



By-law 2021-xx

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. That By-law 304-87, as amended, are 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)

To:

Residential Two – Lane Access*640 (R2-LA*640) Zone
Residential Two - Special *648 (R2-S*648) Zone
Community Amenity Two *649 (CA2*649) Zone
Residential Two – Lane Access*650 (R2-LA*650) Zone
Residential Three *651 (R3*651) Zone
Residential Two - Special *652 (R2-S*652)
Residential Two – Special *653 (R2-S*653) Zone
Open Space One (OS1) Zone
Open Space Two (OS2) Zone
3. By adding the following subsection to Section 7- EXCEPTIONS:

Exception 7.648	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-S
File ZA 18 235516		Amending By-law 2021-____
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 *648.		
7.648.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Single Detached Dwellings	
b)	One (1) accessory dwelling unit	
c)	Home Occupation	
d)	Home Child Care	
7.648.2 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– 9.1 metres	
c)	Minimum required front yard setback – 4.0 metres	

d)	Maximum <i>garage width</i> : i) 5.8 metres for lots having a minimum <i>frontage</i> of 11.6 metres or greater ii) 3.5 m for lots having a <i>lot frontage</i> of less than 11.6 m
e)	Minimum required <i>rear yard setback</i> – 6.0 metres
f)	Maximum <i>height</i> – the lesser of 12.5 metres or 3 <i>storeys</i>
g)	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.
h)	Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for <i>lots</i> that are 11.6 metres or less, a minimum 25% soft <i>landscaping</i> shall be provided in the <i>front</i> or <i>exterior side yard</i> in which the <i>driveway</i> is located. For <i>lots</i> that are greater than 11.6 metres 40% soft <i>landscaping</i> shall be provided in the <i>front</i> or <i>exterior side yard</i> in which the <i>driveway</i> is located

Exception 7.649	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone CA2
File ZA 18 235516		Amending By-law 2021-__
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 *649.		
7.649.1 Additional Permitted Uses		
The following are the only uses are permitted:		
	Residential Uses:	
a)	Apartment Dwellings	
b)	Multiple Dwellings	
c)	Child Care Centre	
d)	Home Occupations	
e)	Non-Residential Uses	
f)	Retail Stores	
g)	Commercial Fitness Centres	
h)	Art Galleries	
i)	Parking Garages	
j)	Financial Institutions	
k)	Medical Offices	
l)	Business Offices	
m)	Personal Service Shop	
n)	Places of Worship	
o)	Restaurants	
p)	Private School	
q)	Public School	
r)	Commercial School	
s)	Supermarkets	
t)	Veterinary Clinics	
7.649.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Special Provision #7 of Table A2 shall not apply.	
b)	The maximum net floor area permitted for individual retail store, supermarket, or personal service shop premises is 2,000 square metres	
c)	Place of worship, and Public or Private Schools are only permitted: i) Within a building containing other uses ii) On a lot fronting onto an Arterial or Major Collector road, as shown on the Schedules to the City of Markham Official Plan.	
d)	Multiple Dwellings in the form of back to back townhouses are not permitted.	
e)	Only Residential Uses and Business Offices are permitted above the second storey.	
f)	Maximum height - 19.5 metres, except for buildings fronting arterial roads, as shown on the Schedules to the City of Markham Official Plan, which are permitted a maximum building height of 25.5 metres.	

Exception 7.650	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-LA
File ZA 18 235516		Amending By-law 2021-____
Notwithstanding any other provisions of By-law,177-96 and Table B4 the following provisions shall apply to the lands shown on Schedule “A” attached to By-law 2021-____ and denoted by the symbol *650.		
7.650.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	One (1) accessory dwelling unit per lot.	
c)	Home Occupation	
d)	Home Child Care	
7.650.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Special Provision #2 of Table B4 shall not apply	
b)	Minimum lot frontage for townhouse dwellings: i) 4.5 metres per unit on an interior lot; ii) 5.7m per end unit on an interior lot; iii) 6.9m per end unit on a corner lot.	
c)	Minimum required rear yard: i) 0.6 metres ii) Any storey above the first storey: 3 metres to the nearest portion of the main building.	
d)	Outdoor Amenity Space shall be provided and shall be subject to the following provisions: i) The Outdoor Amenity Space shall be located on a 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	
e)	For the purposes of this By-law, the outdoor amenity space shall include steps, partitions, railings, air conditioner units, and planters	
f)	Maximum height – the lesser of 12.5 metres or 3 storeys	
g)	Notwithstanding d) above, 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.	
h)	Maximum number of townhouse dwellings in a building– 9 units	
i)	Non cantilevered window bays are permitted to encroach into a required front, exterior or rear yard provided such window bays extend no more than 0.6 m into the required yard and are no more than 3 metres wide	
j)	The minimum side yard setback shall be 0.30 metres from an interior side lot line created by a utility notch	
k)	Minimum building setback from a daylighting triangle – 0.6 metres.	
l)	The minimum exterior side yard setback for a driveway or parking pad crossing the rear lot line – 1.0 metre	

Exception 7.651	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R3
File ZA 18 235516		Amending By-law 2021-____
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 *651.		
7.651.1 Only Permitted Uses		
The following uses are the only permitted uses:		

a)	<i>Townhouse Dwellings</i>
b)	<i>Triplex Dwellings</i>
c)	<i>Fourplex Dwellings</i>
d)	<i>Multiple Dwellings</i>
e)	<i>Apartment Dwellings</i>
f)	<i>Home Occupation</i>
g)	<i>Home Child Care</i>
h)	One (1) <i>accessory dwelling</i> unit located within a <i>Townhouse Dwelling</i>
7.651.2 Special Zone Standards	
The following specific Zone Standards shall apply:	
The following provisions shall apply to <i>townhouse dwellings</i> :	
a)	Minimum <i>lot frontage</i> for a <i>townhouse dwelling</i> accessed by a lane: i) 4.5m per unit on an interior lot; ii) 5.2m per end unit on an interior lot; iii) 6.4m per end unit on a corner lot.
b)	<i>Minimum Required Rear yard</i> : i) 0.6 metres ii) Any <i>storey</i> above the first <i>storey</i> - 3 metres to the nearest portion of the main <i>building</i> .
c)	<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 any other provisions in this by-law, decks are permitted to be located above the first <i>storey</i> and balconies are not required to be cantilevered
d)	For the purposes of this By-law, the <i>outdoor amenity space</i> shall include steps, partitions, railings, air conditioner units, and planters
e)	Maximum <i>height</i> – the lesser of 12.5 metres or 3 <i>storeys</i>
f)	Notwithstanding e) above, portion of a <i>building</i> providing rooftop access is permitted to project above the maximum <i>height</i> , provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional <i>storey</i> .
g)	Special Provisions #4 and #5 of Table B5 shall not apply
The following provisions apply to Triplex, Fourplex, Multiple, and Apartment Dwellings:	
a)	Maximum <i>height</i> – 16 metres
b)	Special Provisions #4 and #5 of Table B5 shall not apply
c)	The minimum <i>side yard</i> setback shall be 0.30 metres from an <i>interior side lot</i> line created by a utility notch
d)	Minimum <i>building</i> setback from a daylighting triangle – 0.6 metres

Exception 7.652	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-S
File ZA 18 235516		Amending By-law 2021-____
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 *652.		
7.652.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Home Occupation	
c)	Home Child Care	
7.652.2 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 rear yard – 0 metres	

c)	Minimum required <i>lot frontage</i> : i) 6.7 metres on an interior lot ii) 8.1 metres on an interior end unit or a corner lot
d)	Notwithstanding the definition of <i>townhouse dwelling</i> , units are not required to provide direct access to the <i>rear yard</i>
e)	<i>Townhouse dwellings</i> must share a common wall above grade with a <i>townhouse dwellings</i> to the rear
f)	Minimum required <i>interior side yard</i> for <i>Townhouse dwellings</i> : i) 0.0 metres for interior unit ii) 1.2 metres for an end unit
g)	Maximum number of <i>Townhouse dwellings</i> in a <i>building</i> – 12 units
h)	Maximum <i>height</i> – the lesser of 12.5 metres or 3 <i>storeys</i>
i)	Notwithstanding h) above, a portion of a <i>building</i> providing rooftop access is permitted to project above the maximum <i>height</i> , provided the floor area of the rooftop access does not exceed 12 square metres. This rooftop access shall not be considered an additional <i>storey</i> .
j)	Non cantilevered window bays are permitted to encroach into a required <i>front yard</i> or <i>exterior side yard</i> provided such window bays extend no more than 0.6 m into the required yard and are no more than 3 metres wide.
k)	<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 private garage, and/or be located on a balcony; 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.
l)	For the purposes of this By-law, the <i>outdoor amenity space</i> shall include steps, partitions, railings, air conditioner units, and planters
m)	Notwithstanding Section 6.2.4.2 b) of By-law 28-97, as amended, for lots with a <i>frontage</i> of less than 10.1 metres, 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 7.653	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-S
File ZA 18 235516		Amending By-law 2021-____
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 *653.		
7.653.1 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 Occupation</i>	
d)	<i>Home Child Care</i>	
7.653.2 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>front yard setback</i> – 4.0 metres	
d)	Maximum <i>garage width</i> : i) 5.8 metres for lots having a minimum <i>frontage</i> of 11.6 metres ii) 3.5 m for lots having a minimum <i>lot frontage</i> of less than 11.6 m	
e)	Minimum required <i>rear yard setback</i> – 6.0 metres	
f)	Maximum <i>height</i> – 14.5 metres	
g)	Notwithstanding f) above, for the purposes of this By-law, a basement with direct access to grade at the rear of a <i>dwelling</i> , which is partially or fully below grade at the front of the <i>dwelling</i> , shall not be considered a <i>storey</i>	

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 11.6 metres or less, a minimum 25% soft landscaping shall be provided in the front or exterior side yard in which the <i>driveway</i> 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 <i>driveway</i> is located

4. Section 37 Contribution:

A contribution by the Owner to the City in the amount of \$749,460 for the purposes of public art 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 on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW 2021-_____

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

Berczy Warden Holdings Inc.

10348 Warden Avenue

Lands located west of Warden Avenue between Warden Mills Road and Major Mackenzie Drive.

Part of Lots 22 and 23, Concession 4.

Lands Affected

The proposed by-law amendment applies to approximately 45 hectares (111.2 acres) of land located on the west side of Warden Avenue, north of Major Mackenzie Drive and south of Elgin Mills Road East, municipally known as 10348 Warden Avenue.

Existing Zoning

The subject lands are currently zoned “Agriculture One (A1)” under By-law 304-87, as amended.

Existing Zoning

The subject lands are currently zoned “Agriculture One (A1)” under By-law 304-87, as amended.

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 Two – Lane Access*640 (R2-LA*640) Zone
Residential Two - Special *648 (R2-S*648) Zone
Community Amenity Two *649 (CA2*649) Zone
Residential Two – Lane Access*650 (R2-LA*650) Zone
Residential Three *651 (R3*651) Zone
Residential Two - Special *652 (R2-S*652)
Residential Two – Special *653 (R2-S*653) Zone
Open Space One (OS1) Zone
Open Space Two (OS2) Zone

in order to facilitate residential development consisting of single detached and townhouse dwellings, a school, parkland, mixed use development, stormwater management facilities, and open space, including the introduction of site-specific development standards.

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.