

EXPLANATORY NOTE

By-law 2009-54

By-law to amend By-law 177-96

Markham Stouffville Hospital and Town of Markham
Concession 9, Part Lot 12, 65R22401 PT 1
Concession 9, Part Lots 11 and 12, 65R4906 Parts 1 and 2
Concession 9, Part Lots 11 and 12
Southeast corner of 9th Line and Church Street
(Cornell Planning District 29)

LANDS AFFECTED

The proposed rezoning applies to the approximately 19.9 hectares (49.25 acres) of the Markham Stouffville Hospital lands and Town community facility lands at the southeast corner of 9th Line and Church Street.

EXISTING ZONING

The lands subject to this amendment are currently zoned Institutional Special [I(S)] under By-law 1229 and Agricultural (A1), Rural Residential 4 (RR4) and Institutional (Inst) under By-law 304-87 as amended.

PURPOSE AND EFFECT OF THE BY-LAW

The purpose and effect of the zoning by-law amendment is to zone the subject lands within the designated area of By-law 177-96 to permit an expansion of the Markham Stouffville Hospital and the Town community facilities.



BY-LAW 2009-54

A By-law to amend Zoning By-law 177-96, as amended
(To add an Institutional zone category and development standards for the Markham
Stouffville Hospital lands and Town of Markham community facility lands at the
southeast corner of Church Street and 9th Line)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. That By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By extending the designated area of By-law 177-96 as amended, to include the lands shown on Schedule 'A' attached hereto.
 - 1.2 By zoning the subject lands Institutional *371 [(I*371)] and Greenway (G) as shown on Schedule 'A' attached hereto.
 - 1.3 By adding the following new subsection to Section 7 – EXCEPTIONS:

**“7.371 Markham Stouffville Hospital and Town of Markham
community facility lands, Cornell Community**

Notwithstanding any other provisions of this By-law, the following provisions shall apply to the lands denoted by the symbol *371 on the schedules to this by-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.

7.371.1 Definitions:

“Hospital, public” means any institution, *building* or other premises or place established for the purpose of the treatment of persons, and that is approved under The Public Hospitals Act, R.S.O. 1990, Chapter P40, as amended, as a public hospital.

7.371.2 Permitted Uses

The following uses are permitted:

- a) *community centres*
- b) *Hospital, public*
- c) *libraries*
- d) maintenance and sale of medical equipment and supplies
- e) medical and diagnostic laboratories
- f) *medical offices*
- g) *nursing homes*
- h) *parks, public*
- i) *public transit system*
- j) residential health care facilities for people who require assisted living such as sanatoria, centres for the disabled, homes for the aged and chronic care facilities
- k) *retirement homes*
- l) *transit stations*
- m) The following are only permitted as ancillary uses and must be located within a building that contains one or more of the uses listed above:

- i. *day nurseries*
- ii. *personal service shops*
- iii. *pharmacies*
- iv. *restaurants*
- v. *restaurants, take-out*
- vi. *retail uses*

7.371.3 Zone Standards

The following specific *zone* standards apply:

- a) minimum required *yard*:
 - i. from a *lot line* that is coincident with the boundary of the lands subject to exception *371, that is not the Bur Oak Avenue *streetline* – 3.0 metres
 - ii. from the Bur Oak Avenue *streetline* – 2.5 metres
- b) minimum required width of *landscaped open space*:
 - i. from a *lot line* that is coincident with the boundary of the lands subject to exception *371 that is not the Bur Oak Avenue *streetline*, or that does not adjoin a Greenway (G) *zone* – 3.0 metres
 - ii. from the Bur Oak Avenue *streetline* – 2.5 metres
 - iii. from a Greenway (G) *zone* – 1.5 metres
- c) minimum *landscaped open space* – 20 %
- d) maximum *floor space index (FSI)* - 0.75
- e) minimum number of *storeys* for *buildings* that are not a *public hospital, community centre* or operated by a *public authority* – 3
- f) maximum number of *storeys* shall be as shown on Schedule 8.9
- g) maximum number of buildings exceeding 6 storeys – one (1)

7.371.4 Special Parking Provisions

The following special parking provisions apply:

- a) Minimum width of *parking spaces* in a parking lot, not including *parking spaces* for the physically disabled – 2.7 metres
- b) Required *parking spaces* may be located on lands bounded by Church Street, Bur Oak Avenue, Riverlands Avenue and 9th Line under the same ownership.

7.371.5 Special Site Provisions

The following additional provisions apply:


- a) *Drive-through service facilities* are prohibited.
- b) For the purposes of applying the *zone* standards, the lands subject to exception *371 shall be considered as one *lot*.
- c) *Driveways* shall not be included in the calculation of required *landscaped open space*.
- d) For the purposes of this exception, for a *public hospital*, any portion of a *storey* exceeding 5.0 metres, and for a *community centre*, any portion of a *storey* exceeding 7.0 metres, shall be deemed to be an additional *storey*.
- e) *Buildings* may encroach up to 1.5 metres into the required *landscaped open space* abutting the Bur Oak Avenue *streetline*.

- f) The top *storey* of a *public hospital* and *community centre* which contains only mechanical equipment shall not be included in the maximum number of *storeys*.
- g) The area of adjoining *lots* or *parcels* zoned Greenway (G) may be included in the calculation of *Floor Space Index (FSI)*.
- h) Permitted ancillary *retail* uses shall not exceed 15% of the total *gross floor area* of a *premise*.
- i) *Parking garages* are exempt from the *floor space index (FSI)* calculation.
- j) *Loading spaces* are not required for residential health care facilities.
- k) For the purposes of this by-law, the Greenway (G) *zone* shall be defined as having a minimum 12.0 metre width from the 9th Line *streetline*.

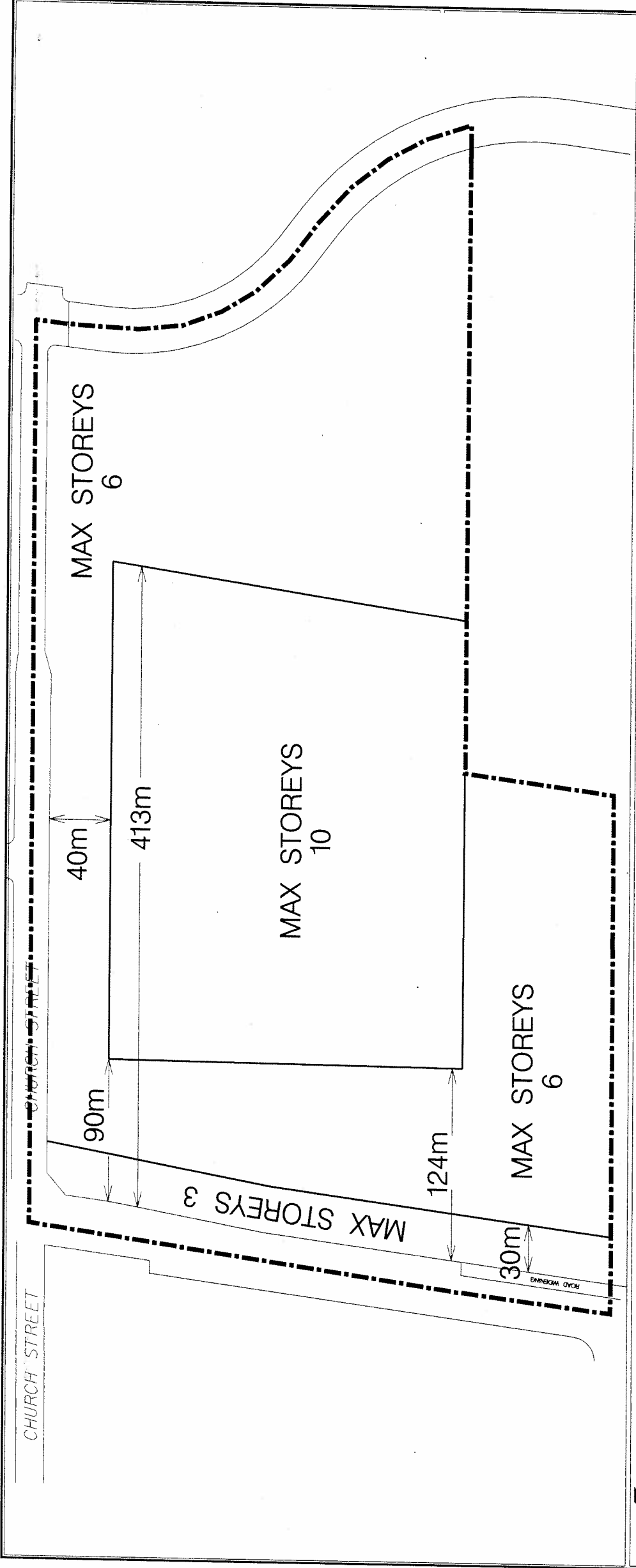
1.4 By adding Schedule 8.9 to Section 8 – Special Mapping as shown on Schedule ‘B’ attached hereto.

2. That all other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this By-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
12TH DAY OF MAY, 2009.


KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96

SCHEDULE 8.9

2009-54

THIS IS SCHEDULE 'B' TO BY-LAW
PASSED THIS 12TH DAY OF MAY, 2009
..... MAYOR
..... CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

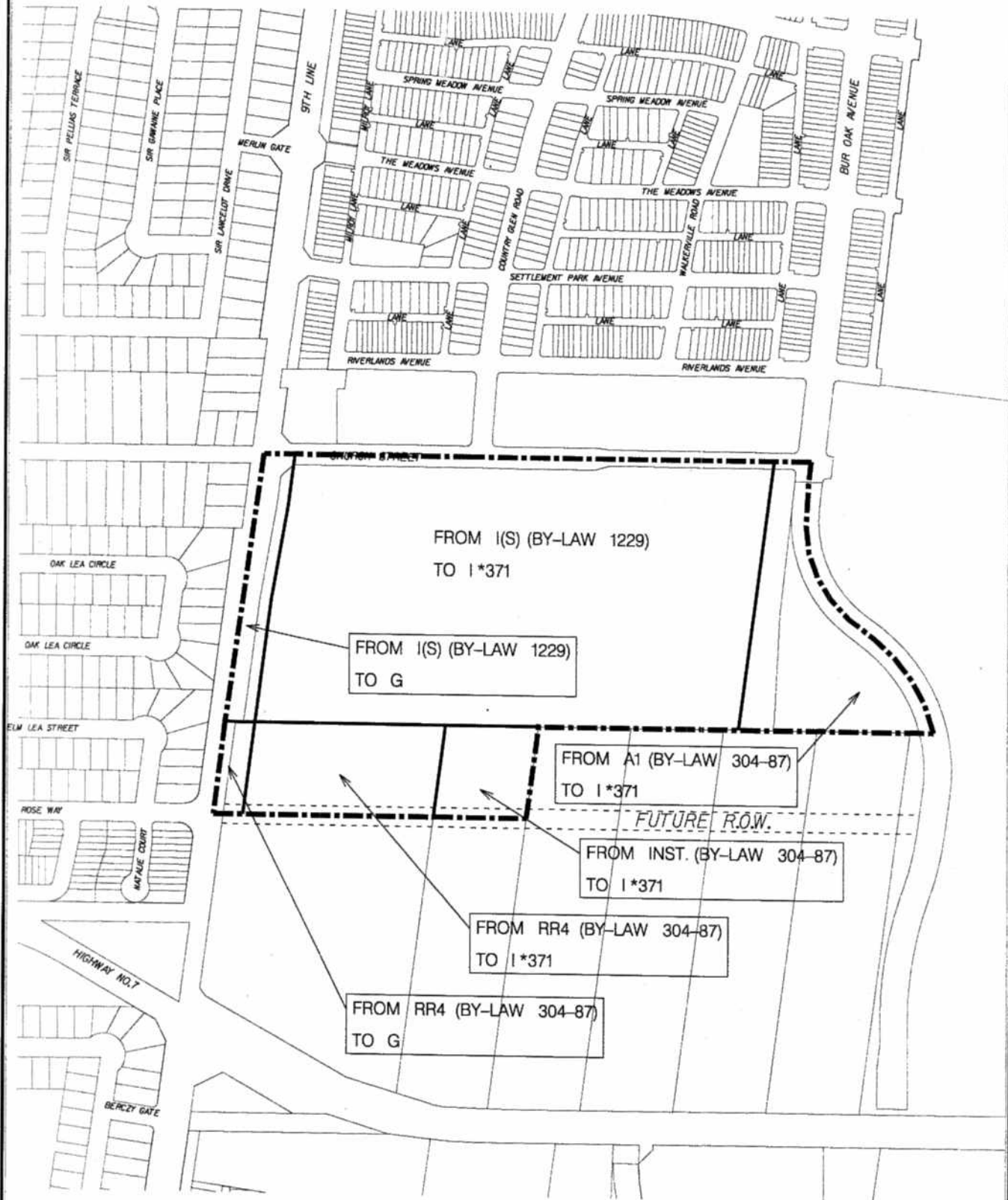


SPECIAL PROVISION AREAS

NOTE: 1) DIMENSIONS ARE IN METRES

2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 3000



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 177-96



BOUNDARY OF AREA COVERED BY THIS BY-LAW
ZONE BOUNDARY

I	INSTITUTIONAL
RR4	RURAL RESIDENTIAL FOUR
G	GREENWAY

INST.	INSTITUTIONAL
A1	AGRICULTURE ONE
*(No.)	EXCEPTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2009-54
PASSED THIS 12TH DAY MAY 2009

Paul Scarpit
MAYOR
CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: