

EXPLANATORY NOTE

BY-LAW 2012-63

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

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

LANDS AFFECTED

The proposed by-law amendment applies to a portion of those lands located on the west side of Highway 48, between Bur Oak Avenue and Edward Jeffreys Avenue within the Wismer Commons community and municipally known as 9560 Highway 48. The subject lands total approximately 2 hectares (4.9 acres).

EXISTING ZONING

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

PURPOSE AND EFFECT

The purpose and effect of the By-law amendment is to incorporate the subject lands into the designated area of By-law 177-96, as amended, and to zone the subject lands Residential Two – Lane Access * 467 (R2 – LA * 467), Residential Two * 468 (R2 * 468), Major Commercial Area * 448 (Hold One)/ Residential Two * 468 (Hold Two)*477 [MJC * 448 (H1)/ R2 * 468 (H2) *477] and Open Space One * 469 (OS1 * 469).

The effect of the by-law amendment will be to permit a townhouse development and a public park.



BY-LAW 2012-63

A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended

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

1. By-law 177-96, as amended, 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:

Residential Two - Lane Access *467	R2-LA*467
Residential Two *468	R2 *468
Major Commercial Area *448 (Hold One)/ Residential Two *468 (Hold Two) *477	MJC*448 (H1)/ R2*468 (H2)*477
Open Space One * 469	OS1 *469
 - 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96, as amended:

“7.467 1839314 Ontario Limited - Townhouse development with lane access
Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *467 on Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.467.1 Only Permitted Uses
The following uses are permitted:

 - a) *Townhouse dwellings*
 - b) *Home occupations*

7.467.2 Zone Standards
The following specific zone standards apply:

a) Maximum <i>height</i> -	14 metres
b) Minimum <i>front yard</i> -	1.2 metres
c) Minimum <i>rear yard</i> -	5.8 metres
d) Minimum <i>side yard</i> for end units -	1.2 metres
e) Minimum <i>lot frontage</i> per unit -	5 metres
f) Minimum <i>exterior side yard</i> -	2.4 metres
g) Maximum <i>garage width</i> -	3.5 metres
h) Maximum <i>driveway width</i> -	3.5 metres
i) Minimum <i>lot depth</i> -	21 metres

7.467.3 Special Site Provisions

The following special site provisions shall apply:

- a) The main wall of an attached *private garage*, that contains the opening for motor vehicle access, shall be set back a minimum of 6 metres from the *rear lot line*.
- b) A *private garage* is permitted to be within or attached to the *main building*, if the *lot* is accessed by a *lane*.
- c) *Outdoor amenity space* and *deck* may be located on the roof of an attached garage.

7.468 1839314 Ontario Limited- Townhouse development

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *468 on Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.468.1 Only Permitted Uses

The following uses are permitted:

- a) *Townhouse dwellings*
- b) *Home occupations*

7.468.2 Zone Standards

The following specific zone standards apply:

- a) Maximum *height* - 14 metres
- b) Minimum *front yard* - 5 metres
- c) Minimum *rear yard* for end units - 4.8 metres
- d) Minimum *rear yard* for interior units - 6 metres
- e) Minimum *lot frontage* per unit - 5.4 metres
- f) Minimum *side yards* for end units - 1.5 metres
- g) Minimum *lot depth* - 24 metres

7.469 Open Space Zone – Matrundola Woodlot

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *469 on Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.469.1 Zone Standards

The following specific zone standards shall apply:

- a) Minimum *lot area* - 0.8 hectares

7.477 Special Site Provisions – 1839314 Ontario Limited- Major Commercial/ Townhouse development

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply only to those lands denoted by symbol *477 on Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

- a) In the MJC*448 / R2*468 (H2) *477 zone, the MJC *448 uses are permitted subject to the MJC *448 development standards.

- b) In the MJC * 448 (H1)/ R2 *468*477 zone, the R2 *468 uses are permitted subject to the R2 * 468 development standards.”

1.4 HOLDING PROVISIONS

For the purpose of this By-law, Holding (H1) and (H2) zones are hereby established and are identified on Schedule ‘A’ attached hereto by the letter (H1) and (H2) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to Holding (H1) and (H2) provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters (H1) and (H2) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

14.1 Prior to removing the Holding (H1) provision, the following conditions must be met to the satisfaction of the Town of Markham:

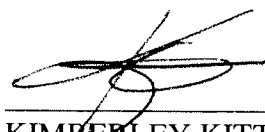
- a) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or
- b) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon construction of Regional infrastructure; or
- c) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocated the capacity to this development;
- d) The Owner provides a clearance letter from the Trustee of the Wismer Commons Developers Group advising that all financial obligations have been fulfilled and confirms servicing allocation for the proposed development;
- e) The Owner executes a site plan agreement to the satisfaction of the Town; and
- f) The Owner makes satisfactory arrangements with the Town to implement Transportation Demand Management (TDM) measures to the satisfaction of the Town.

14.2 Prior to removing the Holding (H2) provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) The Owner executes a subdivision agreement to the satisfaction of the Town.

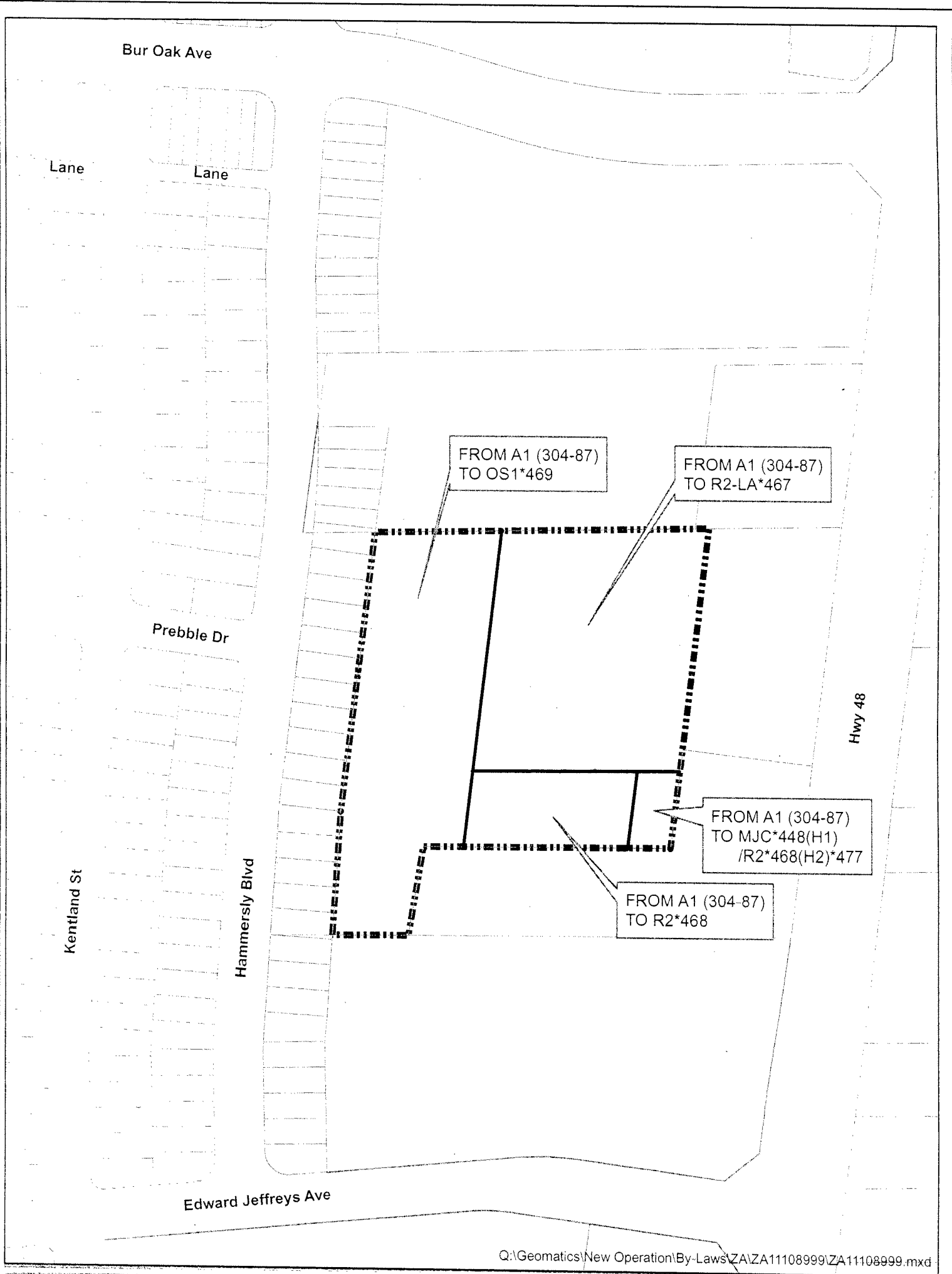
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
20TH DAY OF MARCH, 2012.



KIMBERLEY KITTERINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



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

- BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE
- A1

AGRICULTURE ONE

R2-LA

RESIDENTIAL TWO-LANE ACCESS

R2

RESIDENTIAL TWO

MJC

MAJOR COMMERCIAL AREA
- BOUNDARY OF ZONE DESIGNATION(S)
- OS1

OPEN SPACE ONE

* No


EXCEPTION NUMBER

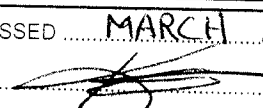
(H)

HOLDING PROVISION

BY-LAW AMENDMENT No. 2012-63

PASSED MARCH 20, 2012

 (MAYOR)

 (CLERK)

MARKHAM DEVELOPMENT SERVICES COMMISSION

Drawn By: DD

Checked By: RP

DATE: 10/06/11

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