



# BY-LAW 2024-173

**A By-law to amend By-law 88-76, as amended**  
*(to delete lands from the designated areas of By-laws 88-76)*  
**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 88-76, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 88-76, as amended.
2. That 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 additional lands as shown on Schedule 'A' attached hereto.
  - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:
 

from:  
**Highway Commercial (M-HC) Zone**

to:  
**Community Amenity Four \*752 (Hold) (CA4\*752 (H)) Zone**
3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception <b>7.752</b>	<b>9331-9399 Markham Road</b>	<b>Parent Zone</b>
File ZA 18 140091	East side of Markham Road, north of 16 <sup>th</sup> Avenue and south of Bur Oak Avenue	<b>CA4</b> Amending By-law 2024-173
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *752 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.		
<b>7.752.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
Residential Uses		
a)	<i>Apartment Dwellings</i>	
b)	<i>Home Child Care</i>	
c)	<i>Home Occupations</i>	
Non-Residential Uses		
d)	<i>Art Galleries</i>	
e)	<i>Business Offices</i>	
f)	<i>Child Care Centres</i>	
j)	<i>Commercial Fitness Centre</i>	
h)	<i>Commercial Schools</i>	
i)	<i>Financial Institutions</i>	
j)	<i>Libraries</i>	
k)	<i>Medical Offices</i>	
l)	<i>Museums</i>	
m)	<i>Personal Service Shops</i>	
n)	<i>Place of Amusement</i>	
o)	<i>Place of Entertainment</i>	

p)	<i>Private Clubs</i>
q)	<i>Private Schools</i>
r)	<i>Recreational Establishment</i>
s)	<i>Restaurants</i>
t)	<i>Retail Stores</i>
u)	<i>Supermarkets</i>
v)	<i>Take Out Restaurants</i>
<b>7.752.2 Special Zone Standards</b>	
The following special zone standards shall apply:	
a)	Notwithstanding any further division or partition of any of the lands subject to this Section, all lands zoned CA4*752 shall be deemed to be one lot for the purposes of this By-law.
b)	<p><i>Amenity Area</i> means indoor or outdoor space on a <i>lot</i> that is designed for and available for use by the occupants of a <i>building</i> on the <i>lot</i> for recreational or social activities.</p> <p><i>Bicycle Parking Space</i> means a space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle, or within a locked room for the exclusive use of parking bicycles.</p> <p><i>Podium</i> means the base or lower portion of a multi-storey <i>building</i>, which is located above the established grade, and is measured from the established grade to the maximum <i>podium height</i> as set out in the applicable zone. A <i>podium</i> may or may not have a <i>point tower</i> projecting above it.</p> <p><i>Point Tower</i> means portions of a <i>building</i> that projects above a <i>podium</i>.</p>
c)	For the purposes of this By-law, the lot line abutting Markham Road shall be deemed to be the front lot line.
d)	For the purposes of this By-law, established grade shall be 202.4 metres above sea level (Canadian Geodetic Datum Elevation)
e)	The provisions of Table A2 and Table B7, including Special Provisions, shall not apply.
f)	Non-residential uses are permitted only in the first and second storeys (including a mezzanine).
g)	Minimum <i>gross floor area</i> for non-residential uses including <i>public uses</i> – 1,200 square metres.
h)	Maximum <i>gross floor area</i> of all <i>buildings</i> – 79,534 square metres
i)	Maximum number of <i>dwelling units</i> – 990 units
j)	Maximum <i>gross floor area</i> of a <i>point tower</i> floorplate– 850 square metres.
k)	Minimum combined common indoor and outdoor <i>amenity areas</i> – 4.5 square metres per <i>dwelling unit</i> .
l)	<p>Minimum at grade setback:</p> <ul style="list-style-type: none"> <li>i) <i>Front yard</i> – 1.0 metres</li> <li>ii) <i>Interior side yard</i> – <ul style="list-style-type: none"> <li>a) Within 30 metres of the <i>front lot line</i> - 6.5 metres</li> <li>b) 30 metres or greater from the front lot line – 1.0 metres</li> </ul> </li> <li>iii) <i>Rear yard</i> – 6.5 metres</li> <li>iv) <i>Exterior side yard</i> – 1.0 metres</li> <li>v) Minimum setback from a sight triangle – 0.0 m</li> </ul>
m)	Architectural features such as sills, belt courses, cornices, eaves, gutters, pilasters, roof overhangs, columns, landings, stairs, <i>porches</i> , terraces, and <i>balconies</i> may encroach into the required <i>yards</i> a distance of no more than 3.0 metres.
n)	<p>Maximum <i>height</i> exclusive of mechanical penthouse or parapet:</p> <p><i>Podium</i>: 31 metres</p> <p><i>Point tower</i>: The maximum combined <i>height</i> of all <i>point towers</i> shall be 256 metres, and no individual <i>point tower</i> shall exceed 135 metres in <i>height</i>.</p>
o)	The parapet, mechanical penthouse, and mechanical features such as structures containing the equipment used for the functional operation of the building, including electrical, utility, mechanical and ventilation equipment, as well as enclosed stairwells, roof access, maintenance equipment storage, cooling towers, heating, cooling or ventilating equipment,

	chimneys, and vents, building maintenance units, elevator overrun, and window washing equipment are permitted to project a maximum of 7.0 metres above the highest point of the roof surface, regardless of the <i>height</i> of the <i>building</i> .
p)	Minimum separation between <i>point towers</i> – 27 metres.
q)	Notwithstanding p) above, <i>balconies</i> and <i>porches</i> are permitted to project 2.0 metres from the main wall of a <i>building</i> into the <i>minimum setbacks</i> and into the <i>minimum separation between point towers</i> .
r)	Minimum parking requirement: i) Dwelling units – 0.65 parking spaces per dwelling unit plus 0.15 parking spaces per dwelling unit for visitors. ii) Non-residential uses – No additional parking spaces are required. Non-residential uses share visitor parking spaces. iii) A minimum of 2 of the required parking spaces shall be used for car-share spaces. iv) 5% of the required parking shall be provided as accessible spaces.
s)	<i>Bicycle parking spaces</i> : a. Residential Uses: i) A minimum of 0.5 spaces per unit for long-term bicycle parking. ii) A minimum of 0.1 spaces per unit for short-term bicycle parking. b. Non-Residential Uses: i) No requirement for long-term bicycle parking. ii) A minimum of 0.25 spaces per 100 square metres of gross floor area or 5 spaces, whichever is greater, for short-term bicycle parking. c. A minimum of 2 bike repair stations shall be provided.
t)	The minimum dimensions of a horizontal bicycle parking space shall be: - Minimum length of 1.8 metres; - Minimum width of 0.6 metres; and, - Minimum vertical clearance of 1.2 metres.
u)	The minimum dimensions of a vertical bicycle parking space shall be: - Minimum vertical clearance of 1.8 metres; - Minimum width of 0.6 metres; and, - Minimum horizontal clearance from the wall of 1.2 metres.
v)	Stacked bicycle parking spaces may be provided in accordance with the minimum dimensions of 7.752.2 t) and u) for each bicycle parking space.
w)	Notwithstanding Section 6.1.1 of By-law 28-97, required parking may be provided in an underground parking garage that extends under the adjacent municipal right-of-way, provided the parking is located below grade.
x)	Minimum setbacks for any portion of a parking garage, storage lockers, or mechanical or electrical rooms, below established grade – 0.0 metres.
y)	Minimum setbacks to stairways, ventilation shaft of housing, and other similar facilities above establish grade associated with the below grade <i>parking garage</i> – 0.0 metres.

#### 4. HOLDING PROVISION

- 4.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned CA4\*752 as identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 4.2 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.
- 4.3 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:
- i. The Owner shall prepare and submit a Sanitary Capacity Analysis, accounting for existing and approved developments, and current planning applications within the same sewershed along with the Upper Markham Village lands that are tributary to

this same sewershed,, to the satisfaction of the City, to determine what is required to provide sanitary services for the development of the Lands without causing adverse impacts in the City's sanitary sewer system.

- ii. The Owner shall identify in the Sanitary Capacity Analysis, the sanitary capacity constraints, if any, for the Lands. If constraints are identified, the Owner shall evaluate and recommend the appropriate sanitary capacity solutions.
  
- iii. The Owner shall fulfill or implement the recommendations and the necessary works to mitigate any impacts identified in the Sanitary Capacity Analysis. If the Sanitary Capacity Analysis recommends additional sanitary infrastructure(s) necessary to provide municipal services to the development of the Lands, then the Owner shall execute an agreement with the City, at no cost to the City, to secure the provision of additional sanitary infrastructure(s) as identified by the Sanitary Capacity Analysis and other matters, including but not limited to: provision of any financial securities, detailed engineering drawings, fees required in accordance with the City's Fees By-Law, insurance, to the satisfaction of the Director of Engineering.

Read and first, second and third time and passed on September 25, 2024.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## EXPLANATORY NOTE

### BY-LAW 2024-173

**A By-law to amend By-law 88-76, as amended**

#### **9331-9399 Markham Road**

**Lands located on the East side of Markham Road, north of 16<sup>th</sup> Avenue and south of Bur Oak Avenue.**

#### **Lands Affected**

The proposed by-law amendment applies to approximately 0.76 hectares (1.89 acres) of land located on the East side of Markham Road, north of 16<sup>th</sup> Avenue and south of Bur Oak Avenue and municipally known in the year 2022 as 9331-9399 Markham Road in the City of Markham within the Regional Municipality of York.

#### **Existing Zoning**

The subject land is currently zoned **Highway Commercial (M-HC)** under By-law 88-76, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to amend By-law 88-76 as amended, as follows:

from:

**Highway Commercial (M-HC)**

to:

**Community Amenity Four \*752 (Hold) (CA4\*752 (H)) Zone**

in order to permit a mixed-use development on the lands.