



Explanatory Note

By-law 2022-103

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 facilitate the construction of a high density development accommodating a maximum of 1,350 residential units and a minimum of 150 m² of non-residential 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.



By-law 2022-103

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 2022-103

1.3 By deleting Schedule X6 to By-law to this By-law 2022-103 and replacing it with the attached Schedule X6 to this By-law 2022-103

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

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:

- a) 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.
- b) *Dwelling units* are permitted on any *storey*, including the first *storey*, of an *apartment building*.
- c) Special Provision (2) to Table A1 shall not apply.

- d) Special Provision (7) to Table A1 shall not apply.
- e) 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*.
- f) Notwithstanding Schedule H4 or Section 4.4 to this By-law, retaining or crash walls, green roof elements, wind mitigation, and privacy screens may encroach into any required yard the required front, rear, north interior, or south *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 0.6 *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 non-residential uses 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.
- 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) A woodland compensation plan has been approved by the City.
- viii) 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.

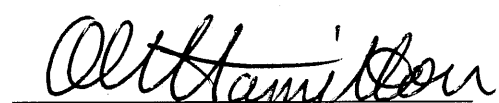
Driveways and underground parking garages are permitted to be constructed prior to the removal of the Holding provision 'H' provided that the above criteria i has been met.

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

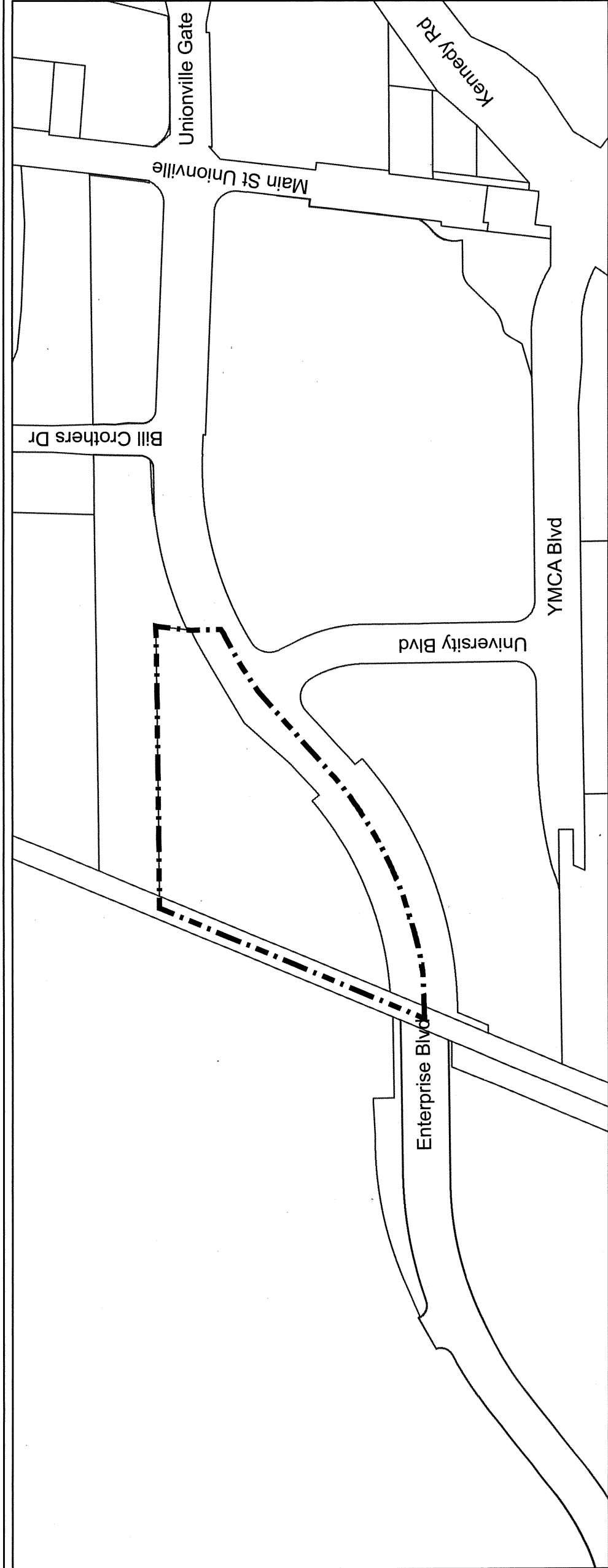
Read a first, second, and third time and passed on September 13, 2022.



Kimberley Kitteringham
City Clerk



Don Hamilton
Deputy Mayor



SCHEDULE 'A' TO BY-LAW 2022-103

AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022



BOUNDARY OF AREA COVERED BY THIS SCHEDULE

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT

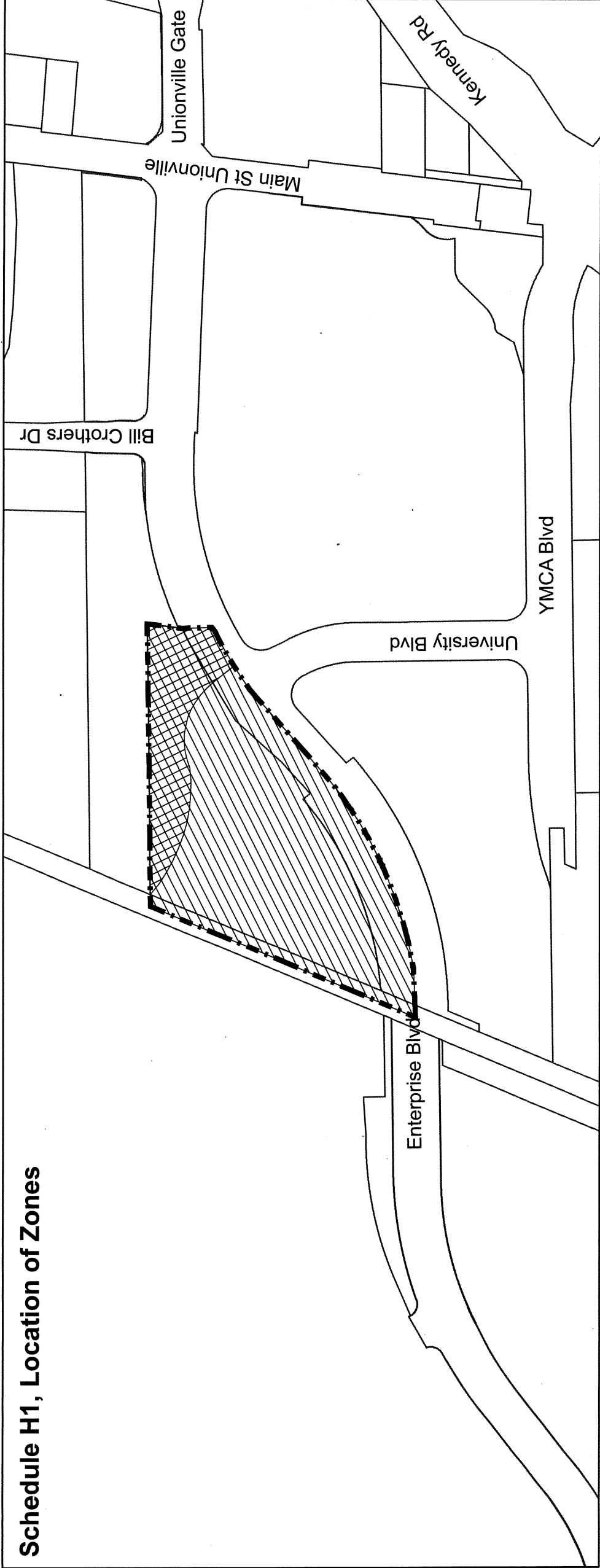
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DATE: 28/06/2022

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

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Schedule H1, Location of Zones



SCHEDULE 'H1' TO BY-LAW 2022-103

AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022



--- BOUNDARY OF AREA COVERED BY THIS SCHEDULE



MC-D2*19 (H)



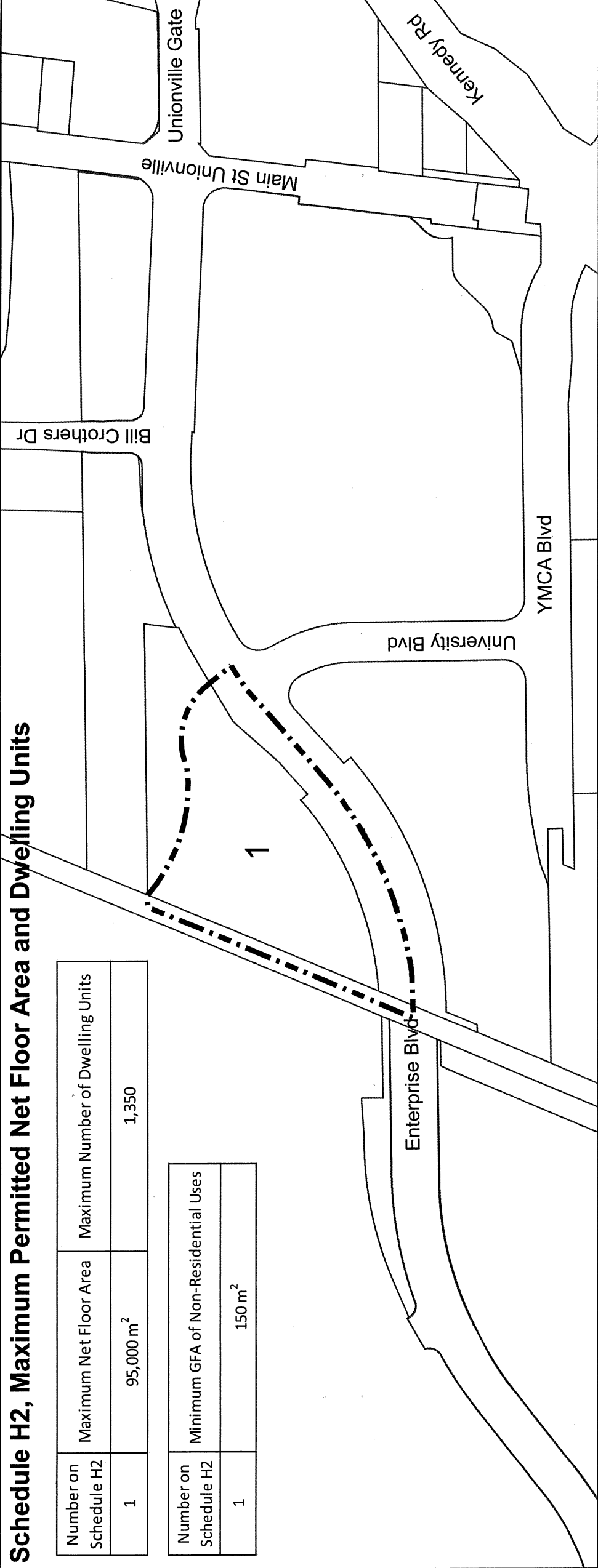
MC-PS2

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Schedule H2, Maximum Permitted Net Floor Area and Dwelling Units

Number on Schedule H2	Maximum Net Floor Area	Maximum Number of Dwelling Units
1	95,000 m ²	1,350

Number on Schedule H2	Minimum GFA of Non-Residential Uses
1	150 m ²



SCHEDULE 'H2' TO BY-LAW 2022-103

AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022



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MARKHAM DEVELOPMENT SERVICES COMMISSION

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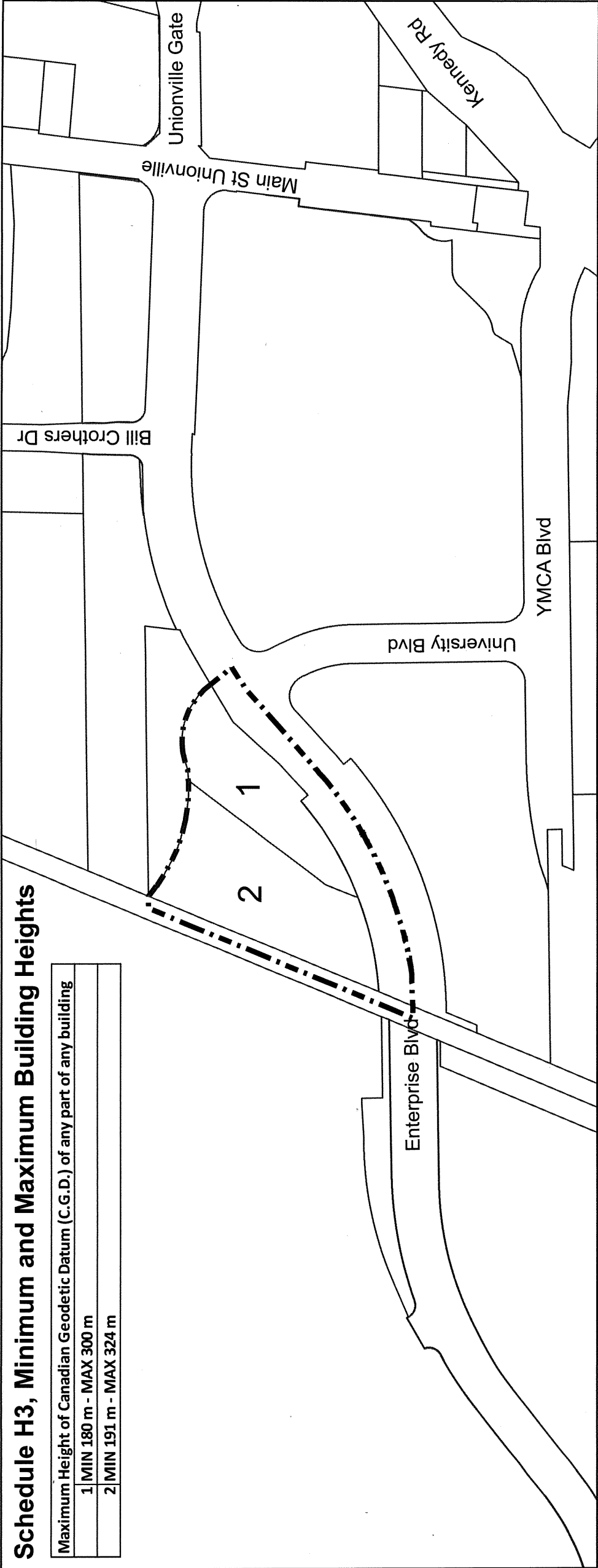
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Schedule H3, Minimum and Maximum Building Heights

Maximum Height of Canadian Geodetic Datum (C.G.D.) of any part of any building	
1	MIN 180 m - MAX 300 m
2	MIN 191 m - MAX 324 m



SCHEDULE 'H3' TO BY-LAW 2022-103

AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022

NOTES

(applying to all lands covered by this by-law schedule)

- 1) For any portion of a residential building with a height of greater 26 metres, the maximum net floor area, per storey, shall be 800 square metres not including balcony areas.
- 2) Notwithstanding height areas 1 & 2 above, mechanical penthouse structures (including architectural screening and features) may project a maximum of 10 metres above the maximum height.



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DEVELOPMENT SERVICES COMMISSION

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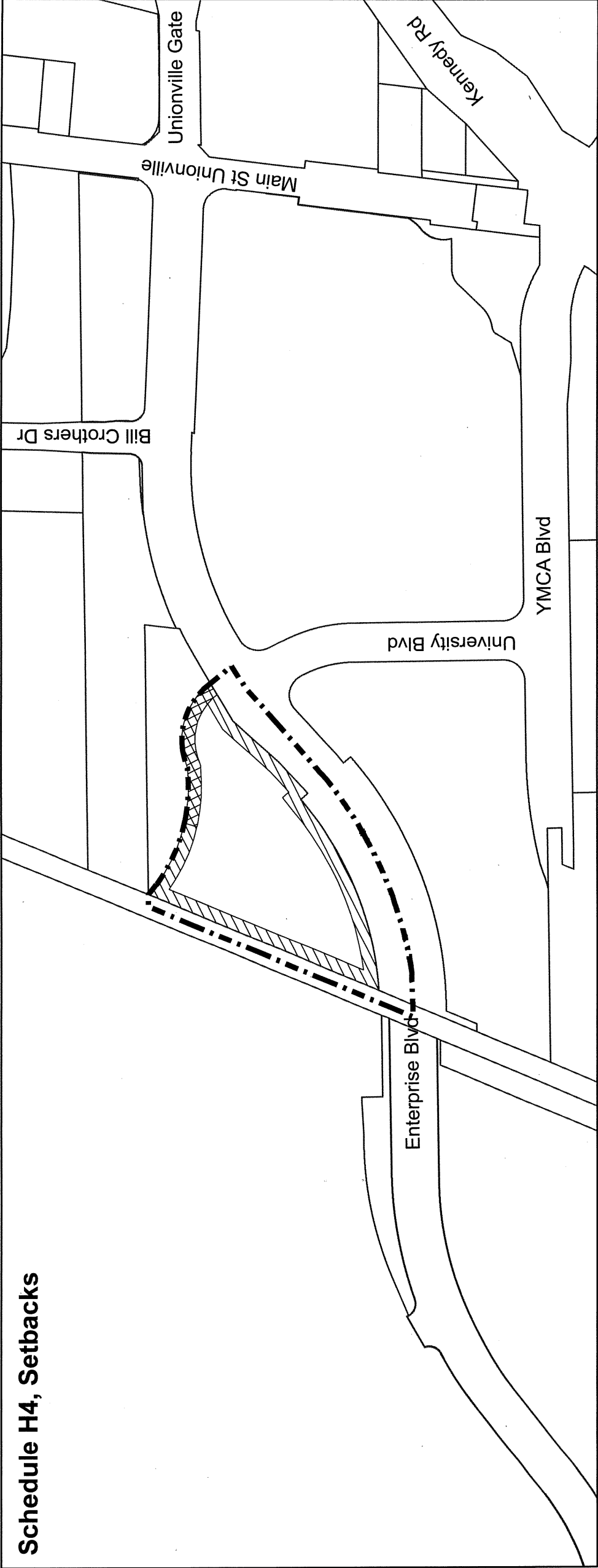
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Schedule H4, Setbacks



NOTES

All buildings in the MC-D2 zone as shown on Schedule H1 to this By-law shall be located in accordance with the following conditions:

- MIN SETBACK 9.0 m
- MIN SETBACK 0.3 m

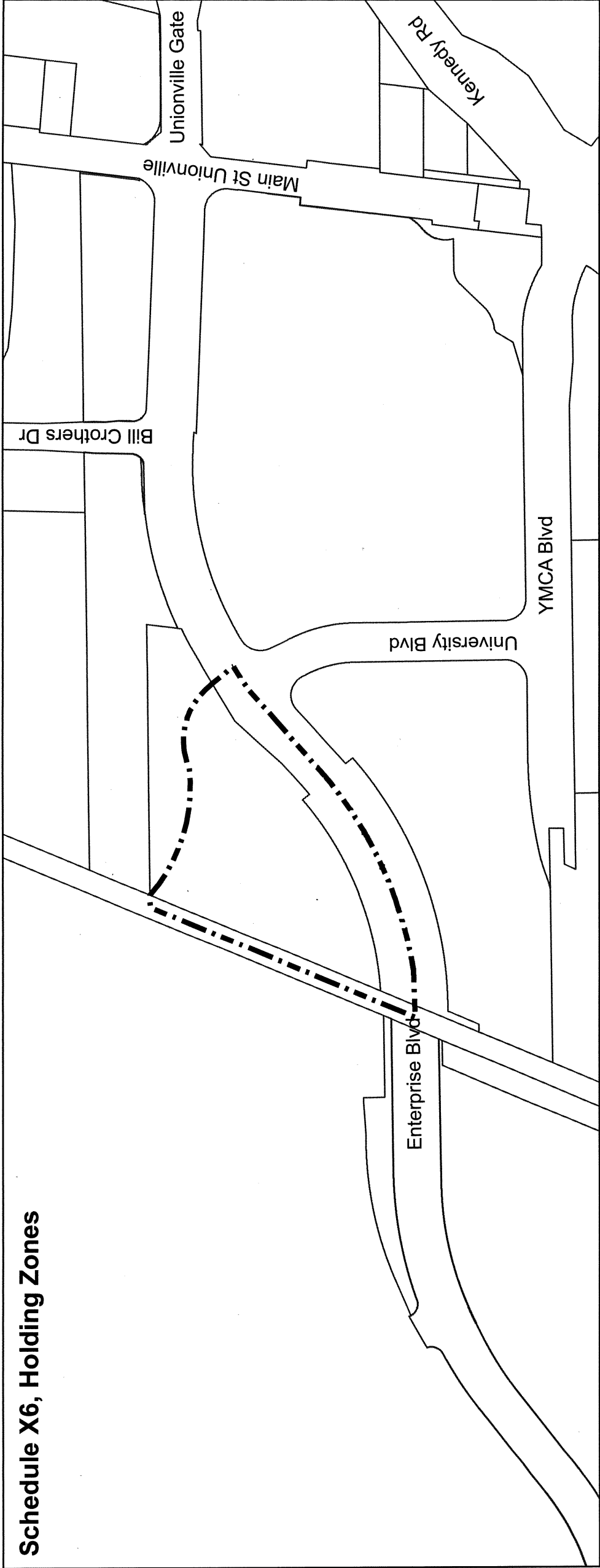
SCHEDULE 'H4' TO BY-LAW 2022-103

AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022

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Schedule X6, Holding Zones



SCHEDULE 'X6' TO BY-LAW 2022-103
AMENDING BY-LAW 2004-196 DATED SEPTEMBER 13, 2022

 BOUNDARY OF HOLDING PROVISION

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