

EXPLANATORY NOTE

By-law 2010-118

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.



BY-LAW 2010-118

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.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to the (H) provision for the purpose permitted under this By-law until an amendment to this By-law to remove the letter (H) has 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; 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.

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
8TH DAY OF JUNE, 2010.


KIMBERLEY KITTINGHAM
TOWN CLERK


FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A2' TO BY-LAW ...2010-118
PASSED THIS 8TH DAY JUNE 2010
MAYOR
CLERK



BOUNDARY OF AREA COVERED BY THIS BY-LAW

R2 RESIDENTIAL TWO

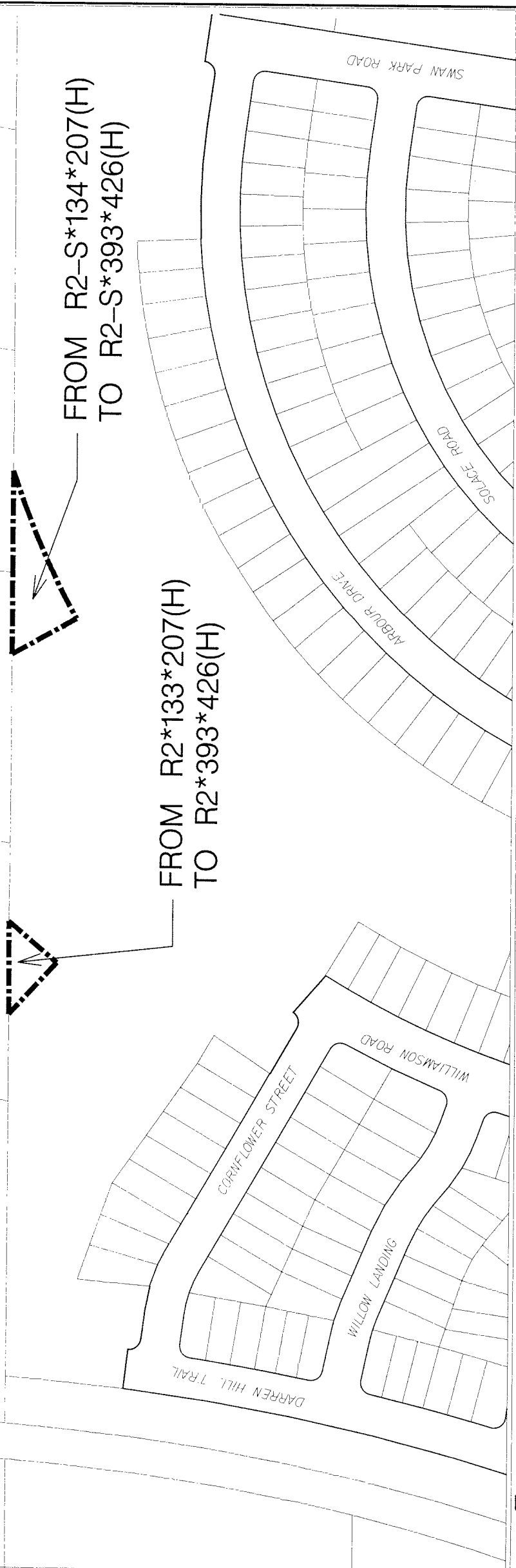
R2-S RESIDENTIAL TWO - SPECIAL

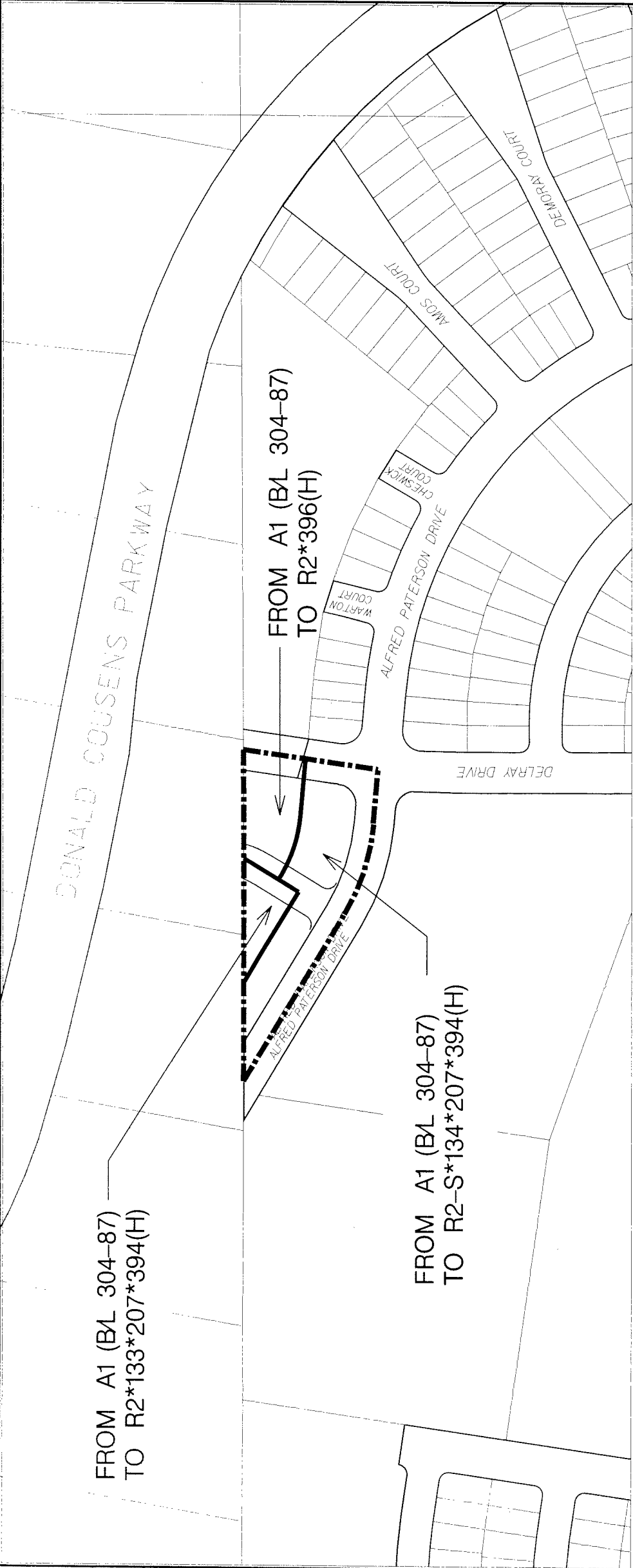
*No. EXCEPTION SECTION NUMBER

(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





FROM A1 (B/L 304-87)
TO R2*133*207*394(H)

FROM A1 (B/L 304-87)
TO R2*396(H)

FROM A1 (B/L 304-87)
TO R2-S*134*207*394(H)



DEVELOPMENT SERVICES COMMISSION

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

THIS IS SCHEDULE 'A1' TO BY-LAW 2010-118
PASSED THIS 29th DAY OF JUNE, 2010
Mayor
Clerk

<input type="checkbox"/> A1	AGRICULTURE ONE	<input type="checkbox"/> *No.	EXCEPTION SECTION NUMBER	<input type="checkbox"/> ZONE BOUNDARY
<input type="checkbox"/> R2	RESIDENTIAL TWO	<input type="checkbox"/> (H)	HOLDING PROVISION	
<input type="checkbox"/> R2-S	RESIDENTIAL TWO - SPECIAL			

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