



## **EXPLANATORY NOTE**

### **BY-LAW 2019 -34**

#### **A By-law to amend By-law 90-81, as amended**

(to delete lands from the designated area of By-law 90-81)

#### **And By-law 177-96, as amended**

(to incorporate lands into the designated area of By-law 177-96)

#### **Valleymede Building AMA Corporation**

**5112, 5122 and 5248 14<sup>th</sup> Avenue and 7768, 7778, 7788 and  
7798 McCowan Road**

**North side of 14<sup>th</sup> Avenue, west side of McCowan Road**

**File No. ZA 12 117316**

#### **Lands Affected**

The proposed by-law amendment applies to lands comprising approximately 2.28 hectares (5.63 acres) located on the north side of 14<sup>th</sup> Avenue, west of McCowan Road municipally known as 5112, 5122 and 5248 14<sup>th</sup> Avenue and 7768, 7778, 7788 and 7798 McCowan Road.

#### **Existing Zoning**

The subject lands are zoned in accordance with By-law 90-81, as amended, as follows:

Residential Development (RD); and,  
Local Commercial (LC)

#### **Purpose and Effect**

The purpose and effect of this By-law is to delete the lands from the designated area of By-law 90-81, as amended, incorporate the lands into the designated area of By-law 177-96, as amended, and zone the subject lands to “**Residential Two\*549 (Hold) [R2\*549 (H)] Zone**” and “**Open Space One (OS1) Zone**” in order to facilitate the development of ninety-six (96) townhouse dwellings subject to site specific performance standards and a 0.32 ha (0.79 ac) portion of a public park.

#### **Note Regarding Further Planning Applications on this Property**

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended.



## By-law 2019 -34

**A By-law to amend By-law 90-81, as amended**  
*(to delete lands from the designated area of By-law 90-81)*  
**and By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

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

1. That By-law 90-81, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated area of By-law 90-81, 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 the lands shown on Schedule ‘A’ attached hereto.
  - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto as follows:

**Residential Two\*549 (Hold) [R2\*549 (H)] Zone; and,  
Open Space One (OS1) Zone**

3. By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.549	Valleymede Building AMA Corporation Northwest corner of 14 <sup>th</sup> Avenue and McCowan Road (5112, 5122, 5248 14 <sup>th</sup> Avenue and 7768, 7778, 7788 and 7798 McCowan Road)	Parent Zone R2
File ZA 12 117316		Amending By-law 2019-34
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the lands denoted by the symbol *549 on the schedule to this By-law.		
7.549.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Home Occupations	
c)	Home Child Care	
d)	Private Park	
7.549.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *549 shall be deemed to be one lot for the purposes of this By-law.	
b)	For the purposes of this By-law, the lot line abutting McCowan Road shall be deemed to be the front lot line.	
c)	Minimum lot frontage – 50 metres	
d)	Minimum required front yard – 2.4 metres	
e)	Minimum required exterior side yard:  i) Abutting 14 <sup>th</sup> Avenue – 2.4 metres ii) Abutting a street other than 14 <sup>th</sup> Avenue – 1.2 metres	
f)	Minimum required rear yard – 7.5 metres	
g)	Maximum garage door width – 3 metres	
h)	Maximum garage width shall not apply	
i)	Minimum building setback from a daylighting triangle abutting either McCowan Road or 14 <sup>th</sup> Avenue – 0.6 metres	

j)	Notwithstanding Section i) to the contrary, sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs and stairs that are used to provide access to a porch from the ground may be located no closer than 0.1 metres from a daylight triangle abutting either McCowan Road or 14 <sup>th</sup> Avenue.
k)	Maximum <i>height</i> – 14.5 metres, except the maximum <i>height</i> within 32 metres of the rear lot line shall be 11 metres
l)	Maximum number of <i>dwelling units</i> – 96
m)	Architectural features such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, awnings and cantilevered window bays may project up to 1 metre from any wall of a <i>building</i> .
n)	Notwithstanding Section 6.6.1 to the contrary, <i>balconies</i> may project up to 2 metres from any wall of a <i>building</i> , provided it is not located in the required <i>front yard</i> or <i>exterior side yard</i> .
o)	Notwithstanding Section 6.2.1 to the contrary, <i>decks</i> that have a height greater than 1 metre above the lowest ground surface at any point around the perimeter of the platform are permitted to extend from any wall a maximum of 2 metres provided that the floor of the <i>deck</i> is not higher than the floor level of the second storey of the <i>townhouse dwelling</i> , and provided that the deck does not project into the required <i>front yard</i> or <i>exterior side yard</i> .
p)	Notwithstanding Section 6.7, <i>townhouse dwellings</i> may have access from a <i>private street</i> .
q)	Minimum setback of a <i>main wall</i> of a <i>townhouse dwelling</i> from a <i>private street</i> – 3 metres
r)	The <i>main wall</i> of an attached <i>private garage</i> that contains an opening for motor vehicle access shall be setback a minimum of 5.8 metres from a <i>private street</i> .
s)	Minimum separation distance between end of walls of separated blocks of townhouse dwellings – 2.4 metres
t)	Minimum width of a <i>townhouse dwelling</i> – 4.5 metres, except the minimum width within 32 metres of the <i>rear lot line</i> shall be 6 metres

4. A contribution by the Owner to the City for the purposes of community benefits and public art, in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

5. **Holding Provision**

- 5.1 For the purposes of this By-law, a Holding (H) provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.

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.

Prior to removing the Holding (H) provision the following conditions must be met to the satisfaction of the City of Markham:

- (i) Submission of a clearance letter from York Region that their requirements regarding the acquisition of portions of Old McCowan Road have been met to their satisfaction, including:

- a) Owner has completed a reference plan for the four small parcels of municipally owned lands along Old McCowan Road; and,
  - b) Owner has made a formal request for York Region to acquire the two small parcels abutting its property, in accordance with the Region's policy for the sale of surplus lands, at least three months prior to any request to remove the holding provision.
- (ii) Appropriate servicing allocation has been received from the City of Markham and York Region.
  - (iii) Execution of a Site Plan Agreement with the City of Markham and York Region, including the McCowan Road/Street A/School Access intersection at a general location 215 metres from the centreline of 14th Avenue or a minimum distance to the satisfaction of the Region.
  - (iv) An access agreement has been entered into with the land owners to the north of the subject property abutting Old McCowan Road, to the satisfaction of the City of Markham and York Region.
  - (v) The proportionate costs of servicing and other matters, including but not limited to: the location, design and cost of the Intersection, local roads including roundabout, and parkland requirements attributable to the Owner, have been secured, to the satisfaction of the City of Markham.
  - (vi) An agreement to secure the Section 37 contribution has been executed by the City and the Owner.
  - (vii) Submission of a clearance letter from York Region indicating that their requirements pertaining to access to McCowan Road, have been satisfied, including that the access configuration satisfactorily addresses the access to Father Michael McGiveny Catholic Academy.
  - (viii) Submission of a Transportation Impact Study and Internal Functional Traffic Design Study satisfactory to the City of Markham and York Region, including the proposed roundabout and access to McCowan Road.
  - (ix) A cost sharing agreement has been entered into with the land owners to the north of the subject property abutting Old McCowan Road, to the satisfaction of the City of Markham.
  - (x) Execution of a construction agreement, satisfactory to the City Solicitor and Director of Engineering, between the Owner and the City to secure the Owner's obligations as they relate, but not limited to, the following:

- a) The design and construction of a new sanitary sewer on Edgecombe Court between Tillie Square Park and Canning Court, and on Canning Court, between Edgecombe Court and Windfield Road to the satisfaction of the Director of Engineering.
- b) The decommissioning of the existing sanitary sewer on Edgecombe Court between Tillie Square Park and Canning Court, and on Canning Court, between Edgecombe Court and Windfield Road, to the satisfaction of the Director of Engineering.
- c) The restoration of Edgecombe Court between Tillie Square Park and Canning Park, and Canning Court, between Edgecombe Court and Windfield Road, to the satisfaction of the Director of Engineering.
- d) The posting of sufficient financial securities to guarantee the completion of the works noted above.

5.2 Notwithstanding Section 6.24 and the above, a temporary sales office for the sale of dwelling units on the subject lands shall be permitted prior to the removal of the Holding provision (H), provided that site plan endorsement has been granted by the Development Services Committee of Council for the proposed development.

**Approved by the Local Planning Appeal Tribunal on April 24, 2018.**



# SCHEDULE " A " TO BY-LAW 2019-34

## AMENDING BY-LAWS 90-81 & 177-96 DATED MARCH 19, 2019

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- R2

RESIDENTIAL TWO

OS1

OPEN SPACE ONE
- RD

RESIDENTIAL DEVELOPMENT

(H)

HOLD PROVISION
- LC

LOCAL COMMERCIAL

\*No.

EXCEPTION SECTION NUMBER

Q:\Geomatics\New Operation\By-Laws\OPI\OP\_ZA12117316\OP\_ZA12117316.mxd

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