



## **EXPLANATORY NOTE**

### **BY-LAW 2016-77**

**A By-law to amend By-law 177-96, as amended and By-law 118-79, as amended**

**2310601 Ontario Inc.**

**3912-3928 Highway 7 East**

**Zoning By-law Amendment to Permit Apartment Dwellings, a School Block and an Open Space Block**

#### **Lands Affected**

The proposed by-law amendment applies to approximately 4 hectares (9.9 acres) of land located at 3912-3928 Highway 7 East, on the north side of Highway 7 East, west of Village Parkway.

#### **Existing Zoning**

The subject lands are currently zoned “Residential Development” (RD) Zone by By-law 118-79, as amended.

#### **Purpose and Effect**

The purpose and effect of this By-law is to delete lands from the designated area of By-law 118-79 and incorporate those lands into By-law 177-96, as amended, and to rezone the subject lands to Community Amenity Area 3 Hold [CA3\*558(H)] Zone and Open Space 2 (OS2\*559) Zone. The zoning is intended to facilitate the development of apartment dwellings on the southerly portion of the site along Highway 7, and a school block and an open space block on the northerly portion of the site.

A Holding (H) provision will be placed on a portion of the subject lands to ensure certain conditions are met prior to any development proceeding.



## By-law 2016-77

**A By-law to amend By-law 118-79, as amended**  
*(To delete lands from the designated area of By-law 118-79)*

**and to amend By-law 177-96, as amended**  
*(To incorporate lands into the designated area of By-law 177-96)*

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

1. THAT By-law 118-79, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 118-79, 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 Area 3 Hold [CA3\*558(H)] Zone**  
**Open Space Two (OS2\*559) Zone**

- 2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

**“7.558            2310601 Ontario Inc. (Hildebrand Site)**  
**3912-3928 Highway 7 East**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*558 on Schedule 'A' of this By-law.

**7.558.1           Only Permitted Uses**

The following uses are the only permitted uses:

- a) *Apartment Dwellings*
- b) *Retirement Home*
- c) *Business Office*
- d) *Retail Store*
- e) *Personal Service Shop*
- f) *Commercial Fitness Centre*

**7.558.2           Special Zone Provisions**

The following special zone standards shall apply:

- a) Maximum *height* – 30.0 m
- b) Maximum number of *storeys* – 8
- c) Minimum number of *storeys* – 6, except for portions of the building as otherwise provided for in subsections j) and k) below
- d) Minimum *lot frontage* – 60 m
- e) Minimum *lot area* – 1.3 ha
- f) Maximum *Floor Space Index* – 3.5
- g) Maximum number of *guest suites* – 2
- h) For the purposes of this by-law, the *front lot line* shall be the *lot line* abutting Highway 7 East

- i) Minimum *front yard* - 1.2 m, except that the minimum front yard for any *dwelling unit* located on the first floor shall be 4.2 m
- j) Minimum *side yard*:
  - a. First and second *storey* above *established grade* – 4.0 m
  - b. All *storeys* above the second *storey* – 7.0 m
- k) Minimum *rear yard*:
  - a. First and second *storey* above *established grade* – 1.2 m
  - b. All *storeys* above the second *storey* - maximum of 165.0 m from the front property line;
- l) Minimum Parking Requirements:
  - a. *Apartment Dwellings* – 0.8 parking spaces per *dwelling unit*
  - b. Visitor parking – 0.15 parking spaces per *dwelling unit*;
- m) The provisions of Table B7 – Part 2 of 4 (Section CC) shall not apply;
- n) Notwithstanding any further division or partition of lands subject to this Section, all lands zoned with Exception \*558 shall be deemed to be one lot for the purposes of this By-law.

**7.559                    2310601 Ontario Ltd. (Hildebrand Site)  
3912-3928 Highway 7 East – Public Park and  
School Blocks**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*559 on Schedule ‘A’ of this By-law.

**7.559.1                Only Permitted Uses**

The following uses are the only permitted uses:

- a) *Public Parks*
- b) *Public Schools*”

**3.     Holding Provision**

- 3.1     For the purposes 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 symbol.


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.

Prior to removing the Holding (H) provision on all or part of the lands shown on Schedule ‘A’, the following conditions must be met to the satisfaction of the City of Markham:

- i.     The Owner has entered into a site plan agreement with the City (including review, through the site plan approval process, of a TDM report).
- ii.    The Owner has entered into a developers group agreement or has made other alternative arrangements with the City to ensure the fair and equitable cost sharing of community infrastructure and facilities, to the satisfaction of the City’s Commissioner of Development Services and City Solicitor.

- iii. The Owner has entered into a Section 37 Agreement with the City pursuant to Section 37 of the Planning Act and in accordance with the City's Official Plan policies regarding Section 37 contributions, to the satisfaction of the City.
  - iv. The Archdiocese of Toronto has confirmed in writing that satisfactory arrangements have been made for the construction of a driveway to the St Justin Martyr Catholic Church from the proposed north-south local road and for the restoration of any of the church property which is required to be re-graded to accommodate the proposed development.
- 3.2 Notwithstanding the above, driveways and underground *parking garages* are permitted to be constructed prior to the removal of the Holding provision (H).

Read a first, second, and third time and passed on June 28, 2016.



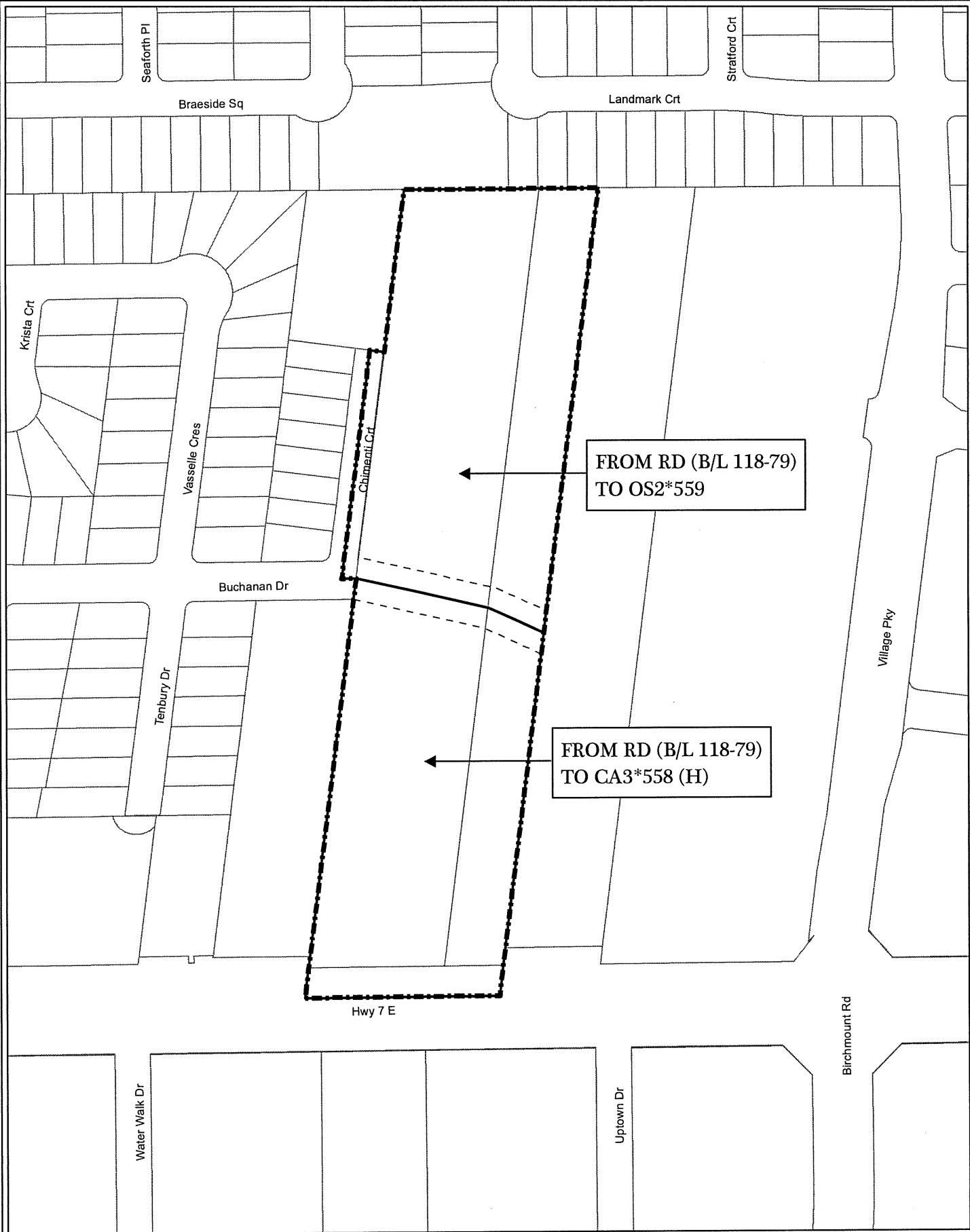
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Kimberley Kitteringham  
City Clerk



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Frank Scarpitti  
Mayor



# SCHEDULE "A" TO BY-LAW 2016-77

## AMENDING BY-LAWS 118-79 AND 177-96 DATED June 28, 2016

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- == BOUNDARY OF ZONE DESIGNATION(S)
- |     |                          |     |                   |
|-----|--------------------------|-----|-------------------|
| RD  | RESIDENTIAL DEVELOPMENT  | OS2 | OPEN SPACE TWO    |
| CA3 | COMMUNITY AMENITY THEREE | (H) | HOLDING PROVISION |

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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