



EXPLANATORY NOTE

BY-LAW 2022-109

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.



By-law 2022-109

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:

Exception 7.713	KENNEDY MM MARKHAM LTD. Part of Lot 27, Concession 3 Townhouse Blocks #11-18	Parent Zone R2-S
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.713.1 Only Permitted Uses		
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>	
7.713.2 Special Zone Standards		
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

Exception 7.714	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Single Detached Lots #13-51 and Blocks #8, 9 & 10	Parent Zone R2-S
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.714.1 Only Permitted Uses		
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>	
7.714.2 Special Zone Standards		
The following special zone standard shall apply:		
a)	Minimum required <i>rear yard</i> – 7.0 metres	

Exception 7.715	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Single Detached Lots #1-12	Parent Zone R2-LA
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.715.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Single Detached Dwellings	
b)	One (1) accessory Dwelling Unit	
c)	Home Occupation	
d)	Home Child Care	
7.715.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required rear yard – 0.6 metres	
b)	Minimum required front yard– 2.5 metres	
b)	Maximum driveway width – 6.1 metres	
c)	For a single detached dwelling with an attached private garage, an outdoor amenity space shall be provided, and subject to the following provisions: i) Minimum outdoor amenity space – one contiguous area of 27 square metres; ii) Required location of an outdoor amenity space – Shall not be located above a private garage, in the front or rear yard, or between a private garage and a side yard; iii) Minimum width of outdoor amenity space, 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) <i>Accessory Dwelling Unit</i> is 2 <i>parking spaces</i> .

Exception 7.716	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Townhouse Blocks #19-26	Parent Zone R2-LA
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.716.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Townhouse Dwellings	
b)	One (1) accessory Dwelling Unit within a Townhouse Dwelling	
c)	Home Occupation	
d)	Home Child Care	
7.716.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	Minimum required lot frontage: i) Interior unit – 4.5 metres ii) End unit of an interior lot – 6.0 metres iii) End unit of a corner lot – 6.5 metres	
b)	Minimum required rear yard – 5.8 metres	
c)	Minimum required front yard – 1.2 metres.	
d)	Maximum building height – the lesser of 12.5 metres or 3 storeys	
e)	Minimum setback from a detached private garage to the main building on the lot – 4.5 metres	
f)	Minimum setback from a detached private garage from the rear lot line – 5.8 metres	
g)	Maximum height of a detached private garage – 4.5 m	
h)	Minimum setback required from the interior side lot line where the private garage shares a common wall with another private garage on an abutting lot – 0.0 metres	
i)	No more than two private garages on abutting lots are permitted to share common walls;	
j)	Eaves and roof overhangs may encroach into any required setback area or yard up to the lot line.	
k)	For those lands identified with hatching on Schedule “A” to this By-law, the following provisions shall also apply: i) A private garage is permitted to be within or attached to the main building if the lot is accessed by a lane. ii) Where a private garage is attached to the main building, the private garage door shall be setback a minimum of 5.8 metres from the rear lot line. iii) Decks and balconies may be located above the first storey of a building. iv) Projections of decks and balconies on the first storey above the private garage: 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) <i>Accessory Dwelling Unit</i> is 2 <i>parking spaces</i> .
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Exception 7.717	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Residential Mid-Rise Block #2	Parent Zone R3
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.717.1 Only Permitted Uses		
The following are the only permitted uses:		
a)	Apartment Dwellings	
b)	Triplex Dwellings	
c)	Fourplex Dwellings	
d)	Multiple Dwellings	
e)	Townhouse Dwellings	
f)	One (1) accessory Dwelling Unit located within a Townhouse Dwelling	
g)	Home Occupation	
h)	Home Child Care	
7.717.2 Special Zone Standards		
The following special zone standards shall apply:		
a)	For the purposes of this By-law, the front lot line shall be the street line along the public street 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 lot for the purposes of this By-law.	
c)	Minimum lot frontage – 135 metres	
d)	Minimum Height – 2 storeys	
e)	Maximum Height – the lesser of 12.5 metres or 4 storeys, except for buildings fronting Kennedy Road which are permitted to have a maximum building height of the lesser of 18 metres or 6 storeys.	
f)	Minimum number of dwelling units - 87	
g)	Maximum number of dwelling units - 153	
h)	Special provisions f) and g) do not apply to accessory dwelling units.	

Exception 7.720	Kennedy MM Markham Ltd. Part of Lot 27, Concession 3 Mixed-Use Mid-Rise Block #3	Parent Zone CA2
File PLAN 20 129597		Amending By-law 2022-109
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.		
7.720.1 Permitted Uses		
The following are the only uses permitted:		
Residential Uses:		
a)	Apartment Dwellings	
b)	Home Child Care	
c)	Home Occupation	
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>
7.720.2 Special Zone Standards	
The following specific zone standards shall apply:	
a)	Special Provision #7 of Table A2 shall not apply.
b)	The maximum <i>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</i> , and <i>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

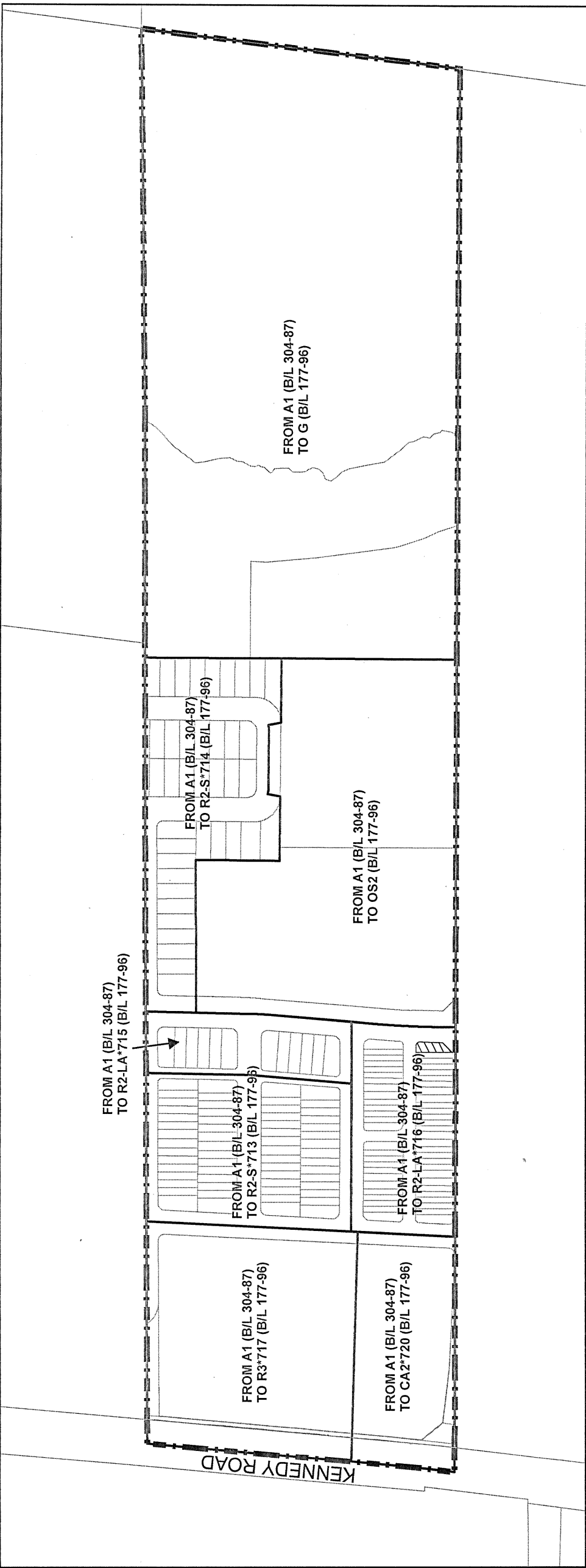
Read and first, second and third time and passed on September 13, 2022.



Kimberley Kitteringham
City Clerk



Don Hamilton
Deputy Mayor



SCHEDULE "A" TO BY-LAW 2022-109

AMENDING BY-LAWS 304-87 AND 177-96 DATED SEPTEMBER 13, 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)

<input type="checkbox"/> A1	AGRICULTURAL ONE	<input type="checkbox"/> R2-S	RESIDENTIAL TWO - SPECIAL	<input type="checkbox"/> G	GREENWAY
<input type="checkbox"/> CA2	COMMUNITY AMENITY TWO	<input type="checkbox"/> R2-LA	RESIDENTIAL TWO - LANE ACCESS	<input type="checkbox"/> *(No)	EXCEPTION NUMBER
<input type="checkbox"/> R3	RESIDENTIAL THREE	<input type="checkbox"/> OS2	OPEN SPACE TWO		SEE SECTION 7.716 I)

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.