



## **EXPLANATORY NOTE**

### **BY-LAW 2019-132**

**A By-law to amend By-laws 2150 and 177-96, as amended**

**7859 Yonge Street  
CON 1 PT LOT 31 65R25941 PART 1  
(Proposed Residential High Rise Development)**

#### **Lands Affected**

The proposed by-law amendment applies to 1.07 hectares (2.64 acres) of land on the southwest corner of Royal Orchard Boulevard adjacent to Bayview Avenue, and municipally known as 7859 Yonge Street.

#### **Existing Zoning**

By-law 2150, as amended, currently zones the subject lands as Special Uses Zone (O2).

#### **Purpose and Effect**

The purpose and effect of this By-law is to delete the property from the designated area of By-law 2150, 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:

**Special Uses (O2) Zone  
under By-law 2150**

to:

**Residential\*631 (R3\*631) Zone  
under By-law 177-96**

and

**Open Space (OS2) Zone  
under By-law 177-96**

In order to permit the development of a residential high rise building comprised of a twelve (12) storey and fourteen (14) storey component and a public open space area 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.



## By-law 2019-132

**A By-law to amend By-law 2150, as amended**  
*(to delete lands from the designated area of By-law 2150)*  
**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 2150, 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 2150, 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:  
**Special Uses Zone (O2)**  
**under By-law 2150**  
to:  
**Residential Three \*631 Holding [R3\*631 (H)] Zone**  
**under By-law 177-96**  
and  
**Open Space (OS2) Zone**  
**Under By-law 177-96**
  - 2.3 By adding the following subsection to Section 7 – EXCEPTIONS

Exception 7.631	Ladies Golf Club of Toronto 7859 Yonge Street	Parent Zone R3
File ZA 18 171600		Amending By-law 2019-132
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 2019-132. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.631.1 Special Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned R3*631 shall be deemed to be one <i>lot</i> for the purposes of this By-law	
b)	For the purposes of this by-law, the easterly <i>lot line</i> shall be deemed the <i>front lot line</i> .	
c)	The provisions of table B5 shall not apply	
d)	The provisions of section 6.9.2 shall not apply	

e)	Minimum required <i>front yard</i> : i) 11.5 metres ii) Within 75 metres of the southerly <i>lot line</i> – 4.5 metres iii)
f)	Minimum required <i>exterior side yard</i> – 35 metres
g)	Minimum required <i>interior side yard</i> – 4.9 metres
h)	Minimum required rear yard i) 179 metres above sea level, geodetic datum or above – 10 metres ii) Below 179 metres above sea level, geodetic datum – 6.5 metres iii)
i)	Maximum number of <i>dwelling units</i> – 173
j)	Maximum <i>floor space index</i> (FSI) – 3.7
k)	Maximum <i>building height</i> : i) 222 metres above sea level, geodetic datum ii) For a portion of a building within 75 metres of the southerly <i>lot line</i> – 228.5 metres above sea level, geodetic datum iii)
l)	Maximum <i>Lot Coverage</i> – 45%
m)	Minimum <i>Lot Frontage</i> – 19.2 metres
n)	Minimum <i>Landscape Open Space</i> – 25%
o)	Maximum <i>Gross Floor Area</i> of any floor above 209 metres above sea level, geodetic datum, in a portion of a <i>building</i> within 75 metres of the southerly <i>lot line</i> – 1020 square metres
p)	Maximum <i>Gross Floor Area</i> of any floor above 202 metres above sea level, geodetic datum, in a portion of a <i>building</i> greater than 75 metres from the southerly <i>lot line</i> – 1020 square metres
q)	<i>Porches, balconies, terraces and outdoor amenity space</i> may encroach into the require yard: <i>Front or Rear Yard</i> – 3 metres <i>Interior or Exterior Side Yard</i> – to the <i>lot line</i> , provided they are contained wholly on the subject <i>lot</i>

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, 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.

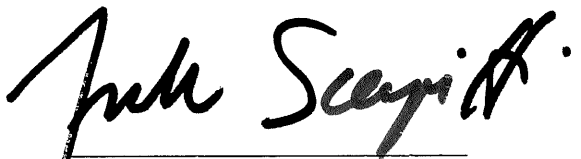
HOLDING PROVISION

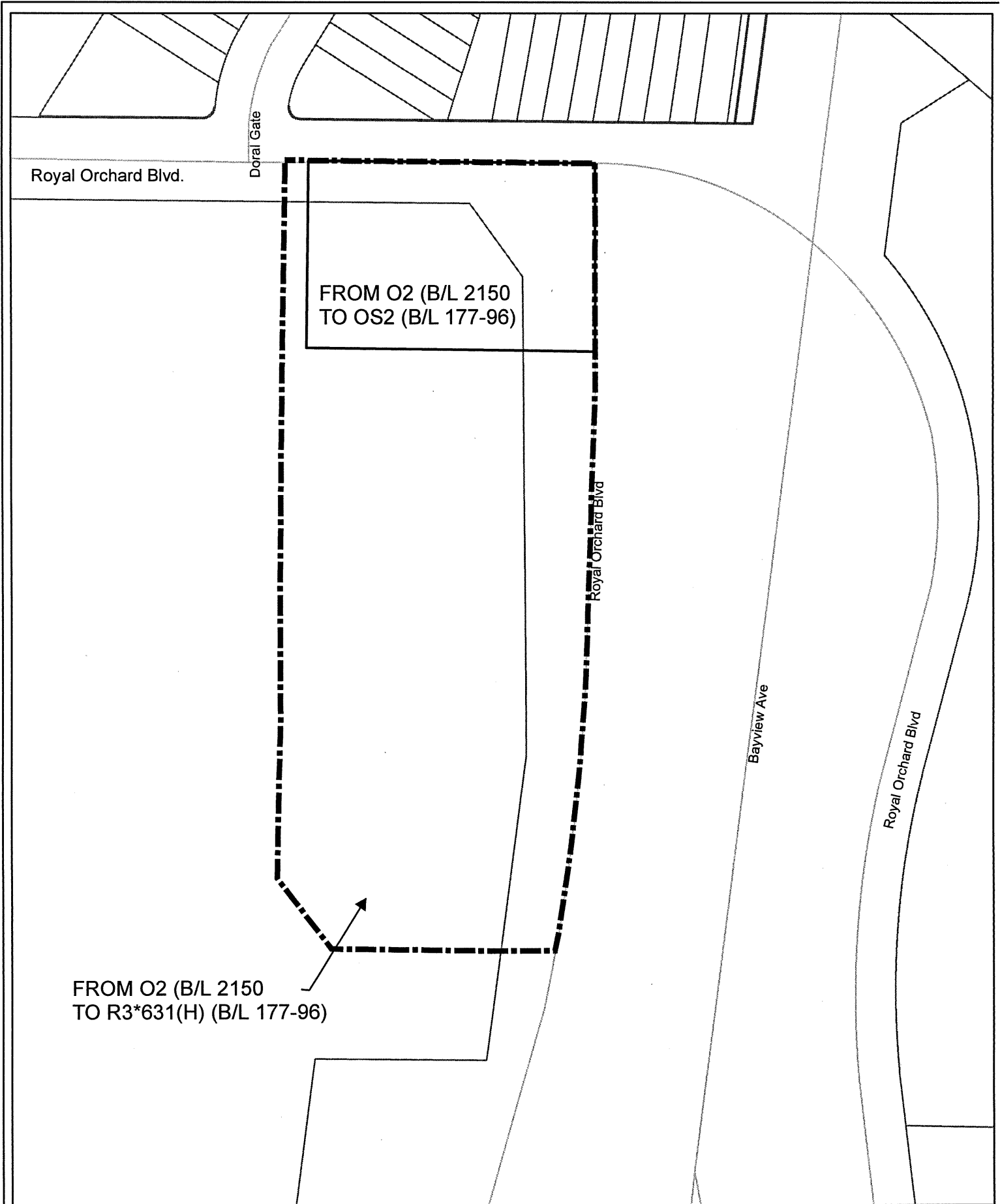
4. For the purpose of this By-law the Holding Provision (H) is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the owner enters into an agreement with the City of Markham to provide upgrades to the municipal services along Royal Orchard Boulevard to accommodate the proposed high rise residential development on the subject lands.
5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

Read a first, second and third time and passed on December 10, 2019.

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



# **SCHEDULE "A" TO BY-LAW 2019-132**

**AMENDING BY-LAWS 2150 & 177-96 DATED DECEMBER 10, 2019**

**BOUNDARY OF AREA COVERED BY THIS SCHEDULE**  
**BOUNDARY OF ZONE DESIGNATION(S)**

**R3** Residential Three    **(H)** Hold Provision  
**O2** Special Uses    **\*No.** Exception section Number  
**OS2** Open Space Two

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.

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DEVELOPMENT SERVICES COMMISSION

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Drawn By: CPW

Checked By: RC

DATE: 09/10/2019

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