

## **EXPLANATORY NOTE**

### **BY-LAW 2009-93**

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

Times Group Corporation  
Blocks 49 and 50, Plan 65M-3226

#### **LANDS AFFECTED**

The By-law applies to lands located on the south side of South Park Road, generally east of Times Avenue and west of Saddlecreek Drive, in the Leitchcroft Community.

#### **EXISTING ZONING**

The lands subject to this By-law are presently zoned Business Park Area \*36 (Hold) [BP\*38(H)]; Open Space One [OS1]; and Community Amenity Area One \*38 (Hold) [CA1\*38(H)], by By-law 177-96, as amended.

#### **PURPOSE AND EFFECT**

The purpose and effect of this by-law amendment is to rezone portions of Blocks 49, Plan 65M-3226, to reflect adjustments to the configuration of the proposed neighbourhood park south of South Park Road between Saddlecreek Drive and Times Avenue; to adjust the maximum number of dwelling units permitted in the CA1\*38 Zone to permit apartments and townhouses on the south side of South Park Road east of Times Avenue; to exempt Blocks 49 and 50 Plan 65M-3226 from the minimum height provisions of By-law 177-96, as amended; and to revise Holding Zone (H) provisions applying to part of Block 49 and Block 50 Plan 65M-3226.

The following conditions apply to the removal of the (H1) provision:

- i) Approval of a traffic study, to the satisfaction of the Director of Engineering;
- ii) Approval of a servicing study, to the satisfaction of the Director of Engineering;
- iii) Execution of one or more Development Agreement(s), if required, between the Town and the Owner relating to the construction, financing and implementation of off-site servicing and transportation infrastructure improvements;
- iii) Execution of a “no pre-sale” agreement, between the Town and the Owner, applying to residential development of Block 50, Plan 65M-3226.

The following conditions apply to the removal of the (H2) provision:

- i) The Town is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing allocation to provide for the number of *dwelling units* permitted.
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## BY-LAW 2009-93

A by-law to amend By-law 177-96, as amended  
*To rezone portions of Blocks 49, Plan 65M-3226, to reflect adjustments to the configuration of the proposed neighbourhood park south of South Park Road; to adjust the maximum number of dwelling units permitted in the CA1\*38 Zone to permit apartments and townhouses on the south side of South Park Road east of Times Avenue; and to revise the Holding Zone (H) provisions applying to a portion of Block 49 and Block 50, Plan 65M-3226*

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

1. By-law 177-96m as amended, is hereby further amended as follows:
  - 1.1 By rezoning the lands shown on Schedule 'A' attached hereto, as follows:

From Business Park Area \*36 (Hold) [BP\*36(H)]  
To Open Space One [OS1];

From Open Space One [OS1]  
To Community Amenity Area One \*38 (Hold 1) [CA1\*38 (H1)];

From Community Amenity Area One\*38 (Hold) [CA1\*38(H)]  
To Community Amenity Area One\*38 (Hold 1) [CA1\*38(H1)]

From Community Amenity Area One\*38 (Hold) [CA1\*38(H)]  
To Community Amenity Area One\*38 (Hold 2) [CA1\*38(H2)]
  - 1.2 The following Hold provisions shall apply:
    - "a) An amendment to remove the (H1) provision shall not be passed prior to:
      - i) Approval of a traffic study, to the satisfaction of the Director of Engineering;
      - ii) Approval of a servicing study, to the satisfaction of the Director of Engineering;
      - iii) Execution of one or more Development Agreement(s), if required, between the Town and the Owner relating to the construction, financing and implementation of off-site servicing and transportation infrastructure improvements;
      - iii) Execution of a "no pre-sale" agreement, between the Town and the Owner, applying to residential development of Block 50, Plan 65M-3226."
    - b) An amendment to remove the (H2) provision shall not be passed until:
      - "i) The Town is satisfied that sufficient servicing capacity is available and has adopted a resolution granting additional servicing allocation to provide for the number of *dwelling units* permitted."

- 1.3 Hold provisions in Section 2.5.3 do not apply to the lands subject to this By-law.
- 1.4 The minimum *height* provisions of Table B7 shall not apply.
- 1.5 By deleting Section 7.38.1 b) and replacing it with the following:  

“b) Maximum number of dwelling units – 1,800”
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

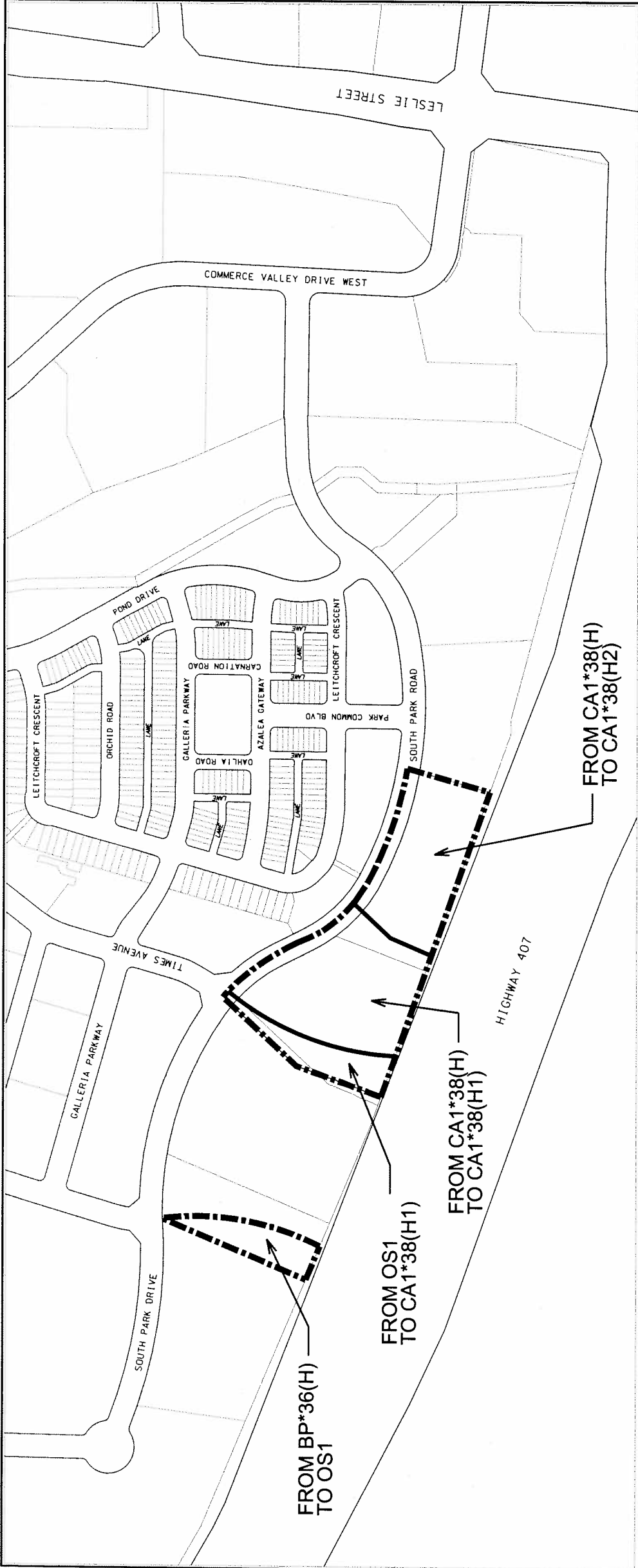
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS  
23<sup>RD</sup> DAY OF JUNE, 2009.



KIMBERLEY KITTERINGHAM  
TOWN CLERK



FRANK SCARPITTI  
MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE "A" TO BY-LAW 2009-93  
PASSED THIS 23<sup>rd</sup> DAY JUNE, 2009

*Park Scapitta* MAYOR

*[Signature]* CLERK

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

— ZONE BOUNDARY

- ☐ BP BUSSINESS PARK
- ☐ CA1 COMMUNITY AMENITY ONE
- ☐ OS1 OPEN SPACE ONE

- ☐ (H) HOLDING PROVISION
- ☐ (H1, H2) HOLDING PROVISIONS ONE & TWO
- ☐ \*No. EXCEPTION SECTION NUMBER

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: N/A