



BY-LAW 2023-97

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 City of Markham hereby enacts as follows:

1. By-laws 2004-196 and By-law 304-87, as amended, is hereby further amended as follows:

- 1.1 By rezoning the lands outlined on Schedule 'N1' 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 (By-law 304-87)
Agriculture One – A1 (By-law 204-87)

to:

Markham Centre Downtown Two *31 (Hold) – MC-D2*31 (H1)
Markham Centre Public Space One – MC-PS1
Markham Centre Public Space Two – MC-PS2

- 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 By amending Section 1.2 of By-law 2004-196, as amended, by deleting the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4, G1 to G4, H1 to H4 and I1 to I4" and replacing them with the words "Schedules A1 to A4, B1 to B4, C1 to C4, D1 to D4, E1 to E4, F1 to F4, G1 to G4, H1 to H4, I1 to I4, J1 to J4, K1 to K4, L1 to L4, M1 to M4, and N1 to N4..."
 - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by deleting the words "Schedules replacing the words A1, B1, C1, D1, E1, F1, G1, H1 and I1" and replacing them with the words "Schedules A1, B1, C1, D1, E1, F1, G1, H1, I1, J1, K1, L1, M1, and N1"
 - 1.5 By amending Section 2.5, 2.6.1 and 2.6.2 of By-law 2004-196, as amended, by replacing all references to "Schedules X1, X2, X3, X4, X5, X6 and X7..." with "Schedules X1, X2, X3, X4, X5, X6, X7, X8, X9, X10, X11, and X12..."
 - 1.6 For the purposes of this By-law, the following definitions apply:

Stepback means a portion of a *building* that is set back further from a *lot line* than the storey or portion of a *building* located immediately below.

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*.

- 1.7 By adding the following new 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 Provisions

The following special parking provisions 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 0.12 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 unit. The 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.

6.31.3 Special Holding Provisions

The following special holding provisions shall apply:

Holding provision 'H1' shall only be lifted on all or part of the lands shown on Schedule 'X12' hereto when all of the following criteria outlined have been met:

- 1) The 30 affordable housing units be secured through an agreement with the City. The units are to be provided in Area 2 as shown on Schedule 'N2'.
- 2) A subdivision agreement, and any other agreement identified as being required in that subdivision agreement or by council has been entered into that satisfied all of the conditions of the City.
- 3) Appropriate water supplies and sewage capacity are available, and have been allocated by Council.
- 4) Site Plan endorsement has been provided by the City.
- 5) 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.
- 6) 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 \$1,445 per residential unit in 2014 dollars, based on the total number of unit, 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.

- 7) Submission of a Transportation Demand Management Plan for the review and approval by the City, to the satisfaction of the Director of Engineering.
 - 8) Driveways and underground parking garages are permitted to be constructed and used prior to the removal of Holding provision H.
2. By adding the following schedules to By-law 2004-196, as amended:
- Schedule A, N1, N2, N3, N4 and X12.
3. 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 June 14th, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2023-_____

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

**4077 and 4101 7 Hwy E
CON 5 PT LOT 10
PLAN 20 140215**

Lands Affected

The proposed by-law amendment applies to 4.32 hectares (70.7 acres) of land located on the south side of Highway 7 E, east of Birchmount Road and municipally known as 4077 and 4101 Highway 7 E, including a small portion of 4121 Highway 7 E.

Existing Zoning

By-law 2004-197, as amended by By-law 2014-9, currently zones the subject lands as 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) and Markham Centre Public Space One (MC-PS1).

By-law 304-87, as amended, also zones a portion of the subject lands as Rural Residential One (RR1) and Agriculture One (A1).

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 2004-196 and By-law 304-87, as amended, is to rezone the subject lands 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 (By-law 304-87)
Agriculture One – A1 (By-law 204-87)**

to:

**Markham Centre Downtown Two *31 (Hold) – MC-D2*31 (H1)
Markham Centre Public Space One – MC-PS1
Markham Centre Public Space Two – MC-PS2**

and incorporate site specific development standards to permit a phased high-density residential development on the lands.