



# BY-LAW 2024-171

**A By-law to amend By-law 122-72, as amended**  
*(to delete lands from the designated area of By-law 122-72)*  
**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 122-72, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 122-72, 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:

**Community Amenity (CA) Zone**

to:

**Community Amenity Two\*779 Hold (CA2\*779(H)) Zone**

**And**

**Open Space One (OS1) Zone**

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

Exception 7.779	8350 Kennedy Ltd. 8350 Kennedy Road	Parent Zone CA2
File PLAN 23 118558		Amending By-law 2024-171
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *779 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>7.779.1 Additional Permitted Uses</b>		
The following additional uses are permitted:		
a)	<i>Place of Amusement</i>	
<b>7.779.2 Prohibited Uses</b>		
The following uses are prohibited:		
a)	<i>Townhouse dwellings</i>	
<b>7.779.3 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of the lands subject to this Section, all lands zoned with Exception *779 shall be deemed to be one lot for the purposes of this By-law and all zone standards are applicable to the lands zoned with Exception *779 as a whole and not to any subdivided part thereof.	
b)	For the purposes of this By-law the following definitions 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>Bicycle parking space, Long-term</i> means a <i>bicycle parking space</i> within a building or structure designed for the storage of bicycles 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>Bicycle parking space, Short-term</i> means a <i>bicycle parking space</i> that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle, that is available for use by the general public.</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 <i>podium</i> height 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 building that projects above a <i>podium</i>.</p> <p><i>Storey</i> means the portion of a <i>building</i> that is situated between the top of any floor and the top of the floor next above it. Where there is no floor above, <i>storey</i> means the portion of a <i>building</i> that is situated between the top of the floor and the ceiling above the floor. Any portion of a building partly below <i>established grade</i> shall be deemed a <i>storey</i> where its ceiling is at least 50% above <i>established grade</i>. A mechanical penthouse shall not be considered a <i>storey</i> or part thereof.</p>
c)	<i>Child care centre</i> and place of worship are only permitted on the <i>first storey</i> of an <i>apartment building</i> .
d)	<p>Maximum <i>building height</i>:</p> <ul style="list-style-type: none"> <li>i) <i>Podium</i> – the lesser of 9 <i>storeys</i> or 207 metres above sea level (CGS)</li> <li>ii) <i>Point tower</i> – <ul style="list-style-type: none"> <li>a) the lesser of 24 <i>storeys</i> or 265 metres above sea level (CGS)</li> <li>b) within 45 metres of the southerly lot line 28 <i>storeys</i> or 277 metres above sea level (CGS)</li> </ul> </li> </ul>
e)	<p>Minimum required setback:</p> <ul style="list-style-type: none"> <li>i) <i>Front yard</i> - 2.5 metres</li> <li>ii) <i>Interior side yard</i> (north) – 7.5 metres to a <i>podium</i></li> <li>iii) <i>Interior side yard</i> (south) – 12 metres to a <i>podium</i></li> <li>iv) <i>Interior side yard</i> (south) – 15 metres to a <i>point tower</i></li> <li>v) <i>Interior side yard</i> (north) – 15 metres to a <i>point tower</i></li> </ul>
f)	<p>Minimum setback to an OS1 zone:</p> <ul style="list-style-type: none"> <li>i) <i>Buildings</i> or <i>structures</i> one <i>storey</i> or less – 3 metres</li> <li>ii) <i>Buildings</i> greater than one <i>storey</i> – 10 metres</li> </ul>
g)	Minimum setback between the <i>main walls</i> of <i>point towers</i> – 30 metres
h)	Maximum floor plate of a <i>point tower</i> – 750 square metres
i)	Maximum <i>gross floor area</i> for all <i>buildings</i> : 62,000 square metres
j)	Minimum <i>gross floor area</i> of non-residential uses: 1,000 square metres
k)	<p>Notwithstanding Section d), the following can project above the maximum <i>height</i> of a <i>podium</i>:</p> <p>Trellises, pergolas, wind or privacy screens, shade structures, stair enclosures, and landscape features – 4 metres</p> <p>Railings and guards – 1.6 metres</p>
l)	Notwithstanding By-law 28-97, there shall be no minimum parking requirement for any permitted uses.
m)	Where parking is provided for any non-residential use, the greater of one space, or 3% of the spaces shall be provide as accessible spaces
n)	<p>Minimum <i>bicycle parking space</i> requirements:</p> <p>Residential:</p> <ul style="list-style-type: none"> <li>i) <i>Long term bicycle parking space</i>: 0.80 spaces per <i>dwelling unit</i></li> <li>ii) <i>Short term bicycle parking space</i>: 0.20 spaces per <i>dwelling unit</i>, or 6 spaces, whichever is higher</li> </ul>

	Non-Residential: i) <i>Short-term Bicycle parking space</i> : 0.15 spaces per 100 m <sup>2</sup> GFA or 3 spaces, whichever is higher.
o)	Minimum dimensions of a horizontal <i>bicycle parking space</i> shall be: i) Minimum length of 1.8 metres ii) Minimum width of 0.6 metres; and iii) Minimum vertical clearance of 1.2 metres
p)	Minimum dimensions of a vertical <i>bicycle parking space</i> shall be: i) Minimum vertical clearance of 1.8 metres ii) Minimum width of 0.6 metres; and iii) Minimum horizontal clearance of 1.2 metres
q)	Stacked <i>bicycle parking spaces</i> may be provided in accordance with the following minimum dimensions for each <i>bicycle parking space</i> . <i>0.35 metres wide, 1.6 metres in length, 1.2 metres in height.</i>
r)	A minimum of two bicycle repair stations is required.

#### 4. HOLDING PROVISION

- 4.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned CA2\*779(H) 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:
- a) The Owner shall submit a Sanitary Capacity Analysis, including but not limited to all downstream sanitary sewers discharging to YDSS, to the City to determine the upgrades that may be required for the development of the site to the satisfaction of the Director of Engineering.
  - b) Should the Sanitary Capacity Analysis recommend sanitary sewer upgrades/improvements necessary to accommodate the proposed development, the Owner shall execute a construction agreement 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.
  - c) Alternatively, the Owner agrees to provide the necessary proportionate financial contribution to the City and/or enter into a cost-sharing agreement with any developer, if the construction of proposed sanitary sewer upgrades is to be upfronted by any other developers, to the satisfaction of the Director of Engineering.
  - d) The Owner shall submit an enhanced Transportation Demand Management Plan and enter into a "Transportation Demand Management Agreement" with the City, to the satisfaction of the Director of Engineering.

Read and first, second and third time and passed on September 24, 2024.

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Kimberley Kitteringham  
City Clerk

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Frank Scarpitti  
Mayor



## **EXPLANATORY NOTE**

### **BY-LAW 2024-171**

**A By-law to amend By-law 122-72, as amended and By-177-96, as amended**

**8350 Kennedy Ltd.  
8350 Kennedy Road  
PLAN 23 118558**

### **Lands Affected**

The proposed by-law amendment applies to a parcel of land with an approximate area of 1.22 hectares (3.01 acres), which is located on the west side of Kennedy Road and south of Highway 7.

### **Existing Zoning**

The subject lands are zoned “Community Amenity (CA) Zone” under By-law 122-72, as amended.

### **Purpose and Effect**

The purpose and effect of this By-law is to rezone the subject lands to “Community Amenity Two\*779 Hold [CA2\*779(H)] Zone” and “Open Space One (OS1) Zone” under By-law 177-96, as amended and to implement site specific development standards to permit a mixed-use high-rise development.