



## **EXPLANATORY NOTE**

### **BY-LAW 2012-183**

**A By-law to amend By-law 177-96, as amended**

**1839314 Ontario Limited  
9560 48 Hwy  
Part of Lot 17, Concession 7  
Wismer Commons Community**

#### **Lands Affected**

The proposed by-law amendment applies to a 0.4 hectare (1 acre) parcel of land, located on the west side of Highway 48, between Bur Oak Avenue and Edward Jeffreys Avenue, municipally known as 9560 Highway 48.

#### **Existing Zoning**

The land subject to this By-law are presently zoned Agriculture One (A1) in By-law 304-87, as amended.

#### **Purpose and Effect**

The purpose of this By-law is to incorporate the subject land into the designated area of By-law 177-96, as amended, and to zone the subject land “Major Commercial Area \*486 (Hold) [MJC\*486(H)]”.

The effect of the By-law is to permit the construction of an 18-storey mixed use building.



## BY-LAW 2012-183

A By-law to amend Zoning By-law 177-96, as amended

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

1.0 By-law 177-96, as amended, be and the same is hereby further amended as follows:

1.1 By expanding the designated area of the By-law to include a portion of those lands comprising of Part of Lot 17, Concession 7, municipally known as 9560 Highway 48, outlined on Schedule 'A' attached hereto.

1.2 By zoning the lands identified on Schedule 'A' attached hereto:

Major Commercial Area \*486 (Hold)

MJC\*486 (H)

1.3 By adding the following new subsection to Section 7 – EXCEPTIONS to By-law 177-96, as amended.

**“7.486 1839314 Ontario Limited - High Density Mixed Use Building**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol \*486 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

**7.486.1 Permitted Uses**

The following additional uses are permitted:

- a) Apartment dwellings

**7.486.2 Zone Standards**

The following zone standards shall apply:

- a) Minimum lot area – 0.4 ha
- b) Maximum number of *storeys* – 18
- c) Maximum *height* of the *main building* – 52m
- d) Maximum number of *dwelling units* – 220
- e) Maximum number of *guest suites* – 2
- f) Maximum *gross floor area* – 18,000 m<sup>2</sup>
- g) Minimum *gross floor area* for non-residential uses – 600 m<sup>2</sup>
- h) Maximum required *yard* from the Highway 48 lot line to the 1<sup>st</sup> *storey* of the *main building* – 18m
- i) Minimum required *yard* from Orca Drive to the 1<sup>st</sup> *storey* of the *main building* – 16m
- j) Minimum required *yard* from the north *lot line*:
  - i) *Main building* up to and including the 8<sup>th</sup> *storey* – 10.5m
  - ii) *Main building* 9<sup>th</sup> *storey* to 14<sup>th</sup> *storey* inclusive – 17.5m
  - iii) *Main building* 15<sup>th</sup> *storey* to 18<sup>th</sup> *storey* inclusive – 18.5m

- k) Minimum required *yard* from the south *lot line*:
  - i) *Main building* up to and including the 7<sup>th</sup> storey – 16m
  - ii) *Main building* 8<sup>th</sup> storey to 14<sup>th</sup> storey inclusive – 29m
  - iii) *Main building* 15<sup>th</sup> storey to 18<sup>th</sup> storey including – 31m
- l) Minimum width of *landscaped open space* on Highway 48 – 3m

7.486.3

Special Site Provisions

The following special site provisions shall apply:

- a) Balconies are permitted to project 1.7m into the required yards.
- b) The mechanical penthouse is permitted to have a maximum *height* of 10m above the 18<sup>th</sup> storey of the *main building*.
- c) Maximum area of the mechanical penthouse – 400 m<sup>2</sup>
- d) Any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of storeys. Mechanical features, including their screening and structures containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the number of the storeys of the building.
- e) The minimum landscaped open space shall not apply.
- f) The minimum width of landscaping adjacent to the interior and rear lot lines shall not apply.

7.486.4

Special Parking Provisions

The following special site provisions shall apply:

- a) Required parking for residential uses shall be calculated at 1.1 parking spaces per dwelling unit.
- b) Required parking for visitor uses shall be calculated at 0.2 parking spaces per dwelling unit.
- c) Required parking for non-residential uses shall be calculated at 1 per 30 m<sup>2</sup>.

1.3 HOLDING PROVISIONS:

For the purpose of this By-law, the Holding (H) zone is hereby established and is identified in 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 the (H) provision for the purpose permitted under this By-law until amendments to this By-law to remove the letter (H) have 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 City of Markham:

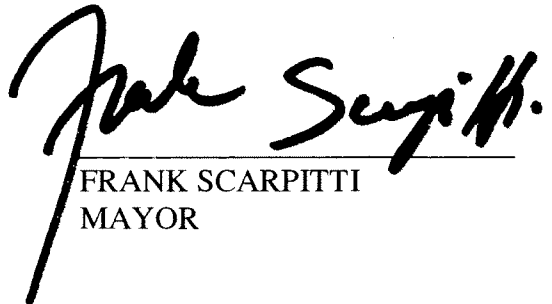
- a) The Council of the City of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or
- b) Execution of a site plan agreement between the City and the Owner.
- c) Execution of a Section 37 Agreement between the City and the Owner.
- d) The Owner makes satisfactory arrangements with the City to implement Transportation Demand Management (TDM) measures to the satisfaction of the City.
- e) That a parking justification study be provided to the satisfaction of the City of Markham.

3.0 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  
12<sup>TH</sup> DAY OF SEPTEMBER, 2012.



MARTHA PETTIT  
ACTING CITY CLERK



FRANK SCARPITTI  
MAYOR



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



BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE

A1

AGRICULTURE ONE

\* No

EXCEPTION NUMBER

MJC

MAJOR COMMERCIAL AREA

(H)

HOLDING PROVISION

BY-LAW AMENDMENT No. 2012-183

PASSED

SEPTEMBER 12, 2012

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By:DD

Checked By:SM

DATE: 09/12/2012