



# By-law 2022-xx

BY-LAW 2022-\_\_\_

**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:  
**Agricultural One (A1)**

to:  
 Residential Two-Special \*713 (R2-S\*713) Zone (By-law 177-96);  
 Residential Two-Special \*714 (R2-S\*714) Zone (By-law 177-96);  
 Residential Two-Lane Access \*715 (R2-LA\*715) Zone (By-law 177-96);  
 Residential Two-Lane Access \*716 (R2-LA\*716) Zone (By-law 177-96);  
 Residential Three \*717 (R3\*717) Zone (By-law 177-96);  
 Community Amenity Two\*720 (CA2\*720) 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 subsections to Section 7 – EXCEPTIONS:

<b>Exception 7.713</b>	<b>Kennedy MM Markham Ltd.</b> Part of Lot 27, Concession 3 Townhouse Blocks #11-18	<b>Parent Zone R2-S</b>
File PLAN 20 129597		Amending By-law 2022-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *713 on the schedules to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the lands subject to this section.		
<b>7.713.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>One (1) accessory Dwelling Unit within a Townhouse Dwelling</i>	
c)	<i>Home Occupation</i>	
d)	<i>Home Child Care</i>	
<b>7.713.2 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	The provisions of Table B3, Part 3 of 3 shall apply to all <i>lots</i>	

b)	Minimum required <i>lot frontage</i> : i) Interior unit – 6 metres ii) End unit of an <i>interior lot</i> – 7.2 metres iii) End unit of a <i>corner lot</i> – 8.5 metres
c)	Maximum <i>height</i> - the lesser of 12.5 metres or 3 <i>storeys</i>
d)	Maximum number of <i>townhouse dwelling</i> units in a <i>building</i> – 8 units

<b>Exception 7.714</b>	<b>Kennedy MM Markham Ltd.</b> Part of Lot 27, Concession 3 Single Detached Lots #13-51 and Blocks #8, 9 & 10	<b>Parent Zone R2-S</b>
File PLAN 20 129597		Amending By-law 2022-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *714 on the schedules to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the lands subject to this section.		
<b>7.714.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Single Detached Dwellings</i>	
b)	One (1) accessory <i>Dwelling Unit</i> within a <i>Single Detached Dwelling</i>	
c)	<i>Home Occupation</i>	
d)	<i>Home Child Care</i>	
<b>7.714.2 Special Zone Standards</b>		
The following special zone standard shall apply:		
a)	Minimum required <i>rear yard</i> – 7.0 metres	

<b>Exception 7.715</b>	<b>Kennedy MM Markham Ltd.</b> Part of Lot 27, Concession 3 Single Detached Lots #1-12	<b>Parent Zone R2-LA</b>
File PLAN 20 129597		Amending By-law 2022-____
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *715 on the schedules to this By-law. All other provisions, unless specifically modified or amended by this section, continue to apply to the lands subject to this section.		
<b>7.715.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Single Detached Dwellings</i>	
b)	One (1) accessory <i>Dwelling Unit</i>	
c)	<i>Home Occupation</i>	
d)	<i>Home Child Care</i>	
<b>7.715.2 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Minimum required <i>rear yard</i> – 0.6 metres	
b)	Minimum required <i>front yard</i> – 2.5 metres	
b)	Maximum <i>driveway</i> width – 6.1 metres	
c)	For a <i>single detached dwelling</i> with an attached <i>private garage</i> , an <i>outdoor amenity space</i> shall be provided, and subject to the following provisions: i) Minimum <i>outdoor amenity space</i> – one contiguous area of 27 square metres; ii) Required location of an <i>outdoor amenity space</i> – Shall not be located above a <i>private garage</i> , in the front or rear yard, or between a <i>private garage</i> and a side yard; iii) Minimum width of <i>outdoor amenity space</i> , as measured from one side yard – 4.5 metres; iv) <i>Decks, porches</i> and associated stairs may encroach into the required <i>outdoor amenity space</i> .	
d)	Notwithstanding any other provisions in this By-law, <i>decks</i> are permitted to be located above the <i>first storey</i> and <i>balconies</i> are not required to be cantilevered.	

e)	Notwithstanding the requirements of Parking By-law 28-97, as amended, the minimum parking requirements for <i>single detached dwellings</i> with one (1) Accessory Dwelling Unit is 2 parking spaces.
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Exception <b>7.716</b>	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Townhouse Blocks #19-26	Parent Zone <b>R2-LA</b>
File PLAN 20 129597		Amending By-law 2022-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *716 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.716.1 Only Permitted Uses</b>		
The following are the only permitted uses:		
a)	<i>Townhouse Dwellings</i>	
b)	<i>One (1) accessory Dwelling Unit within a Townhouse Dwelling</i>	
c)	<i>Home Occupation</i>	
d)	<i>Home Child Care</i>	
<b>7.716.2 Special Zone Standards</b>		
The following special zone standards shall apply:		
a)	Minimum required <i>lot frontage</i> : i) Interior unit – 4.5 metres ii) End unit of an <i>interior lot</i> – 6.0 metres iii) End unit of a corner <i>lot</i> – 6.5 metres	
b)	Minimum required <i>rear yard</i> – 5.8 metres	
c)	Minimum required <i>front yard</i> – 1.2 metres.	
d)	Maximum <i>building height</i> – the lesser of 12.5 metres or 3 storeys	
e)	Minimum setback from a detached <i>private garage</i> to the <i>main building</i> on the <i>lot</i> – 4.5 metres	
f)	Minimum setback from a detached <i>private garage</i> from the <i>rear lot line</i> – 5.8 metres	
g)	Maximum <i>height</i> of a detached <i>private garage</i> – 4.5 m	
h)	Minimum setback required from the <i>interior side lot line</i> where the <i>private garage</i> shares a common wall with another <i>private garage</i> on an abutting <i>lot</i> – 0.0 metres	
i)	No more than two <i>private garages</i> on abutting <i>lots</i> are permitted to share common walls;	
j)	Eaves and roof overhangs may encroach into any required setback area or <i>yard</i> up to the <i>lot line</i> .	
k)	For those lands identified with hatching on Schedule “A” to this By-law, the following provisions shall also apply:  i) A <i>private garage</i> is permitted to be within or attached to the <i>main building</i> if the <i>lot</i> is accessed by a <i>lane</i> . ii) Where a <i>private garage</i> is attached to the <i>main building</i> , the <i>private garage</i> door shall be setback a minimum of 5.8 metres from the <i>rear lot line</i> . iii) <i>Decks</i> and <i>balconies</i> may be located above the <i>first storey</i> of a building. iv) Projections of <i>decks</i> and <i>balconies</i> on the <i>first storey</i> above the <i>private garage</i> : a) Minimum – 2.5 metres b) Maximum – 3.0 metres	
l)	Notwithstanding the requirements of Parking By-law 28-97, the minimum parking requirements for <i>Townhouse Dwellings</i> with one (1) Accessory Dwelling Unit is 2 parking spaces.	

Exception <b>7.717</b>	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Residential Mid-Rise Block #2	Parent Zone <b>R3</b>
File PLAN 20 129597		Amending By-law 2022-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *717 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		

<b>7.717.1 Only Permitted Uses</b>	
The following are the only permitted uses:	
a)	<i>Apartment Dwellings</i>
b)	<i>Triplex Dwellings</i>
c)	<i>Fourplex Dwellings</i>
d)	<i>Multiple Dwellings</i>
e)	<i>Townhouse Dwellings</i>
f)	One (1) accessory <i>Dwelling Unit</i> located within a <i>Townhouse Dwelling</i>
g)	<i>Home Occupation</i>
h)	<i>Home Child Care</i>
<b>7.717.2 Special Zone Standards</b>	
The following special zone standards shall apply:	
a)	For the purposes of this By-law, the <i>front lot line</i> shall be the street line along the <i>public street</i> located at the east boundary of the R3*717 zone.
b)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned R3*717 shall be deemed one <i>lot</i> for the purposes of this By-law.
c)	Minimum <i>lot frontage</i> – 135 metres
d)	Minimum <i>Height</i> – 2 <i>storeys</i>
e)	Maximum <i>Height</i> – the lesser of 12.5 metres or 4 <i>storeys</i> , except for <i>buildings</i> fronting Kennedy Road which are permitted to have a maximum <i>building height</i> of the lesser of 18 metres or 6 <i>storeys</i> .
f)	Minimum number of <i>dwelling units</i> - 87
g)	Maximum number of <i>dwelling units</i> - 153
h)	Special provisions f) and g) do not apply to accessory <i>dwelling units</i> .

<b>Exception</b> <b>7.720</b>	<b>Kennedy MM Markham Ltd.</b> Part of Lot 27, Concession 3 Mixed-Use Mid-Rise Block #3	<b>Parent Zone</b> <b>CA2</b>
File PLAN 20 129597		Amending By-law 2022-___
Notwithstanding any other provisions of this By-law, the following provisions shall apply to the land denoted by the symbol *720 on the schedules to this By-law. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.720.1 Permitted Uses</b>		
The following are the only uses permitted:		
Residential Uses:		
a)	<i>Apartment Dwellings</i>	
b)	<i>Home Child Care</i>	
c)	<i>Home Occupation</i>	
Non-Residential Uses:		
d)	<i>Art Galleries</i>	
e)	<i>Business Offices</i>	
f)	<i>Child Care Centres</i>	
g)	<i>Commercial Fitness Centres</i>	
h)	<i>Commercial School</i>	
i)	<i>Financial Institutions</i>	
j)	<i>Medical Offices</i>	
k)	<i>Parking Garages</i>	
l)	<i>Personal Service Shop</i>	
m)	<i>Places of Worship</i>	
n)	<i>Private School</i>	
o)	<i>Public School</i>	
p)	<i>Restaurants</i>	
q)	<i>Retail Stores</i>	
r)	<i>Supermarkets</i>	
s)	<i>Veterinary Clinics</i>	
<b>7.720.2 Special Zone Standards</b>		

The following specific zone standards shall apply:	
a)	Special Provision #7 of Table A2 shall not apply.
b)	The maximum <i>gross 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, and Public or Private Schools</i> are only permitted within a multi-storey non-residential or mixed use <i>apartment building</i>
d)	Non-residential uses shall only be permitted on the <i>first storey</i> of a <i>building</i> fronting an arterial road or a major collector road, 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 is no less than 4.5 metres

Read and first, second and third time and passed on \_\_\_\_\_,  
2022.

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

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

Amanda File No. PLAN 20 129597



## **EXPLANATORY NOTE**

### **BY-LAW 2022-\_\_\_\_**

**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**

**10537 Kennedy Road**

### **Lands Affected**

The subject lands have an area of approximately 18.23 hectares (45.02 acres) and are located north of Major Mackenzie Drive and east of Kennedy Road in the Robinson Glen Community.

### **Existing Zoning**

The subject lands are currently zoned "Agricultural 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 \*713 (R2-S\*713) Zone (By-law 177-96);  
Residential Two-Special \*714 (R2-S\*714) Zone (By-law 177-96);  
Residential Two-Lane Access \*715 (R2-LA\*715) Zone (By-law 177-96);  
Residential Two-Lane Access \*716 (R2-LA\*716) Zone (By-law 177-96);  
Residential Three \*717 (R3\*717) Zone (By-law 177-96);  
Community Amenity Two\*720 (CA2\*720) 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 the development of approximately 171 ground oriented dwelling units (comprised of detached and townhouses), future mixed-use and residential development blocks, a neighbourhood park,, a school, stormwater management facilities and the supporting road network on the subject lands.

### **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.