

## EXPLANATORY NOTE

### **BY-LAW NO. 2024-44**

A By-law to amend By-law 2004-196, as amended by 2017-54

Aryeh Construction Limited  
8293 and 8303 Warden Avenue

### LANDS AFFECTED

This by-law applies to a 1.86 ha (4.6 acre) parcel of land on the east side of Warden Avenue, south of Highway 7.

### EXISTING ZONING

The lands were previously *zoned*, under By-law 2004-196, as amended by 2017-54:

- Markham Centre Downtown Two \*26 (Hold) - MC-D2\*26 (H)
- Markham Centre Public Space One \*27- MC-PS1\*27

The zoning for the lands is further amended by By-law 2024-XX.

### PURPOSE OF THE BY-LAW

The purpose of this by-law amendment is to incorporate the lands into the designated area of the Markham Centre Zoning By-law No. 2004-196 and *zone* them “Markham Centre Public Space One” and “Markham Centre Downtown Two” as shown on Schedule ‘A’ to the by-law, incorporating site specific *use* permissions and development standards.

### EFFECT OF THE BY-LAW

The effect of this by-law amendment is to permit the majority of the property to be developed with a high density residential development. The entire area north of future Rougeside Promenade and portions of the area south of Rougeside Promenade are to be conveyed to the City of Markham as public parkland.



## BY-LAW 2024-44

### A BY-LAW TO AMEND THE MARKHAM CENTRE ZONING BY-LAW 2004-196, AS AMENDED

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

1. Zoning By-law 2004-196, as amended, be and the same is hereby further amended as follows:
  - 1.1. 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.

- 1.2. By zoning the lands:

- Markham Centre Downtown Two \*26 (Hold) - MC-D2\*26 (H)
- Markham Centre Downtown Two \*27 (Hold) - MC-D2\*27 (H)
- Markham Centre Public Space One - MC-PS1

As shown on Schedule 'A' attached hereto.

- 1.3. 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*.

- 1.4. By amending the following subsection 6.26 (\*26) to Section 6 - Exceptions to By-law 2004-196:

**6.26 MC-D2 zoned lands at the south-east corner of Warden Avenue and  
Rougeside Promenade.**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*26 (Exception 26) 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.

**6.26.1 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) 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) Public *park* is permitted in the area zoned MC-D2\*26 on Schedule L1.
- f) *Retail store*, *restaurant*, and *personal service shop uses* are the only non-*residential uses* permitted. Non-*residential uses* are only permitted on the first *storey* of the *apartment building*.

#### 6.26.2 Special Parking Provision

The following special parking provision 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 1.0 *parking space* per *dwelling unit* plus 0.19 *parking space* per *dwelling unit* for visitors. The provision of additional *parking spaces* is not permitted. A maximum of 5% of the *parking spaces* required shall be located in a *surface parking area*.
- b) A minimum of 6 *parking spaces* are required for all non-*residential uses* up to 195 square metres.
- 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 6.15.2(a), 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.

#### 6.26.3 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 'X9' hereto when all of the following criteria have been met:

- i. 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.
- ii. The Owner shall prepare and submit a Water Supply Analysis for residential units on the lands exceeding 530 in number, in consideration of the conclusions and suggestions identified in the Water System Analysis, prepared by HydraTek & Associates, dated May 27, 2020, to determine what is required to provide water services for the development of the lands without causing adverse impacts elsewhere in the water supply system.
- iii. The Owner shall identify the recommendations and address the necessary works to mitigate any impacts identified in the Water Supply Analysis and the deficiencies identified in the Water System Analysis, prepared by HydraTek & Associates,

dated May 27, 2020.

- iv. The City shall retain a peer reviewer, at the Owner's expense, to peer review the Water Supply Analysis and mitigation recommendations as set out in paragraphs 6.26.3 ii and iii above.
- v. The Owner shall execute an agreement with the City securing the provision of, or where more than the lands benefit from the works, contribution to, water service infrastructure improvements identified by the above noted Water Supply Analysis related to the development of the lands.
- vi. Site Plan Approval has been granted by the City.
- vii. A developers' group agreement or other alternative cost sharing arrangements for required municipal infrastructure, as supported by legislation, has been entered into, to the satisfaction of the City.
- viii. Execution of an amendment to the existing Heritage Easement Agreement, to the satisfaction of the City.
- ix. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City within the prior 6 months for the lands from which the holding provision is to be removed.
- x. 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.

*Driveways* and underground *parking garages* are permitted to be constructed prior to the removal of Holding provision H.

*Heritage buildings* are permitted to be relocated on the site prior to the removal of the holding provision, provided the heritage easement agreement has been executed.

1.5 By adding the following new subsection to Section 6- Exceptions to By-law 2004-196:

**6.27 Part of Block 7, PLAN 65M4294 east of Warden Avenue.**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol \*27(Exception 27) 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.

6.27.1 Permitted Uses

The only *uses* permitted:

*Parking garages* constructed completely below the *established grade*, including associated ventilation shafts and housings, stairways and other similar facilities associated with below *grade parking garages* that extend from below *established grade*.

All the uses permitted within the MC-PS1 zone, and located within a designated *heritage building*.

Amenity space used accessory to the adjacent *apartment building*, and located within a designated *heritage building*.

6.27.2 Special Site Provision

Notwithstanding any other provisions in this By-law, no parking spaces are required for uses located within a designated *heritage building*.

- 1.6 By repealing and replacing the following schedules to By-law 2004-196: Schedule L1, L2, L3, L4 and X9.
2. All other provisions of By-law 2004-196, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

**Approved by Ontario Land Tribunal on March 29, 2023.**