



BY-LAW 2013-152

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

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

1. 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 rezoning the lands from RESIDENTIAL DEVELOPMENT (RD) to:
 - SECOND DENSITY – HIGH DENSITY RESIDENTIAL, HOLD [RHD2(H)]
 - FIRST DENSITY – MEDIUM DENSITY RESIDENTIAL, HOLD [RMD1(H)]
 - INSTITUTIONAL AND OPEN SPACE (O2)as shown on Schedule 'A' attached hereto.

- 1.2 Definitions

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.

FIRST STOREY means the storey with its floor closest to the established grade and having its ceiling more than 1.8 metres above grade.

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.

FLOOR AREA, NET means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas and bicycle parking/storage within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

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 HOLDING PROVISION

1.3.1 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.

1.3.2 No person shall hereafter ERECT or use 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.

1.3.3 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 \$250,000 by the Owner pursuant to Section 37 of the Planning Act.

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

1.4 Notwithstanding any other provisions of By-law 118-79, as amended, for the purposes of this by-law a Second Density - High Density Residential (RHD2) zone is hereby established, as follows:

1.4.1 ZONE AND SYMBOL

The ZONE is referred to by name and symbol as follows:

SECOND DENSITY – HIGH DENSITY RESIDENTIAL (RHD2)

1.4.2 PERMITTED USES

No person shall hereafter change the use of any BUILDING, STRUCTURE or land, nor erect and use any BUILDING or STRUCTURE in the SECOND DENSITY - HIGH DENSITY RESIDENTIAL (RHD2) ZONE except for the following uses:

- (a) One APARTMENT DWELLING
- (b) TOWNHOUSE DWELLING(S) comprising not more than 19 TOWNHOUSE DWELLING UNITS. For the purposes of this section, STREET TOWNHOUSE DWELLINGS shall be considered TOWNHOUSE DWELLINGS.
- (c) CLINICS, HEALTH CENTRES, RESTAURANTS, RETAIL STORES, PERSONAL SERVICE SHOPS and offices within the first storey of an APARTMENT DWELLING, having a maximum combined NET FLOOR AREA of 700 square metres.

The total number of DWELLING UNITS within the SECOND DENSITY - HIGH DENSITY RESIDENTIAL (RHD2) ZONE shown on Schedule 'A' shall not exceed 228, exclusive of GUEST SUITES, subject to the provisions of Section 1.7.

1.4.3 ZONE REQUIREMENTS

No person shall ERECT or use any BUILDING or STRUCTURE in the SECOND DENSITY - HIGH DENSITY RESIDENTIAL (RHD2) ZONE except in compliance with the following regulations:

- (a) Minimum LOT FRONTAGE – 25 metres. For the purposes of Section 1.4.3, the FRONT LOT LINE shall be the LOT LINE abutting Highway 7.
- (b) Minimum LOT AREA – 0.6 hectares.
- (c) Minimum YARDS and SETBACKS

APARTMENT DWELLING:

- 0.3 metres from the south LOT LINE.
- 2 metres from any other 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.
- 7 metres from the west LOT LINE.

- 10 metres from any TOWNHOUSE DWELLING.

TOWNHOUSE DWELLINGS:

- 1 metre from any STREET LINE.
- 3.5 metres from the west LOT LINE.
- 10 metres from any APARTMENT DWELLING.
- 70 metres from the south 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 AREA RATIO:

3.5 times the LOT AREA, excluding any FLOOR AREA located within the TOWNHOUSE DWELLING UNITS

(e) Maximum BUILDING HEIGHT

The lesser of 8 STOREYS or 210.00 Canadian Geodetic Datum.

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 Section 6.1.4 of By-law 28-97, TANDEM PARKING SPACES are permitted.

CLINICS, HEALTH CENTRES,
RESTAURANTS, RETAIL STORES,
PERSONAL SERVICE SHOPS and
offices - 1.0 PARKING SPACE per 30
square metres of NET FLOOR AREA.

- (ii) Small car parking for APARTMENT
DWELLINGS

Any PARKING SPACES provided above
0.8 PARKING SPACES per DWELLING
UNIT may have a width of not less than
2.4 metres and a length of not less than 4.8
metres.

- 1.5 Notwithstanding any other provisions of By-law 118-79, as
amended, for the purposes of this by-law a FIRST DENSITY –
MEDIUM DENSITY RESIDENTIAL (RMD1) ZONE is hereby
established, as follows:

1.5.1 ZONE AND SYMBOL

The ZONE is referred to by name and symbol as follows:

FIRST DENSITY – MEDIUM DENSITY
RESIDENTIAL (RMD1)

1.5.2 PERMITTED USES

No person shall hereafter change the use of any
BUILDING, STRUCTURE or land, nor ERECT and use
any BUILDING or STRUCTURE in the in the FIRST
DENSITY – MEDIUM DENSITY RESIDENTIAL
(RMD1) ZONE except for the following uses:

- (a) TOWNHOUSE DWELLINGS containing a total
of not more than 36 TOWNHOUSE DWELLING
UNITS, subject to the provisions of Section 1.7.
For the purposes of this section, STREET
TOWNHOUSE DWELLINGS shall be considered
TOWNHOUSE DWELLINGS.

1.5.3 ZONE REQUIREMENTS

No person shall erect or use any BUILDING or
STRUCTURE in the FIRST DENSITY – MEDIUM
DENSITY RESIDENTIAL (RMD1) ZONE except in
compliance with the following regulations:

- (a) Minimum LOT FRONTAGE – 25 metres.
- (b) Minimum LOT AREA – 0.4 hectares.
- (c) Minimum YARDS and SETBACKS:
- 1 metre from any STREET LINE.
 - 3.5 metres from the west 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

(i) PARKING SPACES required:

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

1.6 The following special provision shall apply to the INSTITUTIONAL AND OPEN SPACE (O2) ZONE:

1.6.1 Notwithstanding the provisions of Section 9.1, only the following uses are permitted:

- PUBLIC PARKS
- PUBLIC OR SEPARATE SCHOOLS

1.7 Notwithstanding the provisions of Sections 1.4.2 and 1.5.2, of this by-law, the total number of DWELLING UNITS within the lands outlined on Schedule 'A', attached hereto, shall not exceed 262.

1.8 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.

1.9 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.

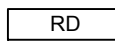

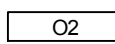
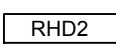
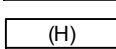
- 1.10 For the purposes of zoning, the lands shown on Schedule “A” attached to this by-law as being rezoned to SECOND DENSITY – HIGH DENSITY RESIDENTIAL HOLDING [RHD2(H)] shall be considered one lot.
- 2.0 All other provisions of By-law 118-79, as amended, not inconsistent with the provisions of this 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)

	RD	RESIDENTIAL DEVELOPMENT		RMD1	FIRST DENSITY - MEDIUM DENSITY RESIDENTIAL
	O2	INSTITUTIONAL AND OPEN SPACE		RHD2	SECOND DENSITY - HIGH DENSITY RESIDENTIAL
				(H)	HOLDING PROVISION



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BY-LAW AMENDMENT No. **2013-152** PASSED
APPROVED BY OMB ON AUGUST 28, 2013

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DEVELOPMENT SERVICES COMMISSION Drawn By: CPW & SGW Checked By: SH DATE:05/02/2013

Meters

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