



BY-LAW 2022-_____

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, as amended)

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 amend 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:
 - a. By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule 'A' and Schedule 'B' attached hereto.
 - b. By rezoning the lands outlined on Schedule 'A' and Schedule 'B' attached hereto:

From:

Agricultural One (A1) Zone (304-87)

To:

Residential One – F15*691 (R1-F15*691) Zone (By-law 177-96)
Residential Two-Special *692 (R2-S*692) Zone (By-law 177-96)
Residential Two-Special *692*706 (R2-S*692*706) Zone (By-law 177-96)
Residential Two-Special *652 (R2-S*652) Zone (By-law 177-96)
Residential Two-Special *686 (R2-S*686) Zone (By-law 177-96)
Residential Two-Special *687 (R2-S*687) Zone (By-law 177-96)
Residential Two-Lane Access *688 (R2-LA*688) Zone (By-law 177-96)
Residential Two-Lane Access *693 (R2-LA*693) Zone (By-law 177-96)
Residential Two-Lane Access *694 (R2-LA*694) Zone (By-law 177-96)
Residential Two-Lane Access *695 (R2-LA*695) Zone (By-law 177-96)
Residential Three *636 (R3*636) Zone (By-law 177-96)
Residential Three *707 (R3*707) Zone (By-law 177-96)
Residential Four *708 (R4*708) Zone (By-law 177-96)
Community Amenity Two *649 (CA2*649) Zone (By-law 177-96)
Community Amenity Four *709 (Hold) (CA4*709 (H1) Zone (By-law 177-96)
Community Amenity Four *710 (Hold) (CA4*710 (H1) Zone (By-law 177-96)
Greenway (G) Zone (By-law 177-96)

Open Space Two (OS2) Zone (By-law 177-96)

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.691	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R1-F15
File ZA 20 113780		Amending By-law 2022-000 Heritage House
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____and denoted by the symbol *691.		
7.691.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Single Detached Dwelling within a Heritage Building	
b)	Home Occupation	
c)	Home Child Care	
d)	One (1) Accessory Dwelling Unit	
7.691.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage – 15.0 metres	
b)	Minimum required front yard i) 0.6 metres to the main building ii) 0.3 metres for any permitted encroachment	
c)	Minimum required exterior side yard – 1.0 metres	
d)	Buildings of historic and/or architectural interest relocated to the lot are exempt from height provisions. The maximum height of any addition(s) or enlargement shall not exceed the height of the highest point of the roofline of the heritage building.	
e)	Notwithstanding the above, the maximum height of any addition(s) to the heritage building on the northerly lot shall not be more than 20% greater than the height of the highest point of the heritage building’s roofline, provided that any roof ridge connecting to the existing roof ridge does not exceed the height of the existing roof ridge.	

Exception 7.692	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R2-S
File ZA 20 113780		Amending By-law 2022-000 Street Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedules “A” and “B” attached to By-law 2022-____ and denoted by the symbol *692.		
7.692.1 Only Permitted Uses		
The following uses are the only permitted uses:		

a)	<i>Townhouse Dwellings</i>
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>Townhouse Dwelling</i>
c)	<i>Home Occupation</i>
d)	<i>Home Child Care</i>
7.692.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	The provisions of Table B3, Part 3 of 3 shall apply to all lots
b)	Minimum required <i>lot frontage</i> - 6.0 metres per unit on an <i>interior lot</i>
c)	Minimum required <i>rear yard</i> to a <i>dwelling unit</i> abutting a lane: i) with attached private garage a) 0.6 metres for the first and second storey b) 3 metres for any storey above the second storey
d)	Maximum <i>height</i> - the lesser of 12.5 metres or 3 <i>storeys</i>
e)	<i>Driveways</i> and <i>garages</i> are permitted to access a <i>lane</i> across an <i>interior side lot line</i>
f)	Where a lot is accessed by a lane, <i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: i. The <i>Outdoor Amenity Space</i> may be located on a rooftop, above a <i>private garage</i> , and/or be located on a <i>balcony</i> ; ii. One <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square metres; Notwithstanding any other provisions in this by-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i> .
g)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bays extend no more than 0.6 m into the required <i>yard</i> and are no more than 3 metres wide.
h)	Maximum number of <i>townhouse dwelling units</i> in a <i>building</i> – 8 units

Exception 7.693	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R2-LA
File ZA 20 113780		Amending By-law 2022-000 Lane Based Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____and denoted by the symbol *693.		
7.693.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	One (1) Accessory Dwelling Unit within a Townhouse Dwelling	
c)	Home Occupation	
d)	Home Child Care	
7.693.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage for an interior unit – 6.7 metres	

b)	Maximum number of <i>townhouse dwelling units</i> in a <i>building</i> – 8 units
c)	Minimum required <i>rear yard</i> to a <i>dwelling unit</i> : i) with attached private garage a) 0.6 metres for the first and second storey b) 3 metres for any storey above the second storey ii) with detached private garage – 11.6 metres
d)	Maximum <i>lot coverage</i> for detached <i>private garages</i> – no maximum
e)	<i>Driveways</i> and <i>garages</i> are permitted to access a <i>lane</i> across an <i>interior side lot line</i>
f)	Minimum <i>side yard</i> setback from an <i>interior side lot line</i> created by a utility or snow storage notch - 0.3 metres
g)	Maximum height – the lesser of 12.5 metres or 3 storeys
h)	Notwithstanding g) above, a portion of a <i>building</i> providing rooftop access is permitted to project above the maximum <i>height</i> , provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional <i>storey</i> .
i)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: iii. The <i>Outdoor Amenity Space</i> may be located on a rooftop, above a <i>private garage</i> , and/or be located on a <i>balcony</i> ; iv. One <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square metres; v. Notwithstanding any other provisions in this by-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i> .
j)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior side, or rear yard</i> provided such window bays extend no more than 0.3 m into the required <i>yard</i> and are no more than 3 metres wide
k)	<i>Porches</i> and <i>balconies</i> may encroach to a required <i>front yard</i> or <i>exterior side yard</i> provided that no part of the stairs is located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i>
l)	The <i>front lot line</i> for any <i>through lot</i> shall be deemed to be the northern <i>lot line</i>

Exception 7.694	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R2-LA
File ZA 20 113780		Amending By-law 2022-000 Lane Based Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedules “A” and “B” attached to By-law 2022-____ and denoted by the symbol *694.		
7.694.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>Townhouse Dwelling</i>	
c)	<i>Home Occupation</i>	

d)	<i>Home Child Care</i>
7.694.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Minimum required <i>lot frontage</i> – 4.5 m per unit on an interior lot, 5.8 m for an end unit on an interior lot and 7.0 m for an end unit on a corner lot
b)	Maximum number of <i>townhouse dwelling units</i> in a <i>building</i> – 8 units
c)	Minimum required <i>rear yard</i> to a <i>dwelling unit</i> : <ul style="list-style-type: none"> i) with attached private garage <ul style="list-style-type: none"> a) 0.6 metres for the first storey b) 3 metres for any storey above the first storey ii) with detached private garage – 11.6 metres
d)	Minimum <i>side yard</i> setback from an <i>interior side lot</i> line created by a utility or snow storage notch - 0.3 metres
e)	Maximum height – the lesser of 12.5 metres or 3 storeys
f)	Notwithstanding e) above, a portion of a <i>building</i> providing rooftop access is permitted to project above the maximum <i>height</i> , provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional <i>storey</i> .
g)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: <ul style="list-style-type: none"> i. The <i>Outdoor Amenity Space</i> may be located on a rooftop, above a <i>private garage</i>, and/or be located on a <i>balcony</i>; ii. One <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square metres; iii. <i>Notwithstanding</i> any other provisions in this by-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i>.
h)	<i>Porches</i> and <i>balconies</i> may encroach to a required <i>front yard</i> or <i>exterior side yard</i> provided that no part of the stairs is located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i>
i)	The <i>front lot line</i> for any <i>through lot</i> shall be deemed to be the <i>lot line</i> abutting an arterial road.

Exception 7.695	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R2-LA
File ZA 20 113780		Amending By-law 2022-000 Lane Based Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____ and denoted by the symbol *695.		
7.695.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>Townhouse Dwelling</i>	

c)	<i>Home Occupation</i>
d)	<i>Home Child Care</i>
7.695.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Minimum required <i>lot frontage</i> – 6.0 m per unit on an interior lot, 7.7 m for an end unit on an interior lot and 8.8 m for an end unit on a corner lot
b)	Maximum number of <i>townhouse dwelling units</i> in a <i>building</i> – 8 units
c)	Minimum required rear yard to a dwelling unit: <ul style="list-style-type: none"> i. with attached private garage <ul style="list-style-type: none"> a) 0.6 metres for the first and second storey b) 3 metres for any storey above the second storey ii. with detached private garage – 11.6 metres
d)	Minimum <i>side yard</i> setback from an <i>interior side lot</i> line created by a utility or snow storage notch - 0.3 metres
e)	Maximum height – the lesser of 12.5 metres or 3 storeys
f)	Notwithstanding e) above, a portion of a <i>building</i> providing rooftop access is permitted to project above the maximum <i>height</i> , provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional <i>storey</i> .
g)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: <ul style="list-style-type: none"> i. The <i>Outdoor Amenity Space</i> may be located on a rooftop, above a <i>private garage</i>, and/or be located on a <i>balcony</i>; ii. One <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square metres; iii. Notwithstanding any other provisions in this by-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i>.
h)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bays extend no more than 0.3 m into the required <i>yard</i> and are no more than 3 metres wide
i)	<i>Porches</i> and <i>balconies</i> may encroach to a required <i>front yard</i> or <i>exterior side yard</i> provided that no part of the stairs is located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i>

Exception 7.706	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R2-S
File ZA 20 113780		Amending By-law 2022-000 Street Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____ and denoted by the symbol *706.		
7.706.1 Special Zone Standards		
The following specific Zone Standards shall apply:		

a)	Maximum Height – 10 metres
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Exception 7.707	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R3
File ZA 20 113780		Amending By-law 2022-000 Residential Mid Rise

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____ and denoted by the symbol *707.

7.707.1 Only Permitted Uses

The following uses are the only permitted uses:

a)	<i>Multiple Dwellings</i>
b)	<i>Apartment Dwellings</i>
c)	<i>Home Occupation</i>
d)	<i>Home Child Care</i>

7.707.2 Special Zone Standards

The following specific Zone Standards shall apply:

a)	Maximum <i>height</i> – the lesser of 18.5 metres or 6 <i>storeys</i> , except for <i>buildings</i> fronting arterial road as shown on the schedules to the City of Markham Official plan which are permitted a maximum <i>building height</i> of the lesser of 24.5 metres or 8 <i>storeys</i>
b)	Special Provisions #4 and #5 of Table B5 shall not apply
c)	<i>Multiple dwellings</i> in the form of back to back <i>townhouse dwellings</i> are not permitted

Exception 7.708	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone R4
File ZA 20 113780		Amending By-law 2022-000 Residential High Rise

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____ and denoted by the symbol *708.

7.708.1 Only Permitted Uses

The following uses are the only permitted uses:

a)	<i>Townhouse Dwellings</i>
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>Townhouse Dwelling</i>
b)	<i>Multiple Dwellings</i>
c)	<i>Apartment Dwellings</i>
d)	<i>Home Occupation</i>
e)	<i>Home Child Care</i>

7.708.2 Special Zone Standards

The following specific Zone Standards shall apply:	
a)	Maximum <i>height</i> – the lesser of 45.5m or 15 <i>storeys</i>
b)	Notwithstanding provisions of Table B6, the maximum number of dwelling units per hectare shall be 200 units per hectare of all lands zoned R4*707
c)	Provisions A and J of Table B6 shall not apply
d)	Multiple dwellings in the form of back to back townhouses are not permitted

Exception 7.709	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone CA4
File ZA 20 113780		Amending By-law 2022-000
		Mixed Use High Rise
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2022-____ and denoted by the symbol *709.		
7.709.1 Only Permitted Uses		
The following uses are the only permitted uses:		
	Residential Uses	
a)	Townhouse Dwellings	
b)	One (1) Accessory Dwelling Unit within a Townhouse Dwelling	
b)	Multiple Dwellings	
c)	Apartment Dwellings	
d)	Home Occupation	
	Non Residential Uses	
e)	Child Care Centre	
f)	Commercial Fitness Centres	
g)	Art Galleries	
h)	Parking Garages	
i)	Financial Institutions	
j)	Medical Offices	
k)	Business Offices	
l)	Personal Service Shop	
m)	Places of Worship	
n)	Restaurants	
o)	Private School	
p)	Public School	
q)	Commercial School	
s)	Supermarkets	
t)	Veterinary Clinics	
u)	Retail Stores	
7.709.2 Special Zone Standards		
The following specific Zone Standards shall apply:		

a)	Maximum <i>height</i> – the lesser of 45.5m or 15 <i>storeys</i>
b)	Minimum height - 12 metres, except for a portion of a building may have an attached podium lower than 12 metres, provided it's no less than 4.5 metres
c)	Multiple Dwellings in the form of back to back townhouses shall not be permitted
d)	The maximum <i>gross floor area</i> of the <i>first storey</i> for any individual non-residential premise shall not exceed 7000 square metres

Exception 7.710	Major Kennedy Developments Limited, Major Kennedy South Developments Limited, 4551 Elgin Mills Developments Limited	Parent Zone CA4
File ZA 20 113780		Amending By-law 2022-000 Mixed Use High Rise (Retail Focus)

Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule "A" attached to By-law 2022-____ and denoted by the symbol *710.

7.710.1 Only Permitted Uses

The following uses are the only permitted uses:

	Residential Uses
a)	<i>Townhouse Dwellings</i>
b)	<i>One (1) Accessory Dwelling Unit within a Townhouse Dwelling</i>
b)	<i>Multiple Dwellings</i>
c)	<i>Apartment Dwellings</i>
d)	<i>Home Occupation</i>
	Non Residential Uses
e)	<i>Child Care Centre</i>
f)	<i>Commercial Fitness Centres</i>
g)	<i>Art Galleries</i>
h)	<i>Parking Garages</i>
i)	<i>Financial Institutions</i>
j)	<i>Medical Offices</i>
k)	<i>Business Offices</i>
l)	<i>Personal Service Shop</i>
m)	<i>Places of Worship</i>
n)	<i>Restaurants</i>
o)	<i>Private School</i>
p)	<i>Public School</i>
q)	<i>Commercial School</i>
r)	<i>Trade School</i>
s)	<i>Supermarkets</i>
t)	<i>Veterinary Clinics</i>
u)	<i>Retail Stores</i>
v)	<i>Banquet Hall</i>

w)	<i>Hotel</i>
x)	<i>Recreational Establishment</i>
y)	<i>Place of Entertainment</i>
7.710.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Maximum <i>height</i> : i) Buildings containing only non-residential uses – the lesser of 12 metres or 2 storeys ii) All other buildings - the lesser of 45.5m or 15 <i>storeys</i>
b)	Multiple Dwellings in the form of back to back townhouses shall not be permitted
c)	<i>Floor Space Index (FSI)</i> i) Minimum: a) 1 FSI b) Retail uses – 0.3 FSI ii) Maximum: a) 3 FSI
d)	The maximum <i>gross floor area</i> of the <i>first storey</i> for any individual non-residential premise shall not exceed 7,000 square metres

4. A contribution by the Owner to the City for the purposes of public art 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”.

5. Holding Provision

5.1 For the purposes of this By-law, a Holding (H1) provision is hereby established and is identified on Schedule ‘A’ attached hereto by the letter (H1) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H1) provision for the purposes permitted under this By-law until amendment(s) to this By-law to remove the letter (H1) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the Holding (H1) provision the following condition must be met to the satisfaction of the City of Markham:

- a) A comprehensive block plan is approved in accordance with Sections 9.9.3 and 10.1.4 of the Official Plan, based upon an accepted terms of reference by the City.

Read a first, second and third time and passed on _____, 2022.



EXPLANATORY NOTE

BY-LAW 2022-_____

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

Lands located east of Kennedy Road between Major Mackenzie Drive East and Elgin Mills Road East

4551 Elgin Mills Road East, 10225-10227 Kennedy Road and 4638 Major Mackenzie Drive East

Lands Affected

The subject lands have an area of approximately 147.55 hectares, located on the east side of Kennedy Road, north of Major Mackenzie Drive East, south of Elgin Mills Road East.

Existing Zoning

The subject lands are currently zoned “Agriculture One Zone (A1)” under By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to amend By-law 304-87, as amended and By-law 177-96, as amended by rezoning a portion of the subject land to:

- Residential One – F15*691 (R1-F15*691) Zone (By-law 177-96)
- Residential Two-Special *692 (R2-S*692) Zone (By-law 177-96)
- Residential Two-Special *692*706 (R2-S*692*706) Zone (By-law 177-96)
- Residential Two-Special *652 (R2-S*652) Zone (By-law 177-96)
- Residential Two-Special *686 (R2-S*686) Zone (By-law 177-96)
- Residential Two-Special *687 (R2-S*687) Zone (By-law 177-96)
- Residential Two-Lane Access *688 (R2-LA*688) Zone (By-law 177-96)
- Residential Two-Lane Access *693 (R2-LA*693) Zone (By-law 177-96)

Residential Two-Lane Access *694 (R2-LA*694) Zone (By-law 177-96)
Residential Two-Lane Access *695 (R2-LA*695) Zone (By-law 177-96)
Residential Three *636 (R3*636) Zone (By-law 177-96)
Residential Three *707 (R3*707) Zone (By-law 177-96)
Residential Four *708 (R4*708) Zone (By-law 177-96)
Community Amenity Two *649 (CA2*649) Zone (By-law 177-96)
Community Amenity Four *709 (Hold) (CA4*709 (H1) Zone (By-law 177-96)
Community Amenity Four *710 (Hold) (CA4*710 (H1) Zone (By-law 177-96)
Greenway (G) Zone (By-law 177-96)
Open Space Two (OS2) Zone (By-law 177-96)

in order to facilitate the development of approximately 2,072 single detached and townhouse units and blocks for future mixed use multi-storey residential development; parks and open space; schools, stormwater management facilities, and the supporting road network on the subject lands.

Note 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, cP.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.