



# ZBA - 9704 McCowan Road.docx

**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.		
<b>7.628.1 Special Definitions</b>		
The following special definition shall apply:		
a)	"Dwelling, Apartment" means a dwelling unit in a building containing three or more dwelling units, 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> .
<b>7.628.2 Special Zone Standards</b>	
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> – 16 metres, 5 storeys
i)	Maximum <i>Height</i> within 45 metres of the centerline of McCowan Road – 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 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:

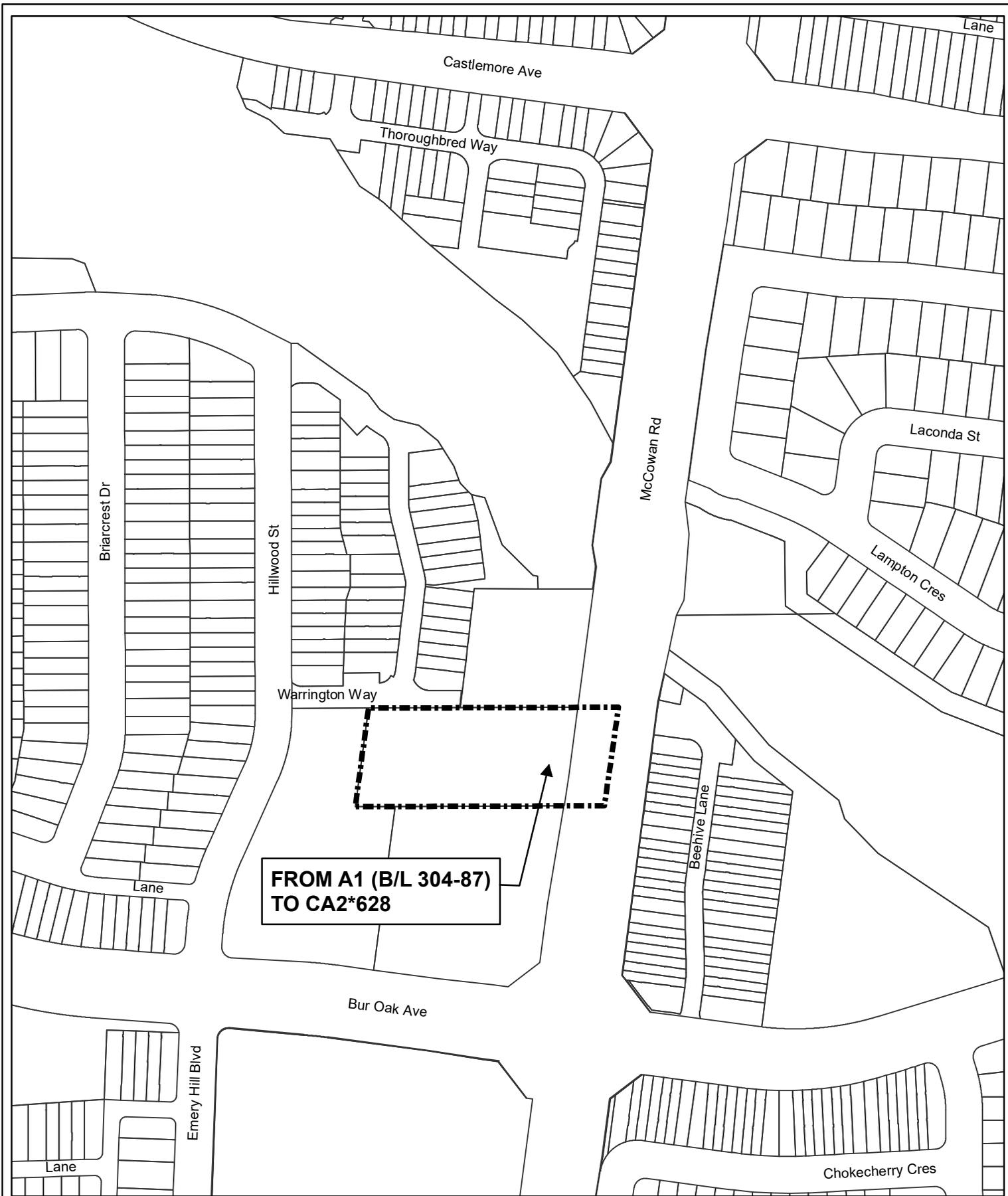
**Community Amenity Two\*628 (CA2\*628) Zone  
under By-law 177-96**

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**

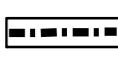
The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which the by-law was amended, unless the Council has declared by resolution that such an application is permitted.

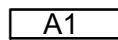




# SCHEDULE "A" TO BY-LAW

## AMENDING BY-LAWS 304-87 AND 177-96 DATED

 BOUNDARY OF AREA COVERED BY THIS SCHEDULE  
TO BE DELETED FROM 304-87 AND ADDED TO 177-96

 A1 Agricultural One

 CA2 Community Amenity Two

 \*No. Exception Section Number

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.

Q:\Geomatics\New Operation\By-Laws\ZA\ZA17174837\ZA17174837.mxd



DEVELOPMENT SERVICES COMMISSION



Drawn By: CPW

Checked By: RC

DATE: 08/04/2019

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