



BY-LAW 2023-xxx

A By-law to amend By-law 2021-28, as amended
(as approved by LPAT decision on July 29, 2022)
A By-law to amend By-law 304-87, as amended
(to delete lands from the designated areas of By-law 304-87)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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

1. That By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:

2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule “A” attached hereto.

2.2 By zoning the lands outlined on Schedule “A” attached hereto:

from:
Rural Residential (RR4) Zone

to:
Business Corridor*670 (BC*670) Zone
Business Park*671 (BP*671) Zone
Open Space One (OS1) Zone
3. By adding the following subsections to Section 7 – EXCEPTIONS:

| Exception 7.670 | Leporis Construction Inc. 2705 and 2755 Elgin Mills Road East | Parent Zone BC |
|---|--|------------------------------|
| File ZA 16 137567 | | Amending By-law 2023-____ |
| Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *670 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. | | |
| 7.670.1 Additional Permitted Uses | | |
| a) | Child Care Centre | |
| b) | Place of Amusement | |
| c) | Place of Entertainment | |
| d) | Kennel, Day | |
| e) | Pet Grooming | |
| 7.670.2 Special Zone Standards | | |
| The following special zone standards shall apply: | | |
| a) | Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *670 shall be deemed to be one lot for the purposes of this By-law and all zone standards are applicable to the lands zoned with Exception *670 as a whole and not to any subdivided part thereof. | |
| b) | For the purposes of this By-law, the lot line abutting Elgin Mills Road East shall be deemed to be the front lot line. | |
| c) | For the purposes of this By-law, the southern lot line shall be deemed to be the rear lot line. | |
| d) | Maximum building height. | |

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| | <div><div>i. Office building – 21 metres</div><div>ii. All other buildings – 14 metres</div></div> |
| e) | Maximum <i>front yard</i> shall not apply. |
| f) | Maximum depth of <i>parking area</i> in the <i>front yard</i> shall not apply. |
| g) | Maximum depth of <i>parking area</i> in the <i>rear yard</i> shall be 18 metres. |
| h) | <div>The minimum required width of <i>landscaping</i> shall be:<div><div>i. Adjacent to the front lot line – 5.5 metres</div><div>ii. Adjacent to the <i>rear lot line</i> – 6.0 metres, except where the <i>lot line</i> is abutting the bulb of a cul de sac, in which case the minimum width shall be 0 metres</div><div>iii. Adjacent to any other <i>lot line</i> – 1.2 metres</div></div></div> |
| i) | <div>Within 40 metres of the Elgin Mills Road East <i>streetline</i>, the following additional provisions shall apply:<div><div>i. Minimum building <i>height</i> – 8.0 metres</div><div>ii. Maximum setback from front lot line – 6.0 metres</div><div>iii. <i>Drive-through service facilities</i> and <i>queuing lanes</i> are not permitted within 5.5 metres of the front lot line.</div></div></div> |
| j) | Special Provisions #3, #5, and #6 of Table A4 shall not apply. |
| k) | <div>Retail stores are only permitted subject to the following:<div><div>i. A <i>retail store</i> shall have a minimum <i>gross floor area</i> of 150 square metres per <i>premises</i>;</div><div>ii. In all building types, a <i>retail store</i> shall have a maximum <i>gross floor area</i> of 1,000 square metres per <i>premises</i> unless the <i>retail store</i> is an office supply or computer supply store which may have a maximum <i>gross floor area</i> of up to 3,000 square metres per <i>premises</i>;</div><div>iii. The total combined <i>gross floor area</i> for all individual <i>retail store premises</i> shall not exceed 30% of the combined <i>gross floor area</i> of all buildings.</div></div></div> |
| l) | Notwithstanding Section 6.9, where one loading space is required in accordance with section 6.9.1, the minimum size of the loading space shall be not less than 5.8 metres long, 3.5 metres wide, and have a vertical clearance of not less than 4.2 metres |
| m) | At least 40% of the surface area of each wall facing Elgin Mills Road East which are within 30 metres of Elgin Mills Road East shall be comprised of openings. This provision only applies to that portion of the wall that is within 3.0 metres of established grade. For the purpose of this provision, “openings” are spaces/perforations in walls that contain windows, doors, or entrance features, or any combination thereof, and may contain spandrel glass. |

| Exception 7.671 | Leporis Construction Inc. 2705 and 2755 Elgin Mills Road East | Parent Zone BP |
|---|--|------------------------------|
| File ZA 16 137567 | | Amending By-law 2023-____ |
| Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *671 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. | | |
| 7.671.1 Additional Permitted Uses | | |
| | | |
| a) | Child Care Centre | |
| b) | Place of Entertainment | |
| c) | Schools, Commercial | |
| d) | Commercial Fitness Centre | |
| 7.671.2 Special Zone Standards | | |
| The following special zone standards shall apply: | | |
| a) | Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *671 shall be deemed to be one lot for the purposes of this By-law and all zone standards are applicable to the lands zoned with Exception *671 as a whole and not to any subdivided part thereof. | |
| b) | Maximum Depth of parking area in the front yard shall be 18 metres. | |
| c) | A Place of Entertainment shall only be located within an office building or a building containing a hotel | |
| d) | The minimum required width of landscaping shall be: i. Adjacent to any lot line not abutting a street – 0.0 metres ii. Adjacent to a lot line abutting the bulb of a cul de sac – 0.0 metres | |

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| e) | The maximum <i>floor space index</i> shall be 2.0. |
| f) | For lands zoned with Exception *671, Special Provision #2 of Table A4 shall be replaced with the following: “An accessory retail store in which goods produced and/or stored in a building containing an industrial use is permitted provided the retail store has a net floor area that does not exceed the lessor of 500 square metres or 15 percent of the net floor area of the building containing the industrial use.” |
| g) | Special Provision #3 of Table A4 shall not apply. |
| h) | Maximum building <i>height</i> – 15 metres |

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

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. ZA 16 137567



EXPLANATORY NOTE

BY-LAW 2023-____

A By-law to amend By-Law 2021-28, which amended By-laws 304-87 and 177-96, as amended

Leporis Construction Inc.

Part 1, Plan of Part of the East Half of Lot 25, Concession 3 (Geographic Township of Markham)

2705 and 2755 Elgin Mills Road East

ZA 16 137567

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 7.835 hectares (19.361 acres), which is located south of Elgin Mills Road East and west of Woodbine Avenue.

Existing Zoning

The subject lands are zoned Rural Residential Four (RR4) Zone under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended as follows:

from:
Rural Residential Four (RR4) Zone

to:
Business Corridor*670 (BC*670) Zone;
Business Park*671 (BP*671) Zone; and
Open Space One (OS1) Zone.

in order to permit the development of a convention centre, office building, restaurants, and retail.

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.