

EXPLANATORY NOTE

BY-LAW 2021-46

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.



By-law 2021-46

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 Bylaw 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:

Ex	ception 7.648	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-S		
	File		Amending By-law		
Z	A 18 235516		2021-46		
Notv	vithstanding any o	ther provisions of By-law,177-96 the fo	ollowing provisions		
shall	apply to the lands	s shown on Schedule "A" attached to B	y-law 2021-46 and		
deno	denoted by the symbol *648.				
7.648	7.648.1 Only Permitted Uses				
The	The following uses are the only permitted uses:				
a)	Single Detached	Dwellings			
b)	One (1) accessor	y dwelling unit			
c)	Home Occupation				
d)	d) Home Child Care				
7.64	7.648.2 Special Zone Standards				
The	The following specific Zone Standards shall apply:				
a)	CT 11 DO D (O CO 1 11 1 1 1 111)				

b)	Minimum required <i>lot frontage</i> – 9.1 metres
c)	Minimum required <i>front yard setback</i> – 4.0 metres
d)	Maximum garage width:
	i) 5.8 metres for lots having a minimum frontage of 11.6 metres or
	greater
	ii) 3.5 m for lots having a lot frontage of less than 11.6 m
e)	Minimum required rear yard setback – 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
	front, exterior or rear yard 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

Exc	ception 7.649	Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone CA2		
	File	10348 Warden Ave.	Amending By-		
ZA 18 235516			law		
LA 10 233310			2021-46		
Note	withstanding on	y other provisions of By law 177-06 the follo			
	Notwithstanding any other provisions of By-law, 177-96 the following provisions				
1	shall apply to the lands shown on Schedule "A" attached to By-law 2021-46 and denoted by the symbol *649.				
7.64		nal Permitted Uses			
		ne only uses are permitted:			
1110	Residential Us				
a)	Apartment Dw	The state of the s			
b)	Multiple Dwel				
c)	Child Care Ce				
d)	Home Occupa		- A - A - A - A - A - A - A - A - A - A		
e)	Non-Residenti				
f)	Retail Stores		A A A A A A A A A A A A A A A A A A A		
g)	Commercial F	itness Centres			
h)	Art Galleries				
i)	Parking Garages				
i)	Financial Institutions				
k)	Medical Offices				
1)	Business Offices				
m)	Personal Service Shop				
n)	Places of Worship				
0)	Restaurants				
p)	Private School				
q)	Public School				
r)	Commercial School				
s)	Supermarkets				
t)	Veterinary Cli	nics			
7.64	7.649.2 Special Zone Standards				
The	following spec	ific Zone Standards shall apply:			
a)		ion #7 of Table A2 shall not apply.	HAMINE POLYMENT CONTRACTOR CONTRA		
b)		net floor area permitted for individual retail			
		or personal service shop premises is 2,000 squ			
c)		hip, and Public or Private Schools are only pe	ermitted:		
		n a building containing other uses			
		ot fronting onto an Arterial or Major Collecto			
	on the	Schedules to the City of Markham Official P	lan.		
	16.11.1	77	*41. 1		
<u>d</u>)	Multiple Dwei	llings 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 2021-46	
Notv	Notwithstanding any other provisions of By-law,177-96 and Table B4 the			
follo	wing provisions s	hall apply to the lands shown on Sched		
By-l	aw 2021-46 and d	enoted by the symbol *650.		
7.65		A CONTRACTOR OF THE CONTRACTOR	A district and the second and the se	
	e following uses are the only permitted uses:			
a)	Townhouse Dwe	×		
<u>b)</u>		y dwelling unit per lot.		
<u>c)</u>	Home Occupation			
d)	Home Child Car	A CONTRACTOR OF THE PARTY OF TH		
7.65		ne Standards		
		Zone Standards shall apply:		
a)		n #2 of Table B4 shall not apply ontage for townhouse dwellings:		
b)	1	es per unit on an interior lot;		
		end unit on an interior lot;		
		end unit on a corner lot.		
c)	Minimum requir			
	i) 0.6 metre	-		
	ii) Any store	ey above the first storey: 3 metres to the	e nearest portion of	
	the main	building.		
d)	Outdoor Amenity Space shall be provided and shall be subject to the			
	following provis		A 1	
		door Amenity Space shall be located on		
	private g	arage, and/or be located on a balcony; door Amenity Space shall have a contig	nious minimum area	
	1	lare metres	3uous minimum arou	
		standing any other provisions in this by	-law, decks are	
		d to be located above the first <i>storey</i> an		
		to be cantilevered		
e)		s of this By-law, the outdoor amenity sp		
		railings, air conditioner units, and plan		
<u>f)</u>	Maximum <i>height</i> – the lesser of 12.5 metres or 3 <i>storeys</i>			
g)		g d) above, portion of a building provid		
		ject above the maximum <i>height</i> , provides		
		ss does not exceed 12 square metres. Is sidered an additional <i>storey</i> .	This roonop access	
h)		oer of <i>townhouse dwellings</i> in a <i>buildin</i>		
h) i)		d window bays are permitted to encroa		
1)		r rear yard provided such window bays		
		equired yard and are no more than 3 me		
j)		ide yard setback shall be 0.30 metres fr		
37	1	by a utility notch		
k)		ing setback from a daylighting triangle	– 0.6 metres.	
1)	The minimum a	xterior side yard setback for a drivewa	v or parking pad	
'		r lot line - 1.0 metre	v 1G1	

Notwit shall ap denoted 7.651.1 The folia	oply to the land by the symbol Only Perillowing uses a Cownhouse Dwelling Courplex Dwelling Courplex Dwelling In the Courple Dwelling In the Courple C	re the only permitted uses: vellings ngs lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	law 2021-46 and
Notwit shall ap denoted 7.651.1 The folia	hstanding any oply to the land by the symbol Only Peri llowing uses a Townhouse Dwelling Tourplex Dwel	ds shown on Schedule "A" attached to By- ol *651. mitted Uses re the only permitted uses: vellings lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	law 2021-46 lowing provisions law 2021-46 and
Notwit shall ap denoted 7.651.1 The folia	hstanding any oply to the land by the symbol Only Perillowing uses a Cownhouse Dwelling Tourplex Dwelling Come (1) access to the Child Come (1) access	ds shown on Schedule "A" attached to By- ol *651. mitted Uses re the only permitted uses: vellings lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	2021-46 lowing provisions law 2021-46 and
shall ap denoted 7.651.1 The folia	oply to the land by the symbol Only Perillowing uses a Cownhouse Dwelling Courplex Dwelling Courplex Dwelling In the Courple Dwelling In the Courple C	ds shown on Schedule "A" attached to By- ol *651. mitted Uses re the only permitted uses: vellings lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	law 2021-46 and
shall ap denoted 7.651.1 The folia	oply to the land by the symbol Only Perillowing uses a Cownhouse Dwelling Courplex Dwelling Courplex Dwelling In the Courple Dwelling In the Courple C	ds shown on Schedule "A" attached to By- ol *651. mitted Uses re the only permitted uses: vellings lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	law 2021-46 and
denoted 7.651.1 The following follo	d by the symbol Only Perillowing uses a Townhouse Dward Triplex Dwelling Tourplex Dwelling Tourplex Dwelling Tourple Dwelling Tourple Dwelling Tourple Dwelling Tourple Dwelling Tourple Occupated Tome Child Cone (1) access to Special Zellowing special Illowing provise the Only Perillowing Special Illowing provise the Only Perillowing Special Illowing provise the Only Perillowing Special Illowing	ol *651. nitted Uses re the only permitted uses: vellings ngs lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	
7.651.1 The foldal a) The foldal b) C) Fd d) Me e) Af f) He f) The foldal The fol	I Only Perillowing uses a Fownhouse Dwellin Fourplex Dwellin Fourplex Dwell Information of the Company of the C	re the only permitted uses: vellings ngs lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
a) T b) T c) F d) M e) A f) H g) H h) C 7.651.2	llowing uses a Cownhouse Dwelling Triplex Dwelling Tourplex Dwelling Tourpley Dwelling Tourpley Dwelling Tourpley Dwelling Come Occupated Tome Child Come (1) access Come (1) access Come Special Zellowing provision of the Come (1) access C	re the only permitted uses: vellings ngs lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
b) T c) F d) M e) A f) H g) H h) C 7.651.2 The fol	Triplex Dwelling Tourplex Dwell Aultiple Dwell Apartment Dwell Home Occupat Home Child Co One (1) access Special Zo Illowing provise	ngs lings lings lings ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
b) T c) F d) M e) A f) H g) H h) C 7.651.2 The foll	Fourplex Dwell Aultiple Dwell Apartment Dwell Home Occupat Home Child Co Dne (1) access Special Z Illowing specif	lings lings lings cellings cion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
c)	Fourplex Dwell Aultiple Dwell Apartment Dwell Home Occupat Home Child Co Dne (1) access Special Z Illowing specif	lings lings lings cellings cion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
d) M e) A f) H g) H h) C 7.651.2 The following	Aultiple Dwell Apartment Dwell Apartment Dwell Apartment Coupat Approximation (1) access Coupait Special Ze Allowing specifical provisions	ings cellings cion care cory dwelling unit located within a Townhoo cone Standards cic Zone Standards shall apply:	use Dwelling
e) A f) H g) H h) C 7.651.2 The foll	Ipartment Dwellome Occupate Home Child Co One (1) access Special Ze Illowing specif	ellings ion are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
g) H h) 0 7.651.2 The following forms of the	Home Child Co One (1) access 2 Special Zo Ilowing specif Ilowing provis	are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
g) H h) 0 7.651.2 The following forms of the	Home Child Co One (1) access 2 Special Zo Ilowing specif Ilowing provis	are ory dwelling unit located within a Townhor one Standards ic Zone Standards shall apply:	use Dwelling
h) C 7.651.2 The following The	2 Special Zallowing speciful specific speciful specific speciful specific speciful speciful speciful speciful speciful speciful specific speciful specific speciful s	one Standards ic Zone Standards shall apply:	use Dwelling
7.651.2 The following The foll	2 Special Zallowing speciful specific speciful specific speciful specific speciful speciful speciful speciful speciful speciful specific speciful specific speciful s	one Standards ic Zone Standards shall apply:	
The fo	llowing specif	ic Zone Standards shall apply:	
The fo	llowing provis	Ha-Maratan	
		sions shall apply to townhouse dwellings:	
1 1	J	rontage for a townhouse dwelling accessed	by a lane:
	i) 4.5m p	er unit on an interior lot:	
	ii) 5.2m p	er end unit on an interior lot;	
	iii) 6.4m p	er end unit on a corner lot.	
b) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Ainimum Requ	iired Rear yard:	
	i) 0.6 met		
	ii) Any sto	prey above the first storey - 3 metres to the	nearest portion of
		n building.	
		ity Space shall be provided and shall be su	bject to the
f	following prov		
	,	utdoor Amenity Space shall be located on a	rooftop, above a
		garage, and/or be located on a balcony;	
		utdoor Amenity Space shall have a contiguo	ous minimum area
		quare metres	41
		hstanding any other provisions in this by-la	
		ted to be located above the first <i>storey</i> and	barcomes are not
	require	d to be cantilevered	
1 /L	Zou the mumos	es of this By-law, the outdoor amenity spa	ea shall include
		is, railings, air conditioner units, and plante	
		ght – the lesser of 12.5 metres or 3 <i>storey</i> s	
(e) 1	viaxiiiiuiii neig	gni – the lesser of 12.5 metres of 5 storeys	
f) 1	Votwithstandi	ng e) above, portion of a building providin	g roofton access is
		roject above the maximum <i>height</i> , provided	
1	the roofton acc	cess does not exceed 12 square metres. Th	is roofton access
		nsidered an additional <i>storey</i> .	
		ions #4 and #5 of Table B5 shall not apply	
6)	-r	32 = 3	
The fo	ollowing provi	sions apply to Triplex, Fourplex, Multiple,	and Apartment
Dwell			-
		ght - 16 metres	
		5 ··· • • • • • • • • • • • • • • • • •	
b) \$	Special Provis	ions #4 and #5 of Table B5 shall not apply	r
		side yard setback shall be 0.30 metres from	
1 1		by a utility notch	
d)]	Minimum <i>huii</i>	dding setback from a daylighting triangle –	0.6 metres

Exception 7.652		Berczy Warden Holdings Inc. 10348 Warden Ave.	Parent Zone R2-S		
		103 10 Warden 11Ve.	ICE 5		
File			Amending By-		
ZA 18 235516			law 2021-46		
Notwithstanding any other provisions of By-law,177-96 the following provisions					
i	shall apply to the lands shown on Schedule "A" attached to By-law 2021-46 and				
denc	denoted by the symbol *652.				
7.65	2.1 Only Per	mitted Uses			
The	following uses a	are the only permitted uses:			
a)	Townhouse Dw				
b)	Ноте Оссира	ion			
c)	Home Child Co	are			
		Cone Standards			
The		fic Zone Standards shall apply:			
a)	The provisions	of Table B3, Part 3 of 3 shall apply to all lot	S		
b)		yard – 0 metres			
c)		ired lot frontage:			
	,	metres on an interior lot			
		metres on an interior end unit or a corner lot			
(d)		ng the definition of townhouse dwelling, unit	s are not required		
		ct access to the rear yard			
e)		rellings must share a common wall above gra	de with a		
		ellings to the rear			
f)	1 1	ired interior side yard for Townhouse dwelli	ngs:		
	,	metres for interior unit			
		metres for an end unit	10		
<u>g)</u>		nber of Townhouse dwellings in a building—	12 units		
<u>h)</u>		ght – the lesser of 12.5 metres or 3 storeys	r roofton access is		
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> .				
13		red window bays are permitted to encroach in	nto a required front		
j)		or side yard provided such window bays exte			
	1 -	required yard and are no more than 3 metres			
k)		ity Space shall be provided and shall be subj			
	following prov				
		outdoor Amenity Space shall be located on a r	ooftop, above a		
		e garage, and/or be located on a balcony;	1,		
		Outdoor Amenity Space shall have a contiguo	us minimum area		
		square metres; and,			
	1	ninimum combined Outdoor Amenity Space p	er unit shall be 15		
	square	e metres.			
1)	For the purpos	es of this By-law, the outdoor amenity space	shall include		
	steps, partition	s, railings, air conditioner units, and planters			
m)		ng Section 6.2.4.2 b) of By-law 28-97, as am			
		e of less than 10.1 metres, a minimum 20% s			
		hall be provided in the front or exterior side y	ard in which the		
	driveway is lo	cated			

Exception 7.653	Berczy Warden Holdings Inc.	Parent Zone R2-S
File	10348 Warden Ave.	Amending By-law
ZA 18 235516		2021-46
	other provisions of Dy law 177 06 the	

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 2021-46 and denoted by the symbol *653.

7.653.1 Only Permitted Uses
The following uses are the only permitted uses:

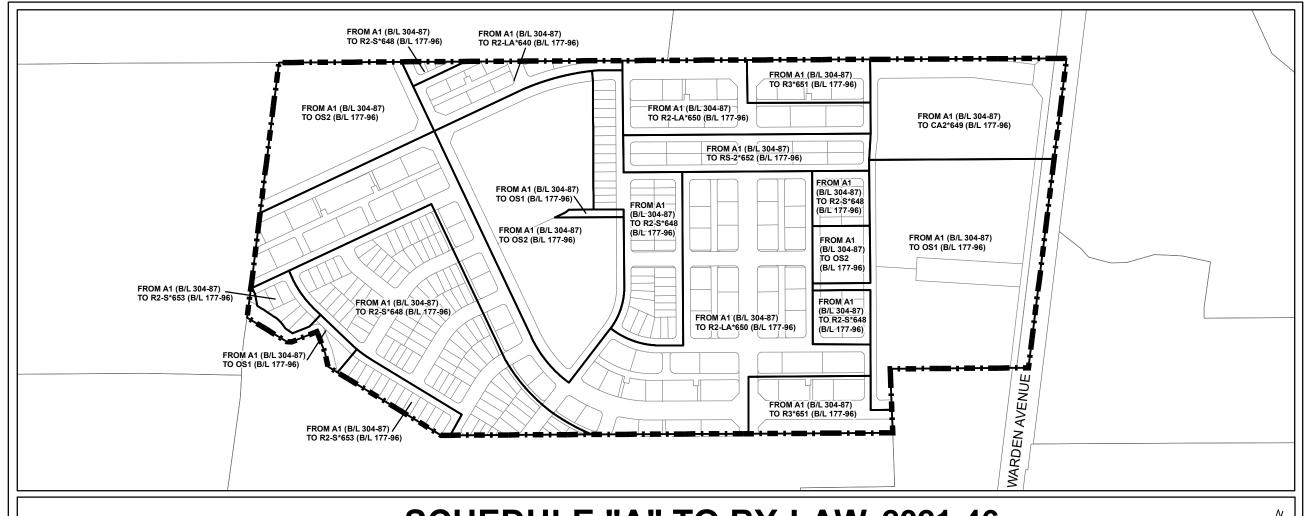
a)	Single Detached Dwellings				
b)	One (1) accessory dwelling unit				
c)	Home Occupation				
d)	Home Child Care				
7.65	7.653.2 Special Zone Standards				
The	The following specific Zone Standards shall apply:				
a)	The provisions of Table B3, Part 3 of 3 shall apply to all lots				
b)	Minimum required <i>lot frontage</i> – 9.1 metres				
c)	Minimum required <i>front yard setback</i> – 4.0 metres				
d)	Maximum garage width:				
	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				
e)	Minimum required rear yard setback – 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 dwelling, 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				
	front, exterior or rear yard 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 June 29, 2021.

Kimberley Kitteringham City Clerk Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2021-46

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

BOUNDARY OF ZONE DESIGNATION(S) BOUNDARY OF AREA COVERED BY THIS SCHEDULE R3 RESIDENTIAL THREE RS-2 RESIDENTIAL SPECIAL - TWO OS2 OPEN SPACE TWO THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this R2-LA CA2 *(No.) **EXCEPTION NUMBER** RESIDENTIAL TWO - LANE ACCESS COMMUNITY AMENITY TWO R2-S **RESIDENTIAL TWO - SPECIAL** OS1 **OPEN SPACE ONE**

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: AC

DATE: 1/06/2021