



BY-LAW 2023-152

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated area 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 as follows:

1.1 By deleting the lands shown on Schedule ‘A’ attached hereto from the designated area 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 One (RR1) Zone

to:

Residential Four Provision*724 (R4*724) Holding Zone
Open Space (OS1) Zone

2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.724	Digram Developments Helen Inc. 55, 63, and 83 Helen Avenue	Parent Zone R4
File ZA 17 135415		Amending By-law 2023 -152
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *724 on Schedule “A” to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.724.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Apartment Dwellings	
b)	Home Occupations	
c)	Home Child Care	
7.724.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required front yard – 1.4 m	
b)	Minimum exterior side yard: a) Abutting Helen Avenue – 2.75 m b) Abutting Peshawar Avenue Extension – 1.75 m	
c)	Minimum rear yard – 10.55 m	
d)	Maximum number of dwelling units – 300	
e)	The provisions of Table B6(G) shall not apply	
f)	Maximum height of main wall within 6 metres of the front lot line – 35.25 m	
g)	Maximum height – 35.25 m	

h)	Maximum height of main wall within 10.6 m of rear lot line – 13.2 m
i)	Maximum height of main wall within 18.1 m of rear lot line – 22 m
j)	Maximum height of main wall within 24.7 m of rear lot line – 29 m
k)	Architectural features such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, and balconies may encroach: i) into the required front yard and may be located 0.0 m to the front lot line ii) into the required <i>rear yard</i> a distance of no more than 3.0 metres iii) into the required exterior side yard a distance of no more than 1.0 m
l)	The required rate of parking for <i>apartment dwellings</i> shall be 1.0 parking spaces per dwelling unit plus 0.2 spaces per unit for visitors
m	Notwithstanding Section 3.55, mechanical features, such as <i>structures</i> containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.9 metres above the highest point of the roof surface, regardless of the <i>height</i> of the <i>building</i> .
n	The minimum setback for a <i>Private Garage</i> or <i>Parking Garage</i> located completely below grade shall be 0.3 m. This shall also apply to ventilation shafts and housings, stairways, and other similar facilities above <i>established grade</i> that are associated with below grade <i>Parking Garages</i> .

3. HOLDING PROVISION

For the purposes of this By-law the Holding Provision (H) is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) has come into effect pursuant to the provisions of Section 36 of the *Planning Act*. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- i) The Owner shall prepare and submit a Water Supply Analysis to determine what is required to provide water services for the development of the lands without causing adverse impacts in the water supply system.
- ii) The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Water Supply Analysis.
- iii) The Owner shall execute an agreement with the City securing the provision of, water service infrastructure improvements identified by the above-noted Water Supply Analysis related to the development of the lands.
- iv) The Owner shall prepare and submit a Storm Capacity Analysis to determine what is required to provide storm services for the development of the lands without causing adverse impacts in the storm sewer system.
- v) The Owner shall identify the recommendations and the necessary works to mitigate any impacts identified in the Storm Capacity Analysis.
- vi) The Owner shall execute an agreement with the City securing the provision of, storm service infrastructure improvements identified by the above-noted Storm Capacity Analysis related to the development of the lands.

Read and first, second and third time and passed on November 1, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. ZA 17 135415



EXPLANATORY NOTE

BY-LAW 2023-____

A By-law to amend By-laws 304-84 and 177-96, as amended

Digram Developments Helen Inc.

55, 63 and 83 Helen Avenue

South side of Helen Avenue, east of Kennedy Road

ZA 17 135415

Lands Affected

The by-law amendment applies to a parcel of land with an approximate area 1.18 ha (2.91 ac), which is generally located east of Kennedy Road, north of Highway 407 and are municipally known as 55, 63, and 83 Helen Avenue.

Existing Zoning

The subject lands are zoned “Rural Residential One (RR1) Zone” by By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to permit the development of a residential apartment building with a maximum building height of 10-storeys and a partial park block to be combined with an existing park block previously secured by the City.