



By-law 2020-xx

A By-law to amend By-law 118-79, as amended by By-law 75-98
(to delete lands from the designated areas of By-law 118-79)
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 118-79, as amended, is hereby further amended by deleting the lands shown on Schedule ‘A’ attached hereto, from the designated areas of By-law 118-79, 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 additional lands as shown on Schedule ‘A’ attached hereto.
 - 2.2 By zoning the lands outlined on Schedule ‘A’ attached hereto
 - from:
Medium Density Residential One – Hold [RMD1(H)]
under By-law 118-79, as amended
 - To:
Residential Three (R3*645) Zone
under By-law 177-96
 - 2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.645	Kingsberg Warden Development Inc. 3882 Highway 7	Parent Zone R3
File ZA 18 233310		Amending By-law 2020-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 2020-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.645.1 Special Zone Standards		
The following special zone standards shall apply:		
a)	The provisions of Table B5 shall not apply	
b)	Maximum <i>Floor Space Index (FSI)</i> – 3.8	
c)	Minimum required <i>rear yard</i> setback – 7.5 metres	
d)	Minimum required <i>front yard</i> setback – 1.6 metres	
e)	Minimum required <i>interior side yard</i> – 4.0 metres	
f)	Maximum <i>height</i> – 30.0 metres	
g)	Angular Plane means an imaginary line that originates from a <i>lot line</i> and inclines at an angle identified below, across the entire <i>lot</i> . No portion of a building or structure may extend above the angular plane i) <i>Rear lot line</i> – 45 degrees ii) <i>Westerly lot line</i> – 73 degrees	
h)	Notwithstanding g) ii) above, the maximum height of any portion of a building within 13.5 metres of the westerly side lot line, greater than 21.8 metres from the front lot line, and greater than 33.6 metres from the rear lot line, shall be 9.5 metres	
i)	the maximum number of <i>dwelling units</i> – 91	
j)	Minimum <i>outdoor amenity space</i> of – 230 square metres	
k)	Notwithstanding section 6.6.1.a.i, an architectural feature may encroach into the <i>required front yard</i> and be located 0.6 metres from the <i>front lot line</i>	

3. SECTION 37 CONTRIBUTION

A contribution by the Owner to the City for the purpose of public art, in the amount of \$850.00 per residential unit in 2020 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.

A contribution by the Owner to the City for the purposes of facilities, services, or matters, in the amount of \$1750.00 per residential unit in 2020 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.

Both 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 and first, second and third time and passed on _____, 2020.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2020-____

A By-law to amend By-law 177-96, as amended

Kingsberg Warden Development Inc.

**PLAN 4295 PT LOT 5 AND EXP PLAN YR2204201 PARTS 3 AND 4
ZA 18 233310**

Lands Affected

The proposed by-law amendment applies to 0.28 hectares (0.70 acres) of land on the north side of Highway 7 East, west of Warden Avenue, and municipally known as 3882 Highway 7 East.

Existing Zoning

By-law 118-79, as amended, currently zones the subject lands “Medium Density Residential One - Hold [RMD1 (H)]”.

Purpose and Effect

The purpose and effect of this By-law is to delete the subject lands from the designated area of By-law 118-79, as amended, amend By-law 177-96 to incorporate the subject lands into the designated area of By-law 177-96, and to rezone the subject lands as follows:

from:

**Medium Density Residential One – Hold [RMD1 (H)]
under By-law 118-79, as amended**

to:

**Residential Three*645 (R3*645)
under By-law 177-96**

in order to permit a residential development on the 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.