



BY-LAW 2023-_____

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 551 (MJC*551) Zone

to:

**Community Amenity One Exception 551 (CA1*551) Zone; and
Open Space One (OS1) Zone.**

- 1.2 By deleting subsection 551 in Section 7 – EXCEPTIONS and replacing it with a new subsection 551 in Section 7, as follows:

Exception 7.551	Sunny Communities (Markham Gold) Inc.		Parent Zone CA1
File PLAN 21.140476	9900 Markham Road		Amending By-law 2023-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *551 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.			
7.551.1 Only Permitted Uses			
Only the following are permitted:			
a)	Apartment Dwellings		
b)	Multiple Unit Dwellings		
c)	Home Day Care		
d)	Home Occupation		
e)	Non-Residential Uses Permitted in Table A2		
f)	Car Wash within an underground parking garage		
g)	Place of Amusement		
h)	Recreational Establishment		
i)	Place of Entertainment		
j)	Veterinary Clinic		
7.551.2 Special Zone Standards			
a)	Notwithstanding any division or partition of the land subject to this Section, all lands zoned CA1*551 shall be deemed to be one lot for the purposes of this By-law.		
b)	Special Provisions of Table A2 shall continue to apply		
c)	Notwithstanding 6.8.1.d) a Home Occupation may occupy up to 50% of the gross floor area of a dwelling unit		
d)	The provisions of Table B7 Shall not Apply		
e)	Markham Road is deemed to be the front lot line		
f)	Maximum number of Apartment and Multiple Dwelling Units – 736		
g)	Minimum setbacks: i) Front lot line – 10.0 metres ii) Rear lot line – 0.5 metres iii) North interior lot line – 6.0 metres iv) South interior lot line – 10.0 metres		

h)	Architectural features, including terraces, cornices, sills, canopies, awnings, stair enclosures, , building maintenance equipment porches and decks, , architectural wing walls, balconies, underground cellars, stairs and landings shall be set back a minimum of 0.15 metres from any lot line.
i)	Maximum Gross Floor Area: 62,250 square metres
j)	Minimum non-residential <i>Gross Floor Area</i> – 510 square metres
k)	Minimum Parking: i. Apartment and multiple Dwellings: 0.79 spaces per dwelling unit plus 0.15 spaces per dwelling unit for visitors ii. Non-Residential uses shall be parked as a <i>shopping centre</i> iii. <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>.
l)	Notwithstanding i) 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 7 required <i>parking spaces</i> is permitted.
m)	Tandem parking spaces are permitted, but shall not be included in calculating required parking spaces.
n)	Minimum <i>bicycle parking space</i> requirements: Residential: i) <i>Long-term Bicycle Parking Space</i>: 0.8 spaces per <i>dwelling unit</i> ii) <i>Short-term Bicycle Parking Space</i>: 0.15 spaces per <i>dwelling unit</i> Non-Residential (if overall GFA <1,200 m ²): i) <i>Long-term Bicycle Parking Space</i>: No requirement ii) <i>Short-term Bicycle Parking Space</i>: 0.15 spaces per 100 m² GFA or 3 spaces, whichever is higher Non-Residential (if overall GFA is higher or equal to 1,200 m ²): i) <i>Long-term Bicycle Parking Space</i>: 0.15 spaces per 100 m² GFA ii) <i>Short-term Bicycle Parking Space</i>: 0.25 spaces per 100 m² GFA or 6 spaces, whichever is higher
o)	For the purpose of this by-law, a <i>Bicycle Parking Space</i> means space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle. A <i>Long-term Bicycle Parking Space</i> means a <i>Bicycle Parking Space</i> within a <i>building</i> or <i>structure</i> designed for use by the residents or occupants of a building A <i>Short-term Bicycle Parking Space</i> , means a <i>Bicycle Parking Space</i> located in a publicly accessible indoor or outdoor facility and is available for use by the general public.
p)	The minimum dimensions of a horizontal <i>bicycle parking space</i> shall be: Minimum length of 1.8 metres; Minimum width of 0.6 metres; and Minimum vertical clearance of 1.2 metres.
q)	The minimum dimensions of a vertical <i>bicycle parking space</i> shall be: Minimum vertical clearance of 1.8 metres; Minimum width of 0.6 metres; and Minimum horizontal clearance from the wall of 1.2 metres.
r)	Stacked <i>bicycle parking space</i> may be provided in accordance with the minimum dimensions of 7.551. p) and q) for each <i>bicycle parking space</i> .
s)	Maximum Building <i>Height</i> :

	i) The lesser of 21 storeys or 73 metres for a mixed-use building or apartment building ii) The lesser of 4-storeys or 17 metres for a multiple unit building
t)	Notwithstanding o) i) above 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
u)	Notwithstanding o) ii) above, rooftop stair access shall not be considered an additional storey provided the access does not exceed 12 square metres

2. 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 A attached hereto when all of the following criteria have been met:

2.1 Sanitary Capacity

- i. The Owner shall prepare and submit a Sanitary Capacity Analysis, to the satisfaction of the City, to determine what is required to provide sanitary services for the development of the lands without causing adverse impacts in the City's sanitary sewer system.
- ii. The Owner shall identify the sanitary capacity constraints, if any, for the subject site. If so identified, the Owner shall evaluate and recommend the appropriate sanitary capacity solutions.
- iii. The Owner shall fulfill or implement the recommendations and the necessary works to mitigate any impacts 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 the Owner shall execute an agreement with the City, at no cost to the City, to secure the provision of additional sanitary infrastructure(s) as identified by the Sanitary Capacity Analysis and other matters, including but not limited to: provision of any financial securities, detailed engineering drawings, fees required in accordance with the City's Fees By-Law, insurance, to the satisfaction of the Director of Engineering.

2.2 Transportation Demand Management

That the Owner shall execute an agreement with the City to submit and implement a Transportation Demand Management Plan, to the satisfaction of the City, to provide the following:

- i) Unbundled parking;
- ii) Two (2) bike repair stations with (1) at each tower;
- iii) Post development parking surveys;
- iv) Pre and post occupancy travel surveys;
- v) Work with York Region to deliver the Transit Incentive Program and New Resident Information Packages for all residential unit purchasers, such as through information sessions;
- vi) Bike share program for a minimum of 3 years with a minimum number of 15 bikes available for bike share and with at least 40% (6 bikes) being power assisted bicycles;
- vii) PRESTO transit cards with a minimum pre-loaded amount of \$250 per unit;
- viii) Car share programs with a minimum of 2 car share spaces and a minimum of 3-year car share membership for each unit, and;
- ix) A \$400 voucher provided to each unit, cashable only upon the purchase of an e-bike from a list of approved vendors.

2.3 Affordable Housing Units

That the Owner shall execute an agreement with the City regarding the provision of ten (10) affordable housing units to the satisfaction of the Director of Planning or their Designate.

Read and first, second and third time and passed on _____, 2023.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2023-____

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

Sunny Communities (Markham Gold) Inc.

Blocks 2, Plan 65M-4615

9900 Markham Road

PLAN 21 140327

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.74 hectares (4.3 acres), which is located on the west side Markham Road, south of Major Mackenzie Drive East in the Mount Joy – Markham Road corridor.

Existing Zoning

The subject lands are zoned Major Commercial Exception 551 (MJC*551) under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands, remaining under By-law 177-96, as amended,

From:

Community Amenity One Exception 551 (CA1*551) Zone

To:

**Community Amenity One Exception 551 (CA1*551) Zone, and;
Open Space One (OS1) Zone**

in order to permit a mixed use high rise development and multiple dwelling units on the Subject Lands.