



## **EXPLANATORY NOTE**

### **BY-LAW 2016-139**

#### **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.



## BY-LAW 2016-139

**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 dwelling unit fronting onto a public street – 5.7m	
b)	Minimum width of an end townhouse dwelling unit fronting onto a public street- 5.9m	
c)	Minimum width of an internal townhouse dwelling unit fronting onto a private street – 5.4m	
d)	Minimum width of an end townhouse dwelling unit fronting onto a private street – 5.6m	
e)	Minimum private park area – 359m2	
f)	Maximum number of dwelling units – 115	
g)	Minimum required exterior side yard – 1.4m	
h)	Minimum required rear yard – 7.5m	
i)	Minimum required front yard – 3m	
j)	Minimum number of storeys fronting onto a public street – 3	
k)	Minimum distance between buildings – 2.4m	
l)	Maximum building height – 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 lot for the purposes of this By-law.	
n)	Stairs that access a porch are permitted to encroach into the required front and exterior side vard 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 November 29, 2016.

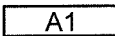
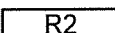
  
\_\_\_\_\_  
Kim Kitteringham  
City Clerk  
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Frank Scarpitti  
Mayor



# SCHEDULE "A" TO BY-LAW 2016-139

## AMENDING BY-LAWS 304-87 AND 177-96 DATED November 29, 2016

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

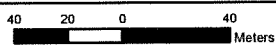
 AGRICULTURE ONE  
 RESIDENTIAL TWO

 HOLDING PROVISION  
 EXCEPTION SECTION NUMBER

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DEVELOPMENT SERVICES COMMISSION



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