



BY-LAW 2013-150

A by-law to amend 118-79, as amended

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

1. THAT By-law 118-79, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' attached hereto, as follows:

- 1.1 By deleting Schedules 'A', 'B' and 'C' of By-law 274-94 and replacing them with Schedule 'A' attached hereto.

- 1.2 For the purposes of this by-law, the following definitions shall apply:

DWELLING, TOWNHOUSE means a building that is vertically divided into a minimum of three dwelling units, each of which has an independent entrance at grade to the front of the building.

DWELLING UNIT, APARTMENT means a dwelling unit in an apartment dwelling.

FLOOR AREA, GROSS means the aggregate of the floor areas of a building above or below established grade, excluding car parking areas and bicycle parking/storage areas within the building.

GUEST SUITE means a suite, other than a dwelling unit, that is available for use on a temporary basis as overnight accommodation for persons visiting residents of an apartment dwelling.

All other definitions in SECTION 2 – DEFINITIONS of By-law 118-79, as amended, not inconsistent with the above, shall continue to apply.

- 1.3 By rezoning the lands from SECOND DENSITY – HIGH DENSITY RESIDENTIAL, (RHD2) and FIRST DENSITY – MEDIUM DENSITY RESIDENTIAL (RMD1) to:

- SECOND DENSITY – HIGH DENSITY RESIDENTIAL, HOLD [RHD2(H)]
- FIRST DENSITY – MEDIUM DENSITY RESIDENTIAL, HOLD [RMD1(H)]

as shown on Schedule 'A' attached hereto.

- 1.4 HOLDING PROVISION

- 1.4.1 For the purpose of this By-law, a Holding (H) provision is hereby established and is identified on Schedule "A" attached hereto by the letter (H) in parenthesis following the zoning symbol.

1.4.2 No person shall hereafter erect or alter any building or structure on lands subject to ‘(H)’ provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letter ‘(H)’ have come into effect pursuant to the provisions of Section 36 of the Planning Act.

1.4.3 The holding provision ‘(H)’ shall only be lifted on all or part of the lands shown on Schedule A hereto when all of the following criteria have been met:

- i. Execution of a site plan agreement (including review, through the site plan approval process, of a TDM report).
- ii. The Owner has entered into a developers group agreement or has made other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City’s Commissioner of Development Services and the City Solicitor.
- iii. Execution of a Section 37 Agreement between the City and the Owner regarding a contribution of \$2,500 by the Owner for each dwelling unit over and above 246 dwelling units, pursuant to Section 37 of the Planning Act.

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

1.5 By deleting Subsections 1.2.2(a) through (d) of By-law 274-94 and replacing them with the following:

“(a) APARTMENT DWELLINGS containing not more than a total of 379 APARTMENT DWELLING UNITS, exclusive of GUEST SUITES, and TOWNHOUSE DWELLINGS containing not more than a total of 12 TOWNHOUSE DWELLING UNITS. For the purposes of this section, STREET TOWNHOUSE DWELLINGS shall be considered TOWNHOUSE DWELLINGS.”

1.6 By deleting Subsections 1.2.3(b) through (f) of By-law 274-94 and replacing them with the following:

“(b) MINIMUM LOT AREA – 1.0 hectare

(c) MINIMUM YARDS AND SETBACKS

APARTMENT DWELLINGS:

- 2 metres from any STREET LINE, except where any part of any DWELLING UNIT within the FIRST STOREY of a building is located within 10 metres of the STREET LINE, the minimum BUILDING SETBACK shall be 3 metres. Notwithstanding the

above, a maximum of 25% of the length of the wall facing the STREET LINE may be located no closer than 0.3 metres from the STREET LINE.

- 3.5 metres from any other LOT LINE.
- 10 metres from any TOWNHOUSE DWELLING.

TOWNHOUSE DWELLINGS:

- 1 metre from any STREET LINE.
- 3.5 metres from any other LOT LINE.
- 10 metres from any APARTMENT DWELLING.
- 70 metres from the FRONT LOT LINE.

In addition to the provisions of Section 5.7, the following STRUCTURES may project a maximum of 2 metres into any required YARD to a minimum of 0.3 metres from the STREET LINE or LOT LINE: canopies, cantilevered window bays, garden walls, porches, steps, stoops, underground cold cellars located entirely underneath roofed porches, and trellises.

(d) MAXIMUM FLOOR SPACE INDEX

3.5 times the LOT AREA excluding any floor area located within the TOWNHOUSE DWELLING UNITS.

(e) MAXIMUM BUILDING HEIGHT

APARTMENT DWELLINGS - the lesser of 8 storeys or 210.00 Canadian Geodetic Datum.

TOWNHOUSE DWELLINGS - 13 metres

Any ornamental roof construction features including towers, landscaping features, steeples or cupolas, shall not be included in the calculation of height. Mechanical features, such as structures containing the equipment necessary to control an elevator, are permitted to project to a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.

(f) PARKING REQUIREMENTS

(i) PARKING SPACES REQUIRED

APARTMENT DWELLINGS - A minimum of 0.8 PARKING SPACES per DWELLING UNIT plus 0.15 PARKING SPACES per DWELLING UNIT for visitors. No PARKING SPACES are required for GUEST SUITES.

TOWNHOUSE DWELLINGS - A minimum of 2.0 PARKING SPACES per DWELLING UNIT.

Notwithstanding the provisions of Subsection 6.1.4 of By-law 28-97, TANDEM PARKING SPACES are permitted.”

- 1.7 By deleting Subsection 1.2.3(g) of By-law 274-94 in its entirety.
- 1.8 By deleting Subsection 1.3.2(a) of By-law 274-94 and replacing it with the following:

“(a) Not more than 60 TOWNHOUSE DWELLING UNITS.
For the purposes of this section, STREET TOWNHOUSE DWELLINGS shall be considered TOWNHOUSE DWELLINGS”

- 1.9 By deleting Subsections 1.3.3 (b) through (f) of By-law 274-94 and replacing them with the following:

“(b) MINIMUM LOT AREA – 1.0 hectare

(c) MINIMUM YARDS AND SETBACKS

- 1 metre from any STREET LINE.
- 3.5 metres from any other LOT LINE.

In addition to the provisions of Section 5.7, the following STRUCTURES may project a maximum of 2 metres into any required YARD to a minimum of 0.3 metres from the STREET LINE or LOT LINE: canopies, cantilevered window bays, garden walls, porches, steps, stoops, underground cold cellars located entirely underneath roofed porches, and trellises.

(d) MAXIMUM BUILDING HEIGHT - 13 metres

Any ornamental roof construction features including towers, landscaping features, steeples or cupolas, shall not be included in the calculation of height. Mechanical features, such as structures containing the equipment necessary to control an elevator, are permitted to project to a maximum of 5.0 metres above the highest point of the roof surface, regardless of the height of the building.”

(e) PARKING REQUIREMENTS

PARKING SPACES REQUIRED

A minimum of 2.0 PARKING SPACES per DWELLING UNIT. Notwithstanding the provisions of Subsection 6.1.4 of By-law 28-97, TANDEM PARKING SPACES are permitted.”

- 1.10 By deleting Subsection 1.3.3(f) of By-law 274-94 in its entirety.
- 1.11 In addition to the provisions of Section 5.7 of By-law 118-79, as amended, the following STRUCTURES may project a maximum of 2 metres into any required YARD to a minimum of 0.3 metres from the STREET LINE or LOT LINE: canopies, cantilevered

window bays, garden walls, porches, steps, stoops, underground cold cellars located entirely underneath porches, and trellises.

- 1.12 The provisions of Sections 5.12 and 6.1 of By-law 118-79, as amended, shall not apply to the land outlined on Schedule 'A', attached hereto.
 - 1.13 For the purposes of zoning, the lands shown on Schedule "A" attached to this by-law as being rezoned to FIRST DENSITY – MEDIUM DENSITY RESIDENTIAL HOLDING [RMD1 (H)] shall be considered one lot.
 - 1.14 For the purposes of zoning, the lands shown on Schedule "A" attached to this by-law as being rezoned to SECOND DENSITY – HIGH DENSITY RESIDENTIAL HOLDING [RHD2(H)] shall be considered one lot.
- 2.0 All other provisions of By-law 118-79, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

APPROVED BY ONTARIO MUNICIPAL BOARD ON AUGUST 28, 2013.



BY-LAW SCHEDULE " A" TO AMEND BY-LAW 118-79

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- FIRST DENSITY - MEDIUM DENSITY RESIDENTIAL
- SECOND DENSITY - HIGH DENSITY RESIDENTIAL
- HOLDING PROVISION



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BY-LAW AMENDMENT No. **2013-150** PASSED

APPROVED BY OMB ON AUGUST 28, 2013

.....(MAYOR).....(CLERK)

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Meters



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SH

DATE:05/22/2013

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