

## **EXPLANATORY NOTE**

### **BY-LAW 2010-71**

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

**Wismer Markham Dev. Inc.**

**19TM-02008**

**Part of Lots 19 and 20, Concession 7**

**Wismer Commons Community**

### **LANDS AFFECTED**

The proposed by-law amendment applies to approximately 0.5 hectares of land located south of Major Mackenzie Drive, east of Mingay Drive within the Wismer Commons community.

### **EXISTING ZONING**

The lands are presently zoned Rural Residential (RR4) 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 zone categories within By-law 177-96 to permit semi-detached dwellings with a Holding provision.

The conditions required to be met for lifting the Holding (H) provision relate to the availability of servicing allocation.

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## BY-LAW 2010-71

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. 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 those lands comprising part of Lots 19 and 20, Concession 7, as outlined on Schedule 'A', attached hereto.
  - 1.2 By zoning the lands:
 

Residential Two *404 (Holding)	[R2*404 (H)]
Open Space One	OS1
  - 1.3 By adding the following new subsection to Section 7 – EXCEPTIONS to By-law 177-96, as amended:

**“7.404 Lots abutting the east side of Mingay Avenue south of Major Mackenzie Drive**

Notwithstanding any provisions in this by-law, the provisions in this section shall apply to those lands denoted by the symbol \*404 on Schedule 'A' attached 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.

**7.404.1 Zone Standards**

Only the following specific *zone* standards shall apply to *semi-detached lots*:

- a) Minimum *lot frontage* – 7.5m per unit
- b) Minimum *lot depth* – 30.0 metres
- c) Minimum required *front yard* – 0.6 metres
- d) Maximum permitted encroachment by architectural features such as sills, belt course, cornices, eaves, chimney breasts, pilasters, roof overhangs and window bays, into the required *front yard* – 0.3 metres
- e) Maximum permitted encroachment into the minimum required *front yard* by a *main wall*, underground cellar, *porch*, and stairs accessing a *porch* – zero
- f) Minimum required *rear yard* – 13.2 metres, except that the minimum *rear yard* for a one *storey* portion and attached *garage* is 0.6 metres
- g) Detached *private garages* shall be set back a minimum of 6.0 metres from the *main building* on the *lot*.
- h) Minimum required setback from the *rear lot line* for a detached *private garage* – 0.6 metres

- i) Maximum permitted encroachment by architectural features such as sills, belt course, cornices, eaves, chimney breasts, pilasters and roof overhangs, into the setback required from the *rear lot line* for a *private garage* – 0.3 metres
- j) Maximum *driveway* width – 6.4 metres
- k) Maximum *garage* width – 6.4 metres
- l) Maximum *height* of any portion of the *building* or *structure* located within 13.2 metres of the *rear lot line* – 5.0 metres
- m) Attached *private garages* are also subject to the following:
  - i) An *outdoor amenity space* shall be provided and shall be subject to the following regulations:
    - a) The *outdoor amenity space* shall have a minimum area of 35 square metres and a minimum dimension of 7.0 metres on one side;
    - b) No part of the required *outdoor amenity space* shall be located further than 14.5 metres from the *rear lot line*;
    - c) Balconies and *porches* shall not encroach into the required *outdoor amenity space*; and
    - d) *Decks* and associated stairs may encroach into the required *outdoor amenity space*.
  - n) *Decks* are subject to Section 6.2.1.
  - o) Other detached *accessory buildings* are subject to Section 6.4.

#### 7.404.2 Special Site Provisions

The following specific provisions shall apply:

- a) The Mingay Avenue *streetline* shall be deemed to be the *front lot line*.
- b) *Motor vehicle* access to a *lot* shall only be from a *public street* adjoining the *rear lot line*.”

#### 1.4 HOLDING PROVISIONS:

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

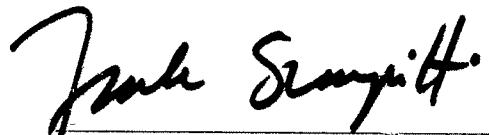
No person shall hereafter erect or alter any building or structure on lands subject to (H) provisions for the purpose permitted under this By-law until amendments to this by-law to remove the letter (H) have come into effect pursuant to the provisions of Section 36 of the Planning Act.

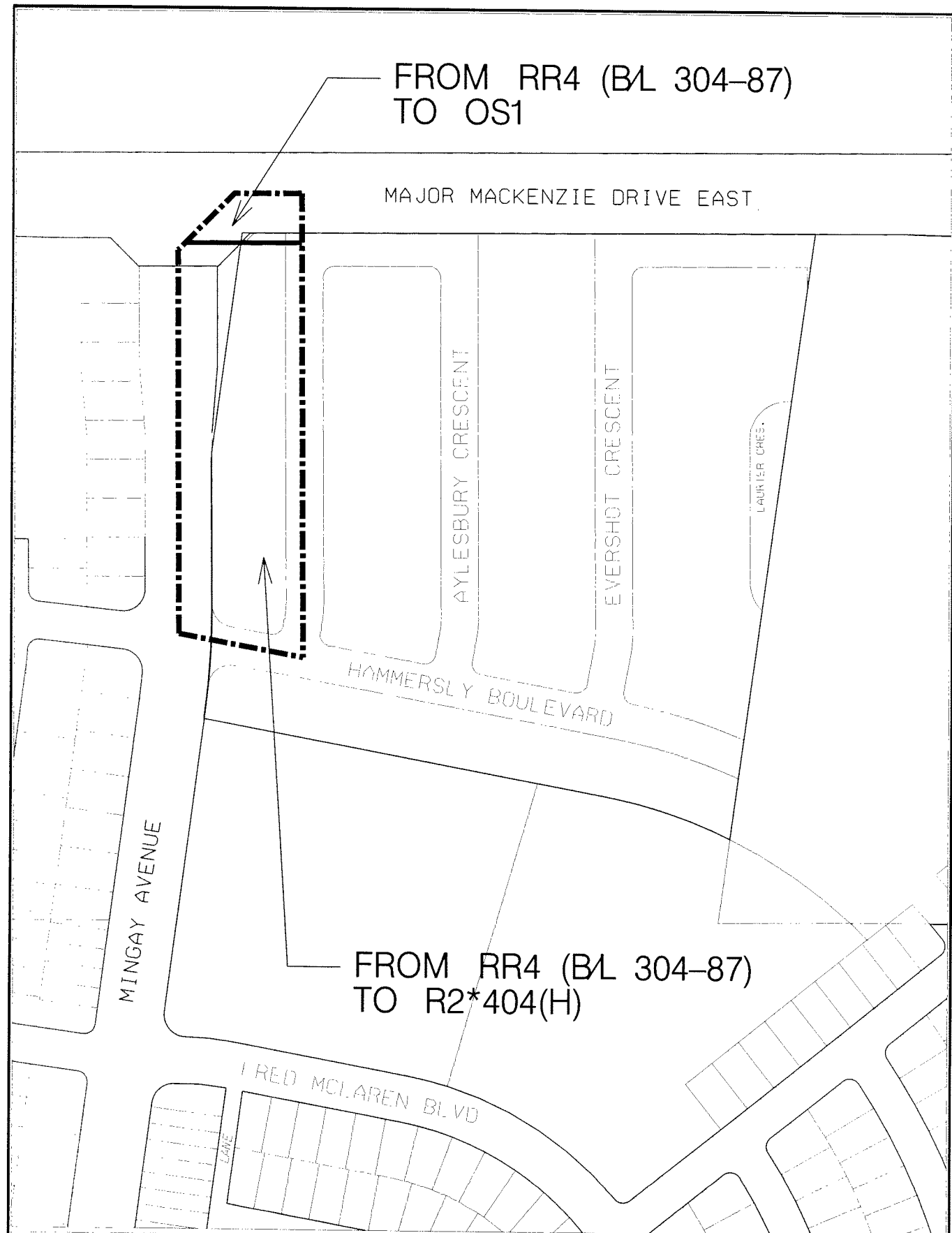
Prior to removing the (H) Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months; and
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development, or

- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure, or
  - d) 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  
27<sup>TH</sup> DAY OF APRIL, 2010.

  
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KIMBERLEY KITTERINGHAM  
TOWN CLERK  
\_\_\_\_\_  
FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW  
ZONE BOUNDARY

R2

RESIDENTIAL TWO

(H)

HOLDING PROVISION

RR4

RURAL RESIDENTIAL FOUR

\*No.

EXCEPTION SECTION NUMBER

OS1

OPEN SPACE ONE

THIS IS SCHEDULE 'A' TO BY-LAW ~~2010-71~~ 2010-71  
PASSED THIS 27<sup>TH</sup> DAY APRIL 2010

*Paul Scarpitta* 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: NTS