



By-law 2023-85

A By-law to amend By-law 165-80, as amended
(to delete lands from the designated area of By-law 165-80)
and to amend By-law 2004-196, as amended
(to incorporate lands into the designated area of By-law 2004-196)

Please provide date of Council Resolution or Approval - 12/12/2022

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

1. That By-law 165-80, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 165-80, as amended.
2. That By-law 2004-196, as amended, is hereby further amended as follows:
 - 2.1 By expanding the designated area of By-law 2004-196, as amended, to include additional lands as shown on Schedule 'A' attached hereto.
 - 2.2 By zoning the lands outlined on Schedule 'J1' attached hereto:
from:
Select Industrial with Limited Commercial - M.C (60%)

to:
Markham Centre Downtown Two*Exception 36 (Hold) - MC-D2*36(H1)
3. Notwithstanding any other provisions of By-law 2004-196, as amended, is further amended as it applies to the lands outlined on Schedule 'A', attached hereto.

- 3.1 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*.

- 3.2 By amending the following subsection 6.36 (*36) to Section 6 - Exceptions to By-law 2004-196:

6.36 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 *36 (Exception 36) 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.

6.36.1 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) 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) Outdoor amenity space or terraces, retaining walls, building cornices, parapets, eaves, guardrails, balustrades, green roof elements, wind mitigation, porches, ornamental elements, architectural cladding, window sills, wheel chair ramps, railings, balconies, canopies, awnings, vents, window washing equipment, light fixtures, stairs, stair enclosures and privacy screens may encroach into the required front, rear, north interior, or south exterior yard setbacks up to the lot line.
- g) 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.
- h) A mezzanine shall be permitted in the first storey, and shall not be considered an additional storey.
- i) Notwithstanding the definition of storey in Section 3, any floor containing a rooftop mechanical penthouse and no living space shall not be deemed a storey. Any storey greater than 4.2 metres in height shall not be deemed an additional storey.
- j) The minimum height of the first storey of a mixed-use building for residential and residential-related uses shall

be 3.3 metres non-inclusive of dropped bulkheads;

6.36.2 Special Parking Provision

The following special parking provision shall apply:

- a) A minimum of 0.8 parking spaces per dwelling unit and a maximum of 1 parking space per dwelling unit plus 0.1 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.
- c) The required parking for visitors and the required parking for non-residential uses may be shared on a non-exclusive basis.

6.36.4 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' attached 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.

For the area identified as 1 on Schedule 'X8' the following shall apply:

2. 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
3. Sanitary Capacity for Area 1
 - 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.
4. Storm Capacity for Area 1:
 - i. The Owner shall prepare and submit a storm sewer design analysis to determine the upgrades required to the existing storm sewer infrastructure related to the

development of the lands.

- 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.

For the area identified as 2 on Schedule 'X8' the following shall apply:

6. 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 2.

7. Sanitary Capacity for Areas 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.

8. Storm Capacity for Areas 2:

- i. The Owner shall prepare and submit a storm sewer design analysis to determine the upgrades required to the existing storm sewer infrastructure related to the development of the lands.
- 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.
- iv. 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.

- 9. That the IBM Road and the South Town Centre Boulevard Extension shall be conveyed to the City, or alternatively that other means of access to Area 2 are provided to the satisfaction of the Commissioner of Development Services, or their designate, prior submission of a site plan application of Area 2.
- 4. Section 37 Community Benefit Contribution
 - 4.1 The Owner is required to enter into a Community Benefit Charges Agreement with the City, including but not limited to, financial compensation and an in kind off-site parkland contribution of within vicinity of the Subject Lands to the satisfaction of the Commissioner of Development Services. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.
- 5. By adding the following schedules to By-law 2004-196, as amended: Schedule A, JI, J2, J4 and X8
- 6. 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 May 17, 2023

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW NO. 2023 - 85

A By-law to amend By-laws 165-80 and 2004-196, both as amended.

Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments) 8200 Warden Avenue

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, municipally known as 8200 Warden Avenue.

Existing Zoning

The lands are currently *zoned*, under By-law 165-80, as amended:

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

Purpose and Effect

The purpose of this by-law amendment is to incorporate the Subject Lands into the designated area of the Markham Centre Zoning By-law No. 2004-196 and *zone* them to “Markham Centre Downtown Two * Exception 36 (Hold) – MC-D2*36(H1)” as shown on Schedule ‘A’ to the by-law, incorporating site specific *use* permissions and development standards.

The effect of this by-law amendment is to permit the development of mixed use high rise buildings on the Subject Lands.