

## EXPLANATORY NOTE

### **By-law No. 2008-260**

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

7363 & 7373 Kennedy Road  
Part of Lot 2, Concession 5. Plan 65R-13810  
Milliken Main Street Secondary Plan Area

### LANDS AFFECTED

This proposed By-law amendment applies to a 1.69 hectare (4.2 acre) parcel of land municipally known as 7363 & 7373 Kennedy Road within the Milliken Main Street Secondary Plan Area.

### EXISTING ZONING

The lands subject to this By-law are zoned Residential Four\*301 (R4\*301).

### PURPOSE OF THE BY-LAW

The purpose of the proposed amendment is to retain the Residential Four (R4) zoning on all of the subject lands which contain a two-apartment building development. Site-specific exception \*301 will be removed from the 0.09 ha (0.22 acre) vacant triangular portion of land located on the south-west corner of the subject lands shown on Schedule 'A'. Site-specific exceptions \*268 and \*367 with a Hold (H) provision will be added to this vacant triangular portion of land. It is anticipated that this triangular portion of land will be consolidated with the abutting property to the south to facilitate future development. Site-specific exception \*268 applies to the property to the south and has been added to this parcel of land to ensure conformity with similar development requirements to facilitate future development on these two properties when they are consolidated. This zoning amendment removes the density permissions from this triangular portion of land and the Hold (H) provision will ensure that it is not developed as a separate parcel. Site-specific exception \*301 will be maintained on the remainder of the subject lands containing the two apartment buildings and site-specific exception \*365 will be added to recognize the existing 273 dwelling units.

### EFFECT OF THE BY-LAW

The effect of the proposed amendment is to facilitate a property boundary adjustment and to reflect two existing apartment buildings containing 273 dwelling units. The amendment would also remove density permissions from a portion of the subject lands.

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## BY-LAW 2008-260

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

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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 To zone the lands outlined on Schedule 'A' attached hereto, as follows:
  - 1.2 By zoning the lands from:

Residential Four\*301 – (R4\*301)

To

Residential Four\*301\*365 – (R4\*301\*365) and

Residential Four\*268\*367 (H) – [R4\*367 (H)].
  - 1.3 By adding the following new subsection to Section 7- EXCEPTIONS, to By-law 177-96:
    - 7.365 Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*365 on Schedule 'A' attached to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.
    - 7.365.1 Zone standards
      - a) Provisions relating to the maximum number of dwelling units per hectare shall not apply.
      - b) Maximum number of dwelling units - 273
  - 1.4 By adding the following new subsection to Section 7- EXCEPTIONS, to By-law 177-96:
    - 7.367 Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*367 on Schedule 'A' attached to this By-law. All other provisions, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.
    - 7.367.1 Zone standards
      - a) *Minimum lot area* – the minimum lot area for this lot shall be its lot area on the date of passing of this by-law.

- b) *Minimum lot frontage* – the minimum lot frontage for this lot shall be its lot frontage on the date of the passing of this by-law.

7.367.2 Special Site Provisions

- a) The lands subject to this exception can only be used in accordance with the provisions of the R4 Zone only if is added or combined with another lot in the R4 zone.
- b) The land subject to this exception shall not be counted in the calculation of the maximum permitted density, after it has been consolidated with another lot in the R4 zone.

1.5 Hold Provision

For the purposes of this By-law, the Holding (H) zone is hereby established and is identified on Schedule 'A' attached hereto by the zone symbol followed by the letter H in parenthesis.


1.4.1 The Hold (H) provision shall not be removed until the following conditions have been met:

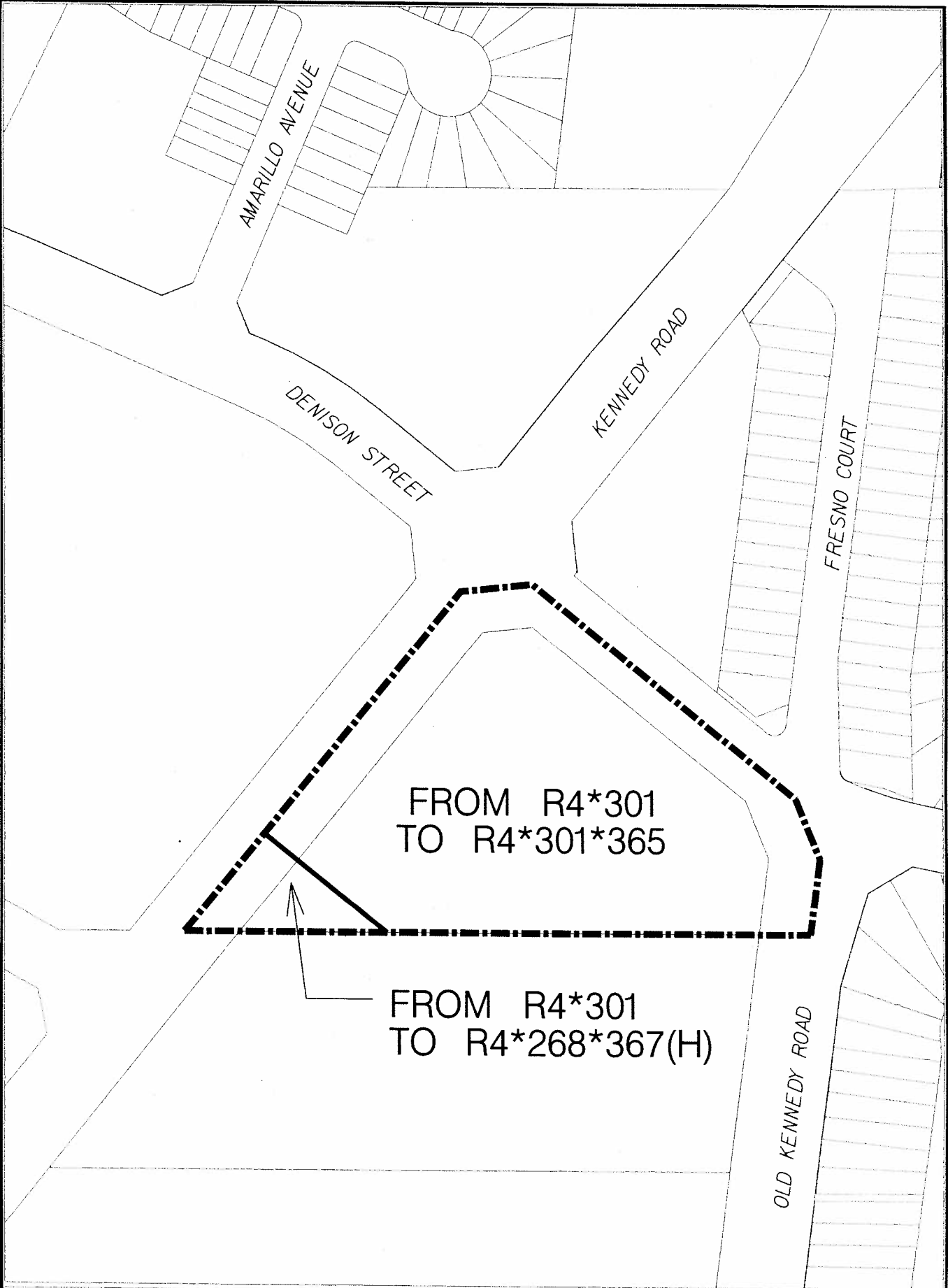
- a) The subject parcel of land is consolidated with another property in the R4 zone; and
- b) A site plan agreement has been executed for development of both the subject parcel of land and the property it has been consolidated with.

- 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  
16<sup>TH</sup> DAY OF DECEMBER, 2008.

  
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

☐ R4 RESIDENTIAL FOUR    ☐ \*No. EXCEPTION SECTION NUMBER    ☐ (H) HOLD PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW 2008-260  
PASSED THIS 16<sup>TH</sup> DAY DEC., 2008

*Paul Scarpitti* 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