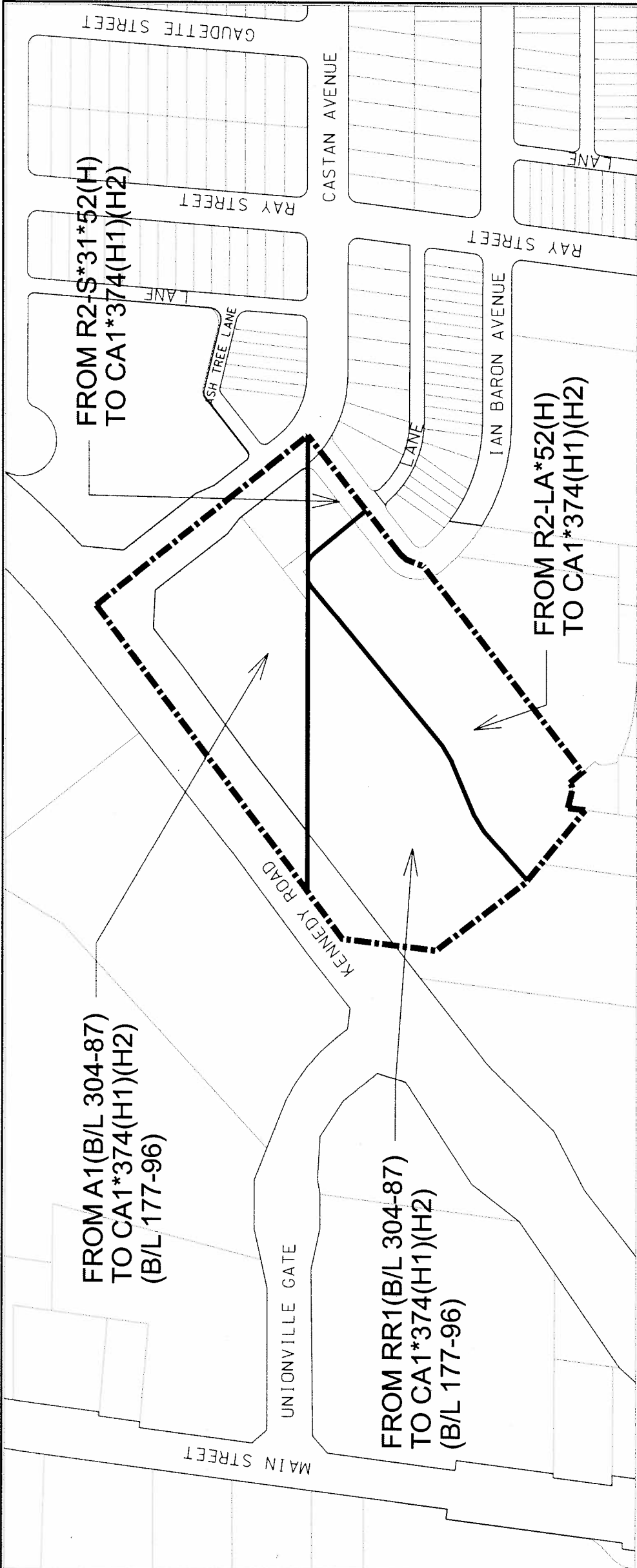
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
3RD DAY OF JUNE, 2009.



KIMBERLEY KITTERINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW 2009-66
PASSED THIS 3RD DAY OF JUNE 2009

Paul Sayers MAYOR
[Signature] CLERK

A BY-LAW TO AMEND BY-LAW 177-96

<input checked="" type="checkbox"/> Dashed line	BOUNDARY OF AREA COVERED BY THIS BY-LAW	<input checked="" type="checkbox"/> Solid line	ZONE BOUNDARY
<input type="checkbox"/> A1	AGRICULTURE ONE	<input type="checkbox"/> R2-LA	RESIDENTIAL TWO LANE ACCESS
<input type="checkbox"/> CA1	COMMUNITY AMENITY ONE	<input type="checkbox"/> R2-S	RESIDENTIAL TWO SPECIAL
<input type="checkbox"/> RR1	RURAL RESIDENTIAL ONE	<input type="checkbox"/> (H1)(H2)	HOLDING PROVISION ONE & TWO
		<input type="checkbox"/> *No.	EXCEPTION SECTION NUMBER

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: N/A