



EXPLANATORY NOTE

BY-LAW 2022-12

**A By-law to amend By-law 304-87, as amended and By-law 177-96, as amended
Lands located east of Kennedy Road between Major Mackenzie Drive East and
Elgin Mills Road East
Part of Lots 23 and 24, Concession 6**

Lands Affected

The subject lands have an area of approximately 102.413 hectares, located on the east side of Kennedy Road, municipally known as 10379/10411 Kennedy Road.

Existing Zoning

The subject lands are currently zoned “Agriculture One Zone (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 a portion of the subject land to:

Residential Two-Special*696 (R2-S*696) Zone (By-law 177-96);
Residential Two-Special*697 (R2-S*697) Zone (By-law 177-96);
Residential Two-Special*697*703 (R2-S*697*703) Zone (By-law 177-96);
Residential Two-Special*698 (R2-S*698) Zone (By-law 177-96);
Residential Two-Lane Access*699 (R2-LA*699) Zone (By-law 177-96);
Community Amenity Two*704 (CA2*704) Zone (By-law 177-96);
Residential Two-Special*700 (R2-S*700) Zone (By-law 177-96);
Residential One-Fifteen*701 (R1-F15*701) Zone (By-law 177-96);
Residential Two-Lane Access*702 (R2-LA*702) Zone (By-law 177-96);
Greenway (G) Zone (By-law 177-96); and,
Open Space Two (OS2) Zone (By-law 177-96).

in order to facilitate residential development consisting of single detached, semi-detached, townhouse dwellings, a mixed use block, parkland and open space. The plan also includes two heritage dwellings.

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.



By-law 2022-12

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, 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);
To:
Residential Two-Special*696 (R2-S*696) Zone (By-law 177-96);
Residential Two-Special*697 (R2-S*697) Zone (By-law 177-96);
Residential Two-Special*697*703 (R2-S*697*703) Zone (By-law 177-96);
Residential Two-Special*698 (R2-S*698) Zone (By-law 177-96);
Residential Two-Lane Access*699 (R2-LA*699) Zone (By-law 177-96);
Community Amenity Two*704 (CA2*704) Zone (By-law 177-96);
Residential Two-Special*700 (R2-S*700) Zone (By-law 177-96);
Residential One- Fifteen*701 (R1-F15*701) Zone (By-law 177-96);
Residential Two-Lane Access*702 (R2-LA*702) Zone (By-law 177-96);
Greenway (G) 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 7.696 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-S |
|---|---|--|
| File PLAN-20- 133038 | | Amending By- law 2022-12 Singles |
| 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 2022-12 and denoted by the symbol *696. | | |

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| 7.696.1 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> |
| 7.696.2 Zone Standards | |
| The following specific Zone Standards shall apply: | |
| a) | The provisions of Table B3, Part 3 of 3 shall apply to all lots with the exception of the following regulations |
| b) | Maximum garage width on a lot not accessed by a lane <i>i) Lot frontage of 11.6 m or greater – 5.8 m</i> <i>ii) Lot frontage of less than 11.6 m – 3.5 m</i> |
| c) | Maximum height – the lesser of 12.5 m or 3 storeys |
| 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 m wide. |
| e) | Notwithstanding Section 6.2.4.2b) of By-law 28-97, as amended, a minimum 25% <i>soft landscaping</i> shall be provided in the <i>front or exterior side yard</i> in which the driveway is located. |
| f) | <i>Driveways</i> that cross either the <i>rear lot line</i> or <i>interior side lot line</i> to access the <i>dwelling unit</i> are not permitted. |

| Exception 7.697 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-S |
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| File PLAN-20-133038 | | Amending By-law 2022-12 |
| | | Semi-Detached |
| 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 2022-12 and denoted by the symbol *697. | | |
| 7.697.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Semi-Detached Dwellings | |
| b) | One (1) Accessory Dwelling Unit | |
| c) | Home Occupations | |
| d) | Home Child Care | |
| 7.697.2 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | The provisions of Table B3, Part 3 of 3 shall apply to all lots with the exception of the following regulations | |
| b) | Minimum required lot frontage on a lot not accessed by a lane - 7.62 m per unit on an interior lot and 9.9 m per unit on a corner lot and if two semi-detached dwelling units are located on a corner lot, the minimum lot frontage is 15.24m | |
| c) | Maximum garage width on a lot not accessed by a lane i) Lot frontage per unit of 11.6 m or greater – 5.8 m ii) Lot frontage per unit less than 11.6 m – 3.5 m | |
| d) | Maximum height – the lesser of 12.5 m or 3 storeys | |
| e) | 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 m wide. | |
| f) | Notwithstanding Section 6.2.4.2b) of By-law 28-97, as amended, a minimum 25% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located. | |

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| g) | <i>Driveways that cross either the rear lot line or interior side lot line to access the dwelling unit are not permitted.</i> |
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| Exception 7.698 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-S |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Street Townhouses |
| 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 2022-12 and denoted by the symbol *698. | | |
| 7.698.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Townhouse Dwellings | |
| b) | One (1) Accessory Dwelling Unit | |
| c) | Home Occupations | |
| d) | Home Child Care | |
| 7.698.2 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | The provisions of Table B3, Part 3 of 3 shall apply to all lots with the exception of the following regulations | |
| b) | Minimum required lot frontage on a lot not accessed by a lane - 7.0 m per unit on an interior lot and 8.8 m per end unit and a corner unit | |
| c) | Maximum garage width on a lot not accessed by a lane i) Lot frontage per unit of 11.6 m or greater – 5.8 m iii) Lot frontage per unit less than 11.6 m – 3.5 m | |
| d) | Maximum height - 12.5 m | |
| e) | Maximum number of townhouse units in a block – 8 units | |
| f) | 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 m wide. | |
| g) | Notwithstanding Section 6.2.4.2b) of By-law 28-97, as amended, a minimum 20% soft landscaping shall be provided in the front or exterior side yard in which the driveway is located. | |
| h) | Driveways that cross either the rear lot line or interior side lot line to access the dwelling unit are not permitted. | |

| Exception 7.699 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-LA |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Lane Based Townhouses |
| 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 2022-12 and denoted by the symbol *699. | | |
| 7.699.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Townhouse Dwellings | |
| b) | One (1) Accessory Dwelling Unit within a townhouse dwelling | |
| c) | Home Occupations | |
| d) | Home Child Care | |
| 7.699.2 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | The provisions of Table B4, Parts 1 and 2 of 2 shall apply to all lots with the | |

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| | exception of the following regulations |
| b) | <i>Minimum Required Rear Yard:</i> i) To the <i>first storey</i> - 0.6 m ii) To all <i>storeys</i> above the <i>first storey</i> – 3.0 metres |
| c) | <i>Amenity Space</i> for <i>townhouse</i> units shall be provided and shall be subject to the following provisions: i. <i>The 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. <i>One Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square m. Notwithstanding any other provisions in this By-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be cantilevered. |
| d) | Maximum <i>height</i> – the lesser of 12.5 m or 3 <i>storeys</i> |
| e) | Maximum number of <i>townhouse</i> units in a block – 8 units |
| f) | The minimum <i>side yard</i> setback shall be 0.30 m from an <i>interior side lot</i> line created by a utility notch. |
| g) | Non cantilevered window bays are permitted to encroach into a required <i>yard</i> provided such window bays are located no closer than 0.3 m to any <i>lot line</i> and are no more than 3 m wide. |

| Exception 7.700 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-S |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Semi- Detached |
| 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 2022-12 and denoted by the symbol *700. | | |
| 7.700.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Semi-Detached Dwellings | |
| b) | One (1) Accessory Dwelling Unit | |
| c) | Home Occupations | |
| d) | Home Child Care | |
| 7.700.2 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | The provisions of Table B3, Part 3 of 3 shall apply to all lots with the exception of the following regulations | |
| b) | Minimum required lot frontage on a lot not accessed by a lane - 7.62 m per unit on an interior lot and 9.9 m per unit on a corner lot and if two semi-detached dwelling units are located on a corner lot, the minimum lot frontage is 15.4 m | |
| c) | Maximum garage width on a lot not accessed by a lane i) Lot frontage per unit of 11.6 m or greater – 5.8 m ii) Lot frontage per unit of less than 11.6 m – 3.5 m | |
| d) | Maximum height - 10 m | |
| e) | 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 m wide. | |
| f) | Notwithstanding Section 6.2.4.2b) of By-law 28-97, as amended, a minimum 25% soft landscaping shall be provided in the front or exterior side yard in | |

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| | which the driveway is located. |
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| Exception 7.701 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R1-F15 |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Heritage House |
| 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 2022-12 and denoted by the symbol *701. | | |
| 7.701.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Single Detached Dwelling within a Heritage Building | |
| b) | Home Occupations | |
| c) | Home Child Care | |
| d) | One (1) Accessory Dwelling Unit | |
| 7.701.2 Zone Standards for Single Detached Heritage Dwelling | | |
| The following specific Zone Standards shall apply to a Single Detached Dwellings: | | |
| a) | Minimum required front yard i) Dwelling – 0.6 m ii) Any other encroachment – 0.3 metres | |
| b) | Minimum required exterior side yard – 1.0 m | |
| c) | Minimum required distance between single detached heritage dwellings in the R1-F15 Zone – 6.3 m | |
| d) | Minimum rear yard – 1.8 m | |
| e) | Buildings of historic and/or architectural interest relocated to the site are exempt from height provisions. The maximum height of any additions to a single detached dwelling within a heritage building, detached garage, or coach house, shall not exceed the height of the peak of the existing building. | |

| Exception 7.702 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-LA |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Lane Based Semi - Detached |
| 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 2022-12 and denoted by the symbol *702. | | |
| 7.702.1 Only Permitted Uses | | |
| The following uses are the only permitted uses: | | |
| a) | Semi-Detached Dwellings | |
| b) | One (1) Accessory Dwelling Unit within a semi-detached dwelling | |
| c) | Home Occupations | |
| d) | Home Child Care | |
| 7.702.2 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | The provisions of Table B4, Parts 1 and 2 of 2 shall apply to all lots with the exception of the following regulations | |
| b) | Minimum Required Rear Yard: i) To the first storey - 0.6 m ii) To all storeys above the first storey – 3.0 metres | |
| c) | Amenity Space shall be provided and shall be subject to the following | |

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| | <p>provisions:</p> <p>i. <i>The 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>;</p> <p>ii. <i>One Outdoor Amenity Space</i> shall have a contiguous minimum area of 20 square m.</p> <p>Notwithstanding any other provisions in this By-law, <i>decks</i> are permitted to be located above the first <i>storey</i> and <i>balconies</i> are not required to be cantilevered.</p> |
| d) | Maximum <i>height</i> – 12.5 m |
| e) | Non cantilevered window bays are permitted to encroach into a required <i>yard</i> provided such window bays are located no closer than 0.3 m to any <i>lot line</i> and are no more than 3 m wide. |

| Exception 7.703 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone R2-S |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Semi - Detached |
| 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 2022-12 and denoted by the symbol *703. | | |
| 7.703.1 Zone Standards | | |
| The following specific Zone Standards shall apply: | | |
| a) | Maximum garage width is 5.8 metres | |

| Exception 7.704 | Kennedy Meadows East side of Kennedy Road between Major Mackenzie Drive E. and Elgin Mills Road E. | Parent Zone CA2 |
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| File PLAN-20- 133038 | | Amending By- law 2022-12 Neighbourhood Service Node |
| 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 2022-12 and denoted by the symbol *704. | | |
| 7.704.1 Additional Permitted Uses | | |
| The following are the only uses permitted: | | |
| | Residential Uses | |
| a) | <i>Apartment Dwellings</i> | |
| b) | <i>Child Care Centre</i> | |
| c) | <i>Home Occupations</i> | |
| | Non-Residential Uses | |
| d) | <i>Retail Stores</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> | |

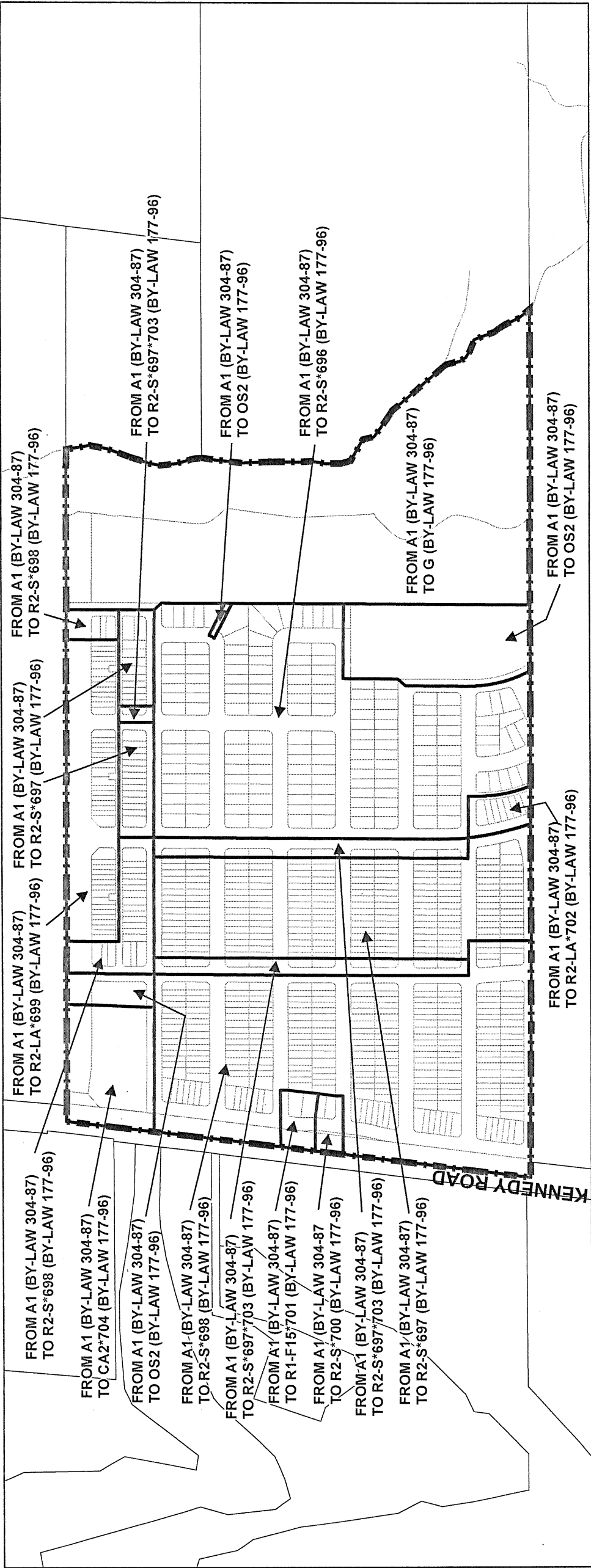
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| m) | <i>Restaurants</i> |
| n) | <i>Private School</i> |
| o) | <i>Public School</i> |
| p) | <i>Commercial School</i> |
| q) | <i>Supermarkets</i> |
| r) | <i>Veterinary Clinics</i> |
| 7.704.2 Special Zone Standards | |
| The following specific Zone Standards shall apply: | |
| a) | Special Provision #7 of Table A2 shall not apply. |
| b) | The maximum <i>net floor area</i> permitted for individual <i>retail store, supermarket, or personal service shop</i> premises is 2,000 square metres |
| c) | <i>Place of worship</i> , and <i>Public or Private Schools</i> are only permitted within a multi- storey non-residential or mixed use apartment building |
| d) | Non-residential uses shall be provided on the ground floor or a portion of the ground floor of a <i>building</i> fronting an arterial road or a major collector, as shown on the Schedules to the City of Markham Official Plan |
| e) | Maximum <i>height</i> - 25.5 metres |
| f) | Minimum <i>height</i> - 12 metres, except for a portion of a <i>building</i> may have an attached podium lower than 12 metres, provided it's no less than 4.5 metres |

4. A contribution by the Owner to the City for the purposes of public art 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 March 8, 2022.


Amberley Kitteringham
City Clerk


Frank Scarpitti
Mayor



SCHEDULE "A" TO BY-LAW 2022-12

AMENDING BY-LAWS 304-87 AND 177-96 DATED MARCH 8, 2022

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)

AGRICULTURAL ONE

RESIDENTIAL TWO - LANE ACCESS

GREENWAY

RESIDENTIAL ONE - FIFTEEN

COMMUNITY AMENITY TWO

RESIDENTIAL TWO - SPECIAL

OPEN SPACE TWO

EXCEPTION NUMBER

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.