

EXPLANATORY NOTE

BY-LAW NO. 2024-XX

A By-law to amend By-law 304-87 and 177-96, as amended.

First Elgin Mills Developments Inc and First Elgin North Ltd.

3208 Elgin Mills Road East

Part of Lots 26 and 27, Concession 4, City of Markham

North of Elgin Mills Road East, East of Victoria Square Boulevard

Lands Affected

The Subject Lands have an area of approximately 51.95 hectares and are bounded by Elgin Mills Road East to the south, Woodbine Avenue and the Hydro Corridor to the west, and the Berczy Creek and Berczy Creek Tributary to the north and east, municipally known as 3208 Elgin Mills Road East. The lands are currently used for agricultural and rural residential purposes.

Existing Zoning

The Subject Lands are zoned “Agriculture One Zone (A1)” and Open Space One (O1) under the City of Markham Zoning By-law 304-87, as amended.

Purpose and Effect

The purpose and effect of this By-law is to delete the Subject Lands from the designated area of By-law 304-87, incorporate them into the designated area of By-law 177-96, and zone them as follows:

- Residential Two-Special *686 (R2-S*686) Zone
- Residential Two-Special *687 (R2-S*687) Zone
- Residential Two-Special *687 (Hold) (R2-S*687)(H) Zone
- Residential Two-Special *A (R2-S*A) Zone
- Residential Two-Lane Access *B (R2-LA*B) Zone
- Residential Two-Lane Access *C (R2-LA*C) Zone
- Residential Two-Special *D (R2-S*D) Zone
- Residential Three *E (R3 *E) Zone
- Community Amenity One *F (CA1-F) Zone
- Open Space One (OS1) Zone
- Open Space Two (OS2) Zone
- Greenway (G) Zone

in order to facilitate the development of a residential subdivision consisting of single detached and townhouses dwellings, rear lane single detached and townhouse dwellings, back to back townhouses, a medium density residential block, a mixed-use block, a school block, a park block and two stormwater management facility blocks.



BY-LAW 2024-____

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

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

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 amend 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:
 - a. By expanding the designated area of By-law 177-96, as amended, to include the lands shown on Schedule 'A' attached hereto.
 - b. By rezoning the lands outlined on Schedule 'A' attached hereto:

from:

Agricultural One (A1) Zone (By-law 304-87)
Open Space One (O1) Zone (By-law 304-87)

to:

Residential Two-Special *686 (R2-S*686) Zone (By-law 177-96)
Residential Two-Special *687 (R2-S*687) Zone (By-law 177-96)
Residential Two-Special *687(Hold) (R2-S*687)(H) Zone (By-law 177-96)
Residential Two-Special *A (R2-S*A) Zone (By-law 177-96)
Residential Two-Lane Access *B (R2-LA*B) Zone (By-law 177-96)
Residential Two-Lane Access *C (R2-LA*C) Zone (By-law 177-96)
Residential Two-Special *D (R2-S*D) Zone (By-law 177-96)
Residential Three *E (R3*E) Zone (By-law 177-96)
Community Amenity One *F (CA1-F) Zone (By-law 177-96)
Open Space One (OS1) Zone (By-law 177-96)
Open Space Two (OS2) Zone (By-law 177-96)
Greenway (G) Zone (By-law 177-96)

3. By adding the following subsections to Section 7 – EXCEPTIONS:

Exception 7.A	First Elgin Mills Developments Inc and First Elgin North Ltd.	Parent Zone R2-S
File ZA 23 129239		Amending By-law 2024-000 Single Detached
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____ and denoted by the symbol *A.		
7.A.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Single Detached Dwellings	
b)	Two (2) Accessory Dwelling Units per lot	
c)	Home Occupation	
d)	Home Child Care	
7.A.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	The provisions of Table B3, Part 3 of 3 shall apply to all lots	
b)	Minimum required lot frontage – 11.6 metres	
c)	Minimum front yard setback – 4.0 metres	
d)	Maximum Garage width: i) 8.6 metres for lots having a minimum frontage of 18.0 metres ii) 5.8 metres for lots having a minimum frontage of 11.6 metres iii) 3.5 m for lots having a minimum lot frontage of less than 11.6 m	
e)	Minimum rear yard setback – 6.0 metres	
f)	Maximum height – the lesser of 12.5 metres or 3 storeys	
g)	Notwithstanding f) above, for the purposes of this By-law, a basement with direct access to grade at the rear of a dwelling, which is partially or fully below grade at the front of the dwelling, shall not be considered a storey	
h)	Non cantilevered window bays are permitted to encroach into a required front, exterior or rear yard provided such window bay extends no more than 0.6 m into the required yard and are no more than 3 metres wide	
i)	Porches may encroach to a required front yard, rear yard or exterior side yard provided that no part of the stairs is located closer than 0.3 metres from the front lot line or exterior side lot line	
j)	Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for lots that are 11.6 metres or less, a minimum 25% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located. For lots that are greater than 11.6 metres 40% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located	
Exception 7.B		Parent Zone

	First Elgin Mills Developments Inc and First Elgin North Ltd.	R2-LA
File ZA 23 129239		Amending By-law 2024-000 Lane Based Single Detached
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____and denoted by the symbol *B.		
7.B.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Single Detached Dwellings	
b)	Two (2) Accessory Dwelling Units per lot	
c)	Home Occupation	
d)	Home Child Care	
7.B.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Driveways and garages are permitted to access a lane across an interior side lot line	
b)	Minimum required rear yard to a dwelling unit accessed by a lane: i) with attached private garage a) 0.6 metres for the first and second storey b) 3 metres for any storey above the second storey ii) with detached private garage - 11.6 metres	
c)	Maximum lot coverage for detached private garages – no maximum	
d)	Minimum side yard setback from an interior side lot line created by a utility or snow storage notch - 0.3 metres	
e)	Maximum height – the lesser of 12.5 metres or 3 storeys	
f)	Outdoor Amenity Space shall be provided and shall be subject to the following provisions: i. The Outdoor Amenity Space may be located at grade, on a rear yard, rooftop, above a private garage, and/or be located on a balcony; ii. One Outdoor Amenity Space shall have a contiguous minimum area of 20 square metres iii. Notwithstanding any other provisions in this By-law, decks are permitted to be located above the first storey and balconies are not required to be cantilevered	
g)	Non cantilevered window bays are permitted to encroach into a required front, exterior or rear yard provided such window bay extends no more than 0.6 m into the required yard and are no more than 3 metres wide	
h)	Porches may encroach to a required front yard, rear yard or exterior side yard provided that no part of the stairs is located closer than 0.3 metres from the front lot line or exterior side lot line	

Exception 7.C	First Elgin Mills Developments Inc and First Elgin North Ltd.	Parent Zone R2-LA
File ZA 23 129239		Amending By-law 2024-000 Lane Based Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____and denoted by the symbol *C.		
7.C.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Two (2) Accessory Dwelling Unit within a Townhouse Dwelling	
c)	Home Occupation	
d)	Home Child Care	
7.C.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage: i) 6.0 metres on an interior lot ii) 7.2 metres on an interior end unit iii) 8.4 metres on a corner unit	
b)	Minimum required rear yard to a dwelling unit: i. with attached private garage a) 0.6 metres for the first and second storey b) 3 metres for any storey above the second storey ii. with detached private garage – 11.6 metres	
c)	Maximum height – the lesser of 12.5 metres or 3 storeys	
d)	Notwithstanding e) above, a portion of a building providing rooftop access is permitted to project above the maximum height, provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional storey.	
e)	Outdoor Amenity Space shall be provided and shall be subject to the following provisions: i. The Outdoor Amenity Space may be located at grade, on a rear yard, rooftop, above a private garage, and/or be located on a balcony; ii. One Outdoor Amenity Space shall have a contiguous minimum area of 20 square metres; iii. Notwithstanding any other provisions in this by-law, decks are permitted to be located above the first storey and balconies are not required to be cantilevered.	
f)	Non cantilevered window bays are permitted to encroach into a required front, exterior or rear yard provided such window bays extend no more than 0.3 m into the required yard and are no more than 3.0 metres wide	

g)	<i>Porches and balconies</i> may encroach to a required <i>front yard, rear yard or exterior side yard</i> provided that no part of the stairs is located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i>
h)	<i>Driveways and garages</i> are permitted to access a <i>lane</i> across an <i>interior side lot line</i>
i)	The <i>front lot line</i> for any <i>through lot</i> shall be deemed to be the northern <i>lot line</i>

Exception 7.D	First Elgin Mills Developments Inc and First Elgin North Ltd.	Parent Zone R2-S
File ZA 23 129239		Amending By-law 2024-000 Back to Back Townhouse
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____and denoted by the symbol *D.		
7.D.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Home Occupation	
c)	Home Child Care	
7.D.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	The provisions of Table B3, Part 3 of 3 shall apply to all lots	
b)	Minimum required lot frontage: i) 6.7 metres on an interior lot ii) 7.9 metres on an interior end unit iii) 9.1 metres on a corner unit	
c)	Notwithstanding the definition of townhouse dwelling, units are not required to provide direct access to the rear yard	
d)	Townhouse dwellings must share a common wall above grade with townhouse dwellings to the rear	
e)	Minimum rear yard setback – 0 metres	
f)	Maximum height – the lesser of 12.5 metres or 3 storeys	
g)	Notwithstanding f) above, for the purposes of this By-law, a portion of a building providing rooftop access is permitted to project above the maximum height, provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered a storey.	
h)	Non cantilevered window bays are permitted to encroach into a required front or exterior side yard provided such window bay extends no more than 0.6 m into the required yard and are no more than 3.0 metres wide	
i)	Outdoor Amenity Space shall be provided and shall be subject to the following provisions:	

	<ul style="list-style-type: none"> i. The <i>Outdoor Amenity Space</i> shall be located on a rooftop, above a <i>private garage</i>, and/or be located on a <i>balcony</i>; ii. One <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 10 square metres; and, iii. The minimum combined <i>Outdoor Amenity Space</i> per unit shall be 15 square metres. iv. Notwithstanding any other provisions in this By-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i>
j)	For the purposes of the By-law, the <i>Outdoor Amenity Space</i> shall include steps, partitions, railings, air conditioner units, and planters.
k)	Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for lots that are 10.1 metres or less, a minimum 20% soft landscaping shall be provided in the <i>front</i> or <i>exterior side yard</i> in which the <i>driveway</i> is located.

Exception 7.E	First Elgin Mills Developments Inc and First Elgin North Ltd.	Parent Zone R3
File ZA 23 129239		Amending By-law 2024-000 Residential Mid Rise
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____ and denoted by the symbol *E.		
7.E.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Multiple Dwellings	
b)	Apartment Dwellings	
c)	Home Occupation	
d)	Home Child Care	
7.E.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of land subject to this Section, all lands zoned with Exception 7*F shall be deemed one lot for the purposes of this By-law	
b)	For the purposes of this By-law, the southern lot line shall be deemed to be the front lot line	
c)	Minimum required yards: i. Front yard – 3.0 metres ii. Rear yard – 1.2 metres iii. Interior side yard – 0 metres for an interior unit, 1.2 metres for an end unit iv. Exterior side yard – 3.0 metres	
d)	Maximum height – the lesser of 15 metres or 4 storeys	

e)	Minimum <i>parking space</i> length for units where the <i>side yard</i> abuts a <i>lane</i> – 5.15 metres
f)	<p><i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions:</p> <ul style="list-style-type: none"> i. The <i>Outdoor Amenity Space</i> may be located at grade, on a rooftop, above a <i>private garage</i>, and/or be located on a <i>balcony</i>; ii. The minimum combined <i>Outdoor Amenity Space</i> per unit shall be 6 square metres. iii. Notwithstanding any other provisions in this By-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be <i>cantilevered</i>
g)	Special Provision #4 of Table B5 (Part 2 of 2) shall not apply
h)	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 required <i>interior side yard</i> to the <i>interior side yard lot line</i>

Exception 7.F	First Elgin Mills Developments Inc and First Elgin North Ltd.	Parent Zone CA1
File ZA 23 129239		Amending By-law 2024-000 Mixed Use Low Rise
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2024-____ and denoted by the symbol *F.		
7.F.1 Only Permitted Uses		
The following uses are the only permitted uses:		
	Residential Uses	
a)	<i>Townhouse Dwellings</i>	
b)	<i>Multiple Dwellings</i>	
c)	<i>Apartment Dwellings</i>	
d)	<i>Home Occupation</i>	
	Non Residential Uses	
e)	<i>Child Care Centre</i>	
f)	<i>Commercial school</i>	
g)	<i>Financial Institutions</i>	
h)	<i>Medical Offices</i>	
i)	<i>Business Offices</i>	
j)	<i>Personal Service Shop</i>	
k)	<i>Private school</i>	
l)	<i>Restaurants</i>	
m)	<i>Restaurants, Take-Out</i>	

n)	<i>Repair Shops</i>
o)	<i>Retail Stores</i>
p)	<i>Sports and fitness recreation</i>
7.F.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Notwithstanding any further division or partition of land subject to this Section, all lands zoned with Exception 7*G shall be deemed one <i>lot</i> for the purposes of this By-law
b)	For the purposes of this By-law, the southern <i>lot line</i> shall be deemed to be the front <i>lot line</i>
c)	Minimum required <i>rear yards</i> – 7.0 metres
d)	Maximum <i>height</i> – the lesser of 14.0 metres or 3 <i>storeys</i>
e)	A <i>lot</i> may front or abut a <i>private street</i>
f)	For <i>buildings</i> along Elgin Mills Road and the collector road, commercial uses are permitted on the first <i>storey</i> of a <i>building</i>
g)	Notwithstanding f) above, residential uses including entry foyer, stairs, hallways, closets for the residential unit, access to the <i>garage</i> , and access to the floors above are permitted on the first <i>storey</i> of a <i>building</i>
h)	For the purposes of this By-law, a <i>private garage</i> shall be permitted to be within or attached to the <i>main building</i> , for a <i>lot</i> that is accessed by a <i>lane</i>
i)	Non cantilevered window bays are permitted to encroach into a required <i>front or exterior side yard</i> provided such window bay extends no more than 0.6 m into the required yard and are no more than 3.0 metres wide
j)	<i>Porches</i> and <i>balconies</i> may encroach to a required <i>front yard, rear yard or exterior side yard</i> provided that no part of the stairs is located closer than 0.3 metres from the <i>front lot line</i> or <i>exterior side lot line</i>

HOLDING PROVISION

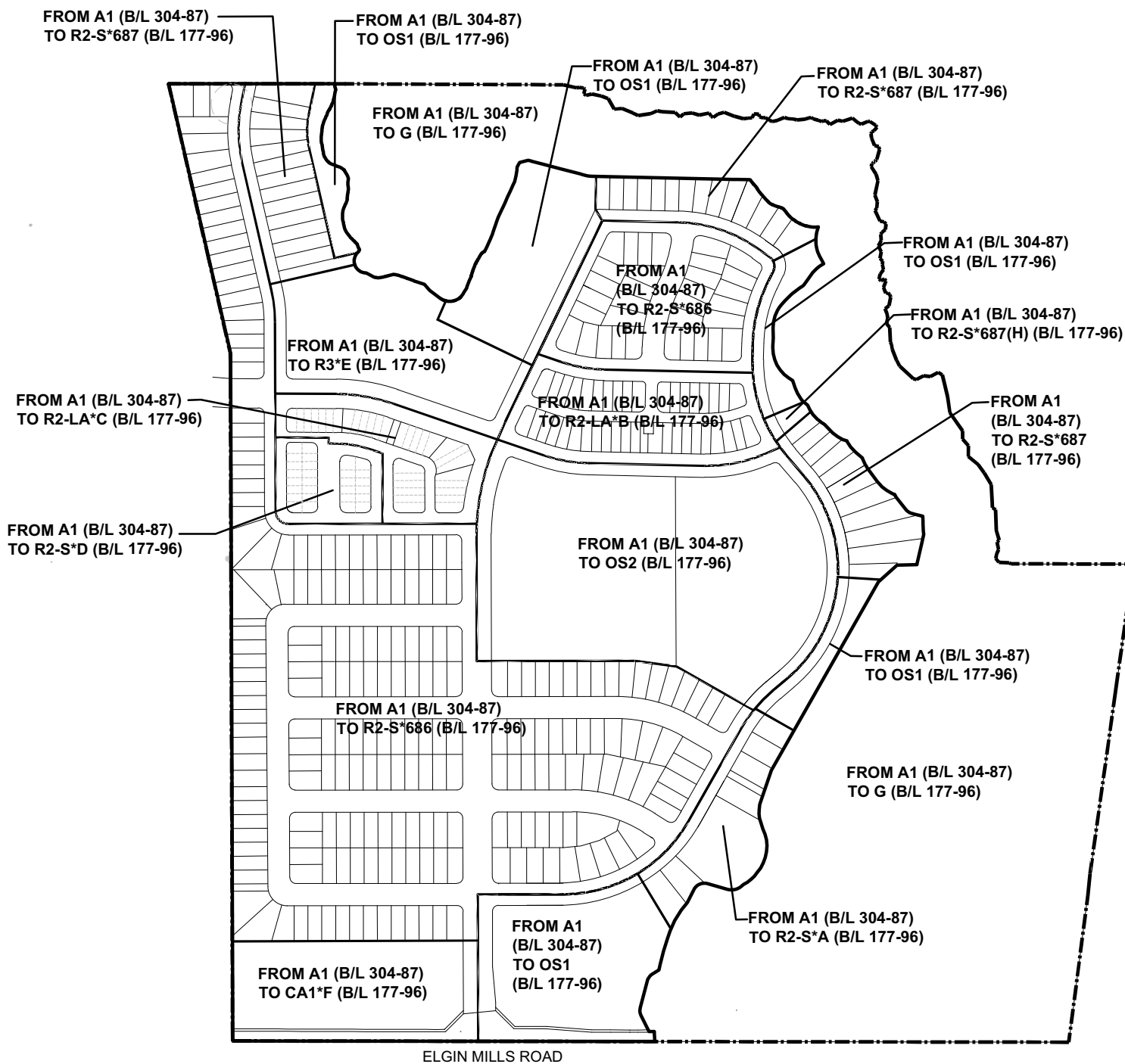
- 3.1.1 For the purpose of this By-law, a Holding (H) provision is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbols.
- 3.1.2 No person shall hereafter erect or alter any building or structure on lands subject to the Holding (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.
- 3.1.3 A Zoning By-law Amendment to remove the Holding (H) symbol from the lands shown on Schedule "A" shall not be passed until the following conditions have been met:

- a) It is demonstrated that the easement for these lands is no longer required, to the satisfaction to the direction of Planning and Urban Design.

Read a first, second and third time and passed on _____, 2024.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2024-XXX

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

	BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE			
R2-S	RESIDENTIAL TWO - SPECIAL	OS1	OPEN SPACE ONE	
R2-LA	RESIDENTIAL TWO - LANE ACCESS	OS2	OPEN SPACE TWO	
R3	RESIDENTIAL THREE	G	GREENWAY	
CA3	COMMUNITY AREA THREE	*(No.)	EXCEPTION NUMBER	

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained in the text of the zoning by-law of the municipality shall be deemed accurate.