



BY-LAW 2022-_____

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

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That By-law 177-96, as amended by By-law 2016-77, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

1.1 By zoning the lands outlined on Schedule 'A' attached hereto:

from:

Community Amenity Three *558 Hold (CA3*558 (H)) Zone

to:

Community Amenity Three *558 Hold (CA3*558 (H1)(H2)) Zone

1.2 By deleting Section 7.588 in its entirety and replacing it with a new Section 7.558 as follows:

| Exception 7.558 | 2310601 Ontario Inc. 3912 & 3928 Highway 7 | Parent Zone CA3 |
|---|---|---|
| File PLAN 20 123727 | North side of Highway 7, west of Village Parkway | Amending By-law 2022-____ |
| Notwithstanding any other provisions of By-law, 177-96 the following provisions shall apply to the lands shown on Schedule 'A' attached to By-law 2022-____ and denoted by the symbol *558. | | |
| 7.558.1 Only Permitted Uses | | |
| The following are the only permitted uses: | | |
| a) | <i>Retirement Home</i> | |
| b) | <i>Long-Term Care</i> | |
| 7.558.2 Special Zone Standards | | |
| The following special zone standards shall apply: | | |
| a) | Maximum <i>height</i> – 49 metres | |
| b) | Maximum number of <i>storeys</i> – 14 | |
| c) | Minimum number of <i>storeys</i> – 6, except for portions of the building as otherwise provided for in subsections m), n), and o) below | |
| d) | Maximum <i>height</i> of <i>first storey</i> – 6.2 metres | |
| e) | Maximum <i>height</i> of mechanical penthouse – 5.5 metres above the highest point of the roof surface | |
| f) | Minimum <i>lot frontage</i> – 60 metres | |
| g) | Minimum <i>lot area</i> – 1.0 ha | |
| h) | Maximum <i>Floor Space Index (FSI)</i> – 6.42 | |
| i) | Maximum number of guest suites – 2 | |
| j) | For the purposes of this by-law, the <i>front lot line</i> shall be the <i>lot line</i> abutting Highway 7 East | |
| k) | For the purposes of this by-law, the minimum setback from a daylight triangle shall be 0.0 metres | |
| l) | Minimum <i>front yard</i> – 1.2 metres, except that the minimum <i>front yard</i> for any <i>dwelling unit</i> located on the first floor shall be 4.2 metres | |
| m) | Minimum <i>side yard</i> (east): | |
| | i) | First, second and third <i>storey</i> above <i>established grade</i> – 4.0 metres |
| | ii) | All <i>storeys</i> about the third <i>storey</i> – 7.0 metres |
| n) | Minimum <i>exterior side yard</i> (west) | |
| | i) | First eight <i>storeys</i> above <i>established grade</i> – 4.0 metres |

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| | ii) All storeys above the eighth storey – 5.0 metres |
| o) | Minimum rear yard: i) First, second and third storey above established grade – 4.0 metres ii) All storeys about the third storey – 8.5 metres |
| p) | Canopies may encroach into the required front yard a distance of 0.0 metres to the front lot line |
| q) | Stairs and landings that access any part of a main building on the lot, may encroach into the required front and exterior side yards provided that no part of the stairs or landing are located closer than 0.3 metres from the front and exterior side lot lines |
| r) | Minimum Parking Requirements: i) Retirement Home – 0.4 parking spaces per retirement home dwelling unit ii) Visitor Parking – 0.15 parking spaces per retirement home dwelling unit |
| s) | The provisions of Table B7 – Part 2 of 4 (Section CC) shall not apply |
| t) | Minimum amenity area: i) Indoor amenity area inclusive of accessory uses – 2.0 square metres per unit ii) Outdoor amenity space – 1.5 square metres per unit |
| u) | Notwithstanding any further division or partition of the lands subject to this Section, all lands zoned with the Exception *558 shall be deemed to be one lot for the purposes of this by-law |
| v) | Individual units within the retirement home may contain cooktops, provided that the retirement home contain common facilities for the preparation and consumption of food |
| w) | Minimum setback for any portion of a parking garage, storage lockers, mechanical or electrical rooms, or cisterns located below established grade – 0.0 metres This setback shall also apply to stairway, ventilation shaft and housing, and other similar facilities above established grade associated with below grade parking garages |

2. By deleting Section 3 of amending By-law 2016-17 in its entirety and replacing it with a new Section 3, as follows:

“3. Holding Provision

No person shall hereafter erect or alter any building or structure on the lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the *Planning Act*.

For the purposes of this By-law, a Holding (H) provision, as identified on Schedule ‘A’, attached hereto, shall only be lifted when the following conditions have been met to the satisfaction of the City of Markham:

1. For the first phase of development totalling 747 units, a Holding (H1) provision shall apply until the following provisions have been met:
 - a) For buildings that exceed the Toronto/Butterville height restrictions, the Toronto/Butterville Airport Zoning Regulations (SOR/88-148) have been exempted by Transport Canada, or repealed, and the height restriction on the lands, or portions thereof, provided in section 4 therein are no longer in force and effect in respect of the lands shown on Schedule ‘A’, attached hereto.
 - b) A Subdivision Agreement has been executed and registered securing all necessary conveyances and public services with respect to the development of the lands.

- c) The Owner has entered into a Section 37 Agreement with the City, pursuant to Section 37 of the *Planning Act*, and in accordance with City's Official Plan.
- d) The Owner has entered into a Developer's Group Agreement or has made other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City's Commissioner of Development Services and City Solicitor.
- e) The Archdiocese of Toronto has confirmed in writing that satisfactory arrangements have been made for the construction of a driveway to the St. Justin Martyr Catholic Church from the proposed north-south local road (Mayor Roman Drive) and for the restoration of any of the church property which is required to be re-graded to accommodate the proposed development.

Driveways, underground parking garages, underground storage and mechanical areas are permitted to be constructed prior to the removal of the holding provision 'H'.

- 2. For any subsequent phase exceeding 747 units, a Holding (H2) provision shall apply until the following provisions have been met:
 - a) The Owner shall prepare and submit a Water Supply Analysis in consideration of the conclusions and suggestions identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020, to determine what is required to provide water services for the development of the Lands without causing adverse impacts elsewhere in the water supply system.
 - b) The Owner shall identify the recommendations and address the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in the Water System Analysis, prepared by FP & P and HydraTek & Associates, dated May 27, 2020.
 - c) The City shall retain a peer reviewer, at the Owner's expense, to review the Water Supply Analysis and mitigation recommendations as set out in a) and b) above.
 - d) The Owner shall execute an agreement with the City securing the provision of, or where more than the Lands benefit from the works, contribution to, water service infrastructure improvements identified by the above-noted Water Demand Analysis related to the development of the Lands.

Driveways, underground parking garages, underground storage and mechanical areas are permitted to be constructed prior to the removal of the holding provision 'H'.

Read and first, second and third time and passed on _____, 2022.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. PLAN 20 123727



EXPLANATORY NOTE

BY-LAW 2022-____

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

**2310601 Ontario Inc.
3912 & 3928 Highway 7
North Side of Highway 7, west of Village Parkway
PLAN 20 123727**

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.48 hectares (3.7 acres), which is located on the north side of Highway 7 East, between Warden Avenue and Village Parkway (the "Lands").

Existing Zoning

The Lands are zoned Community Amenity Area Three*558 (Hold) [CA3*558(H)] under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend portions of the previously approved site specific by-law (By-law 2016-77) that applies to the Lands to permit an independent living retirement home complex.

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.