

MEMORANDUM

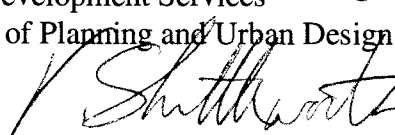

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Valerie Shuttleworth, Director of Planning and Urban Design

PREPARED BY: Nilesch Surti, Planner
East District Team

DATE: November 13, 2007

Re: 1039954 Ontario Limited
Southeast corner of Major Mackenzie Drive &
Ralph Chalmers Avenue
Wismer Commons Community
Implementing Zoning By-law amendments
File No. ZA 07 108332



RECOMMENDATION:

That the attached amendments to Zoning By-law 304-87, as amended, and 177-76, as amended, be enacted without further notice;

And that servicing allocation for 11 units (33.9 population) be granted to plan of subdivision 19TM-02016 – Phase 3 from the total allocation for the Wismer Commons Community, as assigned in accordance with the June 20, 2006 report on servicing application.

BACKGROUND

On May 29, 2007 a Development Services Committee Public Meeting was held to consider applications for draft plan approval and implementing zoning for a residential plan of subdivision that includes one single detached lot and 5 semi-detached lots (total - 11 units). The plan is the third phase of a larger draft plan of subdivision that has already been registered based on the availability of servicing allocation. Servicing allocation has been reserved by the Wismer Commons Developers Group for this plan.

No concerns were identified at the Public Meeting and the proposal is acceptable to staff. Attached are the implementing zoning by-law amendments for Council approval in accordance with the Public Meeting resolution.

Delegated approval of the draft plan of subdivision by the Director of Plan and Urban Design will follow Council enactment of the implementing zoning by-law amendments, in accordance

with Section 2(b)9iv) of Delegation By-law 2002-202, as amended, and the granting of servicing allocation.

Explanatory Note:

By-law No. 2007-XXX

A By-law to amend By-law 304-87, as amended.

Southeast corner of Major Mackenzie Drive and Ralph Chalmers Avenue
Part of Lot 20, Concession 7
Wismer Commons Planning District

LANDS AFFECTED

This proposed By-law Amendment applies to a 0.39 hectare (0.96 acre) parcel of land legally described as Part of Lot 20, Concession 7 located at the southeast corner of Major Mackenzie Drive and Ralph Chalmers Avenue within the Wismer Commons community.

EXISTING ZONING

The lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended. The subject lands are to be deleted from the designated area of By-law 304-87, as amended.

PURPOSE AND EFFECT OF THIS BY-LAW

The purpose and effect of this By-law amendment is to delete the subject lands from the designated area of By-law 304-87. The subject lands will be incorporated within the designated area of By-law 177-96, as amended.



A By-law to amend By-law 304-87, as amended
To delete lands comprising Part of Lot 20, Concession 7, Wismer Commons
Planning District from the designated area of By-law 304-87

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

1. By-law 304-87, as amended, is hereby further amended by deleting those lands comprised Part of Lot 20, Concession 7, as shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into effect until By-law 2007-XXX, amending By-law 177-96, as amended, comes into effect and the lands, as shown on Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, 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
DAY OF , 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87



MAJOR MACKENZIE DRIVE EAST

HIGHWAY 48

MACADAM ROAD

RALPH CHALMERS AVENUE

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2007

.....MAYOR

..... CLERK

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO
THE ORIGINAL BY-LAW LODGED IN
THE OFFICE OF THE CLERK

SCALE 1: 2500

BOUNDARY OF AREA COVERED BY THIS BY-LAW



Explanatory Note:**By-law No. 2007-XXX**

A By-law to amend By-law 304-87, as amended.

Southeast corner of Major Mackenzie Drive and Ralph Chalmers Avenue
Part of Lot 20, Concession 7
Wismer Commons Planning District

LANDS AFFECTED

This proposed By-law amendment applies to a 0.39 hectare (0.96 acre) parcel of land legally described as Part of Lot 20, Concession 7 located at the southeast corner of Major Mackenzie Drive and Ralph Chalmers Avenue within the Wismer Commons community.

EXISTING ZONING

The lands are zoned Rural Residential Four (RR4) under By-law 304-87, as amended. The subject lands are to be deleted from the designated area of By-law 304-87, as amended.

PURPOSE OF THIS BY-LAW

The purpose of this By-law is to:

1. expand the designated area of By-law 177-96, as amended, to include those lands as outline on Schedule 'A' to this By-law; and
2. zone the lands to Residential Two *355 (R2*355) and Residential Two *355 (H) [R2*355(H)] as outlined on Schedule 'A' to this By-law.
3. place a holding zone provision on the single detached residential lot at the southeast corner of Major Mackenzie Drive, subject to the applicant acquiring site plan approval.

EFFECT OF THIS BY-LAW

The effect of this By-law is to permit the development of the subject lands for one (1) single-detached dwelling and ten (10) semi-detached dwellings.



A By-law to amend By-law 177-96, as amended
(Draft Plan 19TM-02016)

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

1. By-law No. 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lot 20, Concession 7 shown on Schedule 'A' attached hereto.

1.2 By zoning the lands

Residential Two *355 (R2*355) zone

Residential Two *355 (H) [R2*355(H)] zone

1.3 By adding the following new subsection to Section - EXCEPTIONS to By-law 177-96:

"7.355 Southeast corner of Major Mackenzie Drive and Ralph Chalmers Avenue

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *355 on Schedules 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.

7.355.1 Only Permitted Uses

The following uses are the only uses permitted:

- a) Single Detached Dwellings
- b) Semi-Detached Dwellings
- c) Home Occupations
- d) Private Home Daycare

7.355.2 Zone Standards

(i) The following specific zone standards apply to Single Detached dwellings:

- a) Minimum FRONT YARD – 2.4 metres
- b) Minimum REAR YARD – 5.8 metres
- c) Maximum REAR YARD – 7.5 metres

(ii) The following specific zone standards apply to Semi-Detached dwellings:

- a) Minimum FRONT YARD – 4.5 metres

- b) Maximum FRONT YARD – 7 metres
- c) Provisions for detached PRIVATE GARAGE
 - i) Minimum required setback of detached PRIVATE GARAGE from the REAR LOT LINE – 5.8 metres
 - ii) Maximum required setback of detached PRIVATE GARAGE from the REAR LOT LINE – 7 metres

7.355.3 Special Provisions

The following additional provisions apply:

- a) For the purpose of this Section, the LOT LINE that abuts Major Mackenzie Drive shall be deemed the FRONT LOT LINE.
- b) Semi-detached dwellings shall have detached PRIVATE GARAGES.
- c) Minimum distance separation between the detached PRIVATE GARAGE and the main rear wall of the MAIN BUILDING shall be a minimum of 6 metres.
- d) Single Detached Dwelling shall have attached PRIVATE GARAGES.
- e) Corner lots shall only be used for Single Detached Dwellings.”

1.4 HOLDING PROVISION

The Holding (H) provision as shown on Schedule ‘A’ attached to this By-law shall not be removed until the following condition has been met to the satisfaction of the Town of Markham:

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

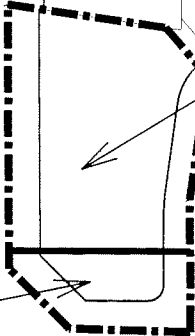
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
DAY OF , 2007.

SHEILA BIRRELL, TOWN CLERK

FRANK SCARPITTI, MAYOR

FROM RR4(B/L 304-87)
TO R2*355(H) (B/L 177-96)

MAJOR MACKENZIE DRIVE EAST



HIGHWAY 48

FROM RR4 (B/L 304-87)
TO R2*355 (B/L 177-96)

MACADAM ROAD

RALPH CHALMERS AVENUE



DEVELOPMENT SERVICES COMMISSION

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


THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2007


.....MAYOR


.....CLERK

 BOUNDARY OF AREA COVERED BY THIS BY-LAW

 ZONE BOUNDARY

 R2 RESIDENTIAL TWO

 RR4 RURAL RESIDENTIAL FOUR

 (H) HOLDING PROVISION

 *No. EXCEPTION SECTION NUMBER

NOTE: 1) DIMENSIONS ARE IN METRES

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SCALE 1: 2500