

## **EXPLANATORY NOTE**

### **BY-LAW 2011-175**

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

**Springhill Macwood Homes Inc.**

**Concession 9, Part Lot 11**

**7128, 7170 and 7186 Highway 7.**

**Cornell Community**

### **LANDS AFFECTED**

The proposed by-law amendment applies to 7.8 hectares (19 acres), located west Cornell Centre Boulevard and north of Highway 7, within the Cornell community. The lands are municipally known as 7128, 7170 and 7186 Highway 7.

### **EXISTING ZONING**

The lands are presently zoned Rural Residential Four (RR4) by By-law 304-87, as amended.

### **PURPOSE AND EFFECT**

The purpose of the by-law amendment is to incorporate the lands into the designated area of By-law 177-96 and zone them to permit a residential subdivision consisting of medium and high density residential, mixed use development and a local park. Holding provisions (H) have been included to prevent development until site plan approval is obtained and available servicing allocation is confirmed by the Region of York and the Town of Markham.

The effect of the by-law amendment will be to permit the lands to be developed for residential purposes once the Holding provisions are removed.

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## BY-LAW 2011-175

A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended, to rezone the lands at the northwest corner of Cornell Centre Boulevard and Highway 7, to permit medium and high density mixed commercial and residential development.  
*(To incorporate lands into the designated area of this By-law)*

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THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of By-law 177-96 to include the lands located in Concession 9, Part Lot 11, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Three \*409 (Holding Provision One) [R3\*409 (H1)]  
Residential Three \*410 (Holding Provision Two) [R3 \*410 (H2)]  
Community Amenity Two \*411 (Holding Provision One) [CA2 \*411 (H1)]  
Open Space One (OS1)  
Open Space Two (OS2)

1.3 By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

**7.409 Cornell Centre – Lands North of Highway 7 and west of Cornell Centre Boulevard (Residential Three)**

Notwithstanding any other provision of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol \*409 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

**7.409.1 Permitted Uses**

The following are the only uses permitted:

- i) *Apartment dwellings*
- ii) *Multiple unit dwellings*

#### **7.409.2 Zone Standards**

Only the following specific *zone* standards shall apply:

- a) *Minimum yard* for all *buildings* and *structures* from a *streetline* – 3.0 metres
- b) *Minimum floor space index* of all *buildings* on lands zoned R3\*409 – 1.5
- c) *Minimum required yard* to a lot line of a *building* or *structure* located entirely below grade – 0 metres
- d) Minimum number of *storeys* – 4
- e) Maximum number of *storeys* – 6

#### **7.409.3 Special Site provisions**

The following site provisions apply:

- a) For the purposes of this by-law, *multiple unit dwellings* can have all the *dwelling units* accessed directly from the outside.
- b) Any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *storeys*. Mechanical features, including their screening and structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the number of *storeys* of the building.

#### **7.409.4 Special Parking Provisions**

The following provisions shall apply:

- a) Parking spaces required for uses on lands zoned R3\*409 may be provided on lands zoned R3\*410 provided that they are located on an adjoining *lot* or block and not separated by a *public street*.

#### **7.410 Cornell Centre – Lands north of Highway 7, west of Cornell Centre Boulevard (Residential Three - Heritage Building)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*410 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, shall continue to apply to the lands subject to this exception.

#### **7.410.1 Permitted Uses**

The following are the only uses permitted:

- i) In a R3\*410 (H3) zone category:
  - a) One single *detached dwelling*
  - b) *Home occupations*
  - c) *School, private*
- ii) In a R3\*410 zone category:
  - a) One single *detached dwelling*
  - b) *Day nurseries*
  - b) *Home occupations*
  - c) *School, private*

#### **7.410.2 Zone Standards**

Only the following specific *zone* standards shall apply:

- a) Minimum required setback from a *streetline* - 20 metres
- b) Maximum *height* – 10 metres
- c) Minimum width of landscaping adjacent the *main wall* of a *building* – 10 metres
- d) Minimum required setback to a *lot line* of a *building* or *structure* located entirely below grade – 0 metres
- e) Maximum gross floor area – 280 m<sup>2</sup>

#### **7.410.3 Special Site Provisions**

The following additional provisions apply:

- a) *Drive-through service facilities* are not permitted.

#### **7.410.4 Special Parking Provisions**

- a) The parking spaces required for uses on lands zoned R3\*410 may be provided on lands zoned R3\*409 provided that they are located on an adjoining *lot* or block and not separated by a *public street*.

#### **7.411 Cornell Centre – Lands at the northwest corner of Highway 7 and Cornell Centre Boulevard (Community Amenity Two) – High Density – Mixed Use**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*411 on the Schedules to this By-law. All other provisions, unless specifically modified/amended by this Section, shall continue to apply to the lands subject to this exception.

#### **7.411.1 Permitted Uses**

The following are the only uses permitted:

- a) *Apartment dwellings*
- b) *Private home daycare*
- c) *Retail stores*
- d) *Personal service shops*
- e) *Business offices*
- f) *Medical Offices*
- g) *Financial Institutions*
- h) *Private and commercial schools*
- i) *Restaurants*
- j) *Take out restaurants*
- k) *Art galleries*
- l) *Libraries*
- m) *Museums*
- n) *Repair shops*

#### **7.411.2 Zone Standards**

Only the following specific *zone* standards shall apply:

- a) Minimum number of *storeys* - 8
- b) Maximum number of *storeys* – 12
- c) Minimum *floor space index* – 2.5
- d) Maximum setback from the Highway 7 *streetline* – 4.5 metres
- e) Minimum setback from a *streetline* other than Highway 7 – 3.0 metres

#### **7.411.3 Special Site Provisions**

The following additional provisions shall apply:

- a) The following uses are only permitted in the *first storey* and *second storey*:
  - i) *Retail stores*
  - ii) *Personal service shops*
  - iii) *Business offices*
  - iv) *Medical Offices*
  - v) *Financial Institutions*
  - vi) *Private and commercial schools*
  - vii) *Restaurants*
  - viii) *Take out restaurant*
  - ix) *Art galleries*
  - x) *Libraries*
  - xi) *Museums*
  - xii) *Repair shops*

- b) *Dwelling units* shall not occupy more than 45% of the *gross floor area* of the ground floor of an *apartment building*.
- c) Maximum *gross floor area* for a *retail premises* – 500 m<sup>2</sup>
- d) Maximum *gross floor area* for *retail and personal service shops* – 1,020 m<sup>2</sup>
- e) Maximum *gross floor area* for all *restaurants* – 150 m<sup>2</sup>
- f) 50% of the road adjacent to the north lot line of the lands subject to this provision shall be included in the calculation of *floor space index*.
- g) The wall of any storey above the second *storey*, facing Highway 7, shall be located a minimum of 1.0 metre and a maximum of 3.0 metres farther from the Highway 7 *streetline* than the *main wall* of the first and/or second storey.
- h) *Drive-through service facilities* associated with any use are not permitted.
- f) The provisions of this exception shall apply collectively to the lands zoned CA2\*411 notwithstanding any future division into more than one *lot*.
- i) The minimum *storey* requirement shall not apply to building connections, such as podium or roof top terraces.
- j) Any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *storeys*. Mechanical features, including their screening and structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the number of *storeys* of the building.

#### **7.411.4 Special Parking Provisions**

The following parking provisions apply:

- a) One bedroom unit – 1 *parking space* per *dwelling unit*.
- b) Two and three bedroom units 1.12 parking spaces per *dwelling unit*
- c) Each *building* shall provide a minimum of 85 parking spaces designated for visitor and non-residential uses, including 0.2 parking spaces per unit for visitor parking.
- d) For the purposes of this by-law, the shopping centre parking calculation shall not be used.

#### 1.4 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) *zones* are hereby established and are identified on Schedule 'A' attached hereto by the zone symbol followed by the letter H1 or H2 in parentheses.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to Holding '(H)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters '(H1)' or '(H2)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

1.4.1 The Holding (H1) provision shall not be removed until the following conditions have been met to the satisfaction of the Town of Markham:

- a) Execution of a site plan agreement; and
- b) York Region has advised in writing that final plan registration can proceed;
- c) The Council of the Town of Markham has allocated adequate available servicing capacity to the lands; and
- d) The Trustee for the Cornell Developers Group Cost Sharing Agreement has assigned conditional servicing allocation to the Owner;

1.4.2 The Holding (H2) provision shall not be removed until the following conditions have been met to the satisfaction of the Town of Markham:

- a) The relocation of the Heritage building located on the property municipally known as 7170 Highway 7 at the date of the passing of this by-law, to the lands zoned R3\*410 (H2).
- b) Execution of a site plan agreement for the lands zoned R3\*410 (H2).

1.4.3 The Holding (H3) provision shall not be removed until the following condition has been met to the satisfaction of the Town of Markham:

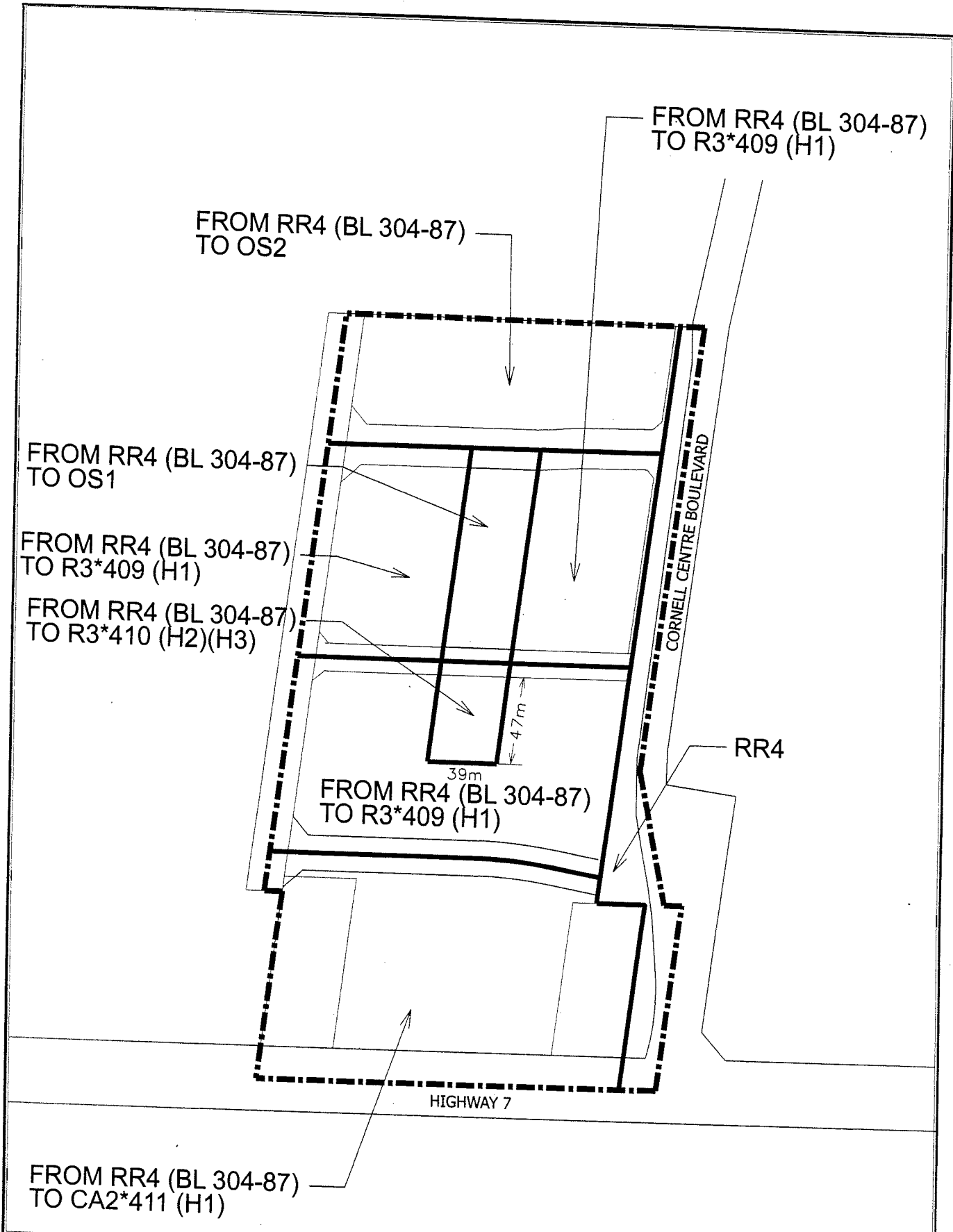
- a) Execution of a site plan agreement.

2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
28<sup>TH</sup> DAY OF JUNE, 2011.

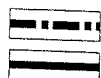
  
KIMBERLEY KITTERINGHAM  
TOWN CLERK

  
FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

# A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW  
ZONE BOUNDARY

- CA2 COMMUNITY AMENITY TWO
- R3 RESIDENTIAL THREE
- RR4 RURAL RESIDENTIAL FOUR

- OS1 OPEN SPACE ONE
- OS2 OPEN SPACE TWO
- (H1) HOLDING PROVISION ONE

- (H2) HOLDING PROVISION TWO
- \*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2011-175  
PASSED THIS 28th DAY JUNE, 2011

*Paul S. Smith*  
MAYOR  
*[Signature]*  
CLERK

NOTE: 1) DIMENSIONS ARE IN METRES  
2) REFERENCE SHOULD BE MADE TO  
THE ORIGINAL BY-LAW LODGED IN  
THE OFFICE OF THE CLERK

SCALE 1: