



EXPLANATORY NOTE

BY-LAW 2010-104

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

16th and McCowan Holdings Ltd. (19TM-02011 Phase 3)
Part of Lot 16, Concession 7
Wismer Commons Community

LANDS AFFECTED

The proposed by-law amendment applies to 6.2 ha (15.3 acres) of land located north of 16th Avenue, east of McCowan Road, within the Wismer Commons community.

EXISTING ZONING

The lands are presently zoned Rural Residential Four (RR4) by By-law 304-87, as amended.

PURPOSE AND EFFECT

The purpose of the by-law amendment is to incorporate the lands into the designated area of By-law 177-96, and zone them:

Residential Two *99 (Holding)	[R2*99(H)]
Residential Two *99 (Holding One)	[R2*99(H1)]
Open Space One	[OS1]
and	
Open Space Two	[OS2]

Holding provisions (H) and (H1) have been included to prevent development until available servicing allocation is confirmed by the Region of York and the Town of Markham.

The effect of the by-law amendment is to permit the lands to be developed for residential purposes once the Holding provisions are removed.



BY-LAW 2010-104

A by-law to amend Urban Expansion Area Zoning By-law 177-96, as amended
(To incorporate lands into the designated area of this 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, as amended, to include those lands comprising Lot 16, Concession 7, as shown on Schedule 'A' attached hereto:

1.2 By zoning the lands:

Residential Two *99 (Holding)

[R2*99(H)]

Residential Two *99 (Holding One)

[R2*99(H1)]

Open Space One

[OS1]

and

Open Space Two

[OS2]

as shown on Schedule 'A' attached hereto.

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) and (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 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.

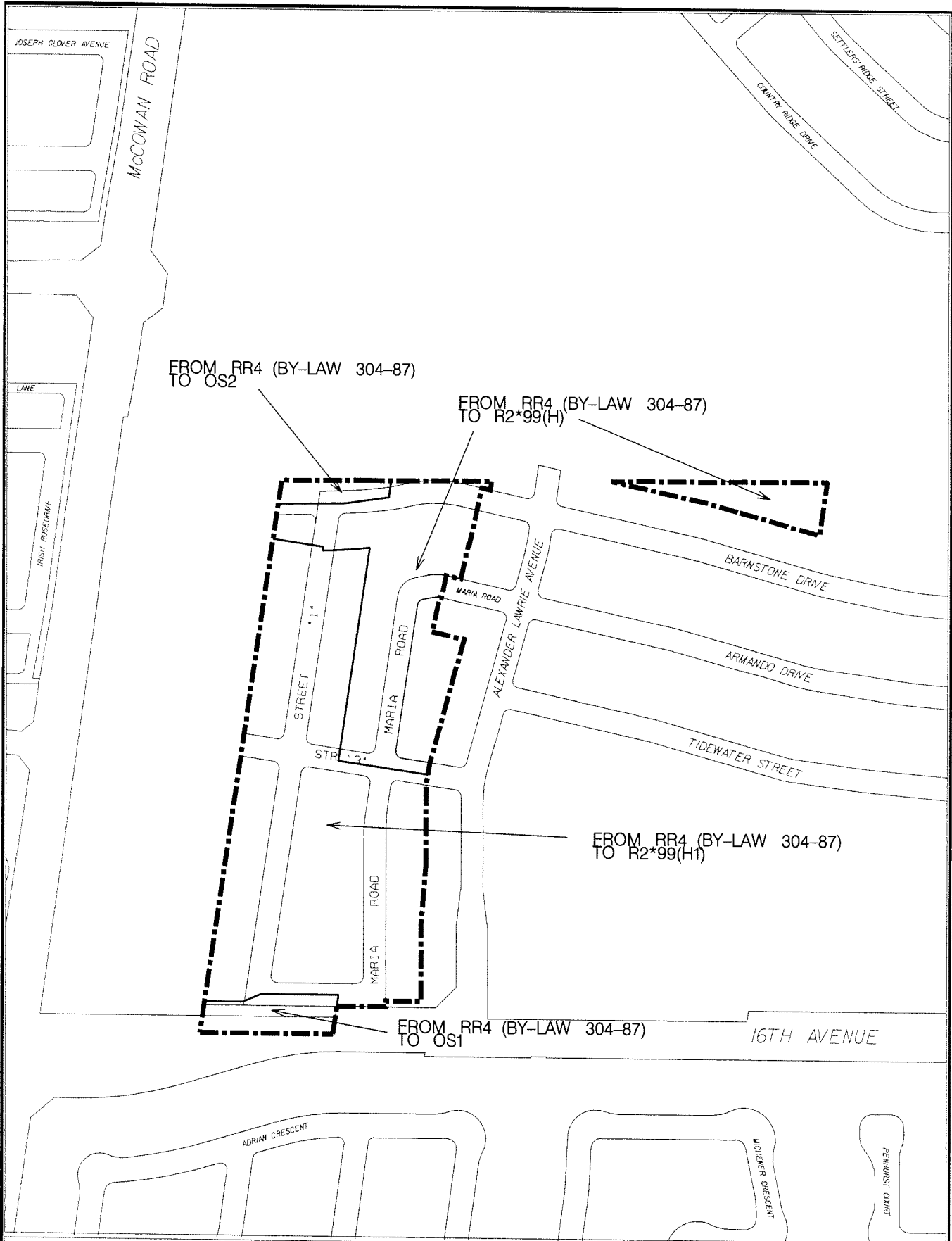
Prior to removing the '(H1)' Holding provision, the following conditions must be met to the satisfaction of the Town of Markham:

- a) York Region has advised in writing that the expected completion of the Southeast Collector Sewer will be within six (6) 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 Wismer Commons Developers' Group Cost Sharing Agreement has assigned the required number of units of conditional servicing (water and sewer) allocation to the Owner; or,
 - d) The Council of the Town of Markham approves servicing allocation to the lands 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.

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

RR4 RURAL RESIDENTIAL FOUR
R2 RESIDENTIAL TWO
OS1 OPEN SPACE ONE

OS2 OPEN SPACE TWO
(H)(H1) HOLDING PROVISION
*(No) EXCEPTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2010-104
PASSED THIS 25TH DAY MAY, 2010

Paul Sangiitti 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: 4000