

## **EXPLANATORY NOTE**

### **BY-LAW NO. 2014-9**

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

Sheridan Nurseries Limited  
4077/4101 Highway 7

### **LANDS EFFECTED**

This by-law applies to an approximately 4.32 hectare (10.7 acre) property on the south side of Highway 7, east of Birchmount Road. The property is occupied by a Sheridan Nurseries garden centre.

### **EXISTING ZONING**

The property was previously zoned "Rural Residential One (RR1) and Agricultural (A1) by By-law 304-87, as amended. The lands were deleted from the designated area of By-law 304-87 by a previous by-law amendment.

### **PURPOSE OF THE BY-LAW**

The purpose of this by-law is to incorporate the subject lands into the designated area of By-law 2004-196 (the Markham Centre By-law) and zone them "Markham Centre Downtown Two", "Markham Centre Public Space One" and "Markham Centre Public Space Two", incorporating site specific use permissions and development standards.

### **EFFECT OF THE BY-LAW**

The effect of this by-law amendment is to permit a proposed mixed use development accommodating up to 1225 residential units and 4900 square metres (52,743 square feet of commercial uses, two park blocks, one valleyland block (Rouge River valleylands) and portions of three public streets.



## By-law 2014-9

By-law to amend By-law 2004-196, as amended

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The Council of The Corporation of the City 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 \*22 (Hold)  
- MC-D2\*22 (H)  
Markham Centre Public Space One \*23 – MC-PS1\*23  
Markham Centre Public Space One – MC-PS1  
Markham Centre Public Space Two – MC-PS2

As shown on Schedule ' \_1 ' attached 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 D4, F1 to F4, G1 to G4, H1 to H4, I1 to I4 and J1 to J4..."
  - 1.4 By amending Section 2.2 of By-law 2004-196, as amended, by replacing the words "Schedules 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 and J1..."
  - 1.5 By amending Sections 2.6, 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 and X8...."
  - 1.6 By adding the following new subsection 6.22 (\*22) to Section 6 – Exceptions to By-law 2004-196:

**6.22 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 \*22 (Exception 22) 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.

**6.22.1 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*.

#### 6.22.2 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 *parking space* per *dwelling unit* plus 0.15 *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 room/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 6.22.2 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.

#### 6.22.3 Interim Commercial Uses

The *building* existing on the date of passing of this by-law and any addition(s) having a maximum combined gross floor area of 5000 square metres shall be subject to the following provisions:

- a) Notwithstanding TABLE A1 – USE PERMISSIONS, the following uses shall be permitted:

- Business offices
  - Commercial fitness centres
  - Commercial schools
  - Day nurseries
  - Financial institutions
  - Medical offices
  - Personal service shops
  - Restaurants
  - Retail stores
- b) Notwithstanding the provisions of Sections 4.14.1 and 4.14.2 of By-law 2004-196, there is no limit on the number of parking spaces to be established, provided the minimum parking space requirements for non-residential uses are met. In addition, there is no restriction on the location of parking spaces for non-residential uses.
- c) The minimum height provisions of Schedule J3 shall not apply.

#### **6.22.4 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 'X8' hereto when all of the following criteria outlined have been met:

- i. A precinct plan for the lands outlined on Schedule 'A' hereto has been approved by the City.
- ii. 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.
- iii. Appropriate water supplies and sewage capacity are available, and have been allocated by Council and/or the developers group to support the development.
- iv. A site plan agreement has been entered into between the City and the Owner.
- v. 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.
- vi. 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 \$1445 per residential unit in 2014 dollars, based on the total number of units, 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.

- vii. A traffic impact study and a TDM (Travel Demand Management) plan have been approved by the City of Markham and the Region of York within the prior 6 months for the lands from which the holding provision is to be removed, and the Owner has entered into a development agreement, which may form part of a site plan agreement, to secure any improvements to transportation infrastructure recommended by these studies, including right-of-way and pavement widenings.

Driveways, underground *parking garages*, and interim commercial uses permitted by Section 6.22.3 are permitted to be constructed and used prior to the removal of Holding provision H.

- 1.7 By adding the following new subsection 6.23 (\*23) to **Section 6 – Exceptions** to By-law 2004-196:

**6.23 Public park block 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 \*23 (Exception 23) 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.

**6.23.1 Special Site Provision**

The following additional use is permitted:

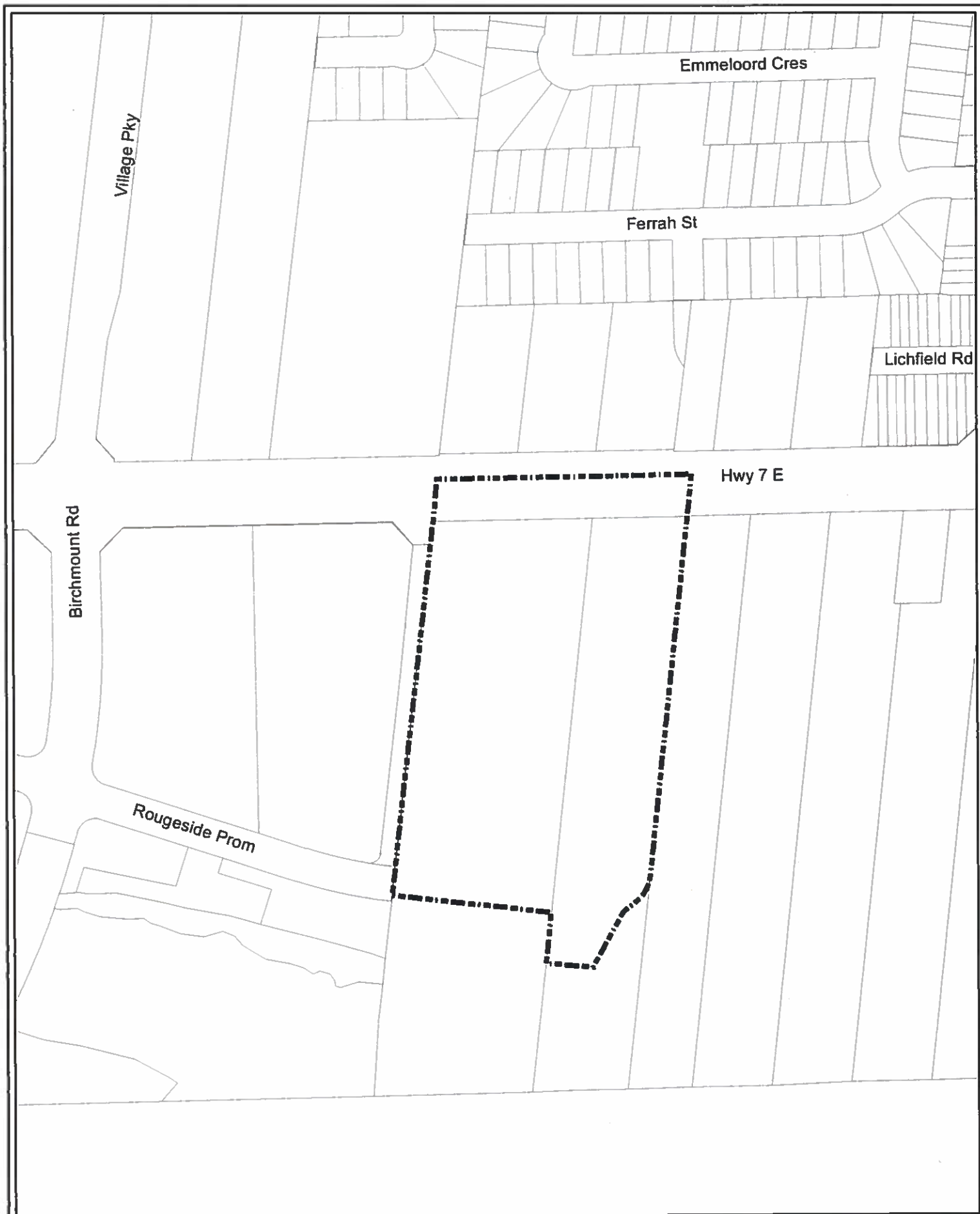
*Parking garages* constructed completely below the *established grade*, including associated ventilation shafts and similar facilities associated with below grade *parking garages*.

- 1.8 By adding the following schedules to By-law 2004-196, as amended Schedule J1, J2, J3, J4 and X8.
- 2. 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 January 28, 2014.

  
Kimberley Kitteringham  
City Clerk

  
Frank Scarpitti  
Mayor



## BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 2004-196

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

Q:\Geomatics\New Operation\By-Laws\2004-196\ZA12111289\Schedule A\Schedule A.mxd

BY-LAW AMENDMENT No. 2014-9 PASSED January 28, 2014  
 (MAYOR)  (CLERK)

 Meters  
30 0 30



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE: 29/08/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

SCHEDULE 'J1'  
LOCATION  
OF ZONES



BY-LAW SCHEDULE 'J1' TO AMEND BY-LAW 2004-196

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- |          |           |
|----------|-----------|
| MC-D2*22 | MC-PS1    |
| MC-PS2   | MC-PS1*23 |

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BY-LAW AMENDMENT No. 2014-9 PASSED January 28, 2014  
*John Scarpitti* (MAYOR) *[Signature]* (CLERK)

30 0 30 Meters

MARKHAM DEVELOPMENT SERVICES COMMISSION Drawn By: CPW Checked By: SH DATE: 29/08/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office



SCHEDULE J2  
MAXIMUM PERMITTED  
NET FLOOR AREA  
& DWELLING UNITS

Ferrah St

Village Pky

Hwy 7 E

Birchmount Rd

Rougeside Prom

1

BY-LAW SCHEDULE 'J2' TO AMEND BY-LAW 2004-196



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

Number on Schedule J2	Maximum Net Floor Area (M2)	Maximum number of Dwelling Units
1	Non-Residential 4900	1225

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BY-LAW AMENDMENT No. 2014-9  
*John Scarpitti*

PASSED

January 28, 2014

(MAYOR)

(CLERK)

30 0 30 Meters



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

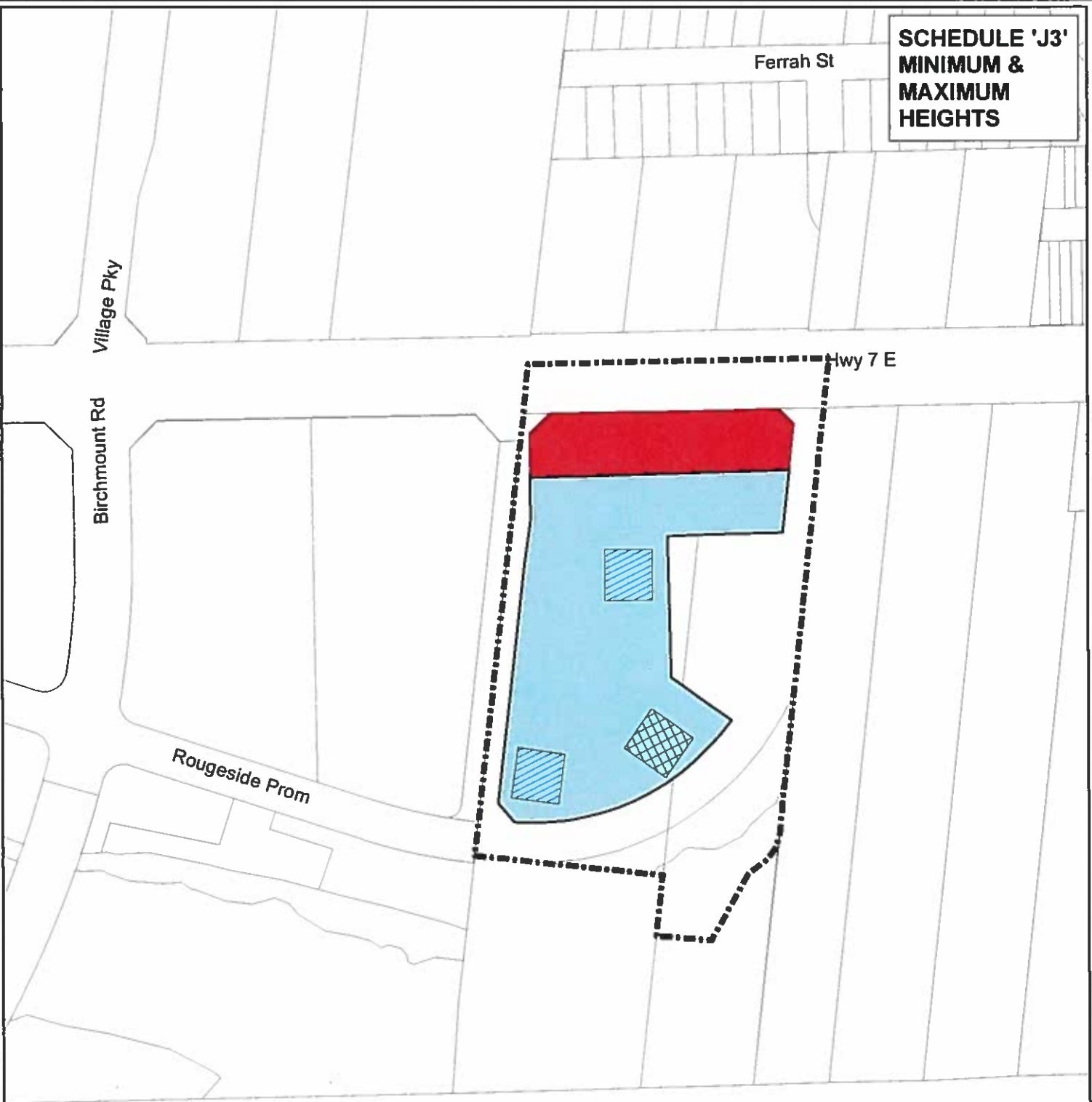
Checked By: SH

DATE: 29/08/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office







**SCHEDULE 'J3'  
MINIMUM &  
MAXIMUM  
HEIGHTS**




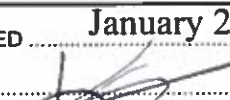
- The following provisions shall apply:
- 1) For any portion of a residential building with a height of greater than 30 metres, the maximum net floor area, per storey, shall be 750sqm, not including balcony areas.
  - 2) Any portion in excess of 30 metres in height of any residential building shall be not less than 34 metres from any portion in excess of 30 meters in height of any other residential building.

**BY-LAW SCHEDULE 'J3' TO AMEND BY-LAW 2004-196**

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

 MIN 12m - MAX - THE LESSER OF 6 STOREYS OR 20m       MIN 12m - MAX - THE LESSER OF 20 STOREYS OR 60m  
 MIN 12m - MAX 30m       MIN 12m - MAX - THE LESSER OF 25 STOREYS OR 100m

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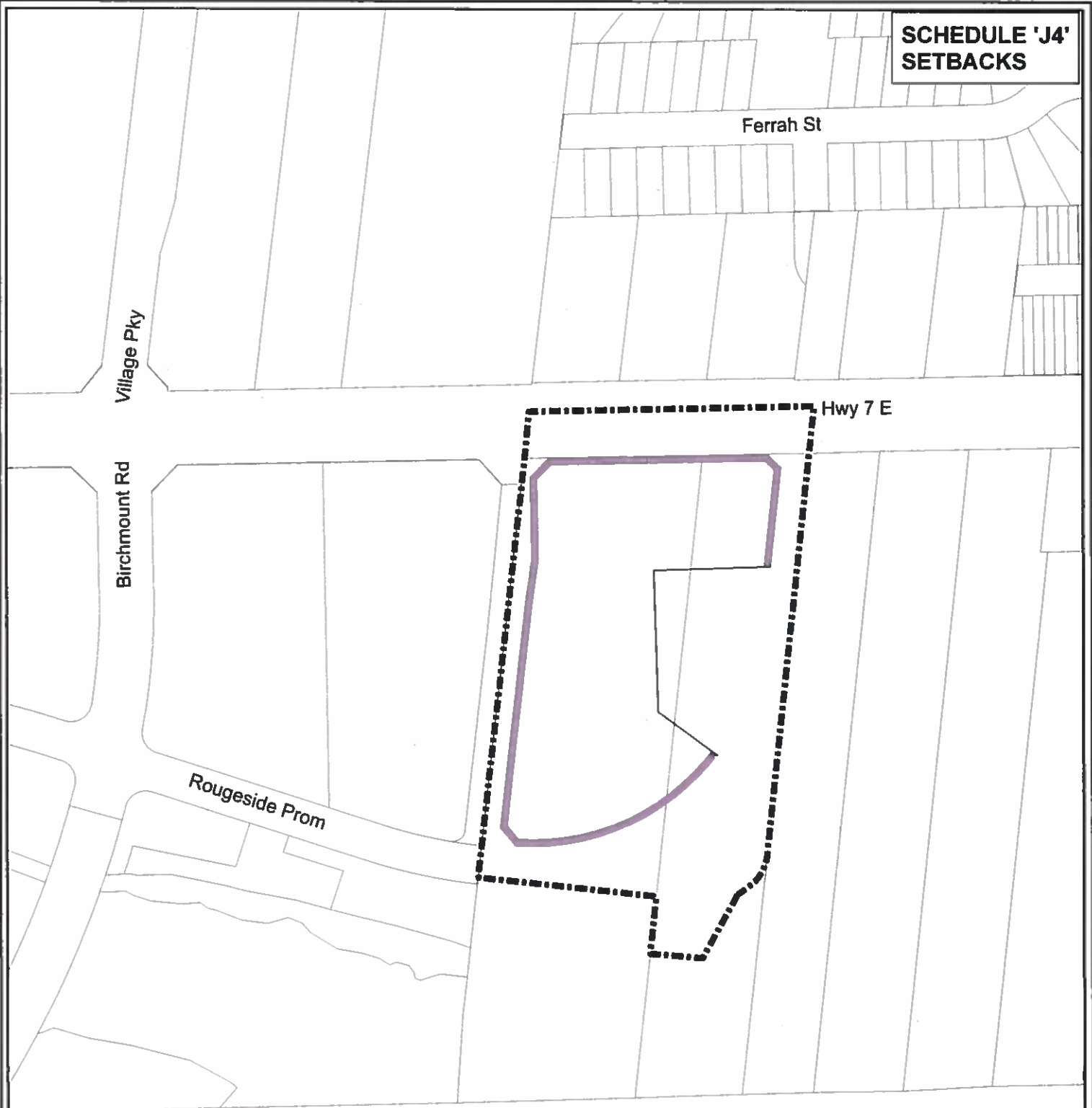
BY-LAW AMENDMENT No. 2014-9 PASSED January 28, 2014  
 (MAYOR)  (CLERK)

 Meters  
30 0 30

 DEVELOPMENT SERVICES COMMISSION Drawn By: CPW Checked By: SH DATE: 29/08/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office

**SCHEDULE 'J4'  
SETBACKS**



The following provision shall apply:

- 1) Underground parking garages shall be set back a minimum of 1metre from the streetline.

**BY-LAW SCHEDULE 'J4' TO AMEND BY-LAW 2004-196**


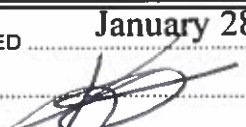


BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

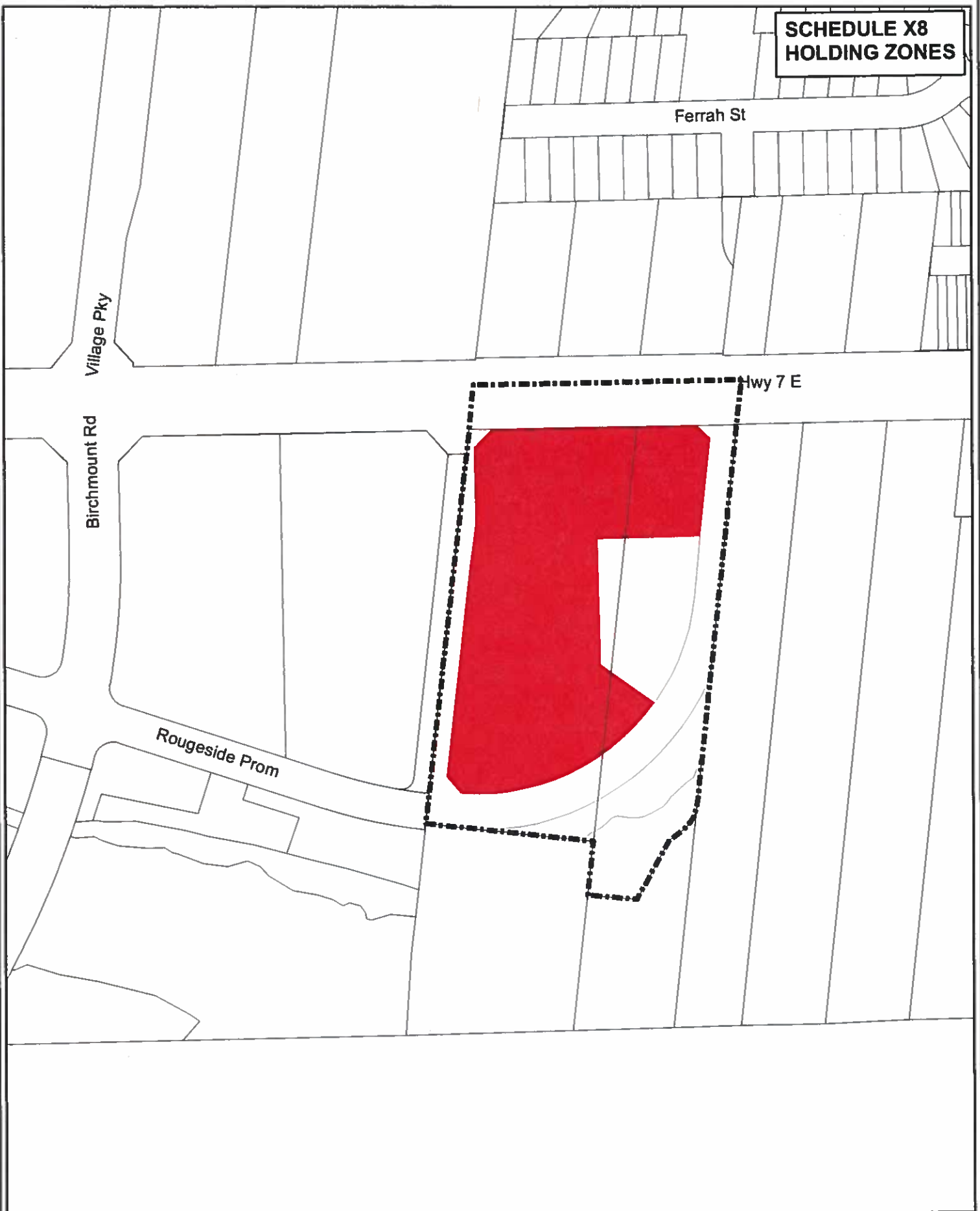


The Minimum building setback shall be 2 metres except where any part of any dwelling unit within the first storey of a building is located within 10 metres of the streetline or exterior lot line, the minimum building setback shall be 3 metres.

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BY-LAW AMENDMENT No. <b>2014-9</b>	PASSED <b>January 28, 2014</b>		
 (MAYOR)	 (CLERK)		
<b>MARKHAM DEVELOPMENT SERVICES COMMISSION</b>		Drawn By: CPW	Checked By: SH
NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office		DATE: 29/08/2013	

**SCHEDULE X8  
HOLDING ZONES**



**BY-LAW SCHEDULE 'X8' TO AMEND BY-LAW 2004-196**

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- HOLDING ZONE

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BY-LAW AMENDMENT No. 2014-9 PASSED January 28, 2014

*Paul Szabo* (MAYOR) *[Signature]* (CLERK)

30 0 30 Meters

**MARKHAM** DEVELOPMENT SERVICES COMMISSION Drawn By: CPW Checked By: SH DATE: 29/08/2013

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