



EXPLANATORY NOTE

BY-LAW 2010-55

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

1039954 Ontario Limited
Concession 7, Part of Lot 20, 65R-27245 Part 1
Wismer Commons Community

LANDS AFFECTED

The proposed by-law amendment applies to 3.64 ha (9.0 acres), located south of Major Mackenzie Drive, west of Ralph Chalmers Avenue, 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 to permit a residential subdivision consisting of single-detached and semi-detached units. 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.

An Open Space Block (OS1) has also been included abutting the residential lots and Major Mackenzie Drive to accommodate a noise attenuation berm and fence.

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 2010-55

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 to include the lands in Concession 7, Part of Lot 20, 65R-27245 Part 1, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Two *182 (Holding)	[R2*182(H)]
Residential Two *182(Holding One)	[R2*182(H1)]
Residential Two *185*186*405 (Holding)	[R2*185*186*405(H)]
Residential Two *185*186*405 (Holding One)	[R2*185*186*405(H1)]

And

Open Space One (OS1)

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.

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter (H) or (H1), no person shall use the land to which the letter (H) or (H1) applies for any use other than the use which existed on the date this By-law was passed, until the (H) or (H1) is removed in accordance with the policies of the Official Plan, the provisions of this Zoning By-law and any amendment to this By-law, as amended, and the *Planning Act* as amended.

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

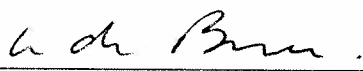
- a) York Region has advised in writing that the expected completion of the Duffin Creek Water Pollution Control Plant expansion project and the YDSS Flow Control Structures project will be within six (6) months; and,
- b) The Council of the Town of Markham has allocated adequate available water supply 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 35.5 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.

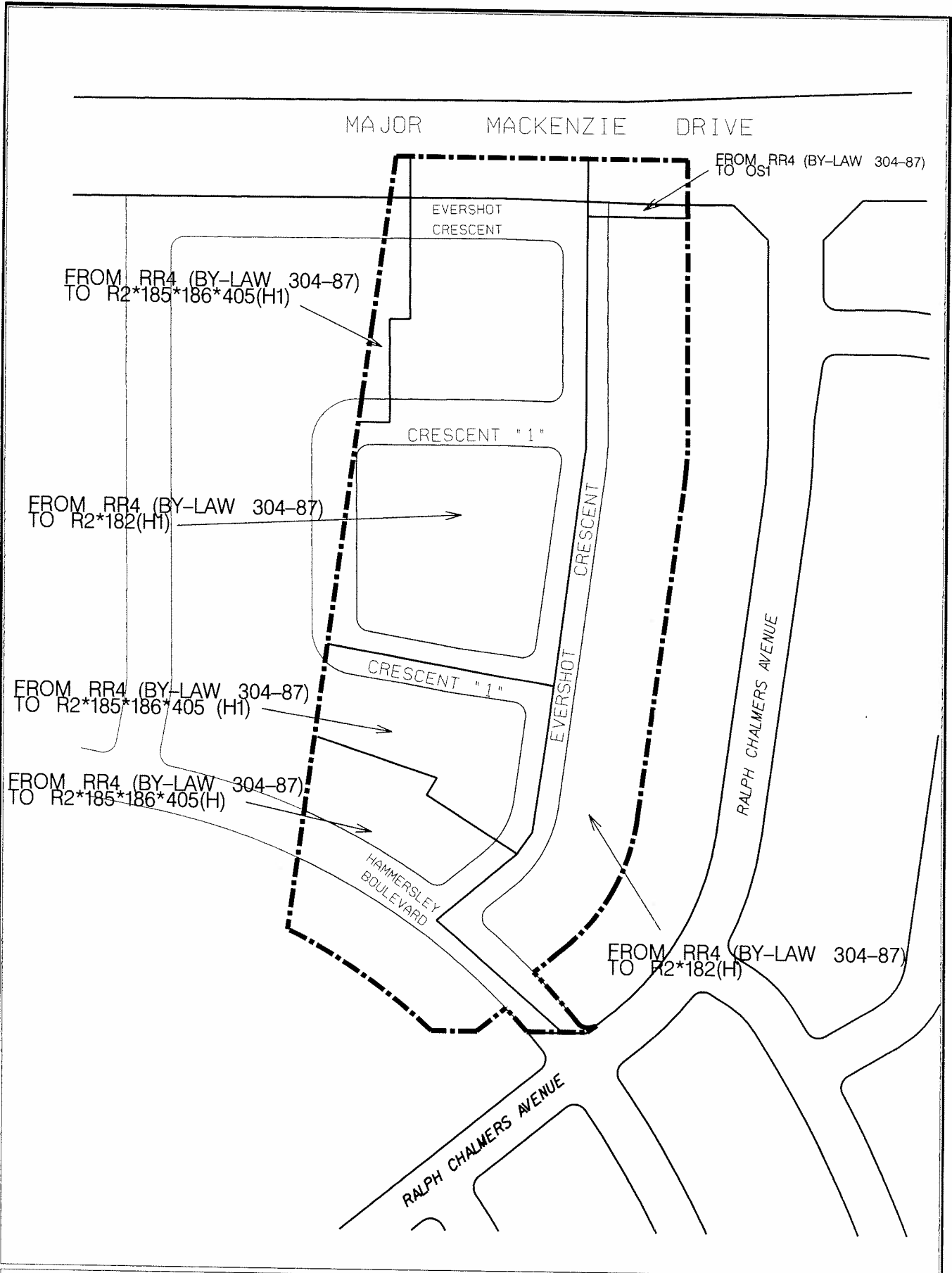
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
13TH DAY OF APRIL, 2010.



ANDREW BROUWER
DEPUTY 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

R2

RESIDENTIAL TWO

RR4

RURAL RESIDENTIAL FOUR

OS1

OPEN SPACE ONE

(H)

HOLDING PROVISION

*(No)

EXCEPTION NUMBER

THIS IS SCHEDULE 'A' TO BY-LAW 2010-55
PASSED THIS 13TH DAY APRIL 2010

John Sengitt

MAYOR

Paul Br...

DEPUTY 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: 2000