

EXPLANATORY NOTE

BY-LAW 2009-195

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

**1473092 Ont. Ltd. (Metrus Developments)
Part of Lots 16, 17 and 18, Concession 9
Cornell Community**

Lands Affected

The proposed by-law amendment applies to 17.2 ha. (42.5 acres) of land located south of Donald Cousens Parkway, east of 9th Line, within the Cornell community.

Existing Zoning

The lands are presently zoned Agriculture (A1) by By-law 304-87, as amended.

Purpose and Effect

The purpose of the by-law amendment is to incorporate the lands into appropriate residential zone categories within By-law 177-96. The proposed zone categories are:

Residential Two *190*210*344 (H) and (H1) [R2*190*210*344(H) & (H1)]
Residential Two *190*210*388 (H) and (H1) [R2*190*210*388(H) & (H1)]
Residential Two *190*210*389 (H1) [R2*190*210*389(H1)]
Residential Two *190*210*344*407 (H) [R2*190*210*344 *407(H)]
Residential Two *190*210*344*408 (H1) [R2*190*210*344 *408(H1)]
Greenway [G],

which will permit the development of 492 residential units.

Conditions required to be met for lifting the Holding (H) and (H1) provisions relate to the availability of servicing allocation.



BY-LAW 2009-195

A by-law to amend the New Urban Area By-law 177-96, as amended
(*To incorporate lands into the designated area of this By-law*)

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

1. THAT By-law 177-96, as amended, is hereby further amended as follows:

1.1 By expanding the designated area of By-law 177-96, as amended, to include the lands in Lots 16, 17, and 18, Concession 9, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Two *190*210*344 (H) [R2*190*210*344(H)]
Residential Two *190*210*344 (H1) [R2*190*210*344(H1)]
Residential Two *190*210*388 (H) [R2*190*210*388(H)]
Residential Two *190*210*388 (H1) [R2*190*210*388(H1)]
Residential Two *190*210*389 (H1) [R2*190*210*389(H1)]
Residential Two *190*210*344*407 (H) [R2*190*210*344
*407(H)]
Residential Two *190*210*344*408 (H1) [R2*190*210*344
*408(H1)]
Greenway [G]

as shown on Schedule 'A' attached hereto.

1.3 By rezoning the lands in Lots 17 and 18, Concession 9, as shown on Schedule 'A' attached hereto from:

Open Space One [OS1] to
Residential Two *190*210*388 (H) [R2*190*210*388(H)]

1.4 By adding the following subsections to Section 7 – EXCEPTIONS:

**“7.388 RESIDENTIAL LOTS SOUTH OF DONALD
COUSENS PARKWAY, CORNELL**

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *388 on the Schedule 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.

7.388.1 Zone Standards

The following specific Zone Standards apply:

a) Minimum required *rear yard* - 12.3 metres;

- b) Detached *private garages* and any *storey* above the first *storey* of a detached *private garage* shall be set back a minimum of 5.3 metres from the main building on the lot.

7.388.2 Special Site Provisions

The following additional provisions apply:

- a) The northerly *lot line* is deemed to be the *front lot line*;
- b) No *buildings or structures* are permitted within 2.0 metres of the northerly *lot line*;
- c) The minimum width of a *parking space* shall be 2.5 metres where the *parking space* is located on a *parking pad* between a private garage and a *side lot line* created by a Hydro Transformer Notch.”

“7.389 RESIDENTIAL LOTS NORTH OF SADDLEBROOK DRIVE, CORNELL

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *389 on the Schedule 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.

7.389.1 Special Site Provisions

The following additional provisions apply:

- a) *Maximum Setback From Rear Lot Line for Detached Private Garages* – no maximum;
- b) The minimum width of a *parking space* shall be 2.5 metres where the *parking space* is located on a *parking pad* between a private garage and a *side lot line* created by a Hydro Transformer Notch.”

“7.407 TOWNHOUSE BLOCKS EAST OF NINTH LINE, CORNELL

Notwithstanding any provisions of this by-law, the provisions in this section shall apply to those lands denoted by the symbol *407 on the schedules 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.

7.407.1 Special Site Provisions

The following additional provisions apply:

- a) The westerly *lot line* is deemed to be the *front lot line*;

- b) The minimum width of a *parking space* shall be 2.5 metres where the *parking space* is located on a *parking pad* between a private garage and a *side lot line* created by a Hydro Transformer Notch.”

“7.408 LOTS NORTH OF 16TH AVENUE, CORNELL

Notwithstanding any provisions of this by-law, the provisions in this section shall apply to those lands denoted by the symbol *408 on the schedules 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.

7.408.1 Zone Standards

The following specific Zone Standards apply:

- a) Minimum required *rear yard* - 12.3 metres;
- b) Detached *private garages* and any *storey* above the first *storey* of a detached *private garage* shall be set back a minimum of 5.3 metres from the main building on the lot.

7.408.2 Special Site Provisions

The following additional provisions apply:

- a) The southerly *lot line* is deemed to be the *front lot line*;

1.5 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) and Holding (H1) *zones* are hereby established and are identified on Schedule ‘A’ attached hereto by the letters (H) and (H1) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to (H) or (H1) provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters (H) & (H1) 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) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months of the date of the removal of the Holding (H) provision; and,
- b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development; or,


- c) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
- d) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

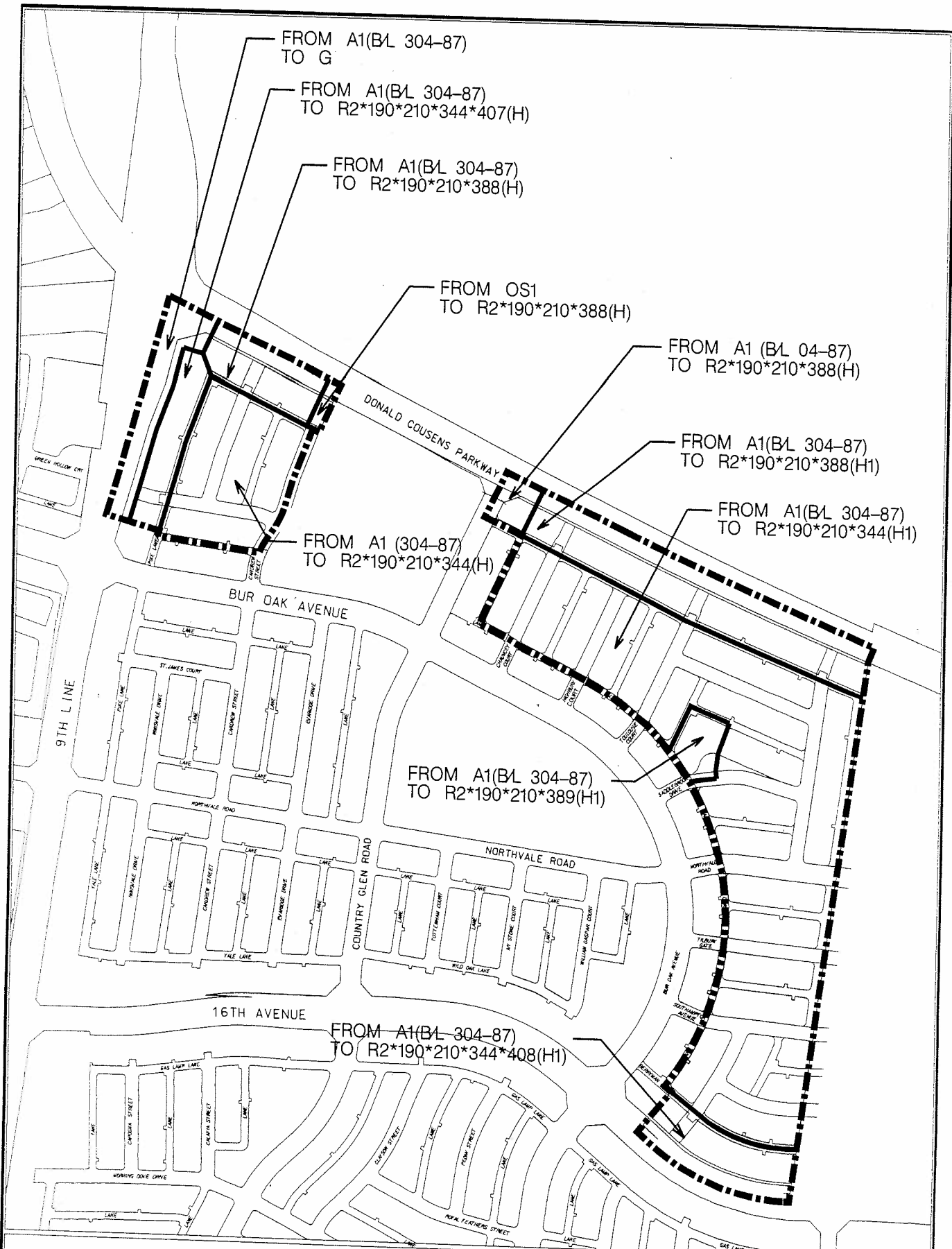
Prior to removing the (H1) Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within six (6) months of the date of the removal of the Holding (H) provision; and
 - b) The Council of the Town of Markham has allocated adequate available water supply and sewage servicing capacity to the lands; and,
 - c) The Trustee for the Cornell Developers' Group Cost Sharing Agreement has assigned the required conditional servicing (water and sewer) allocation to the Owner; or,
 - d) The Council of the Town of Markham approves servicing allocation to the lands that are not dependent upon the construction of Regional infrastructure; or
 - e) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.
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
15TH DAY OF DECEMBER, 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

A1 AGRICULTURE ONE
R2 RESIDENTIAL TWO
OS1 OPEN SPACE ONE

G OPEN SPACE
(H) (H1) HOLD PROVISION &
HOLD PROVISION ONE
*No. EXCEPTION SECTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2009-195
PASSED THIS 15TH DAY DEC., 2009

Paul Seng MAYOR
[Signature] 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: NA