



## EXPLANATORY NOTE

### BY-LAW NO: 2020-13

**A By-law to amend By-law 304-87, as amended  
(to delete lands from the designated area of By-law 304-87)  
And to Amend By-law 177-96, as amended  
(to incorporate lands into the designated area of By-law 177-96)**

**Uptown Green Garden Inc.  
9332, 9336 and 9346 Kennedy Road  
PT LT 3 PL 4113 PT 2 65R14073  
LT 4 PL 4113 LT 5 PL 4113  
ZA 18 182671**

### **Lands Affected**

The proposed by-law amendment applies to 0.75 hectares (1.85 acres) of land on the west side of Kennedy Road between New Yorkton Avenue to the north and 16<sup>th</sup> Avenue to the south, and municipally known as 9332, 9336 and 9346 Kennedy Road.

### **Existing Zoning**

By-law 304-87, as amended, currently zones the subject lands Rural Residential One Zone (RR1).

### **Purpose and Effect**

The purpose and effect of this By-law is to delete the property from the designated area of By-law 304-87, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from:

**Rural Residential One Zone (RR1)  
under By-law 304-87**

to:

**Neighbourhood Commercial Three Holding [NC3\*646 (H)]  
Under By-law 177-96**

In order to permit the development of a (9) storey, mixed mid-rise building on the subject lands.

### **Note Regarding Further Planning Applications on this Property**

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.



## By-law 2020-13

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated area of By-law 304-87)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That By-law 304-87, as amended, is hereby further amended as follows:
  - 1.1 By deleting the lands shown on Schedule ‘A’ attached hereto from the designated area of By-law 304-87, as amended.
2. By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule “A” attached hereto.
  - 2.2 By rezoning the lands outlined on Schedule “A” attached hereto from:  
  
from:  
**Rural Residential One Zone (RR1)**  
**under By-law 304-87**  
to:  
**Neighbourhood Commercial Three Holding [NC3\*646 (H)]**  
**Under By-law 177-96**
  - 2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.646	Uptown Green Garden Inc. 9332, 9336 and 9346 Kennedy Road	Parent Zone NC
File ZA 18 182671		Amending By-law 2020-13
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule “A” attached to this By-law 2020-13. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.646.1 Special Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned NC3*646 shall be deemed to be one <i>lot</i> for the purposes of this By-law	
b)	For the purposes of this By-law, the provisions of Section 6.9.2 shall not apply.	
c)	Minimum required <i>number of loading spaces</i> – 1	
d)	Maximum number of <i>dwelling units</i> – 269	
e)	Maximum <i>floor space index</i> (FSI) – 3.1	
f)	Notwithstanding the provisions of table B7 P), no portion of a <i>building</i> shall exceed a maximum 224 metres above sea level, geodetic datum	
g)	Minimum required parking: <i>Apartment dwellings:</i> - 1 space per <i>dwelling unit</i> plus 0.15 spaces per <i>dwelling unit</i> for visitors Any other permitted uses identified in Table B of By-law 28-97: - 1 space per 30 m <sup>2</sup>	
h)	Minimum <i>gross floor area</i> of non-residential uses – 60 square metres	

### 3. SECTION 37 AGREEMENT

A contribution by the Owner to the City for the purpose of public art, in 2020 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the *Planning Act*, as amended, shall be required.

A contribution by the Owner to the City for the purposes of facilities, services, or matters, in accordance with Section 37 of the *Planning Act*, as amended, shall be required in 2020 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI).

Both payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the *Building Code Act* or its successors.


### HOLDING PROVISION

4. For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the *Planning Act*. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the owner enters into an agreement with the owner of Royal Aberdeen Road (Block 53 of Registered Plan 65M-4065, Kylemore Post Road (Deacon) Ltd.) located to the west of the subject lands for service connections municipal storm and sanitary infrastructure to accommodate the proposed mixed use mid-rise residential development on the subject lands, to the satisfaction of the Director of Engineering or designate, and the City Solicitor or designate;
  - b) That the owner enters into an agreement with the owner of the adjacent townhouse development to the north (Kylemore Yorkton Phase II), to secure an easement to allow for a north bound egress from the subject lands on to Fernhill Lane to the satisfaction of the Director of Engineering or designate, and the City Solicitor or designate;
5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

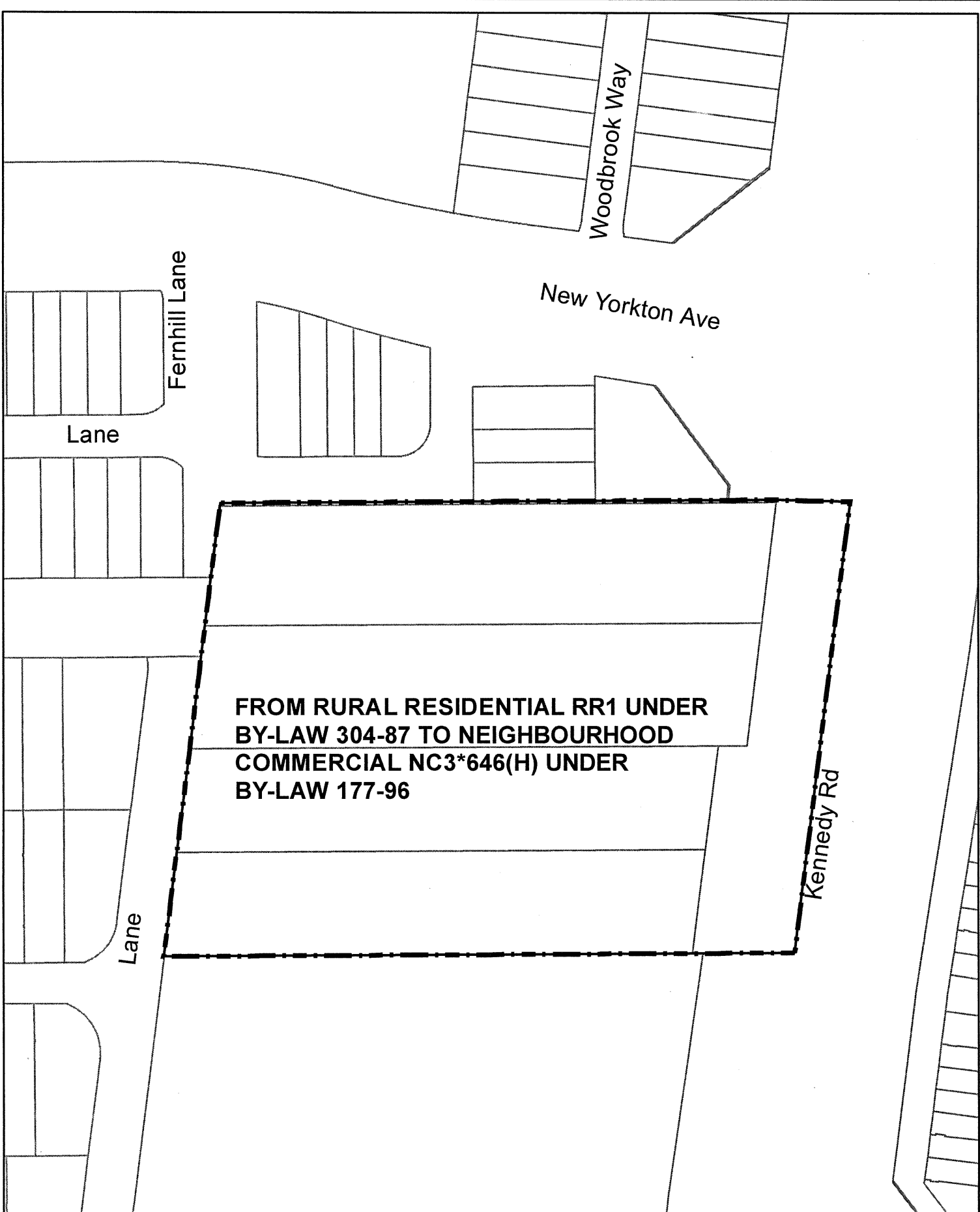
Read a first, second and third time and passed on February 25<sup>th</sup>, 2020.



Kimberley Kitteringham  
City Clerk



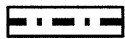
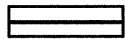

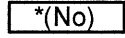
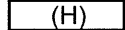
Frank Scarpitti  
Mayor



## SCHEDULE "A" TO BY-LAW 2020-13

AMENDING BY-LAWS 304-87 AND 177-96 DATED FEBRUARY 25, 2020



-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE  
TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)
-  NEIGHBOURHOOD COMMERCIAL
-  EXCEPTION NUMBER
-  HOLDING PROVISION

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

Q:\Geomatics\New Operation\By-Laws\OPIOP\_ZA18182671\Schedule A.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT Checked By: RC DATE:19/12/2019

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