



TO: Mayor and Members of Council

FROM: Ron Blake, Manager – West Development District *RB*

DATE: June 23, 2009

Re: Zoning By-law Amendment
1696913 Ontario Inc.
19TM-95075 – Phase II - Part of Lot 25, Concession 3
West Cathedral Community
Implementing Zoning By-law Amendment
File No: ZA 08 112322

On September 16, 2008, a Development Services Committee Public Meeting was held to consider applications for subdivision approval and zoning by-law amendments to permit 4 semi detached and 26 townhouse dwellings (total 30 units), within Phase II of Draft Plan of subdivision 19TM-96075. The entire Phase II of the Draft Plan is comprised of 10 semi detached units and 82 townhouse units (total 92 units).

Through the May 19, 2009, report entitled “Servicing Allocation Update”, 500 units of 2011 conditional allocation was assigned to the Cathedral West Community. In a letter to the Town dated June 16, 2009, the Developers Group Trustee assigned an additional 62 units of 2011 conditional allocation to the Phase II portion of this subdivision. These additional units of conditional allocation allow the entire Phase II portion of the subdivision (total 92 units), to proceed with a single Hold (H) provision (see attached amending zoning By-law).

The resolution at the September 16, 2008 Development Services Committee public meeting was that the By-laws be enacted once both the presale and indemnity agreements are executed between the owners, the Town and the Region.

Staff recommend that since both of these agreements have been executed by the Owner and the Region, the amending by-laws can now proceed to be enacted.

Attached are the implementing zoning by-law amendments to permit development of the second phase of the subdivision.

EXPLANATORY NOTE

BY-LAW 2009 -

A by-law to amend By-law 304-87, as amended

1696913 Ontario Inc.

19TM-95075 – Phase II

Part of Lot 25, Concession 3

LANDS AFFECTED

The by-law applies to a 2.079 hectare (5.138 acre) site located within the West Cathedral Community west of Woodbine Avenue and south of Elgin Mills Road. The site, which is municipally known as 2901 Elgin Mills Road, is designated Urban Residential low density in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to remove the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, to permit the development of 82 lane based townhouse and 10 semi detached residential units. By-law 304-87 is the Town's rural area by-law. By-law 177-96 is the Town's urban expansion area by-law.



BY-LAW 2009-XXX

A by-law to amend By-law 304-87, as amended

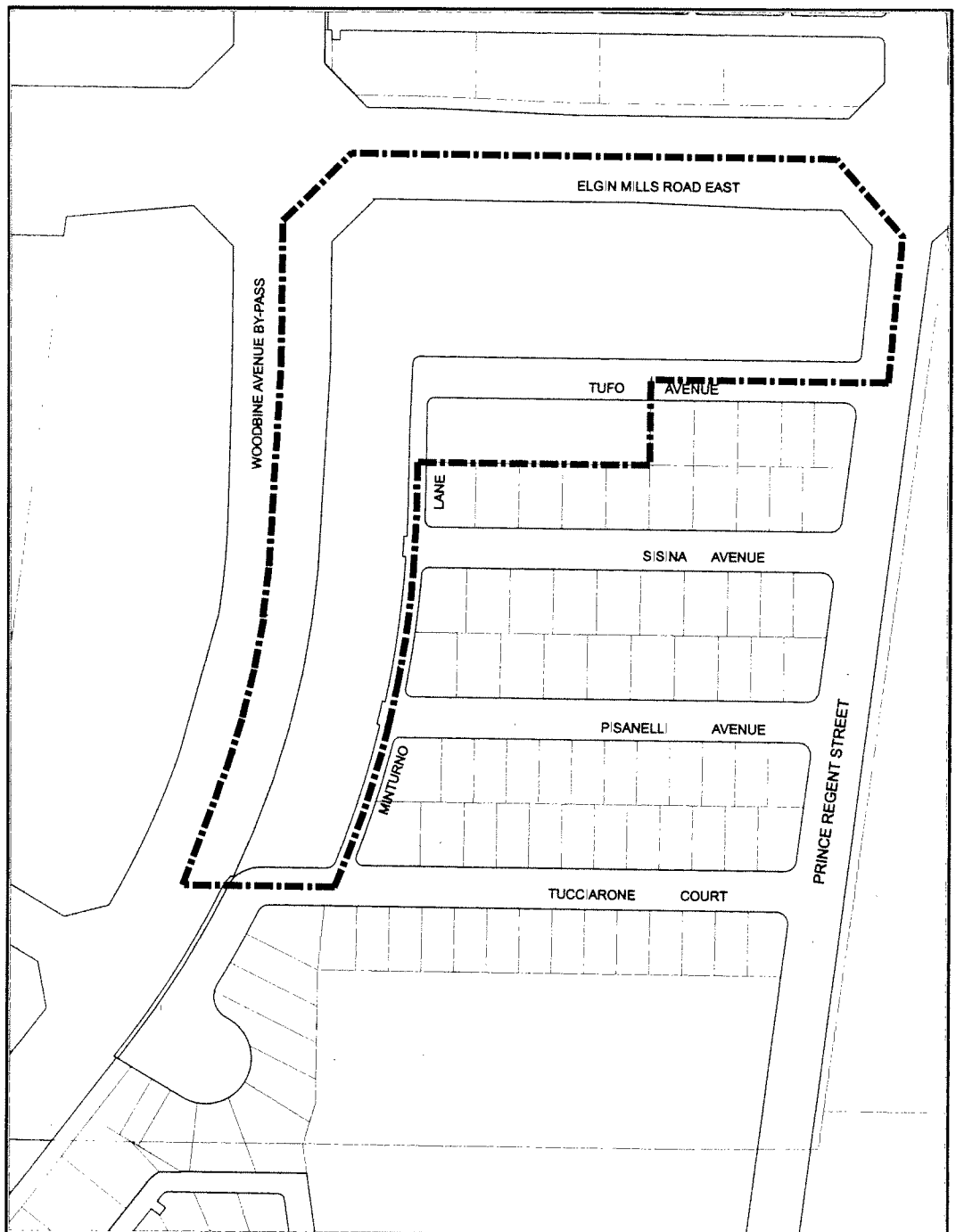
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into force until By-law 2009-XX, amending By-law 177-96, as amended, comes into force and the subject lands of this by-law become incorporated into the designated area of By-law 177-96, as amended.
3. All other provisions of By-law 304-87, 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 ____RD DAY OF _____, 2009.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 304-87



BOUNDARY OF AREA COVERED BY THIS BY-LAW

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2009

..... 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: 2200

EXPLANATORY NOTE

BY-LAW 2009 -

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

1696913 Ontario Inc.
19TM-95075 – Phase II
Part of Lot 25, Concession 3

LANDS AFFECTED

The by-law applies to a 2.079 hectare (5.138 acre) site located within the West Cathedral Community west of Woodbine Avenue and south of Elgin Mills Road. The site, which is municipally known as 2901 Elgin Mills Road, is designated Urban Residential low density in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) 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 (Hold) [R2 (H)] and Residential Two-Lane Access *379 (Hold) [R2-LA*379 (H)], which will permit the proposed 82 lane based townhouses and 10 semi detached residential units.

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

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



BY-LAW 2009-XXX

A By-law to amend the Urban Expansion Area Zoning By-law 177-96, as amended (To incorporate Draft Plan 19TM-95075 – Phase II into the West 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 25, Concession 3, outlined on Schedule 'A' hereto.

1.2 By zoning the lands:

Residential Two (Hold)	R2 (H)
Residential Two-Lane Access *379 (Hold)	R2-LA*379 (H)

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

7.379 1696913 Ontario Inc. - 19TM-95075 – Phase II - Part of Lot 25, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *379 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.

7.379.1 Only Uses Permitted

The following are the only uses permitted:

a) *Townhouse dwellings*

7.379.2 Zone Standards

The following specific Zone Standards apply:

- a) Minimum required *exterior side yard* - 1.8m
- b) Maximum *height* – 12.0m

- c) A *private garage* is permitted to be within or attached to the *main building*, if the lot is accessed by a *lane*
- d) Rear yard provisions for *main building* with attached *private garage*
 - i) Minimum required *rear yard* – 5.8m
 - ii) Maximum required *rear yard* – 6.5 m
- e) In the case of a *lot* where any part of the *rear lot line* is curved or at an angle greater than 90 degrees to the *interior side lot line*, any portion of the *main building* with attached *private garage* may be located farther than 6.5 metres from the *rear lot line*, provided the portion or point of the *main building* with attached *private garage* closest to the *rear lot line* is no more than 6.5 metres from the *rear lot line*.
- f) Minimum area of *outdoor amenity space* – 22.5m²
- g) The outdoor amenity area above an attached *private garage* may be used as a portion of the *outdoor amenity space*
- h) A *deck* and associated stairs is permitted to encroach into the *outdoor amenity space*
- i) Provisions for *Parking Pads*
 - i) Minimum width of a *parking pad* – 2.6m
 - ii) Minimum *interior side yard* – 0.0m on one side and 0.8m on the other side
 - iii) Minimum *exterior side yard* – 1.8m
 - iv) *Parking Pads* may be located in the required *rear yard* setback area
- j) *Porches* may encroach into the required *interior side yard* a distance of not more than 50% of the required *interior side yard*
- k) For the purpose of this section, a *lot* that abuts a *lane* shall be deemed to abut a *street*;
- l) For the purposes of this section, the *lot line* that abuts the buffer area shall be deemed the *front lot line*;

1.3 HOLDING PROVISIONS

For the purpose of this By-law, a Holding provision is hereby established and is 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 '(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.

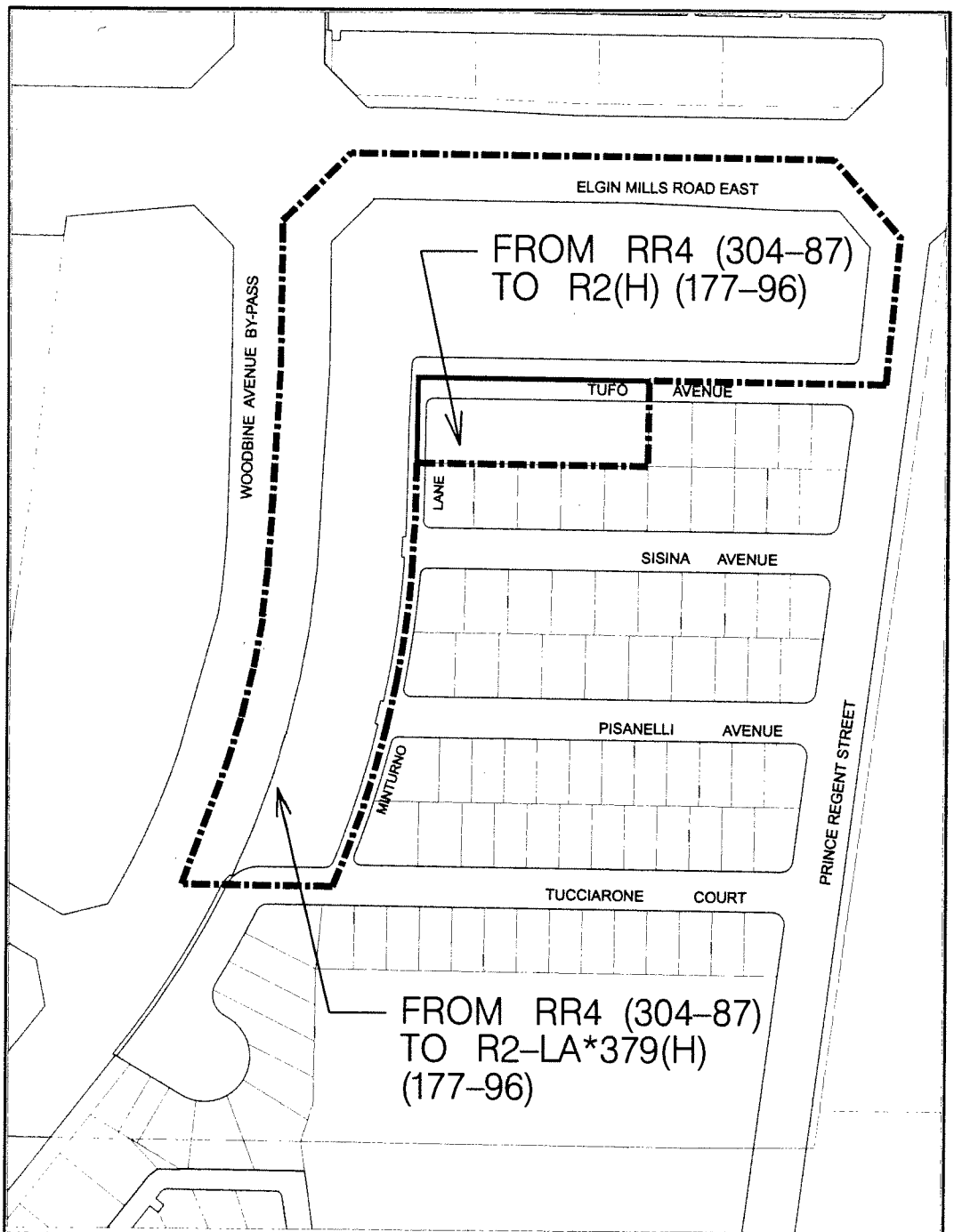
Prior to removing the '(H)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within twelve (12) months from the date of the lifting of the (H) symbol.
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 ____ DAY OF _____, 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

R2 RESIDENTIAL TWO

R2-LA RESIDENTIAL TWO-LANE ACCESS

RR4 RURAL RESIDENTIAL FOUR

(H) HOLDING PROVISION

*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY, 2009

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: 2200