

BY-LAW 2013-56

PL121255



EXPLANATORY NOTE

A By-law to amend By-law 2237, as amended

Frangian Holdings Ltd.
7089 Yonge Street and 11 and 15 Grandview Avenue

LANDS AFFECTED

This By-law applies to lands located on the south east corner of Yonge Street and Grandview Avenue in the Thornhill Community, Markham.

EXISTING ZONING

The lands subject to this By-law are presently zoned Community Commercial (CC) and Fourth Density Single Family Residential [R4] by By-law 2237, as amended.

PURPOSE AND EFFECT

The purpose and effect of this By-law is to rezone the subject site to the Community Amenity Area One [CA1] Zone to permit a mixed use high density residential and retail/commercial development with a maximum height of 262.5 metres above sea level (approximately 21 storeys) and Open Space One [OS1] to permit a City-owned strata park on the eastern portion of the site. The By-law sets out site-specific permitted uses, maximum density for residential and non-residential uses, and maximum height, setbacks, floor area and parking provisions.

The zoning by-law incorporates a Hold (H) Provision to ensure that certain conditions are met before development proceeds. The specific conditions for removal of the Hold (H) Provision are set out in the By-law and relate to the following matters:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City; Execution of a site plan agreement between the Owner and the City providing for, among other matters:
 - i. construction of the proposed development;
 - ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
 - iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
 - iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
 - v. implementation of Traffic Demand Management (TDM) initiatives; and,
 - vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

Uses existing on the date of passing of this By-law, driveways, underground parking garages and the first storey above the underground parking garages are permitted to be constructed prior to the removal of the Hold (H) Provision. The effect of lifting the Hold (H) Provision shall be to permit the uses and zoning standards provided for in this By-law.

BY-LAW 2013-56



A By-law to amend Zoning By-law 2237, as amended, to rezone 7089 Yonge Street and 11 and 15 Grandview Avenue.

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

1.0 That By-law 2237, 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 the Community Commercial [CC] and Fourth Density Single Family Residential [R4] Zones to the Community Amenity Area 1 (Hold) [(H)CA1] Zone and Open Space [O1] Zone

2.0 Notwithstanding any other provisions of By-law 2237, as amended, to the contrary, the provisions in this Section shall apply to only those lands denoted on Schedule 'A' attached hereto. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section:

2.1 Use Definitions

The following definitions apply to the lands outlined on Schedule 'A' attached hereto. For the purpose of this By-law, where other terms have not been specifically defined within By-law 2237, as amended, the definitions of By-law 28-97, as amended, shall apply.

- a. "Drive-Through Service Facility" means a building or structure or part thereof where goods and/or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged. Kiosks within a parking garage or associated with a surface parking area are not considered to be drive-through service uses.
- b. "Outdoor Storage" means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.
- c. "Outdoor Display and Sales Area" means outdoor open space area where produce or merchandise is displayed and/or sold and/or where services are provided in conjunction with a business located within a building or structure on the same lot.
- d. "Live-Work Unit" means a single unit designed to include both a non-residential and a residential component that is occupied by the same resident, sharing the same principal entrance from a common corridor of a building. The only permitted uses within the non-residential component of the Live-Work unit shall be private art galleries, business offices, medical offices, personal service shops, private schools, and repair shops, provided that the non-residential component may be used/occupied for residential purposes in conjunction with or to the exclusion of permitted non-residential uses and provided further that the residential component may be used/occupied for any of the permitted non-residential uses aforesaid in conjunction with or to the exclusion of residential uses.

2.2 The following provisions shall apply in the Community Amenity Area [CA1] Zone:

2.2.1 Only Uses Permitted

- (i) Residential:
 - *Apartment Dwelling;*
 - *Live – Work Units;*
- (ii) Non-Residential:
 - *Private art galleries;*
 - *Banquet halls;*
 - *Business offices;*
 - *Clubs, private;*
 - *Commercial fitness centres;*
 - *Community centres;*
 - *Day nurseries;*
 - *Financial institutions;*
 - *Libraries*
 - *Medical offices;*
 - *Museums;*
 - *Personal service shops;*
 - *Places of amusement;*
 - *Places of worship;*
 - *Recreational establishments;*
 - *Repair shops;*
 - *Restaurants;*
 - *Restaurants, take-out;*
 - *Retail stores;*
 - *Schools, commercial;*
 - *Schools, private;*
 - *Schools, public;*
 - *Supermarkets.*

2.2.2 Zone Standards

The following specific zone standards apply:

a) Floor Space Index

The maximum *Floor Space Index (FSI)* for all of the buildings on the lands delineated on Schedule 'A' to this By-law shall not exceed 3.5. Notwithstanding the foregoing, the total *FSI* for all permitted residential uses combined shall not exceed 2.95. For the purposes of this By-law, only the following floor areas are exempted from the *FSI* calculation:

- Car parking areas above and below grade;
- Rooftop mechanical penthouses;
- Storage lockers located below grade;
- Garbage/recycling areas; storage lockers; loading areas; utility, mechanical; and electrical rooms located below grade.

Any portion of a *Live-Work unit* used for non-residential uses shall not be counted as residential *FSI*.

b) Maximum Height

The maximum *height for buildings* within an area bounded by the Grandview Avenue lot line, the front lot line, a line parallel to the front lot line located a distance of 37.5 metres from the front lot line measured along the Grandview Avenue lot line, and a line parallel to the Grandview Avenue lot line located a distance of 44.5 metres from the Grandview Avenue frontage measured along the front lot line shall be 262.5 metres geodetic height above sea

level. The maximum height for buildings located outside of the area defined above shall be 230.5 metres geodetic height above sea level. Height shall be measured to:

- i) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- ii) The deckline of a mansard roof;
- iii) The mean level between eaves and ridge of a gable, hip or gambrel roof or other type of pitched roof;
- iv) In case of a structure with no roof, the highest point of said structure.

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

- c) **Minimum Height**
The minimum *height* for buildings located within 20 metres of the *front lot line* shall be 205 metres geodetic height above sea level.
- d) **Front lot line**
The Yonge Street frontage shall be deemed to be the *front lot line*.
- e) **Minimum lot frontage**
The minimum *lot frontage* shall be 55 metres.
- f) **Minimum lot depth**
The minimum *lot depth* shall be 100 metres.
- g) **Minimum front yard**
The minimum *front yard* shall be 4.3 metres. For greater clarity, the front yard shall be measured from the front lot line as it exists at the time of passing of this By-law.
- h) **Minimum flankage side yard (Grandview Avenue)**
The minimum *flankage side yard* setback shall be 4.5 metres.
- i) **Minimum interior side yard**
The minimum *interior side yard* shall be 0 metres.
- j) **Maximum floor area**
The maximum floor area of any portion of a building located above 230.5 metres geodetic height above sea level shall be 880 square metres per floor. For the purposes of this provision, the floor area is deemed to include all of the horizontal space between the exterior faces of the exterior walls of the building at each floor level, whether it is broken or not by elevator shafts, stairwells or similar breaks in the floor.
- k) **Minimum separation distances**
The minimum separation distance between portions of buildings with a height above 230.5 metres geodetic elevation above sea level shall be 25 metres.
- l) **Minimum number of loading spaces**
The minimum number of loading spaces: 2 spaces.
- m) **Minimum dimensions of loading spaces**
Loading spaces shall be a minimum 3.6 metres wide and 12 metres long.

n) **Maximum permitted projections**

Notwithstanding the foregoing, encroachments into the permitted yard setbacks shall be as follows:

Structure	Maximum Permitted Projection
Eaves, cornices, ornamental or architectural elements, light fixtures, balustrades, mullions, window sills, and bay windows	Maximum projection of 0.3 metres into the required yard setback
Canopies and awnings	Maximum projection of 2.4 metres into the required yard setback

2.2.3 **Special Parking Provisions**

A minimum number of *parking spaces* are required for all of the uses permitted as set out below:

Use	Minimum Parking Spaces Required
<i>Apartment dwelling</i>	1.10 <i>parking spaces</i> per <i>dwelling unit</i>
<i>Live – Work Unit</i>	2 <i>parking spaces</i> per <i>Live-Work unit</i>
<i>All permitted non-residential uses</i>	1 <i>parking space</i> for every 30 square metres of <i>net floor area</i>

2.2.4 **Special Site Provisions**

The following additional provisions shall apply:

- a) *Apartment dwelling* shall only be permitted above the fourth floor of a *building*.
- b) *Live-Work units* shall only be permitted on the third and fourth floors of a *building*.
- c) Only non-residential uses shall be permitted on the first and second floors of a *building*.
- d) A minimum of 13 of the Live-Work units shall contain a non-residential component.
- e) *Outdoor storage* and *Outdoor display and sales* are not permitted.
- f) The establishment of a *drive-through service facility* associated with any use is not permitted.
- g) Nothing in this By-law shall be interpreted to prevent the construction of an underground *parking garage* for the purposes of *motor vehicle* or bicycle parking and *storage lockers* on any portion of the lands identified in Schedule A to this By-law.
- h) For zoning purposes, the lands shown in Schedule 'A' to this by-law shall be considered to be one lot.

3.0 HOLD PROVISIONS

3.1 Location of Hold (H) Provision

The Hold (H) Provision is shown on Schedule A attached to this by-law.

3.2 Uses permitted prior to the lifting of a Hold (H) Provision

In addition to the use and buildings that existed on the effective date of the passing of this By-law, driveways, underground parking garages and the first storey above the underground parking garages are permitted prior to the removal of the Hold (H) provision.

3.3 Conditions for removing the Hold (H) provision

The Hold (H) Provision shall not be lifted until the following conditions have been met to the satisfaction of the City of Markham:

- Completion of a site-specific Transportation Impact and Parking Study and a Transportation Demand Management Study to the satisfaction of the City of Markham Director of Engineering, in consultation with the Region of York;
- That Regional servicing capacity has been allocated to the residential component of the proposed development;
- Execution of a Section 37 Agreement between the City and the Owner and payment of a Section 37 financial contribution and/or provision of in kind facilities, all to the satisfaction of the City;
- Execution of a site plan agreement between the Owner and the City providing for, among other matters:
 - i. construction of the proposed development;
 - ii. dedication of land for potential road widening along Yonge Street to the satisfaction of the Region of York;
 - iii. requirements related to Toronto Transit Commission's technical review of the application and requirements for TTC Interferences Warning Clauses;
 - iv. implementation, if required, of traffic infiltration and mitigation measures within the Yonge Steeles Corridor and surrounding established residential neighbourhoods;
 - v. implementation of Traffic Demand Management (TDM) initiatives; and,
 - vi. financial contributions, if required, to off-site infrastructure including a proportional share of the Dudley Avenue Sewer.

3.4 Effect of lifting the Hold (H) Provision

Once the Hold (H) Provision is lifted, all of the uses and zoning standards provided for in this By-law shall be permitted.

- 4.0 The owner shall be required to enter into a Section 37 Agreement to secure provision of a financial contribution to the City for community facilities and services and/or provision of in-kind facilities, in exchange for the density and height permissions set out in this By-law.
- 5.0 All other provisions of By-law 2237, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

APPROVED BY ONTARIO MUNICIPAL BOARD (OMB) ON APRIL 22, 2013.

