

EXPLANATORY NOTE

BY-LAW NO. 2022 - XX

A By-law to amend By-law 165-80, as amended.

Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments)

LANDS AFFECTED

This by-law applies to a 2.35 hectares (5.82 acres) of land located south of Cedarland Drive, between Warden Avenue and South Town Centre Boulevard.

EXISTING ZONING

The lands were previously *zoned*, under By-law 165-80, as amended:

- Select Industrial with Limited Commercial - M.C (60%)

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 to “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.

BY-LAW 2022-_____

A By-law to amend By-law 165-80, as amended.

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

1. Zoning By-law 165-80, 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:

- Select Industrial with Limited Commercial - M.C (60%)

To:

- Markham Centre Downtown Two*XX (Hold) - MC-D2*xx(H1)

1.2. By expanding the designated area of By-law 2004-196, as amended, to include those lands comprising Part of Lot 9, Concession 4, 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.xx (*xx) to Section 6 - Exceptions to By-law 2004-196:

6.xx MC-D2 zoned lands on the south side of Cedarland Drive, between Warden Avenue and South Town Centre Boulevard

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *xx (Exception xx) 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.xx.1 Special Site Provisions

The following special site provisions shall apply:

- a) *Dwelling* units are permitted on any *storey*, including the first storey, of an *apartment building*.
- b) Special Provision (2), (3) and (7) 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*.
- e) Mechanical features, such as structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 8.5 metres above the heights shown on Schedule “J2” of this By-law.

6.xx.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 spaces per dwelling unit for visitors. The provision of additional parking spaces is not permitted.

- b) A minimum of 1 parking space per 30 square metres of Net Floor Area (“NFA”) for non-residential uses and visitor parking spaces for residential use shall be shared with non-residential use.

A reduction of up to 12 parking spaces from the combined required totals of visitor parking for residential uses and non-residential uses is permitted for Area 1.

A reduction of up to 22 parking spaces from the combined required totals of visitor parking for residential uses and non-residential uses is permitted for Area 1 and 2.

6.xx.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. 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, for Areas 1 and 2.
2. A site plan agreement has been entered into between the City and the Owner, for Areas 1 and 2.
3. For *buildings* that exceed the Toronto/Buttonville *height* restrictions, the Toronto/Buttonville Airport Zoning Regulations (SOR/88-148) have been repealed and the height restriction on the lands or portions thereof, provided in section 4 therein are no longer in force and effect, to the satisfaction of the City, for Areas 1 and 2.
4. Sanitary Capacity for Areas 1 and 2:
 - i. 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 sanitary sewer system;
 - ii. The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the sanitary capacity analysis; and,
 - iii. The Owner shall execute an agreement with the City to design, construct and secure the provision of, sanitary service infrastructure improvements identified by the above-noted sanitary capacity analysis related to the development of the lands.
5. Storm Capacity for Areas 1 and 2:
 - i. The Owner shall prepare and submit a storm sewer design analysis to determine the upgrades required to the existing storm sewer infrastructure.
 - ii. The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Storm Sewer Design Analysis; and,

- iii. The Owner shall execute an agreement with the City to design, construct and secure the provision of, storm service infrastructure improvements identified by the above-noted storm sewer design analysis related to the development of the lands and to obtain all the required permit approvals from all other applicable external agencies.

6. For Area 2 the following shall apply:

- i. An updated Traffic Impact Study must be provided, to the satisfaction of Director of Engineering to consider the appropriate number of units that can be supported in advance of that the IBM flyover can be used by the Owner or becomes public.
- ii. IBM Road and the South Town Centre Boulevard Extension shall be conveyed to the City, prior to approval of site plan application of Area 2 (i.e. Block 2).

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.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor