

**EXPLANATORY NOTE**

**BY-LAW 2013-179**  
**A By-law to amend By-law 304-87, as amended and By-law 177-96, as amended**

**Upper Unionville Inc.**  
**Part of Lot 16, Concession 6**  
**Berczy Village Community**

**Lands Affected**  
The proposed by-law amendment applies to 6.7 ha. (17 acres) of land located north of 16<sup>th</sup> Avenue, east of Kennedy Road, within the Berczy Village community.

**Existing Zoning**  
The lands are presently zoned Agriculture (A1) by By-law 304-87, as amended.

**Purpose and Effect**  
The purpose of the by-law amendment is to delete the lands from the area zoned by By-law 304-87, as amended, and incorporate the lands into appropriate residential, mixed commercial and residential, and open space zone categories within By-law 177-96, as amended. The proposed zone categories are:

Residential Two*456*516(Holding)	R2*456*516(H)
Residential Two*456*518(Holding)	R2*456*518(H)
Residential Two*456*457*517*518 (Holding)	R2*456*457*517*518 (H)
Residential Two*456*458*517*518 (Holding)	R2*456*458*517*518 (H)
Community Amenity Three*515(Holding)	CA3*515(H)
Open Space One	OS1

The effect of the by-law amendment is that a plan of subdivision comprised of 154 residential units, 18 mixed commercial and residential units, two park blocks, and a stormwater management pond will be permitted on the lands, after the (H) Holding Provision has been removed. Prior to removing the (H) Holding Provision, the following conditions must be met to the satisfaction of the City of Markham:

**Servicing Allocation:**

- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
- York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 months) to permit the plan registration; or,
- The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.



## BY-LAW 2013-179

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

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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 area 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 the lands shown on Schedule 'A' attached hereto.

2.2 By zoning the lands:

Residential Two*456*516 (Holding)	R2*456*516(H)
Residential Two*456*518 (Holding)	R2*456*518(H)
Residential Two*456*457*517*518 (Holding)	R2*456*457*517*518 (H)
Residential Two*456*458*517*518 (Holding)	R2*456*458*517*518 (H)
Community Amenity Three*515 (Holding)	CA3*515(H)
Open Space One	OS1

as shown on Schedule 'A' attached hereto.

2.3 By adding the following subsections to Section 7 – EXCEPTIONS:

**“7.515 Upper Unionville Mixed Commercial and Residential Blocks**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*515 as shown on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7. 515 .1 Additional Permitted Uses**

The following additional uses are permitted:

- a) Financial Institutions
- b) Medical Offices
- c) Repair Shops
- d) Restaurants, Take-Out
- e) Restaurants
- f) Retail Stores

**7. 515.2 Zone Standards**

The following specific *zone* standards apply:

- a) minimum required *front yard* - 0.5 metres;
- b) maximum *front yard* shall not apply;
- c) minimum required *exterior side yard* - 0.5 metres;
- d) maximum *exterior side yard* shall not apply;
- e) minimum required *rear yard* - 0.6 metres;
- f) minimum *height* shall not apply;
- g) maximum *height* - 15.0 metres;
- h) minimum *gross floor area* for non-residential uses in the first storey – 55.7 square metres;
- i) maximum *lot coverage* for a detached private garage – 25%;
- j) minimum *lot frontage* – 4.5 metres on an *interior lot* and 6.3 metres on a *corner lot*.

### 7. 515.3 Special Parking Provisions

The following parking provisions apply:

- a) Minimum number of required parking spaces per lot - 2

### 7. 515.4 Special Site Provisions

The following additional provisions apply:

- a) A *lot* may be used for:
  - i) permitted non-residential uses; or
  - ii) a combination of permitted residential uses and permitted non-residential uses;
- b) Residential uses are prohibited on the first storey, with the exception of mechanical features and utilities, carports, garages, interior vestibules containing closets & storage areas, unenclosed and roofed walkways between a main building and a detached garage, enclosed connections to a detached or attached garage, and stairways leading to dwelling units located above the first storey;
- c) The development standards for townhouse dwellings as amended by Sections 7.515.2, 7.515.3 and 7.515.4 shall apply for all building forms;
- d) The parking space requirements of By-law 28-97, as amended, for non-residential uses shall not apply;
- e) The minimum setback from the main building for detached private garages on lots accessed by lanes shall not apply;
- f) If a detached *private garage* is located on the lot:
  - i) *Porches*, with or without foundations, may encroach a maximum of 1.8 metres into the setback area between the private garage and the main building on the lot;
  - ii) Unenclosed stairs associated with a *porch* may encroach an additional 1.8 metres into the setback area between the private detached garage and the main building on the lot;
- g) A *private garage* is permitted to be within or attached to the main building if the lot is accessed by a lane;
- h) Architectural features, such as sills, belt courses, cornices, eaves, chimney breasts, pilasters and roof overhangs, and balconies and awnings may encroach into the required front yard and/or exterior side yard up to 0.1 metres from the front lot line and/or exterior side lot line provided such features are 2.5 metres or more above grade;
- i) No loading spaces are required;
- j) In the case of a lot abutting a lane with a curved corner, the interior side lot line and/or exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the rear lot line for the purposes of calculating minimum required yards provided no portion of a structure is located within the lane;
- k) No minimum distance shall be required between a detached garage and a curved corner of a lane provided no part of the detached garage is located within the lane;
- l) A contiguous outdoor amenity area of at least 14 square metres shall be required if the lot contains residential uses;
- m) The minimum vertical distance between the floor and the ceiling of the first storey shall be 3.5 metres non-inclusive of dropped bulkheads;
- n) The minimum vertical distance between the floor and the ceiling of the second storey shall be 2.7 metres non-inclusive of dropped bulkheads;
- o) The minimum vertical distance between the floor and the ceiling of the storeys above the second storey shall be 2.4 metres non-inclusive of dropped bulkheads.

### 7.516 Reduced Rear Yard and Standards for a Lot

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*516 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7. 516.1 Zone Standards**

The following specific zone standard applies:

- a) Notwithstanding Section 7.456.2 b) v) or any other provision to the contrary, the minimum required *rear yard* shall be 6.0 metres.

**7. 516.2 Special Site Provision**

The following additional provision applies:

- a) The standards of Table B2 for "All Lots Except Wide-Shallow Lots", as amended by Sections 7.456 and 7.516.1.a), shall apply regardless of *lot depth*.

**7.517 Townhouse Blocks Separated from Kennedy Road or 16<sup>th</sup> Avenue by an Open Space/Servicing Block**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*517 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7. 517.1 Zone Standards**

The following specific zone standard applies:

- a) The minimum *exterior side yard* - 1.6 metres;
- b) The minimum *front yard* - 0.5 metres.

**7. 517.2 Special Site Provision**

The following additional provision applies:

- a) *Lots* are deemed to be accessed by a *lane*.

**7.518 Lots Abutting Lanes with Curved Corners**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*518 on Schedule 'A' to this By-law. All other provisions of this By-law, unless specifically modified/amended by this Section, continue to apply to the lands subject to this Section.

**7. 518.1 Special Site Provisions**

The following additional provisions apply:

- a) Notwithstanding any other provision to the contrary, in the case of a *lot* abutting a *lane* with a curved corner, the *interior side lot line* and/or *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *rear lot line* for the purposes of calculating *minimum required yards* provided no portion of a *structure* is located within the *lane*.
- b) Notwithstanding any other provision to the contrary, no minimum distance shall be required between a detached *private garage* and a curved corner of a *lane* provided no part of the detached *private garage* is located within the *lane*."

**2.4 HOLDING PROVISION**

For the purpose of this By-law, a Holding (H) *Zone* is hereby established and is identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.


No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to an (H) provision for the purpose permitted under this By-law until an amendment to this By-law to remove the symbol (H) has come into effect pursuant to the provisions of Section 36 of the *Planning Act*.

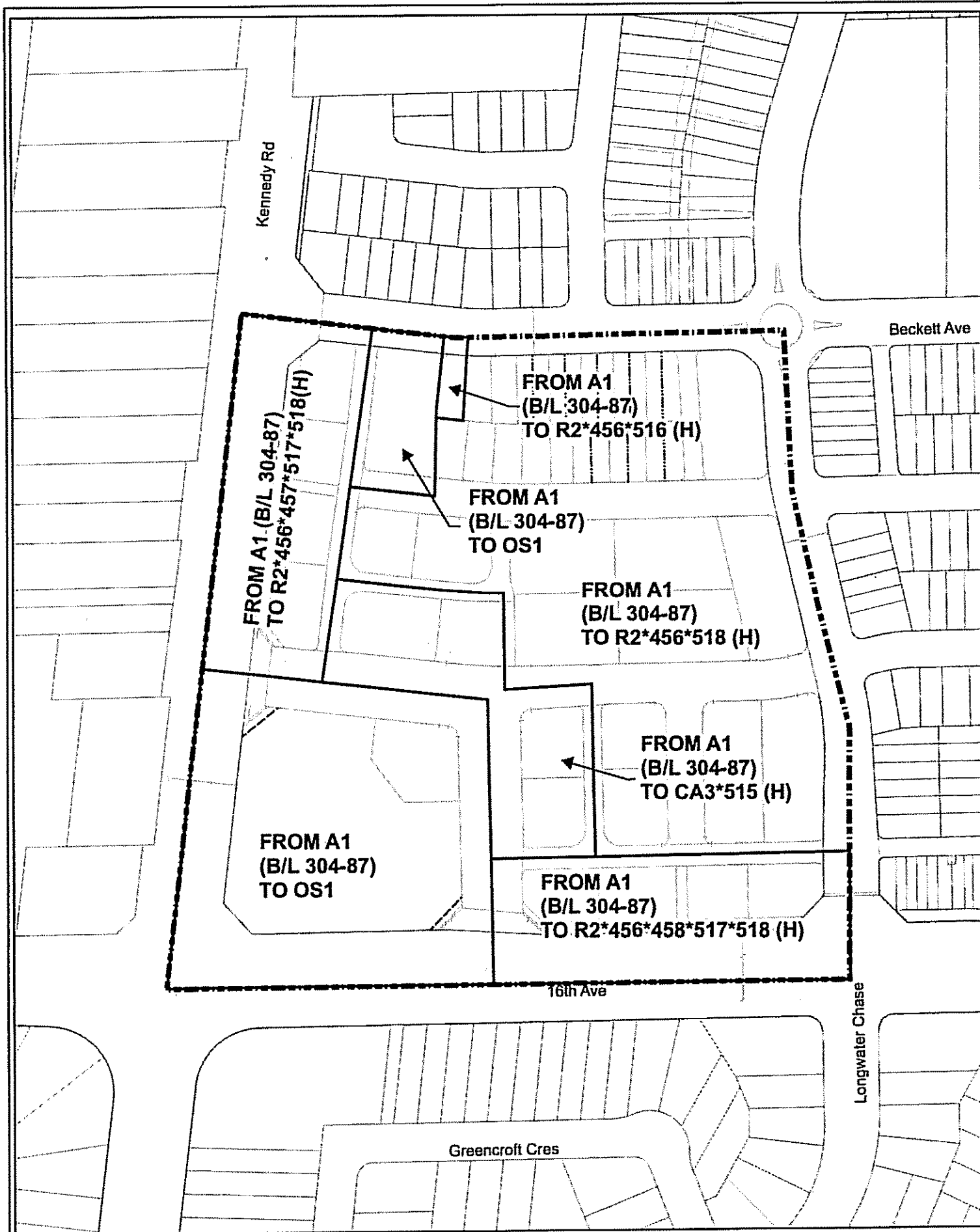
Prior to removing the (H) Holding symbol, the following conditions must be met to the satisfaction of the City of Markham:

Servicing Allocation:



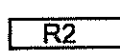

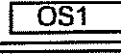
- The City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 months) to permit the plan registration; or,
  - The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
3. All other provisions of By-law 304-87, as amended, and By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
12<sup>TH</sup> DAY OF NOVEMBER, 2013.

  
\_\_\_\_\_  
KIMBERLEY KITTERINGHAM  
CITY CLERK  
\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



## BY-LAW SCHEDULE 'A' TO AMEND BY-LAWS 304-87 & 177-96

-  BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE TO BE DELETED FROM BY-LAW 304-87 AND ADDED TO BY-LAW 177-96  
 BOUNDARY OF ZONE DESIGNATION(S)  
 RESIDENTIAL TWO  
 COMMUNITY AMENITY AREA THREE  
 OPEN SPACE ONE

-  EXCEPTION SECTION NUMBER  
 HOLDING PROVISION

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BY-LAW AMENDMENT No. 2013-179 PASSED November 12, 2013  
 (MAYOR) (CLERK)

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MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: GS

DATE: 16/10/2013

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office