



# BY-LAW 2020-\_\_\_\_

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

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

1. By-law 304-87, as amended, is hereby further amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated areas of By-law 304-87, as amended.
2. That By-law 177-96, as amended, is hereby further amended as follows:

By-law 177-96, as amended, is hereby further amended as follows:

- 2.1 By adding the lands outlined on Schedule 'A' attached to this by-law to the designated area of By-law 177-96, as amended.
- 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:
  - Residential One\*639 (R1\*639) Zone (By-law 177-96)
  - Residential Two-Lane Access\*640 (R2-LA\*640) Zone (By-law 177-96)
  - Residential Two-Special\*641 (R2-S\*641) Zone (By-law 177-96)
  - Residential Two-Special\*642 (R2-S\*642) Zone (By-law 177-96)
  - Residential Two-Special\*643 (R2-LA\*643) Zone (By-law 177-96)
  - Greenway\*644 (G\*644) Zone (By-law 177-96)
  - Open Space Two\*644 (OS2\*644) Zone (By-law 177-96)
- 1.2 By adding the following subsection to Section 7- EXCEPTIONS

Exception 7.639	Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor	Parent Zone R1
File ZA 18 181743		Amending By-law 2020-000
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *639 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.639.1 Only Permitted Uses</b>		
The following uses are the only permitted uses:		
a)	<i>Art Galleries</i>	
b)	<i>Business Offices</i>	
c)	<i>Financial Institutions</i>	
d)	<i>Medical Offices</i>	
e)	<i>Museums</i>	
f)	<i>Restaurants</i>	
g)	<i>Schools, Private</i>	
<b>7.639.2 Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Minimum required <i>lot area</i> – 0.1 hectare	
b)	Minimum required <i>front yard</i> – 3.0 metres	
c)	Minimum required <i>side yard</i> – 3.0 metres	
d)	Minimum required <i>rear yard</i> – 3.0 metres	

Exception 7.640	<b>Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor</b>	Parent Zone R1
File ZA 18 181743		Amending By- law <b>2020-000</b>
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *640 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.640.2 Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage – 6.0 metres	
b)	Minimum required <i>front yard</i> – 3.0 metres	
c)	Minimum required <i>rear yard</i> – 0.0 metres	
d)	Minimum required <i>exterior rear yard</i> – 2.4 metres	
e)	Minimum required <i>interior side yard</i> 0.0 metres for interior unit and 1.2 metres for exterior unit	
f)	Minimum setback for garage from laneway – 0.6 metres	
g)	Maximum height – 14.5 metres	
h)	Maximum number of units in a block – 8 units	
i)	Notwithstanding the provisions of Section 6.6.1 (a) encroachments shall include a fireplace encroachment, and all encroachments may be located no closer than 0.1 metres from the <i>rear and side lot lines</i>	
j)	Notwithstanding the provisions of Section 6.6.1 (c) a window bay, and bow or boxout window with or without foundation, may encroach into the required front, rear or exterior side yard a distance of no more than 0.6 m.	

Exception 7.641	<b>Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor</b>	Parent Zone R1
File ZA 18 181743		Amending By- law <b>2020-000</b>
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *641 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.641.2 Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Minimum required <i>lot frontage</i> – 9.15 metres	
b)	Minimum required <i>front yard</i> 3.0 metres	
c)	Minimum required <i>exterior side yard</i> 2.4 metres	
d)	Minimum required <i>interior side yard</i> 1.2 metres and 0.3 metres	
e)	Minimum required <i>rear yard</i> 6.0 metres	
f)	Maximum <i>garage width</i> – 50% of <i>lot frontage</i>	
f)	Maximum <i>height</i> – 12.5 metre	
g)	The wall of an attached <i>private garage</i> that contains the opening for <i>motor vehicle</i> access shall be set back a minimum of 5.5 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the <i>private garage</i> . If the <i>driveway</i> does not cross a <i>sidewalk</i> , the minimum setback is reduced to 4.5 metres.	
h)	Notwithstanding the provisions of Section 6.6.1 c) a window bay, and bow or boxout window with or without foundation, may encroach into the required <i>front, rear</i> or <i>exterior side yard</i> a distance of no more than 0.6 m.	

Exception 7.642	<b>Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor</b>	Parent Zone R1
File ZA 18 181743		Amending By-law 2020-000
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *642 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.642.2 Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Minimum required <i>lot frontage</i> – 7.0 metres per unit on an <i>interior lot</i> , 8.10 metres per end unit on an <i>exterior lot</i> or on a corner lot	
b)	Minimum required <i>front yard</i> 3.0 metres per unit	
c)	Minimum required <i>exterior side yard</i> 2.4 metres	
d)	Minimum required <i>interior side yard</i> 0.0 metres and 1.2 metres for an end unit	
e)	Minimum required <i>rear yard</i> 0.0 metres	
f)	Maximum <i>garage width</i> – 50% of <i>lot frontage</i>	
f)	Maximum <i>height</i> – 12.5 metres	
g)	Minimum amenity area – 5 square metres	
h)	Maximum number of units in a block – 8 units	
i)	The wall of an attached <i>private garage</i> that contains the opening for <i>motor vehicle</i> access shall be set back a minimum of 5.5 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the <i>private garage</i> . If the <i>driveway</i> does not cross a <i>sidewalk</i> , the minimum setback is reduced to 4.5 metres.	
j)	Notwithstanding the provisions of Section 6.6.1 (a) encroachments shall include fireplace encroachments, and all encroachments may be located no closer than 0.1 metres from the <i>side lot lines</i> .	
k)	Notwithstanding the provisions of Section 6.6.1 c) a window bay, and bow or boxout window with or without foundation, may encroach into the required <i>front, rear or exterior side yard</i> a distance of no more than 0.6 m.	
l)	In addition to the Definitions in Section 3 the following definition shall apply to the lands in the Exception 7.*642  AMENITY AREA “Amenity Area” means an area which is designed and intended to be used as a passive or active recreational space for the residents of a dwelling unit and may include a private outdoor living area on a balcony or a roof, but shall not include, or abut, an air conditioning unit.	

Exception 7.643	<b>Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor</b>	Parent Zone R1
File ZA 18 181743		Amending By-law 2020-000
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *643 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.643.1 Additional Permitted Uses</b>		
The following uses are the only permitted uses:		
a)	<i>Back to Back townhouses</i>	
<b>7.643.2 Zone Standards</b>		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage – 6.7 metres per unit on an <i>interior lot</i> , 8.10 metres per end unit on an <i>interior lot</i> or on a <i>corner lot</i>	
b)	Minimum required <i>front yard</i> – 3.0 metres	
c)	Minimum required <i>side yard</i> – 3.0 metres	
d)	Minimum required <i>rear yard</i> – 3.0 metres	
e)	Maximum number of units in a block – 12 units (6 per side)	

<b>Exception 7.644</b>	<b>Monarch Berczy Glen Development Ltd. and Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K. Construction Ltd., Treelawn Construction Ltd. South side of Elgin Mills Rd. E., East of the Hydro Corridor</b>	<b>Parent Zone R1</b>
File ZA 18 181743		Amending By- law <b>2020-000</b>
Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted *644 as shown on 'Schedule A' to this By-law subject to any holding provisions applying to the subject lands.		
<b>7.644.1 Only Permitted Uses</b>		
The following uses are the only permitted uses:		
a)	Equipment related to a thermal energy system fed by geothermal energy	

**2. Holding Provision**

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 the following conditions must be met to the satisfaction of the City of Markham:

**3. SECTION 37 AGREEMENT**

3.1 A contribution by the Owner to the City for the purpose of public art, in the amount of XXXX.00 per single detached dwelling and \$XXXX.00 per townhouse dwelling, 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



## **EXPLANATORY NOTE**

**BY-LAW 2020-\_\_\_\_\_**

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

**Monarch Berczy Glen Development Limited.  
Mattamy Walmark Development Ltd., Mattamy (Monarch) Ltd., E.M.K.  
Construction Ltd. and Treelawn Construction Ltd.  
3319 Elgin Mills Road East and 10321 Woodbine Avenue  
South of Elgin Mills Road East, East of the Ontario Hydro Corridor**

### **Lands Affected**

The proposed by-law amendment applies to two parcels of approximately 26.3 hectares (69.7 acres) and 32.8 hectares (81 acres) of land located on the south side of Elgin Mills Road East, East of the Ontario Hydro Corridor, municipally known as 3319 Elgin Mills and 10321 Woodbine Avenue.

### **Existing Zoning**

The subject lands are currently zoned Agriculture One (A1) and Open Space One (OS1) under By-law 304-87.

### **Purpose and Effect**

The purpose and effect of this By-law is to delete the lands from By-law 304-87, as amended and add the lands to By-law 177-96, as amended, to rezone the subject property to:

Residential One\*639 (R1\*639)  
Residential Two – Lane Access\*640 (R2-LA\*640)  
Residential Two – Special\*641 (R2-S\*641)  
Residential Two – Special\*642 (R2-S\*642)  
Residential Two – Special\*643 (R2-S\*643)  
Greenway\*644 (G\*644)  
Open Space One\*644 (OS1\*644)  
Open Space Two (OS2)

in order to facilitate the development of a residential plan of subdivision including the introduction of site-specific development standards for 416 single detached units, 308 rear lane townhouses, 194 back to back townhouses, 125 street townhouse and 18 residential part lots, a part school block and parkland. The plan also includes a heritage dwelling.

### **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, cP.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.