

EXPLANATORY NOTE

BY-LAW 2011-130

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

Anagni Homes Limited
The Upper Village
Concession 7, Part of Lot 17, RS 1174 Part 1
Wismer Commons Community

LANDS AFFECTED

The proposed by-law amendment applies to the lands totaling approximately 2.62 hectares (6.47 acres) located at the northwest corner of Highway 48 and Edward Jeffreys Avenue within the Wismer Commons community.

EXISTING ZONING

The lands are presently zoned Major Commercial Area *187*299 (Hold) by By-law 177-96, as amended.

PURPOSE AND EFFECT

The purpose of the by-law amendment is to amend the zone on the lands to permit high density mixed use and medium density development. The by-law also removes Major Commercial Area designation from the western portion of the lands and zones the western portion to an appropriate zone permission to permit a single-detached house (the Albert Wideman Heritage House) and townhouse units. Holding provision (H) has been included to prevent development until available servicing allocation is confirmed by the Region of York and the Town of Markham, and a site plan agreement has been executed.

The effect of the by-law amendment will be to permit the lands to be developed with two (2) high density mixed use apartment buildings, townhouses, and the Albert Wideman Heritage House.



BY-LAW 2011-130

By-law 177-96, as amended
(To amend development standards in the designated area of this By-law)

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

1. THAT By-law 177-96, as amended, is hereby further amended as follows:
 - 1.1 By amending the designated area of By-law 177-96 identified as the land comprising Concession 7, Part of Lot 17, RS1174 Part 1, as shown on Schedule 'A' attached hereto.
 - 1.2 By zoning the lands identified on Schedule 'A' attached hereto:

From Major Commercial Area *187*299(Holding) [MJC*187*299(H)]

to

Major Commercial Area *447	[MJC *447]
Major Commercial Area *448 (Holding)	[MJC *448 (H)]
Residential Two *99*449	[R2*99]
 - 1.3 By adding the following new subsection to Section 7 – EXCEPTIONS to By-law 177-96:

“7.447 Anagni Homes Limited – The Upper Village – Part A
Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *447 on the Schedule 'A' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.447.1 Additional Permitted Uses
The following additional uses are permitted:
a) Apartment dwellings
b) Multiple dwellings

7.447.2 Prohibited Uses
The following uses are prohibited:
a) Places of worship

7.447.3 Zone Standards
The following specific zone standards apply:

Mixed Use – High Density Development:

- a) The maximum *height* of any *building* or *structure* – 77 metres
- b) Maximum number of *storeys* - 20
- c) Maximum number of *dwelling units* - 215
- d) Maximum required *yard* for all *buildings* and *structures* from the Highway 48 *lot line* – 18 metres
- e) Maximum required *yard* for all *buildings* and *structures* from the Edward Jeffreys Avenue *lot line* – 17 metres
- f) Minimum required *yard* for the 6th storey of the *main building* from the Edward Jeffreys Avenue *lot line* – 20 metres
- g) Minimum required *yard* for the 7th to 20th storeys of the *main building* from the Edward Jeffreys Avenue *lot line* – 27 metres
- h) Minimum *landscaped open space* along Highway 48 – 3 metres
- i) Minimum *landscaped open space* along Edward Jeffreys Avenue – 3 metres
- j) Maximum *floor space index (FSI)* – 2.0
- k) Maximum number of surface *parking spaces* – 55
- l) Maximum *gross floor area* – 20,000 square metres
- m) Minimum *gross floor area* of non-residential uses – 760 square metres.”

7.447.4 Special Site Provisions

The following site specific provisions shall apply:

- a) Required parking for residential uses shall be calculated at 1.1 *parking space* per *dwelling unit* plus 0.1 visitor *parking space* per *dwelling unit*.
- b) Required parking for non-residential uses shall be calculated at a ratio of 1 *parking space* for every 30 square metres of *net floor area*.
- c) Mechanical venting shall be permitted to encroach into the required *landscaped open space*.
- d) Any residential *floor area* on the same level as, or adjacent to the roof top mechanical room, shall not be considered a *storey*, provided that the *floor area* of the residential use is less than 50% of the *floor area* for that level and does not increase the number of *dwelling units* within the overall development.
- e) The underground parking garage is permitted to encroach into the required *yards*, but is not permitted to encroach into any required *landscaped open space* or park/open space areas.
- f) The combined total *floor space index (FSI)* for all of the lands outlined on Schedule ‘A’ and subject to site specific exceptions *447, *448 and *449 shall not exceed 2.0.

“7.448

Anagni Homes Limited – The Upper Village- Part B

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *448 on the Schedule ‘A’ to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.448.1 Additional Permitted Uses

The following additional uses are permitted:

- a) *Apartment dwellings*
- b) *Multiple dwellings*

7.448.2 Prohibited Uses

The following uses are prohibited:

- a) *Places of worship*

7.448.3 Zone Standards

The following specific zone standards shall apply:

Mixed Use-High Density Development:

- a) Maximum *height* of any *building* or *structure* - 71 metres
- b) Maximum number of *storeys* – 18
- c) Maximum number of *dwelling units* - 218
- d) Maximum required *yard* for all *buildings* and *structures* from the Highway 48 *lot line* – 21 metres
- e) Minimum required *yard* from the north *lot line* – 15 metres
- f) Minimum required *yard* from the west *lot line* – 4.5 metres
- g) Minimum *landscaped open space* along Highway 48 – 5 metres
- h) Maximum *floor space index (FSI)* – 2.0
- i) Maximum number of surface *parking spaces* – 45
- j) Maximum *gross floor area* – 19,000 square metres
- k) Minimum *gross floor area* of non-residential uses – 604 square metres.”

7.448.4 Special Site Provisions

The following site specific provisions shall apply:

- a) Required parking for residential uses shall be calculated at 1.1 *parking space* per *dwelling unit* plus 0.2 visitor *parking space* per *dwelling unit*.
- b) Required parking for non-residential uses shall be calculated at a ratio of 1 *parking space* for every 30 square metres of *net floor area*.
- c) Any residential *floor area* on the same level as, or adjacent to the roof top mechanical room shall not be considered a *storey* provided that the residential *floor area* is less than 50% of the *floor area* for that level, and does not increase the number of *dwelling units* within the overall development.
- d) The underground parking garage is permitted to encroach into required *yards*, but is not permitted to encroach into required *landscaped open space* or park/ open space areas.
- e) The combined total *floor space index (FSI)* for all of the lands outlined on Schedule ‘A’ and subject to site specific exceptions *447, 448 and *449 shall not exceed 2.0.

“7.449

**Anagni Homes Limited – Mansard Gates – Part C
Townhouse Development and Albert Wideman House**

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *449 on the Schedule ‘A’ to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.449.1 Prohibited Uses

The following uses are prohibited:

- a) *Places of worship*

7.449.2 Zone Standards

- a) Maximum number of townhouse dwellings - 47
- b) Maximum *height* – 13 metres
- c) Maximum number of *storeys* for the *townhouse dwellings* – 3
- d) Minimum required east *interior side yard* – 6.5 metres
- e) Minimum required west *interior side yard* – 7 metres
- f) Minimum required north *exterior yard* – 1.2 metres
- g) Maximum *gross floor area* of the heritage house – 200 square metres
- h) Maximum *gross floor area* of the detached garage – 42 square metres
- i) Minimum *landscaped open space* along Edward Jeffreys Avenue – 3 metres
- j) Minimum required *exterior yard* along Edward Jeffreys Avenue – 3 metres

7.449.3 Special Site Provisions

The following additional provisions apply:

- a) Notwithstanding any further division or partition of lands subject to this Section, all lands zoned R2*449 shall be deemed to be one lot for the purposes of this By-law.
- b) Enclosed porches and stairs are permitted to encroach a maximum of 2.5 metres into the Edward Jeffreys required *exterior yard* and *landscaped open space*.
- c) The combined total *floor space index (FSI)* for all of the lands outlined on Schedule ‘A’ and subject to site specific exceptions *447, *448 and *449 shall not exceed 2.0.

1.4 HOLDING PROVISIONS:

For the purpose of this By-law, the Holding (H) *zone* is hereby established and are identified on 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.

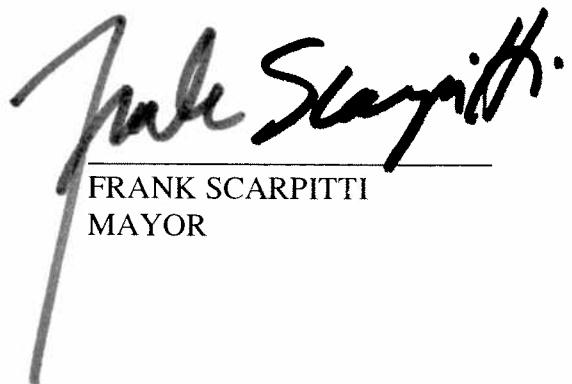
Prior to removing the '(H)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- 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 allocates 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;
 - f) The Owner makes satisfactory arrangements with the Town to implement Transportation Demand Management (TDM) measures 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.

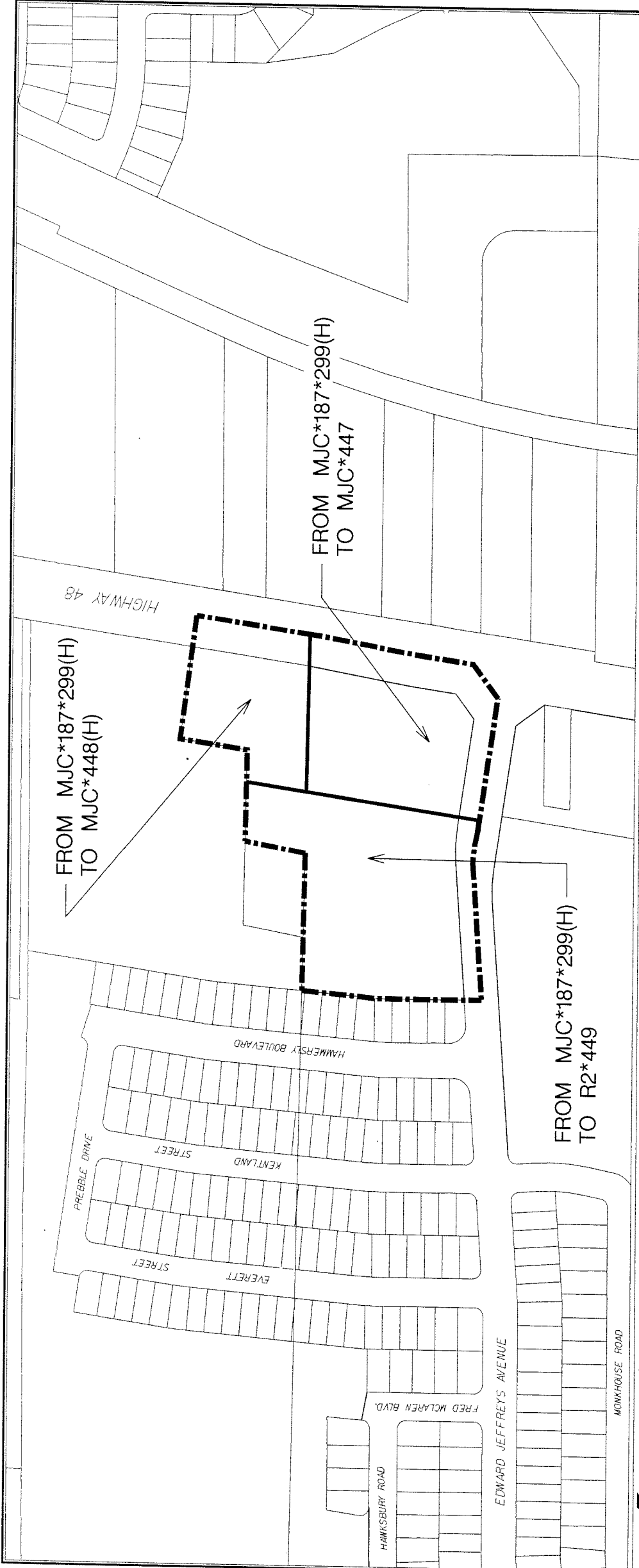
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
14TH DAY OF JUNE, 2011.



ANDREW BROUWER
DEPUTY TOWN CLERK



FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A' TO BY-LAW 2011-130
PASSED THIS 14TH DAY OF JUNE, 2011

John Scarpitti MAYOR
Paul Brown CLERK

<input checked="" type="checkbox"/> Dashed line	BOUNDARY OF AREA COVERED BY THIS BY-LAW	<input checked="" type="checkbox"/> Solid line	ZONE BOUNDARY
<input type="checkbox"/> R2	RESIDENTIAL TWO	<input type="checkbox"/> *No.	EXCEPTION SECTION NUMBER
<input type="checkbox"/> MJC	MAJOR COMMERCIAL	<input type="checkbox"/> (H)	HOLDING PROVISIONS

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: 3000