



By-law 2022-XX

A By-law to amend By-law 2004-196, as amended by By-law 2012-152
(to revise site specific development standards)

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

1. That By-law 2004-196, as amended, is hereby further amended as follows:

1.2 By re-zoning the lands outlined on Schedule 'A' attached, as follows:

from:

- Markham Centre Downtown Two *19 (Hold) - MC-D2*19 (H)
- Markham Centre Public Space Two - MC-PS2

to:

- Markham Centre Downtown Two *19 (Hold) - MC-D2*19 (H)
- Markham Centre Public Space Two - MC-PS2

As shown on Schedule H1 attached hereto.

1.2 By deleting Schedules H1 to H4 to By-law to By-law 2012-152 and replacing it with the attached Schedules H1 to H4 to this By-law 2022-XXX

1.3 By deleting Schedule X6 to By-law to this By-law 2022-XX and replacing it with the attached Schedule X6 to this By-law 2022-XX

2.4 By amending subsection 6.19 (*19) of Section 6 – Exceptions to By-law 2004-196:

**6.19 Enterprise Boulevard Inc.
Lands Zoned MC-D2 – North of Enterprise Boulevard,
immediately east of the Metrolinx-GO Stouffville rail corridor**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *19 (Exception 19) 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.

6.19.1 Special Site Provisions

The following special site provisions shall apply:

- Notwithstanding any further division or partition of the land subject to this Section, all lands zoned MC-D2*19 shall be deemed to be one lot for the purposes of this by-law.
- Dwelling units* are permitted on any *storey*, including the first *storey*, of an *apartment building*.
- In the case of a *corner lot* with a curved corner or 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.
- Special Provision (2) to Table A1 shall not apply.
- Special Provision (7) to Table A1 shall not apply.
- Maximum *floor space index* (FSI) – 6.7

- g) A minimum setback of 0.3 metres will be required for any portion of a *parking garage* to the lot line if it is constructed below the *established grade*. This exemption shall also apply to ventilation shafts and housings, stairways, portions of the *parking garage* projecting above *established grade*, and other similar facilities above *established grade* associated with below grade *parking garages*.
- h) Notwithstanding Schedule H4 to this By-law, *outdoor amenity space* or terraces, retaining walls, building cornices, parapets, eaves, guardrails, balustrades, green roof elements, wind mitigation, porches, ornamental elements, architectural cladding, window sills, wheel chair ramps, railings, balconies, canopies, awnings, vents, window washing equipment, light fixtures, stairs, stair enclosures and privacy screens may encroach into the required front, rear, north interior, or south exterior *yard setbacks* up to the lot line.

6.19.2 Special Parking Provision

The following special parking provision shall apply:

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

A minimum of 0.8 *parking space* per *dwelling unit* and a maximum of 1 *parking space* per *dwelling unit* plus 0.15 *parking space* per *dwelling unit* for visitors.
- b) The *parking space* requirement for all non-residential uses shall be as follows:

Visitor *parking spaces* for residential uses shall be shared with all non-residential uses.

A reduction of up to 3 *parking spaces* from the combined required totals of visitor parking for residential uses and non-residential uses is permitted.

A maximum of 4 *parking spaces* may be dedicated for retail use only.
- c) 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 of permitted under Section 6.19.2(a), provided that the total number of *parking spaces* on the lot shall at no time exceed the maximum number that would be permitted if all approved *dwelling units* were constructed in a single phase.

6.3 Special Holding Provisions

The following special holding provisions shall apply:

Holding provision 'H' shall only be lifted on all or part of the lands shown on Schedule 'X6' attached hereto when all of the following criteria have been met:

- i) Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the Developers Group to support the development.
- ii) The Owner shall prepare and submit a Sanitary Capacity Analysis to determine what is required to provide sanitary services for the development of the

lands without causing adverse impacts in the City's sanitary water supply system;

- iii) The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Sanitary Capacity Analysis;
- iv) The Owner shall execute an agreement with the City securing the provision of, sanitary service infrastructure improvements identified by the above-noted Sanitary Capacity Analysis related to the development of the lands.
- v) Site Plan Approval has been granted by the City.
- vi) A developers group agreement or other cost sharing arrangement for community infrastructure and facilities has been entered into to the satisfaction of the City's Commissioner of Development Services and the City Solicitor.
- vii) The Owner has entered into a Section 37 Agreement with the City pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, to the satisfaction of the City.
- viii) A woodland compensation plan has been approved by the City.
- ix) The Owner has entered into a Cost Sharing Agreement with the York Region District School Board to compensate the upfront costs incurred by the Board for the provision of stormwater facilities and included in the cost sharing obligations of other benefitting landowners.

Driveways and underground parking garages are permitted to be constructed prior to the removal of the Holding provision 'H' provided that the above criteria i has been met.

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 on MONTH XX, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



Explanatory Note

By-law 2022-XX

A By-law to amend By-law 2004-196, as amended by By-law 2012-152

Enterprise Boulevard Inc.

North side of Enterprise Boulevard, immediately east of the Metrolinx-GO Stouffville rail corridor

Lands Affected

The proposed by-law amendment applies to a 2.07 hectares (5.11 acres) property on the north side of Enterprise Boulevard, immediately east of the Metrolinx-GO Stouffville rail corridor.

Existing Zoning

By-law 2004-196, as amended by By-law 2012-152, currently zones the subject lands as Markham Centre Downtown Two*19 (Hold) - MC-D2*19 (H) zone and Markham Centre Public Space Two - MC-PS2 zone.

Purpose and Effect

The purpose of this by-law amendment is to amend By-law 2012-15 to address the following:

- a) Increase the maximum residential unit from 981 to 1,350
- b) Increase the maximum building height from 100 m (29-storeys) to 147 m (44-storeys)
- c) Increase the maximum site Net Floor Area ("NFA") from 84,000 m² to 95,000 m²
- d) Reduce the residential visitor parking space requirement from 0.2 to 0.15 parking spaces per unit and permit shared parking (residential visitors and non-residential)
- e) Amend site-specific development standards related to building design
- f) Place a Holding Provision on the property until conditions have been satisfactorily met (including, but not limited to: Site Plan Approval, execution of a Section 37 Agreement, and entering into a Cost Sharing Agreement with the York Region District School Board to compensate the upfront costs incurred by the Board for the provision of stormwater facilities)

The effect of this by-law amendment is to permit a proposed development accommodating a maximum of 1,350 residential units and up to 222 square metres of retail uses in 36, 40 and 44 storey buildings.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.