



BY-LAW 2019-_____

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated area of By-law 304-87)
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 304-87, as amended, is hereby further amended as follows:
 - 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 304-87, as amended.
2. 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 as shown on Schedule "A" attached hereto.
 - 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from:
Agriculture One Zone (A1)
under By-law 304-87
to:
Community Amenity Two*628 (CA2*628) Zone
under By-law 177-96
 - 2.3 By adding the following subsection to Section 7 - EXCEPTIONS

Exception 7.628	Nascent/Sher (9704 McCowan) Inc. 9704 McCowan Road	Parent Zone CA2
File ZA 17 174837		Amending By-law 2019-XX
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule "A" attached to this By-law 2019-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.628.1 Special Definitions		
The following special definition shall apply:		
a)	"Dwelling, Apartment" means a <i>dwelling unit</i> in a <i>building</i> containing three or more <i>dwelling units</i> , some of which share a common external access to the outside through a common vestibule and a common corridor system, and others which may have independent entrances to the front or rear of the <i>building</i> .	
7.628.2 Special Zone Standards		
The following specific Zone Standards shall apply:		

a)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *628 shall be deemed one lot for the purposes of this By-law.
b)	For the purposes of this By-law, the <i>lot line</i> abutting McCowan Road shall be deemed to be the <i>front lot line</i> .
c)	Minimum <i>lot frontage</i> – 45 metres
d)	Minimum <i>front yard</i> – 0.5 metres
e)	Minimum <i>rear yard</i> – 3.0 metres
f)	Minimum north <i>side yard</i> – 1.0 metres
g)	Minimum south <i>side yard</i> – 1.0 metres
h)	Maximum <i>Height</i> – 32 metres, 8 storeys
i)	Minimum <i>landscaped open space</i> – 35 %
j)	The minimum <i>yard</i> requirements shall not apply to any portion of a building including a parking garage located entirely below grade.

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City of \$ XXXX per residential unit in 2019 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), 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.

Read a first, second and third time and passed on _____,
2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2019-_____

A By-law to amend By-laws 3004-87 and 177-96, as amended

**9704 McCowan Road
CON 6 PT LOT 18 RS64R6311 PART 1
(Proposed Mixed Use Rise Apartment Development)**

Lands Affected

The proposed by-law amendment applies to 0.43 hectares (1.06 acres) of land located on the west side of McCowan Road north of Bur Oak Avenue, and municipally known as 9704 McCowan Road.

Existing Zoning

By-law 304-87, as amended, currently zones the subject lands as Agriculture One Zone (A1) By-law 304-87.

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 304-87, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from:

**Agriculture One Zone (A1)
under By-law 304-87**

to:

**Community Amenity Two*628 (CA2*628) Zone
under By-law 177-96**

In order to permit the development of an eight (8) storey mixed use apartment building and three five (5) storey residential apartment buildings on the subject lands.

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, unless the Council has declared by resolution that such an application is permitted.

DRAFT

