

EXPLANATORY NOTE

BY-LAW 2011-87

Milliken Development Corporation

This By-law applies to a portion of five (5) properties municipally known as 31, 67 and 73 Old Kennedy Road and 4550 and 4576 Steeles Avenue. The subject lands have a combined area of approximately 1.72 hectares (4.25 acres) and are located east of Old Kennedy Road and north of Steeles Avenue.

The purpose of this zoning by-law amendment is to permit a seniors development consisting of retirement homes and a Long Term Care Facility. The effect of the zoning by-law amendment is to zone the lands CA4*438 (H) (Community Amenity Four, Exception 438 – HOLD) and to establish appropriate development standards for the proposed seniors' development.

Conditions for removal of the Holding provision are as follows:

- Submission of a Traffic Study, for review and approval, to the satisfaction of the Town of Markham, City of Toronto and Region of York;
 - Submission of a Servicing Study (downstream capacity) for review and approval, to the satisfaction of the Town of Markham.
 - Site Plan Approval and execution of a site plan agreement with the Town addressing issues including, but not limited to:
 - York Region's Transit Oriented Design Guidelines
 - Development and implementation of a comprehensive Travel Demand Management (TDM) Program to the satisfaction of the Town and Region of York
 - Incorporation of sustainable design features
 - Shared (with abutting lands to south) direct access to Midland Avenue for the lands south of Thelma Avenue.
 - Conservation of the heritage attributes of the protected heritage dwelling and property at 73 Old Kennedy Road
 - Consent application to establish property boundaries, including any necessary easements, and lands required for the future extension of Thelma Avenue and Midland Avenue
 - Execution of development agreement to secure for the construction and dedication of Thelma Avenue and/or Midland Avenue.
 - The purchase of residual Town-owned lands (4576 Steeles Avenue) from the Midland Avenue extension, to be developed as part of the proposed seniors' development.
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BY-LAW 2011-87

A By-law to amend Urban Expansion Area Zoning
By-law 177- 96, as amended

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

1. By-law 177-96 be amended as follows:

By rezoning the lands outlined on Schedule "A" hereto from:

Community Amenity Four CA4*285(H) and

Residential Two R2*276(H)

to

Community Amenity Four CA4*438(H)

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

**"7.438 Milliken Development Corporation – part of 31, 67 & 73
Old Kennedy Road and 4550 & 4576 Steeles Avenue**

Notwithstanding any other provision of this By-law, the provisions of this section shall apply to those lands denoted by the symbol *438 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this section, continue to apply to the lands subject to this Section.

7.438.1 For the purpose of this exception:

(i) The following definitions shall apply:

(a) LOT FRONTAGE:

Lot frontage is the horizontal distance between the interior side and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line 60 metres from the front lot line.

(b) **LONG TERM CARE FACILITY:**

Means a provincially regulated premise that provides accommodation for people requiring a broad range of 24 hour health care, personal care and support care within a supervised and secure setting and where common facilities for the preparation and consumption of food are provided and, common lounges, recreation rooms, medical care facilities and personal services, may also be provided.

- (ii) **BUILDINGS 2A, 2B, 4A and 4B** are shown on Schedule 8.9, attached hereto.

7.438.2 Prohibited Uses

The following uses are prohibited:

- (a) **MOTELS**
- (b) **HOTELS**
- (c) **APARTMENT DWELLINGS**

7.438.3 Only Permitted Uses

The following institutional uses are the only permitted uses:

- (a) A provincially regulated **RETIREMENT HOME**
- (b) A provincially regulated **LONG TERM CARE FACILITY**
- (c) **ACCESSORY USES** associated with the permitted uses above.

7.438.4 Zone Standards

- (a) **Minimum LOT FRONTAGE** – 44 metres
- (b) **Minimum LOT AREA** – 0.6 ha
- (c) **Maximum number of STOREYS** - as identified on Schedule 8.9, attached.
 - (i) The following additional provisions apply to buildings 4A and 4B, as identified on Schedule 8.9:
 - (a) **Maximum number of STOREYS** between 9 and 14.5 metres of the north LOT LINE – 4
 - (b) **Maximum number of STOREYS** between 14.5 and 19 metres of the north LOT LINE – 5

- (d) Maximum FLOOR SPACE INDEX (FSI):
 - (i) Lands north of Thelma Avenue (Buildings 4A and 4B) – 3.0
 - (ii) Lands south of Thelma Avenue (Buildings 2A and 2B) – 4.8
- (e) Minimum width of LANDSCAPING:
 - (i) adjacent to Thelma Avenue – 3m
 - (ii) adjacent to Midland Avenue – 3m
 - (iii) Lands north of Thelma Avenue:
 - (a) adjacent to north LOT LINE– 3 m
 - (b) adjacent to north LOT LINE & within 65 metres from Midland Avenue – 8m
- (f) MINIMUM REQUIRED YARDS are outlined on Schedule 8.9, attached.

7.438.5 Special Site Provisions

The following additional provisions apply:

- (a) Individual units within the RETIREMENT HOME(S) north and south of Thelma (Building 2A, 2B and 4B) may contain kitchenettes with cooktops provided that the RETIREMENT HOME(S) contain common facilities for the preparation and consumption of food and that such common facilities are separately located within each of the BUILDINGS, 2A, 2B and 4B.
- (b) One below grade, six metre wide access driveway and pedestrian walkway, connecting the underground parking garages of the seniors development north and south of Thelma Avenue, is permitted with a zero metre MINIMUM REQUIRED YARD to the LOT LINE immediately abutting Thelma Avenue.
- (c) ACCESSORY USES are permitted provided they are:
 - (i) Located within the first three STOREYS of the BUILDING
 - (ii) Do not occupy more than 5% of the total BUILDING GROSS FLOOR AREA
 - (iii) Intended for use by BUILDING occupants only
- (d) LOADING AREAS and parking ramps for the lands north of Thelma (Buildings 4A and 4B) shall not be located within 14 metres of the north LOT LINE.
- (e) LOADING AREAS and underground parking ramps may encroach into the MINIMUM REQUIRED YARDS, as outlined on Schedule 8.9, attached.

- (f) The MINIMUM REQUIRED YARD for any residential DWELLING UNIT located within the FIRST STOREY of any BUILDING is 4 metres.
- (g) The minimum distance separation between BUILDINGS 2A and 2B and BUILDINGS 4A and 4B, as shown on Schedule 8.9, shall apply to the FIRST STOREY portion of the BUILDINGS only.
- (h) Minimum OUTDOOR AMENITY SPACE at grade:
 - (i) Lands north of Thelma Avenue (Building 4A & 4B) – 90 m²
 - (ii) Lands south of Thelma Avenue (Building 2A & 2B – 370 m²
- (i) An outdoor second STOREY deck is permitted within the MINIMUM REQUIRED YARD provided the deck is a minimum of:
 - (i) 10 metres from the north LOT LINE for the lands north of Thelma Avenue
 - (ii) 6 metres from the south LOT LINE for the lands south of Thelma Avenue.

7.438.6 Special Parking Provisions

The following parking provisions apply:

- (a) Minimum required number of parking spaces for a RETIREMENT HOME – 0.4 per unit plus 0.25 per unit for visitor parking
- (b) Minimum required number of parking spaces for a LONG TERM CARE FACILITY – 0.5 per bed

3. Mapping associated with Section 7.438

By adding to Section 8 Special Mapping the following:

“8.9 MAPPING ASSOCIATED WITH SECTION 7.438

Schedule 8.9 is to read in conjunction with Section 7.438 of this By-law.


4. Removal of Holding Provisions

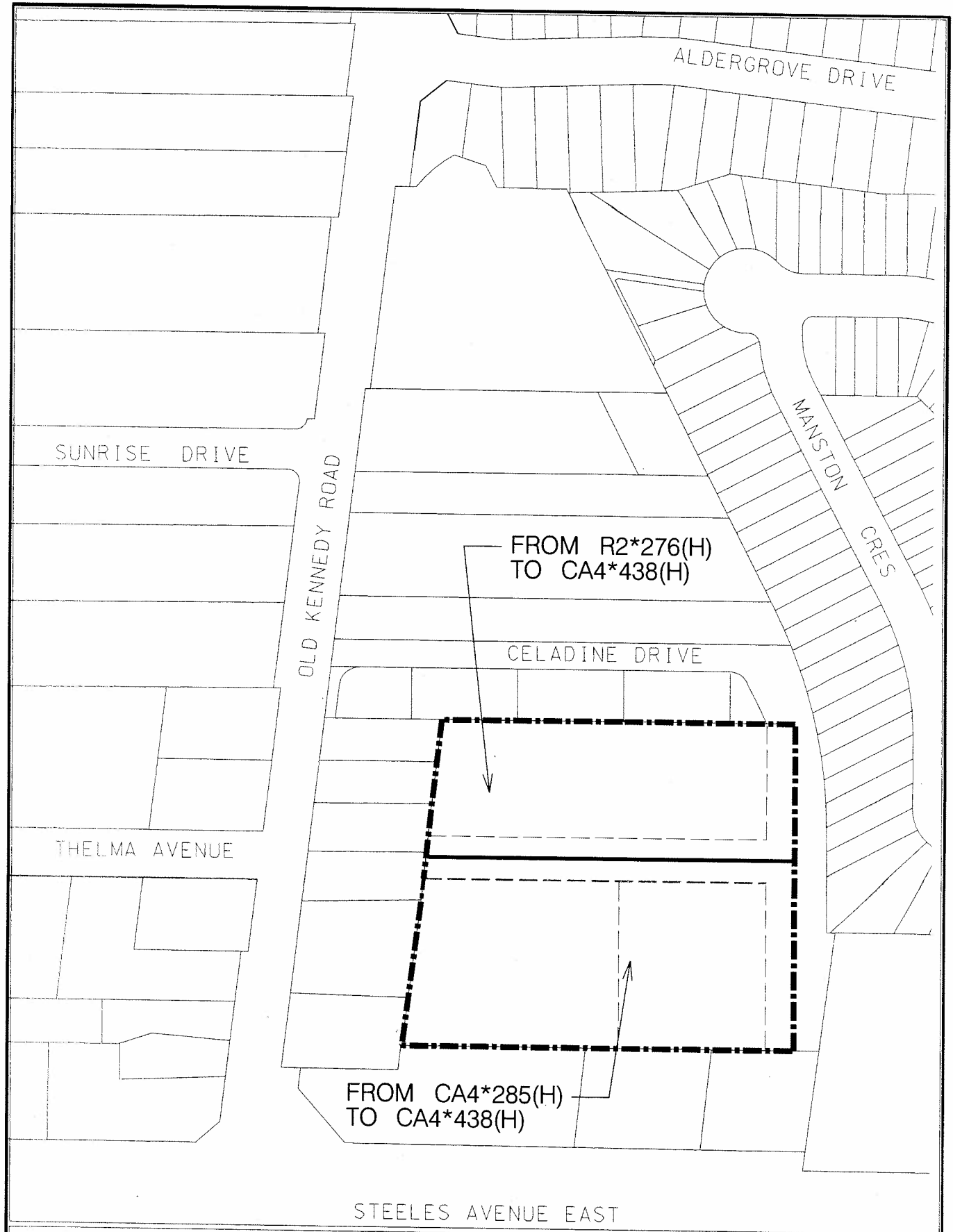
The Holding One (H) provision may be lifted upon completion/satisfaction of the following conditions:

- (a) Submission of a Traffic Study, for review and approval, by the Town of Markham, City of Toronto and Region of York
- (b) Submission of a Servicing Study (downstream capacity) for review and approval, to the satisfaction of the Town of Markham.

- (c) Site Plan Approval and execution of a site plan agreement addressing issues including, but not limited to:
- York Region's Transit Oriented Design Guidelines
 - Development and implementation of a comprehensive Travel Demand Management (TDM) Program to the satisfaction of the Town and Region of York
 - Incorporation of sustainable design features which, amongst other things, reduce energy and water consumption, minimize stormwater runoff, minimize heat island effect, harvest rainwater for irrigation and maximize the use of sustainable materials and resources, to the satisfaction of the Town and York Region
 - Direct vehicular access (shared with abutting lands to the south) to Midland Avenue for lands south of Thelma Avenue
 - Conservation of heritage attributes of protected heritage dwelling and property at 73 Old Kennedy Road.
- (d) Consent application to establish property boundaries, including any necessary easements, and lands required for the future extension of Thelma Avenue and Midland Avenue
- (e) Execution of development agreement for the construction and dedication of Thelma Avenue and/or Midland Avenue.
- (f) The purchase of residual Town-owned lands (4576 Steeles Avenue) from the Midland Avenue extension, to be developed as part of the proposed seniors' development.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
5TH DAY OF APRIL, 2011.


KIMBERLEY KITTINGHAM
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

R2

RESIDENTIAL TWO

CA4

COMMUNITY AMENITY FOUR

(H)

HOLDING PROVISION

*No.

EXCEPTION SECTION NUMBER

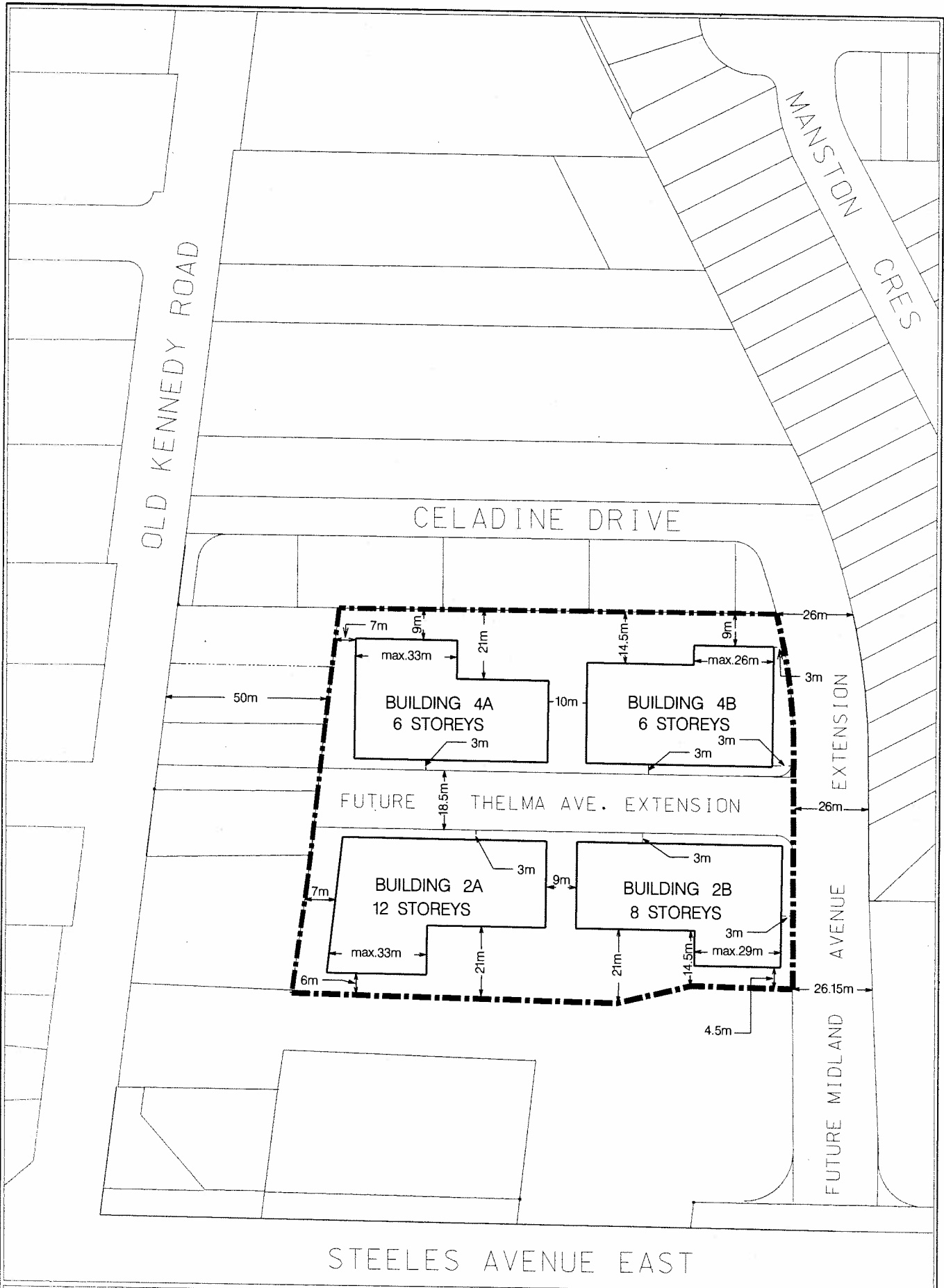
THIS IS SCHEDULE 'A' TO BY-LAW 2011-87
PASSED THIS 5TH DAY APRIL, 2011

John S. ... MAYOR

... 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: NTS



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW

SCHEDULE 8.9 MAXIMUM NUMBER OF STOREYS AND MINIMUM REQUIRED YARDS

THIS IS SCHEDULE 'B' TO BY-LAW 2011-87
PASSED THIS 5TH DAY APRIL, 2011

Paul S. Smith MAYOR

[Signature] CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
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THE OFFICE OF THE CLERK

SCALE 1: NTS

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