



TO: Kimberley Kitteringham, Town Clerk

FROM: Geoff Day – Planner, West Development District

DATE: October 27, 2009

Re: Zoning By-law Amendment
Majorwood Developments
19TM-02015 – Phase II - Part of Lot 21, Concession 3
West Cathedral Community
Implementing Zoning By-law Amendment
File No: ZA 08 112753

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 36 townhouse dwellings, within Phase II of Draft Plan of subdivision 19TM-02015. The entire Phase II of the Draft Plan is comprised of 94 semi detached units, 32 townhouse units and 2.5 part blocks.

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 additional 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 128.5 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 the No Presale Agreement has been executed between the Owner and the Town and the Indemnity Agreement has been executed between the Owner and the Region.

Both of these agreements have been executed as required. Staff recommend that 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

Majorwood Developments

19T-02015

Part of Lot 21, Concession 3

LANDS AFFECTED

The by-law applies to a 4.53 ha (11.2 ac) property, located north of Major MacKenzie Drive, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87 as amended, which is the Town's Rural Area By-law.

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 proposed 94 semi detached units and 32 townhouse units.



BY-LAW 2009-XXX

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

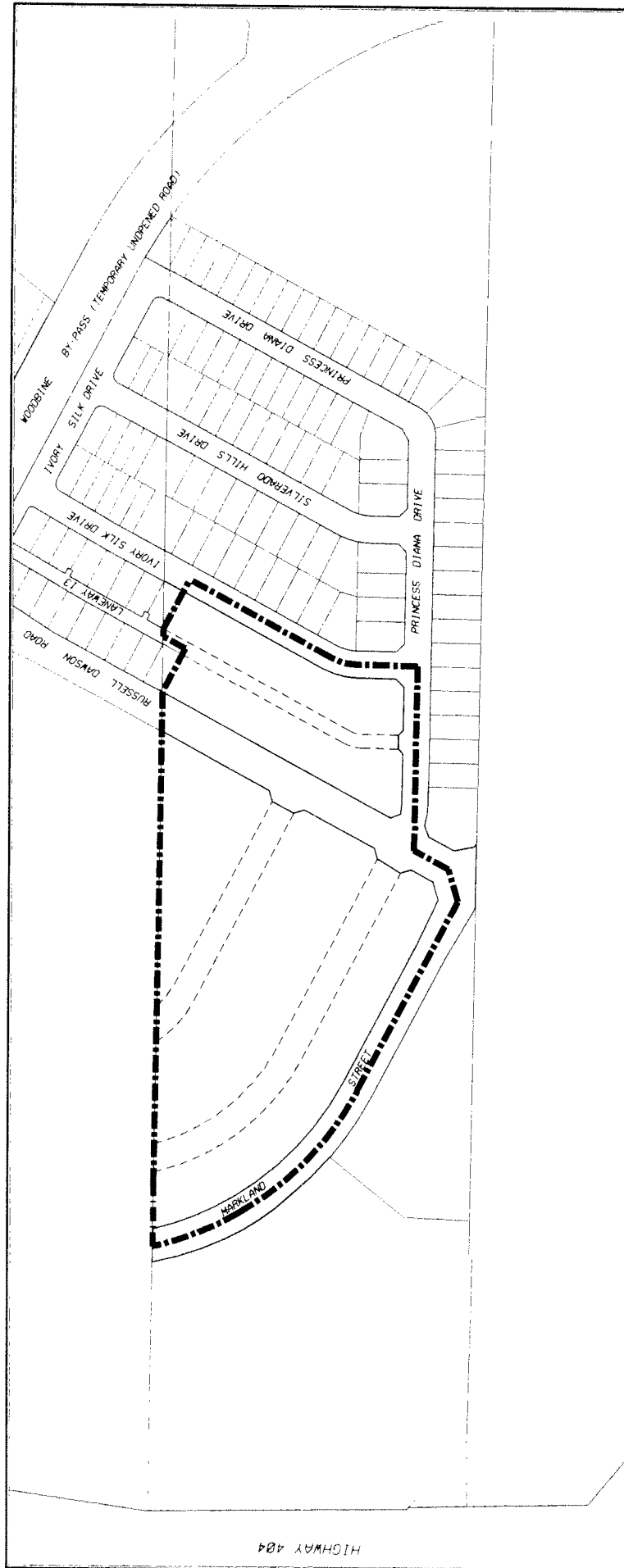
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

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-XXX, 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 KITTINGHAM
TOWN CLERK

FRANK SCARPITTI



HIGHWAY 404



DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW

304-87

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

SCALE 1"

2009-10-27 10:00:00 P 50 19 AM

EXPLANATORY NOTE

BY-LAW 2009 -

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

Majorwood Developments
19T-02015
Part of Lot 21, Concession 3

LANDS AFFECTED

The by-law applies to a 4.53 ha (11.2 ac) property, located north of Major MacKenzie Drive, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

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 will permit the proposed construction of 94 semi detached units and 32 townhouse units.

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

- 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 six (6) months from the date of the lifting of the (H) symbol.
- b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; or,
- c) 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
- d) 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.

This By-law also incorporates zoning designations of Open Space One (OS1), which will permit the creation of a public park; and, Open Space Two (OS2), which provides for a school development as one of the permitted uses.

A By-law to amend the New Urban Area Zoning By-law 177-96, as amended
(To incorporate Draft Plan 19TM-02015 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 21, Concession 3, outlined on Schedule 'A' hereto.
 - 1.2 By zoning the lands:

Residential Two – Lane Access*390 (Hold)	(R2-LA*390 (H))
Residential Two – Lane Access*390*391 (Hold)	(R2-LA*390*391 (H))
Residential Two *392 (Hold)	(R2*392 (H))
Open Space One	(OS1)
Open Space Two	(OS2)

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

“7.390 - Majorwood Developments 19T-02015 - Part of Lot 21, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *390 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.

7.390.1 Only uses permitted

The following uses are the only uses permitted:

- a) *Townhouse Dwellings*

7.390.2 Zone Standards

The following specific zone standards apply:

- a) Minimum *lot depth* - 26.0 m;
- b) Minimum *required front yard* - 3.5 m;
- c) Maximum *lot coverage* for *detached garages* – 20%;
- d) Maximum width of *attached* or *detached* private *garage* – 6.1 m;
- e) Minimum *required rear yard* - 0.6 m;

- f) Maximum *required rear yard* - 7.5 m;
- g) A detached *private garage* may share a common wall with an attached *private garage* on an abutting lot, and no setback from the *interior side lot line* is required on that side of the *lot*;
- h) A *private garage* is permitted to be within or attached to the *main building*, if the lot is accessed by a lane;
- i) Minimum setback for a detached *private garage* from the *main building* on a *lot* – 5.0 m;
- j) Minimum required setback of *porch* or landing from *front lot line* - 1.5 m;
- k) Minimum required setback of *porch* stairs or landing stairs from front lot line - 0.75 m;
- l) Minimum required setback of *porch*, *porch* stairs, landing or landing stairs from exterior side lot line - 0.75 m;
- m) An underground cold cellar may also encroach into the *required yard*, provided an underground cold cellar is located entirely underneath the *porch*, *porch* stairs, landing or landing stairs;
- n) Provisions for *outdoor amenity space*:
 - i) Minimum area of *outdoor amenity space* - 27 sq. m;
 - ii) A *deck* and associated stairs is permitted to encroach into the *outdoor amenity space*.

7.391 - Majorwood Developments 19T-02015 - Part of Lot 21, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *391 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.

7.391.2 Zone Standards

The following specific zone standards apply:

- a) Minimum *required front yard* – 3.0 m;
- b) Minimum required setback of *porch* or landing from *front lot line* - 1.0 m;
- c) Minimum required setback of *porch* stairs or landing stairs from front lot line - 0.25 m;

7.392 - Majorwood Developments 19T-02015 - Part of Lot 21, Concession 3

Notwithstanding any other provision of this By-law, the provisions in this section shall apply to those lands denoted by the symbol *392 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.

7.392.1 Zone Standards

The following specific zone standards apply:

- a) Minimum required front yard – 4.5 m (2) (3).”

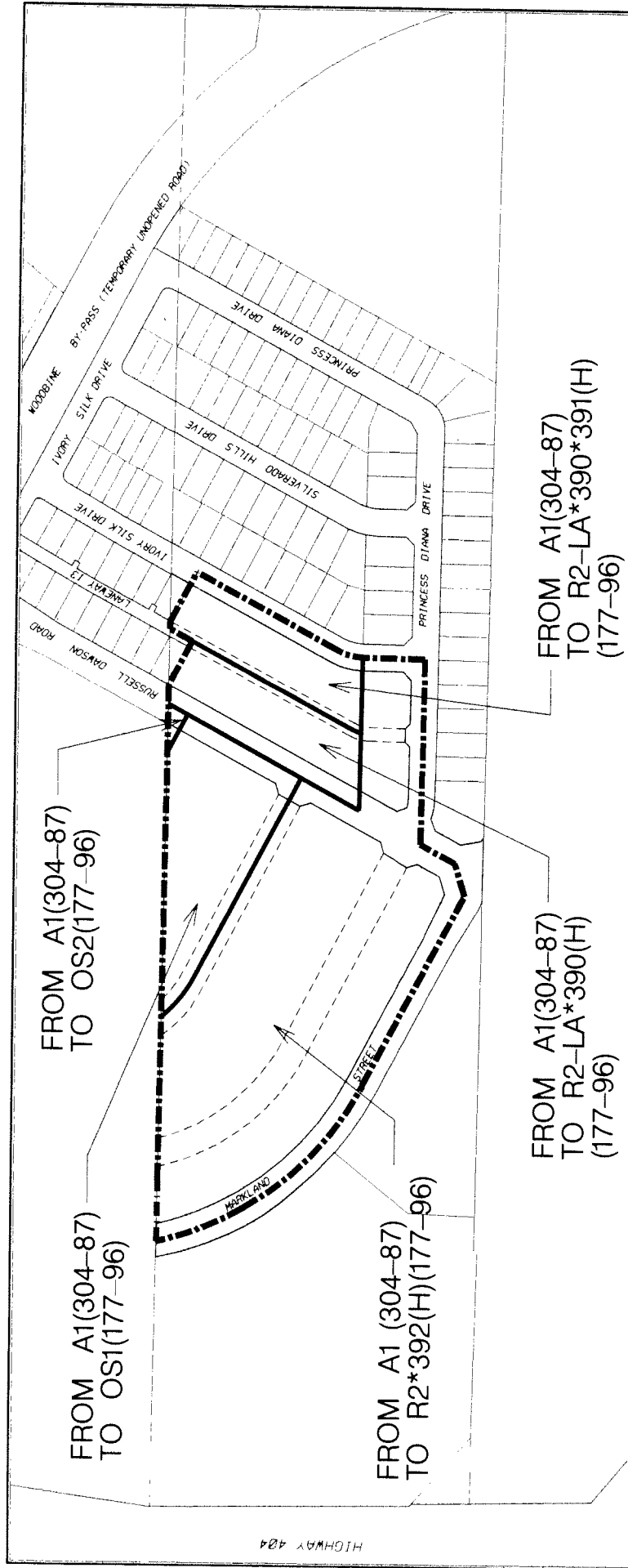
1.3 HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) 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 six (6) months from the date of the lifting of the (H) symbol.
 - b) Allocation of adequate available water supply and sewage capacity to serve the subject development by the Council of the Town of Markham; or,
 - c) 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
 - d) 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.
2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.



MARKHAM DEVELOPMENT SERVICES COMMISSION

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

MAYOR
CLERK

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

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

BOUNDARY OF AREA COVERED BY THIS BY-LAW

☐ A1 AGRICULTURE ONE
☐ R2 RESIDENTIAL TWO
☒ R2-LA RESIDENTIAL TWO LANE ACCESS

ZONE BOUNDARY

☐ OS1 OPEN SPACE ONE
☐ OS2 OPEN SPACE TWO
☐ *No EXCEPTION SECTION NUMBER