

## EXPLANATORY NOTE

### **BY-LAW NO. 2021 - XX**

A By-law to amend By-law 2004-196 and By-law 304-87, as amended.

2690622 Ontario Inc. (Kingdom - Markham Centre)  
4077, 4101, and 4121 Highway 7

## LANDS AFFECTED

This by-law applies to a 2.22 hectares (5.48 acres) parcel of land located on the south side of Highway 7 east of Birchmount Road.

## EXISTING ZONING

The lands were previously *zoned*, under By-law 2004-196, as amended by 2014-9:

- Markham Centre Downtown Two \*22 (Hold) - MC-D2\*22 (H)
- Markham Centre Downtown Two \*11\*14 - MC-D2\*11\*14
- Markham Centre Public Space One \*23- MC-PS1\*23
- Markham Centre Public Space One- MC-PS1

The lands were also previously zoned, under By-law 304-87:

- Rural Residential One - RR1
- Agriculture One - A1

The zoning for the lands is further amended by By-law 2022-XX.

## PURPOSE OF THE BY-LAW

The purpose of this by-law amendment is to incorporate a portion of the lands into the designated area of the Markham Centre Zoning By-law No. 2004-196 and *zone* them “Markham Centre Public Space One” and “Markham Centre Downtown Two” as shown on Schedule ‘A’ to the by-law, incorporating site specific *use* permissions and development standards.

## EFFECT OF THE BY-LAW

The effect of this by-law amendment is to permit the majority of the property to be developed with a high density mixed-use residential development. A portion of the zoned area is to be conveyed to the City of Markham as public parkland.

## BY-LAW 2022-\_\_\_\_\_

A By-law to amend the Markham Centre Zoning By-law 2004-196, as amended by By-law 2014-9 and to amend By-law 304-87, as amended.

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

1. Zoning By-law 2004-196, and By-law 304-87, as amended, be and the same is hereby further amended as follows:

- 1.1. By rezoning the lands outlined on Schedule “J1” attached hereto as follows:

From:

- Markham Centre Downtown Two \*22 (Hold) - MC-D2\*22(H)
- Markham Centre Downtown Two \*11\*14 - MC-D2\*11\*14
- Markham Centre Public Space One \*23 - MC-PS1\*23
- Markham Centre Public Space One - MC-PS1
- Rural Residential One - RR1 (B/L 304-87)
- Agriculture One - A1 (B/L 304-87)

To:

- Markham Centre Downtown Two\*31 (Hold) - MC-D2\*31(H1)
- Markham Centre Downtown Two\*31 (Hold) - MC-D2\*31(H1) (B/L 177-96)
- Markham Centre Public Space One\*31 - MC-PS1\*31

- 1.2. By expanding the designated area of By-law 2004-196, as amended, to include those lands comprising Part of Lot 10, Concession 5, as more particularly outlined on Schedule ‘A’ hereto.

- 1.3. For the purposes of this By-law, the following definitions apply:

Gross Floor Area means the aggregate of the areas of each floor of a *building* or *structure* above or below grade, measured between the exterior faces of the exterior walls of the *building* or *structure*, or where there are common walls between *uses* or *buildings* or *structures*; measured to the centre-line of a common wall. The calculation of gross floor area excludes the areas of each floor used, or designed or intended for the parking of *motor vehicles*, unless the parking of *motor vehicles* is the principal *use* of a *building* or *structure*.

Stepback means a portion of a *building* that is set back further from a *lot line* than any other portion of a *building*.

- 1.4. By amending the following subsection 6.31 (\*31) to Section 6 - Exceptions to By-law 2004-196:

**6.31 MC-D2 zoned lands on the south side of Highway 7, east of Birchmount Road**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*31 (Exception 31) 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.

**6.31.1 Special Site Provisions**

The following special site provisions shall apply:

- a) *Dwelling* units and *retirement home* rooms/units are permitted on any *storey*, including the first storey, of an *apartment building*.
- 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*.

**6.31.2 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 (*TBD*) parking space per dwelling unit and a maximum of 1 parking space per dwelling unit plus 0.15 parking spaces per dwelling unit for visitors. The provision of additional parking spaces is not permitted.
- b) The parking space requirement for retirement homes shall be as follows:

A maximum of 0.4 parking spaces per retirement home room/unit, provision of additional parking spaces is not permitted.

- 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 permitted under Section 6.31.2(a) and (b), 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.

#### **6.31.4 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 'X8' hereto when all of the following criteria outlined have been met:

1. That 30 affordable housing units be provided in Area 2 of Schedule "J2" as part of the maximum number of 1,284 residential units.
2. A flood plain analysis completed to the satisfaction of Toronto and Region Conservation Authority (TRCA).
3. A subdivision agreement, and any other agreement identified as being required in that subdivision agreement or by Council has been entered into that satisfies all of the conditions of the City.
4. Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the developers group to support the development.
5. A site plan agreement has been entered into between the City and the Owner.
6. A developer's group agreement or other alternative cost sharing arrangements for required municipal infrastructure, as supported by legislation, have been entered into to the satisfaction of the City.
7. A Section 37 Agreement has been entered into between the City and the Owner pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding a contribution by the Owner of \$1445 per residential unit in 2014 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI). Payments will be collected at the site plan agreement stage for each phase of development, indexed to the rate of inflation, and payable for

each residential unit within that phase.

8. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City of Markham and the Region of York within the prior 6 months for the lands from which the holding provision is to be removed, and the Owner has entered into a development agreement, which may form part of a site plan agreement, to secure any improvements to transportation infrastructure recommended by these studies, including right of-way and pavement widenings.

Driveways, underground *parking garages* are permitted to be constructed and used prior to the removal of Holding provision H.

- 1.5. By adding the following schedules to By-law 2004-196, as amended: Schedule A, JI, J2, J4 and X8
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 date.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor