

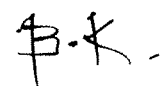
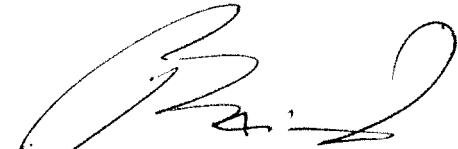
MEMORANDUM

TO: Mayor and Members of Council

FROM: Jim Baird, Commissioner of Development Services
Biju Karumanchery, Senior Development Manager

DATE: June 8, 2010

RE: Ninth Line Developments Limited and Humboldt Properties Limited
Phase 3
West of the Donald Cousens Parkway, south of Major Mackenzie Drive
Greensborough Community
Implementing zoning by-law amendments and servicing allocation
File: SU 06-109380 and ZA 06-109396 (19TM-02013)



RECOMMENDATION:

1. That the zoning application (ZA 06-109396) submitted by Ninth Line Developments Limited and Humboldt Properties Limited, to implement draft plan of subdivision 19TM-02013 (SU 06-109380) west of the Donald Cousens Parkway, south of Major Mackenzie Drive, be approved and the attached amendments to Zoning By-laws 304-87, as amended and 177-96, as amended, be enacted without further notice.
2. And that servicing allocation for 144.5 units (534.65 population) be granted to plan of subdivision 19TM-02013 from the total allocation for the Greensborough Community, assigned in accordance with the May 19, 2009 report on servicing allocation.

BACKGROUND:

On June 16, 2009, a Development Services Committee Public Meeting was held to consider applications for draft plan approval and implementing zoning for a residential plan of subdivision that includes 124 single-detached lots and 41 part blocks (total 144.5 units, including part blocks).

The first phase of the draft plan (330 units) was originally approved by Council on November 18, 2003. The draft conditions for the remaining units (identified as the second phase) was endorsed by Council, and Council also approved and enacted a Delegation By-law to allow for the draft approval of all future phases of the draft plan of subdivision 19TM-02013 to be delegated to the Commissioner of Development Services, when additional servicing allocation became available.

EXPLANATORY NOTE

By-law 2010-XXX

A By-law to amend By-law 304-87

Ninth Line Developments Ltd. and Humboldt Properties
Part of Lot 19, Concession 8
Greenborough Community
19TM-02013 (Phase 3)

LANDS AFFECTED

The proposed rezoning applies to a 0.71 ha (1.75 ac) parcel of land, located to the west of Donald Cousens Parkway, south of Major Mackenzie Drive.

EXISTING ZONING

The lands subject to this amendment are currently zoned Agricultural (A1) by By-law 304-87 as amended.

PURPOSE AND EFFECT OF THE BY-LAW

The purpose and effect of this By-law is to delete the lands from By-law 304-87, as amended and incorporate the lands into appropriate residential zone categories within By-law 177-96. The proposed zone categories are:

Residential Two*396(Holding)	R2*396(H)
Residential Two*133*207*394(Holding)	R2*133*207*394(H)
Residential Two*393*426 (Holding)	R2*393*426 (H)
Residential Two-Special*134*207*394(Holding)	R2-S*134*207*394(H)
Residential Two-Special*393*426(Holding)	R2-S*393*426(H)

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



2010-XXX

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

*(To delete lands on the northwest corner of Alfred Patterson Drive and Delray Drive, 19TM-02013
(Phase 3), from the designated area of the By-law 304-87)*

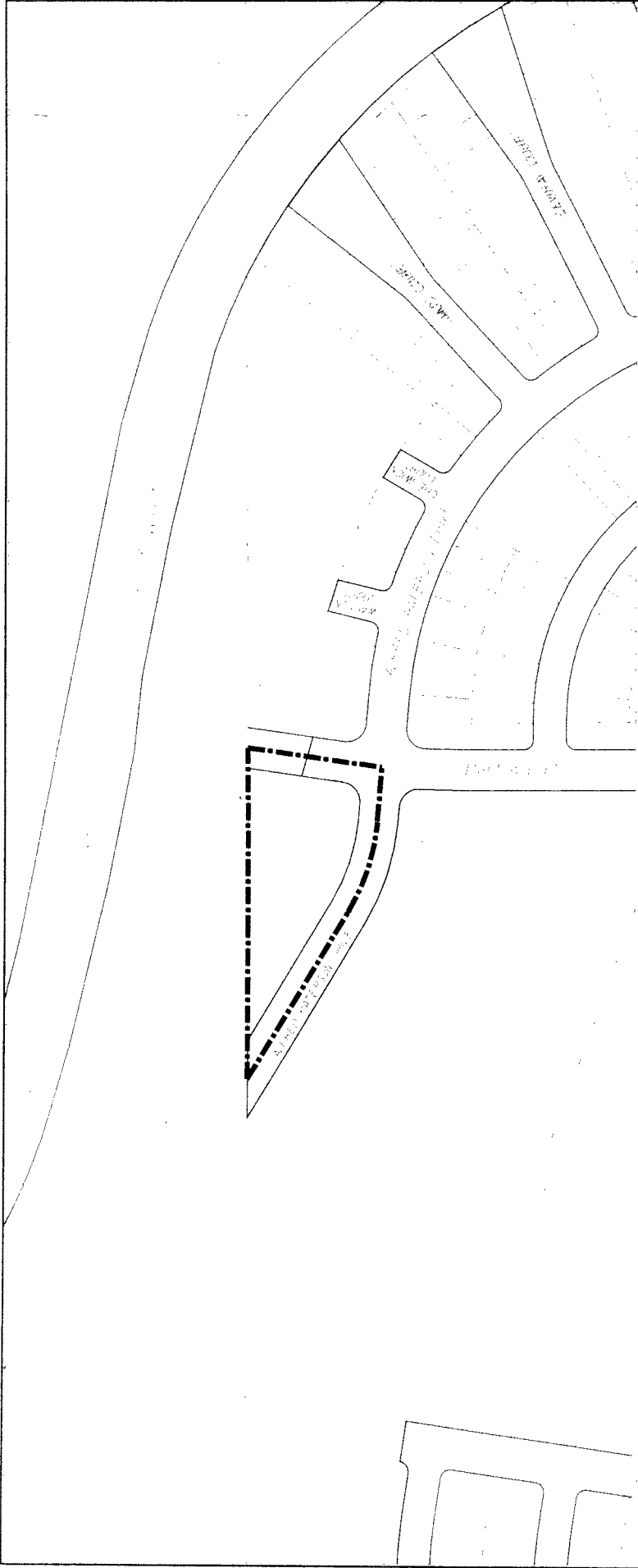
**THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY
ENACTS AS FOLLOWS:**

1. By-law 304-87, as amended, be and the same is hereby further amended by deleting the lands outlined on Schedule 'A' attached hereto from the designated area of By-law 304-87, as amended.
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 on Schedule 'A' attached hereto, are 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 ____TH DAY OF _____, 2010.

KIMBERLY KITTERINGHAM, TOWN CLERK

FRANK SCARPITTI, MAYOR



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

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

EXPLANATORY NOTE

By-law 2010-XXX

A By-law to amend By-law 177-96

Ninth Line Developments Ltd. and Humboldt Properties

Part of Lot 19, Concession 8

Greenborough Community

19TM-02013 (Phase 3)

LANDS AFFECTED

The proposed rezoning applies to a 0.84 ha (2.07 ac) parcel of land, located west of Donald Cousens Parkway, south of Major Mackenzie Drive.

EXISTING ZONING

The eastern portion of the lands subject to this amendment are currently zoned Agricultural (A1) under By-law 304-87 as amended, and the western portion is zoned Residential Two*133*207(Holding) [R2*133*207(H)] and Residential Two-Special*134*207(Holding) [R2-S*134*207(H)]

PURPOSE AND EFFECT OF THE BY-LAW

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

Residential Two*396(Holding)	R2*396(H)
Residential Two*133*207*394(Holding)	R2*133*207*394(H)
Residential Two-Special*134*207*394(Holding)	R2-S*134*207*394(H)
Residential Two*393*426(Holding)	R2*393*426(H)
Residential Two-Special*393*426(Holding)	R2-S*393*426(H)

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



2010-XXX

A by-law to amend Zoning By-law 177-96, as amended
(To incorporate lands into the designated area of this By-law)
And rezone certain lands within the designated area of the 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 to include those lands comprising Part of Lot 19, Concession 8, as more particularly outlined on Schedule 'A1' hereto, and by zoning the lands:

Residential Two*396(Holding)	R2*396(H)
Residential Two*133*207*394(Holding)	R2*133*207*394(H)
Residential Two-Special*134*207*394(Holding)	R2-S*134*207*394(H)

- 1.2 By rezoning the lands comprising Blocks 160 to 162, and 155 to 159, Plan 19TM-02013, Phase 3 as more particularly outlined on Schedule 'A2' hereto from:

Residential Two*133*207(Holding)	R2*133*207(H), to
Residential Two*393*426(Holding)	R2*393*426(H), and
Residential Two-Special*134*207(Holding)	R2-S*134*207(H), to
Residential Two-Special*393*426(Holding)	R2-S*393*426(H)

- 1.3 By adding the following new subsections to Section 7 – EXCEPTIONS:

“7.394 Certain Lots and Block west of Delray Drive and north of Alfred Patterson, Plan 19TM-02013, Phase 3

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol *394 on the Schedule 'A1' 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.

7.394.1 Special Site Provisions

The following additional provisions shall apply:

a) **Size of Porches**

Porches are subject to the development standards that were in effect prior to January 18, 2005.

b) **Encroachment of Architectural Features and Balconies**

The following provisions shall apply for window bays:

- i) Window bays are not required to be cantilevered
- ii) There is no maximum width.

c) **Encroachment of Porches and Underground Cellars**

Porches and underground cellars are subject to the development standards that were in effect prior to January 18, 2005.”

“7.396 Through lots on the west side of Delray Drive

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol*396 on the

Schedule 'A1' 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.

7.396.1 Zone Standards

The following specific zone standards apply for *through lots*:

- a) *Single detached dwellings* with an attached or detached *private garage* are permitted and are subject to the following specific zone standards:
 - i) Maximum *driveway* width – 6.1 metres
 - ii) Maximum *garage* width – 6.1 metres
 - iii) Minimum required *rear yard* – 4.5 metres
 - iv) For a single *detached dwelling* with a detached *private garage* the following provisions apply:
 - a) no maximum setback to the *rear lot line* shall apply to a detached *private garage*
 - b) no minimum setback between a detached *private garage* and the *main building* on the *lot* shall apply
 - v) An *outdoor amenity space* shall be provided and shall be subject to the following regulations:
 - a) The *outdoor amenity space* shall have a minimum area of 40 square metres;
 - b) Balconies and roofed porches shall not encroach into the required *outdoor amenity space*; and
 - c) Decks and associated stairs may encroach into the required *outdoor amenity space*.

7.396.2 Special Site Provisions

The following additional provisions shall apply:

- a) the Delray Drive street line shall be deemed to be the *front lot line*
- b) The *street* adjoining the rear lot line shall be deemed to be a public *lane*
- c) *Motor vehicle* access shall only be from a public *lane*

“7.426 Certain Part Lots on Plan 19TM-02013, Phase 3

Notwithstanding any other provisions of this By-law, the provisions in this Section shall apply to those lands denoted with the symbol *426 on Schedule 'A2' 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.

7.426.1 Special Site Provisions

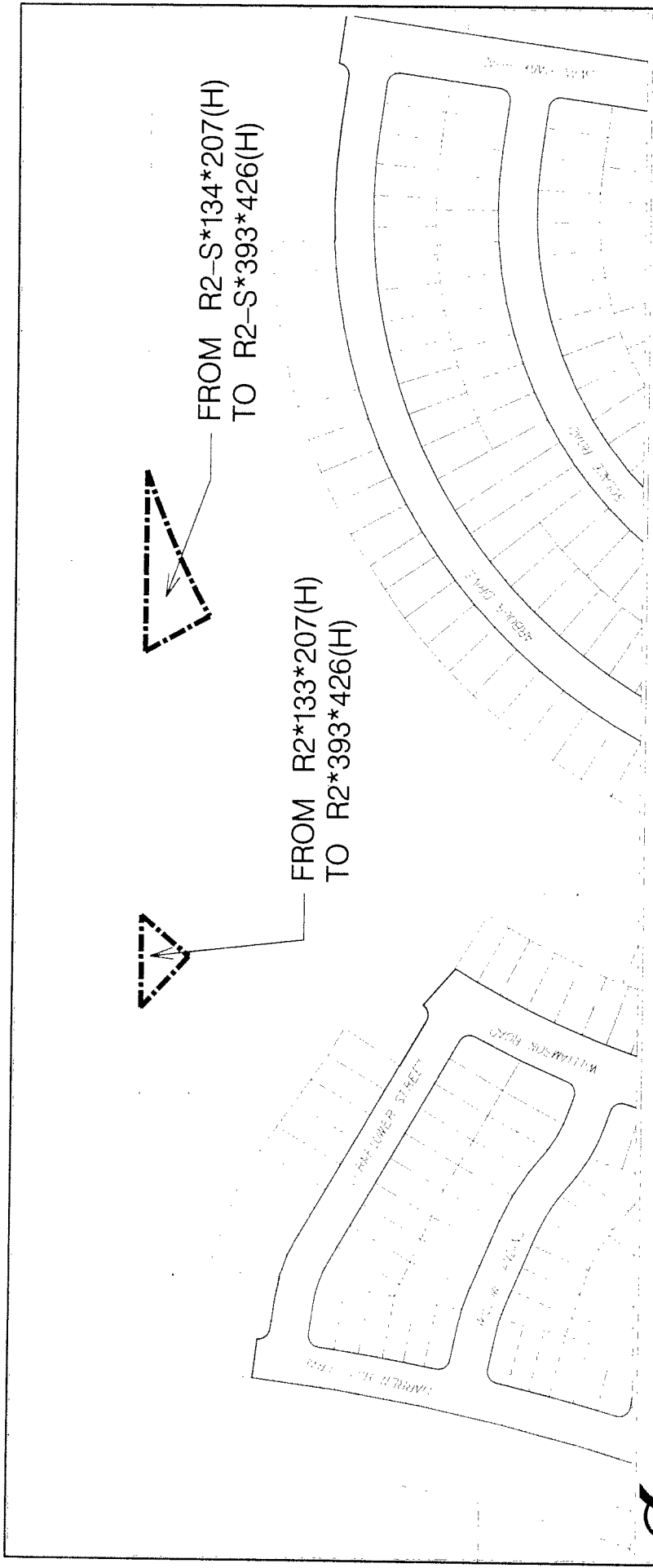
The following additional provisions shall apply:

- a) **Size of Porches**
Porches are subject to the development standards that were in effect on to January 18, 2005.
- b) **Encroachment of Architectural Features and Balconies**
Architectural features and balconies are subject to encroachment provisions that were in effect on January 18, 2005
- c) **Encroachment of Porches and Underground Cellars**
Porches and underground cellars are subject to encroachment provisions that were in effect on January 18, 2005.”

1.4 HOLDING PROVISIONS

For the purpose of this By-law, a Holding (H) zone is hereby established and is identified on Schedules 'A1' and '2' attached hereto by the letter (H) in parenthesis following the zoning symbol.

FRANK SCARPITTI, MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A2' TO BY-LAW 2010
 PASSED THIS DAY
 MAYOR
 CLERK

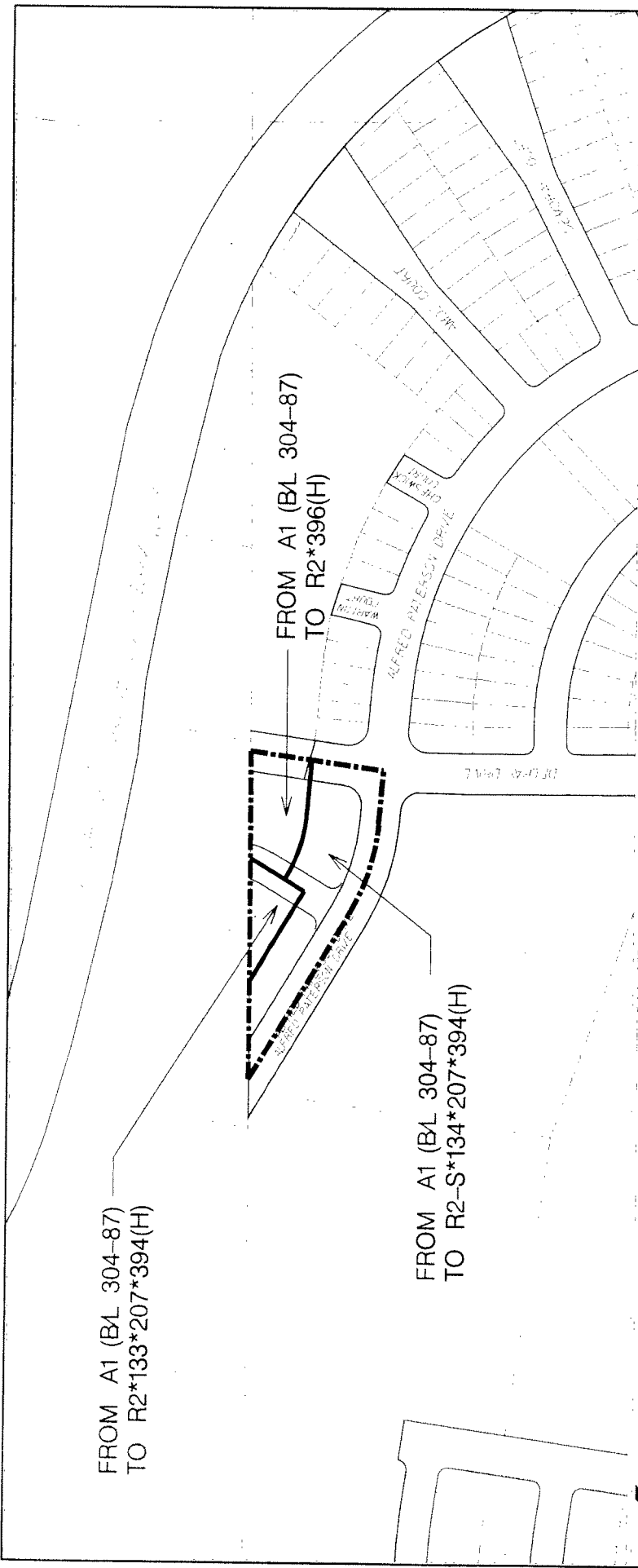
--- BOUNDARY OF AREA COVERED BY THIS BY-LAW

R2 RESIDENTIAL TWO
 R2-S RESIDENTIAL TWO - SPECIAL

*No. EXCEPTION SECTION NUMBER
 (H) HOLDING PROVISION

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: NTS



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A1' TO BY-LAW
 PASSED THIS DAY
 MAYOR
 CLERK

A1 AGRICULTURE ONE
 R2 RESIDENTIAL TWO
 R2-S RESIDENTIAL TWO - SPECIAL

*No. EXCEPTION SECTION NUMBER
 (H) HOLDING PROVISION

NOTE: 1) DIMENSIONS ARE IN METRES
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 THE ORIGINAL BY-LAW LODGED IN
 THE OFFICE OF THE CLERK

SCALE 1: NTS