

EXPLANATORY NOTE

BY-LAW 2007-186

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

Lindvest Properties (Cornell) Limited
Part of Lots 9 and 10, Concession 9
Cornell Planning District

LANDS AFFECTED

The by-law applies to approximately 12.4 ha (30.6 ac) located east of 9th Line, south of Highway 7 in the Cornell Community.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agricultural One (A1) by By-law 304-87, and Community Amenity One*165 (CA1*165) and Open Space One (OS1) by By-law 177-96, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate all the lands within the designated area of By-law 177-96, as amended, to permit residential and commercial development within Block 4 of 19TM-06012.



BY-LAW 2007-186

A by-law to amend 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, as amended, is hereby further amended as follows:
 - 1.1 By expanding the designated area of By-law 177-96, as amended, to include those lands comprising part of Lots 9 and 10, Concession 9, as outlined on Schedule 'A', attached hereto.
 - 1.2 By zoning the lands:

Community Amenity One (Holding)	[CA1 (H)]
Community Amenity One *346*350 (Holding)	[CA1*346*350 (H)]
Community Amenity One *347*350	(CA1*347*350)
Community Amenity One *348*350	(CA1*348*350)
Community Amenity One *349*350 (Holding1)	[CA1*349*350(H1)]
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS, to By-law 177-96:

7.346 East of 9th Line, south of Highway 7, Cornell

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *346 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.

7.346.1 Only Uses Permitted

The following are the only uses permitted:

- a) *apartment dwellings*
- b) *private home daycare*
- c) *home occupations*
- d) *retail stores*
- e) *personal service shops*
- f) *business offices*
- g) *financial institutions*
- h) *commercial fitness centres*
- i) *non-profit fitness centres*
- j) *community centres*
- k) *day nurseries*
- l) *private and commercial schools*
- m) *restaurants*
- n) *restaurants, take-out*
- o) *art galleries*

7.346.2 Zone Standards

Only the following specific zone standards shall apply:

- a) minimum *height* – 24 m
- b) maximum *height* - 40 m
- c) minimum *floor space index* - 2.5
- d) minimum setback from the Highway 7 *streetline* – 1.8 m
- e) maximum setback from the Highway 7 *streetline* – 4.5m
- f) minimum setback from *streetlines* other than the Highway 7 *streetline* – 3.0m

7.346.3 Special Site Provisions

The following additional provisions shall apply:

- a) The following uses are permitted only in the *first storey* and *second storey* of an *apartment building*:
 - i) *retail stores*
 - ii) *personal service shops*
 - iii) *business offices*
 - iv) *financial institutions*
 - v) *commercial fitness centres*
 - vi) *non-profit fitness centres*
 - vii) *community centres*
 - viii) *day nurseries*
 - ix) *private and commercial schools*
 - x) *restaurants*
 - xi) *restaurants, take-out*
 - xii) *art galleries*
- b) Residential uses on the ground floor of an *apartment building* shall not exceed 35% of the total ground floor *gross floor area*.
- c) Maximum *gross floor area* for a *retail premises* - 500m²

7.347 East of 9th Line, south of Highway 7, Cornell

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *347 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.

7.347.1 Only Uses Permitted

The following are the only uses permitted:

- a) *apartment dwellings*
- b) *private home daycare*
- c) *home occupations*
- d) *retail stores*
- e) *personal service shops*
- f) *business offices*
- g) *financial institutions*
- h) *commercial fitness centres*
- i) *non-profit fitness centres*
- j) *community centres*

- k) *day nurseries*
- l) *private and commercial schools*
- m) *restaurants*
- n) *restaurants, take-out*
- o) *art galleries*

7.347.2 Zone Standards

Only the following specific zone standards shall apply:

- a) *minimum height – 24 m*
- b) *maximum height – 40 m*
- c) *minimum floor space index - 2.5*
- d) *minimum setback from the Highway 7 streetline – 1.8 m*
- e) *maximum setback from the Highway 7 streetline – 4.5 m*
- f) *minimum setback from streetlines other than the Highway 7 streetline – 3.0m*

7.347.3 Special Site Provisions

The following additional provisions shall apply:

- a) The following uses are permitted only in the *first storey* and *second storey* of an *apartment building*:
 - i) *retail stores*
 - ii) *personal service shops*
 - iii) *business offices*
 - iv) *financial institutions*
 - v) *commercial fitness centres*
 - vi) *non-profit fitness centres*
 - vii) *community centres*
 - viii) *day nurseries*
 - ix) *private and commercial schools*
 - x) *restaurants*
 - xi) *restaurants, take-out*
 - xii) *art galleries*
- b) Residential uses on the ground floor of an *apartment building* shall not exceed 35% of the total ground floor *gross floor area*.
- c) Maximum *gross floor area* for a *retail premises* - 500m²
- d) *Floor space index* shall be calculated over the total area of the lands within the CA1*347*350 *zone* based on the dimensions shown on Schedule 'B' attached hereto.

7.348 East of 9th Line, south of Highway 7, Cornell

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *348 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.

7.348.1 Only Uses Permitted

The following are the only uses permitted:

- a) *retail stores*
- b) *supermarkets*
- c) *places of entertainment*
- d) *parking garages*

7.348.2 Zone Standards

Only the following specific zone standards shall apply:

- a) *maximum height* - 2 storeys
- b) *minimum setback from a streetline* – 3.0m
- c) *minimum floor space index* – 0.45

7.348.3 Special Site Provisions

The following additional provisions shall apply:

- a) *Maximum gross floor area for a retail store premises or supermarket premises* – 2,000 m²
- b) *Two premises* consisting of either *supermarket premises* or *retail store premises* may exceed a *gross floor area* per *premises* of 2,000m², up to a maximum of 6,000m².
- c) *Floor space index* shall be calculated over the total area of the lands within the CA1*348*350 zone based on the dimensions shown on Schedule 'B' attached hereto.

7.349 East of 9th Line, south of Highway 7, Cornell

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *349 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.

7.349.1 Only Uses Permitted

The following are the only uses permitted:

- a) *apartment dwellings*
- b) *multiple dwellings*
- c) *townhouse dwellings*
- d) *private home daycare*
- e) *home occupations*
- f) *parking garages*
- g) *art galleries*
- h) *business offices*
- i) *commercial fitness centres*
- j) *community centres*
- k) *day nurseries*

- l) financial institutions*
- m) libraries*
- n) medical offices*
- o) non-profit fitness centres*
- p) personal service shops*
- q) repair shops*
- r) restaurants*
- s) restaurants, take-out*
- t) retail stores*
- u) schools, commercial*

7.349.2 Zone Standards

The following specific zone standards shall apply:

- a) minimum height – 4 storeys*
- b) maximum height – 6 storeys*
- c) minimum floor space index - 1.0*
- d) minimum setback from the south limit of the CA1*349*350 zone – 12 m*
- e) minimum setback from a streetline – 3.0m*

7.349.3 Special Site Provisions

The following additional provisions shall apply:

- a) The following uses are permitted only in the first storey and second storey of residential buildings:*
 - i) art galleries*
 - ii) business offices*
 - iii) commercial fitness centres*
 - iv) community centres*
 - v) day nurseries*
 - vi) financial institutions*
 - vii) libraries*
 - viii) medical offices*
 - ix) non-profit fitness centres*
 - x) personal service shops*
 - xi) repair shops*
 - xii) restaurants*
 - xiii) restaurants, take-out*
 - xiv) retail stores*
 - xv) schools, commercial*
- b) Residential uses on the ground floor of residential buildings shall not exceed 35% of the total ground floor gross floor area.*
- c) Medical offices and restaurants are not permitted on the ground floor of townhouse dwellings.*
- d) The minimum number of storeys of a townhouse dwelling is 3.*
- e) Maximum gross floor area for a retail store premises – 2,000 m².*

- f) *Floor space index* shall be calculated over the total area of the lands within the CA1*349*350 zone based on the dimensions shown on Schedule 'B' attached hereto.

7.350 East of 9th Line, south of Highway 7, Cornell

Notwithstanding any other provisions of this By-law, the following provisions in this section shall apply to the lands denoted by the symbol *350 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.

7.350.1 Special Site Provisions

The following provisions shall apply:

- a) Notwithstanding any further division or partition of the lands subject to *350, the development standards of By-law 177-96, as amended, shall continue to apply to the lands as they existed on the date of the passing of this By-law.

7.350.2 Special Parking Provisions

The following provisions shall apply:

- a) Parking shall be provided in accordance with the standards set out below:
- i) all types of *restaurants*, including associated seating areas, are subject to the following requirements:
 - 1 parking space per 22m² of *gross floor area* for that portion that occupies 15% or less of the total *gross floor area* of all non-residential building(s) in the Community Amenity One*348*350 (CA1 *348 *350), Community Amenity One*349*350 (CA1 *349 *350) and Community Amenity One*349*350 Holding 1 [CA1 *349 *350 (H1)] zones shown on Schedule 'A' hereto.
 - 1 parking space per 9m² of *gross floor area* for that portion that occupies more than 15% of the total *gross floor area* of all non-residential building(s) in the Community Amenity One*348*350 (CA1 *348 *350), Community Amenity One*349*350 (CA1 *349 *350) and Community Amenity One*349*350 Holding 1 [CA1 *349 *350 (H1)] zones shown on Schedule 'A' hereto.
 - ii) for all other permitted non-residential uses, 1 parking space per 22m² of *gross floor area*.
- b) In addition to the parking required for the residential use, two (2) parking spaces are required for any non-residential uses permitted on the ground floor of a *townhouse dwelling*.
- c) Parking shall be provided at a rate of 1 space per 30m² of *gross floor area* for any *retail* use permitted on the ground floor of an *apartment building*.

1.4 HOLDING PROVISIONS

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

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

- a) Execution of a site plan agreement; and
- b) Sufficient sanitary servicing and water supply has been allocated by the Town and is available from the Trustee of the Cornell Developers Group.

1.4.2 The following provisions apply to the lands subject to the Holding provision denoted by the symbol (H1) on Schedule 'A':

- a) The following uses are the only uses permitted in the CA1*349*350(H1) zone:
 - i) Uses permitted in Section 7.349.1 c) through u)
- b) The following zone standards apply for the uses permitted in the CA1*349*350(H1) zone:
 - i) minimum *height* for non-residential buildings – 7.5m
 - ii) minimum *height* for townhouse dwellings – 3 storeys
 - iii) maximum *height* – 6 storeys
 - iv) minimum setback from the south limit of the CA1*349*350 zone – 12 m
 - v) minimum setback from a *streetline* – 3.0m
 - vi) minimum *floor space index* – not applicable
- c) The following additional special site provisions apply to the uses permitted in the CA1*349*350(H1) zone:
 - i) The maximum combined *gross floor area* for the uses permitted in Section 7.349.1 f) through u) is 4,600m²
 - ii) A minimum of 2,500 m² of *gross floor area* of non-residential buildings shall be located no closer than 100m from the Highway 7 *streetline*, and no closer than 100m from the *streetlines* forming the east and west boundaries of the CA1*349*350(H1) zone.
 - iii) The maximum number of *townhouse dwellings* is 50.
 - iv) Section 7.349.3 a) does not apply.
 - v) The provisions of *350 shall apply.
- d) The Holding (H1) provision shall not be removed until the following conditions have been met:
 - i) Execution of a site plan agreement; and
 - ii) Sufficient sanitary servicing and water supply has been allocated by the Town and is available from the Trustee of the Cornell Developers Group.

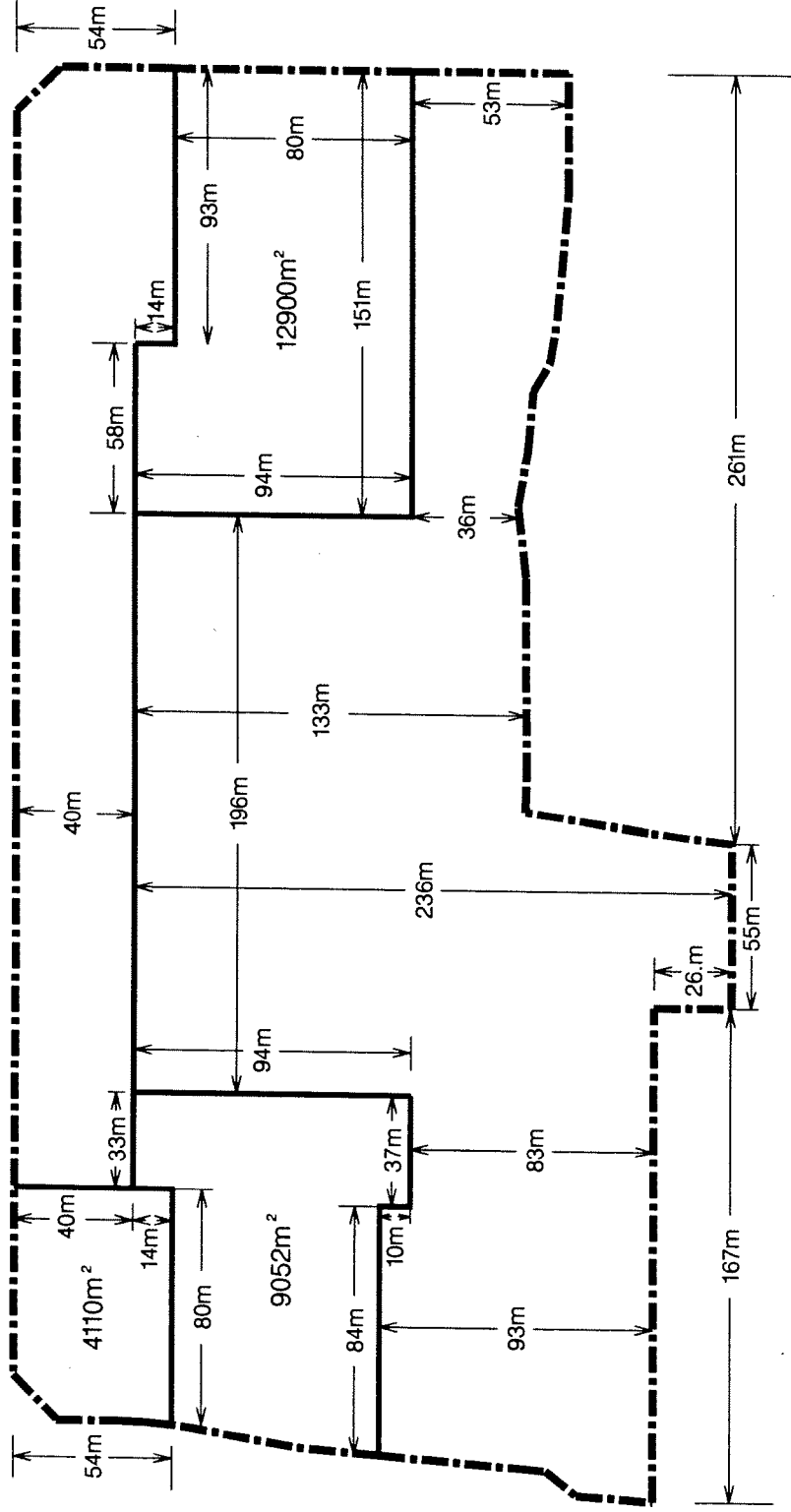
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
26TH DAY OF JUNE, 2007.


SHEILA BIRRELL, TOWN CLERK


FRANK SCARPITTI, MAYOR

HIGHWAY 7



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'B' TO BY-LAW 2007-186
PASSED THIS 26TH DAY OF JUNE, 2007
John S. ... MAYOR
Charles ... CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW



ZONE BOUNDARY



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: NA