



## **EXPLANATORY NOTE**

### **BY-LAW 2020-74**

#### **A By-law to amend By-laws 304-87 and 177-96, as amended**

**Lindwide Properties (Cornell) Inc.**

**Concession 9, PT Lots 9 and 10**

**South side of Highway 7 East, west side of Donald Cousens Parkway**

#### **Lands Affected**

The proposed by-law amendment applies to 48.4 hectares (100.5 acres) of land located within Cornell Centre, on the south side of Highway 7 and west side of Donald Cousens Parkway.

#### **Existing Zoning**

The subject lands are currently zoned:

- Agriculture One (A1) under By-law 304-87, amended;
- Rural Residential One (RR1) under By-law 304-87, amended;
- Rural Residential Two (RR2) under By-law 304-87, amended; and
- Open Space One (OS1) under By-law 177-96, as amended.

#### **Purpose and Effect**

The purpose of this By-law is to delete the portions of the subject lands from the designated area of By-law 304-87, as amended, and incorporate them into the designated area of By-law 177-96, as amended, and rezone them:

- **Residential Two-Lane Access \*656 (R2-LA\*656) Zone**
- **Residential Two-Lane Access\*657 (R2-LA\*657) Zone**
- **Residential Two-Lane Access\*658 (R2-LA\*658) Zone**
- **Residential Three\*659 (R3\*659) Zone**
- **Community Amenity Two\*660 Holding (CA2\*660(H)) Zone**
- **Business Park\*661 (BP\*661) Zone**
- **Business Park\*662 (BP\*662) Zone**
- **Open Space One (OS1) Zone**
- **Open Space Two (OS2) Zone**

The effect of this by-law is to permit a plan of subdivision containing, single detached dwellings, townhouse dwellings, stacked townhouse dwellings, a public school block, mixed-use high rise, employment uses and to preserve existing natural heritage features on the subject lands.

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

In accordance with Section 45(1.3) and 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended on July 1, 2016 through the enactment of Bill 73, no person shall apply for a minor variance from the provisions of the by-law in respect of land, building or structure before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted.



## By-law 2020-74

**A By-law to amend By-law 304-87, as amended**  
*(to delete lands from the designated area of By-law 304-87)*  
**and 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 by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, 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-Lane Access \*656 (R2-LA\*656) Zone**  
**Residential Two-Lane Access\*657 (R2-LA\*657) Zone**  
**Residential Two-Lane Access\*658 (R2-LA\*658) Zone**  
**Residential Three\*659 (R3\*659) Zone**  
**Community Amenity Two\*660 Holding (CA2\*660 (H)) Zone**  
**Business Park\*661 (BP\*661) Zone**  
**Business Park\*662 (BP\*662) Zone**  
**Open Space One (OS1) Zone**  
**Open Space Two (OS2) Zone**

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

Exception 7.656	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone R2-LA
File ZA 18 154617		Amending By- law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *656 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.656.1 Additional Permitted Uses		
a)	One (1) <i>Accessory Dwelling Unit</i>	
7.656.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	An attached <i>private garage</i> is permitted, providing it is accessed by a <i>lane</i>	
b)	<i>Dwelling units</i> are permitted to be located above a <i>detached garage</i>	
c)	<i>Minimum Rear Yard</i> – 13.0 metres, except that the minimum <i>rear yard</i> for an attached <i>private garage</i> and any living space located above is 0.6 metres	
d)	<i>Maximum Building Height</i> – 13.0 metres	
e)	<i>Maximum Building Height</i> of a detached <i>Private Garage</i> and any <i>dwelling unit</i> above a <i>detached garage</i> – 9.0 metres to a maximum of 2 <i>storeys</i>	
f)	For <i>detached dwellings</i> with an attached <i>private garage</i> , <i>outdoor amenity space</i> is required as follows:	

	(i) <i>Minimum Outdoor Amenity Space</i> area – 30.0 square metres; (ii) Required Location of <i>Outdoor Amenity Space</i> - Shall not be located above a <i>private garage</i> , in the front or rear yard, or between a garage and a side yard. (iii) Minimum width of <i>Outdoor Amenity Space</i> , as measured from one side yard – 5.0 metres.
g)	An attached or detached <i>private garage</i> may share one common wall with a <i>private garage</i> on an adjacent <i>lot</i>
h)	Section 6.3.1.7 shall not apply
i)	<i>Minimum width of Parking Pad</i> – 2.5 metres

Exception 7.657	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone R2-LA
File ZA 18 154617		Amending By-law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *657 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.657.1 Only Permitted Uses		
a)	Townhouse Dwellings	
b)	Single Detached Dwellings, designated under Part IV of the Ontario Heritage Act	
c)	Home Occupations	
d)	Home Child Care	
e)	One (1) Accessory Dwelling Unit	
7.657.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum Rear Yard 13.0 metres;	
b)	Maximum Building Height – 14 metres to a maximum of three storeys	
c)	Maximum Building Height of a detached private garage – 9.0 m to a maximum of 2 storeys	
d)	A detached private garage may share one common wall with a private garage on an adjacent lot.	
e)	Section 6.3.1.7 shall not apply	
f)	Minimum width of Parking Pad – 2.5 metres	
g)	Townhouse Dwellings with attached private garages are permitted and subject to the requirements of the R2-LA*658 Zone	
h)	Single Detached Dwellings are subject to the R2 requirements in Table B2	

Exception 7.658	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone R2-LA
File ZA 18 154617		Amending By-law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *658 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.658.1 Permitted Uses		
a)	Townhouse Dwellings	
b)	Single Detached Dwellings, designated under Part IV of the Ontario Heritage Act	
c)	Home Occupations	
d)	Home Child Care	
e)	One (1) Accessory Dwelling Unit	
7.658.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	An attached private garage is permitted, providing it is accessed by a lane;	

b)	<i>Minimum Rear Yard – 5.8 m;</i>
c)	<i>Maximum Building Height - 14 metres;</i>
d)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: (i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> and/or be located on a <i>balcony</i> or raised platform; and (ii) One (1) <i>Outdoor Amenity Space</i> area shall have a minimum area of 20 square metres (iii) <i>Outdoor Amenity Space</i> located on a <i>balcony</i> or raised platform may encroach into the <i>rear yard</i> , provided it is setback a minimum of 1.2 metres from the <i>rear lot line</i>
e)	Any part of a <i>building, outdoor amenity space, private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the required <i>interior side yard</i> or <i>rear yard</i> to the <i>lot line</i> .
f)	<i>Townhouse Dwellings</i> with detached <i>private garages</i> are permitted and subject to the requirements of the R2-LA*657 Zone
g)	<i>Single Detached Dwellings</i> are subject to the R2 requirements in Table B2

Exception 7.659	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone R3
File ZA 18 154617		Amending By-law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *659 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.659.1 Permitted Uses		
a)	Multiple Dwellings	
b)	Single Detached Dwellings, designated under Part IV of the Ontario Heritage Act	
c)	Home Occupations	
d)	Home Child Care	
7.659.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum Lot Frontage – Not applicable;	
b)	Minimum Front Yard – 1.5 metres	
c)	Minimum Rear Yard – 4.0 metres, except that the minimum rear yard for the first storey is 5.8 metres;	
d)	Maximum Building Height – 16 metres;	
e)	Outdoor Amenity Space shall be provided and shall be subject to the following provisions: (i) The Outdoor Amenity Space shall be located above a private garage and/or be located on a balcony or raised platform; and (ii) The Outdoor Amenity Space shall have a combined minimum area of 13 square metres per unit	
f)	Single Detached Dwellings are subject to the R2 requirements in Table B2	

Exception 7.660	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone CA2
File ZA 18 154617		Amending By-law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *660 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.660.1 Only Permitted Uses</b>		
a)	<i>Apartment dwellings</i>	
b)	<i>Multiple dwellings</i>	
c)	<i>Business offices</i>	
d)	<i>Commercial fitness centres</i>	

d)	<i>Commercial schools</i>
e)	<i>Day care centres</i>
f)	<i>Financial institutions</i>
g)	<i>Medical offices</i>
h)	<i>Personal service shops</i>
i)	<i>Places of worship</i>
j)	<i>Private schools</i>
k)	<i>Restaurants</i>
l)	<i>Retail stores</i>
<b>7.660.2 Special Zone Standards</b>	
The following specific Zone Standards shall apply:	
a)	<i>Minimum Floor Space Index - 2.5</i>
b)	<i>Minimum number of storeys – 4, except for buildings fronting Highway 7 which require a minimum of 8 storeys</i>
c)	<i>Maximum number of storeys – 12</i>
d)	<i>Minimum and Maximum Building Heights – not applicable</i>
e)	<i>Highway 7 is deemed to be the front lot line</i>
f)	<i>Minimum front yard – 4.5 metres</i>
g)	<i>Minimum setback to any other streetline - 2.5 metres</i>
h)	<i>Non-residential uses listed in section 7.660 c) to l) are only permitted on the first or second storey of a building.</i>

Exception 7.661	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone BP
File ZA 18 154617		Amending By- law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *661 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		
7.661.1 Permitted Uses		
a)	Business Offices	
b)	Data Processing and related facilities	
c)	Medical Offices	
d)	Research and training facilities	
e)	Commercial Schools, located on the first and second storey of an office building	
f)	Child Care Centres, located on the first and second storey of an office building	
g)	Financial Institutions	
h)	Personal Service Shops, located on the first and second storey of an office building	
i)	Restaurants located on the first and second storey of an office building	
j)	Retail Stores, located on the first and second storey of an office building	
7.661.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum Floor Space Index – 2.5	
b)	Minimum number of Storeys – 5	
c)	Maximum number of Storeys – 10	
d)	Minimum setback from any streetline – 2.5 metres	
e)	A minimum of 55% of the total ground floor area of a building shall contain the uses listed in Section 7.661.1 e) to j).	

Exception 7.662	Lindwide Properties (Cornell) Limited (South side of Highway 7, west side of Donald Cousens Parkway)	Parent Zone BP
File ZA 18 154617		Amending By- law 2020-74
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *662 as shown on ‘Schedule A’ to this By-law subject to any holding provisions applying to the subject lands.		

<b>7.662.1 Only Permitted Uses</b>	
a)	<i>Business Offices</i>
b)	Data Processing and related facilities
c)	<i>Child Care Centres</i>
d)	<i>Financial Institutions</i>
e)	<i>Industrial Uses</i>
f)	<i>Medical Offices</i>
g)	<i>Personal Service Shops</i> , located within an <i>office building</i>
h)	Research and training facilities
i)	<i>Retail Stores</i> , located within an <i>office building</i>
<b>7.661.2 Special Zone Standards</b>	
The following specific Zone Standards shall apply:	
a)	<i>Minimum Floor Space Index</i> – 1.0
b)	<i>Maximum number of Storeys</i> – 10
c)	<i>Retail uses</i> are only permitted as an accessory use to an <i>industrial use</i> provided they occupy less than 50% of the <i>gross floor area</i> of the <i>industrial use</i> .

#### 4. SECTION 37 AGREEMENT

- 4.1 A contribution by the Owner to the City for the purpose of public art, in the amount of \$750,000.00 for the single detached, townhouse, multiple dwellings and mixed use high rise building in 2020 dollars, in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be indexed to the Ontario rate of inflation as per the consumer price index (CPI) and 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.
- 4.2 A contribution by the Owner to the City for the purpose of community benefits, in the amount of \$1750.00, per unit for the mixed use high rise building in 2020 dollars, in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be indexed to the Ontario rate of inflation as per the consumer price index (CPI) and 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.

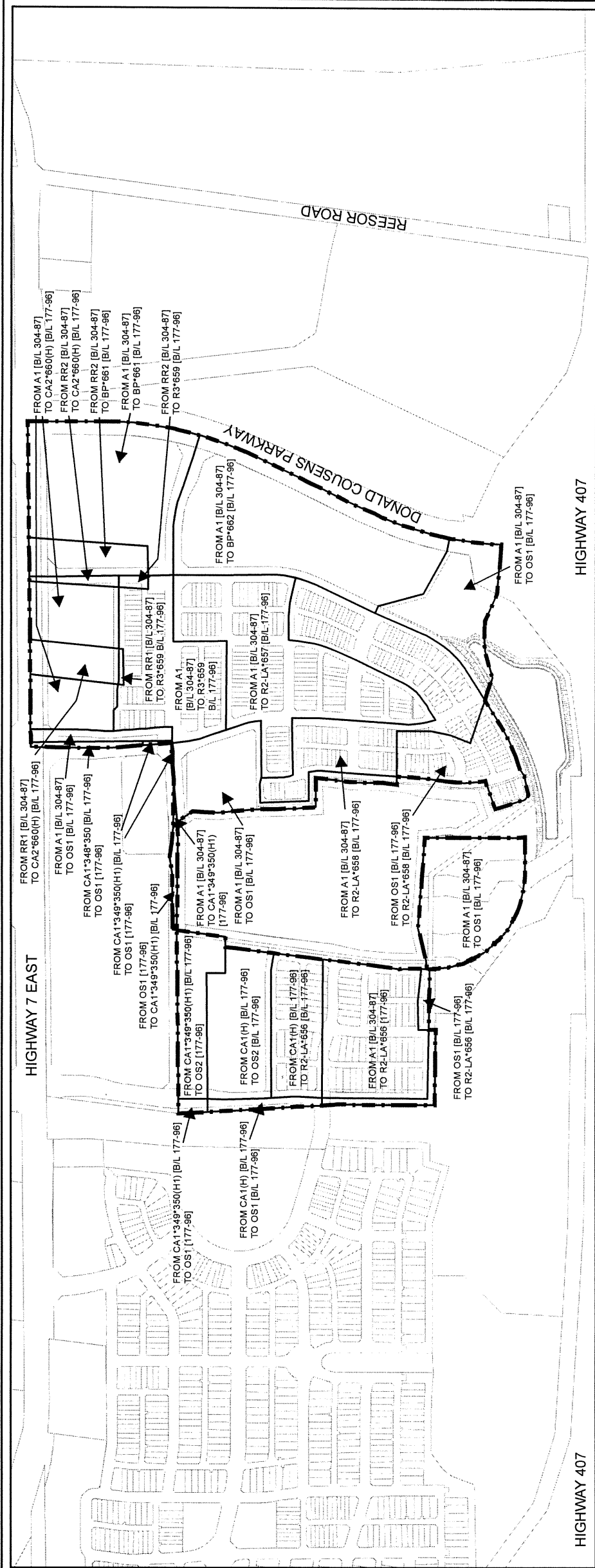
#### 5. HOLDING PROVISION

- 5.1 For the purpose 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 symbols.
- 5.2 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.
- 5.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule “A” shall not be passed until the following condition has been met:

a) An agreement to secure the Section 37 contribution has been executed by the City and the Owner for that part of the lands shown on Schedule "A" from which the Holding (H) symbol is proposed to be removed.

Read a first, second and third time and passed on July 14 and 16, 2020.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk  
\_\_\_\_\_  
Frank Scarpitti  
Mayor



# SCHEDULE "A" TO BY-LAW 2020-74

AMENDING BY-LAWS 304-87 AND 177-96 DATED JULY 14 AND 16, 2020

BOUNDARY OF AREA COVERED BY THIS SCHEDULE

BOUNDARY OF ZONE DESIGNATION(S)

<input type="checkbox"/> A1	AGRICULTURE ONE	<input type="checkbox"/> CA2	COMMUNITY AMENITY TWO	<input type="checkbox"/> BP	BUSINESS PARK
<input type="checkbox"/> RR1	RURAL RESIDENTIAL ONE	<input type="checkbox"/> OS1	OPEN SPACE ONE	<input type="checkbox"/> * (No)	EXCEPTION NUMBER
<input type="checkbox"/> RR2	RURAL RESIDENTIAL TWO	<input type="checkbox"/> R2-LA	RESIDENTIAL TWO - LANE	<input type="checkbox"/> H	HOLDING PROVISION
<input type="checkbox"/> CA1	COMMUNITY AMENITY ONE	<input type="checkbox"/> R3	RESIDENTIAL THREE		

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.

**MARKHAM** DEVELOPMENT SERVICES COMMISSION



Drawn By: RT

Checked By: SC

DATE: 27/04/2020

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

Q:\Geomatics\New Operation\By-Laws\SUSU\_ZA18154617\Schedule A.mxd