



BY-LAW 2024-226

A By-law to amend By-law 1229, as amended
(to delete lands from the designated areas of By-law 1229)
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 1229, as amended, are hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 1229, 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:
Service Commercial Zone (C3) under By-law 1229

to:
**Community Amenity Area Two Hold* 772 (CA2*772) (H)
 Zone under By-law 177-96**
3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.772	648321 Ontario Inc. 5871 Highway 7	Parent Zone CA2
File PLAN 22.244910		Amending By-law 2024-226
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *772 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.		
7.772.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	The provisions of Table B7 shall not apply	
b)	For the purposes of this By-law the following definitions apply: <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. <i>Bicycle Parking Space, Long-term</i> means a <i>bicycle parking space</i> within a <i>building</i> or <i>structure</i> 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. <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. <i>Indoor Amenity Space</i> means an indoor space on a lot that is designed for and available for use by the occupants of a <i>building</i> on the lot for recreational or social activities.	
c)	For the purposes of this By-law, the <i>lot line</i> abutting Highway 7 shall be deemed to be the <i>front lot line</i> .	

d)	<p>Minimum setbacks to a <i>main building</i>:</p> <ul style="list-style-type: none"> i) <i>Front yard</i> – 0.3 metres ii) <i>Exterior side yard</i> – 3.0 metres iii) <i>Interior side yard</i> <ul style="list-style-type: none"> a) for the first 5 <i>storeys</i> above <i>established grade</i> – 7.0 metres b) for any portion of a <i>building</i> above 5 <i>storeys</i> – 10.0 metres iv) <i>Rear yard</i> – 13.0 metres
e)	Maximum <i>height</i> – 10 <i>storeys</i>
f)	Notwithstanding special provision e) above, the maximum <i>height</i> of a <i>building</i> within 35 metres of the <i>rear lot line</i> is 5 <i>storeys</i>
g)	Mechanical penthouses and features, such as structures containing the equipment necessary to control an elevator, equipment used for the functional operation of a <i>building</i> , such as electrical, utility, and ventilation equipment are permitted to project a maximum of 7.5 metres above the highest point of the roof surface, regardless of the <i>height</i> of a <i>building</i> , and shall not be deemed to be a <i>storey</i> .
h)	Minimum non-residential <i>gross floor area</i> - 165 square metres
i)	Minimum width of <i>landscaping</i> adjacent to the <i>rear lot line</i> – 3.0 metres
j)	Notwithstanding special provision i), hydro transformers may be located within the required <i>landscaping</i> adjacent to the <i>rear lot line</i> .
k)	Minimum required <i>outdoor amenity space</i> – 2 square metres per dwelling unit
l)	The area of a <i>balcony</i> associated with a <i>dwelling unit</i> may be used in calculating required <i>outdoor amenity space</i> .
m)	Minimum <i>gross floor area</i> of all <i>buildings</i> – 13,100 square metres.
n)	Minimum setback for a <i>parking garage</i> located completely below <i>established grade</i> , including ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting above <i>established grade</i> and access ramps or <i>driveways</i> leading to an underground <i>parking garage</i> : 0.1 metres
o)	Notwithstanding special provision d), architectural features, including terraces, cornices, sills, canopies, awnings, stair enclosures, guardrails, green roof elements, wind mitigation, windowsills, building maintenance equipment, <i>porches</i> , <i>decks</i> , <i>patios</i> , architectural wing walls, <i>balconies</i> , underground cellars, stairs and landings are permitted to encroach into the required <i>front</i> , <i>interior side</i> , and <i>exterior side yard</i> .
p)	<i>Balconies</i> are not permitted to encroach into the required <i>rear yard</i> .
q)	Minimum <i>parking space</i> requirements for <i>apartment dwellings</i> - 1.01 space per <i>dwelling unit</i> plus 0.15 spaces per <i>dwelling unit</i> for visitors.
r)	Required visitor <i>parking spaces</i> for residential uses shall be shared with non-residential uses.
s)	<p>Minimum <i>bicycle parking space</i> requirements:</p> <ul style="list-style-type: none"> a. Residential Uses: <ul style="list-style-type: none"> i) A minimum of 0.50 spaces per <i>dwelling unit</i> identified as designated <i>long-term bicycle parking spaces</i>. ii) A minimum of 0.10 spaces per <i>dwelling unit</i> identified as designated <i>short-term bicycle parking spaces</i>. b. Non-Residential Uses: <ul style="list-style-type: none"> i) <i>Gross floor area</i> less than 1,200 square metres: 0.0 spaces identified as designated <i>long-term bicycle parking spaces</i>. ii) <i>Gross floor area</i> greater than or equal to 1,200 square metres: 0.08 spaces per 100 square metres identified as designated <i>long-term bicycle parking spaces</i>. <p>A minimum of 0.10 spaces per 100 square metres of <i>gross floor area</i> or 3 spaces identified as designated <i>short-term bicycle parking spaces</i>, whichever is greater.</p>
t)	<p>The minimum dimensions of a horizontal <i>bicycle parking space</i> shall be:</p> <ul style="list-style-type: none"> i) Minimum length of 1.8 metres; ii) Minimum width of 0.6 metres; and, iii) Minimum vertical clearance of 1.2 metres
u)	<p>The minimum dimensions of a vertical <i>bicycle parking space</i> shall be:</p> <ul style="list-style-type: none"> i) Minimum vertical clearance of 1.8 metres; ii) Minimum width of 0.6 metres; and; iii) Minimum horizontal clearance from the wall of 1.2 metres.
v)	<p>Stacked <i>bicycle parking spaces</i> may be provided in accordance with following the minimum dimensions for each stacked <i>bicycle parking space</i>:</p> <ul style="list-style-type: none"> i) 0.3 metres wide; ii) 1.2 metres in length;

	iii) 1.2 metres in height
w)	Minimum required accessible <i>parking spaces</i> : 3 percent of the required number of <i>parking spaces</i> plus 1 space.
x)	Special provision w), is subject to the following standards: i) 50 percent of the required accessible <i>parking spaces</i> shall be comprised of Type A accessible <i>parking spaces</i> having a width of not less than 3.4 metres and a length of not less than 5.8 metres; and, ii) 50 percent of the required <i>parking spaces</i> shall be comprised of Type B accessible <i>parking spaces</i> having a width of not less than 2.4 metres and a length of not less than 5.8 metres.
y)	Type A and Type B accessible <i>parking space</i> shall have a 1.5-metre-wide access aisle adjacent to the accessible <i>parking space</i> . The 1.5-metre-wide access aisle adjacent to an accessible <i>parking space</i> may be shared between two adjacent accessible <i>parking spaces</i> .
z)	Where the minimum number of required accessible <i>parking spaces</i> identified in special provision w), results in an odd number of accessible <i>parking spaces</i> being required, the additional space may be a Type B accessible <i>parking space</i> .
aa)	A car-share <i>parking space</i> is permitted to occupy a required <i>parking space</i> but is not permitted to occupy an accessible <i>parking space</i> .

4. HOLDING PROVISION

- 4.1 For the purpose of this By-law, a Holding (H) provision is hereby established on lands zoned CA2*772 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.
- 4.4 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the Owner executes an agreement with the City to submit and implement a Transportation Demand Management Plan, to the satisfaction of the City.

Read and first, second and third time and passed on December 18, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2024-226

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

**648321 Ontario Inc.
5871 Highway 7
PLAN 22 244910**

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 0.294 hectares (0.725 acres) of land on the south side of Highway 7, east of Markham Road, municipally known as 5871 Highway 7.

Existing Zoning

The subject lands are zoned Service/Highway Commercial Zone (C3) under By-law 1229, as amended.

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 1229, as amended, and zone them Community Amenity Area Two*772(H) (CA2*772(H)) under By-law 177-96, as amended, to permit the redevelopment of subject lands for a 10-storey mixed use building.