

EXPLANATORY NOTE

BY-LAW 2009-95

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

EMK Construction and Treelawn Construction Ltd.
19T-06007
Part of Lot 23, Concession 4

LANDS AFFECTED

The by-law applies to a 14.02 hectare (34.64 acre) property, located on the east side of Woodbine Avenue, south of Elgin Mills Road and the Hamlet of Victoria Square. The property, which is in the Cathedral Secondary Plan Area, is designated Urban Residential low density.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87 as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96, as amended. The proposed zoning designations are Residential Two-Special (Hold One) [R2-S (H1)], and Residential Two-Special *375 (Hold One) [R2-S*375 (H1)] which will permit the proposed 120 single detached units comprising Phase I; and, Residential Two-Special (Hold Two) [R2-S (H2)], Residential Two-Special (Hold Three) [R2-S (H3)], Single Detached Residential *376 (Hold Two) [R1-F21*376 (H2)], Single Detached Residential *377 (Hold Two) [R1-F35*377 (H2)], Single Detached Residential *378 (Hold Two) [R1-F5*378 (H2)], which will permit the proposed 90 single detached units comprising Phase II.

The following are the conditions for lifting the Holding One (H1) Symbol:

- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) months from the date of the lifting of the (H1) symbol.

The following are the conditions for lifting the Holding Two (H2) Symbol:

- a) Written confirmation from York Region that the completion of the Southeast Collector Sewer will be within twelve (12) months from the date of the lifting of the (H2) symbol; and,
- b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; and,
- c) The assignment of 90 units of conditional servicing (water and sewer) allocation to the Owner by the Trustee for the Cathedral East Landowners Group Cost Sharing Agreement ; or,
- d) Approval of servicing allocation to the lands by the Council of the Town of Markham that is not dependent upon the construction of Regional infrastructure; or
- e) Confirmation from the Regional Commissioner of Environmental Services that servicing capacity for this development can be by a suitable alternative method and allocation of servicing capacity to this development by the Town of Markham

The following are the conditions for lifting the Holding Three (H3) Symbol:

- a) Written confirmation from York Region that the completion of the Southeast Collector Sewer will be within twelve (12) months from the date of the lifting of the (H3) symbol; and,
- b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; and,

- c) The assignment of 12 units of conditional servicing (water and sewer) allocation to the Owner by the Trustee for the Cathedral East Landowners Group Cost Sharing Agreement ; or,
- d) Approval of servicing allocation to the lands by the Council of the Town of Markham that is not dependent upon the construction of Regional infrastructure; or
- e) Confirmation from the Regional Commissioner of Environmental Services that servicing capacity for this development can be by a suitable alternative method and allocation of servicing capacity to this development by the Town of Markham; and,
- f) Consolidation of the subject lands with the lands to the south to permit residential development.

This By-law also incorporates zoning designations of Open Space One (OS2), which will permit the creation of a public park.



BY-LAW 2009-95

A By-law to amend the Urban Expansion Area Zoning By-law 177-96, as amended
(To incorporate Draft Plan 19TM-06007 into the East Cathedral Community)

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 the By-law to include those lands comprising Part of Lot 23, Concession 4, outlined on Schedule 'A' hereto.

1.2 By zoning the lands:

Residential Two-Special (Hold One)	R2-S (H1)
Residential Two-Special (Hold Two)	R2-S (H2)
Residential Two-Special (Hold Three)	R2-S (H3)
Residential Two-Special *375 (Hold One)	R2-S*375 (H1)
Single Detached Residential *376 (Hold Two)	R1-F21*376 (H2)
Single Detached Residential *377 (Hold Two)	R1-F35*377 (H2)
Single Detached Residential *378 (Hold Two)	R1-F5*378 (H2)
Open Space Two	(OS2)

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.375 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -
Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *375 on Schedule 'A' 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.

7.375.1 **Zone Standards**

The following specific zone standards apply:

- a) Maximum *driveway* width on *lots* not accessed by a *lane*:
3.5 metres
- b) Maximum *garage* width on *lots* not accessed by a *lane*:
3.5 metres

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.376 EMK Construction and Treelawn Construction Ltd.- 19T-06007 -
Part of Lot 23, Concession 4

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *376 on Schedule 'A' 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.

7.376.1 Zone Standards

The following specific zone standards apply:

- a) Minimum required *front yard*: 7.5 metres
- b) Minimum required *rear yard*: 10.0 metres
- c) Minimum required *side yard*: 1.8 metres
- d) Maximum *building height*: 10.0 metres

7.376.2 Special Site Provisions

The following additional provisions apply:

- a) Minimum *lot area*: 0.12 hectares
- b) Maximum *lot coverage*: 33%

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.377 **EMK Construction and Treelawn Construction Ltd.- 19T-06007 - Part of Lot 23, Concession 4**

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *377 on Schedule 'A' 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.

7.377.1 Special Site Provisions

The following additional provisions apply:

- a) Minimum *lot area*: 0.09 hectares
- b) One detached private garage is permitted in the easterly *side yard* having a *gross floor area* not exceeding 36.0 m²
- c) Detached *accessory buildings* are not permitted in any *yard* abutting the *public park*.

By adding the following new subsections to Section 7 – EXCEPTIONS to By-law 177-96:

7.378 **EMK Construction and Treelawn Construction Ltd.- 19T-06007 - Part of Lot 23, Concession 4**

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *378 on Schedule 'A' 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.

7.378.1 Zone Standards

The following specific zone standards apply:

- a) Minimum required *rear yard*: 3.0 metres

7.378.2 Special Site Provisions

The following additional provisions apply:

- a) Minimum *lot area*: 0.1 hectares
- b) One detached private garage is permitted in the easterly *side yard* having a *gross floor area* not exceeding 36.0 m²
- c) Detached *accessory buildings* are not permitted in any *yard* abutting the *public park*.

1.3 HOLDING PROVISIONS

For the purpose of this By-law, three Holding provisions are hereby established and are identified on Schedule 'A' attached hereto by the letters (H1), (H2) and (H3) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to '(H1), (H2) or (H3)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters '(H1), (H2) or (H3)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the '(H1)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) months from the date of the lifting of the (H1) symbol.

The following are the conditions for lifting the Holding Two (H2) Symbol:

- a) Written confirmation from York Region that the completion of the Southeast Collector Sewer will be within twelve (12) months from the date of the lifting of the (H2) symbol; and,
- b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; and,
- c) The assignment of 90 units of conditional servicing (water and sewer) allocation to the Owner by the Trustee for the Cathedral West Landowners Group Cost Sharing Agreement ; or,
- d) Approval of servicing allocation to the lands by the Council of the Town of Markham that is not dependent upon the construction of Regional infrastructure; or
- e) Confirmation from the Regional Commissioner of Environmental Services that servicing capacity for this development can be by a suitable alternative method and allocation of servicing capacity to this development by the Town of Markham


The following are the conditions for lifting the Holding Three (H3) Symbol:

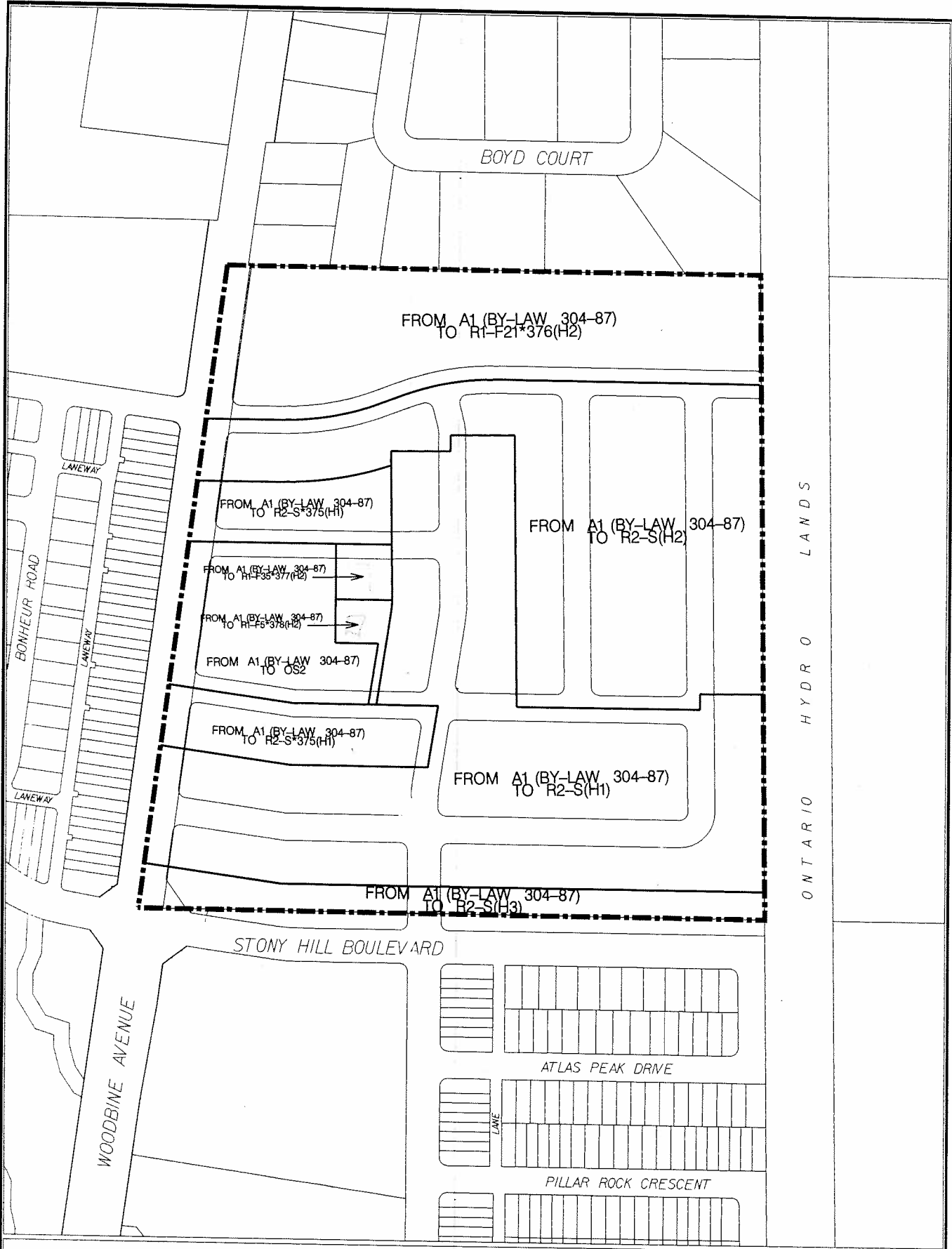
- a) Written confirmation from York Region that the completion of the Southeast Collector Sewer will be within twelve (12) months from the date of the lifting of the (H3) symbol; and,
- b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; and,
- c) The assignment of 12 units of conditional servicing (water and sewer) allocation to the Owner by the Trustee for the Cathedral West Landowners Group Cost Sharing Agreement ; or,

- d) Approval of servicing allocation to the lands by the Council of the Town of Markham that is not dependent upon the construction of Regional infrastructure;
or
 - e) Confirmation from the Regional Commissioner of Environmental Services that servicing capacity for this development can be by a suitable alternative method and allocation of servicing capacity to this development by the Town of Markham
 - f) Consolidation of the subject lands with the lands to the south to permit residential development subject to the lands to the south being zoned appropriately.
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
23RD DAY OF JUNE, 2009.


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

R1	SINGLE DETACHED RESIDENTIAL
R2-S	RESIDENTIAL TWO-SPECIAL
OS2	OPEN SPACE ZONE

A1	AGRICULTURE ONE
F(No)	MINIMUM LOT FRONTAGE
*(No)	EXCEPTION NUMBER
(H)	HOLDING PROVISION

THIS IS SCHEDULE 'A' TO BY-LAW 2009-95
PASSED THIS 23RD DAY JUNE, 2009

Paul Sanghvi 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: 6000