



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 Zone Standards		
The following specific Zone Standards shall apply:		
a)	The provisions of table B7 shall not apply	
b)	Special provision 3 of table A2 shall also apply to uses located within a <i>multiple dwelling</i>	
c)	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.	
d)	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> .	
e)	Minimum <i>lot frontage</i> – 46 metres	
f)	Minimum <i>front yard</i> – 0.0 metres	
g)	Minimum <i>rear yard</i> – 3.0 metres	
h)	Minimum north <i>side yard</i> – 1.0 metres	
i)	Minimum south <i>side yard</i> – 1.0 metres	
j)	Maximum <i>floor space index</i> (FSI) – 3.16	
k)	Maximum <i>building height</i> - 227 metres above sea level, geodetic datum	
l)	Maximum <i>building height</i> within 45 metres of the <i>centerline</i> of McCowan Road - 240 metres above sea level, geodetic datum	
m)	Minimum <i>landscaped open space</i> – 35 %	

n)	No <i>setbacks</i> or <i>yards</i> shall be required for any portion of a <i>parking garage</i> if it is constructed below the <i>established grade</i> . This exemption shall also apply to ventilation shafts and housings, stairways, portions of the <i>parking garage</i> projecting 1.8 metres above <i>established grade</i> , and other similar facilities above <i>established grade</i> associated with below grade <i>parking garages</i> .
o)	Notwithstanding g), h), and i) above, <i>outdoor amenity space</i> or terraces, retaining walls, and privacy screens may encroach into the required rear, north, or south <i>yard setback</i> , provided that no portion is within 0.2 metres of any lot line.

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City 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 304-87 and 177-96, as amended

**9704 McCowan Road
CON 6 PT LOT 18 RS64R6311 PART 1
(Proposed Mixed Used Mid-Rise Development)**

Lands Affected

The proposed by-law amendment applies to 0.43 hectares (1.06 acres) of land 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 Agricultural One Zone (A1).

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 3 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.