



## **EXPLANATORY NOTE**

### **BY-LAW 2021-45**

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

**3575 Elgin Mills Road East**

**Lands located south of Elgin Mills Road East between Warden Avenue and Woodbine Avenue.**

**Part of Lot 25, Concession 4.**

#### **Lands Affected**

The proposed by-law amendment applies to approximately 28.2 hectares (69.7 acres) of land located on the south side of Elgin Mills Road East between Warden Avenue and Woodbine Avenue and municipally known as 3575 Elgin Mills Road East.

#### **Existing Zoning**

The subject land is 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 amend By-law 304-87, as amended and By-law 177-96, as amended by rezoning the subject land to:

Residential Two – Special \*634 (R2-S\*634);  
Residential Two – *Lane Access* \*635 (R637-LA\*635);  
Residential Three \*636 (R3\*636);  
Community Amenity Two\*637 (CA2\*637);  
Residential Three \*638 (R3\*638);  
Residential Two – *Lane Access* \*6340 (R2-LA\*640); and,  
Open Space Two (OS2) in By-law 177-96, as amended

in order to facilitate residential development consisting of single detached and townhouse dwellings, mixed use development, two schools, and parkland.

#### **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 2021-45

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

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 (By-law 304-87);

to:

Residential Two - Special \*634 (R2-S\*634) Zone (By-law 177-96);  
Residential Two – Lane Access\*635 (R2-LA\*635) Zone (By-law 177-96);  
Residential Three\*636 (R3\*636) Zone (By-law 177-96);  
Community Amenity Two\*637 (CA2\*637) Zone (By-law 177-96);  
Residential Three \*638 (R3\*638) Zone (By-law 177-96);  
Residential Two – Lane Access\*640 (R2-LA\*640) Zone (By-law 177-96); and,  
Open Space Two (OS2) Zone (By-law 177-96).
3. By adding the following subsection to Section 7- EXCEPTIONS:

Exception 7.634	Berczy Elgin Holdings Inc. 3575 Elgin Mills Rd.	Parent Zone R2-S
File ZA 18 235522		Amending By-law 2021-45
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 2021-45 and denoted by the symbol *634.		
7.634.1 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	
7.634.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum required lot frontage – 9.1 metres	

b)	Minimum required <i>front yard setback</i> – 4.0 metres
c)	Maximum <i>garage width</i> : i) 5.8 metres for <i>lots</i> having a minimum frontage of 11.6 metres or greater ii) 3.5 m for <i>lots</i> having a <i>lot</i> frontage of less than 11.6 m
d)	Minimum required <i>rear yard setback</i> – 6.0 metres
e)	Maximum <i>height</i> – the lesser of 12.5 metres or 3 <i>storeys</i>
f)	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.
g)	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% <i>soft 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% <i>soft landscaping</i> shall be provided in the front or <i>exterior side yard</i> in which the <i>driveway</i> is located

Exception 7.635	Berczy Elgin Holdings Inc.	Parent Zone R2-LA
File ZA 18 235522		Amending By-law 2021-45
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 2021-45 and denoted by the symbol *635.		
7.635.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse dwellings	
b)	One (1) accessory dwelling unit	
c)	Home Occupation	
d)	Home Child Care	
7.635.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum lot frontage for townhouse dwellings: i) 4.5 metres per unit on an interior lot ii) 5.7 metres per end unit on an interior lot; iii) 6.9 metres per end unit on a corner lot.	
b)	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.	
c)	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.	
d)	For the purposes of this By-law, the outdoor amenity space shall include steps, partitions, railings, air conditioner units and planters	
e)	Maximum height – the lesser of 12.5 metres or 3 storeys	
f)	Maximum number of townhouse dwellings in a building – 9 units	
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)	The minimum side yard setback shall be 0.30 metres from an interior side lot line created by a utility notch	
i)	Minimum building setback from a daylighting triangle – 0.6 metres.	

j)	The minimum <i>exterior side yard</i> setback for a <i>driveway</i> or parking pad crossing the rear <i>lot</i> line – 1.0 metre
k)	Notwithstanding e) 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 said rooftop access does not exceed 12 square metres and shall not be considered an additional <i>storey</i>
l)	Special provision #2 of Table B4 shall not apply.

Exception 7.636	Berczy Elgin Holdings Inc.	Parent Zone R3
File ZA 18 235522		Amending By-law 2021-45
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 2021-45 and denoted by the symbol *636.		
7.636.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse dwellings	
b)	Triplex Dwellings	
c)	Fourplex Dwellings	
d)	Multiple Dwellings	
e)	Apartment Dwellings	
f)	Home Occupation	
g)	Home Child Care	
h)	Single detached dwelling within a heritage building.	
i)	One (1) accessory dwelling unit located within a townhouse dwelling	
7.636.2 Special Zone Standards		
a)	Maximum height – the lesser of 12.5 metres or 4 storeys, except for buildings fronting arterial roads which are permitted a maximum building height of the lesser of 18 metres or 6 storeys.	
b)	Special Provisions #4 and #5 of Table B5 shall not apply	

Exception 7.637	Berczy Elgin Holdings Inc.	Parent Zone CA2
File ZA 18 235522		Amending By- law 2021-45
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 2021-45 and denoted by the symbol *637.		
<b>7.637.1 Only Permitted Uses</b>		
The following are the only uses permitted:		
a)	<i>Apartment Dwellings</i>	
b)	<i>Multiple Dwellings</i>	
c)	<i>Child Care Centre</i>	
d)	<i>Home Occupations</i>	
e)	<i>Commercial Fitness Centres</i>	
f)	<i>Art Galleries</i>	
g)	<i>Parking Garages</i>	
h)	<i>Financial Institutions</i>	
i)	<i>Medical Offices</i>	
j)	<i>Business Offices</i>	
k)	<i>Personal Service Shop</i>	
l)	<i>Places of Worship</i>	
m)	<i>Restaurants</i>	

n)	<i>Private School</i>
o)	<i>Public School</i>
p)	<i>Commercial School</i>
q)	<i>Supermarkets</i>
r)	<i>Veterinary Clinics</i>
s)	<i>Retail Stores</i>
<b>7.637.2 Special Zone Standards</b>	
a)	The maximum net floor area permitted for one retail store, supermarket and personal service shop premises is 2,000 square metres.
b)	Places of worship and Public or Private Schools are only permitted: i) Within a <i>building</i> containing other uses ii) On a <i>lot</i> fronting onto an Arterial or Major Collector road
c)	Maximum <i>height</i> – 19.5 metres, except for <i>buildings</i> fronting arterial roads, which are permitted a maximum <i>building height</i> of 25.5 metres.
d)	Special Provision #7 of Table A2 shall not apply.


Exception 7.638	Berczy Elgin Holdings Inc.	Parent Zone R3
File ZA 18 235522		Amending By-law 2021-45
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 2021-45 and denoted by the symbol *638.		
7.638.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse dwellings	
b)	Home Occupation	
c)	Home Child Care	
d)	One (1) accessory dwelling unit located within a townhouse dwelling.	
7.638.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Minimum lot frontage for a townhouse dwellings accessed by a lane: i) 4.5m 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.	
b)	Minimum required rear yard: i) On a lot accessed by a lane – 0.6 metres i) Any storey above the first storey – 3 metres to the nearest portion of the main building.	
c)	The minimum side yard setback shall be 0.30 metres from an interior side lot line created by a utility notch	
d)	Minimum building setback from a daylighting triangle – 0.6 metres.	
e)	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.	
f)	For the purposes of this By-law, the outdoor amenity space shall include steps, partitions, railings, air conditioner units, planters, and any structural components	
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 3 metres wide.	


h)	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
i)	The minimum <i>exterior side yard</i> setback for a <i>driveway</i> or parking pad crossing the rear <i>lot</i> line – 1.0 metre
i)	Notwithstanding k) below, 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 said rooftop access does not exceed 12 square metres and shall not be considered an additional <i>storey</i> .
j)	Special Provisions #4 and #5 of Table B5 shall not apply
k)	Maximum <i>height</i> – the lesser of 12.5 metres or 4 <i>storeys</i> ,

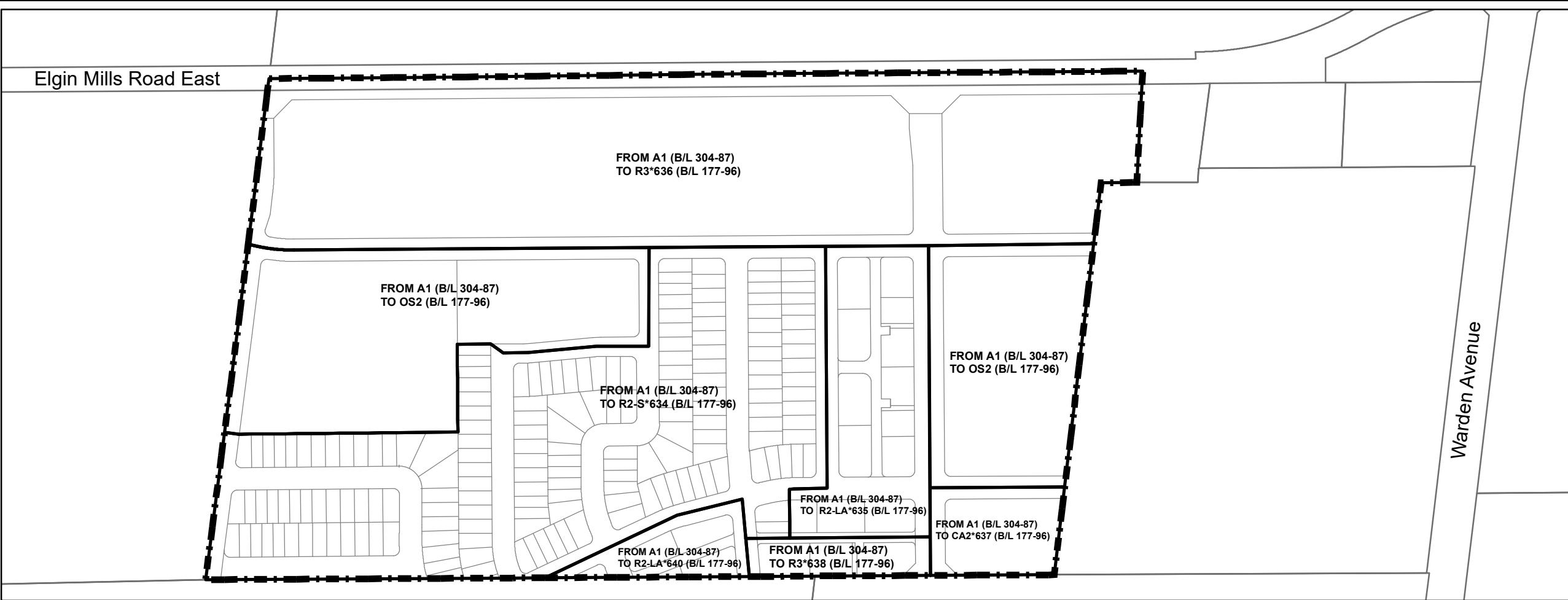
4. Section 37 Contribution

A contribution by the Owner to the City in the amount of \$466,173 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 June 29, 2021.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk

  
\_\_\_\_\_  
Frank Scarpitti  
Mayor



# SCHEDULE "A" TO BY-LAW 2021-45

## AMENDING BY-LAWS 304-87 AND 177-96 DATED JUNE 29, 2021



BOUNDARY OF AREA COVERED BY THIS SCHEDULE

A1

AGRICULTURE ONE

R2-S

RESIDENTIAL TWO - SPECIAL

OS2

OPEN SPACE TWO

R2-LA

RESIDENTIAL TWO - LANE ACCESS

R3

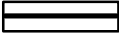
RESIDENTIAL THREE

\*(No.)

EXCEPTION NUMBER

CA2

COMMUNITY AMENITY TWO

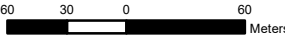


BOUNDARY OF ZONE DESIGNATION(S)

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.



DEVELOPMENT SERVICES COMMISSION



Drawn By: RT

Checked By: DB

DATE: 31/05/2021

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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