



EXPLANATORY NOTE

BY-LAW 2016-146

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

(to rezone lands within the designated area of By-law 177-96)

Kymberville Capital Inc.

North of Highway 7 and east of Bur Oak Avenue

ZA 15 028274

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 5.99 hectares, which is located north of Highway 7 and east of Bur Oak Avenue in the Cornell Community.

Existing Zoning

The subject lands are zoned in accordance with By-law 177-96, as amended, as follows:

Open Space 1 (OS1) Zone

Residential Three *409 Hold [R3*409 (H1)] Zone

Residential Three *410 Hold [R3*410 (H2, H3)] Zone

Community Amenity 2 *411 Hold [CA2*411(H1)] Zone

Purpose and Effect

The purpose and effect of this By-law is to rezone the subject lands from the zone categories noted above to Residential Three*564 (R3*564) and Residential Three*565 (R3*565) under by-law 177-96, as amended, in order to permit the lands to be developed for townhouses on the lands zoned R3*564, and multiple units dwellings (stacked townhouses) on the lands zoned R3*565.

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 2016-146

A By-law to amend By-law 177-96, as amended
(to rezone lands within the designated area of By-law 177-96)

The Council of the Corporation of the City of Markham hereby enacts as follows:

1.0 That By-law 177-96, as amended, is hereby further amended as it applies to the lands outlined on Schedule 'A' as follows:

1.1 By rezoning the lands outlined on Schedule 'A' attached hereto:

from: **Open Space 1 (OS1) Zone**
Residential Three *409 Hold [R3*409 (H1)] Zone
Residential Three *410 Hold [R3*410 (H2, H3)] Zone
Community Amenity 2 *411 Hold [CA2*411(H1)] Zone

to: **Residential Three *564 (R2*564) Zone**
Residential Three *565 (R2*565) Zone

2.0 By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.564	Kymberville Capital Inc. North of Highway 7 and east of Bur Oak Avenue	Parent Zone R3
File ZA 15 028274		Amending By-law 2016-146
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *564 on the schedules to this By-law.		
7.564.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Townhouses</i>	
b)	<i>Home Occupations</i>	
c)	<i>Private Home Daycare</i>	
7.564.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	<i>Minimum lot frontage</i> – 4.5 metres per unit except as follows: i) End unit on an <i>interior lot</i> – 5.7 metres; and ii) End unit on a <i>corner lot</i> – 6.9 metres;	
b)	<i>Minimum Required Rear Yard</i> – 5.8 metres, except that the <i>Minimum Required Rear Yard</i> for an <i>Outdoor Amenity Space</i> located above a <i>private garage</i> and/or a support structure for the <i>Outdoor Amenity Space</i> , which is located on the first storey and adjacent to a <i>private garage</i> is 1.2 metres;	
c)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> and/or be located on a <i>balcony</i> or raised platform; and ii) The <i>Outdoor Amenity Space</i> shall have a combined <i>minimum area</i> of 6 square metres;	
d)	<i>Minimum number of storeys</i> – 3	
e)	<i>Maximum Building Height</i> – 14 metres	
f)	Any part of a <i>building</i> , <i>Outdoor Amenity Space</i> , <i>private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side yard lot line</i>	

Exception 7.565	Kymberville Capital Inc. North of Highway 7 and east of Bur Oak Avenue	Parent Zone R3
File ZA 15 028274		Amending By-law 2016-146
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *565 on the schedules to this By-law.		
7.565.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	<i>Multiple Dwellings</i>	
b)	<i>Home Occupations</i>	
c)	<i>Private Home Daycare</i>	
7.565.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	<i>Minimum Lot Frontage – not applicable;</i>	
b)	<i>Minimum Required Exterior Side Yard – 1.2 metres</i>	
c)	<i>Minimum Required Interior Side Yard:</i> (i) 0.0 metres for an interior unit (ii) 1.2 metres for an end unit	
d)	<i>Minimum Required Rear Yard – 5.8 metres, except:</i> i) That the <i>Minimum Required Rear Yard</i> for a unit where the side yard abuts a <i>lane</i> is 5.15 metres; i) That the <i>Minimum Required Rear Yard</i> for the second and third storey of a <i>multiple dwelling</i> is 3.0 metres; and ii) That the <i>Minimum Required Rear Yard</i> for an <i>Outdoor Amenity Space</i> located above a <i>private garage</i> and/or a support structure for the <i>Outdoor Amenity Space</i> , which is located on the first storey and adjacent to a <i>private garage</i> is 1.2 metres;	
e)	<i>Minimum parking space</i> length for units where the side yard abuts a <i>lane</i> - 5.15 metres;	
f)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: (i) The <i>Outdoor Amenity Space</i> shall be located above a <i>private garage</i> and/or be located on a <i>balcony</i> or raised platform; and (ii) The <i>Outdoor Amenity Space</i> shall have a combined <i>minimum area</i> of 6 square metres;	
g)	<i>Minimum number of storeys – 3</i>	
h)	<i>Maximum Building Height – 14 metres</i>	
i)	Special Provision 4 of Table B5 (Part 2 of 2) shall not apply	
j)	Any part of a <i>building</i> , <i>Outdoor Amenity Space</i> , <i>private garage</i> or <i>driveway</i> adjacent to a hydro transformer notch may encroach into the <i>required interior side yard</i> to the <i>interior side yard lot line</i>	

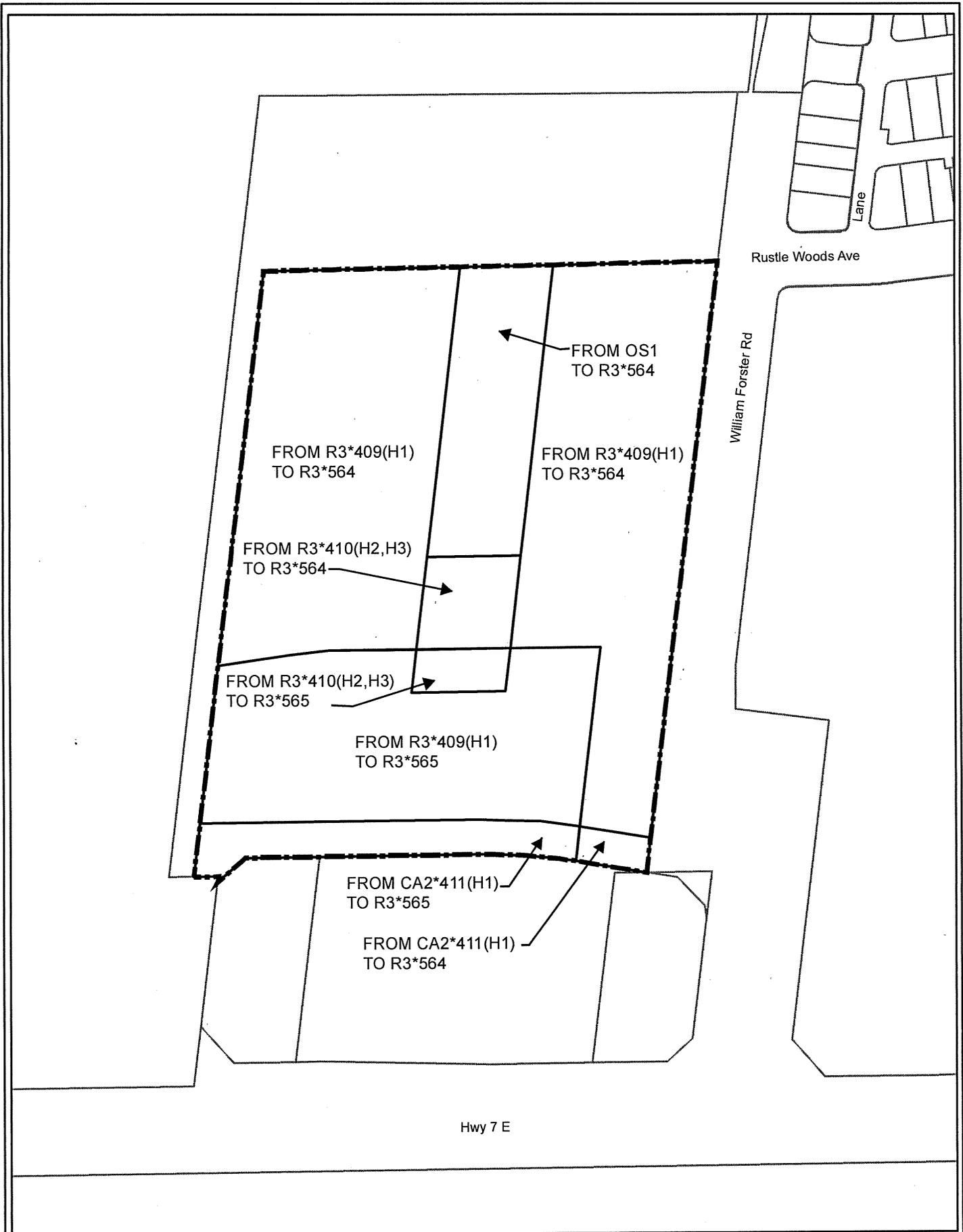
Read a first, second, and third time and passed on December 13, 2016.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2016-146

AMENDING BY-LAW 177-96 DATED December 13, 2016

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- RESIDENTIAL THREE
- COMMUNITY AMENITY TWO
- OPEN SPACE ONE
- HOLDING PROVISIONS
- 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