



## BY-LAW 2023-\_\_\_\_\_

### A By-law to amend the Markham Centre Zoning By-law 2004-196, as amended by By-laws 2005-197 and 2012-28, as amended

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. That By-law 2004-196, as amended by By-laws 2005-197 and 2012-28, is hereby further amended, as follows:
  - 1.1 By rezoning the lands outlined on Schedule 'A', attached hereto as follows:

From:  
**Markham Centre Downtown Two\*20 - MC-D2\*20,  
Markham Centre Downtown Two\*20 (Hold 10) - MC-D2\*20(H10), and  
Markham Centre Downtown Two\*21 (Hold 11) - MC-D2\*21(H11)**

To:  
**Markham Centre Downtown Two \*38 (Hold) – MC-D2\*38(H),  
and  
Markham Centre Public Space One \*38 (Hold) - MC-PS1\*38 (H)**
  - 1.2 By deleting Schedules H1, H2, H3, H4 and X3 and replacing them with Schedules H1, H2, H3, H4 and Schedule 'A' attached hereto.
  - 1.3 By deleting Section 6.20 and 6.21 from Section 6 – Exceptions to By-law 2004-196 and replacing it with the following subsection 6.38 (\*38):

**6.38 Lands at the south-west corner of Highway 7 and Warden Avenue, municipally known as 8500 Warden Ave.**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to those lands denoted by the symbol \*38 (Exception 38) 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.

#### **6.38.1 Definitions**

For the purpose of this By-law, the following definitions apply:

*Bicycle Parking Space, Long-term* means a space within a building or structure designed for the storage of bicycles equipped with a rack or stand designed to lock

the wheel and frame of a bicycle, or within a locked room for the exclusive use of parking bicycles.

*Bicycle Parking Space, Short-term* means space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle that is available for use by the general public.

*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.

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*.

### **6.38.2 Special Site Provisions**

The following special site provisions shall apply:

- a) Notwithstanding any further subdivision, the lands zoned \*38 shall be deemed to be one lot for the purpose of this by-law
- b) Established grade is measured from the average geodetic elevation of the *lot line* abutting Highway 7.
- c) Special Provisions (2) and (3) to Table A1 shall not apply.
- d) Special Provision (7) to Table A1 shall only apply to the *lot line* abutting Highway 7.
- e) No Building Setback is required from a daylight triangle(s).
- f) Awnings are permitted to extend to any streetline or lot line.

### **6.38.3 Special Parking Provisions**

The following special parking provisions shall apply:

- a) The *parking space* requirement for *Apartment Dwellings* shall be as follows:
  - (i) A minimum of 0.6 *parking spaces* per *dwelling unit* plus 0.10 parking spaces per *dwelling unit* for visitors.
- b) A minimum 0.8 spaces per unit or room for a hotel
- c) A minimum of 1 parking space per 100 square metres of *gross floor area* for convention centres, and all other non-residential uses
- d) Where development of a *lot* is phased, the number of *parking spaces* provided on the *lot* during the earlier phase(s) may exceed the

maximum number permitted 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* and other uses were constructed in a single phase.

e) Minimum bicycle parking requirements:

i) *Residential*:

- a. Long-term *Bicycle Parking Space*:  
0.8 spaces per *dwelling unit*
- b. Short-term *Bicycle Parking Space*:  
0.2 spaces per *dwelling unit*

ii) All other non-*residential* uses:

- a. Long-term *Bicycle Parking Space*:  
0.2 spaces per 100m<sup>2</sup> *gross floor area*
- b. Short-term *Bicycle Parking Space*:  
the greater of 0.15 spaces per 100m<sup>2</sup> of *gross floor area* or 6 spaces

f) Short-term *Bicycle Parking Spaces* may be provided in publicly accessible indoor or outdoor facilities.

g) The minimum dimensions of a horizontal bicycle parking space shall be:

- i) Minimum length of 1.8 metres;
- ii) Minimum width of 0.6 metres; and
- iii) Minimum vertical clearance of 1.2 metres.

h) The minimum dimensions of a vertical bicycle parking space shall be:

- i) Minimum vertical clearance of 1.9 metres;
- ii) Minimum width of 0.6 metres; and
- iii) Minimum horizontal clearance from the wall of 1.2 metres.

i) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space shall be 1.2 metres.

j) A minimum of two (5) parking spaces shall be designated as a car share space in addition to the requirements of this section.

k) A minimum of one bike repair station shall be provided per building, which may include an area for bicycle repairs and maintenance, work space, a repair stand, an air pump for inflating bicycle tires, and a set of repair tools.

#### **6.38.4 Special Use Permission**

Notwithstanding any other provisions, on the lands zoned Markham Centre Public Space One \*39 - MC-PS1\*39, parking spaces are permitted provided they are located wholly below grade.

#### **6.38.5 Special Holding Provisions**

The following special holding provisions shall apply to the entirety of the lands shown on Schedule 'A' attached hereto:

Holding provision "H" shall only be lifted on all or part of the lands shown on Schedule 'X3' hereto when all of the following criteria outlined have been met:

a) An agreement related to municipal infrastructure and servicing has been entered into between the City and the Owner, to the satisfaction of the Director of Engineering or designate.

b) Water Supply:

i) The Owner shall prepare and submit a Water Supply Analysis, to the satisfactory of the City, to determine what is required to provide water services for the development of the lands without causing adverse impacts in the water supply system. The applicant shall identify if there are any water supply constraints for the subject site. If so, the applicant shall evaluate and recommend preferred water supply solutions; and

ii) The Owner shall fulfill the recommendations and the necessary works to mitigate any water supply issues identified in the Water Supply Analysis. If the Water Supply Analysis recommends additional water infrastructure(s) necessary to provide municipal services to the development of the lands, then either the completion of that additional water infrastructure(s), or the execution of any agreement with the Owner and the City regarding the construction of the required water infrastructure(s), at no cost to the City, and provide financial securities, submit detailed engineering drawings, pay required fees in accordance with the latest Fee By-Law, provide insurance, etc. as required, to the satisfaction of the Director of Engineering.

c) Sanitary Capacity:

i) The Owner shall prepare and submit a Sanitary Capacity Analysis, to the satisfactory of the City, to determine what is required to provide sanitary services for the development of the lands without causing adverse impacts in the sanitary sewer system. The applicant shall identify if there are any sanitary capacity constraints for the subject site. If so, the applicant shall evaluate and recommend sanitary capacity solutions; and

ii) The Owner shall fulfill or implement the recommendations and the necessary works to mitigate any sanitary capacity issues identified in the Sanitary Capacity Analysis. If the Sanitary Capacity Analysis recommends additional sanitary infrastructure(s) necessary to provide municipal services to the development of the lands, then either the completion of that additional sanitary infrastructure(s), or the execution of any agreement with the Owner and the City regarding the construction of the required sanitary infrastructure(s), at no cost to the City, and provide financial securities, submit detailed engineering drawings, pay required fees in accordance with the latest Fee By-Law, provide insurance, etc. as required, to the satisfaction of the Director of Engineering.

d) The applicant shall provide an updated Transportation Impact Study, Functional Traffic Design Study and an enhanced Transportation Demand Management (TDM) Plan to address transportation comments dated August 28, 2023 including but not limited to active transportation facility design along Courtyard Lane and parking demand monitoring program for each development phase as part of the enhanced TDM measures, to the satisfaction of Director of Engineering or designate.

2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law continue to apply.

Read a first, second and third time and passed on -----.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## EXPLANATORY NOTE

BY-LAW 2023 - \_\_\_\_

**A By-law to amend the Markham Centre Zoning By-law 2004-196, as amended by By-laws 2013-65 and 2013-67.**

**8500 Warden Avenue**

### **Lands Affected**

The proposed by-law amendment applies to a 4.12 ha (10.18 ac) parcel of land on the west side Warden Avenue, south of Highway 7 E, and east side of Courtyard Lane, and municipally known as 8500 Warden Avenue (the “Subject Lands”).

### **Existing Zoning**

The Subject Lands are currently zoned as “MC-D2\*20, MC-D2\*20(H10), MC-D2\*21(H11)”, under Zoning By-law 2004-196, as amended by By-laws 2013-65 and 2013-67.

### **Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 2004-196, as amended, to rezone the Subject Lands as follows:

From:

**Markham Centre Downtown Two \*20 - MC-D2\*20**

**Markham Centre Downtown Two \*20 (Hold 10) – MC-D2\*20(H10)**

**Markham Centre Downtown Two \*21 (Hold 11) – MC-D2\*21(H11)**

To:

**Markham Centre Downtown Two \*38 (Hold) – MC-D2\*38(H)**

**Markham Centre Public Space One\*38 (Hold) – MC-PS1\*38(H)**

to permit the Subject Lands to be developed with a public park and a phased high density mixed-use residential development with site-specific development standards.