



BY-LAW 2012-28

A by-law to amend 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 it applies to the lands outlined on Schedule 'A' hereto, as follows:
 - 1.1 By deleting Schedules C1, C2, C3, C4 and X3 and replacing them with Schedules C1, C2, C3, C4 and X3 attached hereto.
 - 1.2 By adding the following new subsection to **Section 6-Exceptions** to By-law 2004-196:
 - 6.17 Lands at the south-west corner of Highway 7 and South Town Centre Boulevard

Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply to those lands denoted by the symbol *17 (Exception 17) on the schedules to this By-law for the additional use permitted by Section 6.17.1. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

6.17.1 Special Use Provisions

- (a) The following additional use is permitted:

A maximum of 500 *apartment dwellings* within the *building* also containing all of the following uses:

- (i) a *hotel* containing not less than 190 guest rooms;
- (ii) a *trade and convention* centre having a minimum *floor area* of 2000 square metres;
- (iii) one or more *restaurant(s)* having a minimum combined *floor area* of 630 square metres;
- (iv) a *commercial fitness centre* having a minimum *floor area* of 1000 square metres; and
- (v) *offices or medical offices or personal service shops or retail stores* having a minimum combined *floor area* of 840 square metres.

- (b) For the purpose of Section 6.17.1, the following definitions shall apply:

Building shall be defined in accordance with Section 3 and includes all structures linked by shared parking garage below established grade.

Hotel means a *premises* that contains guest rooms that are rented on a temporary basis to the public, equipped to be occupied as temporary accommodation for the public, and which may also contain meeting rooms and *accessory* banquet facilities.

- (c) Note (A) on Schedule C2 shall not apply to the additional use permitted in Section 6.17.1(a).

6.17.2 Special Site Provisions

The following special site provisions shall apply:

- a) Dwelling units are permitted on any *storey*, including the first *storey*.
- 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*.

6.17.3 Special Parking Provisions

The following special parking provisions shall apply:

- a) The *parking space* requirement for *Apartment Dwellings* shall be as follows:

A minimum of 0.8 parking spaces 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 may 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 4.14.3 provided that the total number of *parking spaces* on the *lot* shall at no time exceed the maximum number that would be permitted if the entire development was constructed in a single phase.

6.17.4 Special Holding Provisions

The following special holding provisions shall apply:

- a) The Lands subject to this Zoning Bylaw shall be subject to two Holding (H) zones. Holding provision – H1 shall only be lifted on all or part of the lands shown on Schedule ‘C1’ hereto and development of the additional use under 6.17.1 may proceed when the applicable criteria outlined in Section 2.6.1 and all of the following criteria have been met:
- (i) Approval by the Town of an updated precinct plan for the lands generally bounded by Highway 7, South Town Centre Boulevard, Clegg Road and Rodick Road.
 - (ii) Execution of a Section 37 Agreement between the Town and the Owner pursuant to Section 37 of the Planning Act and in accordance with the Town’s Official Plan policies regarding Section 37 contributions, to the satisfaction of the Town.
 - (iii) That an updated traffic impact study and a TDM (Travel Demand Management) plan have been approved by the Town within the prior 6 months for the lands from which the holding provision is to be removed.
 - (iv) For any development including the additional use permitted by Section 6.17.1 of this by-law, execution of a Site Plan Agreement between the Town and the Owner for the entire development, pursuant to Section 41 of the Planning Act. The agreement required under this subsection will include an acknowledgement by the Owner that occupancy of dwelling units will not be permitted until the removal of the Holding Provision H10 and a requirement that the Owner obtain acknowledgements from purchasers that they have been advised by the Owner of the requirements under Holding Provision H10.
- b) Prior to removal of the Holding Provision – H10, the building or structure may not be occupied for residential purposes until such time as the Chief Building Official is in receipt of a notice pursuant to clause 1.3.5.1(2)(f) of Division C of the Building Code, O. Reg. 350/06, in respect of the *hotel*, and the Chief Building Official has conducted an inspection which confirms substantial completion of the matters set out in clause 1.3.5.1(2)(f) of the Building Code.

- c) Driveways, underground parking garages and the first storey above the underground parking garages are permitted to be constructed prior to the removal of Holding provision H1.

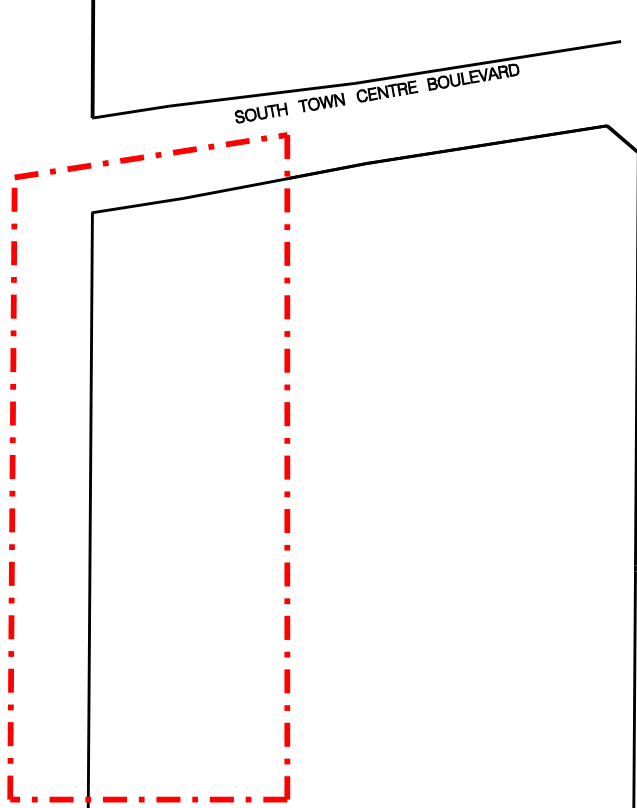
- 2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law continue to apply.

APPROVED BY ONTARIO MUNICIPAL BOARD ON DECEMBER 21, 2011

HIGHWAY #7

SOUTH TOWN CENTRE BOULEVARD

CLEGG ROAD



DEVELOPMENT SERVICES COMMISSION

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



THIS IS SCHEDULE 'A1' TO BY-LAW 2012-28
APPROVED BY OMB ON DECEMBER 21, 2011



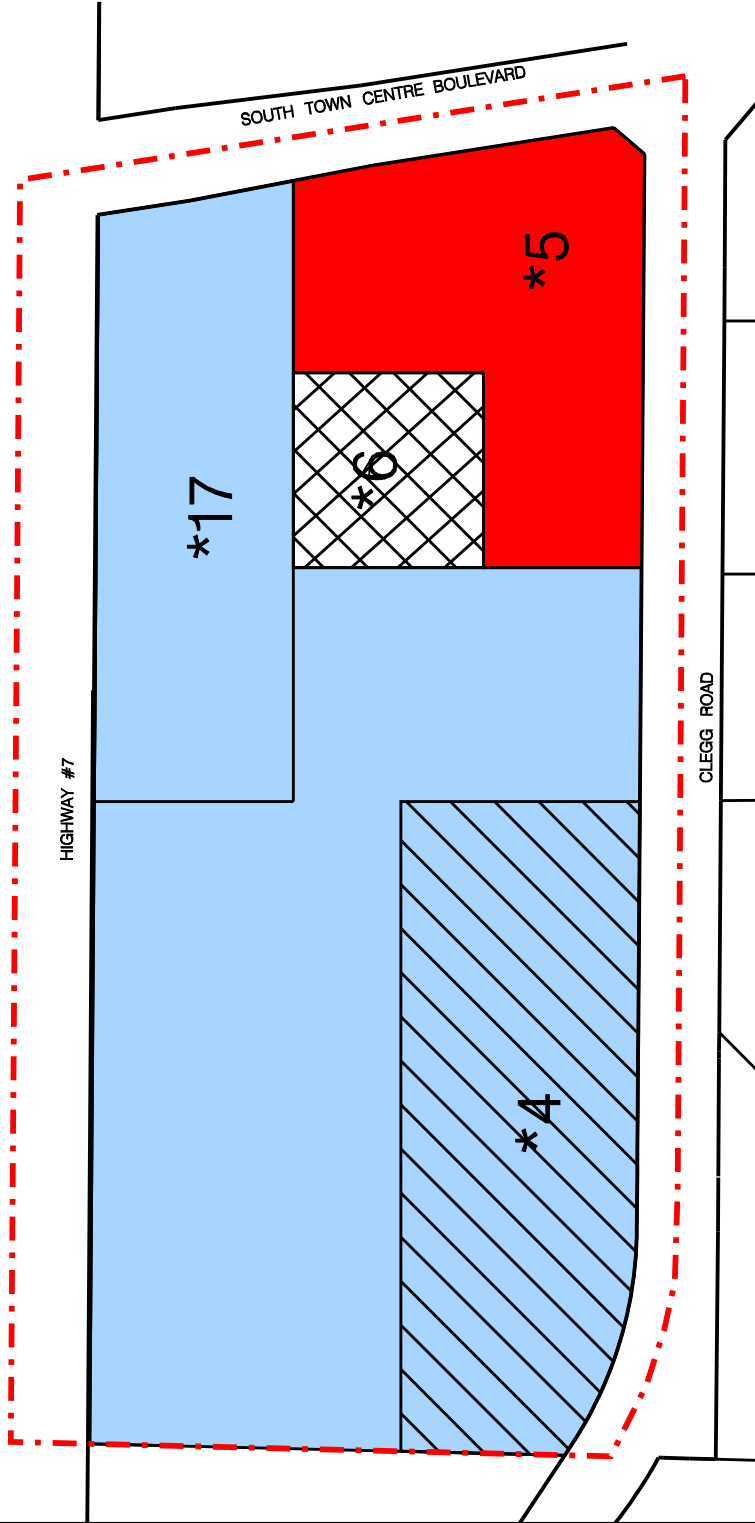
BOUNDARY OF AREA COVERED BY THIS BY-LAW

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



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Schedule C1
Location of Zones



DEVELOPMENT SERVICES COMMISSION

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

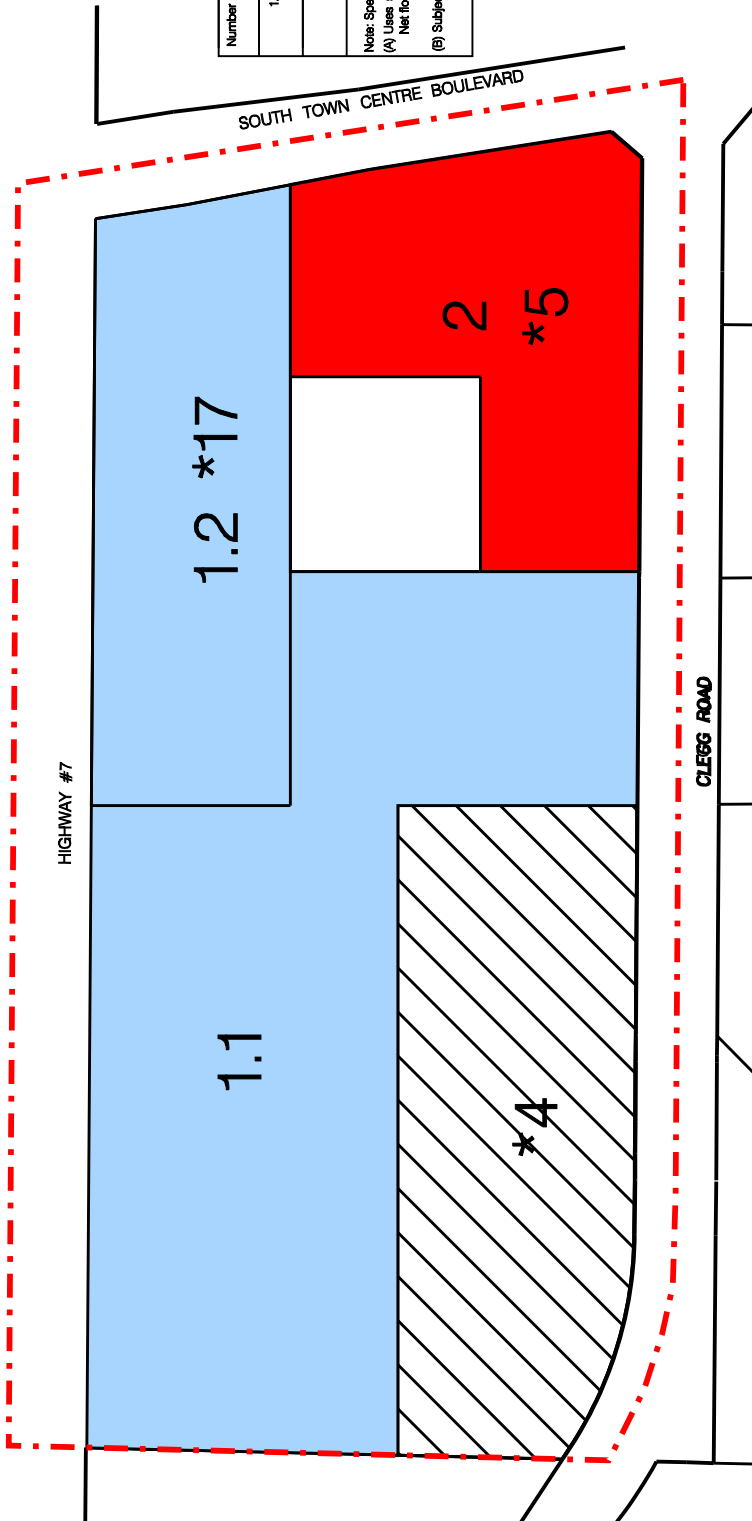
THIS IS SCHEDULE 'C1' TO BY-LAW 2012-28
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| | |
|--|---|
| | BOUNDARY OF AREA COVERED BY THIS BY-LAW |
| | MC-D1 ZONE |
| | MC-D2 ZONE |
| | MC-PS2 ZONE |
| | REFER TO SECTION 6.4 OF THE BY-LAW |
| | REFER TO SECTION 6.5 OF THE BY-LAW |
| | REFER TO SECTION 6.6 OF THE BY-LAW |
| | REFER TO SECTION 6.17 OF THE BY-LAW |

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Schedule C2 Maximum Permitted Net Floor Area and Dwelling Units



| Number on Schedule C2 | Maximum Corridor Net Floor Area | Maximum Number of Dwelling Unit |
|-----------------------|--|---------------------------------|
| 1.1 & 1.2 | Non-Residential 105,000(A) (B) with a maximum of 67% of this permitted in Area 1.2 | 500 Units in Area 1.2 |
| 2 | Residential and /or Non- Residential - 48,000m ² including a maximum 880m 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

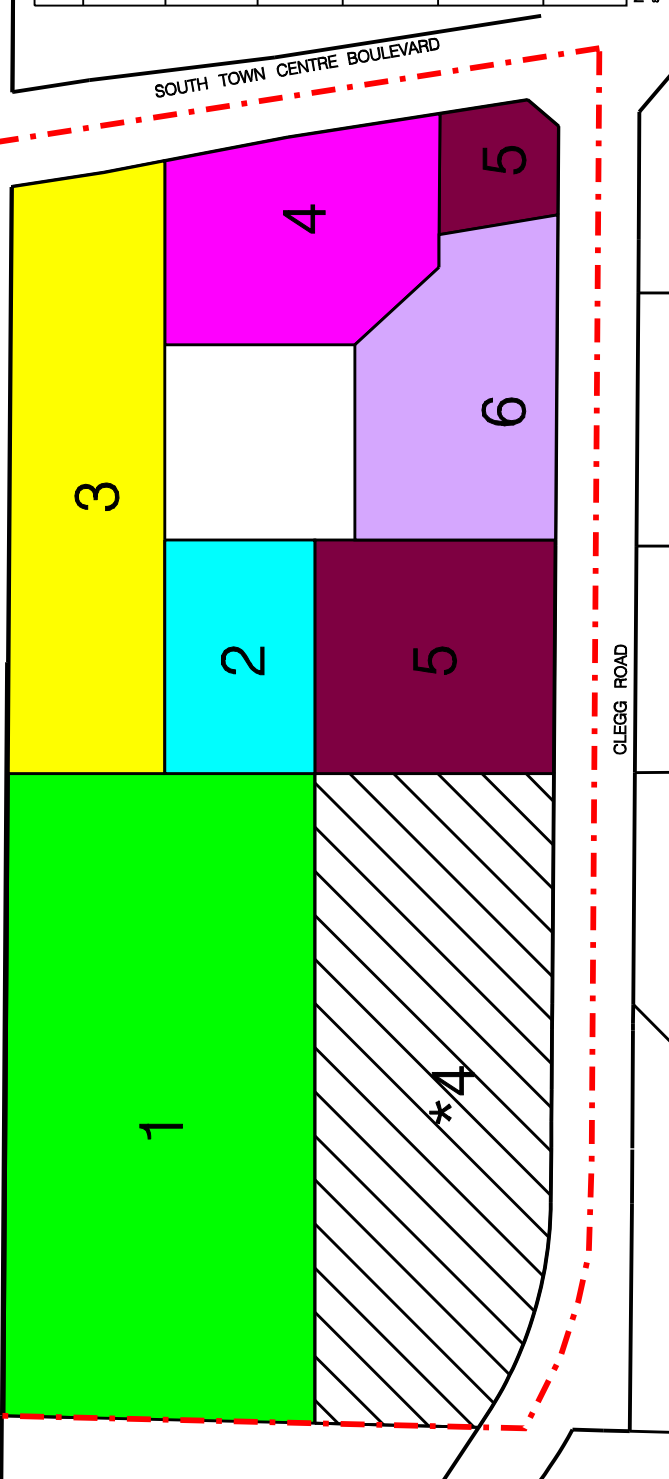
THIS IS SCHEDULE 'C2' TO BY-LAW 2012-28
 APPROVED BY OMB ON DECEMBER 21, 2011

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
 *17 REFER TO SECTION 6.17 OF THE BY-LAW

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



Schedule C3 Minimum and Maximum Heights



| Number on Schedule C3 | Minimum and Maximum Heights |
|-----------------------|--|
| 1 | a) 80% 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 applies to entire area subject to this provision. |
| 3 | a) 80% of the building footprint within 50 metres of the South Town Centre Boulevard and Highway 7 streetline 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 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).

MARKHAM DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'C3' TO BY-LAW 2012-28
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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 15m - MAXIMUM 53m | 6 | MINIMUM 24m - MAXIMUM 43m |

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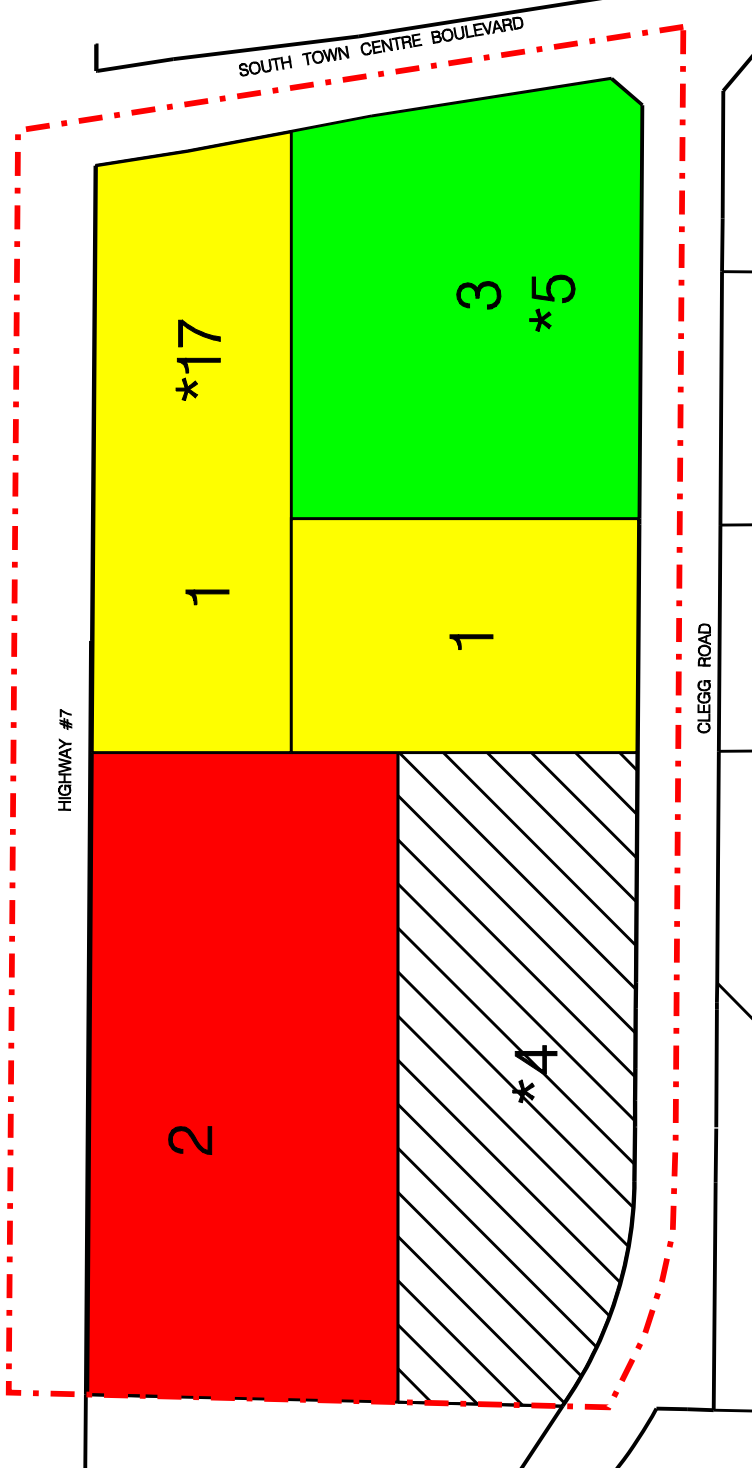
Schedule C4 Setbacks

All buildings in the MC-D1 and MC-MC Zones as shown on Schedule C1 to this By-Law shall be located in accordance with the following conditions:

Condition 1: The minimum setback from the streetline shall be 0.0 metres. 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 street-line 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 main wall facing Clegg Road street shall be equal to at least 70% of the length of the Clegg Road lot line.



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

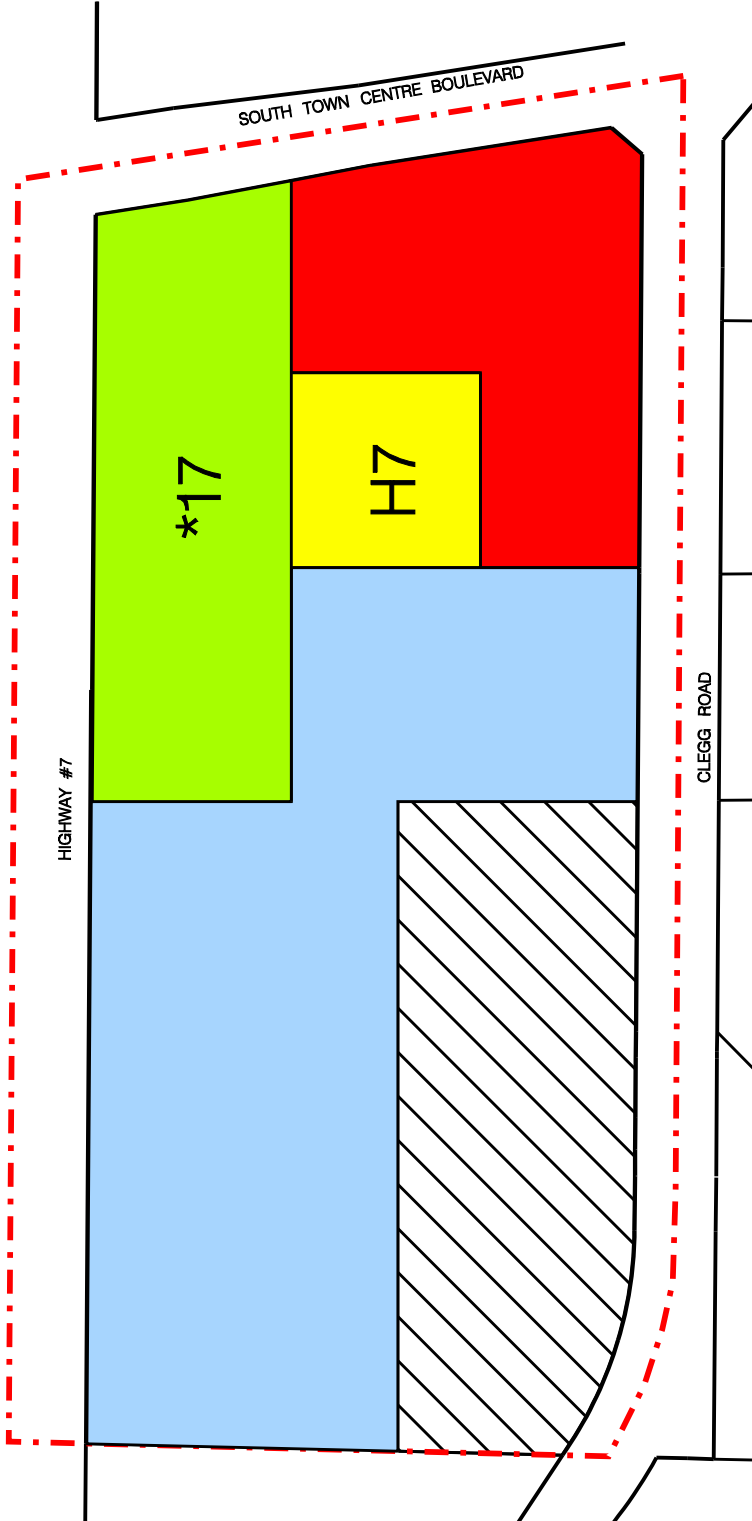


| BOUNDARY OF AREA COVERED BY THIS BY-LAW | CONDITION 1 | CONDITION 2 | CONDITION 3 |
|---|------------------------------------|------------------------------------|-------------------------------------|
| | *4 | *5 | *17 |
| | REFER TO SECTION 6.4 OF THE BY-LAW | REFER TO SECTION 6.5 OF THE BY-LAW | REFER TO SECTION 6.17 OF THE BY-LAW |

THIS IS SCHEDULE 'C4' TO BY-LAW 2012-28
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Schedule X3
Holding Zones



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'X3' TO BY-LAW 2012-28
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BOUNDARY OF AREA COVERED BY THIS BY-LAW

-  H1, H2, & H6
-  *17
-  H7
-  H2
-  H1 & H10

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