



## **EXPLANATORY NOTE**

### **BY-LAW 2012-237**

#### **A By-law to amend By-law 177-96, as amended by By-law 2011-87**

**Milliken Development Corporation & Mon Sheong Foundation  
31, 67 & 73 Old Kennedy Road and 4550 & 4576 Steeles Avenue East**

#### **Lands Affected**

The proposed by-law amendment applies to all or portions of 5 properties which are located in the Milliken Mills community, near the northeast corner of Old Kennedy Road and Steeles Avenue East. The properties are municipally known as 31, 67 & 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue.

#### **Existing Zoning**

The subject lands are zoned “Community Amenity Four, Exception 438 – HOLD” [CA4\*438(H)] by way of amending By-law 2011-87 which amended parent Zoning By-law 177-96, as amended. Amending By-law 2011-87 permits the lands to be developed with four seniors’ residences in accordance with specific development standards.

#### **Purpose and Effect**

The purpose of this By-law is to amend portions of a previously approved site specific by-law to permit modifications which include, but are not limited to the following:

- Amend the definition of Gross Floor Area to exclude certain service and common areas throughout the buildings, floor areas within the basement and enclosed rooftop recreational uses;
- To provide that enclosed accessory rooftop recreational uses not count towards the maximum number of storeys;
- To increase the maximum number of storeys for the building located within the southwest corner of Parcel B from 12 storeys to 24 storeys;
- To remove the minimum distance separation required between buildings on Parcels A & B;
- To adjust the building and underground parking setbacks including connections under Sun Yat-Sen Avenue; and,
- To establish Sun Yat-Sen Avenue as the front lot line for the purposes of lot frontage.



## BY-LAW 2012-237

A By-law to amend By-law 177-96, as amended by By-law 2011-87

---

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1.0 By-law 177-96, as amended by By-law 2011-87, be and the same is hereby further amended as follows:

1.1 By deleting Section 7.438.1 in its entirety, and replacing it with a new Section 7.438.1 as follows:

**“7.438.1 For the purpose of this exception:**

(i) The following definitions shall apply:

(a) FLOOR AREA, GROSS:

Means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, vestibules, stairwells, elevator shafts, service/mechanical rooms and penthouses, common washrooms, garbage/recycling rooms, staff locker and lunch rooms, resident lockers, communal laundry rooms, loading areas, rooftop recreational uses, and any space with a ceiling height of less than 1.8 metres and any part of a basement that is unfurnished, is used solely for storage purposes and is not accessible to the general public.

(b) LONG TERM CARE FACILITY:

Means a premises regulated through the *Ministry of Health and Long Term Care*, or any successor, that provides accommodation for people requiring a broad range of 24 hour health care, personal care and support care within a supervised and secured setting and where common facilities for the preparation and consumption of food are provided and, common lounges, recreation rooms, medical care facilities and personal services, may also be provided.

(c) ROOFTOP RECREATIONAL USES:

Means uses that serve recreational functions and which are located on the roof of a six or eight storey building, accessory to a RETIREMENT HOME or LONG TERM CARE FACILITY and used solely by residents and their guests.

(ii) Parcels A and B are shown on Schedule B attached hereto.”

1.2 By deleting Section 7.438.4 in its entirety, and replacing it with a new Section 7.438.4 as follows:

**“7.438.4 Zone Standards**

(a) For the purpose of this By-law Sun Yat-Sen Avenue is considered the FRONT LOT LINE.

(b) For the purpose of this By-law Sun Yat-Sen Avenue is considered a PUBLIC STREET.

- (c) Minimum LOT FRONTAGE – 130 metres
- (d) Minimum LOT AREA – 0.6 ha
- (e) Maximum number of STOREYS for Parcel A – 6 STOREYS except:
  - (i) Between 11 and 14.5 metres of the north LOT LINE – 4 STOREYS
  - (ii) Between 14.5 and 19 metres of the north LOT LINE – 5 STOREYS
  - (iii) Between 14.5 and 19 metres of the north LOT LINE but located between 60 metres and 80 metres from the west property boundary as shown on Schedule B measured from the intersection of the west property boundary and the rear LOT LINE – 6 STOREYS
  - (iv) ROOFTOP RECREATIONAL USES are not considered a STOREY provided they do not occupy more than 35% of the roof area and do not exceed a height of 5 metres
- (f) Maximum number of STOREYS for Parcel B – 8 STOREYS except:
  - (i) Within 45 metres of the west property boundary as shown on Schedule B – 24 STOREYS
  - (ii) ROOFTOP RECREATIONAL USES are not considered a STOREY provided they do not occupy more than 35% of the roof area and do not exceed a height of 5 metres
- (g) Maximum FLOOR SPACE INDEX:
  - (i) Parcel A – 3.0
  - (ii) Parcel B – 5.75
- (h) Minimum width of LANDSCAPING:
  - (i) Adjacent to an existing or future PUBLIC STREET – 3 metres
  - (ii) Adjacent to the north LOT LINE of Parcel A – 11 metres
  - (iii) Abutting the east building wall for Parcel A – 2 metres
- (i) MINIMUM REQUIRED YARDS:
  - (i) For lands within Parcel A on Schedule B:
    - (a) REAR YARD
      - i. for portions that are 4 STOREYS or less – 11 metres
      - ii. for portions that are 5 STOREYS – 14.5 metres
      - iii. for portions that are 6 or more STOREYS – 19 metres
      - iv. for portions that are 6 STOREYS located between 60 metres and 80 metres of the west property boundary shown on Schedule B measured from the intersection of the west property boundary and the rear LOT LINE – 14.5 metres
    - (b) EAST YARD – 2 metres
    - (c) FRONT YARD – 3 metres
    - (d) WEST YARD – 7 metres

(ii) For lands within Parcel B of Schedule B:

(a) FRONT YARD – 3 metres

(b) EAST YARD – 3 metres

(c) REAR YARD:

i. for portions that are 24 STOREYS - 10 metres

ii. for portions that are 8 STOREYS - 21 metres

iii. for portions that are 4 STOREYS – 22 metres

iv. for portions that are 1 STOREY - 16 metres

v. for portions that are 8 STOREYS located between 118 metres and 152 metres from the west property boundary shown on Schedule B as measured from the intersection of the west property boundary and the rear LOT LINE – 0 metres

(d) WEST YARD – 10 metres

(iii) Underground parking garages are not subject to the MINIMUM REQUIRED YARDS restrictions, and any passageways/connections between underground parking garages contained within Parcel A and B may be connected below a PUBLIC STREET which bisects Parcel A and B as shown on Schedule B”

1.3 By deleting Section 7.438.5 in its entirety, and replacing it with a new Section 7.438.5 as follows:

**“7.438.5 Special Site Provisions**

(a) Individual units within the RETIREMENT HOME(S) may contain kitchenettes with cooktops provided that the RETIREMENT HOME(S) contain common facilities for the preparation and consumption of food and that such common facilities are separately located within each of the BUILDINGS.

(b) ACCESSORY USES are permitted provided they:

(i) Are located within the first three STOREYS of the BUILDING;

(ii) Do not occupy more than 5% of the total BUILDING GROSS FLOOR AREA

(iii) Are intended for use by the BUILDING occupants and their guests only

(c) LOADING AREAS and parking ramps for the lands within Parcel A shall not be located within 14 metres of the north LOT LINE.

(d) LOADING SPACES and parking ramps for lands within Parcel B may encroach within the MINIMUM REQUIRED YARD.

- (e) Canopies and public art may encroach within the MINIMUM REQUIRED YARD abutting the FRONT LOT LINE
- (f) Minimum OUTDOOR AMENITY SPACE at grade:
  - (i) Parcel A – 1,200 m<sup>2</sup>
  - (ii) Parcel B – 1,000 m<sup>2</sup>

1.4 By deleting Section 3 “Mapping Associated with Section 7.438” in its entirety, including Schedule ‘B’ to By-law 2011-87, and by deleting Section 4 “Removal of Holding Provisions” in its entirety, and replacing it with a new Section 3 as follows:

**“3. Removal of Holding Provisions**

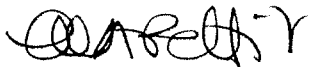
The Holding (H) provision may be lifted upon completion/satisfaction of the following conditions:

- (a) Approval of a Traffic Study to the satisfaction the City of Markham, City of Toronto and Region of York
- (b) Approval of a Servicing Study (downstream sanitary capacity) to the satisfaction of the City of Markham
- (c) Site Plan Approval and execution of a site plan agreement addressing issues including, but not limited to:
  - York Region’s Transit Oriented Design Guidelines
  - Development and securing the implementation of comprehensive Travel Demand Management (TDM) measures as required by the City of Markham and Region of York
  - Incorporation of sustainable design features which, amongst other matters, reduce energy consumption, minimize stormwater runoff, minimize heat island effect, harvest rainwater for irrigation and maximize the use of sustainable materials and resources, to the satisfaction of the City of Markham and the Region of York
  - Direct vehicular access (shared with abutting lands to the south) to Midland Avenue for lands south of Sun Yat-Sen Avenue
  - Conservation of heritage attributes of protected heritage dwelling and property at 73 Old Kennedy Road
  - Contribute its proportionate financial share of the following to the satisfaction of the Director of Engineering and the Trustee for the Milliken Main Street Landowners Group:
    - a. The full extension of Midland Avenue to Old Kennedy Road
    - b. Construction of Sun Yat-Sen Avenue extension east of Old Kennedy Road to future Midland Avenue
    - c. Construction of temporary site driveway off Old Kennedy Road until vehicular access via future Midland

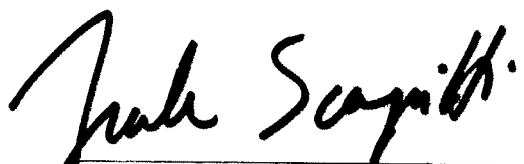
Avenue extension and Sun Yat-Sen  
Avenue is completed

- d. Upgrades to downstream sewer capacity
    - Satisfaction of all Region of York and City of Toronto's requirements
    - Proportional payment for downstream sanitary sewer capacity analysis by the City of Markham's Consultant
  - (d) Submission of a release letter from the Trustee for the Milliken Main Street Landowners Group indicating that the Owner is a member of the Group in good standing under the Group Cost-Sharing Agreement
  - (e) Consent application to establish property boundaries, including any necessary easements, and lands required for the future extension of Sun Yat-Sen Avenue and Midland Avenue
  - (f) Execution of a development agreement for the construction and dedication of Sun Yat-Sen Avenue and Midland Avenue to the satisfaction of the City of Markham
  - (g) The purchase of residual lands owned by the City of Markham (4576 Steeles Avenue) for the Midland Avenue extension, to be developed as part of the proposed seniors' development."
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

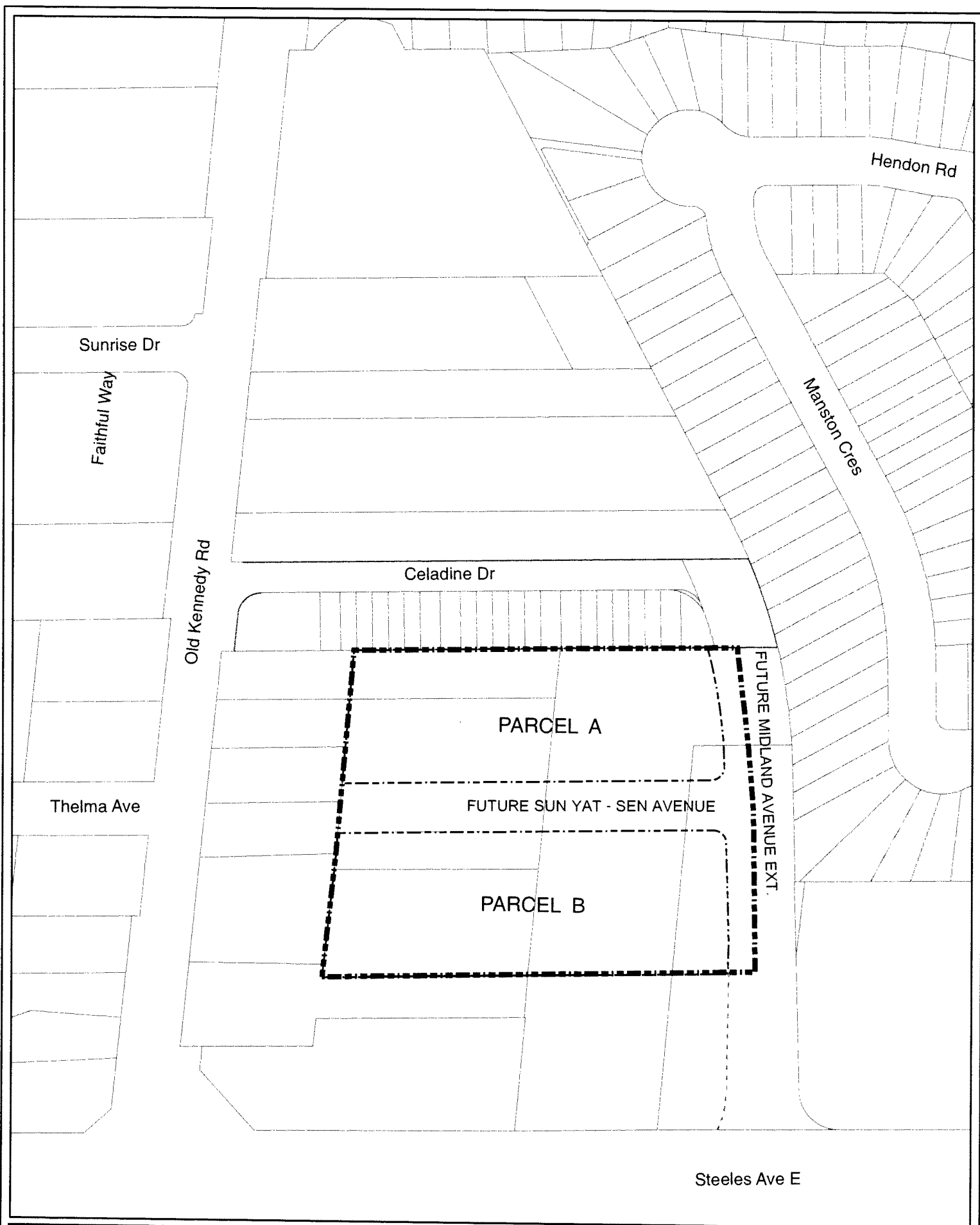
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
13<sup>TH</sup> DAY OF NOVEMBER, 2012.



MARTHA PETTIT  
ACTING CITY CLERK



FRANK SCARPITTI  
MAYOR



## BY-LAW SCHEDULE 'B' TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE



Q:\Geomatics\New Operation\By-Laws\OP\OP11124399\OP11124399.mxd

BY-LAW AMENDMENT No. 2012-237 PASSED NOVEMBER 13, 2012  
Paul Sengitt (MAYOR) Clara Polley (CLERK)

**MARKHAM** DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: SB

DATE: 09/16/2012

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