



TO: Mayor and Members of Council

FROM: Geoff Day – Planner, West Development District

DATE: April 23, 2010

RE: Zoning By-law Amendment
King David Developments
19TM-05009 – Phase III - Part of Lot 22, Concession 3
West Cathedral Community
Implementing Zoning By-law Amendment
File No: ZA 10 109932

On March 23, 2010, a Development Services Committee Public Meeting was held to consider applications for subdivision approval and zoning by-law amendments to permit 45 townhouses, 5 singles detached and 2 semi-detached dwellings (total 52 units), within Phase III of Draft Plan of subdivision 19TM-05009.

Through the May 19, 2009, report entitled “Servicing Allocation Update”, 500 units of 2011 conditional allocation was assigned to the Cathedral West Community. An updated allocation table was submitted to the Town on April 21, 2010 by the Developers Group Engineering firm. The table confirms that additional units of 2011 conditional allocation have been assigned to the Phase III portion of this subdivision. These additional units of conditional allocation allow the entire Phase III portion of the subdivision to proceed with a single Hold (H) provision (see attached amending zoning By-law).

The resolution at the March 23, 2010 Development Services Committee public meeting was that the By-laws be enacted once the Indemnity Agreement has been executed between the Owner and the Region.

Staff have confirmed that this agreement has 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 2010-XXX

Monarch Corporation – Cathedral Town South Subdivision

This By-law applies to a draft plan of subdivision totalling 1.86 hectares (4.6 acres), located on the west side of Woodbine Avenue, north of Major MacKenzie Drive.

The purpose and effect of this zoning by-law is to delete these lands from the by-law 304-87 so they can be incorporated into by-law 177-96, to permit a residential plan of subdivision.



BY-LAW 2010-XXX

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

To delete lands on the west side of Woodbine Avenue between Major Mackenzie Drive and Elgin Mills Road from By-law 304-87, so they can be incorporated into By-law 177-96

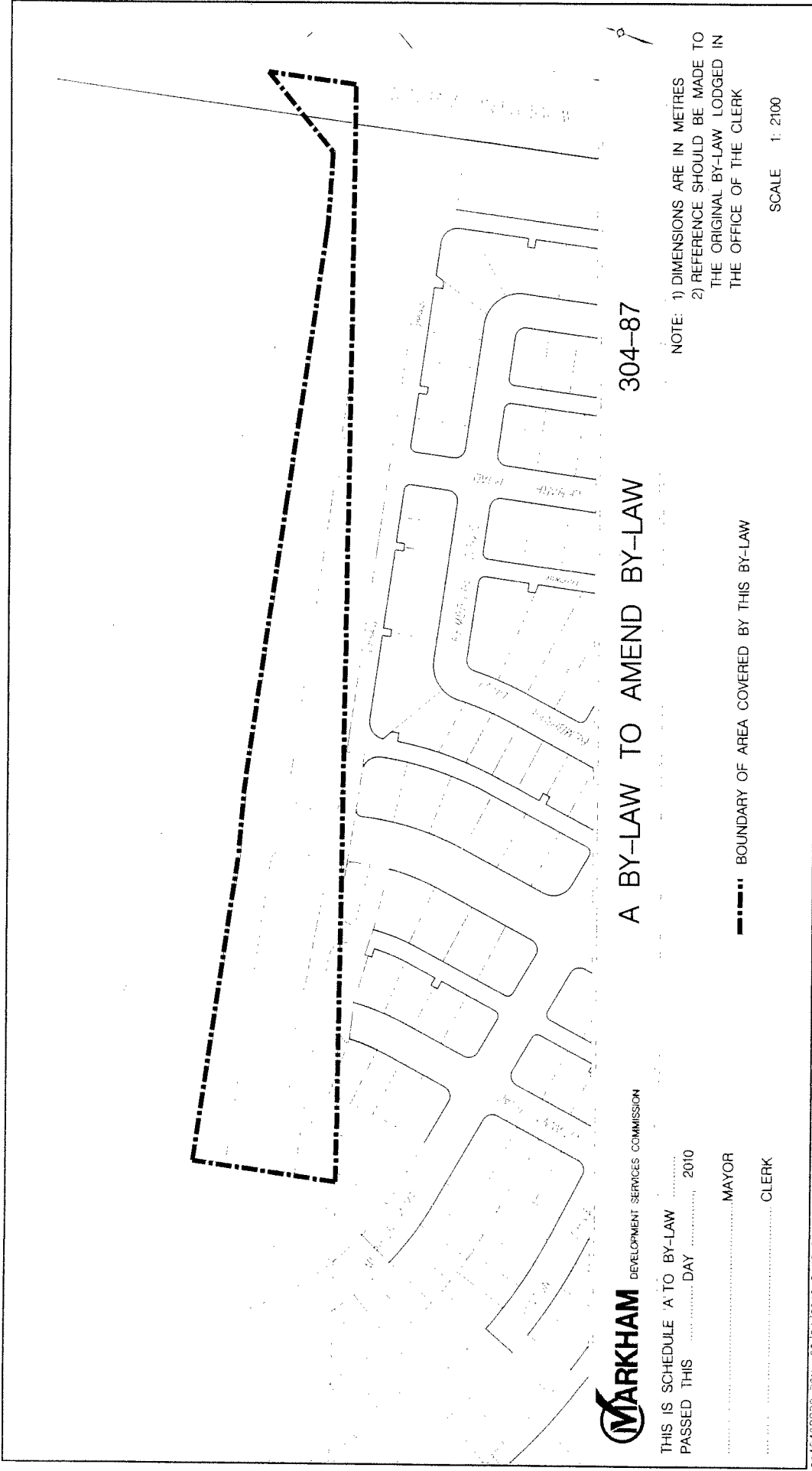
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. That By-law 304-87 be amended by deleting the lands shown on Schedule 'A' attached hereto, from the designated area of By-law 304-87.
2. This by-law shall not come into effect until By-law 2010-XXX, amending By-law 177-96, as amended comes into effect and the lands, as shown in Schedule 'A' attached hereto, are incorporated into the designated area of By-law 177-96.
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
____TH DAY OF _____, 2010.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



MARKHAM DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2010

..... MAYOR

..... CLERK

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

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: 2100

BY-LAW 2010-XXX

Monarch Corporation – Cathedral Town South Subdivision

This By-law applies to a draft plan of subdivision totalling 1.86 hectares (4.6 acres), located on the west side of Woodbine Avenue, north of Major MacKenzie Drive.

The purpose of this zoning by-law amendment is to incorporate the subject lands in the Urban Expansion Area By-law (177-96) to permit a residential plan of subdivision. The effect of the zoning by-law amendment is to:

- Extend the zoning regulations established for the Cathedral Town subdivision immediately to the south onto the subject lands;

The subject lands are designated low density residential in the Cathedral Community Secondary Plan (OPA 41), as amended. The zoning by-law conforms to the policies of the Secondary Plan.

The proposed zoning designations are:

- Residential Two (Hold) - [R2 (H)],
- Residential Two – Lane Access*196*328(Hold) - [R2 – LA*196*328 (H)];
- Residential Two – Lane Access*197*328 (Hold) [R2-LA*197*328 (H)];
- Residential Two – Lane Access*196*314 (Hold) [R2-LA*196*314 (H)];
- Residential Two – Lane Access*198*199*328 (Hold) [R2-LA*198*199*328 (H)]; and,
- Residential Two – Lane Access*198*416 (Hold) [R2 – LA*198*416 (H)].

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 six (6) months from the date of the lifting of the (H) symbol.



BY-LAW 2010-XXX

A by-law to amend Urban Expansion Area
Zoning By-law 177-96, as amended

*To incorporate lands on the west side of Woodbine Avenue between Major Mackenzie Drive and
Elgin Mills Road into By-law 177-96*

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

1. That By-law 177-96 be amended as follows:

1.1 By expanding the designated area of By-law 177-96, to include the lands shown on
Schedule 'A', attached hereto and zoning said lands:

- Residential Two (Hold) [R2 (H)]
- Residential Two – Lane Access*196*328(Hold) [R2 – LA*196 *328 (H)];
- Residential Two – Lane Access*197*328 (Hold) [R2 – LA*197*328 (H)];
- Residential Two – Lane Access*196*314 (Hold) [R2-LA*196*314 (H)];
- Residential Two – Lane Access*198*199*328 (Hold) [R2-LA*198*199*328 (H)];
- Residential Two – Lane Access*198*416 (Hold) [R2 – LA*198*416 (H)];

1.2 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:

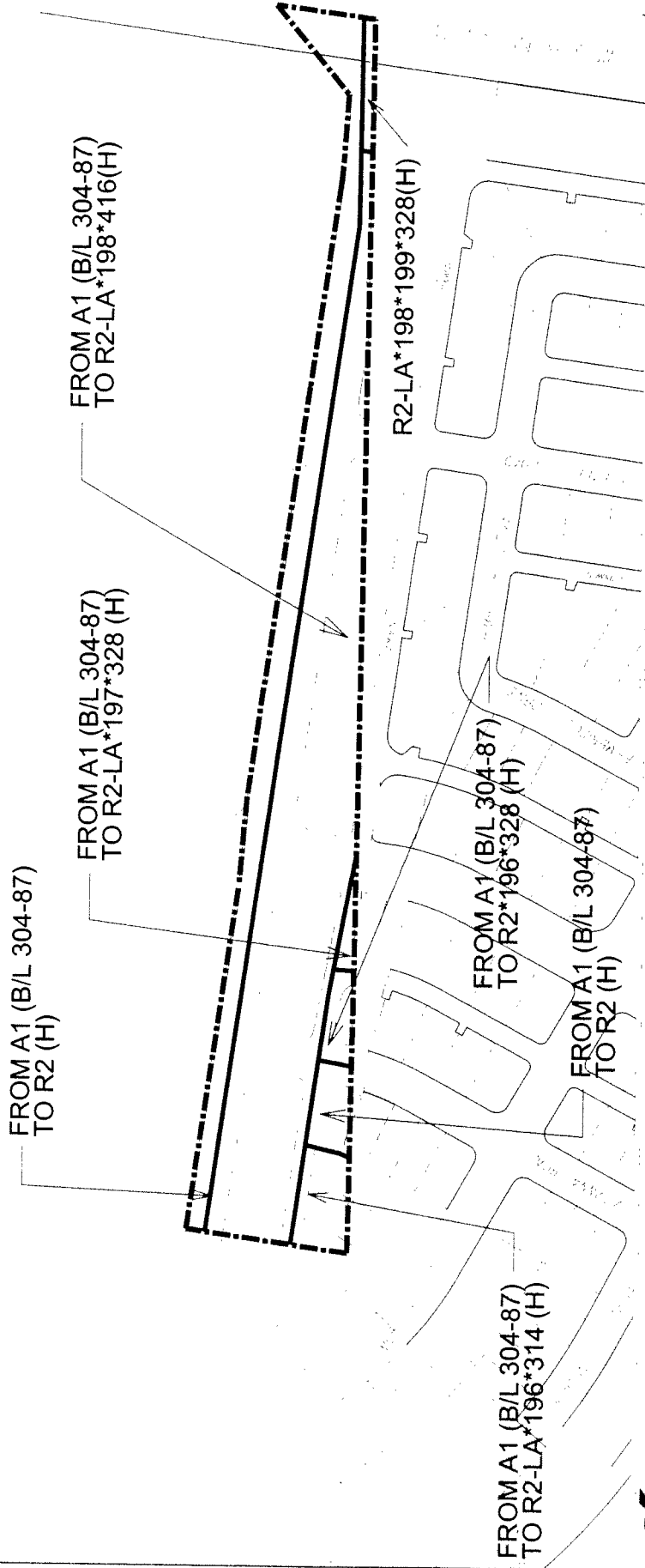
- a) Written confirmation from York Region that the completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months from the date of the lifting of the (H) symbol.

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
___TH DAY OF _____, 2010.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



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

DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW
PASSED THIS DAY 2010

MAYOR
CLERK

BOUNDARY OF AREA COVERED BY THIS BY-LAW

ZONE BOUNDARY

NOTE: 1) DIMENSIONS ARE IN METRES
2) REFERENCE SHOULD BE MADE TO THE ORIGINAL BY-LAW LODGED IN THE OFFICE OF THE CLERK

A1	AGRICULTURAL 1	(H)	HOLDING PROVISION	
R2	RESIDENTIAL TWO	*No.	EXCEPTION SECTION NUMBER	
R2-LA	RESIDENTIAL TWO WITH LANE ACCESS			

SCALE 1: 2100