



By-law 2023-58

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, is hereby further amended as it applies to the lands outlined on Schedule ‘A’ as follows:
- 1.1 By rezoning the lands outlined on Schedule ‘A’ attached hereto

from:
Major Commercial Exception 425 (MJC*425) Zone
Major Commercial Exception 425 (Hold) (MJC*425[Hold]) Zone, and
Open Space One Exception 427 (OS1*427) Zone

to:
Community Amenity One Exception 425 (CA1*425) Zone
- 1.2 By deleting subsections 425 and 427 in Section 7 – EXCEPTIONS and replacing it with a new subsection 425 in Section 7, as follows:

Exception 7.425	9781 Markham Road Limited Partnership 9781 Markham Road	Parent Zone CA1
File PLAN 21.140476		Amending By-law 2023- 58
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *425 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.		
7.425.1 Additional Permitted Uses		
Additional permitted uses:		
a)	Car Wash within an underground parking garage	
b)	Place of Amusement	
c)	Recreational Establishment	
d)	Place of Entertainment	
e)	Public Park	
f)	Special Provisions (2) and (3) Table A2 shall not apply	
7.425.2 Special Zone Standards		
a)	Notwithstanding any division or partition of the land subject to this Section, all lands zoned CA1*425 shall be deemed to be one lot for the purposes of this By-law.	
b)	The provisions of Table B7 Shall not Apply	
c)	Markham Road is deemed to be the front lot line	
d)	Maximum number of Apartment and Townhouse Dwelling Units – 1300	
e)	Minimum Lot Area – 2.0 hectares	
f)	Minimum Lot Frontage – 130 metres	
g)	Minimum setbacks: i) Front lot line and exterior side lot line - 3.0 metres ii) Rear lot line – 1.5 metres iii) Daylight triangle – 0.9 metres	
h)	No setbacks or yards shall be required for any portion of a private garage, parking garage, or underground structure(s) if it is constructed completely below the Established Grade. This exemption shall also	

	apply to ventilation shafts and housings, stairways and other similar facilities above <i>Established Grade</i> associated with below grade <i>Parking Garages</i> .
i)	Minimum Landscaping Open Space – 5% of <i>Lot Area</i>
j)	Minimum area of a <i>Public Park</i> – 1700 square metres
k)	Minimum setback of any <i>building</i> or <i>structure</i> above <i>grade</i> from a <i>Public Park</i> – 2 metres
l)	Notwithstanding k) above, encroachments outlined in Section 6.6 are permitted within the 2 metre <i>setback</i>
m))	Minimum of width of <i>Landscaping</i> : i) Along the <i>front lot line</i> – 2.0 metres ii) Along the <i>rear lot line</i> – 1.0 metres iii) Along daylight triangle, <i>interior side lot line</i> and <i>exterior side lot line</i> – 0.0 metres
n)	Notwithstanding m) above, ventilation shafts and housings, stairways and other similar facilities may encroach within the required <i>Landscaping</i>
o)	Maximum <i>Floor Space Index</i> – 5.2
p)	Minimum non-residential <i>Gross Floor Area</i> – 810 square metres
q)	Minimum Parking: i. 0.71 spaces per <i>Apartment Dwelling</i> ii. 0.15 spaces per <i>Apartment Dwelling</i> for visitor parking iii. Non-Residential uses shall be parked as a <i>shopping centre</i> iv. <i>Shopping Centre</i> - 1 <i>parking space</i> per 30 square metres of <i>leasable floor area</i> - <i>Restaurants</i> within such <i>shopping centres</i> including associated food courts or eating areas are subject to the following requirements: i) 1 <i>parking space</i> per 30 square metres of <i>leasable floor area</i> for that portion which occupies 20% or less of the total <i>leasable floor area</i> of the <i>shopping centre</i> ii) 1 <i>parking space</i> per 9 square metres of <i>leasable floor area</i> for that portion which occupies more than 20% of the total <i>leasable floor area</i> of the <i>shopping centre</i> .
r)	Notwithstanding p) above, required residential visitor <i>parking</i> and non-residential <i>parking</i> may be provided as a single shared supply, and an overall reduction of 9 required <i>parking spaces</i> is permitted.
s)	Maximum Building <i>Height</i> : i) The lesser of 23 <i>storeys</i> or 71 metres ii) Within 60 metres of the northern <i>lot line</i> – the lesser of 33 <i>storeys</i> or 110 metres
t)	Mechanical penthouse is permitted to project 7.0 metres above the highest point of the roof surface.
u)	Any floor containing a rooftop mechanical penthouse and no living space shall not be deemed a <i>storey</i> . Any <i>Storey</i> greater than 4.2 metres in height shall not be deemed an additional <i>storey</i>
v)	Private <i>Parking Garages</i> and any associated access or mechanical equipment may be located below a <i>Public Park</i> .

Read and first, second and third time and passed on March 22nd, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2023-58

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

9781 Markham Road Limited Partnership

Blocks 6 and 7, Plan 65M-2505

9781 Markham Road

PLAN 21 140476

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 2.07 hectares (5.11 acres), which is located on the east side Markham Road and south side of Castlemore Avenue in the Mount Joy – Markham Road corridor.

Existing Zoning

The subject lands are zoned under By-law 177-96, as amended, as follows:

- Major Commercial Exception 425 (MJC*425) Zone
- Major Commercial Exception 425 – Hold (MJC*425[H]) Zone
- Open Space One Exception 427 Zone (OS1*427) Zone

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands under By-law 177-96, as amended, to Community Amenity One Exception 425 (CA1*425) Zone in order to permit a mixed use high rise development on the Subject Lands.