

**EXPLANATORY NOTE**

**BY-LAW 2011-177**  
**A By-law to amend By-law 177-96, as amended.**

**Upper Unionville Inc.**  
**Part of Lots 16 and 17, Concession 6**  
**Berczy Village Community**

**Lands Affected**  
The proposed by-law amendment applies to 76 ha. (188 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 incorporate the lands into appropriate residential and open space zone categories within By-law 177-96, as amended. The proposed zone categories are:

Residential Two*456(Holding)	R2*456(H)
Residential Two*456*457(Holding)	R2*456*457(H)
Residential Two*456*458(Holding)	R2*456*458(H)
Residential Two*456*459(Holding)	R2*456*459(H)
Open Space One	OS1
Open Space One*460	OS1*460
Residential Two*456*461(Holding)	R2*456*461(H)

The proposed zoning will permit the development of 1455 residential units, two school blocks, parks and a stormwater management pond.

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## BY-LAW 2011-177

A by-law to amend the New Urban Area By-law 177-96, as amended  
(To incorporate lands into the designated area of this By-law)

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM  
HEREBY ENACTS AS FOLLOWS:

1. THAT By-law 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of By-law 177-96, as amended, to include the lands in Lots 16 and 17, Concession 6, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Two*456(Holding)	R2*456(H)
Residential Two*456*457(Holding)	R2*456*457(H)
Residential Two*456*458(Holding)	R2*456*458(H)
Residential Two*456*459(Holding)	R2*456*459(H)
Open Space One	OS1
Open Space One*460	OS1*460
Residential Two*456*461(Holding)	R2*456*461(H)

as shown on Schedule 'A' attached hereto.

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

**“7.456 Upper Unionville Residential Lands**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*456 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.

**7.456.1 Additional Permitted Uses**

The following additional use is permitted:

*a) Schools, Public*

**7. 456.2 Zone Standards**

The following specific *zone* standards apply:

a) **Lots Not Accessed by a Lane** are subject to the following specific *zone* standards:

- i) Minimum *required front yard* – 3.0 metres;
- ii) Minimum setback of *accessory buildings and structures* from the *rear lot line* on *lots with rear yard* stormwater infiltration trenches – 1.2 metres

b) **Lots With Single Detached Dwellings Where a Driveway Crosses The Front Lot Line** are subject to the following specific *zone* standards:

- i) On a *wide shallow lot*, the minimum *lot frontage* shall be 10.4 metres;
  - ii) On a *wide shallow lot* with a *lot frontage* of less than 12.2 metres, the maximum:
    - *Garage width* – 3.5 metres;
  - iii) On a *wide shallow lot* with a *lot frontage* of 12.2 metres or greater, the maximum:
    - *Garage width* – 6.1 metres;
  - iv) On a conventional lot with a *lot frontage* of 11.6 metres or greater, the maximum:
    - *Garage width* – 6.1 metres;
  - v) *Minimum required rear yard* – 7.0 metres;
- c) **Lots With Single Detached Dwellings Where A Driveway Crosses The Exterior Side Lot Line** are subject to the following specific *zone* standards:
- i) Maximum *garage width* – 6.1 metres;
  - ii) *Minimum required rear yard* – 0.6 metres;
- d) **Lots With Semi-Detached Dwellings** are subject to the following specific *zone* standards:
- i) Minimum *lot frontage* on a *wide shallow lot* –
    - 8.0 metres on an *interior lot*;
    - 9.2 metres per unit on a *corner lot* and
    - 17.2 metres if two semi-detached dwellings are located on a *corner lot*;
  - ii) Minimum required *rear yard* on a *lot* with a *driveway* crossing the *front lot line* – 7.0 metres;
  - iii) On a *lot* with a *driveway* crossing the *front lot line*, the maximum:
    - *Garage width* – 3.5 metres;
- e) **Lots With Townhouse Dwellings With A Driveway Crossing The Front Lot Line** are subject to the following specific *zone* standards:
- i) Minimum required *rear yard* – 7.0 metres;
  - ii) Maximum *garage width* – 3.5 metres;
- f) **Lots With Semi-Detached or Townhouse Dwellings With A Driveway Crossing The Exterior Side Lot Line** are subject to the following specific *zone* standards:
- i) Maximum *garage width* – 6.1 metres;
  - ii) Minimum required *rear yard* – 0.6 metres.
- g) **Lots With Townhouse Dwellings Accessed by a Lane** are subject to the following specific *zone* standards:
- i) Minimum *lot frontage* –
    - 4.0m per unit on an *interior lot*;
    - 5.2m per end unit on an *interior lot*; and,
    - 6.4m per end unit on a corner lot.
- h) **Public Schools** are subject to the following specific *zone* standards:
- i) Minimum required *front yard* – 4.5m
  - ii) Minimum required *exterior side yard* – 4.5m
  - iii) Minimum required *interior side yard* – 7.5m

- iv) Minimum required *rear yard* – 7.5m
- v) Maximum *height* – 15.0m

### 7. 456.3 Special Site Provisions

The following Special Site Provisions apply:

- a) **Lots Not Accessed by a Lane** are subject to the following additional provisions:
  - i) Where any part of the *front lot line* is curved or in the case of a *lot* where at least one *interior side lot line* is not perpendicular to the *front lot line*, any portion of the *main wall* facing the *front lot line* may be located farther than 6.0 metres from the *front lot line*, provided the portion or point of the *main wall* closest to the *front lot line* is no more than 6.0 metres from the *front lot line*;
  - ii) A window bay, with or without foundations, may encroach into a minimum required *interior* or *rear yard* provided it extends no more than 1.0 metre into the minimum *required yard* and is no more than 3.0 metres *wide*;
  - iii) A window bay, with or without foundations, may encroach into a minimum required *front* or *exterior yard* provided it encroaches no more than 1.0 metre into the minimum *required yard* and is no more than 3.0 metres *wide*. The width of a window bay may be increased to 4.0 metres if a *porch* does not abut the *main wall* of the *dwelling unit*;
  - iv) Architectural features, such as sills, belt cornices, eaves, roof overhangs may encroach into the minimum required *front yard* and/or *exterior side yard* but in no case shall the architectural feature be located closer than 0.1 metres to the *front lot line* and/or *exterior side lot line*;
  - iv) Stairs and landings are permitted to encroach into the minimum required *front yard* and/or *exterior side yard*, but in no case shall the stairs or landings be located closer than 0.6 metres to the *front lot line* and/or *exterior side lot line*.
- b) **Lots With Single Detached Dwellings Where a Driveway Crosses The Front Lot Line** are subject to the following additional provisions:
  - i) On a *lot* with a *private garage* within the *rear yard*, the minimum *driveway* width shall be 2.75 metres;
  - ii) The minimum setback from an *interior side lot line* for *driveways* shall be 0.3 metres;
- c) **Lots With Townhouse Dwellings Accessed by a Lane** are subject to the following additional provisions:
  - i) The provision that requires no less than 25% of the wall of the first storey facing the front lot line shall be located any further than 5.1 metres from the front lot line shall not apply;
  - ii) *Minimum required rear yard* for a *main building* if the *private garage* is detached – 12.5 metres;

- iii) Minimum required *rear yard* for a *main building* if the *private garage* is attached or within the *main building* – 0.6 metres;
- iv) The minimum *building* setback from a daylighting triangle abutting either Kennedy Road or 16<sup>th</sup> Avenue shall be 0.6 metres;
- v) Sills, cornices, eaves, and roof overhangs may be located no closer than 0.1 metres from a daylighting triangle abutting either Kennedy Road or 16<sup>th</sup> Avenue;
- vi) No maximum setback from the *rear lot line* shall apply for a detached *private garage*;
- vii) Maximum permitted *lot coverage* for a detached *private garage* – 22%;
- viii) a) If a detached *private garage* is located on the *lot*, covered *porches*, with or without foundations, may encroach a maximum of 1.8 metres into the required 6.0 m setback area between the *private garage* and the *main building* of the *lot*.  
b) Unenclosed stairs associated with a covered *porch* may encroach an additional 1.8 metres into the required 6.0 m setback area between the *private garage* and the *main building* on the *lot*.
- ix) The standards for conventional lots shall be used regardless of *lot* depth;
- x) A *private garage* is permitted to be within or attached to the *main building* if the *lot* is accessed by a *lane*;
- xi) A window bay, with or without foundations, may encroach into a required *interior* or *rear yard* provided it extend no more than 1.0 metre into the required *yard* and be no more than 3.0 metres wide;
- xii) A window bay, with or without foundations, may encroach into a required *front* or *exterior yard* provided it extends no more than 1.0 metre into the required *yard* and be no more than 3.0 metres wide. The width of the window bay can be increased to 4.0 metres if a *porch* does not abut the *main wall* of the *dwelling unit*;
- xiii) Architectural features, such as sills, belt cornices, eaves, roof overhangs may encroach into the required *front yard* and/or *exterior side yard* provided no part of such architectural features are located closer than 0.1 metres to the *front lot line* and/or *exterior side lot line*;
- xiv) Stairs are permitted to encroach into the required *front yard* and/or *exterior side yard* provided no part of the stairs is located closer than 0.1 metres to the *front lot line* and 0.6 metres to the *exterior side lot line*.

#### **7.457 Townhouses Separated From Kennedy Road By A Landscape or Servicing Block**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*457 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. 457.1 Zone Standards**

The following specific *zone* standards apply:

- a) Maximum *building height* for a main *building* – 12.5 metres.

#### **7. 457.2 Special Site Provisions**

The following additional provisions apply:

- a) The *lot* is deemed to have *frontage* on a public road;
- b) The westerly *lot line* shall be deemed to be the *front lot line*.

### **7.458 Townhouses Separated From 16<sup>th</sup> Avenue By A Landscape or Servicing Block**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*458 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. 458.1 Zone Standards**

The following specific *zone* standards apply:

- a) Maximum *building height* for a main *building* – 12.5 metres.

#### **7. 458.2 Special Site Provisions**

The following additional provisions apply:

- a) The *lot* is deemed to have *frontage* on a public road;
- b) The southerly *lot line* shall be deemed to be the *front lot line*.

### **7.459 Reduced Rear Yard**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*459 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. 459.1 Zone Standards**

The following specific *zone* standard applies:

- a) minimum required *rear yard* - 6.0 metres.

**7.460 Bethesda Luthern Cemetery**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*460 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. 460.1 Additional Permitted Uses**

The following additional use is permitted:

- a) A cemetery.

**7.461 Elimination of Maximum Setback of Main Wall**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol \*461 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. 461.1 Special Site Provisions:**

The following additional provisions apply:

- a) The provision that requires no part of the main wall of the first storey facing the front lot line shall be located farther than 6.0 metres from the front lot line. For the purposes of this Special Provision, the wall and/or foundation of a covered porch above established grade and facing the front lot line may be considered part of the main wall of the building shall not apply.”

**1.4 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 letter (H) has come into effect pursuant to the provisions of Section 36 of the Planning Act.

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

**Servicing Allocation:**

- a. The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;

Or,

b. i. York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Southeast Collector Trunk Sewer and,

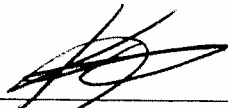
ii. The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development.

Or,

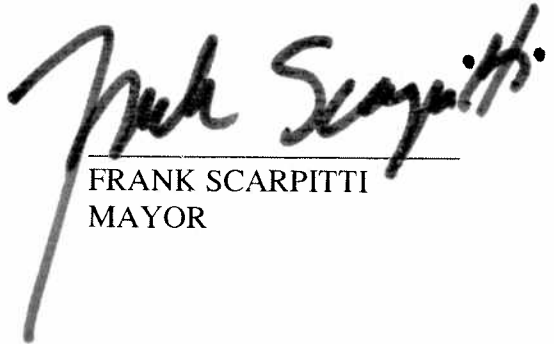
c. the Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

2. All other provisions of 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  
28<sup>TH</sup> DAY OF JUNE, 2011.

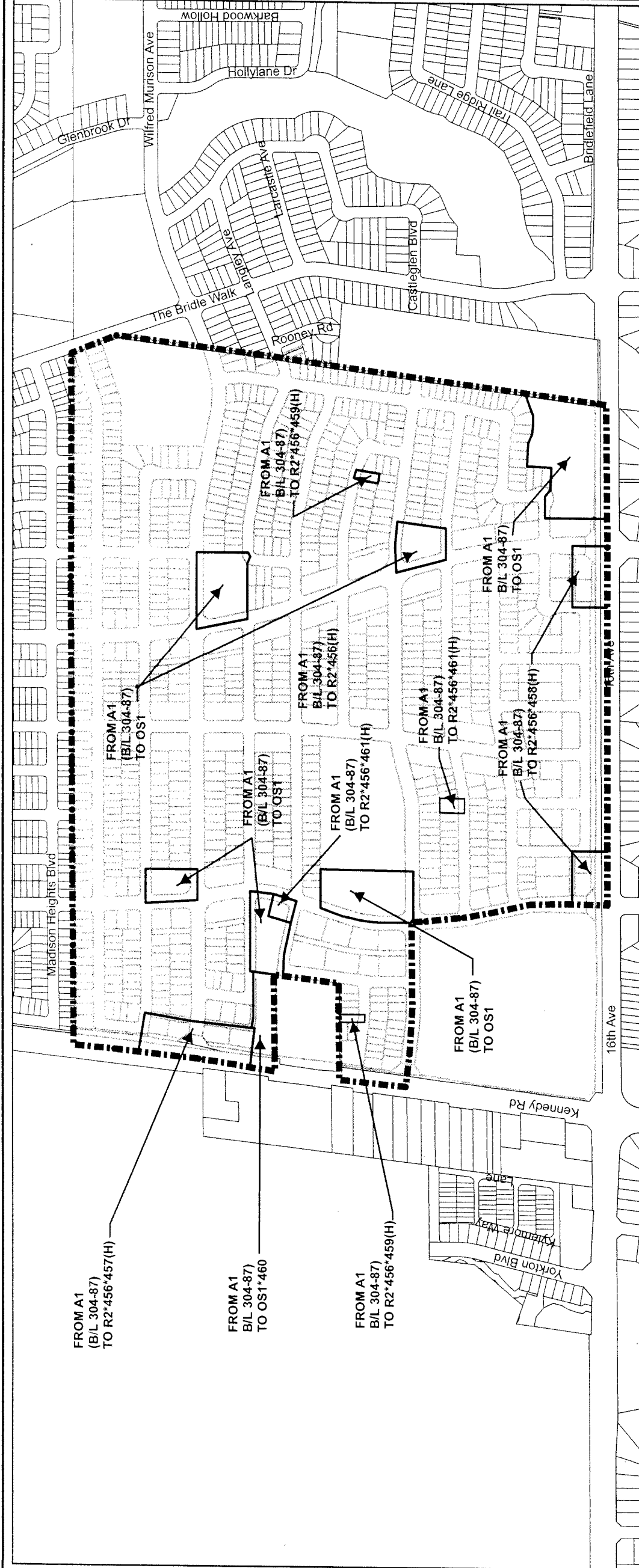


KIMBERLEY KITTERINGHAM  
TOWN CLERK



FRANK SCARPITTI  
MAYOR





BY-LAW SCHEDULE 'A' TO AMEND BY-LAW 177-96

<input checked="" type="checkbox"/>	BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE	<input type="checkbox"/>	BOUNDARY OF ZONE DESIGNATION(S)
<input type="checkbox"/> A1	AGRICULTURE ONE	<input type="checkbox"/> OS1	OPEN SPACE ONE
<input type="checkbox"/> R2	RESIDENTIAL TWO	<input type="checkbox"/> (H)	HOLDING PROVISION
		<input type="checkbox"/> *No.	EXCEPTION SECTION NUMBER

<b>MARKHAM</b> DEVELOPMENT SERVICES COMMISSION	BY-LAW AMENDMENT No. <u>2011-177</u>	PASSED <u>JUNE 28, 2011</u>	<u><i>John Seargeant</i></u> (MAYOR)	<u><i>[Signature]</i></u> (CLERK)
	DATE: 23/06/2011			
Drawn By: C <sup>OW</sup>		Checked By: GS		
NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the Town of Markham Clerk's Office				