



EXPLANATORY NOTE

BY-LAW 2009-201

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

**Wynberry Developments Inc.
Concession 7, Part of Lot 17, RS 1174 Part 1
Wismer Commons Community**

LANDS AFFECTED

The proposed by-law amendment applies to 0.9 ha (2.2 acres), located east of Mingay Avenue and north of Edward Jeffreys 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. A Holding provision (H) has 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 provision is removed.



BY-LAW 2009-201

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 17, RS1174 Part 1, as shown on Schedule 'A' attached hereto.

1.2 By zoning the lands:

Residential Two *99 (Holding) [R2*99(H)] Zone

as shown on Schedule 'A' attached hereto.

1.3 HOLDING PROVISIONS:

For the purpose of this By-law, Holding (H) *zones* are hereby established and are identified on Schedule 'A' attached hereto by the letter (H) in parenthesis following the zoning symbol.

No person shall hereafter *erect* or *alter* any *building* or *structure* on lands subject to Holding '(H)' provisions for the purpose permitted under this By-law until amendments to this By-law to remove the letters '(H)' have come into effect pursuant to the provisions of Section 36 of the Planning Act.

Prior to removing the Holding '(H)' 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 of removing the Holding (H) provision; 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 Region's 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.

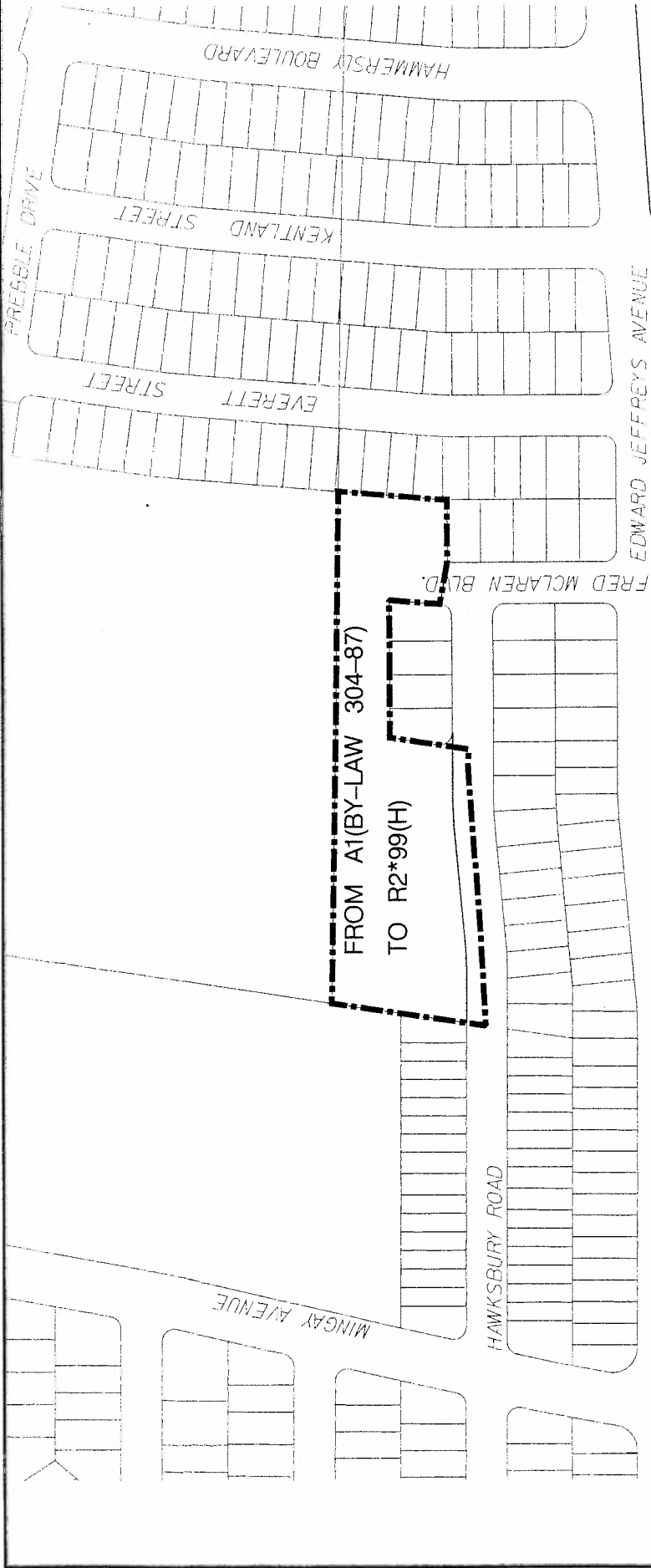
READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
15TH DAY OF DECEMBER, 2009.



KIMBERLEY KITTERINGHAM
TOWN CLERK



FRANK SCARPITTI
MAYOR



DEVELOPMENT SERVICES COMMISSION

THIS IS SCHEDULE A TO BY-LAW 2009-201
PASSED THIS 15 DAY DEC 2009

[Signature] MAYOR

CLERK

A BY-LAW TO AMEND BY-LAW

BOUNDARY OF AREA COVERED BY THIS BY-LAW



R2 RESIDENTIAL TWO

* (No) EXCEPTION NUMBER

A1 AGRICULTURE ONE

(H) HOLDING PROVISION

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: