



EXPLANATORY NOTE

BY-LAW 2010-109

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

Danvest Wismer Investments Limited and Dovcom Realty Inc. – Phase 3
19TM-02009-002 (Phase 3)
Part of Lot 19 and 20, Concession 7
Wismer Commons Community

LANDS AFFECTED

The proposed by-law amendment applies to four separate land parcels totaling approximately 19.5ha (48.1 acres) located south of Major Mackenzie Drive, east of McCowan Road, north of Castlemore Avenue and west of Mingay Avenue, within the Wismer Commons community.

EXISTING ZONING

The lands are presently zoned Agriculture (A1) 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 to permit a residential subdivision consisting of single-detached, semi-detached and townhouse units. The by-law also provides appropriate zones that correspond with adjacent lands with the construction of new roads.

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 will be to permit the lands to be developed for residential purposes once the Holding provisions are removed.



BY-LAW 2010-109

A by-law to amend New Urban Area
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 the lands in Part of Lot 19 and 20, Concession 7 as shown on Schedule 'A1' and Schedule 'A2' attached hereto.

1.2 By zoning the lands:

Residential Two *421 (Hold)	R2*421 (H)
Residential Two *421 (Hold One)	R2*421 (H1)
Residential Two – Special *421 (Hold)	R2-S*421 (H)
Residential Two – Lane Access *96*421(Hold)	R2-LA*96*421 (H)
Residential Two – Lane Access *96*421(Hold One)	R2-LA*96*421 (H1)
Automotive Commercial One *262	AC1*262
Open Space One	OS1
And	
Open Space Two	OS2

1.3 By adding the following subsection to Section 7 – EXCEPTIONS:

“7.421 Danvest Wismer Investments Ltd. and Dovcom Realty Inc.
Notwithstanding any other provision of this By-law, the provisions in this Section shall apply to those lands denoted by symbol *421 on Schedules 'A1' and 'A2' to this By-law. All other provisions, unless specifically modified or amended by this Section, shall continue to apply.

7.421.1 Zone Standards for Residential Two and Residential Two-Special Zones

The following specific *zone* standards apply:

- a) Minimum required *interior side yard* on a lot where a the *interior side lot line* abuts a *lane* – 1.2 metres
- b) Minimum *interior side lot line* for a *driveway* that crosses the *front lot line*– 0.3 metres
- c) Minimum *lot depth* of a *wide shallow lot* – 24.5 metres

7.421.2 Zone Standards for Residential Two – Lane Access Zones

The following specific *zone* standards apply:

- a) Minimum *parking space* width on a *parking pad* – 2.65 metres

1.4 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) and Holding (H1) *zones* are hereby established and are identified on Schedules 'A1' and 'A2' 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 remaining 192.5 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

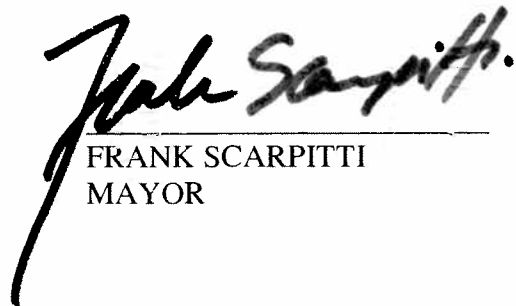
- e) The Regional Commissioner of Environmental Services confirms servicing capacity for this development by a suitable alternative method and the Town of Markham allocates the capacity to this development.

- 2. All other provisions of By-law 177-96, as amended, not inconsistent with the provisions of this by-law shall continue to apply.

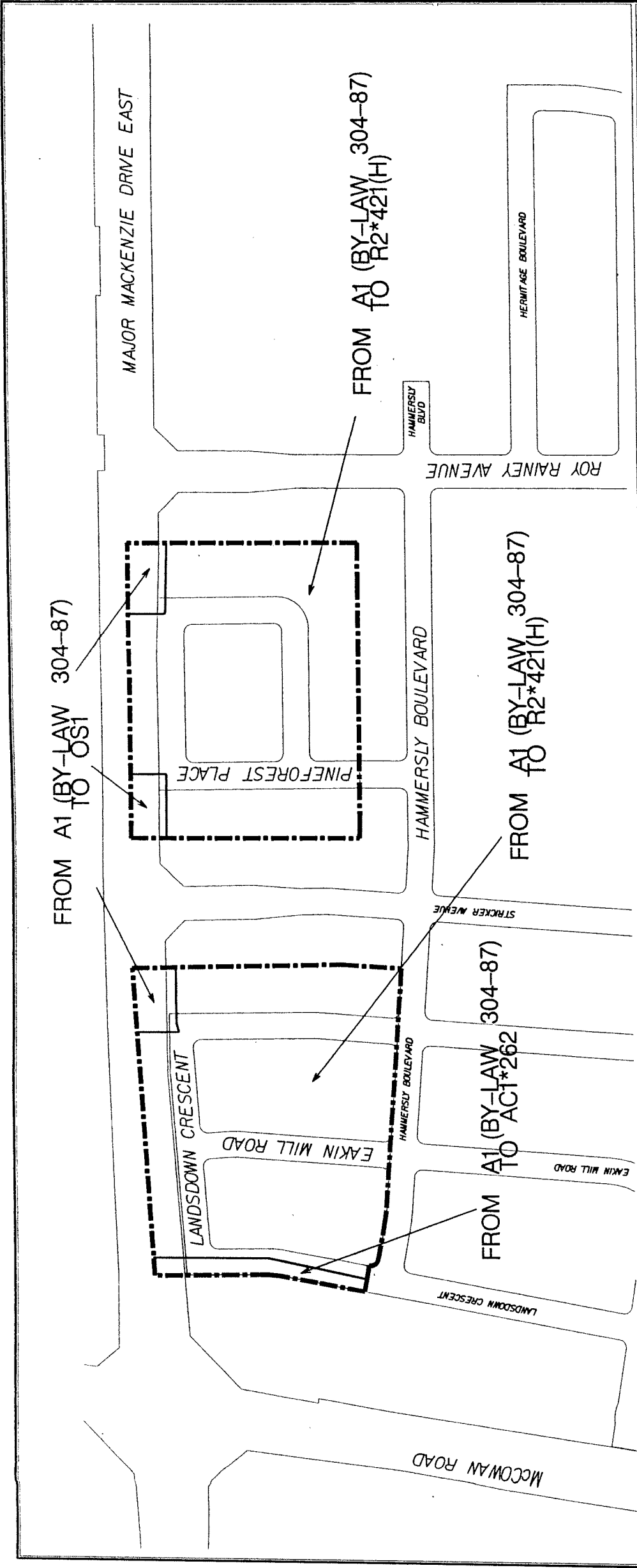
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
25TH DAY OF MAY, 2010.



KIMBERLEY KITTINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE 'A' TO BY-LAW 2010-109
PASSED THIS 25TH DAY MAY 2010

Paul Spayth
MAYOR
[Signature]
CLERK

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

<input type="checkbox"/> DASHED LINE	BOUNDARY OF AREA COVERED BY THIS BY-LAW	<input type="checkbox"/> THICK LINE	ZONE BOUNDARY
<input type="checkbox"/> AC1	AUTOMOTIVE COMMERCIAL ONE	<input type="checkbox"/> OS1	OPEN SPACE ONE
<input type="checkbox"/> R2	RESIDENTIAL TWO	<input type="checkbox"/> (H)	HOLDING PROVISION
<input type="checkbox"/> A1	AGRICULTURE ONE	<input type="checkbox"/> *(No)	EXCEPTION NUMBER

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: 3000

