



BY-LAW 2024-48

A By-law to amend By-law 177-96, as amended

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

1. That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

1.1 By rezoning the lands outlined on Schedule 'A' attached hereto

from:

Community Amenity Two Exception 283 Hold [CA2*283 (H)] Zone

to:

Neighbourhood Commercial Three Exception *749 Hold [NC3*749(H)] Zone

2. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.749	2163321 Ontario Inc. 35-51 Old Kennedy Road	Parent Zone NC3*749
File PLAN 23 148834		Amending By-law 2024-48
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *749 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.		
7.749.1 Additional Permitted Uses		
The following additional uses are permitted:		
a)	<i>Commercial Fitness Centres</i>	
b)	<i>Day Nurseries</i>	
c)	<i>Financial Institutions</i>	
d)	<i>Home Occupations</i>	
e)	<i>Libraries</i>	
f)	<i>Medical Offices</i>	
g)	<i>Museums</i>	
h)	<i>Places of Amusement</i>	
i)	<i>Places of Entertainment</i>	
j)	<i>Private Clubs</i>	
k)	<i>Recreational Establishments</i>	
l)	<i>Schools, Commercial</i>	
m)	<i>Schools, Private</i>	
n)	<i>Schools, Public</i>	
o)	<i>Supermarkets</i>	
p)	<i>Theatres</i>	
q)	<i>Townhouse Dwellings</i>	
r)	<i>Veterinary Clinics</i>	
7.749.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding any further division, conveyance, or partition of any lands subject to this Section, all lands zoned NC3*749 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
b)	Notwithstanding Section 3, the following definitions shall apply:	

	<p><i>Bicycle Parking Space</i> means an area that is provided and maintained for the purpose of temporary storage of a bicycle or motor assisted bicycle as defined under the Highway Traffic Act.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey building, which is located above average grade level, and is measured from average grade level to the maximum podium height as set out in the applicable zone. A podium may or may not have a point tower projecting above it.</p> <p><i>Point Tower</i> means portions of a building that projects above a podium.</p> <p><i>Storey</i> means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a building partly below grade level shall be deemed a storey where it's ceiling is at least 1.8 metres above established grade.</p>
c)	Old Kennedy Road is deemed to be the <i>front lot line</i>
d)	Only Residential uses, <i>Home Occupations</i> , and <i>Business Offices</i> , are permitted above the <i>first storey</i>
e)	Maximum <i>gross floor area</i> for residential <i>units</i> – 26,500 square metres
f)	Minimum <i>gross floor area</i> of non-residential uses – 230 square metres
g)	Special provisions 1-7 to Table A2 shall not apply
h)	The provisions of Table B7 shall not apply
i)	<p>Minimum setbacks:</p> <ul style="list-style-type: none"> i. <i>Front yard</i> – 3 metres ii. <i>Exterior side yard</i> – 2.8 metres iii. <i>Interior side yard</i> – 1.5 metres iv. <i>Rear yard</i> – 1.5 metres v. Minimum setback to a daylighting triangle – 0.0 metres vi. Any floors above the <i>first storey</i> shall maintain a minimum setback of 1.5 metres to the <i>front lot line</i> and <i>exterior side lot line</i>
j)	Notwithstanding i) above, a minimum setback of 15.0 metres is required from a <i>point tower</i> to the <i>rear lot line</i>
k)	Maximum <i>height</i> – the lesser of 30 <i>storeys</i> or 100.0 metres
l)	Maximum <i>podium height</i> – the lesser of 8 <i>storeys</i> or 27.0 metres
m)	Notwithstanding the above, the <i>first storey</i> of a mixed-use building may have a maximum floor to ceiling <i>height</i> of 7.5 metres, non-inclusive of dropped bulkheads, mezzanines, lofts, or an internally accessed additional <i>storey</i> that does not occupy the entire <i>gross floor area</i> of the <i>first storey</i> , and shall be considered a single <i>storey</i>
n)	Maximum <i>gross floor area</i> of each floor plate above the 8 th <i>storey</i> – 800 square metres
o)	Mechanical penthouse is permitted to project 7.0 metres above the highest point of the roof surface.
p)	Any floor containing a rooftop mechanical penthouse and no living space shall not be deemed a <i>storey</i> .
q)	<p>Minimum required <i>parking</i>:</p> <ul style="list-style-type: none"> i. <i>Apartment dwellings</i>: <ul style="list-style-type: none"> a. 0.60 spaces per <i>dwelling unit</i> b. 0.14 spaces per <i>dwelling unit</i> for visitor parking ii. Non-residential uses <ul style="list-style-type: none"> a. The first 500 square metres – No <i>parking spaces</i> b. 1 space per 30 square metres of <i>net floor area</i> for all non-residential area above 500 square metres iii. Car-share space <ul style="list-style-type: none"> a. A minimum of 2 of the required parking spaces may be used for car-share spaces. iv. Accessible parking spaces: <ul style="list-style-type: none"> a. 5% of the required <i>parking spaces</i> shall be provided as accessible spaces
r)	<p><i>Bicycle parking spaces</i>:</p> <ul style="list-style-type: none"> a. Residential Uses: <ul style="list-style-type: none"> i. 0.8 spaces/unit for long-term bicycle parking at minimum ii. 0.2 spaces/unit for short-term bicycle parking at minimum iii. A minimum of 1 bike repair station shall be provided

s)	Notwithstanding q) above, required residential visitor parking and non-residential parking may be provided as a single shared supply
t)	No <i>loading spaces</i> are required.
v)	No <i>setbacks</i> or <i>yards</i> shall be required for any portion of a <i>private garage, parking garage</i> , or underground <i>structure</i> if it is constructed completely below the <i>established grade</i> . This exemption shall also apply to ventilation shafts and housings, stairways and other similar facilities above <i>established grade</i> associated with below grade <i>parking garages</i> .
w)	A minimum of one opening of each residential <i>dwelling unit</i> shall be located on the exterior wall of a building facing a lot line.
	Architectural features such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, balconies, and awnings may encroach into any required <i>yard</i> , but in no case shall the architectural feature, balcony, or awning be located closer than: <ul style="list-style-type: none"> i) <i>Rear lot line</i> – 0.6 metres ii) <i>Daylight Triangle</i> – 0.0 metres iii) <i>Any other lot line</i> - 1.0 metre

3. HOLDING PROVISION

- 3.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned NC3*749(H) as identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 3.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the *Planning Act*.
- 3.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule 'A' shall not be passed until the following conditions have been met:
- a) A Subdivision Agreement has been registered on the subject lands for the conveyance of Sun Yat-Sen Avenue as a public right-of-way to the satisfaction of the City.
 - b) The Owner shall submit a Watermain Analysis to the City to determine the upgrades that may be required for the proposed development to the satisfaction of the Director of Engineering or their designate.
 - c) If the Watermain Analysis recommends any watermain upgrades necessary to accommodate to the proposed development, the Owner agrees to execute a Construction Agreement and a Municipal Servicing Agreement with the City, at no cost the City, and provide financial securities, submit detailed engineering drawings, pay required fees in accordance with the latest Fee By-law, provide insurance, etc. as required, to the satisfaction of the Director of Engineering or their designate.
 - d) The Owner shall submit a Sanitary Capacity Analysis to the City to determine the upgrades that may be required for the proposed development to the satisfaction of the Director of Engineering or their designate.
 - e) If the Sanitary Capacity Analysis recommends any sanitary sewer upgrades/improvements necessary to accommodate to the proposed development, the Owner agrees to execute a Construction Agreement including but not limited to Subdivision Agreement and/or Municipal Servicing Agreement with the City, at no cost to the City, and provide financial securities, submit detailed engineering drawings, pay required fees in accordance with the latest Fee By-Law, provide insurance, etc. as required, to the satisfaction of the Director of Engineering or their designate.
 - f) The Owner shall prepare and submit an updated Transportation Impact Study and an enhanced Transportation Demand

Management Plan to the satisfaction of the Director of Engineering
or their designate.

Read and first, second and third time and passed on March 20, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Amanda File No. PLAN 23 148834



EXPLANATORY NOTE

BY-LAW 2024-48

A By-law to amend By-law 177-96, as amended

2163321 Ontario Inc.

Part of Lot 1, Concession 6, Plan 64R-1706

35-51 Old Kennedy Road

PLAN 23 148834

Lands Affected

The proposed by-law amendment applies to a 0.3 ha (0.75 ac) parcel of land located on the east side of Old Kennedy Road and north of Steeles Avenue.

Existing Zoning

The subject lands are zoned “Community Amenity Two Exception 283 Hold [CA2*283 (H)] Zone” under By-law 177-96, as amended.

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands to “Neighbourhood Commercial Three Exception 749 Hold [NC3*749(H)] Zone” and to implement site specific development standards to permit a mixed-use high-rise development.