



EXPLANATORY NOTE

BY-LAW 2021-6

A By-law to amend By-law 304-87, as amended and 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 10521 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 26.10 hectares (64.49 acres) and 44.42 hectares (109.76 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-F25*639 (R1-F25*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)
Residential Two – Special*667 (R2-S*667)
Greenway*644 (G*644)
Open Space One (OS1)
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 townhouses, residential part lots, a part school block a stormwater management pond and parkland. The plan also includes a heritage dwelling that will be preserved.

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 2021-6

A By-law to amend By-law 304-87, as amended
 (to delete lands from the designated areas 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. 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:
 - 2.1 By expanding the designated area of By-law 177-96, as amended, to include additional lands as shown on Schedule 'A' attached hereto.
 - 2.2 By zoning the lands outlined on Schedule 'A' attached hereto:

From:

Agriculture One (A1) Zone (304-87)
Open Space One (O1) Zone (304-87)

To:

Residential One-F25*639 (R1-F25*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-S*643) Zone (By-law 177-96)
Residential Two-Special*667 (R2-S*667) Zone (By-law 177-96)
Greenway*644 (G*644) Zone (By-law 177-96)
Open Space One (OS1) Zone (By-law 177-96)
Open Space Two (OS2) Zone (By-law 177-96)
3. 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-F25 Amending By- law 2021-6
File ZA 18 181743		
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 2021-___ and denoted by the symbol *639.		
7.639.1 Only Permitted Uses		
The following uses are the only permitted uses:		

a)	One <i>Single Detached Dwelling</i> , designated under Part IV of the <i>Ontario Heritage Act</i>
b)	<i>Retail Store</i>
c)	<i>Personal Service Shops</i>
d)	<i>Home Occupations</i>
e)	<i>Home Child Care</i>
f)	One (1) <i>accessory dwelling unit</i>
7.639.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Minimum required <i>lot area</i> – 0.1 hectare
b)	Minimum required <i>interior side yard</i> – 3.0 metres
c)	The south property line shall be the <i>front lot line</i>

Exception 7.640	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 R2-LA
File ZA 18 181743		Amending By- law 2021-6

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 2021-6 and denoted by the symbol *640.

7.640.1 Only Permitted Uses

The following uses are the only permitted uses:

a)	<i>Townhouse dwellings</i>
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>townhouse dwelling</i>
c)	<i>Home Occupations</i>
d)	<i>Home Child Care</i>

7.640.2 Special Zone Standards

The following specific Zone Standards shall apply:

a)	Special Provision # 2 of Table B4 (Part 2) shall not apply
b)	Minimum required <i>lot frontage</i> – 6.0 metres
c)	Minimum required <i>front yard</i> – 3 metres
d)	Minimum Required <i>rear yard</i> - 0.6 metres
e)	<i>Outdoor Amenity Space</i> 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 20 square metres; iii) Notwithstanding 7.640.2 e) ii) above, no more than two (2) units per building may have a minimum contiguous <i>Outdoor Amenity Space</i> of 15 square metres; and, iv) The minimum combined <i>Outdoor Amenity Space</i> per unit shall be 25 square metres
f)	The minimum <i>side yard</i> setback shall be 0.30 metres from an <i>interior side lot line</i> created by a utility notch
g)	Maximum height – 14.5 metres
h)	Maximum number of <i>townhouse</i> units in a building – 8 units
i)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bays extend no more than 0.6 m into the required <i>yard</i> and are no more than 3 metres wide

Exception 7.641	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 R2-S Amending By- law 2021-6
File ZA 18 181743		
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 2021-6 and denoted by the symbol *641.		
7.641.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Single Detached Dwellings</i>	
b)	<i>One (1) accessory dwelling unit</i>	
c)	<i>Home Occupations</i>	
d)	<i>Home Child Care</i>	
7.641.2 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 <i>lot frontage</i> – 9.1 metres	
c)	Minimum required <i>lot frontage</i> on a <i>corner lot</i> – 11.8 m	
d)	Minimum <i>front yard</i> setback – 4 metres	
e)	Minimum <i>rear yard</i> setback – 6 metres	
f)	Maximum <i>Garage width</i> : i) 5.8 metres for lots having a minimum frontage of 11.6 metres ii) 3.5 m for lots having a minimum lot frontage of less than 11.6 m	
g)	Maximum <i>height</i> – 12.5 metres	
h)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bay extends no more than 0.6 m into the required <i>yard</i> and are no more than 3 metres wide	
i)	Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for lots that are 10.1 metres or greater, a minimum 30% <i>soft landscaping</i> shall be provided in the <i>front</i> or <i>exterior side yard</i> in which the driveway is located	

Exception 7.642	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 R2-S Amending By- law 2021-6
File ZA 18 181743		
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 2021-6 and denoted by the symbol *642.		
7.642.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse dwellings</i>	
b)	<i>One (1) accessory dwelling unit</i> within a <i>townhouse dwelling</i>	
c)	<i>Home Occupations</i>	
d)	<i>Home Child Care</i>	
7.642.2 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 <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 <i>corner lot</i>
c)	Maximum <i>height</i> - 12.5 metres
d)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bays extend no more than 0.6 m into the required <i>yard</i> and are no more than 3 metres wide.
e)	Maximum number of townhouse dwelling units in a building - 8 units

Exception 7.643	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 R2-S
File ZA 18 181743		Amending By- law 2021-6
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 2021-6 and denoted by the symbol *643.		
7.643.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse dwellings</i>	
b)	<i>Home Occupations</i>	
c)	<i>Home Child Care</i>	
7.643.2 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 <i>lot frontage</i> - 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>	
c)	Minimum <i>rear yard</i> - 0 metres	
d)	Notwithstanding the definition of <i>townhouse dwelling</i> , units are not required to provide direct access to the rear yard	
e)	<i>Townhouse dwellings</i> must share a common wall above grade with a <i>townhouse dwelling</i> to the rear	
f)	Maximum <i>height</i> - 13.5 metres	
g)	<i>Outdoor Amenity Space</i> may be provided and shall be subject to the following provisions: <ul style="list-style-type: none"> i) The <i>Outdoor Amenity Space</i> may be located on a balcony, porch or rooftop; ii) The minimum combined <i>Outdoor Amenity Space</i> per unit shall be 15 square metres; iii) The <i>Outdoor Amenity Space</i> shall have a contiguous minimum area of 6 square metres; and, iv) The <i>Outdoor Amenity Space</i> shall have a minimum depth of 1.8 metres 	
h)	Maximum number of units in a <i>building</i> - 12 units	
i)	Non cantilevered window bays are permitted to encroach into a required <i>front, exterior or rear yard</i> provided such window bays extend no more than 0.6 m into the required <i>yard</i> and are no more than 3 metres wide	

Exception 7.667	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 R2-S
File ZA 18 181743		Amending By- law 2021-6
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 2021-6 and denoted by the symbol *667.		
7.667.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	<i>Townhouse dwellings</i>	
b)	One (1) <i>Accessory Dwelling Unit</i> within a <i>townhouse dwelling</i>	
c)	<i>Home Occupations</i>	
d)	<i>Home Child Care</i>	
7.667.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of any lands subject to this Section, all lands zoned Residential Two – Special*667 (R2-S*667) Zone shall be deemed to be one <i>lot</i> for the purposes of this By-law	
b)	Special Provision # 2 of Table B4 (Part 2) shall not apply	
c)	For the purposes of this By-law, the <i>lot line</i> abutting Elgin Mills East shall be deemed the <i>front lot line</i>	
d)	Minimum lot frontage – 65 metres	
e)	Minimum required setbacks: i) <i>front yard</i> – 3 metres ii) <i>rear yard</i> – 3 metres iii) <i>west side yard</i> – 1.2 metres iv) <i>east side yard</i> – 3 metres v) setback from any other <i>public street</i> – 3 metres	
f)	Minimum required distance separation between buildings – 3 metres	
g)	<i>Outdoor Amenity Space</i> shall be provided and shall be subject to the following provisions: 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 20 square metres; iii. Notwithstanding 7.640.2 g) ii) above, no more than two (2) units per building may have a minimum contiguous <i>Outdoor Amenity Space</i> of 15 square metres; and, iv. The minimum combined <i>Outdoor Amenity Space</i> per unit shall be 25 square metres	
h)	Maximum height – 14.5 metres	
i)	Maximum number of <i>townhouse</i> units in a building – 8 units	

Exception 7.644	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 G
File ZA 18 181743		Amending By- law 2021-6

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 2021-6 and denoted by the symbol *644.	
7.644.1 Additional Permitted Uses	
The following additional uses are permitted:	
a)	Equipment related to a thermal energy system fed by geothermal energy
7.644.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
a)	Equipment related to a thermal energy system located above grade shall be a minimum of 1 metre from a residential zone


2. **Section 37 Contribution**

A contribution by the Owner to the City of facilities, services, or matters in accordance with Section 37 of the Planning Act, as amended, shall be required. 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.

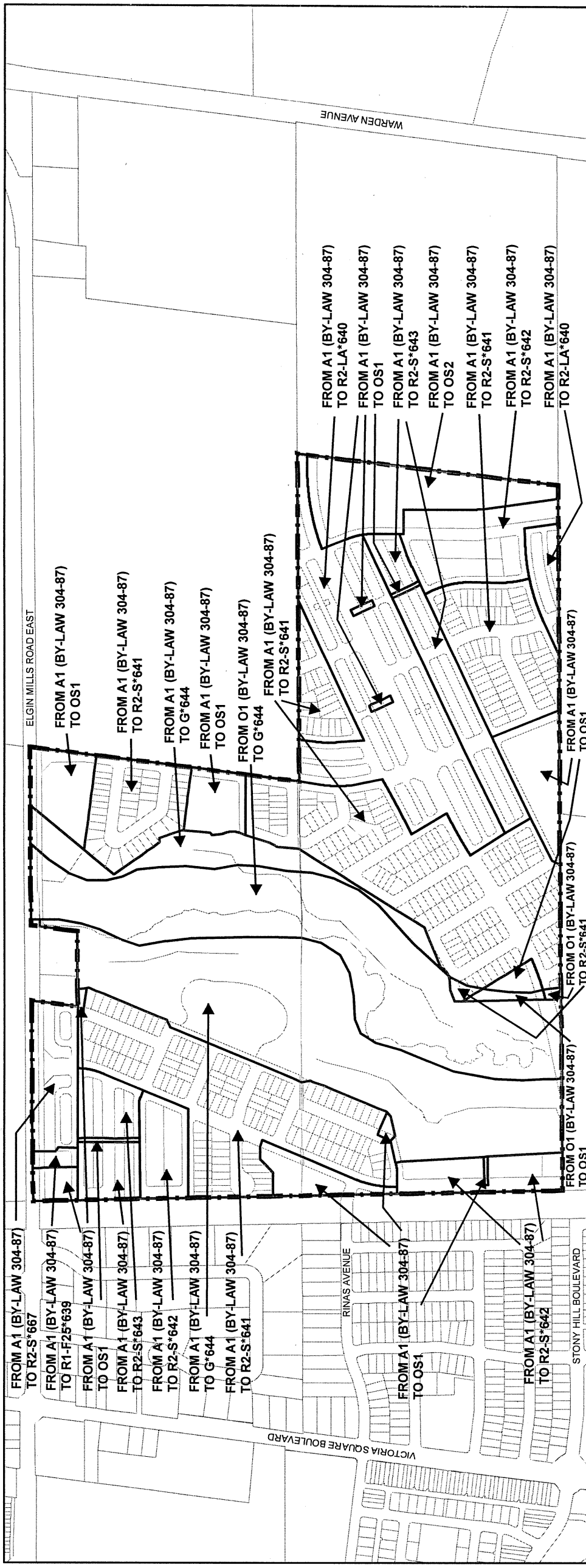
Read a first, second, and third time and passed January 26, 2021.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2021-6

AMENDING BY-LAWS 304-87 AND 177-96 DATED JANUARY 26, 2021

BOUNDARY OF AREA COVERED BY THIS SCHEDULE TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96
 BOUNDARY OF ZONE DESIGNATION(S)

- R1 RESIDENTIAL ONE R1-F25 RESIDENTIAL ONE - FRONTAGE TWENTY FIVE OS2 OPEN SPACE TWO
- R2-LA RESIDENTIAL TWO - LANE ACCESS OS1 OPEN SPACE ONE *(No) EXCEPTION NUMBER
- R2-S RESIDENTIAL TWO - SPECIAL G GREENWAY

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.

MARKHAM DEVELOPMENT SERVICES COMMISSION



Drawn By: RT

Checked By: SK

DATE: 17/12/2019

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office

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