



TO: Mayor and Members of Council

FROM: Valerie Shuttleworth, Director of Planning & Urban Design

DATE: December 16, 2008

Re: Zoning By-law Amendment
Monarch Corporation – Heritage at Victoria Square
Part of Lot 26 Concession 3, West Cathedral Community
Implementing Zoning By-law Amendment
File No: ZA 08 112201

OK
V. Shuttleworth

Background

On September 16, 2008, a Development Services Committee public meeting was held to consider applications for subdivision approval and zoning by-law amendments to permit 107 single detached, 29 townhouse dwellings (total 136 units), a 1.56 hectare park block and a 2.39 hectare school block within Draft Plan of subdivision 19TM-05006. The resolution at the meeting was that the By-laws be enacted once both the presale and indemnity agreements are executed between the owners, the Town and the Region.

Staff recommend that since both of these agreements have been executed by the Owner and the Region, 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 2008 -

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

Monarch Corporation
19TM-05006
Part of Lot 26, Concession 3

LANDS AFFECTED

The by-law applies to lands located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

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

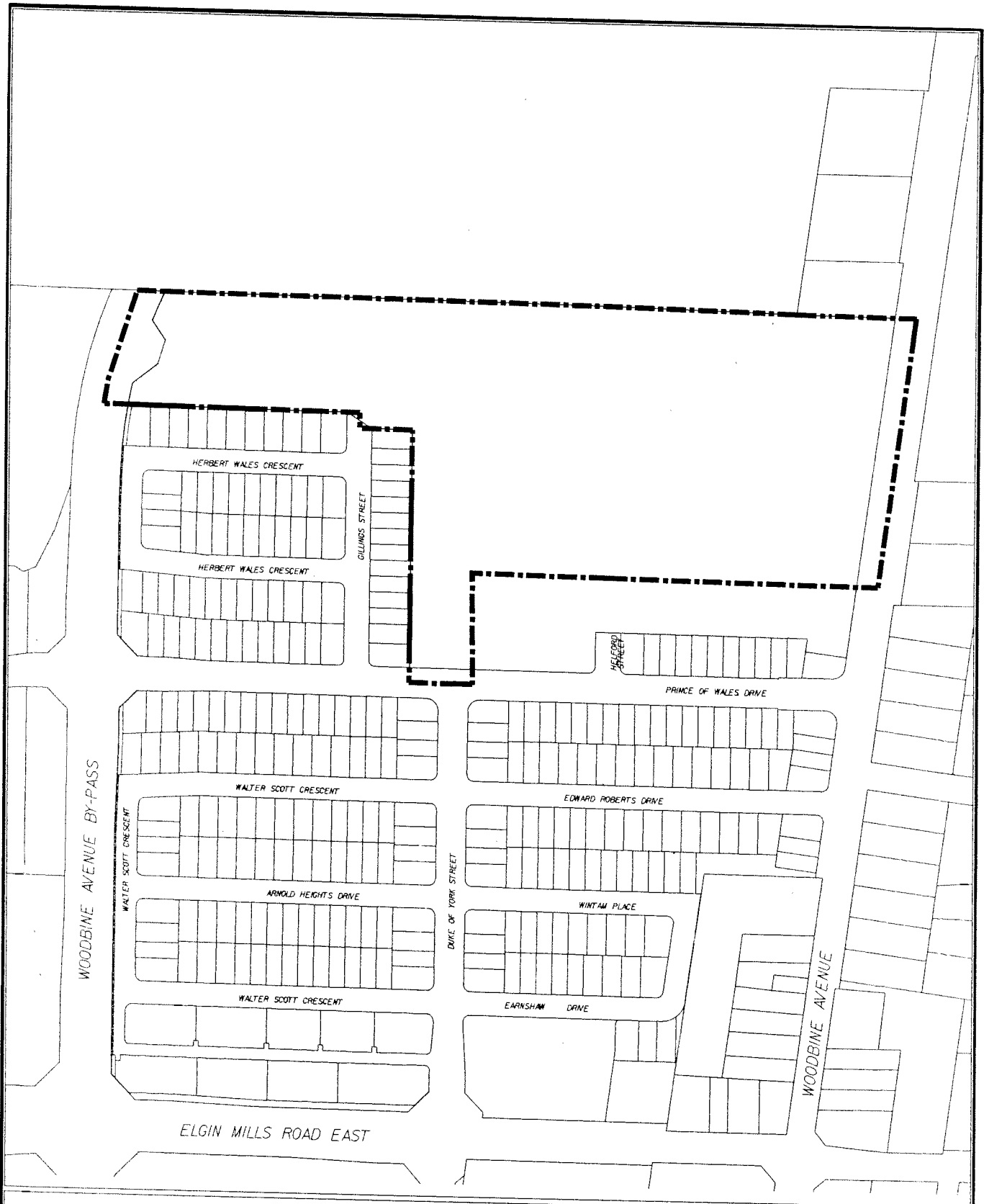
PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the lands from By-law 304-87, as amended, so that they may be incorporated into By-law 177-96, as amended, as part of a larger plan of subdivision.

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

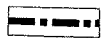
THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM
HEREBY ENACTS AS FOLLOWS:

1. By-law 304-87 as amended, be further amended by deleting the lands outlined on Schedule 'A' hereto from the designated area of By-law 304-87, as amended.
2. This By-law shall not come into effect until By-law 2008-XX, 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.



DEVELOPMENT SERVICES COMMISSION

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



BOUNDARY OF AREA COVERED BY THIS BY-LAW



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

.....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

SCALE 1: 4000

EXPLANATORY NOTE

BY-LAW 2008 -

A by-law to amend By-law 83-73, as amended

Monarch Corporation
19TM-05006
Part of Lot 26, Concession 3

LANDS AFFECTED

The by-law applies to lands located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Rural Residential Four (RR4) and Rural Residential Hamlet (RRH) by By-law 83-73, as amended.

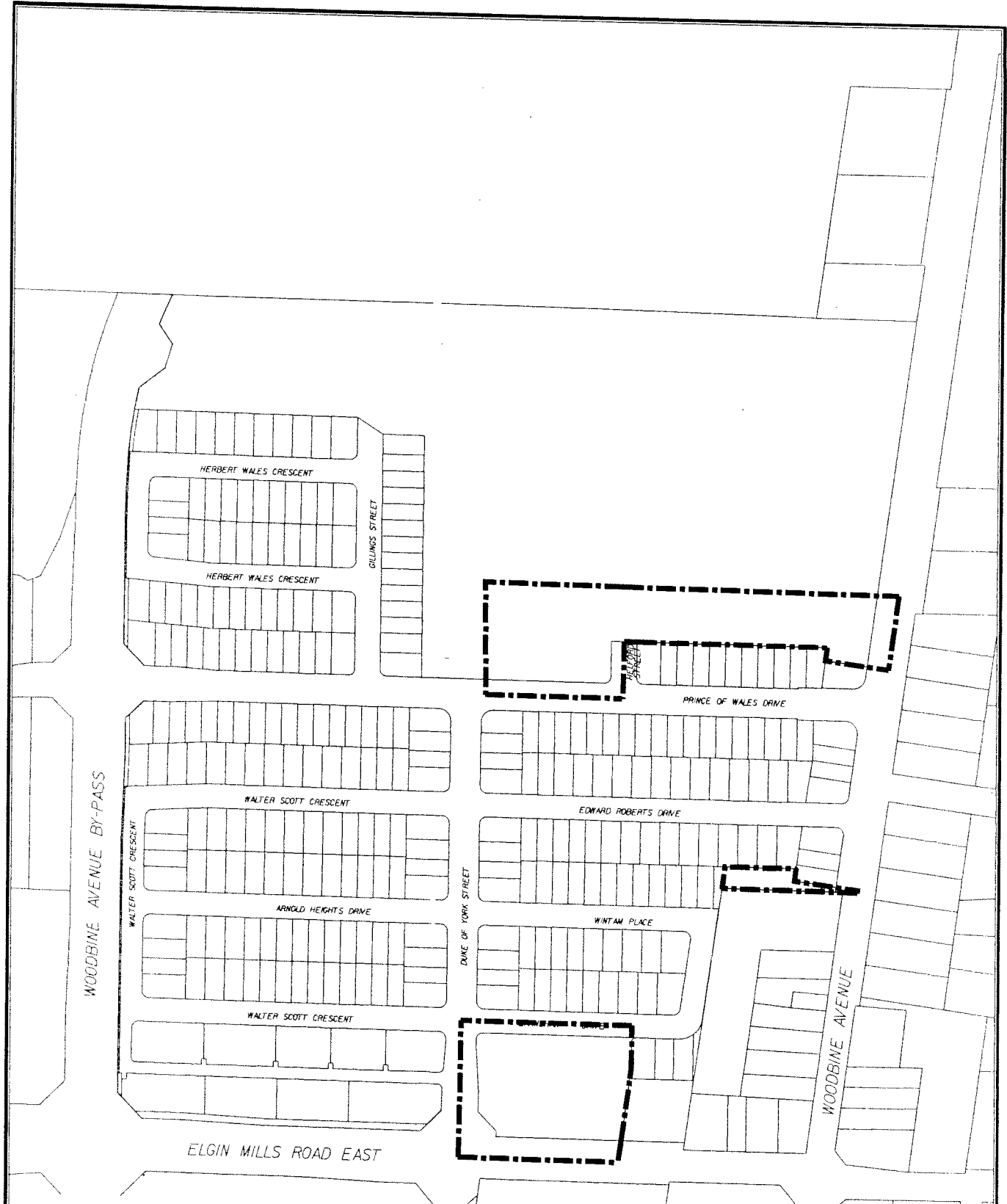
PURPOSE AND EFFECT

The purpose and effect of this by-law is to delete the lands from By-law 83-73, as amended, so that they may be incorporated into By-law 177-96, as amended, as part of a larger plan of subdivision.

A by-law to amend By-law 83-73, as amended

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

1. By-law 83-73 as amended be further amended, by deleting the lands outlined on Schedule 'A' attached hereto, from the designated area of By-law 83-73, as amended.
 2. This By-law shall not come into effect until By-law 2008-XX, 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 83-73, as amended, not inconsistent with the provisions of this by-law shall continue to apply.
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DEVELOPMENT SERVICES COMMISSION

A BY-LAW TO AMEND BY-LAW 83-73



BOUNDARY OF AREA COVERED BY THIS BY-LAW



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

.....MAYOR

..... CLERK

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SCALE 1: 4000

EXPLANATORY NOTE

BY-LAW 2008 -

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

Monarch Corporation
19T-05006
Part of Lot 25, Concession 3

LANDS AFFECTED

The by-law applies to a 10.85 ha (26.81 ac) property, located on the north side of Elgin Mills Road, west of Woodbine Avenue, in the Cathedral Secondary Plan Area.

EXISTING ZONING

The lands subject to this By-law are presently zoned Agriculture One (A1) by By-law 304-87 as amended, and Rural Residential Hamlet (RRH) and Rural Residential Fourth Density (RR4) by By-law 83-73, as amended.

PURPOSE AND EFFECT

The purpose and effect of this by-law is to incorporate the lands into appropriate residential zone categories within By-law 177-96, as amended. The proposed zoning designations are Residential Two Hold (R2 (H)), which will permit the proposed 107 single detached units and Residential Two – Lane Access Hold One (R2-LA (H1)), which will permit the proposed 29 townhouse units.

The following are the conditions for lifting the Holding (H) Zone:

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) 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.

The following are the conditions for lifting the Holding One (H1) Zone:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within twelve (12) months;
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- 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 Cathedral West Landowners Group Cost Sharing Agreement has assigned 29 units of conditional servicing (water and sewer) allocation to the Owner; or,
- d) The Council of the Town of Markham approves servicing allocation the lands to 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.

This By-law also incorporates zoning designations of Open Space One (OS1), which will permit the creation of a public park; and, Open Space Two (OS2), which provides for a school development as one of the permitted uses.

A By-law to amend the Urban Expansion Area Zoning By-law 177-96, as amended (To incorporate Draft Plan 19TM-05006 into the West Cathedral Community)

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:
- 1.1 By expanding the designated area of the By-law to include those lands comprising Part of Lot 26, Concession 3, outlined on Schedule 'A' hereto.
- 1.2 By zoning the lands:
- | | |
|---------------------------------------------------|-----------------------|
| Residential Two (Hold) | (R2(H)) |
| Residential Two – Lane Access*307*316(Hold One) | (R2-LA*307*316(H1)) |
| Residential Two – Lane Access*5*307*316(Hold One) | (R2-LA*5*307*316(H1)) |
| Open Space One | (OS1) |
| Open Space Two | (OS2) |

1.3 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.

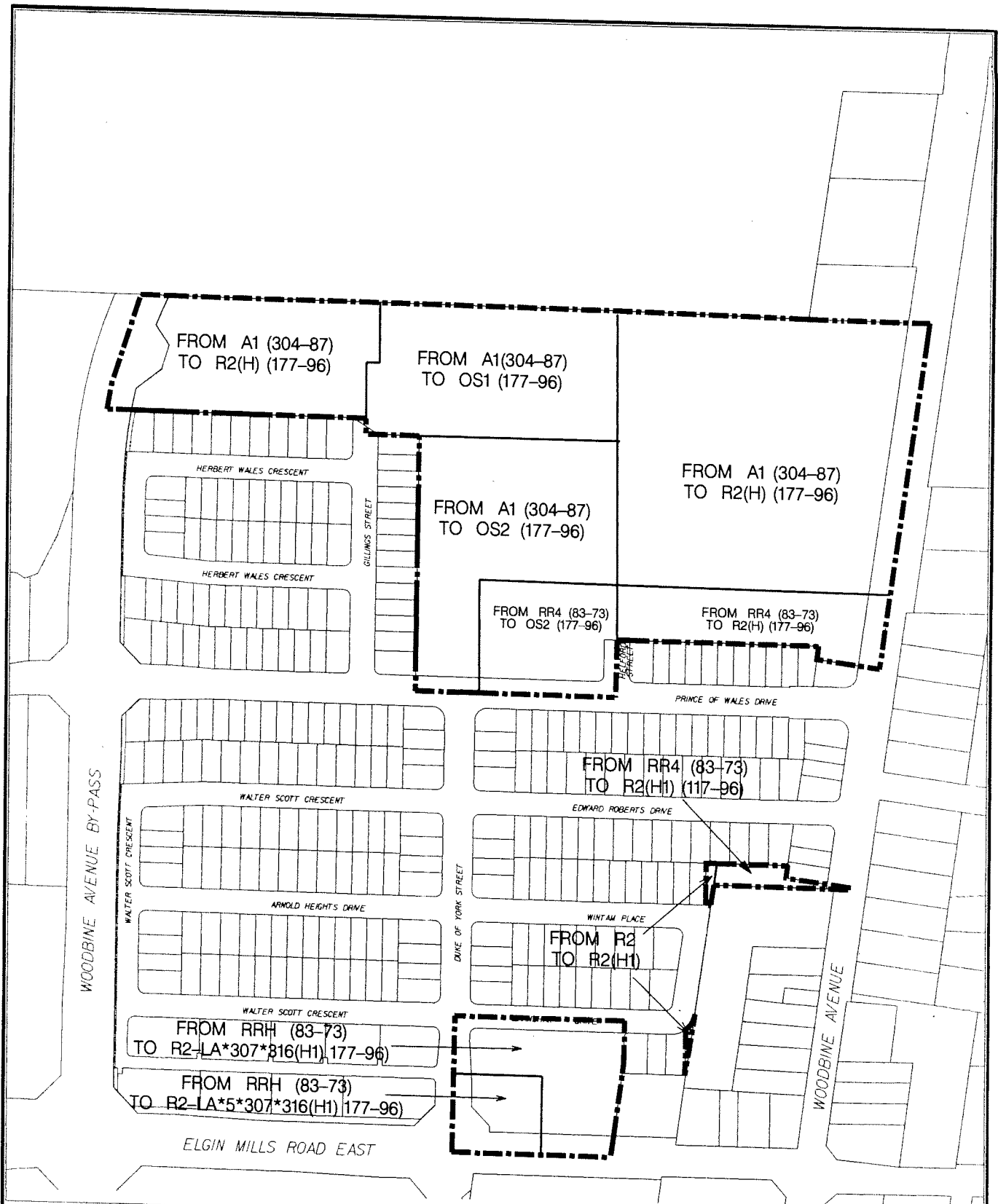
Prior to removing the '(H)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plan expansion project and the YDSS Flow Control Structures project will be within twelve (12) 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
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- 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 twelve (12) months;
 - 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 Cathedral West Landowners Group Cost Sharing Agreement has assigned 29 units of conditional servicing (water and sewer) allocation to the Owner; or,
 - d) The Council of the Town of Markham approves servicing allocation the lands to 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.
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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	RR4	RURAL RESIDENTIAL FOUR
R2	RESIDENTIAL TWO	RRH	RURAL RESIDENTIAL HAMLET
OS1	OPEN SPACE ONE	R2-LA	RESIDENTIAL TWO-LANE ACCESS
OS2	OPEN SPACE TWO	(H)	HOLDING PROVISION
		*(No)	EXCEPTION NUMBER

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