

EXPLANATORY NOTE

BY-LAW 2010-106

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

Angus Glen Village Ltd.

West Village (Phase 2), 19TM-03004

Lot 24 and Blocks B and C, Registered Plan 65M-6037 and Part of Lots 19 and 20, Concession 5

LANDS AFFECTED

The By-laws applies to a 25.78 hectare (63.70 acre) property located on the south side of Major Mackenzie Drive, west of Kennedy Road.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1), Rural Residential Estate (RRE), Open Space One (OS1) and Commercial-Recreation (CR) under By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose and effect of this amendment is to incorporate the lands into appropriate residential and open space zone categories within By-law 177-96, as amended, to permit construction of 164 single detached houses, a high density block, which is proposed to be developed with townhouses and apartment units, and two stormwater management blocks. This amendment will also provide for the preservation and adaptive reuse of two heritage houses and the protection of valley lands.

Exceptions have been included to:

- Establish a minimum lot area for single detached houses abutting houses on Glenbourne Park Drive to the west;
- Permit townhouse units in Block 167, 19TM-03004, as well as restrict the height and number of apartment units in Block 167;
- Establish minimum setback requirement for lots abutting an Open Space Zone;
- Permit a *personal service shop* or a *single detached dwelling* within the Francis Stiver House; and
- Permit 3 car garages only on lots with a frontage of 18 m (60 ft) or greater.

Holding provisions (H1), (H2) and (H3) have been applied to the majority of the lands. The Holding provisions shall not be lifted until sufficient servicing capacity has been allocated, site plan agreements have been executed, and that subdivision agreement(s) have been executed which include conditions related to the construction of the bridge crossing of Angus Glen Boulevard.



BY-LAW 2010-106

A By-law to amend New Urban Expansion Area Zoning By-law 177-96, as amended
(To incorporate Angus Glen West Village, Phase 2, 19TM-03004)

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:

By expanding the designated area of the By-law to include those lands comprising Lot 24 and Blocks B and C Registered Plan 6037 and Part of Lots 19 and 20, Concession 5 as outlined on Schedule 'A' attached hereto.

By zoning the lands

| | |
|--|---------------------|
| Single Detached Residential-F23*329 (Hold 1) | R1-F23*329 (H1) |
| Residential Two | R2 |
| Residential Two (Hold 1) | R2 (H1) |
| Residential Two*384 (Hold 1) | R2*384(H1) |
| Residential Two *385 (Hold 1) | R2*385 (H1) |
| Residential Two*384*389(Hold 1) | R2*384*389(H1) |
| Residential Two*384*385(Hold 1) | R2*384*385(H1) |
| Residential Two*384*385*386(Hold 1) | R2*384*385*386 (H1) |
| Residential Two*384*385*388 (Hold 1) | R2*384*385*388 (H1) |
| Residential Two*384*388*389 (Hold 1) | R2*384*388*389 (H1) |
| Residential Two*386(Hold 1) | R2*386(H1) |
| Residential Four*387(Hold 2) | R4*387(H2) |
| Residential Two*383 (Hold 3) | R2*383(H3) |
| Residential Two*389 (Hold 1) | R2*389(H1) |
| Open Space One (OS1) | OS1 |

By adding the following new subsection to Section 7 - EXCEPTIONS to By-law 177-96, as amended.

7.383 Stollery Pond Crescent (Lot 11, 19TM-03004), Part of Lot 20, Concession 5 (Francis Stiver House)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *383 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.

7.383.1 Only Permitted Uses

The following uses are the only uses permitted:

- a) A single detached dwelling unit; or
- b) A personal service shop.

383.2 Zone Standards

The following specific zone standards apply:

- a) Minimum required Front Yard 4 metres
- b) Minimum north Side Yard 10 metres
- c) Minimum south Side Yard 6 metres
- d) Minimum west Side Yard 10 metres
- e) Minimum Rear Yard 10 metres

7.383.3 Prohibited Uses

The following uses are prohibited:

- a) A shoe repair establishment, a dry cleaning depot, a dry cleaning establishment or similar service establishment.
- b) No *buildings, structures*, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure is permitted within 3.0 metres of any Open Space One (OS1) zone boundary.

7.384 Garage Zone Standards for R2 Zone, Angus Glen West Village (Phase 2)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *384 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.

7.384.1 Zone Standards

The following specific zone standards apply:

- a) Maximum garage width in the *front* or *exterior side yard* - 9 metres
- b) Maximum driveway width in the *front* or *exterior side yard* - 9 metres

7.385 Rear Yard Setbacks for lots abutting Open Space One (OS1) zone boundary, Angus Glen West Village – (Phase 2)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *385 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.

7.385.1 Prohibited Uses

The following uses are prohibited:

- a) No *buildings*, accessory structures, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure is permitted within 3.0 metres of any Open Space One (OS1) zone boundary.

7.385.2 Special Site Provisions

The following additional provisions apply:

- a) Minimum required *Rear Yard* abutting Open Space One (OS1) zone boundary - 3.0 metres

7.386 Side Yard Setback for lots abutting Open Space One (OS1) zone boundary, Angus Glen West Village – (Phase 2)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *386 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.

7.386.1 Prohibited Uses

The following uses are prohibited:

- b) No *buildings*, accessory structures, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure is permitted within 3.0 metres of any Open Space One (OS1) zone boundary.

7.386.2 Special Site Provisions

The following additional provisions apply:

- b) Minimum required *Side Yard* abutting Open Space One (OS1) zone boundary – 3.0 metres

7.387 Zone Standards for R4 Standards, Angus Glen West Village (Phase 2)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *387 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.

7.387.1 Additional Permitted Uses

The following additional uses are permitted:

- a) *Townhouse Dwellings*

7.387.2 Prohibited Uses

The following uses are prohibited:

- a) No *buildings, structures*, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure is permitted within 3.0 metres of any Open Space One (OS1) zone boundary.

7.387.3 Zone Standards

The following specific zone standards apply:

- a) Maximum number of dwelling units in an *apartment building* - 252
- b) Maximum number of *storeys* of an *apartment building* - 8

7.387.4 Special Site Provisions

The following additional provisions apply:

- a) Minimum setback from the Open Space One (OS1) zone boundary – 7.5 metres.
- b) Mechanical features, such as structures containing the equipment necessary to control an elevator are not deemed to be an additional *storey*.

7.388 Zone Standards for R2 Standards, Angus Glen West Village (Phase 2).

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

7.388.1 Zone Standards

The following specific zone standards apply:

Notwithstanding any other provision in this By-law, no person shall hereafter erect any building, structures, architectural elements including but not limited to asphalt, brickwork, concrete stonework or any other private infrastructure, 6 metres from the north property line.

7.389 Zone Standards for R2 Standards, Angus Glen West Village (Phase 2)

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

7.389.1 Zone Standards

The following specific zone standards apply:

- a) Maximum *rear yard* of a *private garage* or *accessory building* is 0.5 m.
- b) Maximum depth of a *private garage* is 15 m.
- c) Maximum permitted *floor area* of an *accessory building* is 20 square metres.

7.389.2 Special Site Provisions

The following additional provisions apply:

- a) The *private garage* must be setback 1.0 m behind the *main wall* closest to the front property line.

7.399 Zone Standards for R2 Standards, Angus Glen West Village (Phase 2)

Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by the symbol *399 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.

7.399.1 Zone Standards

The following specific zone standards apply:

- a) Minimum *front yard* setback is 8.0 metres
- b) Maximum setback to the wall of the attached *private garage* that contains the opening for *motor vehicle* access is 11.5 metres

Special Site Provisions

The following additional provisions apply:

- a) The *private garage* must be setback 1.0 m behind the *main wall* closest to the front property line.

HOLDING PROVISIONS

For the purpose of this By-law, Holding 1 (H1), Holding 2 (H2) and Holding 3 (H3) zone provisions are hereby established and identified on Schedule 'A' attached hereto by the letter (H1), (H2) and (H3) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or alter any *building* or *structure* on lands subject to (H1), (H2) and (H3) provisions for the purpose permitted under this By-law until an amendment to this By-law to remove the letter (H1), (H2) and (H3) has come into effect pursuant to the provision of Section 36 of the Planning Act.

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

- a) York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project; or
- b) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or
- c) The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.
- d) The Owner shall execute a subdivision agreement with the Town. The agreement shall include, amongst other conditions, conditions related to the construction of the bridge crossing of Angus Glen Boulevard:
 - The Owner acknowledges and understands that the bridge was secured as part of the Letter of Credit of the West Village Phase 1 subdivision agreement
 - The Owner acknowledges and understands that the Town can withhold the Letter of Credit posted as part of the West Village Phase 1 subdivision agreement, which is equal to the cost estimate to construct the bridge if the bridge is not constructed by the Owner and assumed by the Town
 - The Owner is responsible for constructing the bridge crossing of Angus Glen Boulevard
 - The Owner shall provide the Town with a revised cost estimate and construction schedule pertaining to the construction of the bridge crossing of Angus Glen Boulevard, to the satisfaction of the Director of Engineering
 - The Owner shall post additional securities for the construction of the bridge if required by the Town, to the satisfaction of the Director of Engineering

Prior to removing the (H2) Holding provision, the following conditions must be met, to the satisfaction of the Town of Markham.

- a) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or
- b) (i) York Region has advised in writing that it is no earlier than eighteen (18) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion; and
 - (ii) The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional 2011 or 2012 servicing allocation pool;

or,

- c) (i) York Region has advised in writing that the Individual Environmental Assessment for the Southeast Collector Sewer has been completed and it is no earlier than eighteen (18) months prior to the expected completion of the Southeast Collector Sewer and that the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures are operational; and,
- (ii) The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional post 2012 servicing allocation pool; 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.
- e) Site Plan Approval has been issued.
- f) The Owner shall execute a subdivision agreement with the Town. The agreement shall include, amongst other conditions, conditions related to the construction of the bridge crossing of Angus Glen Boulevard:
- The Owner acknowledges and understands that the bridge was secured as part of the Letter of Credit of the West Village Phase 1 subdivision agreement
 - The Owner acknowledges and understands that the Town can withhold the Letter of Credit posted as part of the West Village Phase 1 subdivision agreement, which is equal to the cost estimate to construct the bridge if the bridge is not constructed by the Owner and assumed by the Town
 - The Owner is responsible for constructing the bridge crossing of Angus Glen Boulevard
 - The Owner shall provide the Town with a revised cost estimate and construction schedule pertaining to the construction of the bridge crossing of Angus Glen Boulevard, to the satisfaction of the Director of Engineering
 - The Owner shall post additional securities for the construction of the bridge if required by the Town, to the satisfaction of the Director of Engineering

Prior to removing the (H3) Holding provision, the following conditions must be met, to the satisfaction of the Town of Markham.

- a) The Town of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- or,
- b) (i) York Region has advised in writing that it is no earlier than eighteen (18) months prior to the expected completion of the Duffin Creek Water Pollution Control Plant expansion; and
- (ii) The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional 2011 or 2012 servicing allocation pool;
- or,
- c) (i) York Region has advised in writing that the Individual Environmental Assessment for the Southeast Collector Sewer has been completed and it is no earlier than eighteen (18) months prior to the expected completion of the Southeast Collector Sewer and that the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures are operational; and

- (ii) The Council of the Town of Markham has allocated adequate available water and wastewater servicing capacity to the subject development from their conditional post 2012 servicing allocation pool;

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.
- e) Site Plan Approval has been issued.
- f) The Owner shall execute a subdivision agreement with the Town. The agreement shall include, amongst other conditions, conditions related to the construction of the bridge crossing of Angus Glen Boulevard:
- The Owner acknowledges and understands that the bridge was secured as part of the Letter of Credit of the West Village Phase 1 subdivision agreement
 - The Owner acknowledges and understands that the Town can withhold the Letter of Credit posted as part of the West Village Phase 1 subdivision agreement, which is equal to the cost estimate to construct the bridge if the bridge is not constructed by the Owner and assumed by the Town
 - The Owner is responsible for constructing the bridge crossing of Angus Glen Boulevard
 - The Owner shall provide the Town with a revised cost estimate and construction schedule pertaining to the construction of the bridge crossing of Angus Glen Boulevard, to the satisfaction of the Director of Engineering
 - The Owner shall post additional securities for the construction of the bridge if required by the Town, to the satisfaction of the Director of Engineering

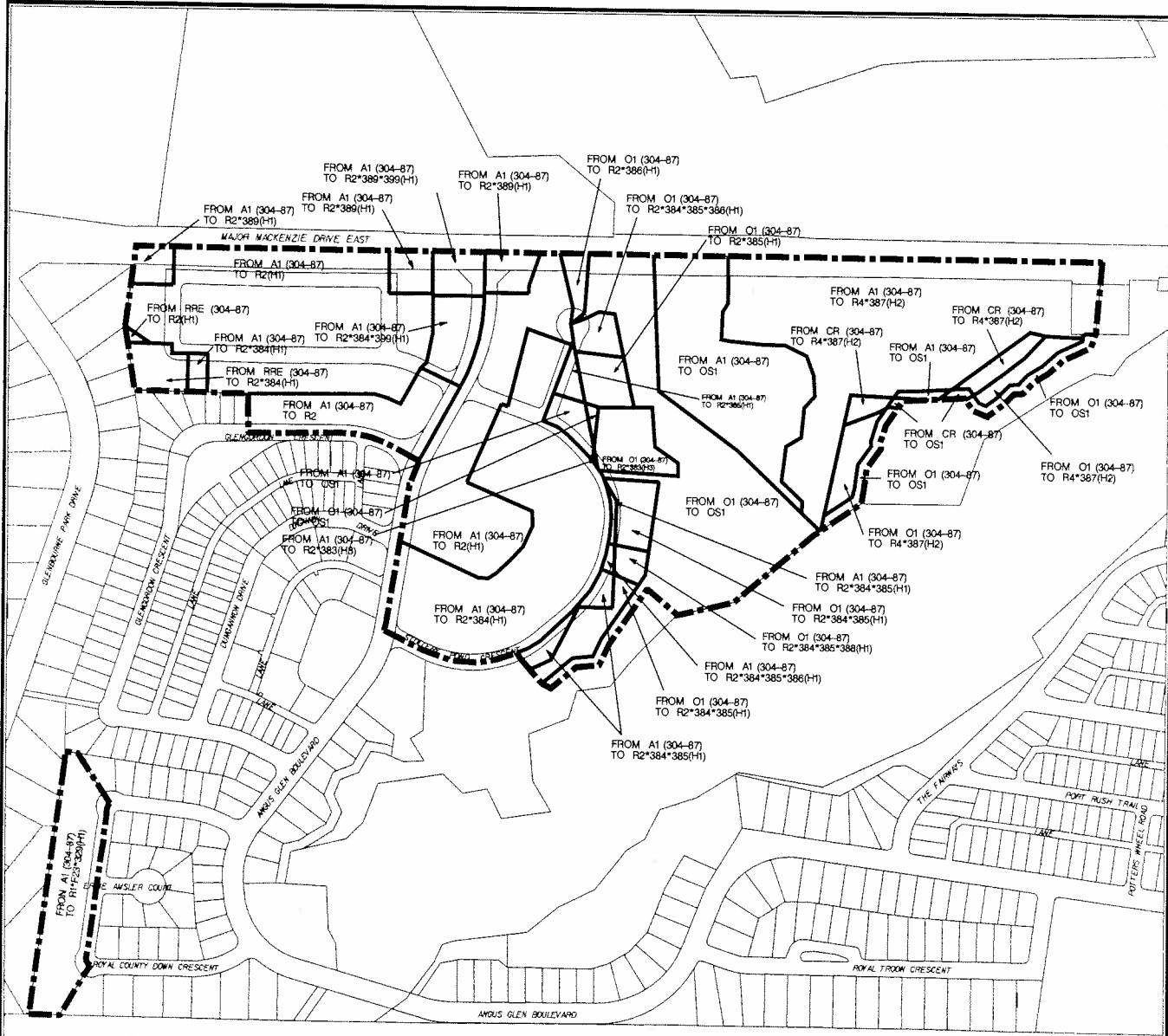
The following uses are the only uses permitted on lands zoned Residential Two*383 Hold Three [R2*383(H3)]:

- a) one *single detached* dwelling unit
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
25TH DAY OF MAY, 2010.


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 | AGRICULTURAL ONE |
| R1 | SINGLE DETACHED RESIDENTIAL |
| R2 | RESIDENTIAL TWO |
| R4 | RESIDENTIAL FOUR |
| RRE | RURAL RESIDENTIAL ESTATE |
| CR | COMMERCIAL-RECREATION |

| | |
|--------------|----------------------|
| O1 | OPEN SPACE ONE |
| OS1 | OPEN SPACE ONE |
| (H1)(H2)(H3) | HOLDING PROVISION |
| *No. | EXCEPTION NUMBER |
| F(No.) | MINIMUM LOT FRONTAGE |

THIS IS SCHEDULE 'A' TO BY-LAW 2010-106
PASSED THIS 25TH DAY MAY, 2010

John Sanyal
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: 9000