

EXPLANATORY NOTE

BY-LAW NO.

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

E. Manson Investments et. al.
550 Bur Oak Avenue

LANDS AFFECTED

The by-law applies to a 0.65 hectare (1.60 ac.) property, located on the northeast corner of Bur Oak Avenue and Hillwood Street.

EXISTING ZONING

The lands subject to this By-law are presently zoned Community Amenity One*152 (Hold) [CA1*152(H)] by By-law 177-96, as amended.

PURPOSE AND EFFECT

The purpose and effect of the proposed amendment is to permit the first phase to be constructed to a maximum of 73 units under the Community Amenity One*152 (Hold) CA1*152 (H) zone. Once the Hold provision is removed the CA*152 zone will permit the construction of the second phase (113 units) and increase the Floor Space Index (FSI) of 1.0 to 1.43.

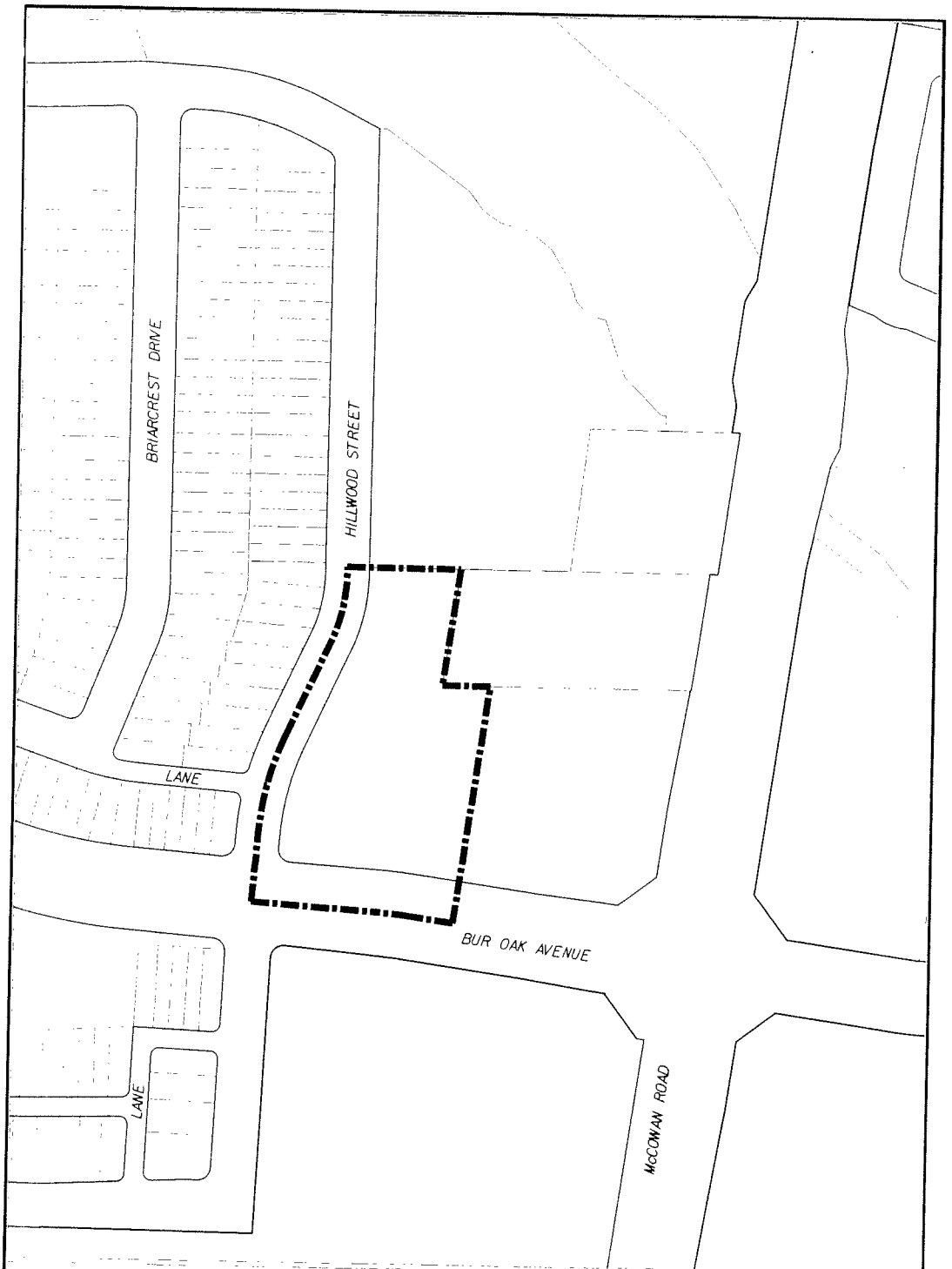
The Hold (H) provision will only be removed once sufficient servicing capacity has been allocated to the satisfaction of the Town of Markham and the Region of York.

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

1. THAT By-law 177-96, as amended, be and the same is hereby further amended as follows:
 - 1.1 The following uses shall be permitted and development standards shall apply to the lands as shown on Schedule 'A' attached hereto, zoned Community Amenity One*152 (Hold) [CA1*152 (H)]
 - 1) Only Uses Permitted while Hold (H) provision exists

The following are the only uses permitted.
 - a) *apartment dwellings*.
 - 2) Zone Standards

The following specific Zone Standards apply:
 - a) Maximum number of *dwelling units* permitted – 73
 - b) All other Community Amenity One (CA1) development standards
 - 1.2 By adding the following new subsection to Section 7.152.1:
 - “a) Maximum *Floor Space Index* (FSI) upon removal of Hold (H) provision – 1.45”
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW

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

..... 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:

APPENDIX 'B'

1. That the site plan approval be delegated to the Director of Planning and Urban Design or her designate, to be issued following execution of a site plan agreement. Site plan approval is issued only when the Director has signed the site plan as 'approved'.
2. That the Owner submit detailed architectural elevations showing complete resolution of building materials, window and balcony configurations, building entrance locations and ensure that coordination has occurred with the landscape plans to the satisfaction of the Director of Planning and Urban Design.
3. That the Owner agree to pay their proportionate share of the Highway 48 flow control measures, to the satisfaction of the Director of Engineering;
4. That the E. Manson Investments et. al. proposal be granted a servicing allocation of 73 units, such allocation to be from the total allocation for the Berczy Village community, in accordance with the February 15, 2005 and November 22, 2005, reports on servicing allocation;
5. That the Owner enter into a site plan agreement with the Town of Markham containing all standard provisions and requirements of the Town and public agencies, including:
 - a) Provision for payment by the Owner of all applicable fees, recoveries and development charges;
 - b) Provisions for satisfying all requirements of Town Departments and external agencies, including the Regional Municipality of York Transportation and Works Department.
6. That this endorsement shall lapse and final approval will not be issued, after a period of three years commencing May 16, 2006, in the event that the site plan agreement is not executed within that period;