



EXPLANATORY NOTE

BY-LAW 2017-16

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)

C.P. Capital Inc.

North of Highway 7 and west of Bur Oak Avenue

ZA 16-159916

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 3.03. hectares, which is located north of Highway 7 and west of Bur Oak Avenue in the Cornell Community.

Existing Zoning

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

Purpose and Effect

The purpose and effect of this By-law is to remove the subject lands from the designated area of By-law 304-87, as amended, to be incorporated into the designated area of By-law 177-96, as amended by rezoning them into the following zone categories:

Community Amenity Two*569 Holding [(CA2*569)(H)] Zone

Residential Three*570 Holding [(R3*570)(H)] Zone

Community Amenity Two*571 Holding [(CA2*571)(H)] Zone

in order to permit the use of the lands for mixed use high rise apartment buildings on the lands zoned Community Amenity Two*569 and Community Amenity Two*571, and stacked townhouses on the lands zoned Residential Three*570.

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, c.P.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.



By-law 2017-16

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 amended 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:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule 'A' attached hereto.
 - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto as follows:

Community Amenity Two*569 Holding [(CA2*569)(H)] Zone
Residential Three*570 Holding [(R3*570)(H)] Zone
Community Amenity Two*571 Holding [(CA2*571)(H)] Zone

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

Exception 7.569	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone CA2
File ZA 16 159916		Amending By-law 2017-
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *569 on the schedules to this By-law.		
7.569.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Apartment Dwellings	
b)	Art Galleries within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
c)	Business Offices within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
d)	Commercial Fitness Centres within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
e)	Child Care Centre within the first storey of a building containing apartment dwellings or an office building	
f)	Financial Institutions within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
g)	Home Occupations	
h)	Medical Offices within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
i)	Non-Profit Fitness Centres within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
j)	Personal Service Shops within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
k)	Places of Worship within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
l)	Private Clubs within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
m)	Home Childcare	
n)	Repair Shops within the first two storeys of a building containing apartment dwellings and on any floor of an office building	
o)	Restaurants within the first two storeys of a building containing apartment dwellings and	

	on any floor of an <i>office building</i> ;
p)	<i>Retail Stores</i> within the first two storeys of a building containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
q)	<i>Schools, Commercial</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
r)	<i>Schools, Private</i> within the first two storeys of a building containing <i>apartment dwellings</i> and on any floor of an <i>office building</i>
s)	<i>Trade and Convention Centres</i> within the first two storeys of <i>building</i> containing apartment dwellings or an <i>office building</i>
7.569.2 Special Zone Standards	
The following special zone standards shall apply:	
a)	<i>Minimum Building</i> setback from a <i>streetline</i> – 1.5 metres
b)	<i>Minimum Building</i> setback from the south and east <i>lot lines</i> – 3.5 metres
c)	<i>Minimum Building Height</i> – 12.0 metres
d)	<i>Maximum Building Height</i> – 40.0 metres
e)	<i>Minimum number of storeys</i> – 4
f)	<i>Maximum number of storeys</i> – 12
g)	The provisions of Table B7 (Part 2 of 4) are not applicable
h)	<i>Driveway access</i> is not permitted onto Rustle Woods Avenue
i)	<i>Minimum</i> setback for an underground <i>parking garage</i> to any <i>lot line</i> – 0.5 m
j)	<i>Maximum Gross Floor Area</i> of a retail store – 1,000 square metres per <i>premise</i>

Exception 7.570	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone R3
File ZA 16 159916		Amending By-law 2017-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *570 on the schedules to this By-law.		
7.570.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Multiple Dwellings	
b)	Home Occupations	
c)	Home Childcare	
7.570.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum Lot Frontage – Not Applicable	
b)	Minimum Building setback to the west lot line – 3.0 metres, except that: i) porches and landings are permitted to encroach provided they are setback a minimum of 0.6 metres from a streetline; and ii) stairs accessing a porch or landing are permitted to encroach provided they are setback a minimum of 0.3 metres from a streetline	
c)	Minimum Building setback from the east lot line – 6.0 metres	
d)	Minimum distance between buildings above established grade - 3.0 metres	
e)	Minimum Front Yard – 1.5 metres	
f)	Minimum Rear Yard – Not Applicable	
g)	Minimum Building Height – 12 metres	
h)	The provisions of Table B5 (Part 2 of 2) are not applicable	
i)	A minimum area of 700 m ² is required as accessory outdoor amenity space excluding balconies and rooftop areas	
j)	Maximum number of dwelling units – 270	
k)	Minimum setback for an underground parking garage to any lot line – 0.5 m	

Exception 7.571	CP Capital Inc. North of Highway 7 and west of Bur Oak Avenue	Parent Zone CA2
File ZA 16 159916		Amending By-law 2017-_____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *571 on the schedules to this By-law.		
7.571.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Apartment Dwellings</i>	
b)	<i>Art Galleries</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>	
c)	<i>Business Offices</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>	

d)	<i>Commercial Fitness Centres</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
e)	<i>Child Care Centre</i> within the first storey of a <i>building</i> containing <i>apartment dwellings</i>
f)	<i>Financial Institutions</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
g)	<i>Home Occupations</i>
h)	<i>Medical Offices</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
i)	<i>Non-Profit Fitness Centres</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
j)	<i>Personal Service Shops</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
k)	<i>Places of Worship</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
l)	<i>Private Clubs</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
m)	<i>Home Childcare</i>
n)	<i>Repair Shops</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
o)	<i>Restaurants</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
p)	<i>Retail Stores</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
q)	<i>Schools, Commercial</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
r)	<i>Schools, Private</i> within the first two storeys of a <i>building</i> containing <i>apartment dwellings</i>
s)	<i>Trade and Convention Centres</i> within the first two storeys of <i>building</i> containing <i>apartment dwellings</i>
7.571.2 Special Zone Standards	
The following special zone standards shall apply:	
a)	<i>Minimum Building</i> setback from a <i>streetline</i> – 1.5 metres except that the <i>Minimum Building</i> setback from the Highway 7 <i>streetline</i> is 3.0 metres
b)	<i>Minimum Building</i> setback from the east <i>lot line</i> – 3.5 metres
c)	<i>Minimum Building Height</i> – 20 metres except that 45% of the building facing the east and west <i>Lot Lines</i> may have a <i>Minimum Building Height</i> of 9 metres
d)	<i>Minimum</i> number of storeys – 6 except that 45% of the building facing the east and west <i>Lot Lines</i> may have a <i>Minimum Building Height</i> of 3 storeys
e)	<i>Maximum Building Height</i> – 80 metres, except the <i>Maximum Building Height</i> : i) within 6.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 24 metres; and ii) between 6.0 metres to 40.0 metres of the Arthur Bonner <i>streetline</i> is 60.0 metres
f)	<i>Maximum</i> number of storeys – 24, except the <i>Maximum</i> number of Storeys: i) within 6.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 8; and ii) between 6.0 metres to 40.0 metres of the Arthur Bonner Avenue <i>streetline</i> is 18
g)	The provisions of Table B7 (Part 2 of 4) are not applicable
h)	<i>Driveway access</i> is not permitted onto Highway 7 East; and
i)	A minimum area of 960 m ² is required as <i>accessory outdoor amenity space</i> excluding balconies and rooftop areas
j)	<i>Minimum</i> setback for an underground <i>parking garage</i> to any <i>lot line</i> – 0.5 m
k)	<i>Maximum Gross Floor Area</i> of a <i>retail store</i> – 500 square metres per <i>premise</i>

4. SECTION 37 CONTRIBUTION

- 4.1 A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be required. 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.

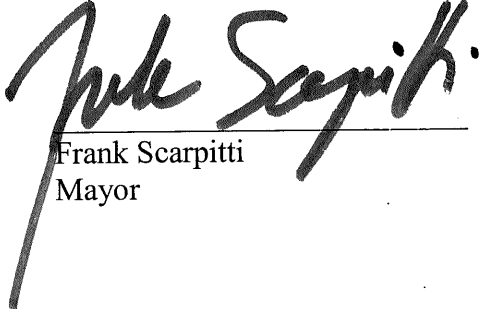
5. HOLDING PROVISION

- 5.1 For the purpose of this By-law, a Holding (H) provision is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 5.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (H) provision for the purpose permitted under this By-law until amendment(s) to this By-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

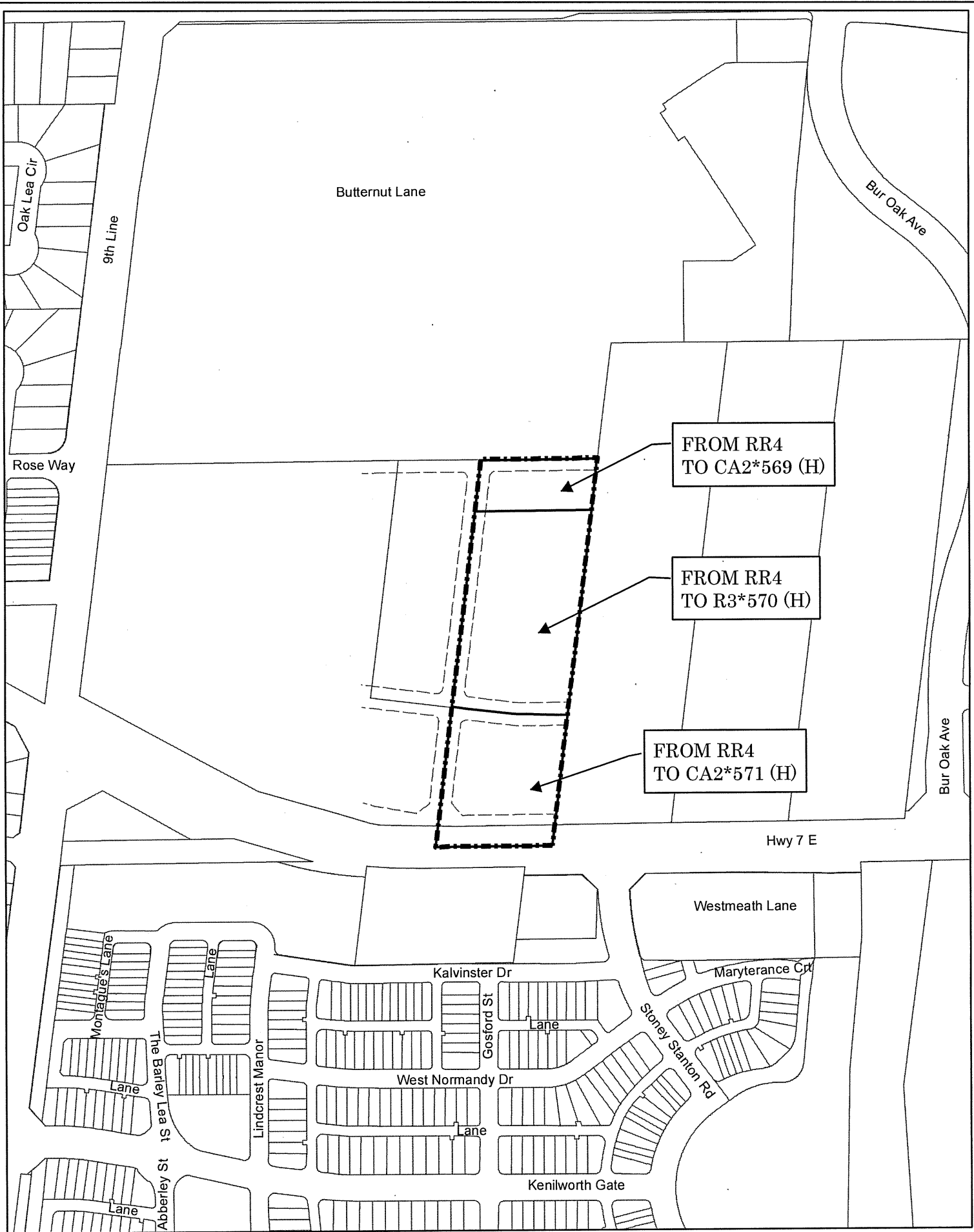
- 5.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the following conditions have been met:
- a) An agreement to secure the Section 37 contribution has been executed by the City and the Owner for that part of the lands shown on Schedule "A" from which the Holding (H) symbol is proposed to be removed;
 - b) The City has confirmed that servicing allocation for the number of residential units proposed is available; and
 - c) That a hydrogeological assessment to support development has been submitted and approved to the satisfaction of the City and Toronto Region Conservation Authority

Read a first, second, and third time and passed on March 21, 2017.



Kimberley Litteringham
City Clerk




Frank Scarpitti
Mayor





SCHEDULE "A" TO BY-LAW 2017-16

AMENDING BY-LAWS 304-87 AND 177-96 DATED March 21, 2017

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
TO BE DELETED FROM 304-87 AND ADDED TO 177-96
-  BOUNDARY OF ZONE DESIGNATION(S)

 Community Amenity Two  Rural Residential Four  Holding Provision

 Residential Three  Exception Section Number

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office