

## **EXPLANATORY NOTE**

### **By-law No. 2009-105**

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

158, 168 & 178 Old Kennedy Road  
Part of Lot 2, Concession 5  
Milliken Main Street Secondary Plan Area

#### **LANDS AFFECTED**

This proposed By-law amendment applies to a 2.54 hectare (6.3 acres) parcel of land municipally known as 158, 168 & 178 Old Kennedy Road within the Milliken Main Street Secondary Plan Area.

#### **EXISTING ZONING**

The lands subject to this By-law are zoned Community Amenity Two \* 283 (Hold) [CA2 \* 283), Community Amenity Two \* 284 (Hold) \* 274 (Hold Two) [CA2 \* 284 (H) \* 274 (H2)], Residential Three \* 275 (Hold) [R3 \* 275 (H)], Residential Three \* 272 (Hold) \* 274 (Hold Two) [R3 \* 272 (H) \* 274 (H2)], and Residential Three \* 273 (Hold) \* 274 (Hold Two) [R3 \* 273 (H) \* 274 (H2)].

#### **PURPOSE OF THE BY-LAW**

The purpose of the proposed amendment is to rezone the subject lands to Community Amenity One \* 369 (Hold) [CA1 \* 369 (H)] and Open Space One (OS1), and retain a Hold provision to ensure execution of a subdivision and site plan agreement, that sufficient infrastructure and services are in place, and satisfactory arrangements have been made with the Developers Group to accommodate the proposed development.

#### **EFFECT OF THE BY-LAW**

The effect of the proposed amendment is to facilitate a stacked townhouse development consisting of 78 residential units, a mixed-use building consisting of 28 residential units and ground floor retail/commercial uses, and a public park.

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## BY-LAW 2009-105

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

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

1. THAT By-law 177-96, as amended, is hereby further amended, as follows:
  - 1.1 To zone the lands outlined in Schedule 'A' attached hereto, as follows:
    - 1.2 By zoning the lands from:

Community Amenity Two \*283(Hold) - [CA2\*283 (H)]

Community Amenity Two \*284 (Hold)\*274 (Hold Two) – [CA2\*284 (H) \*274 (H2)]

Residential Three \*275 (Hold) – [R3 \*275 (H)]

Residential Three \*272 (Hold) \* 274 (Hold Two) – [R3\*272 (H) \*274 (H2)]

Residential Three \*273 (Hold) \*274 (Hold Two) – [R3\*273 (H) \*274 (H2)]

To

Community Amenity One \* 369 (Hold) – [CA1 \*369 (H)] and

Open Space One \* 369 – (OS1)
    - 1.3 By adding the following new subsection to Section 7 – EXCEPTIONS, to By-law 177-96:
      - 7.369 Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*369 on Schedule 'A' attached to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7.369.1 Only Uses Permitted in CA1**

The following are the only uses permitted:

- a) multiple-unit buildings
- b) private home daycare
- c) art galleries
- d) business and professional offices
- e) community centres
- f) fitness centres
- g) day nurseries
- h) financial institutions
- i) libraries
- j) personal service shops
- k) private clubs
- l) repair shops but not including  
automobile repair shops
- m) restaurants
- n) retail stores

**7.369.2 Only Uses Permitted in OS1**

The following are the only uses permitted:

- a) public park
- b) public playground
- c) pedestrian walkways

**7.369.3 Zone standards**

The CA1 zone standards in Table B7 do not apply. The following specific zone standards apply:

- a) minimum required yard from Old Kennedy Road – 1.75m
- b) minimum required yard from the south lot line – 11.45m, except that within 30m of the easterly lot line (Old Kennedy Road), the minimum required yard from the south lot line to the wall of the main building is 9m
- c) minimum required yard from the Railway Line to the west – 30m
- d) minimum required yard from the west lot line – 5m
- e) maximum floor space index (FSI) – 1.0
- f) maximum height – 4 storeys
- g) maximum total net floor area of all restaurants – 96m<sup>2</sup>
- h) maximum encroachment for porches, balconies, awnings and window bays on Old Kennedy Road – 1.55m
- i) minimum area of OS1 zone area - 0.1 ha

#### **7.369.4 Special Site Provisions**

- a) The following additional provisions apply to residential uses:
  - i) Maximum number of dwelling units within 87m of the easterly lot line (Old Kennedy Road) is 28.
  - ii) Dwelling units are not permitted within the ground floor of any building within 87m of the easterly lot line (Old Kennedy Road).
  - iii) Maximum number of dwelling units beyond 87m of the easterly lot line (Old Kennedy Road) is 78.
- b) The following additional provisions apply to non-residential uses:
  - i) Non-residential uses are permitted only within the ground floor of any building within 87m of Old Kennedy Road.
  - ii) The establishment of a drive-through facility is not permitted.

#### **7.369.5 Parking Provisions**

- a) Minimum number of parking spaces – 278
- b) Minimum number of parking spaces for residential uses to be provided within 87m of the easterly lot line (Old Kennedy Road) – 42
- c) Minimum number of visitor parking spaces within 87m of the easterly lot line (Old Kennedy Road)– 7
- d) Minimum number of parking spaces for non-residential uses within 87m of the easterly lot line (Old Kennedy Road) – 37
- e) Minimum number of parking spaces for residential uses beyond 87m of the easterly lot line (Old Kennedy Road)– 156
- f) Minimum number of visitor parking spaces beyond 87m of the easterly lot line (Old Kennedy Road) - 24
- g) Minimum width of parallel parking space – 2.5m
- h) Minimum length of parallel parking space – 6.7m

#### **7.369.6 Definitions**

For the purposes of this By-law only, a ***Multiple-Unit Building*** shall be defined as “a building containing three or more dwelling units which may be accessed by a common corridor system and/or entrance, or dwelling units which may be accessed directly from the outside, but not including a triplex, fourplex, a townhouse building, or an apartment building.”

#### **1.4 Holding provisions**

For the purposes of this By-law, a Holding (H) Zone is hereby established and is identified on Schedule ‘A’ attached hereto by the zone symbol followed by the letter (H) in parenthesis.

1.4.1 The Hold (H) provision shall not be removed until the following conditions have been met:

- a) Execution of a subdivision agreement or site plan agreement;
- b) That the Town is satisfied that adequate water and sanitary facilities and stormwater management facilities are available to service the subject lands;
- c) The Town has been satisfied that land for required road rights-of-way, open space and other community facilities has been secured;
- d) The Town is satisfied that the lands proposed to be released for development can be adequately served by the existing and committed transportation network without adverse impact on the road system or to other committed development;
- e) The Town, in consultation with other concerned agencies, is satisfied that any potential site contamination has either been remediated to an environmental site condition which meets appropriate Provincial standards for the proposed land use and will not result in any adverse effects, or that such remediation can be secured through other means, such as conditions in a subdivision agreement, or securement of a record of site condition prior to issuance of a building permit;
- f) A Development Charges By-law has been enacted, or the Town Solicitor has confirmed a satisfactory arrangement for the payment to the Town by the landowner(s), without recourse, of an amount equal to the applicable development charges has been made; and
- g) The Town is satisfied that arrangements have been made, through a Developers Group or alternative arrangements, to address the sharing of common costs of development not dealt with under a Development Charges By-law.

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

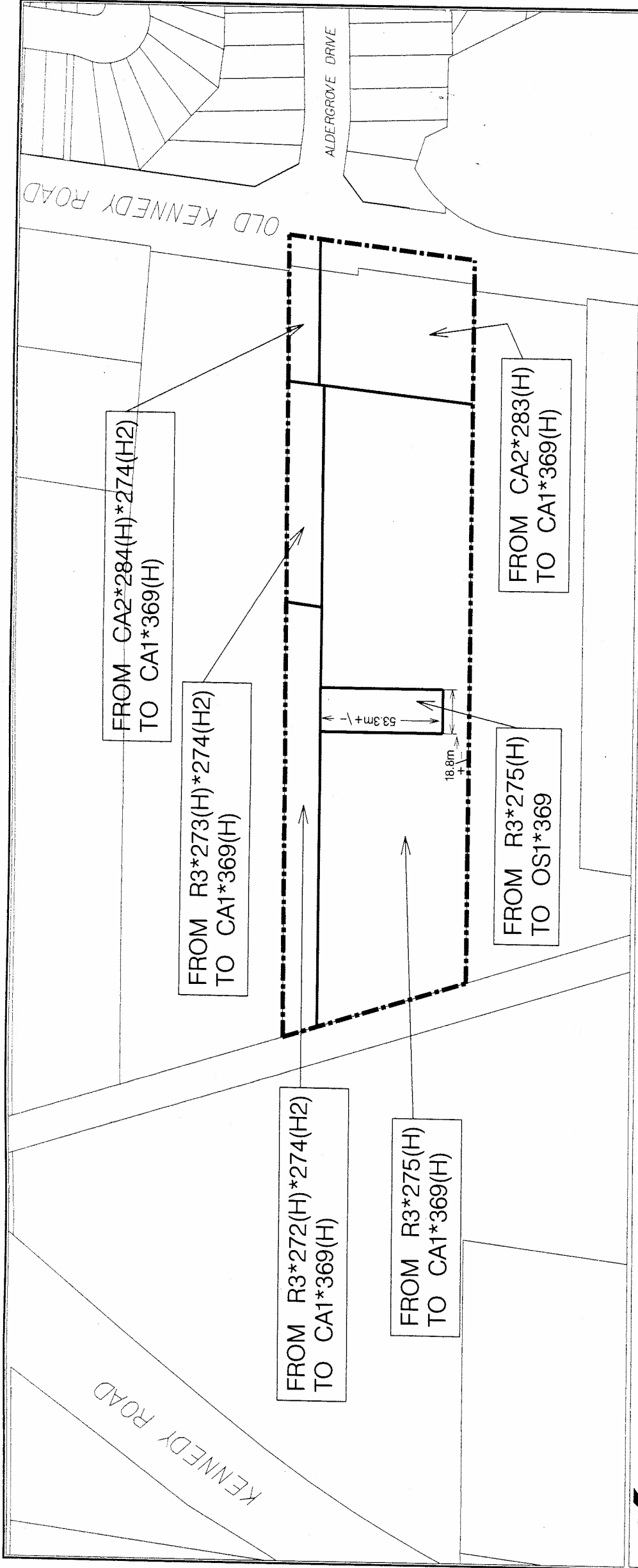
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
23<sup>RD</sup> DAY OF JUNE, 2009.



KIMBERLEY KITTINGHAM  
TOWN CLERK



FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A' TO BY-LAW 2009-105  
PASSED THIS 23<sup>RD</sup> DAY OF JUNE, 2009

*Paul Smith* MAYOR  
*[Signature]* CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW



ZONE BOUNDARY

CA1

COMMUNITY AMENITY ONE

CA2

COMMUNITY AMENITY TWO

R3

RESIDENTIAL THREE

OS1

OPEN SPACE ONE

\*(No.)

EXCEPTION NUMBER

(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: 2000