



EXPLANATORY NOTE

BY-LAW 2012-112

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

Amica (Swan Lake) Corporation

**Plan 65M-3103 Part Blocks 10 & 11, 65R-21529 Parts 2 & 3, 65M-3103 Block 9
6360 and 6380 16th Avenue**

Swan Lake Community

Lands Affected

The proposed by-law amendment applies to those lands located on the north side of 16th Avenue, west of Swan Lake Blvd, municipally known as 6360 and 6380 16th Avenue. The subject lands total approximately 2.65 hectares (6.5 acres).

Existing Zoning

The existing zoning provisions on the subject lands are Residential Two*2 (R2*2) and Neighbourhood Commercial One*3 (NC1*3).

Purpose and Effect

The purpose of this By-law is to amend the existing zoning from Residential Two*2 (R2*2) to Residential Two*2*479 (R2*2*479), and from Neighbourhood Commercial One*3 (NC1*3) to Residential Two*472 (Hold 1) (Hold 2) [R2*472 (H1) (H2)] and Open Space One*473 (OS1*473).

The effect of this by-law will be to permit the construction of a new retirement home (Phase 2), to allow for a public pathway around Swan Lake, to facilitate modifications to the existing retirement home, and to implement Holding (H) provisions for any additional development on the subject lands.



BY-LAW 2012-112

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

THE COUNCIL OF THE CORPORATION OF THE TOWN 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 rezoning the lands identified on Schedule 'A' attached hereto:

From:

Neighbourhood Commercial One*3 NC1*3

Residential Two*2 R2*2

To:

Residential Two*472 (Hold 1) (Hold 2) R2*472(H1)(H2)

Open Space One*473 OS1*473

Residential Two*2*479 R2*2*479

1.2 By adding the following new subsection to Section 7 –
EXCEPTIONS to By-law 177-96:

**“7.472 Amica (Swan Lake) Corporation- 6380 16th Avenue
(Phase 2)**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by symbol *472 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.472.1 Only Permitted Uses

The following uses are the only permitted uses:

- a) *Retirement Home*
- b) *Business and Medical Offices*
- c) *Personal Service Shops*
- d) *Retail Stores*
- e) *Restaurants*

7.472.2 Zone Standards

The following specific zone standards shall apply:

- a) Maximum number of *storeys* 3
- b) Maximum *height* 13m
- c) Maximum number of *suites* including *dwelling units* 120
- d) Minimum *interior west side yard* 0m
- e) Minimum *front yard* 12m
- f) Minimum *exterior side yard* 0.2m
- g) Maximum *gross floor area* 11,000m²

7.472.3 Special Parking Provisions

The following parking provisions shall apply:

- a) Parking for *residential uses* for both residents and visitors shall be provided at a rate of 0.6 spaces per unit.
- b) Parking for the *Retirement Home* on those lands to which *472 applies can be provided on those lands to which exceptions *2 and *479 apply on the Schedule 'A' attached to this By-law, and shall be in addition to any parking required for uses developed on lands to which *2 and *479 apply.
- c) Parking for non-residential uses shall be in accordance with By-law 28-97, as amended.

7.472.4 Special Site Provisions

The following site provisions shall apply:

- a) Non-residential uses shall only be provided on the ground floor of a multi-storey building or within a one-storey building.

7.473 Open Space Zone

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *473 on Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.473.1 Special Site Provisions

The following special site provisions apply:

- a) For the purposes of this By-law, the definition of a *public park* shall include any area of land under public or private ownership, and for which there is a public access easement conveyed to the *public authority*, that is designed and maintained for recreation purposes.

7.479 Amica (Swan Lake) Corporation- 6360 16th Avenue (Phase 1)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *479 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.479.1 Zone Standards

The following specific zone standards shall apply:

- a) Minimum *interior east side yard* 0m
- b) Minimum *rear yard* 0m

7.479.2 Special Parking Provisions

The following parking provisions shall apply:

- a) A maximum of eleven (11) surface *parking spaces* can encroach onto abutting land owned by the Town of Markham to the north. These *parking spaces* may be included in the total number of *parking spaces* provided.
- b) Parking for both residents and visitors shall be provided at a rate of 0.6 spaces per unit.
- c) Parking for the *Retirement Home* on those lands to which *479 applies can be provided on those lands to which exception *472 applies on the Schedule 'A' attached to this By-law, and shall be in addition to any parking required for uses developed on lands to which *472 applies.

1.3 Holding Provision

For the purpose of this By-law, the 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 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.

1.3.1 Uses Permitted Prior to the Lifting of the H1 Provision:

The following use is the only permitted use prior to the lifting of a Holding provision:

- a) *Retirement Home* with a maximum *gross floor area* of 9,000 m² and a maximum of 80 *suites* including 26 *dwelling units*.

1.3.2 Conditions for Removing the H1 Provision:

The Hold 1 (H1) Provision shall not be lifted until the following conditions have been met to the satisfaction of the Town of Markham.

- a) The Owner executes a site plan agreement and obtains site plan approval for any new additions or new buildings, over and above an existing *gross floor area* of 9,000 m².

1.3.3 Effect of Lifting the Hold 1 (H1) Provision:

That the lifting of the Hold 1 (H1) Provision has the effect of:

- a) Only permitting an additional 2,000 m²
- b) Only permitting an additional 40 *suites* including *dwelling units*.

1.3.4 Conditions for Removing the H2 Provision:

The Hold 2 (H2) Provision shall not be lifted until the following conditions have been met to the satisfaction of the Town of Markham:

- a) Removal of the Hold 1 (H1) Provision;
- b) The Owner executes a site plan agreement and obtains site plan approval and amends this By-law for any additional buildings or structures.

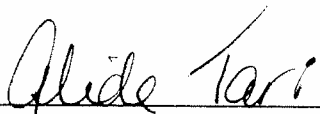
1.3.5 Effect of Lifting the Hold 2 (H2) Provision:

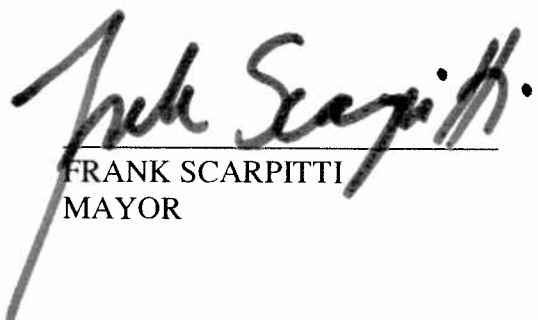
That the lifting of the (H2) Provision has the effect of:

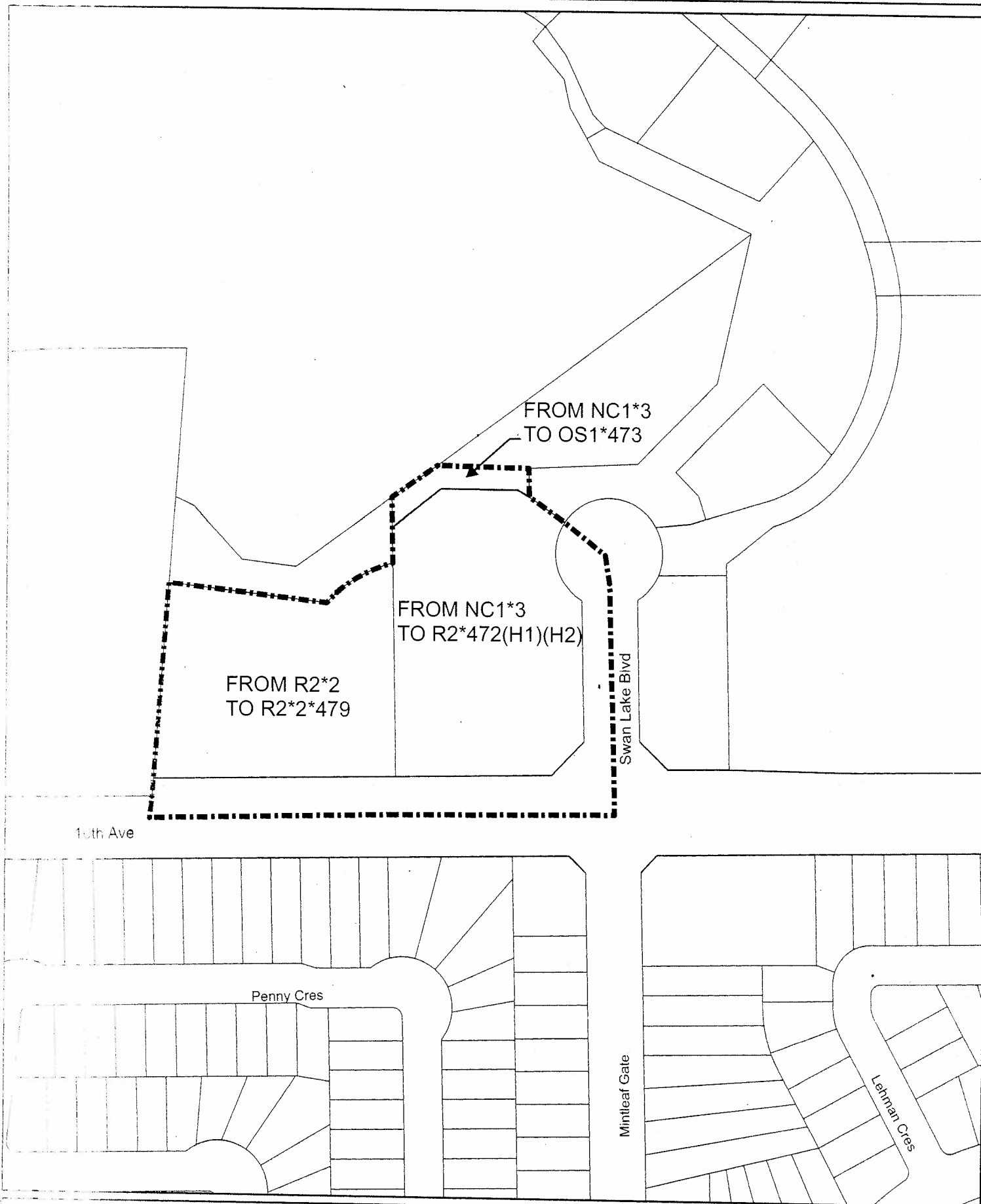
- a) Permitting new buildings or structures over and above a maximum *gross floor area* of 11,000 m².

- 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
15TH DAY OF MAY, 2012.


ALIDA TARI
DEPUTY TOWN CLERK


FRANK SCARPITTI
MAYOR



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

	BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE		
	ZONE BOUNDARY		
	RESIDENTIAL TWO		HOLDING PROVISION ONE
	NEIGHBOURHOOD COMMERCIAL ONE		HOLDING PROVISION TWO
	OPEN SPACE ONE		EXCEPTION SECTION NUMBER

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BY-LAW AMENDMENT No. 2012-112 PASSED MAY 15, 2012

Frank Scarpitta (MAYOR) Glenn Tari (CLERK)

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW Checked By: SM

DATE: 03/14/2012

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