

November 29, 2016

Our File No.: 102884

By Email

City of Markham
City Council
101 Town Centre Blvd.
Markham, ON L3R 9

Dear Members of City of Markham Council:

**Re: 7350 Markham Road: Markham (7350 Highway 48) Holdings Inc.
Applications to Amend the Zoning By-law and for Site Plan Approval
City of Markham File Nos.: ZA 15 156659 & SC 16 156659 (Report 45 Development
Services Committee 4) (the “7350 Applications”)**

We are solicitors for Forest Bay Homes Ltd. (“Forest Bay”), the owner of the lands known municipally as 6350 Steeles Avenue East in the City of Markham. On behalf of Forest Bay, we are writing in respect of the *Planning Act* applications for 7350 Markham Road (the “Site”).

On November 18, 2016, Forest Bay provided a letter to the Development Services Committee highlighting potential concerns with the 7350 Applications particularly in regard to downstream sanitary sewer capacity among other issues.

Further to subsequent discussion with City of Markham staff and the solicitor for Markham (7350 Highway 48) Holdings Inc., we understand that the proposed zoning by-law amendment applicable to the Site has been revised to incorporate a “H” holding symbol provision pursuant to Section 36 of the *Planning Act* which requires:

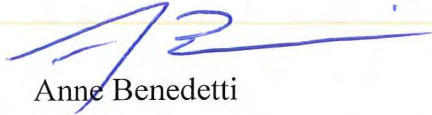
that the Owner pays to the City their proportionate share of the Markham Road sewer and local sewer upgrade for the proposed development, to the satisfaction of the Director of Engineering,

prior to development proceeding on the Site as attached to this letter as Schedule “A”. With the inclusion of the “H” holding symbol in conjunction with the condition noted above, Forest Bay does not object to the 7350 Applications.

We continue to request that the City provide us with notice of any decision or further public meetings regarding the applications.

Yours truly,

Goodmans LLP



Anne Benedetti

cc. Clay Leibel, Forest Bay Homes Ltd.
Kimberley Kitteringham, City of Markham Clerk
Andrea Wilson-Peebles, City of Markham Solicitor
Meaghan McDermid, Solicitor for Markham (7350 Highway 48) Holdings Inc.

Schedule “A”
Zoning By-law Including “H” Holding Symbol for 7350 Markham Road

6637717.1



EXPLANATORY NOTE

BY-LAW 2016-_____

A By-law to amend By-law 304-87, as amended

(to delete lands from the designated area of By-law 304-87)

And By-law 177-96, as amended

(to incorporate lands into the designated area of By-law 177-96)

Markham (7350 Highway 48) Holdings Inc.

7350 Markham Rd

CON 7 PT LOT 3

File No. ZA 15 156659

Lands Affected

The proposed by-law amendment applies to a parcel of land with an approximate area of 2.4 hectares (6 acres) which is located at the south-west corner of Markham Road and Golden Avenue and municipally known as 7350 Markham Road.

Existing Zoning

The subject lands are zoned in accordance with By-law 304-87, as amended, as follows:

Agriculture One (A1)

Purpose and Effect

The purpose and effect of this By-law is to delete the lands from the designated area of By-law 304-87, as amended, incorporate the lands into the designated area of By-law 177-96, as amended, and zone the subject lands to "Residential Two *566 Holding [R2*566(H)]" in order to facilitate the development of 115 townhouses including the introduction of site-specific development standards once the Holding provision is removed.

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.



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAWS 304-87 AND 177-96 DATED



BOUNDARY OF AREA COVERED BY THIS SCHEDULE
TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96

A1

AGRICULTURE ONE

(H)

HOLDING PROVISION

R2

RESIDENTIAL TWO

*No.

EXCEPTION SECTION NUMBER

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DEVELOPMENT SERVICES COMMISSION

40 20 0 40 Meters

Drawn By: CPW Checked By: SM

DATE: 10/11/2016

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



BY-LAW 2016-_____

A By-law to amend By-law 304-87, as amended
(to delete lands from the designated area of By-law 304-87)
and By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

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:

Residential Two *566 (Holding) [R2*566(H)] Zone

- 2.3 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.566	Markham (7350 Highway 48) Holdings Inc. 7350 Markham Road	Parent Zone R2
File ZA 15 156659		Amending By-law 2016-
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to the land denoted by the symbol *566 on the schedule to this By-law.		
7.566.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Private Park	
7.566.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum width of an internal townhouse <i>dwelling unit</i> fronting onto a <i>public street</i> – 5.7m	
b)	Minimum width of an end townhouse <i>dwelling unit</i> fronting onto a <i>public street</i> - 5.9m	
c)	Minimum width of an internal townhouse <i>dwelling unit</i> fronting onto a <i>private street</i> – 5.4m	
d)	Minimum width of an end townhouse <i>dwelling unit</i> fronting onto a <i>private street</i> – 5.6m	
e)	Minimum <i>private park</i> area – 359m ²	
f)	Maximum number of <i>dwelling units</i> – 115	
g)	Minimum required <i>exterior side yard</i> – 1.4m	
h)	Minimum required <i>rear yard</i> – 7.5m	
i)	Minimum required <i>front yard</i> – 3m	
j)	Minimum number of <i>storeys</i> fronting onto a <i>public street</i> – 3	
k)	Minimum distance between <i>buildings</i> – 2.4m	
l)	Maximum <i>building height</i> – 12m	
m)	Notwithstanding any further division or partition of any of the lands subject to this Section, all lands zoned R2*566 shall be deemed to be one <i>lot</i> for the purposes of this By-law.	
n)	Stairs that access a porch are permitted to encroach into the required front and exterior side yard provided they are located no closer than 0.5m from the lot line.	

3. HOLDING PROVISIONS

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

No person shall hereafter erect or alter any building or structure on lands subject to Holding (H) provisions for the purpose permitted under this By-law until an amendment to this By-law to remove the letter '(H)' has come into effect pursuant to the provisions of Section 36 of the Planning Act.

3.1 The Holding (H) provision shall not be removed until the following condition has been met to the satisfaction of the City of Markham:

- a) That the Owner pays to the City their proportionate share of the Markham Road sewer and local sewer upgrade for the proposed development, to the satisfaction of the Director of Engineering.

4. SECTION 37 CONTRIBUTION

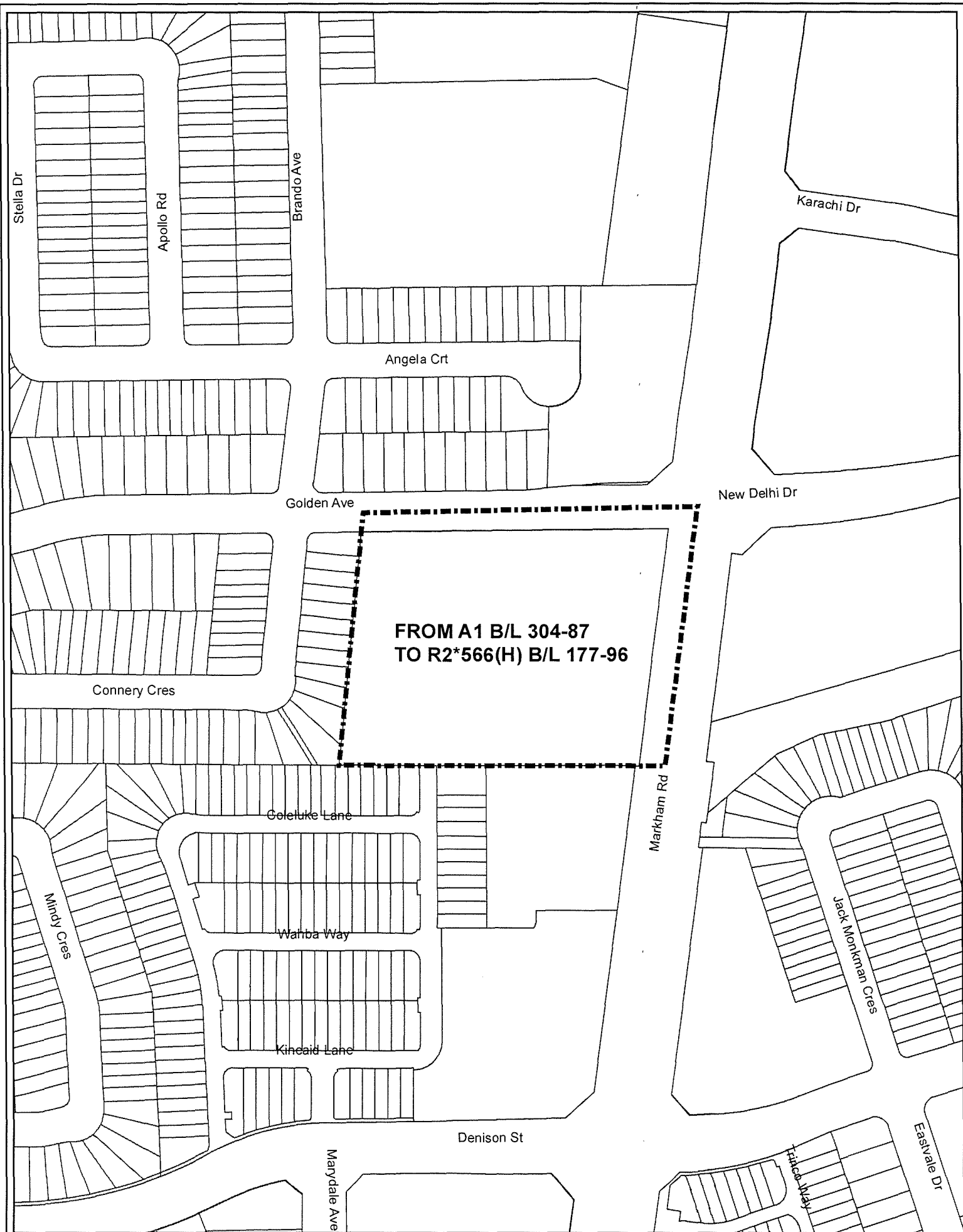
- 4.1 A contribution by the Owner to the City for the purposes of public art, in the amount of \$150,000.00 in 2016 dollars, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. 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.

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

Kimberley Kitteringham
City Clerk


Frank Scarpitti
Mayor

File No.: ZA 15 156659



SCHEDULE "A" TO BY-LAW

AMENDING BY-LAWS 304-87 AND 177-96 DATED

-  BOUNDARY OF AREA COVERED BY THIS SCHEDULE
TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96
- A1

 AGRICULTURE ONE

R2

 RESIDENTIAL TWO

(H)

 HOLDING PROVISION

*No.

 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